

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF ANOKA

TENTH JUDICIAL DISTRICT

Minnesota Voters Alliance; Mary Amlaw; Ken
Wendling; Tim Kirk,

Case Type: Other Civil
File No. 02-CV-23-3416

The Honorable Thomas R. Lehmann

Petitioners,

v.

**INTERVENOR-RESPONDENTS'
ANSWER TO PETITION FOR
WRIT OF QUO WARRANTO OR,
IN THE ALTERNATIVE, FOR A
DECLARATORY JUDGMENT**

Tom Hunt, in his official capacity as elections
official for Anoka County; Steve Simon, in his
official capacity as Secretary of State; Anoka
County; the Office of the Minnesota Secretary
of State; Shannon Reimann, in her official
capacity as chief executive of the Minnesota
Correctional Facility – Lino Lakes,

Respondents,

Jennifer Schroeder; Elizer Darris,

[Proposed] Intervenor-
Respondents.

Intervenor-Respondents Jennifer Schroeder and Elizer Darris (“**Voter Intervenors**”), by
and through their undersigned attorneys, respectfully respond to the Petitioners’ Petition for Writ
of Quo Warranto or, in the Alternative, for a Declaratory Judgment as follows:

BASIS FOR INTERVENTION

1. Prior to passage of House File 28, Laws of Minnesota 2023 chapter 12 (“**Re-enfranchisement Statute**”), which Governor Tim Walz signed into law on March 3, 2023, Voter Intervenors were precluded from exercising the fundamental right to vote even as they lived and worked in the community on supervised release and probation.

2. For years, Voter Intervenors have actively worked, advocated, litigated, and lobbied for restoration of their voting rights. In addition to personally advocating for passage of

the Re-enfranchisement Statute, the Voter Intervenors were named plaintiffs in litigation challenging the constitutionality of their disenfranchisement. *See Schroeder v. Simon*, 985 N.W. 529 (Minn. 2023). Further, the litigation set the stage for passage of the Re-enfranchisement Statute, which was enacted following resolution of the litigation.

3. The Voter Intervenors are entitled to intervene by right in this action under Rule 24.01. The Re-enfranchisement Statute that Petitioners seek to overturn restored the voting rights of the Voter Intervenors and tens of thousands of similarly situated individuals living in the community on probation, parole, or supervised throughout Minnesota. Petitioners seek judicial relief that would once again disenfranchise the Voter Intervenors and deprive them of a basic civil right. Accordingly, seeking to preserve their right to vote, the Voter Intervenors have a substantial and particularized legal interest in this lawsuit and defending the Re-enfranchisement Statute. The disposition of this action directly imperils the Voter Intervenors' ability to protect that interest. The Voter Intervenors are uniquely positioned to fight for their own right to vote and to continue to champion the rights of those similarly situated, many of whom are voters of color who would be disproportionately impacted by relief that negates implementation of the Re-enfranchisement Statute. Further, the government Respondents do not adequately represent the Voter Intervenors' interests, as illustrated by their adversity to certain Defendants in *Schroeder v. Simon*.

4. Alternatively, the Voter Intervenors should be granted permissive intervention under Rule 24.02 because their arguments and defenses have questions of fact and law in common with the claims of Petitioners. Intervention, moreover, will not unduly delay or prejudice the adjudication of the rights of the existing parties.

FACTUAL ALLEGATIONS

1. The Voter Intervenors admit that the Minnesota Constitution, Article VII, section 1 states that “a person who has been convicted of a treason or felony” may not vote “unless restored to civil rights.” The Voter Intervenors deny the remaining allegations in Paragraph 1 of the Complaint as a legal conclusion (and an incorrect one).

2. The Voter Intervenors admit that on February 15, 2023, the Minnesota Supreme Court issued a decision in *Schroeder v. Simon*. The Voter Intervenors deny Petitioners’ attempt to mischaracterize the holding of *Schroeder v. Simon* and deny the remaining allegations in Paragraph 2.

3. The Voter Intervenors admit that on February 15, 2023, the Minnesota Supreme Court issued a decision in *Schroeder v. Simon*. The Voter Intervenors deny Petitioners’ attempt to mischaracterize the holding of *Schroeder v. Simon* and deny the remaining allegations in Paragraph 3.

4. The Voter Intervenors deny the allegations in Paragraph 4.

5. The Voter Intervenors deny the allegations in Paragraph 5.

6. The Voter Intervenors deny the allegations in Paragraph 6.

7. The Voter Intervenors deny the allegations in Paragraph 7 as legal conclusions.

8. The Voter Intervenors admit that under Minnesota Statute § 244.01, subd. 8 defines “Term of Imprisonment”, *inter alia*, as “as applied to inmates whose crimes were committed on or after August 1, 1993, is the period of time equal to two-thirds of the inmate's executed sentence.” The Voter Intervenors deny the remaining allegations in Paragraph 8.

9. The Voter Intervenors admit that Minn. Stat. § 609.135, subd. 2, *as amended by* S.F. 2909, Laws of Minnesota 2023, ch. 52, art. 6, sec. 13 allows for a five-year probationary sentence instead of jail time.

10. The Voter Intervenors admit that Petitioners accurately, but incompletely, quote the Minnesota Department of Corrections. The Voter Intervenors deny the allegations of Paragraph 10 to the extent they mischaracterize, misinterpret, or otherwise misstate the information provided by the Minnesota Department of Corrections.

11. The Voter Intervenors admit that Petitioners accurately, but incompletely, quote the Anoka County government and the Minnesota Judicial Branch. The Voter Intervenors deny the allegations of Paragraph 11 to the extent they mischaracterize, misinterpret, or otherwise misstate the information provided by each source.

12. The Voter Intervenors admit that House File 28, Laws of Minnesota 2023 chapter 12 amended Minnesota Statutes 2022, section 201.014. The Voter Intervenors admit that paragraph 12 accurately quotes text of Section 201.014. The Voter Intervenors deny the remaining allegations in Paragraph 12 to the extent they mischaracterize, misinterpret, or otherwise misstate the contents of Section 201.014

13. The Voter Intervenors admit that Paragraph 13 accurately quotes text of House File 1830, Minnesota Laws chapter 62. The Voter Intervenors deny the remaining allegations in Paragraph 13 to the extent they mischaracterize, misinterpret, or otherwise misstate the contents of House File 1830, Minnesota Laws chapter 62.

14. The Voter Intervenors admit that Paragraph 14 accurately quotes text of Minn. Stat. §§ 241.26, 244.065, and 631.425, subd. 4. The Voter Intervenors deny the remaining allegations

in Paragraph 14 to the extent they mischaracterize, misinterpret, or otherwise misstate the contents of Minn. Stat. §§ 241.26, 244.065, and 631.425, subd. 4.

15. The Voter Intervenors admit that Paragraph 15 accurately quotes text of the Minnesota Supreme Court's opinion in *Schroeder v. Simon*. The Voter Intervenors deny the remaining allegations in paragraph 15 to the extent they mischaracterize, misinterpret, or otherwise misstates the text of the Minnesota Supreme Court's opinion in *Schroeder v. Simon*.

16. The Voter Intervenors deny the allegations in Paragraph 16.

17. The Voter Intervenors admit the Minnesota Legislature has the power to reform sentencing. The Voter Intervenors deny the remaining allegations in Paragraph 17.

18. The Voter Intervenors deny the allegations in Paragraph 18.

19. The Voter Intervenors deny the allegations in Paragraph 19.

20. The Voter Intervenors deny the allegations in Paragraph 20.

21. The Voter Intervenors deny the allegations in Paragraph 21.

22. The Voter Intervenors deny the allegations in Paragraph 22.

23. The Voter Intervenors deny the allegations in Paragraph 23 to the extent they state legal conclusions. The Voter Intervenors also deny that any Respondent improperly advised any individual that they may vote when it was illegal or unlawful for them to do so.

24. The Voter Intervenors deny the allegations in Paragraph 24.

25. The Voter Intervenors lack sufficient information to admit or deny the allegations in Paragraph 25, and therefore deny same.

PARTIES

26. The Voter Intervenors deny that the MVA advocates for election integrity or that it is a non-partisan organization. The Voter Intervenors lack sufficient information to admit or deny the allegations in Paragraph 26, and therefore deny same.

27. The Voter Intervenors lack sufficient information to admit or deny the allegations in Paragraph 27, and therefore deny same.

28. The Voter Intervenors lack sufficient information to admit or deny the allegations in Paragraph 28, and therefore deny same.

29. The Voter Intervenors lack sufficient information to admit or deny the allegations in Paragraph 29, and therefore deny same.

30. The Voter Intervenors lack sufficient information to admit or deny the allegations in Paragraph 30, and therefore deny same.

31. The Voter Intervenors admit that Respondent Steve Simon is the Minnesota Secretary of State. The Voter Intervenors deny the remaining allegations in Paragraph 31 as a legal conclusion.

32. The Voter Intervenors admit that the Respondent OSS is the Office of the Minnesota Secretary of State. The Voter Intervenors deny the remaining allegations in Paragraph 32 as a legal conclusion.

33. The Voter Intervenors admit that the Respondent Anoka County is, indeed, a county in the State of Minnesota. The Voter Intervenors deny the remaining allegations in Paragraph 33 as a legal conclusion.

34. The Voter Intervenors lack sufficient information to admit or deny the allegations of Paragraph 34, and therefore deny same.

35. The Voter Intervenors deny the allegations of Paragraph 35.

36. The Voter Intervenors admit that on June 2, 2023 OSS and Simon issued a press release located at the website cited in Paragraph 36 and that Paragraph 36 accurately quotes an excerpt of that release. The Voter Intervenors deny the allegations in Paragraph 36 to the extent they mischaracterize, misinterpret, or otherwise misstates the text of the press releases.

37. The Voter Intervenors deny the allegations of Paragraph 37.

38. The Voter Intervenors deny the allegations of Paragraph 38.

39. The Voter Intervenors deny the allegations of Paragraph 39.

40. The Voter Intervenors deny the allegations in Paragraph 40.

41. The Voter Intervenors deny the allegations in Paragraph 41.

42. The Voter Intervenors deny the allegations in Paragraph 42.

JURISDICTION AND VENUE

43. The Voter Intervenors deny the allegations of Paragraph 43 to the extent they state a legal conclusion.

44. The Voter Intervenors deny the allegations of Paragraph 44 to the extent they state a legal conclusion.

45. The Voter Intervenors deny the allegations of Paragraph 45 to the extent they state a legal conclusion.

46. The Voter Intervenors deny the allegations of Paragraph 46 to the extent they state a legal conclusion.

47. The Voter Intervenors deny the allegations of Paragraph 47 to the extent they state a legal conclusion.

48. The Voter Intervenors deny the allegations of Paragraph 48.

PRAYER FOR RELIEF

WHEREAS, Voter Intervenors respectfully request the Court enter judgment in their favor and against Petitioners, deny the Petition for a Writ of Quo Warranto, and dismiss this action with prejudice.

FIRST DEFENSE: LACK OF STANDING

1. Petitioners have suffered no injury due to the Legislature's passage of House File 28 and, accordingly, lack standing to bring this action.

SECOND DEFENSE: FAILURE TO SATISFY MINN. STAT. § 555.01.

2. Petitioners have failed to allege sufficient facts to warrant this Court's exercise of its jurisdiction to issue a declaratory judgment. Pursuant to Minn. Stat. § 555.01, the Court shall have the power to "declare rights, status, and other legal relations." Petitioners are not asking for the Court to declare their rights, status, or other legal relation.

THIRD DEFENSE: FAILURE TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED

3. Petitioners have failed to state sufficient facts to support a claim upon which relief can be granted.

FOURTH DEFENSE: IMPROPER VENUE

4. Petitioners filed the action in an improper venue.

Dated: July 19, 2023

/s/ Craig S. Coleman

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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, against a party for claims made in violation of that statute.

/s/ Craig S. Coleman

Craig S. Coleman



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