

**STATE OF MINNESOTA
IN SUPREME COURT
A23-1940**

Minnesota Voters Alliance, et al.,

Appellants,

vs.

Tom Hunt, et al.,

Respondents,

Steve Simon, et al.,

Respondents,

Jennifer Schroeder, et al.,

Respondents,

ANOKA RESPONDENTS' INFORMAL BRIEF

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TO: THE HONORABLE JUDGES OF THE SUPREME COURT OF MINNESOTA:

Respondents Tom Hunt and Anoka County (the “Anoka Respondents”) submit this concise statement of the partys’ arguments on appeal pursuant to Minn. R. Civ. App. P. 128.01.

LEGAL ISSUES AND ARGUMENT

The Anoka Respondents did not separately brief any the legal issues presented below. Instead, the Anoka Respondents filed a brief with the District Court containing the following argument:

Respondents Tom Hunt and Anoka County (the “Anoka Respondents”) move this Court for an order dismissing Petitioners’ petition under Rules 12.02(a) and 12.02(e) of the Minnesota Rules of Civil Procedure. This Court lacks jurisdiction over the subject matter of this petition and the petition fails to state a claim upon which relief can be granted. Specifically, Petitioners lack standing to bring the claims asserted in the petition against the Anoka Respondents and the relief requested by Petitioners is not proper under Minnesota law.

In support of their separate motion to dismiss, the Anoka Respondents join in and hereby incorporate by reference Section I of the memorandum of law filed by Respondents Steve Simon, the Office of the Minnesota Secretary of State, and Shannon Reimann (the “State Respondents”). Section I of that memorandum explains why Petitioners lack standing to bring the claims asserted in the Petition and the reasons why Petitioners’ request for a writ of quo warranto fails as a matter of law. Rather than brief those issues separately, the Anoka Respondents incorporate by reference the arguments made by the State Respondents as if those arguments were fully set forth herein.

The Anoka Respondents do not join in the remainder of the State Respondents’ Memorandum of Law because the rest of that brief addresses the merits of Petitioners’ allegations. Petitioners have challenged the constitutionality of a law passed by the Minnesota Legislature. The Anoka Respondents take no position as to whether that law is constitutional or not. The Anoka Respondents’ role under state law is to comply with the laws passed by the Legislature, which are presumed constitutional until a court rules otherwise. The Anoka Respondents will enforce the challenged law as written unless and until this Court rules that law to be unconstitutional.

(*See* Doc. 31.) The Anoka Respondents take the same position before this Court.

The Anoka Respondents continue to believe that Appellants lack standing to bring the claims alleged in their Complaint, for all the reasons set forth in the District Court’s December 13, 2023 order. Rather than brief separately the reasons why the District Court’s December 13 decision was correct, the Anoka Respondents again join in that portion of the brief submitted by the State of Minnesota that addresses Appellants’ lack of standing to pursue their claims. The Anoka Respondents also join in that portion of the State’s brief

that explains why a writ of *quo warranto* is not a proper remedy in this case. The Anoka Respondents incorporate those arguments as if fully set forth herein.

BRAD JOHNSON
Anoka County Attorney

Dated: February 27, 2024

/s/ Jason J. Stover

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