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STATE OF MINNESOTA

COUNTY OF ANOKA

DISTRICT COURT

TENTH JUDICIAL DISTRICT

Case Type: Other Civil

Minnesota Voters Alliance; Mary Amlaw; Ken Wendling; Tim Kirk,

Petitioners,

vs.

Tom Hunt, in his official capacity as elections official for Anoka County; Steve Simon, in his official capacity as Secretary of State; Anoka County; the Office of the Minnesota Secretary of State; Shannon Reimann, in her official capacity as chief executive officer of the Minnesota Correctional Facility – Lino Lakes,

Respondents.

Court File No. 02-CV-23-3416
(Judge Thomas Lehmann)

**STATE RESPONDENTS' MEMORANDUM OPPOSING WRIT OF QUO WARRANTO**

The Court should deny Petitioners Minnesota Voters Alliance, Mary Amlaw, Ken Wendling, and Tim Kirk's petition for a writ of quo warranto. As outlined in the respondents' separate motion to dismiss, Petitioners do not have standing to challenge Respondents Minnesota Secretary of State Steve Simon's, the Office of the Secretary of State's, or Lino Lakes Warden Shannon Reimann's (collectively, "State Respondents'") authority to implement voting rights restoration—because Petitioners do not identify any injury, only a desire to prevent people from voting. Moreover, even if Petitioners had standing, the Court should still deny their petition because the legislation directing State Respondents to restore voting rights to people with felony convictions is constitutional.

## FACTS

In 2023, the legislature restored the right to vote to a substantial number of Minnesotans. Effective June 1, Minnesota joined twenty-four other states and the District of Columbia that allow people with felony convictions to vote while on probation or on supervised release. 2023 Minn.

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Laws ch. 12, § 1 (to be codified at Minn. Stat. § 201.014, subd. 2a); 2023 Minn. Laws ch. 62, art. IV, §§ 10, 92 (making law effective June 1, 2023); *Restoration of Voting Rights for Felons*, NAT'L CONF. OF STATE LEGISLATURES (Apr. 6, 2023).[1] Under the new law, a person convicted of a felony has their civil right to vote (assuming the person is otherwise eligible to vote) restored when the person is no longer incarcerated for the offense. 2023 Minn. Laws ch. 12, § 1. In other words, the person may vote when they return to the community on probation or supervised release.

Petitioners seek a writ of quo warranto against the State Respondents. More specifically, Petitioners seek to have the State Respondents identify by what authority they are implementing the law. (*See generally id.* ¶ 23.) Petitioners frame their claim as a constitutional one: according to Petitioners, the legislature cannot restore the right to vote unless all civil rights are restored, and therefore any action by the State Respondents based on such statutes is done without authority.

**ARGUMENT**

The Court should deny the petition for a writ for the same two reasons it should grant State Respondents' motion to dismiss. First, Petitioners lack standing. Second, even if they had standing, their merits arguments fail because the Minnesota Constitution allows the legislature to restore the right to vote without restoring all civil rights. Consequently, State Respondents have authority to implement the law to restore that right.[2]

[1] Available at https://perma.cc/A53Y-Z5WJ.

[2] The procedural basis on which Petitioners seek a hearing on their petition is unclear. Petitioners filed their petition in June and now, without bringing any motion, noticed a hearing and filed a memorandum supporting issuance of the writ. In support of this procedure, Petitioners rely on cases predating the Minnesota Rules of Civil Procedure. *Compare* Pet'rs' Br. 14 (citing case from 1905 and 1942 for procedural basis), *with* Minn. R. Civ. P. 86.01(a) (stating rules took effect in 1952). Those rules (with limited exceptions not relevant here) provide for one form of civil action and uniform procedures for all such actions, quo warranto or otherwise. Minn. R. Civ. P. 2. And those rules require a motion to seek action by the Court. Nevertheless, because State Respondents agree there are no fact questions, Petitioners' notice of hearing could be construed as a motion for summary judgment, and the State Respondents do not object to the Court treating it as such.

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## I. PETITIONERS LACK STANDING TO BRING THIS CASE.

For the Court to have jurisdiction over Petitioners' claim, Petitioners must establish standing. *League of Women Voters Minn. v. Ritchie*, 819 N.W.2d 636, 645 n.7 (Minn. 2012); *see also State ex rel. Sviggum v. Hanson*, 732 N.W.2d 312, 321 (Minn. Ct. App. 2007) (noting jurisdictional requirements such as standing apply in quo warranto cases). Typically, standing requires an individualized injury. *Channel 10, Inc. v. Indep. Sch. Dist. No. 709*, 215 N.W.2d 814, 820 (Minn. 1974). But Petitioners do not allege such an injury. Instead, they rely on taxpayer standing. For the reasons discussed in the State Respondents' memorandum supporting their motion to dismiss (which are reiterated here for the Court's convenience), taxpayer standing is unavailable to Petitioners in this case. In addition to those previously stated reasons, the unpublished case on which Petitioners rely to support their standing claim does not in fact support them.

### A. Petitioners Are Collaterally Estopped from Claiming Taxpayer Standing in This Case.

As discussed in the State Respondents' dismissal brief, Minnesota Voters Alliance argued in a prior case that it had taxpayer standing to litigate re-enfranchisement of individuals with a felony conviction. (Resp'ts' Br. 6–7.) It lost that argument. Consequently, it, along with its members, are collaterally estopped from rehashing those arguments here to support their claim of standing.

Collateral estoppel applies when (1) the issue is identical to one in a prior adjudication, (2) the adjudication was final on the merits, (3) the party to be estopped was a party to or in privity with a party in the prior adjudication, and (4) the party to be estopped was given a full and fair opportunity to be heard on the issue. *Husten v. Schnell*, 969 N.W.2d 851, 859 (Minn. Ct. App. 2021). A nonparty is in privity with a party when the nonparty has its "interests . . . represented by

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a party to the action." *Margo-Kraft Distribs., Inc. v. Minneapolis Gas Co.*, 200 N.W.2d 45, 48 (Minn. 1972). Applying similar reasoning, federal courts have held that when an association brings claims on behalf of its members, a decision may collaterally estop the members so that the association cannot "evade preclusion continually by averring that unidentified members are not bound and bringing successive suits." *Midwest Disability Initiative v. JANS Enters., Inc.*¸ 929 F.3d 603, 609 (8th Cir. 2019); *see also Final Exit Network, Inc. v. Ellison*, 370 F. Supp. 3d 995, 1018 (D. Minn. 2019).

These requirements are met here. In 2020, Minnesota Voters Alliance sought to intervene in litigation regarding when individuals with felony convictions have their right to vote restored. *Schroeder v. Minn. Sec'y of State Steve Simon*, 950 N.W.2d 70, 73 (Minn. Ct. App. 2020) [hereinafter *Schroeder I*]. The plaintiffs in that case argued that the state constitution restores voting rights whenever someone resided in the community. *Id.* at 74. Minnesota Voters Alliance argued that it could intervene based on taxpayer standing. *Id.* at 78 & n.5. The Minnesota Court of Appeals affirmed the district court's denial of intervention. *Id.* at 77. Crucially, the court held that litigation regarding the reinstatement of voting rights after a felony criminal conviction "has nothing to do with government expenditures." *Id*. This case involves the same issue: Minnesota Voters Alliance's and its members' ability, as an association of taxpayers, to litigate the restoration other people's voting rights following a felony conviction. That claim of taxpayer standing received a full and fair hearing in *Schroeder I*, and the court of appeals issued a final adjudication on the merits of the issue. It thus collaterally estops Minnesota Voters Alliance. Collateral estoppel also applies to the individual petitioners because they are in privity with Minnesota Voters Alliance. As Petitioners acknowledge, the organization "advocates for the interests asserted by [its members]"—including the individual petitioners, who are "long-time supporters and volunteers."

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(Pet. ¶ 26.) Thus, Petitioners cannot claim taxpayer standing in this case, and due to them otherwise lacking standing, the Court should deny their petition for quo warranto.

### B. Petitioners Do Not Meet the Requirements for Taxpayer Standing in This Case.

Even if collateral estoppel did not apply, *Schroeder I* is binding precedent from the Minnesota Court of Appeals. Its holding that taxpayer status does not provide a basis for standing to challenge government actions when expenditures are only incidental applies with equal force here. Petitioners' arguments to the contrary are unavailing.

#### 1. Petitioners Do Not Satisfy the Test for Taxpayer Standing.

As a general rule, taxpayer status does not alter the requirement that parties lack standing unless they have an injury "which is special or peculiar and different from damage or injury sustained by the general public." *Citizens for Rule of Law v. Senate Comm. on Rules & Admin.*, 770 N.W.2d 169, 174 (Minn. Ct. App. 2009). The exception to that general rule is that taxpayers have standing to challenge purportedly illegal expenditures. *McKee v. Likins*, 261 N.W.2d 566, 571 (Minn. 1977). *Schroeder I*, 950 N.W.2d at 78. But that holding has been "limited . . . closely to its facts." *Citizens for Rule of Law*, 770 N.W.2d at 175. One such limitation is that taxpayer standing is only available to petitioners challenging "a specific disbursement." *Schroeder I*, 950 N.W.2d at 78. The fact that state funds have been used to pay for an allegedly unconstitutional act is insufficient to meet this requirement; instead, the expenditure itself must be an unlawful specific disbursement. *See id.*

In *Schroeder I*, the court specifically held that litigating "the reinstatement of voting rights after a felony criminal conviction" was not litigating a disbursement and that it was therefore not subject to a taxpayer-standing challenge. 950 N.W.2d at 78. That holding applies with equal force here. Petitioners are attempting to litigate the reinstatement of voting rights after a felony criminal

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conviction in this case; that does not amount to litigating a disbursement, and *Schroeder I* therefore forecloses Petitioners' taxpayer standing arguments.

The fact that Petitioners cite to specific appropriations does not alter this outcome. Petitioners identify two specific appropriations: one allocating $14,000 to generally implement the provisions of the act restoring voting rights and one allocating $200,000 to develop an educational campaign regarding that restoration. (Pet'rs' Br. 5 (citing 2023 Minn. Laws ch. 12, § 8; *id.* ch. 62, art. 1, § 6).) But those funds are not being used to re-enfranchise anyone; that happens by virtue of the statute itself. Instead, the funds were used to do things like update databases and forms (for the $14,000 appropriation) and make the public aware of the change in the law (for the $200,000 appropriation). The legislature declaring who can vote is not itself an expenditure of funds. Put another way, even if those expenditures were improper, it would still be the law in Minnesota that people with felony convictions could vote. As discussed in State Respondents' memorandum supporting dismissal, holding that such incidental expenditures grant taxpayer standing to challenge any associated substantive law—regardless of an individual's personal stake in the outcome—would obliterate the narrow scope of taxpayer standing and convert quo warranto from an extraordinary writ into a writ to challenge effectively any statute, regardless of a party's personal interest. (Pet'rs' Br. 8–9) Minnesota courts have never recognized such broad standing to challenge statutes. Consequently, the mere fact that Petitioners have identified specific expenditures does not give them standing to challenge others' voting rights.

**2. Petitioners' Reliance on a Decision That Did Not Address Standing and an Unpublished Decision Are Unavailing.**

Petitioners seek to avoid application of the taxpayer-standing rule by citing two quo warranto cases: a supreme court decision that did not address standing and an unpublished court of appeals decision. *Save Lake Calhoun v. Strommen*, 943 N.W.2d 171 (Minn. 2020); *Minn. Voters*

*Alliance v. State*, No. A14-1585, 2015 WL 2457010 (Minn. Ct. App. May 26, 2015). The former is irrelevant because it did not address standing; the latter is unhelpful because it is unpublished and distinguishable.

Petitioners cite *Save Lake Calhoun* for the proposition that allegations that an official exceeded the official's authority are "sufficient to establish standing." (Pet'rs' Br. 16.) But neither the cited passages nor any other part *Save Lake Calhoun* discuss standing. Instead, that case dealt with what "type of conduct" was subject to a quo warranto challenge and whether the writ should exist at all. *See Save Lake Calhoun*, 943 N.W.2d at 176–77. It did not address who had standing to bring such a challenge. *Save Lake Calhoun* thus provides no basis to give Petitioners' standing.

Petitioners also rely on the unpublished court of appeals decision in *Minnesota Voters Alliance v. State* [hereinafter *MVA 2015*] for the extraordinary proposition that taxpayer standing has "an extraordinary low bar" in quo warranto cases generally and as a basis for standing in this case specifically. (Pet'rs' Br. 15–16.) As an initial matter, *MVA 2015* has no precedential value because it is unpublished. *State ex rel. Guth v. Fabian*, 716 N.W.2d 23, 29 (Minn. Ct. App. 2006). Instead, the Court should adhere to the long line of cases (many of which include Minnesota Voters Alliance, specifically) establishing that the general public does not have standing to challenge election laws. *Schroeder I*, 950 N.W.2d at 78; *see also Minn. Voters Alliance v. Ritchie*, 890 F. Supp. 2d 1106, 1115 (D. Minn. 2012) (dismissing challenge to Minnesota guardianship statute because Minnesota Voters Alliance and its co-plaintiffs "cannot demonstrate a concrete injury in fact required to establish standing"), *aff'd* 720 F.3d 1029, 1033 (8th Cir. 2013); *Minn. Voters Alliance v. State*, 955 N.W.2d 638, 641-42 (Minn. Ct. App. 2021) (dismissing Minnesota Voters Alliance declaratory-judgment action against election-administration rules for lack of standing because, inter alia, "MVA's interest is no different in character than that of the citizenry in

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general"); *Minn. Voters Alliance v. State*, 2021 WL 416744, at *2-3 (Minn. Ct. App. Feb. 8, 2021) (same).

Moreover, to the extent that the Court considers *MVA 2015* at all, it is also inapposite because it was directed solely at an allegedly unlawful expenditure of public funds—funds spent specifically to create an online registration portal that the petitioners in that case contended was unauthorized by law. 2015 WL 2457010, at *1. The instant case, by contrast, is fundamentally a constitutional challenge to a statute; the only expenditures supposedly at issue are entirely incidental to the actual legal issue in this case—that is, whether the legislature can constitutionally re-enfranchise individuals with felony convictions when they return to the community. Petitioners cannot bootstrap their way to standing to challenge the constitutionality of a statute by complaining about funds the legislature appropriated for the separate and subsequent purposes of *implementing* the statute and *educating* the populace about it.

Furthermore, insofar as the respondents in *MVA 2015* were taking action outside of state statute, they were expending money never authorized by the legislature. Here, by contrast, Petitioners do not dispute (and in fact repeatedly point out) that the legislature expressly authorized expenditures to implement the statute in question. Thus, unlike *MVA 2015*, the only expenditures at issue in this case are authorized by the legislature. *MVA 2015* is therefore readily distinguishable from this case and does not give Petitioners standing here.

Contrary to Petitioners' assertion, *MVA 2015* did not hold that taxpayer standing has an "extraordinarily low bar" in quo warranto cases. As an unpublished decision, it is not precedent for any proposition. But even putting that aside, *MVA 2015* is readily distinguishable from this case because "taxpayer funds were used to create, maintain, and operate" the program at issue in that litigation without a specific legislative authorization. 2015 WL 2457010, at *3. In this case,

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no funds are being expended to re-enfranchise voters—and, as Petitioners repeatedly point out, to the extent that State Respondents are now spending funds for incidental purposes such as education, those funds were expressly appropriated by the legislature for those precise purposes. *MVA 2015* does not address whether taxpaying standing would be available in such a case. Nor does it suggest that, contrary to *Schroeder I*, any Minnesota statute that is incidentally connected to the expenditure of public funds is subject to a taxpayer quo warranto challenge. If the *MVA 2015* court had intended to depart so significantly from all prior precedent, it would have done so in a published decision. That it did not indicates that the decision was not intended to depart from the status quo that taxpayer standing requires a direct challenge to an unauthorized expenditure itself.

**C. Taxpayer Status Is Not a Basis for Standing in Quo Warranto Actions.**

Petitioners do not satisfy the requirements for taxpayer standing. But even if they did, the Court would still lack jurisdiction because taxpayer status is not a basis for standing in quo warranto actions.

Quo warranto is an "extraordinary writ." *Page v. Carlson*, 488 N.W.2d 274, 278 (Minn. 1992). Accordingly, as addressed in State Respondents' memorandum supporting their motion to dismiss, courts have narrowly construed when it may be sought. (Pet'rs' Br. 9–11.) One such way in which courts have limited the writ is by requiring an individualized stake in the outcome of the case. The Minnesota Supreme Court made this point starkly in *In re Barnum*, 8 N.W. 375 (Minn. 1881). There, a private petitioner sought the writ to test the respondent's right to hold the office of lieutenant governor. *Id.* at 375. The court held that the petitioner's allegations, even if true, did not entitle him to the writ unless he could show that he was injured by the unauthorized action—that is, that the petitioner was the one properly entitled to the office. *See id.* This was so despite the fact that, if the respondent improperly held the office of lieutenant governor, the state was certainly making improper payments to him (which would have granted the petitioner taxpayer standing).

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Because an individualized injury is required for standing in a quo warranto action, and Petitioners allege no such injury, Petitioners lack standing to bring their petition. Moreover, without their quo warranto claim, Petitioners are left with a declaratory judgment action that lacks any underlying right. But "[a] party seeking a declaratory judgment must have an independent, underlying cause of action based on a common-law or statutory right." *Alliance for Metro. Stability v. Metro. Council*, 671 N.W.2d 905, 916 (Minn. Ct. App. 2003). Accordingly, that claim must also be dismissed.

Because Petitioners do not have standing, the Court lacks jurisdiction to issue a writ of quo warranto. Accordingly, the Court should deny Petitioners' petition.

## II. THE LEGISLATURE CONSTITUTIONALLY EXTENDED VOTING RIGHTS TO MINNESOTANS WHO ARE UNDER CORRECTIONAL SUPERVISION IN THE COMMUNITY.

Even if the Court reaches the merits, it should still deny the petition. The Minnesota Constitution allows those convicted of a felony to vote when they are "restored to civil rights." Minnesota Const. Art. VII, § 1. As explained in State Respondents' memorandum supporting dismissal, the legislature has authority to restore the right to vote without restoring all civil rights under the constitution's "restored to civil rights" language based on: (1) the plain meaning of this phrase as it was understood by the delegates to the state constitutional convention, (2) Minnesota Supreme Court interpretations of the phrase, (3) discussion at the constitutional convention of the phrase's intent, (4) historical practice in Minnesota, and (5) practices in other states with the same or similar language. Additionally, even if the Court accepted Petitioners' argument that "civil rights" means "more than one right," the law in question restores more than one right, and Petitioners' arguments still fail.

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### A. "Restored to Civil Rights" in Article VII Unambiguously Means "Restored to Voting Rights."

Beginning with past interpretations of article VII, the Minnesota Supreme Court has already indicated that "restored to civil rights" means "restored to voting rights" in a prior voting-rights case. *Minn. Voters Alliance v. Simon*, 885 N.W.2d 660 (Minn. 2016). In that case, immediately after quoting the "restored to civil rights" language, the court recognized that "the Legislature has identified the circumstances under which the voting rights of felons and wards are restored." *Id.* at 662. The court made no suggestion that the constitution limits selection of those circumstances or requires "all" rights to be restored. This lack of other discussion clearly indicates "restored to civil rights" means the right to vote.

Petitioners' reliance on the Minnesota Supreme Court's decision in *Schroeder v. Minnesota Secretary of State* [*hereinafter Schroeder II*] is misplaced. 985 N.W.2d 529 (Minn. 2023). *Schroeder II* addressed whether the state constitution mandated restoration of voting rights whenever an individual was not incarcerated. *Id.* at 533. In other words, the *Schroeder II* court considered whether individuals' voting rights *must* be restored upon release, not whether the legislature *may* restore those rights without restoring all civil rights—and far from endorsing Petitioners' novel reading of the constitutional text, the *Schroeder II* court's analysis plainly disproves it. As the State Respondents explained in their memorandum supporting their motion to dismiss, the *Schroeder II* court held that it is the legislature's prerogative to determine when the right to vote is restored under the constitution, without the need for any reference to other civil rights. *E.g., id.* at 545 (holding that the "affirmative act" restoring voting rights "could be . . . a legislative act that generally restores the right to vote upon the occurrence of certain events"), 556 (recognizing legislature's "broad, general discretion to choose a mechanism for restoring the

entitlement and permission to vote to persons convicted of a felony"). Petitioners' construction of the constitutional text entirely disregards the central holdings of *Schroeder II*.

Moreover, an independent analysis confirms that, in this context, "restored to civil rights" means "restored to voting rights." Courts interpret the Minnesota Constitution in the same manner as they do statutes: by beginning with determining whether the language is ambiguous. *Shefa v. Ellison*, 968 N.W.2d 818, 825 (Minn. 2022). If the language is unambiguous, then it is effective as written, and Minnesota courts do not apply any other rules of construction. *Id.*

In determining whether language is ambiguous, courts review the meaning when the language was adopted. Minn. Stat. § 645.08(1) (2022); *State v. Hartmann*, 700 N.W.2d 449, 454 (Minn. 2005). State Respondents' memorandum supporting dismissal walks through those historic definitions (or lack thereof) and how the best evidence of the meaning of "restored to civil rights" is how it was used by constitutional convention delegates. (Resp'ts' Br. 12–14.) More specifically, during discussions of the language that ultimately became Article VII, Section 1, delegates debated whether disenfranchisement should be permanent or whether they should leave a path for a pardon or legislative act to restore voting rights. *Debates & Proceedings of the Constitutional Convention for the Territory of Minnesota* 540 (George W. Moore, Saint Paul, 1858) [hereinafter *Debates & Proceedings*].[3] For example, a delegate justified his opposition to striking language giving the governor or the legislature the power to "restore any such person to civil rights" on the basis that "where there is a Constitutional provision[ ] that no person shall vote at any election who shall have been convicted of a particular offense, it is not in the power of the Legislature or Governor to restore him." *Id.* at 540–41.

[3] Available at https://perma.cc/G322-TSXD.

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This discussion makes clear that, to the delegates, "restored to civil rights" meant "restoration of voting rights." They did not discuss any other rights when debating the language in question. *Id.* at 540–43. But if, as Petitioners claim, the delegates understood "restored to civil rights" to mean the restoration of all rights, one would expect further discussion. That they did not do is thus strong evidence that they understood "restored to civil rights" to mean restoration solely of the right to vote.

In contrast, Petitioners' plain meaning analysis entirely ignores historical sources of the meaning of "restored to civil rights" as the phrase was used at the time of the constitutional convention. Instead, Petitioners rely on recent dictionary definitions and never engage with—let alone cite—the proceedings of the constitutional conventions. (Pet'rs' Br. 21 (citing 2012 dictionary definition of civil rights).) But sources from the period during which the Minnesota Constitution was adopted are significantly stronger evidence of the plain meaning of "restored to civil rights" than any of the sources cited by Petitioners. Thus, Petitioners' plain meaning argument is not persuasive.

### B. If "Restored to Civil Rights" Is Ambiguous, the Court Should Resolve That Ambiguity in Favor of State Respondents.

Precedent and the plain meaning establish that "restored to civil rights" means "restored to voting rights." But even if the phrase is ambiguous, the tools for resolving that ambiguity uniformly support State Respondents' interpretation.

When constitutional text is ambiguous, Minnesota courts resolve the ambiguity so as "to give effect to the intent of the constitution as indicated by the framers and the people who ratified it." *Kahn v. Griffin*, 701 N.W.2d 815, 825 (Minn. 2005); *see also Sheridan*, 963 N.W.2d at 719. This requires reviewing the circumstances when the constitution was adopted in order to determine "the mischief addressed and the remedy sought by the particular provision." *Kahn*, 701 N.W.2d at

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825. This Court also gives great weight to constructions "adopted and followed in good faith by the legislature and people for many years." *Clark v. Pawlenty*, 755 N.W.2d 293, 306 (Minn. 2008).

State Respondents' brief supporting dismissal lays out how these factors support equating "restored to civil rights" with "restored to voting rights." (Resp'ts' Br. 15–18.) Restated briefly, the delegates' debate at the constitutional convention demonstrates that the "mischief addressed" by the restoration provision was the hardship that would result from the otherwise permanent loss of voting rights, not other civil rights. And to avoid that result, the "remedy sought" was to vest the legislature with broad authority to determine the means by which voting rights are restored. This discretion includes restoring less than all civil rights. Similarly, longstanding practice indicates that since at least 1911, the legislature has provided processes by which voting rights, *but not all civil rights*, could be restored. Finally, seven other states equate civil-rights restoration provisions in their constitutions with voting-rights restoration, and no state has reached a contrary conclusion.

### C. Respondents' "More Than One Right" Argument Fails on Its Face Because More Than One Right Is Restored.

For the foregoing reasons, "restored to civil rights" means restored to the singular right to vote. But even if the Court were to agree with Petitioners that "civil rights" meant that more than one right must be restored Petitioners' argument would still fail. The re-enfranchisement law restores both the civil right to vote and the civil right to hold public office. These are more than one right, satisfying Petitioners' argument that "civil rights" must mean plural rights.

Article VII of the Minnesota Constitution does not only address who may vote. It also addresses who is eligible to hold office, which it equates (subject to a geographic and age requirement) with eligibility to vote. Minn. Const. Art. VII, § 6. Thus, by restoring the right to vote to people with felony convictions, the legislature also restored the right to hold office.

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Individuals subject to the statute are therefore, to use Petitioners' own words, restored to "civil rights, plural, not just the singular right to vote." (Pet'rs' Br. 1.) Thus, even if the Court were to accept that "restored to civil rights" must apply to more than one right, Petitioners' argument would still fail. The Court should therefore deny their petition.

## CONCLUSION

The Court should deny Petitioners' petition for lack of standing. Alternatively, if the Court concludes Petitioners have standing, the Court should deny the petition on the merits.

Dated: October 16, 2023

Respectfully submitted,

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**MINN. STAT. § 549.211 ACKNOWLEDGMENT**

The parties on whose behalf the attached document is served acknowledge through their undersigned counsel that sanctions may be imposed.

Dated: October 16, 2023

Respectfully submitted,

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