Felon Voter Fraud Convictions Stemming from Minnesota's 2008 General Election

October 13, 2011

Minnesota Majority

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Standing Together for Traditional Values

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October 13th, 2011 - Prepared by Dan McGrath

Executive Summary

More than two years after Minnesota Majority filed complaints with county attorneys throughout Minnesota citing evidence of ineligible felons voting in the 2008 General Election, convictions for these election crimes are still emerging from our legal system. The statute of limitations for these 2008 crimes will run-out this November after which no additional illegal voters will be able to be charged.

As of August 10th, 2011, 113 individuals are now known to have been convicted for voter fraud committed in 2008. We believe this is the **highest number of voter fraud convictions obtained in any state** for a single election cycle since 1936. In fact, according to a 2006 Justice Department report, there have been more convictions for voter fraud in Minnesota from just the 2008 election than the DOJ was able to prosecute over a five year span, nationwide.

While this number may seem a small percentage of the 2,803 suspected ineligible voters originally submitted to county prosecutors for investigation, there is a wide gap between voting while ineligible and voting while knowingly ineligible.

A report produced by Citizens for Election Integrity titled "Facts About Ineligible Voting and Voter Fraud in Minnesota" (November, 2010) included survey data from the county attorneys in Anoka and Dakota Counties that indicated the primary reason suspected ineligible voters were not charged was because the attorneys could not prove these individuals knowingly violated election law. A total of 83% of suspects not charged in Anoka County and 53.5% of suspects not charged in Dakota County fell into this category.

In other words, most of the suspects on Minnesota Majority's original list did, in fact, vote while ineligible, but the standard for prosecution in Minnesota is "ineligible voter knowingly votes." If an ineligible voter claims not to have known they were breaking the law, it's difficult for prosecutors to prove otherwise. In essence, to be convicted of voter fraud, the suspect must generally admit willful, knowing guilt.

Minnesota Majority's survey of county attorneys revealed an additional 112 suspected ineligible voters who had been charged and were awaiting trial as of August 10th, 2011. Another 73 were reported to be pending charges.

While some ineligible felon voters registered in advance of the election and should have been flagged for challenge, **the overwhelming majority who evaded detection used Election Day Registration**, which currently has no mechanism to detect or prevent ineligible voters.

Of particular concern is that it required the research of a non-government agency to detect and prompt investigation and prosecution of ineligible felon voters. There is evidence of other types of voter fraud, such as non-citizen voters, double voting and identity fraud. In instances of false-identity voting, prosecutions are unlikely because identifying a perpetrator who voted with a false name is impossible after the fact.

Background

Minnesota Majority is a state legislative watchdog group. Its main mission is to track and report on public policy issues and provide tools to make citizen involvement in the process easier. To those ends, we obtained a copy of the statewide voter registration system (SVRS) file from the Minnesota Secretary of State's office in 2008 in order to conduct pre-election voter surveys. In the course of this effort, we began to notice anomalies in the SVRS data, including apparent duplicate voter registrations, deceased voters on the active voter rolls, and non-existent and/or invalid voter registration addresses. This prompted us to submit a letter to Secretary of State Mark Ritchie on October 16th, 2008 explaining our concerns.

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On October 17th 2008, Secretary Ritchie called a press conference in response to our letter, defending the integrity of Minnesota's election system. Minnesota Majority did not believe that Secretary Ritchie adequately addressed our concerns, so our research into election system irregularities continued.

On November 3rd of 2008, the day before the General Election, KMSP TV aired a story about convicted felons on the voter registration rolls. Reporter Tom Lyden reported that he had found about 100 felons newly registered to vote. One of them was inexplicably registered while still in prison. Lyden brought his findings to Secretary Ritchie, who said he was aware of 26 ineligible felons who had registered to vote and he offered his assurances that the felons problem would be addressed.

Following the 2008 election, Minnesota Majority began to investigate whether any felons who were illegally registered managed to actually vote. What we found surprised us, because the data suggested that 20 times more felons than had been identified by KMSP-TV may have actually voted in the 2008 General Election.

The highest concentration of the suspected fraudulent votes was found in Hennepin and Ramsey Counties, so additional research was focused in these areas. We verified sample matches with court documents. We also examined polling place roster signatures and voter registration cards. After completing these verifications, we had a high degree of confidence that we had detected hundreds of fraudulent votes cast by ineligible felons in Hennepin and Ramsey Counties.

On October 14th of 2009, Ramsey County Attorney Susan Gaertner announced that 23 individual felons had been charged with election crimes in connection with the 2008 election, characterizing the number as "a handful." Most were only charged with registering illegally, not actually voting. This left the public with the impression that voter fraud issues from the 2008 election were settled and insignificant. News stories about these prosecutions were very different from the information Minnesota Majority had been compiling on felon voters.

On October 16th, 2009, Minnesota Majority submitted affidavits attesting to our findings on felon voters to Hennepin County Attorney Mike Freeman and Ramsey County Attorney Susan Gaertner. In all, 1,359 names of suspected ineligible felon voters were forwarded to these county attorneys for investigation, with supporting evidence.

Finally, upon request of several county attorneys, Minnesota Majority made the entirety of our research findings at that time, including a total of 2,803 suspected ineligible felon voters available to law enforcement, though a thorough, manual vetting of the electronic data against court documents and copies of precinct rosters had not yet been completed.

Of particular concern to Minnesota Majority is that it required the research of a non-government agency to detect and prompt investigation and prosecution of ineligible felon voters. Detecting ineligible felon voters is the simplest form of voter fraud to detect. There are lists of people convicted of felonies that can be readily compared to the voter history files. It does not appear that a thorough check of election records to detect voting by ineligible felons had ever been undertaken before by any agency, governmental or otherwise.

If the simplest kind of fraud to detect wasn't being checked for, what other fraud has been going undetected in Minnesota's very open election system?

There is evidence of other kinds of voter fraud occurring in the 2008 election, but in instances of false-identity voting, prosecutions are impossible because identifying a perpetrator voting with a false name is impossible after the fact. The primary available evidence of false-identity voting comes from returned

postal verification cards, of which there were over 38,000 following the 2008 election and the secretary of state's office has affirmed that a legitimate explanation can't be found for at least 3,000 of them.

Research Methodology

On January 30th, 2009, Minnesota Majority, through the Minnesota Data Practices Act, requested a copy of the Bureau of Criminal Apprehension's (BCA) Computerized Criminal History Database. It was received on a CD ROM in February of 2009 and was dated current as of February 7th 2009.

Unfortunately, the Statewide Voter Registration System (SVRS) data file had still not been updated from the 2008 General Election at that point. Although state statue requires all voter histories to be posted to SVRS within six weeks after an election and the federal Help America Vote Act (HAVA) requires such updates "on an expedited basis," voter history updates weren't reported as "complete" until April of 2009 – fully six months after the 2008 election.

When the Secretary of State's office finally notified Minnesota Majority that SVRS updates were complete, we obtained a copy of the SVRS file on April 29th 2009. BCA data was then compared to SVRS voter histories.

First, the BCA Data was reduced to only records of individuals who had been charged with felonies. All records of individuals without a felony charge were thrown out. The database was further distilled by court dates and sentencing guidelines to eliminate records that would not indicate ineligibility to vote on November 4th of 2008. The resulting database was then compared to the April 2009 version of the voter history data, with the following matching criteria:

- First Name
- Middle Name
- Last Name
- Year of Birth (an exact date of birth match is not possible because the public version of SVRS only includes the birth year in accordance with data privacy laws)

Exact matches between these two datasets were compiled into a new file, appending the BCA data to the voter data. The resulting file was filtered to eliminate any records that did not show a vote cast in the 2008 General Election. The resulting file contained 2,803 names, statewide.

Because the BCA data is imperfect for precisely determining the date ranges of active incarceration or parole or probation, or final conviction offense levels, a manual status and identity verification was required in addition to the automated database matches.

Using the Minnesota Department of Corrections' online Offender Locator, we were able increase our confidence that we had correctly matched the identities of ineligible felons who were still "on book" (under the supervision of the Department of Corrections) with the identities of 2008 voters in SVRS. Department of Corrections data is limited in that it only produces records of individuals currently under the supervision of the Department of Corrections. Historical records are not available, so felons who were off probation at the time of the record search, but who may have been on probation at the time of the election would not be detected by this method.

Since the highest concentrations of suspected fraudulent felon votes were cast in Hennepin and Ramsey Counties, Minnesota Majority focused its research in those two counties. Two lists were compiled of suspected felon voters. 899 names for Hennepin and 460 names for Ramsey. With the help of volunteers, we searched court documents called "registers of actions" for the suspected felon voters in those two counties, with a much larger sample size.

In Hennepin County, 731 court record searches were performed (81% of the file). 289 were deemed to be conclusive identity matches of felons who were not eligible to vote on November 4th of 2008. Another 161 records were deemed inconclusive due to incomplete or unclear public data.

For 281 of the names searched, we did not find evidence that the suspected felon was both convicted of a felony and ineligible to vote on November 4th of 2008. As examples, a felon may have been charged before the election, but not convicted until afterwards, their sentence was shortened so they were "off book" before the election, their charge was reduced from a felony to a gross misdemeanor in court and other similar situations.

In Ramsey County, 165 court record searches were performed (35% of the file). Of those, 52 were deemed to be conclusive identity matches of felons who were not eligible to vote on November 4th of 2008. 32 were deemed inconclusive and for 81 records, evidence of ineligibility was not found in the online court record system.

To date, Minnesota Majority has obtained 341 copies of Hennepin and Ramsey County court registers of actions that document felons' ineligibility to vote on November 4th 2008, that are linked to electronic voter history records of people who SVRS indicates voted in 2008.

In addition, we examined and copied a small sampling of original polling place roster pages and voter registration cards. Through the Minnesota Data Practices Act, we requested and were granted on-site inspection of 2008 election documents in the election offices of the cities of Minneapolis, Edina and the county of Ramsey (in Hennepin, the cities maintain election records, while Ramsey County stores all election records for every city in the county). Minnesota Majority obtained copies of 54 roster pages signed by suspected ineligible felon voters in Ramsey County and 19 copies of signed roster pages in Hennepin County.

Tracking convictions for voter fraud required yet another lengthy research project as not all county attorneys have been fully cooperative in responding to inquiries about the voter fraud cases. Volunteers searched online court records, one at a time for each identified suspected ineligible felon voter from the original list of 2,803 matches. As of August 10th, 2011, 113 records of convictions were located. The individuals found to have been convicted are listed in Appendix A of this report.

Note that this data is fluid and with several hearings and charges still pending as of the date this research was concluded, it's expected that the final tally will likely exceed that identified herein.

Understanding the Numbers

Those who believe that voter fraud is not a problem in the United States commonly point to the relatively low number of convictions nationwide as support for their position. Most people fail to realize is that voter fraud convictions are representative only a small fraction of the actual number of unlawful votes cast in an election, as illustrated in the following figure.

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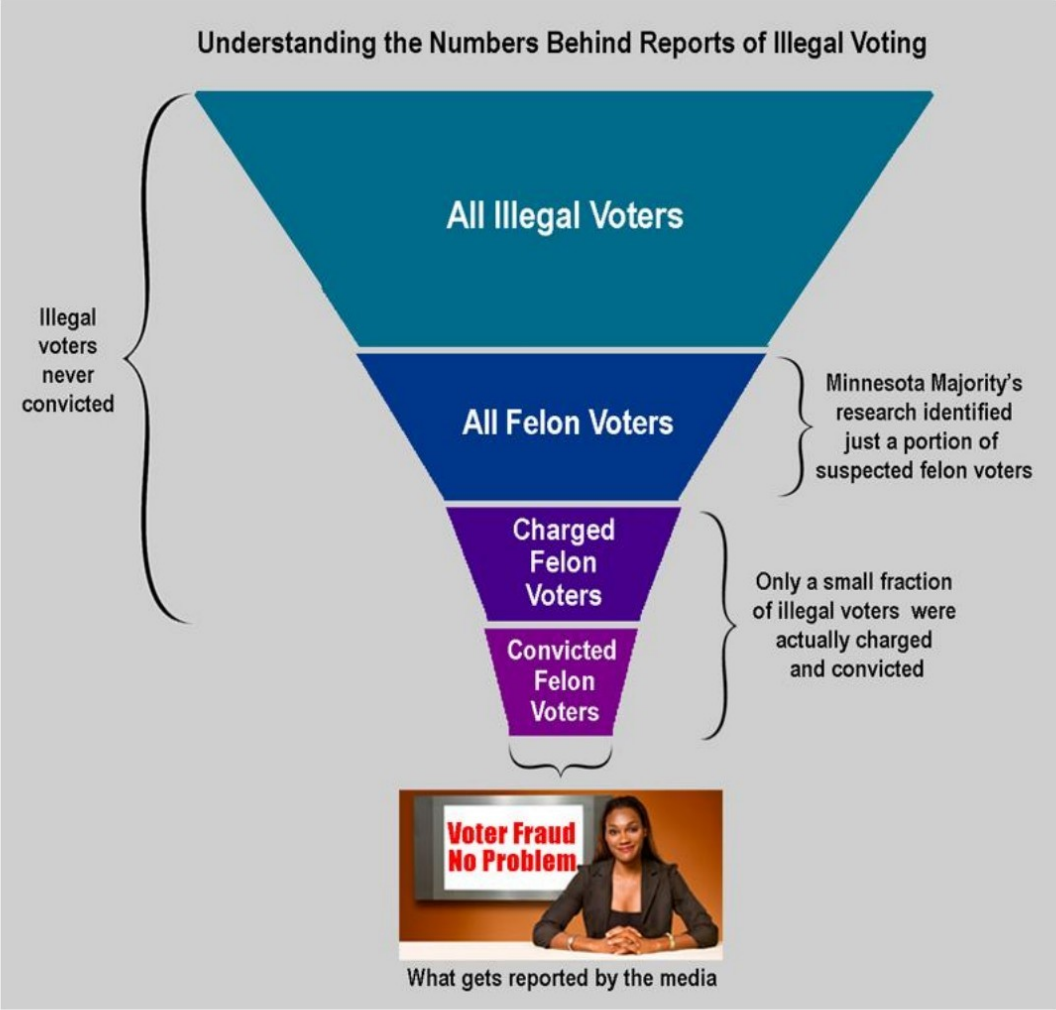

The relationship between convictions to the actual number of unlawful votes is exponential. As an example, Minnesota Majority identified 2800 suspected ineligible felon voters who evidence suggests cast ballots in the 2008 election. Keep in mind that our research identified only a portion of the total number of likely ineligible voters, and that these numbers don't include other types of illegal voting, including voter impersonation, double voting, voting by non-citizens, etc. In order to be charged and convicted for voter fraud in Minnesota, the offender must actually be proven to have knowingly violated the law. If they plead ignorance of the law, they generally aren't charged.

The Anoka and Dakota County attorneys indicated the primary reason suspected ineligible voters were not charged was because the attorneys could not prove these individuals knowingly violated election law. Between 53% and 83% of suspects fell into this category. Only 113 of the suspected unlawful voters were actually convicted of a crime. That's just 4 to 7% of the total number of likely unlawful felon voters. Now consider the fact that Minnesota Majority's list of suspected felon voters did not include all possible felon

voter matches and did not include suspects of the other forms of fraudulent voting. This suggests that the 113 individuals charged with voter fraud as the result of our investigation likely represents only a tiny percentage of the total unlawful votes cast in Minnesota's 2008 general election.

Conclusion

We believe that these 113 cases represent the largest number of convictions for voter fraud obtained in any state for any one election in the last 75 years. It is of particular concern to Minnesota Majority that it required research from an outside group as well as intense public pressure and local and national media attention to achieve even this level of enforcement of the state's election statutes.

Far more ineligible voters cast fraudulent votes than are reflected by the 113 convictions obtained to date. As many as 2,803 ineligible felons may have cast ballots in the 2008 general election, but as previously noted, most were not charged due to claims of ignorance of the law. The common expression, "ignorance of the law is no excuse" doesn't apply to Minnesota statute 201.014, which reads in part, "Any individual who votes *who knowingly is not eligible* to vote is guilty of a felony."

Despite the fact that the overwhelming majority of detected ineligible felon voters weren't prosecuted, invalid votes in large number were demonstrably allowed to corrupt the election process.

There are many forms of election fraud. Voting by ineligible felons is the easiest variety to detect and prosecute, because there are lists of convicted felons that can be compared to the voter rolls. There is no list of people who don't exist, however and though evidence exists of fraudulent voting using false identities, obtaining prosecutions for the crime is next to impossible because there is no way to know who actually cast the ballot using a false identity.

Article VII, Section 1 of the Minnesota Constitution states, "The following persons shall not be entitled or *permitted* to vote at any election in this state: A person not meeting the above requirements [at least 18 years of age; a citizen of the United States; residing in the precinct voting in]; a person who has been convicted of treason or felony, unless restored to civil rights; a person under guardianship, or a person who is insane or not mentally competent."

The Constitution is clear that convicted felons, while incarcerated or on supervised release (parole) or probation are not to be permitted to vote, yet as demonstrated by our research findings, it is happening on a large scale. Changes to Minnesota's lax election system, especially the procedures for Election Day registration, are sorely needed to preserve election integrity and voter confidence.

Faith in the outcome of fairly and accurately administered elections is the underpinning of our republic. "Governments are instituted among men, deriving their just powers from the consent of the governed," reads the Declaration of Independence and Alexander Hamilton so eloquently explained, "The fabric of American empire ought rest on the solid basis of consent of the people. The streams of national power ought flow immediately from that pure, original fountain of all legislative authority."

If we can't rely on our election system, how can we have the necessary faith that our government is operating with the consent of the governed?

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Appendix A – 2008 Felon Voter Fraud Convictions (to date)

COUNTY	LAST	FIRST	MIDDLE	DOB
ANOKA	DETTLE	KRISTY	ELLEN	11/25/1962
BECKER	SMITH	PAULA	JEAN	1/24/1963
BELTRAMI	KELLAR	KERRY	ANN	2/03/1984
BLUE EARTH	DEATLEY	SHAWN	SCOTT	2/13/1978
BLUE EARTH	MARSH	RYAN	SCOTT	5/07/1980
BLUE EARTH	WILKS	KHALID	JAFAR	3/01/1976
BROWN	SAVOY	CHAD	ALAN	7/08/1974
CLAY	LAMPL	PAUL	DUANE	9/26/1952
CLAY	POITRA	HARVEY	JOSEPH	10/16/1979
DAKOTA	ARSENAL	TIMOTHY	JOHN	2/28/1963
FREEBORN	KELLEY	JAMES	DAVID	10/29/1966
HENNEPIN	APPLEBAUM	WAYNE	SETON	6/06/1937
HENNEPIN	GRUENEICH	JASON	DENNIS	8/13/1979
HENNEPIN	MOSSBERG	KRISTINA	JANE	5/28/1976
HENNEPIN	SCHUSTER	CASSIDY	COLE	3/01/1983
HENNEPIN	SHAW	KIM	KATRINA	12/06/1968
HENNEPIN	WILLIAMS	VERNON	LEE	12/29/1987
JACKSON	HOFMANN	DAVID	RICHARD	12/13/1985
MCLEOD	HECKER	KATHLEEN	ADELLE	10/23/1972
MCLEOD	MOUDRY	SHANNON	DEE	1/13/1971
MARTIN	JAHNKE	FREDA	JEAN	7/21/1952
MOWER	BARRETT	CHERYL	LYNN	1/15/1959
NOBLES	DUCHENE	MONICA	DUARTE	6/21/1974
OLMSTED	COMMON	MICHAEL	ANTWON	2/26/1981
OTTER TAIL	SCHMIDT	ANDREW	FRANK	11/24/1983
POLK	AGNES	MATTHEW	NICHOLAS	1/10/1969
RAMSEY	ARSENAL	TIMOTHY	JOHN	9/5/1985
RAMSEY	AYERS	JAMES	ALBERT	8/24/1964
RAMSEY	BARSLOU	THERESA	MARIE	7/29/1980
RAMSEY	BENNETT	KARL	EDWARD	9/25/1980
RAMSEY	BOLDEN	DOMINIQUE	NICOLE	10/12/1986
RAMSEY	BOND	JAMES	VANCE	7/17/1967
RAMSEY	BRAZELTON	MICHAEL	JORDAN	6/03/1986
RAMSEY	BROWN	MAURICE	LEONZA	12/23/1971
RAMSEY	CARRINGTON	NICOLE	LYNN	7/31/1980
RAMSEY	CARTER	DONNA	EILEEN	12/13/1966
RAMSEY	CIRILLO	BRENT	MICHAEL	2/25/1964
RAMSEY	CISTRUNK	SPENCER	DWIGHT	7/09/1984
RAMSEY	CLARK	CYNTHIA	RENE	11/30/1955
RAMSEY	CLARK	DANIEL	TYRELL	11/14/1966
RAMSEY	COOK	JENNA	CHRISTINE	5/20/1974
RAMSEY	DENNIS	SHEILA	LARAE	1/22/1966
RAMSEY	DIAMOND	DONALD	JAMES	4/08/1955

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COUNTY	LAST	FIRST	MIDDLE	DOB
RAMSEY	FELDER	CYNTHIA	RENE	11/30/1955
RAMSEY	FRANKLIN	JAMES	EDWARD	5/13/1984
RAMSEY	GEORGE	LENZIE	LEE	1/14/1982
RAMSEY	GETTEN	PATRICK	CASEY	12/19/1974
RAMSEY	HALL	SABRINA	RUTH	1/12/1963
RAMSEY	HANKINS	SARAH	LYNN	11/02/1962
RAMSEY	HINMAN	MATTHEW	JAMES	5/23/1975
RAMSEY	HOWARD	NAKEISHA	LEZETTE	2/14/1975
RAMSEY	HURT	JEANNETTE	ALEXIS	6/11/1985
RAMSEY	IVY	RONNIE		8/23/1962
RAMSEY	JENKINS	CATHERINE	YVETTE	3/30/1965
RAMSEY	JOHNSON	CHRISTOPHER	LOUISELL	7/04/1962
RAMSEY	JOHNSON	JENNIFER	JO	12/7/1971
RAMSEY	JOHNSON	KENNETH	ALPHONSO	5/31/1972
RAMSEY	JOHNSON	MICHAEL	DAVID	8/22/1962
RAMSEY	JORDAN	NAKISHA	KECHELLE	2/21/1984
RAMSEY	KELLEY	JAMES	GRAHAM	10/29/1966
RAMSEY	KIPPELS	ANTHONY	JOESPH	9/9/1961
RAMSEY	KONEN	KIMBERLY	RAE	5/9/1967
RAMSEY	LAND	CAROLYN		11/5/1967
RAMSEY	LAWRENCE	CHRISTOPHER	CHARLES	9/13/1973
RAMSEY	LESURE	JAMES	KEITH	10/26/1963
RAMSEY	LEWIS	JEANETTE	ALEXIS	6/11/1985
RAMSEY	LYMAN	SHANE	JAMES	9/29/1973
RAMSEY	MCKINNEY	KAREN	LOUISE	10/6/1968
RAMSEY	MINTER	WAYDE	CHARLES	6/30/1982
RAMSEY	MOORE	JAMES	EARL	5/15/1986
RAMSEY	MOORE	KATIE	DENISE	3/17/1985
RAMSEY	MOORE	SIRESA	DALE	4/08/1975
RAMSEY	NEAL	AMBER	ALLISON	2/04/1966
RAMSEY	NORRING	DUSTIN	JAMES	5/05/1981
RAMSEY	OCONNOR	MICHAEL	SHANNON	10/27/1956
RAMSEY	PAYNE	MARCELLETTE	CHYANN	8/31/1961
RAMSEY	PEREZ	HECTOR	MOLINA	12/19/1949
RAMSEY	PERRY	JACQUELINE	PATRICIA	2/06/1964
RAMSEY	PRIEFER	BRIAN	WILLIAM	10/23/1981
RAMSEY	RYAN	DUSTIN	LEE	10/08/1986
RAMSEY	SCHICKLING	COLIN	LEE	11/27/1987
RAMSEY	SCHNEIDER	CURTIS	RUSSELL	5/23/1979
RAMSEY	SCHUEHLE	ROBERT	CHRISTOPHER	9/19/1946
RAMSEY	SILVA	RAYMUNDO	GONZALO	7/13/1964
RAMSEY	SIMMONS	DEWEY	ROBERT	6/20/1979
RAMSEY	STEPHENS	MICHAEL	VAN	10/1/1954
RAMSEY	SYKES	WILLIE	LEE	11/15/1947
RAMSEY	THOMAS	DEANARA	MONTEZ	7/31/1985

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COUNTY	LAST	FIRST	MIDDLE	DOB
RAMSEY	THOMAS	JOHN	PAUL	9/23/1974
RAMSEY	TIEDEMANN	TODD	REGGI	9/12/1965
RAMSEY	TITEL	DONNA	EILEEN	12/13/1966
RAMSEY	TODD	GIDGET	SHERICE	1/15/1971
RAMSEY	WAGNER	JOSEPH	JAMES	4/26/1956
RAMSEY	WHITE	KIARA	SHONTAY	7/20/1985
RAMSEY	WILLIAMSON	ELVE	LAWRENCE	9/28/1963
RAMSEY	WOODARD	ROMAN	DURANE	11/13/1978
RAMSEY	WOODWARD	THOMAS	HOWARD	7/23/1971
RAMSEY	YOUNG	VAUGH	TOJO	10/12/1972
RED LAKE	NOYES	JONATHAN	CURTIS	5/10/1978
SCOTT	CAREY	PARIS	LAMAR	9071985
SCOTT	DENO	KYLE	ROBERT	3/19/1985
SCOTT	KOSTOHRYZ	STEVEN	TODD	7/26/1965
SCOTT	SHAMID	HALEEM	KHAN	12/17/1975
SCOTT	WHITE	ANGELA	JANE	3/12/1984
SCOTT	WICHMANN	DANIEL	PAUL	3/01/1968
SIBLEY	TICE	MARK	STEVEN	8/21/1954
STEARNS	ENDRES	TAYLOR	JOSEPH	5/14/1989
STEARNS	GARCIA	DANTE	ANTONIO	1/19/1980
STEARNS	GRADITI	LACY	JEWEL	4/18/1987
STEARNS	JONES	JASON	SCOTT	10/22/1976
STEARNS	SCOTT	TROY	ALAN	2/17/1983
STEARNS	THOMPSON	HAROLD	EUGENE	2/17/1937
TODD	ONDRACEK	WILLIAM	ALLEN	2/26/1980