

**BOARD OF ELECTION COMMISSIONERS  
OF THE CITY OF ST. LOUIS**

**OFFICIAL MEMORANDUM & ANALYSIS**

**REGARDING SHAW SPECIAL BUSINESS DISTRICT**

**VOTING PROCEDURES**

**MARCH 3, 2009**

**1. BACKGROUND**

Pursuant to Ordinances 68198 and 68199 passed by the Board of Aldermen of the City of St. Louis, the City Register directed the Board of Election Commissioners of the City of St. Louis to hold an election on March 3, 2009 regarding imposition of a proposed tax on real property in the Shaw Special Business District.

This sort of special business district tax election involves a special tax on real estate. Hence, such elections are uniquely different from ordinary elections involving only registered individual voters, because such special tax district elections also involve owners of real property and businesses as voters who may not even reside in or be registered voters within the special business district at issue.

The eligibility for voting in such elections is stated in Section 71.800 R.S. Mo 2009. The statute is more than three decades old and is something less than a masterpiece of clarity and coherence.

For example, the statute seems to require all voters to apply for a ballot to the clerk of the City to be eligible to vote, Section 71.800-6 (1). This would lead to a peculiar process of the registered voters in the district having to apply specially to be

able to vote [in effect requiring a clumsy “re-registration” sure to confuse voters]. Additionally, the statute states that no person may apply for a ballot later than the fourth Tuesday before the date for mailing ballots specified in the governing body’s order, Section 71.800-6 (4). In the present case, the governing body’s order directing the election specified no date for mailing ballots and instead targets voting at the regular election under the City Charter on March 3, 2009.

## **2. ANALYSIS**

What appears to have happened over more than a decade in the City of St. Louis is that by direction of the City government elections have been conducted through the regular ongoing election process to avoid a welter of voter confusion and extra expense to taxpayers by trying to operate a separate election process through the City. The Election Authority has the registration records, the staff trained to run elections, the counting equipment, and the convenient spread of polling sites known to voters.

Thus, for a great many years the City and the Election Authority have cooperated to hold such elections through the regular election process under the supervision of the staff of the Election Authority. The process has moved smoothly and without substantial difficulty.

The present Shaw Special Business District proposition has generated lively citizen interest in which questions seeking clarification of the voting process have arisen. The nub of concern is trying to sort out precise ground rules for voting in an election involving both regular registered voters residing in the district and property or business owners as voters (some of which are corporate or trust entities not physically residing in the district).

To meet these requests, the Election Board and its staff, in consultation with the attorney for the Board, hereby promulgate the following guidelines for the Shaw Special Business District Elections to be held on March 3, 2009:

**3. SPECIAL GUIDELINES ON VOTING PROCESS FOR MARCH 3, 2009 FOR SHAW**

**SPECIAL BUSINESS DISTRICT**

A. No person or entity will be barred from voting on March 3, 2009 for failing to have mailed in a special application four weeks prior.

B. All individuals or entities which are not registered voters within the District but are real estate or business owners within the District shall vote by provisional ballot. The provisional ballot process is useful because the ballot is paired with the evidence presented regarding that voter's qualifications to vote. The provisional ballot and that evidence are then reviewed by the Election Authority during the certification process. If the voter's qualifications are established, the ballot is counted; if the qualifications are not established, the ballot is not counted. Either way, the voter will be able to determine later if the ballot was counted.

C. The provisional balloting process for such business or real estate voters shall occur by paper ballot at a special desk within the polling site serving the area where the business or land is located. They may also vote (like regular registered voters) at the Election Authority main office. All polling sites and the Election Authority main office shall have specially trained deputies on site to handle such voters.

D. Regular registered voters within the District shall vote as they do at all regular elections, presenting the usual identification required by the election statutes. District

residents who are not registered voters but who are landowners or business owners within the District may vote per items B, C, E, and F herein.

E. The evidence required to validate the qualifications of a real estate or business-owning voter under the provisional balloting process shall be:

(1) A tax receipt or deed showing real estate ownership, identifying the precise location by address within the District,

OR

(2) A copy of a current business license showing an address within the District,

AND

(3) Evidence regarding an entity voter that the person actually voting on its behalf has some authority to act on behalf of such entity.

[See §71.800–6(c); 9 R.S. Mo 2009]

F. If the same person or entity owns more than one site within the District, they shall nevertheless have only one vote. Likewise, an individual who is a registered voter within the District and also owns real estate in the District shall have only one vote (as a registered voter). The statutory guideline is clear on this point:

“Each qualified voter shall have one vote. Each voter which is not an individual shall determine how to cast its vote...” [emphasis added] §71.800–9, R.S. Mo 2009.

If properties are held by different legal entities, each such separate entity shall be entitled to one vote, even if they are controlled by the same person. [The entity, not the person, is the qualified “voter” in this election].

G. The Election Authority shall provide guidance to all voters in the polling places by signage and by having a trained specialist on site to help voters through the process.

H. The Election Authority shall diligently enforce these standards and the regular guidelines for elections to ensure an orderly and honest election process.

DATED: 2/23/09

FOR THE BOARD OF  
ELECTION COMMISSIONERS  
OF THE CITY OF ST. LOUIS

BY \_\_\_\_\_

JERRY WAMSER  
ATTORNEY FOR THE BOARD  
(314) 729 – 0272  
FAX: (314) 729 – 7474