December 12, 2008

VIA EMAIL TO 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
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. Djamalija, Kenan
5. Gabel, Marian
6. Gao, Tinger
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Page 2

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
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@firedlaw.com

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

4477959_1.DOC
### OLMSTED COUNTY

**FIFTH PILE: IMPROPERLY EXCLUDED ABSENTEE BALLOTS**

<table>
<thead>
<tr>
<th>Voter Name</th>
<th>Voter City</th>
<th>Reason Given For Excluding Ballot</th>
</tr>
</thead>
<tbody>
<tr>
<td>Suk, Goldie</td>
<td>Rochester</td>
<td>&quot;Not voter's signature.&quot;</td>
</tr>
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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: [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 ___, 2008.

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

Executed this ___th day of December 2008, at St. Paul, Minnesota.

______________________________
Amber D. Schmugge
### Minnesota SOS Voter Lookup

<table>
<thead>
<tr>
<th>SOS Voter ID</th>
<th>RegistrationDate</th>
<th>FirstName</th>
<th>MiddleName</th>
<th>LastName</th>
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<td>C</td>
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<td>11/5/1996</td>
<td>STATE GENERAL</td>
<td>A</td>
</tr>
<tr>
<td>1995713</td>
<td>11/7/2006</td>
<td>11/07/2006 - STATE GENERAL</td>
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TO BE COMPLETED BY VOTER

VOTER'S NAME (PLEASE PRINT)
Goldie Suk

VOTER'S MINNESOTA ADDRESS (PLEASE PRINT)
1308 15th St. N., St. Paul, MN

I certify that on election day I will meet all the legal requirements to vote by absentee ballot.

VOTER'S SIGNATURE
Goldie Suk
DATE 10/30/08

TO BE COMPLETED BY WITNESS

I certify that the voter

- showed me the blank ballots before voting;
- marked the ballots in private or, if physically unable to mark the ballots, the ballots were marked as directed by the voter; and
- enclosed and sealed the ballots in the secrecy envelope.

NAME OF WITNESS (PLEASE PRINT)
Holly Suk

ADDRESS OF NON-NOTARY WITNESS IN MINNESOTA (PLEASE PRINT)
Roch MN

SIGNATURE OF WITNESS
Holly Suk
DATE 10/30/08

TITLE OF WITNESS (IF AN OFFICIAL)

FOR OFFICE USE ONLY

☐ ACCEPTED
☑ REJECTED Not voter's signature

REGISTERED REVISED 20006 SYNERGY GRAPHICS PRT86
I hereby apply for an absentee ballot for: (check one)

- [ ] Both primary and general elections
- [ ] Primary only
- [x] General election only
- [ ] Special election (date) [blank]
- [ ] Special general (date) [blank]
- [ ] Other (date) [blank]

I will need an absentee ballot for the following reason: (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)

[signature]

Date of birth [redacted]

Phone number [redacted]

My legal residence address is:

Street Address [redacted]

Apt. No. [redacted]

City [redacted]

State [MN] Zip Code [55931]

Mail my absentee ballot to me at the following address:

Street Address [303 - 1551 NE]

Apt. No. [redacted]

Rural/Box No. [St. Peter] City/Township 56072

State [MN] Zip Code [55931]

Date [10-30-08]

Signature [X]

Office of the Minnesota Secretary of State

This must be returned by Election Day to be counted.

RECEIVED

OCT 27 2008

IN OFFICE BY MAIL

Olmsted

Sections
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 December 16, 2008.
Sworn and subscribed to before me on this ___ day of December, 2008.  

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 Sule 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 11th day of December 2008, at St. Paul, Minnesota.

Amber Schmugge
# Minnesota SOS Voter Lookup

<table>
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<th>SOS Voter ID</th>
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<tbody>
<tr>
<td><strong>FirstName</strong></td>
<td>HOLLY</td>
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<tr>
<td><strong>MiddleName</strong></td>
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<td><strong>LastName</strong></td>
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<tr>
<td><strong>StreetName</strong></td>
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<td><strong>City</strong></td>
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<td></td>
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<td></td>
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<td><strong>ZipCode</strong></td>
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## SOS Voter Election History

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