

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RICE

NINTH JUDICIAL DISTRICT

Case Type: Other Civil

Benda for Common-sense, a Minnesota
Non-Profit Corporation, and Kathleen
Hagen,

Court File No. 66-cv-22-2022
Judge: Carol M. Hanks

Plaintiffs

v.

ANSWER

Denise Anderson, Director of Rice County
Property Tax and Elections

Defendant.

Defendant Denise Anderson for her Answer to Plaintiffs' Complaint and Petition for Correction of Errors and Omissions Under Minn. Stat. 204B.44 ("Complaint"), states and alleges as follows:

1. Deny each and every allegation, matter and thing contained in said Complaint, except as hereinafter admitted, qualified or otherwise answered.
2. Admit paragraphs 3, 11 and 12.
3. With respect to paragraphs 1 and 2, the Defendant is without sufficient knowledge or information as to the truth or falsity of the allegations and therefore denies the same and put Plaintiffs to strict proof thereof.
3. With respect to paragraph 4, state that Defendant has those duties and responsibilities set forth in statute and as assigned by Rice County.

4. With respect to paragraphs 7, 8, 9, 10, 15, 17, 18, 19, 21, 22, 24, 25, 26, 27, and 30 state that the documents referenced speaks for themselves and deny any other allegations contained therein.

5. With respect to paragraph 13 state that after the polls are closed a paper copy of the results must first be printed at the polling place. A copy of the results cannot be transmitted via modem until after the paper printout has been generated. The paper printout must be signed by three election judges and delivered to the County election offices and compared to the information transmitted via modem before the votes are certified.

6. With respect to paragraph 14, state that the Testing of Voting Systems, as set forth in Minn. Stat. § 206.83, does not include the testing of modems. The voting systems used by Rice County, as defined by Minn. Stat. § 206.83, were publicly tested in accordance with statute. The modems were also repeatedly tested by Defendant and her staff over the summer of 2022 and were found to be in working order.

7. With respect to all paragraphs in the Complaint which are allegations of law, assert that the law speaks for itself and is not necessarily as stated or characterized by the Plaintiff, or is not amenable to responsive pleadings.

8. With respect to paragraphs 23 and 31, state that Minn. Stat. § 204B.40 speaks for itself and deny any other allegations therein.

9. With respect to paragraphs 33 and 41 state that the allegations contained in these paragraphs are not amenable to responsive pleadings.

10. With respect to Plaintiffs' requests for declaratory and injunctive relief, costs, disbursements and attorney's fees and other prayers for relief, state that the relief sought is not amenable to responsive pleadings, and specifically deny that Plaintiffs are entitled to any relief or damages of any kind, including injunctive relief, statutory penalty, attorneys' fees, costs or equitable relief.

11. With respect to Plaintiffs' Prayer for Relief, assert that no responsive pleading is required and to the extent that a responsive pleading is required, deny.

AFFIRMATIVE DEFENSES

1. Affirmatively allege that all or part of the Complaint fails to state a claim upon which relief can be granted.

2. Affirmatively assert that Defendant, at all times relevant to this action, acted in good faith and in compliance with applicable laws, rules, policies and procedures.

3. Affirmatively alleges that Plaintiffs failed to properly serve the Complaint on the appropriate parties, including the appropriate parties for an action under Minn. Stat. § 204B.44.

4. Affirmatively allege that this case is or may be barred, in whole or in part, by insufficiency of service of process.

5. Affirmatively allege that Plaintiffs' claims in whole or in part are barred by the doctrines of waiver, estoppel, laches, and/or unclean hands.

6. Defendant hereby gives notice that she intends to rely upon any such other affirmative defenses as may become available or apparent during the course of discovery and thus reserves the right to amend its Answer to assert such defenses.

WHEREFORE, Defendant Anderson prays that Plaintiffs take nothing against the Defendant by their pretended cause of action, that the same be dismissed with prejudice, and that Defendant recovers judgment for its costs, disbursements, and whatever relief the Court deems just and equitable.

RATWIK, ROSZAK & MALONEY, P.A.

Dated: 9/13/2022

By: 

Ann R. Goering
Attorney Reg. No. 210699
Jordan H. Soderlind
Attorney Reg. No. 396718
444 Cedar Street, Suite 2100
Saint Paul, MN 55101
(612) 339-0060

ATTORNEYS FOR DEFENDANT
DENISE ANDERSON

ACKNOWLEDGMENT

The undersigned hereby acknowledges that costs, disbursements and reasonable attorney and witness fees may be awarded pursuant to Minn. Stat. § 549.211, subd. 2, to the party against whom the allegations in this pleading are asserted.

Dated: 9/13/2022

By: 

Ann R. Goering

RRM: #474825