

**State of Minnesota
In Supreme Court**

**OFFICE OF
APPELLATE COURTS**

CITY OF OAK GROVE,

Petitioner,

v.

STEVE SIMON, in his official capacity as Minnesota Secretary of State, TOM HUNT, in his official capacity as Director of Anoka County Elections & Voter Registration, and PAM LEBLANC, in her official capacity as Chief Officer of Anoka County Property Records and Taxation,

Respondents.

BRIEF OF PETITIONER

UPPER MIDWEST LAW CENTER

Douglas P. Seaton (#127759)
Nicholas J. Nelson (#391974)
Austin M. Lysy (#505052)
12600 Whitewater Drive, Suite 140
Minnetonka, MN 55343
(612) 428-7000
Attorneys for Petitioner

KEITH ELLISON

Attorney General of Minnesota
Angela Behrens
Allen Cook Barr
445 Minnesota Street, Suite 600
St. Paul, MN 55101-2125
651-757-1487
Attorneys for Respondent Simon

BRAD JOHNSON

Anoka County Attorney
Jason Stover
2100 Third Avenue, Suite 720
Anoka, MN 55303
763-324-5550
*Attorney for
Respondents Hunt and LeBlanc*

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STATEMENT OF THE ISSUE

Minn. Stat. §201.225 provides that “[a] county, municipality, or school district may use electronic [voter] rosters,” or paper voter rosters, “in any election.” Minnesota cities generally operate the polling places within their own boundaries. Under Section 201.225, who makes the choice of voter roster format for polling places within city limits—the city, or the county where it is located?

Most apposite cases:

- *Engfer v. Gen. Dynamics. Adv. Info. Sys., Inc.*, 869 N.W.2d 295 (Minn. 2015)
- *In re 2010 Gubernatorial Election*, 793 N.W.2d 256 (Minn. 2010)
- *Pfoser v. Harpstead*, 953 N.W.2d 507 (Minn. 2021)

Most apposite constitutional and statutory provisions:

- Minn. Stat. § 201.225
- Minn. Stat. § 645.08
- Minn. Stat. § 645.16

INTRODUCTION

Each Minnesota election precinct has a voter roster—a list of the registered voters in that precinct. On Election Day, election judges at each precinct polling place use their voter rosters to check that people who come to vote are registered in that precinct and have not already voted. Minnesota law provides that voter rosters may be either paper or electronic in format. Specifically, Minn. Stat. §201.225 provides that voter rosters are on paper by default, but that “[a] county, municipality, or school district may use electronic rosters in any election” if it properly notifies the Secretary of State.

Minnesota cities have general responsibility for operating polling places within their boundaries. Polling places within city limits are physical sites designated and arranged by the city, and the election judges who check prospective voters’ names against the precinct voter roster are city employees.

The City of Oak Grove has chosen to use paper voter rosters at polling places that it operates. This case arose because Anoka County and the Secretary of State are trying to override that choice and force Oak Grove to use electronic voter rosters. Respondents claim that, for statewide elections, §201.225 allows county officials to override a city’s choice about voter-roster format within its own boundaries. That is mistaken. By providing that a city or county may *use* either paper or electronic voter rosters, §201.225 gives the choice of format to the polity that operates the polling place. Put simply: only Oak Grove, not Anoka County, “uses” voter rosters at polling places within Oak Grove. So the law gives the choice of format to Oak Grove, and the Court should direct Respondents to facilitate that choice, not interfere with it.

STATEMENT OF THE CASE AND FACTS

I. Polling Place Rosters Under Minnesota Law.

This case is about the format of polling place rosters under Minnesota law. Each election precinct in Minnesota has a polling place roster: the list of the names and addresses of all persons registered to vote in that precinct. Minn. Stat. §201.221, subd. 3; Minn. R. 8200.9115, subp. 1 (prescribing general form of roster); *In re 2010 Gubernatorial Election*, 793 N.W.2d 256, 263 (Minn. 2010). Polling place rosters are also known by a variety of other names, such as “voter rosters,” “voter rolls,” “poll rosters,” or “pollbooks.” This brief uses the terms “polling place roster” or “voter roster.”

A. Background on Polling Place Rosters.

During an election, the election judges at the polling place in each precinct must use a copy of that precinct’s voter roster. When people come to the polling place to vote, the election judges check the roster for their names to determine whether they are registered in that precinct and whether they have already voted in that election. Minn. Stat. §§201.016, subd. 1; 201.221, subd. 3; 204C.10; *see* Minn. Stat. §§204C.14, subd. 2 (voter’s signature on roster is evidence of her intent to vote at that election); 204B.14, subd. 2(b) (providing for rosters for combined polling places). Specifically, in order to receive a ballot, each voter must sign the voter roster or an accompanying signature card, attesting that he or she meets the legal requirements to vote and has not already voted. Minn. Stat. §204C.10; Office of the Minnesota Secretary of State, *2024 Election Judge Guide* at 30 (May 2024), <https://sos.mn.gov/media/4905/election-judge-guide.pdf> (hereinafter Secretary of State, *Election Judge Guide*).

People who register to vote on Election Day are able to add their names to the voter roster at that time. *See* Minn. R. 8200.9115, subp. 1; Secretary of State, *Election Judge Guide* at 36-38. At the end of Election Day, election judges in each precinct may verify that they are counting the correct number of ballots by referring to the number of voters who the roster indicates cast votes. Minn. R. 8200.9300, subp. 10.¹

Before each election, voter rosters are distributed to the election judges in each precinct. In between elections, the information contained in each precinct's voter roster must be maintained by the Secretary of State in a statewide voter registration database that is accessible to Minnesota's county auditors, municipal clerks, and school district clerks. Minn. Stat. §201.022, subd. 1. When an election date is approaching, the Secretary of State transmits to each county auditor the current voter rosters for the precincts within that county. Minn. R. 8200.9115, subp. 3. For precincts that are within the boundaries of a city or town, the auditor distributes the rosters (along with other required materials) to the municipal clerk, who then distributes them to election judges in each precinct. Minn. Stat. §§204B.28, subd. 2; 204B.29, subd. 1. For precincts that are not within any city or town, the county auditor distributes the rosters directly to the election judges in the precinct. Minn. Stat. §204B.29, subd. 1.

B. Electronic Polling Place Rosters Under Minnesota Law.

Minnesota law requires voter rosters to be printed paper documents unless the relevant jurisdiction chooses an electronic format. Voter rosters

¹ In presidential primary elections, the voter roster serves an additional purpose: it is used to record which party's primary each voter chose to vote in. Minn. R. 8215.0300, subp. 2.

contain the same information regardless of whether they are in paper or electronic format. *See* Minn. Stat. §201.221, subd. 3. The Minnesota Election Law defines a polling place roster as “a roster in (1) printed format; or (2) electronic format as permitted by section 201.225.” Minn. Stat. §200.02, subd. 25; *see* Minn. Stat. §§200.01 (defining the Minnesota Election Law); 200.015 (“The Minnesota Election Law applies to all elections held in this state....”). That section—Minn. Stat. §201.225—is the primary statute at issue in this case.

Subdivision 1 of §201.225 provides that “[a] county, municipality, or school district may use electronic rosters for any election,” in “some or all of the precincts” within its borders. Subdivision 6(a) requires that “[a] county, municipality, or school district ... must notify the Office of the Secretary of State at least 90 days before the first election in which the county, municipality or school district intends to use electronic rosters.” This “notification must ... specify which precincts will be using electronic rosters.” *Id.* Once this initial notification is submitted, it “is valid for all subsequent elections, unless revoked by the county, municipality, or school district.” *Id.* Subdivisions 2, 3, and 4 of §201.225 provides various technical and functionality requirements for electronic voter rosters, and Subdivision 6(b) requires that “[t]he county, municipality, or school district that intends to use electronic rosters must certify to the Office of the Secretary of State at least 30 days before the election that the electronic rosters meet all of the[se] requirements.”

Subdivision 5(a) of §201.225 provides that a precinct may choose to use electronic rosters only for registering voters and updating registrations, or only for “process[ing] registered voters” in casting their ballots, or for both purposes.

No matter what purpose a precinct uses electronic rosters for, subdivision 5(b) requires that “[e]ach precinct using electronic rosters must have a paper backup system approved by the secretary of state present at the polling place to use in the event that the election judges are unable to use the electronic roster.”

In practice, the Secretary of State advises every precinct in Minnesota—even those that otherwise use electronic rosters—to use a paper voter roster (known as a “Greeter’s List”) to conduct the initial check on whether a person who comes to a polling place is pre-registered to vote in that precinct. Secretary of State, *Election Judge Guide* at 29. The Secretary advises precincts that use electronic rosters to switch to electronic format only after that point, to either register the voter (if the paper roster indicates that is needed) or process his or her vote (if the paper roster indicates he or she is already registered). *Id.* In the event that electronic voter rosters become inoperable or malfunction while the polls are open, this paper roster can serve as the official voter roster for all purposes. *Id.* at 30; Minn. Stat. §201.225, subd. 5(b).

II. Minnesota Law On Local Administration of Elections.

This case is also about the allocation of authority for election operations between cities and counties. As this section will explain, under Minnesota law, responsibility for election precincts and polling places within city limits generally falls upon the city itself.

In Minnesota, “[e]lections are administered by local jurisdictions.” Secretary of State, *Election Judge Guide* at 11. Of course, all election officials must obey and implement state law. But in situations where the law allows election-

related “tasks [to be] accomplished in more than one way,” the decision about how to accomplish the tasks lies with “local official[s].” *Id.*

And for polling places that are within the boundaries of a city or town, the relevant local officials for election-day operations are city or town officials. The basic geographical unit for election purposes is the precinct. *See* Minn. Stat. §200.02, subd. 11. Within the geographical area of a city or town, precinct boundaries are drawn by the city or town government. Minn. Stat. §204B.14, subds. 1, 3-4. Similarly, for each precinct within city limits, the location of the polling place is determined and established by the city government. Minn. Stat. §204B.16, subd. 1. Each Minnesota city is also in charge of hiring the election judges who administer the polling places within its boundaries, Minn. Stat. §204B.21, subd. 2, and of setting the rate of pay for the election judges. Minn. Stat. §§204B.31, subd. 1(4); 204B.32, subd. 1(c). Cities are also required to pay the election judges, as well as the other costs of preparing polling places within their boundaries (subject to relatively minor cost-sharing from overlapping school districts and hospital districts). Minn. Stat. §204B.32, subd. 2 (requiring Secretary of State to prescribe cost-sharing rules); Office of the Minnesota Secretary of State, *Election Expense Cost Allocation Procedures* at 2-4 (May 2002) (setting forth those rules), <https://www.sos.mn.gov/media/i3bfhe0m/election-expense-cost-allocation-procedures.pdf>. If a polling place within city limits runs out of ballots, the municipal clerk is responsible for preparing additional ballots. Minn. Stat. §204B.30.

By contrast, within city limits, no county government or county official has any authority to draw precinct boundaries, to designate or arrange for

polling places, or to hire or pay election judges. On the contrary, the law provides that county governments do these things only for precincts that are **not** within the boundaries of any city or town. *See* Minn. Stat. §§204B.14, .16, .21.

Some aspects of election operations are shared between cities and the counties where they are located. County auditors prepare certain election materials and distribute them to the municipal clerk. Minn. Stat. §204B.28, subd. 2. The municipal clerk then is responsible for providing “voter registration files, ballots, forms, envelopes and other required supplies” to election judges at precincts within the municipal boundaries. Minn. Stat. §204B.29, subd. 1. Here again, county auditors distribute these materials directly to election judges only in precincts that are not within any city or town. *Id.* County auditors also provide at least two hours of training for election judges, pursuant to curricula developed by the Secretary of State. Minn. Stat. §204B.25, *see generally* Minn. R. Ch. 8240; Office of the Minnesota Secretary of State, *Election Judge Training*, <https://sos.mn.gov/election-administration-campaigns/election-administration/election-judge-training/> (last accessed June 19, 2026); Office of the Minnesota Secretary of State, *County Elections Administration Guide* at 28 (updated July 7, 2024), <https://sos.mn.gov/media/4251/county-election-administration-guide.pdf>. Separate from Election Day operations, county auditors also have responsibilities relating to maintaining and verifying voter records in the statewide voter registration database maintained by the Secretary of State. *See* Minn. Stat. §201.11, *et seq.*

While this case is about the use or non-use of electronic voter rosters, analogous sections of Minnesota Law provide for the use of “electronic voting

systems,” which the law defines primarily as “automatic tabulating equipment” for ballots marked by voters. Minn. Stat. §§206.56, subd. 8; 206.58. A city or town “may provide for the experimental use of an electronic voting system in one or more precincts,” without the need for any approval from the county where it is located. Minn. Stat. §206.58, subd. 2. Permanent, non-experimental use of electronic voting within city limits requires the approval of **both** the city **and** the county. Minn. Stat. §206.58, subs. 1, 3. Voting systems can be purchased by either cities or counties. Minn. Stat. §206.59.

Notably, the law requires this same division of labor regardless of which offices are being filled at any particular election. Not every election involves city, county, and state candidates all on the ballot. Primary or special elections may involve questions or candidates that pertain to only one jurisdiction. *See* Minn. Stat. §§204D.19-.195 (special elections for state offices); 204D.20-.21 (special primaries for state offices); 205.10 (special elections for city or town offices and ballot questions). And cities and towns are allowed, if they choose, to hold separate elections for only city or town offices, leaving general elections for the selection only of county, state, and federal officials. Minn. Stat. §§205.07, subd. 1; 205.075. But no matter which offices are on the ballot, cities, counties, and the Secretary of State play the same roles in each of these kinds of elections. *See* Minn. Stat. §204D.18 (“Except as provided ..., all of the provisions of the Minnesota Election Law are applicable to special elections as far as practicable.”); 205.02, subd. 1 (similar, for municipal elections).

III. Oak Grove Opts for Paper Voter Rolls, but Respondents Stop It.

Petitioner Oak Grove is a statutory city located in Anoka County, Minnesota, in the northern part of the Minneapolis-St. Paul metropolitan area. It was incorporated as a city in 1993.

In or around 2018, Oak Grove entered a contract with Anoka County for the use of an electronic voter roster system at precincts within Oak Grove. Declaration of Loren Wickham (hereinafter “Wickham Decl.”) ¶3. Oak Grove’s understanding is that, pursuant to that agreement, Anoka County notified the Secretary of State that electronic voter rosters would be used in Oak Grove’s precincts in future elections. *See* Minn. Stat. §201.225, subd. 6(a).

More recently, however, the Oak Grove government determined that returning to the use of paper voter rosters is more appropriate for precincts within its boundaries, and took steps to do so. This dispute arose when Respondents contested those steps and asserted that Anoka County, not Oak Grove, has the power to determine the voter-roster format for precincts within Oak Grove.

In 2024, the Oak Grove City Council unanimously passed Resolution No. 24-101, which “terminat[ed its] agreement with Anoka [County] for the use of the electronic roster system” and “g[ave] notice of intent to return to use of paper poll books.” Wickham Decl. ¶4, Ex. 1. Anoka County Elections Director Tom Hunt, a Respondent here, answered by sending Oak Grove a letter acknowledging the termination of the contract, but asserting that “Anoka County has designated that **all** precincts in Anoka County shall use electronic rosters,” and that this applies to precincts within Oak Grove even in the absence of a

contract between the County and City. *Id.* ¶5, Ex. 2. Later in 2024, the Anoka County Elections Department—directed by Respondent Pam LeBlanc—sent a memorandum to election judges hired by Oak Grove, insisting that they “**must** use electronic pollbooks during the 2024 general election” or they would be “guilty of a felony.” *Id.* ¶6, Ex. 3.

The year 2025 saw competing resolutions from the City and County on this issue. The Oak Grove City Council unanimously passed Resolution No. 2025-032, directing city staff to implement “the discontinuation of electronic poll rosters at city precincts pursuant to Resolution 24-101.” *Id.* ¶7, Ex. 4. But a divided Anoka County Board passed a resolution that “supports and reaffirms ... the continued use of electronic rosters in all Anoka County precincts.” Anoka County Board Minutes (July 22, 2025), Resolution #2025-80, at p.97, <https://www.anokacountymn.gov/ArchiveCenter/ViewFile/Item/6493> (last accessed June 20, 2026).

Having gotten nowhere with the County, in April 2026 Oak Grove gave notice to the Office of the Secretary of State that it was revoking any previous notification of electronic roster use, as permitted by Minn. Stat. §201.225, subd. 6(a), and that the City would return to paper voter rosters for the 2026 general election and future elections. Wickham Decl. ¶8, Ex. 5. In May, however, the Office replied purporting to reject the notice and stating that only Anoka County can “determin[e] the form of roster” for precincts within Oak Grove. *Id.* ¶9, Ex. 6.

Oak Grove then filed this Petition. In response to a preliminary order from the Chief Justice, all parties agreed that there are no material factual

disputes or threshold legal issues.

ARGUMENT

Section 201.225 provides that municipalities and counties “may use” paper or electronic voter rosters at any election. At polling places within city limits, the only people who “use” voter rosters are city employees—the election judges who are hired and paid by the city. Thus, for precincts within city limits, both the language of the statute and good sense indicate that the choice of format for voter rosters lies with the city.

Respondents’ contrary interpretation—that county officials can override cities’ decisions about how to run their own polling places—finds no support in the statute, since counties and county employees do not “use” voter rosters at polling places within city limits. Nor can Respondents argue that the format needs to be the same in every precinct in a county, since the Election Law expressly permits different precincts within a jurisdiction to use different voter-roster formats, and there is no discernible practical advantage from any other arrangement.

In sum, Minnesota wisely authorizes city officials to run city polling places, in accordance with the law. The Court should hold that the same is true when it comes to choosing the format of voter rosters.

I. Legal Standard.

“The object of all” statutory interpretation “is to ascertain and effectuate the intention of the legislature.” Minn. Stat. §645.16; *see Engfer v. Gen. Dynamics. Adv. Info. Sys., Inc.*, 869 N.W.2d 295, 300 (Minn. 2015). “If the statutory language is unambiguous,” this is done simply by “enforc[ing] the plain

meaning of the statute,” and there is no need to “explore the spirit or purpose of the law.” *Engfer*, 869 N.W.2d at 300 (citation omitted); see Minn. Stat. §645.16. In interpreting statutory language, “words and phrases are construed according to rules of grammar and according to their common and approved usage.” Minn. Stat. §645.08(1); *Engfer*, 869 N.W.2d at 300 (“plain and ordinary meaning”) (citation omitted). And the Court “read[s] multiple parts of a statute together so as to ascertain whether the statute is ambiguous.” *Pfoser v. Harpstead*, 953 N.W.2d 507, 517 (Minn. 2021) (cleaned up).

On the other hand, “if, as applied to the facts of the particular case,” the statutory language “is susceptible to more than one reasonable interpretation,” *Engfer*, 869 N.W.2d at 300, then “the intention of the legislature may be ascertained by considering, among other matters:

- (1) the occasion and necessity for the law;
- (2) the circumstances under which it was enacted;
- (3) the mischief to be remedied;
- (4) the object to be attained;
- (5) the former law, if any, including other laws upon the same or similar subjects;
- (6) the consequences of a particular interpretation;
- (7) the contemporaneous legislative history; and
- (8) legislative and administrative interpretations of the statute.”

Minn. Stat. §645.16.

II. Minn. Stat. §201.225 Entrusts the Choice of Voter Roster Format to the Authority That Operates the Polling Place—Which, Within City Limits, Is the City.

This case involves the interpretation of Minn. Stat. §201.225. The most relevant portions of the statute read as follows:

Subdivision 1. Authority. A county, municipality,^[2] or school district may use electronic rosters for any election. In a county, municipality, or school district that uses electronic rosters, the head elections official may designate that some or all of the precincts use electronic rosters....

Subd. 5. Election day.

- (a) Precincts may use electronic rosters for registering voters and updating registrations on election day, to process registered voters, or both....
- (b) Each precinct using electronic rosters must have a paper backup system approved by the secretary of state present at the polling place to use in the event that the election judges are unable to use the electronic roster.

Subd. 6. Reporting; certification.

- (a) A county, municipality, or school district that intends to use electronic rosters in an upcoming election must notify the Office of the Secretary of State at least 90 days before the first election in which the county, municipality, or school district intends to use electronic rosters. The notification must specify whether all precincts will use electronic rosters, and if not, specify which precincts will be using electronic rosters. The notification is valid for all subsequent elections, unless revoked by the county, municipality, or school district. If precincts within a county, municipality, or school district that were not included in the initial notification intend to use electronic rosters, a new notification must be submitted.

² “Municipality” means any city or town.” Minn. Stat. §200.02, subd. 9.

- (b) The county, municipality, or school district that intends to use electronic rosters must certify to the Office of the Secretary of State at least 30 days before the election that the electronic rosters meet all of the requirements in this section.

The question presented by this case is: what happens when a municipality and a county disagree about the format for voter rosters? In that situation, whom does the statute authorize to decide on the roster format for precincts that are within the boundaries of both the city and the county?

The parties give markedly different answers to that question. Oak Grove contends that §201.225 allows roster format to be chosen by the jurisdiction that operates a precinct's polling place: cities and towns get to decide the roster format for precincts within their boundaries (where they operate the polling places), and counties decide the format for precincts that are not within any city or town (where the county operates the polling places).³ By contrast, Respondents appear to contend that the answer depends on which jurisdictions have offices to be filled at the election: they seem to believe that, when federal or state or county offices are on the ballot, the county always gets to choose the voter-roster format. On this view, city governments can *never* choose the voter-roster format unless they hold elections for city offices in odd-numbered years, separate from federal, state, and county elections. *See* Minn. Stat. §205.07, subd. 1.

Here, when read as a whole, the language of the Election Law unambiguously supports Oak Grove's interpretation, not Respondents'. Section 201.225

³ School districts operate Minnesota polling places only when they choose to hold elections for school-district offices separately from any city, county, or statewide election, *see* Minn. Stat. §§205A.04-.05, .10-.11, so they may choose the format of voter rosters only in that situation.

repeatedly and consistently refers to jurisdictions choosing whether or not to “*use* electronic voter rosters” in an election. And the ones who *use* voter rosters on election day are election judges—who are municipal employees at precincts that are within the boundaries of a city or town, and county employees at precincts that are not. It is these city employees who physically possess the voter rosters at the polling place, who look up prospective voters’ names on the rosters, who present the roster to prospective voters for signature, and who may refer to the number of signatures on the roster at the end of the day to confirm the number of ballots cast. *See supra* Statement, §I(A). So, for precincts within city limits, it makes perfect sense for §201.225 to refer to **the city’s** “us[ing]” voter rosters, “intend[ing] to use” voter rosters, or “notify[ing]” the Secretary of State of its intent to use voter rosters. By contrast, it makes very little sense for Respondents to insist that a *county* can “use” or “intend[] to” use voter rosters at an election precinct within city limits. In such precincts, no county officials or employees do anything with any voter roster at the polling place.

The rest of the Election Law reinforces that conclusion. As noted above, municipalities—not counties—are responsible for many aspects of election administration in precincts within municipal boundaries. *See supra* Statement, §II. It is the municipality that draws the precinct boundaries, that rents or otherwise arranges for the polling site, and that hires and pays the election judges. *Id.* County officials cannot override municipal decisions on any of these topics. It would make little sense for centralized county authority to displace local control only on the issue of voter-roster format. Indeed, with respect to electronic *ballots*, the Election Law gives municipalities greater power than

counties: cities can adopt experimental electronic-ballot programs without county approval, and can veto any attempt by counties to use electronic ballots within city limits. *See supra* Statement, §II, at 9.

III. Local Decision Making About Voter-Roster Format Is More Practical Than Countywide Control.

Respondents have suggested that there is some practical advantage to having roster-format decisions made on a countywide basis. But here again, they are doubly mistaken. The Election Law clearly indicates that there is no need for uniformity on this matter, and that different precincts within a jurisdiction may use different roster formats. Thus, there is no need to consider any argument about the practicalities of the situation: “[w]hen the words of a law ... are clear ..., the letter of the law shall not be disregarded under the pretext of pursuing the spirit.” Minn. Stat. §645.16. But in any event, there is no practical need for the kind of centralized countywide decision making that Respondents advocate: municipal decision making works just fine, if not better.

First, §201.225 forecloses any attempted reliance on a need for countywide uniformity, because it repeatedly indicates that some, but not all, of the precincts within a county, city, or school district may use electronic rosters. The statute specifies how these jurisdictions may designate which precincts use electronic rosters, and how they may later choose to expand their use of electronic rosters to more precincts. *Id.* subd. 6(a). It even expressly allows precincts to adopt a hybrid approach, using electronic rosters for voter registration and paper rosters for voter processing, or the other way around. *Id.* subd. 5(a). On top of that, subdivision 5(b) affirmatively *requires* that even precincts using

electronic rosters must have backup paper copies, in case the electronic rosters fail.

The bottom line: §201.225 of course *permits* all precincts in a given jurisdiction to use the same format of voter rosters, if the relevant decision maker(s) agree to it. But there is no plausible inference from the statute that it requires, or even encourages, that outcome.

Second, there also is no factual reason to think that countywide uniformity in voter-roster format would present any substantial practical advantage. Under no circumstances does the law allow a county (or any other jurisdiction) to entirely dispense with paper copies of voter rosters: even if every precinct in a county uses electronic rosters, the county auditor still is required by law to print and distribute backup paper rosters to every precinct. *See supra* Statement, §I(B), at 5-6. Indeed, the Secretary of State himself recommends that all precincts actually *use* the paper rosters for initial voter check-ins. *See supra* Statement, §I(B), at 6.

And on the other side of the coin, this case clearly illustrates the significant practical advantages of municipal control over voter-roster format. As noted above, the Election Law provides that polling places within city limits are administered by cities and operated by election judges who are city employees. Within the bounds of the law, therefore, city governments and officials are readily able to issue direct instructions to election judges and discipline or terminate judges who act improperly. Thus, city officials can easily implement their choice whether to have election judges use paper or electronic voter rosters at polling places within their boundaries. By contrast, county governments

and county officials have no such ability: they do not and cannot hire, fire, pay, or discipline election judges within a city's precincts. So, as Respondent LeBlanc's actions in this case demonstrate, when county officials try to make discretionary decisions about polling-place administration, their only tool for getting election judges to comply with those decisions is by threatening to put them in prison. *See supra* Statement, §III, at 10-11.

Of course, all government officials and employees are required to comply with the law. But when the law offers multiple permissible choices—as §201.225 plainly does with respect to voter-roster format—it makes far more sense for those choices to be made by the people who are best positioned to hire and instruct staff to implement those decisions. Here, that unquestionably is municipal governments, not county governments.

CONCLUSION

The Court should grant the Petition and enter judgment declaring and directing that Respondents facilitate and not impede Oak Grove's use of paper voter rosters at precincts within its boundaries for the 2026 general election and subsequent elections.

Respectfully submitted,

Dated: June 22, 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

nicholas.nelson@umlc.org

(612) 428-7000

Attorneys for Petitioner

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I hereby certify that this Brief is being filed and served on all counsel of record for all parties via the Minnesota appellate court electronic filing system.

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