

CASE NO. A12-0920

JUN - 8 2012

FILED

STATE OF MINNESOTA
IN THE SUPREME COURT

League of Women Voters Minnesota; Common Cause, a District of Columbia
nonprofit corporation; Jewish Community Action; Gabriel Herbers; Shannon Doty; Gretchen
Nickence; John Harper Ritten; and Kathryn Ibur,

Petitioners,

vs.

Mark Ritchie, in his capacity as Secretary of
State of the State of Minnesota, and not in his
individual capacity,

Respondent.

REQUEST OF CITY OF SAINT PAUL
FOR LEAVE OF SUPREME COURT
TO INTERVENE AND PARTICIPATE AS AMICUS CURIAE

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Attorneys for Applicant City of Saint Paul

TO: THE MINNESOTA SUPREME COURT, PARTIES AND THEIR COUNSEL OF RECORD:

Applicant, the City of Saint Paul, a Minnesota city of the first class (hereinafter “the City”) respectfully requests that the Minnesota Supreme Court grant it leave to intervene and participate in this case, as *amicus curiae*, pursuant to Rule 129 of the Minnesota Rules of Civil Appellate Procedure and this Court’s June 1, 2012 Order. The City will support the brief of the Petitioners.

I. STATEMENT OF APPLICANT’S INTEREST

The City of Saint Paul’s interest is public in nature. It is the capital city of Minnesota, with over 213,000 eligible voters. The City is the second largest city in Minnesota, where voter turnout regularly exceeds 60% in statewide elections. The City administers its elections under an agreement with Ramsey County and has taken an official position in opposition to the so-called “Photo ID Amendment,” which passed the City Council by a 6-0 vote and was signed by Mayor Chris Coleman on May 23, 2012.

II. STATEMENT OF PARTY SUPPORTED AND POSITION TAKEN

The City supports the position of the Petitioner and will contend, among other things, that two classes of Saint Paul voters would be directly affected by the provisions of the proposed amendment that are not clearly stated in the ballot question to be placed before the voters.

The members of the first class are voters without a valid, government-issued photo ID card who are not currently registered to vote at their address of residence. Currently, these voters are permitted to register, vote and have their ballot counted with all other ballots cast by using a voucher, as provided in Minn. Stat. § 201.061, subd 3(4). If the amendment is adopted, these voters would be required to cast a provisional ballot or not be able to vote at all. In the most recent presidential election, 4,343 Saint Paul residents voted by using a voucher.

The members of the second class are those Saint Paul voters who are either serving in the armed forces or residing overseas. If the proposed amendment is adopted, these voters would lose the right to self-certify their absentee ballots without having to find a witness, as provided in Minn. Stat. §§ 203B.17, subd 2(f); 203B.21, subd 3(6); and 203B.24, subd 1. In order to comply with the requirement to have their identity and eligibility verified in a substantially equivalent manner, these absentee voters would be required to find an authorized witness to whom the appropriate documents could be shown before voting. For many voters, the witness requirement would present an insurmountable hurdle to voting. More than 1,200 Saint Paul voters in the most recent presidential election were in one of these circumstances.

The number of Saint Paul voters that would be affected by the elements of the proposed amendment that the Legislature did not disclose to the voters in the ballot question is not trivial. In the last 11 years, several important races in Saint Paul have been decided by very small margins, including the 2001 contest for mayor - decided by 403 votes - the 2011 contest for council member in ward 5 - decided by 36 votes - and the 2008 statewide election for U.S. Senator, decided by a total of 312 votes.

III. STATEMENT OF WHY PARTICIPATION OF AMICUS CURIAE IS DESIRABLE

The City, together with its elections official, Ramsey County Elections Official Joe Mansky, is uniquely situated to provide insight on the issues raised in this case. Not only will the City bear the cost of implementation of the ballot question if it were to pass, but the City will bear the challenge of interpreting this inaccurate, confusing and misleading measure. Further, the City is authorized by law for much of the oversight of the election process within its borders and so is in a unique position to speak for the interests of its voters in a fair process. Hearing these views will help the Court act in a fully informed manner.

IV. CONCLUSION

For all of the above reasons, Applicant City of Saint Paul respectfully requests the opportunity to intervene in this case as *amicus curiae*.

Dated: June 8, 2012

CITY OF SAINT PAUL.

By: Sara Grewing

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ATTORNEYS FOR CITY OF SAINT
PAUL

STATE OF MINNESOTA }
 } ss.
COUNTY OF RAMSEY }

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AFFIDAVIT OF SERVICE BY U.S. MAIL AND E-MAIL

Karen M. Doumany, being first duly sworn, deposes and says that on the 8th day of June, 2012, at the City of Saint Paul, county and state aforementioned, she served the attached **Request of City of Saint Paul for Leave of Supreme Court to Intervene and Participate as Amicus Curiae** via e-mail and by depositing in the United States mail at said City of Saint Paul, a true and correct copy thereof, properly enveloped, with first class postage prepaid, and addressed to the following individuals:

William Z. Pentelovitch
e-mail: bill.pentelovitch@maslon.com
Maslon Edelman Borman & Brand, LLP
3300 Wells Fargo Center
90 South Seventh Street
Minneapolis, Minnesota 55402-4140

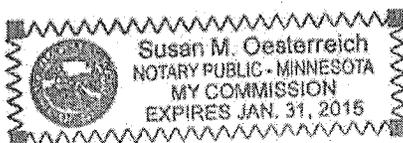
Teresa Nelson
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American Civil Liberties Union Foundation, Inc.
230 Peachtree Street, Suite 1440
Atlanta, Georgia 30303


Karen M. Doumany

Subscribed and sworn to before me this
8th day of June, 2012.


Notary Public





CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

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June 8, 2012

OFFICE OF
APPELLATE COURTS

JUN - 8 2012

FILED

Clerk of Court
Minnesota Supreme Court
305 Minnesota Judicial Center
25 Rev. Martin Luther King Jr. Blvd.
St. Paul, MN 55155

Re: *League of Women Voters Minnesota, et al. v. Mark Ritchie*
Case Number: A12-0920

Dear Court Administrator:

Enclosed herewith for filing in the above-captioned matter, please find the Request of the City of Saint Paul for Leave of Supreme Court to Intervene and Participate as *Amicus Curiae*.

By copy of this letter, all parties of record have been served with a copy of the same.

Sincerely,

Sara Grewing
City Attorney

Enclosure

cc: William Z. Pentelovitch (w/enc.)
Teresa Nelson (w/enc.)
Laughlin McDonald (w/enc.)
Jon Sherman (w/enc.)