STATE OF MINNESOTA
Office of the Minnesota Secretary of State
Mark Ritchie

October 17, 2008

Dear Mr. Davis:

Thank you for your letter dated October 16 and for your efforts on behalf of the citizens of Minnesota. While I appreciate that your analysis was, in your words, limited in scope, it provides an opportunity to provide a more comprehensive analysis. Since your letter was sent to the media and copied to the Governor, the Attorney General and Administrative Law Judge Krause, I will make sure that they receive this information.

Below you will find information related to the bullet points in your summary:

New Registrant Analysis – Statewide

In you letter you stated that there were "103,329 new registrants between January 1 and June 30, 2008." Without knowing what your definition of "new registrants" might be, it is hard to tell what this number includes. This office's analysis shows were 35,828 new registrants in the Minnesota Statewide Voter Registration System in the first six months of 2008. Perhaps your analysis included people who had re-registered. We do not include those who have simply re-registered because they have moved or changed their name as "new registrants."

In your letter you stated that "38,819 new registrants voted in 2006." Again, without knowing how you are defining new registrants it is hard to know how this number was derived but the total number of new registrants in 2006 was 133,537 with 68,118 on Election Day and 63,337 prior to that date.

In your letter you stated that "51,771 new registrants voted in 2004." There were 235,851 new registrants on Election Day in 2004, a record number, and 160,135 new registrants before the elections.

Your analysis seems to differ greatly from the actual totals, perhaps due to a specific definition of "new registrants." Without any information on your analysis procedure it is hard to speculate on why your numbers are so divergent.

Bad or missing phone numbers

In your letter you stated that "28,982 new registrants have bad or missing phone numbers." Since Minnesota voters are not required to provide a phone number or to update their voter file when they get a new phone number, this is not an issue that we concern ourselves with. Minnesota Statute, section 201.071, subd. 1, provides that the voter registration application form must contain space for the voter's telephone number, "if provided by the voter." Lack of a telephone number

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does not make a voter registration application deficient under Minnesota Statute, section 201.071, subd. 3.

Since many Minnesota voters choose not to provide their phone number for privacy and security reasons, there are almost certainly many prior registrants who also do not have phone numbers in the database. This office does not track this issue since it is irrelevant to ensuring free and fair elections.

New registrants at bad addresses

In your letter you stated that "1,630 new registrants reside at undeliverable addresses" and that "696 new registrants reside at vacant addresses." I am not familiar with the term "vacant address." If you provide this office with a definition of this term, we could provide you with additional information about these registrations.

As you know, County Auditors mail a Postal Verification Card (PVC) to each new registrant they receive in their county. The cards are marked "Do Not Forward" and are returned to the County Auditor when undeliverable. Newly-registered voters whose Postal Verification Cards are returned by the post office are challenged when they come to vote. Challenged voters are questioned under oath by election judges prior to being allowed to vote. If their answers indicate that they meet the requirements for voting in Minnesota they can vote, and if not, they are not allowed to vote.

Age of voters

In your letter you stated that 13 new registrants are 100 years old or older. This is not surprising since many elderly individuals move from their homes to assisted living facilities, nursing homes, or other residential facilities late in life, triggering the need to re-register at their new address.

Date of Birth Analysis – Statewide

In your letter you stated that "14,410 registered voters have suspect date of births," including "5,433 [who] have no year of birth listed and 8,977 [who] have birth years on or before 1908." You are correct that there are some voter records without birth dates. Birth dates were not required for voter registration until 1983. Anyone who turned 18 before this time did not have to state their date of birth. Minnesota Statute, section 201.071 subd. 3., states that "a voter registration application accepted prior to August 1, 1983 is not deficient for lack of date of birth."

When some counties switched to computerized systems that required birth dates, defaults of 1850 or 1900 as a year of birth were used, resulting in voters who appear to be much older than they really are. I was not in office at this time, but it seems like a reasonable solution to a technological limitation of the system. In your letter you stated that "13,880 of these people voted in 2004 or 2006." This is not surprising, since they are eligible voters and most Minnesotans vote.

In your letter, you state that "8,608 of these voters were 70 years or older when they first registered to vote." It is very likely that this is a result of records being computerized for the first time in the 1980s, making it look like they were new registrants at a time when all that was really new was a new computer record for them.

In your letter you stated that "52% of these voters were registered in either Anoka or Hennepin Counties." Hennepin and Anoka are two of the counties that maintained their own county voter registration databases prior to the 1988-1989 implementation of the first statewide registration system. For those records accepted prior to August 1, 1983 when no date of birth was available, the year 1900 was used as a default in their computer systems. If you would like further information on these two counties, I am sure the chief election officials would be happy to speak with you.

Deceased Voters

In your letter you expressed concerned that voters who are deceased have voted in elections in recent years. However, you also stated in your letter "the deceased analysis does not include a date the individual died, therefore it is possible for people who are now flagged as deceased to have voted or registered to vote at an earlier date."

In Minnesota voters are flagged as deceased when we receive information from the Minnesota Dept. of Health or from a registered voter, normally next of kin, in the county of their registration. Voters who have died are also removed from the active voter rolls, along with other inactive voters, once two election cycles have passed in which they did not vote.

Bad or Missing Phone Numbers in Anoka and Hennepin Counties

In your letter you stated that 69% of Anoka and 39% of Hennepin County voters that had missing birth years or birth years before 1908 also have bad or missing phones. As mentioned above, Minnesota voters are not required to provide a phone number.

Thank you again for your letter and for providing my office with your limited analysis. I hope that I have answered your questions but urge you to contact our office again if you have any further questions.

Sincerely,

JIM GELBMANN
Deputy Secretary of State