

December 12, 2008

**VIA EMAIL TO [krupski.mark@co.olmsted.mn.us](mailto:krupski.mark@co.olmsted.mn.us)**  
Olmsted County Canvassing Board  
c/o Mr. Mark Krupski  
Property Records and Licensing  
Olmsted County Government Center  
141 Fourth Street S.E.  
Rochester, MN 55904

**VIA EMAIL TO [fuller.pamela@co.olmsted.mn.us](mailto:fuller.pamela@co.olmsted.mn.us)**  
Olmsted County Canvassing Board  
c/o Ms. Pamela Fuller  
Elections Director  
Olmsted County Government Center  
141 Fourth Street S.E.  
Rochester, MN 55904

**Re: 2008 General Election – Request to Reconvene Olmsted County  
Canvassing Board**

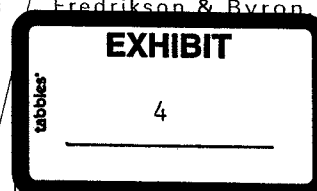
Dear Members of the Olmsted County Canvassing Board:

Pursuant to the recommendation today made by the State Canvassing Board, we request that the Olmsted County Canvassing Board reconvene to review all rejected absentee ballots, identify those that were erroneously rejected, open and count those ballots, and amend the previous canvass returns.

We now have definitive information that Olmsted County has absentee ballots that were erroneously rejected and also ballots that were just never counted. By letter dated December 11, 2008, to Olmsted County elections officials, I identified 27 absentee ballots that were accepted and uncounted:

1. Adams, Jeffrey
2. Anderson, Heather
3. Black, Andrew
4. Dzamaliya, Kenan
5. Gabel, Marian
6. Gao, Tinger

Attorneys & Advisors / Fredrikson & Byron, P.A.  
main 612.492.7000 Suite 4000  
fax 612.492.7077  
www.fredlaw.com



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7. Haji, Dini
8. Henderson, Dana
9. Kinsella, Ellen
10. Knapp, Alexia
11. Larson, Scott
12. Lloyd, Margaret
13. Meng, Peter
14. Mix, Donald
15. Mursal, Abdalla
16. Neumann, Reid
17. Nelson, Marilyn
18. Rae, Jennifer
19. Richardson, Darlene
20. Samatar, Shukri
21. Sharbrough, Carolyn
22. Shedd, Marjorie
23. Swain, Donna
24. Timm, Edna
25. Toomey, John
26. Tottingham, Jeffrey
27. Valfer, Jerry

Now that the State Canvassing Board has recommended that county canvassing boards reconvene, it is fully appropriate that these 27 ballots be opened and counted.

Further, we have specific examples of people whose ballots were erroneously rejected. Attached hereto are two affidavits relating to an Olmsted County voter whose ballot should be counted.

We look forward to hearing from you.

Sincerely,



David L. Lillehaug

*Attorney*

**Direct Dial:** 612.492.7321

**Email:** dlillehaug@fredlaw.com

DLL:rz

c: ACA Brent Walz  
Campaign Manager Stephanie Schriock  
Marc Elias, Esq.  
Kevin Hamilton, Esq.  
William Pentelovitch, Esq.

4477959\_1.DOC

OLMSTEAD COUNTY

FIFTH PILE: IMPROPERLY EXCLUDED ABSENTEE BALLOTS

Voter Name	Voter City	Reason Given For Excluding Ballot
Suk, Goldie	Rochester	"Not voter's signature."

4477943\_1.DOC

**AFFIDAVIT/DECLARATION OF GOLDIE SUK**

1. My name is Goldie Suk. On November 4, 2008, I was eighteen years of age or older, a citizen of the United States, and had maintained residence in Minnesota for at least thirty days immediately preceding the general election held November 4, 2008. I am providing this affidavit because I believe that my November 2008 absentee ballot for that election was improperly rejected because someone determined that my signature on my absentee ballot was insufficient to accept my ballot, and I am hopeful that, by providing this affidavit, my ballot can be verified and counted.

2. As of November 4, 2008, I was fully entitled to vote. I was not under court-ordered guardianship in which the court order revoked my right to vote; had not been found by a court to be legally incompetent to vote; and had not been convicted of treason or any other felony that might disqualify me from voting.

3. I was registered to vote for the November 2008 general election. At the time I registered to vote for that election, my permanent residence was 1303 15th St, NE, Rochester, MN in Olmstead County. I was a resident at that address when I requested, received and voted an absentee ballot in the November 2008 general election.

4. Prior to the November 2008 general election, I submitted an application for an absentee ballot. I applied under my correct name and address and used what was at the time my genuine signature.

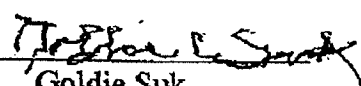
5. I received an absentee ballot and had the ballot marked in the manner prescribed by the directions sent to me with the ballot. In the U.S. Senate race, I voted for Al Franken. In addition to marking the ballot, with the assistance of my daughter I completed the eligibility certificate printed on the back of the envelope and had a registered Minnesota voter (my daughter) sign the envelope as a witness, all as explained in directions I received with the absentee ballot. The eligibility certificate reflected my correct name and address.

6. Because I have tremors, a medical condition, I have difficulty signing my name to documents. When I completed my absentee ballot, I was unable to legibly sign my ballot. Therefore, on my absentee ballot I directed my daughter to sign my name. I consider both my signature unaided and my daughter's signature at my direction to be my genuine signature.

7. This ballot is the only ballot I submitted in the November 2008 general election. I did not vote in person on November 4, 2008 or submit any other absentee ballot. I want my vote to count, and do not believe I should be disenfranchised because of my medical condition.

8. If notarized below, this is my Affidavit. If not notarized, it is my declaration under 28 U.S.C. § 1746. I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 10, 2008.  
Sworn and subscribed to before me  
on this \_\_\_ day of December, 2008.

Signature:   
Goldie Suk

\_\_\_\_\_  
Notary Public

SECRETARY OF STATE RECORDS AUTHENTICATION  
DECLARATION

I, Amber Schmugge, declare as follows:

I am over 18 years of age, competent to testify, and make this Declaration based upon personal knowledge of the facts set forth below.

The document attached to this declaration is a true copy of a Minnesota Secretary of State Voter Lookup form regarding Goldie C Suk that I obtained from the official Minnesota Secretary of State Voter File FTP Server on December 11, 2008.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed this 11<sup>th</sup> day of December 2008, at St. Paul, Minnesota.

Amber D. Schmugge  
Amber Schmugge

# Minnesota SOS Voter Lookup

**SOS Voter ID** 1995713 **Registration Date:** 10/5/1989  
**FirstName** GOLDIE **MiddleName** C **LastName** SUK  
**HouseNumber** 1303 **Address2**  
**StreetName** 15TH ST NE **City** ROCHESTER  
**UnitType** **State** MN  
**UnitNumber** 55906 **ZipCode**

**SOS Voter Election History**

VoterId	ElectionDate	ElectionDescription	VotingMethod
1995713	11/2/2004	11/02/2004 - STATE GENERAL	A
1995713	11/7/2000	STATE GENERAL	A
1995713	11/5/1996	STATE GENERAL	A
1995713	11/7/2006	11/07/2006 - STATE GENERAL	A

# INSERT BALLOT SECRECY ENVELOPE AND SEAL

↓ TO BE COMPLETED BY VOTER ↓	
VOTER'S NAME (PLEASE PRINT)	Goldie Suk
VOTER'S MINNESOTA ADDRESS (PLEASE PRINT)	1303 15th St. N.E. Roch MN
I certify that on election day I will meet all the legal requirements to vote by absentee ballot.	
VOTER'S SIGNATURE	DATE
Goldie Suk	10/30/08
↓ TO BE COMPLETED BY WITNESS ↓	
I certify that the voter	
<ul style="list-style-type: none"> <li>showed me the blank ballots before voting;</li> <li>marked the ballots in private or, if physically unable to mark the ballots, the ballots were marked as directed by the voter; and</li> <li>enclosed and sealed the ballots in the secrecy envelope.</li> </ul>	
NAME OF WITNESS (PLEASE PRINT)	Holly Suk
ADDRESS OF NON-NOTARY WITNESS IN MINNESOTA (PLEASE PRINT)	Roch MN
SIGNATURE OF WITNESS	DATE
Holly Suk	10/30/08
TITLE OF WITNESS (IF AN OFFICIAL)	

↓ FOR OFFICE USE ONLY ↓	
<input type="checkbox"/> ACCEPTED	
<input checked="" type="checkbox"/> REJECTED	Not voter's signature
	<small>Reason</small>



376095 STG ML PCT R 10/27 10/27 377766  
 55 0190 0535 ROCHESTER W5 P3  
 GOLDIE C SUK  
 1303 15TH ST NE



# Office of the Minnesota Secretary of State

is must be returned by Election Day to be counted.

APP

I hereby apply for an absentee ballot for: (check one)		I will need an absentee ballot for the following reason: (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) _____	<input type="checkbox"/> Absence from the precinct	<input checked="" 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) <i>GOLDIE C SUK</i>			
Date of birth [REDACTED]		Phone number [REDACTED]	
My legal residence address is:			
Street Address	Apt. No.	City	State Zip Code <i>55906</i> [MN]
Mail my absentee ballot to me at the following address:			
Street Address	Apt. No.	Rural/Box No.	City/Township State Zip Code <i>1303-15 ST NE ROCHESTER MN 55906</i>
Date <i>10-27-08</i>	Signature X <i>[Signature]</i>		

**RECEIVED**  
 OCT 27 2008  
 IN OFFICE BY MAIL  
 Olmster Sections

Office Use Only					
REG <input type="checkbox"/>	Received Date	Ballots Issued Date	Type	School District #	Precinct
NON REG <input type="checkbox"/>	Initials	Ballots Issued Date	M C HCF		

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AFFIDAVIT/DECLARATION OF HOLLY SUK

1. My name is Holly Suk. On November 4, 2008, I was eighteen years of age or older, a citizen of the United States, and had maintained residence in Minnesota for at least thirty days immediately preceding the general election held November 4, 2008. I am providing this affidavit because I believe that the November 2008 absentee ballot of my mother, Goldie Suk, which I witnessed, was improperly rejected because someone determined that her signature on her absentee ballot did not match. I am hopeful that, by providing this affidavit, her ballot can be verified and counted.
2. I helped my mother complete her absentee ballot for the November general election. At the time she requested an absentee ballot and voted her permanent residence was 1303 15th St NE, Rochester, MN. She signed using her genuine signature.
3. My mother received an absentee ballot and I helped her mark the ballot in the manner prescribed by the directions sent along with the ballot. I helped my mother complete the eligibility certificate printed on the back of the envelope and I signed the envelope as the witness, all as explained in directions my mother received with the absentee ballot.
4. My mother has tremors, which makes her unable to legibly sign her name to documents at times. To accommodate her condition, my mother directs me to sign her name on her behalf. My mother directed me to sign her ballot envelope on her behalf. My mother considers both her unaided signature and her signature performed by me at her direction to be her genuine signature.
5. I believe that my mother's vote should be counted, and that she should not be disenfranchised because of her medical condition.
6. If notarized below, this is my Affidavit. If not notarized, it is my declaration under 28 U.S.C. § 1746. I declare under penalty of perjury that the foregoing is true and correct.

Executed on Decemberr 16, 2008.  
Sworn and subscribed to before me  
on this \_\_\_ day of December, 2008.

Signature: \_\_\_\_\_

Holly Suk

\_\_\_\_\_  
Notary Public

SECRETARY OF STATE RECORDS AUTHENTICATION  
DECLARATION

I, Amber Schmugge, declare as follows:

I am over 18 years of age, competent to testify, and make this Declaration based upon personal knowledge of the facts set forth below.

The document attached to this declaration is a true copy of a Minnesota Secretary of State Voter Lookup form regarding Holly Ellen Suk that I obtained from the official Minnesota Secretary of State Voter File FTP Server on December 11, 2008.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed this 11<sup>th</sup> day of December 2008, at St. Paul, Minnesota.

Amber D. Schmugge  
Amber Schmugge

# Minnesota SOS Voter Lookup

**SOS Voter ID** 
**Registration Date:**

**First Name** 
**Middle Name** 
**Last Name**

**House Number** 
**Address 2**

**Street Name** 
**City**

**Unit Type** 
**State**

**Unit Number** 
**Zip Code**

## SOS Voter Election History

VoterId	ElectionDate	ElectionDescription	VotingMethod
1949051	11/2/2004	11/02/2004 - STATE GENERAL	P
1949051	11/7/2000	STATE GENERAL	P
1949051	9/15/1998	STATE PRIMARY ELECTION	P
1949051	11/3/1998	STATE GENERAL	P
1949051	12/31/1998	SPECIAL ELECTION	P
1949051	11/5/1996	STATE GENERAL	P
1949051	11/5/1996	SCHOOL BOARD ELECTION	P
1949051	11/7/1995	MUNICIPAL GENERAL	P
1949051	9/13/1994	STATE PRIMARY ELECTION	P
1949051	11/8/1994	STATE GENERAL	P
1949051	11/2/1993	MUNICIPAL GENERAL	P
1949051	11/5/2002	11-05-2002 STATE GENERAL ELECTION	P
1949051	9/10/2002	9-10-2002 STATE PRIMARY	P
1949051	9/12/2006	09/12/2006 - STATE PRIMARY	P
1949051	11/7/2006	11/07/2006 - STATE GENERAL	P
1949051	11/4/2008	11/04/2008 - STATE GENERAL	P