



OFFICE OF THE MINNESOTA SECRETARY OF STATE

HAVA ELECTIONS COMPLAINT FORM

Instructions

This form may be used when any person believes a violation of the Help America Vote Act (HAVA) Title III (such as voting machine standards, posting of voting information, voter registration) has occurred, is occurring or is about to occur. (*Minnesota Statutes 200.04*)

It is not for the following complaints:

- Minnesota Fair Campaign Practice & Finance Acts complaints (*Minnesota Statutes 211A and 211B*) are under the purview of the State of Minnesota's Office of Administrative Hearings and are not applicable to this complaint form.
- Other Minnesota election law complaints are under the purview of the county attorney and are not applicable to this complaint form. Use the Minnesota State Election Law Complaint Form instead.

After completing this form and getting it notarized (or signed by an election judge at the polling place), return it to:

Office of the Minnesota Secretary of State
Elections Division
180 State Office Building
100 Rev. Dr. Martin Luther King, Jr. Blvd.
St. Paul, MN 55155-1299

Your Contact Information

Name

Address

City State Zip Code

Telephone Email

Complaint Information

My complaint pertains to the election held on (Month/Day/Year)

My complaint is regarding (select all that apply):

- Voting Machine Standards (Section 301)
- Required Posting of Voting Information at Polling Place (Section 302 (b))
- Voter Registration (Section 303)
 - Name of registered voter was not on list
 - Registered voter information was not accurate
 - Voter registration application was not processed properly

Other Title III provision:

Statement of Facts

State the facts of the alleged violation, including the date, time, place and relevant actions of individuals involved. Attach supporting documentation, if any.

(see attached)

Affirmation

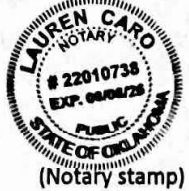
By my signature I swear or affirm that, to the best of my knowledge, the information provided on this form is true.

Signature of complainant [Signature] Date 9/27/2022

Subscribed and sworn to before me this 27 day of September, 20 22.

Lauren Caro

Signature of notary public or other officer empowered to take and certify acknowledgements. Under Minnesota law, an election judge acting in his or her official capacity may notarize this form.



HAVA Elections Complaint Form Statement of Facts

The Public Interest Legal Foundation (“Foundation”) hereby files this complaint against Olmstead County, Luke Turner, the Elections Manager for Olmstead County, and Mary Blair-Hoeft, the Olmstead County Elections Administrator, under Minnesota’s administrative complaint procedures alleging that a violation of Title III of the Help America Vote Act has occurred, is occurring, and will continue to occur absent relief. Specifically, Olmstead County, Luke Turner, and Mary Blair-Hoeft are not complying with the requirement to eliminate duplicate names from the official list of eligible voters.

Legal Background

The Help America Vote Act

1. The Help America Vote Act (“HAVA”) was passed in 2002 and, among other things, requires states receiving HAVA grant money to implement “a single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the State level that contains the name and registration information of every legally registered voter in the State and assigns a unique identifier to each legally registered voter in the State.” 52 U.S.C. § 21083(a)(1)(A).
2. This “computerized list shall serve as the single system for storing and managing the official list of registered voters throughout the State.” 52 U.S.C. § 21083(a)(1)(A)(i). The computerized voter registration list further serves as the “official voter registration list for the conduct of all elections for Federal office in the State.” 52 U.S.C. § 21083(a)(1)(A)(viii).

3. HAVA requires that Minnesota's computerized voter registration list be maintained so that "voter registration records in the State are accurate and are updated regularly." 52 U.S.C. § 21083(a)(4).
4. HAVA specifies that the list maintenance performed should ensure that: "(i) the name of each registered voter appears in the computerized list; (ii) only voters who are not registered or who are not eligible to vote are removed from the computerized list; and (iii) duplicate names are *eliminated* from the computerized list." 52 U.S.C. § 21083(a)(2)(B) (emphasis added).
5. HAVA sets forth the appropriate means by which to remove individuals from the list. 52 U.S.C. § 21083(a)(2)(A).
6. HAVA further specifies the *minimum* standard for accuracy of State voter registration records is that the list maintenance program "makes a reasonable effort to remove registrants who are ineligible to vote from the official list of eligible voters." 52 U.S.C. §§ 21083(a)(4)(A), 21084.

Minnesota's Voter Roll and List Maintenance Procedures

7. When implementing HAVA, Minnesota created the Statewide Voter Registration System (SVRS), which "contains 'the name and registration information of every legally registered voter in the state.'" *McGrath v. Minn. Sec'y of State*, No. A11-613, 2011 WL 5829345, at *1 (Minn. Ct. App. Nov. 21, 2011).
8. Minnesota state law also mandates that "[l]ist maintenance must include procedures for *eliminating* duplicate names from the official list of eligible voters." *See* Minn. Stat. Ann. § 201.171 (emphasis added).

9. Minnesota has set up a system of divided responsibilities to carry out its list maintenance programs and activities. *See* Order on Cross Motions for Summary Disposition, Office of Administrative Hearings, OAH 71-3500-38362 (July 29, 2022), 8.
10. The Minnesota Secretary of State creates and administers the SVRS, and provides information and reports to the county auditors to assist them in their functions. The county auditors bear the primary responsibility for entering, verifying, and changing information in the SVRS. *See* Minn. Stat. §§ 201.021 and 201.022; Minn. R. 8200.9305.
11. Even states not subject to the National Voter Registration Act of 1993, like Minnesota, are subject to HAVA and must “remove the names of ineligible voters from the computerized list in accordance with State law.” 52 U.S.C. § 21083(a)(2)(A)(iii).

Minnesota’s HAVA Complaint Procedure

12. Any state that accepts HAVA grant money—funds to be used for specific election activities related to federal elections—must establish a state-based administrative complaint procedure to remedy violations of HAVA’s Title III. 52 U.S.C. § 21112(a)(1).
13. Under HAVA, “any person who believes that there is a violation of any provision of title III [52 USCS §§ 21081 et seq.] (including a violation which has occurred, is occurring, or is about to occur) may file a complaint.” 52 U.S.C. § 21112(a)(2)(B).
14. Minnesota’s HAVA complaint procedure is set forth in Minn. Stat. Ann. § 200.04, and provides a specific form to be completed and filed with Minnesota’s Secretary of State’s Office.
15. Complaints against a county or county official are to be determined by the Secretary of State. Minn. Stat. Ann. § 200.04.
16. The Foundation is a “person” under HAVA.

Factual Allegations

17. Minnesota receives HAVA grant money. *See* Minn. Stat. Ann. § 5.30; U.S. Election Assistance Commission 2021 Grant Expenditure Report, July 2022, found online at https://www.eac.gov/sites/default/files/paymentgrants/expenditures/EAC_2021_Grant_Expenditure_Report_FINAL.pdf (last accessed Sept. 25, 2022).
18. Minnesota has a voter registration requirement. *See* Minn. Stat. Ann. § 201.018.
19. In Minnesota, the Secretary of State “provides the centralized computer system that hosts the SVRS, the network and the software, but each county is responsible for voter registration and for updating SVRS.” *McGrath v. Minn. Sec’y of State*, No. A11-613, 2011 WL 5829345 at *2 (Minn. Ct. App. Nov. 21, 2011), review denied (Minn. Feb. 14, 2012).
20. Luke Turner is the Elections Manager for Olmstead County. *See* Find County Election Office, <https://sos.state.mn.us/elections-voting/find-county-election-office/> (last accessed Sept. 26, 2022). Mary Blair-Hoeft is the Property Records and Licensing Director and Elections Administrator for Olmstead County. *See* Elections Update Presentation, <https://www.olmstedcounty.gov/sites/default/files/2022-09/Olmsted%20County%202022%20Elections%20Update.pdf> (last accessed Sept. 26, 2022).
21. County officials must ensure that duplicate names are “eliminated” from its county’s voter registration list pursuant to 52 U.S.C. § 21083(a)(2)(B)(iii).
22. However, Olmstead County’s voter registration list contains 15 apparent duplicated registration records sets, meaning it appears that 15 registrants are registered more than once in the county. *See* Attachment 1 – Spreadsheet of Apparent Duplicates.
23. These duplicates were identified by a data scientist, who implemented the following four different queries to identify potential duplicate sets: (1) identification of all records that share the exact same address information, and also have the exact same last name, first

name, and year of birth; (2) identification of all records that share the exact same address information and also have the exact same first name and year of birth and have the last name of one record fully incorporated into the last name of the other record; (3) identification of all records that share the exact same address information and also have the exact same first name and year of birth and have the last name of one record be 2 characters or fewer different than the last name of the other record, and; (4) all records that share the exact same address information and also have the exact same last name and year of birth and have the first name of one record be 2 characters or fewer different than the first name of the other record.

24. Using these methodologies, the Foundation identified 15 pairs of apparent duplicated registration sets in Olmstead County from the SVRS the Foundation received on August 21, 2022.
25. The SVRS reflects vote credits for both registration numbers in the 2020 general election for 4 of the identified duplicate registration sets—meaning it looks like 4 of the 15 identified registrants voted twice.
26. These duplicate registrations still existed despite the Secretary of State’s express direction in an email on January 12, 2022, to all county auditors that they must use available tools in the SVRS to eliminate duplicates, and recommendations from the Secretary of the State to review and merge duplicates monthly in the County Election Administration Guide.
27. Olmstead County, Luke Turner, and Mary Blair-Hoeft are not eliminating duplicate names as HAVA requires. 52 U.S.C. § 21083(a)(2)(B).

28. The presence of duplicate registrants on the official list of eligible voters demonstrates that the county current list maintenance system does not make a reasonable effort to remove duplicate registrants pursuant to 52 U.S.C. § 21083(a)(4)(A).
29. Olmstead County, Luke Turner, and Mary Blair-Hoeft are violating Title III of the Help America Vote Act by not maintaining the voter registration list as required by law.
30. Absent relief, the election on November 8, 2022, will be conducted using an inaccurate voter registration list.

Prayer for Relief

WHEREFORE, the Foundation requests a hearing on the matter before the Secretary of State, and prays for an expedited hearing and an entry of a judgment:

31. Declaring Olmstead County, Luke Turner, and Mary Blair-Hoeft to be in violation of the Help America Vote Act by failing to eliminate duplicate names from the official list of eligible voters;
32. Declaring Olmstead County, Luke Turner, and Mary Blair-Hoeft to be in violation of the Help America Vote Act by failing to make reasonable efforts to maintain a current and accurate voter registration list;
33. Ordering Olmstead County, Luke Turner, and Mary Blair-Hoeft to immediately and thoroughly investigate the duplicated registration records identified by the Foundation and remove or merge confirmed duplicated records from the official list of eligible voters;
34. Ordering Olmstead County, Luke Turner, and Mary Blair-Hoeft to implement and follow a reasonable and effective list maintenance program to cure the violations identified herein and bring the county's voter registration list into compliance with 52 U.S.C. § 21083;

35. Granting the Foundation such further relief as the Secretary of State deems just and proper, including all other injunctive relief available.