

STATE OF MINNESOTA
IN SUPREME COURT
A22-1466



In re: the Murray County Ballot for the November 8, 2022, General Election for Minnesota Senate District 21 and Minnesota House of Representatives District 21A.

ORDER

On October 14, 2022, the Murray County Auditor-Treasurer filed a petition under Minn. Stat. § 204B.44 (2020). The petition states that due to a clerical error, the Murray County ballot for the November 8, 2022, general election incorrectly identifies the district number for the Minnesota legislative offices as Senate District 22 and House District 22A. The correct district numbers are 21 and 21A. The petition further states that all other information printed on the ballot for these elections is correct, including the candidate names, party affiliations, the “vote for” language, the office title, and the number of write-in spaces on the ballot. According to the petition, despite the incorrect identification of the district numbers, the votes for these offices on the ballot can be correctly counted and accumulated to the correct candidates in the correct district. The petition also states that it would take between 10 to 12 days to reprint, test, and mail any corrected ballots.

With respect to the requested relief, the petition does not ask to correct the errors on the ballot and distribute corrected ballots. Instead, the petition seeks an order authorizing petitioner to send notices about the errors to all mail ballot voters and to all voters who have already requested an absentee ballot. The petition also seeks authority to post the

same notice prominently in all Murray County polling places. Petitioner states that she has spoken with all the candidates for Minnesota Senate District 21 and Minnesota House District 21A, and all the candidates agree that the relief sought by petitioner is appropriate.

We directed petitioner to serve the petition and a copy of our October 17, 2022, order in this case on the Minnesota Secretary of State and to serve a copy of that order on the candidates for Minnesota Senate District 21 and Minnesota House District 21A. We also invited the Secretary of State and the candidates to respond to the petition. The Secretary of State informed us that he would not be filing a response. No candidate filed a response.

It is undisputed that the Murray County November 8, 2022, general election ballot contains errors because it incorrectly identifies the district number for the Minnesota legislative offices. *See* Minn. Stat. § 204D.11, subd. 1 (2020) (stating that the county auditor must prepare the ballot for a general election by including “[t]he names of the candidates for all state and federal offices”). Absentee and mail voting for the general election on November 8, 2022, began in Minnesota on September 23, 2022. *See* Minn. Stat. § 204B.35, subd. 4 (2020) (stating that absentee ballots must be available 46 days before an election); Minn. Stat. § 204B.45, subd. 2 (2020) (stating that ballots must be mailed to voters who vote by mail “[n]ot more than 46 days nor later than 14 days before a regularly scheduled election”).

We are authorized to correct an “error in preparing or printing any official ballot.” Minn. Stat. § 204B.44(a)(2). Given the nature of the errors and the time it would take to

reprint, test, and mail corrected ballots, petitioner has proposed an appropriate plan to remedy the ballot errors.

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

IT IS HEREBY ORDERED THAT:

1. Petitioner shall send a notice to all registered mail ballot voters and all voters who request an absentee ballot for the November 8, 2022, general election. This notice shall: (a) inform voters of the errors in the district numbers for the Minnesota legislative offices; (b) state the correct district number for those offices; and (c) advise voters that despite the errors, all votes will correctly count for and accumulate to the correct candidate in the correct district.

2. Petitioner shall post the notice required by paragraph 1 at all polling places in Murray County on election day and in any locations in Murray County for in-person absentee voting.

3. Paragraph 4 of our October 17, 2022, order is vacated. Petitioner shall resume delivery of ballots to voters.

Dated: October 21, 2022

BY THE COURT:



Lorie S. Gildea
Chief Justice