

STATE OF MINNESOTA
COUNTY OF RICE

DISTRICT COURT
THIRD JUDICIAL DISTRICT
Case Type: Civil-Other

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

Court File No. 66-CV-22-2022

Plaintiff,

v.

Denise Anderson, Director of Rice County
Property and Tax Elections,

Defendant.

**SECRETARY OF STATE'S
ANSWER IN INTERVENTION**

Intervenor-Defendant Minnesota Secretary of State Steve Simon answers Plaintiffs' complaint as follows:

ANSWER

Except as specifically admitted, qualified, or otherwise answered herein, the Secretary denies each and every allegation in the complaint.

1. The Secretary states that he is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraphs 1 and 2 and therefore denies them.
2. The Secretary admits paragraph 3.
3. In response to paragraph 4, the Secretary admits that Defendant Anderson is the chief election official for Rice County and that she has the powers and duties provided by state law to county auditors. The Secretary denies that he or his Office designates any official as the chief election official for a county.

4. In response to paragraphs 5 and 6, the Secretary admits that Minn. Stat. § 13.08 provides this Court with jurisdiction over Plaintiffs' claims against Defendant Anderson under the Minnesota Government Data Practices Act (MGDPA). Venue over the MGDPA claims is also proper in this Court. The Secretary otherwise denies paragraphs 5 and 6.

5. The Secretary states that he is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraphs 7-32 and therefore denies them.

6. In response to paragraph 33, the Secretary incorporates the above responses by reference.

7. In response to paragraphs 34-36, the Secretary states that the quoted statutes and the quoted rule speak for themselves.

8. The Secretary states that he is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 37 and therefore denies them.

9. The allegations in paragraphs 38-40 are legal conclusions to which no response from the Secretary is required.

10. In response to paragraph 41, the Secretary incorporates the above responses by reference.

11. In response to paragraphs 42 and 43, the Secretary states that the quoted statutes speak for themselves.

12. The allegations in paragraphs 44 and 45 are legal conclusions to which no response from the Secretary is required.

13. In response to paragraphs 46 and 47, the Secretary admits that Plaintiffs are seeking the relief specified in those paragraphs.

14. The allegations in paragraphs 48 and 49 are legal conclusions to which no response from the Secretary is required.

15. In response to paragraphs 50 and 52, the Secretary states that the quoted statute speaks for itself.

16. The Secretary admits paragraph 51.

17. The Secretary denies paragraphs 53 and 54. To the Secretary's knowledge, all electronic voting systems that, Rice County and every other county in Minnesota will use in the upcoming election are secure and have been properly approved and certified.

18. The Secretary denies that Plaintiffs are entitled to the relief requested in paragraphs (i) and (j) of the Prayer for Relief.

19. With regard to the other forms of relief Plaintiffs seek, the Secretary is without knowledge or information sufficient to form a belief as to the truth of the allegations underlying the relief and therefore denies that Plaintiffs are entitled to it.

AFFIRMATIVE DEFENSES

1. Plaintiffs have failed to state a claim on which relief can be granted.
2. Plaintiffs' claims are barred by laches.
3. Plaintiffs' claims exceed the subject matter jurisdiction provided to this Court by Minnesota law.
4. The Secretary reserves the right to supplement or amend his affirmative defenses as the action progresses.

Dated: September 16, 2022

Respectfully submitted,

KEITH ELLISON
Attorney General
State of Minnesota

/s/Nathan J. Hartshorn

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ATTORNEY FOR MINNESOTA

SECRETARY OF STATE

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MINN. STAT. § 549.211 ACKNOWLEDGMENT

The party or parties on whose behalf the attached pleading is served acknowledge through their undersigned counsel that costs, disbursements, and reasonable attorney and witness fees may be awarded to the opposite party or parties pursuant to Minn. Stat. § 549.211.

Dated: September 16, 2022

/s/Nathan J. Hartshorn

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