



Election Integrity Watch

**Preliminary Report
on Complaints of
Irregularities in
Minnesota's 2010
General Election**

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About Election Integrity Watch

Election Integrity Watch is a coalition of several organizations working together to detect and prevent voter fraud and other election irregularities, errors and abuses in Minnesota. The member organizations include Minnesota Majority, the North Star Tea Party Patriots, the Minnesota Voters Alliance and the Minnesota Freedom Council.

Election Integrity Watch's various initiatives around the 2010 election cycle included an advertising campaign in the style of public service announcements, warning of the penalties for voter fraud and advising of a hotline phone number to call to report voter fraud as well as offering rewards for information leading to the conviction of organizers of voter fraud. A volunteer-staffed call center was established on Election Day to receive election complaints from witnesses. The call center fielded 202 calls and logged all reports, referring some immediately to law enforcement and/or election officials for appropriate actions or investigations.

The coalition is now engaged in post-election research. More information about Election Integrity Watch can be found at <http://www.ElectionIntegrityWatch.com>

Executive Summary

This is a preliminary report on the findings and activities of Election Integrity Watch relating to Minnesota's general election conducted on November 2nd, 2010. Much research remains to be completed as most data and documents needed to fully review Minnesota's 2010 election are not yet available for inspection. This report primarily focuses on reports received from the public either via the Election Integrity Watch hotline or the website. The report also includes some limited post-election research that has begun on ineligible voters. Additional research will commence as soon as the required data sets become available.

Election Integrity Watch received a total of 202 incident reports from concerned citizens, including voters, election judges and poll challengers.

Incident reports have been compiled into a database and categorized by incident type. In all, there were:

- 19 reports of absentee ballot issues;
- 12 reports about apparel or buttons worn to a polling place;
- 8 reports of campaigning at a polling place;
- 7 reports of fraudulent voter registrations;
- 36 reports of improper handling of ballots;
- 13 reports of inappropriate voter assistance;
- 12 reports of ineligible voters;
- 16 reports of voting equipment problems;
- 15 reports of election procedural violations;
- 5 reports alleging suspicion of individuals voting more than once; and

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- 12 reports alleging suspected fraudulent vouching; and several uncategorized reports, flagged, "other."

Of greatest concern are several complaints received that alleged or alluded to possible fraudulent election activities. These included suspected ineligible voters, voter vouching fraud, fraudulent voter assistance and other suspected election law violations.

It should be noted that the incidents presented in this report indicating possible crimes are allegations. Some eyewitnesses have submitted sworn affidavits and some criminal investigations are underway, but to best of our knowledge, there have thus far been no criminal charges or convictions for election crimes in Minnesota's 2010 General Election.

Overviews of Reported Incidents

Absentee Ballot Issues

Reports of issues with absentee ballots encompassed a range of complaints and observations. Some voters who requested absentee ballots claimed not to have received them. Others could not find their ballots listed as accepted in the secretary of state's new online absentee ballot reporting system.

Two complaints involved a voter receiving two absentee ballots in the mail and one of those voters, from Anoka County claimed never to have requested an absentee ballot. She further stated that she'd never before voted absentee.

The most concerning absentee ballot complaint came from out of state and involved a man who received a post card from a national organization called the Alliance for America's Future that directed him to visit an online URL customized for his name at DemocracyDependsOnYou.com. Upon entering the website address provided by the postcard, the voter was greeted by a page that contained his name, address and phone number, evidently culled from voter registration records. It also contained a two-question survey, asking whether he had already requested an absentee ballot, and how likely he was to vote on a scale of 1-10. The submit button read, "Get application."

The person reporting this incident was concerned that the purpose of the website seemed to be designed to determine whether registered voters would likely vote, possibly in order to create list of voter registrations that could be used fraudulently via voter impersonation. Although the report originated from New Hampshire, the effort appears national and Election Integrity Watch is investigating.

Elizabeth Sletten, a candidate for Maplewood city council brought allegations of improper absentee ballot handling and ballot count discrepancies in the city of Maplewood. In particular, she alleges the city of Maplewood did not comply with Minnesota statutes requiring the municipality to maintain a ballot board and that they further failed to announce the meeting times and locations of the ballot board convening.

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She further alleged the city falsified documents after the fact to create the impression that a ballot board was properly convened. Minnesota Majority is investigating the claims on behalf of Election Integrity Watch.

Apparel Issues

Prior to the 2010 election, a Ramsey County election judge reported having received training to prohibit "Tea Party" apparel in the polling places on Election Day. He was instructed not to allow people to vote who were wearing shirts, hats or buttons related to the "Tea Party" movement. He hypothesized that the prohibition would also be extended to "Election Integrity Watch" buttons being distributed to volunteers as part of the Election Integrity Watch program.

An inquiry was made to Ramsey County Election Manager Joe Mansky and he confirmed that voters wearing Tea Party apparel and/or Election Integrity Watch buttons would not be allowed to vote while wearing these items. Election Integrity Watch asserted that the policy enacted in Ramsey County was not legal because the messages on the item in question do not pertain to issues or candidates on the ballot according to the definitions in state law and further, that the policy was discriminatory, disenfranchising and a violation of the First Amendment.

Hennepin County adopted the same policy and Secretary of State Mark Ritchie followed suit, recommending the policy for implementation in all of Minnesota's 87 counties.

On Election Day, reports were received from voters regarding their experiences at the polling places while wearing one or more of the "prohibited" items. The application of the policy varied wildly from precinct to precinct. Some voters were allowed to vote without being confronted about their apparel. Others were asked to remove or cover the items and voted after complying with the request.

Some voters reported voting without being challenged while wearing the buttons of other political causes and organizations which under Mansky's policy should have been prohibited, such as the Sierra Club and Common Cause Minnesota.

Dan McGrath, executive director of Minnesota Majority reported being asked to remove his "Election Integrity Watch" button when signing in to vote. He refused and was allowed to vote anyway, but it was subsequently learned that election judges referred his name to law enforcement for possible prosecution.

Andy Cilek, president of the Minnesota Voters Alliance wore a Tea Party shirt and Election Integrity Watch button to his polling place and was asked to remove them. When he refused, he was denied a ballot. He left, consulted an attorney and reentered the polling place. He was again denied the right to vote. After several reporters arrived at the polling place to question election judges, he was finally allowed to vote after being

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disenfranchised for over 5 hours and his name was subsequently referred to law enforcement for possible charges.

Randy Liebo, an organizer of the North Star Tea Party Patriots wore a Tea Party shirt, hat and large button as well as an Election Integrity Watch button to his polling place and wasn't challenged. He was allowed to vote without incident.

The so-called Mansky procedure unlawfully interfered with the voting rights of individuals sympathetic to certain causes and philosophies that Mr. Mansky appears to disagree with.

The policy demonstrably discriminated against and harassed voters who held certain points of view and was inconsistently applied, violating the principles of equal protection under the law and resulted in voter intimidation by government officials who threatened to level charges and fines against people simply for voting while wearing "the wrong thing."

Besides incident reports received on apparel issues, several statements and affidavits have been collected as evidence to be used in a lawsuit that is already underway. Two lawsuits brought by Tea Party organizations in other states over similar discrimination have already been won.

Campaigning In or Around Polling Places

Several reports were received involved illegal campaign practices in or within 100 feet of a polling place. These reports involved candidate literature left behind or otherwise displayed in polling places, campaign workers t volunteers lingering outside the doors to polling places promoting their candidates or disparaging others.

These issues were generally dealt with quickly at the time of reporting by notifying election judges or local law enforcement officials who removed the campaigners or campaign materials from the vicinity of the polling places.

Fraudulent Voter Registrations

Reports alleging fraudulent or improper voter registrations included alleged non-citizens who registered to vote and voted. Affidavits have been obtained and forwarded to the county attorneys for investigation.

There were also alleged attempts to register to vote with fraudulent identification or proof of residency. One such instance involved a man with an apparently forged postal verification card (PVC) offered as proof of residency when attempting to register on Election Day. The PVC was confirmed to be bogus by county election officials.

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Another report involved several individuals engaging in Election Day Registration using the address of an apartment building and all presenting water bills as proof of residency. Residents of apartment buildings don't pay water bills – the landlords do. Upon further investigation, it was found that the water bills originated from a utility company in California rather than the local municipal water utility. This is under investigation.

Improper Handling of Ballots

Most of the reports received involving improper ballot handling stemmed from voting equipment malfunctions that resulted in overflow bins filling up and completed ballots being stored insecurely about the polling places. There were reports of completed ballots stacked on chairs, or stored in open cardboard boxes next to malfunctioning voting machines.

There were two reports of spoiled ballots being kept in the open, near blank ballots instead of being placed in envelopes for that purpose and according to procedure. In one instance, it appears that a voter was given a partially completed ballot instead of a blank ballot. This appears to have been a spoiled ballot that wasn't properly handled and got mixed up with the blanks.

A couple late-night reports were submitted on Election Day regarding an apparent counting glitch in Hennepin County that led to the county reporting many more votes than there were ballots cast. Hennepin County election officials report that the problem has been resolved and maintains that their current tallies are accurate.

One report alleged that election judges were keeping the top panel on the optical scanner unlocked all day on Election Day. When questioned, a judge told him keeping the panel unlocked made it easier to do "overrides."

One voter alleged that an election judge marked both her ballot and ballot receipt with a number that was also recorded next to her name on the roster page. The judge then realized that he had given the voter the "wrong" ballot and asked her to exchange it with the person in line in front of her. Ballots are supposed to be anonymous. If this allegation is true, the ballots could be directly tied back to the voter who cast them.

One voter alleged having witnessed two election judges altering completed ballots. When confronted, they claimed they were "filling in the ovals better" so they could be read by the optical scanner.

Another report alleges that election judges allowed completed ballots and election records out of their custody, letting the facility's custodian take everything away on a large cart without being accompanied by election judges.

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Inappropriate Voter Assistance

Election Integrity Watch dealt with several reports alleging that health care workers, election judges and other individuals appeared to be coercing or otherwise directing patients, disabled people and other vulnerable adults to vote a certain way.

Two eyewitnesses alleged improper voter assistance during in-person absentee voting at the Crow Wing County courthouse on October 29th, 2010. The affidavit of Monty Jensen stated that assisted living workers improperly instructed mentally challenged individuals in their care on who to vote for and in some instances completed ballots on behalf of the individuals in their care without the voter's participation or direction.

Minnesota Statute 204C.15 provides, "No person who assists another voter as provided in the preceding sentence shall mark the ballots of more than three voters at one election. Before the ballots are deposited, the voter may show them privately to an election judge to ascertain that they are marked as the voter directed. An election judge or other individual assisting a voter shall not in any manner request, persuade, induce, or attempt to persuade or induce the voter to vote for any particular political party or candidate."

County Attorney Don Ryan has since dropped the investigation, claiming he could not find "evidence beyond a reasonable doubt" to support prosecution. Minnesota Statute 201.275 requires county attorneys, upon finding "probable cause" in an alleged voter fraud case to bring evidence and charges to a grand jury. Failure to do so is a misdemeanor and upon conviction, the county attorney shall forfeit office.

A patient at Regions Hospital reported that two individuals (later identified as election judges) were wandering the halls at the hospital distributing absentee ballots to patients on election day. The patient alleged he was offered a ballot without first requesting one from the county auditor as required by law. His affidavit has been provided to the Ramsey County Attorney's office for investigation.

An Olmsted County voter alleged that she observed large groups of Somali immigrant women being improperly and illegally directed on how to complete their ballots by an unidentified man in her polling place. Her affidavit has been submitted to the Olmsted County Attorney's office for investigation.

Ineligible Voters

An election judge alleged that three individuals, whom she had personal knowledge that led her to suspect were not citizens of the United States, voted in a Moorhead precinct.

Preliminary cross-checks between data provided by the Bureau of Criminal Apprehension and voter history data for approximately 55,000 voters participating in the 2010 General Election that has thus far become available produced 18 suspected ineligible felon voters.

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These matches require additional vetting and we will not be able to conduct a match on the entire voter history file until sometime after December 15th.

Voting Equipment Problems

A frequently reported irregularity involved non-functioning or malfunctioning optical scanners. The problem was widespread throughout the state of Minnesota.

Election Integrity Watch directly fielded 16 complaints of voting equipment malfunctions and later received information on an additional 116 malfunction incidents.

The exact nature of the problems varied, but the result was generally the same: completed ballots being stored insecurely outside the ballot boxes. Many of the reports of failed optical scanners were categorized under improper handling of ballots because the primary complaint was regarding how the overflow ballots were handled when the voting machines wouldn't accept ballots for extended periods of time.

It should be noted that in addition to apparent widespread voting machine malfunctions, rectifying the problems appeared to take an excessive amount of time. Normally, spare election equipment is stationed all around the state to be quickly transported to precincts that need replacements. Reports from several precincts indicated non-functioning optical scanners for several hours at a stretch.

There were also several reports of the digital ballot counters on optical scanners failing to increment by one upon inserting a ballot that was accepted, and two reports of the counters incrementing by more than one upon inserting one ballot.

Procedural Violations

Reports alleging violations of procedures prescribed by statutes and rules varied in their nature. Some point to inadequate election judge training. For example, a voter was allegedly told that a telephone bill wasn't adequate proof of residence (by statute, it is).

Other incidents reported were more serious. Two voters alleged seeing signs posted at their polling places during the General Election, instructing voters to vote for only one political party. These signs are normally employed only for primary elections and would be highly misleading to voters participating in the General Election.

One voter alleged that she was told not to sign the roster when she obtained her ballot. Another alleged having witnessed a person report to an election judge after she had cast her ballot that she wasn't registered to vote.

There were also reports of election judges failing to issue challenges to voters flagged for challenge and ignoring non-citizen "Status check" indicators on drivers licenses.

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A number of reports were received that pertain to reconciling ballot totals to the number of voter signatures. The various counties employed different methods of determining the number of voters that participated in the election. Some counted signatures and some only counted voter receipts. There were reports of imbalances between the number of voters and the number of ballots in several precincts. In some instances, procedural violations may have taken place. We have subsequently learned that Ramsey County used the receipt counting method and did not reconcile the number of voters recorded to the number of ballots counted.

Voting More than Once

Election Integrity Watch received a handful of reports from people who witnessed events that led them to suspect some individuals voted more than once. Most resulted from witnessing suspicious circumstances that did not provide solid evidence of double-voting.

One substantial report we received regarding double-voting was from a witness who alleged overhearing a woman telling her friend that she received two ballots and voted twice. Another witness claimed to see a person in line with two ballots in hand.

A report from a poll challenger stated that a woman voted in two different precincts in Goodhue County and that the precinct roster pages will show this. We have not yet obtained access to the precinct rosters in Goodhue County to verify this report.

The voter history records will be examined to check for duplicate voter registrations and possible fraudulent double voting when the records become available sometime after December 15th.

Vouching Violations

Election Integrity Watch received a number of complaints about improper vouching on Election Day. These allegations generally involved people vouching for strangers, often by people who were allegedly lingering in the polling place.

Election Integrity Watch received a report and affidavit from poll challenger Ron Stoffel, who witnessed what he alleges was illegal voter vouching fraud in the polling place for Minneapolis Ward 3, Precinct 1. The head election judge Wayne Barnhart witnessed more alleged illegal vouching activity. The suspects were identified as members or organizers of Organizing for America and their U of M affiliate group, Students Organizing for America. The allegations indicate the suspects were engaged in an organized conspiracy to commit vouching fraud by directing members to vouch for groups of people they did not personally know.

Affidavits and complaints have been submitted to the Minneapolis Elections Office and the Hennepin County Attorney. The Minneapolis Police Department is investigating and

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Election Integrity Watch has informed the Hennepin County Sheriff's Department of the situation.

Conclusion

The inaugural launch of Election Integrity Watch for Minnesota's 2010 Elections was a mostly successful endeavor. Volunteer and citizen participation was excellent, with thousands of Minnesotans being educated on what to watch for at the polling place, several hundred dedicated volunteer fraud spotters and over 50 volunteers to staff the phone bank on Election Day. Hundreds of concerned citizens gave up significant portions of their day to volunteer as poll watchers outside their polling places.

Our publicity campaign reached hundreds of thousands of Minnesotans, and likely served to help reduce voter fraud this year.

The reports Election Integrity Watch gathered live from witnesses is an unprecedented repository of real-time information on election issues as they arose, or shortly thereafter, enabling much faster analysis of and reaction to election incidents than ever before.

Our citizen-based approach to protecting election integrity has drawn the attention of the national media as well as grassroots organizations in other states where new election integrity programs are being modeled after our methods.

Much work remains to be done in analyzing the official data from the 2010 General Election, but the Election Day operation of Election Integrity Watch has provided a tremendous head start. Problems not detectable from database research were revealed as a result of the program and reports alleging election crimes that could only be detected by eyewitnesses are now being investigated.

Minnesota's election system is far from perfect, as the incidents described in this report show. Because of the Election Integrity Watch program, we have a better understanding of the types of incidents that can transpire on Election Day and how to detect and prevent future problems.

The problems exposed by Election Integrity Watch will assist in crafting new legislation and procedures to improve the integrity of our elections in Minnesota and increase transparency and voter confidence in the system.