

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

Case Type: Other Civil/Misc.

Minnesota Alliance for Retired
Americans Educational Fund,
Teresa Maples, and Khalid Mohamed,

Court File No. 62-CV-24-854
(Hon. Edward Sheu)

Plaintiffs,

vs.

**DEFENDANT'S
ANSWER TO AMENDED
COMPLAINT**

Steve Simon, in his official capacity as
Minnesota Secretary of State,

Defendant.

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 every allegation in the complaint.

1. In response to paragraph 1, the Secretary admits that Plaintiffs challenge Minnesota's requirement that voters using absentee ballots obtain the signature of a registered Minnesota voter, notary, or other official authorized to administer oaths. The Secretary denies that this requirement violates any of Plaintiffs' rights.

2. In response to paragraph 2, the Secretary denies that the witness requirement contradicts federal law. The cited caselaw speaks for itself.

3. In response to paragraphs 3–4, those paragraphs contain legal conclusions to which no response is required.

4. The Secretary denies paragraphs 5–6.

5. In response to paragraph 7, the Secretary admits that Plaintiffs seek the stated relief and denies that they are entitled to such relief.

6. In response to paragraph 8, the Secretary admits that the Alliance is incorporated in Minnesota as a domestic nonprofit corporation under Minn. Stat. ch. 317A. The Secretary lacks sufficient information to admit or deny the remaining allegations in paragraph 8 and therefore denies them.

7. In response to paragraph 9, the Secretary denies that the witness requirement abridges the right to vote. The Secretary lacks sufficient information to admit or deny the remaining allegations in paragraph 9 and therefore denies them.

8. The Secretary lacks sufficient information to admit or deny the allegations in paragraph 10 and therefore denies them.

9. In response to paragraph 11, the Secretary admits that Maples is a qualified Minnesota voter currently registered in Goodhue County. The Secretary lacks sufficient information to admit or deny the remaining allegations in paragraph 11 and therefore denies them.

10. The Secretary lacks sufficient information to admit or deny the allegations in paragraph 12 and therefore denies them.

11. In response to paragraph 13, the Secretary admits he is the Secretary of State of Minnesota, is named in his official capacity, and is Minnesota's chief elections officer. The Secretary states that he shares responsibility with local governments for administering and implementing election laws in Minnesota. The Secretary further states that his office does not review absentee ballots. The cited statute speaks for itself.

12. In response to paragraph 14–15, without waiving any potential jurisdictional arguments, those paragraphs contain legal conclusions to which no response is required.

13. The Secretary admits paragraphs 16–17.

14. In response to paragraph 18–20, the cited statutes and rules speak for themselves.

15. In response to paragraph 21, the Secretary admits that the witness certifies the identified statements, but denies that that these statements certify the voter’s eligibility to vote.

16. The Secretary admits paragraphs 22–28. With respect to paragraphs 23–24, the Secretary states that if an absentee ballot is rejected, the official in charge of the ballot board must either mail the voter a replacement absentee ballot (if the rejection takes place at least five days before the election), or attempt to contact the voter to notify the voter of the rejection (if the rejection takes place within five days of the election). Minn. Stat. § 203B.121, subd. 2(c)(2)–(3) (2022).

17. In response to paragraph 29, the Secretary denies that he has “promulgated” the Absentee Voting Guide insofar as that that guide does not have the force or effect of law. The Secretary admits that paragraph 29 accurately describes portions of the guide, but denies the allegation to the extent that it implies the guide is inconsistent with state law.

18. The Secretary denies paragraph 30–31. The Secretary states that local ballot boards, and not the Secretary, are responsible for determining whether to accept or reject absentee ballots based on whether the ballot’s signature envelope complies with the witness requirement. Minn. Stat. § 203B.121, subd. 2 (2022).

19. With respect to paragraph 32, the Secretary admits that Minnesota rejected at least 2,000 absentee ballots for failure to comply with the witness requirement, and that such rejections constituted over a quarter of all absentee ballot rejections.

20. The Secretary denies paragraphs 33–34.

21. As to paragraph 35, the Secretary admits that some border townships may have out-of-state mailing addresses, but otherwise denies paragraph 35. The Secretary further states that the Absentee Voting Guide provides specific guidance to local election officials identifying border Minnesota townships that have out-of-state mailing addresses that are known acceptable addresses notwithstanding that the mailing address appears to be out-of-state.

22. Paragraph 36 is a legal conclusion to which no response is required. The Secretary denies violating any of Plaintiffs' rights.

23. With respect to paragraph 37, the Secretary incorporates the above responses by reference.

24. Paragraph 38 is a legal conclusion to which no response is required. The Secretary denies violating any of Plaintiffs' rights.

25. With respect to paragraph 39, the cited statute speaks for itself.

26. Paragraph 40 is a legal conclusion to which no response is required. The Secretary denies violating any of Plaintiffs' rights.

27. The Secretary denies paragraph 41. The Secretary states that although the witness certifications are adjacent to the certificate of eligibility signed by the voter, in no circumstance does the witness attest to, vouch for, or otherwise certify, the voter's eligibility to vote.

28. Paragraph 42 is a legal conclusion to which no response is required. The Secretary denies violating any of Plaintiffs' rights.

29. With respect to paragraph 43, the Secretary incorporates the above responses by reference.

30. With respect to paragraph 44, the Secretary admits that state law requires rejecting an absentee ballot when the voter's witness omits a signature, omits the witness's street name or

number, omits the witness's city, or lists a PO Box as an address. The Secretary states that whether a ballot must be rejected due to an address appearing to be outside of Minnesota turns on the specifics of the address, and he further states that the Secretary provides instructions to local election officials regarding addresses that appear outside of Minnesota but are in fact located within the state. The Secretary denies the remainder of paragraph 44.

31. Paragraphs 45–46 are legal conclusions to which no response is required. The Secretary denies violating any of Plaintiffs' rights.

32. With respect to paragraph 47, the cited statute speaks for itself.

33. Paragraphs 48–49 are legal conclusions to which no response is required. The Secretary denies violating any of Plaintiffs' rights.

34. With respect to paragraphs 50–51, the cited statutes and rules speak for themselves.

35. Paragraph 52 is a legal conclusion to which no response is required. The Secretary denies violating any of Plaintiffs' rights.

36. With regard to the relief requested in Plaintiffs' prayer for relief, the Secretary admits that Plaintiffs are seeking the specified relief but denies that they are entitled to such relief.

DEFENSES

1. Plaintiffs lack standing.
2. Plaintiffs have failed to state a claim for which relief can be granted.
3. To the extent that Plaintiffs have been injured, their injuries were inflicted by third parties over whom the Secretary has no control. To the extent they fear future injuries, any such injuries would be inflicted by third parties over whom the Secretary has no control.

Dated: June 28, 2024

Respectfully submitted,

KEITH ELLISON
Attorney General
State of Minnesota

/s/Allen Cook Barr

ANGELA BEHRENS (# 0351076)
ALLEN COOK BARR (# 0399094)
EMILY B. ANDERSON (# 0399272)
MADELEINE DEMEULES (# 0402648)
SARAH DOKTORI (# 0403060)
Assistant Attorneys General

445 Minnesota Street, Suite 1400
St. Paul, MN 55101-2131
(651) 757-1204 (Voice)
(651) 297-1235 (Fax)
angela.behrens@ag.state.mn.us
allen.barr@ag.state.mn.us
emily.anderson@ag.state.mn.us
madeleine.demeules@ag.state.mn.us
sarah.doktori@ag.state.mn.us

ATTORNEYS FOR DEFENDANT

MINNESOTA
JUDICIAL
BRANCH

MINN. STAT. § 549.211 ACKNOWLEDGMENT

The party on whose behalf the attached document is served acknowledges through its undersigned counsel that sanctions, including reasonable attorney fees and other expenses, may be awarded to the opposite party or parties pursuant to Minn. Stat. § 549.211 (2022).

Dated: June 28, 2024

Respectfully submitted,

KEITH ELLISON
Attorney General
State of Minnesota

/s/Allen Cook Barr

ANGELA BEHRENS (# 0351076)
ALLEN COOK BARR (# 0399094)
EMILY B ANDERSON (# 0399272)
MADELEINE DEMEULES (# 0402648)
SARAH DOKTORI (# 0403060)
Assistant Attorneys General

445 Minnesota Street, Suite 1400
St. Paul, MN 55101-2131
(651) 757-1204 (Voice)
(651) 297-1235 (Fax)
angela.behrens@ag.state.mn.us
allen.barr@ag.state.mn.us
emily.anderson@ag.state.mn.us
madeleine.demeules@ag.state.mn.us
sarah.doktori@ag.state.mn.us

ATTORNEYS FOR DEFENDANT

#5811414