

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

ST. LOUIS COUNTY BOARD OF)	No. ED104196
ELECTION COMMISSIONERS,)	
LISA RIDOLFI, PATRICK LYNN, and)	
LEO MACDONALD, JR.,)	Writ of Mandamus
)	Circuit Court of St. Louis County
Relators,)	Cause No. 16SL-CC01246
)	
vs.)	
)	Honorable Maura B. McShane
HON. MAURA B. MCSHANE,)	
)	
Respondent.)	Filed: June 7, 2016

Three registered voters and the St. Louis County Board of Election Commissioners petitioned this Court for an emergency writ of mandamus, to extend the hours of voting for two hours at certain precincts on the night of the April 5, 2016 election, due to the lack of ballots.

PERMANENT WRIT OF MANDAMUS ISSUED

WRIT DIVISION TWO HOLDS: Mandamus was proper here to prevent an injustice, given the following circumstances: a bipartisan request from the Board; the Missouri Attorney General voiced no opposition to the request; the Board admitted that their failure to provide sufficient number of ballots deprived voters of their constitutional right to vote; strict application of Sections 115.407 and 115.430.14 would have denied voters their fundamental right to vote; and no other adequate remedy existed. Accordingly, we directed the Board to extend the voting for two hours until nine o'clock that evening at the affected precincts. We further directed that the votes cast during the extended hours were provisional votes, to be sequestered from the regular votes. And we directed that the provisional voting was available only to those qualified voters who orally affirmed that they tried to vote during regular hours.

Opinion by: Lawrence E. Mooney, P.J.
Lisa Van Amburg, C.J., and Gary M. Gaertner, Jr., J., concur.

Attorneys for Relators: Jane E. Dueker, John J. Coatar, Arthur D. Gregg, Darold E. Crotzer Jr., and Angela B. Gabel

Attorney for Respondent: James R. Layton

THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.