

BOARD OF ELECTION COMMISSIONERS

For The City Of St. Louis
(314) 622-4336 Fax (314) 622-3587

Hon. Joan M. Burger, Chairperson
Benjamin M. Phillips, Sr., Member

Mary Wheeler-Jones, Director



Paul Maloney, Member
Andrew L. Schwartz, Member

Leo G. Stoff, Jr., Director

Jeremiah W. (Jay) Nixon
Governor

July 15, 2016

Mr. David E. Roland
P.O. Box 693
Mexico, MO 65265

Dear Mr. Roland:

This letter is in response to your letters to the members of the St. Louis Board of Election Commissioners dated July 12, 2016, and received on July 13, 2016. After reviewing your letter, the issues raised therein, and the law, our client, the St. Louis Board of Election Commissioners ("The Board"), will not comply with the two demands made in your letters.

After exploring the relevant Missouri law on this issue, it is abundantly clear that the demands you have made go far beyond anything required of The Board. In fact, your demands would intrude on individual voters' rights and could amount to acts of voter suppression by The Board.

Your first demand that The Board contact every applicant for an absentee ballot from the 5th Ward, and verify that they do, in fact, qualify for an absentee ballot, goes beyond the Board's statutory authority. The requirements for an application for an absentee ballot are clearly set forth in RSMO Section 115.279. If one of the six reasons for needing an absentee ballot are checked, and the voter's signature matches our records as a registered voter, The Board has no lawful basis to refuse to send an absentee ballot to that voter.

Neither your statutory citations nor the *Barks* case support your demand. In *Barks*, the Missouri Court of Appeals found nine (9) irregularities and violations of the election statutes by the Local Election Authority. The magnitude of these violations, which occurred on 48 out of the 70 absentee ballots cast, caused the appellate court to order a new election. These were definite, serious, and obvious violations. Here, you have alleged no definite violations of the law, as set out in Chapter 115 of the Missouri Revised Statutes.

Your second demand using RSMO Section 115.287.2 mischaracterizes the situation where a 'team' may be appointed by The Board. That section applies to voters who are confined in the hospital, a residential care facility, skilled nursing facility or the like. The situation in which the statute suggests (but does not require) the use of a 'team' is wholly different than the way in which you have demanded a 'team' to be utilized. In addition, The Board would need hundreds of 'teams' to fulfill your demand.

David E. Roland
July 15, 2016
Page Two

Further, your letter has innuendoes of alleged wrongdoing and no facts to support it. Statistics and percentages do not make a case for wrongdoing or fraud, as stated in your letter. More importantly, they do not make a case for intruding on voters' rights under Missouri law to apply for an absentee ballot by choosing one statutory reason and signing the application. To go to every house and question a voter's application and seek proof of incapacity or being out of St Louis on Election Day would surely be intimidation, and, as stated earlier, amount to allegations against The Board of voter suppression.

Sincerely,

LATHROP & GAGE, LLP

By:


David W. Sweeney

DOTSON LAW FIRM


Celeste Dodson