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STATE OF MINNESOTA
IN SUPREME COURT

**OFFICE OF
APPELLATE COURTS**

City of Oak Grove,

Petitioner,

vs.

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

Respondent,

Tom Hunt, in his official capacity as Director of Anoka County
Elections & Voter Registration,

Respondent,

Pam LeBlanc, in her official capacity as Chief Officer of Anoka
County Property Records and Taxation,

Respondent.

RESPONDENT SIMON'S BRIEF

UPPER MIDWEST LAW CENTER

DOUGLAS P. SEATON (#127759)

NICHOLAS J. NELSON (#391984)

AUSTIN M. LYSY (#505052)

12600 Whitewater Dr., Suite 140

Minnetonka, Minnesota 55343

(612) 428-7000

ATTORNEYS FOR PETITIONER

KEITH ELLISON

Attorney General

State of Minnesota

ANGELA BEHRENS (#0351076)

ALLEN COOK BARR (#0399094)

Assistant Attorneys General

445 Minnesota Street, Suite 600

St. Paul, MN 55101-2125

(651) 757-1487

ATTORNEYS FOR RESPONDENT
SIMON

BRAD JOHNSON
ANOKA COUNTY ATTORNEY

JASON J. STOVER (#30573X)
Assistant Anoka County Attorney

2100 Third Avenue, Suite 720
Anoka, Minnesota 55303
(763) 324-5550

ATTORNEY FOR RESPONDENTS
HUNT AND LeBLANC

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LEGAL ISSUE

When an election includes federal, state, or county offices, does a county have authority to determine whether all precincts within the county use electronic or paper poll rosters?

Apposite Authorities:

Minn. Stat. § 201.225

Minn. R. 8200.9115

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STATEMENT OF THE CASE

Minnesota permits a county, municipality, or school district to use electronic rosters for any election. Minn. Stat. § 201.225, subd. 1. Respondents Anoka County Director of Elections and Voter Registration Tom Hunt and Anoka County Chief Officer of Property Records and Taxation Pam LeBlanc have chosen to do so at all precincts for the federal, state, and county elections they administer in Anoka County.

Petitioner City of Oak Grove claims that, notwithstanding Anoka County's decision, the city can use paper rosters in its precincts for any election. Anoka County and Respondent Minnesota Secretary of State Steve Simon both rejected requests from the city to use paper rosters at city-staffed precincts for the 2026 general election. Oak Grove then brought this action, seeking an order from this Court allowing it to do so.

FACTS

This case concerns who gets to decide whether to use paper or electronic rosters in election precincts staffed by municipal employees for elections that have federal, state, or county offices on the ballot. Accordingly, understanding how rosters are used before, during, and after election day is necessary for understanding who makes that decision.

Creating and Using Rosters

Election officials use polling place rosters to keep track of who is registered in a precinct and who has voted in an election. That tracking requires election officials to use rosters in the weeks before an election, on election day, and after the election.

Rosters are precinct-specific lists that include each registered voter's name, address, date of birth, and school district number, along with an indicator reflecting whether the

voter's registration status is challenged (i.e., the voter will need to establish eligibility before voting). Minn. Stat. § 204B.14, subd. 2(b) (2024); Minn. R. 8200.9115, subp. 1 (Supp. 2026). Rosters also include a space (or an electronic entry) for the voter to sign when the voter certifies eligibility. Minn. Stat. §§ 201.225, subd. 2(9), 204C.10(a) (Supp. 2025); Minn. R. 8200.9115, subp. 1.

For each election, the Secretary's office creates precinct rosters using data from the Statewide Voter Registration System (SVRS). Minn. R. 8200.9115, subp. 3 (Supp. 2026). The SVRS is Minnesota's central database containing voter-registration information from around the state. Minn. Stat. § 201.022, subd. 1 (2024). County auditors are responsible for entering registration applications that they receive into the SVRS. Minn. R. 8200.2600 (2025).

Pre-election registration closes twenty days before the election. Minn. Stat. § 201.061, subd. 1 (Supp. 2025). Once that deadline has passed, county auditors use the SVRS to confirm that registrations have been entered and that their rosters are finalized. (Linnell Decl. ¶ 5.) After they have done so, the Secretary provides rosters to county auditors in an electronic format (unless an auditor and the Secretary agree to a different format). Minn. R. 8200.9115, subp. 3. In practice, once county auditors have indicated their rosters are finalized in the system, the SVRS generates roster files with the required information for all precincts in the county. (*Id.*) County auditors can download those files from the SVRS. (*Id.*)

County auditors then use those rosters before election day. For elections that include federal, state, or county offices, counties must create a ballot board to administer absentee

voting. Minn. Stat. § 203B.121, subd. 1(a) (Supp. 2025). As part of that responsibility, those county-level officials must update rosters to indicate voters who voted absentee. *Id.*, subd. 3(b). This obligation extends through any absentee ballots received on election day before the polls open. *Id.* Likewise, in jurisdictions with early voting, county officials update rosters to reflect voters who cast votes during the early-voting period. These updates are completed before election-day voting begins. *Id.* § 203B.30, subd. 2(b) (Supp. 2025).

Once these updates are complete, county auditors transmit the updated rosters to election judges for use in polling places. *Id.* § 201.221, subd. 3 (2024). For paper rosters, this requires the county to print a precinct-specific roster for each precinct and then deliver it to the precinct's election judges (or arrange for pickup by the election judges). (Linnell Decl. ¶ 8.) For electronic rosters, counties upload the roster data to a secured server via an encrypted connection. (*Id.* ¶¶ 10, 12) Election judges then download that data to secure polling place devices known as poll books (again, via an encrypted connection). (*Id.*) Electronic rosters can also receive updates throughout the day as additional absentee ballots are processed. (*Id.* ¶ 13). And they can likewise update county officials on people who vote in-person to allow those officials to continue processing absentee ballots while polls are open. (*Id.*)

Once polls open, election judges use rosters to check-in registered voters and register new voters. Minn. Stat. § 204C.10 (Supp. 2025); Minn. R. 8200.9115, subp. 1. For already registered voters, electronic rosters allow election judges to search for voters by name, confirm voters' information, and receive an alert if the voter has already voted or has a challenged registration status. (Linnell Decl. ¶ 13.) For new registrants, electronic

rosters can automatically scan information from the registrant's Minnesota identification card. (*Id.* ¶ 16.) And for both types of voters, election judges also receive alerts if the voter appears to be ineligible to vote in the precinct because they appear to reside in a different precinct or provide information indicating they are ineligible. (*Id.* ¶¶ 14, 16.)

If a polling place uses paper rosters, then election judges find already registered voters on the roster, confirm their information, and check the roster to see if the voter has a challenged registration status. (*Id.* ¶ 14.) For new registrants, the voter must complete a paper voter registration application and write their information in the roster. (*Id.* ¶ 16.) For both roster types, all voters then sign the roster, receive a voter receipt, and proceed to cast their vote. Minn. Stat. § 204C.10(d).

After polls close, precincts must return all rosters to the appropriate county auditor. *Id.* § 204C.27 (2024). County auditors then use the rosters to perform various post-election responsibilities. First, county auditors must use the roster information to “post” the voting history for every person who voted in the election. *Id.* § 201.171 (2024). This entails indicating in the SVRS whether each voter voted. (Linnell Decl. ¶ 15.). Second, auditors must receive and process all election-day voter registration applications. Minn. Stat. § 201.061, subd. 4 (Supp. 2025). Third, county auditors must preserve rosters for twenty-two months after the election. *Id.* § 201.221, subd. 3.

Electronic Rosters

In 2014, the legislature authorized head election officials to use electronic rosters in some or all precincts for any election. 2014 Minn. Laws ch. 288, art. 1, § 1. The legislature left it to the discretion of the head elections officials of counties, municipalities, and school

districts on whether those officials would purchase electronic rosters from vendors and use them. Minn. Stat. § 201.225, subd. 1 (2024).

While electronic rosters come with an investment cost as compared to paper rosters, they also come with a variety of benefits. (*See generally* Linnell Decl. ¶¶ 10-17.) First, as noted above, various statutes require election officials to update rosters through the morning of election day. Electronic rosters can handle those updates in substantially less time than it takes to update paper rosters by hand. (*Id.* ¶¶ 9-10, 13.) They also prevent user errors created by updating the wrong entry of a paper roster. (*Id.* ¶ 10.) Moreover, even after polls open, electronic rosters can receive updates from absentee-ballot records. *Id.* ¶ 13; *see also* Minn. Stat. § 201.225, subd. 2(11) (Supp. 2025) (permitting electronic rosters to have external network connections solely for updating absentee-ballot records). They can also communicate if someone votes in-person. (Linnell Decl. ¶ 13.) This ensures that, if a person already voted in person, an absentee ballot from the person received afterward on election day is not counted. (*Id.* ¶ 13.) Those same checks must still occur for paper rosters, but because such rosters cannot receive remote updates, they must occur after polls close, slowing down absentee processing. (*Id.* ¶ 9.)

Electronic rosters can also significantly increase efficiency within the polling place on election day. Electronic rosters are searchable and can automatically scan information from state identification cards for voter registrations. (*Id.* ¶¶ 14, 16.) And when registering voters, they can immediately capture the voter registration information in a digital format for future processing. (*Id.* ¶ 16.) They also alert election judges if someone is ineligible to vote so election judges cannot accidentally permit that person to vote. (*Id.* ¶ 14.)

Electronic rosters also help counties perform post-election responsibilities more efficiently. Counties use rosters to determine the voting histories they are required to input into the SVRS after each election. *See id.* § 204C.10; *see also* Linnell Decl. ¶ 15. Electronic rosters can automatically generate lists of everyone who voted, rather than having to manually review each page of paper rosters. (Linnell Decl. ¶ 15.) And when electronic rosters are used for polling place registrations, those registrations have fewer data entry errors, the system has ensured that all required fields are completed, and the registrations are already in an electronic format for entry into the SVRS. (*Id.* ¶ 16.) Additionally, electronic rosters require significantly less physical space when storing them for the twenty-two-month post-election period. (*Id.* ¶ 17.)

Procedural Background

This case specifically concerns the type of rosters used for elections that include federal, state, or county offices in Anoka County at precincts staffed by Oak Grove employees. Under the statute governing electronic rosters, a county may use electronic rosters for any election. Minn. Stat. § 201.225, subd. 1. The head elections official in the county may designate that some or all of the precincts in the jurisdiction use electronic rosters. *Id.* After notifying the Secretary of that designation, that designation remains effective for all subsequent elections unless revoked by the county. *Id.*, subd. 6(a) (2024).

Municipalities and school districts may also use electronic rosters for elections that include only municipal or school district offices. *Id.*, subd. 1. As with higher-level elections, for those purely local elections, the head elections official in the municipality or school district may designate that some or all of the precincts in the jurisdiction use

electronic rosters. *Id.* Those designations are similarly effective until revoked. *Id.* Such municipal-only or school district-only elections can occur if a city, town, or school district chooses to have its elections on a different day than federal, state, or county elections. *See* Minn. Stat. §§ 204D.02-.03 (2024) (mandating uniform day for federal, state, and county elections); *id.* §§ 205.07, 205.075, 205A.04, 205A.055 (2024) (permitting cities, towns, and school districts to hold elections at other times).

In 2018, Anoka County notified the Secretary that it intended to use electronic rosters at all precincts in the county. (Linnell Decl. Ex. 1.) This covered all elections for which county officials are the head election officials, including elections in Oak Grove when ballots contain races for federal, state, or county-level offices. Minn. Stat. § 201.225, subd. 1. The county has not rescinded its notice, so all precincts have used electronic rosters in every election since then. (Linnell Decl. ¶ 20.)

Oak Grove has never filed an electronic roster designation for its municipal elections.¹ (*Id.*) In 2026, the city wrote to the Secretary, purporting to revoke any previous notification of the city's intent to use electronic rosters. (Wickham Decl. Ex. 5.) The city also declared that it would use paper rosters for the November 2026 general election, even though that election includes federal, state, and county-level offices. (*Id.*) Because state law vests county auditors with decision-making authority about roster types for such elections, the Secretary explained to Oak Grove that Anoka County had authority to

¹ Oak Grove holds its municipal elections in even years, so it is possible the city has never held a municipal-only election since Anoka County began using electronic rosters. *Notice of Filing for 2026 City General Election*, CITY OF OAK GROVE (June 26, 2026), <https://perma.cc/Z76U-BFND>.

designate electronic rosters, including for precincts within Oak Grove, for the November 2026 general election. (*Id.* Ex. 6.) In response, Oak Grove brought this action.

ARGUMENT

The Court should deny Oak Grove’s petition and reject its attempt to inject disuniformity into Anoka County’s election procedures. Counties run elections that include federal, state, or county-level races, and the plain language of the roster statute, Minn. Stat. § 201.225, vests county officials with the authority to decide whether to use paper or electronic rosters for all precincts in the county for those elections. And even if the statute is ambiguous, this authorization is confirmed by the roster statute’s legislative history, as well as the consequences that would flow from allowing municipalities to override counties’ decisions for elections that counties administer.

A. The Roster Statute’s Plain Language Gives County Election Officials Authority to Choose the Roster Type.

When determining a statute’s meaning, the Court applies its plain language when the statute is unambiguous. *Hagen v. Steven Scott Mgmt., Inc.*, 963 N.W.2d 164, 170 (Minn. 2021). In permitting electronic rosters, section 201.225 provides, in relevant part: “A county, municipality, 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.” Minn. Stat. § 201.225, subd. 1. The plain language of the roster statute vests county officials with exclusive authority to determine the type of rosters to be used for all precincts in their

counties when overseeing federal, state, or county elections. Municipalities within the county cannot overrule that decision.

1. County Auditors Are the Relevant “Head Election Official” When Deciding Whether to Use Electronic Rosters for Statewide General Elections.

When determining a statute’s plain meaning, courts do not interpret it in isolation, instead considering the statute’s structure and interpreting other provisions as a whole. *Hagen*, 963 N.W.2d at 170; *see also Buzzell v. Walz*, 974 N.W.2d 256, 261 (Minn. 2022); *State v. S.A.M.*, 891 N.W.2d 602, 604 (Minn. 2017). Here, the roster statute’s text, related statutes that it must be read in conjunction with, and the structure of Minnesota’s election laws compel the conclusion that counties are the decisionmakers on roster type for federal, state, and county elections. Because county officials are the relevant head election officials for the November 2026 general election, municipalities like Oak Grove lack authority to mandate paper rosters.

Section 201.225’s directives are short and straightforward: a county may use electronic rosters for any election it administers. The statute also establishes that “the head election official” gets to decide whether some, all, or no precincts use electronic rosters. *Id.* For a statewide general election like that occurring in November 2026, the relevant “head elections official” for all precincts within a county is the county auditor. County auditors are responsible for receiving the returns from all precincts in the county for such elections. *Id.* § 204C.27. And once those returns are received, county canvassing board members, all but one of whom are county-level officials, must canvass the returns and

declare the results (or report them to the state canvassing board for state and federal offices). *Id.* §§ 204C.31, subd. 1, 204C.33, subd. 1 (Supp. 2025).

In contrast, municipal and school district officers are the head elections official for elections where the municipality or school district is the highest jurisdiction on the ballot. Such an election can occur if a municipality or school district chooses to hold it on a date other than that of a federal, state, or county election. *See* Minn. Stat. §§ 204D.02-.03, 205.07, 205.075, 205A.04, 205A.055 (setting date for federal, state, and county elections and permitting municipalities and school districts to hold elections on alternate dates). For those elections, municipal and school district officials serve as the canvassing board and declare results. *Id.* §§ 205.185, subd. 3, 205A.10, subd. 3 (2024). As a result, the roster statute's reference to municipal and school district officials deciding whether to use electronic rosters naturally applies to those types of elections.

Other parts of the roster statute confirm that the relevant head election official for federal, state, and county elections is the county auditor. For example, the statute refers to “use” of electronic rosters. Contrary to Oak Grove's arguments, rosters are not used only by election judges on election day. (*E.g.*, Pet'r's Br. 15-16.) Rather, Minnesota law requires county election officials to undertake multiple tasks with rosters before, on, and after election day. For example, in administering absentee voting, county auditors must mark rosters to indicate who voted absentee before giving the rosters to precinct election judges for use on election day. Minn. Stat. § 203B.121, subd. 3(b) (Supp. 2025). After election day, county auditors are the ones required to maintain custody of rosters. *Id.* § 201.221, subd. 3. And using the information from those rosters, county auditors are the ones

responsible for updating the voting history of the people who voted in the election. *Id.* § 201.171. They must also use roster information when processing election-day voter registrations. Minn. R. 8200.9115, subp. 1. These are exclusively county functions and roster uses, giving counties a significant interest in which type of rosters it uses to perform the functions.

The broader structure of Minnesota's election laws also reinforces that the decisionmaker for roster type depends on the type of election being held—not whether a precinct is staffed by municipal employees. Minnesota's election statutes are contained in chapters 200 to 212 of the Minnesota Statutes. Relevant here, chapters 200 to 204C generally establish procedures for all elections (with various exceptions contained in individual sections). Chapters 204D, 205, and 205A then establish requirements for particular types of elections: Chapter 204D addresses elections of state, county, and federal officials. Minn. Stat. § 204D.02, subd. 2. Chapter 205 addresses municipal elections. *Id.* § 205.01, subd. 2 (2024). And chapter 205A addresses school district elections. *Id.* § 205A.01, subd. 2 (2024). These three category distinctions track the three different types of election officials who are given authority to determine roster types in the roster statute. For elections governed by chapter 204D, counties decide; for municipal elections governed by chapter 205, municipalities decide; and for school district elections governed by chapter 205A, school districts decide.

Laws governing the lifecycle of rosters further confirm that counties have decision-making authority regarding roster type for federal, state, and county elections. The Secretary is responsible for providing rosters to county auditors after they mark their voter

lists complete. Minn. R. 8200.9115, subp. 3. That transfer is electronic, subject to modification by agreement between the Secretary and a county auditor. *Id.* In practice, county auditors obtain a digital file of their county’s rosters from the SVRS. (Linnell Decl. ¶ 5.) Counties then provide rosters to each precinct’s election judges for use on election day. Minn. Stat. § 201.221, subd. 3; *see also* Linnell Decl. ¶ 6. And once election day ends, all precincts must return rosters to county auditors, who must then maintain custody of them for twenty-two months. *Id.* §§ 201.221, subd. 3, 204C.27. In other words, it is county officials who manage rosters from their creation, through their distribution, to their retention. This delegation of responsibility makes clear that—for non-municipal and non-school district elections—the county gets to decide whether those rosters will be electronic or not.

Finally, the legislature’s decision to make county auditors responsible for training election judges reinforces that counties have the authority to decide roster types for federal, state, and county elections. County auditors are responsible for training election judges. Minn. Stat. § 204B.25, subd. 1 (Supp. 2025). And counties “may design the courses to meet the election conditions peculiar to the jurisdiction,” and must cover “electronic pollbook training (if used in the jurisdiction).” Minn. R. 8240.1200, .1600, subp. 4(C)(2) (Supp. 2026). This authorization shows that the legislature intended counties to decide whether to use electronic or paper rosters for federal, state, and county elections, because a contrary reading might have auditors training election judges on roster types that the election judges were not using (or receiving no training on the roster type they are using).

2. Oak Grove's Arguments Are Unpersuasive.

Oak Grove makes three arguments to support its claim that the city can decide the roster format for its precincts. None is persuasive. Grasping onto one word in the roster statute, Oak Grove primarily argues that election judges “use” rosters on election day, and—because those judges are city employees—the city determines which type of rosters they use. (Pet’r’s Br. 16.) This argument is untethered from the roster statute’s text identifying who gets to decide roster types for federal, state, and county elections: the head elections official. It also ignores the reality that county auditors also use rosters before and after election day. As described above, counties are responsible for updating rosters when ballots come into absentee ballot boards before election day. Minn. Stat. § 203B.121, subd. 3(b). And counties are responsible for using rosters to compile voting histories, process registrations, and preserve election records. *Id.* §§ 201.171, 201.221, subd. 3.

Oak Grove next argues that other election statutes assign other responsibilities to municipal election officials. (Pet’r’s Br. 16.) What election statutes say about other topics is irrelevant to what those statutes say about rosters. Instead, various election statutes assign different responsibilities to different officers. For example, as discussed above, election laws assign some responsibilities to county officers for federal, state, and county elections, while those same responsibilities are assigned to municipal or school district officers for other elections. And those laws make clear that—for federal, state, and county elections—county auditors are the head elections officials who decide what roster types precincts will use.

Finally, Oak Grove argues that it can decide roster types because it staffs polling places within city limits. (Pet'r's Br. 16.) This employment arrangement is similarly irrelevant. State law, not city policy, dictates election judges' responsibilities in polling places. *See generally* Minn. Stat. §§ 204C.06-.29 (Supp. 2025). Moreover, the training for those employees, including regarding roster usage, is conducted by the county, not the city. *Id.* § 204B.25, subd. 1. County officials also use rosters, and they are not employed by the city. For all these reasons, that municipalities hire *some* of the users of polling place rosters is irrelevant to who gets to decide roster types for federal, state, and county elections.

* * *

The plain language of the roster statute makes county election officials the decisionmakers for rosters used in federal, state, and county elections. Based on that language, the Court should deny Oak Grove's petition.

B. Post-Ambiguity Tools Confirm that County Auditors Decide Roster Type for Federal, State, and County Elections.

The plain language of the roster statute resolves this case. But even if ambiguity exists, other tools of statutory interpretation confirm that county auditors have authority to determine roster types for federal, state, and county elections.

If a statute is ambiguous, the Court may consider the law's legislative history. *Auto Owners Ins. Co. v. Perry*, 749 N.W.2d 324, 328 (Minn. 2008). It may also consider consequences of competing interpretations. Minn. Stat. § 645.16(6) (2024); *City of Circle Pines v. County of Anoka*, 977 N.W.2d 816, 825 (Minn. 2022). Both considerations support county authority over roster type decisions for federal, state, and county elections.

1. The Legislature Presumed Counties Would Decide Which Type of Rosters to Use for Statewide General Elections.

In authorizing electronic rosters, the legislature presumed that counties would be deciding the roster types used for statewide general elections. The house heard testimony that electronic rosters would allow “counties” to do same-day registrations, upload that data after elections, and download pre-registration data to rosters. *Hearing on H.F. 2166 Before H. Comm. on Elections*, 88th Leg., Reg. Session 48:25-:40 (Minn. Mar. 4, 2014) (statement of Beth Fraser, Deputy Minn. Sec’y of State).² The senate likewise heard testimony that, because voter registration is a county activity, the county would buy the electronic rosters and decide which precincts they were placed in. *Hearing on S.F. 1811 Before S. Comm. on Rules & Admin.* 88th Leg., Reg. Session 1:12:10-:15:50 (Minn. Mar. 5, 2014) (statement of Joe Mansky, Ramsey Cnty. Elections Manager).³ A bill author noted the savings that would accrue to *counties* by electronically transmitting roster information. *H. Floor Debate on H.F. 2166*, 88th Leg., Reg. Session 55:35-:55 (Minn. Apr. 25, 2014) (statement of Rep. Carolyn Laine).⁴ And after a conference committee, she reiterated that the jurisdictions responsible for paying for the rosters would be the ones deciding whether to use them. *H. Floor Debate on H.F. 2166*, 88th Leg., Reg. Session 2:16:15-:32 (Minn. May. 14, 2014) (statement of Rep. Carolyn Laine).⁵

² Available at <https://www.lrl.mn.gov/audio/house/2014/elec030414.mp3>.

³ Available at <https://www.lrl.mn.gov/media/file?mtgid=880634>.

⁴ Available at <https://www.house.mn.gov/hjvid/88/880652>.

⁵ Available at <https://www.house.mn.gov/hjvid/88/880694>.

These discussions reflect the legislature's understanding that counties primarily serve as the head election officials and that those who bore the cost of purchasing electronic rosters would get to decide whether to use them. And as discussed above, county auditors bear those costs for federal, state, and county elections. They are, accordingly, also the ones who get to decide whether those electronic rosters are used.

2. County Authority Over Roster Types Makes Sense.

In addition to the statute's legislative history, the practical consequences of the competing interpretations before the Court support the conclusion that counties can determine roster types for federal, state, and county elections. *See, e.g., Circle Pines*, 977 N.W.2d at 825-26 (considering “backdrop of the practical realities in play” in addressing appointment authority). As discussed, counties are the primary users of rosters, using them to perform multiple tasks across each election cycle. Regardless of who may be staffing individual precincts within the county, the roster type can affect how efficiently the county can perform these tasks. These practical realities bolster the county's authority to decide the roster type.

Given counties role in administering elections, counties receive multiple efficiencies from using electronic rosters. Counties must update rosters before polls open on election day to reflect people that voted absentee. Minn. Stat. § 203B.121, subd. 3(b). Using electronic rosters significantly reduces the time to perform this process. (Linnell Decl. ¶¶ 10, 13.) They also allow for more up-to-date information, because the equipment itself can be transferred to election judges earlier, while still allowing rosters to be updated

with absentee ballots. (*Id.*) The same is true of other roster updates, such as if a voter uses early voting or has some other change to their registration status. (*Id.*)

Similar efficiencies exist for post-election activities. After an election, county auditors must create voting histories for every voter, process election-day voter registrations, and preserve election records. Minn. Stat. §§ 201.061, subd. 4, 201.171, 201.221, subd. 3. Electronic rosters allow counties to complete the voting-history and registration tasks more quickly because the information can be electronically copied rather than having to be manually transferred from handwritten records. (Linnell Decl. ¶¶ 15-16.) They also prevent user errors that can accompany hand entry. (*Id.* ¶ 16.) And they reduce space needs for that preservation requirement. (*Id.* ¶ 17.)

Electronic rosters do, however, have a substantial investment cost. (*Id.* ¶ 10.) And barring an alternative agreement between a municipality and a county, that cost is borne by the county. *See* Minn. R. 8200.9115, subp. 3; Minn. Stat. § 201.221, subd. 3 (requiring Secretary to forward rosters to counties and for rosters to then be transported to election judges); *see also* Linnell Decl. ¶ 10. Accordingly, counties must balance that cost against the benefits the rosters provide.

Oak Grove dismisses this balancing, claiming that having electronic rosters in some (or all) precincts in a county presents no substantial practical advantages. (Pet'rs' Br. 18.) It posits that, because county auditors give paper backups to precincts that use electronic rosters, there can somehow be no benefit to using electronic rosters. But cities like Oak Grove are not the only election officials who use rosters, so Oak Grove cannot speak to all the benefits they provide. Moreover, the existence of a backup system does not mean that

the potential benefits for electronic rosters do not exist. While counties can certainly decide that the cost of electronic rosters outweighs their efficiency benefits, those benefits exist. And if a county chooses to purchase electronic rosters, allowing the county to decide which polling places they are used in (including uniformly in all precincts) allows the county to obtain the benefits the county has financed.

CONCLUSION

Counties, not municipalities, have the authority to determine the types of rosters used in precincts for elections involving federal, state, or county offices. The Court should deny Oak Grove's petition.

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Respectfully submitted,

KEITH ELLISON
Attorney General
State of Minnesota

/s/Allen Cook Barr
ANGELA BEHRENS, #0351076
ALLEN COOK BARR, #0399094
Assistant Attorneys General

445 Minnesota Street, Suite 600
St. Paul, MN 55101-2125
(651) 757-1487 (Voice)
(651) 297-1235 (Fax)
angela.behrens@ag.state.mn.us
allen.barr@ag.state.mn.us

ATTORNEYS FOR RESPONDENT
SIMON

#6391489