

State of Minnesota In Court of Appeals

Case No. A21-0529

Minnesota Voters Alliance, Gregg Sougstad, Marissa Skaja, and Doug Daggett,

Appellants/Petitioners,

vs.

The City of Minneapolis, a municipality, Minneapolis City Council, the
Minneapolis City Clerk Casey Joe Carl, and the Minneapolis Assistant City Clerk
Grace Wachlarowicz,

Respondents.

APPELLANTS' PRINCIPAL BRIEF

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LEGAL ISSUES

I. Does the City of Minneapolis have the authority to appoint 102 “deputy city clerks” to the general election ballot board under Minnesota Statute § 203B.121?

Appellants brought a Petition for Writ of Quo Warranto in Hennepin County District Court, seeking to compel Respondent City of Minneapolis to declare its legal justification for the appointment of 102 existing staff members to the office of deputy city clerk, for the purpose of sitting on its general election ballot board. *Doc 1 at 2*. The District Court found in favor of Respondents, holding that Minnesota Statute § 203B.121 and its own city charter conferred authority to take these actions. *Add. 27*. Appellants filed a timely Notice of Appeal on April 23, 2021. *Doc 29*.

II. Does Minnesota Statute § 412.151 define the role and appointment process of a “deputy city clerk,” and does it apply to both charter cities and statutory cities within the context of § 203B.121 and the Minnesota Election Law?

This issue was not discussed by either party or considered by the District Court.

APPOSITE AUTHORITIES

Statutory Authority

Minnesota Statutes §§203B.121; 412.151

STATEMENT OF THE CASE

This matter originated in Hennepin County District Court before the Honorable Thomas Gilligan on October 5, 2020. Appellants Minnesota Voters Alliance, Gregg Sougstad, Marissa Skaja, and Doug Daggett (“Appellants”) filed a Petition for Writ of Quo Warranto upon the City of Minneapolis, its City Council, its City Clerk, and its Assistant City Clerk (“City” or “Respondents”). *Doc 1*.

Respondents moved to dismiss the Petition for Writ of Quo Warranto on October 26, 2020, for failure to state a claim upon which relief may be granted under Minn. R. Civ. P. 12.02(e). *Doc. 9*. After briefing and oral argument, the District Court on March 29, 2021, granted Respondents’ motion to dismiss. *Add. 27*. Notice of Appeal was timely filed on April 22, 2021¹, and an extension of time to file Appellants’ primary brief until July 21, 2021, was requested and granted on July 1, 2021.

STATEMENT OF FACTS

This case comes before this Court on largely undisputed facts. Appellant Minnesota Voters Alliance (“MVA”) is an organization with members who seek to ensure, as part of their association objectives, public confidence in the integrity of Minnesota’s elections. Its membership includes qualified voters and taxpayers who reside in Minneapolis, Minnesota. Appellants Gregg Sougstad, Marissa Skaja, and Doug

¹ *Doc. 29*.

Daggett are each residents, taxpayers, and registered voters in the City of Minneapolis.
Doc. 1 at 3-4.

Respondent City of Minneapolis is a home rule charter city in the State of Minnesota. Respondent Minneapolis City Council (“Council” or “City Council”) is the municipal elective body consisting of elected representatives from 13 wards within the City. *Id.* The City Council, acting for the City of Minneapolis, is the municipal lawmaking body under Minnesota Statutes § 203B.121, subdivision 1 that, by ordinance or resolution, appoints election judges and deputy clerks to an absentee ballot board.

Respondent Casey Joe Carl is the Minneapolis City Clerk (“City Clerk”). As such he is responsible for the conduct of all City Clerk office employees.² *Id. at 4.* The Director of Elections and Voter Services is the chief elections official for the City of Minneapolis. The Director of Elections and Voter Services reports to the City Clerk. *Id.*

The dispute in this case stems from Respondents’ appointment of 102 people, labeled “deputy city clerks,” to the municipal absentee ballot board outlined in Minnesota Statutes § 203B.121. *Doc. 2 at ex. D-21.* The object of the underlying Petition for Writ of Quo Warranto is to prevent Respondents from continuing their legally unauthorized appointment of these “deputy city clerks.” These persons are individuals who Respondents have designated to exclusively accept or reject absentee ballots for the 2020 general election, in place of election judges chosen from political-party-provided lists.
Doc. 2 at ex. N-103.

² Since the filing of this lawsuit, Grace Wachlarowicz has retired from her position.

INTRODUCTION

In drafting the detailed and complex set of chapters that make up the Minnesota Election Law, the legislature recognized the importance of creating a single body of rules to govern elections across every municipality in the state.³ The administration of general elections for statewide and national office in one jurisdiction necessarily impacts that of another. So, because “those who vote decide nothing (and) those who count the vote decide everything,”⁴ the legislature brought about stringent requirements to safeguard the integrity of our elections against exploitation and malfeasance.

Against this backdrop, the state legislature enacted Minnesota Statutes § 203B.121. This statute “...governs the establishment and duties of boards for the purpose of the collection, processing, acceptance or rejection, storage, and counting of absentee ballots.” *Add. 7*. The legislature recognized that those tasked with the acceptance or rejection of ballots perform a critical government function in a representative system like ours, and a patchwork set of rules could lead to a lack of faith in the process.

Duly appointed election judges to the Minneapolis absentee ballot board were informed in late September 2020 that the *only* persons that would perform the duties of accepting or rejecting absentee ballots would be “deputy city clerks:” “Deputy City Clerks on the AB Board will perform the duty of accepting/rejecting ballots as they

³ See Minnesota Statute § 200.015: “The Minnesota Election Law applies to all elections held in this state unless otherwise specifically provided by law.”

⁴ Joseph Stalin (Attr.)

arrive.” *Doc. 2 at ex. N-103*. In October, 2020, weeks before the election, and contrary to the intentions of the legislature, the City of Minneapolis labeled no fewer than 102 persons “deputy city clerks.” *Doc. 2 at ex. D-21*.

No statute, charter provision, or ordinance was cited by the City for the authority to appoint these individuals to office or define their role. Today, Respondents point to the authority to *include* an existing deputy city clerk on a ballot board under § 203B.121. In practice, the misconstruction of this statute allows Minneapolis to hand-pick “those who count the vote.”

Minneapolis argued, and the District Court agreed, that its status as a home rule charter city allows it wide latitude to appoint and define “deputy city clerks” as it wishes. *Add. 17-19*. For a number of reasons, this interpretation of election law cannot be reconciled with either Minnesota Statutes or case law. Appellants will demonstrate that the City’s authority under its own charter does not allow it “plenary mentioned and unmentioned authority under its Charter to decide who constitutes a “deputy city clerk”.” *Id. at 17*.

The legislature drafted a statute to govern the appointment of a single “deputy city clerk,” which is codified at § 412.151. This statute is decisive of this controversy as it explains the process for appointing a singular deputy city clerk and applies to both statutory cities and charter cities for elections that fall under state control. This statute applies to both statutory cities and charter cities in the context of the Minnesota Election Law. Once the clear legislative intent behind this statute is applied to the case at bar, any exercise of local authority in this context by Minneapolis or any other home rule charter

city would plainly be preempted. The conflict between the lower court’s decision and § 412.151 was not addressed by the lower court, but Appellants will demonstrate that it can *only* be what the legislature meant by “deputy city clerk,” which removes any potential ability to name scores of people to the office of “deputy city clerk” under a local charter.

STANDARD OF REVIEW

This case requires the Court to evaluate and interpret state statutes and their applicability to and interplay with city charter provisions. “The application of statutes, administrative regulations, and local ordinances to undisputed facts is a legal conclusion and is reviewed *de novo*.” *City of Morris v. Sax Investments, Inc.*, 749 N.W.2d 1, 8 (Minn. 2008). A dismissal under Minn. R. Civ. P. 12.02(e) is reviewed *de novo* and Appellate Courts accept “the facts alleged in the complaint as true and construe[s] all reasonable inferences in favor of the nonmoving party.” *Walsh v. U.S. Bank, N.A.*, 851 N.W.2d 598, 606 (Minn. 2014).

ARGUMENT

I. The Minneapolis City Council has no authority to define and appoint 102 “deputy city clerks” to a regular ballot board for state-controlled general elections under Minnesota Statutes § 203B.121.

Ballot boards are made up of election judges⁵, and are subject to a host of requirements including balanced representation among the major political parties.⁶ Election judges themselves must be able to read and write the English language and must not be related to any candidate or any other election judge, among other qualifications.⁷ But, many small cities do not have a full-time staff of city employees, much less a standing ballot board that reports to work every day. For that reason, and because many outstate jurisdictions may only receive and process a very small number of absentee ballots in a given time period, an alternative was enacted to allow for more efficient processing of ballots. The legislature in § 203B.121 allowed a deputy city clerk to assist in this situation by being included on a ballot board.

A. “Deputy city clerk” is a legal term of art.

“Deputy city clerk” is a unique position with a specific legal meaning in the context of Minnesota Statute § 203B.121, and this office carries with it privileges and responsibilities that distinguish it from any other. A bright line exists between a deputy

⁵ § 203B.121 provides that the ballot board “*must* consist of a sufficient number of election judges trained in the handling of absentee ballots and appointed as provided in sections 204B.19 to 204B.22.” Contrast this with the allowance that the board “...*may* include... deputy city clerks.” (emphasis added).

⁶ See Minnesota Statute § 204B.19.

⁷ *Id.*

city clerk, and seasonal election help, staff, city clerk's office employees, and even assistant city clerks, because a deputy city clerk may be included on a municipal absentee ballot board and the others may not. Once this distinction is established, the critical importance of defining the role of this individual becomes clear.

Section 203B.121, Subdivision 1(a) reads as follows:

Establishment; applicable laws. (a) The governing body of each county, municipality, and school district with responsibility to accept and reject absentee ballots must, by ordinance or resolution, establish a ballot board. The board must consist of a sufficient number of election judges trained in the handling of absentee ballots and appointed as provided in sections 204B.19 to 204B.22. The board may include deputy county auditors or deputy city clerks who have received training in the processing and counting of absentee ballots.

This language unambiguously makes deputy county auditors⁸ and “deputy city clerks” eligible to be included alongside election judges on absentee ballot boards. What it does not do, however, is define the position or office of “deputy city clerk,” nor does it grant any authority to municipalities to create or define this position. Any procedure to make such an appointment is also absent. Thus, § 203B.121 only goes so far as to endow an existing “deputy city clerk” with the special ability to sit on a ballot board and goes no further.

B. “Include” and “appoint” are not interchangeable terms.

In the context of § 203B.121, the word “include” is critical to distinguish from “appoint.” To “include” something is “to take in or comprise as a part of a whole or

⁸ The authority to appoint deputy county auditors is found in Minnesota Statute § 384.08. The applicability of this statute is not at issue in this case, but will be discussed later.

group.”⁹ This term is casually conflated¹⁰ in the lower Court by Respondents with “appoint,” which means “to name officially.”¹¹ These terms are not interchangeable. In order for something to be *included* as part of a larger group, it must first be officially named, or brought into existence. The City’s lack of authority to “appoint,” or bring a “deputy city clerk” (or 102 of them) into existence, is the subject of this lawsuit.

This Court has already recognized the difference between “include” and “appoint” in § 203B.121, as applied to deputy county auditors. Minnesota Statute § 384.08 “...explains the *process* to appoint a deputy county auditor.” *Minnesota Voters Alliance v. County of Ramsey, et al.* A20-1294; A20-1295; A20-1296 at 10 (Minn. Ct. App. 2021) (emphasis in original). This statute provides as follows:

Any county auditor may by certificate in writing appoint deputies who, before entering upon their duties, shall record with the county recorder such certificates, with their oaths of office endorsed thereon. Such deputies may sign all papers and do all other things which county auditors may do. Auditors shall require bonds of their deputies in such amount and with such sureties as they deem proper, shall be responsible for their acts, and may revoke their appointment at pleasure.

Neither party disputes that this statute serves as the legal foundation for the appointment of deputy county auditors for Minnesota counties. If § 203B.121 actually did convey the authority to “appoint” deputy county auditors, then § 384.08 would be entirely redundant. Section 412.151 serves the same purpose for the appointment of deputy city clerks for both statutory and charter cities. Both statutes give the “deputy” authority to act as the principal. The appointment process for deputy city clerks is

⁹ <https://www.merriam-webster.com/dictionary/include>, last accessed July 18, 2021.

¹⁰ *See Doc. 10 at 18-19.*

¹¹ <https://www.merriam-webster.com/dictionary/appoint>, last accessed July 18, 2021.

outlined in § 412.151, and the ability to include such a person on a ballot board is found in § 203B.121. There is no statutory basis for the City of Minneapolis to appoint more than one deputy city clerk, let alone 102 of them, and Minneapolis falls under § 412.151 for election law purposes.

C. The 2013 Amendment to § 203B.121 proves that the legislature intended to prevent the Minneapolis scheme.

In 2013, the legislature made changes to § 203B.121 that eliminated any possibility that general “staff” and “deputy city clerk” are interchangeable terms. The statute was amended as follows:

The board may include ~~staff trained as election judges~~ deputy county auditors or deputy city clerks who have received training in the processing and counting of absentee ballots.

Minnesota Session—2013 Regular Session, Sec. 17. *Doc. 2 at Ex. M.*

This change reinforces the point that the legislature intended to prevent a scenario exactly like the one at bar, by taking steps to eliminate the possibility of bias and patronage on ballot boards. Plainly, the notion that a city might exploit the law by training existing staff to become election judges *still* presented a concern to the legislature, so this language was stricken, and the current language was adopted. Here, Minneapolis has not only labeled existing staff “deputy city clerks,” but the election judge training requirement is absent as well. An even lower standard has been applied which lends itself to more abuse than the scenario the legislature wished to prevent with the 2013 amendments.

So, the legal term of art “deputy city clerk” must have a definition beyond “whatever it has to mean in order to fit the statute and skirt party balance requirements.” While the authority to include a deputy city clerk on a municipal absentee ballot board is found in § 203B.121, the authority to create or define the position is not. And the 2013 amendment to § 203B.121 proves that staff were never intended to sit on regular ballot boards, even if they were trained in the processing and handling of absentee ballots.

II. Section 412.151 is the statutory foundation to appoint a “deputy city clerk.”

The lower court’s decision conflicts with Minnesota Statutes § 412.151, but the application of this statute is clear in this case.¹² It provides a statutory definition of “deputy city clerk” which, like all Minnesota Election Law, applies to both charter cities and statutory cities unless expressly provided to the contrary.¹³ Section 412.151, Subdivision 1 provides, in pertinent part:

With the consent of the council, the clerk may appoint a deputy for whose acts the clerk shall be responsible and whom the clerk may remove at pleasure. In case of the clerk's absence from the city or disability, the council may appoint a deputy clerk, if there is none, to serve during such absence or disability. The deputy may

¹² While not addressed below, Minnesota Appellate Courts have routinely considered such an argument when the omission “is plainly decisive of the entire controversy on its merits, and where, as in a case involving undisputed facts, there is no possible advantage or disadvantage to either party in not having had a prior ruling by the trial court on the question.” *Watson v. United Servs. Auto. Ass’n*, 566 N.W.2d 683, 687 (Minn. 1997) (citations omitted).

¹³ An important example is illustrated in § 410.21. This grants plenary local charter authority in elections insofar as it applies to “...nominations, primary elections, and elections for municipal offices.”

discharge any of the duties of the clerk, except that deputy shall not be a member of the council.

The authorizing language for the creation of a deputy city clerk is not codified in the Minnesota Election Law in Chapter 200. This is so because a legitimate deputy city clerk only works on election-related activities for a brief period each year and the rest of their time is spent discharging all the regular duties of a city clerk. The legislature simply never anticipated that this narrowly defined office would be used as a tool to exploit the ballot board law as Minneapolis has done. It appears instead in Chapter 412 along with the other legal bases for municipal offices. In this context, though, it must be read as a part of the election laws and thus must be applicable to both charter cities and statutory cities for general election purposes.

It is not the responsibility of the City Clerk to occupy the ballot board. The City has no authority under § 203B.121 or its own charter to appoint a “deputy city clerk” to a regular ballot board (that authority is only found in § 412.151). Appellants do not contend that the Minneapolis City Clerk lacks the authority to hire additional help for elections. The opposite is true under Minnesota Statutes § 203B.14: “Each county auditor and each municipal clerk may employ additional clerical assistance as necessary to discharge the responsibilities imposed on the county auditor or municipal clerk as provided in this chapter.”

A. Section 412.151 authorizes the appointment of a single “deputy city clerk” and no more.

Section 412.151 is replete with references to *one* deputy city clerk: The language “...may appoint a deputy” appears twice; the singular word “deputy” is used four times;

the statute clarifies that “the council may appoint a deputy clerk, *if there is none*, to serve” if the City Clerk is absent or disabled.

The “goal of all statutory interpretation is to ascertain and effectuate the intention of the legislature.” *Christianson v. Henke*, 831 N.W.2d 532, 536 (Minn. 2013). “If the words of the statute are free from ambiguity, we will not disregard them. Therefore, any statutory construction must begin with the language of the statute.” *A&H Vending Co. v. Commr. of Revenue*, 608 N.W.2d 544, 547 (Minn. 2000) *quoting Hedglin v. City of Willmar*, 582 N.W.2d 897, 901 (Minn.1998).

The role, appointment process, and definition of “deputy city clerk” is unmistakable in § 412.151. One such individual is authorized under this statute. This is also consistent with the common definition of “deputy,” which is “(a) person appointed or delegated to act as a substitute for another, esp. for an official.” *Black’s Law Dictionary* 474 (Bryan A. Garner ed., 8th ed., West 2004). It was this individual, acting in a limited capacity to help with seasonal election duties in small towns, that was anticipated to be included on the absentee ballot board in § 203B.121.

Respondents agree that a deputy acts as a substitute. *Add. 21*. None of the 102 deputy city clerks acted as a substitute performing duties of the city clerk. They were hired specifically to serve on the ballot board and serving on the ballot board is not a responsibility of a city clerk, because a city clerk has no authority to serve on a ballot board. So, the hiring of dozens of deputy city clerks was illegitimate and served to

undermine the party balance requirements of those accepting and rejecting absentee ballots.

B. Minnesota Statutes § 412.151 defines “deputy city clerk” for every city in the state.

If the legislature intended to endow a charter city with the authority to come up with its own definitions in § 203B.121, it would have done so. It did not. Moreover, the legislature knows how to create a separation of power between statutory cities and charter cities and could have done so in § 203B.121. Again, we see no such reservation of authority. Instead, one need only step through the definitions in Minnesota Election Law to conclude that the plain intention was to apply the same general ballot board requirements in § 203B.121, with the same definitions, to all cities in Minnesota.

Section 203B.121, Subd. 1(a) provides that “The governing body of each county, municipality, and school district with responsibility to accept and reject absentee ballots must, by ordinance or resolution, establish a ballot board.” The word “municipality” means “any city or town” per Minnesota Election Law at § 200.02, Subd. 9. “City means a home rule charter or statutory city,” as provided in § 200.02 Subd. 8. So, we know that charter cities are not exempt from making a ballot board.

Minnesota Statutes § 200.015 provides: “The Minnesota Election Law applies to all elections held in this state unless otherwise specifically provided by law.” Moreover, § 203B.121, subdivision 1(c) provides “Except as otherwise provided by this section, all provisions of the Minnesota Election Law apply to a ballot board.” Because no language exists in either this statute or § 412.151 that distinguishes between charter cities and

statutory cities, the definition must be the same for both entities. So, “deputy city clerks” in § 203B.121 has only one possible meaning consistent with § 412.151.

C. Any reading of §203B.121 without “deputy city clerk” as defined in §412.151 would be unreasonable and lead to absurd results.

Beyond sitting on the ballot board, there is no discernible role or definition for a deputy city clerk in Minneapolis.¹⁴ No legal basis for the position has been identified, and the City is claiming it doesn’t have to have one by virtue of its home rule charter. So, under this logic, other charter cities in Minnesota must also be free to choose how they get to define “deputy city clerk,” and how many of them to appoint. This is unreasonable and leads to absurd results.

If the definition of “deputy city clerk” in § 412.151 does not apply to charter cities, it would lead to a series of unreasonable and absurd results. It is well-settled that “courts should construe a statute to avoid absurd results and unjust consequences.”

American Family Ins. Group v. Schroedl, 616 N.W.2d 273, 278 (Minn. 2000).

To accept this reasoning is to accept that the legislature intended to allow Minneapolis, Saint Paul, Duluth, Rochester, Bloomington, and all the other most populous cities in Minnesota, to decide for themselves whether they will choose to abide by the party balance rules for ballot boards.¹⁵ It had no such intention. It also means the millions of voters in these cities are subject to patchwork regulations that vary by

¹⁴ The City’s argument is irreconcilable with the definition in § 412.151.

¹⁵ Each city mentioned here is a home rule charter city. Again, this is not about hiring seasonal election assistance. The City has every right to do that under § 203B.14. The dispute surrounds who may accept or reject absentee ballots on the ballot board, which is not the responsibility of the city clerk.

jurisdiction and have a very high likelihood of detrimentally affecting the State as a whole.

Minnesota Statute § 410.21 provides a clear example of the legislature reserving local charter authority, which is something it declined to do in § 203B.121 or § 412.151. Section 410.21 makes it clear that municipal charter provisions control only as applied to municipal election activities and not general elections:

410.21 APPLICATION OF GENERAL ELECTION LAWS.

The provisions of any charter of any such city adopted pursuant to this chapter shall be valid and shall control as to nominations, primary elections, and elections for municipal offices, notwithstanding that such charter provisions may be inconsistent with any general law relating thereto, and such general laws shall apply only in so far as consistent with such charter.

The legislature's refusal to extend local charter authority to Minnesota's general Election Law speaks volumes. It could have provided for the use of such power here, and it did not.

Next, if city charters control, and not the Minnesota Election Law, what is the limit of this authority? Initiative and referendum are absent in the Minneapolis City Charter, but they are reserved for the voters in all the other cities mentioned above. Are the voters able to enact legislation defining "deputy city clerk?" This would also mean the voters are free to define who sits on the absentee ballot board in their city, rendering election judges and all the safeguards against bias on ballot boards redundant. Simply put, the result of the City's new "law" would be a mess.

If the Minneapolis interpretation is correct, and if many cities decide to define and use "deputy city clerk" however they wish, then what about statutory cities in §

203B.121? Only two possible outcomes exist: either statutory cities can't have a deputy city clerk on their ballot boards because they lack authority to appoint one; or the definition is found in § 412.151. Presumably the law was not written such that the final clause in Subdivision 1 was meaningless for every statutory city in the state, which means that authority to appoint a deputy city clerk must be found in § 412.151. If this is the case, then Minneapolis has failed to establish why this definition applies only to statutory cities and not to every city in Minnesota.

D. Any exercise of local charter authority to define “deputy city clerk” in the context of § 203B.121 would be preempted.

The purpose of this action is to compel the City of Minneapolis to declare the source of its authority to create 102 “deputy city clerks.” Without knowing the legal basis for such an act, it is impossible to conduct a preemption analysis. That said, the legislature has fully occupied the field of regulation related to ballot boards and general elections in Minnesota, so it bears mentioning that any such local legislation would almost certainly be preempted and thus void.

The power conferred upon cities to frame and adopt home rule charters is limited by the provisions that such charter shall always be in harmony with and subject to the constitution and laws of the state. *State ex rel. Town of Lowell v. City of Crookston*, 252 Minn. 526, 528, 91 N.W.2d 81, 83 (Minn.1958). “Field preemption occurs when the legislature has comprehensively addressed the subject matter such that state law now occupies the field.” *Jennissen v. City of Bloomington*, 913 N.W.2d 456, 462 (Minn.

2018), *quoting Bicking v. City of Minneapolis*, 891 N.W.2d 304, 313 n.8 (Minn. 2017) (internal quotations omitted).

Minnesota Election Law is a massive body of legislation, encompassing Chapters 200, 201, 202A, 203B, 204B, 204C, 204D, 205, 205A, 206, 208, 209, 211A, 211B, and 211C. The legislature declared its intention to extensively and completely regulate general election ballot boards. As treated earlier, the law “applies to all elections held in this state unless otherwise specifically provided by law.” Minn. Stat. § 200.015. Aside from the fact that no mention of charter authority can be found anywhere in § 203B.121, we have § 203B.001 to remind us that “The Minnesota Election Law is applicable to voting by absentee ballot...” unless provided otherwise (it isn’t).

Conclusion

The City of Minneapolis has identified no legitimate authority for appointing 102 persons to the office of “deputy city clerk,” nor has it made any attempt at a functional legal definition for this office. Both the City and the lower court have misconstrued § 203B.121 as granting the authority to appoint 102 individuals to the position of “deputy city clerk,” instead of the authority to be a member of a ballot board. Finally, Minnesota Statute § 412.151 defines “deputy city clerk,” and it applies to both statutory cities and charter cities like Minneapolis. The City’s actions are without support in law.

Appellants Respectfully ask this Court to grant the Writ of Quo Warranto that Respondent City of Minneapolis has no legal authority to appoint more than one deputy

city clerk per the statutory definition in § 412.151. Further, Appellants ask the Court to declare that the City must comply with Minnesota Statute § 412.151 and limit the number of deputy city clerks allowable on a regular ballot board under § 203B.121 to one.

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**CERTIFICATE OF COMPLIANCE
WITH MINN. R. APP. P. 132.01, Subd. 3**

The undersigned certifies that the Brief submitted herein contains 4,842 words and complies with the type/volume limitations of the Minnesota Rules of Appellate Procedure 132. This Brief was prepared using a proportional space font size of 13 pt. The word count is stated in reliance on Microsoft Word 2016, the word processing system used to prepare this Brief.

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/s/ Gregory J. Joseph
Gregory J. Joseph