

No. A\_\_-\_\_\_\_\_

**STATE OF MINNESOTA  
IN SUPREME COURT**

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Minnesota Voters Alliance; Karen  
Attia; Marlene Stoick; Richard  
Sutter; Republican Party of  
Minnesota,

Petitioners,

v.

Ginny Gelms, in her official capacity  
as elections official for Hennepin  
County, Minnesota; Daniel Rogan, in  
his official capacity as County  
Auditor for Hennepin County,  
Minnesota; Hennepin County,

Respondents.

**PETITION FOR CORRECTION  
OF ERRORS AND OMISSIONS**

**MINN. STAT. § 204B.44**

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## **SUPPORTING DOCUMENTS**

1. Affidavit of Donna Bergstrom
2. Affidavit of Karen Attia
3. Affidavit of Marlene Stoick
4. Affidavit of Richard “Randy” Sutter
5. Affidavit of Andrew Cilek
6. Affidavit of James Dickey with Exhibits A-C.

TO: THE SUPREME COURT OF THE STATE OF MINNESOTA:

Pursuant to Minnesota Statutes section 204B.44, Petitioners Minnesota Voters Alliance, Karen Attia, Marlene Stoick, Randy Sutter, and the Republican Party of Minnesota petition the Supreme Court of the State of Minnesota for an Order requiring Respondents Ginny Gelms, Dan Rogan, and Hennepin County to include sufficient election judges from the Republican Party of Minnesota’s list of candidate election judges on the Hennepin County Absentee Ballot Board for the 2024 general election such that there is an equal number of election judges from both major political parties on the Ballot Board. Petitioners state and allege as follows:

### INTRODUCTION

1. Respondent Hennepin County and its officials have violated the Minnesota Election Law in staffing the Hennepin County Absentee Ballot Board (“ABB”). Hennepin County and its election officials failed to appoint *any* election judges from the Republican Party of Minnesota’s dedicated list (“Party List”) of candidate election judges as required by law. As a result, the current ABB has **zero** Republican-affiliated election judges from the Party List. This error must be corrected immediately, with Hennepin County selecting enough Republican-affiliated election judges from the Party List to ensure parity between Republican and Democratic affiliated election judges on the Hennepin County ABB.

2. Minnesota has a history of contentious elections, from the 1962 Governor’s races that was decided by 91 votes—with a recount changing the outcome—to the more recent Coleman-Franken 2008 contest for United States Senate that was decided by 312 votes, with the outcome also changing after a recount and litigation caused hundreds of absentee ballots that were rejected by election judges to be counted.

3. After Coleman-Franken, the Minnesota Legislature took care to pass bipartisan legislation to rebuild trust in the administration of elections. This bill required, *inter alia*, a standardized process for accepting or rejecting absentee ballots. *See* Minn. Stat. § 203B.121 (2010). An essential part of promoting accurate and secure elections was to ensure that each ABB across the state would have a sufficient number of election judges, and that those election judges would be balanced by party affiliation. *See id.* (citing Minn. Stat. §§ 204B.19–22); *accord* Minn. Stat. § 203B.121, subd. 1 (2023) (citing same statute).

4. The legislature prescribed the requirements for counties to establish an ABB to ensure standardization across Minnesota. The process is simple, and the statutory text is plain and unambiguous. Each ABB “must consist of a sufficient number of election judges appointed as provided in sections 204B.19 to 204B.22.” Each ABB also “may include deputy county auditors.”

5. Within sections 204B.19 to 204B.22 is Minn. Stat. §204B.21. Under that statute, each major party provides a party list of election judges to the secretary of state, who then provides it to the counties and cities which have an ABB. A county must then appoint election judges to the ABB from the major party lists. A county cannot seek additional election judges for the ABB outside of the list until the list is exhausted.

6. The Republican Party of Minnesota provided its Party List, which included more than 1,500 election judges in Hennepin County, to the Secretary of State, on or before May 1, 2024.

7. Hennepin County and their officials have not followed the statutory mandate. They appointed **zero** election judges to the Hennepin County ABB from the Republican Party of Minnesota's Party List. The County claims to have appointed election judges, but none of the election judges it has disclosed are listed on the Party List. The County failed to exhaust the Party List and apparently did not even consult it. Numerous candidate election judges on the Party List, including the individual Petitioners here, attest that they were never contacted by the County and that even today they stand ready and willing to serve as election judges on the ABB. *See* Affidavits of Richard "Randy" Sutter, Marlene Stoick, and Karen Attia.

8. The County's disregard for bipartisan election law is the type of government action that erodes trust by the public in elections. This Court

should immediately grant the relief sought and correct these errors so that Minnesotans can have confidence that their elections are conducted in a non-partisan, accurate, and secure manner.

## **JURISDICTION**

9. This Court has jurisdiction over this matter pursuant to Minn. Stat. § 204B.44, which allows “[a]ny individual” to file a petition directly with this Court asking it to correct an “error” that has occurred or about to occur “of any election judge, municipal clerk, county auditor, canvassing board or any of its members . . . or any other individual charged with any duty concerning an election.”

10. The petition “shall be filed with any judge of the supreme court in the case of an election for state or federal office.” Minn. Stat. § 204B.44(b).

11. As detailed below, on October 7, 2024, Petitioners were informed, via Hennepin County’s response to a public data request, of the names of the election judges appointed to the Hennepin County Absentee Ballot Board. Soon after being so informed, the Republican Party of Minnesota confirmed that none of the election judges on the board were from Republican Party of Minnesota’s Party List of over 1,500 candidates for election judge.

12. This action, brought under Minn. Stat. § 204B.44, is necessary to prevent the error of Hennepin County’s staffing of its ABB for the 2024 general election in a manner that excludes election judges from the Party List and does

not exhaust that list prior to appointing election judges by another process. It further is necessary to prevent the error of Hennepin County failing to ensure the requisite party balance on its ABB for the 2024 general election.

### **PARTIES**

13. Petitioner Minnesota Voters Alliance is a grassroots, non-partisan organization which focuses on election integrity, research, voter education, and advocacy. MVA and its volunteers and supporters have a strong interest in equal representation by both major parties in all facets of the conduct of Minnesota elections. The individual petitioners, Karen Attia, Marlene Stoick, and Randy Sutter, are all supporters of and volunteers for MVA. Affidavit of Andrew Cilek

14. Petitioner Karen Attia is a Republican election judge who lives in Hennepin County. Prior to May 1, 2024, she signed up to be on the Party List to serve as an election judge on election day and/or on the Hennepin County ABB. Hennepin County did not contact her to ask whether she would be willing to serve as an election judge on the ABB for the November 5, 2024 election. Had Hennepin County contacted her, she would have been willing to serve in that capacity. Attia is trained as an election judge for the 2024 election and intends to serve as a Republican election judge at her local precinct. If called upon, she is willing and able to immediately serve as an election judge for the



Hennepin County ABB for the November 5, 2024 election. Affidavit of Karen Attia.

15. Petitioner Marlene Stoick is a Republican election judge who lives in Hennepin County. Prior to May 1, 2024, she signed up to be on the Party List to serve as an election judge on election day and/or on the Hennepin County ABB. Hennepin County did not contact her to ask whether she would be willing to serve as an election judge on the ABB for the November 5, 2024 election. Had Hennepin County contacted her, she would have been willing to serve in that capacity. Stoick is trained as an election judge for the 2024 election and intends to serve as a Republican election judge at her local precinct. If called upon, she is willing and able to immediately serve as an election judge for the Hennepin County ABB for the November 5, 2024 election. Affidavit of Marlene Stoick.

16. Petitioner Richard “Randy” Sutter is a Republican election judge who lives in Hennepin County. Prior to May 1, 2024, he signed up to be on the Party List to serve as an election judge on election day and/or on the Hennepin County ABB. Hennepin County did not contact him to ask whether he would be willing to serve as an election judge on the ABB for the November 5, 2024 election. Had Hennepin County contacted him, he would have been willing to serve in that capacity. Sutter is trained as an election judge for the 2024 election and intends to serve as a Republican election judge at his local

precinct. If called upon, he is willing and able to immediately serve as an election judge for the Hennepin County ABB for the November 5, 2024 election.

Affidavit of Richard Sutter.

17. The Republican Party of Minnesota is a major political party. On or about May 1, 2024, the Republican Party presented to the Secretary of State a list of Republican Party members who desire to be election judges. That list includes the individual Petitioners to this lawsuit. The Republican Party expended significant resources and time to compile the Party List, and it expects counties and cities, including Hennepin County, to appoint election judges to their ABBs using the Party List. By failing to use the Party List, Hennepin County has injured the Republican Party of Minnesota because (1) the party does not have adequate representation on the ABB and (2) the party's efforts to compile the Party List are for naught unless it is used. Affidavit of Donna Bergstrom.

18. Respondent Ginny Gelms is the chief election official of Hennepin County. She is sued in her official capacity as such. Upon information and belief, Respondent Gelms is authorized and charged by Hennepin County and/or the County Auditor with appointing election judges and deputy county auditors to the Hennepin County ABB. Upon information and belief, Respondent Gelms is responsible for the errors and omissions alleged herein.

19. Respondent Daniel Rogan is the Hennepin County Auditor. He is sued in his official capacity as such. The Hennepin County Auditor receives the Party List from the Secretary of State by May 15 of each partisan election year. The County Auditor is also authorized and charged by Hennepin County with appointing election judges and deputy county auditors to the Hennepin County ABB. Upon information and belief, Respondent Rogan is responsible for the errors and omissions alleged herein.

20. Respondent Hennepin County, which acts through its board, is a public corporation which governs elections within Hennepin County and is required to establish an absentee ballot board through its governing body. *E.g.*, Minn. Stat. § 373.01; Minn. Stat. § 203B.121, subd. 1. Upon information and belief, Respondent Hennepin County is responsible for the errors and omissions alleged herein.

## FACTUAL BACKGROUND

### **I. Minnesota Revamped Absentee Balloting in 2010 in Response to the Contentious 2008 Senate Election Between Norm Coleman and Al Franken.**

21. “To promote accurate and secure elections, Minnesota law sets uniform requirements for processing and counting absentee ballots . . . . [T]he issue of how ballot boards should operate belongs to the Legislature as the elected representatives of the people.” *Minn. Voters All. v. County of Ramsey (Alliance I)*, 971 N.W.2d 269, 272, 280 (Minn. 2022).

22. Essential to the process of ensuring voting by absentee ballot is accurate and secure is that each jurisdiction conducting an election, including Hennepin County, is required to establish an absentee ballot board. Minn. Stat. § 203B.121, subd. 1 (2024).

23. This process was adopted in response to the contentious election contest between Norm Coleman and Al Franken for United States Senate in 2008, an election that was decided by 312 votes out of 2,885,555 votes cast.

24. One of the issues in the Coleman-Franken election dispute was the variations in absentee ballot review procedures across local election sites, resulting in a lack of uniformity in whether an absentee ballot should be accepted.

25. Because of this historically close and contentious election, the Minnesota Legislature passed a law to standardize the conduct of processing and counting absentee ballots. Act of Mar. 24, 2010, ch. 194, § 9 (codified as amended at Minn. Stat. § 203B.121).

26. The purpose of the new law was accuracy, related both to preventing “wrongly rejected” and “wrongly accepted” ballots, and that the law addressed “both.” *Hearing on H.F. 3111 Before H. State & Local Gov’t Operations Reform Tech. & Elections Comm.*, 2010 Minn. Leg. 86th Sess., Mar. 2, 2010, at 39:28 (statement of Rep. Kiffmeyer) (the purpose of the new law was accuracy, related both to preventing “wrongly rejected” and “wrongly

accepted” ballots, and that the law addressed “both”), *available at* <https://www.house.leg.state.mn.us/hjvid/86/502>. The law has been amended several times since its original enactment but is substantially the same for purposes of this petition. Minn. Stat. § 203B.121 (2024).

## **II. The Law Requires Respondents to Establish a Ballot Board and Staff It With Mandatory Election Judges and Permissive Deputy County Auditors.**

27. The law requires jurisdictions conducting an election, such as Hennepin County, to establish absentee ballot boards by ordinance or resolution. Minn. Stat. § 203B.121, subd. 1(a) (“The governing body of each county, municipality, and school district with responsibility to accept and reject absentee ballots or to administer early voting must, by ordinance or resolution, establish a ballot board.”).

28. The law requires local jurisdictions with ABBs to appoint “a sufficient number of election judges” and, beyond that, allows the “inclu[sion] [of] deputy county auditors . . . who have received training in the processing and counting of absentee ballots.” Minn. Stat. § 203B.121, subd. 1(a).

29. Each jurisdiction must “pay a reasonable compensation to each member of that jurisdiction’s ballot board for services rendered during an election.” Minn. Stat. § 203B.121, subd. 1(b). This makes ABB members “employee[s] of” or “perform[ing] services for” their jurisdiction and subject to

the personnel data classifications of Minn. Stat. § 13.43, subd. 2(a). Thus, the names of the ABB members are public data.

### **III. The Law Assigns Different Duties to Election Judges and Deputy County Auditors on the Absentee Ballot Board.**

30. Under Minn. Stat. § 203B.121, subd. 2, both deputy county auditors and election judges on the ABB may perform several duties when deciding whether to accept or reject a ballot. *Id.* (“[T]wo or more members of the ballot board shall examine each signature envelope and shall mark it accepted or rejected in the manner provided in this subdivision[.]”). These include being satisfied that:

- a. (1) the voter's name and address on the signature envelope are the same as the information provided on the absentee ballot application or voter record;
- b. (2) the voter signed the certification on the envelope;
- c. (3) the voter's Minnesota driver's license, state identification number, or the last four digits of the voter's Social Security number are the same as a number on the voter's absentee ballot application or voter record. If the number does not match, the election judges must compare the signature provided by the applicant to determine whether the ballots were returned by the same person to whom they were transmitted;
- d. (4) the voter is registered and eligible to vote in the precinct or has included a properly completed voter registration application in the signature envelope;
- e. (5) the certificate has been completed as prescribed in the directions for casting an absentee ballot; and

- f. (6) the voter has not already voted at that election, either in person or, if it is after the close of business on the 19th day before the election, as provided by section 203B.081.

31. One particular duty among these, however, is assigned *only* to the election judges on the ABB. That is, when inspecting the absentee ballot signature envelopes, if “the voter’s Minnesota driver’s license, state identification number, or the last four digits of the voter’s Social Security number” do not match the number on record for that voter, election judges, and only election judges, “must compare the signature provided by the applicant to determine whether the ballots were returned by the same person to whom they were transmitted.” Minn. Stat. § 203B.121, subd. 2(b)(3); *see Alliance I*, 971 N.W.2d at 280 (“This task is committed to election judges alone.”).

32. Likewise, during the absentee voting period, among ABB members, *only election judges* of different major political parties may duplicate spoiled ballots. Minn. Stat. § 203B.121, subd. 4; Minn. Stat. § 206.86, subd. 5.

33. The election judges appointed to the absentee ballot board must be of “sufficient number” to perform the required duties. *Id.*, subd. 1(a); *see Alliance I*, 971 N.W.2d at 278.

34. The phrase “sufficient number of election judges” in Minnesota Statutes 203B.121, subdivision 1 refers to the minimum number of election judges needed to carry out the mandated duties under 203B.121, subdivision 2. The absolute minimum number is found under Minnesota Statutes 204B.21,

subdivision 2: “At least two election judges must be affiliated with different major political parties.” Further, to carry out the signature-matching duties and spoiled-ballot duties described herein, at least two election judges of different parties must be present for each such incident.

35. And where the county is dealing with a large inflow of absentee ballots, while a county has “discretion to decide what constitutes a ‘sufficient number’ of election judges,” additional election judges may be needed to ensure that “sufficient” number of judges and to avoid an abuse of that discretion. *See Alliance I*, 971 N.W.2d at 279. For example, it would be an abuse of discretion if a county tasked one Republican and one Democrat election judge with matching signatures on a million ballots and thus delayed the reporting of election results.

**IV. Election Judges on Absentee Ballot Boards Must Be Qualified in the Same Manner as Election Judges Serving on Election Day, and Counties May Not Substitute Their Own Process for Qualifying Election Judges for the Board.**

36. Section 203B.121 imports into the absentee-ballot-board context the appointment process for elections judges found in Minn. Stat. §§ 204B.19 to 204B.22.

37. Under Minn. Stat. § 204B.19, the county establishing the board “may examine any individual who seeks appointment as an election judge to determine whether the individual meets any qualification.” Minn. Stat. §



204B.19, subd. 4. The county “may establish additional qualifications which are not inconsistent with the provisions of this section and which relate to the ability of an individual to perform the duties of an election judge.” *Id.*

38. Election judges must meet certain qualifications such as being eligible to vote and not being a candidate in that election. Minn. Stat. § 204B.19.

39. Each of the individual Petitioners is qualified and trained to be an election judge and is willing to serve in that capacity—immediately—on the Hennepin County ABB.

40. Hennepin County may not substitute an idiosyncratic “application” process or any other recruitment process inconsistent with the statutory appointment procedure set forth in Minn. Stat. § 203B.121 and §§ 204B.19–22.

41. Neither may Hennepin County outsource the appointment of its election judges to Minneapolis or any other jurisdiction, and Hennepin County is responsible for ensuring that the election judges serving on *its* ABB are appointed pursuant to law.

**V. Election Judges Must Be Appointed by Reference to the Party List to Ensure Party Balance for Board Election Judges.**

42. The appointment of election judges for a particular absentee ballot board must be from a list of candidates supplied by major political parties.

Minn. Stat. § 204B.21, subd. 2. *see Alliance I*, 971 N.W.2d at 276 (“The governing body of each county or municipality appoints election judges from this list.”).

43. For the 2024 election, there are two major political parties in Minnesota: Democratic-Farmer-Labor and Republican. *See* <https://www.sos.state.mn.us/elections-voting/how-elections-work/political-parties/>.

44. Each year in which there is an election for partisan political office, each major political party prepares a list of eligible voters to act as election judges and provides that list, including their names and addresses, to the secretary of state. Minn. Stat. § 204B.21, subd. 1. If there is a deficiency in the addresses of these candidates for election judge, the secretary of state shall notify the parties of issues with the addresses. *Id.*

45. The secretary of state is then required to furnish that list to each jurisdiction required to appoint election judges. *Id.*

46. For counties, “[e]lection judges performing election-related duties assigned by the county auditor shall be appointed by the county board.” *Id.* And likewise, each county must staff an absentee ballot board with election judges using the procedures in section 204B.21. Minn. Stat. § 203B.121, subd. 1.

47. Under section 204B.21, then, election judges for an absentee ballot board must be appointed from the party-provided list of affiliated candidates for election judge. *Id.*, subd. 2.

48. The list provided by each major party consists of individuals seeking appointment to be an election judge that are affiliated with that party. *Id.*

49. Only after the list of candidate election judges is exhausted may the jurisdiction turn to other sources to appoint additional election judges. *Id.*; *Alliance I*, 971 N.W.2d at 276 (“The governing body may appoint election judges not appearing on the major party lists only after it has exhausted the candidates on the list.”).

50. For counties, “the county board” (which acts on behalf of the county) is responsible for these appointments, and because an absentee ballot board spans an entire county or municipality, election judges appointed to a county ballot board can come from any precinct within a county, and for a municipality they may come from any precinct within the municipality. *See* Minn. Stat. § 204B.21, subd. 2.

**VI. The Republican Party of Minnesota Wholly Complied with Minnesota Election Law and Provided a List of Candidate Election Judges to the Secretary of State.**

51. The Republican Party of Minnesota is a major political party as defined by statute.

52. The Republican Party of Minnesota took significant time and effort to prepare the Party List of eligible voters affiliated with the Republican Party of Minnesota that are willing to serve as election judges. Bergstrom Aff.

53. The MNGOP relies on counties and cities to source from the Party List, in good faith, to ensure Republican representation at both election-day precincts and on ABBs. The MNGOP expects that county auditors will adhere to Minnesota statutes when establishing absentee ballot boards. Bergstrom Aff.

54. The Party List is robust. It includes the names of each Republican election judge across Minnesota, as well as at least three items of contact information (physical address, and, if known, phone number and email) to ensure that localities can contact Republican election judges for inclusion at precincts on election day and on ABBs. Bergstrom Aff.

55. Among those judges are the individual Petitioners in this action. Each individual petitioner is a Republican-affiliated election judge who is on the Party List. Each individual Petitioner's physical address, phone number, and email are on the Party List. Bergstrom Aff.; Attia Aff.; Stoick Aff.; Sutter Aff.

56. The Republican Party of Minnesota complied with all statutory requirements and transmitted this Party List to the Secretary of State on May 1, 2024. Bergstrom Aff.

57. At no point did the Republican Party of Minnesota receive any notice from the Secretary of State or Hennepin County that the Party List of candidates for election judge was deficient in any way.

58. Petitioners were on the Republican Party of Minnesota's Party List, they live in Hennepin County, and at all times, including at present time, they have been and are willing to serve as election judges on the Hennepin County Absentee Ballot Board. Bergstrom Aff.; Attia Aff.; Stoick Aff.; Sutter Aff.

**VII. Hennepin County Failed to Properly Appoint Election Judges from the Party List and Then Failed to Timely Produce the List of Its Absentee Ballot Board Members in Response to a Request for Public Data.**

59. Hennepin County established the required ballot board by passing a resolution in 2022, which applies to the 2024 election, as there is no superseding resolution. Resolution No. 22-0333 (Sept. 27, 2022). *See* Affidavit of James Dickey, Ex. B.

60. The resolution delegated to Respondent Dan Rogan (County Auditor) or his designee, which upon information and belief is Respondent Ginny Gelms (the head elections official for Hennepin County, as identified by the Secretary of State, see <https://www.sos.state.mn.us/elections-voting/find-county-election-office/>), the authority and responsibility "to appoint to the

Hennepin County Absentee Ballot Board election judges and deputy county auditors in a manner consistent with Minnesota law.” *See* Dickey Aff. Ex. B.

61. Resolution No. 22-0333 established the absentee ballot board, but did not establish any other qualifications for appointing election judges. *See id.*

62. Hennepin County did not publish a list of the names of absentee ballot board members to allow for the major parties or the public to know whether the ABB was properly formed.

63. On August 26, 2024, an attorney for Petitioners MVA, Attia, Stoick, and Sutter submitted a public records request to Hennepin County pursuant to the Minnesota Government Data Practices Act. Hennepin County acknowledged receipt the same day. This request was for the “names of all of the individuals appointed to the Hennepin County absentee ballot board for the 2024 election.” Dickey Aff. Ex. A.

64. Sixteen days later, on September 10, 2024, Hennepin County responded that “[Hennepin] County does not maintain a list of the [election judges] performing [absentee ballot board] work, and therefore has no responsive data.” Dickey Aff. Ex. A.

65. One day later, on September 11, 2024, the attorney responded to the lack of data and improper response by Hennepin County, stating that “the County’s response is improper and must be corrected to avoid legal action and penalties for violating the Minnesota Government Data Practices Act

(MGDPA)” because the attorney had evidence that Hennepin County does possess such data. *See Dickey Aff. Ex. A.*

66. After another substantial delay of 24 days, on October 4, 2024, Hennepin County begrudgingly responded (“Data Response”) with the list of election judges appointed to the ABB. *Dickey Aff. Ex. A* (“Although we disagree with your reading of both the relevant election statutes and the Data Practices Act, we have decided to create your requested data for purposes of transparency and consistency.”).

67. On Monday, October 7, 2024, the attorney passed the information along to MVA.

68. The same day, on October 7, 2024, after diligent review, the Republican Party of Minnesota confirmed that none of the more-than 1,500 names it transmitted to Hennepin County, which it transmitted through the Secretary of State, were on the Hennepin County Absentee Ballot Board. *Bergstrom Aff.*

69. By October 11, 2024, Andrew Cilek of Petitioner Minnesota Voters Alliance and a colleague had called 25 names from Hennepin County on the Party List at random. Of those 25 people, none was contacted by Hennepin County and 7 would have been willing to serve on the Hennepin County ABB. *Cilek Aff.*

70. The County’s delay in producing public data pursuant to a proper request within a reasonable time (for a list of names public under Minn. Stat. § 13.43, no more than 7 days), violated the MGDPA and caused Petitioners not to be aware of Respondents’ violations of Minnesota Election Law until October 7, 2024.

71. Because of Respondents’ actions, Petitioners have filed this Petition, after necessary due diligence to confirm the violations of Minnesota Election Law, on October 15, 2024.

### **RESPONDENTS’ ERRORS**

72. In addition to the allegations of error above, Respondents appointed five election judges to the Hennepin County Absentee Ballot Board. None of the appointed election judges are from the Republican Party of Minnesota’s Party List of candidates for election judge. Bergstrom Aff. This violates Minnesota Election Law, which requires Hennepin County to first appoint from the Party List. Minn. Stat. § 204B.21, subd. 2; *see Alliance I*, 971 N.W.2d at 276 (“The governing body of each county or municipality appoints election judges from this list.”).

73. Upon information and belief, Respondents did not exhaust the Party List prior to additional election judges being appointed to the Hennepin County ABB. This is known because a comparison of the Party List to the Data Response shows no overlapping names, and this is further known because



Minnesota Voters Alliance contacted 25 candidate election judges on the Party List who stated they had not been contacted by the County, seven (7) of which would have been willing to serve on the ABB. Cilek Aff. In addition, the election-judge Petitioners were each on the Party List and attest that they were not contacted by Hennepin County and remain willing and qualified to serve. Bergstrom Aff.; Attia Aff.; Stoick Aff.; Sutter Aff. This violates Minnesota Election Law, which requires election judges on the ABB to be appointed from the Party List of affiliated election judges. Minn. Stat. § 204B.21, subd. 1; *see Alliance I*, 971 N.W.2d at 276 (“The governing body may appoint election judges not appearing on the major party lists *only after it has exhausted the candidates on the list.*”) (emphasis added).

74. Absentee ballot boards must contain election judges, and at least one member of the ABB must be affiliated with the Republican Party of Minnesota. *Minn. Voters All. v. Office of the Minn. Secy. of State* 990 N.W.2d 710, 713 (Minn. 2023) (“[T]here are members of ballot boards who are election judges and there might be other members who are not election judges”); Minn. Stat. § 203B.121 (“Election judges performing the duties in this section must be of different major political parties”); *Alliance I*, 971 N.W.2d at 273, 280 (“Election judges must be appointed from a list of candidates supplied by major political parties and must disclose their personal political affiliation.”). If more than two election judges are needed on an ABB, then sufficient Republicans

and Democrats must be appointed in a party-balanced fashion. The only mechanism for selecting a party-affiliated election judge is from the list of party-affiliated election judge candidates provided by statute. Respondents violated Minnesota Election Law by appointing zero election judges affiliated with the Republican Party of Minnesota.

75. The composition of the Hennepin County Absentee Ballot Board therefore does not comply with Minnesota Election Law. Respondents' unlawful actions undermine the people's desire for "accurate and secure elections." The Court should grant the requested relief and correct the error immediately.

### **CLAIM FOR RELIEF**

**WHEREFORE, Petitioners respectfully pray for an Order of the Court as follows:**

76. Immediately setting a briefing schedule and time for hearing, pursuant to Minn. Stat. § 204B.44, subd. 2, such that Petitioners' brief is due Friday, October 18, 2024 at 12:00PM, Respondents' brief is due Monday, October 21, 2024 at 12:00PM, and a hearing takes place no later than October 24, 2024, or at such sooner or other times as the Court may direct;

77. Ordering Respondents to correct the errors described herein or show cause for not doing so at the aforementioned hearing;

78. Specifically, ordering Respondents to appoint to the Hennepin County Absentee Ballot Board enough Republican-affiliated election judges from the Party List to ensure (a) a sufficient number of election judges on the ABB to perform its tasks, and such that (b) there is party-balance between Republican and Democratic affiliated election judges on the Hennepin County ABB.

79. Granting Petitioners such other and further relief as the Court deems just and appropriate.

**[SIGNATURE PAGE TO FOLLOW]**

**For Petitioners Minnesota Voters Alliance, Karen Attia, Marlene Stoick, and Randy Sutter:**

Dated: October 15, 2024

**UPPER MIDWEST LAW CENTER**

/s/ James V. F. Dickey  
Douglas P. Seaton (#127759)  
James V. F. Dickey (#393613)  
12600 Whitewater Dr., Suite 140  
Minnetonka, Minnesota 55343  
doug.seaton@umlc.org  
james.dickey@umlc.org  
(612) 428-7000

**For Petitioner Republican Party of Minnesota:**

Dated: October 15, 2024

**CROSS CASTLE PLLC**

/s/ Ryan D. Wilson  
Ryan D. Wilson (#400797)  
Harry N. Niska (#391325)  
14525 Highway 7 Suite 345  
Minnetonka, MN 55345  
ryan.wilson@crosscastle.com  
harry.niska@crosscastle.com  
(612) 429-8100

**AFFIDAVIT OF JAMES DICKEY**

STATE OF MINNESOTA     )  
  )ss.  
COUNTY OF HENNEPIN    )

JAMES DICKEY states:

1. My name is James Dickey. I make this affidavit upon personal knowledge of the facts set forth herein.

2. I am a resident of Minnesota.

3. On August 26, 2024, I made a data request to Hennepin County (the “Request”). A true and correct copy of the Request, printed to .pdf from Hennepin County’s “Data Portal,” is attached as **Exhibit A**.

4. In the Request, I asked for:

- a. “The names of all of the individuals appointed to the Hennepin County absentee ballot board for the 2024 elections” and
- b. “The names of the election judges appointed to the County absentee ballot board for the 2024 elections.”

5. Since this is a simple list of names, I asked for a response by September 5, 2024, well in advance of the start of absentee balloting in Minnesota. See Exhibit A.

6. Hennepin County acknowledged my request on August 26, 2024, but did not fully respond until September 10, 2024. See Exhibit A.

7. In Hennepin County’s September 10 message, the county told me as follows:

Consistent with Minnesota law and the attached Board Action Request 22-0333, the County's absentee ballot board consists of deputy Hennepin County auditors as well as election judges who are also appointed by the City of Minneapolis as part of their absentee ballot board. These individuals have already performed this work for elections conducted so far in 2024, including the state primary, and the same individuals will be doing it for the general election. The County does not maintain a list of the individuals performing this work, and therefore has no responsive data. In general, in Hennepin County, almost any list of election judges would be maintained by individual cities.

See also Exhibit A. A true and correct copy of the Board Action Request attached to the County's September 10 message is attached as **Exhibit B**.

8. I viewed (and still view) the County's interpretation of how it collects, creates, receives, or maintains data under the Minnesota Government Data Practices Act—on people it has a statutory obligation to hire—as clearly wrong (see Minn. Stat. § 13.43, subd. 2(a)(1) (employee names are public data)), and I believed that the County was improperly withholding public data from me. So, I responded the next day, on September 11, 2024, and said:

Will all respect, the County's response is improper and must be corrected to avoid legal action and penalties for violating the Minnesota Government Data Practices Act (MGDPA). I know the County collects and maintains the requested data because I asked for it in 2022 and the County provided it to me. See Request No. D031891-071522. I have attached a copy of the letter I received from Hennepin County in September 2022 with this information.

Further, the County resolution referenced says: “the Hennepin County Board authorizes the Hennepin County Auditor or the County Auditor's designee to appoint to the Hennepin County Absentee Ballot Board election judges and deputy county auditors in a manner consistent with Minnesota law.” To comply with the

resolution, then (and Minn. Stat. 203B.121, for that matter), the Auditor or Designee must have taken some formal action to appoint members of the Absentee Ballot Board for 2024, including the election-judge members. Again, I know for certain that the County did that in 2022 because I asked for that information then, and the County provided it.

Any County action consistent with its resolution must state the names of the members of the absentee ballot board or refer to them in some way. It is not possible that the County has no information that identifies a single member of the 2024 Absentee Ballot Board and which members are election judges.

You also said that “the same individuals will be doing [the absentee ballot board work] for the general election.” The County therefore knows who the absentee ballot board members are and is choosing not to provide that information in response to a valid request under the MGDPA.

The County must provide the names of these individuals as soon as possible, or it will be in violation of the MGDPA. Failure to comply with the MGDPA is a serious matter and may necessitate legal action.

See also Exhibit A.

9. A true and correct copy of the 2022 letter I referred to in my September 11 response is attached as **Exhibit C**. I am informed and believe that of the two election judges on the 2022 list included in Exhibit C, one of the two (Sylvia Wilson) was a Republican.

10. In response to my September 11, 2024 message, which I sent immediately and still 9 days before the start of absentee balloting, Hennepin County waited until Friday, October 4, 2024, about three weeks later, to respond. In its response, Hennepin County stated, in relevant part:

Although we disagree with your reading of both the relevant election statutes and the Data Practices Act, we have decided to create your requested data for purposes of transparency and consistency. Below, please find the names responsive to your data request regarding individuals serving on the Hennepin County Absentee Ballot Board for the 2024 General Election.

Below, is a list of deputy county auditors appointed to the 2024 General Election Hennepin County Absentee Ballot Board:

Jennnifer Bergren  
Jackie Berlin  
Fraser Breon  
Ross Carlyon  
Nora Conrad  
Paul Ferry  
Donna Floyd  
Alexander Fukui  
Princess Gataud  
Grace Gicheche  
Kayta Herring  
Peter Hirsch  
Emily Kaysinger  
Debra Kibby  
Jeffrey Levine  
Daniel Loveland  
Steven Marciniak  
Suzanne Nemer  
Mazen Nour  
Lizabeth Nyoike  
Susan Ohnesorge  
Jiahong Pan  
Zoë Peterson  
Sarah Philippe  
Susan Pirk  
Christopher Quinones  
Paula Richards  
Lewie Roberts  
Kim Rossmann  
Wesley Saxena  
Hannah Schaff



Julie Stroeve  
Gerard Teevan  
Rhiannon Thompson  
Emily Toesning  
Amanda Unger  
Therese Woods  
Alex Youngen

Below, is a list of election judges appointed to the 2024 General Election Hennepin County Absentee Ballot Board

Brian Colwell  
Aaron Dewitt  
Cayla Gillispie  
Leo Rose  
Blake Walters

See Exhibit A.

11. On October 4, 2024, I was on parental leave. I returned to work on October 7, 2024. On October 7, 2024, I forwarded Hennepin County's response to my Request to Andrew Cilek of the Minnesota Voters Alliance.

I declare under penalty of perjury that everything I have stated in this document is true and correct. Minn. Stat. § 358.116.

Executed in Hennepin County, Minnesota  
On October 15, 2024

/s/ James V. F. Dickey  
James Dickey

How do I make a data request that includes private data (on myself, my child, my client, etc.)?

I don't know where the data I'm looking for is located, or want data from multiple departments

How do I submit a data request without using the Data Request Portal?

See All FAQs

View File(s)

View Message(s)

### My request

**Request type:** Data Request  
**Contact email / username:** james.dickey@umlc.org  
**Reference no:** D047390-082624  
**Status:** Full Release w/o Redactions

UPLOAD DATE



Files:	09/11/2024	Dickey_D031891-071522.pdf
	09/10/2024	22-0333_BAR_-_Absentee_Ballot_board.pdf

#### Additional Information

**Service area:** General Government and Operations

**Type of data:** County Administration: Other/Unknown

**Describe the data requested (be as specific as possible):**

I am writing to you as the data practices responsible authority of Hennepin County, Minnesota ("County"). This is a formal request for access to government data, under the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13. If you believe there is another Designee or Responsible Authority to whom this letter should be directed, please let me know. REQUEST I seek access to the following data: • The names of all of the individuals appointed to the Hennepin County absentee ballot board for the 2024 elections; • The names of the election judges appointed to the County absentee ballot board for the 2024 elections. See Minn. Stat. § 204B.21; Minn. Stat. § 13.43. I am asking to inspect the data and obtain copies under Minnesota Statutes, section 13.03, subdivision 3. Pursuant to Minnesota law, the County is required to comply with my request within a reasonable amount of time. Minn. Stat. § 13.03, subs. 1, 2; e.g., Advisory Opinion 95-006, Feb. 2, 1995, available at <https://mn.gov/admin/data-practices/opinions/library/?id=36-267434> (13 days is reasonable); Advisory Opinion 97-005, Jan. 31, 1997, available at <https://mn.gov/admin/data-practices/opinions/library/?id=36-267434#detail/appld/1/id/267700> (more than 35 days is unreasonable). Given that we seek merely a list of names readily available to the County, we believe 7 working days is a reasonable time frame in which to produce the requested data, or by Thursday, September 5, 2024. If you determine that you will redact or withhold any otherwise responsive data, please also inform me in writing of the specific statutory basis for your denial within the timeframe on the redacted documents themselves. See Webster v. Hennepin Cnty., 910 N.W.2d 420, 425 n.2 (2018) (failure to provide specific reasons for each redaction found to violate the MGDP); Minn. R. 1205.0800. Please let me know the approximate number of pages responsive to the request and the proposed cost for copies of the responsive documents. If you are willing to provide copies of the data at no charge in lieu of inspection, I will receive them electronically. Please preserve all metadata related to the produced documents. If you have any questions or need clarification, please contact me. I can be reached at james.dickey@umlc.org. Very truly yours, James V. F. Dickey

Do not enter in the text box above any private data such as date of birth, social security number, etc. Instead, provide this information (if needed to make your request) as an attachment.

**How do you want to receive responsive data:** Other (specify in the text box above)

Not all data is available electronically. In those cases, you can either inspect them in person or get paper copies.

**I understand the government entity to which I am making my request will release responsive data according to state law and that they can charge for copies of the responsive data. I understand I can inspect the responsive data in person for free. I understand they can schedule my in-person visit based on available staff and room.**

ONLY COMPLETE THE FOLLOWING FIELDS IF SUBMITTING A REQUEST FOR PRIVATE DATA.

**Electronic signature:** By checking the box, I agree to the terms and conditions above and acknowledge this is my electronic signature and I understand it is valid and binding in the same force and effect as a handwritten signature.

**If your request is for private data about yourself, provide reasonable identification. If your request is for private data about someone else, attach a signed authorization form to release the data.**

**Tennessee Notice: If you are requesting data about yourself that is private, the information you provide to us related to the data request, including your name, may be considered private data. You are not required to provide us with private data; however, if you do not provide us with some private data (e.g. date of birth) we may not be able to process your request. Any private data you provide to us may be shared with other data practices contacts to process your data request.**

New Message

# D047390-082624 - Data Request

## Message History (5)

✉ On 10/4/2024 11:54:29 AM, Hennepin County Data Request Portal wrote:

**Subject:** Hennepin County Data Request :: D047390-082624

**Body:**



**RE: Your data request reference # D047390-082624**

Dear James Dickey:

This correspondence is regarding your data request dated 8/26/2024.

Although we disagree with your reading of both the relevant election statutes and the Data Practices Act, we have decided to create your requested data for purposes of transparency and consistency. Below, please find the names responsive to your data request regarding individuals serving on the Hennepin County Absentee Ballot Board for the 2024 General Election.

Below, is a list of deputy county auditors appointed to the 2024 General Election Hennepin County Absentee Ballot Board:

Jennifer Bergren  
Jackie Berlin  
Fraser Breon  
Ross Carlyon  
Nora Conrad  
Paul Ferry  
Donna Floyd  
Alexander Fukui  
Princess Gataud  
Grace Gicheche  
Kayta Herring  
Peter Hirsch  
Emily Kaysinger  
Debra Kibby  
Jeffrey Levine  
Daniel Loveland  
Steven Marciniak  
Suzanne Nemer

Mazen Nour  
Lizabeth Nyoike  
Susan Ohnesorge  
Jiahong Pan  
Zoë Peterson  
Sarah Philippe  
Susan Pirk  
Christopher Quinones  
Paula Richards  
Lewie Roberts  
Kim Rossmann  
Wesley Saxena  
Hannah Schaff  
Julie Stroeve  
Gerard Teevan  
Rhiannon Thompson  
Emily Toesning  
Amanda Unger  
Therese Woods  
Alex Youngen

Below, is a list of election judges appointed to the 2024 General Election Hennepin County Absentee Ballot Board  
Brian Colwell  
Aaron Dewitt  
Cayla Gillispie  
Leo Rose  
Blake Walters

If you have questions, contact us via the [Data Request Portal](#).

Sincerely,

Chris Chiu

← On 9/11/2024 4:08:20 PM, James Dickey wrote:

Will all respect, the County's response is improper and must be corrected to avoid legal action and penalties for violating the Minnesota Government Data Practices Act (MGDPA). I know the County collects and maintains the requested data because I asked for it in 2022 and the County provided it to me. See Request No. D031891-071522. I have attached a copy of the letter I received from Hennepin County in September 2022 with this information.

Further, the County resolution referenced says: "the Hennepin County Board authorizes the Hennepin County Auditor or the County Auditor's designee to appoint to the Hennepin County Absentee Ballot Board election judges and deputy county auditors in a manner consistent with Minnesota law." To comply with the resolution, then (and Minn. Stat. 203B.121, for that matter), the Auditor or Designee must have taken some formal action to appoint members of the Absentee Ballot Board for 2024, including the election-judge members. Again, I know for certain that the County did that in 2022 because I asked for that information then, and the County provided it.

Any County action consistent with its resolution must state the names of the members of the absentee ballot board or refer to them in some way. It is not possible that the County has no information that identifies a single member of the 2024 Absentee Ballot Board and which members are election judges.

You also said that "the same individuals will be doing [the absentee ballot board work] for the general election." The County therefore knows who the absentee ballot board members are and is choosing not to provide that information in response to a valid request under the MGDPA.

The County must provide the names of these individuals as soon as possible, or it will be in violation of the MGDPA. Failure to comply with the MGDPA is a serious matter and may necessitate legal action.

James Dickey  
Senior Counsel  
Upper Midwest Law Center

✉ On 9/10/2024 10:02:57 AM, Hennepin County Data Request Portal wrote:

**Subject:** Hennepin County Data Request :: D047390-082624

**Body:**

HENNEPIN COUNTY  
MINNESOTA

**RE: Your data request reference # D047390-082624**

Dear James Dickey:

This correspondence is regarding your data request dated 8/26/2024.

Consistent with Minnesota law and the attached Board Action Request 22-0333, the County's absentee ballot board consists of deputy Hennepin County auditors as well as election judges who are also appointed by the City of Minneapolis as part of their absentee ballot board. These individuals have already performed this work for elections conducted so far in 2024, including the state primary, and the same individuals will be doing it for the general election. The County does not maintain a list of the individuals performing this work, and therefore has no responsive data. In general, in Hennepin County, almost any list of election judges would be maintained by individual cities.

If you have questions, contact us via the [Data Request Portal](#).

Sincerely,

Chris Chiu

✉ On 8/26/2024 5:36:36 PM, Hennepin County Data Request Portal wrote:

HENNEPIN COUNTY  
MINNESOTA

## **We received your request**

Reference number: D047390-082624

Date received: August 26, 2024


We make every effort to respond to requests as soon as possible. By state law, we respond within ten (10) business days when someone asks for data about themselves.

If we estimate the cost of responding to your request for data will exceed fifty dollars (\$50), or requires special media to produce, we will reach out to you with that information prior to proceeding. Payment in full is required before we release the data.

Questions? Visit the [Data Request Portal](#).

**This is an auto-generated email and has originated from an unmonitored email account. DO NOT REPLY.**

---

 On 8/26/2024 5:36:32 PM, James Dickey wrote:

**Request Created on Public Portal**



# HENNEPIN COUNTY

## MINNESOTA

### Board Action Request 22-0333

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#### Item Description:

Re-authorize the Hennepin County Absentee Ballot Board

WHEREAS, this Board previously established the Hennepin County Absentee Ballot Board in Resolution No. 14-0099; and

WHEREAS, the absentee ballot board has a statutory role in receiving and processing absentee ballots issued by Hennepin County; and

WHEREAS, Minnesota statutes and case law have provided additional guidance regarding the membership and functions of the absentee ballot board.

#### Resolution:

BE IT RESOLVED, pursuant to Minn. Stat. § 203B.121, that the Hennepin County Board re-authorizes the establishment of the Hennepin County Absentee Ballot Board for the purpose of receiving and processing of absentee ballots; and

BE IT FURTHER RESOLVED, pursuant to Minn. Stat. § 204B.21, that the Hennepin County Board authorizes the Hennepin County Auditor or the County Auditor's designee to appoint to the Hennepin County Absentee Ballot Board election judges and deputy county auditors in a manner consistent with Minnesota law.

#### Background:

Under Minnesota law, the Hennepin County Board must establish a ballot board by ordinance or resolution. The Hennepin County Absentee Ballot Board is authorized to process and count all absentee ballots issued by Hennepin County. In 2014, the Board passed a resolution establishing the absentee ballot board. Since that time, statutory amendments and a Minnesota Supreme Court ruling (*Minnesota Voters Alliance v. County of Ramsey*, No. A20-1294, A20-1295, A20-1296 (Minn. Mar. 16, 2022)) have further clarified the roles of election judges and deputy county auditors, each of whom may serve as absentee ballot board members.

This action will re-authorize the Hennepin County Absentee Ballot Board and maintain the requirement that the absentee ballot board's practices comply with current Minnesota law. This resolution also authorizes the Hennepin County Auditor or an elections staff person designated by the County Auditor to appoint election judges and deputy county auditors to the absentee ballot board, consistent with Minnesota law. Pursuant to this authorization, the County Auditor will also follow the legal requirements related to the training and duties of absentee ballot board members.

This request aligns with Hennepin County disparity reduction efforts by ensuring the integrity of elections in our county, allowing residents the ability to continue to confidently participate in our democracy, hold elected officials accountable, and have a voice in important issues affecting themselves and their communities. Elections and voting directly impact all disparity domains.

# HENNEPIN COUNTY

## MINNESOTA

Dear Mr. Dickey,

We are in receipt of your July 15, 2022, data practices request to Hennepin County Elections wherein you are requesting data associated with Hennepin County's Absentee Ballot Board. Your request has been reviewed and this letter transmits the public, responsive data in Hennepin County's possession.

Each portion of your request is numbered below with the responsive data available:

**1. The most recent county resolution establishing a Hennepin County Absentee Ballot Board.**

- a. The most recent county resolution establishing a Hennepin County Absentee Ballot Board was passed on September 13, 2022. The resolution is attached.

**2. A list of the names of the 2022 absentee ballot board members who are deputy county auditors.**

- a. Below, please find a list of deputy county auditors appointed to the 2022 Hennepin County Absentee Ballot Board:

- Emma Carlson
- Jonatan Chipoco
- Paul Ferry
- Heather Hint
- Peter Hirsch
- Martha Huson
- Mycah Judy
- Debra Kibby
- Gregg Lurie
- Hongfa Norasingh
- Leah Patton
- Earle Roberts
- Betsy Rowe
- Hannah Schaaf
- Virginia Templeton

- b. Beginning one week before Election Day, additional deputy auditors are added to the absentee ballot board for the purpose of opening accepted absentee ballot envelopes. The County does not yet have available the names of these deputy county auditors.

**3. A list of the names of the 2022 absentee ballot board members who are election judges.**

- a. Below, please find a list of election judges appointed to the 2022 Hennepin County Absentee Ballot Board:

Hennepin County Elections/Voter Registration  
300 South 6th Street, MC 012, Minneapolis, MN 55487



EXHIBIT C

# HENNEPIN COUNTY

## MINNESOTA

- Sylvia Wilson
  - Diane Dube
- b. In addition, each deputy county auditor listed in response to Request #2 has also been trained as an election judge in the manner prescribed by Minnesota Statutes ch. 204B.
4. **Any official Hennepin-County-created instructions, guidance, or policies provided to members of the 2022 Hennepin County absentee ballot board as to their responsibilities when deciding to accept or reject an absentee ballot.**
- a. Responsive training materials are attached. The training materials consist of a PowerPoint file that has been converted to PDF and partially redacted. These redactions are for two different reasons:
- Some of the slides in the training contain information about how to perform specific functions within the Statewide Voter Registration System (SVRS). Out of an abundance of caution, this information has been redacted as “security information” pursuant to Minn. Stat. § 13.37. Furthermore, Slide 45 and Slide 60 consisted of videos depicting a computer screen performing tasks on SVRS. Hennepin County is withholding these videos for the same reason and instead producing a still image of the first moment of these videos.
  - Slides 60 contains the information of a registered voter used as an example. Given that your request does not seek the information of this voter, Hennepin County has redacted this individual’s information to protect this individual’s privacy.

If you have any questions or concerns about these responses, I welcome you to contact me to discuss further.

Thank you,

Lydia McComas

612-348-5151

HC.Vote@Hennepin.us



Hennepin County Elections/Voter Registration  
300 South 6th Street, MC 012, Minneapolis, MN 55487



EXHIBIT C



election judge across Minnesota, as well as at least three items of contact information (physical address, and, if known, phone number and email) to ensure that localities can contact Republican election judges for inclusion at precincts on election day and on ABBs.

6. Karen Attia, Marlene Stoick, and Randy Sutter are Republican election judges on the Party List submitted to the Secretary of State. Karen Attia, Marlene Stoick, and Randy Sutter each had complete contact information included in the Party List, including their physical address, phone number and email.

7. When counties or cities fail to include Republicans from our Party List as election judges at local precincts on election day, or as members of the ABB, MNGOP is harmed both because it lacks representation in those capacities and also because it expends resources and follows state law to compile and provide this robust list.

8. On or about October 7, 2024, I received a copy of a response by Hennepin County, Minnesota to a data request made by James Dickey seeking the names of the election judges and deputy county auditors on the Hennepin County ABB (“Data Response”).

9. As I understand it, based on the correspondence in the Data Response and the representations of Hennepin County, the Data Response includes a full list of names of individuals who are serving on Hennepin

County's ABB for the 2024 General Election.

10. The Data Response breaks down the list between deputy county auditors and election judges on the Hennepin County ABB.

11. The MNGOP compiled the Party List and sent it to the Secretary of State on or before May 1, 2024.

12. I compared the names in the Data Response—both election judges and deputy county auditors—to the Party List. To be specific, I compared all of the names in the Data Response to both (1) the list of Hennepin County Republican election judges and (2) the list of statewide Republican election judges. I checked my work by running searches in the Party List for the names in the Data Response twice.

13. None of the names—either election judges or deputy county auditors—in the Party List are serving on the Hennepin County ABB as listed in the Data Response.

14. Thus, upon information and belief, there are no Republican affiliated election judges serving on the Hennepin County ABB.

15. Again, upon information and belief, because there are no names from the Party List in the Data Response, Hennepin County did not appoint any members of the Hennepin County ABB from the Party List.

16. Thus, upon information and belief, Hennepin County did not use or exhaust the Party List to find Republican election judges to serve on the

ABB.

I declare under penalty of perjury that everything I have stated in this document is true and correct. Minn. Stat. § 358.116.

Executed in Hennepin County, Minnesota

On Oct 15, 2024

*Donna M. Bergstrom*  
Donna M. Bergstrom (Oct 15, 2024 14:22 CDT)

\_\_\_\_\_  
Donna Bergstrom





election judges on the Party List for potential inclusion on the Hennepin County Absentee Ballot Board.

6. Of the 25 people on the Party List we contacted, none was contacted by Hennepin County to serve on the Absentee Ballot Board. Of those 25 people, seven (7) said they would have been willing to serve on the Absentee Ballot Board.

7. The individual petitioners, Karen Attia, Marlene Stoick, and Randy Sutter, are all supporters of and volunteers for Minnesota Voters Alliance.

I declare under penalty of perjury that everything I have stated in this document is true and correct. Minn. Stat. § 358.116.

Executed in Hennepin County, Minnesota

On 15/10/24



Andy Cilek (Oct 15, 2024 12:14 CDT)

Andrew Cilek



November 5, 2024 election.

I declare under penalty of perjury that everything I have stated in this document is true and correct. Minn. Stat. § 358.116.

Executed in Hennepin County, Minnesota

On 15/10/24

*Karen Attia*  
Karen Attia (Oct 15, 2024 16:11 CDT)

Karen Attia



8. If called upon, I am willing and able to immediately serve as an election judge for the Hennepin County Absentee Ballot Board for the November 5, 2024 election.

I declare under penalty of perjury that everything I have stated in this document is true and correct. Minn. Stat. § 358.116.

Executed in Hennepin County, Minnesota

On 15/10/24

Marlene Stoick

Marlene Stoick (Oct 15, 2024 12:05 CDT)

Marlene Stoick

## AFFIDAVIT OF RICHARD SUTTER

STATE OF MINNESOTA    )  
  )ss.  
COUNTY OF HENNEPIN   )

RICHARD SUTTER states:

1.     My name is Richard “Randy” Sutter. I make this affidavit upon personal knowledge of the facts set forth herein.

2.     I am a resident of Hennepin County, Minnesota.

3.     I am a Republican. Prior to May 1, 2024, I signed up to be on the Minnesota Republican Party’s list of election judges willing to serve in that capacity for the 2024 elections, whether on election day or on the absentee ballot board.

4.     I believe I am on the Minnesota Republican Party’s party list of candidate election judges.

5.     Hennepin County did not contact me to ask whether I would be willing to serve as an election judge on the Hennepin County Absentee Ballot Board for the 2024 elections.

6.     Had Hennepin County contacted me, I would have been willing to serve as an election judge on the Hennepin County Absentee Ballot Board for the 2024 elections, including the upcoming November 5, 2024 election.

7.     I am trained as an election judge for the 2024 election and intend to serve as a Republican election judge at my local precinct.

8. If called upon, I am willing and able to immediately serve as an election judge for the Hennepin County Absentee Ballot Board for the November 5, 2024 election.

I declare under penalty of perjury that everything I have stated in this document is true and correct. Minn. Stat. § 358.116.

Executed in Hennepin County, Minnesota  
On 15/10/24

*Randy Sutter*  
Randy Sutter (2024.10.15.14:26:01)  
Richard "Randy" Sutter