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L A W O F F I C E P C

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Steve Simon, Minnesota Secretary of State
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Re: Voter Registration Issues

Dear Mr. Simon:

This memorandum is provided to inform you that my client, Four Directions, Inc. has and is experiencing issues with the treatment of Native American voter registration forms by various auditors in Cass, Itaska, Beltrami, Clearwater, Mahnomen and Becker Counties with the assurance that you will take appropriate action.

From September 29, 2020 through October 13, 2020, Four Directions, Inc., along with Tribal Members of the Red Lake Nation, White Earth Nation and Leech Lake Band of Ojibwe, conducted an extraordinarily successful Native voter registration drive wherein over 8,000 tribal members from these tribal Nations completed Minnesota voter registration forms.

However, there is concern that staff in the Cass and Beltrami County Auditors' offices are misapplying the Minnesota Election Laws. This concern is based on specific interactions, detailed below, between representatives from Four Directions and these offices. We are hopeful this is not intentional, and not occurring in the other four counties listed above, but am compelled to make you aware of our concerns.

On the last day of regular voter registration in Minnesota, October 13, 2020, the staff at Beltrami County informed Four Directions representative, Jennifer Crow, that certain forms would be rejected on the basis that they claimed they could not read the voter registration forms and to return on October 14, 2020 to collect the rejected forms despite the fact that Minnesota Election Law Sections 201.061 and 201.071 require that registrations be accepted and thereafter, permitted to be corrected.

Similarly, on October 13, 2020 in Cass County, staff from the auditor's office conducted a cursory review of over 700 Native voter registrations forms in a span of fifteen minutes and then summarily rejected and returned to the Four Directions representative 176 Native voter registration forms.

On October 14, 2020, Four Directions consultant, Bret Healy and other representatives of Four Directions, including Ms. Crow, returned to the Beltrami and Cass County Auditor's offices to discuss the incidences detailed herein. Mr. Healy personally spoke with Beltrami County Auditor Jody Treat who informed him that she had not started to process the over 5,500 Native voter registration forms. She also informed Mr. Healy that P.O. Box addresses would be sufficient for some, but not all voter registration forms in Beltrami County. She further informed Mr. Healy that a form would be considered incomplete if the voter did not mark anything in box 7 and that if a Native voter wished to, they could just write in their tribal ID number, even though there is no place in box 7 to do so. As you are aware, Minnesota Election Law § 201.071 permits an otherwise correctly certified form to be accepted even if certain boxes have not been checked.

Thereafter, Mr. Healy and Ms. Crow traveled to the Cass County Auditor's office in Walker to attempt to get the Cass County Auditor accept the 176 Native voter registration forms that her staff had rejected and handed back on October 13, 2020 on the basis that these 176 registrations were for other counties. When challenged, her staff admitted that they could have passed those forms to the proper counties but would not do so because they were the result of a voter registration drive. Her staff admitted that they routinely passed along individual voter registration forms to the correct county when a voter inadvertently mailed their voter registration form to the Cass County Auditor. Mr. Healy then demanded they produce statutory authority that allowed them to pass along some voter registration forms as a courtesy but refuse to do so for voters who had registered to vote through a voter registration drive. As you are aware, Minnesota Election Law Section 201.022 subdivision 1 (1) specifically states that a voter can return their registration card to *any* county auditor's office.

While the Cass County Auditor and her staff attempted to contact your office, the Four Directions representatives sorted through the 176 forms and determined that 155 of the forms were in fact from voters who resided in Cass County. When the staff person (but not the Cass County Auditor) returned, Mr. Healy informed her that 155 of the forms were indeed from Cass County and that P.O. Boxes were valid for voter registration in Minnesota, the staff person asserted that P.O. Boxes were not valid for voter registration in Minnesota despite the fact that the form itself provides for utilization of a P.O. Box. She did, however, accept the 155 forms that she had rejected on October 13, 2020. When Mr. Healy asked her to pass along as a courtesy the 21 remaining Native voter registration forms to the correct counties, the staff person stated she was not required to do so and would not "assist with your clerical work." As you are aware, under the law, this is a requirement not a "courtesy". When Mr. Healy continued to request that the staff person pass the forms along, and that she verify that she would reach out to Native voters to cure any incomplete forms, in response the Cass County staff person called law enforcement.

When law enforcement arrived, Mr. Healy continued the conversation with Cass County Chief Deputy Scott Thompson, who took the 21 Native voter registration forms and also attempted to reason with the Cass County Auditor's staff to pass along the 21 forms as a courtesy. The Auditor's staff person refused the request by Chief Deputy Thompson. At that point, Mr. Healy, Ms. Crow, and the Four Directions team left the Cass County Auditor's office. Again, Minnesota Election Law Section 201.022 requires the staff member to accept the registration regardless of the county, she was not refusing to do a "courtesy" but rather directly breaching the law.

This interaction was recorded and the relevant participants were informed of such. My client is in the process of transcribing the audio recording and will provide both to your office.

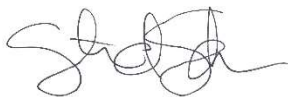
As your office is aware, Minnesota law has no prohibition against use of a Post Office for voter registration, and the registration card states on its face that a P.O. Box can be used. Additionally, pursuant to Minnesota Election Law Section 201.061, that a registration received in time must be accepted regardless of deficiencies and then the voter is to be provided an opportunity for voters to cure any deficiencies.

We are requesting of your office and of each of the six 6 County Auditors that after their review of the over 8,000 Native voter registration forms, that they meet with Four Directions staff to outline the process by which they determined whether voter registration forms were incomplete and the steps they took for each incomplete form to reach out to each Native voter.

Lastly, my client wishes to provide to your office the 21 Native voter registration forms that were submitted timely and that the Cass County Auditor refused to pass along to other county auditors so that your office will provide the registration forms to the correct county auditors so that Native voters who registered by October 13, 2020 can vote in the November 3, 2020.

Please contact me if there are any questions.

Sincerely,



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