

STATE OF MINNESOTA

IN SUPREME COURT

Minnesota Voters Alliance; Diane  
Napper,

Petitioners,

v.

City of Minneapolis; Casey Carl, in  
his official capacity as City Clerk of  
the City of Minneapolis

Respondents.

Appellate Case No. \_\_\_\_\_

**PETITION FOR CORRECTION  
OF ERRORS AND OMISSIONS**

**MINN. STAT. §204B.44**

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## **SUPPORTING DOCUMENTS**

1. Declaration of Diane Napper
2. Declaration of Andrew Cilek.

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TO THE SUPREME COURT OF THE STATE OF MINNESOTA:

Pursuant to Minnesota Statutes Section 204B.44, Petitioners Minnesota Voters Alliance and Diane Napper petition the Court for an Order directing Respondent City of Minneapolis to appoint and assign party-balanced election judges, as required by Minnesota law, to staff its polling places during the 18-day in-person early-voting period leading up to the 2026 general election. For the 2024 general election, Minneapolis completely failed to staff *any* election judges at its early-voting polling places, and all indications are that it is making no preparations to staff any early-voting election judges this year either. This serious violation of law should and must be corrected.

Petitioners further state and allege as follows:

### **INTRODUCTION**

1. Minnesota Election Law requires that election judges be present at polling places. The law assigns many duties exclusively to election judges.
2. Minnesota law also contains carefully crafted procedures to ensure that each precinct is served by a bipartisan slate of election judges.
3. During the 18-day early-voting period preceding an election, the law allows election judges to be supplemented with deputy county auditors or deputy municipal clerks, who need not be appointed according to these procedures. These deputies can perform some of the tasks that, on Election Day, the law assigns exclusively to election judges. *See* Minn. Stat. §203B.30, 203B.081, subd. 3(e). But even during the early voting period, Minnesota law specifically assigns certain tasks only to election judges. These tasks include resolving challenges to a voter's eligibility, registering new voters through the

vouching process, providing voters who request it with assistance in marking ballots, and facilitating curbside registration and voting for voters who may have difficulty getting out of their cars. Minn. Stat. §§204C.12, 204C.15, subds. 1-2. By law, some of these tasks must be performed by two election judges in tandem, one from each major political party.

4. Thus, while early voting likely will not require as many election judges as are needed on Election Day itself, Minnesota law still requires that at least two election judges, one from each party, be present at each early-voting polling place during its hours of operation.

5. Despite this legal requirement, the City of Minneapolis is preparing to hold the upcoming 2026 general election—including many days of early voting at multiple sites—without assigning *any* election judges for early voting. The City had no election judges at its early-voting polling places during the 2024 election, and it is advertising to hire 2026 election judges for Election Day only.

6. Despite this, the City is advertising to voters that early voting will include legally-required services, such as ballot assistance and curbside voting, that can *only* be administered by lawfully appointed election judges.

7. Without correction from this Court, therefore, challenges to voter eligibility, requests for ballot-marking assistance, and requests for curbside voting at Minneapolis early-voting sites in 2026 will either be addressed by officials who are not election judges, or will not be addressed at all. Every time either of those things happens, Minnesota election law will be violated.

8. Therefore, Petitioners request the Court to direct Respondent to assign party-balanced election judges to each of its early-voting polling places during the upcoming 2026 early voting period.

### **JURISDICTION**

9. This Court has jurisdiction over this matter pursuant to Minn. Stat. §204B.44, which allows “[a]ny individual” to file a petition “with any judge of the supreme court in the case of an election for state or federal office” to correct an “error” or “wrongful act” that has occurred or is about to occur “of any election judge, municipal clerk, county auditor, canvassing board or any of its members ... or any other individual charged with any duty concerning an election.”

10. This action is necessary to correct an error, wrongful act, or both that Respondents are about to commit, by failing to appoint and assign election judges to serve at Minneapolis’ early-voting polling places.

### **PARTIES**

11. Petitioner Minnesota Voters Alliance is a nonpartisan, 501(c)(3) organization focusing primarily on election integrity, research, voter education, and advocacy. Declaration of Andrew Cilek ¶2.

12. Petitioner Diane Napper is an individual who resides in Minneapolis, who is a legally qualified election judge and who has served as a Minneapolis election judge at past elections, and who wishes to serve as an election judge during early voting for the 2026 election. Declaration of Diane Napper ¶¶2, 7, 10, 14.

13. Respondent City of Minneapolis is a municipal corporation organized under a home-rule charter with an executive mayor-legislative council form of government. For the purposes of Minnesota Election Law, the “governing body” of the City of Minneapolis is its elected city council. *See* Minn. Stat. §200.02, subds. 8-10.

14. As the governing body, the Minneapolis City Council is responsible for appointing election judges for precincts within its boundaries. Minn. Stat. §204B.21, subd. 2.

15. According to the City’s official website, the City’s Election Office “administer[s] local, state, and federal elections for Minneapolis voters.” City of Minneapolis, “About the Elections Office,” <https://vote.minneapolismn.gov/what-we-do/> (last accessed June 8, 2026).

16. Respondent Casey Carl is the City Clerk of the City of Minneapolis. Pursuant to Minn. Stat. §203B.05, subd. 1, he administers early voting within the City of Minneapolis. He is sued in his official capacity.

## **LEGAL BACKGROUND**

### **A. Minnesota Early Voting Provisions.**

17. This case is about Minnesota’s procedures for early voting. Early voting occurs “during the 18 days before a federal, state, or county election,” at places designated by each county auditor. Minn. Stat. §203B.081, subds. 1a & 3.

18. Pursuant to Minnesota Statute §203B.001, early voting is governed by the general provisions of the Minnesota Election Law, except where chapter 203B replaces the general Election Law with early-voting-

specific provisions. *Compare with* Minn. Stat. §200.01 (identifying chapters of Minnesota Election Law).

19. Minnesota law provides for two alternative early-voting procedures. Minn. Stat. §203B.081, subd. 1a, provides for “early voting during the 18 days before a federal, state, or county election,” pursuant to procedures described by Minn. Stat. §203B.30. But these early voting procedures do not take effect until the Secretary of State certifies them, which as of this filing has not yet occurred. *See* Minn. Laws 2023, ch. 62, art. 4, secs. 42 & 68. Until that time, early voting occurs under an “alternative procedure” for “absentee voting in person” that is set forth in Minn Stat. §203B.081, subd. 3.

20. Under either of these procedures, early voting bears many similarities to regular voting on Election Day: a voter appears in person at a polling place designated by the applicable county auditor, receives a ballot, marks the ballot, and places it into the ballot box. *See* Minn. Stat. §§203B.30; 203B.081, subd. 3(b)-(d).

21. Pursuant to the terminology of Section 203B.081, early voting is technically a form of “absentee voting in person.” But the statutory meaning of “absentee voting in person” includes *either* dropping off an absentee ballot *or* receiving and casting a ballot at the polling place before Election Day. Subdivisions 1 and 2 of Section 203B.081 provide methods by which voters can request blank absentee ballots, fill them out at home or elsewhere, seal them in envelopes, and then drop them off in person during the 46-day period before Election Day at places designated by the county auditor. Those procedures are not at issue in this case. But subdivision 3 of Section 203B.081 provides for a

quite different form of “absentee voting,” by which voters come to an early voting site up to 18 days before Election Day and receive, mark, and cast their ballots at the site. Those are Minnesota’s current early voting procedures, which *are* at issue in this case.

## **B. Election Judges In Minnesota.**

22. This case is also about election judges. The appointment of election judges for Minnesota elections is governed by Minn. Stat. §204B.21.

23. Pursuant to this statute, in May of each election year, each major political party presents the Secretary of State with lists of individuals to act as election judges in each precinct. *Id.* subd. 1.

24. From these lists, the Secretary of State compiles lists of potential election judges for each precinct. *Id.*

25. Each municipality (or each county, for precincts that are not within a municipality) must appoint a slate of election judges from the lists provided by the Secretary, *id.* subd. 2, but no more than half the judges for any given precinct or polling place may be from the same political party. Minn. Stat. §204B.19, subd. 5.

26. A municipality must exhaust all the names on these official lists before it may consider appointing election judges whose names were not on the lists. Minn. Stat. §204B.21, subd. 2; *see Minn. Voters All. v. Gelms*, 13 N.W.3d 173, 175 (Minn. 2024).

27. By law, at least four election judges must be appointed for each precinct for a state general election. Minn. Stat. §204B.22, subd. 1(a). The statute indicates that four election judges must be present in each precinct’s

polling place while the polls are open on Election Day. *See generally id.* subd. 1.

28. The general provisions of the Election Law assign many responsibilities exclusively to election judges. Election judges count and initial all ballots delivered to each precinct, assist voters who need it outside the polling place, oversee the polling place roster, administer voter registration at the polling place, administer challenges to voter eligibility, hand voters their ballots and explain how to mark them, help voters who ask for physical assistance in marking their ballots, receive and replace spoiled ballots, provide voters with receipts, and remove the ballots from the box at the end of the day. *See generally* Minn. Stat. §§204C.09 to 204C.20.

### **C. Minnesota Election Judges And Early Voting.**

29. During the early voting period, Minnesota law permits election judges' efforts to be supplemented by other poll workers. But the law is very clear that this is a supplement, not a replacement, for election judges.

30. Minn. Stat. §§203B.30 and 203B.081, subd. 3 provide for election judges to be supplemented, during early voting, by the county auditor, the city clerk, or deputy auditors or clerks, who need not be appointed by the procedures used for election judges. Section 203B.30, subd. 1 refers to these supplemental workers as “early voting officials.”\*

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\* Section 203B.081, subdivision 3 does not include the job title “early voting officials,” but it permits certain polling-place duties to be performed by the same set of workers—the city clerk, county auditor, or their deputies. In the interest of clarity, this Petition refers to this group of individuals as “early voting officials” in the context of both Section 203B.30 and Section 203B.081.

31. Sections 203B.30 and 203B.081, subdivision 3 both provide that, during the early voting period, some of the tasks that election judges must perform on Election Day may instead be performed by early voting officials. Under both provisions, early voting officials may confirm that voters are registered, hand ballots to voters, receive and replace spoiled ballots, and record that a voter has voted. *Id.*

32. But Minnesota law reserves many other important aspects of the voting process to election judges, not to early voting officials. For instance, Minn. Stat. §204C.12 allows any voter to “challenge an individual based on personal knowledge that the individual is not an eligible voter”—and the statute expressly requires challenges to voter eligibility to be resolved by “**the election judges,**” after “[a]n election judge” questions the potential voter under oath.

33. Neither Section 203B.30 nor Section 203B.081 provides any replacement or alternative procedure for voter eligibility challenges during early voting, nor does either provision authorize early voting officials to take over this task. Quite the contrary, section 203B.30, subdivision 2(a) expressly provides that voter eligibility challenges during early voting be resolved “as provided in section 204C.12”—that is, by election judges.

34. Similarly, Minnesota law requires that election judges be present at polling places to register voters. Methods of voter registration are set forth by Minn. Stat. 201.061, subd. 3. Pursuant to this statute, a voter must prove residence in the precinct where he or she is registering—either by presenting

various forms of written documentation, or by having a designated person vouch for him or her, under oath, “in the presence of **the election judge.**”

35. And again, neither Section 203B.30 nor Section 203B.081 provides any replacement or alternative procedure for voter registration. Quite the contrary, Section 203B.30, subd. 2(a), states that voters may register, or update their registrations, at an early voting site “in the manner provided in section 201.061, subdivision 3.” Similarly, under Minn. Stat. 203B.081, subdivision 3’s provisions “for absentee voting in person,” the Election Law provides that an absentee voter may register to vote by “present[ing] proof of residence as required by section 201.061, subdivision 3.” Minn. Stat. 203B.04, subd. 4.

36. Minnesota voters who have limited English proficiency, or who find it physically difficult to mark their ballots, have the statutory right to request the assistance of a **pair of election judges**—one from each major party—in marking their ballots. Minn. Stat. §204C.15, subd. 1. Such voters also have the statutory right to choose another person to assist them in marking their ballots, and to ask **an election judge** to review the ballot and verify that it was marked as the voter requested. *Id.* Again, the law requires that these forms of assistance be available, including during early voting, and nothing in Minnesota law says or suggests that any poll workers other than election judges may provide them, either during early voting or at any other time.

37. Similarly, Minnesota voters with mobility challenges have the right under the Election Law to assistance from a party-balanced pair of

**election judges** in registering to vote, or in voting, from their cars at the curbside outside a polling place. Minn. Stat. §204C.15, subd. 2. Here again, the law requires that this assistance be available, including during early voting, and nothing in Minnesota law says or suggests that any poll workers other than election judges may provide this assistance, either during early voting or at any other time.

38. The provisions cited herein are only examples. Minnesota's Election Law expressly assigns many other duties to election judges that Sections 203B.30 and 203B.81 neither reassign to early-voting officials nor mention in any other way. *E.g.*, Minn. Stat. §204C.08, subd. 1c (election judges must certify continuous display of American flag in polling place), subd. 1d (election judges must display Voter's Bill of Rights), subd. 3 (election judges must inspect ballot box and hold the key thereto).

39. Because Sections 203B.30 and 203B.81 do not replace or revise any of these duties, these duties apply with full force to early voting sites. *See* Minn. Stat. §203B.001.

40. Minnesota law therefore is clear: although some specified tasks may be reassigned from election judges to early voting officials during the early voting period, such that the full Election Day complement of election judges may not be necessary at early voting sites, each early voting site must still be staffed by at least two election judges—one from each major party—during the hours when it is open.

41. For the 2024 elections, the Minnesota Secretary of State prominently advertised both early voting and the availability of assistance

from “election judges”—including services that Minnesota law requires be performed by election judges, such as curbside voting—without ever suggesting that such services would not be available during early voting. Office of the Minnesota Secretary of State, “Voter Assistance,” <https://www.sos.mn.gov/media/5585/voter-assistance.pdf> (last accessed June 8, 2026).

42. Similarly, the Secretary of State’s 2026 “Voter Assistance” pamphlet notices two “Vote Early” periods—June 26 to August 10 (for the primary election) and September 18 to November 2 (for the general election)—and advertises that voters can expect assistance from “election judges,” including for “curbside voting,” without suggesting that this does not apply during early voting. Office of the Minnesota Secretary of State, “Voter Assistance,” <https://www.sos.mn.gov/media/ohrjz2oa/2026voterassistance.pdf> (last accessed June 8, 2026).

### **FACTUAL BACKGROUND**

43. Despite this clear legal obligation, Respondents are preparing to hold the 2026 general election without *ever* having *any* election judges present at early voting sites in Minneapolis—and certainly without having election judges from each major party present during all early voting operations.

44. The City of Minneapolis provided early in-person voting in 2024 for both the primary and general elections. City of Minneapolis, “Vote Early In-Person,” <https://web.archive.org/web/20240718152352/https://vote.minneapolismn.gov/voters/vote-early-in-person/> (July 18, 2024, at 15:23:52 UTC) (indicating early

voting for the 2024 State Primary Election); <https://web.archive.org/web/20240918122859/https://vote.minneapolismn.gov/voters/vote-early-in-person/> (Sept. 18, 2024, at 12:28:59 UTC) (indicating early voting for the 2024 State General Election).

45. For both of these 2024 early-voting periods, the official City of Minneapolis website advertised voting accommodations (such as ballot marking devices and curbside voting) that Minnesota law expressly requires be provided by party-balanced pairs of election judges; and it advertised other services (such as voter registration) for which Minnesota law requires the presence of election judges. *Id.*

46. Despite this, in response to data requests from Petitioner Minnesota Voters Alliance, the City has indicated that it assigned **zero** election judges to work at the City's early-voting polling places during the 2024 general election. See Declaration of Andrew Cilek ¶¶3-5, Exhibit A.

47. Minneapolis is publicly preparing to do the same thing in 2026. The City is advertising to hire election judges—but its advertisement is entitled “Apply to work **on Election Day**,” and asks applicants to help “make Election Day happen.” City of Minneapolis, “Apply to work on Election Day,” <https://vote.minneapolismn.gov/election-workers/apply-for-election-jobs/> (last accessed June 8, 2026).

48. According to the website of the Office of the Minnesota Secretary of State, one of the roles of a city in managing an election is to “Hire election judges and assign to precincts.” Office of the Minnesota Secretary of State,

“State, county and local roles,” <https://www.sos.mn.gov/elections-voting/how-elections-work/state-county-and-local-roles/> (last accessed June 8, 2026).

49. Although Respondents are not hiring election judges for early voting, they *are* advertising early voting for the upcoming State Primary election. City of Minneapolis, Vote Early In-Person, <https://vote.minneapolismn.gov/voters/vote-early-in-person/> (last accessed June 8, 2026).

50. For the State Primary early voting period, Respondents are advertising services that the law requires be performed by, or for which the law requires the presence of, election judges—including voter registration, language support, ballot-marking accommodations, and curbside voting. *Id.*

51. Additionally, before Respondents updated this same webpage to address early voting for the State Primary election, Respondents were advertising six early voting locations for the upcoming November election, with the earliest one opening on October 20, 2026. <https://web.archive.org/web/20260306143755/https://vote.minneapolismn.gov/voters/vote-early-in-person/> (March 6, 2026, at 14:37:55 UTC).

52. For all six of these locations, Respondents were advertising services that the law requires be performed by, or for which the law requires the presence of, election judges—including voter registration, language support, ballot-marking accommodations, and curbside voting. *Id.*

## **RESPONDENTS’ ERRORS AND LEGAL BASIS FOR CORRECTION**

53. As described above, Minnesota law requires that early voting sites be staffed by at least two election judges from different major parties.

54. All indications are that Respondents are preparing to hold early voting in Minneapolis in November 2026 with few or no election judges at most or all early voting sites.

55. This would constitute an error, a wrongful act, or both under Section 204B.44(a)(4).

56. It therefore is reasonably certain that Respondents are about to commit an error, a wrongful act, or both with respect to the November 2026 election.

### **CLAIM FOR RELIEF**

**WHEREFORE, Petitioners respectfully pray for an Order of the Court as follows:**

57. Setting a briefing schedule and time for hearing, pursuant to Minn. Stat. §204B.44(b), such that Petitioners' brief is due June 26, 2026; Respondents' brief is due July 13, 2026; Petitioners' reply brief is due July 23, 2026, and a hearing takes place as soon thereafter as the Court may direct;

58. Ordering Respondents to correct the wrongful acts and errors described herein or show cause for not doing so at the aforementioned hearing;

59. Granting Petitioners such other and further relief as the Court deems just and appropriate.

**Respectfully submitted,**

Dated: June 11, 2026

**UPPER MIDWEST LAW CENTER**

/s/ Nicholas J. Nelson  
Douglas P. Seaton (#127759)  
Nicholas J. Nelson (#391984)

Austin M. Lysy (#505052)  
12600 Whitewater Dr., Suite 140  
Minnetonka, Minnesota 55343  
doug.seaton@umlc.org  
nicholas.nelson@umlc.org  
austin.lysy@umlc.org  
(612) 428-7000

*Attorneys for Petitioners*

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