

December 3, 2008

VIA EMAIL

The Hon. Mark Ritchie
Secretary of State
State Office Building
St. Paul, Mn

Re: U.S. Senate Recount -- Missing Ballots -- Minneapolis Precinct 3-1

Dear Secretary of State Ritchie:

On November 24, we wrote to you regarding what we called "the alarming possibility of missing ballots in numerous precincts throughout the state." We drew your attention to precincts where there were discrepancies of 5, 3, and 13 ballots. We requested that your Office commence an immediate investigation to determine whether ballots are missing and to conduct a thorough search to locate them. We also requested that you order local elections officials to make available documents so that the campaigns could be of assistance. By letter dated November 25, you responded that you had asked local officials to search, but you otherwise declined our request for an investigation and an order from your Office.

Today the "alarming possibility" became a five-alarm fire. Today, in Minneapolis Precinct 3-1, in which 2,028 people voted on Election Day, only 1,896 ballots were produced for counting.

While only 1,896 ballots were produced, the figures furnished to the campaigns by Minneapolis elections official Cindy Reichert show that at least 2,028 people voted on Election Day. The machine tape for Precinct 3-1 shows that 2,028 voters cast ballots. Further, according to Ms. Reichert: 1,047 people signed the roster; 932 people were new registrants; and 50 absentee ballots were accepted. The total of these is 2,029. Further, Minneapolis reported that 1,965 people cast votes in the U.S. Senate race.

In other words, there are 133 missing ballots.

As we have previously advised your staff, Minneapolis Elections Director Cindy Reichert has not vigorously searched for missing ballots. Further, when confronted with the

Attorneys & Advisors
main 612.492.7000
fax 612.492.7077
www.fredlaw.com

Fredrikson & Byron, P.A.
200 South Sixth Street, Suite 4000
Minneapolis, Minnesota
55402-1425

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evidence of missing ballots, her initial public explanation (a supposed double-count of write-in votes) made no sense, according to the voter numbers she herself furnished to the campaigns.

This recount is being conducted by your Office. We submit that it is time for your Office to act, and to act immediately.

The Franken campaign demands that the recount be kept open in Minneapolis until the 133 missing ballots are found. It also demands that your Office commence an immediate investigation -- and take charge of the search -- to find the missing ballots and to determine how they were lost.

There are 133 potentially disenfranchised voters in Minneapolis who are waiting for action. The U.S. Senate race may hang in the balance. This matter is urgent.

Very truly yours,



David L. Lillehaug
Attorney

Direct Dial: 612.492.7321

Email: dlillehaug@fredlaw.com

DLL:rz

c: Deputy SoS Jim Gelbmann
AAG Christie Eller
City Attorney Susan Segal
Fritz Knaak, Esq.
Tony Trimble, Esq.
Marc Elias, Esq.
Kevin Hamilton, Esq.

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