



Mary Kiffmeyer

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## MINNESOTA SECRETARY OF STATE

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Mr. Frederick K. Grittner  
Clerk of Appellate Courts  
305 Minnesota Judicial Center  
25 Constitution Avenue  
St. Paul, MN. 55155-6102

OFFICE OF  
APPELLATE COURTS

OCT 17 2001

FILED

Re: Zachman v. Kiffmeyer, No. C0—160 ( Minn. Special Redistricting Panel)

BY MESSENGER

Dear Mr. Grittner:

Pursuant to Order Granting Motions for Permissive Intervention, Directing Filing of Stipulation and Statement of Unresolved Issues, and Stating Preliminary Timetable, please find the enclosed original and nine copies of a Letter to Chief Judge Edward Toussaint, Jr. and Affidavit of Mary Kiffmeyer, Defendant.

By copy of this letter, these papers are being served upon the Parties and the other known Applicants for Intervention.

Sincerely,

Mary Kiffmeyer  
Secretary of State



Mary Kiffmeyer

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## MINNESOTA SECRETARY OF STATE

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October 17, 2001

HONORABLE EDWARD TOUSSANT JR  
CHIEF JUDGE  
MINNESOTA COURT OF APPEALS  
305 MINNESOTA JUDICIAL CENTER  
25 CONSTITUTION AVENUE  
ST PAUL MN 55155-6102

Re: Susan M. Zachman, et al. v. Mary Kiffmeyer, Secretary of State, et al.  
No. C0-01-160

Dear Judge Toussaint:

I am submitting the enclosed affidavit to communicate to the court the policy position of the Minnesota Office of Secretary of State.

Attorney General Mike Hatch has informed me that he has the sole authority to represent the legal interest of the State of Minnesota. I have also been informed by the Office of the Attorney General of the legal theory regarding the primacy of the legislature.

I believe it is important to communicate on behalf of the citizens and candidates of this state the disruptive impact of a redistricting order issued after the statutory date of the precinct caucuses. As a private citizen, I witnessed this disruption in 1982 and in 1992. To delay is fundamentally unfair to citizens who rely on a timely and orderly election process when exercising their rights.

As Secretary of State, I believe it is my responsibility to convey to you the importance of the issuance of a timely order. I have stated this position consistently in the past, both to the Office of the Attorney General and in public publications.

I trust that you will take this information into consideration in the issuance of the 2002 redistricting order.

Sincerely,

Mary Kiffmeyer  
Secretary of State

Enclosure

cc: Alan I. Gilbert    Marianne Short    Tom Kelly    John French    Alan Weinblatt

**STATE OF MINNESOTA**  
**SPECIAL REDISTRICTING PANEL**  
C0-01-160

Susan M. Zachman, Maryland Lucky R.  
Rosenbloom, Victor L.M. Gomez, Gregory G.  
Edeen, Jeffrey E. Karlson, Diana V. Bratlie,  
Brian J. LeClair and Gregory J. Ravenhorst,  
individually and on behalf of all citizens and  
voting residents of Minnesota similarly  
situated,

Plaintiffs,

and

Patricia Cotlow, Thomas L. Weisbecker,  
Theresa Silka, Geri Boice, William English,  
Benjamin Gross, Thomas R. Dietz and John  
Raplinger, individually and on behalf of all  
citizens and voting residents of Minnesota  
similarly situated,

Applicants for Intervention,

and

Jesse Ventura,

Applicant for Intervention,

and

Roger D. Moe, Thomas W. Pugh, Betty  
McCollum, Martin Olav Sabo, Bill Luther,  
Collin C. Peterson and James L. Oberstar,

Applicants for Intervention,

vs.

Mary Kiffmeyer, Secretary of State of  
Minnesota, and Doug Gruber, Wright County  
Auditor, individually and on behalf of all  
Minnesota county chief election officers,

Defendants.

AFFIDAVIT OF  
MARY KIFFMEYER, DEFENDANT

COUNTY OF HENNEPIN )

MARY KIFFMEYER, states and affirms under penalty of perjury as follows:

1. I am the duly elected Secretary of State for the State of Minnesota.
2. I am the state's chief election official pursuant to the Minnesota Constitution Article VII Subd. 8. which provides "The returns of every election for officeholder elected statewide shall be made to the secretary of state... who shall call...a board of canvassers to canvass the returns and declare the result within three days after the canvass."
3. Based on information and belief the Minnesota Attorney General stated in documents filed pursuant to a request for an Emergency Executive Order that:
  - a. "...the Executive Branch is composed of five duly elected constitutional Officers as specified in article V of the Constitution of Minnesota."
  - b. "These Officers include the Secretary of State, who has authority to regulate the conduct of election..."
  - c. "The Secretary of State has responsibility to protect liberty by administration of the election laws."
4. I am responsible for the orderly implementation of the redistricting plan pursuant to Minn. Stat. 2.91 (2002) and Minn. Stat. 201B.146 (2000).
5. I participated as a citizen in the redistricting process set out by the 1982-redistricting plan and the 1992-redistricting plan, which based on information and belief were implemented after the precinct caucus statutory date and which I observed resulted in confusion and disruption to citizens, candidates and political parties.
6. It is my constitutional responsibility as Secretary of State to implement the redistricting process in a manner, which is fair to all citizens and all candidates.
7. Municipal, county and local government units are responsible pursuant to information received from the Secretary of State for setting precinct and ward boundaries to allow for the orderly conduct of precinct caucus pursuant to Minn. Stat. 202A.14 (2000), (first Tuesday in March).
8. Based on information and belief it is my position that a March 19, 2001 redistricting court order will not set precinct boundaries in time to enable citizens to be accurately informed on the correct precincts to attend or for candidates to begin campaign activities in the proper districts.

9. Based on information and belief it is my position that a March 19, 2001 redistricting court order would be an injustice to the citizens of the State of Minnesota depriving them of their right to properly participate in the election process in contravention of the Minnesota Constitution, Article I, Section 2 and further would be in conflict with Minn. Stat 202A.14 (2000) which sets precinct caucus for March 5, 2002.
10. Based on information and belief it is my position that a February 12, 2001 redistricting order would allow for the orderly implementation of a redistricting order and the orderly administration of the election process.
11. Based on information and belief it is my position that a February 12, 2001 redistricting order would provide the Minnesota Legislator with sufficient time to adopt a redistricting since a House redistricting plan and a Senate redistricting plan now exist and such a date would permit the Legislator with sufficient time to fulfill its legislative role and provide for the orderly implementation of the redistricting plan.

FURTHER AFFIANT SAYETH NOT

  
Mary Kiffmeyer

Subscribed and sworn to before me this  
17<sup>th</sup> day of October, 2001.

  
Notary Public



**Alberto Quintela**

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**From:** Bob Schroeder  
**Sent:** Wednesday, October 17, 2001 12:55 PM  
**To:** Curt Schneider; Alberto Quintela  
**Subject:** RE: Dan Skinner & Zumbrota CNS

Thanks for the update and follow through. It always makes the difference.  
Alberto, can you try to answer some of these questions and let me know (it's in regard to a CNS customer who received bad data). Thansk

-----Original Message-----

**From:** Curt Schneider  
**Sent:** Wednesday, October 17, 2001 12:49 PM  
**To:** Bob Schroeder  
**Cc:** Bonita B Harvieux; Bill Batchter; Sheila Reger  
**Subject:** Dan Skinner & Zumbrota CNS  
**Importance:** High

Bob,

I talked again with Dan Skinner at 9:30 as planned. We discussed the data problem with the filing number and changing record ID, development practices, industry practices, etc., etc. After 15 mins, we settled on the following plan:

- The 3 corrected Zumbrota diskettes will be FedExed overnight directly from our office to the Zumbrota office today.
- Dan will modify his program to read the new Profile formatted files.
- I promised him a call from someone in our office by tomorrow (no specific time) to address his business questions. For example, "Who's responsible for costs passed onto customers like him?", "Why wasn't there more notice given regarding the format changes?", "How do I know this is the final format?", "Why is there an annual FULL database delivery?", and "Will the filing number ever be reused?" etc.

Can you arrange for someone to return his call to address his outstanding questions?

Thanks Curt