

CINDY BERNE,
Contestant,

v.

ADAM SCHWADRON,
Contestee.

NOTICE OF FILING UNDER SECTION 115.567

PLEASE TAKE FURTHER NOTICE THAT a copy of this petition was served on the secretary of state via email at elections@sos.mo.gov, and on the St. Charles County Election Authority via email at KBahr@sccmo.org.

JACOBSON PRESS P.C.

/s/ Matt Vianello
Matthew B. Vianello, #63303
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Attorney for Contestant

BEFORE THE MISSOURI HOUSE OF REPRESENTATIVES

CINDY BERNE,

Contestant,

v.

ADAM SCHWADRON,

Contestee.

PETITION FOR RECOUNT

Contestant Cindy Berne, Democratic nominee for Missouri House of Representatives District 105, for her petition for a recount under Section 115.565, RSMo., states:

1. Contestant Cindy Berne was the democratic nominee for Missouri House of Representatives District 105 in the November 2022 general election.

2. The Secretary of State certified the results of Contestant's election December 9, 2022.

3. According to the certified election results, Contestant received 5,305 votes representing 48.4% of the total vote.

4. Contestee, Adam Schwadron, received 5,404 votes, representing 49.3% of the total vote.

5. Based on the certified election results, Contestant was defeated by 0.9%.

6. Under Section 115.601.1, RSMo., all candidates who were defeated by less than one percent of the votes cast "shall have a right to a recount of the votes cast for the office."

7. Because this petition concerns a contested election for the office of state representative, it "shall be heard and determined by the state house of representatives." Section 115.563.1, RSMo.

8. The recount must be requested by filing a verified petition with the speaker of the house "not later than thirty days after the official announcement of the election result is issued by the secretary of state." Section 115.565, RSMo.

9. Because the secretary of state certified the election results on December 9, 2022, this petition is timely.

10. Upon filing and pursuant to Section 115.567, contestant will cause a copy of this petition to be served upon contestee, the secretary of state, and the St. Charles County Election Authority.

WHEREFORE, Contestant Cindy Berne requests that a recount be conducted upon contestee's filing of an answer to this petition in accordance with the procedures stated in Section 115.585, RSMo., and Section 115.587, RSMo., and that the House of Representatives make such other and further orders as it deems just and proper.

Respectfully submitted,

JACOBSON PRESS P.C.

/s/ Matt Vianello
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Verification

I, Cindy Berne, verify that I have read the foregoing petition and declare that the allegations therein are true and correct to the best of my knowledge, information, and belief.

By: Cindy Berne
Cindy Berne

STATE OF MISSOURI)
)
ST. CHARLES COUNTY)

Sworn to and subscribed before me this 4th day of January, 2023.

[Signature]
NOTARY PUBLIC

