

**STATE OF MINNESOTA**

**DISTRICT COURT**

**COUNTY OF RAMSEY**

**SECOND JUDICIAL DISTRICT**

Case Type: Civil – Other

---

**PUBLIC INTEREST LEGAL  
FOUNDATION,**

Plaintiff,

v.

**COMPLAINT**

**RAMSEY COUNTY AND DAVID  
TRIPLETT**, in his official capacity as Acting  
Deputy Director of Property Tax Records and  
Elections Services for Ramsey County,

Defendants.

---

This complaint is an appeal of Plaintiff Public Interest Legal Foundation’s (“Foundation”) complaint alleging a violation of Title III of the Help America Vote Act (“HAVA”). The complaint was heard and resolved by the Minnesota Secretary of State (“Secretary”), pursuant to Minn. Stat. Ann. § 200.04. The Secretary, who was the defendant in a previous case concerning the same claim, applied the wrong legal standard of law, and erroneously granted summary disposition for the defendants when there were material facts in dispute. The Foundation hereby files this complaint against defendants Ramsey County and David Triplett, the Acting Deputy Director of Property Tax, Records, and Elections Services for Ramsey County (together, “Ramsey County”), alleging that a violation of Title III of the Help America Vote Act and Minn. Stat. Ann. § 201.171 has occurred, and will continue to occur without injunctive relief. The Foundation seeks a judgment finding Ramsey County to be in violation of the law, and ordering it to implement an effective list maintenance program that prevents the violations from occurring in the future.

## PROCEDURAL BACKGROUND

1. The Foundation first sought relief in May 2022 before the Office of Administrative Hearings pursuant to Minn. Stat. Ann. § 200.04. There, the Foundation filed a Help America Vote Act (HAVA) complaint against the Secretary of State of Minnesota, alleging a HAVA violation due to the Secretary's failure to eliminate duplicate voter registration records from Minnesota's Statewide Voter Registration System (SVRS).
2. A duplicate voter registration occurs when one person is registered to vote twice in the SVRS.
3. In that case, the Office of Administrative Hearings found that Minnesota law has set up a system of divided responsibilities to carry out voter list maintenance programs and activities, and that the entities ultimately responsible for updating the SVRS in Minnesota are the counties, and not the Secretary. *See* Order on Cross Motions for Summary Disposition, Office of Administrative Hearings, OAH 71-3500-38362 (July 29, 2022), 8, *attached as Attachment A*.
4. In September 2022, the Foundation filed complaints against Ramsey County and other counties that had failed to eliminate duplicate voter registration records.
5. Pursuant to Minnesota's state HAVA complaint procedure provided in Minn. Stat. Ann. § 200.04, these complaints were filed with the Secretary of State, who decided the complaint filed against Defendants.
6. Therefore, the defendant in the first case (the Secretary) acted as the fact finder and judge in the case against Ramsey County.

7. On December 29, 2023, the Secretary of State’s office granted Defendants’ motion for summary disposition, finding that there was no violation of the Help America Vote Act. Order (Dec. 29, 2022), *attached as Attachment B*.
8. With the instant complaint, the Foundation appeals the Secretary’s final order pursuant to Minn. Stat. § 200.04, which specifies the appropriate court in which to file, and that the appeal is not an “agency determination subject to appellate review.”

### **PARTIES**

9. The Public Interest Legal Foundation is a 501(c)(3) public interest law firm dedicated to election integrity.
10. Ramsey County is a political subdivision within the state of Minnesota.
11. David Triplett is the Acting Deputy Director of Property Tax, Records, and Elections Services for Ramsey County.

### **JURISDICTION**

12. This Court has jurisdiction pursuant to Minn. Stat. § 200.04, Subd. 5, which states that an appeal from the secretary of state’s final order is appropriate “in the district court in the county where the town, city, or county employee or official is employed.”
13. No other description of how to file the appeal is given in the statute.

### **LEGAL BACKGROUND**

#### *The Help America Vote Act*

14. 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).

15. 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).

16. 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).

17. 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).

18. HAVA even sets forth the appropriate means by which to remove individuals from the list. *See* 52 U.S.C. § 21083(a)(2)(A).

#### *Minnesota’s HAVA Implementing Laws*

19. 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. *See* 52 U.S.C. § 21112(a)(1).

20. 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).
21. The Foundation is a “person” under HAVA.
22. 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 \*4 (Minn. Ct. App. Nov. 21, 2011).
23. 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).
24. 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. *See also* Order on Cross Motions for Summary Disposition, Office of Administrative Hearings, OAH 71-3500-38362 (July 29, 2022), 8.
25. 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).
26. 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](https://www.eac.gov/sites/default/files/paymentgrants/expenditures/EAC_2021_Grant_Expenditure_Report_FINAL.pdf) (last accessed Jan. 26, 2023).

27. Minnesota has a voter registration requirement. *See* Minn. Stat. Ann. § 201.018.
28. 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 \*4 (Minn. Ct. App. Nov. 21, 2011), *review denied* (Minn. Feb. 14, 2012).
29. 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).

### **FACTS**

30. The Foundation obtained the SVRS on August 21, 2022.
31. It reviewed Ramsey County’s voter registration list, part of the SVRS, and found the list to contain 62 apparent duplicated registration record sets, meaning it appeared that 62 registrants were registered more than once in the county.
32. 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.

33. In the case below before the Secretary of State, Ramsey County admitted that 61 of the apparent duplicates were actual duplicates.
34. These duplicate registrations 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.
35. These duplicates existed despite recommendations from the Secretary of the State in the County Election Administration Guide to review and merge duplicates monthly.
36. These duplicates existed despite Defendants claiming that it ran six searches a month to locate and remove duplicate registrants.
37. Thirty-six pairs of the duplicate registrants identified by the Foundation had the exact same first name, last name, and address.
38. Sixteen pairs of the duplicate registrants identified by the Foundation had the exact same address, first name, year of birth, and the last name were within two characters of each other.
39. If 61 pairs of duplicate registrations were missed by Defendants' monthly searches, then the monthly searches are clearly not eliminating duplicates as HAVA and Minnesota law require, and a different procedure needs to be implemented in order to adequately identify and eliminate duplicate registrants.
40. Additionally, many of these duplicates were on the voter rolls for years, according to the dates each registration number was assigned to the voter listed in the SVRS.

41. Nalee Yang and Abdulahi Abdi each have had two registration numbers since November 5, 2019, according to the registration dates given to the Foundation.
42. These individuals should have been flagged in each of the 32 monthly checks that occurred between November 2019 and August 2022, when Complainant obtained the voter roll. Yet they were not.
43. According to the registration dates given to the Foundation, Mary Georgantones, Miguel Gama, Anthony Sanchez, Andrew Smelberg, and Abdifatah Yusef each had two registration numbers since 2020, and 18 others had duplicates created in 2021.
44. In their briefing before the Secretary of State, Defendants offered no explanation for how these duplicates persisted when they claimed to be performing monthly searches using six different criteria.
45. At oral argument, Ramsey County addressed, but did not clarify, the glaring issue, claiming it was possible there was a “computer error,” and it was possible there was a “human error” that caused the duplicates to persist on the voter roll. See Transcript of Hearing before Hearing Officer Bibi Black (Dec. 16, 2022), p. 37.
46. Ramsey County did not claim to have made any changes to their internal list maintenance procedures since the duplicate registrations were brought to their attention by the Foundation.
47. Neither “human error” nor “computer error” relieves Defendants from their obligation to create and implement procedures that eliminate duplicate registration records.
48. Eliminating duplicates after they are brought to the attention of Defendants does not satisfy HAVA, which sets forth proactive procedures to maintain the voter roll, including eliminating duplicate registrations. See 52 U.S.C. § 21083(a)(2)(B).



49. HAVA requires more than a reaction to citizen complaints.
50. Additionally, eliminating duplicates after they are brought to the attention of Defendants does not satisfy Minnesota state law, which requires that list maintenance “include procedures for *eliminating* duplicate names from the official list of eligible voters.” *See* Minn. Stat. Ann. § 201.171 (emphasis added).
51. A system that allows duplicates to linger indefinitely does not eliminate them.
52. Unless relief is granted and effective remedies implemented, the duplication of registration records will persist, and the HAVA and state law violations described herein will continue indefinitely.
53. Ramsey County and David Triplett’s process for eliminating duplicate names, as required by HAVA, does not work, and therefore, does not eliminate duplicates as HAVA and state law require. *See* 52 U.S.C. § 21083(a)(2)(B) and § 21083(a)(4)(A); Minn. Stat. Ann. § 201.171.
54. Without a reform to the procedures that failed to remove the duplicates, the persistence of duplicate registrations on Ramsey County’s voter roll is capable of repetition and likely to occur.
55. The legal standard that HAVA asserts is more strict than the Secretary applied in the decision before the Secretary of State’s office.
56. Additionally, because there were unresolved factual issues involving how duplicate registrations persisted despite Ramsey County’s alleged monthly checks, a summary disposition was inappropriate.

**CLAIM FOR RELIEF**

57. Ramsey County and David Triplett are violating Title III of the Help America Vote Act and Minn. Stat. Ann. § 201.171 by not eliminating duplicate registrations as required by law.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff requests judgment in favor of Plaintiff, and against Defendants, as follows:

58. Declaring Ramsey County and David Triplett to be in violation of the Help America Vote Act and Minn. Stat. Ann. § 201.171 by failing to eliminate duplicate names from the official list of eligible voters;
59. Ordering Ramsey County and David Triplett to determine and report to the court why their monthly searches for duplicates are not resulting in the elimination of duplicate registrations;
60. Ordering Ramsey County and David Triplett to implement and follow a voter 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;
61. Granting the Foundation such further relief as the court deems just and proper, including all other injunctive relief available.

Dated: January 27, 2023

**UPPER MIDWEST LAW CENTER**

By  /s/ James V. F. Dickey  
James V. F. Dickey (#393613)  
8421 Wayzata Blvd., Ste. 300  
Golden Valley, Minnesota 55426  
Telephone: (612) 428-7000  
Email: james.dickey@umlc.org

**ATTORNEY FOR PLAINTIFF  
PUBLIC INTEREST LEGAL FOUNDATION**

**ACKNOWLEDGMENT**

The undersigned acknowledges that sanctions may be imposed pursuant to Minn. Stat. § 549.211, subd. 3.

Dated: January 27, 2023

by  /s/ James V. F. Dickey  
James V. F. Dickey (#393613)