

FILED

May 27, 2025

**OFFICE OF
APPELLATE COURTS****STATE OF MINNESOTA
IN COURT OF APPEALS****A24-1170**

Minnesota Alliance for Retired Americans
Educational Fund, et al.,

Respondents,

vs.

Steve Simon,

Respondent,

Republican National Committee, et al.,

Appellants.

ORDER OPINION

Ramsey County District Court
File No. 62-CV-24-854

Considered and decided by Bjorkman, Presiding Judge; Harris, Judge; and Jesson, Judge.*

BASED ON THE FILE, RECORD, AND PROCEEDINGS, AND BECAUSE:

1. Respondents Minnesota Alliance for Retired Americans Educational Fund, Teresa Maples, and Khalid Mohamed (plaintiffs) filed a civil action against respondent Minnesota Secretary of State Steve Simon (the Secretary). Plaintiffs asserted that Minnesota's witness requirement for absentee ballots violates the federal Voting Rights Act, 52 U.S.C. § 10501 (VRA); and the Civil Rights Act, 52 U.S.C. § 10101(a)(2)(B) (CRA). *See* Minn. Stat.

* Retired judge of the Minnesota Court of Appeals, serving by appointment pursuant to Minn. Const. art. VI, § 10.

§§ 203B.001-.28 (2022). Plaintiffs sought declaratory and injunctive relief that the witness requirement violates the VRA and the CRA.

2. The Secretary moved to dismiss the complaint.

3. In March 2024, appellants the Republican National Committee and the Republican Party of Minnesota (Republican Committees) moved to intervene as of right under Minn. R. Civ. P. 24.01 or, in the alternative, for permissive intervention under Minn. R. Civ. P. 24.02. The Republican Committees also sought leave to file a motion to dismiss or to join in the Secretary's dismissal motion. Plaintiffs objected to the Republican Committees' intervention request. The Secretary did not take a position.

4. Following a hearing, the district court denied the Secretary's motion to dismiss and denied the Republican Committees' motion to intervene. The Republican Committees appeal the district court's order denying their intervention motion.

5. The Secretary petitioned this court for discretionary review of the denial of its motion to dismiss in a companion case, and we granted the request. *See Minnesota Alliance for Retired Americans Education Fund v. Simon*, 19 N.W.3d 480 (Minn. App. 2025) (*Minnesota Alliance*). We subsequently reversed the district court and remanded for dismissal of plaintiffs' complaint in a precedential decision. *Id.* at 494. We then ordered supplemental briefing in this case on the issue of mootness.

6. Having reviewed the arguments raised in the supplemental briefs, we determine that the Republican Committees' appeal is moot in light of our decision in *Minnesota Alliance*. "Minnesota courts may only hear actual cases and controversies." *Ly v. Harpstead*, 7 N.W.3d 560, 568 (Minn. 2024) (quotation omitted). And appellate courts

will decline to “hear cases that have become moot ‘because courts do not issue advisory opinions or decide cases merely to make precedents.’” *Id.* (quoting *Winkowski v. Winkowski*, 989 N.W.2d 302, 308 n.7 (Minn. 2023)); *Snell v. Walz*, 985 N.W.2d 277, 283 (Minn. 2023) (noting that “[a] moot case is nonjusticiable”).

7. Thus, “when an event occurs pending appeal that makes a decision on the merits unnecessary or an award of effective relief impossible, the appeal should be dismissed as moot.” *Hous. & Redevelopment Auth. ex rel. City of Richfield v. Walser Auto Sales, Inc.*, 641 N.W.2d 885, 888 (Minn. 2002). We review this issue de novo. *See Dean v. City of Winona*, 868 N.W.2d 1, 4 (Minn. 2015)

8. Here, while the Republican Committees’ appeal was pending, we directed the district court to dismiss plaintiffs’ complaint against the Secretary. *Minnesota Alliance*, 19 N.W.3d at 494. This decision has rendered a decision on the Republican Committees’ intervention motion unnecessary.

9. We acknowledge that “mootness is not a mechanical rule that is automatically invoked whenever the underlying dispute between the parties is settled or otherwise resolved.” *Snell*, 985 N.W.2d at 284 (quotation omitted). Rather, it is a flexible doctrine subject to certain exceptions. *Id.* The party seeking an exception to the mootness doctrine bears the burden of demonstrating that the exception applies. *Quinn v. LMC NE Minneapolis Holdings, LLC*, 985 N.W.2d 571, 573 (Minn. 2023).

10. We are satisfied that none of the exceptions to the mootness rule apply here. Minnesota law recognizes four exceptions to the mootness doctrine including, as relevant here, when the “case is functionally justiciable and presents an important question of

statewide significance that should be decided immediately.” *Dean*, 868 N.W.2d at 5-6 (quotation omitted). This exception is applied narrowly. *Id.* at 7 (limiting the exception to issues “that should be decided immediately”). The Republican Committees argue that the case is not moot under this exception because it is functionally justiciable and the issues raised are matters of statewide significance. Given our review of the supplemental briefs, and in light of the narrow applicability of the statewide-significance exception, we determine that no exception applies and the Republican Committees’ request to intervene is moot.

11. Given that the Republican Committees’ intervention appeal is moot, and none of the mootness exceptions apply, dismissal of the appeal is appropriate. *See Ly*, 7 N.W.3d at 568 (stating that appellate courts will not “hear cases that have become moot” (quotation omitted)).

IT IS HEREBY ORDERED:

1. The appeal is dismissed as moot.
2. Pursuant to Minn. R. Civ. App. P. 136.01, subd. 1(c), this order opinion is nonprecedential, except as law of the case, res judicata, or collateral estoppel.

Dated: May 27, 2025

BY THE COURT

Judge JaPaul J. Harris