

**STATE OF MINNESOTA
IN COURT OF APPEALS
Case No. _____**



Minnesota Voters Alliance, Mary Franson, Duane Quam, Eric Lucero, Susan Jeffers, Lona Lee Schreier, Charles Halverson, and Colin L. Wilkinson,

Petitioners,

vs.

State of Minnesota, Office of the Secretary of State,

Respondent.

**PETITION FOR DECLARATORY JUDGMENT
UNDER MINNESOTA STATUTES § 14.44
CHALLENGING THE VALIDITY OF MINNESOTA RULE 8210.2450**

To the Court of Appeals of the State of Minnesota:

The Petitioners Minnesota Voters Alliance, Mary Franson, Duane Quam, Eric Lucero, Susan Jeffers, Lona Lee Schreier, Charles Halverson, and Colin L. Wilkinson, petition the Court Appeals under Minnesota Statutes § 14.44 for a declaratory judgment determining the validity of a rule adopted by the Minnesota Office of the Secretary of State in 2010, Minnesota Rule 8210.2450. The rule, governing the duties of ballot board members when examining return absentee ballot envelopes under Minnesota Statutes, § 203B.121, will be enforced starting in September 2020 for the November 2020 general election. The rule exceeds the authority of the Secretary as it is contrary to the statutory legislative mandates found under Minnesota Statutes § 203B.121.

The Secretary, under Rule 8210.2450, creates an exception for deputy county auditors and deputy clerks as ballot board members without meeting the requirements of election judges found under § 204B.21, subdivision 2, which provides no express exception for meeting election judge requirements.

Rule 8210.2450 contradicts § 203B.121 in several ways:

- Rule 8210.2450 authorizes, contrary to Minnesota Statutes § 203B.121, subdivision 1, the appointment of deputy clerks, staff, or temporary staff as election judges without disclosure of their major party affiliation or statement of non-affiliation with the appointing authority as required under Minnesota Statutes § 204B.21, subdivision 2.
- Rule 8210.2450 authorizes, contrary to Minnesota Statutes § 203B.121, subdivision 1, the designation of deputy clerks, staff, or hiring of temporary staff as election judges without appointment by the governing body, as required under both Minnesota Statutes § 203B.121, subdivision 1(a) and § 204B.21, subdivision 2.
- Rule 8210.2450 authorizes, contrary to Minnesota Statutes § 203B.121, subdivision 2, the use of designated deputy clerks, staff, or temporary staff as election judges to examine returned absentee ballot envelopes who are not from different major political parties as required under subdivision 2.

Rule 8210.2450 is in direct conflict with § 203B.121 and is therefore, invalid.

Dated: April 16, 2020.

/s/Erick G. Kaardal
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ACKNOWLEDGMENT

The undersigned hereby acknowledges that costs, disbursements and reasonable attorney and witness fees may be awarded pursuant to Minnesota Statute §549.211, subd. 3, to the party against whom the allegations in this pleading are asserted.

Dated: April 16, 2020

/s/ Erick G. Kaardal
Erick G. Kaardal