



1730 New Brighton Blvd, PMB 233, Minneapolis, MN 55413 • Phone 612.605.3303 • Fax 612.605.3324 • [MinnesotaMajority.org](http://MinnesotaMajority.org)

Chief Christopher Coates  
United States Department of Justice, Civil Rights Division  
950 Pennsylvania Ave NW  
Washington, DC 20530

November 17, 2008

Dear Mr. Coates,

I represent Minnesota Majority, a non-profit public policy watchdog group. I am contacting you to request a formal investigation into apparent voter registration irregularities in Minnesota. We believe that the Minnesota Secretary of State may be in violation of requirements for voter registration practices as defined by the Help America Vote Act (HAVA). I will begin by providing some background on the situation, which prompted this letter. I will then provide my specific complaint and our request of your office.

#### BACKGROUND

As part of Minnesota Majority's issue advocacy activities, we make use of Minnesota's voter file, as provided under Minnesota law. It was in the course of utilizing this list that we began to notice a number of unusual anomalies in the data, which prompted us to conduct additional research. Our cursory review of the data revealed a number of potential issues, including:

- **POTENTIAL DUPLICATE VOTER REGISTRATION RECORDS:** We discovered thousands of voter registration records that have an exact match on the criteria of first name, middle name, last name and birth year.
- **VACANT AND NON-DELIVERABLE ADDRESSES:** The United States Postal Service has flagged nearly 100,000 voter registration records as being either "vacant" or "undeliverable". We visited approximately two-dozen of these addresses to verify the USPS results and discovered approximately 50% of the addresses to be correctly flagged, in that the addresses did not exist. We have taken photographs of empty lots and non-existent addresses where our investigation revealed invalid addresses.
- **DEFICIENT VOTER REGISTRATIONS:** Minnesota Statute 201.071 requires voter registrations recorded after August 1, 1983 to include the voter's name, address, date of birth and signature. We discovered thousands of voter registrations that would be considered "deficient" under Minnesota law due to missing or invalid information. Minnesota law requires these deficient registrations to be corrected before an individual is allowed to vote.
- **DECEASED VOTERS:** Using a standard deceased matching service commonly utilized by mailing houses, we discovered thousands of apparently deceased individuals who are still on the voter rolls.
- **DOUBLE VOTING:** We found nearly 100 cases in which voter registration and voter history records suggest that a single voter may have voted more than once in a single election. There are thousands of additional records that merit review.
- **OTHER INCONSISTENCIES:** We have discovered several thousand voters registered after August 1, 1983 that had birth years suggesting these individuals are 108 years of age or older. We also found nearly 2,000 individuals who appear to have registered and voted before the age of 18.

We communicated several of these issues in a letter to Secretary of State Mark Ritchie on October 16, 2008. On October 17, the Secretary of State responded by calling a press conference assuring Minnesotans that Minnesota had the best election system in the country. His subsequent formal response letter, received by our office on October 23, was largely dismissive of our discoveries. The Secretary of State failed to respond to our request for a plan on how his office would investigate these issues prior to the election. Minnesota Majority decided to begin its own investigation and recruited a volunteer who contacted approximately 25 voters in an effort to confirm their addresses. On October 29, the Secretary of State responded by calling a press conference in which he falsely accused Minnesota Majority of “voter intimidation.”

Minnesota Majority forwarded its findings to 30 county attorneys and 30 county auditors on October 31, 2008 requesting their investigation of these irregularities. According to Minnesota Statute 201.275:

*A county attorney who is notified by affidavit of an alleged violation of [Minnesota election law] shall promptly investigate. A county attorney who refuses or intentionally fails to faithfully perform this or any other duty imposed by this chapter is guilty of a misdemeanor and upon conviction shall forfeit office.*

To date, we have received responses from just 6 of the 60 county officials. Approximately half were dismissive of our concerns, citing the Secretary of State’s letter to Minnesota Majority.

## COMPLAINT

We believe that the Minnesota Secretary of State is operating in a manner inconsistent with the HAVA, Section 303 (a).

It is our understanding that the Secretary of State has been delivered a weekly update from the Minnesota Department of Public Safety (Minnesota’s motor vehicle authority) for the past two years, but has failed to use this information to verify the accuracy of the state’s voter file as required by Section 303 (a) (5).

When this deficiency was made public regarding the possibility of non-citizens voting in Minnesota, the Secretary’s office may have completed a one-time check looking for individuals on the voter registration file that had driver’s licenses marked “status check” indicating the licensed person is not a United States citizen. It does not appear that any additional verification checks have been done using drivers license records.

We have identified possible inconsistencies with the HAVA Section 303 (a) (2), including the existence of thousands of potential duplicate voter records on the Secretary of State’s voter list. Further, it appears that some of the likely duplicate names have a record of duplicate votes in a single election. There also appear to be persons who have been convicted of felony offences who have not had their right to vote restored that appear on the voter rolls, indicating that no coordination with other state agency lists has been done to remove these invalid voter registrations. It does not appear that the required reasonable effort to remove registrants who are ineligible to vote is undertaken by the office of the Minnesota Secretary of State.

Safeguards to ensure eligible voters are not removed from the voter file also appear to be inadequate. We have received numerous reports of valid registered voters arriving at the polls this year to find that their names had been removed from the voter rolls and were required to complete same-day registrations in order to vote. A comparison of a June 2008 version of voter registration file to an October 2008 version revealed that over 17,000 voter registration records had been removed from the file.

## REQUEST

We believe further investigation into these matters is warranted and necessary to ensure fair and transparent elections in the state of Minnesota that are in compliance with the letter and intent of HAVA. Furthermore, based upon the lack of response by county officials to our request for investigation, we would ask the Department of Justice initiate an investigation into the matters explained above. There is precedence for such action in the state of Wisconsin where the US Attorney joined together with the Federal Bureau of Investigation and local law enforcement officials to conduct a formal investigation into irregularities surrounding the 2004 election (see attachment).

If I can be of any further assistance, please don't hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Jeff Davis". The signature is written in a cursive, flowing style.

Jeff Davis  
President, Minnesota Majority  
612-605-3303 Ext. 702

Attachment

cc: Kimberly Svendsen, Assistant U. S. Attorney, Minnesota Division  
Brian Kinney, Special Agent, Federal Bureau of Investigation