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South Washington Citizens for Progress Committee

PRESS RELEASE

School District Referendum Ballot Question Will Be Challenged in District Court

FOR IMMEDIATE RELEASE Stillwater, Minnesota, December 2, 2015

Today a Notice of Contest and Election Contest was filed with the Washington County District Court in Stillwater, Minnesota by Attorney Erick Kaardal of Mohrman, Kaardal & Erickson, P.A. The Plaintiffss named in the complaint are ISD 833 residents Susan Richardson, Andrea Mayer-Bruestle and Leilani Holmstadt with South Washington County Schools, ISD No. 833 named as Defendant.

The Plaintiffs are challenging the ISD 833 Canvassing Board's November 20th decision to declare five ballots cast in the November 3, 2015 election as "non-votes," which resulted in passage of the ISD 833 Ballot Question 2 (\$96 million general obligation bonds sought for the construction of a new middle school and renovation of a the current Oltman Middle School for the Nuevas Fronteras Elementary School): a favorable outcome for the school district.

The Plaintiffs maintain that the Canvassing Board did not follow Minnesota Law (M.S. § 204.22) in determining a voter's intent when evaluating the contested five ballots by not focusing on the ballot itself without speculation or making efforts to determine the voter's intent in a manner other than provided by the statute.

The Plaintiffs also contend that the Canvassing Board did not properly apply the canons of construction in making its determination, instead finding the five ballots as "ambiguous" or "non-votes." Furthermore, the Canvassing Board never made a finding for each of the five ballots that it was "impossible" to determine the intent of the voter.

If the Canvassing Board had not erred in its determinations and instead had found that the five contested ballots were "No" votes, then \$96 million Ballot Question 2 would have been declared defeated because of a "tie": 6840 voting "yes" and 6840 voting "no."

The Contestants are requesting that the Court reverse the Canvassing Board's decision to declare the identified five ballots as "ambiguous" or "non-votes" and declare the five ballots as "No" votes thus restoring election integrity and re-enfranchising the voters who cast the contested five ballots.

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