APPENDIX INDEX

Pursuant to Rule 20.3(a) of the Rules of this Court, the following documents are attached as the appendix to this Petition:

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A-2. Order to show cause of the United States District Court for the Eastern District of Missouri (Ross, J.) (Sept. 4, 2026) (unreported) 194

A-3. Order holding emergency motions in abeyance of the United States District Court for the Eastern District of Missouri (Ross, J.) (Sept. 8, 2026) (unreported) 197

A-4. Eighth Circuit order denying petition for writs of mandamus and prohibition (Sept. 15, 2026) (unreported) 203

A-5. Order setting response schedule on the September 17, 2026 TRO application (Ross, J.) (Sept. 18, 2026) (unreported) 205

A-6. Eighth Circuit order denying petition for writ of mandamus (Sept. 25, 2026) (unreported) 207

A-7. Global dismissal order of the United States District Court for the Eastern District of Missouri (Ross, J.) (Sept. 25, 2026) (unreported) 210
A-8. Order denying reconsideration and review by a three-judge panel (Ross, J.) (Oct. 1, 2026) (unreported) 217
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A-12. Order denying as moot emergency motion to transfer appeal (Ross, J.) (Nov. 5, 2026) (unreported) 230
A-13. Full text of constitutional and statutory provisions: U.S. Const. art. I, § 4, cl. 1; amends. I, V, XIV, XV; Mo. Const. art. III, §§ 29, 45, 49, 52(a), 52(b), art. IV, §§ 9, 14; 2 U.S.C. §§ 2a, 2c, 7; 18 U.S.C. §§ 241, 242, 2384; 28 U.S.C. §§ 137, 636(c), 1253, 1291, 1292(a)(1), 1651, 1746, 2281 (repealed), 2284; 52 U.S.C. § 10301; Mo. Rev. Stat. §§ 116.115, 116.130, 116.150, 116.200, 116.332, 490.160 233

Appendix

Appendix
A-1

[A-1]

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

PAUL BERRY III,	)	
	)	
Plaintiff	)	
	)	
vs.	)	Case No.
	)	4:26-CV-01419 ZMB
	)	
DENNY HOSKINS,	)	
	)	
Defendant	)	

ORDER

Upon review of the Complaint, the Court finds that this case is substantially related to a previously filed case, *Berry III v. Ashcroft, et al.*, No. 4:22-cv-465, which was originally assigned to the Honorable John A. Ross. To maintain the random assignment of cases pursuant to Local Rule 2.08(A), and under the authority of 28 U.S.C. § 137 (a), the undersigned directs the Clerk of Court to reassign this case to the Honorable John A. Ross.

So ordered this 4th day of September 2026.

STEPHEN R. CLARK
CHIEF UNITED STATES
DISTRICT JUDGE

In all future documents filed with the Court, please use the following case number: 4:26-CV-01419 JAR.

Appendix
A-2

[A-2]

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

PAUL BERRY III,	)	
	)	
Plaintiff	)	
	)	
vs.	)	Case No.
	)	4:26-CV-01419 JAR
	)	
DENNY HOSKINS, in his official capacity as Missouri Secretary of State	)	
	)	
	)	
	)	
Defendant	)	

ORDER TO SHOW CAUSE

This matter is before the Court on review of the complaint filed by self-represented Plaintiff-Paul Berry III. (ECF No. 1). Berry asks the Court to convene a three-judge panel under 28 U.S.C. § 2284(a) with the ultimate aim of declaring the recently revived 2022 Missouri Congressional District Map unlawful and requiring the State to redraw the map no later than on September 8, 2026, (ECF No. 1 at pp. 62-62). However, that emergency relief appears to be a legal impossibility under the clear terms of § 2284(b)(2), which required Berry to provide "at least five days notice of hearing of the action" to the Governor and Missouri Attorney General before a hearing may be held. Based on this

timeline, a hearing could not occur until after what Berry appears to recognize is the effective deadline for his requested relief. (ECF No. 1 at p. 61, paragraph 199; see also United States v. Texas, 422 F. Supp. 917, 923 (S.D. Tex. 1976) (denying relief, in part, based on the five-day notice requirement).

Accordingly,

IT IS HEREBY ORDERED that Plaintiff Paul Berry III must show cause in writing no later than 12:00 p.m. CT on September 7, 2026 as to why his requests to convene a three-judge panel and obtain the equitable relief he seeks should not be denied in light of the procedural impossibility of complying with 28 U.S.C. § 2284(b)(2). Plaintiff is advised that he must respond to this order before the Court will entertain any further request for relief.

Dated this 4th day of September 2026.

JOHN A. ROSS
UNITED STATES DISTRICT JUDGE

Appendix
A-3

[A-3]

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

PAUL BERRY III,	)	
	)	
Plaintiff	)	
	)	
vs.	)	Case No.
	)	4:26-CV-01419 JAR
	)	
DENNY HOSKINS, in his official capacity as Missouri Secretary of State	)	
	)	
	)	
	)	
Defendant	)	

ORDER

This matter is before the Court on self-represented Plaintiff Paul Berry's complaint requesting emergency declaratory and injunctive relief against the Missouri Secretary of State, Defendant Denny Hoskins, challenging the constitutionality of the congressional district map governing the upcoming November 2026 general election. For the reasons set forth below, the Court will hold Berry's requests in abeyance pending a ruling from the United States Supreme Court in a related case.

BACKGROUND

In September 2025, the Missouri General Assembly enacted a mid-decade congressional redistricting law, House Bill 1, to replace in 2026 Missouri's congressional districts established in 2022. Soon thereafter, organizers submitted a referendum petition challenging the new 2026 map. Lawsuits ensued, but ultimately Defendant Hoskins conducted the primary election on August 4, 2026, using the new 2026 map, and voters in the reapportioned first congressional district elected Plaintiff Berry as the Republican candidate for Congress. That same day, Hoskins declared the HB 1 referendum petition insufficient, prompting another lawsuit. On September 3, 2026, the Supreme Court of Missouri held that Hoskins' insufficiency finding was wrong and that the 2022 map remains in full force and effect for the upcoming November general election. von Glahn v. Hoskins, No. SC101805 (Mo. Sept. 3, 2026). The court explicitly enjoined Hoskins from using the 2026 map. Id. at 13-14. The next day, September 4 (the Friday before Labor Day weekend), Missouri appealed the von Glahn decision to the United States Supreme Court requesting a stay of the state court's injunction, Hoskins v. von Glahn, No. 26A304, and two new lawsuits were filed in this federal district court.

First, Berry filed the instant complaint seeking emergency declaratory and injunctive relief against Hoskins, asking the Court to (1) convene a three-judge panel pursuant to 28 U.S.C. § 2284(a), (2) declare Missouri's 2022 congressional district map unconstitutional, and (3) direct the Missouri General Assembly to draft and enact a new map for the November election. Chief Judge Clark

determined that this case was substantially related to a similar case filed by Berry in 2022 and therefore assigned it to the undersigned. (Doc. 4). See Berry III v. Ashcroft, et al., No. 4:22-cv-465-JAR, 2022 WL 2643504 (E.D. Mo. July 8, 2022). [1] Upon review, this Court noted that Hoskins' deadline to finalize ballots is today, Tuesday, September 8, four days after the filing of Berry's complaint. Mo. Rev. Stat. § 115.127. [2] However, under 28 U.S.C. 2284(b)(2), Berry is required to provide Missouri's Governor and Attorney General at least five days' notice of a hearing on his request for a three-judge panel. In light of these mandates, the Court immediately issued an order directing Berry to show cause, by noon on September 7 (Labor Day), why his requests shouldn't be denied due to procedural impossibility under § 2284(b)(2). (Doc. 5).

The second lawsuit filed on September 4, assigned to Judge Clark, was filed by two other Republican congressional candidates and two voters asking the Court to invalidate the Missouri Supreme Court's decision in von Glahn and prevent Hoskins from using any map other than the 2026 map "until amended by the Missouri General Assembly." Onder v. Missouri, et al., No.4:26-cv-1424-SRC.

DISCUSSION

In his response to this Court's show cause order, Berry challenges the Court's authority and jurisdiction to enter "summary judgment on the merits of the complaint" without adjudication by a three-judge panel as contemplated by § 2284. But nothing in the Court's show cause order indicated a

dispositive ruling on the merits. The Court's order merely signaled the procedural infeasibility of the sweeping emergency relief Berry seeks in the short term. The record does not reflect service on Missouri's Governor or Attorney General as required by § 2284(b)(2). Hoskins was served on September 4 but has yet to respond. His answer is due September 25. Once Missouri's officials have been served and have had an opportunity to respond, the Court will determine whether a three-judge panel should be appointed. Even if panel is convened, this Court is authorized to conduct all proceedings except the trial and to enter any orders permitted by the federal rules, subject to review by the panel. § 2284(b)(3).

Ultimately, this Court cannot determine a proper path forward until the United States Supreme Court has ruled on Missouri's application for a stay of von Glahn. The Court therefore finds it necessary and appropriate to hold Plaintiff's requests for emergency relief in abeyance pending such a ruling. The Court will determine next steps as appropriate after that ruling.

Dated this 8th day of September 2026.

JOHN A. ROSS
UNITED STATES DISTRICT JUDGE

FOOTNOTES

[1] More specifically, Counts IV-VI challenge the constitutionality of the 2022 congressional district map on

theories similar to Berry's claims in 2022. However, Counts I-III raise entirely unrelated challenges to the Missouri Nonpartisan Court Plan, passed in 1940 and adopted by a majority of American states, establishing the nonpartisan merit selection of appellate court judges and trial judges in certain circuits, followed by voter retention elections. Mo. Const. art. V, § 25. The Court questions whether the latter claims are properly joined in this case when Berry's prayer for relief is limited to Counts IV-VI. In fact, Berry explicitly pleads that the November 2026 judicial retention elections should not be disturbed regardless of the redistricting outcome. The Court reserves this question for another day but notes that courts have broad discretion to determine an appropriate remedy. "In determining whether joinder is appropriate, the Court has wide discretion to order separate trials, sever participants or claims, or order other relief to permit the just, speedy, and inexpensive determination of the action." Bowman v. Chambers, 2022 WL 218881, at *2 (E.D. Mo. Jan. 25, 2022) (severing unrelated claims, citing Mosley v. Gen. Motors Corp., 497 F.2d 1330, 1332 (8th Cir. 1974)).

[2] Hoskins' deadline to mail absentee ballots to overseas military voters is September 19. 52 U.S.C. § 20302(g).

Appendix
A-4

[A-4]

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

No. 26-2840

In re: Paul Berry III
Petitioner

Appeal from U.S. District Court for the Eastern District of Missouri- St. Louis
(4:26-cv-01419-JAR)

JUDGMENT

Before LOKEN, STRAS, and JUSTIN D. SMITH, Circuit Judges.

The Verified Petition for Writ of Prohibition and Writ of Mandamus is denied. The Motion to Shorten Time to Review and the Motion to Suspend Rule 21 are denied as moot.

Mandate shall issue forthwith.

September 15, 2026.

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit

/s/ Susan E. Bindler

Appendix
A-5

[A-5]

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

PAUL BERRY III,	)	
	)	
Plaintiff	)	
	)	
vs.	)	Case No.
	)	4:26-CV-01419 JAR
	)	
DENNY HOSKINS, in his official capacity as Missouri Secretary of State	)	
	)	
	)	
	)	
Defendant	)	

ORDER

IT IS HEREBY ORDERED that Defendant is directed to respond to Plaintiff's motion for temporary restraining order (Doc. 18) and motion to expedite a hearing date (Doc. 21) by Tuesday, September 22, 2026.

Dated this 18th day of September 2026.

JOHN A. ROSS
UNITED STATES DISTRICT JUDGE

Appendix
A-6

[A-6]

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

No. 26-2902

In re: Paul Berry III
Petitioner

Appeal from U.S. District Court for the Eastern District of Missouri- St. Louis
(4:26-cv-01419-JAR)

JUDGMENT

Before LOKEN, STRAS, and JUSTIN D. SMITH, Circuit Judges.

Petition for writ for extraordinary writ has been considered by the court and is denied.

The motion to suspend U.S. Court of Appeals for the Eighth Circuit Suspend Rule 21 and motion to shorten time to consider extraordinary writ of mandamus are denied as moot.

Mandate shall issue forthwith.

September 25, 2026.

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit

/s/ Susan E. Bindler

Appendix
A-7

[A-7]

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

PAUL BERRY III, Plaintiff vs. DENNY HOSKINS, in his official capacity as Missouri Secretary of State Defendant	)	Case No. 4:26-CV-01419 JAR

ORDER

This matter is before the Court on ten motions filed by self-represented Plaintiff Paul Berry in this case seeking emergency declaratory and injunctive relief against the Missouri Secretary of State, Defendant Denny Hoskins. Berry is the Republican candidate for congress in Missouri's first congressional district. His complaint challenges the constitutionality of the 2022 district map governing the upcoming November 2026 general election.

This case was filed amidst a rapidly evolving landscape. After months of state court litigation regarding Missouri's mid-decade redistricting law known as HB1, on September 3, 2026, the Missouri

Supreme Court held that the 2022 congressional district map remained in full force and effect for the November 2026 election. von Glahn v. Hoskins, No. SC101805 (Mo. Sept. 3, 2026). The next day, September 4, Missouri appealed that decision to the United States Supreme Court, and Berry filed the instant complaint asking the Court to (1) convene a three- judge panel, (2) declare the 2022 map unconstitutional, and (3) order the Missouri General Assembly to draft and enact a new map for the November 3 general election. Upon receipt of the complaint, this Court immediately directed Berry to show cause by September 7 why his request was procedurally impossible given that the deadline to finalize ballots was four days later (September 8), Mo. Rev. Stat. § 115.127, and 28 U.S.C. § 2284 required Berry to give five days' notice to Missouri's Governor and Attorney General. (Doc. 5). At that time, the record did not reflect service on these officials. [1] Meanwhile, in a second federal lawsuit also filed on September 4, two other Republican congressional candidates sought emergency relief to enforce the HB1 map. Onder v. Hoskins, Case No. 4:26-cv-1424.

On the morning of September 8, in light of the pending litigation, this Court entered an order holding Berry's request for emergency relief in abeyance pending the U.S. Supreme Court's decision in von Glahn. [2] (Doc. 7). Later that day, the Supreme Court denied Missouri's application to stay the von Glahn decision, thus leaving the 2022 map in place. Minutes later, however, in the Onder case, Judge Clark enjoined the use of the 2022 map and directed Hoskins to use the HB1 map. The parties

swiftly appealed and, on September 10, the Supreme Court granted a stay of that order and sent the case to the Eighth Circuit, which ordered expedited briefing by September 15 and oral argument on September 17. The deadline to mail ballots to overseas military voters was September 19. 52 U.S.C. § 20302(g).

On September 11, Berry filed an amended complaint in this case adding a seventh count challenging the use of the 2022 map under the Elections Clause based on Judge Clark's reasoning in Onder. (Doc. 11). Then on September 14, Berry filed a petition for writ of mandamus and prohibition in the Eighth Circuit, asking the appellate court to direct Hoskins to conduct the November 2026 election by statewide ballot without congressional districts. (Doc. 14) Berry v. Hoskins, No. 26-2840. The Eighth Circuit denied his petition the next day, September 15.

Since September 16, Berry has filed 16 various motions and other submissions. On September 17, he filed a motion for temporary restraining order (TRO) and a motion to expedite a hearing and trial date. (Doc. 18, 19, 21). On September 18, Defendant Hoskins filed a motion to stay proceedings pending further clarity from the U.S. Supreme Court in Onder. (Doc. 24). On September 21, Berry filed a petition for writ of mandamus asking the Eighth Circuit to compel this Court to convene a three-judge panel and grant Berry's TRO motion. (Doc. 25). The Circuit Court has not directed this Court to respond to the petition at this time. Also on September 21,

the Circuit Court affirmed Judge Clark's injunction in Onder but stayed its effect until September 28, and that case is again pending before the U.S. Supreme Court.

On September 24, Berry filed seven motions in this case: (1) a motion to withdraw his original TRO motion (Doc. 29), (2) a new TRO motion seeking to enjoin Defendant Hoskins from using the 2011, 2022, or 2025 congressional district maps (Doc. 30), (3) a motion to waive the page limit (Doc. 32), (4) a motion for a hearing on his new TRO (Doc. 33), (5) a motion to shorten time for said hearing (Doc. 34), (6) a motion for a trial date on his requests for permanent injunctive and declaratory relief (Doc. 36), and (7) a motion for leave to respond out of time to Hoskin's motion to stay (Doc. 37).

The Court is not persuaded that swift action is prudent or possible here. The Supreme Court has "repeatedly emphasized that lower federal courts should ordinarily not alter the election rules on the eve of an election." Republican Nat'l Comm. v. Democratic Nat'l Comm., 140 S. Ct. 1205, 1207 (2020) (per curiam) (citations omitted). Orders impacting elections can "result in voter confusion and consequent incentive to remain away from the polls." Purcell v. Gonzalez, 549 U.S. 1, 4-5 (2006). This risk increases as the election approaches. Id. At 5. The Purcell principle may be overcome if a plaintiff establishes that "(i) the underlying merits are entirely clearcut in favor of the plaintiff; (ii) the plaintiff would suffer irreparable harm absent the injunction; (iii) the plaintiff has not unduly delayed bringing the complaint to court; and (iv) the changes

in question are at least feasible before the election without significant cost, confusion, or hardship." Merrill v. Milligan, 142 S. Ct. 879, 881 (2022) (Kavanaugh, J., concurring).

Though Berry filed his complaint promptly after the von Glahn decision, the other factors do not weigh in his favor. As Berry is certainly aware, ballots have already been printed and mailed. Voting is underway. In this Court's view, the relief Berry seeks was already infeasible when he filed his complaint on September 4, and it is all the more impossible now notwithstanding his renewed emergency motions. The Court believes that restraint is warranted.

Berry's motions will be denied. Hoskins will be directed to respond to the complaint following the general election, and the Court will consider the merits in the ordinary course.

Accordingly,

IT IS HEREBY ORDERED that Defendants' motion to stay the case until after the November 3, 2026, election is GRANTED. (Doc. 24). Defendants shall file a Rule 12 responsive pleading by December 4, 2026.

IT IS FURTHER ORDERED that Plaintiff's motion to withdraw (Doc. 29) his original motion for temporary restraining order (Doc. 18) is GRANTED.

IT IS FURTHER ORDERED that Plaintiff's motions to waive the page limitation (Doc. 32) and to respond out of time (Doc. 37) are GRANTED.

IT IS FURTHER ORDERED that the following motions are DENIED.

1. Motion to set aside abeyance (Doc. 10).
2. Motion to shorten time (Doc. 21)
3. Motion for temporary restraining order (Doc. 30)
4. Motion for hearing (Doc 33).
5. Motion to shorten time (Doc. 34)
6. Motion for trial date (Doc. 36)

Dated this 25th day of September 2026.

JOHN A. ROSS
UNITED STATES DISTRICT JUDGE

FOOTNOTES

[1] Counsel for Missouri entered appearances on September 11. (Doc. 12, 13).

[2] Berry characterizes the Court's order as holding the entire case in abeyance. No so. The Court merely paused any consideration of Berry's request for emergency relief pending guidance from the U.S. Supreme Court in *Onder*.

Appendix
A-8

[A-8]

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

PAUL BERRY III,	)	
	)	
Plaintiff	)	
	)	
vs.	)	Case No.
	)	4:26-CV-01419 JAR
	)	
DENNY HOSKINS, in his official capacity as Missouri Secretary of State	)	
	)	
	)	
	)	
Defendant	)	

ORDER

This matter is before the Court on Plaintiffs motion for review (Doc. 42) and motion for reconsideration (Doc. 43) challenging the Court's denial of emergency relief. Upon review of the motions, the Court finds no basis to grant the Plaintiff requests, particularly in light of the Eighth Circuit's judgment denying Plaintiff's writ petition in this case and the United States Supreme Court's per curiam decision in *People Not Politicians, et al v. Robert Onder, et al.*, No 26A388, 609 U.S. --- (2026).

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's motion are DENIED. (Doc. 42, 43).

Dated this 28th day of September 2026.

JOHN A. ROSS
UNITED STATES DISTRICT
JUDGE

Appendix
A-9

[A-9]

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

PAUL BERRY III,	)	
	)	
Plaintiff	)	
	)	
vs.	)	Case No.
	)	4:26-CV-01419 JAR
	)	
DENNY HOSKINS, in his official capacity as Missouri Secretary of State	)	
	)	
	)	
	)	
Defendant	)	

ORDER

On September 25, 2026, the Court denied Plaintiff's emergency motions for a three-judge panel to change congressional district ballots for the upcoming November general election (Doc. 39). Instead, the Court stayed review of the merits of Plaintiff's complaint until after this election cycle. Later that day, Plaintiff filed motions for reconsideration and review in this Court (Doc. 42, 42) as well as a notice of appeal, which was referred to the Eighth Circuit in the ordinary course. (Doc. 45, 48, 49.) Also that same day, the Eighth Circuit denied Plaintiff's petition for writ of mandamus seeking the same relief (Doc. 40, 41), and the U.S. Supreme Court issued its binding decision in *People*

Not Politicians, et al v. Robert Onder, et al., No 26A388, 609 U.S. --- (2026), directing that the 2022 congressional map will govern the November general election. In light of that decision, the Court denied Plaintiff's motions for reconsideration on September 28, 2026. (Doc. 47)

Now before the Court is Plaintiff's emergency motion urging the Court to refer his appeal of this Court's earlier orders directly to the Supreme Court pursuant to 28 U.S.C. § 1253, which states:

> Except as otherwise provided by lay, any party may appeal to the Supreme Court from an order granting or denying, after notice and hearing, an interlocutory or permanent injunction in any civil action, suit or proceeding required by an Act of Congress to be heard and determined by a district court of three judges.

By its plain language, § 1253 does not apply to this case in its current posture. While the Court denied Plaintiff's motion for temporary restraining order and related emergency motions based upon Purcell principles underscored in *People Not Politics*, interlocutory or permanent injunctive relief has been neither granted or denied. The statute does not authorize much less require the Court to refer this case directly to the Supreme Court at this time. The Court continues to believe that *People Not Politics* prohibits any attempt by this Court to convene a three-judge panel prior to the November election. The Court will reach the merits of the complaint in due course.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's emergency motion is DENIED. (Doc. 50).

Dated this 1st day of October 2026.

JOHN A. ROSS
UNITED STATES DISTRICT
JUDGE

Appendix
A-10

[A-10]

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

No. 26-2948

Paul Berry III

Plaintiff - Appellant

v.

Denny L. Hoskins, in his official capacity as Missouri Secretary of State; State of Missouri

Defendants – Appellees

Appeal from U.S. District Court for the Eastern District of Missouri- St. Louis
(4:26-cv-01419-JAR)

JUDGMENT

Before LOKEN, STRAS, and JUSTIN D. SMITH, Circuit Judges.

The court has carefully reviewed the original file of the United States District Court and orders this appeal be dismissed for lack of jurisdiction. The district court is directed to transmit the Notice of Appeal to the United States Supreme Court. Appellant's emergency motion to show cause is denied.

October 5, 2026.

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit

/s/ Susan E. Bindler

Appendix
A-11

[A-11]

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

No. 26-2948

Paul Berry III

Plaintiff - Appellant

v.

Denny L. Hoskins, in his official capacity as Missouri Secretary of State; State of Missouri

Defendants – Appellees

Appeal from U.S. District Court for the Eastern District of Missouri- St. Louis
(4:26-cv-01419-JAR)

MANDATE

Before LOKEN, STRAS, and JUSTIN D. SMITH, Circuit Judges.

In accordance with the judgment of October 5, 2026, and pursuant to the provisions of Federal Rule of Appellate Procedure 41(a), the formal mandate is hereby issued in the above-styled matter.

November 2, 2026.

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit

/s/ Susan E. Bindler

Appendix
A-12

[A-12]

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

PAUL BERRY III,	)	
	)	
Plaintiff	)	
	)	
vs.	)	Case No.
	)	4:26-CV-01419 JAR
	)	
DENNY HOSKINS, in his official capacity as Missouri Secretary of State	)	
	)	
	)	
	)	
Defendant	)	

ORDER

This matter is before the Court on pro se Plaintiff Paul Berry's emergency motion to transfer his appeal to the United States Supreme Court (Doc. 56).

On October 5, 2026, the Eighth Circuit directed this Court to transmit Berry's notice of appeal to the Supreme Court. (Doc. 52). Due to the pressing nature of Berry's appeal, the Court immediately transferred the case to the Supreme Court the next day, October 6. (Doc. 53, 54). The docket in that case (Case No. 26A607) shows that the Supreme Court received the case that same day and

later granted Berry's application to exceed the word count on October 29.

On November 2, the Eighth Circuit issued its mandate (Doc. 55). Berry now asks the Court to re-transfer his case to the Supreme Court. This is unnecessary. Berry's application for writ of mandamus is already actively pending before the Supreme Court. No further action by this Court is required or even appropriate.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's emergency motion is DENIED as moot (Doc. 56).

Dated the 3rd day of November 2026.

JOHN A. ROSS
UNITED STATES DISTRICT JUDGE

Appendix
A-13

CONSTITUTIONAL PROVISIONS

U.S. Const. art. I, § 4, cl. 1 (Elections Clause)

The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

U.S. Const. amend. I (Petition Clause)

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

U.S. Const. amend. V (Due Process Clause)

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

U.S. Const. amend. XIV

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age,* and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State. No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State

legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article. *Changed by section 1 of the 26th amendment.

U.S. Const. amend. XV

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude-- The Congress shall have power to enforce this article by appropriate legislation.

Mo. Const. art. III, § 29

Effective date of laws — exceptions — procedure in emergencies and upon recess. — No law passed by the general assembly, except an appropriation act, shall take effect until ninety days after the adjournment of the session in either odd-numbered or even-numbered years at which it was enacted. However, in case of an emergency which must be expressed in the preamble or in the body of the act, the general assembly by a two-thirds vote of the members elected to each house, taken by yeas and nays may otherwise direct; and further except that, if the general assembly recesses for thirty days or more it may prescribe by joint resolution that laws previously passed and not effective shall take effect ninety days from the beginning of the recess. ----------

Mo. Const. art. III, § 45

Congressional apportionment. — When the number of representatives to which the state is entitled in the House of the Congress of the United States under the census of 1950 and each census thereafter is certified to the governor, the general assembly shall by law divide the state into districts corresponding with the number of representatives to which it is entitled, which districts shall be composed of contiguous territory as compact and as nearly equal in population as may be. ----------

Mo. Const. art. III, § 49

Reservation of power to enact and reject laws. — The people reserve power to propose and enact or reject laws and amendments to the constitution by the initiative, independent of the general assembly, and also reserve power to approve or reject by referendum any act of the general assembly, except as hereinafter provided. ----------

Mo. Const. art. III, § 52(a)

Referendum — exceptions — procedure. — A referendum may be ordered (except as to laws necessary for the immediate preservation of the public peace, health or safety, and laws making appropriations for the current expenses of the state government, for the maintenance of state institutions and for the support of public schools) either by petitions signed by five percent of the legal voters in each of two-thirds of the congressional districts in the state, or by the general assembly, as other bills are enacted. Referendum petitions shall be filed with the secretary of state not more than ninety days after the final adjournment of the session of the general assembly which passed the bill on which the referendum is demanded. ----------

Mo. Const. art. III, § 52(b)

Veto power — elections — effective date. — The veto power of the governor shall not extend to measures referred to the people. All elections on measures referred to the people shall be had at the general state elections, except when the general assembly shall order a special election. Any measure referred to the people shall take effect when approved by a majority of the votes cast thereon, and not otherwise. This section shall not be construed to deprive any member of the general assembly of the right to introduce any measure. ----------

Mo. Const. art. IV, § 9

Governor's messages and recommendations to assembly — call of extra sessions. — The governor shall, at the commencement of each session of the general assembly, at the close of his term of office, and at such other times as he may deem necessary, give to the general assembly information as to the state of the government, and shall recommend to its consideration such measures as he shall deem necessary and expedient. On extraordinary occasions he may convene the general assembly by proclamation, wherein he shall state specifically each matter on which action is deemed necessary. ----------

Mo. Const. art. IV, § 14

Secretary of state — duties — state seal — official register — limitation on duties. — The secretary of state shall be custodian of the seal of the state, and authenticate therewith all official acts of the governor except the approval of laws. The seal shall be called the "Great Seal of the State of Missouri," and its present emblems and devices shall not be subject to change. He shall keep a register of the official acts of the governor, attest them when necessary, and when required shall lay copies thereof, and of all papers relative thereto, before either house of the general assembly. He shall be custodian of such records, and documents and perform such duties in relation thereto, and in relation to elections and corporations, as provided by law, but no duty shall be imposed on him by law which is not related to his duties as prescribed in this constitution. ----------

UNITED STATES CODE □ TITLE 2

2 U.S.C. § 2a

(a) On the first day, or within one week thereafter, of the first regular session of the Eighty-second Congress and of each fifth Congress thereafter, the President shall transmit to the Congress a statement showing the whole number of persons in each State, excluding Indians not taxed, as ascertained under the seventeenth and each subsequent decennial census of the population, and the number of Representatives to which each State would be entitled under an apportionment of the then existing number of Representatives by the method known as the method of equal proportions, no State to receive less than one Member. (b) Each State shall be entitled, in the Eighty-third Congress and in each Congress thereafter until the taking effect of a reapportionment under this section or subsequent statute, to the number of Representatives shown in the statement required by subsection (a) of this section, no State to receive less than one Member. It shall be the duty of the Clerk of the House of Representatives, within fifteen calendar days after the receipt of such statement, to send to the executive of each State a certificate of the number of Representatives to which such State is entitled under this section. In case of a vacancy in the office of Clerk, or of his absence or inability to discharge this duty, then such duty shall devolve upon the Sergeant at Arms of the House of Representatives. (c) Until a State is redistricted in the manner provided by the law thereof after any apportionment, the Representatives to which such State is entitled

under such apportionment shall be elected in the following manner: (1) If there is no change in the number of Representatives, they shall be elected from the districts then prescribed by the law of such State, and if any of them are elected from the State at large they shall continue to be so elected; (2) if there is an increase in the number of Representatives, such additional Representative or Representatives shall be elected from the State at large and the other Representatives from the districts then prescribed by the law of such State; (3) if there is a decrease in the number of Representatives but the number of districts in such State is equal to such decreased number of Representatives, they shall be elected from the districts then prescribed by the law of such State; (4) if there is a decrease in the number of Representatives but the number of districts in such State is less than such number of Representatives, the number of Representatives by which such number of districts is exceeded shall be elected from the State at large and the other Representatives from the districts then prescribed by the law of such State; or (5) if there is a decrease in the number of Representatives and the number of districts in such State exceeds such decreased number of Representatives, they shall be elected from the State at large.

2 U.S.C. § 2c

In each State entitled in the Ninety-first Congress or in any subsequent Congress thereafter to more than one Representative under an apportionment made pursuant to the provisions of section 2a(a) of this title, there shall be established by law a number of districts equal to the number of Representatives to which such State is so entitled, and Representatives shall be elected only from districts so established, no district to elect more than one Representative (except that a State which is entitled to more than one Representative and which has in all previous elections elected its Representatives at Large may elect its Representatives at Large to the Ninety-first Congress).

2 U.S.C. § 7

The Tuesday next after the 1st Monday in November, in every even numbered year, is established as the day for the election, in each of the States and Territories of the United States, of Representatives and Delegates to the Congress commencing on the 3d day of January next thereafter.

UNITED STATES CODE □ TITLE 18

18 U.S.C. § 241

If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured—
They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death.

18 U.S.C. § 242

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.

18 U.S.C. § 2384

If two or more persons in any State or Territory, or in any place subject to the jurisdiction of the United States, conspire to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, or to oppose by force the authority thereof, or by force to prevent, hinder, or delay the execution of any law of the United States, or by force to seize, take, or possess any property of the United States contrary to the authority thereof, they shall each be fined under this title or imprisoned not more than twenty years, or both.

UNITED STATES CODE □ TITLE 28

28 U.S.C. § 137

(a) In General .— The business of a court having more than one judge shall be divided among the judges as provided by the rules and orders of the court. The chief judge of the district court shall be responsible for the observance of such rules and orders, and shall divide the business and assign the cases so far as such rules and orders do not otherwise prescribe. If the district judges in any district are unable to agree upon the adoption of rules or orders for that purpose the judicial council of the circuit shall make the necessary orders. (b) Random Assignment of Rate Court Proceedings.— (1) In general.— (A) Definition .— In this paragraph, the term "performing rights society" has the meaning given the term in section 101 of title 17. (B) Determination of license fee .— Except as provided in subparagraph (C), in the case of any performing rights society subject to a consent decree, any application for the determination of a license fee for the public performance of music in accordance with the applicable consent decree shall be made in the district court with jurisdiction over that consent decree and randomly assigned to a judge of that district court according to the rules of that court for the division of business among district judges, provided that any such application shall not be assigned to— (i) a judge to whom continuing jurisdiction over any performing rights society for any performing rights society consent decree is assigned or has previously been assigned; or (ii) a judge to whom another proceeding concerning an application for the determination of a reasonable license fee is assigned at the time

of the filing of the application. (C) Exception .— Subparagraph (B) does not apply to an application to determine reasonable license fees made by individual proprietors under section 513 of title 17. (2) Rule of construction .— Nothing in paragraph (1) shall modify the rights of any party to a consent decree or to a proceeding to determine reasonable license fees, to make an application for the construction of any provision of the applicable consent decree. Such application shall be referred to the judge to whom continuing jurisdiction over the applicable consent decree is currently assigned. If any such application is made in connection with a rate proceeding, such rate proceeding shall be stayed until the final determination of the construction application. Disputes in connection with a rate proceeding about whether a licensee is similarly situated to another licensee shall not be subject to referral to the judge with continuing jurisdiction over the applicable consent decree.

28 U.S.C. § 636(c)

(c) Notwithstanding any provision of law to the contrary— (1) Upon the consent of the parties, a full-time United States magistrate judge or a part-time United States magistrate judge who serves as a full-time judicial officer may conduct any or all proceedings in a jury or nonjury civil matter and order the entry of judgment in the case, when specially designated to exercise such jurisdiction by the district court or courts he serves. Upon the consent of the parties, pursuant to their specific written request, any other part-time magistrate judge may exercise such jurisdiction, if such magistrate judge meets the bar membership requirements set forth in section 631(b)(1) and the chief judge of the district court certifies that a full-time magistrate judge is not reasonably available in accordance with guidelines established by the judicial council of the circuit. When there is more than one judge of a district court, designation under this paragraph shall be by the concurrence of a majority of all the judges of such district court, and when there is no such concurrence, then by the chief judge. (2) If a magistrate judge is designated to exercise civil jurisdiction under paragraph (1) of this subsection, the clerk of court shall, at the time the action is filed, notify the parties of the availability of a magistrate judge to exercise such jurisdiction. The decision of the parties shall be communicated to the clerk of court. Thereafter, either the district court judge or the magistrate judge may again advise the parties of the availability of the magistrate judge, but in so doing, shall also advise the parties that they are free to withhold consent

without adverse substantive consequences. Rules of court for the reference of civil matters to magistrate judges shall include procedures to protect the voluntariness of the parties' consent. (3) Upon entry of judgment in any case referred under paragraph (1) of this subsection, an aggrieved party may appeal directly to the appropriate United States court of appeals from the judgment of the magistrate judge in the same manner as an appeal from any other judgment of a district court. The consent of the parties allows a magistrate judge designated to exercise civil jurisdiction under paragraph (1) of this subsection to direct the entry of a judgment of the district court in accordance with the Federal Rules of Civil Procedure. Nothing in this paragraph shall be construed as a limitation of any party's right to seek review by the Supreme Court of the United States. (4) The court may, for good cause shown on its own motion, or under extraordinary circumstances shown by any party, vacate a reference of a civil matter to a magistrate judge under this subsection. (5) The magistrate judge shall, subject to guidelines of the Judicial Conference, determine whether the record taken pursuant to this section shall be taken by electronic sound recording, by a court reporter, or by other means.

28 U.S.C. § 1253

Except as otherwise provided by law, any party may appeal to the Supreme Court from an order granting or denying, after notice and hearing, an interlocutory or permanent injunction in any civil action, suit or proceeding required by any Act of Congress to be heard and determined by a district court of three judges.

28 U.S.C. § 1291

The courts of appeals (other than the United States Court of Appeals for the Federal Circuit) shall have jurisdiction of appeals from all final decisions of the district courts of the United States, the United States District Court for the District of the Canal Zone, the District Court of Guam, and the District Court of the Virgin Islands, except where a direct review may be had in the Supreme Court. The jurisdiction of the United States Court of Appeals for the Federal Circuit shall be limited to the jurisdiction described in sections 1292(c) and (d) and 1295 of this title.

28 U.S.C. § 1292(a)(1)

(a) Except as provided in subsections (c) and (d) of this section, the courts of appeals shall have jurisdiction of appeals from: (1) Interlocutory orders of the district courts of the United States, the United States District Court for the District of the Canal Zone, the District Court of Guam, and the District Court of the Virgin Islands, or of the judges thereof, granting, continuing, modifying, refusing or dissolving injunctions, or refusing to dissolve or modify injunctions, except where a direct review may be had in the Supreme Court;

28 U.S.C. § 1651

(a) The Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law. (b) An alternative writ or rule nisi may be issued by a justice or judge of a court which has jurisdiction.

28 U.S.C. § 1746

Wherever, under any law of the United States or under any rule, regulation, order, or requirement made pursuant to law, any matter is required or permitted to be supported, evidenced, established, or proved by the sworn declaration, verification, certificate, statement, oath, or affidavit, in writing of the person making the same (other than a deposition, or an oath of office, or an oath required to be taken before a specified official other than a notary public), such matter may, with like force and effect, be supported, evidenced, established, or proved by the unsworn declaration, certificate, verification, or statement, in writing of such person which is subscribed by him, as true under penalty of perjury, and dated, in substantially the following form: (1) If executed without the United States: "I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date).(Signature)". (2) If executed within the United States, its territories, possessions, or commonwealths: "I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date).(Signature)".

28 U.S.C. § 2281 (repealed)

§§ 2281, 2282. Repealed. Pub. L. 94–381, §§ 1, 2, Aug. 12, 1976, 90 Stat. 1119.

28 U.S.C. § 2284

(a) A district court of three judges shall be convened when otherwise required by Act of Congress, or when an action is filed challenging the constitutionality of the apportionment of congressional districts or the apportionment of any statewide legislative body. (b) In any action required to be heard and determined by a district court of three judges under subsection (a) of this section, the composition and procedure of the court shall be as follows: (1) Upon the filing of a request for three judges, the judge to whom the request is presented shall, unless he determines that three judges are not required, immediately notify the chief judge of the circuit, who shall designate two other judges, at least one of whom shall be a circuit judge. The judges so designated, and the judge to whom the request was presented, shall serve as members of the court to hear and determine the action or proceeding. (2) If the action is against a State, or officer or agency thereof, at least five days' notice of hearing of the action shall be given by registered or certified mail to the Governor and attorney general of the State. (3) A single judge may conduct all proceedings except the trial, and enter all orders permitted by the rules of civil procedure except as provided in this subsection. He may grant a temporary restraining order on a specific finding, based on evidence submitted, that specified irreparable damage will result if the order is not granted, which order, unless previously revoked by the district judge, shall remain in force only until the hearing and determination by the district court of three judges of an application for a preliminary

injunction. A single judge shall not appoint a master, or order a reference, or hear and determine any application for a preliminary or permanent injunction or motion to vacate such an injunction, or enter judgment on the merits. Any action of a single judge may be reviewed by the full court at any time before final judgment.

UNITED STATES CODE □ TITLE 52

52 U.S.C. § 10301

(a) No voting qualification or prerequisite to voting or standard, practice, or procedure shall be imposed or applied by any State or political subdivision in a manner which results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color, or in contravention of the guarantees set forth in section 10303(f)(2) of this title, as provided in subsection (b). (b) A violation of subsection (a) is established if, based on the totality of circumstances, it is shown that the political processes leading to nomination or election in the State or political subdivision are not equally open to participation by members of a class of citizens protected by subsection (a) in that its members have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice. The extent to which members of a protected class have been elected to office in the State or political subdivision is one circumstance which may be considered: Provided , That nothing in this section establishes a right to have members of a protected class elected in numbers equal to their proportion in the population.

MISSOURI REVISED STATUTES

Mo. Rev. Stat. § 116.115

Withdrawal of petition, when — vacation of official ballot title, when. — Any person who submits a sample sheet to or files an initiative petition with the secretary of state may withdraw the petition upon written notice to the secretary of state. If such notice is submitted to the secretary of state, the proposed petition shall no longer be circulated by any person, committee, or other entity. The secretary of state shall vacate the certification of the official ballot title within three days of receiving notice of the withdrawal.

Mo. Rev. Stat. § 116.130

Election authorities may be requested to verify signatures either by random sampling or checking signatures, when, how. — 1. The secretary of state may send copies of petition pages to election authorities to verify that the persons whose names are listed as signers to the petition are registered voters. Such verification may either be of each signature or by random sampling as provided in section 116.120 , as the secretary shall direct. If copies of the petition pages are sent to an election authority for verification, such copies shall be sent pursuant to the following schedule: (1) Copies of all pages from not less than one petition shall be received in the office of the election authority not later than two weeks after the petition is filed in the office of secretary of state; (2) Copies of all pages of a total of three petitions shall be received in the office of the election authority not later than three weeks after the petition is filed in the office of the secretary of state; (3) If more than three petitions are filed, all copies of petition pages, including those petitions selected for verification by random sample pursuant to section 116.120 , shall be received in the office of the election authority not later than the fourth week after the petition is filed in the office of the secretary of state. -- - Each election authority shall check the signatures against voter registration records in the election authority's jurisdiction, but the election authority shall count as valid only the signatures of persons registered as voters in the county named in the circulator's affidavit. Signatures shall not be counted as valid if they have been struck

through or crossed out. 2. If the election authority is requested to verify the petition by random sampling, such verification shall be completed and certified not later than thirty days from the date that the election authority receives the petition from the secretary of state. If the election authority is to verify each signature, such verification must be completed, certified and delivered to the secretary of state by 5:00 p.m. on the last Tuesday in July prior to the election, or in the event of complete verification of signatures after a failed random sample, full verification shall be completed, certified and delivered to the secretary of state by 5:00 p.m. on the last Tuesday in July or by 5:00 p.m. on the Friday of the fifth week after receipt of the signatures by the local election authority, whichever is later. 3. If the election authority or the secretary of state determines that the congressional district number written after the signature of any voter is not the congressional district of which the voter is a resident, the election authority or the secretary of state shall correct the congressional district number on the petition page. Failure of a voter to give the voter's correct congressional district number shall not by itself be grounds for not counting the voter's signature. 4. The election authority shall return the copies of the petition pages to the secretary of state with annotations regarding any invalid or questionable signatures which the election authority has been asked to check by the secretary of state. The election authority shall verify the number of pages received for that county, and also certify the total number of valid signatures of voters from

each congressional district which the election authority has been asked to check by the secretary of state. 5. The secretary of state is authorized to adopt rules to ensure uniform, complete, and accurate checking of petition signatures either by actual count or random sampling. No rule or portion of a rule promulgated pursuant to this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536 . 6. After a period of three years from the time of submission of the petitions to the secretary of state, the secretary of state, if the secretary determines that retention of such petitions is no longer necessary, may destroy such petitions.

Mo. Rev. Stat. § 116.150

Secretary of state to issue certificate of sufficiency of petition, when — if insufficient, certificate to state reasons. — 1. After the secretary of state makes a determination on the sufficiency of the petition and if the secretary of state finds it sufficient, the secretary of state shall issue a certificate setting forth that the petition contains a sufficient number of valid signatures to comply with the Constitution of Missouri and with this chapter. 2. The secretary of state shall issue a certificate only for a petition approved pursuant to section 116.332 . If the secretary of state finds the petition insufficient, the secretary of state shall issue a certificate stating the reason for the insufficiency. 3. The secretary of state shall issue a certificate pursuant to this section not later than 5:00 p.m. on the thirteenth Tuesday prior to the general election or two weeks after the date the election authority certifies the results of a petition verification pursuant to subsection 2 of section 116.130 , whichever is later.

Mo. Rev. Stat. § 116.200

Secretary of state's decision as to sufficiency of petition may be reversed, procedure — appeal. — 1. After the secretary of state certifies a petition as sufficient or insufficient, any citizen may apply to the circuit court of Cole County to compel him to reverse his decision. The action must be brought within ten days after the certification is made. All such suits shall be advanced on the court docket and heard and decided by the court as quickly as possible. 2. If the court decides the petition is sufficient, the secretary of state shall certify it as sufficient and attach a copy of the judgment. If the court decides the petition is insufficient, the court shall enjoin the secretary of state from certifying the measure and all other officers from printing the measure on the ballot. 3. Within ten days after a decision is rendered, any party may appeal it to the supreme court.

Mo. Rev. Stat. § 116.332

Petitions for constitutional amendments, statutory initiative or referendum, requirements, procedure. — 1. Before a constitutional amendment petition, a statutory initiative petition, or a referendum petition may be circulated for signatures, a sample sheet must be submitted to the secretary of state in the form in which it will be circulated. When a person submits a sample sheet of a petition he or she shall designate to the secretary of state the name and address of the person to whom any notices shall be sent pursuant to sections 116.140 and 116.180 and, if a committee or person, except the individual submitting the sample sheet, is funding any portion of the drafting or submitting of the sample sheet, the person submitting the sample sheet shall submit a copy of the filed statement of committee organization required under subsection 5 of section 130.021 showing the date the statement was filed. The secretary of state shall refer a copy of the petition sheet to the attorney general for his approval and to the state auditor for purposes of preparing a fiscal note and fiscal note summary. The secretary of state and attorney general must each review the petition for sufficiency as to form and approve or reject the form of the petition, stating the reasons for rejection, if any. 2. Within two business days of receipt of any such sample sheet, the office of the secretary of state shall conspicuously post on its website the text of the proposed measure, a disclaimer stating that such text may not constitute the full and correct text as required under section 116.050 , and the name of the

person or organization submitting the sample sheet. The secretary of state's failure to comply with such posting shall be considered a violation of chapter 610 and subject to the penalties provided under subsection 3 of section 610.027 . The posting shall be removed within three days of either the withdrawal of the petition under section 116.115 or the rejection for any reason of the petition. 3. Upon receipt of a petition from the office of the secretary of state, the attorney general shall examine the petition as to form. If the petition is rejected as to form, the attorney general shall forward his or her comments to the secretary of state within ten days after receipt of the petition by the attorney general. If the petition is approved as to form, the attorney general shall forward his or her approval as to form to the secretary of state within ten days after receipt of the petition by the attorney general. 4. The secretary of state shall review the comments and statements of the attorney general as to form and make a final decision as to the approval or rejection of the form of the petition. The secretary of state shall send written notice to the person who submitted the petition sheet of the approval within fifteen days after submission of the petition sheet. The secretary of state shall send written notice if the petition has been rejected, together with reasons for rejection, within fifteen days after submission of the petition sheet.

Mo. Rev. Stat. § 490.160

Printed journals of senate and house of this state. — The printed journal of the senate and house of representatives of this state, and all public documents or reports therein contained, and all reports or documents printed by the order of this state, or by either house of the general assembly, or purporting to be printed by authority thereof, shall be prima facie evidence to the same extent that duly authenticated copies of the originals would be.