



*Sent via email*

September 16, 2024

Secretary of State Steve Simon  
Veterans Service Building  
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Saint Paul, MN 55155  
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Dear Secretary of State Simon:

I write in response to the September 5, 2024, letter sent by your General Counsel, Justin R. Erickson. This letter attempted to create a framework related to my intent to demand to guard the ballots in the impending statewide elections.

I appreciate your attorney's efforts to clarify what is allowed under Minnesota Statutes section 209.05. With all due respect, the plain language of the law is very clear:

To clarify what is required by statute I will summarize the plain language requirements of MN Statute 209.05. In order to guard the ballots in any election:

- The candidate** must submit the demand to guard the ballots to the custodian of the ballots.
- The candidate** must provide notice of the demand to guard the ballots to the candidate's opponents.
- The custodian of the ballots**, at the local level, "*shall appoint some suitable person to guard the ballots...*"

A demand to guard the ballots may occur "*In any election...*"

- The word "in" does not mean after. The word "in" means during.

It is nonsensical to assert that ballots can only be guarded after the ballots have been tabulated, especially if there are concerns that the laws are not being followed during the collection and processing of those ballots.

There are many reasons a candidate may believe ballots must be guarded during an election, including but not limited to:

- an unverifiable chain of custody;
- a lack of transparency in the election process;
- a perceived past pattern of election officials failing to comply with election law;
- observed violations of election law; and
- rules that contradict the law.

If there were violations of election law prior to the tabulation of ballots, the ballots being protected could be illegal ballots made legal by the inability of a candidate to have agents protect the process. This undermines our republic.

If the ballots are guarded throughout the election period, the threat of illegal ballots disenfranchising legal voters is minimized. Additionally, the possibility of any person having the means to add illegal ballots into the process after the election is also diminished.

Once the demand to guard the ballots has been properly made by a candidate, that candidate "*may keep a continuous visual guard over the ballots until the expiration of the time for instituting a contest.*"

During an election, prior to a contest, the guard may be maintained "*either by the candidate*" or by "*their duly authorized agent.*"

The candidate may guard the ballots until the time for instituting a contest expires. If a candidate contests an election, the candidate becomes a contestant. The explains the statutory language that adds another potential participant to the guarding of the ballots with the language, "*In the case of a contest...*"



- An election may be contested by a candidate or by “any eligible voter” for any of the reasons listed in Minnesota Statute 209.02.

**209.02 CONTESTANT; GROUNDS.**

Subdivision 1. **General.** Any eligible voter, including a candidate, may contest in the manner provided in this chapter: (1) the nomination or election of any person for whom the voter had the right to vote if that person is declared nominated or elected to the senate or the house of representatives of the United States, or to a statewide, county, legislative, municipal, school, or district court office; or (2) the declared result of a constitutional amendment or other question voted upon at an election. The contest may be brought over an irregularity in the conduct of an election or canvass of votes, over the question of who received the largest number of votes legally cast, over the number of votes legally cast in favor of or against a question, or on the grounds of deliberate, serious, and material violations of the Minnesota Election Law.

When the demand to guard the ballots is made after the conclusion of an election, connected to an election contest, the law states: “*In case of a contest, the contestant or contestee may keep a visual guard over the ballots.*” I am not sure how a visual guard of the ballots can be maintained through a door, but this could be discussed further with the local custodian of the ballots.

While your counsel made many declarations defending the past practice of ballot boards and election judges across the state, there can be no disputing the fact that many, many Minnesotans do not trust the processes you believe work. It may be that every person employed by local governments to run our elections is above reproach, but I don’t believe that the government is immune from the corruption that plagues society, today.

Additionally, there are many, many people who have raised serious concerns about the post-election reviews, the lack of transparency related to election materials and the failure of canvassing boards to report audited results prior to the certification of their election results at the canvass.

It is time to let the people participate in the process, as agents of a candidate, as is allowed by Minnesota law.

It is clear that you expect the people to trust the government. I am asking the government to trust the people who want to join me in guarding the ballots.

I will be submitting all necessary paperwork to all required people and entities.

I truly hope we do not end up arguing about the process, wasting the people’s time and perpetuating the distrust in our election process.

I propose we work together, across Minnesota, to ensure we all agree the election laws are followed from beginning to end so that, win or lose, we can move on together to restore trust in our elections.

Thank you for your time.

Respectfully,

Royce A. White  
Minnesota’s Republican Candidate for the United States Senate

Paid for by Royce White for Senate.