

# LINDQUIST

L I N D Q U I S T + V E N N U M

Minneapolis • Denver • Sioux Falls

Kelly G. Laudon  
(612) 371-3957  
klaudon@lindquist.com  
www.lindquist.com

Lindquist & Vennum PLLP  
4200 IDS Center  
80 South Eighth Street  
Minneapolis, MN 55402-2274  
Phone: (612) 371-3211  
Fax: (612) 371-3207

June 21, 2012

**Via E-Mail & Hand Delivery**

Clerk of Court  
Supreme Court  
305 Minnesota Judicial Center  
25 Rev. Dr. Martin Luther King, Jr. Blvd.  
St. Paul, MN 55155-6102

**OFFICE OF  
APPELLATE COURTS**

**JUN 21 2012**

**FILED**

**Re: League of Women Voters Minnesota, et al. v. Mark Ritchie  
Court File No.: A12-0920**

Dear Clerk of Court:

I am enclosing the following for filing on behalf of Citizens for Election Integrity – Minnesota:

1. Citizens for Election Integrity – Minnesota's Motion for Leave to Substitute Page 1 of *Amicus Curiae* Brief;
2. One (1) original and fourteen (14) copies of the substitute page 1 for Citizens for Election Integrity – Minnesota's Brief and Appendix as *Amicus Curiae* with Certification of Brief Length; and
3. Affidavit of Service.

By copy of this letter and its attachments, the same is being served upon opposing counsel. Please call if you have questions.

Very Truly Yours,

LINDQUIST & VENNUM PLLP



Kelly G. Laudon

KGL/gmi  
Enclosures

cc: (w/enclosures; via E-Mail & U.S. Mail)  
All Counsel of Record (*see* Affidavit of Service)

## STATEMENT OF THE ISSUES

1. Does omitting any reference to the proposed amendment's "substantially equivalent identity and eligibility verification" requirement, which threatens to eliminate Election Day Registration and materially change mail-in and absentee voting, render the ballot question unconstitutionally misleading?

2. Does omitting any reference to the proposed amendment's creation of an unprecedented, costly, and complicated new provisional voting system in Minnesota render the ballot question unconstitutionally misleading?

\*

---

\*Pursuant to Rule 129.03 of the Minnesota Rules of Civil Appellate Procedure, the undersigned counsel certifies that this brief was authored by counsel for Citizens for Election Integrity – Minnesota ("CEI-MN"). No person or entity, other than CEI-MN, its members, or its counsel, made any monetary contribution to the preparation or submission of the brief.

A12-0920

---

STATE OF MINNESOTA  
IN SUPREME COURT

---

JUN 21 2012

FILED

League of Women Voters Minnesota;  
Common Cause, a District of Columbia nonprofit corporation;  
Jewish Community Action, a Minnesota nonprofit corporation;  
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.

---

**CITIZENS FOR ELECTION INTEGRITY – MINNESOTA’S MOTION FOR  
LEAVE TO SUBSTITUTE PAGE 1 OF *AMICUS CURIAE* BRIEF**

---

William Z. Pentelovitch (#85078)  
Richard G. Wilson (#16544X)  
Justin H. Perl (#151397)  
Wayne S. Moskowitz (#17936X)  
Alain M. Baudry (#186685)  
Catherine Ahlin-Halverson (#350473)  
MASLON EDELMAN BORMAN & BRAND, LLP  
3300 Wells Fargo Center  
90 South Seventh Street  
Minneapolis, MN 55402-4140  
Tel: (612) 672-8200  
Fax: (612) 672-8397  
Email: bill.pentelovitch@maslon.com  
rich.wilson@maslon.com  
justin.perl@maslon.com  
wayne.moskowitz@maslon.com  
alain.baudry@maslon.com  
catherine.ahlin@maslon.com

Teresa Nelson (#269736)  
AMERICAN CIVIL LIBERTIES UNION  
OF MINNESOTA  
2300 Myrtle Avenue, Suite 180  
St. Paul, MN 55114-1879  
Tel: (651) 645-4097  
Email: tnelson@aclu-mn.org

-and-

Laughlin McDonald (*Pro Hac Vice*)  
Jon Sherman (*Pro Hac Vice*)  
AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION, INC.  
230 Peachtree Street, Suite 1440  
Atlanta, GA 30303  
Tel: (404) 523-2721  
Email: lmcDonald@aclu.org  
jsherman@aclu.org

-and-

**ATTORNEYS FOR PETITIONERS**

Mark Ritchie  
Secretary of State  
Secretary of State's Office  
1800 State Office Building  
1100 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155  
Tel: (651) 201-1324  
Fax: (651) 215-0682  
Email: mark.ritchie@state.mn.us

**RESPONDENT**

Tim Griffin (#285717)  
Liz Kramer (#325089)  
LEONARD, STREET AND DEINARD  
*Professional Association*  
150 South Fifth Street, Suite 2300  
Minneapolis, MN 55402  
Tel: (612) 335-1500  
Fax: (612) 335-1657  
Email: timothy.griffin@leonard.com  
liz.kramer@leonard.com  
-and-

Daniel B. Kohrman (*pro hac pending*)  
AARP FOUNDATION LITIGATION  
Michael Schuster (#98048)  
AARP  
601 E Street, NW  
Washington, DC 20049  
Tel: (202) 434-2060  
Fax: (202) 434-6424  
Email: dkohrman@aarp.org

**ATTORNEYS FOR AMICUS  
CURIAE AARP**

Mark A. Jacobson (#188943)  
Paul A. Banker (#259596)  
Kelly G. Laudon (#386854)  
Carrie Ryan Gallia (#390479)  
LINDQUIST & VENNUM P.L.L.P.  
4200 IDS Center  
80 South Eighth Street  
Minneapolis, MN 55402  
Tel: (612) 371-3211  
Fax: (612) 371-3207  
Email: mjacobson@lindquist.com  
pbanker@lindquist.com  
klaudon@lindquist.com  
cryangallia@lindquist.com

**ATTORNEYS FOR AMICUS  
CURIAE CITIZENS FOR  
ELECTION INTEGRITY –  
MINNESOTA**

Sara R. Grewing (#327803)  
Saint Paul City Attorney  
Gerald T. Hendrickson (#43977)  
Deputy Saint Paul City Attorney  
400 City Hall and Courthouse  
15 Kellogg Boulevard West  
Saint Paul, MN 55102  
Tel: (651) 266-8710  
Fax: (651) 298-5619  
Email: sara.grewing@ci.stpaul.mn.us  
jerry.hendrickson@ci.stpaul.mn.us

**ATTORNEYS FOR AMICUS  
CURIAE CITY OF SAINT PAUL**

Michael O. Freeman (#31860)  
Hennepin County Attorney  
David C. Brown (#18701X)  
Senior Assistant County Attorney  
C-2000 Government Center  
300 South Sixth Street  
Minneapolis, MN 55487  
Tel: (612) 347-4085  
Fax: (612) 347-6028  
Email: david.brown@co.hennepin.mn.us

**ATTORNEYS FOR *AMICUS*  
*CURIAE* HENNEPIN COUNTY  
ATTORNEY'S OFFICE**

Robert R. Weinstine (#115435)  
Thomas H. Boyd (#200517)  
Kristopher D. Lee (#389269)  
WINTHROP & WEINSTINE, P.A.  
225 South Sixth Street, Suite 3500  
Minneapolis, MN 55402  
Tel: (612) 604-6400  
Fax: (612) 604-6800  
Email: rweinstine@winthrop.com  
tboyd@winthrop.com  
klee@winthrop.com

**ATTORNEYS FOR INTERVENORS  
87<sup>TH</sup> MINNESOTA HOUSE OF  
REPRESENTATIVES AND 87<sup>TH</sup>  
MINNESOTA SENATE**

Jeffry Duane Martin (#336257)  
ST. PAUL BRANCH OF THE NAACP  
375 Oxford Street North  
Saint Paul, MN 55104  
Tel: (651) 343-2695  
Email: martinlawoffice@comcast.net

**ATTORNEYS FOR *AMICUS*  
*CURIAE* THE NATIONAL  
ASSOCIATION FOR THE  
ADVANCEMENT OF COLORED  
PEOPLE – ST. PAUL BRANCH**

Erick G. Kaardal (#229647)  
William F. Mohrman (#168816)  
MOHRMAN & KAARDAL, P.A.  
33 South Sixth Street, Suite 4100  
Minneapolis, MN 55402  
Tel: (612) 341-1074  
Fax: (612) 341-1076  
Email: kaardal@mklaw.com  
mohrman@mklaw.com

**ATTORNEYS FOR *AMICUS*  
*CURIAE* SCOTT NEWMAN AND  
MARY KIFFMEYER**

Nathan J. Marcusen (#386875)  
BOWMAN AND BROOKE LLP  
150 South Fifth Street, Suite 3000  
Minneapolis, MN 55402  
Tel: (612) 339-8682  
Fax: (612) 672-3200  
Email: nathan.marcusen@bowmanandbrooke.com

-and-

J. Christian Adams (*pro hac pending*)  
ELECTION LAW CENTER, PLLC  
300 North Washington Street, Suite 405  
Alexandria, VA 22314  
Tel: (703) 963-8611  
Fax: (703) 740-1773  
Email: adams@electionlawcenter.com

-and-

Zachary S. Kester (*pro hac pending*)  
Kaylan L. Phillips (*pro hac pending*)  
Noel H. Johnson (*pro hac pending*)  
ACTRIGHT LEGAL FOUNDATION  
2029 K Street NW, Suite 300  
Washington, DC 20006  
Tel: (202) 683-9405  
Fax: (202) 815-5641  
Email: zkester@actright.com  
kphillips@actright.com  
njohnson@actright.com

**ATTORNEYS FOR *AMICUS CURIAE*  
MINNESOTA MAJORITY, INC.**

On June 18, 2012, Citizens for Election Integrity – Minnesota (“CEI-MN”) filed an *amicus curiae* brief in the above-captioned action. CEI-MN inadvertently omitted from its brief the attestation required by Rule 129.03 of the Minnesota Rules of Civil Appellate Procedure. Pursuant to the instruction given by the Commissioner of the Supreme Court, CEI-MN hereby moves the Court for leave to substitute page 1 of its brief with the attached page 1 to correct this omission.

DATED: June 21, 2012

**LINDQUIST & VENNUM PLLP**

By 

Mark A. Jacobson (#188943)

*mjacobson@lindquist.com*

Paul A. Banker (#256596)

*pbanker@lindquist.com*

Kelly G. Laudon (#386854)

*klaudon@lindquist.com*

Carrie Ryan Gallia (#390479)

*cryangallia@lindquist.com*

4200 IDS Center

80 South Eighth Street

Minneapolis, MN 55402-2274

(612) 371-3211

(612) 371-3207 (facsimile)

**ATTORNEYS FOR CITIZENS FOR  
ELECTION INTEGRITY –  
MINNESOTA**

JUN 21 2012

**FILED**

**AFFIDAVIT OF SERVICE VIA U. S. MAIL**

STATE OF MINNESOTA            )  
  ) ss.  
COUNTY OF HENNEPIN         )

Gwen Inskeep, of the City of Hastings, County of Dakota, in the State of Minnesota, being duly sworn on oath says: that on the 21<sup>st</sup> day of June, 2012, she served the following:

1. Citizens for Election Integrity – Minnesota’s Motion for Leave to Substitute Page 1 of *Amicus Curiae* Brief;
2. One (1) original and fourteen (14) copies of the substitute page 1 for Citizens for Election Integrity – Minnesota’s Brief and Appendix as *Amicus Curiae* with Certification of Brief Length; and
3. Affidavit of Service.

upon the persons listed below:



Attorneys for Petitioner League of Women  
Voters Minnesota:

William Z. Pentelovitch  
Richard G. Wilson  
Justin H. Perl  
Wayne S. Moskowitz  
Alain M. Baudry  
Catherine Ahlin-Halverson  
MASLON EDELMAN BORMAN & BRAND LLP  
3300 Wells Fargo Center  
90 South Seventh Street  
Minneapolis, MN 55402-4140  
*bill.pentelovitch@maslon.com*  
*rich.wilson@maslon.com*  
*justin.perl@maslon.com*  
*wayne.moskowitz@maslon.com*  
*alain.baudry@maslon.com*  
*catherine.ahlin@maslon.com*

Teresa Nelson  
AMERICAN CIVIL LIBERTIES UNION OF  
MINNESOTA  
2300 Myrtle Avenue, Suite 180  
St. Paul, MN 55114-1879  
*tnelson@aclu-mn.org*

Laughlin McDonald  
Jon Sherman  
AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION, INC.  
230 Peachtree Street, Suite 1440  
Atlanta, GA 30303  
*lmcDonald@aclu.org*  
*jsherman@aclu.org*

Attorneys for Respondent, Mark Ritchie:

Mark Ritchie, Secretary of State  
SECRETARY OF STATE'S OFFICE  
180 State Office Building  
1100 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155  
*mark.ritchie@state.mn.us*

Attorneys for Intervenor – 87<sup>th</sup> Minnesota  
House of Representatives and 87<sup>th</sup> Minnesota  
Senate

Robert R. Weinstine  
Thomas H. Boyd  
Kristopher D. Lee  
WINTHROP & WEINSTINE, P.A.  
225 South Sixth Street, Suite 3500  
Minneapolis, MN 55402  
*tboyd@winthrop.com*  
*rweinstine@winthrop.com*  
*klee@winthrop.com*

Attorney for Movants – Amicus  
St. Paul Branch of the NAACP

Jeffrey Martin  
ST. PAUL BRANCH OF THE NAACP MARTIN  
LAW OFFICE  
375 Oxford Street North  
St. Paul, MN 55104  
*martinlawoffice@comcast.net*

Attorneys for Movants – Amicus  
AARP

Liz Kramer  
Tim Griffin  
LEONARD STREET AND DEINARD  
1250 South Fifth Street, Suite 2300  
Minneapolis, MN 55402  
*liz.kramer@leonard.com*  
*timothy.griffin@leonard.com*

Daniel B. Kohrman  
Michael Schuster  
AARP FOUNDATION LITIGATION  
601 East Street NW  
Washington, DC 20049  
*dkohrman@aarp.org*

Attorneys for Movants – Amicus  
City of St. Paul

Sara R. Grewing  
ST. PAUL CITY ATTORNEY  
Gerald T. Hendrickson  
DEPUTY ST. PAUL CITY ATTORNEY  
400 City Hall  
15 West Kellogg Blvd.  
St. Paul, MN 55102  
*sara.grewing@ci.stpaul.mn.us*  
*jerry.hendrickson@ci.stpaul.mn.us*

Attorney for Movants – Amicus  
Hennepin County

Michael O. Freeman  
Hennepin County Attorney  
David C. Brown  
Senior Assistant County Attorney  
HENNEPIN COUNTY ATTORNEYS OFFICE  
C-2000 Government Center  
300 South Sixth Street  
Minneapolis, MN 55487  
*david.brown@co.hennepin.mn.us*  
*michael.freeman@co.hennepin.mn.us*

Attorney for Movants – Amicus  
Minnesota Majority, Inc.

Nathan J. Marcusen  
BOWMAN AND BROOKE LLP  
150 South Fifth Street, Suite 3000  
Minneapolis, MN 55402  
*nathan.marcusen@bowmanandbrooke.com*

J. Christian Adams  
ELECTION LAW CENTER, PLLC  
300 North Washington St., Suite 405  
Alexandria, VA 22314  
*adams@electionlawcenter.com*

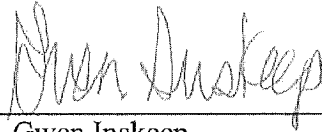
Zachary S. Kester  
Kaylan L. Phillips  
Noel H. Johnson  
ACTRIGHT LEGAL FOUNDATION  
2029 K Street NW, Suite 300  
Washington, DC 20006  
*zkester@actright.com*  
*kphillips@actright.com*  
*njohnson@actright.com*

Attorney for Movants – Amicus  
Individual Legislators, State Senator Scott J.  
Newman and State Representative Mary  
Kiffmeyer

Erick G. Kaardal  
William F. Mohrman  
Mohrman & Kaardal, P.A.  
33 South Sixth Street, Suite 4100  
Minneapolis, MN 55402  
*kaardal@mklaw.com*  
*mohrman@mklaw.com*

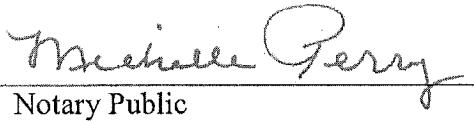
*League of Women Voters Minnesota, et al. v. Mark Ritchie*  
Court File No.: A12-0920  
PAGE 5 - AFFIDAVIT OF SERVICE VIA E-MAIL & U.S. MAIL, CONT'D.

by mailing copies of the above-listed documents enclosed in an envelope, postage prepaid, and by depositing the same in the post office at Minneapolis, Minnesota, directed to said persons at the last known addresses listed above, and by e-mailing copies to the e-mail addresses listed above.



Gwen Inskeep

Subscribed and sworn to before me  
this 21st day of June, 2012.



Notary Public

