

Kimberly F. Lowe

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FILED

AUG 13 2012

MARCI MOSLEY
Circuit Clerk
TEXAS COUNTY, MO

IN THE CIRCUIT COURT OF TEXAS COUNTY, MISSOURI

In Re the Matter of:)	
)	
TIM CEPLINA,)	
Contestant, Plaintiff,)	
)	Case No. 12TE-CV_____
VS.)	
JAMES SIGMAN)	
Contestee, Defendant.)	

PETITION TO CONTEST ELECTION

COMES NOW Plaintiff, Tim Ceplina, by and through his attorney, Kimberly F. Lowe and for his Petition to Contest Election, states and alleges as follows:

1. Texas County Missouri is a county existing under the laws of the State of Missouri.
2. Plaintiff was a candidate appearing on the ballot for the office of Texas County Sheriff in the Republican primary held on 7 August 2012.
3. The election authority responsible for conducting said election is Don Troutman, the County Clerk of Texas County, Missouri.
4. Defendant was a candidate appearing on the ballot for the office of Texas County Sheriff in the Republican primary held on 7 August 2012.
5. The official announcement of the results of said election was made on 9 August 2012 at approximately 1500 showing that Plaintiff received 2,096 votes and Defendant received 2,117 votes.
6. That the Plaintiff was defeated by less than 1 percent of the votes case for the office of County Sheriff in said primary election and is therefore entitled to a recount under RSMo Section 115.601 (1).

7. That the total votes for all candidates in both primaries for County sheriff was 6,326 with 5,380 being cast for republicans (including the third candidate Wes Ellison who received 1,167) and 570 being cast for the unopposed democrat. The total number of votes less the number for each candidate left approximately 376 unaccountable votes.

8. Given the number of unaccountable votes, the Plaintiff requests, pursuant to RSMo 115.541(4) that the votes be hand counted, or, in the alternative that the court supervise a test of the automatic tabulating equipment pursuant to RSMo 115.233 prior to the recount.

WHEREFORE, Plaintiff prays that the court order a recount pursuant to RSMo Section 115.601; that said recount be conducted in accordance to RSMo Section 115, that the Court order a hand count of the votes, and that the Court make such other and further orders as the Court deems proper and that the costs of this proceeding be taxed to the election authority since the Plaintiff has a right to such recount pursuant to the statutory provisions hereinabove.

Respectfully submitted,

By: _____

Kimberly F. Lowe

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Houston, Missouri 65483

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ATTORNEY FOR PLAINTIFF

COMES NOW Tim Ceplina, Plaintiff, being first duly sworn according to law, and states that he has read the foregoing **Petition to Contest Election** and states that the facts contained therein are true and correct according to his best knowledge, information and belief.

Tim Ceplina
Tim Ceplina, Plaintiff

Subscribed and sworn to before me on this 13 day of August, 2012.

[Signature]
Notary Public

My Commission Expires:

KIMBERLY LOWE Notary Public - Notary Seal STATE OF MISSOURI Pulaski County Commission # 09520140 My Commission Expires: May 13, 2013
