IN THE ELEVENTH JUDICIAL CIRCUIT, STATE OF MISSOURI
CIRCUIT JUDGE DIVISION 11

TRAVIS HEINS,
Plaintiff,

CIVIL ACTION

Case No. 2411-CC01314

v.

KURT BAHR, ST CHARLES COUNTY DIRECTOR OF ELECTIONS
Defendants.

_____/

Travis Heins, *Pro Se*
595 Prentice Drive
Saint Peters, MO 63376
(636) 248-5773
travisheins@yahoo.com

_____/

COMPLAINT AND REQUEST FOR EMERGENCY INJUNCTION

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ST. CHARLES COUNTY CHARTER

MISSOURI CONSTITUTION

COMPLAINT AND REQUEST FOR EMERGENCY INJUNCTION

NOW COMES Plaintiff, Travis Heins, pro se, hereby files this Complaint against Defendant KURT BAHR in his official capacity as Official Election Director of St. Charles County; sued in his official corporate body and capacity. In support of the claims set forth herein, Plaintiff alleges and aver as follows:

PARTIES, JURISDICTION, AND VENUE

1. Count I arises under the Missouri Suffrage and Election Laws, RSMo § 115.105 and § 115.409
2. Plaintiff is a legal resident of the State of Missouri, is a qualified registered voter in the jurisdiction of St. Charles County Missouri, and is a duly appointed, designated, and verified election Challenger in St. Charles County for the General Election to be held on the 5th day of November 2024, and vested in him, all rights, prerogative, authority, and powers of such office as prescribed by Missouri Statutes, RSMo §§ 115.105 through 115.111.

Defendant is the St. Charles County election authority as defined in St. Charles County Charter sections **4.501, 4.503** - *Powers and Duties* through **4.504** *Qualifications.*

Defendant, KURT BAHR, referred henceforth as ("Bahr"); is a public entity and body corporate responsible for performing the functions of the election director as provided by law, including those functions of administering an election adequately and legally as the county Election Authority. Bahr should fully understand the duties of the county election authority per Missouri Statutes and ensure that he is performing his duties in compliance with Missouri state and federal laws, policies, and rules. Bahr is the ultimate authority over the legal administration of St. Charles County elections.

3. The Court has the authority to render this remedy under **RSMo §115.545.**

   "Court to render judgment, when — effect of judgment. — Upon completion of the procedures provided for in this subchapter, the court shall render its judgment based upon the

issues of law and fact and cause a certified copy of its judgment to be transmitted to each affected election authority and to the secretary of state..."

Additionally, this Court has subject matter jurisdiction over the Petitioners' claims under RSMo § 115.105 and § 115.409. Venue is proper before the 11th Judicial Circuit Court of Missouri, because all parties reside or are otherwise found within its jurisdiction, and all acts and omissions giving rise to the Petitioners' claims occurred within the jurisdiction of the 11th Circuit Court Division of Missouri. There exists an actual and justifiable controversy between Plaintiff and Defendant requiring resolution by this Court. Plaintiff has no adequate remedy at law. Briefs shall be prepared as provided in Supreme Court Rules 81.17 and 84.06.

GENERAL ALLEGATIONS

Plaintiff incorporates the foregoing paragraphs as if set forth in full herein.

Plaintiff brings this complaint to preserve the integrity of Missouri elections. This claim seeks remedy from the Court for the denial of "Challengers" and "Watchers" by St. Charles County election authority to be present for the counting and preparation of counting of in-person early absentee ballots. Challengers and Watchers are vital for ensuring the integrity and transparency of the election process. Their roles are essential for maintaining fairness and adherence to the law, promptly addressing any issues that arise. When election authorities deny the presence of a Challenger or Watcher, the safety and transparency of the elections are compromised. Additionally, voters in counties where these roles are prohibited are disenfranchised. This issue is currently occurring throughout the state, including here in St. Charles County.

Missouri Revisor Statute § 115.105 and § 115.409 refer to laws governing Challengers and states as follows:

> **RSMo § 115.105 (2), (4) Challengers, how selected, qualifications — challenges, when made — challenges, how made.** — 1. "The chair of the county committee of each political party named on the ballot shall have the right to designate a challenger for each polling place, who may be present until all ballots are cast on the day of election,

and a challenger for each location at which absentee ballots are counted, who may be present while the ballots are being prepared for counting and counted. .."(*emphasis added*)

4. "All persons selected as challengers shall have the same qualifications required by section 115.085 for election judges, except that such challenger shall be a registered voter in the jurisdiction of the election authority for which the challenger is designated as a challenger."

RSMo § 115.409. Who may be admitted to polling place. — "Except election authority personnel, election judges, watchers and challengers appointed pursuant to section 115.105 or 115.107, law enforcement officials at the request of election officials or in the line of duty, minor children under the age of eighteen accompanying an adult who is in the process of voting, international observers who have registered as such with the election authority, persons designated by the election authority to administer a simulated youth election for persons ineligible to vote because of their age, members of the news media who present identification satisfactory to the election judges and who are present only for the purpose of bona fide news coverage except as provided in subdivision (18) of section 115.637, provided that such coverage does not disclose how any voter cast the voter's ballot on any question or candidate or in the case of a primary election on which party ballot they voted or does not interfere with the general conduct of the election as determined by the election judges or election authority, and registered voters who are eligible to vote at the polling place, no person shall be admitted to a polling place."

Missouri Revisor statute § 115.107 refers to the law governing Watchers.

RSMo § 115.107. Watchers, how selected, qualifications, duties. — 1. "At every election, the chairman of the county committee of each political party named on the ballot shall have the right to designate a watcher for each place votes are counted."

2. "Watchers are to observe the counting of the votes and present any complaint of irregularity or law violation to the election judges, or to the election authority if not satisfied with the decision of the election judges. No watcher may be substituted for another on election day."

4. "A watcher may remain present until all closing certification forms are completed, all equipment is closed and taken down, the transportation case for the ballots is sealed, election materials are returned to the election authority or to the designated collection place for a polling place, and any other duties or procedures required under sections 115.447 to 115.491 are completed. **A watcher may also remain present at each location at which absentee ballots are counted and may remain present while such ballots are being prepared for counting and counted."** *(emphasis added)*

5. " All persons selected as watchers shall have the same qualifications required by section 115.085 for election judges, except that such watcher shall be a registered voter in the jurisdiction of the election authority for which the watcher is designated as a watcher."

Election officials in St. Charles County are prohibiting Watchers and Challengers entry into polling places where in-person early absentee ballots are being counted, and prepared for counting, in violation of RSMo §115.105 (1) "... designate a Challenger for each polling place who may be present until all ballots are cast on the day of election *AND* a Challenger for each location at which in-person early absentee ballots are counted who may be present while the ballots are being prepared for counting and counted." This law clearly states challengers can be present

RSMo § 115.409 does not distinguish between specific elections therefore, participation in the election process is proper for Watcher's and Challenger's to be allowed in polling places during the election process taking place.

Plaintiff seeks redress for the abuse and devastation of his disenfranchisement as a participant in The People's election process. Plaintiff, one of The People of the sovereign State of Missouri that have addressed both St. Charles County Republican Central Committee Chairman Bob Eno and St. Charles County election director Bahr of this violation of our election process to no avail. Yet, Plaintiff remains undaunted to seek redress for this violation of law.

STANDING

Plaintiff has standing under; *Lujan v. Defenders of Wildlife,* U.S. 112 s.Ct. 2130, 2136, 119 L. Ed.2d 351 (1992) and *Elmore v. McCammon* (1986) 640 F. Supp. 905 "…. the right to file a lawsuit pro-se is one of the most important rights under the constitution and laws." "Allegations such as those asserted by the petitioner, however in artfully pleaded, are sufficient" …" which I hold to less stringent standards than formal pleading drafted by a lawyer."

Jenkins v. McKeithen, 395 U.S. 411, 411, 421 (1959); *Picking v. Pennsylvania R. Co.,* 151 Fed 2nd; *Pucket v. Cox,* 456 2nd 233 Pro se pleadings are to be considered without regard to technicality; pro se litigants' pleadings are not to be held to the same standards of perfection as

lawyers." The plaintiff's civil rights pleadings were 150 pages and described by a federal judge as "inept". Nevertheless, it was held "Where a plaintiff pleads pro se in a suit for protection of civil rights, the Court should endeavor to construe the Plaintiff's Pleadings without regard to technicalities."

(a) (1) Plaintiff has suffered "injury in fact" as protected interest was actual or imminent, concrete and particularized.

(2) Plaintiff is a registered voter in the State of Missouri and a duly appointed, designated and qualified election Challenger in St. Charles County, and vested in him, all rights, prerogative, authority, and powers of such office as prescribed by Missouri Statutes, RSM0 §§ 115.105 through 115.111

(3) The Missouri Constitution Article I Section 25 protects Plaintiffs rights against any civil power from interfering in the free exercise of the right of suffrage.

(4) Plaintiff has a right to participate in free and fair elections, and that right has been violated. Free and fair elections allow people living in a representative democracy to determine the political makeup and future policy direction of their nation's government. Elections alone do not assure democracy since dictators can use the resources of the state to tamper with the election process. A pivotal part of free and fair elections requires transparent ballot counting. Plaintiff is injured by the prohibition of Challengers/Watchers to observe the counting and preparation of counting of in-person early absentee ballots in St. Charles County, Missouri.

(5) Defendants failed to meet required legally established laws to ensure a free and fair election injuring the Plaintiff and all Missourians.

COUNT I
DECLARATORY JUDGMENT
VIOLATION OF MISSOURI ELECTION SUFFRAGE LAWS
RSMo § 115.105, RSMo § 115.107 and RSMo § 115.409

CHALLENGERS/WATCHERS

Travis Allen Heins, serving in my capacity as the St. Charles County Republican Central Committeeman for O'Fallon Township, have been duly sworn, provide this testimony to being unlawfully rejected as a duly appointed Challenger and Watcher for the November 2024 general election to the early voting sites in Saint Charles County, Missouri:

• On October 22, 2024 I received certification from county election authority director, Kurt Bahr to be a Challenger.

• On October 24, 2024, a request was made through the chair of the county GOP RSMo § 115.105 to be a Challenger during early voting at the Election Authority office and the satellite in-person early absentee voting center at Element Church in Wentzville, Missouri.

• On October 25, 2024 the request to be a Challenger during in-person early absentee voting was denied for both locations. The reason given for the denial by election director, Kurt Bahr was his claim Challengers were "not in state statute" for early voting.

• On October 26, 2024 a request was made through the chair of the county GOP RSMo § 115.107 to be a Watcher during in-person early absentee voting at the Election Authority office and the satellite voting center at Element Church in Wentzville, Missouri.

• On October 27, 2024 the request to be a Watcher during in-person early absentee voting for both locations was denied. The reason given for the denial by election director, Kurt Bahr was his claim Watchers are only for the "counting" of the ballots and that wasn't happening until election night.

----- Forwarded Message -----
From: Bahr, Kurt <kbahr@sccmo.org>
To: Robert L Eno <robrteno@swbell.net>
Cc: Penny Henke <pennyhenke@aol.com>; Erica Bahr <erica.bahr3545@gmail.com>
Sent: Sunday, October 27, 2024 at 06:45:40 PM CDT
Subject: Re: Poll Watcher Request

No. A poll watcher observers the counting of the ballots. Since that does not occur at the satellite location he cannot be there. If you look back at the earlier email I sent the watcher observes the election night tabulation. They can also watch the tabulation of the by mail absentee ballots. That occurs election day. A watcher had nothing to watch until election day.

However, two days later on October 29, 2024, Bahr stated very clearly during a live interview on News Talk STL 101.9 FM "Mike Ferguson in the Morning" that they were, in fact, counting ballots.

https://rumble.com/v5kkjh1-mike-ferguson-in-the-morning-10-29-24.html

Timestamp - 1:56:30 Kurt Bahr states...

"When you vote early, your ballot when it goes into that tabulator, its being counted."

Timestamp – 1:58:52 Host asks if he (Bahr) expects this pattern, (speaking of early voting), to continue in the future. Is this the "new norm"?

Timestamp – 1:59:04 Kurt Bahr "I will plan for this to be the new norm."

Timestamp – 1:59:39 Kurt Bahr "we're planning for these two (2) weeks of voting early to be the new norm."

Timestamp – 1:59:49 Kurt Bahr "we now have a two (2) week voting period as opposed to a single election day voting period."

Missouri State Statute(s) is both clear and distinct, that a Watcher and/or Challenger may be present in a polling location where absentee ballots are being counted or being prepared for counting. Furthermore, the role of a Watcher/Challenger cannot be fulfilled while being denied access to polling locations where ballots are being processed. This will only serve to disenfranchise voters and cast doubt on the validity and security of our county elections.

STATUTORY PENALTY FOR VIOLATIONS

RSMo § 115.637 (12) lists and describes class four election offenses and confirms that willingly and knowingly neglecting, refusing, or omitting to perform the duties required by law is a class

four offense.

RSMo § 115.637 (12) " On the part of any election authority or official, willfully neglecting, refusing, or omitting to perform any duty required of him or her by law with respect to holding and conducting an election, receiving and counting out the ballots, or making proper returns;"

REJECTED

OFFICIAL

Certification of Challenger

Know that **Travis Heins** has been duly appointed, designated and qualified as Challenger for the **Republican** Central Committee for St. Charles County to serve in the polls at **St Charles County Election Authority, 397 Turner Blvd, St Peters, MO 63376, Precinct ALL**, in St. Charles County for the **General Election - Early Voting,** to be held on the 22nd day of **October** thru the **5th** day of **November**, **2024**, and invest in (**him** or her) all rights, prerogative, authority, and powers of such office as prescribed by Missouri Statutes, RSMo 115.105 through RSMo 115.111, and to be present at the polls during voting hours.
Robert L Eno, Chairman, St. Charles County **Republican** Central Committee

Verified as registered voter

_____
Kurt Bahr, Director of Elections, St. Charles County

I do solemnly swear that I will make no statement nor give any information of any kind tending in any way to show the state of the count prior to the close of the polls on election day.

Sworn and subscribed to before me this _____ day of _____, 20____

_____
Challenger

_____
Judge of Election

REJECTED

OFFICIAL

Certification of Challenger

Know that **Travis Heins** has been duly appointed, designated and qualified as Challenger for the **Republican** Central Committee for St. Charles County to serve in the polls at **Element Church, 100 Mall Pkwy, #500, Wentzville, MO, 63385, Precinct ALL**, in St. Charles County for the **General Election - Early Voting,** to be held on the **22nd** day of **October** thru the **5th** day of **November**, **2024**, and invest in (**him** or her) all rights, prerogative, authority, and powers of such office as prescribed by Missouri Statutes, RSMo 115.105 through RSMo 115.111, and to be present at the polls during voting hours.
Robert L Eno, Chairman, St. Charles County **Republican** Central Committee

Verified as registered voter

_____

Kurt Bahr, Director of Elections, St. Charles County

I do solemnly swear that I will make no statement nor give any information of any kind tending in any way to show the state of the count prior to the close of the polls on election day.

Sworn and subscribed to before me this _____ day of _____, 20____

_____

Challenger

_____

Judge of Election

CONCLUSION

The aforementioned points clearly indicate a dereliction of responsibility by Defendant in ensuring elections that are secure, fair, and transparent. The restrictive interpretation of legal statutes has led to a situation where citizens are being excluded from participating in the electoral process that is fundamental to their rights.

PRAYER FOR RELIEF

1. For these reasons, Plaintiff respectfully requests that the Court grant an emergency injunction to ensure that no in-person absentee early voting occurs without the presence of Challengers/watchers.
2. Any other relief as this Court deems necessary and proper.

Respectfully submitted,

/S/ *Travis Allen Heins*
Travis Heins, *Pro Se*
595 Prentice Drive
Saint Peters, MO 63376
travisheins@yahoo.com

Full Name: TRAVIS ALLEN HEINS **Signature:** [signature]

NOTARY

State of Missouri
County of St. Charles
Sworn to and subscribed before me this October 30, 2024
Notary Signature: [signature]

NOTARY SEAL

STATE OF MISSOURI
NOTARY SEAL
NOTARY PUBLIC
AMBRIA JONES
My Commission Expires April 8, 2028
Commission # 24334000
ST. CHARLES COUNTY

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on October 30, 2024, I filed a true and accurate copy of the foregoing with the Clerk of the Court in St. Charles County which will be served to Defendants of record at:

Kurt Bahr
Director of Elections
397 Turner Blvd
St. Peters MO 63376

October 30, 2024

Respectfully submitted by,

/s/ Travis Heins

pro se litigant

Travis Heins
595 Prentice Drive
Saint Peters, MO 63376
travisheins@yahoo.com