

AFFIDAVIT/DECLARATION OF ERICK GARCIA LUNA

1. My name is Erick Garcia Luna. On November 4, 2008, I was eighteen years of age or older, a citizen of the United States, and had maintained residence in Minnesota for at least thirty days immediately preceding the general election held November 4, 2008. I am providing this affidavit because I believe that my November 2008 general election ballot was improperly rejected, and I am hopeful that, by providing this affidavit, my ballot can be verified and counted.

2. As of November 4, 2008, I was fully entitled to vote. I was not under court-ordered guardianship in which the court order revoked my right to vote; had not been found by a court to be legally incompetent to vote; and had not been convicted of treason or any other felony.

3. I was registered to vote in the State of Minnesota for the November 4, 2008 general election. Prior to November 4, I submitted a request to vote by absentee ballot for the November general election. My address at the time I submitted my application for an absentee ballot and when I voted was 18701 Stratford Road, No. 142, Minnetonka, MN 55345. I voted, without any problems, in the September 2008 state primary election while registered at that same address.

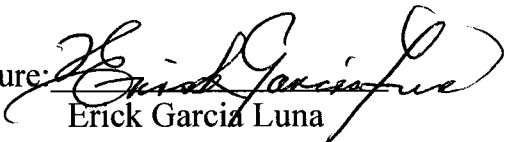
4. In October 2008, I voted my absentee ballot in person at the Minnetonka City Hall. I received an absentee ballot and marked the ballot in the manner prescribed by the directions included with the ballot. In the U.S. Senate race, I voted for Al Franken. In addition to marking the ballot, I completed the eligibility certificate printed on the back of the envelope and had a registered Minnesota voter—an Election Judge working at City Hall—sign the envelope as a witness, all as explained in directions I received with the absentee ballot. The Election Judge who witnessed by absentee ballot did not indicate that there were any problems with my ballot. The eligibility certificate reflected my correct name and address, and it contained my genuine signature.

5. After I submitted my ballot, I received a call from someone at Minnetonka City Hall who told me that the signatures on my absentee ballot and absentee ballot application did not match. She asked that I fax to her a new absentee ballot application with a signature matching the one on my ballot, which I promptly did. After faxing the application, I called the clerk and asked that she let me know if I needed to take other steps to count my ballot. Shortly thereafter, the clerk called me and stated that she had confirmed my matching signatures and that my ballot would be counted.

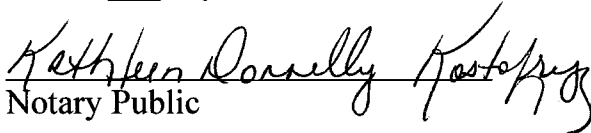
6. I am not aware of any reason for election officials to reject my absentee ballot and refuse to count my vote.

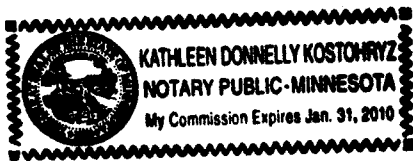
7. If notarized below, this is my Affidavit. If not notarized, it is my declaration under 28 U.S.C. § 1746. I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 2nd, 2008.

Signature: 
Erick Garcia Luna

Sworn and subscribed to before me
on this 2nd day of December, 2008.


Notary Public

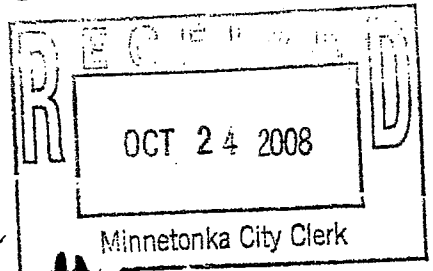


Minnesota SOS Voter Lookup

SOS Voter ID	4300605	RegistrationDate:	5/25/2008
FirstName	ERICK	LastName	GARCIA-LUNA
HouseNumber	18701	Address2	
StreetName	STRATFORD RD	City	MINNETONKA
UnitType	APT	State	MIN
UnitNumber	142	ZipCode	55345

SOS Voter Election History	ElectionDate	ElectionDescription	VotingMethod
4300605	9/9/2008	09/09/2008 - STATE PRIMARY	P

HC



Rejected
No way

▼ TO BE COMPLETED BY VOTER ▼

VOTER'S NAME (PLEASE PRINT)
Erick Garcia Luna

VOTER'S ADDRESS (PLEASE PRINT)
18701 Stratford Rd # 142

I certify that on election day I will meet all the legal requirements to vote by absentee ballot.

VOTER'S SIGNATURE *Erick Garcia Luna* DATE *10/24/08*

▼ TO BE COMPLETED BY WITNESS ▼

18701 Stratford Rd #142

- I certify that the voter
- showed me the blank ballots before voting;
 - marked the ballots in secrecy or, if physically unable to mark the ballots, the ballots were marked as directed by the voter; and
 - enclosed and sealed the ballots in the secrecy envelope.

NAME OF WITNESS (PLEASE PRINT)
B Shearer

ADDRESS OF WITNESS (PLEASE PRINT)
CITY HALL

SIGNATURE OF WITNESS *B Shearer* DATE *10/24/08*

TITLE OF WITNESS (IF AN OFFICIAL)
ELECTION JUDGE

▼ FOR OFFICE USE ONLY ▼

ACCEPTED REJECTED *AS*

10/27/08 *signs don't match* Reason *called voter 10/27/08*

REVISED 2006 R