

STATE OF MINNESOTA

IN SUPREME COURT

A24-1134

Court of Appeals

Hudson, C.J.

Took no part, Thissen, Gaitas, JJ.

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

Appellants,

vs.

Steve Simon,

Respondent.

Filed: August 12, 2026
Office of Appellate Courts

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Republican National Committee and Republican Party of Minnesota.

S Y L L A B U S

1. Minnesota's witness certification requirement for absentee voting in Minn.
Stat. § 203B.07, subd. 3, does not violate the vouching prohibition in the Voting Rights

Act, 52 U.S.C. § 10501, with respect to unregistered voters because it does not require those voters to prove their qualifications by the voucher of another.

2. Minnesota's witness certification requirement for absentee voting in Minn. Stat. § 203B.07, subd. 3, does not violate the Materiality Provision of the Civil Rights Act, 52 U.S.C. § 10101(a)(2)(B), with respect to registered voters because the certifications that a witness provides for those voters are not papers that relate to an act requisite to voting.

Affirmed.

OPINION

HUDSON, Chief Justice.

We are asked to determine whether Minnesota's witness certification requirement for absentee voting violates the Voting Rights Act and the Civil Rights Act. Appellants Minnesota Alliance for Retired Americans Educational Fund (the Alliance), Teresa Maples, and Khalid Mohamed (collectively, appellants) sued Minnesota Secretary of State Steve Simon (the Secretary), alleging that Minnesota's requirement that voters secure the certification of a witness to cast an absentee ballot violates two federal laws—the Voting Rights Act by conditioning a person's right to vote on the “voucher” from a witness, and the Civil Rights Act by denying the right to vote based on errors or omissions in the witness certification that are not material to determining voter eligibility.

The Secretary moved to dismiss the suit, arguing, in part, that appellants failed to state an actionable claim. The district court denied the motion to dismiss, concluding that appellants stated an actionable claim for unregistered voters under the Voting Rights Act,

and for registered voters under the Civil Rights Act. The Secretary sought discretionary review of the denial of his motion to dismiss, which the court of appeals granted. The court of appeals then determined that Minnesota's witness certification requirement did not violate federal law, reversing the district court and remanding with instructions to dismiss the case for failure to state a claim upon which relief may be granted.

We granted review. We conclude that Minnesota's witness certification requirement for unregistered absentee voters does not require those voters to prove their qualifications by the voucher of another, and thus there is no Voting Rights Act violation. We also conclude that the witness certifications for registered absentee voters are not papers relating to an act requisite to voting and consequently do not come under the purview of the Civil Rights Act. We therefore hold that appellants fail to state an actionable claim under either law. Accordingly, we affirm the decision of the court of appeals.

FACTS

The Alliance is a nonprofit corporation that, as part of its activities, helps its members vote absentee by sharing information and facilitating connections between members. Individual appellants Maples and Mohamed are registered Minnesota voters who regularly vote absentee; Maples is also a member of the Alliance.

Appellants sued the Secretary, claiming that Minnesota's requirement that a person must obtain a witness certification to vote absentee—set forth in Minn. Stat. §§ 203B.07, subd. 3, 203B.121, subd. 2, and implemented in Minn. R. 8210.0500, 8210.0600, and 8210.2450 (2025)—violates two federal election laws. First, appellants alleged that the

witness certification requirement contravenes the Voting Rights Act, 52 U.S.C. § 10501, by conditioning the right to vote on a “voucher” of a voter’s qualifications from a member of a specific class of people. Second, appellants asserted that the witness certification requirement violates the materiality provision of the Civil Rights Act, 52 U.S.C. § 10101(a)(2)(B), by denying the right to vote based on errors or omissions that are not material in determining the voter’s qualifications to vote. The Secretary moved to dismiss appellants’ complaint for failing to state a claim upon which relief can be granted under Minn. R. Civ. P. 12.02(e), arguing that appellants lacked standing and failed to state actionable claims.

The district court concluded that the Alliance had direct and association-based standing. The district court also denied the motion to dismiss. Addressing the Voting Rights Act claim, it held that appellants stated an actionable claim with respect to unregistered voters—those registering to vote at the same time as casting an absentee ballot—but that appellants did not state an actionable claim for registered voters. For the Civil Rights Act, the district court concluded that appellants stated an actionable claim with respect to registered voters but not for unregistered voters.

The Secretary petitioned the court of appeals for discretionary review. In a precedential opinion, the court of appeals concluded that the Alliance had standing, but held that the witness certification requirement did not violate the Voting Rights Act for any voters, or the Civil Rights Act with respect to registered voters.¹ *Minn. All. for*

¹ The court of appeals did not address whether the witness certification requirement for unregistered voters violated the Civil Rights Act, in part, because it concluded that

Retired Ams. Educ. Fund v. Simon, 19 N.W.3d 480, 487–89, 494 (Minn. App. 2025). The court of appeals therefore reversed the district court and remanded with instructions to enter judgment of dismissal for failure to state an actionable claim. *Id.* at 484. Appellants filed a petition for review of the decision of the court of appeals on their Voting Rights Act and Civil Rights Act claims, which we granted.

ANALYSIS

We review the grant of a motion to dismiss for failure to state a claim, and the statutory interpretation informing that decision, de novo to determine whether there is a legally sufficient claim for relief. *Abel v. Abbott Nw. Hosp.*, 947 N.W.2d 58, 68 (Minn. 2020). To survive the motion to dismiss, appellants must demonstrate that it is possible for Minnesota’s witness certification requirement to violate the Voting Rights Act or Civil Rights Act. *See Walsh v. U.S. Bank, N.A.*, 851 N.W.2d 598, 603 (Minn. 2014) (“A claim is sufficient against a motion to dismiss for failure to state a claim if it is possible on any evidence which might be produced, consistent with the pleader’s theory, to grant the relief demanded.”).

The goal of statutory interpretation for both state and federal statutes is to give effect to the intent of the legislature. *See McBee v. Team Indus., Inc.*, 26 N.W.3d 847, 852 (Minn. 2025) (interpreting a state statute); *Bergman v. Caulk*, 938 N.W.2d 248, 251 (Minn. 2020) (interpreting a federal statute). “We begin statutory interpretation with the

appellants had not argued, as an alternative basis for affirmance, that the witness certification requirement for unregistered voters violated 52 U.S.C. § 10101(a)(2)(B) of the Civil Rights Act. *Minn. All. for Retired Ams. Educ. Fund v. Simon*, 19 N.W.3d 480, 491 n.6 (Minn. App. 2025). That issue is thus forfeited before this court. *See infra* n.9.

plain language of the statute.” *KSTP-TV v. Ramsey County*, 806 N.W.2d 785, 788 (Minn. 2011); accord *Robinson v. Shell Oil Co.*, 519 U.S. 337, 340 (1997). We may consider dictionary definitions to determine the plain and ordinary meaning of undefined words in a statute. *McBee*, 26 N.W.3d at 853; see *Taniguchi v. Kan Pac. Saipan, Ltd.*, 566 U.S. 560, 566–67 (2012). We consider terms in context and with a view to harmonize and give effect to all statutory provisions. *McBee*, 26 N.W.3d at 855; *Robinson*, 519 U.S. at 341.

We begin with an overview of Minnesota’s absentee voting process and the role of the witness certification, as relevant here. To be eligible to cast a ballot in Minnesota, an individual must (1) be at least 18 years old, (2) be a United States citizen, (3) “maintain residence in Minnesota for 20 days immediately preceding the election,” and (4) not have a condition rendering a person ineligible to vote (i.e., being currently incarcerated for a felony conviction, under a guardianship in which the court revoked the right to vote, or found legally incompetent). Minn. Stat. § 201.014, subds. 1–2a. All eligible voters must also register before casting a ballot. Minn. Stat. § 201.018, subd. 2. Minnesota allows individuals to register up to 20 days before an election, Minn. Stat. § 201.061, subd. 1, or on election day, Minn. Stat. § 201.061, subd. 3(a).²

² In 2025, after appellants commenced this action, the Legislature amended the state’s voter registration process to include individuals who need to update an existing voter registration. See Act of May 23, 2025, ch. 39, art. 8, §§ 4, 5, 10, 11, 26, 27, 29, 2025 Minn. Laws 1195, 1300–02, 1304–06, 1315, 1316 (codified as amended at Minn. Stat. §§ 201.061, subds. 1, 3, 201.071, subds. 1, 4, 203B.04, subd. 4, 203B.06, subd. 4, 203B.07, subd. 3 (Supp. 2025)). The requirement to provide proof of residency applies equally to those individuals updating their registration and goes into effect on June 1, 2026. See *id.*, ch. 39, art. 8, § 29, Minn. Laws at 1316 (amending Minn. Stat. § 203B.07, subd. 3 (Supp. 2025)). The inclusion of this group does not alter our statutory analysis. Accordingly, we include this group when analyzing “unregistered voters.”

Any eligible voter can vote by submitting an absentee ballot. Minn. Stat. § 203B.02, subd. 1. To do so, a person must request an absentee ballot application. Minn. Stat. § 203B.04, subd. 1(a). As with in-person same-day registration at a polling place, a person can register to vote when submitting an absentee ballot. Minn. Stat. §§ 201.061, subd. 3(a), 203B.04, subd. 4. After receiving an absentee ballot application, a designated election official determines whether the person making the request is registered to vote; if not, the official includes a voter registration application with the absentee ballot. Minn. Stat. § 203B.06, subd. 4; *In re Contest of Gen. Election Held on Nov. 4, 2008, for the Purpose of Electing a U.S. Senator from the State of Minn.*, 767 N.W.2d 453, 460 (Minn. 2009).

To cast an absentee ballot, the voter marks the ballot, places the marked ballot into a ballot envelope, and then places that envelope into a signature envelope. Minn. Stat. § 203B.08, subd. 1(a); Minn. R. 8210.0500, subps. 2–3. Printed on the signature envelope is a certificate of eligibility, which contains two mandatory sections. *See* Minn. Stat. § 203B.07, subd. 3; Minn. R. 8210.0600, subp. 1. The first section requires the voter to provide identifying information and to sign a statement swearing that the voter “meets all

Additional legislative amendments that occurred after this suit began are irrelevant to our analysis. *See* Act of May 17, 2024, ch. 112, art. 2, §§ 4, 5, 11, 2024 Minn. Laws 1348, 1353–55, 1359–60 (codified as amended at Minn. Stat. §§ 201.061, subds. 3, 3a, 203B.04, subd. 1 (Supp. 2025)); Act of May 23, 2025, ch. 39, art. 8, §§ 30, 31, 2025 Minn. Laws 1195, 1316–17 (codified as amended at Minn. Stat. § 203B.08, subds. 1, 3 (Supp. 2025)); Minn. Stat. § 201.061, subd. 3, *as amended by*, Act of May 18, 2026, ch. 97, art. 1, § 10.

of the requirements established by law for voting by absentee ballot.” Minn. Stat. § 203B.07, subd. 3; Minn. R. 8210.0600, subp. 1.

The second section requires that the voter secure an eligible witness. Minn. Stat. § 203B.07, subd. 3; Minn. R. 8210.0600, subp. 1. To serve as a witness, a person must be at least 18 and a United States citizen, or be a notary public or individual authorized to administer oaths.³ Minn. Stat. § 203B.07, subd. 3. The witness also signs the certificate of eligibility on the signature envelope to certify the following:

- (1) the ballots were displayed to [the witness] unmarked;
- (2) the voter marked the ballots in [the witness]’s presence without showing how they were marked, or, if the voter was physically unable to mark them, that the voter directed another individual to mark them; and
- (3) if the voter was not previously registered ..., the voter has provided proof of residence as required by section 201.061, subdivision 3.

Id. If the voter was not previously registered, the witness must check a box indicating the type of proof of residence that the voter displayed. Minn. R. 8210.0600, subp. 1b, 8210.0500, subp. 3. The Secretary established the language that appears on absentee ballot signature envelopes to fulfill these requirements. *See* Minn. Stat. § 203B.125; Minn. R. 8210.0600, subps. 1a–1b.

³ In 2024, after this suit began, the Legislature amended the criteria for who can serve as a witness. Act of May 17, 2024, ch. 112, art. 2, § 12, 2024 Minn. Laws 1348, 1360–61 (codified as amended at Minn. Stat. § 203B.07, subd. 3 (Supp. 2025)). The change is in effect for all elections “for which the absentee ballot period begins on or after January 1, 2025.” *Id.* The parties agree that we should review the current version of the statute. We therefore analyze appellants’ challenge under the current version of the eligibility statute.

After receiving an absentee ballot, designated election officials review the signature envelope to confirm, among other things, that: (1) the voter-provided identifying information matches what the voter listed on the absentee ballot application or existing voter record; (2) “the voter is registered and eligible to vote in the precinct or has included a properly completed voter registration application”; and (3) the certificate of eligibility is correctly completed. Minn. Stat. § 203B.121, subd. 2(a)–(b). Election officials accept signature envelopes—and the corresponding absentee ballots—that meet these requirements and reject signature envelopes that fail to meet them. *Id.*, subd. 2(b)–(c). There are no other permissible reasons for rejecting an absentee ballot. *See id.*, subd. 2(c)(1).

Appellants argue that the required witness certifications violate the Voting Rights Act and Civil Rights Act. We address appellants’ claims regarding each statute in turn.

I.

Appellants first assert that the witness certification requirement with respect to unregistered absentee voters violates the Voting Rights Act’s prohibition against denying the right to vote for failure to comply with a test.⁴ The Voting Rights Act provides:

- (a) No citizen shall be denied, because of his failure to comply with any test or device, the right to vote in any Federal, State, or local election conducted in any State or political subdivision of a State.
- (b) As used in this section, the term “test or device” means any requirement that a person as a prerequisite for voting or registration for voting ...

⁴ The court of appeals concluded that the witness certification requirement did not violate the vouching prohibition of the Voting Rights Act with respect to *registered* absentee voters. *Minn. All. for Retired Ams. Educ. Fund*, 19 N.W.3d at 489. Appellants did not challenge this conclusion before our court.

prove his qualifications by the voucher of registered voters or members of any other class.

52 U.S.C. § 10501 (emphasis added).

Neither we nor the United States Supreme Court has interpreted section 10501 of the Voting Rights Act. Nor have we interpreted the Minnesota statute imposing the witness certification requirement, Minn. Stat. § 203B.07, subd. 3. We first determine what it means to “prove ... qualifications by the voucher of” a class member to understand what constitutes a prohibited test or device under the Voting Rights Act, and then we apply that determination to Minnesota’s witness certification requirement.

A.

We begin by determining what it means to “prove ... qualifications by the voucher of” another. 52 U.S.C. § 10501(b). The Voting Rights Act does not define any of these terms. *See* 52 U.S.C. § 10501.⁵

The term “voucher” has several possible meanings. A voucher can be an action, the equivalent of “to vouch.” *See Merriam-Webster’s Collegiate Dictionary* 1403 (11th ed. 2003) (defining “voucher” as “an act of vouching”). Alternatively, when used as a noun, a voucher is the equivalent of a receipt or similar indication of payment. *See Voucher, Black’s Law Dictionary* (12th ed. 2024) (“1. Confirmation of the payment or discharge of a debt; a receipt” or “2. A written or printed authorization to disburse money. *See Tuition Voucher*”). Here, the subject of the Voting Rights Act’s voucher prohibition—

⁵ The parties do not challenge—and we agree with—the court of appeals’ conclusion that the word “qualifications” in the statute refers to a person’s eligibility to vote. *See Minn. All. for Retired Ams. Educ. Fund*, 19 N.W.3d at 488.

what is proven “by the voucher of”—is the voter’s qualifications. 52 U.S.C. § 10501(b). And these qualifications are proven “by the voucher of” another, indicating that the use of “voucher” here is an action: the act of attesting to a voter’s qualifications. “Voucher” as used in section 10501 is not a receipt or other certification of a past attestation. Thus, “voucher” as it is used in section 10501 of the Voting Rights Act is best understood as an action and the equivalent of “to vouch.”

This, in turn, requires us to determine what it means to “vouch.” As relevant here, vouch also has two definitions. First, vouch means to guarantee or personally assure for another. *Vouch, Black’s Law Dictionary* (12th ed. 2024) (“To answer for (another); to personally assure.”); *The American Heritage Dictionary of the English Language* 1943 (5th ed. 2018) (“To give personal assurances or a guarantee.”). Second, vouch also means to substantiate, prove, or verify with evidence. *Vouch, Black’s Law Dictionary* (12th ed. 2024) (“To call on, rely on, or cite as authority; to substantiate with evidence.”); *The American Heritage Dictionary of the English Language* 1943 (5th ed. 2018) (“To substantiate by supplying evidence; prove.”).

The Secretary argues for the first definition, focusing on the need for personal assurance. Appellants primarily focus on the second definition and the verification role, although they contend that the witness certification requirement meets both definitions and thus violates the Voting Rights Act under either definition. And the court of appeals, for its part, combined these definitions to conclude that “a person vouches for another if they give their personal assurance as evidence to prove or verify something for the other.” *Minn. All. for Retired Ams. Educ. Fund*, 19 N.W.3d at 488–89.

We adopt the first definition and conclude that “voucher” as it is used in the Voting Rights Act means to guarantee or personally assure for another. That is the only definition that gives full meaning to the surrounding statutory language that a voter cannot be required to “*prove ... qualifications by the voucher of*” another. 52 U.S.C. § 10501(b) (emphasis added). The definitions of “voucher” proffered by the appellants and the court of appeals both render other terms in this provision of the Voting Rights Act superfluous. *See State v. Thompson*, 950 N.W.2d 65, 69 (Minn. 2020) (“[W]e attempt to avoid interpretations that would render a word or phrase superfluous, void, or insignificant, thereby ensuring each word in a statute is given effect.”); *City of Chicago v. Fulton*, 592 U.S. 154, 159–160 (2021) (rejecting an interpretation of a statutory provision because it would render another part of the same statutory scheme superfluous).

The definition of “vouch” for which appellants argue—a verification role—would make the term “vouch” the equivalent of “to prove” and render the use of the term “prove” in the same Voting Rights Act provision superfluous. And the combined definition from the court of appeals runs afoul of the same rule against surplusage. The Voting Rights Act prohibits conditioning the right to vote on a requirement to “prove [the voter’s] qualifications” via a specified method—“by the voucher of [another].” 52 U.S.C. § 10501(b). Adopting the court of appeals’ combined definition would improperly allow the term “voucher” to act as proof and the method of proof. Instead, to give meaning to each term, we conclude that “voucher” as it is used in the Voting Rights Act means to guarantee or personally assure for another.

As a result, this means that “voucher,” as it is used in the Voting Rights Act, does not prohibit another person verifying some facet of a voter’s registration, as opposed to another person providing a personal assurance or guarantee. Appellants maintain that the Voting Rights Act’s prohibition does not require that the voucher itself prove a voter’s eligibility. Instead, appellants argue that if a witness certification is used to substantiate *any* fact relevant to the person’s qualifications to vote—even without personal knowledge of the veracity of that fact—there has been an impermissible voucher. Put differently, appellants argue that if any link in the chain used to establish a voter’s eligibility relies on a voucher, it violates the Voting Rights Act.

This argument fails in two ways. First, this interpretation strains the plain meaning of “prove.” As appellants acknowledge, to “prove” in this context means “[t]o establish or make certain; to establish the truth of (a fact or hypothesis) by satisfactory evidence.” *Prove*, *Black’s Law Dictionary* (12th ed. 2024). The ordinary meaning of “to prove” clarifies that it is the evidence itself that makes certain or establishes a fact. Thus, in the context of the Voting Rights Act, “prove” means the personal assurance in the voucher must itself establish or make certain a particular fact of a voter’s eligibility to cast a ballot. It cannot be that to “prove ... qualifications” by voucher means having only some role in making a fact more or less likely to be true, or to be only a link in a chain. Second, appellants’ framing contradicts the plain language of the Voting Rights Act. Appellants assert that it is the role the voucher plays that matters, not the subject of the voucher. But the Voting Rights Act prohibits “prov[ing] ... qualifications by the voucher of” another,

which conveys that the subject of the voucher matters—the voucher must establish *qualifications* or there is no violation.

In sum, the plain language of section 10501(b) of the Voting Rights Act that a voter cannot be required to “prove ... qualifications by the voucher of” another means that a state cannot condition the right to vote on the personal assurance from another person to establish the truth of a voter’s eligibility to vote.

B.

We now consider whether Minnesota’s witness certification requirements constitute a voucher prohibited by the Voting Rights Act. A witness for an unregistered absentee voter signs the signature envelope to certify the following:

- (1) the ballots were displayed to [the witness] unmarked;
- (2) the voter marked the ballots in [the witness]’s presence without showing how they were marked, or, if the voter was physically unable to mark them, that the voter directed another individual to mark them; and
- (3) *if the voter was not previously registered ..., the voter has provided proof of residence as required by section 201.061, subdivision 3.*

Minn. Stat. § 203B.07, subd. 3 (emphasis added). The witness also checks a box on the signature envelope to indicate which form of proof the voter presented. Minn. R.

8210.0600, subp. 1b. The listed forms of proof mirror the options for proving residency for in-person same-day registration at a polling place, including, as relevant here, a Minnesota driver’s license; Minnesota identification card; student fee statement or bill with an identification card; tribal identification card; or signed oath of another vouching

for the voter's residency. *See id.*; Minn. Stat. §§ 203B.07, subd. 3(3), 201.061, subd. 3(a), (d).

Appellants challenge only the third certification requirement, which applies only to unregistered voters: that the voter has provided proof of residence as required by the statute. We conclude that this witness certification requirement is not a prohibited voucher, for the following reasons.

First, appellants acknowledge that the witness “does not need to independently verify any of the information” in the presented document. In other words, Minnesota's certification does not require a personal assurance in the manner prohibited by the Voting Rights Act. Appellants nonetheless assert that the witness is an integral step in verifying eligibility because the document establishes that the voter meets the residency requirement, and the witness certification proves that the document reflecting proof of residence has been shown. This argument is unavailing because, as we determined earlier, under the Voting Rights Act, the witness's assurance itself must prove a voter's eligibility to constitute a voucher. There is not a voucher when the witness's actions are only a link in the chain that makes a voter's eligibility more or less likely.

A second reason Minnesota's witness certification requirement is not a prohibited voucher is because the witness certifies only that a voter has *provided* a residency document, not that the voter is in fact eligible to vote. To “prove ... qualifications by the voucher of” a witness, the witness must provide a personal assurance that proves a voter's eligibility to cast a ballot. Minnesota's eligibility requirements include that a person must be at least 18 years old, be a U.S. citizen, and have maintained residence in Minnesota for

at least the 20 days preceding the election. *See* Minn. Stat. § 201.014, subd. 1(1)–(3).

Minnesota’s witness certification requirement does not require the witness to *personally assure* that the voter met any of these requirements.

Even so, appellants argue that when a witness certifies that the voter “provided proof of residence,” Minn. Stat. § 203B.07, subd. 3(3), it violates the Voting Rights Act’s voucher prohibition because the witness is providing a personal assurance that the absentee voter has maintained residence in Minnesota for the 20 days preceding the election. We disagree. A witness certifying that a voter provided a residency document is not a personal assurance that the voter meets Minnesota’s eligibility requirement. As the court of appeals rightly concluded, there is no prohibited voucher because the witness “merely attests to voter conduct and voting mechanics,” rather than to the witness’s personal knowledge of a voter’s eligibility. *Minn. All. for Retired Ams. Educ. Fund*, 19 N.W.3d at 489. Under Minnesota’s law, the witness certifies that the voter “provided” a residency document, not that the provided document is valid, that the voter resides at the listed address, or that the document qualifies the voter to vote in the voter’s district. Neither does the witness certify that the witness knows where the voter currently resides, nor that the voter satisfies the 20-day residency requirement. The witness certifies a discrete aspect of voter conduct—the voter’s display of a residency document. The witness does not certify that a voter fulfills Minnesota’s residency eligibility requirement.⁶

⁶ In fact, none of the documents presented by an individual registering to vote on election day—in person or absentee—could alone establish a voter’s eligibility. To be

As the Secretary persuasively argues, the difference between a prohibited voucher and a mere attestation of a voter's conduct becomes clear through an example. One optional type of proof of residency that an unregistered voter may, but need not, use is having a registered voter in the precinct "sign an oath ... vouching that [they] ... personally know[] that the [voter] is a resident of the precinct." Minn. Stat. § 201.061, subd. 3(a)(4). Because the registered voter acting as witness provides a personal attestation about where the voter lives on which an election official relies to establish residency, it is a voucher.⁷ Here, in contrast, the witness for the absentee voter is never asked for personal knowledge that would establish the voter's residence.

Three federal district courts have similarly determined that there is no impermissible voucher under the Voting Rights Act when a witness attests to observing only a voter's conduct and not personal knowledge of a voter's eligibility. *See Liebert v. Millis*, 733 F. Supp. 3d 698, 705 (W.D. Wis. 2024) ("[A] witness does not vouch for a voter's qualifications by simply confirming with a signature what he or she observed."); *Thomas v. Andino*, 613 F. Supp. 3d 926, 961–62 (D.S.C. 2020) (concluding that there was

eligible to vote in Minnesota, a person must "maintain residence in Minnesota for 20 days immediately preceding the election," Minn. Stat. § 201.014, subd. 1(3), and none of the permissible documents indicate the duration of an individual's residency. *See* Minn. Stat. § 201.061, subd. 3(a)(1)–(3).

⁷ While a voucher under the Voting Rights Act, this option is not prohibited because it is only one of four different methods an individual may use to prove residence. *See* Minn. Stat. § 201.061, subd. 3(a)(1)–(4). Because proof of residence can alternatively be shown by presenting a driver's license, any document approved by the secretary of state, or a current student fee statement along with a picture identification card, no citizen would be denied the right to vote solely for failing to comply with the vouching option in Minn. Stat. § 201.061, subd. 3(a)(4).

no impermissible voucher where the witness is “simply required to witness”); *People First of Ala. v. Merrill*, 467 F. Supp. 3d 1179, 1224–25 (N.D. Ala. 2020) (determining that there was no Voting Rights Act violation where a witness certifies only that the witness observed the voter sign an affidavit, not personal knowledge of voter eligibility).

Appellants assert that these cases are inapposite because witnesses in those states were not required to attest to an element of voter eligibility. However, because “voucher” in the Voting Rights Act means to guarantee or personally assure for another, a Minnesota witness does not certify an element of voter eligibility. And in *Liebert*, as here, the plaintiffs claimed that the Wisconsin witness certification attesting “the above statements are true” encompassed the voter’s residency certification. 733 F. Supp. 3d at 705–06 (quoting Wis. Stat. § 6.87(2)). The district court rejected the plaintiffs’ reading, concluding that the certification covered only observations of a voter’s conduct in part because, like Minnesota, any adult citizen can serve as a witness, indicating that “a wide variety of people should be able to do the job.” *Id.* at 706; *see* Minn. Stat. § 203B.07, subd. 3. The Wisconsin district court declined to adopt an interpretation that a person must have personal knowledge of voter eligibility to act as a witness because “[i]t makes no sense to interpret [the Wisconsin witness statute] in a way that would make compliance virtually impossible,” as any adult citizen would not know, for example, if a voter has a criminal history such that they are ineligible to vote. *Liebert*, 733 F. Supp. 3d at 706. We find *Liebert*’s analysis of this issue to be persuasive.

In sum, because Minnesota’s witness certification requirement for unregistered absentee voters does not contain a personal assurance that the voter is eligible to vote or

that the voter meets the residency requirement to vote, we conclude that the witness certification does not require that voter to prove their qualifications “by the voucher of” another. As a result, we hold the witness certification requirement for unregistered absentee voters does not violate the prohibition on vouching in the Voting Rights Act.⁸

II.

Appellants also claim that Minnesota’s witness certification requirement, as to registered voters,⁹ violates the “Materiality Provision” of the Civil Rights Act:

No person acting under color of law shall ... deny the right of any individual to vote in any election because of an error or omission on any record or paper relating to any application, registration, or other act requisite to voting, if such error or omission is not material in determining whether such individual is qualified under State law to vote in such election.

52 U.S.C. § 10101(a)(2)(B). Neither we nor the United States Supreme Court have interpreted the Materiality Provision or its relation to Minnesota’s witness certification requirement, Minn. Stat. § 203B.07, subd. 3.

⁸ Because we conclude that Minnesota’s witness certification requirement does not require an impermissible voucher, we do not address the parties’ arguments about whether the witness certification violates the Voting Rights Act’s other requirement that the voucher be from “registered voters or members of any other class.” *See* 52 U.S.C. § 10501(b).

⁹ Our analysis under the Civil Rights Act considers only the witness certifications made with respect to registered voters. The district court determined that the witness certification requirement did not violate the Civil Rights Act with respect to unregistered voters. Appellants forfeited any claim with respect to unregistered voters before this court by failing to make an affirmative argument before the court of appeals. *See Rued v. Comm’r of Hum. Servs.*, 13 N.W.3d 42, 52 (Minn. 2024) (observing arguments not raised before the court of appeals are forfeit). Because we conclude that appellants forfeited this claim, we do not address the Secretary’s alternative argument that appellants needed to file a notice of related appeal to make an argument about unregistered voters.

Appellants argue that Minnesota's witness certification requirement violates the Civil Rights Act because (1) the signature envelope, on which the witness certifications are made, is a mandatory paper relating to an "other act requisite to voting"; and (2) errors or omissions from the witness are not material in determining voter eligibility, namely age, citizenship, residency, or whether the person has a condition rendering them ineligible to vote. Both elements are required for a violation of the Civil Rights Act.

We first consider what "other act requisite to voting" means, and then apply that understanding to determine whether the witness certifications made on the signature envelope are a paper "relating to" an "other act requisite to voting." Because we conclude that the signature envelope is not a paper relating to an "act requisite to voting," we do not address whether the witness certification requirement is "material" in determining voter qualifications.

A.

Appellants argue that the signature envelope containing the witness certification, as to registered voters, is a paper that relates to an "act requisite to voting," and thus violates the Materiality Provision, 52 U.S.C. § 10101(a)(2)(B).¹⁰ Appellants base their argument on the definition of "vote" in the Civil Rights Act. The Civil Rights Act defines "vote" to encompass "all action necessary to make a vote effective including, but not limited to, registration or other action required by State law prerequisite to voting, casting

¹⁰ Neither party contends that the signature envelope containing the witness certification, as to registered voters, is a "record or paper relating to" an "application" or "registration." See 52 U.S.C. § 10101(a)(2)(B).

a ballot, and having such ballot counted and included in the appropriate totals of votes cast.” 52 U.S.C. § 10101(e). This definition applies to the Materiality Provision. *See* 52 U.S.C. § 10101(a)(3)(A) (“For purposes of this subsection ... the term ‘vote’ shall have the same meaning as in subsection (e) of this section”). Appellants assert that, because the Materiality Provision prohibits denying the right “to vote,” that means it protects against the denial of the right at all stages of the voting process. Appellants contend that “other act requisite to voting,” as it used in the Materiality Provision, necessarily protects every piece of the voting process—save for marking the paper ballot itself—or else voting would mean different things in different provisions of the Civil Rights Act.

The Secretary disagrees, arguing that appellants’ interpretation renders the phrase “act requisite to voting” impermissibly synonymous with the word “vote.” The court of appeals adopted the Secretary’s approach, reasoning that appellants acknowledged that the ballot itself is not a record or paper relating to an act requisite to voting, but that appellants failed to explain why marking the ballot would not also constitute an act requisite to voting under their proposed interpretation. *Minn. All. for Retired Ams. Educ. Fund*, 19 N.W.3d at 492–93.

We agree with the Secretary and court of appeals that the deliberate use of “act requisite to voting” in the Materiality Provision limits the reach of the broad definition of “vote” in the Civil Rights Act. We decline to adopt appellants’ expansive and untenable definition of “vote” as applied to the Materiality Provision. In our view, Congress signaled an intention to *limit* the coverage by specifying an act “requisite to voting”

instead of using “to vote.” *See In re Welfare of R.S.*, 805 N.W.2d 44, 51 (Minn. 2011) (reasoning that Congress, by using one term in one part of a statute and another set of terms in a related statutory provision, “dr[ew] an express distinction between” the terms); *Salinas v. United States R.R. Ret. Bd.*, 592 U.S. 188, 196 (2021) (presuming intent where Congress “includes particular language in one section of a statute but omits it in another section of the same Act” (quoting *Russello v. United States*, 464 U.S. 16, 23 (1983))).

Having rejected appellants’ construction, we instead interpret “other act requisite to voting” to mean an act involving the assessment of voter qualifications. Our interpretation finds support when reading the Materiality Provision as a whole and in the context of surrounding Civil Rights Act provisions. Two components of the Materiality Provision support our view. First, the phrase at issue—“other act requisite to voting”—appears as a catch-all in a list addressing where the error or omission must occur—“on any record or paper relating to any *application, registration, or other act requisite to voting*,” 52 U.S.C. § 10101(a)(2)(B) (emphasis added)—and must be read in that context. *See State v. Khalil*, 956 N.W.2d 627, 638–39 (Minn. 2021) (recognizing that statutes often “include specific items followed by a general catch-all term intended to capture the same kind or class of items as those specifically identified”); *Epic Sys. Corp. v. Lewis*, 584 U.S. 497, 512 (2018) (explaining general terms following more specific terms in a list are understood to embrace only similar objects). We agree with the Secretary and court of appeals that understanding the catch-all phrase “other act requisite to voting” as an assessment of a voter’s qualifications coheres with the use of the terms “application” and “registration.” *Minn. All. for Retired Ams. Educ. Fund*, 19 N.W.3d at 492.

We also disagree with appellants' contention that interpreting all three terms as referring to only voter registration or similar voter qualification assessments reads words out of the statute and renders "application" and "other act" superfluous. Registration and application are similar but not identical terms that both, in this context, relate to a determination of a voter's qualifications. *See Registration, Black's Law Dictionary* (12th ed. 2024) ("The act of recording or enrolling"); *Application, Black's Law Dictionary* (12th ed. 2024) ("A request or petition."). The Materiality Provision's use of both terms—along with the catch-all "other act requisite to voting"—recognizes that states may use different words to describe the same process of assessing a voter's eligibility to cast a ballot. For example, Minnesota election laws do not exclusively use "registration" or "application" to refer to voter eligibility. *Contrast* Minn. Stat. § 203B.04 (listing processes for "applying" for absentee ballots), *with* Minn. Stat. § 201.071 (addressing "registration applications"). These examples demonstrate that in the context of Minnesota's election laws, "application" and "registration" both refer to a requisite act related to assessing voter eligibility. "[O]ther act requisite to voting" in the Materiality Provision, as a catch-all phrase, should similarly be understood through the preceding terms as a threshold step to voting akin to registration.

Second, the Materiality Provision specifies that a person cannot be denied the right to vote based on errors that are "not material *in determining* whether [the voter] is qualified under State law to vote." 52 U.S.C. § 10101(a)(2)(B) (emphasis added). As the Third Circuit acknowledged when analyzing the Materiality Provision, "the text does not say the error must be immaterial 'to' whether an individual is qualified to vote. It uses the

words ‘in determining,’ and that choice must mean something.” *Pa. State Conf. of NAACP Branches v. Sec’y Pa. (Pa. NAACP)*, 97 F.4th 120, 131 (3d Cir. 2024), *cert. denied sub nom., Pa. State Conf. of the NAACP v. Schmidt*, 145 S. Ct. 1125 (2025). The court of appeals agreed with this assessment, observing that “an error or omission that is material to determining voter qualification could occur *only* on a document that ... is related to some act requisite to voting.” *Minn. All. for Retired Ams. Educ. Fund*, 19 N.W.3d at 492. We find this reasoning persuasive and concur that the language addressing the type of errors or omissions the Materiality Provision prohibits is another textual clue that suggests “other act requisite to voting” must relate to determining voter qualifications.

We likewise find unavailing appellants’ assertion that such an interpretation misreads the provision to impermissibly narrow the scope of papers to which the Materiality Provision applies. Appellants rely on the use of “any” in the Materiality Provision to suggest a broader view of the papers and records to which the Materiality Provision applies. But specifying “any” when requiring “any record or paper relating to any application, registration, or other act requisite to voting” does not broaden the scope of “act requisite to voting” further than records or papers related to assessments of voter qualifications.

The two surrounding provisions of the Civil Rights Act within subsection 10101(a)(2) further bolster our interpretation of the Materiality Provision as circumscribed to assessments of voter qualifications. The first, 52 U.S.C. § 10101(a)(2)(A), prohibits disparate applications of “standards, practices, or procedures”

“in determining whether any individual is qualified under State law or laws to vote in any election.” The second, 52 U.S.C. § 10101(a)(2)(C), bans literacy tests as “a qualification for voting in any election” without certain conditions. Thus, the two provisions surrounding the Materiality Provision focus on determinations of voter qualifications. We agree that “[s]ection 10101(a)(2)(A) is particularly probative because it uses the same ‘in determining’ language as the Materiality Provision (§ 10101(a)(2)(B)).” *Liebert*, 733 F. Supp. 3d at 714. Appellants contend that the Materiality Provision is “textually and structurally distinct” from the other two provisions because it includes the phrase “deny the right to vote,” where the other two do not, indicating a broader focus. We disagree. We presume that Congress does not “hide elephants in mouseholes” by tucking a broad provision between two much more narrowly targeted ones. *Sackett v. Env’t Prot. Agency*, 598 U.S. 651, 677 (2023) (quoting *Whitman v. Am. Trucking Ass’n, Inc.*, 532 U.S. 457, 468 (2001)). The more obvious and reasonable conclusion is that all three provisions relate to processes and requirements for states when determining a voter’s eligibility.

Finally, our conclusion that “other act requisite to voting” applies only to records or papers relating to voter qualification determinations finds support from other courts that have interpreted the Materiality Provision—the Third Circuit’s decision in *Pa. NAACP*, 97 F.4th 120, and the Wisconsin federal district court’s decision in *Liebert*, 733 F. Supp. 3d 698. Appellants contend that these decisions are not persuasive because they relied on extratextual arguments including legislative history and policy concerns. We agree that when statutory terms are not ambiguous, we do not turn to legislative history or consider whether absurd results would follow. *Kratzer v. Welsh Cos.*,

771 N.W.2d 14, 21 (Minn. 2009) (“We look beyond the plain language of the statutory or regulatory provision only if the text is ambiguous.”); *Bostock v. Clayton County*, 590 U.S. 644, 674 (2020) (“[W]hen the meaning of the statute’s terms is plain, our job is at an end.”). But both decisions recognized this limit on statutory interpretation and noted that the extratextual arguments were simply additional sources of support, not the primary reasoning on which either court relied. *See Pa. NAACP*, 97 F.4th at 132–35; *Liebert*, 733 F. Supp. 3d at 706, 714–15.

Appellants also contend that our decision goes against the “weight of authority” of federal court interpretations of the Materiality Provision. We acknowledge that other courts have determined that the Materiality Provision applies beyond initial determinations of voter qualification. *See In re Ga. Senate Bill 202*, No. 1:21-mi-55555-JPB, 2023 WL 5334582, at *10 (N.D. Ga. Aug. 18, 2023) (concluding that the Materiality Provision applies to voting-related papers); *La Unión del Pueblo Entero v. Abbott*, 705 F. Supp. 3d 725, 756–57 (W.D. Tex. 2023) (holding that the Materiality Provision applies to mail ballot applications). But several cases cited by appellants in support of their interpretation rest on the broad definition of “vote,” which we reject as a basis for expanding the scope of the Materiality Provision. *See In re Ga. Senate Bill*, 2023 WL 5334582, at *10; *La Unión del Pueblo Entero*, 705 F. Supp. 3d at 756. The remaining cases on which appellants rely either do not analyze the first clause of the Materiality Provision at all or do so only cursorily. *See Get Loud Ark. v. Jester*, 171 F.4th 1058, 1065–67 (8th Cir. 2026) (analyzing only what constitutes materiality); *Migliori v. Cohen*, 36 F.4th 153, 162–64, 162 n.56 (3d Cir. 2022) (interpreting materiality but concluding

that a mail-in ballot is “a paper relating to an act for voting” without further analysis); *Org. for Black Struggle v. Ashcroft*, 493 F. Supp. 3d 790, 803 (W.D. Mo. 2020) (assessing only materiality); *Martin v. Crittenden*, 347 F. Supp. 3d 1302, 1308–09 (N.D. Ga. 2018) (same). And additional courts have adopted our analysis. *See, e.g., United States v. Paxton*, 148 F.4th 335, 340–41 (5th Cir. 2025) (endorsing the analysis of the Materiality Provision in *Pa. NAACP* but concluding the challenged law was material regardless). The weight of authority does not support appellants’ view.

In sum, we conclude that the phrase “other act requisite to voting,” read in context with other language in the Materiality Provision and harmonized with the surrounding provisions of the Civil Rights Act, refers to a determination of a voter’s qualifications to cast a ballot.

B.

We now assess whether Minnesota’s witness certifications for registered absentee voters relate to a determination of voter qualifications such that the signature envelope is a “paper relating to ... [an] other act requisite to voting” and thus within the scope of the Materiality Provision. 52 U.S.C. § 10101(a)(2)(B). A witness for a registered absentee voter signs the signature envelope to certify that (1) the voter displayed the blank ballot before voting; (2) the voter marked the ballot in private or, if physically unable, directed the ballot to be marked; and (3) “the voter enclosed and sealed the ballot in the ballot envelope.” Minn. R. 8210.0600, subp. 1a.

None of these certifications relate to a voter’s registration, application, or other determination of eligibility. Thus, Minnesota’s witness certifications for registered

absentee voters fall outside the purview of the Materiality Provision. As a result, we hold that appellants do not state an actionable claim under the Civil Rights Act.

* * *

In conclusion, Minnesota's witness certification requirement for absentee voting does not violate the Voting Rights Act as to unregistered voters because it does not require such voters prove their eligibility through the voucher of a witness. And the witness certification requirement does not come within the scope of the Civil Rights Act as to registered absentee voters because the witness certifications for such voters are not papers that relate to an act requisite to voting. Accordingly, appellants do not state a claim upon which relief can be granted.

CONCLUSION

For the foregoing reasons, we affirm the decision of the court of appeals and remand to the district court for proceedings consistent with this opinion.

Affirmed.

THISSEN, J., took no part in the decision of this case.

GAÏTAS, J., took no part in the consideration or decision of this case.