

548.
STATE OF MINNESOTA
COUNTY OF RAMSEY

FAX 1-22-08
DOCUMENT

DISTRICT COURT

SECOND JUDICIAL DISTRICT
Case Type: CIVIL OTHER

File No. 62-CV-09-56

In the Matter of the Contest of,
General Election held on November 4, 2008
for the purpose of electing a United States
Senator from the State of Minnesota,

Cullen Sheehan and Norm Coleman,

Contestants,

STIPULATED PROTECTIVE ORDER

v.

Al Franken,

Contestee.

WHEREAS, the parties have made requests to non-parties, including various governmental entities, for documents, including, but not limited to, copies of precinct rosters, voter registration and absentee ballot information (representative samples of the requests are attached hereto as Exhibit 1, and representative samples of the documents requested are attached hereto as Exhibit 2), that include confidential, private, and/or non-public data and information relating to voting and election data from the 2008 general election, and the parties may in the future serve additional discovery requests;

WHEREAS, certain materials have been or may be requested or produced by parties and non-parties, including, but not limited to, governmental entities, in the course of discovery that constitute or contain personal, confidential, private, non-public, or proprietary information, as more fully defined below;

WHEREAS, the parties have been informed by governmental entities that redacting non-

public or private information from the requested documents would delay considerably the production of the documents and otherwise significantly increase the costs of production (representative samples of these communications are attached as Exhibit 3);

WHEREAS, counsel for the parties are willing to enter into a Stipulated Protective Order as a condition to the disclosure of such confidential, private, and/or non-public information and data and/or the inspection and copying of documents containing confidential, private, and/or non-public information to expedite the production of documents that include confidential, private, and/or non-public data and information relating to voting and election data from the 2008 general election;

WHEREAS, counsel for the parties agree that an Order containing the terms set forth herein may be entered by the Court without further notice in order to safeguard the confidentiality of certain information and documents while allowing the opportunity for reasonable discovery; and

WHEREAS, counsel for the parties agree that they will abide by the terms of this Stipulated Protective Order during the period prior to the Court's execution of its Order, whenever that may be;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED between the parties and ORDERED by the Court that the following procedures shall govern the production and exchange of all documents, testimony, interrogatories and other discovery or information produced, given, or exchanged among all parties, including parties presently named or later joined to and non-party entities subject to discovery in this action. as follows:

1. This Order shall govern the use and disclosure of certain sensitive confidential, private, and/or non-public data and information relating to voting and election data from the

2008 general election ("Confidential information") designated in good faith by a party or non-party (including for these purposes any witness or individual or entity producing documents pursuant to subpoena or a Minnesota Data Practices Act request) to this litigation as being "Confidential" or otherwise agreed by the parties to be Confidential information, as set forth below, and which is contained in (a) any documents, written discovery responses, or tangible evidence produced in this litigation by means of discovery and (b) any transcripts of depositions taken in this action. This Order establishes a procedure for the expeditious handling of such Confidential information; it shall not be construed as creating any presumption on the confidentiality of any document.

2. The attorneys of record, and all others to whom Confidential information and material is disclosed, shall maintain such Confidential information and material in strict confidence, shall not disclose such Confidential information and material except in accordance with this Order, shall use such Confidential information and material solely for this litigation, and shall not use for any purpose information of the type shielded from disclosure pursuant to Minn. Stat. § 201.091(9), including the voter's personal email address, prior last names, prior addresses, social security number, driver's license number, and date of birth. All produced Confidential information and material shall be carefully maintained in secure facilities (such as law firm offices), and access to such Confidential information and material shall be permitted only to persons properly having access thereto under the terms of this Order.

A. Confidential Information

3. Any party or non-party claiming that documents, written discovery responses, or tangible evidence constitute or include Confidential information or material shall mark those portions of the material considered in good faith to be confidential (in such manner as will not interfere with the legibility thereof) with the legend "Confidential," or may otherwise designate

in writing at the time of production that such Confidential information is "Confidential" or includes Confidential information. Information of the type shielded from disclosure pursuant to Minn. Stat. § 201.091(9), including the voter's personal email address, prior last names, prior addresses, social security number, driver's license number, and date of birth is deemed "Confidential" hereunder, such that the producing party need not identify or designate that documents including this information are Confidential. Deposition testimony may be designated as "Confidential" by invoking this Order on the record with respect to specific designated testimony, or by using the procedure described in Paragraph 5, below.

4. By designating materials as Confidential or as including Confidential information, the parties and their counsel or non-parties represent that they have a good faith belief that the materials so designated contain sensitive confidential, private and/or non-public non-party personal voter information, including, without limitation, information of the type shielded from disclosure pursuant to the Minnesota Government Data Practices Act and Minn. Stat. § 201.091(9), the voter's personal email address, prior last names, prior addresses, social security number, driver's license number, date of birth, and other identifying information, and any information that would link a voter to his or her ballot, all such information being entitled to protection under Minn. R. Civ. P. 26.

5. If depositions are conducted which involve Confidential information, the deponent and each party shall have until two (2) days, inclusive of weekends and holidays, after receipt of the deposition transcript within which to inform the parties of the portions of the transcript (by specific page and line reference) to be designated Confidential. Prior to the expiration of the two (2) day period, the entire deposition transcript shall be treated as

Confidential information. The deponent and each party, during the deposition, may also designate portions of the transcript as Confidential pursuant to Paragraph 3, above.

6. Confidential information or material (including any copies thereof, notes made therefrom, and the information contained therein) may be disclosed only to the following persons:

- 6.1 Counsel for any party in this action;
- 6.2 Secretaries, paralegal assistants, and clerical personnel employed by counsel who are actively engaged in assisting counsel with the prosecution or defense of this action;
- 6.3 Employees of any party in this action or any party's campaign (i) who are actively engaged in assisting counsel with the prosecution or defense of this action, or (ii) who are being advised by counsel regarding this action, if the particular disclosure is reasonably necessary with regard to the legal advice being tendered;
- 6.4 Persons designated or noticed for depositions or designated as trial witnesses and their counsel to the extent reasonably and in good faith deemed necessary by counsel for any of the parties adequately to prepare such deponents and witnesses to testify. Prior to disclosure, the proposed recipient shall read and sign an agreement in writing in the form attached as Exhibit A, provided, however, that if such person is a current employee of the producing party or the producing party's campaign subject to paragraph 6.3 above, no such agreement will be required;

- 6.5 The Court, Court personnel, and court reporters retained in connection with this action;
- 6.6 Experts retained by an attorney but only to the extent that the expert, prior to receiving any Confidential information or material, has received a copy of this Order and signed an agreement (in substantially the form presented in Exhibit A hereto) evidencing his intent to be bound by its terms, including his agreement not to divulge any Confidential information or material to any other person, his agreement not to use any Confidential information or material for any purpose other than this litigation, his consent to the jurisdiction and contempt power of this Court with respect to the enforcement of the order, and his agreement to return to the disclosing attorney within ten (10) days after termination of this litigation or to certify to the disclosing attorney within ten (10) days after termination of this litigation the destruction of (a) all documents and other material containing designated Confidential information and material received by him and all copies thereof and (b) all reports, correspondence and other tangible things in his possession or control which contain any Confidential information, or material disclosed to such expert; and
- 6.7 Any person that a document on its face indicates has seen or been sent the document or a copy of it, such as authors, recipients, or signatories.

7. Nothing in this Order shall be deemed to restrict in any manner the use by any party of its own documents, information, or materials.

B. Other Provisions

8. If any party believes that any document or information which is claimed to be Confidential does not contain Confidential information, it may contest the applicability of this Order to such information by notifying the opposing party's counsel in writing and identifying the information contested. If the parties cannot resolve the dispute after conferring in good faith, the party challenging the designation may move the Court for an order removing the designation. The document or information that is subject to a dispute as to whether it is in fact Confidential, shall, until further order of the Court, be treated as designated Confidential in accordance with the provisions of this Order.

9. Any party or non-party may seek an order of the Court modifying this Order, seek greater or lesser protection for any information or material sought to be discovered, or seek an order pursuant to Minn. R. Civ. P. 26(c) or other applicable rule or law that certain Confidential information not be revealed.

10. Nothing in this Order shall require any party to disclose any information or materials as to which it owes a third party a duty of confidentiality or nondisclosure, unless that third party consents to, or the Court orders, such disclosure. It shall be the obligation of the party seeking disclosure of such information or materials to obtain consent to disclosure from the third party to whom the duty of confidentiality or non-disclosure is owed.

11. The disclosure by the producing party of Confidential information or material, regardless of whether the information was so designated at the time of disclosure, shall not be deemed a waiver in whole or in part of a party's or non-party's claim of confidentiality with respect to third parties, either as to the specific information disclosed or as to any other information relating thereto or on the same or related subject matter. Nothing in this Order shall be deemed to waive any claim of privilege or work product doctrine.

12. The parties are free to designate any document not filed with the Court as "Confidential" and limit its dissemination and use. Any document filed with the Court is presumptively a public document. However, after the date of this Order, any party including Confidential documents or information with any pleading, motion, deposition transcript, or other paper filed with the Clerk of this Court, shall, by separate motion or stipulation, noted for hearing without oral argument, seek an order from the Court permitting the Confidential information or material to be filed under seal, so that the Court may make particular findings justifying the limitation on public access as may be appropriate. Alternatively, any party may publicly file the documents if the Confidential information is redacted.

13. To expedite the production of information, the parties may inadvertently produce documents that are privileged, including but not limited to documents protected by attorney-client privilege or work product doctrine ("privileged documents"). Inadvertent production of privileged documents shall not be deemed a waiver of any applicable privilege. Upon discovery that privileged documents have inadvertently been produced, the producing party shall promptly notify the other parties. Upon such notification, the parties shall treat the documents as privileged unless and until the Court has sustained a challenge to the assertion of privilege. If no such motion is filed, all parties shall return to the producing party, or destroy, all copies of the privileged documents in their possession or in the possession of their counsel or any other person under their control. Written confirmation of this return or destruction of documents shall be provided to the party asserting the privilege.

14. Within sixty (60) days after the termination of this litigation, counsel of record shall return or destroy all tangible documents and other material containing designated

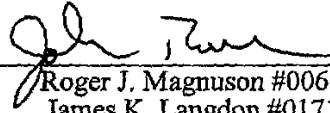
Confidential information and material and copies thereof within such counsel's custody or control received from or by authorization of the producing party or its agents.

15. The parties may at any time stipulate to a modification by the Court of this Order as to any particular portion of the Confidential information or material, without affecting the continuing validity of this Order as to any other Confidential information or material.

Dated: January 25, 2009

DORSEY & WHITNEY LLP

By



Roger J. Magnuson #0066461
James K. Langdon #0171931
John Rock #0323299

Dorsey & Whitney, LLP
Suite 1500, 50 South Sixth Street
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Minnetonka, MN 55305
(952) 797-7477

Attorneys For Contestants

Dated: January __, 2009

FREDRIKSON & BYRON, P.A.

By:

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Telephone: (202) 628-6600
*Application for Admission Pro Hac Vice
Pending*

Attorneys for Contestee

Dated: January __, 2009

DORSEY & WHITNEY LLP


By _____
Roger J. Magnuson #0066461
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Attorneys For Contestants

Dated: January 15, 2009

FREDRIKSON & BYRON, P.A.

By: 
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Telephone: (202) 628-6600
*Application for Admission Pro Hac Vice
Pending*

Attorneys for Contestee

ORDER

Based on this Court's review of the Stipulation, including Exhibits A, B, and C thereto, the Court hereby finds, pursuant to Minn. Stat. § 13.03, Subd. 6, that the Stipulated Protective Order provides appropriate protections to governmental entities and other non-parties such that they may release non-public data relating to the 2008 election, including, but not limited to copies of precinct rosters, voter registration and absentee ballot information, and other sensitive and confidential non-party personal voter information, pursuant to the terms of this Stipulated Protective Order. The Court further concludes that the parties' need for the expeditious production of documents that include non-public, private, or confidential data, including non-party personal voter information, and the parties' and non-parties' interests in reducing the costs of production outweigh any harm to the confidentiality interests of the governmental entity maintaining the data, of any person who has provided data or who is the subject of the data, or the privacy interests of individuals identified in the data where, as here, the parties are precluded from using information of the type shielded from disclosure pursuant to Minn. Stat. § 201.091(9), including the voter's personal email address, prior last names, prior addresses, social security number, driver's license number, and date of birth, for any purpose.

Moreover, the Court concludes that notwithstanding Minn. Stat. § 204B.40, counties and cities may produce copies of polling place rosters and voter registration materials, even if relevant information has not been entered into the statewide voter registration system.

This Order does not require any non-party to disclose any information that it believes is not subject to this order or to disclosure under the applicable discovery rules. The parties may seek a court order compelling release of any information or documents that are not disclosed by a non-party. The foregoing Stipulation is hereby approved and IT IS ORDERED that the terms of

the foregoing Stipulation are hereby adopted and shall govern this action unless otherwise ordered by the Court.

Dated this 22nd day of January, 2009.

THE HONORABLE ELIZABETH A. HAYDEN
THE HONORABLE KURT J. MARBEN
THE HONORABLE DENISE D. REILLY

January 22, 2009 Elizabeth A. Hayden
1/22/09 Denise D. Reilly
1-22-09 Kurt J. Marben

EXHIBIT A**AGREEMENT TO BE BOUND BY PROTECTIVE ORDER**

The undersigned, _____, hereby acknowledges that he or she received a copy of the Protective Order entered in the matter of *In the Matter of the Contest of General Election held on November 4, 2008 for the purpose of electing a United States Senator from the State of Minnesota*, in Ramsey County District Court, and has read and agrees to be bound by all of the provisions thereof. The undersigned agrees (i) not to divulge any Confidential information or material to any other person as designated and defined therein; (ii) not to use any such Confidential information or material for any purpose other than this litigation; (iii) to return to the disclosing attorney within ten (10) days after termination of this litigation or to destroy within (10) days after termination of this litigation that all documents and other material containing such designated Confidential information and material received by him or her and all copies thereof, and all reports, correspondence and other tangible things in his possession or control which contain any such Confidential information or material disclosed to him or her. In addition, the undersigned consents to the jurisdiction and contempt power of this Court with respect to the enforcement of the Protective Order.

DATED this ____ day of _____, _____

EXHIBIT 1

Keane, Bryan

From: Agee, Gretchen
Sent: Thursday, January 08, 2009 3:11 PM
To: 'cindy.reichert@ci.minneapolis.mn.us'
Cc: Langdon, Jim; 'Trimblelegals@earthlink.net'; 'dlillehaug@fredlaw.com'; 'KHamilton@perkinscole.com'
Subject: DATA PRACTICES ACT REQUEST
Attachments: City of Minneapolis.PDF

Ms. Reichert:

Pursuant to the Minnesota Government Data Practices Act, we request copies of the following:

1. Any documents or lists that identify any and all individuals in your county or city who requested to vote by absentee for the Election, including the names and addresses of such individuals and the date on which the request was made.
2. All applications you received for absentee ballots.
3. Any documents or lists that identify any and all individuals in your county or city to whom you sent absentee ballots for the Election, including the names and addresses of such individuals and the date on which the absentee ballots were sent.
4. Any documents or lists that identify any and all individuals in your county or city who returned absentee ballots to you for the Election and the date and time on which the ballots were received.
5. Any documents or lists that identify any and all individuals in your county or city who returned absentee ballots to you for the Election and whose votes were counted in the Election.
6. Any documents or lists that identify any and all individuals in your county or city who completed a same-day registration and voted in person on Election Day.
7. All of the absentee ballot envelopes for absentee ballots that were accepted by your county or city on Election Day.
8. All voter registration applications submitted with the absentee ballots that you received for the Election.
9. The polling place rosters for your county or city.

We commit to pay reasonable copy and other costs associated with this request. As this request relates to the ongoing election contest, Court File No. 62-CV-09-56, we ask respectfully that the information be provided as soon as possible. These same requests for documents will also be made via a forthcoming subpoena duces tecum, which is attached for your convenience. Please call me if you need any additional information regarding this request. Your cooperation is appreciated.



City of
Minneapolis.PDF (3471

Gretchen A. Agee
Associate

.....
DORSEY & WHITNEY LLP
Suite 1500, 50 South Sixth Street
Minneapolis, MN 55402-1498
P: 612.492.6709 F: 612.340.2868
.....

CONFIDENTIAL COMMUNICATION

E-mails from this firm normally contain confidential and privileged material, and are for the sole use of the intended recipient. Use or distribution by an unintended recipient is prohibited, and may be a violation of law. If you believe that you received this e-mail in error, please do not read this e-mail or any attached items. Please delete the e-mail and all attachments, including any copies thereof, and inform the sender that you have deleted the e-mail, all attachments and any copies thereof. Thank you.



GRETCHEN AGEE
(612) 492-6741
FAX (612) 395-5460
agee.gretchen@dorsey.com

January 8, 2009

VIA MESSENGER AND EMAIL

Ms. Cynthia Reichert
Minneapolis Elections Director
City Hall
350 South Fifth Street, Room 1B
Minneapolis, MN 55415

Re: In re Contest of General Election held on November 4, 2008 for the purpose of
electing a United States Senator from the State of Minnesota
Court File No. 62-CV-09-56

Dear Ms. Reichert:

Enclosed and served upon you in the above-referenced matter is a Subpoena in a Civil Case, with attached Schedule A, requesting the production of documents. We respectfully request that the documents be produced on an expedited basis and forwarded to my attention via email (email address identified above), if possible, or via messenger or overnight mail if the documents may not be sent, in pdf form, via email.

We would appreciate receiving the documents as soon as possible, but no later than January 14, 2009 at 9:00 a.m. We commit to paying the reasonable copy and other costs associated with this subpoena. These are the same documents as requested in our earlier Minnesota Government Data Practices Act request. You do not need to produce these documents twice.

Please do not hesitate to contact me directly if you have any questions or concerns. Your cooperation is appreciated.

Sincerely,

A handwritten signature in cursive script that reads "Gretchen A. Agee".

Gretchen Agee

Enclosure

cc: David L. Lillehaug, Esq. (via email and fax)
Kevin J. Hamilton, Esq. (via email and fax)
James K. Langdon, Esq. (w/encl.)

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

In the Matter of the Contest of General Election held on
November 4, 2008 for the purpose of electing a United
States Senator from the State of Minnesota,

File No. 62-CV-09-56

Cullen Sheehan and Norm Coleman,

Contestants,

SUBPOENA IN A CIVIL CASE

(COMMAND TO APPEAR)

Minn. R. Civ. Pro. 45

v.

Al Franken,

Contestee.

TO: Ms. Cynthia Reichert, Minneapolis Elections Director, City Hall, 350 South Fifth Street, Room 1BMinneapolis, Minnesota 55415

Name

Address

- ☐ You are commanded to appear as a witness in the district court to give testimony at the place, date, and time specified below.

Place of Testimony	Courtroom
	Date and Time

- ☐ You are commanded to appear at the place, date and time specified below to testify at the taking of a deposition in the above case.

Place of Deposition	Date and Time
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- ☒ You are commanded to produce and permit inspection and copying of the listed documents or objects at the place, date and time specified below (attach list of documents or objects if necessary): See attached Schedule A

Place Attn: Gretchen Agee Dorsey & Whitney LLP 50 South Sixth Street, Suite 1500 Minneapolis, MN 55402	Date and Time As soon as possible, but no later than Wednesday, January 14, 2009 at 9:00 a.m.
---	--

- ☐ You are commanded to permit inspection of the following premises at the date and time specified below.

Premises	Date and Time
----------	---------------

NOTE: FAILURE TO OBEY A SUBPOENA WITHOUT BEING EXCUSED IS A CONTEMPT OF COURT.

 Signature of Contestants' Attorney	<u>January 8, 2009</u> Date
Gretchen Agee Dorsey & Whitney LLP 50 South Sixth Street, Suite 1500 Minneapolis, MN 55402 612-340-2600 Name, Address and Phone Number (if issued by Attorney as an Officer of the Court)	SEAL (if issued by Court Administration)

RETURN OF SERVICE

State of Minnesota

County of _____

I hereby certify and return that on _____ I served a copy of this subpoena upon the person named thereon. Service was made by:

- ☐ personally handing to and leaving with him or her a true and correct copy; or
- ☐ leaving a true and correct copy at his or her usual place of residence

Address _____

with _____ a person of suitable age and discretion.

Name of Person

NOTARY STAMP, SIGNATURE AND DATE
Subscribed and Sworn/Affirmed to before me on

_____, 20____

Date _____

By _____

Title _____

NOTE: If served by someone other than a Law Enforcement Officer, signature must be notarized.

Rule 45, Minnesota Rules of Civil Procedure, provides that:

- A subpoena may be served by any person who is not a party and is not less than 18 years of age.
- Service of a subpoena shall be made by delivering a copy to the person named in the subpoena or by leaving a copy at the person's usual place of abode with some person of suitable age and discretion who resides there.
- A witness who is not a party to the action or an employee of a party (except a person appointed pursuant to Rule 30.02(f)) and who is required to give testimony or produce documents relating to a profession, business, or trade, or relating to knowledge, information, or facts obtained as a result of activities in such profession, business, or trade, is entitled to reasonable compensation for the time and expense involved in preparing for and giving such testimony or producing such documents and is entitled to have the amount of those expenses determined prior to complying with the subpoena.
- A person is not obligated to attend as a witness in a civil case unless one day's attendance and travel fees are paid or tendered in advance (see fees below), unless the subpoena is issued on behalf of the state of Minnesota, or the state's officer or agent.

Fees to be paid to witnesses shall be as follows (Minn. Stat. § 357.22):

- For attending in any action or proceeding in any court of record or before any officer, person or board authorized the take examination of witnesses, \$20 for each day.
- For roundtrip travel estimated from the witness's residence at 28 cents per mile. If a witness lives outside the state, travel costs shall be estimated from the boundary line of the state where the witness crossed into Minnesota at 28 cents per mile. (Additional fees may be available for out of state witnesses).

In any proceeding where a parent or guardian attends the proceeding with a minor witness and the parent or guardian is not a witness, one parent or guardian shall be compensated in those cases where witness compensation is mandatory under Minn. Stat. § 357.22, and may be compensated when compensation is discretionary under those sections. No more than a combined total of \$60 may be awarded to the parent or guardian and minor witness. Minn. Stat. § 357.242.

SCHEDULE A

I. INSTRUCTIONS

1. In responding to these requests, you shall produce all responsive documents which are in your possession, custody or control, or in the possession, custody or control of your agents, employees, attorneys, accountants or other representatives. A document shall be deemed to be within your control if you have the right to secure the document or a copy of the document from another person having possession or custody of the document.

2. Pursuant to the Minnesota Rules of Civil Procedure, you are to produce complete copies of the documents as they are kept in the usual course of business. Contestants also reserve the right, pursuant to the Minnesota Rules of Civil Procedure, to inspect and copy *original* documents as they are kept in the usual course of business at a later date. All non-identical copies which differ from the original or from the other copies produced for any reason, including, but not limited to, the making of notes thereon, are to be produced.

3. If any responsive document was, but is no longer in your possession or subject to your control, state whether it is: (a) missing or lost; (b) destroyed; (c) transferred voluntarily or involuntarily to others; or (d) otherwise disposed of, and in each instance identify the name and address of its current or last known custodian, and the circumstances surrounding such disposition.

4. If any document responsive to these requests is withheld under a claim of privilege or upon any other ground, as to each such document, identify the privilege being asserted and provide the following information in sufficient detail to permit the Court to rule on your claim:

(a) the date, author, primary addressee and secondary addressees or persons copied, including the relationship of those persons to the client and/or author of the document;

(b) a brief description sufficient to identify the type, subject matter and purpose of the document;

(c) all persons to whom its contents have been disclosed; and

(d) the party who is asserting the privilege.

5. If a portion of any document responsive to these requests is withheld under the claim or privilege pursuant to Instruction 4, any non-privileged portion of such document must be produced with the portion claimed to be relevant or responsive to the request.

6. In responding to these requests, you shall produce all responsive documents available at the time of production.

7. You are to produce each document requested herein in its entirety without deletion or excision (except as qualified by the preceding Instructions concerning privilege) regardless of whether you consider the entire document to be relevant or responsive to the request.

8. Where a document is not produced in full or is produced in redacted form, so indicate on the document, state with particularity the reason it is not being produced in full, and describe to the best of your knowledge, information and belief, and with as much particularity as possible, those portions of the document which are not being produced or are being redacted.

II. DEFINITIONS

Unless otherwise stated, the terms set forth below are defined as follows:

1. "Election" refers to the election for the office of United States Senator from the State of Minnesota held on November 4, 2008 ("Election Day").

2. "Absentee ballots" includes ballots sent to individuals who indicated that they could not vote in person on Election Day, including individuals serving in the military, and specifically includes UOCAVA ballots.

3. "Ballots" shall mean, without limitation, paper ballots, optical scan ballots, hand-counted ballots, absentee ballots, UOCAVA ballots (including without limitation military ballots), and duplicate ballots made as substitutes for defective original ballots under Minn. Stat. § 206.86, subd. 5.

4. "All" shall include the term "each" and vice-versa, as necessary to bring within the scope of the request all responses that might otherwise be construed to be outside the scope of the request.

5. "Document" or "documents" is intended to have the broadest possible meaning under Rule 34.01 of the Minnesota Rules of Civil Procedure and includes, without limitation, any form, application, writing, drawing, graph, chart, photography, phonorecord, electronic data or digitally encoded data, database, graphic, and/or other data compilations from which information can be obtained, translated if necessary, by the respondent through detection devices into reasonably usable form, or other information, including originals, translations and drafts thereof and all copies bearing notations and marks not found on the original.

6. "And" and "or." The connectives "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the request all responses that might otherwise be construed to be outside of the scope of the request.

7. "Including" means including but not limited to.

8. "You" or "Your" refers to the person or entity responding to these requests on behalf of the City of Minneapolis, City of Plymouth, and City of St. Louis Park.

III. RELEVANT TIME PERIOD

All requests herein refer to all documents and information that relate to the November 4, 2008 Election, even though prepared, documented, completed or published before or after Election Day.

IV. DOCUMENTS REQUESTED

1. Any documents or lists that identify any and all individuals in the City of Minneapolis, City of Plymouth, and City of St. Louis Park who requested to vote by absentee for the Election, including the names and addresses of such individuals and the date on which the request was made.
2. All applications you received for absentee ballots.
3. Any documents or lists that identify any and all individuals in the City of Minneapolis, City of Plymouth, and City of St. Louis Park to whom you sent absentee ballots for the Election, including the names and addresses of such individuals and the date on which the absentee ballots were sent.
4. Any documents or lists that identify any and all individuals in the City of Minneapolis, City of Plymouth, and City of St. Louis Park who returned absentee ballots to you for the Election and the date and time on which the ballots were received.
5. Any documents or lists that identify any and all individuals in the City of Minneapolis, City of Plymouth, and City of St. Louis Park who returned absentee ballots to you for the Election and whose votes were counted in the Election.
6. Any documents or lists that identify any and all individuals in the City of Minneapolis, City of Plymouth, and City of St. Louis Park who completed a same-day registration and voted in person on Election Day.
7. All of the absentee ballot envelopes for absentee ballots that were accepted by the City of Minneapolis, City of Plymouth, and City of St. Louis Park on Election Day.
8. All voter registration applications submitted with the absentee ballots that you received for the Election.
9. The polling place rosters for the City of Minneapolis, City of Plymouth, and City of St. Louis Park.

10. Any documents, lists, or sign-in sheets that identify any and all individuals who entered the warehouse in Minneapolis where the ballots were stored after Election Day.

Keane, Bryan

From: Agee, Gretchen
Sent: Thursday, January 08, 2009 2:59 PM
To: 'michelle.desjardin@co.hennepin.mn.us'; 'Pat.Diamond@co.hennepin.mn.us';
'Daniel.Rogan@co.hennepin.mn.us'; 'citizeninfo@co.hennepin.mn.us'
Cc: Langdon, Jim; 'Trimblelegals@earthlink.net'; 'dlillehaug@fredlaw.com';
'KHamilton@perkinscole.com'
Subject: DATA PRACTICES ACT REQUEST - Hennepin County
Attachments: Hennepin County .PDF

Ms. DesJardin:

Pursuant to the Minnesota Government Data Practices Act, we request copies of the following:

1. Any documents or lists that identify any and all individuals in the City of Minneapolis, City of Plymouth, and City of St. Louis Park who requested to vote by absentee for the Election, including the names and addresses of such individuals and the date on which the request was made.
2. All applications you received for absentee ballots.
3. Any documents or lists that identify any and all individuals in the City of Minneapolis, City of Plymouth, and City of St. Louis Park to whom you sent absentee ballots for the Election, including the names and addresses of such individuals and the date on which the absentee ballots were sent.
4. Any documents or lists that identify any and all individuals in the City of Minneapolis, City of Plymouth, and City of St. Louis Park who returned absentee ballots to you for the Election and the date and time on which the ballots were received.
5. Any documents or lists that identify any and all individuals in the City of Minneapolis, City of Plymouth, and City of St. Louis Park who returned absentee ballots to you for the Election and whose votes were counted in the Election.
6. Any documents or lists that identify any and all individuals in the City of Minneapolis, City of Plymouth, and City of St. Louis Park who completed a same-day registration and voted in person on Election Day.
7. All of the absentee ballot envelopes for absentee ballots that were accepted by the City of Minneapolis, City of Plymouth, and City of St. Louis Park on Election Day.
8. All voter registration applications submitted with the absentee ballots that you received for the Election.
9. The polling place rosters for the City of Minneapolis, City of Plymouth, and City of St. Louis Park.
10. Any documents, lists, or sign-in sheets that identify any and all individuals who entered the warehouse in Minneapolis where the ballots were stored after Election Day.

We commit to pay reasonable copy and other costs associated with this request. As this request relates to the ongoing election contest, Court File No. 62-CV-09-56, we ask respectfully that the information be provided as soon as possible. These same requests for documents will also be made via a forthcoming subpoena duces tecum, which is attached for your convenience. Please call me if you need any additional information regarding this request. Your cooperation is appreciated.



Hennepin County
.PDF (343 KB)

Gretchen A. Agee
Associate

.....
DORSEY & WHITNEY LLP
Suite 1500, 50 South Sixth Street
Minneapolis, MN 55402-1498
P: 612.492.6709 F: 612.340.2868

.....
CONFIDENTIAL COMMUNICATION

E-mails from this firm normally contain confidential and privileged material, and are for the sole use of the intended recipient. Use or distribution by an unintended recipient is prohibited, and may be a violation of law. If you believe that you received this e-mail in error, please do not read this e-mail or any attached items. Please delete the e-mail and all attachments, including any copies thereof, and inform the sender that you have deleted the e-mail, all attachments and any copies thereof. Thank you.



GRETCHEN AGEE
(612) 492-6741
FAX (612) 395-5480
agee.gretchen@dorsey.com

January 8, 2009

VIA MESSENGER

Ms. Michelle DesJardin
Manager, Hennepin County Elections
A-600 Government Center
300 South Sixth Street
Minneapolis, MN 55487-0060

Re: In re Contest of General Election held on November 4, 2008 for the purpose of
electing a United States Senator from the State of Minnesota
Court File No. 62-CV-09-56

Dear Ms. DesJardin:

Enclosed and served upon you in the above-referenced matter is a Subpoena in a Civil Case, with attached Schedule A, requesting the production of documents. Please note that the documents requested are those relating to the cities of Minneapolis, Plymouth, and St. Louis Park. We respectfully request that the documents be produced on an expedited basis and forwarded to my attention via email (email address identified above), if possible, or via messenger or overnight mail if the documents may not be sent, in pdf form, via email.

We would appreciate receiving the documents as soon as possible, but no later than January 14, 2009 at 9:00 a.m. We commit to paying the reasonable copy and other costs associated with this subpoena. These are the same documents as requested in our earlier Minnesota Government Data Practices Act request. You do not need to produce these documents twice.

Please do not hesitate to contact me directly if you have any questions or concerns. Your cooperation is appreciated.

Sincerely,

A handwritten signature in cursive script that reads 'Gretchen A. Agee'.

Gretchen Agee

Enclosure

cc: David L. Lillehaug, Esq. (via email and fax)
Kevin J. Hamilton, Esq. (via email and fax)
James K. Langdon, Esq. (w/encl.)

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

In the Matter of the Contest of General Election held on
November 4, 2008 for the purpose of electing a United
States Senator from the State of Minnesota,

File No. 62-CV-09-56

Cullen Sheehan and Norm Coleman,

Contestants,

SUBPOENA IN A CIVIL CASE

(COMMAND TO APPEAR)

Minn. R. Civ. Pro. 45

v.

Al Franken,

Contestee.

TO: Ms. Michelle DesJardin, Manager, Hennepin County Elections, A-600 Government Center,300 South Sixth Street, Minneapolis, Minnesota 55487-0060

Name

Address

- ☐ You are commanded to appear as a witness in the district court to give testimony at the place, date, and time specified below.

Place of Testimony	Courtroom
	Date and Time

- ☐ You are commanded to appear at the place, date and time specified below to testify at the taking of a deposition in the above case.

Place of Deposition	Date and Time
---------------------	---------------

- ☒ You are commanded to produce and permit inspection and copying of the listed documents or objects at the place, date and time specified below (attach list of documents or objects if necessary): See attached Schedule A

Place Attn: Gretchen Agee Dorsey & Whitney LLP 50 South Sixth Street, Suite 1500 Minneapolis, MN 55402	Date and Time As soon as possible, but no later than Wednesday, January 14, 2009 at 9:00 a.m.
---	--

- ☐ You are commanded to permit inspection of the following premises at the date and time specified below.

Premises	Date and Time
----------	---------------

NOTE: FAILURE TO OBEY A SUBPOENA WITHOUT BEING EXCUSED IS A CONTEMPT OF COURT.

<u>Gretchen A. Agee</u> Signature of Contestants' Attorney	<u>January 8, 2009</u> Date
Gretchen Agee Dorsey & Whitney LLP 50 South Sixth Street, Suite 1500 Minneapolis, MN 55402 612-340-2600 Name, Address and Phone Number (if issued by Attorney as an Officer of the Court)	SEAL (if issued by Court Administration)

RETURN OF SERVICE

State of Minnesota

County of _____

I hereby certify and return that on _____ I served a copy of this subpoena upon the person named thereon. Service was made by:

- ☐ personally handing to and leaving with him or her a true and correct copy; or
- ☐ leaving a true and correct copy at his or her usual place of residence

Address _____

with _____ a person of suitable age and discretion.

Name of Person _____

NOTARY STAMP, SIGNATURE AND DATE
Subscribed and Sworn/Affirmed to before me on

Date _____

By _____

Title _____

NOTE: If served by someone other than a Law Enforcement Officer, signature must be notarized.

Rule 45, Minnesota Rules of Civil Procedure, provides that:

- A subpoena may be served by any person who is not a party and is not less than 18 years of age.
- Service of a subpoena shall be made by delivering a copy to the person named in the subpoena or by leaving a copy at the person's usual place of abode with some person of suitable age and discretion who resides there.
- A witness who is not a party to the action or an employee of a party (except a person appointed pursuant to Rule 30.02(f)) and who is required to give testimony or produce documents relating to a profession, business, or trade, or relating to knowledge, information, or facts obtained as a result of activities in such profession, business, or trade, is entitled to reasonable compensation for the time and expense involved in preparing for and giving such testimony or producing such documents and is entitled to have the amount of those expenses determined prior to complying with the subpoena.
- A person is not obligated to attend as a witness in a civil case unless one day's attendance and travel fees are paid or tendered in advance (see fees below), unless the subpoena is issued on behalf of the state of Minnesota, or the state's officer or agent.

Fees to be paid to witnesses shall be as follows (Minn. Stat. § 357.22):

- For attending in any action or proceeding in any court of record or before any officer, person or board authorized the take examination of witnesses, \$20 for each day.
- For roundtrip travel estimated from the witness's residence at 28 cents per mile. If a witness lives outside the state, travel costs shall be estimated from the boundary line of the state where the witness crossed into Minnesota at 28 cents per mile. (Additional fees may be available for out of state witnesses).

In any proceeding where a parent or guardian attends the proceeding with a minor witness and the parent or guardian is not a witness, one parent or guardian shall be compensated in those cases where witness compensation is mandatory under Minn. State. § 357.22, and may be compensated when compensation is discretionary under those sections. No more than a combined total of \$60 may be awarded to the parent or guardian and minor witness. Minn. Stat. § 357.242.

SCHEDULE A

I. INSTRUCTIONS

1. In responding to these requests, you shall produce all responsive documents which are in your possession, custody or control, or in the possession, custody or control of your agents, employees, attorneys, accountants or other representatives. A document shall be deemed to be within your control if you have the right to secure the document or a copy of the document from another person having possession or custody of the document.

2. Pursuant to the Minnesota Rules of Civil Procedure, you are to produce complete copies of the documents as they are kept in the usual course of business. Contestants also reserve the right, pursuant to the Minnesota Rules of Civil Procedure, to inspect and copy *original* documents as they are kept in the usual course of business at a later date. All non-identical copies which differ from the original or from the other copies produced for any reason, including, but not limited to, the making of notes thereon, are to be produced.

3. If any responsive document was, but is no longer in your possession or subject to your control, state whether it is: (a) missing or lost; (b) destroyed; (c) transferred voluntarily or involuntarily to others; or (d) otherwise disposed of, and in each instance identify the name and address of its current or last known custodian, and the circumstances surrounding such disposition.

4. If any document responsive to these requests is withheld under a claim of privilege or upon any other ground, as to each such document, identify the privilege being asserted and provide the following information in sufficient detail to permit the Court to rule on your claim:

(a) the date, author, primary addressee and secondary addresses or persons copied, including the relationship of those persons to the client and/or author of the document;

(b) a brief description sufficient to identify the type, subject matter and purpose of the document;

(c) all persons to whom its contents have been disclosed; and

(d) the party who is asserting the privilege.

5. If a portion of any document responsive to these requests is withheld under the claim or privilege pursuant to Instruction 4, any non-privileged portion of such document must be produced with the portion claimed to be relevant or responsive to the request.

6. In responding to these requests, you shall produce all responsive documents available at the time of production.

7. You are to produce each document requested herein in its entirety without deletion or excision (except as qualified by the preceding Instructions concerning privilege) regardless of whether you consider the entire document to be relevant or responsive to the request.

8. Where a document is not produced in full or is produced in redacted form, so indicate on the document, state with particularity the reason it is not being produced in full, and describe to the best of your knowledge, information and belief, and with as much particularity as possible, those portions of the document which are not being produced or are being redacted.

II. DEFINITIONS

Unless otherwise stated, the terms set forth below are defined as follows:

1. "Election" refers to the election for the office of United States Senator from the State of Minnesota held on November 4, 2008 ("Election Day").

2. "Absentee ballots" includes ballots sent to individuals who indicated that they could not vote in person on Election Day, including individuals serving in the military, and specifically includes UOCAVA ballots.

3. "Ballots" shall mean, without limitation, paper ballots, optical scan ballots, hand-counted ballots, absentee ballots, UOCAVA ballots (including without limitation military ballots), and duplicate ballots made as substitutes for defective original ballots under Minn. Stat. § 206.86, subd. 5.

4. "All" shall include the term "each" and vice-versa, as necessary to bring within the scope of the request all responses that might otherwise be construed to be outside the scope of the request.

5. "Document" or "documents" is intended to have the broadest possible meaning under Rule 34.01 of the Minnesota Rules of Civil Procedure and includes, without limitation, any form, application, writing, drawing, graph, chart, photography, phonorecord, electronic data or digitally encoded data, database, graphic, and/or other data compilations from which information can be obtained, translated if necessary, by the respondent through detection devices into reasonably usable form, or other information, including originals, translations and drafts thereof and all copies bearing notations and marks not found on the original.

6. "And" and "or." The connectives "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the request all responses that might otherwise be construed to be outside of the scope of the request.

7. "Including" means including but not limited to.

8. "You" or "Your" refers to the person or entity responding to these requests on behalf of the City of Minneapolis, City of Plymouth, and City of St. Louis Park.

III. RELEVANT TIME PERIOD

All requests herein refer to all documents and information that relate to the November 4, 2008 Election, even though prepared, documented, completed or published before or after Election Day.

IV. DOCUMENTS REQUESTED

1. Any documents or lists that identify any and all individuals in the City of Minneapolis, City of Plymouth, and City of St. Louis Park who requested to vote by absentee for the Election, including the names and addresses of such individuals and the date on which the request was made.

2. All applications you received for absentee ballots.

3. Any documents or lists that identify any and all individuals in the City of Minneapolis, City of Plymouth, and City of St. Louis Park to whom you sent absentee ballots for the Election, including the names and addresses of such individuals and the date on which the absentee ballots were sent.

4. Any documents or lists that identify any and all individuals in the City of Minneapolis, City of Plymouth, and City of St. Louis Park who returned absentee ballots to you for the Election and the date and time on which the ballots were received.

5. Any documents or lists that identify any and all individuals in the City of Minneapolis, City of Plymouth, and City of St. Louis Park who returned absentee ballots to you for the Election and whose votes were counted in the Election.

6. Any documents or lists that identify any and all individuals in the City of Minneapolis, City of Plymouth, and City of St. Louis Park who completed a same-day registration and voted in person on Election Day.

7. All of the absentee ballot envelopes for absentee ballots that were accepted by the City of Minneapolis, City of Plymouth, and City of St. Louis Park on Election Day.

8. All voter registration applications submitted with the absentee ballots that you received for the Election.

9. The polling place rosters for the City of Minneapolis, City of Plymouth, and City of St. Louis Park.

10. Any documents, lists, or sign-in sheets that identify any and all individuals who entered the warehouse in Minneapolis where the ballots were stored after Election Day.

Breymeier, Dianna

From: Stafford, Christopher [CStafford@fredlaw.com]
Sent: Wednesday, January 14, 2009 10:57 AM
To: jill.alverson@co.hennepin.mn.us
Cc: fknaak@klaw.us; trimblelegals@earthlink.net; Lillehaug, David; Langdon, Jim
Subject: Data Practices Request Jan 14 - Hennepin II of II
Attachments: Data Practices Request Jan 14 - Hennepin II of II.pdf

Dear Ms. Alverson,

We represent the Franken for Senate Committee. Pursuant to the Minnesota Government Data Practices Act, we request the following information:

■ For each of the precincts identified below, please provide copies of:

- 1) All election machine tapes or any other automatic or electronic record generated by the ballot counting or recording machines used within each precinct;
- 2) All voter rosters or any other record of the signatures of voters who appeared to vote at the precinct on election day;
- 3) All correspondence, memoranda, or e-mails, with the Office of the Secretary of State or its representatives relating to each precinct;
- 4) All documents, including all reports, logs, correspondence, memoranda, or e-mails, relating to any discrepancies in the number of votes counted and/or any missing or duplicate ballots in each precinct;
- 5) All documents, including all reports, logs, correspondence, memoranda, or e-mails, relating to any attempt to reconcile any discrepancies in the number of votes counted and/or any missing or duplicate ballots in each precinct; and
- 6) All other documents relating to any investigation, examination or analysis of potential missing or duplicate ballots in each precinct.

Please provide this information for the following six precincts:

Brooklyn Center 7
Minneapolis 3-3
Brooklyn Park C-2
Plymouth 3-18
Plymouth 3-19
Richfield 1-4

We are prepared to pay reasonable costs for collecting and copying this information, as provided by the Act. We understand that some private data may have to be redacted.

This is an urgent request relating to an ongoing election contest brought under Minnesota's election laws; as such, we request that you provide this information on an expedited basis. We prefer that you submit this information in electronic form via e-mail. If this is not possible, or if you have other questions or concerns, please do not hesitate to contact me at the number listed below.

These same requests for documents will also be made by means of a forthcoming subpoena duces

1/15/2009

tucem. A copy of the forthcoming subpoena is hereby attached to this e-mail.

This has been a long process, and we appreciate your patient assistance. Thank you for your continued cooperation.

Christopher Stafford
Fredrikson & Byron, P.A.
200 South Sixth Street, Suite 4000
Minneapolis, MN 55402-7419
Direct Dial: 612.492.7426
Phone: 612.492.7000
Fax: 612.492.7077

1/15/2009

January 14, 2009

VIA PERSONAL SERVICE

Fredrikson
& BYRON, P.A.

Jill Alverson
Hennepin County Elections
A-600 Government Center
300 South Sixth Street
Minneapolis, MN 55487-0060

Re: *Cullen Sheehan and Norm Coleman v. Al Franken,*
Court File No. 62-CV-09-56

Dear Ms. Alverson:


Enclosed please find a subpoena related to the above-captioned election contest in Minnesota's United States Senate race, which is currently pending in Ramsey County District Court.

The subpoena requires you to produce the documents for inspection at our offices in Minneapolis. Because of the expedited nature of the proceeding at hand, however, I request that you please provide the requested documents, together with a bill for your expenses incurred in responding to this subpoena, via e-mail to the address given below on or before January 21, 2009. If this is not possible, or if you have any other questions or concerns, please do not hesitate to contact me.

The documents requested by this subpoena were also the subject of an earlier request made pursuant to the Minnesota Government Data Practices Act. If you have already responded to that request, there is no need for you to respond again.

Thank you for your continued assistance and cooperation.

Sincerely,


Christopher A. Stafford
Attorney

Direct Dial: 612.492.7426
Email: cstafford@fredlaw.com

Enc.

c: Tony Trimble, Esq.
James Langdon, Esq.
Fritz Knaak, Esq.

Attorneys & Advisors
main 612.492.7000
fax 612.492.7077
www.fredlaw.com

Fredrikson & Byron, P.A.
200 South Sixth Street, Suite 4000
Minneapolis, Minnesota
55402-1425

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State of Minnesota**District Court**

County of Ramsey

Judicial District:

Second Judicial District

Court File Number:

62-CV-09-56

Case Type:

Civil

In the Matter of the Contest of the General Election
Held on Nov. 4 for the purpose of electing a
United States Senator from the State of Minnesota,

SUBPOENA IN A CIVIL CASE

Minn. R. Civ. Pro. 45

Cullen Sheehan and Norm Coleman,
Contestants

v.
Al Franken

Contestee

TO: Jill Alverson, Hennepin County Elections
A-600 Government Center, 300 South Sixth Street, Minneapolis, MN 55487-0060

- ☐ You are commanded to appear as a witness in the district court to give testimony at the place, date, and time specified below.

Place of Testimony	Courtroom
	Date and Time

- ☐ You are commanded to appear at the place, date and time specified below to testify at the taking of a deposition in the above case.

Place of Deposition	Date and Time
---------------------	---------------

- ☒ You are commanded to produce and permit inspection and copying of the listed documents or objects at the place, date and time specified below (attach list of documents or objects if necessary): **SEE EXHIBIT A**

Place: Attn: Christopher Stafford Fredrikson & Byron, P.A. 200 South Sixth Street, Suite 4000 Minneapolis, Minnesota 55402	Date and Time 1/21/2009; 9:00 a.m.
--	---------------------------------------

- ☐ You are commanded to permit inspection of the following premises at the date and time specified below.

Premises	Date and Time
----------	---------------

NOTE: FAILURE TO OBEY A SUBPOENA WITHOUT BEING EXCUSED IS A CONTEMPT OF COURT.

Signature of Contestee's Attorney	1/14/2009 Date
<u>Christopher A Stafford, Esq., on behalf of</u> <u>David L. Lillehaug, Esq.</u> <u>Fredrikson & Byron, P.A.</u> <u>200 South Sixth Street Suite 4000,</u> <u>Minneapolis, MN 55402</u> <u>(612) 492-7000</u>	SEAL (if issued by Court Administration)
Name, Address and Phone Number (if issued by Attorney as an Officer of the Court)	

RETURN OF SERVICE

State of Minnesota

County of _____

I hereby certify and return that on _____ I served a copy of this subpoena upon the person named thereon. Service was made by:

- ☐ personally handing to and leaving with him or her a true and correct copy; or
- ☐ leaving a true and correct copy at his or her usual place of residence

Address _____

with _____ a person of suitable age and discretion.
 Name of Person

NOTARY STAMP, SIGNATURE AND DATE
 Subscribed and Sworn/Affirmed to before me on

_____, 20 _____

Date _____

By _____

Title _____

NOTE: If served by someone other than a Law Enforcement Officer, signature must be notarized.

Rule 45, Minnesota Rules of Civil Procedure, provides that:

- A subpoena may be served by any person who is not a party and is not less than 18 years of age.
- Service of a subpoena shall be made by delivering a copy to the person named in the subpoena or by leaving a copy at the person's usual place of abode with some person of suitable age and discretion who resides there.
- A witness who is not a party to the action or an employee of a party (except a person appointed pursuant to Rule 30.02(f)) and who is required to give testimony or produce documents relating to a profession, business, or trade, or relating to knowledge, information, or facts obtained as a result of activities in such profession, business, or trade, is entitled to reasonable compensation for the time and expense involved in preparing for and giving such testimony or producing such documents and is entitled to have the amount of those expenses determined prior to complying with the subpoena.
- A person is not obligated to attend as a witness in a civil case unless one day's attendance and travel fees are paid or tendered in advance (see fees below), unless the subpoena is issued on behalf of the state of Minnesota, or the state's officer or agent.

Fees to be paid to witnesses shall be as follows (Minn. Stat. § 357.22):

- For attending in any action or proceeding in any court of record or before any officer, person or board authorized the take examination of witnesses, \$20 for each day.
- For roundtrip travel estimated from the witness's residence at 28 cents per mile. If a witness lives outside the state, travel costs shall be estimated from the boundary line of the state where the witness crossed into Minnesota at 28 cents per mile. (Additional fees may be available for out of state witnesses).

In any proceeding where a parent or guardian attends the proceeding with a minor witness and the parent or guardian is not a witness, one parent or guardian shall be compensated in those cases where witness compensation is mandatory under Minn. Stat. § 357.22, and may be compensated when compensation is discretionary under those sections. No more than a combined total of \$60 may be awarded to the parent or guardian and minor witness. Minn. Stat. § 357.242.

EXHIBIT A

For each of the precincts identified below, please provide copies of:

- 1) All election machine tapes or any other automatic or electronic record generated by the ballot counting or recording machines used within each precinct;
- 2) All voter rosters or any other record of the signatures of voters who appeared to vote at the precinct on election day;
- 3) All correspondence, memoranda, or e-mails, with the Office of the Secretary of State or its representatives relating to each precinct;
- 4) All documents, including all reports, logs, correspondence, memoranda, or e-mails, relating to any discrepancies in the number of votes counted and/or any missing or duplicate ballots in each precinct;
- 5) All documents, including all reports, logs, correspondence, memoranda, or e-mails, relating to any attempt to reconcile any discrepancies in the number of votes counted and/or any missing or duplicate ballots in each precinct; and
- 6) All other documents relating to any investigation, examination or analysis of potential missing or duplicate ballots in each precinct.

Please provide this information for the following precincts:

Brooklyn Center 7
Minneapolis 3-3
Brooklyn Park C-2
Plymouth 3-18
Plymouth 3-19
Richfield 1-4

Breymeier, Dianna

From: Stafford, Christopher [CStafford@fredlaw.com]
Sent: Wednesday, January 14, 2009 10:57 AM
To: jill.alverson@co.hennepin.mn.us
Cc: fknaak@klaw.us; trimblelegals@earthlink.net; Lillehaug, David; Langdon, Jim
Subject: Data Practices Request Jan 14 - Hennepin I of II
Attachments: Data Practices Request Jan 14 - Hennepin I of II.pdf

Dear Ms. Alverson,

We represent the Franken for Senate Committee. Pursuant to the Minnesota Government Data Practices Act, we request the following information:

- Please provide copies of all documents generated or received by Hennepin County officials after November 4, 2008 relating to the thirty voters identified below, including but not limited to:
 - 1) All internal correspondence, memoranda, or e-mails relating to the below-identified voters;
 - 2) All correspondence, memoranda, or e-mails between Hennepin County officials and any other state, county, or local election officials (including the Secretary of State, County Auditors, City Clerks, election judges, or their representatives), relating to the below-identified voters;
 - 3) All documents relating to the submission, evaluation, and rejection of the affidavits submitted by the below-identified voters; and
 - 4) All documents relating to the evaluation of erroneously rejected absentee ballots and the creation of Hennepin County's list, if any, of erroneously rejected absentee ballots to be considered for opening and counting.

Please provide this information for the following thirty voters:

1	Ann, Adja Kumba Kaba	Hennepin	Maple Grove P-9
2	Applebee, Donald	Hennepin	Minnetonka W2 P-C
3	Applebee, Donelda	Hennepin	Minnetonka W2 P-C
4	Brandt, Jordan	Hennepin	Minneapolis W-7 P-4
5	Davies, Elizabeth	Hennepin	Minneapolis W-7 P-8
6	Decker, Beth	Hennepin	Minneapolis W-7 P-09
7	Dressel, Ruth Anne	Hennepin	Plymouth W-3 P-17
8	Dropp, Kourtney	Hennepin	Maple Grove P-19
9	Erickson, Dennis	Hennepin	Plymouth W-3 P-18
10	Gleason, Donald	Hennepin	Edina P-17
11	Gorski, Hannah	Hennepin	Bloomington W4-P4
12	Larson, Michele J.	Hennepin	St. Louis Park W-1 P-04
13	Lindquist, Craig	Hennepin	Minneapolis W-7 P-8
14	McCool, Greg	Hennepin	Maple Grove P-9

15	Misterek, Michael	Hennepin	Minneapolis W-10 P-11 1855
16	Modrack, Heather	Hennepin	Plymouth W-1 P-03
17	Nelson, Mary	Hennepin	Plymouth W-2 P-12
18	Nelson, Rebekah	Hennepin	Bloomington W-3 P-22
19	Nix, Noel	Hennepin	Minneapolis W-6 P-4
20	Nygren, Gordon	Hennepin	Bloomington W-1 P-08
21	Rapacz, Nickolas	Hennepin	Minneapolis W-11 P-08
22	Robitz, Karen	Hennepin	St. Louis Park W-4 P-16
23	Rootes, Neal	Hennepin	Maple Grove P-22 1295
24	Schneck, Lauren	Hennepin	Golden Valley P-3
25	Seeley, Anthony	Hennepin	Robbinsdale W-3 2665
26	Seeley, Rachel	Hennepin	Robbinsdale W-3 2665
27	Sullivan-Fedock, John	Hennepin	Minnetonka W1-P-D
28	Toner, Todd	Hennepin	Minneapolis W1-P2
29	Verlo, Audrey	Hennepin	New Hope P-08
30	Wells, Priscilla	Hennepin	Hopkins P-6

We are prepared to pay reasonable costs for collecting and copying this information, as provided by the Act. We understand that some private data may have to be redacted.

This is an urgent request relating to an ongoing election contest brought under Minnesota's election laws; as such, we request that you provide this information on an expedited basis. We prefer that you submit this information in electronic form via e-mail. If this is not possible, or if you have other questions or concerns, please do not hesitate to contact me at the number listed below.

These same requests for documents will also be made by means of a forthcoming subpoena duces tecum. A copy of the forthcoming subpoena is hereby attached to this e-mail.

This has been a long process, and we appreciate your patient assistance. Thank you for your continued cooperation.

Christopher Stafford
Fredrikson & Byron, P.A.
200 South Sixth Street, Suite 4000
Minneapolis, MN 55402-7419
Direct Dial: 612.492.7426
Phone: 612.492.7000
Fax: 612.492.7077

January 14, 2009

VIA PERSONAL SERVICE

Jill Alverson
Hennepin County Elections
A-600 Government Center
300 South Sixth Street
Minneapolis, MN 55487-0060

Re: *Cullen Sheehan and Norm Coleman v. Al Franken*,
Court File No. 62-CV-09-56

Dear Ms. Alverson:


Enclosed please find a subpoena related to the above-captioned election contest in Minnesota's United States Senate race, which is currently pending in Ramsey County District Court.

The subpoena requires you to produce the documents for inspection at our offices in Minneapolis. Because of the expedited nature of the proceeding at hand, however, I request that you please provide the requested documents, together with a bill for your expenses incurred in responding to this subpoena, via e-mail to the address given below on or before January 21, 2009. If this is not possible, or if you have any other questions or concerns, please do not hesitate to contact me.

The documents requested by this subpoena were also the subject of an earlier request made pursuant to the Minnesota Government Data Practices Act. If you have already responded to that request, there is no need for you to respond again.

Thank you for your continued assistance and cooperation.

Sincerely,



Christopher A. Stafford
Attorney
Direct Dial: 612.492.7426
Email: cstafford@fredlaw.com

Enc.

c: Tony Trimble, Esq.
James Langdon, Esq.
Fritz Knaak, Esq.

Attorneys & Advisors
main 612.492.7000
fax 612.492.7077
www.fredlaw.com

Fredrikson & Byron, P.A.
200 South Sixth Street, Suite 4000
Minneapolis, Minnesota
55402-1425

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Fredrikson
BYRON, P.A.

State of Minnesota**County of Ramsey****District Court**

Judicial District:	Second Judicial District
Court File Number:	62-CV-09-56
Case Type:	Civil

In the Matter of the Contest of the General Election
Held on Nov. 4 for the purpose of electing a
United States Senator from the State of Minnesota,

SUBPOENA IN A CIVIL CASE
Minn. R. Civ. Pro. 45

Cullen Sheehan and Norm Coleman,
Contestants

v.
Al Franken

Contestee

TO: Jill Alverson, Hennepin County Elections
A-600 Government Center, 300 South Sixth Street, Minneapolis, MN 55487-0060

- ☐ You are commanded to appear as a witness in the district court to give testimony at the place, date, and time specified below.

Place of Testimony	Courtroom
	Date and Time

- ☐ You are commanded to appear at the place, date and time specified below to testify at the taking of a deposition in the above case.

Place of Deposition	Date and Time
---------------------	---------------


- ☒ You are commanded to produce and permit inspection and copying of the listed documents or objects at the place, date and time specified below (attach list of documents or objects if necessary): **SEE EXHIBIT A**

Place: Attn: Christopher Stafford Fredrikson & Byron, P.A. 200 South Sixth Street, Suite 4000 Minneapolis, Minnesota 55402	Date and Time 1/21/2009; 9:00 a.m.
--	---------------------------------------

- ☐ You are commanded to permit inspection of the following premises at the date and time specified below.

Premises	Date and Time
----------	---------------

NOTE: FAILURE TO OBEY A SUBPOENA WITHOUT BEING EXCUSED IS A CONTEMPT OF COURT.

Signature of Contestee's Attorney 	1/14/2009 Date
Christopher A. Stafford, Esq., on behalf of David L. Lillehaug, Esq. Fredrikson & Byron, P.A. 200 South Sixth Street Suite 4000, Minneapolis, MN 55402 (612) 492-7000 Name, Address and Phone Number (if issued by Attorney as an Officer of the Court)	SEAL (if issued by Court Administration)

RETURN OF SERVICE

State of Minnesota

County of _____

I hereby certify and return that on _____ I served a copy of this subpoena upon the person named thereon. Service was made by:

- ☐ personally handing to and leaving with him or her a true and correct copy; or
- ☐ leaving a true and correct copy at his or her usual place of residence

Address _____

with _____ a person of suitable age and discretion.

Name of Person _____

NOTARY STAMP, SIGNATURE AND DATE
Subscribed and Sworn/Affirmed to before me on

_____, 20____

Date _____

By _____

Title _____

NOTE: If served by someone other than a Law Enforcement Officer, signature must be notarized.

Rule 45, Minnesota Rules of Civil Procedure, provides that:

- A subpoena may be served by any person who is not a party and is not less than 18 years of age.
- Service of a subpoena shall be made by delivering a copy to the person named in the subpoena or by leaving a copy at the person's usual place of abode with some person of suitable age and discretion who resides there.
- A witness who is not a party to the action or an employee of a party (except a person appointed pursuant to Rule 30.02(f)) and who is required to give testimony or produce documents relating to a profession, business, or trade, or relating to knowledge, information, or facts obtained as a result of activities in such profession, business, or trade, is entitled to reasonable compensation for the time and expense involved in preparing for and giving such testimony or producing such documents and is entitled to have the amount of those expenses determined prior to complying with the subpoena.
- A person is not obligated to attend as a witness in a civil case unless one day's attendance and travel fees are paid or tendered in advance (see fees below), unless the subpoena is issued on behalf of the state of Minnesota, or the state's officer or agent.

Fees to be paid to witnesses shall be as follows (Minn. Stat. § 357.22):

- For attending in any action or proceeding in any court of record or before any officer, person or board authorized the take examination of witnesses, \$20 for each day.
- For roundtrip travel estimated from the witness's residence at 28 cents per mile. If a witness lives outside the state, travel costs shall be estimated from the boundary line of the state where the witness crossed into Minnesota at 28 cents per mile. (Additional fees may be available for out of state witnesses).

In any proceeding where a parent or guardian attends the proceeding with a minor witness and the parent or guardian is not a witness, one parent or guardian shall be compensated in those cases where witness compensation is mandatory under Minn. State. § 357.22, and may be compensated when compensation is discretionary under those sections. No more than a combined total of \$60 may be awarded to the parent or guardian and minor witness. Minn. Stat. § 357.242.

EXHIBIT A

Please provide copies of all documents generated or received by Hennepin County officials after November 4, 2008 relating to the thirty voters identified below, including but not limited to:

- 1) All internal correspondence, memoranda, or e-mails relating to the below-identified voters;
- 2) All correspondence, memoranda, or e-mails between Hennepin County officials and any other state, county, or local election officials (including the Secretary of State, County Auditors, City Clerks, election judges, or their representatives), relating to the below-identified voters;
- 3) All documents relating to the submission, evaluation, and rejection of the affidavits submitted by the below-identified voters; and
- 4) All documents relating to the evaluation of erroneously rejected absentee ballots and the creation of Hennepin County's list, if any, of erroneously rejected absentee ballots to be considered for opening and counting.

Please provide this information for the following thirty voters:

1	Ann, Adja Kumba Kaba	Hennepin	Maple Grove P-9
2	Applebee, Donald	Hennepin	Minnetonka W2 P-C
3	Applebee, Donelda	Hennepin	Minnetonka W2 P-C
4	Brandt, Jordan	Hennepin	Minneapolis W-7 P-4
5	Davies, Elizabeth	Hennepin	Minneapolis W-7 P-8
6	Decker, Beth	Hennepin	Minneapolis W-7 P-09
7	Dressel, Ruth Anne	Hennepin	Plymouth W-3 P-17
8	Droppa, Kourtney	Hennepin	Maple Grove P-19
9	Erickson, Dennis	Hennepin	Plymouth W-3 P-18
10	Gleason, Donald	Hennepin	Edina P-17
11	Gorski, Hannah	Hennepin	Bloomington W4-P4
12	Larson, Michele J.	Hennepin	St. Louis Park W-1 P-04
13	Lindquist, Craig	Hennepin	Minneapolis W-7 P-8
14	McCool, Greg	Hennepin	Maple Grove P-9
15	Misterek, Michael	Hennepin	Minneapolis W-10 P-11 1855
16	Modrack, Heather	Hennepin	Plymouth W-1 P-03
17	Nelson, Mary	Hennepin	Plymouth W-2 P-12
18	Nelson, Rebekah	Hennepin	Bloomington W-3 P-22
19	Nix, Noel	Hennepin	Minneapolis W-6 P-4
20	Nygren, Gordon	Hennepin	Bloomington W-1 P-08
21	Rapacz, Nickolas	Hennepin	Minneapolis W-11 P-08
22	Robitz, Karen	Hennepin	St. Louis Park W-4 P-16
23	Rootes, Neal	Hennepin	Maple Grove P-22 1295
24	Schneck, Lauren	Hennepin	Golden Valley P-3
25	Seeley, Anthony	Hennepin	Robbinsdale W-3 2665
26	Seeley, Rachel	Hennepin	Robbinsdale W-3 2665
27	Sullivan-Fedock, John	Hennepin	Minnetonka W1-P-D
28	Toner, Todd	Hennepin	Minneapolis W1-P2
29	Verlo, Audrey	Hennepin	New Hope P-08
30	Wells, Priscilla	Hennepin	Hopkins P-6

EXHIBIT 2

Absentee Ballot Application

Read instructions on back before completing.

**Office of the Minnesota
Secretary of State**

Return this application as soon as possible, ballots must be returned by election day to be counted.

I hereby apply for an absentee ballot for: (check one) <input type="checkbox"/> Both primary and general elections <input type="checkbox"/> Primary only <input checked="" type="checkbox"/> General election only <input type="checkbox"/> Special election (date) _____ <input type="checkbox"/> Special general (date) _____ <input type="checkbox"/> Other (date) _____	I will need an absentee ballot for the following reason: (check one) <input checked="" type="checkbox"/> Absence from the precinct <input type="checkbox"/> Illness or disability <input type="checkbox"/> Religious discipline or observance of religious holiday <input type="checkbox"/> Service as election judge in another precinct <input type="checkbox"/> Eligible emergency declared by the governor or quarantine declared by federal or state government
--	--

Name (please print) Rachel Mertens					
Date of birth [REDACTED]			Phone number 507-787-2582		
My legal residence address is:			Mail my absentee ballot to me at the following address:		
Street Address 12839 470th Ave		Apt. No.	Street Address 901 8th St. South		Apt. No. CPO 4658
City Easton	State MN	Zip Code 56025	City/Township Moorhead	State MN	Zip Code 56562
Date 10/27/08		Signature x Rachel Mertens			

Office Use Only					
REG <input type="checkbox"/>	Received Date 10-30-08	Ballots Issued Date 10-30-08	Type M C HCF	School District # 2860	Precinct Barber
NON REG <input checked="" type="checkbox"/>	Initials [Signature]	Ballots Issued Date			

10/30/08 10:30 AM 10/30/08 10:30 AM 10/30/08 10:30 AM

380954 STG ML PCT NR 10/30 10/30 392637
 22 0005 2860 BARBER TWP.
 RACHEL MERTENS
 13839 470TH AVE

APP

Faribault County Auditor's Office
 PO Box 130
 Blue Earth, MN 56013

FAX: 507-526-6290
 phone # 507-526-6211

Email: liz.boettcher@co.faribault.mn.us

Absentee Ballot Application

Read instructions on back before completing.

**Office of the Minnesota
Secretary of State**

Return this application as soon as possible, ballots must be returned by election day to be counted.

I hereby apply for an absentee ballot for: (check one) <input type="checkbox"/> Both primary and general elections <input type="checkbox"/> Primary only <input checked="" type="checkbox"/> General election only <input type="checkbox"/> Special election (date) _____ <input type="checkbox"/> Special general (date) _____ <input type="checkbox"/> Other (date) _____		I will need an absentee ballot for the following reason: (check one) <input checked="" type="checkbox"/> Absence from the precinct <input type="checkbox"/> Illness or disability <input type="checkbox"/> Religious discipline or observance of religious holiday <input type="checkbox"/> Service as election judge in another precinct <input type="checkbox"/> Eligible emergency declared by the governor or quarantine declared by federal or state government	
Name (please print) Valerie Torkelson-Malchow			
Date of birth [REDACTED]		Phone number 507-893-4353	
My legal residence address is:		Mail my absentee ballot to me at the following address:	
Street Address 216 Cleveland Ave E		Street Address P.O. Box 626	
Apt. No.		Apt. No.	
City Winnebago		City/Township Winnebago, Minn	
State MN		State	
Zip Code 56098		Zip Code 56098	
Date		Signature X	

Office Use Only					
REG	<input checked="" type="checkbox"/>	Received Date	10-2-2008	Ballots Issued Date	10-7-08
NON REG	<input type="checkbox"/>	Initials	AD	Ballots Issued Date	
		Type	C	HCF	
		School District #	2860	Precinct	Winnebago City

292306 STG ML PCT R 10/02 10/02 293791
 22 0160 2860 WINNEBAGO
 VALERIE SUE TORKELSON-MALCHOW
 216 CLEVELAND AVE E APP

257700 STG ML PCT R 09/16 10/02 259033
 55 0060 531 KALMAR TWP.
 TYLER JAMES MILDE
 7249 COUNTRY CLUB RD APP

The Minnesota
 Secretary Of State
 Election Day to be counted.

I hereby apply for an absentee ballot
 for: (check one)

☐ Both primary and general elections

☐ Primary only

☒ General election only

☐ Special election (date)

☐ Other (date)

RECEIVED

SEP 15 2008

IN OFFICE ☒ BY MAIL
 Olmsted County Elections

I will need an absentee ballot for
 the following reasons: (check one)

☒ Absence from the precinct

☐ Illness or disability

☐ Religious discipline or observance of
 religious holiday

☐ Service as election judge in another
 precinct

☐ Eligible emergency declared by the
 governor or quarantine declared by
 federal or state government.

Name (please print)

Tyler Milde

Date of birth

Phone number

My legal residence address is:

Street Address Apt. No. City State Zip Code

7249 Country Club Rd Byron MN 55920

Mail my absentee ballot to me at the following address:

Street Address Apt. No. Rural/Box No. City/Township State Zip Code

1501 North Partin Dr #116 Neville FL 32578

Date

9/1/08 Signature X Tyler Milde (un)

Office Use Only

EG
 ON FILE

please go to the followin

p://www.sos.state.mn

e ballot:

Signature
 don't match

ACCEPTED

REJECTED

Reason

Minnesota Voter Registration Application

Complete lines 1 through 8. Please print clearly.

Personal Information & Qualifications

1. Are you a U.S. citizen? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		IP <input type="checkbox"/> election office use only	
2. Will you be at least 18 on or before the next election? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If you mark "NO" to either of these questions, DO NOT complete this form.		M <input type="checkbox"/> AB <input type="checkbox"/>	
3. last name or surname Fisher	first name Ty	middle name Michael	suffix (Mr., Mrs., Jr., etc.)
4. address where you live (residence) apt. number 213 Red Lake Ave NW		city Bagley	zip code 56401
5. If mail cannot be delivered to the address above, provide P.O. Box P.O. Box 493		city Bagley	zip code 56401
6. date of birth (not today's date) [REDACTED]	school district (if known) [REDACTED]	county where you live Clearwater	
phone number 28 - 694 - 2807	email address [REDACTED]		
7. Mark one box and provide the number that applies to you: <input checked="" type="checkbox"/> I have a MN-issued driver's license or MN ID card number: [REDACTED] <input type="checkbox"/> I do not have a MN-issued driver's license or MN ID card. The last four digits of my Social Security Number are: XXX-XX-XXXX <input type="checkbox"/> I do not have a MN-issued driver's license, a MN-issued ID card, or a Social Security Number.			

Registration Updates - Are you currently registered under a different name or address?

previous last name [REDACTED]	previous first name [REDACTED]	previous middle name [REDACTED]
previous address where you were last registered [REDACTED]	city [REDACTED]	state [REDACTED] zip code [REDACTED]

Read And Sign Only If All Parts Apply To You.

8. 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.

Sign here X Ty M. Fisher date: 11-4-2008

Election Judge Official Use Only

W <input type="checkbox"/> P <input type="checkbox"/> SD <input type="checkbox"/> Initial <input type="checkbox"/>	ID With Current Address ID Number: _____ <input type="checkbox"/> MN Drivers License, Learners Permit, MN ID Card, or Receipt <input type="checkbox"/> Tribal ID	Photo ID With Utility Bill or Fee Statement Student Fee Statement or Utility Bill (type) _____ ID Number: _____ <input type="checkbox"/> MN Drivers License <input type="checkbox"/> MN ID Card <input type="checkbox"/> U.S. Passport <input type="checkbox"/> U.S. Military ID <input type="checkbox"/> Tribal ID <input type="checkbox"/> Student ID	Other <input checked="" type="checkbox"/> Vouched For <input type="checkbox"/> Late Notice <input type="checkbox"/> Previous Registration in Same Precinct <input type="checkbox"/> Student ID With College List ID Number: _____
---	---	--	---

CLEAR 02064



For more information on voting or state election results go to the Minnesota Secretary of State web site at www.sos.state.mn.us or call toll free 1-877-600-VOTE (1-877-600-8683) or use Minnesota Relay Service at 1-800-627-3529 or 711.

Special assistance is available to those who are elderly, have disabilities, or are in health care facilities. Contact the Secretary of State or your County Auditor for more information.

Confidentiality Notice: Access to the data that you supply on your voter registration application is restricted to elections officials and to those who obtain the list for political, law enforcement and jury selection purposes. The lists provided for these purposes do not include your exact date of birth, driver's license, state ID or social security numbers. The last four digits of your social security number, if you provide them on line 10b of the form, enjoy special protection because they are classified as private data. If you do not have a Minnesota driver's license or state ID number, both state and federal law require that you supply the last four digits of your social security number (unless you do not have one of those either). This partial number may be sent along with your name and date of birth to the Social Security Administration, via the Department of Public Safety, to verify your identity. If you possess a Minnesota driver's license, state ID, or social security number, but do not provide it, your application may be considered incomplete and may not be processed. Your local election official may contact you to try to obtain one of these numbers. If you do not provide one, you may be required to complete a new voter registration application or show ID at your polling place before being allowed to vote.

Voucher Form

I swear or affirm that (Check one):

- ☒ I am pre-registered to vote in this precinct. Voter ID # _____
- ☐ I registered in this precinct today and did not have another person vouch for me.
- ☐ I am an employee of a residential facility: _____

(Name of residential facility)

Residential Address of Voucher or Address of Residential Facility

31 Bagley Ave SW
Street Address

Bagley
City

Telephone number: (218) 694-3136

Email address (optional): _____

I personally know that Ty Fisher
(Name of person registering)

is a resident of this precinct.

Kay Peterson
Signature of Voucher

Subscribed and sworn to before me

11/14/08
Date

Alise Gumberson
Signature of Election Judge

CLEAR 02065

Election Roster LEON TWP

November 04, 2008

11/04/2008 STATE GENERAL ELECTION

STATE OF MINNESOTA
Clearwater County

I certify that I am at least 18 years of age and a citizen of the United States; that I reside at the address shown and have resided in Minnesota for 20 days immediately preceding this election; that I am not under guardianship of the person in which the court order revokes my right to vote; have not been found by a court to be legally incompetent to vote, and that I have the right to vote because, if convicted of a felony, my felony sentence has expired (been completed) or I have been discharged from my sentence; and that I am registered and will be voting only in this precinct. I understand that giving false information is a felony punishable by not more than five years imprisonment and a fine of not more than \$10,000, or both.

Voter Name and Address		Voter Signature		Disctict/Precinct	ID Number	DOB
1. AAKRE, CHARLES H 17088 CLEARWATER LAKE RD				2311 CLEARBROOK-GONVICK 0075 LEON TWP	0000706896	
2. AAKRE, DANIEL COREY 17088 CLEARWATER LAKE RD				2311 CLEARBROOK-GONVICK 0075 LEON TWP	0003424731	
3. AAKRE, DELORES A 17086 CLEARWATER LAKE RD				2311 CLEARBROOK-GONVICK 0075 LEON TWP	0000707291	
4. AAKRE, DEVIN JAMES 48208 189TH AVE				2311 CLEARBROOK-GONVICK 0075 LEON TWP	0004374247	
5. AAKRE, DOREEN M 48208 189TH AVE				2311 CLEARBROOK-GONVICK 0075 LEON TWP	0000708008	
6. AAKRE, HARLAN S 48863 189TH AVE				2311 CLEARBROOK-GONVICK 0075 LEON TWP	0000707282	
7. AAKRE, JAMES HARLAN 48208 189TH AVE				2311 CLEARBROOK-GONVICK 0075 LEON TWP	0000709047	
8. AAKRE, SHIRLEY MAE 48863 189TH AVE				2311 CLEARBROOK-GONVICK 0075 LEON TWP	0000706897	
9. AGNES, SARA BETH 18816 510TH ST				2311 CLEARBROOK-GONVICK 0075 LEON TWP	0003363354	
10. ALBERTS, LARRY GENE 18757 510TH ST				2311 CLEARBROOK-GONVICK 0075 LEON TWP	0000709822	
11. ALBERTS, NANCY KAY 18757 510TH ST				2311 CLEARBROOK-GONVICK 0075 LEON TWP	0000709714	
12. AMUNDSON, LISA MARIE 48456 189TH AVE				2311 CLEARBROOK-GONVICK 0075 LEON TWP	0000709175	

SRS-R1

Page 1 of 40

CLEAR 01170

11/04/2008 STATE GENERAL ELECTION - November 04, 2008
LEON TWP

I certify that I am at least 18 years of age and a citizen of the United States; that I reside at the address shown and have resided in Minnesota for 20 days immediately preceding this election; that I am not under guardianship of the person in which the court order revokes my right to vote; have not been found by a court to be legally incompetent to vote, and that I have the right to vote because, if convicted of a felony, my felony sentence has expired (been completed) or I have been discharged from my sentence; and that I am registered and will be voting only in this precinct. I understand that giving false information is a felony punishable by not more than five years imprisonment and a fine of not more than \$10,000, or both.

Voter Name and Address		Voter Signature		District/Precinct		ID Number	DOB
1. ANDERSON, ELAINE DIANE 47908 STATE 92				2311 CLEARBROOK-GONVICK 0075 LEON TWP		0000709706	
2. ANDERSON, JOSH P 47904 STATE 92				2311 CLEARBROOK-GONVICK 0075 LEON TWP		0000709705	
3. ANDERSON, KIMBERLY MEGAN 16125 470TH ST				2311 CLEARBROOK-GONVICK 0075 LEON TWP		0003211340	
4. ANDERSON, PARKER LEE 47908 STATE 92				2311 CLEARBROOK-GONVICK 0075 LEON TWP		0000709916	
5. ANDERSON, RICHARD E 48800 STATE 92				2311 CLEARBROOK-GONVICK 0075 LEON TWP		0000707263	
6. ANDERSON, ROBERTA JOAN 18460 460TH ST				2311 CLEARBROOK-GONVICK 0075 LEON TWP		0004161782	
7. ANDERSON, SCOTT THOMAS 16125 470TH ST				2311 CLEARBROOK-GONVICK 0075 LEON TWP		0000710321	
8. AUBUCHON, LARENE HAZEL 50608 179TH AVE				2311 CLEARBROOK-GONVICK 0075 LEON TWP		0000706060	
9. AUBUCHON, LOUIS J 50608 179TH AVE				2311 CLEARBROOK-GONVICK 0075 LEON TWP		0000705701	

SRS-R1

Page 2 of 40

CLEAR 01171

11/04/2008 STATE GENERAL ELECTION - November 04, 2008
Leon TWP

I certify that I am at least 18 years of age and a citizen of the United States; that I reside at the address shown and have resided in Minnesota for 20 days immediately preceding this election; that I am not under guardianship of the person in which the court order revokes my right to vote; have not been found by a court to be legally incompetent to vote, and that I have the right to vote because, if convicted of a felony, my felony sentence has expired (been completed) or I have been discharged from my sentence; and that I am registered and will be voting only in this precinct. I understand that giving false information is a felony punishable by not more than five years imprisonment and a fine of not more than \$10,000, or both.

Voter Name and Address		Voter Signature		District/Precinct	ID Number	DOB
1. BAKER, DOROTHY 15945 480TH ST				2311 CLEARBROOK-GONVICK 0075 LEON TWP	0000709860	
2. BAKER, GERALD 15945 480TH ST				2311 CLEARBROOK-GONVICK 0075 LEON TWP	0000709861	
3. BAKKE, BRIAN K 17387 480TH ST				2311 CLEARBROOK-GONVICK 0075 LEON TWP	0000710150	
4. BAKKE, JENNIFER L 17387 480TH ST				2311 CLEARBROOK-GONVICK 0075 LEON TWP	0000709800	
5. BARDWELL, MARY ELLEN 20801 520TH ST				2311 CLEARBROOK-GONVICK 0075 LEON TWP	0000709802	
6. BARDWELL, RUBY 21484 510TH ST				2311 CLEARBROOK-GONVICK 0075 LEON TWP	0000707266	
7. BARDWELL, RUSSELL 21484 510TH ST				2311 CLEARBROOK-GONVICK 0075 LEON TWP	0000709803	
8. BARDWELL, WAYNE DALLAS 20801 520TH ST				2311 CLEARBROOK-GONVICK 0075 LEON TWP	0000707267	
9. BECKETT, JASON D 18818 510TH ST				2311 CLEARBROOK-GONVICK 0075 LEON TWP	0000710192	
10. BERNARDINI, JOHN BRIAN 21480 490TH ST				2311 CLEARBROOK-GONVICK 0075 LEON TWP	0003722108	
11. BLOWERS, DEL R 48288 STATE 92				2311 CLEARBROOK-GONVICK 0075 LEON TWP	0000707268	
12. BLOWERS, MARLYN 48288 STATE 92				2311 CLEARBROOK-GONVICK 0075 LEON TWP	0000707269	
13. BORENE, BONNIE MARIE 48860 178TH AVE				2311 CLEARBROOK-GONVICK 0075 LEON TWP	0002434381	

SRS-R1

Page 3 of 40

CLEAR 01172

11/04/2008 STATE GENERAL ELECTION - November 04, 2008
LEON TWP

I certify that I am at least 18 years of age and a citizen of the United States; that I reside at the address shown and have resided in Minnesota for 20 days immediately preceding this election; that I am not under guardianship of the person in which the court order revokes my right to vote; have not been found by a court to be legally incompetent to vote, and that I have the right to vote because, if convicted of a felony, my felony sentence has expired (been completed) or I have been discharged from my sentence; and that I am registered and will be voting only in this precinct. I understand that giving false information is a felony punishable by not more than five years imprisonment and a fine of not more than \$10,000, or both.

Voter Name and Address		Voter Signature		District/Precinct		ID Number	DOB
1. BOREME, BRADLEY KIM 48660 178TH AVE				2311 CLEARBROOK-GONVICK 0075 LEON TWP		0002434382	
2. BRANCHAUD, BRIAN EDDIE 50497 189TH AVE				2311 CLEARBROOK-GONVICK 0075 LEON TWP		0000709485	
3. BRANCHAUD, TRACIE LYNN 50487 189TH AVE				2311 CLEARBROOK-GONVICK 0075 LEON TWP		0000709727	
4. BRENDALLEN, JANELLE JUNE 48537 179TH AVE				2311 CLEARBROOK-GONVICK 0075 LEON TWP		0000708865	
5. BRENDALLEN, JOHN 17728 CLEARWATER LAKE RD				2311 CLEARBROOK-GONVICK 0075 LEON TWP		0000707271	
6. BRENDALLEN, JOHN CHRISTIAN 48537 179TH AVE				2311 CLEARBROOK-GONVICK 0075 LEON TWP		0000707272	
7. BRENDALLEN, JUDITH A 48537 179TH AVE				2311 CLEARBROOK-GONVICK 0075 LEON TWP		0000707273	
8. BRENDALLEN, JUNE I 17728 CLEARWATER LAKE RD				2311 CLEARBROOK-GONVICK 0075 LEON TWP		0000708806	
9. BRENTON, JOHN WILLIAM 48227 STATE 92				2311 CLEARBROOK-GONVICK 0075 LEON TWP		0000708774	
10. BRENTON, THERESA ANN 48227 STATE 92				2311 CLEARBROOK-GONVICK 0075 LEON TWP		0000709739	
11. BREYEN, PHYLLIS MARGARET 18428 490TH ST				2311 CLEARBROOK-GONVICK 0075 LEON TWP		0003363285	

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CLEAR 01173

11/04/2008 STATE GENERAL ELECTION - November 04, 2008
LEON TWP

I certify that I am at least 18 years of age and a citizen of the United States; that I reside at the address shown and have resided in Minnesota for 20 days immediately preceding this election; that I am not under guardianship of the person in which the court order revokes my right to vote; have not been found by a court to be legally incompetent to vote, and that I have the right to vote because, if convicted of a felony, my felony sentence has expired (been completed) or I have been discharged from my sentence; and that I am registered and will be voting only in this precinct. I understand that giving false information is a felony punishable by not more than five years imprisonment and a fine of not more than \$10,000, or both.

Voter Name and Address	Voter Signature	District/Precinct	ID Number	DOB
1. CAMPBELL, GARY M 46448 179TH AVE	[REDACTED]	2311 CLEARBROOK-GONVICK 0075 LEON TWP	0000705569	[REDACTED]
2. CAMPBELL, NANCY L 46448 179TH AVE	[REDACTED]	2311 CLEARBROOK-GONVICK 0075 LEON TWP	0000705896	[REDACTED]
3. CHURA, KELLY JEAN 118 RR 3	[REDACTED]	2311 CLEARBROOK-GONVICK 0075 LEON TWP	0000708480	[REDACTED]
4. CREPEAU, BONNIE JOANN 18548 460TH ST	[REDACTED]	2311 CLEARBROOK-GONVICK 0075 LEON TWP	0000710284	[REDACTED]
5. CREPEAU, DALE JOSEPH 18548 460TH ST	[REDACTED]	2311 CLEARBROOK-GONVICK 0075 LEON TWP	0000710465	[REDACTED]
6. CREPEAU, RUTHANN 18548 460TH ST	[REDACTED]	2311 CLEARBROOK-GONVICK 0075 LEON TWP	0000706909	[REDACTED]

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CLEAR 01174

11/04/2008 STATE GENERAL ELECTION - November 04, 2008

L: 4 TWP

I certify that I am at least 18 years of age and a citizen of the United States; that I reside at the address shown and have resided in Minnesota for 20 days immediately preceding this election; that I am not under guardianship of the person in which the court order revokes my right to vote; have not been found by a court to be legally incompetent to vote, and that I have the right to vote because, if convicted of a felony, my felony sentence has expired (been completed) or I have been discharged from my sentence; and that I am registered and will be voting only in this precinct. I understand that giving false information is a felony punishable by not more than five years imprisonment and a fine of not more than \$10,000, or both.

Voter Name and Address		Voter Signature		District/Precinct	ID Number	DOB
1. DAHL, JOEL KENNETH 21233 490TH ST				2311 CLEARBROOK-GONVICK 0075 LEON TWP	0000706910	
2. DAHL, KRISTINE EVELYN 21233 490TH ST				2311 CLEARBROOK-GONVICK 0075 LEON TWP	0000707274	
3. DAHLKE, JONATHAN LEE 17014 490TH ST				2311 CLEARBROOK-GONVICK 0075 LEON TWP	0000710363	
4. DAHLKE, SARA MARDELL 17014 490TH ST				2311 CLEARBROOK-GONVICK 0075 LEON TWP	0003361223	
5. DANIELSON, MICHELLE IRENE 18944 600TH ST				2311 CLEARBROOK-GONVICK 0075 LEON TWP	0003210343	
6. DAVIS, JESSE NATHAN 18178 610TH ST				2311 CLEARBROOK-GONVICK 0075 LEON TWP	0000710130	
7. DELA, LAMAR HANSON 46382 189TH AVE				2311 CLEARBROOK-GONVICK 0075 LEON TWP	0004024983	
8. DYRDAHL, DEANN LYNNE 18102 460TH ST				2311 CLEARBROOK-GONVICK 0075 LEON TWP	0000708530	
9. DYRDAHL, FRANK HOWARD 18102 460TH ST				2311 CLEARBROOK-GONVICK 0075 LEON TWP	0000706531	

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CLEAR 01175

11/04/2008 STATE GENERAL ELECTION - November 04, 2008

L A TWP

Voter Name and Address		Voter Signature	District/Precinct	ID Number	DOB
1. ENMEL, AUDREY F 48471 189TH AVE			2311 CLEARBROOK-GONVICK 0075 LEON TWP	0000705940	
2. ENMEL, BRIAN HARVEY 47845 STATE 92			2311 CLEARBROOK-GONVICK 0075 LEON TWP	8000708916	
3. ENMEL, BRUCE ARVID 48471 189TH AVE			2311 CLEARBROOK-GONVICK 0075 LEON TWP	0003301783	
4. ENMEL, KRISTINE A 47845 STATE 92			2311 CLEARBROOK-GONVICK 0075 LEON TWP	0000707277	
5. ENMEL, MICHELLE JOAN 47845 STATE 92			2311 CLEARBROOK-GONVICK 0075 LEON TWP	0003682289	
6. ENGBERTSON, DAVID OLAF 48323 199TH AVE			2311 CLEARBROOK-GONVICK 0075 LEON TWP	0000708890	
7. ENGBERTSON, DENNIS D 18235 490TH ST			2311 CLEARBROOK-GONVICK 0075 LEON TWP	0000708916	
8. ENGBERTSON, JACQUELINE FAY 18235 490TH ST			2311 CLEARBROOK-GONVICK 0075 LEON TWP	0000707279	
9. ENGBERTSON, JUDITH A 48323 199TH AVE			2311 CLEARBROOK-GONVICK 0075 LEON TWP	0000708040	
10. ENGBERTSON, JUDY A 18282 490TH ST			2311 CLEARBROOK-GONVICK 0075 LEON TWP	0000708039	
11. ENGBERTSON, NATHAN LEE 18231 490TH ST			2311 CLEARBROOK-GONVICK 0075 LEON TWP	0000709122	
12. ENGBERTSON, PHILIP EMMANUEL 18235 490TH ST			2311 CLEARBROOK-GONVICK 0075 LEON TWP	0003639560	
13. ENGBERTSON, ROSANNA 18231 490TH ST			2311 CLEARBROOK-GONVICK 0075 LEON TWP	0004161704	

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CLEAR 01176

11/04/2008 STATE GENERAL ELECTION - November 04, 2008

L A TWP

I certify that I am at least 18 years of age and a citizen of the United States; that I reside at the address shown and have resided in Minnesota for 20 days immediately preceding this election; that I am not under guardianship of the person in which the court order revokes my right to vote; have not been found by a court to be legally incompetent to vote, and that I have the right to vote because, if convicted of a felony, my felony sentence has expired (been completed) or I have been discharged from my sentence; and that I am registered and will be voting only in this precinct. I understand that giving false information is a felony punishable by not more than five years imprisonment and a fine of not more than \$10,000, or both.

Voter Name and Address		Voter Signature		District/Precinct	ID Number	DOB
1. ERICKSON, AMY MARGARET 16832 490TH ST				2311 CLEARBROOK-GONVICK 0075 LEON TWP	0000710464	
2. ERICKSON, BETH LOUISE 16832 490TH ST				2311 CLEARBROOK-GONVICK 0075 LEON TWP	0000707280	
3. ERICKSON, BOBBIE JO 16832 490TH ST				2311 CLEARBROOK-GONVICK 0075 LEON TWP	0004161813	
4. ERICKSON, DANIEL M 50361 179TH AVE				2311 CLEARBROOK-GONVICK 0075 LEON TWP	0000709472	
5. ERICKSON, ELVIN 21827 470TH ST				2311 CLEARBROOK-GONVICK 0075 LEON TWP	0000706918	
6. ERICKSON, GREGORY L 16832 490TH ST				2311 CLEARBROOK-GONVICK 0075 LEON TWP	0000707281	
7. ERICKSON, JEWEL 21827 470TH ST				2311 CLEARBROOK-GONVICK 0075 LEON TWP	0000707282	
8. ERICKSON, LURAE D 50361 179TH ST				2311 CLEARBROOK-GONVICK 0075 LEON TWP	0000707283	
9. ERICKSON, NICHOLAS DANIEL 50361 179TH ST				2311 CLEARBROOK-GONVICK 0075 LEON TWP	0003838570	
10. ERICKSON, NOEL F 50361 179TH AVE				2311 CLEARBROOK-GONVICK 0075 LEON TWP	0004078479	
11. ERICKSON, NORMA JEAN 49401 168TH AVE				2311 CLEARBROOK-GONVICK 0075 LEON TWP	0000708667	
12. ERICKSON, SHEILA AILEEN 21524 CLEARWATER LAKE RD				2311 CLEARBROOK-GONVICK 0075 LEON TWP	0000706937	
13. ERICKSON, WARREN ANTON 16832 490TH ST				2311 CLEARBROOK-GONVICK 0075 LEON TWP	0000710615	

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CLEAR 01177

11/04/2008 STATE GENERAL ELECTION - November 04, 2008

L A TWP

I certify that I am at least 18 years of age and a citizen of the United States; that I reside at the address shown and have resided in Minnesota for 20 days immediately preceding this election; that I am not under guardianship of the person in which the court order revokes my right to vote; have not been found by a court to be legally incompetent to vote, and that I have the right to vote because, if convicted of a felony, my felony sentence has expired (been completed) or I have been discharged from my sentence; and that I am registered and will be voting only in this precinct. I understand that giving false information is a felony punishable by not more than five years imprisonment and a fine of not more than \$10,000, or both.

Voter Name and Address	Voter Signature	District/Precinct	ID Number	DOB
1. FALDET, JENNIFER JEAN 51717 189TH AVE		2311 CLEARBROOK-GONWICK 0075 LEON TWP	0000710136	
2. FALDET, ROSS DANIEL 51717 189TH AVE		2311 CLEARBROOK-GONWICK 0075 LEON TWP	0000710499	
3. FALDET, RYAN JEFFREY 51717 189TH AVE		2311 CLEARBROOK-GONWICK 0075 LEON TWP	0000709767	
4. FARINWORTH, DONNA RAE 19093 CLEARWATER LAKE RD		2311 CLEARBROOK-GONWICK 0075 LEON TWP	0000708860	

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CLEAR 01178

11/04/2008 STATE GENERAL ELECTION - November 04, 2008
L. J. TWP

I certify that I am at least 18 years of age and a citizen of the United States; that I reside at the address shown and have resided in Minnesota for 20 days immediately preceding this election; that I am not under guardianship of the person in which the court order revokes my right to vote; have not been found by a court to be legally incompetent to vote, and that I have the right to vote because, if convicted of a felony, my felony sentence has expired (been completed) or I have been discharged from my sentence; and that I am registered and will be voting only in this precinct. I understand that giving false information is a felony punishable by not more than five years imprisonment and a fine of not more than \$10,000, or both.

Voter Name and Address	Voter Signature	District/Precinct	ID Number	DOB
1. GERLOFS, JOSHUA COE 46514 200TH AVE		2311 CLEARBROOK-GONVICK 0075 LEON TWP	0000710478	
2. GERLOFS, RUTH PAULINE 46514 200TH AVE		2311 CLEARBROOK-GONVICK 0075 LEON TWP	0003839869	
3. GROSHONG, NICOLE MARIE 47220 189TH AVE		2311 CLEARBROOK-GONVICK 0075 LEON TWP	0000708834	
4. GROSHONG, SHAWN LEE 47220 189TH AVE		2311 CLEARBROOK-GONVICK 0075 LEON TWP	0000708809	
5. GUNNING, MARK ANDY 17278 510TH ST		2311 CLEARBROOK-GONVICK 0075 LEON TWP	0000708831	
6. GUNNING, MARK GILMAN 17278 510TH ST		2311 CLEARBROOK-GONVICK 0075 LEON TWP	0003838421	
7. GUNNING, SARAH J 17278 510TH ST		2311 CLEARBROOK-GONVICK 0075 LEON TWP	0000709259	

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CLEAR 01179

11/04/2008 STATE GENERAL ELECTION - November 04, 2008

LEON TWP

I certify that I am at least 18 years of age and a citizen of the United States; that I reside at the address shown and have resided in Minnesota for 20 days immediately preceding this election; that I am not under guardianship of the person in which the court order revokes my right to vote; have not been found by a court to be legally incompetent to vote, and that I have the right to vote because, if convicted of a felony, my felony sentence has expired (been completed) or I have been discharged from my sentence; and that I am registered and will be voting only in this precinct. I understand that giving false information is a felony punishable by not more than five years imprisonment and a fine of not more than \$10,000, or both.

Voter Name and Address		Voter Signature		District/Precinct		ID Number	DOB
1. HAGEN, DARCI JO 47394 209TH AVE				2311 CLEARBROOK-GONVICK 0075 LEON TWP		0000705693	
2. HAGEN, JONI LYNN 47394 209TH AVE				2311 CLEARBROOK-GONVICK 0075 LEON TWP		0000705847	
3. HAGEN, STEVEN KELLY 47394 209TH AVE				2311 CLEARBROOK-GONVICK 0075 LEON TWP		0000706541	
4. HALL, LELAND W 46598 179TH AVE				2311 CLEARBROOK-GONVICK 0075 LEON TWP		0000707286	
5. HALL, PATRICIA A 46598 179TH AVE				2311 CLEARBROOK-GONVICK 0075 LEON TWP		0000706921	
6. HALVORSON, DENELL LYLE 116 RR 3				2311 CLEARBROOK-GONVICK 0075 LEON TWP		0003638888	
7. HANSEN, RICHARD C 19974 CLEARWATER LAKE RD				2311 CLEARBROOK-GONVICK 0075 LEON TWP		0000707287	
8. HANSEN, RODNEY KENNETH 21228 480TH ST				2311 CLEARBROOK-GONVICK 0075 LEON TWP		0000709258	
9. HANSEN, SARAH A 19974 CLEARWATER LAKE RD				2311 CLEARBROOK-GONVICK 0075 LEON TWP		0000706922	
10. HANSON, ERIN LAURA 19790 DOG LEG RD				2311 CLEARBROOK-GONVICK 0075 LEON TWP		0003373626	
11. HANSON, LYLE EDWIN 48142 189TH AVE				2311 CLEARBROOK-GONVICK 0075 LEON TWP		0000706923	
12. HANSON, VICKI LYNN 48142 189TH AVE				2311 CLEARBROOK-GONVICK 0075 LEON TWP		0000707288	
13. HARRINGTON, DANA 47655 STATE 92				2311 CLEARBROOK-GONVICK 0075 LEON TWP		0000463943	

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CLEAR 01180

11/04/2008 STATE GENERAL ELECTION - November 04, 2008
 LEON TWP

I certify that I am at least 18 years of age and a citizen of the United States; that I reside at the address shown and have resided in Minnesota for 20 days immediately preceding this election; that I am not under guardianship of the person in which the court order revokes my right to vote; have not been found by a court to be legally incompetent to vote, and that I have the right to vote because, if convicted of a felony, my felony sentence has expired (been completed) or I have been discharged from my sentence; and that I am registered and will be voting only in this precinct. I understand that giving false information is a felony punishable by not more than five years imprisonment and a fine of not more than \$10,000, or both.			District/Precinct		ID Number	DOB
Voter Name and Address			Voter Signature			
1. HELMIN, JESSICA ANN 49888 189TH AVE					2311 CLEARBROOK-GONVICK 0075 LEON TWP	0003882293
2. HELMIN, ROBERT JOSEPH 49888 189TH AVE					2311 CLEARBROOK-GONVICK 0075 LEON TWP	0000708766
3. HELMIN, SUSAN ANNETTE 49888 189TH AVE					2311 CLEARBROOK-GONVICK 0075 LEON TWP	0000708990
4. NIEMENZ, DENNIS EDWARD 21001 CLEARWATER LAKE RD					2311 CLEARBROOK-GONVICK 0075 LEON TWP	0003387565
5. NIEMENZ, MARJORIE ANN 21001 CLEARWATER LAKE RD					2311 CLEARBROOK-GONVICK 0075 LEON TWP	0003387580
6. HOLM, CHARLES ERIC 46561 189TH AVE					2311 CLEARBROOK-GONVICK 0075 LEON TWP	0000710129
7. HUTCHENS, HARRY W 46433 STATE 92					2311 CLEARBROOK-GONVICK 0075 LEON TWP	0003739231
8. HUTCHENS, RENEE LYNN 46433 STATE 92					2311 CLEARBROOK-GONVICK 0075 LEON TWP	0003739224

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CLEAR 01181

EXHIBIT 3



Minneapolis
City of Lakes

Office of the City Attorney

Susan L. Segal
City Attorney

333 South 7th Street - Suite 300
Minneapolis MN 55402-2453

Office 612 673-2010
Civil Division Fax 612 673-3362
Criminal Division Fax 612 673-2189
CPED Fax 612 673-5112
TTY 612 673-2157

January 13, 2009

**VIA MESSENGER
AND EMAIL**

Ms. Gretchen Agee
DORSEY & WHITNEY LLP
50 South Sixth Street, Suite 1500
Minneapolis, MN 55402-1498

Re: In re Contest of General Election held on November 4, 2008 for the purpose of electing
a United States Senator from the State of Minnesota
Court File No. 62-CV-09-56

Dear Ms. Agee:

I am responding on behalf of Cynthia Reichert, Minneapolis Elections Director, who received a subpoena requesting production of documents in regard to the above referenced matter. In that subpoena you asked to receive the documents as soon as possible but "no later than January 14, 2009 at 9:00 a.m.". Please take notice that, pursuant to Rule 45.03 of the Rules of Civil Procedure, Ms. Reichert objects to the production of all of the requested materials contained in your subpoena because those materials contain not public data.

As you are aware, Minn. Stat. 13.607 provides that access to registered voters lists is governed by Section 201.091 and access to absentee ballot data is governed by Section 203B.12, subd.7. Section 201.91 provides in relevant part:



Gretchen Agee
January 13, 2009
Page 2

Subd. 4. Public Information lists.

The county auditor shall make available for inspection a public information 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. The public information list may also include information on voting districts.

Subd. 9. Restricted data.

A list provided for public inspection or purchase, for jury selection, or in response to a law enforcement inquiry, must not include a voter's date of birth or any part of a voter's Social Security number, driver's license number, identification card number, military identification card number, or passport number.

In addition, Section 203B.12 subd. 7 states, "the names of voters who have submitted an absentee ballot return envelope to the county auditor or municipal clerk may not be made available for public inspection until the close of voting on election day."

Read together, these sections contemplate that public data on absentee or in person voters include the following:

- Name
- Address
- Year of Birth
- Voting History
- Telephone Number if Provided
- Voting District if Provided
- Certain other non-identifying data

Other data would be nonpublic data.

The data responsive to your request include absentee ballot applications, pre-registered rosters, voter registration applications, absentee ballot return envelopes, and lists of voter eligibility, all of which contain not public data (including dates of birth, social security numbers or driver's license numbers). The Minnesota Government Data Practices Act, Minn. Stat. Chapter 13, and specifically Section 13.03, provides the framework for access to government data when that data is classified as not public:

13.03 Access to Government Data

Subd.6. Discoverability of not public data. If a government entity opposes discovery of government data or release of data pursuant to court order on the grounds that the data are classified as not public, the party that seeks access to the data may bring before the

Gretchen Agee
January 13, 2009
Page 3

appropriate presiding judicial officer, arbitrator, or administrative law judge an action to compel discovery or an action in the nature of an action to compel discovery.

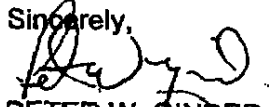
The presiding officer shall first decide whether the data are discoverable or releasable pursuant to the rules of evidence and of criminal, civil or administrative procedure appropriate to the action.

If the data are discoverable the presiding officer shall decide whether the benefit to the party seeking access to the data outweighs any harm to the confidentiality interests of the entity maintaining the data, or of any person who has provided the data or who is the subject of the data, or to the privacy interest of an individual identified in the data. In making the decision, the presiding officer shall consider whether notice to the subject of the data is warranted and, if warranted, what type of notice must be given. The presiding officer may fashion and issue any protective orders necessary to assure proper handling of the data by the parties. If the data are a videotape of a child victim or alleged victim alleging, explaining, denying, or describing an act of physical or sexual abuse, the presiding officer shall consider the provisions of section 611A.90, subdivision 2, paragraph (b).

Because of the not public nature of the data you have subpoenaed, Ms. Reichert objects to its production.

In addition, I would note that you also seek some data that is currently not in the possession of the City. Your request for "polling place rosters for your county or city" cannot be complied with by the City at this time since those rosters are currently in the possession of Hennepin County so that Hennepin County may update its voter rolls. You may wish to request this data directly from the County or, in the alternative, the City could provide this data, subject to proper protective order under Section 13.03, once those materials are returned to the City. Your request also includes information from the cities of Plymouth and St. Louis Park. Ms. Reichert is not in possession of the requested documents from those cities.

Sincerely,


PETER W. GINDER
Deputy City Attorney
(612) 673-2478

cc: Cynthia Reichert, Minneapolis Elections Director
Susan L. Segal, Minneapolis City Attorney
David C. Lillehaug (via email and fax)
Kevin J. Hamilton (via email and fax)
James K. Langdon (via email and fax)
Bryan Keane (via email and fax)

M/PWG:kc

**OFFICE OF THE HENNEPIN COUNTY ATTORNEY****MICHAEL O. FREEMAN** COUNTY ATTORNEY

January 9, 2009

Via E-mail and U.S. Mail

Gretchen Agee, Esq.
Dorsey & Whitney LLP
50 South Sixth Street, Suite 1500
Minneapolis, MN 55402

Re: In re Contest of General Election held on November 4, 2008,
Cullen Sheehan and Norm Coleman v. Al Franken
Court File No. 62-CV-09-56

Dear Ms. Agee:

I write in response to your letter of January 8, 2009 to Michelle DesJardin, which enclosed a the subpoena and request pursuant to the Minnesota Data Practices Act in the above referenced matter. Your subpoena seeks a variety of different information related to voting and registration materials from Hennepin County, Minneapolis, Plymouth and St. Louis Park. Hennepin County is interested in providing relevant documents in a timely manner to assist the parties to the election contest and the court. However, as you know, much of the documentation you have requested is private and or non-public data. Accordingly, it can only be provided if the court so orders.

In addition, Hennepin County is in the process of using much of the documentation you have requested in its post-election work related to entering voter information into the Statewide Voter Registration System. Finally, I am certain that the Franken campaign is going to be requesting similar information and, I believe a coordinated request will ensure that Hennepin County is not put in the position of having to duplicate its work with various requests. This is an extremely burdensome request that will involve copying thousands of pages. It cannot be accomplished in the span of a few days and will be time-consuming and costly.

Therefore, rather than requiring Hennepin County (and other counties and/or cities) to go to the time and expense of collecting, reviewing, and redacting information, it would be more efficient to have the court enter a protective order allowing the parties access to relevant un-redacted information. Hennepin County would be willing to assist the parties and the court with a stipulation and an appropriate court order that would protect private and non-public data, allow the production of relevant data, while minimizing the disruption to important county functions. In addition, it is my hope that the parties can minimize the amount of data that is truly necessary for the contest.

Gretchen Agee, Esq.
January 9, 2009
Page 2

While Hennepin County cannot provide all of the data you have requested without a court order, in the interest of assisting the parties, I have detailed below what documentation Hennepin County has and what is still located with the cities.

1. Hennepin County processed all Uniform Overseas Citizens Voter Act (UOCAVA) ballots in Hennepin County. There were more than 3,000 UOCAVA ballots processed by Hennepin County. Hennepin County has all of the UOCAVA applications. These applications have a significant amount of personal private data related to individual applicants (passport numbers, driver's license numbers, dates of birth, social security numbers, and other data). This data is privileged and cannot be provided without a court order. The UOCAVA ballot envelopes (with enclosed ballots) accepted by Hennepin County were sent to the cities within Hennepin County. The cities now have these ballots. Hennepin County rejected 15 UOCAVA ballots. Hennepin County has those ballots and envelopes. Attached is a document identifying those ballots. Please let me know if you want copies of these envelopes. In addition, Hennepin County has additional ballots that came in after November 4, 2008. We can make copies of these envelopes as well if you desire. The data regarding when ballots were mailed and accepted is contained in the Statewide Voter Registration System.

2. Hennepin County has precinct rosters from most of the cities in Hennepin County (including the cities of Minneapolis, Plymouth, and St. Louis Park).¹ Hennepin County is currently posting voter history from cities and as it finishes its work is returning these rosters to cities. Hennepin County still has the rosters from Minneapolis, Plymouth, and St. Louis Park. These precinct rosters have information regarding who voted in person and absentee, and who was a same day registrant. These rosters are non-public election data pursuant to Minn. Stat. § 204B.40 and cannot be provided to you absent a court order. In addition, as described above, Hennepin County is actively using these rosters and so any order requesting access and/or copying of these rosters should ensure Hennepin County can continue to perform its post-election functions.

3. Hennepin County has voter registration cards for same day registrants from most of the cities in Hennepin County (including Minneapolis, Plymouth and St. Louis Park). Hennepin County is processing voter registrations from cities and as it finishes its work it is returning these registrations to cities. These cards contain private data on individuals. These voter registration cards are non-public election data pursuant to Minn. Stat. §204B.40 and cannot be provided to you absent a court order. There are thousands of same day registration cards from the three cities you have identified and more than 130,000 for all of Hennepin County. Photo-copying these registration cards is extremely burdensome.

4. Hennepin County has rejected absentee ballots identified by local election officials as improperly rejected, but ultimately not passed on to the Minnesota Secretary

¹ All rosters, registration materials, and other election materials for the city of Plymouth are being returned to Plymouth on Monday because Hennepin County will be finished posting voter history and processing voter registrations for Plymouth on Monday.

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of State. Municipalities in Hennepin County identified 329 improperly rejected absentee ballots. 255 of these ballots were forwarded to the Minnesota Secretary of State. Hennepin County has the remaining seventy-four ballots. This includes some ballots from the cities you identified. It is my understanding that you already have copies of these absentee ballot envelopes and the absentee ballot applications. These rejected ballots are being returned to cities as Hennepin County finishes processing voter history and registration for each city.

Municipalities in Hennepin County will likely have the following that are also responsive to you subpoena:


1. Non-UOCAVA absentee ballot applications;
2. Rejected absentee ballots not identified as improperly rejected;
3. Opened envelopes for accepted absentee ballots;
4. All voted ballots; and
5. Other election materials that are retained for 22 months.

I recognize that some of the data you have requested is necessary for the election contest. However, I believe the best way for Hennepin County (and other counties) to provide this data is for you and the Franken campaign to agree on the information to be collected and/or have the court determine what is relevant. Then to have the court issue a protective order that would allow these documents to be produced without costly and time consuming redaction and that would prevent either party from disclosing private and or confidential data. Hennepin County would not object to the court issuing such a protective order, but would request to work with the parties and the Court to create a method to produce this data in a way that is the least disruptive to important county activities. In addition, Hennepin County would obviously need to be compensated for the costs of producing these documents.

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Accordingly, Hennepin County is objecting to producing documents pursuant to your subpoena on January 14, 2009. However, we look forward to collaborating with the parties on a process to collect and provide relevant data. Please call me to discuss how you would like to proceed.

Sincerely,



Daniel P. Rogan
Sr. Assistant Hennepin County Attorney
Telephone: (612) 348-5529
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cc: Jill Alverson, Hennepin County Auditor
Michelle DesJardin, Hennepin County Elections Manager
Pat Diamond, Deputy Hennepin County Attorney
David L. Lillehaug, Esq.