

NOV 19 2010

**FILED**

Case No. A10-2022

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STATE OF MINNESOTA  
IN THE SUPREME COURT

In *re* Petition regarding 2010 Gubernatorial Election

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RESPONSE OF ANOKA COUNTY TO PETITION TO  
CORRECT ERRORS AND OMISSIONS REGARDING PROPER  
NUMBER OF BALLOTS COUNTED

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INTRODUCTION

Anoka County hereby adopts the arguments of Ramsey County and urges this Court to dismiss the Petition in this matter. It is Anoka County's position that it has fully complied with all statutory requirements in this election.

ARGUMENT

As in Ramsey County, Anoka County election judges are trained to reconcile the number of voters with the number of ballots counted by counting either the voter receipts or the signatures in the polling place roster. *See* Affidavit of Cynthia Reichert at ¶ 4. Further, if the ballots counted are inconsistent with the number of receipts or signatures in the polling place

roster, as in Ramsey County, election judges are instructed and trained to go through a number of steps to determine the reason for the discrepancy. If the discrepancy remains, that number is recorded and forwarded to the Anoka County Elections Department. Because the procedure used in Anoka County is in accord with the contemporary interpretation of Minnesota Statutes and the current rules of the Secretary of State (*see* Minnesota Administrative Rules 8200.9300, subp. 10), Anoka County's training, practice and procedure comply with Minnesota law.

Further, as in Ramsey County, Anoka County did not remove or set aside at the precinct level any ballots in order to rectify any imbalance in the count. Anoka County uses an electronic voting system, following the procedures set forth by Minn. Stat. § 206.86, subd. 1, requiring the election judges to send the sealed ballot box to the County Auditor for processing. *See* Reichert Affidavit at ¶ 5.

Anoka County officials have determined that ballots counted can be reconciled with voter receipts or polling place roster signatures or that a reasonable explanation exists for any discrepancy in all but one precinct. In that precinct, there is a total of one ballot in excess of the voter receipts or polling place roster signatures. *See* Reichert Affidavit at ¶ 8. This is a total of one unexplained vote out of 131,703 ballots that were cast (*see* Reichert Affidavit at ¶ 6), or a total error rate of .00076 percent. Further, there can be

no reasonably based allegation that that ballot was not cast by a legal voter.  
And, any attempt to nullify that vote would only act to disenfranchise an  
Anoka County voter.

CONCLUSION

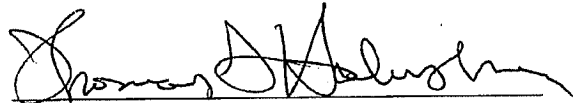
Based upon the arguments above, Anoka County respectfully requests  
that the Petition in this matter be dismissed.

Respectfully submitted,

ROBERT M. A. JOHNSON  
Anoka County Attorney

Dated: November 19, 2010.

By:



Thomas G. Haluska  
Assistant Anoka County Attorney  
License No. 39986

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Attorneys for Respondent Anoka  
County

STATE OF MINNESOTA  
IN THE SUPREME COURT

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AFFIDAVIAT OF CYNTHIA REICHERT

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Your affiant, Cynthia Reichert, being first duly sworn, states as follows:

1. I am the Elections Manager for Anoka County, Minnesota. I have held this position since June 2009. I was the Elections Director for the City of Minneapolis from January 2006 through June 2009.
2. I have reviewed the Affidavit of Joseph Mansky, the Elections Manager for Ramsey County, Minnesota, dated November 19, 2010, and filed with the responsive papers of Ramsey County in this matter.
3. The training and procedures outlined by Mr. Mansky in his Affidavit are substantially the same as those used by Anoka County.
4. The election judges in Anoka County are instructed and trained to reconcile the number of voters with the number of ballots counted by counting either the voter receipts or the signatures in the polling place roster.

5. That Anoka County uses an electronic voting system following the procedures set forth by Minn. Stat. § 206.86, subd. 1.

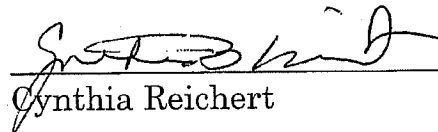
6. The total number of votes cast in Anoka County was 131,703 votes.

7. During the course of our audit and review, our election staff determined that there were eleven precincts in which there were more ballots counted than the total number of voting reported.

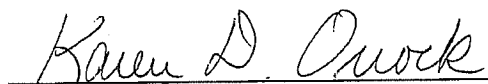
8. Based upon the information that I have reviewed, all but one of those ballots in one precinct cannot be explained as a result of mechanical or human error, resulting in the possibility that the ballot could have been counted twice.

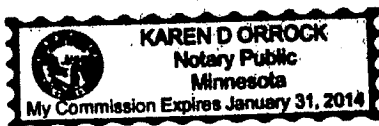
Further your affiant saith not.

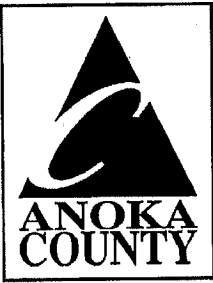
Dated: November 19, 2010.

  
Cynthia Reichert

Subscribed and sworn to before me  
this 19<sup>th</sup> day of November, 2010.

  
Notary Public





## ANOKA COUNTY ATTORNEY

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November 19, 2010

OFFICE OF  
APPELLATE COURTS

NOV 19 2010

**FILED**

Mr. Frederick K. Grittner  
Clerk of Appellate Courts  
Minnesota Supreme Court  
305 Minnesota Judicial Center  
25 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155

**RE: In re Petition Regarding 2010 Gubernatorial Election  
Appellate File No. A10-2022**

Dear Mr. Grittner:

Enclosed for filing are the original and eight copies of Response of Anoka County to Petition to Correct Errors and Omissions Regarding Proper Number of Ballots Counted and Affidavit of Cindy Reichert. Our Affidavit of Service on Petitioners' Counsel will be filed separately. Unless directed by the Court, I do not intend to participate in oral arguments.

If you have any questions, please feel free to contact us.

Sincerely,

Thomas G. Haluska  
Assistant Anoka County Attorney  
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[Thomas.Haluska@co.anoka.mn.us](mailto:Thomas.Haluska@co.anoka.mn.us)

TGH:ko  
Enc.

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