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July 12, 2016

Commissioner Joan Burger  
St. Louis City Board of Election Commissioners  
300 N. Tucker Street  
St. Louis, Missouri 63101

Dear Commissioner Burger:

I am writing to you because you are a member of the St. Louis City Board of Election Commissioners (“the Board”), the election authority responsible for the conduct of elections in St. Louis City. I represent three clients who are on the ballot for the upcoming August 2, 2016 Primary Election that will be held in St. Louis City: Rasheen Aldridge is seeking the office of Democratic Committeeman for the 5<sup>th</sup> Ward, Megan Betts is seeking the office of Democratic Committeewoman for the 5<sup>th</sup> Ward, and Bruce Franks is seeking the position of Democratic nominee for State Representative for the 78<sup>th</sup> District.

At my clients’ request I have reviewed the voting patterns from prior elections in various St. Louis City precincts – especially precincts in the 5<sup>th</sup> Ward – and have noticed extreme irregularities in the way that voters have been utilizing the absentee voting process. As you are doubtless aware, section 115.277, RSMo., identifies only five circumstances under which most citizens are allowed cast an absentee ballot in an election.<sup>1</sup> These five basic circumstances are summarized on the absentee ballot application form provided to voters by the Board. Missouri courts have noted that where citizens seek to cast absentee ballots “[i]t is the duty of the election authority to... determine whether the applicant is lawfully entitled to vote. Lacking indication of one of the five statutory grounds, the official must discount the ballot as illegally and improperly cast.” *Barks v. Turnbeau*, 573 S.W.2d 677, 681-82 (Mo. App. 1978) (requiring new election where evidence showed fraudulent absentee ballots were cast).

A review of the recent voting statistics shows a percentage of absentee ballots being cast in certain precincts that is, quite literally, unbelievable. Indeed, it is my opinion that the only likely explanation for the extraordinary percentage of

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<sup>1</sup> The qualifying circumstances are: (1) Absence from the voter’s home jurisdiction on Election Day; (2) Being or caring for a person incapacitated or confined due to illness or disability; (3) Religious belief or practice; (4) Employment with an election authority; or (5) Incarceration. State law has also authorized the use of absentee ballot by participants in the “address confidentiality program,” as established under §§ 589.660 to 589.681, RSMo.

absentee ballots being cast in these precincts is massive, systematic violation of the State's absentee ballot statutes. In election after election, an impossibly high percentage of the total number of votes cast in certain precincts – again, particularly in the 5<sup>th</sup> Ward – were being cast via absentee ballot, and this effect was especially pronounced if a given precinct was involved in an election where a member of the Hubbard family was on the ballot. Furthermore, in those elections where a member of the Hubbard family was on the ballot it was common for the *vast* majority of those absentee ballots to be cast in favor of the Hubbard.

A few specific examples drawn from election records available on the Board's website will illustrate my clients' concerns.

In August 2008 Rodney Hubbard was running against Robin Wright-Jones to represent State Senate District 5. In this particular race, absentee ballots made up between two and ten percent of the total ballots cast in most of the various precincts comprising that State Senate District. But in Ward 5, Precinct 2, *more than half* of the ballots cast were absentee ballots and more than 94 percent of those absentee ballots in the precinct were cast in favor of Hubbard. Several other precincts demonstrated a similarly anomalous balance between absentee ballots and ballots cast at the polls, as demonstrated in this table:

Precinct	Ballots Cast at Polls	Absentee Ballots (% of All Votes)	% Election Day Vote for Hubbard	% Absentee Ballot Vote for Hubbard
Ward 5, P. 2	198	222 (52.5%)	75.8%	94.1%
Ward 5, P. 7	72	36 (31.3 %)	66.7%	88.9%
Ward 6, P. 8	103	46 (30.9%)	44.7%	89.1%
Ward 19, P. 9	80	23 (21.3%)	75%	87%
Citywide	32,537	3047 (8.6%)	47.9%	65%

All told, in this 2008 Democratic primary election Robin Wright-Jones beat Hubbard in ballots cast at the polls by about 52 percent to 48 percent, but because Hubbard won an astonishing 65 percent of the absentee ballots, Wright-Jones' final margin of victory was narrowed to less than one percentage point of the total vote.

In August 2010, Penny Hubbard was running against James Morris for the Democratic nomination to represent the 58<sup>th</sup> State House District in the General Assembly. The table below shows that the percentage of absentee ballots being cast at several of the precincts involved in this State House District election was far higher than the percentage of absentee ballots being cast citywide.

Precinct	Ballots Cast at Polls	Absentee Ballots (% of All Votes)	% Election Day Vote for Hubbard	% Absentee Ballot Vote for Hubbard
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Ward 5, P. 2	176	114 (39.46%)	72.2%	93.9%
Ward 3, P. 3	68	37 (34.91%)	51.5%	78.4%
Ward 5, P. 4	83	26 (24.46%)	56.6%	69.2%
All 58 <sup>th</sup> Dist. Precincts	2914	512 (17.57%)	53%	65.4%
Citywide	31,505	2,625 (7.7%)		

In December 2011, Tammika Hubbard was running against Tonya Finley and Rose Green to represent the 5<sup>th</sup> Ward on the Board of Aldermen. In that election the percentage of absentee ballots cast in the 5<sup>th</sup> Ward was absolutely astronomical. Three precincts saw absentee ballots make up far more than half of all votes cast, and in all but one of the seven precincts in the 5<sup>th</sup> Ward absentee ballots accounted for more than one-quarter of all votes cast.

Precinct	Ballots Cast at Polls	Absentee Ballots (% of All Votes)	% Election Day Vote for Hubbard	% Absentee Ballot Vote for Hubbard
Ward 5, P.1	68	45 (39.8%)	30.9%	80%
Ward 5, P. 2	41	14 (25.5%)	36.6%	57.1%
Ward 5, P. 3	33	46 (58.2%)	57.6%	63.0%
Ward 5, P. 4	44	23 (34.3%)	50%	95.7%
Ward 5, P. 5	91	125 (57.6%)	66.7%	88.9%
Ward 5, P. 6	25	48 (65.8%)	44.7%	89.1%
Ward 5, P. 7	14	3 (17.7%)	75%	87%
All 5 <sup>th</sup> Ward Precincts	620	304 (49%)	47.9%	65%

In August 2012, Penny Hubbard was running against Ruth Ehresman and Samuel Cummings for the Democratic nomination to represent the 78<sup>th</sup> State House District in the General Assembly. Once again, the familiar pattern repeated itself, with certain precincts seeing abnormally high percentages of absentee ballots being cast, and with the absentee voters favoring Hubbard by an extraordinary margin, even when Hubbard was performing poorly in regard to votes cast at the polls.

Precinct	Ballots Cast at Polls	Absentee Ballots (% of All Votes)	% Election Day Vote for Hubbard	% Absentee Ballot Vote for Hubbard
Ward 5, P. 3	154	147 (48.5%)	79.2%	78.9%
Ward 5, P. 6	143	36 (34.8%)	66.4%	81.7%
Ward 6, P. 8	179	85 (31.9%)	46.9%	87%
Ward 3, P. 9	77	25 (26.8%)	45.5%	68%
All 78 <sup>th</sup> Dist. Precincts	3,701	607 (16.4%)	42.2%	71%

Citywide	43,707	3,903 (8.2%)		
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In March 2013 Tammika Hubbard, was once again running to serve as the 5<sup>th</sup> Ward’s representative to the Board of Aldermen, and once again the percentage of absentee ballots cast across the 5<sup>th</sup> Ward was incredibly high. The statistics show that Hubbard’s opponent, Michelle Medina, won nearly 52% of votes cast at the polls, but Hubbard won the election on the strength of the extraordinary percentage of absentee ballots being cast in Hubbard’s favor.

Precinct	Ballots Cast at Polls	Absentee Ballots (% of All Votes)	% Election Day Vote for Hubbard	% Absentee Ballot Vote for Hubbard
Ward 5, P.1	95	79 (45.4%)	34.7%	67.1%
Ward 5, P. 2	89	9 (9.1%)	36%	44.4%
Ward 5, P. 3	144	151 (51.2%)	66%	83.4%
Ward 5, P. 4	82	25 (23.4%)	52.4%	92%
Ward 5, P. 5	93	33 (26.2%)	60.2%	84.9%
Ward 5, P. 6	166	80 (32.5%)	58.4%	78.8%
Ward 5, P. 7	134	53 (33.8%)	21.6%	1.9%
Ward 5, P. 8	41	11 (21.2%)	53.7%	72.7%
All 5 <sup>th</sup> Ward Precincts	844	441 (34.3%)	48.2%	69.4%
Citywide	40,177	3,860 (8.8%)		

In August 2014 Penny Hubbard was running against Natalie Vowell for the Democratic nomination to represent the 78<sup>th</sup> State House District in the General Assembly. The absentee ballot numbers for that election turned out to be even more skewed than usual – although absentee ballots made up only 9.2 percent of all votes cast in all of the races being decided in the August primary election, the numbers for this particular State House District race showed that more than one-fifth of all votes cast were absentee ballots, which further emphasizes the likelihood that the absentee balloting process is being heavily abused in these precincts.

Precinct	Ballots Cast at Polls	Absentee Ballots (% of All Votes)	% Election Day Vote for Hubbard	% Absentee Ballot Vote for Hubbard
Ward 5, P. 3	83	121 (59.3%)	83.1%	94.2%
Ward 6, P. 8	98	99 (50.3%)	84.7%	95%
Ward 3, P. 9	38	30 (44.1%)	47.4%	86.7%
Ward 5, P. 6	87	50 (36.2%)	73.6%	72%
Ward 5, P. 5	55	31 (36.1%)	78.2%	93.6%
All 78 <sup>th</sup> Dist. Precincts	1854	509 (21.5%)	67.1%	88.4%

Citywide	32,225	3,286 (9.2%)	
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Simply stated, in light of the very low percentage of voters elsewhere in the city using the absentee ballot system, it seems unthinkable that so many voters in these precincts could meet the statutory qualifications for casting an absentee ballot. Even more concerning is the fact that in these same precincts where absentee ballots factor so prominently whenever a Hubbard is up for election, the percentage of absentee ballots being cast tends to plummet whenever a Hubbard is *not* up for election. For example, in the past few years Ward 5, Precinct 3 has repeatedly seen in elections involving a Hubbard roughly half of all the precinct's votes being cast via absentee ballot, but in the Democratic Presidential primary election held in March 2016, the percentage of absentee ballots cast dropped to about 11 percent, which is within the normal range for the city's other precincts. In Ward 5, Precinct 4, it is "normal" for about one-quarter of all voters to cast their ballots absentee when a Hubbard is involved in a race, but in the 2016 Democratic Presidential primary election *less than two percent* of that precinct's voters cast absentee ballots.

Precinct	Ballots Cast at Polls in 2016 Presidential Primary	Absentee Ballots Cast in 2016 Presidential Primary (% of All Votes)	% Absentee Ballots in Aug. 2014 Democratic Primary
Ward 5, P. 3	246	33 (11.1 %)	59.3%
Ward 5, P. 4	155	6 (2%)	26.1%
Ward 5, P. 5	246	7 (2.8%)	36.1%
Ward 5, P. 6	345	19 (4.9%)	36.2%
Ward 6, P. 8	353	16 (3%)	50.3%
Citywide	74,539	3,427 (4.4%)	9.2%

My clients are concerned that these statistics indicate widespread abuse of the absentee voting process in St. Louis City, and that this abuse seems systematically to favor members of the Hubbard family. My clients are involved in races against Rodney Hubbard, Sr., Democratic Committeeman for the 5<sup>th</sup> Ward, and his wife Penny Hubbard, who is both Democratic Committeewoman for the 5<sup>th</sup> Ward and State Representative for the 78<sup>th</sup> District. My clients are very concerned that the absentee voting process is being misused and that, as a result, the City's voters will be denied fairness and an equal voice in these political races. The plain implication of the statistics cited above is that someone has been encouraging voters to misuse the absentee voting process – an action which is a class one election offense. Missouri law makes this a very serious offense, carrying the potential for up to five years in prison, a minimum \$2,500 fine, and the loss of one's right to vote. § 115.631, RSMo.

As a member of the Board of Election Commissioners you are empowered and required by state law to ensure fair elections in the City of St. Louis, and particularly to ensure that those asserting the privilege of using absentee ballots are qualified to do so. See §§ 115.284.6(3); 115.287.1, RSMo. On behalf of my clients I am asking you to review each and every absentee ballot application submitted to date by any voter from the 5th Ward and to verify through direct contact with each applicant for an absentee ballot that they do, in fact, fully qualify to have applied for, or will qualify to cast, an absentee ballot.

I also ask the Board to appoint one or more teams of the sort described in section 115.287.2, RSMo., and for each and every absentee ballot request submitted by any registered voter of the 5th Ward subsequent to today's date to have that team go in person to deliver, witness the signing of and return the voter's application and deliver, witness the voting of and return the voter's absentee ballot. This approach should help the Board to verify that those voters asserting the privilege of casting an absentee ballot are lawfully qualified to do so.

It is my clients' hope that the Board will address the problem of potential absentee ballot fraud in St. Louis City and that this matter can be resolved without the extensive expense the Board would face if, due to its inaction, protracted litigation and a second election become necessary to ensure fair and equal elections. Missouri law gives the Board authority to take action as necessary to protect the rights of the voting public and those seeking public office by taking the steps outlined above in order to ensure that the absentee voting laws of the State are properly enforced.

Please let me know no later than 5pm Wednesday, July 13, 2016, that the Board recognizes the likely misuse of the absentee ballot system St. Louis City and that it intends to take my clients' recommended course of action in order to ensure that this form of voting fraud will not taint the upcoming August 2, 2016 primary election.

Feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Dave Roland". The signature is written in a cursive, slightly slanted style.

Dave Roland  
(314) 604-6621