

STATE OF MINNESOTA

IN SUPREME COURT

A26-0910

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 Official of Anoka County Property
Records and Taxation,

Respondent.

PER CURIAM.

O R D E R

Petitioner City of Oak Grove filed a petition under Minn. Stat. § 204B.44 (Supp. 2025)¹ against the Secretary of State and Anoka County election officials asking this

¹ All statutory citations in this order are to the statutes currently in effect at the time of this order. To the extent a statute has been amended since the most recent printed

court to order that the City, and not the County, has the authority under Minn. Stat. § 201.225 to decide to use paper voting rosters, rather than electronic rosters, at the upcoming 2026 state general election at precincts within the City’s boundaries.² Under the Minnesota Election Law, a “ ‘Polling place roster’ or ‘roster’ refers to a roster in (1) printed format; or (2) electronic format as permitted by section 201.225.” Minn. Stat. § 200.02, subd. 25. A polling place roster is an official list of registered voters used at polling locations for multiple purposes, including identifying eligible voters, preventing duplicate voting, and providing a record of voter participation at the polls. The use of polling place rosters at the polling place is set forth in Minn. Stat. § 204C.10 (Supp. 2025).³ Authorization for use of electronic rosters is set forth in Minn. Stat. § 201.225 (Supp. 2025). The parties’ dispute here focuses upon the first two sentences of section 201.225, subdivision 1. The first sentence provides that “[a] county, municipality, or school district may use electronic rosters for any election.” *Id.* The second provides

version of Minnesota Statutes in 2024, a reference has been included the first time that statute is cited.

² Petitioner also requested relief in the form of an order “prohibiting Anoka County from ordering any City officials or personnel to disobey the directions of the City Council or City staff on this matter, or from prosecuting or threaten[ing] to prosecute any City officials or personnel for doing so.” This request is beyond the scope of a petition filed under section 204B.44, so we do not address it here.

³ “An individual seeking to vote shall sign a polling place roster or voter signature certificate” which certifies certain information. Minn. Stat. § 204C.10(a). “A judge may, before the applicant signs the roster or voter signature certificate, confirm the applicant’s name, address, and date of birth.” Minn. Stat. § 204C.10(c). “After the applicant signs the roster or voter signature certificate, the judge shall give the applicant a voter’s receipt,” which the voter then delivers “to the judge in charge of ballots as proof of the voter’s right to vote, and thereupon the judge shall hand to the voter the ballot.” Minn. Stat. § 204C.10(d).

that “[i]n 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.

All parties have represented that there are no material facts in dispute. The City of Oak Grove is a statutory city located in Anoka County, Minnesota. Around 2018, the City entered into a contract with Anoka County for the use of an electronic voter roster system at precincts within Oak Grove. That same year, Anoka County submitted a notice of intent to use electronic rosters to the Secretary of State, which identified “Anoka County” as the jurisdiction and “August 14, 2018” as the date of the upcoming election for which electronic rosters were intended to be used. The notice also included a checked box indicating that all precincts in the jurisdiction would be using electronic rosters.

The City has since sought to return to paper rosters. In September 2024, the City Council passed Resolution 24-101, which “terminat[ed its] agreement with Anoka [County] for use of the electronic roster system” and “g[ave] notice of intent to return to use of paper poll books.” The County responded in October 2024 by acknowledging the termination but stating that “[t]he head elections official for Anoka County has designated that **all** precincts in Anoka County shall use electronic rosters” for the 2024 general election, and informing the City that despite the termination of the agreement, “each precinct in Oak Grove will continue to use electronic rosters during the upcoming election.” (emphasis in original).

Following the 2024 general election, on February 24, 2025, the City of Oak Grove enacted Resolution 2025-032, which (1) directed city staff to engage with Anoka County,

the Secretary of State, and “any other governmental entity to provide for the discontinuation of electronic rosters at city precincts;” (2) directed and authorized staff to negotiate any agreement “between the City and Anoka County to discontinue the use of electronic poll rosters at city precincts;” and (3) authorized staff “to take all other actions reasonably necessary to accomplish the goals of this resolution, including, but not limited to providing notice pursuant to Minnesota Statutes, section 201.225.” On April 1, 2026, the City Administrator for Oak Grove sent the Secretary of State a letter stating that “[p]ursuant to Minnesota Statutes section 201.225, subd. 6, the City of Oak Grove hereby revokes any previous notification provided to your Office of the City’s intent to use electronic rosters at an upcoming election.” The letter also stated that the revocation was “with respect to any or all precincts within the City’s boundaries. All precincts within the City of Oak Grove will use paper rosters for the November 2026 elections, and for all subsequent elections.”

The Secretary of State’s office responded to the City’s letter the following month. The response stated, “[u]nder Minnesota law, the head election official for a county, municipality, or school district that uses electronic rosters may designate that some or all precincts may use electronic rosters,” citing to Minn. Stat. § 201.225, subd. 1. However, the Secretary of State also stated that “the head election official with this authority varies depending on the type of election.” According to the letter, “[w]hen a municipal election is held with no higher-level offices or questions that appear on the ballot, the municipal clerk is the head election official,” such that, “[u]nder these circumstances, the City of Oak Grove would have the authority to choose to use paper rosters or electronic rosters to

administer its municipal elections under Chapter 205.” But the Secretary of State took the position that “when there are concurrent elections for county, state, or federal offices, such as for the 2026 state primary and state general election, Minnesota law makes clear that the county auditor is the head election official, including for purposes of determining the use of electronic rosters pursuant to Minn. Stat. § 201.225, subd. 1.” Thus, according to the Secretary of State, for the upcoming November 2026 general election, “the Anoka County Auditor is considered the head election official for determining the form of roster for those elections,” and thus the County Auditor “has the authority to determine whether to use paper or electronic rosters for these elections throughout the county.”

This section 204B.44 petition followed, raising the question of whether it is the City of Oak Grove or Anoka County officials that determine whether electronic or paper voter rosters are used at precincts within the City’s boundaries for the upcoming general election.

All parties agree that Minn. Stat. § 201.225, governing electronic rosters, is dispositive as to this petition. All parties also agree that under section 201.225, a municipality that schedules its municipal elections in odd years when no federal, state, or county races are on the ballot can decide whether some or all of the precincts within the municipality will use electronic rosters. The key disagreement is how section 201.225 operates when, as here, there is a general election that also includes state, federal, and county offices. *See* Minn. Stat § 204D.02 (establishing when “state and county officers, justices of the supreme court, judges of the court of appeals and district court, state senators and state representatives, and senators and representatives in Congress” are

elected). All parties point to the plain text of subdivision 1 of section 201.225, along with surrounding Minnesota Election Law, as providing the answer to that question.

Subdivision 1 provides as follows:

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 City points to the first sentence, arguing that it is the municipality that “use[s] electronic rosters” in precincts within the municipality, including for even-year elections and, thus, the City gets to determine whether such rosters are used for precincts within its boundaries. Respondents focus upon the second sentence of subdivision 1 and maintain that in an election with state, federal, and county races on the ballot, it is the county auditor who is the head elections official and thus decides whether electronic or paper rosters are used for all precincts within the county.

We conclude that respondents’ interpretation is unreasonable under the plain language of section 201.225. Respondents’ interpretation effectively adds qualifying language into the statute such that a city or school district official is only the “head elections official” if a city or school district chooses to hold its local elections in an odd-numbered year when other elections are not on the ballot. But we observe that Minnesota Statutes chapter 205A, governing school district elections, shows how the Legislature expressly states its intent to create exceptions to general polling place procedures. That chapter provides that “[i]f an election other than the school district election is being held in any part of a precinct, all the voters of the precinct must vote at the polling place

designated for the precinct as provided in section 204B.14.” Minn. Stat. § 205A.11, subd. 1 (emphasis added). And in contrast, “[w]hen no other election is being held in a school district, the school board may designate combined polling places at which the voters in those precincts may vote in the school district election.”⁴ *Id.*, subd. 2, *as amended by*, Act of May 18, 2026, ch. 102, § 11 (emphasis added). In other words, the language of the school district election chapter shows that the Legislature knew how to create the election-specific carve outs and qualifiers that respondents argue exist—unsaid—as to both school districts and municipalities in the second sentence of Minn. Stat. § 201.225, subd. 1. And because section 201.225 states that “[u]nless otherwise provided, the provisions of the Minnesota Election Law apply to the use of electronic rosters,” Minn. Stat. § 201.225, subd. 3, the qualifying language in the chapter regarding school district elections limits a school district’s authority to designate the use of paper or electronic rosters to school district elections when no other election is also being held.

Critically, however, none of the same qualifiers about “[i]f an election other than the school district election,” or “[w]hen no other election is being held in a school district,” exist in the chapter for municipal elections. *See* Minn. Stat. ch. 205; *see also id.* § 205A.11, subds. 1–2. Instead, even in an election with state and federal offices on the ballot, municipalities have a role. “The governing body of each municipality shall establish the boundaries of the election precincts in the municipality,” and “[t]he governing body of a county shall establish the boundaries of precincts in unorganized

⁴ For such combined polling places, “[t]he secretary of state [must] provide a single polling place roster.” *Id.*, subd. 3.

territory in the county.” Minn. Stat. § 204B.14, subd. 1. And the same municipality and county breakdown also exists as to the designation of polling places, Minn. Stat. § 204B.16, subd. 1, and as to the appointment and compensation of election judges, Minn. Stat. §§ 204B.21, subd. 2, 204B.31, subd. 1(b). In other words, the Minnesota Election Law, consistent with the City’s position, does nothing to qualify a municipality’s ability to choose whether to use electronic or paper rosters for any election, or to explicitly limit a city’s role solely to elections in which only municipal offices or municipal questions are on the ballot. Respondents’ position that the Legislature implicitly intended to so limit municipalities is contrary to the Legislature’s clear understanding of how to state that limitation, as it expressly did for school districts.

In holding that this is the plain meaning of section 201.225, we express no view on any of the policy arguments raised by the parties or by amicus curiae League of Women Voters Minnesota. *See Svihel Vegetable Farm, Inc. v. Dep’t of Employment and Economic Development*, 929 N.W.2d 391, 394 n.4 (Minn. 2019) (stating that “[b]ecause we conclude that the provisions are not ambiguous as applied here, we do not address the parties’ policy or legislative-history arguments”). We simply hold that the Legislature *could* have limited a city’s authority to use electronic or paper rosters in the same manner as all parties agree it did for school districts, but it chose not to do so here. *See State v. Struzyk*, 869 N.W.2d 280, 288 n.5 (Minn. 2015).

Based on this holding, the City of Oak Grove has the authority to decide whether paper or electronic voter rosters are used at precincts within its city boundaries for the upcoming 2026 general election. And on the record here, either because the City never

gave proper notice of its intent to use electronic rosters in the first instance (as the Secretary of State maintains), or because the City revoked any prior notification that was given by the County (as the City argues), the result is the same: the City may use paper rosters in the upcoming November 2026 general election in those precincts within the City's boundaries. *See* Minn. Stat. § 201.225, subd. 6 (establishing that a paper roster will be used unless “[a] county, municipality, or school district notif[ies] 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” and that “[t]he notification is valid for all subsequent elections, unless revoked by the county, municipality, or school district”).

Based upon all the files, records, and proceedings herein,

IT IS HEREBY ORDERED THAT:

1. The petition is granted to the extent it seeks a declaration and order that, under Minn. Stat. § 201.225, the City of Oak Grove has the authority to determine whether paper or electronic voter rosters are used at precincts within the City of Oak Grove's boundaries, and that the City of Oak Grove has chosen to use paper voter rosters at precincts within its boundaries for the 2026 general election.

2. So as not to impair the orderly election process, this order is issued with opinion to follow.

Dated: September 11, 2026