

STATE OF MINNESOTA
IN SUPREME COURT
No.: A26-0997



Minnesota Voters Alliance, et al.

Petitioners,

v.

City of Minneapolis, et al.,

Respondents

**MEMORANDUM OF RESPONDENTS CITY OF MINNEAPOLIS AND CITY
CLERK CASEY CARL REGARDING FACTUAL AND LEGAL DISPUTES,
DEADLINES AND BRIEFING SCHEDULE**

Minn. Stat. § 203B.30 supports Respondents' position that most, if not all, early voting procedures can be conducted by election officials, including deputy city clerks, and party balanced teams of election judges are largely not required. The legislature presumably did not intend for the new early voting procedure created by Minn. Stat. § 203B.30 to be unreasonable to implement. *See* Minn. Stat. §§ 645.16, 645.17. Petitioners' view that this procedure requires the use of party balanced election judges for most early voting activities, if adopted, would render early voting unduly difficult. The unfortunate reality for Minneapolis, and likely other jurisdictions, is that there is a limited number of local qualified citizens from each of the two major political parties who are interested in serving

as election judges, particularly for a sustained time-period. Every election cycle, Minneapolis contacts every potential judge on the Republican party list, and also makes substantial additional efforts to recruit Republican election judges. Because of this difficult reality, during the legislative process that resulted in the passage of Minn. Stat. § 203B.30, City officials engaged the Secretary of State and legislators on the need to permit deputy city clerks to conduct the duties enumerated during the 18 days of early voting.

Upon passage, it was the legislature's intent that Minn. Stat. § 203B.30 give wide latitude for deputy city clerks to conduct election operations during early voting, including those enumerated in the Petition. The statute was written to permit professional staff like deputy city clerks and deputy county auditors to conduct all necessary functions for early voting under Minn. Stat. § 203B.30.

Respondents, above all, seek to administer elections fairly, conducted according to the applicable law. As stated on the Minneapolis Elections and Voter Services website:

We want voters to be engaged and confident in the election process.
To ensure this, we:

- Are always ready and prepared to conduct an election
- Provide equitable and impartial access to the ballot box to all eligible voters
- Make sure that every ballot is accurately and properly counted

<https://citytalk.minneapolismn.gov/departments/clerk/elections-voter-services/> last accessed June 17, 2026.

ISSUES IN DISPUTE

There are numerous factual and legal issues in dispute in this matter, the first of which concerns Ms. Napper's eligibility to serve as an election judge during the early voting period. As Ms. Napper admits, she is a candidate in the upcoming general election, and candidates are ineligible to serve as election judges. Minn. Stat § 204B.19, subd. 2. A Minneapolis voter can vote at any early voting center in Minneapolis, regardless of the exact location of their precinct. Therefore, ballots from every precinct are ready and available to use at each early voting center. Ms. Napper's willingness to serve as an early voting election judge does not overcome the disqualifying fact of her presence on ballots that can be used at every Minneapolis early voting location.

The 2026 general election in November is the first general election for which Minneapolis and other elections administrators have been directed to use the Minn. Stat. § 203B.30 early voting procedures. Prior to 2026, Respondents used the direct balloting procedures in Minn. Stat. § 203B.081. Therefore, the issues in this challenge should be limited to an interpretation of Minn. Stat. § 203B.30.

Respondents dispute Petitioners' interpretation of Minn. Stat. § 203B.30, to the extent that Petitioners' interpretation imports requirements from other parts of the election law that mandate the use of election judges during early voting. Therefore, Respondents dispute the legal allegations found in paragraphs 29, 30, 32, and 34-40.

Respondents also dispute the ripeness of the Minn. Stat. § 204B.44 Petition. Respondents and all elections administrators in Minnesota are preparing to hold early voting pursuant to Minn. Stat. § 203B.30. Respondents have yet to advertise for, or appoint administrators, and/or election judges for the general election.

RELEVANT DATES

- November 3, 2026 – General election date. Voting to be conducted in person at voters' respective precincts.
- October 16, 2026 – § 203B.30 early voting begins, 18 days prior to November 3, 2026, general election.
- September 18, 2026 – In person absentee early voting period begins, 46 days prior to November 3, 2026, general election.
- August 14, 2026 – Last reasonable day to receive a decision in this matter to permit time for Respondents to change their practices if required prior to the first day of early voting on September 18, 2026.

PROPOSED SCHEDULING ORDER

Respondents request that this Court issue a scheduling order in this matter so as to permit a final decision to be issued on or before August 14, 2026. Respondents request 14 days to respond to Petitioners' brief. Counsel for Respondents will hope to be able to observe the July 4 holiday, and counsel for Respondents is out of the office on July 2, and 7-10. Counsel for Respondents will also be unavailable for argument on July 23, 2026, and July 24, 2026, as well as from August 14, 2026, through August 24, 2026.

With that in mind, Respondents suggest the Court issue an order establishing the following schedule:

- June 22, 2026 – Petitioners' Brief due to be filed on or before this date.
- July 6, 2026 – Respondents' Brief due to be filed on or before this date.
- July 13, 2026 – Petitioners' Reply brief, if authorized by the Court, due to be filed on or before this date.
- Hearing date to be determined by the Court.

Dated: June 18, 2026

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