

STATE OF MINNESOTA

DISTRICT COURT

GOODHUE COUNTY

FIRST JUDICIAL DISTRICT

Case Type: Civil Other/Miscellaneous

Kay Kuhlmann;

Court File No: _____

and,

Lisa Hanni;

Petitioners,

vs.

**PETITION FOR CORRECTION
OF BALLOT ERROR PURSUANT
TO MINNESOTA STATUTES
SECTION 204B.44**Carolyn Holmsten, in her official capacity as
Director of Finance, Goodhue County;

and,

Teri Swanson, in her official capacity as
City Clerk, City of Red Wing;Respondents.

INTRODUCTION

1. The City of Red Wing ("City") is a home rule charter city located in Goodhue County ("County"), Minnesota. Two City Council Members recently resigned from their positions on the City Council. In accordance with the City's charter, the City called for a special election to fill the vacant seats. The special election for these two vacant Council seats is to be held on August 14, 2018, in conjunction with the statewide

primary for the general election on November 6, 2018. Absentee voting for the August 14, 2018 election began on June 29, 2018.

2. The County is responsible for facilitating and printing the election ballots, for the City's special election.

3. The City approves the final ballot proof for submission to the 3rd party vendor for printing.

4. On July 3, 2018, an error in the form of the City's special election ballot was discovered, and the ballot is therefore invalid.

5. Petitioners now seek an Order from this Court pursuant to Minnesota Statutes Section 204B.44, declaring the original ballots invalid; declaring the new, corrected ballots valid; declaring any ballots submitted on the original, invalid ballots as spoiled; and ordering Respondent Holmsten to mail a letter to individuals who have either received the original absentee ballot via U.S. Mail or to individuals who have already voted using the original absentee ballot explaining the error and, if necessary, enclosing a new, corrected ballot.

PARTIES

6. Petitioner Kay Kuhlmann is an individual residing in Red Wing, Minnesota. Petitioner Kuhlmann is the Council Administrator for the City.

7. Petitioner Lisa Hanni is an individual residing in Hampton, Minnesota. Petitioner Hanni is the Assistant County Administrator who, in the absence of the

Administrator, is responsible for supervising the Goodhue County Finance Department which oversees elections in Goodhue County, Minnesota.

8. Respondent Carolyn Holmsten is the Director of Finance for Goodhue County. Along with the other Respondent, Respondent Holmsten is responsible for coordinating all state, county and municipal races including the City of Red Wing special election, which appear on the ballot for the election to be held on August 14, 2018.

9. Respondent Teri Swanson is the City Clerk for the City of Red Wing. Along with the other Respondent, Respondent Swanson is responsible for preparing the City of Red Wing ballot for the special election to be held on August 14, 2018.

FACTS

10. On April 5, 2018, former Council Member at Large, Dustin Schulenberg, submitted his resignation from his seat on the City Council, to be effective immediately following the April 9, 2018 City Council meeting.

11. By resolution on April 9, 2018, the City Council acknowledged former Council Member Schulenberg's resignation, declared a vacancy, and called for a special election on August 14, 2018, to fill the Council Member at Large vacancy (copy attached as Exhibit A).

12. On April 26, 2018, former Council Member Dan Munson, representing Ward 3, submitted his resignation from his seat on the City Council, to be effective at 12:00 noon on April 26, 2018.

13. By resolution on April 30, 2018, the City Council acknowledged former Council Member Munson's resignation, declared a vacancy, and called for a special

election on August 14, 2018, to fill the vacancy in the Ward 3 seat (copy attached as Exhibit B).

14. The date of the City's August 14, 2018 special election is also the date of the statewide primary for the upcoming general election on November 6, 2018.

15. The County is responsible for coordinating the printing of ballots, including absentee ballots, for the August 14, 2018 election including use of the State's SVRS system to track votes.

16. The County coordinated the printing of absentee ballots for the City's two special elections to be held on August 14, 2018 (copies of the back page of ballots attached as Exhibit C).

17. In-person absentee voting for the August 14, 2018 election began on June 29, 2018.

18. On July 3, 2018, the County discovered an error in the special election ballot. Pursuant to Minnesota Statutes Section 204B.36, subdivision 2, at a "general election, blank lines containing the words 'write-in, if any' shall be printed below the name of the last candidate for each office, or below the title of the office if no candidate has filed for that office, so that a voter may write in the names of individuals whose names are not on the ballot. One blank line shall be printed for each officer of that kind to be elected." Additionally, Minnesota Statutes Section 205.185, subdivision 2, provides that municipal elections "shall be by secret ballot and shall be held and the returns made in the manner provided for the state general election, except as expressly provided by law."

19. The Minnesota Secretary of State's Office has advised that pursuant to Section 204B.36 and Section 205.185, the City's August 14, 2018 special election must have a write-in blank (email attached as Exhibit D).

20. As of the date of this Petition, there are a total of eighty-six individuals who have either received or voted on a ballot without a write-in blank. The County has received thirty-four absentee ballots without the write-in blank and fifty-two voters have not yet returned their ballots.

21. Upon discovering this error, the County, in consultation with the Secretary of State's office, requested the vendor prepare a new, corrected ballot that includes a write-in blank (copies attached as Exhibit E). The County has been using the new ballots since receiving them at 2:00 pm, July 5, 2018.

22. As of the date of this Petition, all in-person absentee voters are using the corrected ballot.

ANALYSIS

23. Minnesota Statutes Section 204B.44 allows "any individual" to file a petition for the correction of "any other error in preparing or printing any official ballot," which have occurred or are about to occur. Upon showing of an error, the court shall order the individual charged with the error to correct the error.

24. Petitioners Kuhlmann and Hanni are individuals who have the right to bring this Petition in district court.

25. The original ballots for the City's August 14, 2018 special election did not contain a write-in blank. According to guidance provided by the Minnesota Secretary of State's Office and relevant Minnesota law, the original ballot contained an error.

26. Accordingly, this Court may direct the individuals charged with administering the election to correct the error.

PRAYER FOR RELIEF

WHEREFORE, Petitioners respectfully request that this Court issue an Order pursuant to Minnesota Statutes Section 204B.44, declaring the original ballots invalid; declaring the new, corrected ballots valid; declaring any ballots submitted on the original, invalid ballots as spoiled; and requiring Respondent Holmsten to mail to individuals who have either received the original absentee ballot via U.S. Mail or who have already voted using the original absentee ballot a letter explaining the error and, if necessary, enclosing a new, corrected ballot, in a form substantially similar to the draft letter attached as Exhibit F.

**RUPP, ANDERSON, SQUIRES &
WALDSPURGER, P.A.**

Dated: 07/12/2018

By: 

Amy E. Mace, #0259378
Zachary J. Cronen, #0397420
333 South Seventh Street, Suite 2800
Minneapolis, MN 55402
Phone: (612) 436-4300
Fax: (612) 436-4340

**ATTORNEYS FOR PETITIONER KAY
KUHLMANN**

**GOODHUE COUNTY ATTORNEY'S
OFFICE**

Dated: 07/12/2018

By: Stephen A. Betcher
Stephen Betcher, # 0139117
454 W. 6th St.
Red Wing, MN 55066
Phone: (651) 267-4950

**ATTORNEY FOR PETITIONER LISA
HANNI**

**ACKNOWLEDGMENT REQUIRED BY
MINN. STAT. 594.211**

The undersigned acknowledges that sanctions may be imposed under Minn. Stat. 549.211.

Dated: 07/12/2018

By: 

Amy E. Mace, # 0259378
Zachary J. Cronen, #0397420
333 South Seventh Street, Suite 2800
Minneapolis, MN 55402
Phone: (612) 436-4300
Fax: (612) 436-4340

**ATTORNEYS FOR PETITIONER KAY
KUHLMANN**

Dated: 07/12/2018

By: 

Stephen Betcher, # 0139117
454 W. 6th St.
Red Wing, MN 55066
Phone: (651) 267-4950

**ATTORNEY FOR PETITIONER LISA
HANNI**

RESOLUTION NO. 7240***Resolution Declaring a Vacancy on the City Council
and Ordering a Special Election***

WHEREAS, Council Member Dustin Schulenberg, Council Member At Large, submitted his resignation from his seat on the City Council in writing on April 5, 2018, to be effective immediately following the April 9, 2018, City Council meeting; and,

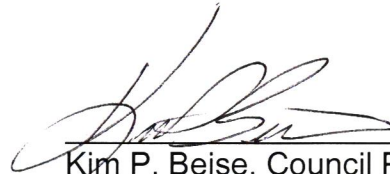
WHEREAS, although Section 2.06 of the Red Wing City Charter provides that a special election shall be held within 95 days of the resolution declaring the vacancy, Minnesota Statutes Section 205.10 was recently amended to provide that special elections must be held on certain dates;

WHEREAS, Minnesota Statutes Section 205.10 preempts the City Charter, and thus, in accordance with that law, the special election must be held on August 14, 2018.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Red Wing, that:

1. The City Council hereby acknowledges the resignation of Council Member Dustin Schulenberg effective immediately following the April 9, 2018, City Council meeting.
2. It is hereby declared that a vacancy exists effective immediately following the April 9, 2018, City Council meeting, in the Council Member At Large seat on the City Council due to Council Member Schulenberg's resignation.
3. The special election to fill the vacancy in the Council Member At Large seat on the City Council will be held on August 14, 2018.

Adopted this 9th day of April, 2018.



Kim P. Beise, Council President

Attest:



Teri L. Swanson, City Clerk

(seal)

Presented to the Mayor at 8:06 p.m. on this 9th day of April, 2018.
Approved this 9th day of April, 2018.



Sean M. Dowse, Mayor

Exhibit A

RESOLUTION NO. 7246***Resolution Declaring a Vacancy on the City Council
and Ordering a Special Election***

WHEREAS, Council Member Dan Munson, representing Ward 3, submitted his resignation from his seat on the City Council in writing on April 26, 2018, to be effective 12:00 noon on April 26, 2018; and,

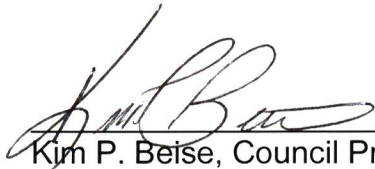
WHEREAS, although Section 2.06 of the Red Wing City Charter provides that a special election shall be held within 95 days of the resolution declaring the vacancy, Minnesota Statutes Section 205.10 was recently amended to provide that special elections must be held on certain dates;

WHEREAS, Minnesota Statutes Section 205.10 preempts the City Charter, and thus, in accordance with that law, the special election must be held on August 14, 2018.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Red Wing, that:

1. The City Council hereby acknowledges the resignation of Council Member Dan Munson effective on April 26, 2018, at 12:00 noon.
2. It is hereby declared that a vacancy exists effective on April 26, 2018, at 12:00 noon, in the Ward 3 seat on the City Council due to Council Member Munson's resignation.
3. The special election to fill the vacancy in the Ward 3 seat on the City Council will be held on August 14, 2018.

Adopted this 30th day of April, 2018.



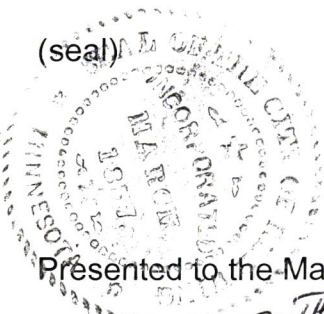
Kim P. Beise, Council President

Attest:




Teri L. Swanson, City Clerk

(seal)



Presented to the Mayor at 7:07 p.m. on this 30th day of April, 2018.

Approved this 30th day of April, 2018.



Sean M. Dowse, Mayor

Exhibit B

State and County Nonpartisan Primary Ballot
Goodhue County, Minnesota
August 14, 2018

Instructions to Voters:
To Vote, Completely fill in the oval(s) next to your choice(s) like this (●)

This ballot card contains a partisan ballot and a nonpartisan ballot. On the partisan ballot you are permitted to vote for candidates of one political party only.

County Offices	City Offices
<div>County Sheriff Vote for One</div>	<div>Council Member At Large City of Red Wing Four Year Term Vote for One</div>
<div><input type="radio"/> Paul Gielau</div>	<div><input type="radio"/> Tony Wiech</div>
<div><input type="radio"/> Marty Kelly</div>	<div><input type="radio"/> Laurel Stinson</div>
<div><input type="radio"/> Josh Stehr</div>	<div><input type="radio"/> Bill McKinley</div>
	<div><input type="radio"/> Alan Muller</div>
	<div><input type="radio"/> Christopher L. Nelson</div>
	<div><input type="radio"/> Ralph Rauterkus</div>
	<div>Special Election for Council Member At Large City of Red Wing To fill vacancy in term expiring January 8, 2019 Vote for One</div>
	<div><input type="radio"/> Bill McKinley</div>
	<div><input type="radio"/> Christopher L. Nelson</div>
	<div><input type="radio"/> Laurel Stinson</div>
	<div><input type="radio"/> Tony Wiech</div>
	<div><input type="radio"/> Alan Muller</div>
	<div><input type="radio"/> Ralph Rauterkus</div>
	<div>Council Member City of Red Wing Wards 1 & 2 Vote for One</div>
	<div><input type="radio"/> George Hintz</div>
	<div><input type="radio"/> Stephanie Elsen</div>
	<div><input type="radio"/> Dean Hove</div>
	<div>Red Wing City Ward 1 Precinct 1 0110</div>
	<div>Vote front and back of ballot</div>
	<div>Typ:01 Seq:0022 Spl:01</div>

State and County Nonpartisan Primary Ballot
Goodhue County, Minnesota
August 14, 2018

Instructions to Voters:
To Vote, Completely fill in the oval(s) next to your choice(s) like this (●)

This ballot card contains a partisan ballot and a nonpartisan ballot. On the partisan ballot you are permitted to vote for candidates of one political party only.

County Offices	City Offices
<div>County Sheriff Vote for One</div>	<div>Council Member At Large City of Red Wing Four Year Term Vote for One</div>
<div><input type="radio"/> Josh Stehr</div>	<div><input type="radio"/> Ralph Rauterkus</div>
<div><input type="radio"/> Paul Gielau</div>	<div><input type="radio"/> Tony Wiech</div>
<div><input type="radio"/> Marty Kelly</div>	<div><input type="radio"/> Laurel Stinson</div>
	<div><input type="radio"/> Bill McKinley</div>
	<div><input type="radio"/> Alan Muller</div>
	<div><input type="radio"/> Christopher L. Nelson</div>
	<div>Special Election for Council Member At Large City of Red Wing To fill vacancy in term expiring January 8, 2019 Vote for One</div>
	<div><input type="radio"/> Ralph Rauterkus</div>
	<div><input type="radio"/> Bill McKinley</div>
	<div><input type="radio"/> Christopher L. Nelson</div>
	<div><input type="radio"/> Laurel Stinson</div>
	<div><input type="radio"/> Tony Wiech</div>
	<div><input type="radio"/> Alan Muller</div>
	<div>Council Member City of Red Wing Wards 1 & 2 Vote for One</div>
	<div><input type="radio"/> Dean Hove</div>
	<div><input type="radio"/> George Hintz</div>
	<div><input type="radio"/> Stephanie Elsen</div>
	<div>Red Wing City Ward 1 Precinct 2 0115</div>
	<div>Vote front and back of ballot</div>
	<div>Typ:01 Seq:0023 Spl:01</div>

State and County Nonpartisan Primary Ballot
Goodhue County, Minnesota
August 14, 2018

Instructions to Voters:
To Vote, Completely fill in the oval(s) next to your choice(s) like this (●)

This ballot card contains a partisan ballot and a nonpartisan ballot. On the partisan ballot you are permitted to vote for candidates of one political party only.

County Offices	City Offices
County Sheriff Vote for One	Council Member At Large City of Red Wing Four Year Term Vote for One
<input type="radio"/> Paul Gielau	<input type="radio"/> Christopher L. Nelson
<input type="radio"/> Marty Kelly	<input type="radio"/> Ralph Rauterkus
<input type="radio"/> Josh Stehr	<input type="radio"/> Tony Wiech
	<input type="radio"/> Laurel Stinson
	<input type="radio"/> Bill McKinley
	<input type="radio"/> Alan Muller
	Special Election for Council Member At Large City of Red Wing To fill vacancy in term expiring January 8, 2019 Vote for One
	<input type="radio"/> Alan Muller
	<input type="radio"/> Ralph Rauterkus
	<input type="radio"/> Bill McKinley
	<input type="radio"/> Christopher L. Nelson
	<input type="radio"/> Laurel Stinson
	<input type="radio"/> Tony Wiech
	Council Member City of Red Wing Wards 1 & 2 Vote for One
	<input type="radio"/> Stephanie Elsen
	<input type="radio"/> Dean Hove
	<input type="radio"/> George Hintz
	Red Wing City Ward 2 Precinct 1 0125
	Vote front and back of ballot
	Typ:01 Seq:0024 Spl:01

State and County Nonpartisan Primary Ballot
Goodhue County, Minnesota
August 14, 2018

Instructions to Voters:
To Vote, Completely fill in the oval(s) next to your choice(s) like this (●)

This ballot card contains a partisan ballot and a nonpartisan ballot. On the partisan ballot you are permitted to vote for candidates of one political party only.

County Offices	City Offices
County Sheriff Vote for One	Council Member At Large City of Red Wing Four Year Term Vote for One
<input type="radio"/> Josh Stehr	<input type="radio"/> Bill McKinley
<input type="radio"/> Paul Gielau	<input type="radio"/> Alan Muller
<input type="radio"/> Marty Kelly	<input type="radio"/> Christopher L. Nelson
	<input type="radio"/> Ralph Rauterkus
	<input type="radio"/> Tony Wiech
	<input type="radio"/> Laurel Stinson
	Special Election for Council Member At Large City of Red Wing To fill vacancy in term expiring January 8, 2019 Vote for One
	<input type="radio"/> Laurel Stinson
	<input type="radio"/> Tony Wiech
	<input type="radio"/> Alan Muller
	<input type="radio"/> Ralph Rauterkus
	<input type="radio"/> Bill McKinley
	<input type="radio"/> Christopher L. Nelson
	Council Member City of Red Wing Wards 1 & 2 Vote for One
	<input type="radio"/> George Hintz
	<input type="radio"/> Stephanie Elsen
	<input type="radio"/> Dean Hove
	Red Wing City Ward 2 Precinct 2 0130
	Vote front and back of ballot
	Typ:01 Seq:0025 Spl:01

State and County Nonpartisan Primary Ballot
Goodhue County, Minnesota
August 14, 2018

Instructions to Voters:
To Vote, Completely fill in the oval(s) next to your choice(s) like this (●)

This ballot card contains a partisan ballot and a nonpartisan ballot. On the partisan ballot you are permitted to vote for candidates of one political party only.

County Offices	City Offices
County Sheriff Vote for One	Council Member At Large City of Red Wing Four Year Term Vote for One
<input type="radio"/> Josh Stehr	<input type="radio"/> Alan Muller
<input type="radio"/> Paul Gielau	<input type="radio"/> Christopher L. Nelson
<input type="radio"/> Marty Kelly	<input type="radio"/> Ralph Rauterkus
	<input type="radio"/> Tony Wiech
	<input type="radio"/> Laurel Stinson
	<input type="radio"/> Bill McKinley
	Special Election for Council Member At Large City of Red Wing To fill vacancy in term expiring January 8, 2019 Vote for One
	<input type="radio"/> Tony Wiech
	<input type="radio"/> Alan Muller
	<input type="radio"/> Ralph Rauterkus
	<input type="radio"/> Bill McKinley
	<input type="radio"/> Christopher L. Nelson
	<input type="radio"/> Laurel Stinson
	Special Election for Council Member City of Red Wing Ward 3 To fill vacancy in term expiring January 8, 2019 Vote for One
	<input type="radio"/> Becky Norton
	<input type="radio"/> Ted Seifert
	Red Wing City Ward 3 Precinct 1 0140
	Vote front and back of ballot
	Typ:01 Seq:0026 Spl:01

State and County Nonpartisan Primary Ballot
Goodhue County, Minnesota
August 14, 2018

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County Offices	City Offices
<div>County Sheriff Vote for One</div>	<div>Council Member At Large City of Red Wing Four Year Term Vote for One</div>
<div><input type="radio"/> Paul Gielau</div>	<div><input type="radio"/> Bill McKinley</div>
<div><input type="radio"/> Marty Kelly</div>	<div><input type="radio"/> Alan Muller</div>
<div><input type="radio"/> Josh Stehr</div>	<div><input type="radio"/> Christopher L. Nelson</div>
	<div><input type="radio"/> Ralph Rauterkus</div>
	<div><input type="radio"/> Tony Wiech</div>
	<div><input type="radio"/> Laurel Stinson</div>
	<div>Special Election for Council Member At Large City of Red Wing To fill vacancy in term expiring January 8, 2019 Vote for One</div>
	<div><input type="radio"/> Laurel Stinson</div>
	<div><input type="radio"/> Tony Wiech</div>
	<div><input type="radio"/> Alan Muller</div>
	<div><input type="radio"/> Ralph Rauterkus</div>
	<div><input type="radio"/> Bill McKinley</div>
	<div><input type="radio"/> Christopher L. Nelson</div>
	<div>Special Election for Council Member City of Red Wing Ward 3 To fill vacancy in term expiring January 8, 2019 Vote for One</div>
	<div><input type="radio"/> Ted Seifert</div>
	<div><input type="radio"/> Becky Norton</div>
	<div>Red Wing City Ward 3 Precinct 2 0145</div>
	<div>Vote front and back of ballot</div>
	<div>Typ:01 Seq:0027 Spl:01</div>

State and County Nonpartisan Primary Ballot
Goodhue County, Minnesota
August 14, 2018

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County Offices	City Offices
<div>County Sheriff Vote for One</div>	<div>Council Member At Large City of Red Wing Four Year Term Vote for One</div>
<div><input type="radio"/> Marty Kelly</div>	<div><input type="radio"/> Laurel Stinson</div>
<div><input type="radio"/> Josh Stehr</div>	<div><input type="radio"/> Bill McKinley</div>
<div><input type="radio"/> Paul Gielau</div>	<div><input type="radio"/> Alan Muller</div>
	<div><input type="radio"/> Christopher L. Nelson</div>
	<div><input type="radio"/> Ralph Rauterkus</div>
	<div><input type="radio"/> Tony Wiech</div>
	<div>Special Election for Council Member At Large City of Red Wing To fill vacancy in term expiring January 8, 2019 Vote for One</div>
	<div><input type="radio"/> Christopher L. Nelson</div>
	<div><input type="radio"/> Laurel Stinson</div>
	<div><input type="radio"/> Tony Wiech</div>
	<div><input type="radio"/> Alan Muller</div>
	<div><input type="radio"/> Ralph Rauterkus</div>
	<div><input type="radio"/> Bill McKinley</div>
	<div>Council Member City of Red Wing Ward 4 Vote for One</div>
	<div><input type="radio"/> Ernest W. Stone</div>
	<div><input type="radio"/> Erin Buss</div>
	<div><input type="radio"/> Burke Murphy</div>
	<div>Red Wing City Ward 4 Precinct 1 0155</div>
	<div>Vote front and back of ballot</div>
	<div>Typ:01 Seq:0028 Spl:01</div>

State and County Nonpartisan Primary Ballot
Goodhue County, Minnesota
August 14, 2018

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County Offices	City Offices
<div>County Sheriff Vote for One</div>	<div>Council Member At Large City of Red Wing Four Year Term Vote for One</div>
<div><input type="radio"/> Paul Gielau</div>	<div><input type="radio"/> Laurel Stinson</div>
<div><input type="radio"/> Marty Kelly</div>	<div><input type="radio"/> Bill McKinley</div>
<div><input type="radio"/> Josh Stehr</div>	<div><input type="radio"/> Alan Muller</div>
	<div><input type="radio"/> Christopher L. Nelson</div>
	<div><input type="radio"/> Ralph Rauterkus</div>
	<div><input type="radio"/> Tony Wiech</div>
	<div>Special Election for Council Member At Large City of Red Wing To fill vacancy in term expiring January 8, 2019 Vote for One</div>
	<div><input type="radio"/> Christopher L. Nelson</div>
	<div><input type="radio"/> Laurel Stinson</div>
	<div><input type="radio"/> Tony Wiech</div>
	<div><input type="radio"/> Alan Muller</div>
	<div><input type="radio"/> Ralph Rauterkus</div>
	<div><input type="radio"/> Bill McKinley</div>
	<div>Council Member City of Red Wing Ward 4 Vote for One</div>
	<div><input type="radio"/> Erin Buss</div>
	<div><input type="radio"/> Burke Murphy</div>
	<div><input type="radio"/> Ernest W. Stone</div>
	<div>Red Wing City Ward 4 Precinct 2 0160</div>
	<div>Vote front and back of ballot</div>
	<div>Typ:01 Seq:0029 Spl:01</div>

Zachary J. Cronen

From: Betcher, Steve <Steve.Betcher@co.goodhue.mn.us>
Sent: Thursday, July 12, 2018 12:53 PM
To: Zachary J. Cronen
Subject: FW: Write-ins at a special election

From: Black, Bert (OSS) [<mailto:bert.black@state.mn.us>]
Sent: Friday, July 06, 2018 5:09 PM
To: Holmsten, Carolyn
Subject: Write-ins at a special election
Importance: High

Carolyn Holmsten
Goodhue County Auditor/Treasurer
Red Wing, Minnesota

Dear Auditor/Treasurer Holmsten,

One of the staff at the Elections Division here at the Office of the Secretary of State has brought to my attention a situation regarding a special election being held in your county concurrently with the state primary on August 14, 2018.

The situation was described to me as follows:

- A special election is being held for city offices for the City of Red Wing.
- That special election is being held on August 14, 2018.
- That special election is not itself a primary, albeit that it is held concurrently with the state primary.
- Ballots for that election have been printed and now are being voted.
- Normally, at a primary election, there are no spaces for write-ins: write-ins are reserved for general elections.
- The portion of the ballots that reflects the special election for city office does not have a space for write-in, if any.

Minnesota Statutes, section 205.02 makes Minnesota Election Law (chapters 200 to 211B) applicable to city elections, so far as practicable. Minnesota Statutes, section 204B.36, therefore applies. Subd. 2 of that section states:

Subd. 2.Candidates and offices.

The name of each candidate shall be printed at a right angle to the length of the ballot. At a general election the name of the political party or the political principle of each candidate for partisan office shall be printed above or below the name of the candidate. The name of a political party or a political principle shall be printed in capital and lowercase letters of the same type, with the capital letters at least one-half the height of the capital letters used for names of the candidates. **At a general election, blank lines containing**

the words "write-in, if any" shall be printed below the name of the last candidate for each office, or below the title of the office if no candidate has filed for that office, so that a voter may write in the names of individuals whose names are not on the ballot. One blank line shall be printed for each officer of that kind to be elected. At a primary election, no blank lines shall be provided for writing in the names of individuals whose names do not appear on the primary ballot.

On the left side of the ballot at the same level with the name of each candidate and each blank line shall be printed an oval or similar target shape in which the voter may designate a vote by filling in the oval or similar mark if a different target shape is used. Each oval or target shape shall be the same size. Above the first name on each ballot shall be instructions for voting. Directly underneath the official title of each office shall be printed the words "Vote for one" or "Vote for up to ..." (any greater number to be elected).

[Emphasis added]

While it is true that the special election for city office is being held on August 14, 2018, **it is not a primary election**. It is a general election. Therefore, the write-in provision does apply to this one area of the ballot. There are no write-ins for elections that are actually primary elections, because there will be an opportunity at the general election for voters to write-in candidates. However, as described, the special election for city offices is not a primary, it is the election that will determine who will next hold this public office. **It is a general election.**

Similarly, Minnesota Rules, part 8250.1810, subp. 8 guides the format of write-in votes. For the purposes of these city elections, the portion of the ballot for the special election is a general election ballot.

Subp. 8. Order and form of write-in candidate lines.

On general election ballots, below the name of the last candidate for each office **shall be placed as many blank lines as there are offices of that kind to be filled, and on the blank lines the voter may write the name of persons not printed on the ballot for whom the voter desires to vote.** When no person has filed for an office to be filled, the title and identification of the office shall be printed on the ballot with as many blank lines below as there are offices to be filled. Above or below each write-in line the words "write-in, if any" must appear in as large as practicable but no smaller than 6-point type and must be aligned next to the vote target.

Again, the portion of the ballot dealing with the final election to public office is a general election and is subject to this section regardless of when the election is being held.

I hope this clarifies the situation. Of course, you should consult with your county attorney. If you or your county attorney have any questions, I would be glad to discuss this further; see my contact information below.

Best regards,

Bert Black

Legal Advisor

Office of Minnesota Secretary of State, Steve Simon

180 State Office Building, 100 Rev. Dr. Martin Luther King Jr. Blvd.



St. Paul, MN 55155

Ph: 651-201-1326

Website: <http://www.sos.state.mn.us>



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11

Official Ballot

21

This ballot card contains a partisan ballot and a nonpartisan ballot. On the partisan ballot you are permitted to vote for candidates of one political party only.

40

41

42

48

52

Republican Party

Federal Offices

U.S. Senator
For term expiring January 3, 2025
Vote for One

☐ Rae Hart Anderson

January 3, 2025

☐ Jim Newberger

January 3, 2025

☐ Merrill Anderson

January 3, 2025

☐ Roque "Rocky" De La Fuente

January 3, 2025

U.S. Senator
Special Election for term expiring
January 3, 2021
Vote for One

☐ Karin Housley

January 3, 2021

☐ Nikolay Nikolayevich Bey

January 3, 2021

☐ Bob Anderson

January 3, 2021

State Offices

Governor and Lieutenant Governor
Vote for One Team

☐ Tim Pawlenty and Michelle Fischbach

☐ Mathew (Matt) Kruse and Theresa Loeffler

☐ Jeff Johnson and Donna Bergstrom

Attorney General
Vote for One

☐ Sharon Anderson

☐ Doug Wardlow

☐ Robert Lessard

Continue voting on the nonpartisan ballot.

Do not vote for candidates of more than one party.

Red Wing City Ward 1 Precinct 1
0110

Vote front and back of ballot

Typ:01 Seq:0022 Spl:01

Judge _____

Judge _____

Democratic-Farmer-Labor Party

Federal Offices

U.S. Senator
For term expiring January 3, 2025
Vote for One

☐ David Robert Groves

January 3, 2025

☐ Leonard J. Richards

January 3, 2025

☐ Steve Carlson

January 3, 2025

☐ Stephen A. Emery

January 3, 2025

☐ Amy Klobuchar

January 3, 2025

U.S. Senator
Special Election for term expiring
January 3, 2021
Vote for One

☐ Ali Chehem Ali

January 3, 2021

☐ Christopher Lovell Seymore Sr.

January 3, 2021

☐ Gregg A. Iverson

January 3, 2021

☐ Tina Smith

January 3, 2021

☐ Nick Leonard

January 3, 2021

☐ Richard W. Painter

January 3, 2021

State Offices

Governor and Lieutenant Governor
Vote for One Team

☐ Tim Holden and James P. Mellin II

☐ Ole Savior and Chris Edman

☐ Erin Murphy and Erin Maye-Quade

☐ Lori Swanson and Rick Nolan

☐ Tim Walz and Peggy Flanagan

Attorney General
Vote for One

☐ Tom Foley

☐ Keith Ellison

☐ Mike Rothman

☐ Debra Hilstrom

☐ Matt Pelikan

Continue voting on the nonpartisan ballot.

Exhibit E

State and County Nonpartisan Primary Ballot
Goodhue County, Minnesota
August 14, 2018

Instructions to Voters:
To Vote, Completely fill in the oval(s) next to your choice(s) like this (●)

This ballot card contains a partisan ballot and a nonpartisan ballot. On the partisan ballot you are permitted to vote for candidates of one political party only.

County Offices	City Offices
<div>County Sheriff Vote for One</div>	<div>Council Member At Large City of Red Wing Four Year Term Vote for One</div>
<div><input type="radio"/> Paul Gielau</div>	<div><input type="radio"/> Tony Wiech</div>
<div><input type="radio"/> Marty Kelly</div>	<div><input type="radio"/> Laurel Stinson</div>
<div><input type="radio"/> Josh Stehr</div>	<div><input type="radio"/> Bill McKinley</div>
	<div><input type="radio"/> Alan Muller</div>
	<div><input type="radio"/> Christopher L. Nelson</div>
	<div><input type="radio"/> Ralph Rauterkus</div>
	<div>Special Election for Council Member At Large City of Red Wing To fill vacancy in term expiring January 8, 2019 Vote for One</div>
	<div><input type="radio"/> Bill McKinley</div>
	<div><input type="radio"/> Christopher L. Nelson</div>
	<div><input type="radio"/> Laurel Stinson</div>
	<div><input type="radio"/> Tony Wiech</div>
	<div><input type="radio"/> Alan Muller</div>
	<div><input type="radio"/> Ralph Rauterkus</div>
	<div><input type="radio"/> write-in, if any</div>
	<div>Council Member City of Red Wing Wards 1 & 2 Vote for One</div>
	<div><input type="radio"/> George Hintz</div>
	<div><input type="radio"/> Stephanie Elsen</div>
	<div><input type="radio"/> Dean Hove</div>
	<div>Red Wing City Ward 1 Precinct 1 0110</div>
	<div>Vote front and back of ballot</div>
	<div>Typ:01 Seq:0022 Spl:01</div>

Official Ballot

State Partisan Primary Ballot
Goodhue County, Minnesota
August 14, 2018

Judge _____

Judge _____

Instructions to Voters:
To Vote, Completely fill in the oval(s) next to your choice(s) like this (●)

This ballot card contains a partisan ballot and a nonpartisan ballot. On the partisan ballot you are permitted to vote for candidates of one political party only.

Republican
Party

Federal Offices

U.S. Senator
For term expiring January 3, 2025
Vote for One

- ☐ Merrill Anderson
- January 3, 2025
- ☐ Roque "Rocky" De La Fuente
- January 3, 2025
- ☐ Rae Hart Anderson
- January 3, 2025
- ☐ Jim Newberger
- January 3, 2025

U.S. Senator
Special Election for term expiring
January 3, 2021
Vote for One

- ☐ Bob Anderson
- January 3, 2021
- ☐ Karin Housley
- January 3, 2021
- ☐ Nikolay Nikolayevich Bey
- January 3, 2021

State Offices

Governor and Lieutenant
Governor
Vote for One Team

- ☐ Jeff Johnson and
Donna Bergstrom
- ☐ Tim Pawlenty and
Michelle Fischbach
- ☐ Mathew (Matt) Kruse and
Theresa Loeffler

Attorney General
Vote for One

- ☐ Robert Lessard
- ☐ Sharon Anderson
- ☐ Doug Wardlow

Do not vote for
candidates of
more than one
party.

Red Wing City Ward 1 Precinct 2
0115

Vote front and back of ballot

Continue voting on the
nonpartisan ballot.

Typ:01 Seq:0023 Spl:01

Democratic-Farmer-Labor
Party

Federal Offices

U.S. Senator
For term expiring January 3, 2025
Vote for One

- ☐ Leonard J. Richards
- January 3, 2025
- ☐ Steve Carlson
- January 3, 2025
- ☐ Stephen A. Emery
- January 3, 2025
- ☐ Amy Klobuchar
- January 3, 2025
- ☐ David Robert Groves
- January 3, 2025

U.S. Senator
Special Election for term expiring
January 3, 2021
Vote for One

- ☐ Richard W. Painter
- January 3, 2021
- ☐ Ali Chehem Ali
- January 3, 2021
- ☐ Christopher Lovell Seymore Sr.
- January 3, 2021
- ☐ Gregg A. Iverson
- January 3, 2021
- ☐ Tina Smith
- January 3, 2021
- ☐ Nick Leonard
- January 3, 2021

State Offices

Governor and Lieutenant
Governor
Vote for One Team

- ☐ Ole Savior and
Chris Edman
- ☐ Erin Murphy and
Erin Maye-Quade
- ☐ Lori Swanson and
Rick Nolan
- ☐ Tim Walz and
Peggy Flanagan
- ☐ Tim Holden and
James P. Mellin II

Attorney General
Vote for One

- ☐ Keith Ellison
- ☐ Mike Rothman
- ☐ Debra Hilstrom
- ☐ Matt Pelikan
- ☐ Tom Foley

Continue voting on the
nonpartisan ballot.

State and County Nonpartisan Primary Ballot
Goodhue County, Minnesota
August 14, 2018

Instructions to Voters:
To Vote, Completely fill in the oval(s) next to your choice(s) like this (●)

This ballot card contains a partisan ballot and a nonpartisan ballot. On the partisan ballot you are permitted to vote for candidates of one political party only.

County Offices	City Offices
<div>County Sheriff Vote for One</div> <div><div><input type="radio"/> Josh Stehr</div><div><input type="radio"/> Paul Gielau</div><div><input type="radio"/> Marty Kelly</div></div>	<div>Council Member At Large City of Red Wing Four Year Term Vote for One</div> <div><div><input type="radio"/> Ralph Rauterkus</div><div><input type="radio"/> Tony Wiech</div><div><input type="radio"/> Laurel Stinson</div><div><input type="radio"/> Bill McKinley</div><div><input type="radio"/> Alan Muller</div><div><input type="radio"/> Christopher L. Nelson</div></div>
	<div>Special Election for Council Member At Large City of Red Wing To fill vacancy in term expiring January 8, 2019 Vote for One</div> <div><div><input type="radio"/> Ralph Rauterkus</div><div><input type="radio"/> Bill McKinley</div><div><input type="radio"/> Christopher L. Nelson</div><div><input type="radio"/> Laurel Stinson</div><div><input type="radio"/> Tony Wiech</div><div><input type="radio"/> Alan Muller</div><div><input type="radio"/> write-in, if any</div></div>
	<div>Council Member City of Red Wing Wards 1 & 2 Vote for One</div> <div><div><input type="radio"/> Dean Hove</div><div><input type="radio"/> George Hintz</div><div><input type="radio"/> Stephanie Elsen</div></div>
	<div>Red Wing City Ward 1 Precinct 2 0115</div> <div>Vote front and back of ballot</div> <div>Typ:01 Seq:0023 Spl:01</div>

Official Ballot

State Partisan Primary Ballot
Goodhue County, Minnesota
August 14, 2018

Judge _____

Judge _____

Instructions to Voters:
To Vote, Completely fill in the oval(s) next to your choice(s) like this (●)

This ballot card contains a partisan ballot and a nonpartisan ballot. On the partisan ballot you are permitted to vote for candidates of one political party only.

Republican
Party

Federal Offices

U.S. Senator
For term expiring January 3, 2025
Vote for One

- ☐ Merrill Anderson
- January 3, 2025
- ☐ Roque "Rocky" De La Fuente
- January 3, 2025
- ☐ Rae Hart Anderson
- January 3, 2025
- ☐ Jim Newberger
- January 3, 2025

U.S. Senator
Special Election for term expiring
January 3, 2021
Vote for One

- ☐ Karin Housley
- January 3, 2021
- ☐ Nikolay Nikolayevich Bey
- January 3, 2021
- ☐ Bob Anderson
- January 3, 2021

State Offices

Governor and Lieutenant
Governor
Vote for One Team

- ☐ Tim Pawlenty and
Michelle Fischbach
- ☐ Mathew (Matt) Kruse and
Theresa Loeffler
- ☐ Jeff Johnson and
Donna Bergstrom

Attorney General
Vote for One

- ☐ Sharon Anderson
- ☐ Doug Wardlow
- ☐ Robert Lessard

Do not vote for
candidates of
more than one
party.

Red Wing City Ward 2 Precinct 1
0125

Vote front and back of ballot

Continue voting on the
nonpartisan ballot.

Typ:01 Seq:0024 Spl:01

Democratic-Farmer-Labor
Party

Federal Offices

U.S. Senator
For term expiring January 3, 2025
Vote for One

- ☐ David Robert Groves
- January 3, 2025
- ☐ Leonard J. Richards
- January 3, 2025
- ☐ Steve Carlson
- January 3, 2025
- ☐ Stephen A. Emery
- January 3, 2025
- ☐ Amy Klobuchar
- January 3, 2025

U.S. Senator
Special Election for term expiring
January 3, 2021
Vote for One

- ☐ Nick Leonard
- January 3, 2021
- ☐ Richard W. Painter
- January 3, 2021
- ☐ Ali Chehem Ali
- January 3, 2021
- ☐ Christopher Lovell Seymore Sr.
- January 3, 2021
- ☐ Gregg A. Iverson
- January 3, 2021
- ☐ Tina Smith
- January 3, 2021

State Offices

Governor and Lieutenant
Governor
Vote for One Team

- ☐ Tim Holden and
James P. Mellin II
- ☐ Ole Savior and
Chris Edman
- ☐ Erin Murphy and
Erin Maye-Quade
- ☐ Lori Swanson and
Rick Nolan
- ☐ Tim Walz and
Peggy Flanagan

Attorney General
Vote for One

- ☐ Tom Foley
- ☐ Keith Ellison
- ☐ Mike Rothman
- ☐ Debra Hilstrom
- ☐ Matt Pelikan

Continue voting on the
nonpartisan ballot.

State and County Nonpartisan Primary Ballot
Goodhue County, Minnesota
August 14, 2018

Instructions to Voters:
To Vote, Completely fill in the oval(s) next to your choice(s) like this (●)

This ballot card contains a partisan ballot and a nonpartisan ballot. On the partisan ballot you are permitted to vote for candidates of one political party only.

County Offices	City Offices
County Sheriff Vote for One	Council Member At Large City of Red Wing Four Year Term Vote for One
<input type="radio"/> Paul Gielau	<input type="radio"/> Christopher L. Nelson
<input type="radio"/> Marty Kelly	<input type="radio"/> Ralph Rauterkus
<input type="radio"/> Josh Stehr	<input type="radio"/> Tony Wiech
	<input type="radio"/> Laurel Stinson
	<input type="radio"/> Bill McKinley
	<input type="radio"/> Alan Muller
	Special Election for Council Member At Large City of Red Wing To fill vacancy in term expiring January 8, 2019 Vote for One
	<input type="radio"/> Alan Muller
	<input type="radio"/> Ralph Rauterkus
	<input type="radio"/> Bill McKinley
	<input type="radio"/> Christopher L. Nelson
	<input type="radio"/> Laurel Stinson
	<input type="radio"/> Tony Wiech
	<input type="radio"/> write-in, if any
	Council Member City of Red Wing Wards 1 & 2 Vote for One
	<input type="radio"/> Stephanie Elsen
	<input type="radio"/> Dean Hove
	<input type="radio"/> George Hintz
	Red Wing City Ward 2 Precinct 1 0125
	Vote front and back of ballot
	Typ:01 Seq:0024 Spl:01

Official Ballot

State Partisan Primary Ballot
Goodhue County, Minnesota
August 14, 2018

Judge _____

Judge _____

Instructions to Voters:
To Vote, Completely fill in the oval(s) next to your choice(s) like this (●)

This ballot card contains a partisan ballot and a nonpartisan ballot. On the partisan ballot you are permitted to vote for candidates of one political party only.

Republican
Party

Federal Offices

U.S. Senator
For term expiring January 3, 2025
Vote for One

- ☐ Merrill Anderson
January 3, 2025
- ☐ Roque "Rocky" De La Fuente
January 3, 2025
- ☐ Rae Hart Anderson
January 3, 2025
- ☐ Jim Newberger
January 3, 2025

U.S. Senator
Special Election for term expiring
January 3, 2021
Vote for One

- ☐ Bob Anderson
January 3, 2021
- ☐ Karin Housley
January 3, 2021
- ☐ Nikolay Nikolayevich Bey
January 3, 2021

State Offices

Governor and Lieutenant
Governor
Vote for One Team

- ☐ Jeff Johnson and
Donna Bergstrom
- ☐ Tim Pawlenty and
Michelle Fischbach
- ☐ Mathew (Matt) Kruse and
Theresa Loeffler

Attorney General
Vote for One

- ☐ Robert Lessard
- ☐ Sharon Anderson
- ☐ Doug Wardlow

Do not vote for
candidates of
more than one
party.

Red Wing City Ward 2 Precinct 2
0130

Vote front and back of ballot

Continue voting on the
nonpartisan ballot.

Typ:01 Seq:0025 Spl:01

Democratic-Farmer-Labor
Party

Federal Offices

U.S. Senator
For term expiring January 3, 2025
Vote for One

- ☐ Steve Carlson
January 3, 2025
- ☐ Stephen A. Emery
January 3, 2025
- ☐ Amy Klobuchar
January 3, 2025
- ☐ David Robert Groves
January 3, 2025
- ☐ Leonard J. Richards
January 3, 2025

U.S. Senator
Special Election for term expiring
January 3, 2021
Vote for One

- ☐ Tina Smith
January 3, 2021
- ☐ Nick Leonard
January 3, 2021
- ☐ Richard W. Painter
January 3, 2021
- ☐ Ali Chehem Ali
January 3, 2021
- ☐ Christopher Lovell Seymore Sr.
January 3, 2021
- ☐ Gregg A. Iverson
January 3, 2021

State Offices

Governor and Lieutenant
Governor
Vote for One Team

- ☐ Erin Murphy and
Erin Maye-Quade
- ☐ Lori Swanson and
Rick Nolan
- ☐ Tim Walz and
Peggy Flanagan
- ☐ Tim Holden and
James P. Mellin II
- ☐ Ole Savior and
Chris Edman

Attorney General
Vote for One

- ☐ Mike Rothman
- ☐ Debra Hilstrom
- ☐ Matt Pelikan
- ☐ Tom Foley
- ☐ Keith Ellison

Continue voting on the
nonpartisan ballot.

State and County Nonpartisan Primary Ballot
Goodhue County, Minnesota
August 14, 2018

Instructions to Voters:
To Vote, Completely fill in the oval(s) next to your choice(s) like this (●)

This ballot card contains a partisan ballot and a nonpartisan ballot. On the partisan ballot you are permitted to vote for candidates of one political party only.

County Offices	City Offices
<div>County Sheriff</div> <div>Vote for One</div>	<div>Council Member At Large</div> <div>City of Red Wing</div> <div>Four Year Term</div> <div>Vote for One</div>
<div><input type="radio"/> Josh Stehr</div>	<div><input type="radio"/> Bill McKinley</div>
<div><input type="radio"/> Paul Gielau</div>	<div><input type="radio"/> Alan Muller</div>
<div><input type="radio"/> Marty Kelly</div>	<div><input type="radio"/> Christopher L. Nelson</div>
	<div><input type="radio"/> Ralph Rauterkus</div>
	<div><input type="radio"/> Tony Wiech</div>
	<div><input type="radio"/> Laurel Stinson</div>
	<div>Special Election for Council</div> <div>Member At Large</div> <div>City of Red Wing</div> <div>To fill vacancy in term expiring</div> <div>January 8, 2019</div> <div>Vote for One</div>
	<div><input type="radio"/> Laurel Stinson</div>
	<div><input type="radio"/> Tony Wiech</div>
	<div><input type="radio"/> Alan Muller</div>
	<div><input type="radio"/> Ralph Rauterkus</div>
	<div><input type="radio"/> Bill McKinley</div>
	<div><input type="radio"/> Christopher L. Nelson</div>
	<div><input type="radio"/> write-in, if any</div>
	<div>Council Member</div> <div>City of Red Wing Wards 1 & 2</div> <div>Vote for One</div>
	<div><input type="radio"/> George Hintz</div>
	<div><input type="radio"/> Stephanie Elsen</div>
	<div><input type="radio"/> Dean Hove</div>
	<div>Red Wing City Ward 2 Precinct 2</div> <div>0130</div>
	<div>Vote front and back of ballot</div>
	<div>Typ:01 Seq:0025 Spl:01</div>

Official Ballot

State Partisan Primary Ballot
Goodhue County, Minnesota
August 14, 2018

Judge _____

Judge _____

Instructions to Voters:
To Vote, Completely fill in the oval(s) next to your choice(s) like this (●)

This ballot card contains a partisan ballot and a nonpartisan ballot. On the partisan ballot you are permitted to vote for candidates of one political party only.

Republican
Party

Federal Offices

U.S. Senator
For term expiring January 3, 2025
Vote for One

- ☐ Rae Hart Anderson
January 3, 2025
- ☐ Jim Newberger
January 3, 2025
- ☐ Merrill Anderson
January 3, 2025
- ☐ Roque "Rocky" De La Fuente
January 3, 2025

U.S. Senator
Special Election for term expiring
January 3, 2021
Vote for One

- ☐ Bob Anderson
January 3, 2021
- ☐ Karin Housley
January 3, 2021
- ☐ Nikolay Nikolayevich Bey
January 3, 2021

State Offices

Governor and Lieutenant
Governor
Vote for One Team

- ☐ Jeff Johnson and
Donna Bergstrom
- ☐ Tim Pawlenty and
Michelle Fischbach
- ☐ Mathew (Matt) Kruse and
Theresa Loeffler

Attorney General
Vote for One

- ☐ Robert Lessard
- ☐ Sharon Anderson
- ☐ Doug Wardlow

Do not vote for
candidates of
more than one
party.

Red Wing City Ward 3 Precinct 1
0140

Vote front and back of ballot

Continue voting on the
nonpartisan ballot.

Typ:01 Seq:0026 Spl:01

Democratic-Farmer-Labor
Party

Federal Offices

U.S. Senator
For term expiring January 3, 2025
Vote for One

- ☐ Stephen A. Emery
January 3, 2025
- ☐ Amy Klobuchar
January 3, 2025
- ☐ David Robert Groves
January 3, 2025
- ☐ Leonard J. Richards
January 3, 2025
- ☐ Steve Carlson
January 3, 2025

U.S. Senator
Special Election for term expiring
January 3, 2021
Vote for One

- ☐ Gregg A. Iverson
January 3, 2021
- ☐ Tina Smith
January 3, 2021
- ☐ Nick Leonard
January 3, 2021
- ☐ Richard W. Painter
January 3, 2021
- ☐ Ali Chehem Ali
January 3, 2021
- ☐ Christopher Lovell Seymore Sr.
January 3, 2021

State Offices

Governor and Lieutenant
Governor
Vote for One Team

- ☐ Lori Swanson and
Rick Nolan
- ☐ Tim Walz and
Peggy Flanagan
- ☐ Tim Holden and
James P. Mellin II
- ☐ Ole Savior and
Chris Edman
- ☐ Erin Murphy and
Erin Maye-Quade

Attorney General
Vote for One

- ☐ Debra Hilstrom
- ☐ Matt Pelikan
- ☐ Tom Foley
- ☐ Keith Ellison
- ☐ Mike Rothman

Continue voting on the
nonpartisan ballot.

State and County Nonpartisan Primary Ballot
Goodhue County, Minnesota
August 14, 2018

Instructions to Voters:
To Vote, Completely fill in the oval(s) next to your choice(s) like this (●)

This ballot card contains a partisan ballot and a nonpartisan ballot. On the partisan ballot you are permitted to vote for candidates of one political party only.

County Offices	City Offices
<div>County Sheriff Vote for One</div>	<div>Council Member At Large City of Red Wing Four Year Term Vote for One</div>
<div><div><input type="radio"/> Josh Stehr</div></div>	<div><div><input type="radio"/> Alan Muller</div></div>
<div><div><input type="radio"/> Paul Gielau</div></div>	<div><div><input type="radio"/> Christopher L. Nelson</div></div>
<div><div><input type="radio"/> Marty Kelly</div></div>	<div><div><input type="radio"/> Ralph Rauterkus</div></div>
	<div><div><input type="radio"/> Tony Wiech</div></div>
	<div><div><input type="radio"/> Laurel Stinson</div></div>
	<div><div><input type="radio"/> Bill McKinley</div></div>
	<div>Special Election for Council Member At Large City of Red Wing To fill vacancy in term expiring January 8, 2019 Vote for One</div>
	<div><div><input type="radio"/> Tony Wiech</div></div>
	<div><div><input type="radio"/> Alan Muller</div></div>
	<div><div><input type="radio"/> Ralph Rauterkus</div></div>
	<div><div><input type="radio"/> Bill McKinley</div></div>
	<div><div><input type="radio"/> Christopher L. Nelson</div></div>
	<div><div><input type="radio"/> Laurel Stinson</div></div>
	<div><div><input type="radio"/> write-in, if any</div></div>
	<div>Special Election for Council Member City of Red Wing Ward 3 To fill vacancy in term expiring January 8, 2019 Vote for One</div>
	<div><div><input type="radio"/> Becky Norton</div></div>
	<div><div><input type="radio"/> Ted Seifert</div></div>
	<div><div><input type="radio"/> write-in, if any</div></div>
	<div>Red Wing City Ward 3 Precinct 1 0140</div>
	<div>Vote front and back of ballot</div>
	<div>Typ:01 Seq:0026 Spl:01</div>

Official Ballot

State Partisan Primary Ballot
Goodhue County, Minnesota
August 14, 2018

Judge _____

Judge _____

Instructions to Voters:
To Vote, Completely fill in the oval(s) next to your choice(s) like this (●)

This ballot card contains a partisan ballot and a nonpartisan ballot. On the partisan ballot you are permitted to vote for candidates of one political party only.

Republican
Party

Federal Offices

U.S. Senator
For term expiring January 3, 2025
Vote for One

- ☐ Rae Hart Anderson
- January 3, 2025
- ☐ Jim Newberger
- January 3, 2025
- ☐ Merrill Anderson
- January 3, 2025
- ☐ Roque "Rocky" De La Fuente
- January 3, 2025

U.S. Senator
Special Election for term expiring
January 3, 2021
Vote for One

- ☐ Karin Housley
- January 3, 2021
- ☐ Nikolay Nikolayevich Bey
- January 3, 2021
- ☐ Bob Anderson
- January 3, 2021

State Offices

Governor and Lieutenant
Governor
Vote for One Team

- ☐ Tim Pawlenty and
Michelle Fischbach
- ☐ Mathew (Matt) Kruse and
Theresa Loeffler
- ☐ Jeff Johnson and
Donna Bergstrom

Attorney General
Vote for One

- ☐ Sharon Anderson
- ☐ Doug Wardlow
- ☐ Robert Lessard

Do not vote for
candidates of
more than one
party.

Red Wing City Ward 3 Precinct 2
0145

Vote front and back of ballot

Continue voting on the
nonpartisan ballot.

Typ:01 Seq:0027 Spl:01

Democratic-Farmer-Labor
Party

Federal Offices

U.S. Senator
For term expiring January 3, 2025
Vote for One

- ☐ Amy Klobuchar
- January 3, 2025
- ☐ David Robert Groves
- January 3, 2025
- ☐ Leonard J. Richards
- January 3, 2025
- ☐ Steve Carlson
- January 3, 2025
- ☐ Stephen A. Emery
- January 3, 2025

U.S. Senator
Special Election for term expiring
January 3, 2021
Vote for One

- ☐ Gregg A. Iverson
- January 3, 2021
- ☐ Tina Smith
- January 3, 2021
- ☐ Nick Leonard
- January 3, 2021
- ☐ Richard W. Painter
- January 3, 2021
- ☐ Ali Chehem Ali
- January 3, 2021
- ☐ Christopher Lovell Seymore Sr.
- January 3, 2021

State Offices

Governor and Lieutenant
Governor
Vote for One Team

- ☐ Tim Walz and
Peggy Flanagan
- ☐ Tim Holden and
James P. Mellin II
- ☐ Ole Savior and
Chris Edman
- ☐ Erin Murphy and
Erin Maye-Quade
- ☐ Lori Swanson and
Rick Nolan

Attorney General
Vote for One

- ☐ Matt Pelikan
- ☐ Tom Foley
- ☐ Keith Ellison
- ☐ Mike Rothman
- ☐ Debra Hilstrom

Continue voting on the
nonpartisan ballot.

State and County Nonpartisan Primary Ballot
Goodhue County, Minnesota
August 14, 2018

Instructions to Voters:
To Vote, Completely fill in the oval(s) next to your choice(s) like this (●)

This ballot card contains a partisan ballot and a nonpartisan ballot. On the partisan ballot you are permitted to vote for candidates of one political party only.

County Offices	City Offices
<div>County Sheriff Vote for One</div>	<div>Council Member At Large City of Red Wing Four Year Term Vote for One</div>
<div><input type="radio"/> Paul Gielau</div>	<div><input type="radio"/> Bill McKinley</div>
<div><input type="radio"/> Marty Kelly</div>	<div><input type="radio"/> Alan Muller</div>
<div><input type="radio"/> Josh Stehr</div>	<div><input type="radio"/> Christopher L. Nelson</div>
	<div><input type="radio"/> Ralph Rauterkus</div>
	<div><input type="radio"/> Tony Wiech</div>
	<div><input type="radio"/> Laurel Stinson</div>
	<div>Special Election for Council Member At Large City of Red Wing To fill vacancy in term expiring January 8, 2019 Vote for One</div>
	<div><input type="radio"/> Laurel Stinson</div>
	<div><input type="radio"/> Tony Wiech</div>
	<div><input type="radio"/> Alan Muller</div>
	<div><input type="radio"/> Ralph Rauterkus</div>
	<div><input type="radio"/> Bill McKinley</div>
	<div><input type="radio"/> Christopher L. Nelson</div>
	<div><input type="radio"/> write-in, if any</div>
	<div>Special Election for Council Member City of Red Wing Ward 3 To fill vacancy in term expiring January 8, 2019 Vote for One</div>
	<div><input type="radio"/> Ted Seifert</div>
	<div><input type="radio"/> Becky Norton</div>
	<div><input type="radio"/> write-in, if any</div>
	<div>Red Wing City Ward 3 Precinct 2 0145</div>
	<div>Vote front and back of ballot</div>
	<div>Typ:01 Seq:0027 Spl:01</div>

Official Ballot

State Partisan Primary Ballot
Goodhue County, Minnesota
August 14, 2018

Judge _____

Judge _____

Instructions to Voters:
To Vote, Completely fill in the oval(s) next to your choice(s) like this (●)

This ballot card contains a partisan ballot and a nonpartisan ballot. On the partisan ballot you are permitted to vote for candidates of one political party only.

Republican
Party

Federal Offices

U.S. Senator
For term expiring January 3, 2025
Vote for One

- ☐ Jim Newberger
- January 3, 2025
- ☐ Merrill Anderson
- January 3, 2025
- ☐ Roque "Rocky" De La Fuente
- January 3, 2025
- ☐ Rae Hart Anderson
- January 3, 2025

U.S. Senator
Special Election for term expiring
January 3, 2021
Vote for One

- ☐ Nikolay Nikolayevich Bey
- January 3, 2021
- ☐ Bob Anderson
- January 3, 2021
- ☐ Karin Housley
- January 3, 2021

State Offices

Governor and Lieutenant
Governor
Vote for One Team

- ☐ Mathew (Matt) Kruse and
Theresa Loeffler
- ☐ Jeff Johnson and
Donna Bergstrom
- ☐ Tim Pawlenty and
Michelle Fischbach

Attorney General
Vote for One

- ☐ Doug Wardlow
- ☐ Robert Lessard
- ☐ Sharon Anderson

Do not vote for
candidates of
more than one
party.

Red Wing City Ward 4 Precinct 1
0155

Vote front and back of ballot

Continue voting on the
nonpartisan ballot.

Typ:01 Seq:0028 Spl:01

Democratic-Farmer-Labor
Party

Federal Offices

U.S. Senator
For term expiring January 3, 2025
Vote for One

- ☐ Stephen A. Emery
- January 3, 2025
- ☐ Amy Klobuchar
- January 3, 2025
- ☐ David Robert Groves
- January 3, 2025
- ☐ Leonard J. Richards
- January 3, 2025
- ☐ Steve Carlson
- January 3, 2025

U.S. Senator
Special Election for term expiring
January 3, 2021
Vote for One

- ☐ Nick Leonard
- January 3, 2021
- ☐ Richard W. Painter
- January 3, 2021
- ☐ Ali Chehem Ali
- January 3, 2021
- ☐ Christopher Lovell Seymore Sr.
- January 3, 2021
- ☐ Gregg A. Iverson
- January 3, 2021
- ☐ Tina Smith
- January 3, 2021

State Offices

Governor and Lieutenant
Governor
Vote for One Team

- ☐ Lori Swanson and
Rick Nolan
- ☐ Tim Walz and
Peggy Flanagan
- ☐ Tim Holden and
James P. Mellin II
- ☐ Ole Savior and
Chris Edman
- ☐ Erin Murphy and
Erin Maye-Quade

Attorney General
Vote for One

- ☐ Debra Hilstrom
- ☐ Matt Pelikan
- ☐ Tom Foley
- ☐ Keith Ellison
- ☐ Mike Rothman

Continue voting on the
nonpartisan ballot.

State and County Nonpartisan Primary Ballot
Goodhue County, Minnesota
August 14, 2018

Instructions to Voters:
To Vote, Completely fill in the oval(s) next to your choice(s) like this (●)

This ballot card contains a partisan ballot and a nonpartisan ballot. On the partisan ballot you are permitted to vote for candidates of one political party only.

County Offices	City Offices
County Sheriff Vote for One	Council Member At Large City of Red Wing Four Year Term Vote for One
<input type="radio"/> Marty Kelly	<input type="radio"/> Laurel Stinson
<input type="radio"/> Josh Stehr	<input type="radio"/> Bill McKinley
<input type="radio"/> Paul Gielau	<input type="radio"/> Alan Muller
	<input type="radio"/> Christopher L. Nelson
	<input type="radio"/> Ralph Rauterkus
	<input type="radio"/> Tony Wiech
	Special Election for Council Member At Large City of Red Wing To fill vacancy in term expiring January 8, 2019 Vote for One
	<input type="radio"/> Christopher L. Nelson
	<input type="radio"/> Laurel Stinson
	<input type="radio"/> Tony Wiech
	<input type="radio"/> Alan Muller
	<input type="radio"/> Ralph Rauterkus
	<input type="radio"/> Bill McKinley
	<input type="radio"/> write-in, if any
	Council Member City of Red Wing Ward 4 Vote for One
	<input type="radio"/> Ernest W. Stone
	<input type="radio"/> Erin Buss
	<input type="radio"/> Burke Murphy
	Red Wing City Ward 4 Precinct 1 0155
	Vote front and back of ballot
	Typ:01 Seq:0028 Spl:01

Official Ballot

State Partisan Primary Ballot
Goodhue County, Minnesota
August 14, 2018

Judge _____

Judge _____

Instructions to Voters:
To Vote, Completely fill in the oval(s) next to your choice(s) like this (●)

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Republican
Party

Federal Offices

U.S. Senator
For term expiring January 3, 2025
Vote for One

- ☐ Rae Hart Anderson
- January 3, 2025
- ☐ Jim Newberger
- January 3, 2025
- ☐ Merrill Anderson
- January 3, 2025
- ☐ Roque "Rocky" De La Fuente
- January 3, 2025

U.S. Senator
Special Election for term expiring
January 3, 2021
Vote for One

- ☐ Karin Housley
- January 3, 2021
- ☐ Nikolay Nikolayevich Bey
- January 3, 2021
- ☐ Bob Anderson
- January 3, 2021

State Offices

Governor and Lieutenant
Governor
Vote for One Team

- ☐ Tim Pawlenty and
Michelle Fischbach
- ☐ Mathew (Matt) Kruse and
Theresa Loeffler
- ☐ Jeff Johnson and
Donna Bergstrom

Attorney General
Vote for One

- ☐ Sharon Anderson
- ☐ Doug Wardlow
- ☐ Robert Lessard

Do not vote for
candidates of
more than one
party.

Red Wing City Ward 4 Precinct 2
0160

Vote front and back of ballot

Continue voting on the
nonpartisan ballot.

Typ:01 Seq:0029 Spl:01

Democratic-Farmer-Labor
Party

Federal Offices

U.S. Senator
For term expiring January 3, 2025
Vote for One

- ☐ David Robert Groves
- January 3, 2025
- ☐ Leonard J. Richards
- January 3, 2025
- ☐ Steve Carlson
- January 3, 2025
- ☐ Stephen A. Emery
- January 3, 2025
- ☐ Amy Klobuchar
- January 3, 2025

U.S. Senator
Special Election for term expiring
January 3, 2021
Vote for One

- ☐ Nick Leonard
- January 3, 2021
- ☐ Richard W. Painter
- January 3, 2021
- ☐ Ali Chehem Ali
- January 3, 2021
- ☐ Christopher Lovell Seymore Sr.
- January 3, 2021
- ☐ Gregg A. Iverson
- January 3, 2021
- ☐ Tina Smith
- January 3, 2021

State Offices

Governor and Lieutenant
Governor
Vote for One Team

- ☐ Tim Holden and
James P. Mellin II
- ☐ Ole Savior and
Chris Edman
- ☐ Erin Murphy and
Erin Maye-Quade
- ☐ Lori Swanson and
Rick Nolan
- ☐ Tim Walz and
Peggy Flanagan

Attorney General
Vote for One

- ☐ Tom Foley
- ☐ Keith Ellison
- ☐ Mike Rothman
- ☐ Debra Hilstrom
- ☐ Matt Pelikan

Continue voting on the
nonpartisan ballot.

State and County Nonpartisan Primary Ballot
Goodhue County, Minnesota
August 14, 2018

Instructions to Voters:
To Vote, Completely fill in the oval(s) next to your choice(s) like this (●)

This ballot card contains a partisan ballot and a nonpartisan ballot. On the partisan ballot you are permitted to vote for candidates of one political party only.

County Offices	City Offices
<div>County Sheriff Vote for One</div>	<div>Council Member At Large City of Red Wing Four Year Term Vote for One</div>
<div><input type="radio"/> Paul Gielau</div>	<div><input type="radio"/> Laurel Stinson</div>
<div><input type="radio"/> Marty Kelly</div>	<div><input type="radio"/> Bill McKinley</div>
<div><input type="radio"/> Josh Stehr</div>	<div><input type="radio"/> Alan Muller</div>
	<div><input type="radio"/> Christopher L. Nelson</div>
	<div><input type="radio"/> Ralph Rauterkus</div>
	<div><input type="radio"/> Tony Wiech</div>
	<div>Special Election for Council Member At Large City of Red Wing To fill vacancy in term expiring January 8, 2019 Vote for One</div>
	<div><input type="radio"/> Christopher L. Nelson</div>
	<div><input type="radio"/> Laurel Stinson</div>
	<div><input type="radio"/> Tony Wiech</div>
	<div><input type="radio"/> Alan Muller</div>
	<div><input type="radio"/> Ralph Rauterkus</div>
	<div><input type="radio"/> Bill McKinley</div>
	<div><input type="radio"/> write-in, if any</div>
	<div>Council Member City of Red Wing Ward 4 Vote for One</div>
	<div><input type="radio"/> Erin Buss</div>
	<div><input type="radio"/> Burke Murphy</div>
	<div><input type="radio"/> Ernest W. Stone</div>
	<div>Red Wing City Ward 4 Precinct 2 0160</div>
	<div>Vote front and back of ballot</div>
	<div>Typ:01 Seq:0029 Spl:01</div>

[Goodhue County Letterhead]

[Date]

[Registered Voter Name]

[Registered Voter Address]

Dear [Registered Voter]:

CHOOSE ONE: 1) Recently you received an absentee voter ballot for the upcoming Statewide Primary election and the City of Red Wing Special Election via U.S. Mail from Goodhue County. OR 2) You voted via in-person absentee ballot for the upcoming Statewide Primary election and the City of Red Wing's Special election.

Goodhue County and the City of Red Wing have subsequently discovered an error in the City of Red Wing's special election ballot. The ballot did not include a blank line for voters to vote for a write-in candidate, if they so wished.

Upon discovering the error, Goodhue County and the City of Red Wing brought a petition in Goodhue County District Court to correct the error. Goodhue County and the City received an Order from Judge _____ dated July 20, 2018, which declared votes submitted on invalid ballots as spoiled and authorized the County to send absentee voters this letter.

- 1) If you have already submitted your ballot for the August 14 election without a write-in blank for the special election, that ballot has been declared spoiled and you must resubmit a corrected ballot.
- 2) If you have not yet submitted a ballot for the August 14 election, please disregard the prior ballot and accompanying materials and use the enclosed ballot and envelopes.

If you have any questions, please contact me at 651-385-3021.

Sincerely,

Carolyn Holmsten
Goodhue County Finance Director

Exhibit F

STATE OF MINNESOTA

DISTRICT COURT

GOODHUE COUNTY

FIRST JUDICIAL DISTRICT

Case Type: Civil Other/Miscellaneous

Kay Kuhlmann;

Court File No: _____

and,

Lisa Hanni;

Petitioners,

NOTICE OF HEARING

vs.

Carolyn Holmsten, in her official capacity as
Director of Finance, Goodhue County;

and,

Teri Swanson, in her official capacity as
City Clerk, City of Red Wing;

Respondents.

To: The Court and All Above-Named Respondents.

PLEASE TAKE NOTICE that on July 20, 2018, at 8:30 a.m., or as soon thereafter as counsel may be heard, at the Goodhue County Justice Center, 454 West 6th Street, Red Wing, Minnesota 55066, Petitioners Kay Kuhlmann and Lisa Hanni will ask the Court to issue an order directing the correction of a ballot error pursuant to Minnesota Statutes Section 204B.44.

**RUPP, ANDERSON, SQUIRES &
WALDSPURGER, P.A.**Dated: 07/12/2018By: 

Amy E. Mace, # 0259378

Zachary J. Cronen, #0397420

333 South Seventh Street, Suite 2800

Minneapolis, MN 55402

Phone: (612) 436-4300

Fax: (612) 436-4340

**ATTORNEYS FOR PETITIONER KAY
KUHLMANN****GOODHUE COUNTY ATTORNEY'S
OFFICE**Dated: 7/12/2018By: 

Stephen Betcher, # 0139117

454 W. 6th St.

Red Wing, MN 55066

Phone: (651) 267-4950

**ATTORNEY FOR PETITIONER LISA
HANNI**

STATE OF MINNESOTA

DISTRICT COURT

GOODHUE COUNTY

FIRST JUDICIAL DISTRICT

Case Type: Civil Other/Miscellaneous

 Kay Kuhlmann;

Court File No: _____

and,

Lisa Hanni;

Petitioners,

vs.

**ORDER DIRECTING
CORRECTION OF BALLOT
ERROR PURSUANT TO
MINNESOTA STATUTES
SECTION 204B.44**

Carolyn Holmsten, in her official capacity as
Director of Finance, Goodhue County;

and,

Teri Swanson, in her official capacity as
City Clerk, City of Red Wing;

Respondents.

The above-entitled matter came on for a hearing before the undersigned Judge of the Goodhue County District Court on July 20, 2018, at the Goodhue County Justice Center, in the City of Red Wing, State of Minnesota, upon the petition by Petitioners Kay Kuhlmann and _____, pursuant to Minnesota Statutes Section 204B.44, for an order correcting certain ballot errors.

_____, appeared on behalf of Petitioner _____.

Upon all the files, records and proceedings herein, the Court having heard the argument of counsel and being fully advised in the premises,

IT IS HEREBY ORDERED:

1. The City of Red Wing's August 14, 2018 special election ballots that do not contain a write-in blank are invalid.
2. The corrected ballots coordinated by Goodhue County that include a write-in blank are valid.
3. All ballots submitted for the August 14, 2018 special election on the invalid ballots are hereby declared spoiled.
4. Goodhue County, by and through Respondent Holmsten, is directed to mail a letter to individuals who have either received the invalid ballot via U.S. Mail or who have already voted via in-person absentee ballot using the invalid ballot, a letter explaining the error and, if necessary, enclosing a new, corrected ballot.

BY THE COURT:

Date: _____, 2018

By: _____

Judge of District Court