

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.

Appellate Case No. _____

**PETITION FOR CORRECTION
OF ERRORS AND OMISSIONS**

MINN. STAT. §204B.44

TO THE SUPREME COURT OF THE STATE OF MINNESOTA:

Pursuant to Minnesota Statutes section 204B.44, the City of Oak Grove petitions the Minnesota Supreme Court for an Order declaring that the City has the authority under Minnesota Statutes section 201.225, subd. 1, to use paper rosters at the upcoming 2026 Statewide General Election, ordering the Secretary of State and Anoka County officials to accept and implement the City's decision to use paper rosters, and 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 to prosecute any City officials or personnel for doing so. Petitioner states and alleges as follows:

INTRODUCTION

1. Under Minnesota election law, each precinct polling place is administered by the city in whose boundaries it is located—or, for precincts outside any city, by the county where it is located. This principle of local administration has served Minnesota well for many years.

2. But this dispute arose because Respondents are trying to distort the law to wrench away local administration on a politically controversial topic: whether a precinct's voter rosters are maintained in paper or electronic format. Minnesota law provides that each city, town, and county may decide what form of voter rosters it will "use ... for any election." But Respondents have turned

this provision upside down. They now contend that, for most elections, *only* the county may make this decision—even though county employees do not “use” voter rosters at all at polling places within city limits.

3. This has impaired the City of Oak Grove’s ability to administer elections within its boundaries. Oak Grove has given the legally-required notice of its intent to use paper voter rosters in all its election precincts for the upcoming 2026 general election—but Respondents have refused to cooperate, and seem intent on trying to override Oak Grove’s wishes and to dictate how Oak Grove’s own election judges perform their duties at polling places administered by Oak Grove. Indeed, Respondents have gone so far as to threaten Oak Grove personnel with criminal prosecution if they do not administer elections in the way that Respondents demand.

4. Oak Grove therefore brings this errors-and-omissions petition to restore the local administration of elections—including voter-roster format—that is required by Minnesota law.

JURISDICTION

5. This Court has jurisdiction over this matter pursuant to Minn. Stat. §204B.44, which allows “[a]ny individual” to file a petition “with any judge of the supreme court in the case of an election for state or federal office” to correct an “error” or “wrongful act” that has occurred or is 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.”

6. This action is necessary to correct errors, wrongful acts, or both that have been, or are about to be, made by the Respondents. Specifically, Respondent Simon has refused to accept Oak Grove’s notification of its intent to use paper voter rosters at the 2026 general election. Respondent Simon has failed, and will continue to fail, to notify Anoka County of that intent. Respondent Hunt has purported to order Oak Grove not to use paper voter rosters, despite its lawful decision to do so, and is about to so order again. And Respondent LeBlanc has directed similar orders to election judges hired by the City of Oak Grove—commanding them to disobey the Oak Grove officials who they work for, and even threatening them with criminal prosecution if they do not—and is about to do so again.

THE PARTIES

7. Petitioner City of Oak Grove, Minnesota (“Oak Grove”) is a statutory city of the fourth class with an optional plan A form of government. Oak Grove, Minnesota, City Code Art. I, Sec. 2-1(c); *see also* Minn. Stat. §412.541, subd. 1 (Optional Plan A). Oak Grove is situated within Anoka County and contains four election precincts.

8. Respondent Steve Simon is the Minnesota Secretary of State and is sued in his official capacity. He is responsible for overseeing election

administration and issuing rules and guidance on election laws, including defining, establishing, maintaining, and administering the state's voter registration system, Minn. Stat. §§201.021; 201.022; devising uniform forms and procedures for voter registration and prescribing the form of polling place rosters, Minn. Stat. §201.221; Minn. R. 8200.9115, subp. 1; and overseeing the use of electronic polling place rosters, Minn. Stat. §201.225, subd. 6. *See also* Minn. Stat. §204B.27, subd. 2 (listing other duties). He is also responsible for "provid[ing] polling place rosters for each election in the state." Minn. R. 8200.9115, subp. 2.

9. The Secretary of State's Elections & Administration office is located at 20 W. 12th Street, Suite 210, Saint Paul, MN 55155.

10. Respondent Tom Hunt is the Anoka County Director of Elections and Voter Registration and is sued in his official capacity.

11. Respondent Pam LeBlanc is the Anoka County Chief Officer of Property Records and Taxation and is sued in her official capacity. The Anoka County of Board of Commissioners "has appointed and delegated to the Chief Officer of Property Records and Taxation the election duties, powers and responsibilities of a county auditor for all federal, state, county, and local elections as appropriate, school board elections as appropriate, and judicial elections which are conducted within the county." Anoka County Board Resolution #2025-80.

12. In Anoka County, therefore, Respondent LeBlanc has all the powers and responsibilities of a county auditor, as described elsewhere in this Petition.

13. The Chief Officer of Property Records and Taxation's Elections and Voter Registration office is located at 2100 3rd Avenue, Suite 160, Anoka, MN 55303.

LEGAL BACKGROUND

I. Polling Place Rosters in Minnesota.

14. This case is about the format of polling place rosters under Minnesota law. Each precinct in Minnesota has a polling place roster, which is the list of the names and addresses of all persons registered to vote in that precinct. Minn. Stat. §201.221, subd. 3; Minn. R. 8200.9115, subp. 1 (general form of roster); *In re 2010 Gubernatorial Election*, 793 N.W.2d 256, 263 (Minn. 2010) (citing Minn. Stat. §204C.10 (2008)).

15. During an election, a copy of each precinct's voter roster must be present at the polling place in that precinct. When a voter appears at the polling place to cast her ballot, the election judges refer to the roster to determine whether she is registered in the precinct and whether she has already voted in that election. *See* Minn. Stat. §§201.016, subd. 1; 201.221, sub. 3; 204C.10; *see also* Minn. Stat. §§204C.14, subd. 2 (voter's signature on roster

evidence of intent to vote at election); 204B.14, subd. 2(b) (rosters for combined polling places).

16. In between elections, the information contained in each precinct's voter roster is maintained by the Secretary of State in a statewide voter registration database that is accessible to county auditors, municipal clerks, and school district clerks. Minn. Stat. §201.022, subd. 1.

17. Before each election, the Secretary of State sends to each county auditor the current voter rosters for the precincts within that county. *See* Minn. R. 8200.9115, subp. 3.

18. The auditors then distribute these. For precincts that are within the boundaries of an incorporated city or town, the auditor distributes the rosters, along with other required materials, to the municipal clerk, who then distributes them to election judges in each precinct. Minn. Stat. §§204B.28, subd. 2; 204B.29, subd. 1. For precincts that are not within any city or town, the county auditor distributes the rosters directly to the election judges. Minn. Stat. §204B.29, subd. 1.

19. Under Minnesota's Election Law, a voter roster must be a printed, paper document, unless the relevant jurisdiction has opted to use an electronic roster. The law defines a "polling place roster," or "roster," as "a roster in (1) printed format; or (2) electronic format as permitted by section 201.225." Minn. Stat. §200.02, subd. 25; *see also* Minn. Stat. §§200.01 (listing the constituent

chapters of Minnesota Election Law); Minn. Stat. §200.015 (“The Minnesota Election Law applies to all elections held in this state unless otherwise specifically provided by law.”)

20. Section 201.225, subd. 1, provides that “[a] county, municipality, or school district may use electronic rosters for any election,” if “the head elections official” for the jurisdiction “designate[s] that some or all of the precincts use electronic rosters.”

21. Specifically, “[a] county, municipality, or school district that intends to use electronic rosters in an upcoming election must notify 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.” *Id.* at subd. 6(a). Such a notification “is valid for all subsequent elections,” unless and until it is “revoked by the county, municipality, or school district.” *Id.*

22. Even when a precinct uses an electronic roster under section 201.225, it “must have a paper backup system approved by the secretary of state present at the polling place to use in the event that the election judges are unable to use the electronic roster.” Minn. Stat. §201.225, subd. 5(b); *see also* Minn. Stat. §201.221, subd. 3 (“An electronic roster and the voter signature certificate together must include the same information as a paper polling place roster.”)

23. “The secretary of state [] prescribe[s] the form of paper polling place rosters” and adopts rules to implement the provisions of Chapter 201. Minn. Stat. §201.221, subd. 3; *see also* Minn. R. 8200.9115, subp. 1 (regulating form of polling place rosters).

II. Elections Within City Limits Are Administered by City Officials.

24. This case is also about the division of authority over election administration between county and municipal officials. Under Minnesota law, in precincts within the boundaries of a city or town, elections are largely administered by municipal officials, with county and State officials playing a supporting role.

25. Minnesota’s Election Law defines “precinct” to mean “a geographical area the boundaries of which are established for election purposes in accordance with section 204B.14.” Minn. Stat. §200.02, subd. 11.

26. Within the boundaries of a city or town, the municipality itself has the authority to establish the boundaries of election precincts, Minn. Stat. §204B.14, subd. 1; to designate the polling place(s) in each precinct, Minn. Stat. §204B.16, subd. 1; and to appoint and assign election judges for each precinct, Minn. Stat. §204B.21, subd. 2. *See also* Minn. Stat. §§200.02, subd. 9 (defining “municipality” to “mean[] any city or town.”); 200.02, subd. 8 (defining “city” to “mean[] a home rule charter or statutory city.”).

27. Cities also have responsibility for selecting and providing the supplies and equipment to be used at polling places within their precincts. They are free to make arrangements for county or state offices to supply these materials or equipment, but cities and towns are equally free to make their own determinations in this regard if they wish.

28. In other words, Minnesota polling places within city limits are operated by the cities themselves, and the personnel who work there are city employees, hired and assigned by city officials.

29. By contrast, Minnesota county governments exercise operational control over polling places in precincts that are in “unorganized territory,” outside the boundaries of any city or town. *See* Minn. Stat. §§204B.14, subd. 1; 204B.15; 204B.16, subd. 1; 204B.21, subd. 2.

30. When Minn. Stat. §201.225 permits “[a] county, municipality, or school district” to “use electronic rosters for any election,” it applies this general division of authority to the question of voter-roster formats: for a given precinct, the choice as to roster format is made by the same officials who otherwise administer the election in that precinct.¹

¹ Minnesota school districts administer polling places only when a school district chooses to hold an election separate from any statewide, countywide, or municipal election. *See* Minn. Stat. §§205A.10, subd. 2; 205A.11, subd. 1.

31. That is unquestionably how electronic voter rosters got their start in Minnesota law. The Legislature first authorized such electronic rosters in 2013, when it specifically permitted certain ***cities*** to opt for electronic rosters in some or all of their precincts. Minn. Laws. 2013, Ch. 131, Art. 4, sec. 1, <https://www.revisor.mn.gov/laws/2013/0/131/>. Current section 201.225 gives the same choice to the city, town, or county that administers elections at every precinct in Minnesota.

III. Respondents Are Denying the City of Oak Grove Its Right to Use Paper Voter Rosters in the 2026 Election.

32. This dispute arose when the City of Oak Grove exercised its statutory right to revoke its use of electronic voter rosters for precincts within its boundaries and return to the statutory default of paper voter rosters. Respondents wrongly rejected the City's efforts, and indeed threatened city employees with criminal prosecution for them.

33. In the year 2018, the City of Oak Grove entered a contract with Anoka County for the use of an electronic voter roster system at precincts within Oak Grove.

34. Pursuant to that agreement, in 2018 Anoka County, or one of its officials, notified the Office of the Secretary of State on Oak Grove's behalf that the city would use electronic voter rolls at its precincts in future elections.

35. More recently, however, Oak Grove officials have determined that the use of paper voter rolls is more appropriate for precincts within the City's boundaries.

36. In 2024, the Oak Grove City Council unanimously passed Resolution No. 24-101, "terminat[ing] [its] agreement with Anoka [County] for use of the electronic roster system, giv[ing] written notice pursuant to the agreement, and giv[ing] notice of intent to return to use of paper poll books."

37. In response, in a letter of October 8, 2024, Respondent Hunt acknowledged the termination, but asserted that "[t]he head elections official for Anoka County has designated that **all** precincts in Anoka County shall use electronic rosters," and insisted that Oak Grove remained bound by this designation even in the absence of any election-rosters contract with the County.

38. Also in 2024, the Anoka County Elections Department, which is under the direction of Respondent LeBlanc, sent a memorandum to head elections judges insisting "that all precincts **must** use electronic pollbooks during the 2024 general election," and threatening that anyone who acted otherwise "is guilty of a felony."

39. In early 2025, the Oak Grove City Council passed an additional resolution, seeking to implement its decision regarding paper voter rosters. Resolution 2025-032, passed unanimously, directed and authorized city staff

“to engage with Anoka County, the Minnesota Office of the Secretary of State, and any other governmental entity to provide for the discontinuation of electronic poll rosters at city precincts pursuant to Resolution 24-101” and “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.”

40. That engagement bore little fruit. Later in 2025, Anoka County’s Board of Commissioners passed a resolution that “supports and reaffirms the [county] head elections official’s judgment and discretion to designate the continued use of electronic rosters in all Anoka County precincts during statewide elections.”

41. On April 1, 2026, Oak Grove gave notice to the Office of the Secretary of State, pursuant to Minn. Stat. §201.225, subd. 6, that it was revoking any previous notification of using electronic rosters, and that the City intended to use paper rosters in the upcoming 2026 general election and subsequent elections.

42. On May 1, 2026, the Office of the Secretary of State sent a reply, purporting to reject Oak Grove’s notice. The Office stated that “[f]or all county, state, and federal elections,” only “the Anoka County Auditor” can “determin[e] the form of roster” for precincts within Oak Grove.

IV. Respondents' Position Is Based on a Misreading of Minnesota Election Law.

43. Respondents evidently believe that Minn. Stat. §201.225 gives county officials the right to dictate the format of voter rosters even in precincts where other aspects of the election are administered entirely by city or town officials.

44. This makes no practical sense. The format of the voter roster for a given precinct should be determined by the same officials who are responsible for other aspects of election administration in that precinct. Outside city limits, that is county officials; within city limits, it is city officials.

45. Indeed, Respondents agree that any city, including Oak Grove, has the right to opt into or out of electronic-roster use for its precincts in city elections that do not coincide with state or county elections. For such elections, Respondents acknowledge that the Secretary of State must transmit voter information to the county auditor along with instructions about the voter-roster format to be used in each precinct, and that the auditor must distribute the materials to the city clerk in the appropriate format. But Oak Grove administers county and state elections at precincts within its boundaries in just the same way. There is no reason why voter-roster format should not be determined for those elections in the same way.

46. Respondents’ position also makes little legal sense. Section 201.225 expressly provides that “[a] county, municipality, or school district may **use** electronic rosters,” or may choose not to use them, “**for any election.**” (Emphases added). For precincts within the boundaries of a city or town, the only ones who “use” voter rosters are city officials and city employees—they are the ones who staff the polling places, who look up voter names and addresses in the rosters, and who use them to determine whether a voter may or may not vote at that site. County officials or employees do these things only in precincts outside city limits. So the natural meaning of this statutory language is that a county, municipality, or school district may choose the roster format for any election held in precincts that it administers.

47. By contrast, Respondents’ interpretation of the statute would negate the statute’s reference to “any election”—it would mean that Oak Grove could use electronic rosters within its boundaries for some elections, but *not* for other elections.

RESPONDENTS’ ERRORS AND LEGAL BASIS FOR CORRECTION

48. Although Oak Grove has given Respondent Simon the required notice of its revocation of intent to use electronic voter rolls, Simon has rejected that notification and, without correction from this Court, will fail to instruct Anoka County to implement the use of paper voter rosters at precincts within Oak Grove at the November 2026 election.

49. As described herein, respondents Hunt and LeBlanc have purported to command the use of electronic voter rolls in precincts within Oak Grove, notwithstanding the City's determination to the contrary. Without correction from this Court, they will implement that requirement at the November 2026 election.

50. In particular, election judges for precincts within Oak Grove are appointed, hired, paid, and supervised by the City of Oak Grove. But, absent correction from this Court, Hunt and LeBlanc will instruct these election judges to disobey the City's lawful decisions regarding the format of voter rosters, and indeed will threaten Oak Grove election judges with prison time unless they disobey their lawful superiors in this way.

CLAIM FOR RELIEF

WHEREFORE, Petitioner respectfully prays for an Order of the Court as follows:

51. Immediately setting a briefing schedule and time for hearing, pursuant to Minn. Stat. §204B.44(b), such that Petitioner's brief is due Friday, June 19, Respondents' brief is due Monday, July 20, Petitioner's reply brief is due Monday, August 3, and a hearing takes place thereafter as scheduled by the Court;

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

53. Granting Petitioner such other and further relief as the Court deems just and appropriate.

Respectfully submitted,

Dated: May 28, 2026

UPPER MIDWEST LAW CENTER

/s/ Nicholas J. Nelson
Douglas P. Seaton (#127759)
Nicholas J. Nelson (#391984)
Austin M. Lysy (#505052)
12600 Whitewater Dr., Suite 140
Minnetonka, Minnesota 55343
doug.seaton@umlc.org
nicholas.nelson@umlc.org
austin.lysy@umlc.org
(612) 428-7000

Attorneys for Petitioner