

STATE OF MINNESOTA

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DISTRICT COURT

COUNTY OF HENNEPIN

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FOURTH JUDICIAL DISTRICT

Claire Riehle Bohmann,

BY: ~~HELEN M. HENNING~~ DEPUTY  
COURT ADMINISTRATOR

Case Type: Civil Other

Plaintiff,

File No. \_\_\_\_\_

v.

City of Minneapolis; Cynthia Reichert,  
Director of Elections for the City of  
Minneapolis; and John Does and  
Jane Does,

**COMPLAINT**

Defendants.

Plaintiff, for her Complaint against Defendants City of Minneapolis; Cynthia Reichert, Director of Elections for the City of Minneapolis; and John Does and Jane Does, in their official capacities as the responsible authorities for the counting of votes in elections in the City of Minneapolis, states and alleges as follows:

1. Plaintiff Claire Riehle Bohmann is an individual residing in the City of Minneapolis. She is a student at the University of Washington in Seattle, Washington.

2. Defendant City of Minneapolis is a political subdivision of the State of Minnesota. The City of Minneapolis administers elections pursuant to the Minnesota Election Law, Minnesota Statutes Chapters 200-211C (2008).

3. Defendant Cynthia Reichert is the Director of Elections for the City of Minneapolis and is the principal municipal officer charged with duties

relating to elections. Upon information and belief, Reichert is the individual responsible for the counting of votes in elections in the City of Minneapolis pursuant to the Minnesota Election Law, Minnesota Statutes Chapters 200-211C (2008).

4. Defendants John Doe and Jane Doe are unidentified defendants who are, or may be designated by law or by the City of Minneapolis as individuals responsible for the counting of votes in elections in the City of Minneapolis.

5. Venue in this County is proper pursuant to Minnesota Statute § 13.08, subd. 3.

6. On November 4, 2008, the State of Minnesota conducted an election for the office of United States Senator (“Election”) between Senator Norm Coleman, Al Franken, and other candidates.

7. Plaintiff was eligible to vote in the Election under Minnesota Statute § 204.14 because she is 18 years of age or older, is a citizen of the United States, and maintained residence in Minnesota for 20 days immediately preceding the election.

8. Plaintiff registered to vote in compliance with Minnesota Statutes Chapter 201. On or about August 21, 2008, Plaintiff sent to the City of Minneapolis a voter registration application. Thereafter, she received a letter advising her that her registration had not yet been processed, but that she

could use the letter as proof of residency if she wished to vote in the primary election on September 9, 2008.

9. Plaintiff was unable to go to the polling place on Election Day because she was attending school at the University of Washington in Seattle, Washington.

10. In October, 2008, Plaintiff applied for and received an absentee ballot in accordance with Minnesota Statutes Chapter 203B. Even though Plaintiff had already registered, the absentee ballot package from the City of Minneapolis contained a voter registration application.

11. Plaintiff marked and returned the absentee ballot, voting for Al Franken in the Election. She also filled out and returned the voter registration application.

12. To the best of her knowledge, Plaintiff's absentee ballot complied with the Minnesota Election Law.

13. On or about November 3, 2008, Plaintiff was advised that her absentee ballot had been rejected by the City of Minneapolis because she had not registered.

14. After the Election, Plaintiff received from the City of Minneapolis a voter registration, attached hereto as Exhibit A (with personal identification information redacted). The card is dated October 30, 2008.

15. As of November 17, 2008, the Secretary of State's Office has published interim vote totals for Al Franken and Norm Coleman that have the

candidates separated by fewer than 210 votes in an election in which more than 2.9 million votes were cast for the office of United States Senator. Consequently, the total vote margin between these two candidates is less than one one-hundredths of one percent of the almost 2.9 million votes cast for that office.

16. Under Minnesota Statute § 204C.35, subd. 1(b)(1), the Secretary of State has scheduled a mandatory manual recount of all votes cast in the State for the Election to commence on November 19, 2008.

17. Plaintiff incorporates the foregoing allegations into each of the following counts as though fully set forth therein.

**COUNT I**  
**Right to Vote**  
**Minnesota Constitution**  
**Article I § 2 and Article VII § 1**

18. Under Article I § 2 and Article VII § 1 of the Minnesota Constitution, Plaintiff has a right to vote and to have her vote counted in an election.

19. Plaintiff's vote in the Election should have been counted.

20. Plaintiff's vote was wrongfully not counted in the Election.

21. Defendants' failure to count Plaintiff's vote violated her right to vote under the Minnesota Constitution.

22. The harm suffered by Plaintiff is irreparable and there is no adequate remedy at law.

23. By reason of the above, Plaintiff is entitled to an Order enjoining or requiring Defendants to count her vote.

**COUNT II**  
**Right to Vote**  
**Minnesota Election Law**  
**Minnesota Statutes Chapters 200-211C**

24. Under the Minnesota Election law, Minn. Stat. § 201.014, Plaintiff has the right to vote and to have her vote counted.

25. Plaintiff's vote in the Election should have been counted.

26. Plaintiff's vote was wrongfully not counted in the Election.

27. Defendants' failure to count Plaintiff's vote violated her right to vote under the Minnesota Election Law.

28. The harm suffered by Plaintiff is irreparable and there is no adequate remedy at law.

29. By reason of the above, Plaintiff is entitled to an Order enjoining or requiring Defendants to count her vote.

**COUNT III**  
**Right to Vote**  
**United States Constitution**  
**Fourteenth Amendment**

30. Under the Fourteenth Amendment to the United States Constitution, Plaintiff is entitled to Equal Protection of the Laws, including the right to vote and to have her vote counted in an election.

31. Plaintiff's vote in the Election should have been counted.

32. Plaintiff was denied Equal Protection of the Laws when her vote was wrongfully not counted in the Election.

33. The aforesaid conduct by Defendants was done under color of law and deprived Plaintiff of her rights under the U.S. Constitution.

34. The aforesaid conduct constitutes a violation of the Civil Rights Act of 1964, 42 U.S.C. § 1983.

35. The harm suffered by Plaintiff is irreparable and there is no adequate remedy at law.


36. By reason of the above, Plaintiff is entitled to an Order enjoining or requiring Defendants to count her vote.

**WHEREFORE**, Plaintiff Claire Riehle Bohmann respectfully requests the Court to enter judgment in her favor, but not limited to:

1. An order adjudging and declaring, under the Declaratory Judgment Act, Minnesota Statute § 555.01, et seq., that Plaintiff has the right to have her vote counted, in accordance with the Constitutions and laws of the United States and the State of Minnesota.
2. A mandatory injunction and/or a writ of mandamus to compel the Defendants to count Plaintiff's vote; and
3. Awarding to Plaintiff her reasonable attorney's fees and costs incurred herein.
4. Such other and further relief as may be just and equitable.

**MANSFIELD, TANICK & COHEN, P.A.**

Dated: November 18, 2008

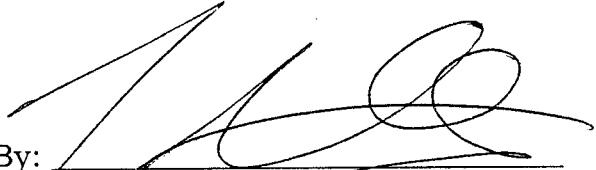
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**ATTORNEYS FOR PLAINTIFF  
CLAIRE RIEHLE BOHMANN**

**ACKNOWLEDGMENT**

The undersigned hereby acknowledges that pursuant to Minn. Stat. § 549.211, monetary and other sanctions may be imposed if the Court should find that the undersigned has violated Minn. Stat. 549.211, subd. 2, by presenting a position which is unwarranted or for an improper purpose, as more fully defined in that statute.

Dated: November 18, 2008

By:   
Marshall H. Tanick (#108303)