



November 6, 2016

VIA EMAIL

[SSchoeller@greenecountymo.gov](mailto:SSchoeller@greenecountymo.gov)

Shane Schoeller, County Clerk  
Greene County Clerk's Office  
940 N Boonville Ave.  
Springfield, MO 65802

Dear Mr. Schoeller

We write to express concern over your announced plans to place sheriff's deputies in polling stations in Greene County during the November 8, 2016 elections. The presence of police in polls could constitute impermissible voter intimidation and has the potential to impede the ability of voters to cast their ballots. This letter requests that you rescind the directive to place police inside poll sites and instead direct police to poll sites only where a specific and legitimate concern about the safety of voters and poll workers justifies their presence. This letter also constitutes a request under the Missouri Sunshine Law, RSMo 610 et seq., for any communications, electronic or otherwise, initiated or received by your office related to plans to place law enforcement at poll sites during the Nov. 8 elections. And finally, this letter places you on notice that, as partners in Missouri's non-partisan Election Protection initiative, we intend to take seriously all reports of unnecessary police presence at poll sites, and will pursue legal redress to respond to reports of voter intimidation.

On November 4, it was reported in the *Springfield News-Leader* that your office announced plans to place uniformed Sheriff's deputies inside the polls at 45 poll sites in Greene County, with additional deputies roving between the county's 30 other polling places.<sup>1</sup>

I contacted you that afternoon, and we spoke by phone on the evening of Nov. 4, 2016. When asked to provide details of the program, you indicated that your office commissioned the officers to serve as special election deputies to assist voters with electronic voting equipment, but that they would be in full uniform with weapons visible to address any potential problems at the

---

<sup>1</sup> "For first time, Greene County to station sheriff's deputies at polling places on Tuesday," *Springfield News-Leader*, <http://www.news-leader.com/story/news/politics/elections/2016/11/03/first-time-greene-county-station-sheriffs-deputies-polling-places-tuesday/93248028/>

polls. When I asked what basis would justify law enforcement inside polls, you could not cite to any specific threat, plan, incident or concern. Rather, you cited generalized concerns spurred by the “divisiveness” of this year’s elections. This is consistent with your comments as reported in the paper, which reported: “In a follow-up interview with the News-Leader, Schoeller said he didn't have specific acts of violence in mind.” You were further quoted as saying “I don't anticipate any issues...I think everything will be fine, but should something occur, we just want to be prepared.”<sup>2</sup>

During our conversation, you would not divulge the specific poll sites in which deputies would be stationed, nor would you disclose the basis upon which you selected particular polls for officers’ assignments, but acknowledged that the “crime rate around the polling place had been one factor considered.”<sup>3</sup>

Following this conversation, on the evening of November 5, you announced a change to your program in which the deputies would be present in plain clothes, not in full uniform, but would carry concealed weapons and still be there in their capacities as law enforcement officials.<sup>4</sup> While we appreciate you taking our concerns about overt police presence in polls into consideration, the continued presence of police inside poll sites without a particularized law enforcement justifications remains problematic.

While Missouri law authorizes police to assist election authorities upon request, RSMO §115.059, and also allows such officers to be inside the polls at the request of election authorities, RSMO §115.409, such requests must be grounded in a legitimate basis that law enforcement is needed. Police may certainly be at polls to undertake official police business, such as picking up mid-day ballots, for example, or responding to a 911 call, but cannot simply be stationed at or linger at poll sites without further justification. Vague fears and unsubstantiated concerns about “divisiveness” do not rise to a cognizable need for police presence. Should an incident arise requiring police presence, they can be dispatched to the site just as with any other incident call.

Indeed, the presence of police at poll sites can be inherently intimidating to voters, particularly in communities of color where such presence has historical ties to efforts to impede voter access to the polls. In some communities, police at poll sites is far more likely to disrupt the voting process than facilitate it, and carries a likelihood of intimidating or impeding voters access.

State and federal law prohibit voter intimidation, including voter intimidation caused by the presence of police.

Section 11(b) of the Voting Rights Act provides: “No person, whether acting under color of law or otherwise, shall intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce any

---

<sup>2</sup> Id.

<sup>3</sup> Id.

<sup>4</sup> “In change, deputies at Greene County polls will now be in plain clothes, conceal weapon,” *Springfield News Leader*, <http://www.news-leader.com/story/news/politics/elections/2016/11/05/change-deputies-greene-county-polls-now-plain-clothes-conceal-weapon/93367886/>

**1220 L Street, NW • Suite 850 • Washington, DC 20005 • 202.728.9557 • 202.728.9558 fax**  
***ap@advancementproject.org • www.advancementproject.org***

LA Office: 1545 Wilshire Boulevard • Suite 800 • Los Angeles, CA 90017 • 213.989.1300 • 213.989.1309 fax

other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for [federal] office.” There are criminal penalties under 18 USC § 594 and civil penalties under 42 USC §1971(b) and §1973(i)(b) as well.

Missouri law, §115.635 RSMo provides that “[i]t is illegal to induce, threaten, impede or prevent or attempt to impede or prevent someone from voting by abduction, duress or any fraudulent device.” §115.637 RSMo prohibits “interfering, or attempting to interfere, with any voter inside a polling place.” These prohibitions apply to police as well.

Accordingly, we seek further information on the justifications for your directive and the basis upon which you decided to place police at particular poll sites. We request, pursuant to the Missouri Sunshine law, RSMo 610 et seq., all records and communications to and from your office related to your directive for police at poll sites on Election Day. I am requesting that all documents be provided electronically. If portions of the requested records are closed, please segregate or redact the closed portions and provide me with the rest of the records, an explanation of why such portions are closed pursuant to §610.023 RSMo, and an explanation of the general content of the segregated or redacted portions pursuant to §610.024 RSMo. This does not constitute a waiver of any rights to challenge material that has been redacted.

Please be advised that we will take all reports of intimidating police presence at the polls seriously and will request that such police be ordered to leave. We intend to alert the United States Department of Justice regarding any such reports as well. Your office has authority to ensure that polling sites are operating in compliance with the law, to prevent activity that impedes voters, and cannot authorize police presence in polls without a legitimate concerns for the safety of voters and poll workers.

We intend to enforce legal provisions against voter intimidation at the polls to the fullest extent of the law.

Thank you very much for your prompt attention to this matter.

Sincerely,

#### MISSOURI ELECTION PROTECTION

Denise Lieberman, Esq.  
Senior Attorney  
Advancement Project  
(314) 780-1833  
[dliberman@advancementproject.org](mailto:dliberman@advancementproject.org)

Nimrod Chapel, Esq.  
President  
Missouri NAACP  
(816) 309-5009  
[rod.chapel@gmail.com](mailto:rod.chapel@gmail.com)

Steve Harmon, Esq.  
Vice President  
Mound City Bar Assn  
(314) 753-7144  
[slharmn@aol.com](mailto:slharmn@aol.com)

**1220 L Street, NW • Suite 850 • Washington, DC 20005 • 202.728.9557 • 202.728.9558 fax**  
***ap@advancementproject.org • www.advancementproject.org***  
LA Office: 1545 Wilshire Boulevard • Suite 800 • Los Angeles, CA 90017 • 213.989.1300 • 213.989.1309 fax