

CIRCUIT COURT of the ELEVENTH JUDICIAL CIRCUIT
St. Charles County, State of Missouri

Stacey Dukes,)	
)	
and others similarly situated,)	
)	
Plaintiffs,)	
)	
v.)	1811-CC_____
)	
Rich Chrismer, in his official capacity as,)	
Director of St. Charles Election Authority)	
)	
397 Turner Blvd.)	
St. Peters, MO 633376)	
)	
Serve via fax (636-949-7552) and)	
email (election@sccmo.org))	
)	

EMERGENCY WRIT OF MANDAMUS

This is an action seeking an emergency writ of mandamus from this Court directing the Defendant in his official capacity, his officers, and agents (including polling workers and volunteers) to fully comply with the state-wide court order preventing election officials from requiring voters to produce photo identifications, and for costs and fees. In support of this writ:

- 1) Plaintiff Stacy Dukes, is a resident and registered voter in St. Charles County.
- 2) Defendant is the Director of the St. Charles Election Authority. He is sued in his official capacity.
- 3) Dukes attempted to vote at her designated St. Charles County polling place and was unable to do so because she was asked to present a photo identification to vote and instead presented her Defendant provided non-photo Voter ID Card.
- 4) Defendant's officers and agents refused to allow Dukes to vote with her approved non-photo identification.

5) Upon information and belief, given reports to the Election Protection Hotline, other voters have been similarly denied the right to vote by Defendant's officers and agents when they presented an approved non-photo identification.

6) Election Protection attorneys sent the Defendant a demand letter on this issue.

Exhibit B.

7) Defendant has not responded to the demands.

8) Defendant is subject to an Order and Judgment by Judge Callahan, in Cole County, dated October 23, 2018, and attached hereto as Exhibit C, which stated:

The presentation of an Option One [photo identification specified in the statute] or [statutory specified] Option Two¹ form of identification at any polling location shall be sufficient to enable any registered voter to cast a regular ballot and no affidavit shall be required.

Order, Ex. C at p. 7.

9) Defendant and his officers and agents are in violation of this Order by denying Duke the right to vote when she presented her Defendant provided non-photo Voter ID Card (which is an Option Two identification – i.e., “[i]dentification issued by the state of Missouri, an agency of the states, or a local election authority of the state”). See *surpa* fn. 1, ¶ 1.

¹ The Order describes acceptable “Option Two” identifications as articulated in the statute:

- 1) Identification issued by the state of Missouri, an agency of the states, or a local election authority of the state;
- 2) Identification issued by the United States government or agency thereof;
- 3) Identification issued by an institution of higher education, including a university, college, vocational and technical school, located within the state of Missouri;
- 4) A copy of a current utility bill, bank statement, government check, paycheck, or other government document that contains the name and address of the individual; [and]
- 5) Other identification approved by the secretary of state under rules promulgated pursuant to this section.

Order, Ex. C at p. 4.

10) Duke was able to, subsequent to her being prevented from voting using her Voter ID Card, present her driver's license and was permitted to vote.

11) Although the Plaintiff in the lawsuit which resulted in Judge Callahan's order may seek to file a contempt motion against Defendant in Cole County Court, the immediate and irreparable harm is Defendant's failure to allow others similarly situated from voting when they present their approved "Option Two" non-photo identifications and do not have (as Dukes did) an "Option One" photo identification.

12) There are less than one hour for people to exercise her voting rights in this election. Those arriving at the polls in the last hour will not be able to return home and get a photo identification, causing irreparable harm.

WHEREFORE, the Plaintiff respectfully requests this Court enter a writ of mandamus directing the Defendant in his official capacity, his officers, and agents (including polling workers and volunteers) to fully comply with state-wide court order preventing election officials from requiring voters to produce photo identifications and directing them to accept those identifications listed the statute and Judge Callahan's Order and Judgment (see *supra* fn 1), and for costs and fees. A proposed order is attached as Exhibit D.

/s/ Denise D. Lieberman

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