

Facts About Ineligible Voting and Voter Fraud in Minnesota

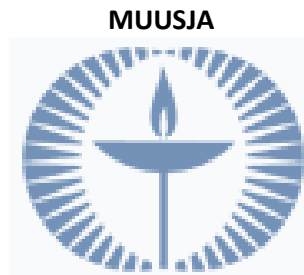
*Based on data from Minnesota County Attorneys
November 2010*

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Verifiable, Transparent and Accurate Elections



**Minnesota Unitarian Universalist
Social Justice Alliance**

In April of 2010, Citizens for Election Integrity Minnesota and the Unitarian Universalist Social Justice Alliance/Association of Universalist Women, with the support of a subcommittee of the Voting Rights Coalition, initiated a project to research documented cases of ineligible voting and voter fraud in the 2008 Minnesota election. We felt that facts were needed to provide insight into the conversation regarding changing voting requirements. Specifically, we wanted to determine if there was an election integrity issue that a photo identification requirement would prevent.

Because voter fraud is a felony, County Attorneys are responsible for the investigation of ineligible voting and the conviction of those who commit voter fraud. As such, we went directly to them for information on the types and outcomes of their investigations into voter fraud and ineligible voting. County Attorneys from 81.6 percent of Minnesota's 87 counties, representing 93.3 percent^{1, 2} of Minnesota's registered voters, responded to our request for data. The survey gathered both quantitative and qualitative information.

Not one single government-issued identification confirms all the requirements to vote. In fact, in reviewing all types of government-issued identification (i.e. passports, military IDs, driver's licenses, state-issued IDs), the only type of election fraud a photo identification requirement would prevent is voter impersonation. In reviewing the survey results, we found neither an expression of concern about voter impersonation nor convictions of voter impersonation. In fact, less than *one half of one percent* of all investigations focused on voter impersonation. Another way of evaluating the survey results is to review the total number of investigations of voter impersonation (7) and compare it to the total number of 2008 voters (2,921,498), which allows us to see that the **total percent of all voters who were *investigated* for voter impersonation was two ten-thousandths of one percent (0.0002%). There was not one single conviction of voter impersonation.**

The results of the survey did not indicate a photo identification requirement would improve election integrity. But, survey responses, both quantitatively and qualitatively, pointed to one common investigation and concern — felon voting. Of the 1,531 reported investigations, 77 percent of them focused on possible felons voting. Again, to look at this number as a total percent of 2008 voters as we did with voter impersonation, we learned that 0.0404 percent of all voters were *investigated* as possible felons who voted.

An investigation does not indicate guilt. In fact, some County Attorneys independently reported that they had false positives. For example, Dakota County reported that 35 percent of the cases that were determined not to be chargeable were because the individual either had a gross misdemeanor or had successfully completed probation and had their civil rights restored prior to voting, while Anoka County reported 5 percent of the cases that were determined not to be chargeable for the same reason. Since we did not specifically ask counties to provide this level of detail in the survey, the average number of false positives of possible felons voting is unknown. But, we do know that false positives exist on some level.

¹ This figure is based on the total number of registered voters per county on June 4, 2009, which is the first reported date after the November 2008 election.

² See Appendix C for a map of counties that responded.

Legally, there is a vast difference between ineligible voting and fraudulent voting, even though the action could be exactly the same. **Intent determines whether the action is fraudulent or not.** For example, if someone who has voted at the same precinct for 50 years moved down the street — to a location that is in another precinct — and, on Election Day goes to the same precinct he voted at for 50 years and voted there *without knowing* that he should have gone to another precinct, he did not commit fraud. But, if he went to the same precinct he voted at for 50 years *knowing* it was the wrong precinct, he committed fraud. This example applies to all voter qualifications, which also includes but is not limited to, age, citizenship, and criminal status. The difference between ineligible voting and fraud is intentionality.

Based on the survey results, the only type of conviction was due to felons voting (26 convictions) or felons registering to vote (12 convictions). Because about a third of people convicted did not vote, we must use 26 (the number of people who voted who were convicted) to determine the percent of the total 2008 voting population who have been convicted of fraudulent voting. **Based on the survey, nine ten-thousandths of one percent (0.0009%) of 2008 voters were convicted of fraud.**

While the total number of voters convicted of fraud is low, there have been recent changes that may decrease that number. Starting in the spring of 2010, County Election Administrators can more accurately and efficiently review data from the Minnesota Department of Corrections. In the past, they were provided information from the Department of Corrections in a paper format once every one or two months. Now they are provided electronic data on a daily basis.

The intention of the survey was to learn about ineligible voting and voter fraud in Minnesota to determine if there was a need for photo identification. The results indicate two things — first, there is no need to change voting requirements and second, that questions and concerns should focus on voting eligibility, specifically, felons voting. Rather than accepting the law preventing felons from voting at face value, we began to examine the issue of felon disenfranchisement, and learned much. For example:

- Studies have shown that there may be a correlation between recidivism rates and disenfranchisement. In a 2009 policy paper, it was reported that “probationers and parolees who exercise their right to vote have significantly lower recidivism rates than those who do not.”³
- There is a great racial disparity in disenfranchisement of the voting-age population in Minnesota. One out of 10 voting-age black Minnesotans cannot vote because of a felony conviction while one out of 100 voting-age white Minnesotans cannot vote for that same reason.
- Since 1974, the disenfranchisement rate for felons in Minnesota has increased over 700 percent.

³ *The Price and the Promise of Citizenship: Extending the Vote to Non-incarcerated Felons* A 2009 American Society of Criminology Policy Essay (Christopher Uggen and Michelle Inderbitzin) 2009. http://www.soc.umn.edu/~uggen/uggen_inderbitzin_asc_09.pdf

One may argue that people who have felony convictions should not be able to vote because they have not shown sound judgment and should be penalized for their transgressions. But our research has led us to question the validity of the argument. **In Minnesota, someone whose crime is connected to elections may still be allowed to vote while someone whose crime is not connected to elections may not be allowed to vote.** For example, we learned that it is a gross misdemeanor for someone to “knowingly deceive another person regarding the time, place, or manner of conducting an election or the qualifications for or restrictions on voter eligibility for an election, with the intent to prevent the individual from voting in the election.”⁴ Again intentionality is key to determining if a crime has occurred or not. But, there is an important difference — it’s a felony to lie about *your* qualifications to vote, while to lie to any *one person or large groups of people* about voting qualifications, thus preventing them from voting, is merely a gross misdemeanor. A person with a gross misdemeanor retains his or her right to vote.

After thorough consideration of the survey results and safeguards that are currently in place, we have determined that **a government-issued photo identification requirement to vote will not improve the integrity of an election.** But, we leave with our own concerns regarding the disenfranchisement of felons. We hope that Minnesota’s lawmakers will consider allowing nonincarcerated felons the opportunity to vote and we hope they will consider revising *Minnesota Statute §204C.035 Deceptive Practices in Elections* from a gross misdemeanor to a felony with a requirement to serve time, thus disenfranchising those who intentionally deceive voters as that particular punishment applies to the crime.

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⁴ *Minnesota Statute §204C.035 Deceptive Practices in Elections, Subdivision 1. Criminal Penalty.* <https://www.revisor.mn.gov/statutes/?id=204C.035>

PART 1:

**FACTS ABOUT
INELIGIBLE VOTING
AND VOTER FRAUD
IN MINNESOTA:**

***REVIEW OF SAFEGUARDS
&
REVIEW OF SURVEY***

SAFEGUARDS

Before we review the results of the survey, we would like to highlight some of the safeguards that are in place. From state to county, city and precinct, officials work to ensure that eligible voters can vote, ineligible voters are prevented from voting, and fraudulent voters are caught and prosecuted. The safeguards that ensure eligible voters are able to vote and ineligible voters are detected include:

- 1. Voter Registration.** Many Minnesotans take voter registration for granted. But in fact, it is not a requirement in North Dakota.⁵ As part of the registration process, Minnesota voters are required to document their identity and residency.⁶
- 2. Registration Oath.** When people register to vote they sign the Minnesota Voter Registration Application affirming their eligibility to vote and verifying the accuracy of the information provided. The exact wording of the oath follows:
 - “I certify that I:
 - will be at least 18 years old on election day;
 - am a citizen of the United States;
 - will have resided in Minnesota for 20 days immediately preceding election day;
 - maintain residence at the address given on the registration form;
 - am not under court-ordered guardianship in which the court order revokes my right to vote;
 - have not been found by a court to be legally incompetent to vote;
 - have the right to vote because, if I have been convicted of a felony, my felony sentence has expired (been completed) or I have been discharged from my sentence; and
 - have read and understand this statement, that giving false information is a felony punishable by not more than 5 years imprisonment or a fine of not more than \$10,000, or both.”⁷

Voters who register before Election Day as well as those who register on Election Day sign the same oath.

- 3. Verification of newly-registered voters.** For voters who register in advance, the names, addresses, dates of birth, and, if available, the last four digits of the social security numbers and/or the driver’s license numbers of newly-registered voters are sent to the Minnesota Department of Public Safety. The Department of Public Safety then reviews the information to determine whether or not there is a match. If there is not an exact match, the County Auditor reviews the record. And, if the County Auditor cannot verify that the newly-registered voter is who they say they are, the voter’s name will be flagged to be challenged in the precinct poll book.

⁵ *North Dakota....The Only State Without Voter Registration* North Dakota Secretary of State <http://www.nd.gov/sos/forms/pdf/votereg.pdf>

⁶ There are a number of ways to register to vote in Minnesota. Information can be found at: <http://www.sos.state.mn.us/index.aspx?page=204>

⁷ *Registering to Vote.* Minnesota Secretary of State website, <http://www.sos.state.mn.us/index.aspx?page=204>

There are six types of challenges that can be placed in the poll book — felony, guardianship, name and address, address, different address based on an application for an absentee ballot (referred to as an AB address), and postal return.⁸ If an individual has a challenge next to his/her name, either the Head Judge or Roster Judge will ask specific questions to determine their eligibility. The judge states, “*Do you solemnly swear (or affirm) that you will fully and truly answer all questions put to you concerning your eligibility to vote at this election?*” If the individual refuses to answer questions, the Election Judge marks “refused oath” in the poll book. If the individual answers questions that indicate he/she is not eligible, the election judge marks “ineligible” in the poll book. And, if the individual answers questions that indicate that he/she is eligible to vote, the voter signs the poll book. Point two of this section highlights the oath the voter takes by signing the poll book.

4. **Statewide Voter Database.** Registered voter names and information are all housed in one database for the entire state rather than at each county. The statewide database allows county auditors to check to see if a newly-registered voter within their county is already registered somewhere else in the state. If previously registered anywhere in the state, the older registration will be purged and only the most recent registration will remain.
5. **Postal Verification Card.** When a voter is newly-registered or updates their voting address, a postcard that can’t be forwarded is sent to the new address. If the postcard is returned, the voter’s registration is noted in the precinct poll book to be challenged by election officials.
6. **Minnesota Department of Corrections Data.** County-level Election Administrators review data from the Department of Corrections that contains information regarding new felons and felons who have completed their felony sentence. The Election Administrators analyze the data and update voting lists to remove felons’ names or possibly mark them as “challenged” in the poll book.⁹ Felons who have completed their sentences are allowed to register and vote.

Until 2010, Election Administrators manually reviewed the data. Additionally, the data was provided in paper form only once every month or two. Starting in early 2010, the data has been provided electronically and on a daily basis. This new procedure allows Elections Administrators to more effectively and efficiently analyze the data to determine the appropriate action.

7. **Election Day Oath.** On Election Day, voters sign the same oath they signed when they registered. For individuals who register on Election Day, they sign the same oath twice — once on the registration form and once on the same day registration roster. (To view the oath, please see point two.)

⁸ 2010 Election Judge Guide, page 27. Office of the Minnesota Secretary of State. <http://www.sos.state.mn.us/index.aspx?page=230>

⁹ The challenge process is described earlier in this report. See point three of the safeguards section.

- 8. Transparency on Election Day.** On Election Day, partisan challengers from Minnesota may be present the entire day at a precinct. They can challenge the eligibility of a voter based upon their personal knowledge.¹⁰ In addition to their formal role as challengers, they are also able to play the informal role of observers, and can report activities of a precinct to whomever they are representing as challengers.
- 9. Post-Election Review of Voters.** After the election, state and county elections officials conduct an internal review of all voters, including same day registrants, using the aforementioned Statewide Voter Database. (See points three and four.) After analyzing the data, cases of possible ineligible voting are referred to the corresponding County Attorney for investigation and prosecution, if warranted.
- 10. Transparency after Election Day.** *Minnesota Statute §201.091 Registered Voter Lists; reports; registration places* describes the creation, content, and use of the master voter list noting that “the information contained in the master list may only be made available to public officials for purposes related to election administration, jury selection, and in response to a law enforcement inquiry concerning a violation of or failure to comply with any criminal statute or state or local tax statute.”¹¹ It also describes a second list, the public list, “which must contain the name, address, year of birth, and voting history of each registered voter in the county. The telephone number must be included on the list if provided by the voter.”¹² Some of the data that is on the master list, such as the exact birth date of the voter, is only available for election officials and is not included in the publicly-available voter list. Because the master list is only internally available, it may be difficult for external groups and individuals who receive the public list to accurately determine voter eligibility.
- 11. Investigations by County Attorneys.** Because it is a felony if someone intentionally votes or registers to vote when they are not qualified, County Attorneys are responsible for the investigation of possible ineligible voting. They are also responsible for the prosecution of voters who have committed voter fraud. If there are allegations or suspicions of voter fraud, either the Office of the Secretary of State or County Election Administrators provide the information to the County Attorney. The County Attorney then investigates the issue.

The final safeguard — investigations by County Attorneys — provides the main source of data for this report.

¹⁰ For further information about challengers, see Minnesota Statute §204C.07 <https://www.revisor.mn.gov/statutes/?id=204C.07>

¹¹ §201.091 Registered Voter Lists; reports; registration places, subdivision 1 <https://www.revisor.mn.gov/statutes/?year=2009&id=201.091>

¹² *Ibid.*

SURVEY BACKGROUND

Because investigations of ineligible voting and prosecutions of voter fraud are handled at the county level, there is no comprehensive statewide data available in Minnesota. As a result, we conducted a survey to gather this data directly from the offices of the 87 County Attorneys in Minnesota. It should be noted on the onset that the survey responses are a snapshot in time — investigations begin even before elections and continue months, even years, beyond the election.

On April 9, 2010, surveys regarding investigations of ineligible voting and voter fraud since the 2008 election were mailed to all Minnesota County Attorneys.¹³ As mentioned earlier, the distinction between ineligible voting and voting fraud is intentionality. *Minnesota Statute §201.054, Methods of Registering; prohibitions; penalty, subdivision 2*, states that:

“No individual shall **intentionally**:

- (a) cause or attempt to cause the individual's name to be registered in any precinct if the individual is not eligible to vote;
- (b) cause or attempt to cause the individual's name to be registered for the purpose of voting in more than one precinct;
- (c) misrepresent the individual's identity when attempting to register to vote; or
- (d) aid, abet, counsel, or procure any other individual to violate this subdivision.

A violation of this subdivision is a felony.” [bold inserted]¹⁴

Thus, in order to commit fraud someone must be aware of the law and intentionally break it.

The surveys were composed of three basic sections — the first focused on investigations of ineligible voting and if these investigations were internally or externally triggered. The second section inquired about the outcomes of the investigations (i.e. were they heard in court and how many convictions for each type of possible fraud). Finally, each County Attorney was asked to provide his/her opinion regarding voter fraud.¹⁵

If there was not a response to the April mailing and if an email address was available on the County Attorney’s website, the same survey was emailed to them. Finally, if they still did not respond to the request for information, they were called and some verbally responded to the survey while others provided an email address so we could send the survey to them. Oftentimes, the County Attorney responded to the survey, but a limited number of County Auditors (who are the election administrators within a county) responded to the survey. The majority of responses were via mail or email although a few also answered questions via telephone. Many of those who responded to our telephone calls stated that they had not responded to the paper questionnaire because there was no fraud or even investigations of fraud in their counties.

¹³ Survey questions found in Appendix A

¹⁴ Minnesota Statute §201.054, Methods of Registering; prohibitions; penalty, subdivision 2

https://www.revisor.mn.gov/statutes/?id=201&view=chapter&year=2009&keyword_type=all&keyword=ineligible+voting#stat.201.01

¹⁵ Responses to opinion questions found in Appendix B

FACTS REGARDING THE 2008 ELECTION¹⁶

- The eligible voting population for the 2008 general election: 3,741,514
- The number of people who voted in the 2008 general election: 2,921,498
- Percent qualified to vote who voted (Voter turnout):78.09%
- The number of people who registered on Election Day: 542,257
- Percent of voters who registered on Election Day: 18.56% of the voters.

OVERVIEW OF RESULTS

Of Minnesota's 87 counties, we received a 81.6% response rate, which represented 93.3%^{17,18} of Minnesota's registered voters responded to the survey.

- The counties reported a total of 1,581 investigations.¹⁹
- 15% of the counties reported a total of 26 convictions thus far for fraud-based on felon-voting. The counties that reported convictions are:
 - Ramsey (12 cases); Hennepin (3 cases); Beltrami (2); Blue Earth (2); Todd (1); Lake (1); Morrison (1); Martin (1); Mille Lacs (1); Red Lake (1); Polk (1).
 - An additional 12 cases of fraud were reported by Ramsey County. Those 12 cases were based on felons who registered to vote but who did not actually vote.²⁰
- 100% of the convictions for fraud were because of felons.
- Based on the survey data along with the total number of people who voted in 2008, the percent of voters who have been found guilty of fraud is 0.00089%.
- Nearly 50% of survey respondents answered an opinion question regarding whether they believed fraud was a problem in their county. Of those, over 90% indicated that they did not believe fraud was a problem in their county.

¹⁶ 2009-2010 Minnesota Legislative Manual (Blue Book) chapter 10. Office of the Minnesota Secretary of State.

<http://www.sos.state.mn.us/index.aspx?page=1468>

¹⁷ This figure is based on the total number of registered voters per county on June 4, 2009, which is the first reported date after the November 2008 election.

¹⁸ See Appendix C for a map of counties that responded.

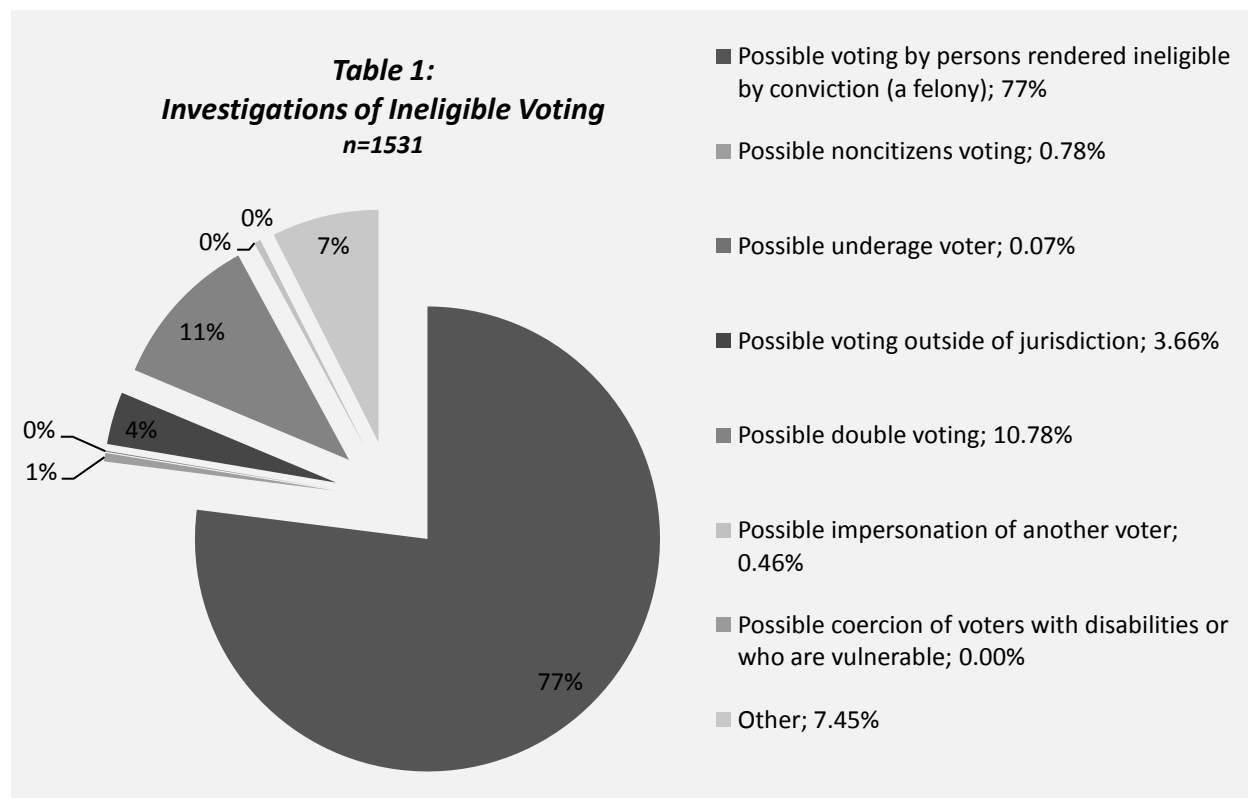
¹⁹ The investigations included both internally and externally triggered investigations. When asked to break down the investigations based on the reasons we provided them in the survey, they report a total of 1531.

²⁰ Ramsey County hired investigators who are former police detectives to research possible ineligible voting in Ramsey County.

REASONS FOR INVESTIGATIONS

County Attorneys reported a total of 1,581 investigations of ineligible voting. But, when asked to break down the investigations based on the reasons we provided them in the survey, they report a total of 1,531. For that reason, we use 1,531 when focusing on the reasons for investigations. (See table 1, below.) The most common investigations (77%) focused on possible voting by people rendered ineligible because of a felony conviction, followed by possible double voting (11%). To put those figures into context, 0.0404% of 2008 voters were investigated based on voting with a possible felony conviction while 0.0056% of 2008 voters were investigated for possibly double voting.

As noted earlier, this data includes both internally and externally triggered investigations. Both types of investigations may include false positives. For example, the Anoka County Attorney reported that they investigated cases of double voting but dismissed the cases because they had “determined that the voters shared the same name and date of birth.”²¹



Note, within the “other” category, 72.5% of investigations were of felons registering to vote (but did not vote) and 8.8% of the investigations were into people who were underage who registered to vote.

²¹ Bryan R. Lindberg, Division Chief Attorney, Property and Drug Crimes, Anoka County Attorney’s Office

NOT CHARGEABLE

Seventy-six percent of the completed investigations were not chargeable so the cases were dropped. The remaining 24% of the completed investigations' outcomes were nearly evenly distributed in the following categories: dismissed due to lack of evidence; heard in court; found guilty; and found to commit election fraud. While the survey questions did not ask for further information regarding why the outcome was not chargeable, two County Attorneys provided greater detail:

Dakota County: Details regarding “not chargeable”²²

- 53.5% of the cases were determined not to involve knowing violations of the election law;
- 35% of the cases were determined not to involve an ineligible voter because the suspect had either been convicted of a gross misdemeanor, or if they had a felony conviction, they had successfully completed probation and had their civil rights restored prior to voting;
- 7% of the cases were determined to be duplicate records; therefore there was no violation; and
- 4% of the cases were referred in for voting twice in the same election. All were determined to be errors in the records as a careful review of these records showed that the individuals only voted once.

Anoka County: Details regarding “not chargeable”²³

- 82% of the cases were determined not to involve knowing violations of the election law;
- 5% of the cases were submitted where the investigation determined the voter had been convicted of a gross misdemeanor offense or the voter had been discharged from felony probation at the time of voting;
- 3% of the cases involving a voter voting twice. The investigation determined that the voters shared the same name and date of birth and double voting had not occurred;
- 8% of the cases were submitted where the voter had registered at a polling place but did not vote at that location after it was discovered or realized by election officials or the voter that that particular polling place was not the proper location for that voter and no vote was cast; and
- 1% of the cases were submitted where the voter had died following the November, 2008 election.

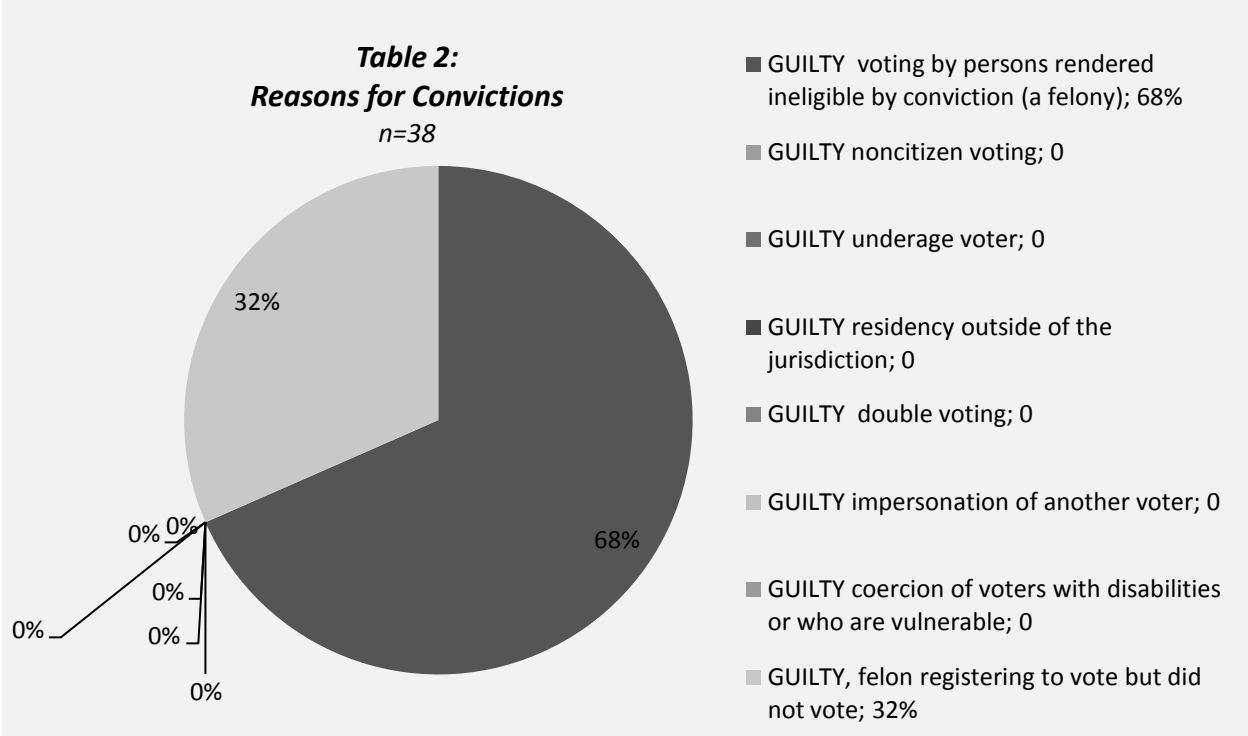
As reported by Dakota and Anoka Counties, the primary reason ineligible voters were not charged was because they did not *knowingly* and *intentionally* break the law. Since the figure is much higher than all other categories as reported by the counties, we can extrapolate two pieces of data — the consistency of people claiming that they didn't know that they were doing something illegal gives credence to each person's statement. And, based on the County Attorneys' opinions, which will be discussed later, there was consensus on the necessity to educate felons concerning their ineligibility to vote in Minnesota.

²² James C. Backstrom, Dakota County Attorney.

²³ Bryan R. Lindberg, Division Chief Attorney, Property and Drug Crimes, Anoka County Attorney's Office (due to rounding the aggregate is just under 100%)

CONVICTIONS OF VOTER FRAUD

All convictions of fraud were due to felonies. Sixty-eight percent of the fraud convictions (a total of 26 people) were because a felon had voted, while the remaining 32% (a total of 12 people) were because a felon had registered to vote but had not voted.



COUNTY ATTORNEY OPINIONS

In addition to providing data regarding types of ineligible voting, County Attorneys were asked two opinion questions:

1. Do you think voter fraud is a problem in your *county* that we should be spending more time and effort on? If so, please describe the kind of fraud that you are most worried about.
2. Do you think voter fraud is a problem in *Minnesota* that we should be spending more time and effort on? If so, please describe the kind of fraud that you are most worried about.

COUNTY ATTORNEYS' OPINIONS: FELON VOTING

Half of the survey respondents answered the first question: *Do you think voter fraud is a problem in your county that we should be spending more time and effort on? If so, please describe the kind of fraud that you are most worried about.* Of those, only two answered affirmatively that voter fraud is a problem in their county:

Polk County:

“I think that it is a very important problem that must be looked into further, especially when we are having very significant elections decided by very few votes. I am most worried about convicted felons voting, because there does seem to be a number of those cases (especially when elections are hotly contested) and no way of checking that consistently.”²⁴

Mille Lacs County:

“Yes, I think that there are other cases of voting fraud in the county that go undetected, ineligible voting.”²⁵

As mentioned in point six of the safeguards section, data from the Minnesota Department of Corrections is now being sent electronically on a daily basis rather than in paper form once every month or two. Thus, the concern of the Polk County attorney — the consistency of the review of felons and the voter list — has been addressed.

The remaining counties responded negatively to the question, often with a simple “no.” A small number of counties did expand on their response, some echoing Polk County’s concern about felon voting.²⁶

Dakota County

“The majority of the cases that have been referred to our office involve convicted felons voting. During the investigation of these cases, many suspects indicated that they didn’t know that they couldn’t vote. Several suspects stated that they were told by an election judge that they could vote because their name was on the roster or that their probation officer never

²⁴ Greg Widseth, Polk County Attorney

²⁵ Jan Jude, Mille Lacs County Attorney

²⁶ See Appendix B for entire comments from all county attorneys who responded to those questions.

told them that they couldn't vote. In checking with Dakota County Community Corrections (Dakota County Probation), it was discovered that the discussion of voting rights was not routinely discussed with probationers. It appears that these suspects were not trying to commit any sort of fraud in voting. They were voting because they thought they could. None of the suspects tried to hide the fact that they voted or that they were convicted of felonies. They were forthright with law enforcement, probably because they didn't know they had done anything wrong. All of these individuals were notified in writing that they were ineligible to vote. They were notified that they could not vote in future elections until their civil rights were restored and they were advised that if they did so, they could be prosecuted.

Voting fraud is not a significant problem in this county or our state. If more time or effort were to be spent on this issue, it seems that education may be the best place to start. This would include educating probation officers, convicted felons, and election judges.”²⁷

Hennepin County

“...There are more cases of felons voting while they are on probation. In the overwhelming number of cases, the individual states that they were not aware that they could not vote. These are difficult cases to prove because the criminal justice system and the election system do a poor job of making sure that these individuals understand that they are ineligible to vote. Any additional laws relating to election fraud must balance the possible election fraud targeted within the possible unintended consequences of decreased voter participation.”²⁸

Mower County

“...The only issue was with an ineligible felon voting and he was not properly made aware that he was ineligible. Education should be done of those supervising felons to make sure that they know about their ineligibility.”²⁹

Nobles County:

“A huge issue exists for some people who have felony convictions in their past but do not know whether or not their right to vote was restored. Working to eliminate confusion about who is ineligible to vote because of prior felony criminal history would be desirable...”³⁰

Since voter fraud is intentionally breaking the law while ineligible voting is not being aware that the law is being broken, many County Attorneys reported that educating felons that they have lost their right to vote may be a solution.

²⁷ James C. Backstrom, Dakota County Attorney

²⁸ Daniel Rogan, Sr. Assistant Hennepin County Attorney. The complete comments can be found in the appendix.

²⁹ Kristen Nelsen, Mower County Attorney

³⁰ Gordon L. Moore, III, Nobles County Attorney. The entire text can be found in the appendix.

COUNTY ATTORNEYS' OPINIONS:

IMMIGRANTS, STUDENTS, VOTING OUT OF PRECINCT, AND DOUBLE VOTING

Illegal Immigrants (Nobles County):

“Most of the concerns expressed to me in Nobles County involve perceptions of “illegal immigrants” voting without authority. However, I haven’t had a documented case of this reported to me. The Franken/Coleman recount demonstrated to me that the elections in Nobles County are fair and impartially administered.”³¹

College Students Voting Twice (Winona County):

“...Winona County has three institutions of higher learning, but we have not seen any particular problems with students voting in two places, here and in the jurisdiction where their families live.”³²

Voting out of precinct (Cass County):

“... When we see minor violations, such as voting out of precinct as a first offense, it is typically done out of ignorance or failure to plan ahead rather than deliberate intent to impact the outcome of the election.”³³

Double voting (Hennepin County):

“There are a small number of cases each year where elderly individuals vote twice. They vote absentee and then on Election Day, they vote again. These voters do not intentionally vote twice. With education to the facility, these errors can be easily corrected.”³⁴

Hennepin County’s specific concern regarding elderly individuals voting twice should be remedied with the new absentee voting process. In the past, absentee ballots were processed after 5:00 at the precinct on Election Day. Now, the absentee ballot envelopes are reviewed and processed at the county level. If they are received and reviewed before the poll books are printed, there is a notation next to the person’s name that he/she has already voted absentee. If the absentee ballots are received and reviewed after the poll books are printed, a notation is placed in the poll books at the precinct on Election Day morning or, since absentee ballots are accepted by the County Auditor until 5:00pm on Election Day, County Auditors contact Election Judges later in the day regarding those that are received on Election Day.

³¹ Ibid.

³² Chuck MacLean, Winona County Attorney. The entire text can be found in the appendix.

³³ Christopher Jay Strandlie, Cass County Attorney. The entire text can be found in the appendix.

³⁴ Daniel Rogan, Sr. Assistant Hennepin County Attorney. The entire text can be found in the appendix.

ANALYSIS OF RESULTS

The survey gathered data regarding seven types of voting issues:

- 1. Voter Impersonation.** The total number of voters investigated for voter impersonation (7) and the total number of 2008 voters (2,921,498), allows us to see that the total percentage of all voters who were investigated for voter impersonation was 0.0002%. No one was convicted. County Attorneys did not express a concern about voter impersonation.
- 2. Double Voting.** In regards to double voting, a total of 165 voters, or 0.0056% of 2008 voters, were investigated for this reason. No one was convicted and, as noted earlier, in some cases, such as in Anoka County, upon investigation, they determined that individuals with the same name and birth date were, in fact, separate people.
- 3. Non-Citizens Voting.** A total of 9 voters, or 0.0003% of 2008 voters, were investigated for this reason. No one was convicted. And, while Nobles County reported others had expressed this particular concern, County Attorneys did not express a concern about this issue.
- 4. Under-age Voting.** One voter, or 0.00003% of 2008 voters, was investigated for this reason. No one was convicted. County Attorneys did not express a concern about this issue.
- 5. Voting outside of jurisdiction.** A total of 56 voters or 0.0019% of 2008 voters were investigated for this reason. No one was convicted. County Attorneys did not express a concern about this issue.
- 6. Felon Voting.** A total of 1,179 voters (or 0.0404% of 2008 voters) were investigated for this reason. Based on the date that the survey was received, 26 convictions or 0.0009% of all 2008 voters were convicted for this reason. The 26 convictions represent 2.21% of all investigations into felon voting. However, not all investigations were completed when the survey was returned to us.
- 7. Coercion of voters with disabilities or who are vulnerable.** Neither were there investigations into this nor were there expressions of concerns from County Attorneys.

There were a total of 1,581 (or 0.0541% of 2008) voters who were investigated for ineligible voting and possible voter fraud. Based on the data, voter impersonation is not an issue in Minnesota. Thus, a photo identification requirement is unnecessary. However, over three-quarters of the investigations were based on possible felon voting. Additionally, felon voting was the issue most commonly mentioned by County Attorneys. While the intent of the survey was to determine if a photo identification requirement was necessary, the results of the survey compelled us to review felon voting issues as part of this report. The following section explores this issue.

PART 2:

**FACTS ABOUT
INELIGIBLE VOTING
AND VOTER FRAUD
IN MINNESOTA:**

FELON VOTING

In the distant past some countries had “civil death” laws, which meant that people lost their rights and protections as citizens, including the right to vote. Today, many of those same countries now allow prisoners to vote. In fact, in 2005 the European Court of Human Rights ruled that Great Britain’s disenfranchisement laws violated the European Convention on Human Rights. An article about the court’s ruling in *The Guardian*, one of Great Britain’s leading newspapers, quoted the director of the Prison Reform Trust as saying “...the court’s ruling [has] confirmed “people are sent to prison to lose their liberty, not their identity or their citizenship.”³⁵

Voter turnout in Minnesota is one of the highest in the United States. Many Minnesotans do not ask their friends *if* they are going to vote, but rather *when* they are going to vote. As Minnesotans, voting and taking part in the electoral process is part of our identity. For many, to take away that part of our identity would be viewed as one of the harshest punishments that the state could impose on its citizens.

In the following pages, we highlight a disparity in laws — one preventing felons from voting while another allows someone convicted of an elections-related crime to continue voting. We discuss studies based on populations in Minnesota that demonstrate that felons who are allowed to vote have a lower recidivism rate, and examine the unintentional yet undeniable racial component to voter disenfranchisement in Minnesota. After reviewing these and other pertinent facts, we conclude that Minnesota should change its law to allow all felons on parole and probation the right to vote. Furthermore, the punishment for *Minnesota Statute §204C.035 Deceptive Practices in Elections*, should be changed from a gross misdemeanor to a felony with the requirement to serve time.

Much of the data and citations in the following section come from articles written primarily or in part by Christopher Uggen, Distinguished McKnight Professor and Sociology Department Chair at the University of Minnesota. We gratefully acknowledge his seminal research in this area.

³⁵ *UK prisoners should get vote, European court rules* (Simon Jeffery) October 6, 2005. The Guardian. www.guardian.co.uk/society/2005/oct/06/prisonsandprobation.uk

BACKGROUND

The United States Constitution contains no language restricting felons from voting. Nationwide, there exists no consistent rule regarding felon disenfranchisement. To illustrate this dichotomy in voting standards for felons, compare Vermont and Maine, which never take away a felon’s right to vote, with Kentucky and Virginia, which permanently disenfranchise people with felony convictions (unless the state government specifically approves the restoration of these rights).³⁶ The remaining states fall into four categories, as described by the Brennan Center for Justice:

1. “The following states implement permanent disenfranchisement for at least some people with criminal convictions, unless government approves individual rights restoration: AL, AZ, DE, FL, MS, NV, TN, WY
2. The following states restore voting rights to felons upon completion of their sentence, including prison, parole, and probation: AK, AR, GA, ID, IA, KS, LA, MD, MN, MO, NE,* NJ, NM, NC, OK, SC, TX, WA, WV, WI
**Nebraska imposes a two-year waiting period after completion of sentence.*
3. The following states restore voting rights to criminals after release from prison and discharge from parole (probationers may vote): CA, CO, CT, NY,* SD
** In New York, people on parole may vote if they have received a Certificate of Relief from Disabilities.*
4. The last group of states restores voting rights to people on probation and parole: DC, HI, IL, IN, MA, MI, MT, NH, ND, OH, OR, PA, RI, UT”³⁷

The vast differences in felon suffrage laws stem from individual state constitutions, which include provisions detailing the qualifications required of voters. Some states have similar language within their constitutions but interpret and implement these clauses differently. For example, Article IV, Section I, of Minnesota’s constitution, states that “The following persons shall not be entitled or permitted to vote at any election in this state:.... **a person who has been convicted of treason or felony, unless restored to civil rights...**”[emphasis added]³⁸ In reference to people who have been convicted of felonies, the North Dakota constitution states, “**No person convicted of a felony shall be qualified to vote until his or her civil rights are restored.**” [emphasis added]³⁹ The wording of North Dakota’s constitution is nearly the same as Minnesota’s constitution, yet Minnesota’s interpretation of this language is vastly different than North Dakota’s interpretation. Based on North

³⁶*Kentucky Constitution, Section 145, Persons Entitled to Vote, Subsection 1*, “Persons convicted in any court of competent jurisdiction of treason, or felony, or bribery in an election, or of such high misdemeanor as the General Assembly may declare shall operate as an exclusion from the right of suffrage, but persons hereby excluded may be restored to their civil rights by executive pardon.”

<http://www.lrc.state.ky.us/legresou/constitu/145.htm> while *Article II, Section I, Paragraph 1 of the Virginia Constitution* states “...No person who has been convicted of a felony shall be qualified to vote unless his civil rights have been restored by the Governor or other appropriate authority...” <http://legis.state.va.us/laws/search/constitution.htm>

³⁷*Restoring the Right to Vote*. (Erika Wood) Brennan Center for Justice at New York University School of Law. Second edition (2009), page 3. http://brennan.3cdn.net/5c8532e8134b233182_z5m6ibv1n.pdf

³⁸ *Minnesota Constitution, Article VII, Elective Franchise*. <http://www.house.leg.state.mn.us/cco/rules/mncon/Article7.htm>.

³⁹ *North Dakota Constitution, Article II, Elective Franchise, Section 2*, <http://www.legis.nd.gov/constitution/const.pdf>

Dakota's Century Code, only felons who are incarcerated cannot vote,⁴⁰ while Minnesota's statute stipulates that felons who are incarcerated, on parole, or on probation cannot vote.⁴¹

Christopher Uggen and Michelle Inderbitzin postulate that it may be in the interest of public safety that probationers and parolees be allowed to vote. In a 2009 policy paper, they reported that "probationers and parolees who exercise their right to vote have significantly lower recidivism rates than those who do not."⁴² This could mean that by reinterpreting Minnesota's constitution we would not only be giving probationers and parolees an opportunity to voice their opinion through voting, but also a means to more fully integrate into the community, thereby decreasing the likelihood of recidivism.

CRIME AND PUNISHMENT

When considering whether or not it is appropriate to prevent felons from voting, Minnesota Statute §204C.035 *Deceptive Practices in Elections* must be considered. The statute states that it is a gross misdemeanor for someone to "knowingly deceive another person regarding the time, place, or manner of conducting an election or the qualifications for or restrictions on voter eligibility for an election, with the intent to prevent the individual from voting in the election."⁴³ Under the statute, if someone lies to you about where you can vote with the intent of preventing you from voting, they can continue to vote. If someone mails out fliers intentionally listing the wrong election date on them they can continue to vote (this has happened in another state, see footnote).⁴⁴ If someone knowingly tells you that you are required to have a photo identification to vote when none is required with the intent to prevent you from voting, they can continue to vote. People committing such offenses are only guilty of a gross misdemeanor under statute. **In Minnesota, misdemeanor convictions do not disqualify someone from voting, even if the offense prevents others from voting.** Conversely, a person convicted of a felony that is not connected to elections, such as possessing one ecstasy pill, could be prohibited from voting under Minnesota's current interpretation of the constitution.

⁴⁰ *North Dakota Century Code, Chapter 12.1-33, Rights of Convicts, Rights Lost.* "1. A person sentenced for a felony to a term of imprisonment, during the term of actual incarceration under such sentence, may not: a. Vote in an election; or b. Become a candidate for or hold public office." <http://www.legis.nd.gov/cencode/t121c33.pdf>

⁴¹ *Minnesota Statute, Chapter 200, Registration and Eligibility of Voters. 201.014 Eligibility to Vote, Subdivision 2, Not eligible.* (a) "Convicted of treason or any felony whose civil rights have not been restored" <http://www.sos.state.mn.us/index.aspx?page=588#Statutes>

⁴² *The Price and the Promise of Citizenship: Extending the Vote to Non-incarcerated Felons A 2009 American Society of Criminology Policy Essay* (Christopher Uggen and Michelle Inderbitzin) 2009. http://www.soc.umn.edu/~uggen/uggen_inderbitzin_asc_09.pdf

⁴³ *Minnesota Statute §204C.035 Deceptive Practices in Elections, Subdivision 1. Criminal Penalty.* <https://www.revisor.mn.gov/statutes/?id=204C.035>

⁴⁴ This occurred in Virginia, as highlighted in news story about flyers telling Republicans to vote one day and Democrats to vote another day *Phony flier says Virginians vote on different days* (Julian Walker) October 28, 2008. *The Virginian-Pilot.* <http://hamptonroads.com/2008/10/phony-flier-says-virginians-vote-different-days>. It is noteworthy that the person(s) who distributed the flyer were not charged because it was a "joke that got out of control" as reported in *Officials find source of fake election flier, won't press charges* (Julian Walker) November 3, 2008. <http://hamptonroads.com/2008/11/officials-find-source-fake-election-flier-wont-press-charges>.

Our court system supposedly strives for the goal of obtaining equal justice under the law for all. Is it in the best interest of justice to allow someone to continue to vote even though their offense was to knowingly prevent qualified voters from voting, while another person is not allowed to vote when their crime had nothing to do with elections or voting?

This concern is not a new one. In *Richardson v. Ramirez* (1974), Justice Marshall, joined by Justice Brennan, dissented to a United States Supreme Court ruling that upheld the constitutionality of felon disenfranchisement because it didn't violate the equal protection clause of the Fourteenth Amendment. Justice Marshall wrote:

“It is argued that disenfranchisement is necessary to prevent vote frauds. Although the State has a legitimate and, in fact, compelling interest in preventing election fraud, the challenged provision is not sustainable on that ground. First, the disenfranchisement provisions are patently both overinclusive and underinclusive. The provision is not limited to those who have demonstrated a marked propensity for abusing the ballot by violating election laws. Rather, it encompasses all former felons and there has been no showing that ex-felons generally are any more likely to abuse the ballot than the remainder of the population.”⁴⁵

Minnesotans should reconsider current laws that prevent felons from voting, as well as those laws which allow people who are intentionally deceiving voters to continue to vote.

DISENFRANCHISING FELONS

The authors of *Locked Out: Felon Disenfranchisement and American Democracy*,⁴⁶ found that “between 1865 and 1900, 19 states adopted or amended laws restricting the voting rights of criminal offenders.” In many states, these took the form of laws which had the unhidden agenda of keeping the country's newly-enfranchised black men from voting. For example, the records of the 1901 Alabama Constitutional Convention indicate that there was an intentional bias behind the proposed

⁴⁵ *Richardson v. Ramirez*, 418 U. S. 24 (1974) <http://supreme.justia.com/us/418/24/>

⁴⁶ *Locked Out: Felon Disenfranchisement and American Democracy*. (Manza, Jess and Uggen, Christopher) Oxford University Press, USA; illustrated edition (March 30, 2006). Page 55

changes to make its election laws more restrictive. In fact, this issue was considered so important that they discussed it on the third day of the 82 days they met:

“And what is it that we want to do? Why it is within the limits imposed by the Federal Constitution, to establish white supremacy in this State.

This is our problem, and we should be permitted to deal with it, unobstructed by outside influences, with a sense of our responsibilities as citizens and our duty to posterity.”⁴⁷

These records clearly indicate that the delegates are discussing how to maintain white supremacy without violating the United States Constitution. They continue lauding Mississippi’s restrictive voting system:

“Mississippi is the pioneer State in this movement. In addition to the payment of a poll tax, there it is provided that only those can vote who have been duly registered, and only those can register who can read, or understand when read to them, any clause in the Constitution. The decision as to who are sufficiently intelligent to meet the requirements of the understanding clause is exclusively in the hands of the registrars.”⁴⁸

The methods used to restrict voting in Alabama included poll taxes,⁴⁹ literacy tests,⁵⁰ and Article VII, section 182 of the Alabama Constitution, which disqualified certain persons from registering and voting if they fell into one of the nearly 30 enumerated categories including “any infamous crime or crime involving moral turpitude.”⁵¹ However, Article VII, section 182 contained many ambiguities which made it easy to subjectively exclude specific persons from voting. For example, after 100 years, “moral turpitude” has yet to be defined.⁵²

The Twenty-fourth Amendment to the United States Constitution and the National Voting Rights Act of 1965⁵³ outlawed poll taxes as well as voting qualifications or prerequisites for voting based on race or color. Nonetheless, each state still has ample discretion to determine the eligibility of its voters, as long as the eligibility requirements fall under the United States Constitution. For that reason, states are able to restrict felons from voting.

⁴⁷ *Official Proceedings, Alabama Constitutional Convention, Wednesday, May 22, 1901.*

http://www.legislature.state.al.us/misc/history/constitutions/1901/proceedings/1901_proceedings_vol1/day2.html

⁴⁸ *Official Proceedings, Alabama Constitutional Convention, Wednesday, May 22, 1901.*

http://www.legislature.state.al.us/misc/history/constitutions/1901/proceedings/1901_proceedings_vol1/day2.html

⁴⁹ *Alabama Constitution, Section 194, Poll tax Amount; maximum age for payment; when due and payable...*

<http://www.legislature.state.al.us/CodeOfAlabama/Constitution/1901/CA-245734.htm>

⁵⁰ *Alabama Constitution, Section 181, Same After January 1, 1903*

<http://www.legislature.state.al.us/CodeOfAlabama/Constitution/1901/CA-245721.htm>

⁵¹ *Alabama Constitution, Article VII, Section 182, “Certain persons disqualified from registering and voting.”*

http://www.legislature.state.al.us/CodeOfAlabama/Constitution/1901/Constitution1901_toc.htm

⁵² In January 2010 there was a legislation presented to define moral turpitude. *Definition of Moral Turpitude Act*. Senate Bill 257)

<http://alisondb.legislature.state.al.us/acas/searchableinstruments/2010rs/bills/sb257.htm>. See also *The Alabama League of Women Voters* website

to learn the status of the bills that define moral turpitude in Alabama <http://www.lwval.org/page26/page46/page51/page51.html>

⁵³ *Transcript of Voting Rights Act (1965)* <http://www.ourdocuments.gov/doc.php?flash=true&doc=100&page=transcript>

FELONS AND RACE

Minnesotans may give little credence to Alabama’s 1901 white supremacist Constitutional Convention and its restrictive voting laws because Minnesota does not have the same history as Alabama. The Minnesota State Constitution disenfranchised felons from the outset and continues to do so today. Unfortunately, the number of crimes classified as felonies, and therefore the number of felons in Minnesota has skyrocketed in the past 35 years. This has led to an even greater number of disenfranchised voters. According to Christopher Uggen, there were 8,803 (0.35% of the voting-age population) disenfranchised Minnesotans in 1974 while in 2007 there were 68,105 (1.78% of the voting-age population) Minnesotans who were disenfranchised.⁵⁴ **Thus, in the past 35 years, felon disenfranchisement has increased 775%.**

As alluded to in the introduction of part two of this report, and noted in Locked Out: Felon Disenfranchisement and American Democracy,⁵⁵ the United States felon disenfranchisement laws are “unique to the democratic world.”⁵⁶ In chapter two of Locked Out, Manza and Uggen systematically analyze felon disenfranchisement laws throughout the United States to determine if there is a racial component to the laws. They conclude that:

“In the abstract, felon disenfranchisement can be separated from race: state laws are literally race neutral....Indeed, when we ask the question of how we got to the point where American practice can be so out of line with the rest of the democratic world, the most plausible answer we can supply is that of race.”

Using data provided in Christopher Uggen’s 2009 *Report on Felon Disenfranchisement in Minnesota*,⁵⁷ the following table demonstrates the change in the total number of people who were

⁵⁴*Report on Felon Disenfranchisement in Minnesota* (Christopher Uggen) March 13, 2009.

University of Minnesota Department of Sociology. http://www.soc.umn.edu/~uggen/MNReport_2009.pdf

⁵⁵Locked Out: Felon Disenfranchisement and American Democracy. (Manza, Jess and Uggen, Christopher) Oxford University Press, USA; illustrated edition (March 30, 2006).

⁵⁶*Ibid.* Page 48

⁵⁷*Report on Felon Disenfranchisement in Minnesota* (Christopher Uggen) March 13, 2009.

University of Minnesota Department of Sociology. http://www.soc.umn.edu/~uggen/MNReport_2009.pdf

disenfranchised in Minnesota since 1974. **When reviewing this specific data, it *appears* as if Minnesotans who are non-African American are disenfranchised at a much greater rate than those Minnesotans who are African American.**

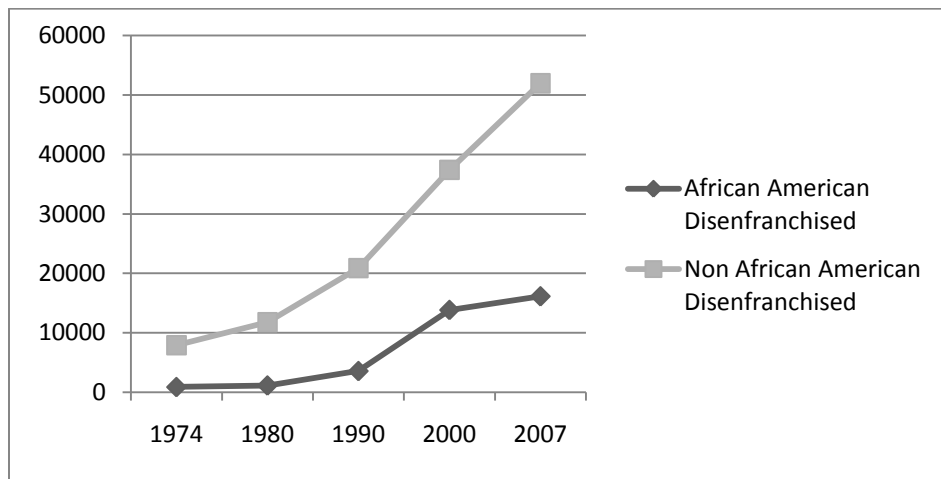


Table 3: Number of people disenfranchised in Minnesota since 1974, *age not considered*

However, the data does not consider the voting-age population. The chart below highlights the disenfranchisement rate based on race and voting-age. It shows that there has been an increase in disenfranchisement rates for both non-African Americans and African Americans. The voting-age population of non-African Americans who have been disenfranchised since 1974 has *never exceeded 2%*. Conversely, during the same time period, the percent of African American Minnesotans who are 18 or older has *always been above 2%*. Currently, nearly 10% of the voting-age African American Minnesotans are disenfranchised.

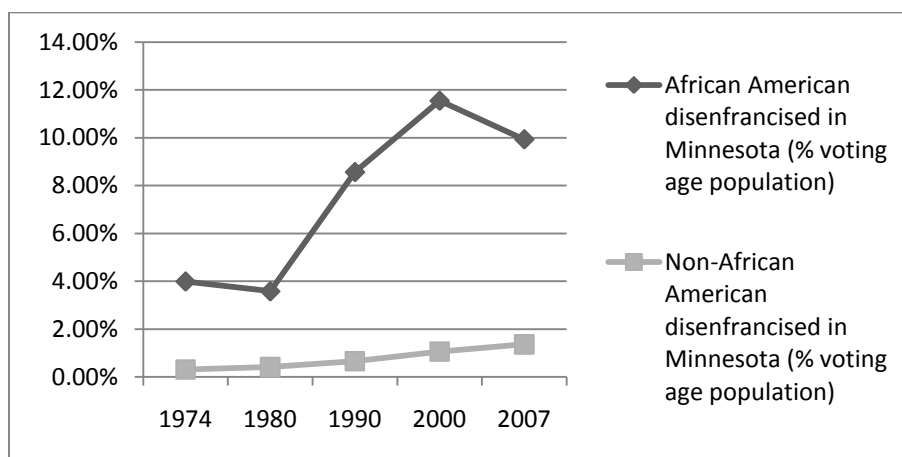


Table 4: Disenfranchisement rates in Minnesota since 1974, *voting-age considered*

This evidence suggests that there is a racial component to the disenfranchisement of individuals in Minnesota. **The racial component is hard to discount when 1 out of 10 voting-age African American Minnesotans are disenfranchised compared to only 1 out of 100 voting-age white Minnesotans.**

RACIAL IMPACT OF ALLOWING PEOPLE WHO ARE NOT INCARCERATED TO VOTE

As previously discussed, North Dakota’s constitution is similar to Minnesota’s constitution in terms of felon voting. Despite the similarities in language, felons who are not incarcerated are allowed to vote in North Dakota while in Minnesota felons who are incarcerated, on parole, or on probation cannot vote. The percentage of the voting-age African Americans in North Dakota who have lost the right to vote is between 0.44%-1.99%.⁵⁸ **So, at most, two out of 100 African American people in North Dakota are disenfranchised compared 10 out of 100 African Americans in Minnesota.** This indicates that one method to decrease the disenfranchisement disparity of African American Minnesotans would be to change Minnesota’s law to allow anyone who is not incarcerated to vote.

The table below, using data provided in a report written by Christopher Uggen,⁵⁹ highlights the impact of changing Minnesota’s felon disenfranchisement law to allow all non-incarcerated felons the right to vote.

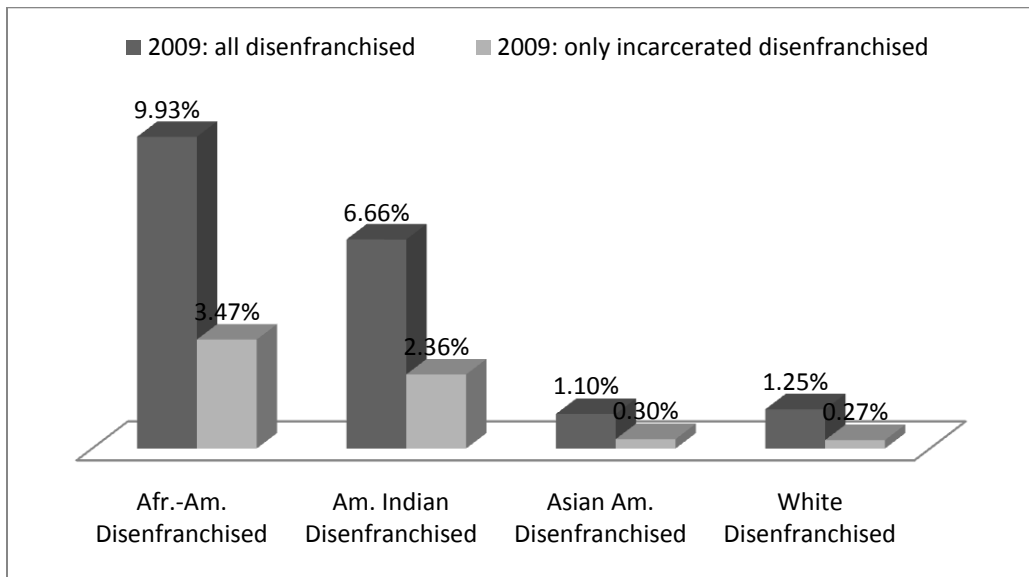


Table 5: Change in disenfranchisement rates in Minnesota, if nonincarcerated felons could vote

Based on the data, **there would be a substantial change for all racial groups in Minnesota if nonincarcerated felons could vote.** Currently, one out of ten African American Minnesotans who are of voting-age cannot vote. If this was shifted to disenfranchising only those who are incarcerated, the

⁵⁸ *Locked Out: Felon Disenfranchisement and American Democracy.* (Manza, Jess and Uggen, Christopher) Oxford University Press, USA; illustrated edition (March 30, 2006). Page 80, figure 3.6

⁵⁹ *Report on Felon Disenfranchisement in Minnesota* (Christopher Uggen) March 13, 2009. University of Minnesota Department of Sociology. http://www.soc.umn.edu/~uggen/MNReport_2009.pdf

number would shift to about 3 or 4 out of 100. Similarly, 2 or 3 out of 100 rather than 1 out of 14 Native Americans would be disenfranchised. **The shift in the current law to allow non-incarcerated felons to vote would not only allow more minorities a voice in their communities, but could also improve public safety by decreasing recidivism rates.**

CRIME AND PUNISHMENT, PART TWO: RECIDIVISM RATES

Research has shown a correlation between lower rates of recidivism and community integration.⁶⁰ Some people have theorized that voting — a form of community integration — may also decrease recidivism rates. This may be especially true in Minnesota with its high voter turnout.

In 2006, Christopher Uggen and Sally Shaeffer published a report based on their research to determine whether or not there is a link between the recidivism rates and voting. Of specific interest is the fact that their statistical analysis was based on populations in Minnesota. Thus, their results may be more accurately applied to Minnesota than to other states since voter turnout and civic participation tends to be greater in Minnesota and because of the way Minnesota punishes people. In *Voting and Civic Reintegration of Former Prisoners*, they began with the hypothesis **“that as former prisoners pick up the responsibility of voting that they would be likely to diminish their criminal activity.”**⁶¹ They concluded that **“recidivism drops sharply when releasees begin to participate as citizens in their communities.”**⁶²

In a previous section of this report, we discussed the ability of some people who commit election fraud to keep voting,⁶³ compared to the disenfranchisement of individuals whose crimes had nothing to do with fraud. But, what is the ultimate goal of punishment? In *The Leviathan*, Thomas Hobbes defines punishment as “an evil inflicted by public authority on him that hath done or omitted that which is judged by the same authority to be a transgression of the law, to the end that the will of men may thereby the better be disposed to obedience.”⁶⁴ According to Hobbes, an appropriate punishment is one which prevents the individual from reoffending. Hobbes wrote *The Leviathan* over 350 years ago and many believe that his premise of the goal of punishment still holds true. Using the Uggen’s research on recidivism rates and voting, one should wonder if the punishment of preventing felons to vote runs counter to its intended goal.

⁶⁰ Specific examples of community integration include marriage or employment.

⁶¹ *Voting and the Civic Reintegration of Former Prisoners*, (Christopher Uggen and Shelly Schaefer.)University of Minnesota January 18, 2006. http://www.allacademic.com/meta/p_mla_apa_research_citation/1/0/4/6/4/pages104644/p104644-1

⁶² Ibid.

⁶³ See *Minnesota Statute §204C.035 Deceptive Practices in Elections*,

⁶⁴ *Leviathan or The Matter, Forme and Power of a Common Wealth Ecclesiasticall and Civil*. (Thomas Hobbes) 1651. Chapter XXVIII. Of Punishments and Rewards. <http://ebooks.adelaide.edu.au/h/hobbes/thomas/h681/chapter28.html>

Within that same chapter of The Leviathan, Hobbes goes so far as to say that “if a punishment be determined and prescribed in the law itself, and after the crime committed there be a greater punishment inflicted, the excess is not punishment, but an act of hostility.”⁶⁵ Hostility may have had a different connotation in the 17th century. But, Hobbes’ premise that if the punishment is excessive it becomes something beyond punishment — i.e., an act of vengeance that delegitimizes the authority dispensing it — should be given credence, especially when considering the racial disparity in felon disenfranchisement rates in Minnesota. **Given the fact that recidivism rates decrease among releases who vote, the punishment of disenfranchising felons works directly against its intended outcomes.**

NATIONAL VOTING RIGHTS ACT AND FELON DISENFRANCHISEMENT

Over the years, the courts have heard arguments that there are racial components to felon disenfranchisement. Typically, courts respond by stating the power of each state to determine if felons can be disenfranchised or not; felon disenfranchisement laws do not have a racial component to them; and that there is no racial disparity in a specific state’s criminal codes. In Minnesota, our laws are race neutral, but this does not mean that the enforcement of our laws is race neutral.

Washington State, like Minnesota, has race neutral laws. Earlier this year, the Ninth Circuit Court of Appeals addressed this issue in their ruling on *Farrakhan v. Gregoire*. The Court held that a Washington State election law which disenfranchises people with felonies violates the 1965 Voting Rights Act. According to the Seattle Times, the arguments in the case were:

“built on research by University of Washington sociologists who found that blacks are 70 percent more likely — and Latinos and Native Americans 50 percent more likely — than whites to be searched in traffic stops.

The research also showed that blacks are nine times more likely to be incarcerated than whites, despite the fact that the ratio of arrests for violent crime among blacks and whites is less than four-to-one. One result of that: 25 percent of black men in Washington are disenfranchised from voting.”⁶⁶

While the case was about race and disenfranchisement, it is important to highlight that within the

⁶⁵ Ibid.

⁶⁶ *Washington state felons should have voting rights, federal court rules* (Jonathan Martin) January 5, 2010. Seattle Times http://seattletimes.nwsourc.com/html/localnews/2010708869_felons06m.html

51-page ruling, the court noted that the defendants could “not explain why disenfranchisement of felons is ‘necessary’ to vindicate any identified state interest.”⁶⁷ This echoes the comments made by Justice Marshall’s dissent in *Richardson v. Ramirez* (1974),

“We concluded: “[I]f a challenged statute grants the right to vote to some citizens and denies the franchise to others, ‘the Court must determine whether the exclusions are *necessary* to promote a *compelling* state interest.’ ” 405 U. S., at 337. (Emphasis in original.)

To determine that the compelling-state-interest test applies to the challenged classification is, however, to settle only a threshold question. “Compelling state interest” is merely a shorthand description of the difficult process of balancing individual and state interests that the Court must embark upon when faced with a classification touching on fundamental rights. Our other equal protection cases give content to the nature of that balance. **The State has the heavy burden of showing, first, that the challenged disenfranchisement is necessary to a legitimate and substantial state interest; second, that the classification is drawn with precision—that it does not exclude too many people who should not and need not be excluded; and, third, that there are no other reasonable ways to achieve the State’s goal with a lesser burden on the constitutionally protected interest...[bold inserted]...**

I think it clear that the State has not met its burden of justifying the blanket disenfranchisement of former felons presented by this case. There is certainly no basis for asserting that ex-felons have any less interest in the democratic process than any other citizen. Like everyone else, their daily lives are deeply affected and changed by the decisions of government.⁶⁸

As Minnesotans ponder and debate felon disenfranchisement, we should discuss whether there are necessary and compelling reasons to prevent felons who are not incarcerated from voting. **The benefits to changing Minnesota’s law include decreasing recidivism rates of felons who are allowed to vote and decreasing the racial disparity in voter disenfranchisement.**

⁶⁷ Farrakhan v. Gregoire, 590 F. 3d 989 - 2010, Page 7. <http://www.ca9.uscourts.gov/datastore/opinions/2010/01/05/06-35669.pdf>

⁶⁸ Richardson v. Ramirez, 418 U. S. 24 (1974) <http://supreme.justia.com/us/418/24/>

**FACTS ABOUT
INELIGIBLE VOTING
AND VOTER FRAUD
IN MINNESOTA:**

RECOMMENDATIONS

&

CONCLUSION

Recommendations

We have already highlighted safeguards that are in place that ensure that eligible voters can vote, ineligible voters are prevented from voting, and fraudulent voters are caught and prosecuted. In fact, as we already mentioned, some of these safeguards have been improved since the 2008 election. Based on our analysis of the survey and Minnesota's election system, we have two specific recommendations:

- 1. Do not institute a photo identification requirement to vote.** The intent of our survey was to determine if there was any evidence that would lend credence to the concerns that a photo identification requirement is necessary in Minnesota. **There has not been one single conviction of voter impersonation since 2008** and, in fact, the total number of *investigations* of voter impersonation (7) compared to the total number of 2008 voters (2,921,498), allows us to see that the total percent of all voters who were *investigated* for voter impersonation was two ten-thousandths of one percent (0.0002%).

In Minnesota there is not legislation pending regarding a photo requirement, but based on recent movements to institute such measures within Minnesota, it appears as if those advocating that photo identification be required to vote point towards using a government issued photo-identification. **As this report has highlights, nine ten-thousandths of one percent (.0009%) of all 2008 voters were convicted of fraud and all of the convictions were due to felons voting. A person's criminal past is indicated not on any government-issued identification** (i.e. military identification, U.S. passport, Minnesota driver's license, Minnesota identification, etc.). Furthermore, a photo identification requirement could not apply to individuals who vote absentee. **Thus, there would be differing standards created for voters — those who vote in person would need a photo identification while those who vote absentee would not have the same requirement.**

The United States Supreme Court, in *Crawford v Marion County Election Board (2008)*,⁶⁹ determined that a photo identification requirement can be constitutional as long as the state provide those it determines indigent with identification. If Minnesota were to institute a photo identification requirement for those who do not vote absentee, it is uncertain how much it would cost, but because of *Crawford v Marion County Election Board*, it is certain that there would be a cost. The scope of this report does not cover the direct and indirect costs but our analysis is that the concern that there is a need to have a government-issued photo identification requirement is baseless hokum and instituting such a requirement would be a waste of tax-payer dollars.

⁶⁹*Marion County Election Board (2008) 07-21* <http://www.supremecourt.gov/opinions/07pdf/07-21.pdf>

2. Review current laws. The review of the laws should include:

- a) **Minnesota Statute §204C.035 Deceptive Practices in Elections**, which allows people to intentionally deceive individuals regarding voting requirements to continue to vote themselves. This punishment should change a gross misdemeanor to a felony with a requirement to serve time, thus disenfranchising those who intentionally deceive voters as that particular punishment applies to the crime.
- b) **Allow all nonincarcerated felons the right to vote.** The impact of this change may decrease recidivism rates and will also decrease the racial disparity connected to felon disenfranchisement in Minnesota.
- c) **Informing people who are convicted and sentenced that they cannot vote.** As some county attorneys noted, educating people who are convicted of a felony that they cannot vote could both prevent them from either registering to vote or from voting. In fact, this requirement passed by an overwhelming majority in Minnesota’s House (118 voted for while 9 voted opposed)⁷⁰ and Minnesota’s Senate (47 for while 18 opposed)⁷¹ in 2009. But, the Governor vetoed the bill saying that 1) Minnesota already has enough mandates 2) the Minnesota Department of Corrections already “has a process in place that informs offenders about their voting rights prior to being released from prison”; and 3) citizens should be responsible for “being informed about their own situations and rights.”⁷²

We respectfully disagree with the Governor’s reasons for vetoing the bill. The responses to our survey indicate the current process the Department of Corrections has of informing felons does not work. The most common suggestion from County Attorneys was to better educate felons. Furthermore, many investigations of ineligible voting by felons did not result in a conviction of voter fraud. As noted earlier, in order to commit fraud, a person must intentionally break the law. As such, if felons are not aware that they cannot vote, they cannot be convicted of fraud.

⁷⁰ Bill Name: SF763; Companion: HF0545. Revisor Number 09-1813. Minnesota State Legislature. https://www.revisor.mn.gov/revisor/pages/search_status/status_detail.php?b=senate&f=SF763&ssn=0&y=2009

⁷¹ Ibid.

⁷² Veto Letter, Tim Pawlenty. May 20, 2009. http://www.leg.state.mn.us/archive/vetoes/2009veto_ch116.pdf

CONCLUSION

The intent of the survey was to determine if there was any credibility to the idea that a photo identification requirement to vote would improve election integrity. A survey, to all County Attorneys about the types of investigations into ineligible voting and voter fraud, provides indicators of possible election integrity issues. A specific indicator of an election integrity issue that a photo identification requirement would prevent would be claims of voter impersonation. The results are clear — there was not one single conviction for voter impersonation. In fact, while there were investigations, there were no felony convictions of double voting, non-citizens voting, under-age voting, or voting outside of the jurisdiction.

Most investigations and the only convictions were due to felons voting or registering to vote. As many as 35 percent of the investigations in Dakota County were dropped because of false positives, while as few as 5 percent of the investigations in Anoka County were dropped for the same reason. Thus, the total number of investigations may be high because of false positives. Based on our survey results, nine ten-thousandths of one percent (0.0009%) of all 2008 voters were convicted of voter fraud for one reason — felony convictions. And, not one single piece of government-issued identification provides information about criminal status.

The results of our survey led us to review Minnesota’s voting laws and the impact they have on people with felonies. We learned that:

- 1 out of 10 voting-age black Minnesotans cannot vote because of a felony conviction while 1 out of 100 voting-age white Minnesotans are disenfranchised for the same reason;
- studies show a link to a decrease in recidivism rates when individuals can participate in elections; and
- there is a disparity in Minnesota’s laws — one Minnesota law allows people who knowingly deceive voters with the intent to prevent them from voting to continue to vote while other laws disenfranchise people whose crime is not related to elections or voting.

After thorough consideration of the survey results and safeguards, we have determined that the arguments for a photo identification requirement to vote do not have any merit. But, we leave with our own concerns regarding the disenfranchisement of felons. We hope that Minnesota’s lawmakers will consider allowing nonincarcerated felons to vote and we hope they will consider revising *Minnesota Statute §204C.035 Deceptive Practices in Elections* from a gross misdemeanor to a felony with a requirement to serve time, thus disenfranchising those who intentionally deceive voters as that particular punishment applies to the crime.

Appendix

- Appendix A: Survey Letter and Questions
- Appendix B: Response to Opinion Questions
- Appendix C: Map of Counties that Responded to Survey

Note, to save costs, the appendix was intentionally not printed.

The complete report, including the appendix, is available at:

<http://www.muusja.org/voting>

and

<http://ceimn.org/ceimn-reports>

APPENDIX A: SURVEY LETTER AND QUESTIONS

April 9, 2010

ADRESSS

RE: Survey of Minnesota counties to identify voting irregularities following the 2008 election

Dear name:

The Minnesota Unitarian Universalist Social Justice Alliance/ Association of Universalist Women, Minnesota Disability Law Center, Minnesota Council on Nonprofits, Native Vote Alliance of Minnesota, League of Women Voters Minnesota, Common Cause Minnesota, and Citizens for Election Integrity Minnesota, all nonpartisan nonprofits, are interested in learning about election issues and creating fair solutions to those issues, is conducting a survey to learn about voter fraud in Minnesota. We are specifically looking at the 2008 election.

We are contacting all Minnesota jurisdictions responsible for the review of ineligible voting. The information requested in the survey, provided by the election authorities, will help identify voting irregularities and voter fraud. For the purpose of this survey, we are using the definition of fraud found in the Merriam-Oxford dictionary: fraud is 1) *intentional* perversion of truth in order to induce another to part with something of value or to surrender a legal right **b** an act of deceiving or misrepresenting; 2) a person who is not what he or she pretends to.⁷³

We would be very grateful if you or the appropriate person would take the time to answer the seven questions on the following two pages by May 3, 2010. Once the questionnaire is completed, please email or mail it to the office of Citizens for Election Integrity Minnesota, at 2323 East Franklin Ave., Minneapolis, MN 55406 or at Kathy@ceimn.org.

Since this type of survey has never been done in Minnesota, we are both excited and curious to learn the results. We hope that all counties will respond as it will provide us with a better understanding of voter fraud in Minnesota.

If you have specific questions about this, please contact me at 612-724-1736 ext. 116 or via email at Kathy@ceimn.org.

Thank you for your time.

Sincerely,

Kathy Bonnifield
Associate Director
Citizens for Election Integrity-Minnesota

⁷³ <http://www.merriam-webster.com/dictionary/fraud>

COUNTY _____

CONTACT NAME _____

CONTACT TELEPHONE NUMBER _____

CONTACT EMAIL ADDRESS _____

TOTAL NUMBER OF INVESTIGATIONS.

1. How many cases of possible ineligible voting have been investigated since November 2008 (including the November 2008 election)?
 - a. How many investigations were triggered by irregularities found via internal review by election officials?
 - b. How many investigations were triggered by an external request, by someone who is not an elections official?

REASONS FOR INVESTIGATIONS.

2. How many investigations of fraud were based on
 - a. Possible voting by persons rendered ineligible by conviction (a felony)
 - b. Possible noncitizens voting
 - c. Possible underage voter
 - d. Possible voting outside of jurisdiction
 - e. Possible double voting
 - f. Possible impersonation of another voter
 - g. Possible coercion of voters with disabilities or who are vulnerable
 - h. Other (please describe)

OUTCOMES OF INVESTIGATIONS.

3. How many investigations were
 - a. dismissed due to lack of evidence
 - b. not chargeable
 - c. heard in court
 - d. found guilty
 - e. found to commit election fraud
 - f. Other (please explain)
4. How many investigations are still open?

REASONS PEOPLE WERE FOUND GUILTY.

5. Of those who intentionally voted, knowing they were ineligible to do so, was the reason (please include the total number for each category):
 - a. voting by persons rendered ineligible by conviction (a felony)
 - b. noncitizen voting
 - c. underage voter
 - d. residency outside of the jurisdiction
 - e. double voting
 - f. impersonation of another voter
 - g. coercion of voters with disabilities or who are vulnerable
 - h. Other (please describe)

ADDITIONAL INFORMATION.

6. Do you think voter fraud is a problem in your *county* that we should be spending more time and effort on? If so, please describe the kind of fraud that you are most worried about. (use another sheet if paper, if necessary)
7. Do you think voter fraud is a problem in *Minnesota* that we should be spending more time and effort on? If so, please describe the kind of fraud that you are most worried about. (use another sheet if paper, if necessary)

Thank you for your time. We hope that many other counties will respond to this as it will improve our understanding of voter fraud in Minnesota.

Please direct any questions to Kathy Bonnifield, Associate Director, Citizens for Election Integrity Minnesota.

Kathy@ceimn.org or at 612-724-1736 exten. 116.

APPENDIX B: RESPONSE TO OPINION QUESTIONS⁷⁴

Aitkin⁷⁵

Do you think fraud is a problem in your county?

No

Do you think fraud is a problem in the state?

No

Becker⁷⁶

Do you think fraud is a problem in your county?

No

Do you think fraud is a problem in the state?

No

Beltrami⁷⁷

Do you think fraud is a problem in your county?

No evidence of abuse. I have prosecuted a handful of these cases in the past 25+ years.

Do you think fraud is a problem in the state?

Can't speak to state as whole.

Blue Earth⁷⁸

Do you think fraud is a problem in your county?

No

Do you think fraud is a problem in the state?

No

Carver⁷⁹

Do you think fraud is a problem in your county?

Clearly, this office takes protecting the citizens of Carver County against all crime, whether it is violent, white-collar, or voter fraud. Voter fraud does not appear to pose a threat to Carver County. Part of the reason for the County's low incident of possible voter misconduct is the efforts of the County's Taxpayer Services Division that oversees the administration of our elections. Our Taxpayer Services division is quite thorough and diligent in making sure that our voter records are up to date. Further, our election administrators are proactive in working with voters, where there are possible issues with their registration, to solve problems so they can vote on Election Day.

Do you think fraud is a problem in the state?

I am not in a position to comment on that.

Cass County⁸⁰

Do you think fraud is a problem in your county?

I've never seen evidence nor sensed that voter fraud is prevalent, either in Cass County or in Minnesota. When we see minor violations, such as voting out of precinct as a first offense, it is typically done out of ignorance or failure to plan ahead rather than deliberate intent to impact the outcome of the election.

⁷⁴ Note, not all county attorneys responded to the opinion questions.

⁷⁵ James P. Ratz, Aitkin County Attorney

⁷⁶ Michael D. Fritz, Becker County Attorney.

⁷⁷ Timothy Faver, Beltrami County Attorney

⁷⁸ Ross E. Arneson, Blue Earth County Attorney

⁷⁹ Patrick Conness, Assistant Carver County Attorney and James W. Keeler, Jr., Carver County Attorney

⁸⁰ Christopher Jay Strandlie, Cass County Attorney

Do you think fraud is a problem in the state?

Based upon our experiences in Cass County, voter fraud does not appear to be a problem.

Chisago County⁸¹

Do you think fraud is a problem in your county?

No

Clay County⁸²

Do you think fraud is a problem in your county?

No, voting fraud is not a significant problem within this county.

Do you think fraud is a problem in the state?

No

Cook County⁸³

Do you think fraud is a problem in your county?

Not a problem

Do you think fraud is a problem in the state?

I have no idea

Crow Wing County⁸⁴

Do you think fraud is a problem in your county?

no

Do you think fraud is a problem in the state?

Insufficient information to respond

Dakota County⁸⁵

Do you think fraud is a problem in your county?

The majority of the cases that have been referred to our office involve convicted felons voting. During the investigation of these cases, many suspects indicated that they didn't know that they couldn't vote. Several suspects stated that they were told by an election judge that they could vote because their name was on the roster or that their probation officer never told them that they couldn't vote. In checking with Dakota County Community Corrections (Dakota County Probation), it was discovered that the discussion of voting rights was not routinely discussed with probationers. It appears that these suspects were not trying to commit any sort of fraud in voting. They were voting because they thought they could. None of the suspects tried to hide the fact that they voted or that they were convicted of felonies. They were forthright with law enforcement, probably because they didn't know they had done anything wrong. All of these individuals were notified in writing that they were ineligible to vote. They were notified that they could not vote in future elections until their civil rights were restored and they were advised that if they did so, they could be prosecuted.

Voting fraud is not a significant problem in this County or our state. If more time or effort were to be spent on this issue it seems that education may be the best place to start. This would include educating probation officers, convicted felons, and election judges.

Do you think fraud is a problem in the state?

see previous answer

Freeborn County⁸⁶

Do you think fraud is a problem in your county?

⁸¹ Fred A. Fink, Jr., Assistant County Attorney and Jolleen Chaika, Office Manager. Note, did not answer second question.

⁸² Brian J. Melton, Clay County Attorney

⁸³ Timothy C. Scannell, Cook County Attorney

⁸⁴ Donald F. Ryan, Crow Wing County Attorney

⁸⁵ James C. Backstrom, Dakota County Attorney

⁸⁶ Craig S. Nelson, Freeborn County Attorney

No.

Do you think fraud is a problem in the state?

I do not believe that it is a problem, but my knowledge is based upon my experience within Freeborn County

Goodhue County⁸⁷

Do you think fraud is a problem in your county?

No

Do you think fraud is a problem in the state?

No

Hennepin County⁸⁸

Do you think fraud is a problem in your county?

There are a small number of cases each year where elderly individuals vote twice. They vote absentee and then on Election Day, they vote again. These voters do not intentionally vote twice. With education to the facility, these errors can be easily corrected. There are more cases of felons voting while they are on probation. In the overwhelming number of cases, the individual states that they were not aware that they could not vote. These are difficult cases to prove because the criminal justice system and the election system do a poor job of making sure that these individuals understand that they are ineligible to vote. Any additional alws relating to election fraud must balce the possible election fraud targeted within the possible unintended consequences of decreased voter participation.

Do you think fraud is a problem in the state?

No

Houston County⁸⁹

Do you think fraud is a problem in your county?

Voting fraud is not a significant problem in this County.

Do you think fraud is a problem in the state?

No

Hubbard County⁹⁰

Do you think fraud is a problem in your county?

No

Do you think fraud is a problem in the state?

I can't speak for non-rural areas, such as the metro, but in rural areas, I do not believe there is a problem.

Jackson County⁹¹

Do you think fraud is a problem in your county?

No we vote in high percentages and don't seem to have problems

Do you think fraud is a problem in the state?

Don't think so

Kandiyohi County⁹²

Do you think fraud is a problem in your county?

No

⁸⁷ Stephen N. Betcher, Goodhue County Attorney

⁸⁸ Daniel Rogan, Sr. Assistant Hennepin County Attorney

⁸⁹ Suzanne M. Bublitz, Houston County Attorney

⁹⁰ Donovan D. Dearstyne Hubbard County Attorney

⁹¹ Bob O'Connor, Jackson County Attorney

⁹² Boyd Beccue, Kandiyohi County Attorney

Do you think fraud is a problem in the state?
I cannot express an opinion on other jurisdictions.

Lac qui Parle⁹³

Do you think fraud is a problem in your county?
No

Do you think fraud is a problem in the state?
No

Martin County⁹⁴

Do you think fraud is a problem in your county?
No

Do you think fraud is a problem in the state?
No

Mille Lacs County⁹⁵

Do you think fraud is a problem in your county?
Yes, I think that there are other cases of voting fraud in the county that go undetected, ineligible voting
Do you think fraud is a problem in the state?

Morrison County⁹⁶

Do you think fraud is a problem in your county?
Does not appear to be an issue in Morrison County

Do you think fraud is a problem in the state?
Not a major concern.

Mower County⁹⁷

Do you think fraud is a problem in your county?
No. The only issue was with an ineligible felon voting and he was not properly made aware that he was ineligible. Education should be done of those supervising felons to make sure that they know about their ineligibility.

Do you think fraud is a problem in the state?
No. Please see above.

Nobles County⁹⁸

Do you think fraud is a problem in your county?
Most of the concerns expressed to me in Nobles County involve perceptions of “illegal immigrants” voting without authority. However, I haven’t had a documented case of this reported to me. The Franken/Coleman recount demonstrated to me that the elections in Nobles County are fair and impartially administered.

Do you think fraud is a problem in the state?
A huge issue exists for some people who have felony convictions in their past but do not know whether or not their right to vote was restored. Working to eliminate confusion about who is ineligible to vote because of prior felony criminal history would be desirable. Confusion over absentee ballot procedures exists, obviously, as we saw in the Franken/Coleman contest.

⁹³ Richard G. Stulz, Lac qui Parle County Attorney

⁹⁴ Terry Viesselman, Martin County Attorney.

⁹⁵ Jan Jude County Mille Lacs County Attorney

⁹⁶ Brian Middendorf, Morrison County Attorney.

⁹⁷ Kristen Nelson, Mower County Attorney

⁹⁸ Gordon L. Moore, III, Nobles County Attorney

Pipestone County⁹⁹

Do you think fraud is a problem in your county?

No

Do you think fraud is a problem in the state?

No

Polk County¹⁰⁰

Do you think fraud is a problem in your county?

I think that it is an very important problem that must be looked into further, especially when we are having very significant elections decided by very few votes. I am most worried about convicted felons voting, because there does seem to a number of those cases (especially when elections are hotly contested) and no way of checking that consistently.

Do you think fraud is a problem in the state?

see previous answer

Ramsey County¹⁰¹

Do you think fraud is a problem in your county?

All types of voter fraud are taken seriously and investigated as required by MN Statute 201.275.

Do you think fraud is a problem in the state?

All types of voter fraud are taken seriously and investigated as required by MN Statute 201.275.

Rice County¹⁰²

Do you think fraud is a problem in your county?

No

Do you think fraud is a problem in the state?

No

Sherburne County¹⁰³

Do you think fraud is a problem in your county?

No

Do you think fraud is a problem in the state?

I believe there are adequate safeguards in place. The election officials work very hard to do the right thing and they are extremely conscientious in the execution of their jobs.

Sibley County¹⁰⁴

Do you think fraud is a problem in your county?

Voter fraud is not a problem in Sibley County

Do you think fraud is a problem in the state?

In my opinion, most election officials, from the Secretary of State to county election administrators to the local election judges, take elections very seriously in Minnesota.

⁹⁹ Damain Sandy, Pipestone County Attorney

¹⁰⁰ Greg Widseth, Polk County Attorney

¹⁰¹ Dennis D. Hoff, Investigative Supervisor, Ramsey County Attorney's Office

¹⁰² Paul Beaumaster, Rice County Attorney

¹⁰³ Kathleen Heaney, Sherburne County Attorney

¹⁰⁴ David E. Schauer, Sibley County Attorney

St. Louis County¹⁰⁵

Do you think fraud is a problem in your county?

This office does not believe that voter fraud is a problem or that it should receive more time and effort in St. Louis County. The results of our investigations revealed other plausible facts that led to voting discrepancies.

Most issues arose because:

- 1) The Auditor's Office did not receive notice from the state of MN when a sentence was completed or;
- 2) Individuals voting at a precinct signed the roster before being informed that they should be voting at another precinct and the election judge failed to note that in the log.

Do you think fraud is a problem in the state?

This office does not have adequate state-wide information to respond to this question.

Stevens County¹⁰⁶

Do you think fraud is a problem in your county?

No

Do you think fraud is a problem in the state?

No

Waseca County¹⁰⁷

Do you think fraud is a problem in your county?

Voter fraud is not a significant problem in this county

Do you think fraud is a problem in the state?

No

Winona County¹⁰⁸

Do you think fraud is a problem in your county?

Our office has, and will continue to prosecute voting fraud violations, when supported by adequate evidence to do so. However, Winona County has not had a significant problem with voter fraud in past elections. The November 2008 election only brought one referral, an individual with a felony criminal record. The matter is still under investigation. Winona County has three institutions of higher learning, but we have not seen any particular problems with students voting in two places, here and in the jurisdiction where their families live.

Do you think fraud is a problem in the state?

Based on our experience in Winona County, voter fraud is not a problem in Minnesota. Other counties, with larger populations, may experience more problems. However, lacking information regarding the experiences elsewhere, it is difficult to offer an opinion.

Yellow Medicine County¹⁰⁹

Do you think fraud is a problem in your county?

no

¹⁰⁵ Tokunbo Okanla, St. Louis County Attorney's Office.

¹⁰⁶ Charles Glasrud, Stevens County Attorney

¹⁰⁷ Paul Dressler, Waseca County Attorney

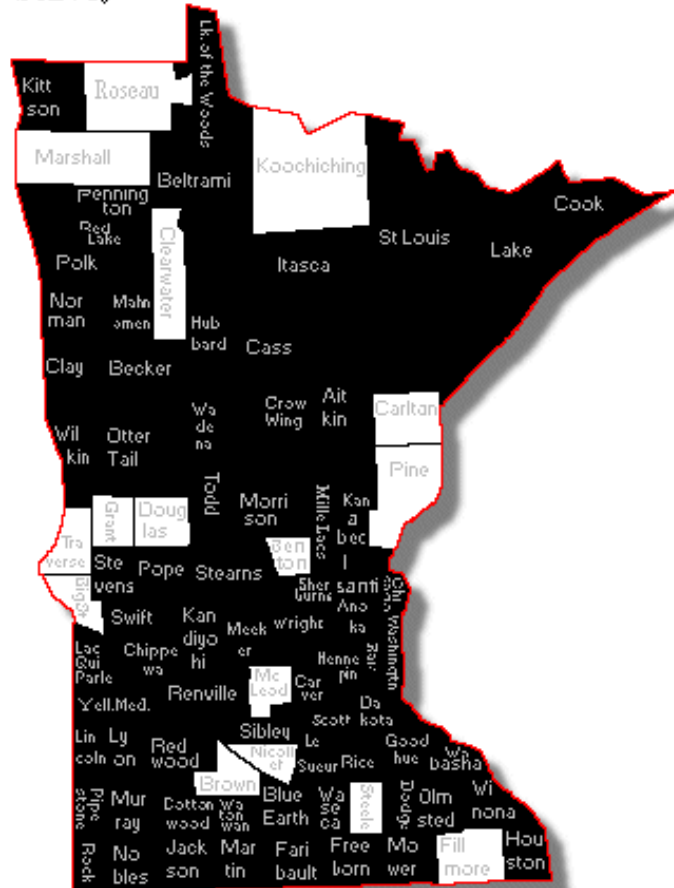
¹⁰⁸ Susan E. Cooper, Assistant Winona County Attorney

¹⁰⁹ Keith Helgeson, Yellow Medicine County Attorney. Note, did not answer second question.

Appendix C: Map of Counties that Responded to Survey

Counties Responding to Survey

● - Responded



9-29-10



Citizens for Election Integrity Minnesota (www.ceimn.org) is a nonprofit, nonpartisan organization that advocates for verifiable, transparent, and accurate elections in Minnesota and across the country.



**Minnesota Unitarian Universalist
Social Justice Alliance**

The Minnesota Unitarian Universalist (UU) Social Justice Alliance (www.muusja.org) brings together UUs and UU congregations to work collectively for social change based on our religious imperative to create a just, sustainable, and peaceful world.

We would like to thank Pamela Alexander — Council on Crime and Justice; Joseph Mansky — Ramsey County Elections Manager; Jennifer Thomas — Minnesota Unitarian Universalist Social Justice Alliance/Association of Universalist Women; Abigail Wahl — law student; Laura Wang — League of Women Voters Minnesota and participating members of the Voting Rights Coalition for their review and suggestions.

We deeply appreciate our editors, Renee Richie, Adam Oliansky, Sarah Lovan, Becky Monnens, and Jennifer Harshner.

And, finally, we would like to thank County Attorneys for responding to our survey.

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and
Citizens for Election Integrity Minnesota*