

**STATE OF MINNESOTA
IN SUPREME COURT**

Supreme Court File No. _____

In re 2022 General Election
Ballot for Minnesota House
of Representatives District 67A

**PETITION PURSUANT TO
MINN. STAT. § 204b.44 TO
CORRECT BALLOT
PRINTING ERROR
FOR MINNESOTA HOUSE OF
REPRESENTATIVES DISTRICT 67A**

David Triplett, in his official capacity as the Ramsey County Elections Manager, states and alleges as follows:

INTRODUCTION

1. As set forth in greater detail below, due to a clerical error, ballots for the 2022 general election for Minnesota House District 67A were printed and distributed that included the name of a candidate who is deceased instead of the name of the replacement candidate. This Petition seeks an order from this Court that will enable and authorize the Ramsey County Elections Office to correct that error.

JURISDICTION

2. The Minnesota Supreme Court has original jurisdiction in this matter under Minn. Stat. § 204B.44, because this petition seeks to resolve an error in the preparing or printing of an official ballot for state office.

FACTS

3. Petitioner, David Triplett, is the Ramsey County Elections Manager. Petitioner supervises and oversees the functions of the Ramsey County Elections Office.

4. On August 29, 2022, the Office of the Minnesota Secretary of State sent the Ramsey County Elections Office a Certification of Nomination from the Republican Party of Minnesota. (Ex. A.) The previously certified Republican candidate for State Representative for Minnesota House District 67A for the 2022 general election, died on or about August 1, 2022. Pursuant to Minn. Stat. § 204B.13, the Republican Party of Minnesota nominated Scott Hesselgrave to replace Beverly Peterson as the Republican Candidate for the office of State Representative for Minnesota House District 67A.

5. Following directions from the Office of the Minnesota Secretary of State's Office, the Ramsey County Elections Office updated the effected ballot styles by replacing Beverly Peterson's name with the name of Scott Hesselgrave as the Republican candidate for Minnesota House District 67A. The Ramsey County Elections Office then proofread the ballot styles to ensure that the ballot styles had the correct replacement candidate's name on them.

6. The ballot files were transmitted to the printing vendor on September 1, 2022, and were returned on September 21, 2022. On September 23, 2022, Ramsey County elections staff observed that the printed ballots erroneously included the name of deceased candidate Beverly Peterson instead of the correct name of Scott Hesselgrave as the Republican candidate for Minnesota House District 67A.

7. Ramsey County elections staff determined that due to a clerical error, the wrong ballot styles were sent to the printing vendor.

8. As a result of this error, ballots in eleven precincts in Ramsey County have the wrong person listed as the Republican candidate for Minnesota House District 67A.

9. Absentee voting began on Friday, September 23, 2022. As of that date 960 ballots that have the incorrect candidate's name listed as listed as the Republican candidate for Minnesota House District 67A have been issued to voters. Thirteen of those absentee ballots have been returned to the Ramsey County Elections Office.

10. Returned absentee ballots will be opened and counted no sooner than November 1, 2022.

11. The Ramsey County Elections Office has confirmed that there are only two candidates for Minnesota House District 67A. Per Minn. Stat. § 204B.44(b), a copy of this petition has been served on those candidates. A copy of this petition has also been served on the Republican Party of Minnesota and on the Minnesota Democratic-Farmer-Labor Party.

12. If the Court grants the relief Petitioner seeks, voters who voted based on the erroneous ballots will have the option of spoiling their ballots and casting new ballots with the correct candidates for District 67A listed. Petitioner offers the following hypotheticals to illustrate how this proposed relief would work in practice.

13. Example 1: If a voter chooses to spoil their ballot, then the voter will be issued a replacement ballot that includes the correct names for the candidates for District 67A, as well as all other offices on the ballot. The original ballot will be treated as a spoiled ballot

and not be counted. The voter will then be able to re-vote all of the offices on the ballot with the replacement ballot. The replacement ballot will be counted in the ordinary course of business.

14. Example 2: If a voter who voted for the deceased candidate for District 67A chooses not to spoil their ballot, then that voter's vote for District 67A will not count because the candidate is deceased. The voter's choice for any other offices on their original ballot will be copied onto a replacement ballot and will be counted. In such a circumstance all of the voter's original votes will be counted except for the vote for District 67A.

15. Example 3: If a voter who voted for someone other than the deceased candidate for 67A choose not to spoil their ballot, then the voter's vote for District 67A will count because the original vote is for a candidate who is still eligible to hold office. In such a circumstance, all of the voter's selections for each office on the ballot, including District 67A, will be copied onto a replacement ballot and will be counted.

RELIEF SOUGHT

WHEREFORE, Petitioner requests that this Court enter an order as follows:

1. Authorizing and requiring the Ramsey County Elections Office to print and distribute new ballots that correctly list Scott Hesselgrave as the Republican candidate for Minnesota House District 67A for the 2022 general election.

2. Authorizing and requiring the Ramsey County Elections Office to contact all voters who submitted absentee ballots with the deceased candidate's name listed as the Republican candidate for Minnesota House District 67A, and informing the voters that the voters have the option of declaring their original ballots spoiled and receiving a

replacement ballot with the correct name on it. Voters will need to exercise their option to spoil their ballot if they choose to do so on or before November 1, 2022.

3. If such a voter chooses to spoil their ballot, then the voter will be issued a replacement ballot that includes the correct names for the candidates for District 67A, as well as all other offices on the ballot. The original ballot will be treated as a spoiled ballot and not be counted. The voter will then be able to re-vote all of the offices on the ballot with the replacement ballot. The replacement ballot will be counted in the ordinary course of business.

4. If a voter who voted for the deceased candidate for District 67A chooses not to spoil their ballot, then the Ramsey County Elections Office shall disregard that voter's vote for District 67A. That vote will not count because the candidate is deceased. The voter's choice for any other offices on their original ballot will be copied onto a replacement ballot and will be counted. In such a circumstance all of the voter's original votes will be counted except for the vote for District 67A.

5. If a voter who voted for someone other than the deceased candidate for District 67A chooses not to spoil their ballot, then the Ramsey County Elections Office shall count that voter's vote for District 67A. In such a circumstance, all of the voter's selections for each office on the ballot, including District 67A, will be copied onto a replacement ballot and will be counted.

Respectfully submitted,

Dated: September 27, 2022

JOHN J. CHOI
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