

**FILED**

January 10, 2025

**OFFICE OF  
APPELLATE COURTS**

**STATE OF MINNESOTA  
SUPREME COURT**

**A25-0017**

Minnesota Voters Alliance; Greg  
Ryan; Chris Bakeman,

Petitioners,

Republican Party of Minnesota,

Petitioner,

v.

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; Ramsey County,

Respondents.

**RAMSEY COUNTY  
RESPONDENTS' RESPONSE TO  
FIRST AMENDED PETITION  
FOR CORRECTION OF  
ERRORS AND OMISSIONS**

Respondents Ramsey County, Tracy West, in her official capacity as Ramsey  
County Auditor, and David Triplett, in his official capacity as Deputy Director of Property  
Tax, Records and Election Services for Ramsey County (collectively, the "County"),

hereby oppose Petitioners' First Amended Petition for Correction of Errors and Omissions (the "Amended Petition").

Petitioners filed this lawsuit over a week after the issuance of the Governor's writ and well after the County began expending considerable resources to prepare for the special election. And the County is not alone in having an investment and interest in the current special election timeline – so, too, do individual voters in District 40B. Absentee balloting began today, January 10, 2025, with in-person absentee voting and the mailing of approximately 1,050 absentee ballots to certain eligible voters.

The doctrine of laches should therefore bar Petitioners from obtaining the relief sought. In the alternative, if the Court invalidates the Writ and sets new filing and other dates for this special election, the County seeks the Court's guidance on what to do with absentee ballots already cast and/or mailed out ahead of the January 28, 2025 special election.

**I. The Court Should Dismiss Petitioners' Claims Due to their Delay in Filing this Lawsuit and the Resulting Prejudice to the County.**

This Court has previously "urged parties in election matters to proceed expeditiously in asserting their claims in a judicial forum given the time constraints associated with elections." *Bergstrom v. McEwen*, 960 N.W.2d 556, 561 (Minn. 2021). It has also applied laches to dismiss ballot challenges that did not proceed "with diligence and expedition in asserting [the] claim." *Olson v. Simon*, 978 N.W.2d 269, 270 (Minn. 2022). When considering whether to apply laches, the Court will determine if there has

been “such an unreasonable delay in asserting a known right, resulting in prejudice to others, as would make it inequitable to grant the relief prayed for.” *Id.*

In this case, Petitioners waited for over a week to assert their claims – the Governor issued the Writ on December 27, 2024, and the Petitioners filed this suit on January 4, 2025. While under other circumstances a week’s delay might not be unreasonable, here that delay constituted almost half of the time between the Writ’s issuance and the date of the special primary (for which County staff had to prepare, not yet knowing if it would be necessary), and about one-quarter of the time between the Writ’s issuance and the date of the special election.

Not only, then, was Petitioners’ delay unreasonable in the context of the Writ’s special election timeline, but granting the relief sought by Petitioners would significantly prejudice the County – the second prong of the laches analysis. The County has poured resources into preparing to comply with the Writ’s timeline, to the tune of approximately \$15,000 owed to voting systems and ballot printing vendors and 264 hours (and counting) of County staff time. Affidavit of David Triplett (“Triplett Aff.”), attached as Exhibit 1, at ¶¶ 19-21. This work has included securing polling places and election judges, coordinating with vendors, and, crucially, preparing to administer the absentee voting process, which began earlier today on January 10, 2025. Triplett Aff. at ¶¶ 3-18. This expenditure of staff time and funding would, moreover, have to be performed all over again if the Writ were invalidated and a new filing period and special election date were set. Triplett Aff. at ¶ 22.

This Court previously observed that “candidates must judge carefully whether they can afford to wait even a few days before acting upon a known right because the ballot

preparation and availability deadlines, the expense associated with ballot preparation and election administration, and the need for voter certainty demand diligence.” *Trooien v. Simon*, 918 N.W.2d 560, 561 (Minn. 2018) (internal quotations omitted).

Petitioners should have heeded this warning here – where the County has already gone to great lengths to prepare for the special election – and made their claims earlier. Because they did not, the County asks the Court to ensure that the County’s efforts have not been wasted by applying laches and denying the relief requested.

**II. If the Court Invalidates the Governor’s Writ, the County Requests Guidance on the Handling of Absentee Ballots.**

If, however, the Court invalidates the Writ, the County asks the Court to provide guidance on how to handle those absentee ballots for the January 28, 2025 special election that, as of the date of the Court’s order, have already been cast in-person or otherwise received by the County, or that are delivered or mailed to the County after that date. These ballots are specific to the special election set for January 28, 2025 and any special election set on another date may include different candidates and new issues of interest to the voters. Depending on the Court’s ruling in this matter, the County may need instructions from the Court on how to handle these categories of ballots.

**III. Recognizing Petitioners’ Delay in Filing this Suit and the Significant Efforts Underway to Prepare for the Special Election, the Court Should Apply Laches and Deny the Relief Sought.**

Ramsey County voters are already casting votes in this special election, thanks to the hard work of County Elections staff and others since the Governor’s Writ of Special

Election was issued on December 27, 2024. Granting the relief sought by Petitioners would require the County to replicate all of that work for a new election timeline, and (with the Court's guidance) determine how to handle those votes already cast for the current candidates. Petitioners' delay in filing this suit, in light of these efforts already underway and the accelerated timeline of this special election, was unreasonable and prejudicial. The Court should therefore apply laches and deny Petitioners' requested relief.

Respectfully submitted,

**JOHN J. CHOI**  
**RAMSEY COUNTY ATTORNEY**

Dated: January 10, 2025

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**ATTORNEY FOR RAMSEY COUNTY**  
**RESPONDENTS TRACY WEST, DAVID**  
**TRIPLETT, AND RAMSEY COUNTY**

**CERTIFICATION OF DOCUMENT LENGTH**

I hereby certify that this document conforms to the requirements of Minn. R. Civ. App. P. 132.01, subd. 1 and 3, for a document produced with a proportional 13-point font.

The length of this document is 1,136 words. This brief was prepared using Microsoft Word 365.

**/s/ Bradley Cousins**

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