

FILED

January 6, 2025

**OFFICE OF
APPELLATE COURTS**

STATE OF MINNESOTA

IN SUPREME COURT

A25-0017

Minnesota Voters Alliance, et al.,

Petitioners,

Republican Party of Minnesota,

Petitioner,

vs.

Timothy Walz, in his official capacity as
Governor of the State of Minnesota, et al.,

Respondents,

Tracy West, in her official capacity as County
Auditor of Ramsey County, Minnesota, et al.,

Respondents.

O R D E R

On January 4, 2025, petitioners Minnesota Voters Alliance, Greg Ryan, Chris Bakeman, and the Republican Party of Minnesota filed a petition under Minn. Stat. § 204B.44 (2022), against respondents Timothy Walz, in his official capacity as Governor of the State of Minnesota; Steve Simon, in his official capacity as Secretary of State of the

State of Minnesota; Tracy West, in her official capacity as County Auditor of Ramsey County, Minnesota; David Triplett, in his official capacity as chief election official of Ramsey County, Minnesota; and Ramsey County. On January 5, 2025, petitioners filed an amended petition.

This action relates to the writ of special election for Minnesota House District 40B issued by Governor Walz on December 27, 2024, for a special election on January 28, 2025. The amended petition alleges that the writ of special election was issued after Curtis Johnson—who is not the incumbent—received the most votes in the general election held on November 5, 2024, for House District 40B, but was held to be ineligible to hold that seat by the Ramsey County District Court in a successful election contest. According to the amended petition, these events required that the writ for a special election needed to be issued under the provisions of Minn. Stat. § 204D.19, subd. 4 (2022), which specifically applies where “a vacancy results from a successful election contest.” The amended petition asserts that this law does not permit the writ for a special election to issue until “22 days after the first day of the legislative session,” or February 5, 2025, absent other action by the Legislature which has not occurred here. The amended petition alleges that the writ of special election, premised on a vacancy “caused by the resignation of Representative-elect Curtis Johnson, effective immediately,” was issued prematurely. The amended petition also alleges that the candidate filing period in the writ contravened the law regarding five days’ notice to the public as to when the filing period closed, under Minn. Stat. § 204D.22, subd. 2 (2022), which prejudiced at least one prospective member of the Republican Party of Minnesota who was unable to file an affidavit of candidacy as a result.

The amended petition requests an order quashing or ordering the recall of the writ of special election and enjoining the special election for House District 40B on January 28, 2025.

Based upon all the files, records, and proceedings herein,

IT IS HEREBY ORDERED THAT:

1. The amended petition filed on January 5, 2025, is the operative petition in this matter.

2. Petitioners must personally serve a copy of the petition, amended petition, and this order on respondents and all candidates for the special election on January 28, 2025 for House District 40B, in the manner provided in Minn. R. Civ. P. 4.03(a). With the verbal or written consent of a respondent or a candidate, service may instead be made by email or the appellate courts' electronic filing system, E-MACS. Petitioners must complete service by no later than 4:30 p.m. on Monday, January 6, 2025. Petitioners must file with the Clerk of the Appellate Courts, by no later than 9:00 a.m. on Tuesday, January 7, 2025, proof of service regarding the petitions and order.

3. Respondents must file and serve responses to the amended petition—and any candidate for the special election on January 28, 2025 for House District 40B may file and serve a response to the petition—by no later than 4:30 p.m. on Friday, January 10, 2025.

4. Petitioners may file and serve a reply by no later than noon on Monday, January 13, 2025.

5. Any party that wishes to participate as amicus curiae must file a notice that complies with Minn. R. Civ. App. P. 129.01(c) with their amicus brief. Any brief of an

amicus curiae in support of petitioners or in support of neither party must be served and filed by no later than noon on Thursday, January 9, 2025. Any brief of an amicus curiae in support of respondents must be served and filed by no later than 11:59 p.m. on Friday, January 10, 2025.

6. To ensure that filing and service is completed on the dates and by the times directed in this order, the parties are required to use the appellate courts' electronic filing system, E-MACS, to serve and file all documents in this appeal, other than those identified as requiring personal service in paragraph 1 of this order. *See* Minn. R. Civ. App. P. 125.01(a)(1) (requiring parties to use E-MACS if ordered to do so by the court). All submissions to the court must be in the form provided in Minn. R. Civ. App. P. 132.02.

7. Oral argument will be held on Wednesday, January 15, at 10:00 a.m. in courtroom 300 of the Minnesota Judicial Center. Counsel for petitioners will be limited to 35 minutes of argument. Counsel for respondents will be limited to 25 minutes of argument. Counsel for petitioners should inform the marshal in the courtroom before argument of how much time they would like to reserve for rebuttal. Counsel for both parties will be given three minutes of uninterrupted time at the start of their argument before being stopped for questions from the court.

8. Petitioners and respondents must notify the Clerk of Appellate Courts by no later than noon on Friday, January 10, 2025, of counsel who will be appearing for oral argument. Amicus curiae will not be permitted to participate in oral argument.

Dated: January 6, 2025

BY THE COURT:

A handwritten signature in black ink that reads "Natalie E. Hudson". The signature is written in a cursive style with a prominent initial "N".

Natalie E. Hudson
Chief Justice

PROCACCINI, J., took no part in the consideration or decision of this case.