STATE OF MINNESOTA DISTRICT COURT

HENNEPIN COUNTY FOURTH JUDICIAL DISTRICT

Don Samuels,
Sondra Samuels,
Bruce Dachis,

Petitioners,

v.

City of Minneapolis,
Minneapolis City Council,
Hennepin County Auditor Mark V. Chapin,
Minnesota Secretary of State Steve Simon,
Casey Joe Carl, in his official capacity as
City Clerk of the City of Minneapolis,

Respondents,

and

Yes 4 Minneapolis,

Intervenor.

ORDER GRANTING PETITION TO CORRECT BALLOT AND GRANTING MOTION FOR TEMPORARY RESTRAINING ORDER AND TEMPORARY INJUNCTION

Court File No. 27-CV-21-10650

The Court heard this matter on September 2, 2021. In summary and as detailed below, the Court finds that the Current Ballot Language is vague, ambiguous and incapable of implementation, and is insufficient to identify the amendment clearly. It is unreasonable and misleading. Therefore, the Current Ballot Language is erroneous under Minn. Stat. § 204B.44. Both the Petition and Motion for TRO are granted and the County Auditor is enjoined from placing the Current Ballot Language on the November 2, 2021, ballot.

Procedure and Appearances

The parties agreed to have the Court hear three matters during the hearing: Yes 4 Minneapolis's Motion to Intervene, Petitioner's Motion for a Temporary Restraining Order and Temporary Injunction, and Petitioner's Petition to Correct Ballot Question Pursuant to Minn. Stat. § 204B.44 and to Enjoin Distribution of Erroneous Ballots.

Joseph Anthony, Esq., appeared on behalf of Petitioners. Ivan Ludmer, Assistant City Attorney, appeared on behalf of Respondents City of Minneapolis, City Clerk Casey Carl and Minneapolis City Council (collectively, the "City Respondents"). Jeffrey Wojciechowski, Assistant Hennepin County Attorney, appeared on behalf of County Auditor Mark Chapin. Nathan Hartshorn, Assistant Attorney General, appeared on behalf of Secretary of State Steve Simon. Terrance Moore, Esq., appeared on behalf of Intervenor Yes 4 Minneapolis.

Yes 4 Minneapolis filed a motion to intervene on August 31, 2021. In its motion, Yes 4 Minneapolis argued it is entitled to intervention as of right or, in the alternative, that it should be granted permissive intervention. The City Respondents objected to Yes 4 Minneapolis's claim that it was entitled to intervention as of right, but none of the parties opposed permissive intervention. At the hearing, the Court verbally granted Yes for Minneapolis's motion for intervention pursuant to Minn. R. Civ. P. 24.02.

Petitioner's Motion for a Temporary Restraining Order and Temporary Injunction ("Motion for TRO"), and Petitioner's Petition to Correct Ballot Question Pursuant to Minn. Stat. § 204B.44 and to Enjoin Distribution of Erroneous Ballots (the "Petition") were filed on August 30, 2021. Petitioners filed a request for an emergency judge assignment and the undersigned was assigned on August 31, 2021. Counsel for Auditor Chapin filed a letter on September 1, 2021, telling the Court

he does not take a position on the Petition, but requested the Court note statutory time constraints related to printing and delivering ballots. Intervenor and Secretary Simon filed memos in opposition to Petitioner's Motion for TRO on September 1, 2021. Intervenor also filed a memo in opposition to the Petition on September 2, 2021. City Respondents filed a memo in opposition to both the Petition and the Motion for TRO on September 2, 2021.

After the hearing on September 2, 2021, the Court took the Petition and the Motion for TRO under advisement.

Background

On August 13, 2021, this Court issued an Order Partially Granting Petition to Correct Ballot Under Minn. Stat. § 204B.44 in Court File No. 27-CV-21-9345 ("August 13 Order"). *See* Court Index No. 31. In that case, Intervenor sued the City of Minneapolis and Clerk Carl to remove an explanatory note from a ballot question that the Minneapolis City Council had approved in Resolution No. 2021R-209. The Court found that the City was not prohibited from including an explanatory note with a ballot question, but the explanatory note, as written and passed by the City Council, could not appear on the ballot.

After the August 13 Order was issued, the Minneapolis City Attorney revised the language of both the ballot question and the explanatory note and submitted the revised language to the City Council. Pet. to Correct Ballot, ¶¶ 10, 58. After some back and forth with the Mayor on August 20, 2021, the City Council ultimately adopted Resolution 2021R-262, in which no explanatory note was included with the following ballot language ("Current Ballot Language"):

> Shall the Minneapolis City Charter be amended to strike and replace the Police Department with a Department of Public Safety which could include licensed peace officers (police officers) if necessary, with administrative authority to be consistent with other city departments to fulfill its responsibilities for public safety?

Id., ¶ 63; Intervenor's Resp., ¶ 6; City's Resp. in Opp. at 18.

The Current Ballot Language was transmitted to the County Auditor on August 20, 2021, the statutory deadline pursuant to Minn. Stat. § 205.16. City's Resp. in Opp. at 18.

The Petition and Motion for TRO were filed ten days later, on August 30, 2021, asking this Court to find, among other things, that the Current Ballot Language is an error or wrongful pursuant to Minn. Stat. § 204B.44 and that the Secretary of State and County Auditor are restrained or enjoined from placing the Current Ballot Language on the November 2, 2021, ballot.

Standard of Review

Under Minn. Stat. § 204B.44, "any individual may file a petition in the manner provided in this section for the correction of . . . errors, omissions, or wrongful acts which have occurred or are about to occur." The petitioning party bears the burden of demonstrating the error, omission, or wrongful act they seek to have corrected. *Weiler v. Ritchie*, 788 N.W.2d 879, 882 (Minn. 2010). The petitioning party must prove this error, omission, or wrongful act by a preponderance of the evidence. *Id*., at 883. An act is "wrongful" when it is unjust, unfair, or unlawful. *Butler v. City of St. Paul*, 923 N.W.2d 43, 51 (Minn. Ct. App. 2019).

A ballot question that amends the city charter shall be "sufficient to identify the amendment clearly…" Minn. Stat. § 410.12, subd. 4.

Analysis

Petitioners argue that, if the Petition is not granted and the Current Ballot Language appears on the November 2, 2021 general election ballot, voters will be misled about what the proposed amendment does. Pet. to Correct Ballot, ¶¶ 15-16. Further, Petitioners argue, if the Current Ballot Language passes, under Minn. Stat. § 410.12, subd. 4 ("If 51 percent of the votes cast on any amendment are in favor of its adoption…the amendment shall take effect in 30 days from the date of the election or at such other time as is fixed in the amendment."), it will go into effect on December 2, 2021, which is not nearly enough time for the new Department of Public Safety to be created and functioning. *Id*. at ¶ 18.

City Respondents argue that this "Court has already reviewed substantially similar language and found that no error, mistake, or omission remained once the explanatory note following it was removed." City's Resp. in Opp. at 3, 23. That argument misstates this Court's previous rulings. The August 13 Order specifically dealt with the explanatory note and made no finding or ruling regarding the ballot question itself. In the August 13 Order, the Court specifically declined Intervenor's request to certify ballot language. [1]

Further, City Respondents argue that courts must "'evaluate the ballot question with a high degree of deference to the' City Council." *Id*. at 21, citing *League of Women Voters Minn. v. Ritchie*, 819 N.W.2d 636 at 646-47 (Minn. 2012). This Court recognizes and agrees that deference must be given to the City Council's process. However, the case law goes on to say, as City Respondents acknowledge, that "[R]eview is limited to determining whether the ballot question as framed is so unreasonable and misleading as to be a palpable evasion of the constitutional requirement to submit

[1] Intervenor was the Petitioner in the August 13 Order.

the law to a popular vote." *Id.* at 22, citing *League of Women Voters Minn.*, 819 N.W.2d at 647. The Court must decide whether the Current Ballot Language is so unreasonable or misleading that it should not be posed to the voters. Additionally, the Court must determine whether the Current Ballot Language is "sufficient to identify the amendment clearly." Minn. Stat. § 410.12, subd. 4.

Intervenor argues that the Petition fails because Petitioners have not met the necessary standard. Specifically, Intervenor argues that, even if the Court believes the Current Ballot Language is not worded well or fairly, the Petition still cannot be granted unless the Language is so unreasonable and misleading that its unconstitutional. Intervenor's Resp. at 2.

Intervenor cites this Court's prior ruling in which the Court has already stated that it is not the judiciary's rule to "advise policy makers how to word bills or ballots." *Id.* at 3, citing August 13 Order at 11. The Petition is not asking the Court to tell the City Council how to word the proposed amendment. Rather, Petitioners argue that the Current Ballot Language is erroneous because it does not sufficiently identify the amendment clearly and therefore the Secretary of State and County Auditor should be enjoined from printing and/or distributing ballots that include the Current Ballot Language.

It is relatively unusual for the Court to hear a Motion for TRO at the same time it hears the underlying Petition on the merits. But because both were heard together and will be decided together, the Court finds it appropriate to decide whether the Petition should be granted and, if so, to move on to the Motion for TRO to determine if injunctive relief is warranted.

Petition to Correct Ballot

Again, the question before the Court is whether the Current Ballot Language is an error, omission, or wrongful act justifying correction pursuant to § 204B.44.

In the petition that preceded the August 13 Order, City Respondents argued the explanatory note was necessary to accurately inform voters about the proposed amendment. Now that the City Council has passed the Current Ballot Language with no explanatory note, the City Respondents make the opposite argument – that the ballot question alone is sufficient to identify the amendment clearly and that the Current Ballot Language "faithfully conveys the substance of the proposed changes to the City Charter." City's Resp. in Opp. at 24. City Respondents further argue that the Petition makes assertions that are not true. But, City Respondents argue, "even if the Petition was factually correct, omission of practical outcomes is not omission of legal changes, and the legal changes of the amendment were sufficiently captured by the [Current Ballot Language]." City's Resp. in Opp. at 27. The Court agrees that "omission of practical outcomes is not omission of legal changes," but the Court disagrees that the legal changes of the amendment are "sufficiently captured" by the Current Ballot Language. The Court finds relevant case law to be in support of this position.

In 1970, a proposed amendment was presented to the Minneapolis City Council after more than 15,000 residents signed a petition. *Housing and Redevelopment Authority of Minneapolis v. City of Minneapolis*, 293 Minn. 227, 229, 198 N.W.2d 531, 533 (1972). The Housing and Redevelopment Authority (HRA), along with two Minneapolis residents, sued the City and members of the City Council and moved to enjoin a proposed charter amendment from being

submitted to voters because the proposed amendment was unconstitutional.[2] *Id*. The trial court found "that the proposed amendment was vague, ambiguous, and incapable of implementation." *Id*. at 231, 534. The trial court went on to say, "that to require a referendum not only on ordinances, but also on 'actions' of the city council would create a 'chaotic situation,' disrupting the routine activities of the council." *Id*. at 232, 535. The trial court enjoined the City from submitting the proposed charter amendment to the voters.

On appeal, the Supreme Court acknowledged that "'the entry of the Court into any stage of the electoral process is a step to be taken only with the utmost caution.'" *Id*., citing *Holmes v. Leadbetter*, 294 F. Supp. 991, 993 (E.D.Mich. 1968). However, in *Housing and Redevelopment Authority*, like the case in hand, it is clear that irreparable harm would or will result from the court's failure to act.

The court in *Housing and Redevelopment Authority* was concerned with creating "'a chaotic situation' in city government." *Id*. at 235, 536. Though the proposed amendments in that case and the case at hand are different, they both are equally likely to create "chaotic situations" in the City of Minneapolis. Specifically, in this case, if the Police Department ceases to exist on December 2, 2021, and the new Department of Public Safety is not fully created and functioning, the routine

[2] The basis on which the *HRA* court considered that amendment to be unconstitutional differs from the case at hand. Specifically, the proposed charter amendment in *HRA* conferred the right of referendum to any action taken by the city council. Nonetheless, the Court believes that despite the distinguishable facts, the law is still applicable. It should be noted that the case on which opponents of the Petition rely, *League of Women Voters Minn*., also has different facts. In *League of Women Voters Minn*., the ballot question was very straightforward: "Shall the Minnesota Constitution be amended to require all voters to present valid photo identification to vote and to require the state to provide free identification to eligible voters, effective July 1, 2013?" One of the most distinguishable facts from the case at hand is that the ballot question in *League of Women Voters* had a future effective date, which was about eight months after the election. This would have allowed planners to work through the details of implementation after the amendment passed. Second, opponents of the ballot language in *League of Women Voters* challenged wording, such as whether "valid photo identification" is the same as "government-issued photographic identification." This Court finds that question to require a much simpler analysis than the case at hand. The Court considers that proposed amendment in *HRA* distinguishable from the Current Ballot Language, yet acknowledges the application of the law as appropriate.

activities done to keep Minneapolis residents safe, including responding to 911 calls and making arrests of those charged with violent felonies, will be interrupted. Not only is this likely to create a chaotic situation in Minneapolis, it is likely to create dangerous situations in neighborhoods within the City.

The Current Ballot Language is vague to the point of being misleading. City Respondents and Intervenor argue that the Current Ballot Language "contains one sentence, with four clauses, each of which is true…" and is therefore not misleading. The Court disagrees and finds that the Current Ballot Language is missing essential information that would accurately inform the voters. For example, does "striking" the Police Department mean renaming it (as the Petitioners suggest it could be interpreted) or taking it apart, as one would "strike a set" after a play is done? The end of the Current Ballot Language says "…to fulfill its responsibilities for public safety." To whose responsibilities does that refer? The Police Department? The new Department of Public Safety?

If the Current Ballot Language passes, the parties disagree as to whether:

a) the Minneapolis Police Department will cease to exist as of December 2, 2021;

b) the position of police chief would be eliminated; or

c) a funding mechanism exists for the proposed Department of Public Safety.

These three issues are additional ambiguities in the Current Ballot Language. All of these ambiguities risk creating a "chaotic situation" in Minneapolis, as the Supreme Court warned about in *Housing and Redevelopment Authority*. *Id.* at 235, 536.

The Court finds that the Current Ballot Language is misleading not only because it is vague and ambiguous, but also because it cannot be implemented after it is passed but before it goes into effect a month later, as it must under Minn. Stat. § 410.12, subd. 4. The ambiguity of the Current

Ballot Language is what makes it unable to be implemented. Intervenor is correct in that the ballot question need not explain its impact. However, it must assist the voter in easily and accurately identifying what is being voted on. Intervenor's Resp. at 6, citing *Weiler v Ritchie*, 788 N.W.2d 879, 888. In our case, Petitioners have shown by a preponderance of the evidence how the Current Ballot Language is incapable of implementation. The record does not reflect the existence of any plan the City Respondents have as to what the proposed Department of Public Safety would look like, other than that it would have "administrative authority to be consistent with other city departments to fulfill its responsibilities for public safety[.]" This statement is also vague. Most of the City's other departments are vastly different in form and function from the Police Department and it is not clear from the record in this case what the "administrative authority" would be. For example, will the Department of Public Safety have administrative authority consistent with the City's human resources department? With the city assessor? With the fire department? Perhaps all the City's many departments have identical administrative authority, but the Court has no information in the record about that. With all these outstanding questions, the essential purpose of the proposed amendment is not clear in the Current Ballot Language, therefore requiring the judiciary to intercede. *League of Women Voters Minn*., at 651, citing *Breza v. Kiffmeyer*, 723 N.W.2d 633, 636 and *State v. Duluth & N.M. Ry. Co.*, 102 Minn. 26, 30, 112 N.W. 897, 898.

For these reasons, the Court finds Petitioners have proven by a preponderance of the evidence that inclusion of the Current Ballot Language on the ballot would be both an error and wrongful act under § 204B.44 because the proposed language is insufficient to identify the amendment clearly, it does not assist the voter in easily and accurately identifying what is being voted on, and it is vague and ambiguous to the point of misleading voters, all of which make it

unjust. The Petition should be granted.

Intervenor's Doctrine of Laches Argument

Intervenor argues that the Petition should be denied on the doctrine of laches. "The question in applying the doctrine of laches is 'whether there has been such an unreasonable delay in asserting a known right, resulting in prejudice to others, as would make it inequitable to grant' the requested relief." *Jackel v. Brower*, 668 N.W.2d 685, 690, (Minn.App.2003), citing *Harr v. City of Edina*, 541 N.W.2d 603, 606 (Minn.App.1996) "Mere delay does not constitute laches, unless the circumstances were such as to make the delay blamable." *Id*. at 691, citing *Elsen v. State Farmers Mut. Ins. Co.*, 219 Minn. 315, 321, 17 N.W.2d 652, 656 (1945) (quotation omitted).

After the Court issued the August 13 Order, the City Council approved and passed the Current Ballot Language at the end of the day on Friday, August 20, 2021. Petitioners filed their Petition on Monday, August 30, 2021. Technically 10 days elapsed, but the Petition was filed less than six business days after the City Council's approval of the Current Ballot Language. The Court does not find this delay to be unreasonable, nor does it assign blame to Petitioners, as if they intentionally delayed. There is no evidence of intentional delay. The Court rejects Intervenor's argument to deny the Petition based on the doctrine of laches.

Motion for Temporary Restraining Order and Temporary Injunction

Now that the Court has found that the Petition should be granted, it must determine whether injunctive relief is warranted. First, the Court will determine whether Petitioners have an adequate remedy at law. If the Court finds that they do not, then the Minnesota Supreme Court has outlined

the factors that must be considered for temporary restraining order and temporary injunction requests. Those are: (1) the relationship between the parties before the dispute arose; (2) the harm plaintiff may suffer if the temporary restraining order is denied, compared to the harm inflicted on defendant if the temporary restraining order is granted; (3) the likelihood that the party will prevail on the merits; (4) public policy considerations; and (5) administrative burdens imposed on the court if the temporary restraining order issues. *Dahlberg Brothers, Inc. v. Ford Motor Co.*, 272 Minn. 264, 274-75, 137 N.W.2d 314, 321-22 (1965).

There Is No Adequate Remedy at Law.

An injunction should not issue where there is an adequate remedy at law. *AMF Pinspotters, Inc. v. Harkins Bowling, Inc.*, 260 Minn. 499, 504, 110 N.W.2d 348, 351, citing 9 Dunnell, Dig. (3 ed.) s 4472. The threatened injury must be real and substantial. *Id*. Intervenor argues that Petitioners have an adequate remedy at law – namely, Intervenor argues, Petitioner can "test the propriety of the [Current Ballot Language] in a hearing on [the Petition] before this Court. If the [Current Ballot Language] is not proper, Petitioners will have their remedy." Intervenor's Mem. in Opp. to Mot. for TRO at 7. Because the Court heard both the Petition and the Motion for TRO at the same time, at the request of the parties, and will, by this Order, grant the Petition and "find that the [Current Ballot Language] is not proper," this argument becomes moot. Therefore, the Court may be able to cease with further analysis. However, because the Petition's prayer for relief requests injunctive relief, the Court finds it necessary to continue with the full analysis to determine whether injunctive relief is appropriate.

***Dahlberg* Factors**

The Relationship Between the Parties Will Be Unchanged.

The relationship between the Parties is virtually non-existent. There is no evidence that any of the parties – Petitioners, Respondents or Intervenor – know each other or have a pre-existing relationship with each other. However, Petitioners rely on City Respondents to provide public safety to Petitioners and other residents of Minneapolis. By granting a temporary restraining order, the Court will not alter this relationship as it exists. The Court finds this factor to weigh in favor of Petitioners.

Petitioners Will Suffer Irreparable Harm.

Under the second factor in *Dahlberg*, the Court considers the harm to be suffered by Petitioners if the temporary restraining order is not granted versus the harm inflicted on Respondents (and Intervenor) if the temporary restraining order is granted.

When the Court balances the harms, the moving party must show irreparable harm to trigger an injunction, while the non-moving party need only show substantial harm to bar it. *Pacific Equipment & Irr., Inc. v. Toro Co*., 519 N.W.2d 911, 915 (Minn. Ct. App. 1994). The moving party "must show that legal remedies are inadequate and that an injunction is necessary to prevent irreparable injury." *Medtronic, Inc. v. Advanced Bionics Corp.*, 630 N.W.2d 438, 451, (Minn. Ct. App. 2001).

Petitioners argue that they will be harmed irreparably if the Current Ballot Question is allowed to be on the ballot in November 2021. Specifically, Petitioners argue that the Current Ballot Question does not disclose that, because the proposed Public Safety Department may or

may not hire peace officers, no one will be able to perform specific public safety functions, such as felony arrests, on the City's behalf. Pet. Mem. in Supp. of TRO, p. 12. Petitioners further argue that because the proposed Department of Public Safety to which the Current Ballot Question refers is not yet comprehensively planned or created, it is not known whether peace officers will be "necessary," thereby creating a question of whether peace officers will be employed by Minneapolis and available to respond to 911 calls. *Id*. at 12-14. If the Current Ballot Question is posed to voters in November and it passes, but voters do not comprehend its meaning or Minneapolis does not employ peace officers as a result, or the new Department of Public Safety does not fulfill the duties required of the current Police Department, that harm to Petitioners is irreparable. It would be nearly impossible, if not impossible, to rectify or reverse a vote of the electorate in favor of the Current Ballot Question. Therefore, if an ambiguous and misleading question is put on the ballot and it passes, the Court finds Petitioners would suffer irreparable harm.

On the other hand, the Court finds that neither Respondents nor Intervenor will be substantially harmed if an injunction is ordered. The underlying petition signed by residents of Minneapolis that gave rise to the proposed charter amendment is not affected by this Order and, if the proposed charter amendment is not on the ballot this November, it may be on a ballot in a future election. The Court recognizes some harm to Respondents and Intervenor because of the delay in posing the charter amendment question to voters in November, but does not find that it is substantial harm. The City can hold a special election or put the proposed amendment with revised language on the ballot in a future general election. Therefore, this factor weighs in favor of Petitioners.

Petitioners Are Likely to Succeed on the Merits of the Petition.

The third *Dahlberg* factor focuses on the moving party's likelihood of prevailing on the merits. *Dahlberg*, 137 N.W.2d at 322. A party moving for injunctive relief must show that it is likely to succeed on the merits of its claim. *Queen City Const., Inc. v. City of Rochester*, 604 N.W.2d 368, 378 (Minn. Ct. App. 1999).

Because the parties requested that the Court hear both the TRO/injunction motion and the Petition at the same time, it is evident from this Order that not only are Petitioners likely to succeed on the merits, they *do* succeed on the merits. The Court has already found the Petition should be granted. Therefore, this factor weighs in favor of Petitioners.

Good Public Policy Requires that the Court Grant the Petition.

Under the fourth factor of *Dahlberg*, the Court must consider the aspects of the factual situation which permit or require consideration of public policy. *Dahlberg*, 137 N.W.2d at 321-22.

While this issue is ripe for political debate, the Court refuses to weigh in on the underlying politics or the pros and cons or the intent behind the Current Ballot Question. Nothing in this Order expresses an opinion as to the merits of the proposed charter amendment's attempt to create a Department of Public Safety in lieu of the Police Department. Nonetheless, it is appropriate and necessary for the Court to determine public policy considerations regarding the allowance of a question to be posed to voters on a ballot in an election when that question is misleading and "vague, ambiguous and incapable of implementation." *Housing and Redevelopment Auth. of Minneapolis* at 231, 534. Clearly it is not good public policy to ask voters to vote, either in favor

of or against, an ambiguous, insufficiently identified and misleading question on the ballot. Because this Court finds that the Current Ballot Question is vague, ambiguous and incapable of implementation, thereby making bad public policy, this factor weighs in favor of Petitioners.

There is No Administrative Burden.

There is no administrative burden to the Court. Therefore, this factor is neutral.

Based on the consideration of the *Dahlberg* factors and the Court's finding that Petitioners have no adequate remedy at law, the Petitioners' Motion for Temporary Restraining Order and Temporary Injunction should be granted. However, because the underlying substantive dispute is decided simultaneously and the Petition is granted, the injunction shall not be temporary in nature, but rather final injunctive relief.

Bond

Because the injunction granted in this Order is not temporary in nature, there is no security required under Minn. R. Civ. Pro. 65.03.

Secretary of State

Counsel for Secretary Simon represented to the Court at the hearing that the Secretary of State has "nothing to do with" the ballot process and should therefore be dismissed from this litigation. This is consistent with his Memo in Opposition to the Motion for TRO, in which counsel for Secretary Simon stated, "the Secretary has no role in printing, transmitting, or distributing ballots in a municipal election under any circumstances." *See generally*, Secretary's Mem. in Opp.

to Motion for TRO. Based on this representation, and the lack of objection from Petitioners after hearing that representation, Secretary Simon should be dismissed.

NOW, THEREFORE, THE COURT MAKES THE FOLLOWING:

ORDER

1. The Petition to Correct Ballot Question is GRANTED.

2. The injunction is GRANTED. The Hennepin County Auditor is enjoined from including Current Ballot Language on all ballots, including absentee ballots, for any election. The City of Minneapolis is enjoined from allowing Minneapolis residents to vote on the Current Ballot Language.

3. Minnesota Secretary of State Steve Simon is DISMISSED.

LET JUDGMENT BE ENTERED ACCORDINGLY.

BY THE COURT:

DATE: September 7, 2021

Jamie L. Anderson
District Court Judge