

STATE OF MINNESOTA
IN SUPREME COURT

No. _____

FILED

January 6, 2025

**OFFICE OF
APPELLATE COURTS**

Sonia Neculescu,

Petitioner,

v.

Daniel Rogan, Hennepin County Auditor,

Respondent.

**PETITION PURSUANT TO
MINNESOTA STATUTE, SECTION
204B.44 TO REMOVE MOHAMED
JAMA FROM BALLOT FOR THE
SPECIAL PRIMARY FOR SENATE
DISTRICT 60B**

To: The Supreme Court of the State of Minnesota

Pursuant to Minn. Stat. § 204B.44, Petitioner Sonia Neculescu petitions the Supreme Court of the State of Minnesota for an Order declaring that Mohamed Jama is ineligible to run for the open seat in Senate District 60 in the upcoming Special Primary on January 14, 2025 or the Special Election on January 28, 2025, because he has not been a resident of Senate District 60 for at least six months prior to the Special Election. Petitioner states and alleges as follows:

INTRODUCTION

1. On December 27, 2024, the sitting State Senator for District 60, Kari Dziedzic, which covers a portion of the City of Minneapolis, tragically passed away from cancer, leaving a vacancy in the Senate less than three weeks before the start of the legislative session.

2. On December 30, 2024, Governor Tim Walz issued a Writ of Special Election to fill the vacancy in the office of State Senator for District 60, for January 28, 2025. Exhibit 1.

3. Affidavits of candidacy were required to be filed with the Secretary of State or the County Auditor of Hennepin County by 5:00 p.m. on December 31, 2024. *Id.*

4. A special primary was set for January 14, 2024, if necessary. *Id.*

5. By 5:00 p.m. on December 31, 2024, ten individuals filed affidavits of candidacy for the open seat, including two seeking the nomination of the Republican Party of Minnesota and eight seeking the nomination of the Minnesota Democratic-Farmer-Labor (“DFL”) Party, triggering the special primary.¹

6. Absentee and early voting for the primary runs from January 9 to January 13, with the Primary occurring on January 14. Absentee and early voting for the Special Election will occur from January 22 to January 27, with the Election on January 28.

7. One of the individuals, Mohamed Jama (“Jama”), filed his affidavit of candidacy with his residency listed as “Private.” Exhibit 2. Upon information and belief, Jama provided an address to Hennepin County which is located within Senate District 60. However, Jama has not resided in the district for at least six months as evidenced by the fact that he registered to vote at an address outside of Senate District 60 for the November 5, 2024 General Election.

¹ See Secretary of State, *Candidates filed*, <https://www.sos.state.mn.us/election-administration-campaigns/elections-calendar/senate-district-60-special-election/> (last visited January 4, 2025).

8. Jama is ineligible to represent Senate District 60, and his name must be removed from the ballot, or, in the alternative, any votes cast for him in the primary must not be counted.

JURISDICTION

9. This Court has original jurisdiction over this matter pursuant to Minn. Stat. § 204B.44, which allows any individual to file a petition with this Court to correct any wrongful act, omission, or error of the Secretary of State or any other individual charged with any duty concerning an election, including, in this case, the County Auditor of Hennepin County, who is responsible for conducting the Special Election to fill the vacancy for Senate District 60.

10. This action is necessary to prevent the error of allowing Mohamed Jama from appearing on the ballot for the Special Primary and Special Election and/or having the votes cast for him counted, because he is ineligible to hold the office to which he seeks election.

PARTIES

11. Petitioner Sonia Neculescu is a registered voter and resident of Senate District 60 and intends to vote in both the DFL Special Primary and the Special Election for Senate District 60.

12. Respondent Daniel Rogan is the Hennepin County Auditor and is responsible for the conduct of the Special Primary and Special Election for Senate District 60 including the preparation of the ballots for the elections.

GENERAL ALLEGATIONS

13. Minnesota Constitution, article IV, § 6 provides that a state senator must reside within the district for which elective office is sought for six months immediately preceding the election: “Senators and representatives shall be qualified voters of the state and shall have resided one year in the state and six months immediately preceding the election in the district from which elected.”

14. This requirement has also been codified in statute in Minn. Stat. § 204B.06, subd. 4a(4), which states, in part: “for senator . . . in the legislature, that on the day of the *general or special election* to fill the office the candidate will have maintained residence . . . not less than six months in the legislative district from which the candidate seeks election.” (emphasis added).

15. Even if Jama’s affidavit of candidacy lists a residence in District 60, data from the Minnesota Secretary of State indicates that Jama did not vote in Senate District 60 for the November 5, 2024, General Election and, instead, registered to vote in Senate District 63 on Election Day using the same-day registration process.

16. The Minnesota Voter Registration Application requires all voters to provide a residence address and includes a certification that the voter “maintain[s] residence at the address or location given on the registration form.”²

17. In order to register to vote on election day in Minnesota, an individual also must follow several steps laid out in statute.

² The Minnesota Voter Registration Application is available at: <https://www.sos.state.mn.us/media/5975/minnesota-voter-registration-application.pdf> (last visited Jan. 6, 2025).

18. First, the individual must appear at the polling place “for the precinct in which the individual *maintains residence* . . . and providing *proof of residence*.” Minn. Stat. § 201.061.

19. An individual may prove residence in one of the following ways: (1) presenting a driver’s license or Minnesota identification card; (2) presenting another document approved by the Secretary of State as proper identification (such as an ID like a passport, driver’s license, or tribal ID (which may be expired), if accompanied by a current bill or statement like an electric or phone bill, or residential lease); (3) presenting documents validating that the individual is a student; or (4) having another voter who is registered to vote vouch for the individual, and swear under oath that they know where the individual lives. *Id.*; *see also* Minn. R. 8200.5100.

20. In short, an individual must vote where they currently reside, and to register same-day, Jama would have had to provide some proof of current residence. If Jama was successfully able to provide proof of current residence in Senate District 63 on November 5, 2024, then he could not have also resided in Senate District 60 at least six months prior to the upcoming January 28, 2025 Special Election.

21. On January 2, 2025, a representative of the Senate DFL Caucus campaign contacted Jacob Hooper, Jama’s campaign manager, via text message to confirm whether Jama resided in Senate District 60 for the six months prior to the Special Primary Election. *See* Exhibit 3. In response, Mr. Hooper stated that Jama resides at an address in Senate District 60, that “[h]e’s live (sic) there for about 6 months,” that “[h]e is not

registered to vote at that location,” and that “[h]e did vote in 2024 but used old address because this was during process of moving.” *Id.*

22. Accordingly, Jama is ineligible to hold the seat of State Senator for Senate District 60, under the Minnesota Constitution, Article IV, § 6, and Minnesota Statute, Section 204B.06, subd. 4(a)(4).

RESPONDENT’S ERRORS

23. Respondent has or is about to commit an error by placing Mohamed Jama’s name on the ballot for the Special Primary on January 14, 2025, because he is ineligible to hold the Office of State Senator for Senate District 60.

24. If this error is not corrected, the Respondent may commit further errors by allowing Mohamed Jama’s name to appear on the ballot for the Special Election on January 28, 2025.

CLAIM FOR RELIEF

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

1. Declaring that Mohamed Jama is not eligible to hold the office of State Senator for Senate District 60 because he has not been a resident of the district for at least six months prior to the Special Election.
2. Directing the County Auditor to refrain from printing Mohamed Jama’s name on the ballot for the Special Primary; or, in the alternative, declaring that any votes cast for Mohamed Jama will not be counted, and that the

candidate with the next-highest total votes will take his place should he win the Special Primary Election.

3. Such other relief as may be just and necessary.

Dated: January 6, 2025

LOCKRIDGE GRINDAL NAUEN PLLP

s/David J. Zoll

Charles N. Nauen (#121216)

David J. Zoll (#0330681)

Rachel A. Kitze Collins (#0396555)

100 Washington Avenue South, Suite 2200

Minneapolis, MN 55401

(612) 339-6900

cnnauen@locklaw.com

djzoll@locklaw.com

rakitzeollins@locklaw.com

Attorneys for Petitioner Sonia Neculescu

CERTIFICATION OF BRIEF LENGTH

I hereby certify that this brief conforms to the requirements of Minn. R. Civ. App. P. 132.01, subds.1 and 3, for a brief produced with a proportional 13-point font. The length of this brief is **1,400** words. This brief was prepared using Microsoft Word 365.

s/David J. Zoll

David J. Zoll (#0330681)