

**A20-1654**

IN THE

**SUPREME COURT**

**STATE OF MINNESOTA**

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EDWIN HAHN, LISA HAHN, JANINE  
HANSON, MARILYN PROULX, LAURIE  
CHRISTIANSON, RONALD WHITE,  
JANINE KOWALSKI, JOHN KOWALSKI  
Contestants & Appellants,

vs.

HEATHER KEELER,  
Contestee & Respondent.

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Appeal from the District Court of Minnesota,  
County of Clay  
The Hon. Timothy Chruchwell (Court no. 14-CV-20-4033)

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**APPELLANTS' REPLY BRIEF**

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Appellants Pro Se

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## **INTRODUCTION**

The entire country has witnessed the controversy and resulting division regarding the irregular execution of the 2020 election. So much has this election been inconsolable that over 250,000 Americans gathered at the Nation's Capitol January 6, 2021 to protest the election irregularities. The resulting dissent will continue until the frustration from the gaming of the election systems entrusted to our elected officials has been satisfactorily addressed. Here, 8 citizens are pursuing a peaceful path to resolving the election integrity questions in Minnesota. The Court has been bestowed with the responsibility to be a steward for a time such as this, specifically in the matter of election processes, with the legislative authority of Minnesota Statute, Chapter 209, Election Contests. For the peace and prosperity of our Nation, 50% of the voters in Minnesota impel you to follow due process in proceeding to trial with an inspection of ballots.

## **STATEMENT OF THE REPLY**

The Appellants limit their reply to the Respondents brief to the following Respondent arguments:

1. Appellants' service of Notice was not proper.

2. Appellants' service of Notice was not timely.

The Appellants address these claims below.

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### **Statutory Service Requirements Met**

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Respondents primary arguments on service method:

1. Contestee Heather Keeler did not receive personal service.
2. Because Edwin Hahn, a party to the Contest, served the Notice to Keeler by Certified Mail, the service should be rejected.

### **Appellants' Reply**

The Appellants reject the claims service was not proper by manner or contents for the following reasons:

1. M.S. § 209.021 subd (3) is clear that service to confer jurisdiction on the court has two requirements to be sufficient:
  - a. An affidavit of the attempt by the person attempting to make personal service.

- b. An affidavit of the person who sent a copy of the notice to the contestee by certified mail.
2. The Contestants and Appellants have provided both an affidavit of the attempt by the Deputy Sheriffs and an affidavit of Hahn, the person who sent a copy of the notice to the contestee by certified mail.
3. This Court has previously ruled that “[w]here a statute specifies that a person shall be notified by particular means, such as certified or registered mail, notice is effective when deposited in the mails.”
4. Although the Respondents’ claim Hahn’s service violates Minn. R. Civ. P. 4.02, Hahn’s service is not invalidated by the Minn. R. Civ. P. but rather conferred by the Minn. Rules of Civil Procedure, Minn. Stat. ch. 209.021, proof of service requirements, and apposite cases.<sup>1</sup>
5. Furthermore, this Court has prior ruled that despite general rules of civil procedure, specific service requirements in statute shall supersede

the general rules. We have such a case in Minn.

Stat. § 209.021, Subd. 3. where outside of general civil procedure, specific service requirements have been met to confer jurisdiction.

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<sup>1</sup>See Minn. Stat. § 209.021, Subd. 3. Notice served on parties; Minn. R. Civ. P. 5.02 (“[s]ervice by mail is complete upon mailing”); *Schneider*, 407 N.W.2d at 675; *Eischen Cabinet Co. v. Hildebrandt*, 683 N.W.2d 813 (2004)

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### **Proper Canvass and Timing**

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Respondents primary arguments:

1. The county canvass is the canvass upon which the timing to initiate an election contest starts.

### **Appellants' Reply**

The Appellants reject the claims the county canvass is “the canvass” for the following reasons:

1. The correct reading of the statute states, “the canvass,” not, “the county canvass.”
2. “The canvass” is clearly referenced again in the final sentence of Minn. Stat. §204C.33, which clearly lays out the process of the Canvass Boards. “The State Canvassing Board shall declare the result within three days after completing the canvass.” The canvass is complete at the State Canvassing Board.
3. Again, this is emphasized in Minn. Stat. §206.89 Subd. 10. “The appropriate canvass is not completed and the time for notice of a

contest of election does not begin to run until all reviews under this section have been completed.” The respondent is correct in saying that all post election reviews under Minn. Stat. §206.89 must be complete. Reviews of the canvassing board must be complete. All reviews in this section include the State Canvass review, as stated in Minn. Stat. §206.89 Subd. 6, which includes the following, “The secretary of state shall report the results of the postelection review at the meeting of the State Canvassing Board to canvass the state general election.”

4. Therefore, as is stated in Minn. Stat. §204C.33, the finality of the canvass is complete after the State Canvassing Board certifies the election.

## **CONCLUSION**

Almost half the country now believes that there were significant irregularities in the 2020 election; and the failure to fully investigate these irregularities will only increase the number of Americans who have such doubts. This will be particularly true if the suppression of what necessarily must be a search for truth is facilitated by the social shaming of voices of dissent or the shrugging of responsibility by our elected officials. If our Minnesota Courts and State Legislatures ignore this evidence, they will do so not just at their own peril but also at the peril of America's faith in our elections and the sanctity of our Republic.

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