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**OFFICE OF  
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**NO. A26-0910**

**State of Minnesota  
In Supreme Court**

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 RESPONDENTS TOM HUNT AND PAM LEBLANC**

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## STATEMENT OF THE ISSUE

Minnesota law provides that “a county, municipality, or school district may use electronic rosters for any election.” Minn. Stat. § 201.225, Subd. 1. “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.” *Id.* When a county decides to use electronic rosters and its head elections official designates that all precincts in the county will use those rosters, can an individual city located within that county trump the head election official’s decision by refusing to use electronic rosters?

## INTRODUCTION

The City of Oak Grove asks this Court to re-write Minnesota election law to give each Minnesota city autonomy to implement whatever election procedures it chooses. Current Minnesota election law designates counties as the entities primarily responsible for election matters. Minnesota voters are registered by their county of residence. (Minn. Stat. § 201.021). Voter registration applications and access to the statewide registration system are under the control of county auditors. (Minn. Stat. §§ 201.081, 201.121). County auditors prepare and maintain a current list of registered voters in each precinct in the county. (Minn. Stat. § 201.091). Petitions challenging the eligibility of any voter must be submitted to a county auditor. (Minn. Stat. § 201.195).

The legislature has tasked county auditors with the responsibility to develop a chain of custody plan to be used in all “state, county, municipal, school district, and special district elections held” in a county. (Minn. Stat. § 204B.182). County auditors are responsible for preparing the ballots used on election day in all state, county, municipal, and school district elections. (Minn. Stat. § 204D.11). They are also required by law to “provide training for all election judges who are appointed to serve at any election to be held in the county.” (Minn. Stat. § 204B.25). County auditors must also train all municipal and school district clerks in the county. (*Id.*).

County auditors are required by statute to meet with local election officials to instruct those officials on the procedures that will govern upcoming elections. (Minn. Stat. § 204B.28). County auditors are given the power to remove any election official from any precinct in the county. (Minn. Stat. § 204B.26). It is county auditors and their staff who receive regular training from the secretary of state about election matters. (Minn. Stat. § 204B.27). On election day, “every county auditor must remain at the auditor’s office to receive delivery of the returns, to permit public inspection of the summary statements, and to tabulate the votes until all have been tabulated and the results made known...” (Minn. Stat. § 204C.28). The county auditor’s role is so central to the administration of Minnesota elections that the legislature

requires county auditors to exercise their powers unless they formally delegate them to an entity that formally accepts the delegation. (Minn. Stat. § 201.221).

Given the legislature's reliance on county auditors to administer Minnesota elections, it is no surprise that the legislature has also given county auditors discretion to decide which precincts in their counties will use electronic rosters to check in voters on election day. Minn. Stat. § 201.225 provides that:

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.

Section 201.225 refers to counties, municipalities, and school districts because those are the three Minnesota entities that can administer elections under state law. School districts administer elections for school board and other school-related issues where voters all reside in the school district. Municipalities administer elections for city offices where the voters are drawn solely from city residents. Counties administer elections where voters are drawn from the entire county, such as statewide and federal elections.

Section 201.225 grants the “head elections official” discretion to decide whether “some or all of the precincts use electronic rosters.” Oak Grove asks this Court to find that **only** a city can serve as the head elections official in any Minnesota election, because in Oak Grove's view cities are the entities in

charge of administering elections by virtue of their authority to draw precinct boundaries and hire election judges. That interpretation of Section 201.225 ignores the plain language of Minnesota's election laws, which plainly make counties (not cities) the entities primarily responsible for administering elections in Minnesota. It also ignores the plain language of Section 201.225 itself. If Oak Grove were correct, then that statute's reference to both counties and school districts would be meaningless. If a city retains ultimate control over whether a given precinct will use electronic rosters in every election, then the legislature's explicit grant of that authority to counties and school districts would be rendered illusory. After all, a county cannot "designate that some or all of the precincts use electronic rosters" if every city retains veto power over that decision for precincts located within its borders.

A far more natural interpretation of Section 201.225 is that the legislature meant to give the head elections official for each separate entity (counties, cities, and school districts) the right to make this decision in the elections that they respectively administer. Both school districts and municipalities can choose to schedule their elections in odd or even years. If they schedule those elections in odd years when no statewide races are on the ballot, then the school district and/or municipality can decide whether some or all of their precincts will use electronic rosters. But for statewide elections scheduled in even years, it is the county's head elections official who decides

whether “some or all of the precincts” in the county will use electronic rosters. Minnesota law gives discretion to a county’s head elections official to decide whether electronic rosters will be used in elections where voters are drawn from the county as a whole. This Court should decline Oak Grove’s invitation to re-write Minnesota election law to place cities, rather than counties, at the center of election administration.

### **STATEMENT OF THE CASE AND FACTS**

Anoka County’s head elections official is its Chief Officer, Property Records and Taxation (Pam LeBlanc). (Declaration of Pam LeBlanc, ¶2). The Anoka County Board of Commissioners has passed a resolution giving Ms. LeBlanc the powers of a county auditor. (*Id.*). Anoka County first decided to switch from paper to electronic voter rosters in 2018. (*Id.*, ¶3). By letter dated May 2, 2018, Anoka County notified the Secretary of State that it intended to use electronic rosters in connection with the 2018 state primary and general elections. (*Id.*). Since 2018, every precinct in Anoka County has used electronic rosters in every election, without exception. (*Id.*, ¶4).

Anoka County entered into agreements with its local cities related to the electronic roster equipment that Anoka County purchased in 2018. Anoka County signed its agreement with Oak Grove in June 2018. (LeBlanc Decl., Ex. A). That agreement granted Oak Grove a license to use the electronic roster equipment that Anoka County had purchased. It also required Oak

Grove to store the electronic roster equipment between elections. Electronic rosters were used in Oak Grove's precincts in the 2018 election and have been continuously used in every election since. (*Id.*, ¶5).

Around the same time that Anoka County decided to begin using electronic rosters, the national political discourse began to include what can only be described as conspiracies about the administration of federal, state, and local elections. While in the past Oak Grove had always followed the instructions provided by Anoka County's head elections official, Oak Grove began to take steps to undermine Anoka County's efforts to administer elections. In September 2024, Oak Grove terminated its electronic roster agreement with Anoka County. (LeBlanc Decl., ¶6). Anoka County explained to Oak Grove that terminating that agreement would not change Oak Grove's obligation to use electronic rosters in future elections, but would instead merely transfer possession of the electronic roster equipment to Anoka County instead of Oak Grove. (*Id.*). Nevertheless, Oak Grove insisted that it wished to terminate the parties' agreement.

Shortly after receiving Anoka County's letter, Oak Grove's mayor published a column in the city's newsletter. In that column, the mayor raised the specter of an unspecified election conspiracy in Anoka County:

We have all heard a lot over the past several years about election integrity. It has become a buzz word that is attracting a lot of attention. I have spent several hours talking with an election

integrity group along with county officials. I am not going to say whether the election process was rigged or not, but the one thing nobody can prove is that the strip that is printed out at the end of the night with the results listed is accurate.

(LeBlanc Decl., Ex. B). The Oak Grove city council held a meeting on October 28, 2024. During that meeting, the city council described election judges as “city employees” and proclaimed that “we make the election decisions here.” (LeBlanc Decl., Ex. C). The city council accused Anoka County of “bullying” the city by forcing it to use electronic rosters in statewide elections. (*Id.*). The city council also expressed doubt that Anoka County would actually take any action if the city council directed election judges to ignore the county’s instructions to use electronic rosters. (*Id.*). One city councilmember even taunted Anoka County to “put up or shut up” on that issue. (*Id.*). An election judge attending the city council meeting emailed Anoka County’s elections manager from the audience and warned him that “they are again discussing about not using the poll pads next week on Nov. 5<sup>th</sup>. Please help us out. What are we as election judges going to do?” (*Id.*, Ex. D).

Alarmed by the suggestion that Oak Grove’s elected officials might try to interfere with the orderly administration of the 2024 general election, Anoka County’s elections department sent a memorandum to all head election judges in Anoka County reminding them of their obligation to follow state law and not any contrary instructions they might receive from local officials. (LeBlanc

Decl., Ex. E). That memorandum included guidance that Anoka County had received from the secretary of state on this issue:

Under Minnesota law, the head election official for a county, municipality, or school district that uses electronic rosters may designate that some or all of the precincts may use electronic rosters. Minn. Stat. § 201.225, subd. 1. The head election official for state general elections is the county auditor. Minnesota law makes clear this official is in charge of administering state general elections at the local level. *See* Minn. Stat. § [201.081] (making the county auditor the chief registrar of voters); Minn. Stat. § 204B.27, subd. 5 (stating that county auditors are responsible for training local election officials and election judges); Minn. Stat. § 204D.11 (making the county auditor in charge of developing the state general election ballot).

The reference to the duties of head election officials for municipalities and school district under the electronic roster statute is simply to make clear that officials charged with administering municipal elections under Chapter 205 and school district elections under Chapter 205A have the same authority to determine whether electronic rosters are used in those elections when they are held on different dates from the state general election.

While I understand some have suggested that the principal election officials for counties, municipalities, and school districts each have the independent authority to determine the use of electronic rosters for their precincts, that is an unreasonable interpretation of Section 201.225. Such a result would suggest that county, municipal, and school district officials could issue contradictory orders to precincts in their respective jurisdictions, particularly when state, county, local, and school district races appear on the ballot together.

Section 201.225 makes clear that there is a single head election official for purposes of determining the use of electronic rosters. Because county auditors have supervisory authority over local officials for the state general election, they are considered the head election official for purposes of this statute.

(*Id.*). Anoka County's memorandum also reminded all election judges that Minnesota law imposes legal consequences on those who interfere with the administration of statewide elections. (*Id.*).

Oak Grove's efforts to undermine Anoka County's administration of elections did not stop with electronic rosters. Oak Grove also demanded that Anoka County require its canvassing board to order a post-election review of every precinct in Oak Grove. That review would extend to every race for which there is more than one candidate. (LeBlanc Decl., Ex. F). Selecting specific precincts for review would, of course, violate Minn. Stat. § 206.89, which requires precincts to be drawn by lot for post-election reviews, not hand-selected by the canvassing board. Oak Grove's petition to this Court is just the next step in its years-long campaign to re-write Minnesota election law to give city councils ultimate control over Minnesota elections.

### **ARGUMENT**

Oak Grove's interpretation of Section 201.225 ignores both well-established canons of statutory construction and the practical realities of administering an election under Minnesota law. Oak Grove's entire argument depends on the mistaken belief that the legislature intended to vest cities (rather than counties) with primary responsibility for administering elections. Minnesota's election laws reveal the opposite.

**A. This Court Must Give Effect to All Provisions of Section 201.225 and Must Interpret that Provision in Context with Other Election Statutes.**

Oak Grove’s argument implicates two canons of statutory construction. First, statutes must be read as a whole to give effect to each of their provisions. As recently as June 2026, this Court reminded litigants that “we interpret statutes to ascertain and effectuate the intention of the Legislature. The plain language of the statute is our best guide to the Legislature’s intent and, if the statutory language is clear, we apply the plain meaning of the statute.” *Matter of Groebner*, \_\_\_ N.W.3d \_\_\_, 2026 WL 1579625 at \* 6 (Minn. 2026). Statutory words and phrases must be interpreted “according to their most natural and obvious usage unless it would be inconsistent with the manifest intent of the legislature.” *Id.* at \* 10. Statutory language is not examined in isolation. Instead, all provisions of a given statute must be read and interpreted as a whole. *State v. Riggs*, 865 N.W.2d 679, 682 (Minn. 2015). Minn. Stat. § 645.16 requires that “every law shall be construed, if possible, to give effect to all of its provisions.” Reviewing courts cannot add words to a statute that the legislature either purposely omits or inadvertently overlooks. *State v. Collins*, 24 N.W.3d 693, 701-02 (Minn. Ct. App. 2025).

In addition to giving effect to all provisions of a statute, courts must read a given statute in connection with the terms of related statutes. “It is a cardinal rule of statutory construction that a particular provision of a statute

cannot be read out of context but must be taken together with other related provisions to determine its meaning.” *Kollodge v. F&L Appliances, Inc.*, 80 N.W.2d 62, 64 (Minn. 1956). Courts must interpret each statutory section in light of surrounding sections and give effect to all parts of related provisions. *Am. Fam. Ins. Grp. v. Schroedl*, 616 N.W.2d 273, 277 (Minn. 2000). Courts should adopt “the most logical and practical” construction of a statute. *Nelson’s Office Supply*, 508 N.W.2d 776, 778 (Minn. 1993).

Oak Grove’s construction of Section 201.225 fails both those tests. Oak Grove asks this Court to interpret Section 201.225 to make cities the **only** entities with the power to designate the use of electronic rosters. That interpretation fails to give effect to all provisions of Section 201.225 and also fails to give effect to the other provisions of Minnesota’s election code.

**B. The Legislature Has Designated Counties, Not Cities, as the Entities Responsible for Administering Elections.**

Oak Grove’s interpretation of Section 201.225 depends on its assumption that the legislature has made cities, rather than counties, the basic operating unit for election administration in Minnesota. Oak Grove argues that all elections are held in precincts and city governments are responsible for drawing those precinct boundaries. (Petitioner’s Brief, p. 7). Cities decide the location of polling places and hire the election judges who will work at those polling places. (*Id.*). According to Oak Grove, those responsibilities make cities

the entities that should be able to choose whether electronic rosters are used in an election. But Oak Grove just ignores all the provisions of Minnesota law that make counties, not cities, the entities responsible for actually administering elections in Minnesota.

Chapter 201 makes it clear that counties are responsible for virtually every aspect of election administration. Section 201.016 requires the county auditor to mail a violation notice to any voter who votes in an incorrect precinct. Section 201.021 makes the county auditor the “chief registrar of voters and the chief custodian of the official registration records in each county.” The statewide voter registration system itself is based on registration by county of residence, not city of residence. *Id.* Section 201.022 requires the secretary of state to maintain a statewide voter registration system and requires that “the system must be accessible to the county auditor of each county in the state.” An individual registering to vote does so with the county auditor or the secretary of state, not with a city official. Minn. Stat. § 201.061.

If a voter wishes to update his or her voter registration, the county auditor is the person responsible for updating the record in the statewide voter registration system. Minn. Stat. § 271.071. Terminals providing access to the statewide system “must be under the control of the county auditor...” Minn. Stat. § 201.081. “Each county auditor shall prepare and maintain a current list of registered voters in each precinct in the county which is known as the

master list.” Minn. Stat. § 201.091. Whenever precinct boundaries change, it is the county auditor’s responsibility to update the voter records for that precinct. Minn. Stat. § 201.11. County auditors are responsible for changing a voter’s status to “inactive” if mail confirmation postcards are returned as undeliverable. Minn. Stat. § 201.12. It is county auditors who enter voter information into the statewide voter registration system. Minn. Stat. § 201.121.

If a voter dies, the county auditor makes that change in the statewide voter registration system. Minn. Stat. § 201.13. If a voter’s name is legally changed, the county auditor makes that revision in the statewide system too. Minn. Stat. § 201.14. The same is true for individuals whose voting status is affected by court order. Minn. Stat. § 201.145. Whenever an individual is automatically added to the voter rolls, the county auditor must mail that voter a notice providing an opportunity to decline registration. Minn. Stat. § 201.161. Voters who wish to challenge the eligibility of any other voter may do so upon petition filed with the county auditor. Minn. Stat. § 201.195. The legislature has chosen county auditors as the individuals responsible for reporting violations of election law to the county attorney. Minn. Stat. § 201.27.

Because county auditors are the officials that the legislature has designated to administer elections, those auditors may only delegate their responsibilities under specific conditions:

The county auditor of each county may adopt rules that delegate to the secretary of state or municipal officials in that county the duties assigned to county auditors by this chapter. Delegation of duties to the secretary of state requires the approval of the secretary of state. Delegation to a municipal official requires the approval of the governing body of the municipality. Delegation by the county auditor of the duty to accept registrations does not relieve the county auditor of the duty to accept registrations. Each delegation agreement must include a plan to allocate the costs of the duties to be delegated.

Minn. Stat. § 201.221, subd. 4. The legislature has required the secretary of state to prepare a state elections emergency plan. Minn. Stat. § 204B.181. That same statute requires each county to develop its own emergency plan “to be made available for use in all state, county, municipal, and school district elections held in that county.” *Id.* Cities may create their own emergency plans, but a city’s plan must meet “the requirements of the county elections emergency plan.” *Id.* It also falls on the county auditor to create a “county elections chain of custody plan to be used in all state, county, municipal, school district, and special district elections held in that county.” Minn. Stat. § 204B.182.

It is true that cities hire the election judges who work in polling places, but that is the extent of the role they play in the election judge process. By

statute, it is county auditors who are responsible for training election judges about how to administer an election. Minn. Stat. § 204B.25. County auditors are also responsible for training municipal and school district clerks. In fact, “no election official may administer an election without receiving training from the county auditor.” *Id.* While cities hire election judges, the legislature has specifically given county auditors the power to fire any judge who refuses to follow the training that the county auditor provides. According to Minn. Stat. § 204B.26:

A **county auditor** or municipal clerk may remove any precinct election official at any time if the official engages in a neglect of duty, malfeasance, misconduct in office, or for other cause. Any individual who serves as an election judge in violation of any of the provisions of sections [204B.19](#) to [204B.25](#), is guilty of a misdemeanor.

(Emphasis added). Pursuant to Minn. Stat. § 204B.27, before every state election the secretary of state must “transmit to each county auditor examples of any blank forms to be used as the secretary of state deems necessary for the conduct of the election.” The secretary of state must also train county auditors (not city clerks) prior to each election. *See id.* (“Before each state primary the secretary of state shall conduct conferences with county auditors to instruct them on the administration of election laws and the training of local election officials and election judges”). The secretary of state must develop a training program for county auditors and provide them with materials for those

auditors' use in training local election officials. *Id.* Under Minn. Stat. § 204B.28, “each county auditor shall conduct a meeting or otherwise communicate with local election officials to review the procedures for the election.” The county auditor must also prepare all the election materials necessary for an upcoming election. *Id.*

With respect to the electronic rosters themselves, Minn. Rule 8200.9115 provides that the secretary of state must prepare those rosters. “The rosters provided by the secretary of state must be forwarded to the county auditors in an electronic format specified by the secretary of state.” There is no provision in Minnesota law for rosters to be provided by the state directly to municipalities. Providing those rosters to municipalities for use on election day is another function performed by the county auditor.

When an election is over, it is the county auditor who bears responsibility for reporting the election's results. According to Section 204C.28, city clerks must remain at the clerk's office to receive delivery of returns, but that is their only obligation. County auditors, by contrast, “must remain at the auditor's office to receive delivery of the returns, to permit public inspection of the summary statements, and to tabulate the votes until all have been tabulated and the results made known...” *Id.*

Cities draw precinct boundaries and hire election judges. Once those administrative tasks are completed, however, cities play only a limited role in

the rest of the elections process. Instead, the legislature has designated county auditors as the individuals responsible for doing virtually everything else necessary to administer elections in Minnesota. County auditors are responsible for maintaining the roster of eligible voters, preparing all the printed materials necessary to hold an election, training the election judges who will oversee that election, and processing the results of that election. In a statewide election, there is simply little role for cities to play once voting gets underway. The legislature has entrusted to county auditors the responsibility for every substantive task necessary to actually administer an election in Minnesota.

**C. The “Head Elections Official” in Section 201.225 is the County Auditor.**

Applying well-established rules of statutory construction and basic common sense, it is apparent that the “head elections official” described in Section 201.225 is the county auditor. In relevant part, that statute provides:

**Subdivision 1. Authority.**

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. An electronic roster must comply with all of the requirements of this section. An electronic roster must include information required in section [201.221](#), subdivision 3, and any rules adopted pursuant to that section.

Starting with common sense, it is the county auditor who receives the official voter roster from the secretary of state. The county auditor is required by statute to maintain that roster and adjust it as necessary to add or subtract voters. The county auditor is also responsible for preparing all materials to be used during a statewide election and delivering those materials to local cities for distribution to individual polling places. It is also the county auditor who trains all election judges on the procedures that they must follow on election day. That training specifically includes instruction on how to use the voter roster to check in voters at the polling place.

It certainly does not make intuitive sense that the legislature would give county auditors responsibility over all those election-day functions yet deprive them of the right to decide whether paper or electronic voter rosters should be used in a given precinct. The legislature has delegated to county auditors the responsibility to maintain the voter roster and train election judges on how to use it. Cities play no role in either of those processes. Why should a city be given final authority to decide whether the voter roster will be paper or electronic in a statewide election?

Oak Grove argues that the answer to that question is because cities hire the election judges. (Petitioner's Brief, pp. 7-8). As Oak Grove puts it, because election judges are supposedly the only individuals who "use" the voter roster on election day and those judges are "city employees," then the city should be

allowed to dictate how those employees perform their duties. (Petitioner's Brief, pp. 15-16). But it makes no difference who hires the election judges that work at a polling place. Just because a city hires an election judge does not mean that the city can require that election judge to follow an idiosyncratic set of procedures on election day. If a city believed that a polling place should close early it could not demand that its hired election judges ignore state law about voting hours. A city could not require its hired election judges to demand proof of citizenship before allowing registered voters to vote. Nor could it demand that its judges require photo identification from voters or exclude voters with a felony conviction because the city disagrees with the legislature's recent decision to re-enfranchise those voters. That is why the legislature tasked county auditors, not cities, with training election judges. Hiring election judges is a purely ministerial act that has nothing to do with actual election-day administration.

If Oak Grove's interpretation of Minnesota election law were correct, then it would be cities, not counties, who are ultimately responsible for administering all aspects of running an election. If hiring election judges is all it takes to gain control over the entire elections process because a city can instruct its hired employees to follow any election procedures it prefers, then any city could run its own idiosyncratic election within its borders. If Oak Grove wants its polls to close at noon, it can order its hired employees to lock

the doors. If Oak Grove wants to require voters to show passports, then it can tell its election judges they will be fired if they don't comply. It would certainly be a novel interpretation of Minnesota election law to find that the entity who hires election judges thereby gains the right to run an election according to any set of rules it chooses.

Not only would such a finding defy common sense, it would run directly counter to this Court's oft-repeated guidance about how to interpret statutes. Section 201.225 does not stand in isolation, but is part of Minnesota's larger set of election laws. Reading all those laws together shows that the legislature intended counties (not cities) to be the basic unit at which Minnesota elections are conducted. All the tasks necessary to run an election have been delegated to county auditors, not city clerks. It would be anomalous to read Section 201.225 as departing from that general rule and instead vesting city clerks with responsibility for deciding whether to use electronic or paper rosters. That would be an oddly specific power to grant city clerks, who otherwise play only a limited role in statewide elections.

Oak Grove's interpretation would also violate this Court's oft-repeated maxim that the goal of statutory interpretation is to "give effect to all of the statute's provisions; no word, phrase, or sentence should be deemed superfluous, void, or insignificant." *Allan v. R.D. Offutt Co.*, 869 N.W.2d 31, 33 (Minn. 2015). Oak Grove's interpretation of Section 201.225 would read

counties out of the statute entirely. Section 201.225 provides that “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.” (Emphasis added). The statute has two separate elements. First, a county, municipality, or school district may choose to use electronic rosters. Second, those same entities (through their head elections official) may designate that electronic rosters be used in “some **or all** of the precincts.” Oak Grove’s interpretation of the statute deprives counties of both those powers.

Oak Grove believes that cities are the only entities who can decide whether to use electronic rosters because they draw the precinct boundaries and hire election judges. If that were true, then there is never a situation in which a county (or a school district for that matter) could exercise the power granted by Section 201.225. The statute provides that electronic rosters may be used for “any” election and, if those rosters are selected, they can be designated for use in “all” precincts. Under Oak Grove’s interpretation, however, cities hold veto power over both counties and school districts. The present case shows exactly how that issue would play out. Anoka County has decided to use electronic rosters for the statewide 2026 election. Anoka County has designated that all precincts in the county will use electronic rosters. But Oak Grove is refusing to abide by that direction, instead taking the position

that it can decide to use paper rosters in the precincts located within its city limits. Oak Grove's interpretation reads both counties and school districts out of the statute entirely. A county cannot designate electronic rosters for use in "all" its precincts if a city can just override that choice.

Oak Grove complains that the County's interpretation of Section 201.225 means that it "can **never** choose the voter-roster format unless [it] hold[s] elections for city offices in odd-numbered years, separate from federal, state, and county elections." (Petitioner's Brief, p. 15). But that is **exactly** what the legislature intended when it enacted this statute. Oak Grove has explained precisely how the statute is supposed to work. There is a reason why Section 201.225 starts with the largest unit of government (counties) and works its way down to the smallest (school districts). Counties, cities, and school districts each have a head elections official, and those officials can decide whether or not to use electronic rosters in their own respective elections. That is why the statute speaks in terms of "all" precincts. A school district, city, or county's head elections official can choose to use electronic rosters in all precincts that make up that government unit.

If a school district chooses to hold its elections in a year in which there are no city or statewide issues on the ballot, then the school district can decide for itself whether to use electronic rosters in some or all of its precincts. A city can do the same. If Oak Grove wants to use paper rosters in some or all of its

precincts during city elections where there are no state offices on the ballot, then it can do so. In a statewide election where state and/or county offices are on the ballot, however, it is the county who gets to make that decision. That is the only interpretation of Section 201.225 that gives effect to each of its provisions.

Oak Grove's interpretation would lead to electoral chaos whenever counties, cities, and school districts disagree about whether to use electronic rosters. Imagine a scenario where there are only city and school district races on the ballot. If the school district wants to use electronic rosters and the city does not, Oak Grove would presumably agree that the city's decision controls because it is entitled to make that decision in "some or all" precincts. That same logic applies to counties. If a city and/or school district disagrees with a county's decision in a statewide election, then the county's head elections official controls because that is the only way to give effect to the legislature's "some or all of the precincts" language.

Oak Grove's reference to Section 206.58 does not change that result. To the contrary, Section 206.58 reinforces this point. That statute allows municipalities to experiment with the use of an electronic voting system in one or more precincts. If the municipality decides to adopt that system permanently, it must obtain the county auditor's permission. Subd. 1. But

regardless of what a municipality decides to do, a county can decide to adopt an electronic voting system in all precincts located within the county:

Subd. 3.**Counties.**

(a) The governing body of a county may provide for the use of an electronic voting system in one or more precincts of the county at all elections. Once a county has adopted the use of an electronic voting system in one or more precincts, the county must continue to use an electronic voting system for state elections in those precincts. The governing body of the municipality must give approval before an electronic voting system may be adopted or used in the municipality under the authority of this section.

Just like in Section 201.225, the legislature has given cities authority to make a decision but provided that the county's contrary decision will control. These two statutory provisions are not in conflict and are both consistent with the legislature's decision to make counties the essential operating units for administering Minnesota elections.

The only way to give effect to all the provisions of Section 201.225 is to define the term "head elections official" in relation to the voters who will vote in a given election. In a school-district election, voters are drawn strictly from a population who lives within the district. If a school district has an issue on the ballot without any other issues, then the school district's head elections official can decide whether to use paper or electronic rosters. If a school district has an issue on the ballot in the same year when a city has a citywide election, then the voters in that election are drawn from residents of the city as a whole.

Because voters come from an area larger than just the school district, then the city's head elections official would get to make the roster decision.

If a school district and/or a city has an election at the same time as an election in which voters are drawn from an entire county (as in a countywide, statewide, or national election), then it is the county's head elections official who gets to decide whether electronic rosters will be used in some or all of the county's precincts. Oak Grove complains that the answer to this question should not depend on "which jurisdictions have offices to be filled at the election." (Petitioner's Brief, p. 15). But Oak Grove misunderstands the determining factor. It is not the "offices to be filled" that decide this issue; it is the pool of voters eligible to vote in the election. If the voter pool consists of school district residents, then the school district's head elections official gets to decide. If voters are drawn from an entire city, then a city's decision controls. But if voters come from the entire county, it is the county's head elections official who chooses electronic or paper rosters. That is the only interpretation of Section 201.225 that gives effect to all its provisions and make sense when read in conjunction with the rest of Minnesota's election laws.<sup>1</sup>

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<sup>1</sup> It bears noting that Oak Grove's own city attorney warned the Oak Grove city council back in 2024 that its interpretation of Section 201.225 was not supported by either the statutory language itself or the other provisions of Minnesota election law. (LeBlanc Decl., Ex. C, beginning at the 18:20 mark). Oak Grove has known for years that the position it takes in this petition is not consistent with existing Minnesota law.

**D. Oak Grove's Interpretation Would Have Real-World Negative Consequences for Election Administration.**

Oak Grove's petition presents far more than just an abstract legal question. Taking the decision about whether to use electronic rosters away from county officials and giving it to city officials instead would cause real-world problems for the individuals tasked by the legislature with administering Minnesota's elections. Before each election, Anoka County schedules training sessions for all election judges who will work during that election. (LeBlanc Decl., ¶12). Those training sessions are extensive, giving election judges a wide variety of information that they need to administer their polling places on election day. (*Id.*). Election judge training is not precinct-specific. (*Id.*, ¶13). Rather, election judges from multiple precincts gather together to learn the rules and procedures that they must follow. (*Id.*).

Training election judges about two different procedures to accomplish a task as fundamental as properly checking in voters is likely to lead to confusion among election judges. (LeBlanc Decl., ¶14). The goal of election judge training is uniformity. (*Id.*). Anoka County trains its election judges to administer elections according to a detailed set of procedures that apply equally to every precinct in the county. (*Id.*). Anoka County has 128 precincts, only 4 of which are located in Oak Grove. (*Id.*, ¶15). Even if Oak Grove prevails in this case, Anoka County will continue to use electronic rosters in its other

124 precincts. (*Id.*). Training election judges on both procedures so they are ready in case they wind up working in an Oak Grove precinct will introduce an unnecessary element of confusion into the training process. (*Id.*, ¶16). Election judges who are trained to use both paper and electronic rosters are far more likely to mistakenly use a roster not designated for use at their particular precinct. (*Id.*, ¶14).

That problem would only be exacerbated, of course, if other cities followed Oak Grove's lead. If Oak Grove prevails here, then other Anoka County cities might also decide to use paper rosters in an election. Each election cycle, Anoka County would need to ascertain how many cities planned to use paper rosters and how many precincts within those cities would use paper rosters. Anoka County would then need to deal with a predictable flood of questions from confused election judges on election day as they try to navigate a system where two different procedures are being used simultaneously in different precincts within the county.

Using two different systems in the same county also creates confusion for voters. Voters expect to experience the same polling place conditions as other voters in the county. (LeBlanc Decl., ¶16). A voter who votes in Oak Grove should have the same polling place experience as one who votes in Blaine, Coon Rapids, or Anoka. (*Id.*). Anoka County's Auditor routinely receives feedback from voters during and after elections. (*Id.*). That feedback

frequently focuses on perceived discrepancies between the voting experience of different individuals. (*Id.*). Allowing some precincts in Anoka County to use paper rosters while the vast majority use electronic rosters increases voter confusion and sows distrust in the entire elections process. (*Id.*).

And there is absolutely no benefit to introducing this chaos into the election system. Anoka County has used electronic rosters in all its precincts since 2018. (LeBlanc Decl., ¶17). During the eight years that Anoka County has exclusively used electronic rosters, Anoka County has seen marked improvements in the election-day experience. (*Id.*, ¶¶17-18). With a paper roster, when a voter checks in that voter can see whether any other individual whose last name appears in proximity to the voter's last name has already checked in to vote. (*Id.*). With an electronic roster, a voter sees only his or her own information, not the private information of other voters. (*Id.*). Allowing voters to see whether other individuals have voted invites the possibility that voters might try to contact those individuals, either to ask whom they voted for or, if they have not voted, to encourage them to do so.

Paper rosters also introduce a more nefarious possibility. An individual who sees that another individual has not yet voted could cast his or her own ballot then return to the polling place at a later time and claim to be that different individual. An individual could also cast an absentee ballot then show up to vote in person before that absentee vote could be noted on the paper

roster. When Anoka County previously used paper rosters, it would periodically call out to polling places on election day to update the list of voters who had submitted an absentee ballot as the County received those ballots throughout election day. (LeBlanc Decl., ¶¶18-19). With an electronic roster, those changes can be made instantly. (*Id.*). As soon as the County receives an absentee ballot, it makes a change in the electronic roster that is instantly visible on a voter's electronic record. (*Id.*). The decision to use electronic rosters was not made for mere aesthetics—electronic rosters make elections safer, more private, more secure, and more efficient. (*Id.*).

Electronic rosters also reduce the administrative tasks that county election officials must perform. (LeBlanc Decl., ¶19). When Anoka County used exclusively paper rosters, it would begin printing the rosters two weeks before the election. (*Id.*). The paper rosters for the entire county would run to thousands of pages. (*Id.*). Those paper rosters were then sorted by precinct, put into binders alphabetically by last name, and placed in bins for cities to pick up approximately a week before the election. (*Id.*). Because the rosters needed to be printed early, Anoka County would receive a substantial number of absentee ballots before election day arrived. (*Id.*). For every absentee ballot, county elections staff would need to find that voter's name and hand-stamp a notation indicating that the voter had voted by absentee ballot. (*Id.*). When Anoka County last used paper rosters in 2016, it received approximately

38,000 absentee ballots. (*Id.*, ¶20). In the November 2024 election, Anoka County received approximately 85,000 absentee ballots, with approximately 49,000 arriving in the last ten days before the election. (*Id.*). Hand stamping tens of thousands of entries dramatically increases the risk of error and consumes an inordinate amount of election staff time during a very busy period. (*Id.*).

There are additional efficiencies after the election as well. Counties have only six weeks after an election to update voter history for everyone who voted in an election. Counties must also process all election-day registrations. (LeBlanc Decl., ¶21). In 2024, Anoka County had approximately 211,000 individuals vote. (*Id.*). Approximately 18,000 of those voters registered on election day. (*Id.*). If those entries are all recorded on paper, the process of entering voter history and processing registration must all be done by hand. (*Id.*). With an electronic roster, that work can be accomplished in a fraction of the time using far fewer county staff hours with less potential for human error. (*Id.*). Anoka County's best estimate is that it would cost upwards of \$150,000 in excess costs per statewide election to use paper rosters instead of electronic ones. (*Id.*).

That is why so many larger Minnesota counties have decided to use electronic rosters. Anoka County is not aware of a single other metro county that uses paper rosters instead of electronic ones. (LeBlanc Decl., ¶22).

Electronic rosters have been the standard in Minnesota for several election cycles. (*Id.*). Allowing cities to opt out of that system and go back to paper rosters would represent a serious step back in terms of managing free and fair elections. (*Id.*).

## CONCLUSION

Oak Grove asks this Court to re-write, rather than interpret, Minnesota law. Oak Grove postulates an entirely different election system than the one chosen by the legislature. Oak Grove's preferred system would give cities ultimate control over how elections are administered simply because cities draw precinct boundaries and hire election judges. That might be one possible way to run elections, but it is plainly not the route selected by the legislature.

The legislature has made counties the essential government units for administering elections. Counties are responsible for all aspects of election administration, from preparing the materials used in polling places to training the election judges about the procedures to be followed on election day. Cities play no role in those functions. Oak Grove's interpretation of Section 201.225 flies in the face of the many, many statutes that give control over elections to county auditors. It also ignores the plain language of Section 201.225 itself, depriving counties of the ability to designate the use of electronic rosters in "all" its precincts. But even more fundamentally, Oak Grove's interpretation just does not make sense. The legislature has created a system where the

secretary of state provides county auditors with the official voter roster before each election. County auditors are then responsible for maintaining and revising that roster as needed before they send the roster to individual polling places for use during an election. It makes no sense that the legislature would give cities the right to decide whether that roster should be used in paper or electronic form when it is counties who receive the official roster, maintain it, train the individuals who will use it, then physically deliver it to the precincts. Whether this Court looks to the language of Section 201.225 itself, the entire set of statutes that govern election administration, or plain common sense, Oak Grove's petition should be denied.

Respectfully submitted,

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Dated: July 22, 2026

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### **CERTIFICATE OF COMPLIANCE**

I hereby certify that this document conforms to the requirements of Minn. R. Civ. App. P. 132.01, is produced with a proportional 13-point font with 13-point major headings, and the length of this document is 7,830 words, including all footnotes and headings, and excluding the cover, table of contents, table of authorities, signature block, and certificates. This Brief was prepared using Microsoft Word 365.

Dated: July 22, 2026

/s/ Jason J. Stover

Jason J. Stover

### **CERTIFICATE OF ELECTRONIC SERVICE**

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.

Dated: July 22, 2026

/s/ Jason J. Stover

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