

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF DAKOTA

FIRST JUDICIAL DISTRICT

CASE TYPE: Civil Other/Misc.

Court File No. 19AV-CV-20-2183

Tyler Kistner, Tomas Settell,
Leilani Holmstadt, Dan Hall,
Jose W. Jimenez, Fern A. Smith,
Mariah de la Paz, Cynthia Lonnquist,
Pam Myhra, Megan Olson, Sandra A.
Jimenez, Deborah Coxe, and Greg Buck,

Contestants,

**CONTESTANTS' VERIFIED
PETITION REQUESTING
INSPECTION OF BALLOTS
AND DOMINION VOTING MACHINE**

v.

Steve Simon, only in his official capacity
as the Minnesota Secretary of State,
Andy Lokken, only in his official capacity
as the Elections Director for Dakota County,
Angie Craig, Matt Klein, Karla Bigham,
Lindsey Port, Greg Clausen, Liz Reyer,
Rick Hansen, Ruth Richardson,
Jessica Hanson, Robert Bierman,
and John D. Huot,

Contestees.

TO: Dakota County District Court and the above-named Contestees and their attorneys, William Topka, Assistant County Attorney, Dakota County Attorney's Office, 1560 Highway 55, Hastings, Minnesota 55033, representing Dakota County, Nathan J. Hartshorn, Assistant Attorney General, 445 Minnesota Street, Suite 1400, St. Paul, Minnesota 55101-2134, representing Secretary of State Steve Simon, and Charles N. Nauen, Lockridge Grindal Nauen, P.L.L.P., 100 Washington Avenue South, Suite 2200, Minneapolis, MN 55401-2159, attorney for Contestees Angie Craig, Matt Klein, Karla Bigham, Lindsey Port, Greg

Clausen, Liz Reyer, Rick Hansen, Ruth Richardson, Jessica Hanson, Robert Bierman, and John D. Huot.

PLEASE TAKE NOTICE Contestants file this Verified Petition requesting to inspect the ballots and related election materials and a Dominion Voting machine pursuant to Minn. Stat. § 209.06 which provides:

Subdivision 1. Appointment of inspectors.

After a contest has been instituted, either party may have the ballots inspected before preparing for trial. The party requesting an inspection shall file with the district court where the contest is brought a verified petition, stating that the case cannot properly be prepared for trial without an inspection of the ballots and designating the precincts in which an inspection is desired. A judge of the court in which the contest is pending shall then appoint as many sets of three inspectors for a contest of any office or question as are needed to count and inspect the ballots expeditiously. One inspector must be selected by each of the parties to the contest and a third must be chosen by those two inspectors. If either party neglects or refuses to name an inspector, the judge shall appoint the inspector. The compensation of inspectors is the same as for referees, unless otherwise stipulated.

Subd. 2. Bond, taxing of costs.

The party applying for the inspection shall file with the court administrator of district court a bond in the sum of \$250 if the contest is in a single county. In other cases the bond shall be in a sum set by the court with sureties approved by the court, and conditioned that the party seeking inspection will pay the administrative costs and expenses of the inspection if that party loses the contest.

Subd. 3. Report of inspectors.

An inspection must be made in the office and in the presence of the legal custodian of the ballots. The inspectors shall recanvass the votes cast for the parties to the contest or the question in issue in accordance with the rules for counting ballots in the Minnesota Election Law. They shall make a written report of the inspection indicating the number of votes cast for each candidate or each side of the question in each precinct where the ballots were inspected and indicating any disputed ballots upon which the inspectors cannot agree.

1. Contestants incorporate by reference all pleadings and affidavits filed by Contestants in this matter including, but not limited to, Contestants' Notice of Election Contest Under Minnesota Statutes Chapter 209, in this Verified Petition.

2. Contestants cannot properly be prepared for trial without an inspection of the ballots and other election materials in all 141 precincts in Dakota County, including, but not limited to: (a) all written applications for absentee ballots; (b) ballot envelopes filled out with the name, address, and certificate of eligibility to vote by absentee ballot; (c) the marking of either accepted or rejected on the envelope; (d) the absentee ballot election materials under the Uniformed and Overseas Citizens Absentee Voting Act; (e) the ballots and envelopes received after November 3, 2020, that were required to be segregated by order of the 8th Circuit Court of Appeals filed on October 29, 2020, *James Carson, et. al. v. Steve Simon, et al.*, requiring the Secretary of State, Steve Simon, "and his respective agents and all persons acting in concert with each or any of them are ordered to identify, segregate, and otherwise maintain and preserve all absentee ballots received after the deadlines set forth in Minn. Stat. § 203B.08, subd. 3 . . . in the event a final order is entered by a court of competent jurisdiction determining such votes to be invalid or unlawfully counted[]"; (f) any USB cards and modems that contain voting data; (g) all envelopes with certificates of uncounted ballots pursuant to Minn. Stat. § 204C.20; (h) all election return summary statements (and the sealed envelopes) pursuant to Minn. Stat. §§ 204C.24 and 204C.26; (i) the envelopes (with the ballots) pursuant to Minn. Stat. § 204C.25; (j) the hand written postelection review statements filled out by the postelection reviewers on November 16, 2020; and (k) any items not included above but were placed in the transfer cases pursuant to Rule 8230.2050 of the Minnesota

Administrative Rules.

3. Contestants cannot properly be prepared for trial without an inspection of the new 520-pound Dominion voting machine delivered FEDEX to Dakota County *after* the election and just a few days prior to its November 16, 2020, postelection review that was found with Eagan Precinct 13 ballots.

4. Contestants' election contest and supporting affidavits filed in this matter clearly demonstrate (a) an irregularity in the conduct of this election and the canvass of votes; (b) there is a question of who received the largest number of votes legally cast, and (c) there were deliberate, serious, and material violations of the Minnesota Election Law in the November 3, 2020 election.

5. On December 1, 2020, Jane L. Volz filed a \$250 cost bond with the Dakota County District Court.

6. Contestants select Mr. Tony Ward as their inspector.

VERIFICATION OF COMPLAINT

FURTHER YOUR AFFIANT SAYETH NAUGHT

I declare under penalty of perjury that everything I have stated in this document is true and correct.

Date: December 8, 2020

/s/ Jane L. Volz
Jane L. Volz

The undersigned hereby acknowledges that sanctions may be awarded pursuant to Minnesota Statutes § 549.211.

DATED: December 8, 2020.

VOLZ LAW FIRM, LTD.

By: /s/ Jane L. Volz
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ATTORNEY FOR
CONTESTANTS

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