

STATE OF MINNESOTA

IN SUPREME COURT

A26-0997

Minnesota Voters Alliance, et al.,

Petitioners,

vs.

City of Minneapolis,

Respondent,

Casey Carl, in his official capacity as
City Clerk of the City of Minneapolis,

Respondent.

PER CURIAM.

O R D E R

Petitioners Minnesota Voters Alliance and Diane Napper filed a petition under Minn. Stat. § 204B.44 (Supp. 2025)¹ against the City of Minneapolis and its city clerk, Casey Carl (collectively “the City”). Petitioners allege that Minnesota law requires election judges to perform certain tasks during the 18-day period of early voting before

¹ All statutory cites in this order are to the statutes currently in effect at the time of this order. To the extent a statute has been amended since the most recent printed version of Minnesota Statutes in 2024, a reference has been included the first time that statute is cited.

the November 3, 2026 general election and that the City has made no preparations to staff any early voting polling place with election judges in 2026. Minnesota Statutes sections 204B.19 (Supp. 2025) and 204B.21 address the qualifications for and appointment of election judges. Petitioners focus on four tasks that they contend election judges must perform during early voting—resolving challenges to a voter’s status, administering the vouching process during voter registration, aiding a voter who seeks assistance with ballot marking, and providing curbside voting and voter registration to a person who is unable to enter the polling place. Petitioners seek an order directing the City “to appoint and assign party-balanced election judges, as required by Minnesota law, to staff its polling places during the 18-day in-person early-voting period leading up to the 2026 general election.”

We ordered the parties and the Minnesota Secretary of State to file memoranda addressing, in part, any potentially dispositive threshold legal issues. After those memoranda were filed, we established a briefing schedule. We held oral argument on August 4, 2026.

In its memorandum and brief, the City questions our jurisdiction over petitioners’ claims. Regarding the merits of petitioners’ claims, the City and the Secretary of State argue that election judges are not required to staff early voting polling places.

Early voting was enacted in 2023 but is being implemented for the first time in 2026.² *See* Minn. Stat. § 203B.01, subd. 5 (defining “[e]arly voting” as “voting in person

² These statutes were enacted in 2023, but they did not take effect until the “85th day after the revisor of statutes receive[d] the certification” from the Secretary of State

before election day as provided in section 203B.30”). Minnesota Statutes section 203B.081, subdivision 1a, establishes “early voting during the 18 days before a federal, state, or county election ... in the office of the county auditor and at any other polling place designated by the county auditor.” “A county auditor or municipal clerk ... may designate additional” early voting polling places. *Id.*, subd. 4 (Supp. 2025). Minnesota Statutes section 203B.30 (the early voting statute) establishes procedures for early voting. Minn. Stat. § 203B.30, *as amended by*, Act of May 18, 2026, ch. 102, §§ 4–5.

Turning first to the City’s jurisdictional challenges, we conclude that we have jurisdiction over petitioners’ claims. Petitioner Minnesota Voters Alliance, a nonprofit corporation, has standing under the legislative enactment granting standing in Minn. Stat. § 204B.44. *See League of Women Voters Minn. v. Ritchie*, 819 N.W.2d 636, 645 n.7 (Minn. 2012) (holding that “the three nonprofit organization petitioners constitute ‘individual[s]’ within the meaning of Minn. Stat. § 204B.44 and have standing pursuant to the statute.” (alteration in original)). The petition is ripe; petitioners’ claims are not merely “hypothetical” and instead are “capable of specific resolution by judgment.” *Grove v. Simon*, 2 N.W.3d 490, 499 (Minn. 2024). And petitioners’ claims are similar to those we have considered as within the scope of Minn. Stat. § 204B.44. *See Minn. Voters All. v. Gelms*, 13 N.W.3d 173, 174–75 (Minn. 2024) (order) (reaching the merits of a

about the capabilities of the statewide voter registration system. Act of May 24, 2023, ch. 62, art. 4, §§ 42, 45, 68, 137, 2023 Minn. Laws 2452, 2581–82, 2592–93, 2629 (codified or codified as amended at Minn. Stat. §§ 203B.081, subds. 1a, 4 (2024 & Supp. 2025), 203B.30 (2024 & Supp. 2025)). It is undisputed that the Secretary of State gave that certification to the Revisor of Statutes on May 15, 2026.

section 204B.44 petition against Hennepin County and its officials regarding the appointment of election judges to an absentee ballot board for the 2024 general election); *Republican Party of Minn. v. O'Connor*, 712 N.W.2d 175, 176, 177 n. 2 (Minn. 2004) (order) (referring to a statute addressing the appointment of election judges as “prescrib[ing] a ‘duty concerning an election’ under section 204B.44(d)” and concluding the court had jurisdiction to consider petitioner’s claim that election officials were not complying with this statute in a specific election (quoting Minn. Stat. § 204B.44(d) (2020))).

We next consider the merits of petitioners’ claims. For two of the tasks that petitioners contend election judges must perform during early voting—resolving challenges to a voter’s status and administering the vouching process during voter registration—the early voting statute addresses these topics by cross-referencing other statutes. Specifically, the early voting statute states that “[i]f the voter’s status is challenged, the voter may resolve the challenge as provided in section 204C.12,” and that “[a]n individual who is not registered to vote must register and a voter whose name or address has changed must update the voter’s registration in the manner provided in section 201.061, subdivision 3.” Minn. Stat. § 203B.30, subd. 2(a). The cross-referenced statutes, in turn, require election judges to resolve a challenge to a voter’s status and to administer the vouching process, which is one of the types of proof of residency a voter may provide when registering to vote or updating their voter registration status. Minn. Stat. §§ 201.061, subd. 3(a)(4) (Supp. 2025), 204C.12, subds. 2–3. We conclude that the plain, unambiguous language of section 203B.30 requires election judges during early

voting to resolve challenges to a voter's status and to administer the vouching process for voter registration.

The two other tasks the petitioners contend election judges must perform during early voting are two types of voter-requested assistance found in Minn. Stat. § 204C.15 (Supp. 2025)—ballot-marking assistance due to a voter's "inability to read English or physical inability" and curbside voting or registration because a voter cannot "enter a polling place." *Id.*, subds. 1–2. We conclude that these provisions in Minn. Stat.

§ 204C.15 apply to early voting based on the plain and unambiguous language of Minn. Stat. § 203B.001, which states that "[t]he Minnesota Election Law is applicable to ... early voting unless otherwise provided in this chapter." *See also* Minn. Stat. § 204C.02 ("This chapter applies to all elections held in this state except as otherwise provided by law."). As a result, ballot-marking assistance and curbside voting or registration under Minn. Stat. § 204C.15, subds. 1–2, must be available during early voting, and must comply with that statute's election judge requirement.

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

IT IS HEREBY ORDERED THAT:

1. The petition is granted to the extent it seeks the appointment of election judges at early voting polling places respondents operate during the 18-day early voting period leading to the November 3, 2026 general election.

2. At each early voting polling place respondents operate leading to the November 3, 2026 general election, an election judge must resolve any challenge to a voter's status as provided in Minn. Stat. § 204C.12 and must administer the vouching

process in the manner provided in Minn. Stat. § 201.061, subd. 3(a)(4), when an individual registers to vote or updates their voter registration.

3. At each early voting polling place respondents operate leading to the November 3, 2026 general election, the requirements of Minn. Stat. § 204C.15, subds. 1–2, apply as they do on election day.

4. The appointment of election judges should be made consistent with Minn. Stat. § 204B.21, subd. 2 (stating that “appointments shall be made from the list of voters who maintain residence in each precinct” on the list of election judges provided by the Secretary of State, but that “if additional election judges are required” after exhausting the “names in that municipality” on the list, “the appointing authority may appoint other individuals who meet the qualifications to serve as an election judge, including persons on the list furnished [by the Secretary of State] who indicated a willingness to travel to the municipality, and persons who are not affiliated with a major political party”).

5. So as not to impair the orderly election process, this order is issued with an opinion to follow.

Dated: August 14, 2026