Filed in District Court
State of Minnesota
OCT 30 2023

State of Minnesota
Olmsted County District Court

Rochester Taxpayer v. Administration of ISD # 535

Taxpayer, Ms. Casey McGregor, Petitioner, v. ISD # 535 Officials : Dr. Kent Pekel et alia Respondents.	Court File No. 55CV23-7307 PETITION FOR INJUNCTIVE RELIEF UNDER 204B.44, et al.

PLEASE TAKE NOTICE of this Petition for equitable relief with attorney fees and other relief as warranted. The Respondent School District Administration (ISD # 535) has failed in its attempt to put a valid ballot question under the pertaining Minnesota Statutes for an increase to property taxes for the school district. The ballot question's invalidity is facially apparent in the text's lacking the required-to-be-identified "project" element in the description of the *authorization* content, i.e. on the ballot. However, the fault is not merely this facial failing of the necessary

requirement, as the levy is not substantively the type of financial mechanism Respondents purport it to be. The permissible classification for this taxing-authority, substantively, is not the stated "capital project" levy, but rather, better the "operating capital" levy option, which Defendants have stated they would pursue in the alternative, next year.

2. This misinformation to the public belies violations that include the general propagandizing beyond proper "information"-only limitations by school district officials and misinformation about the amount of money potentially at stake from taxpayers.

3. "Operating capital" and "capital project" revenue both belong, to some degree, to the "total operating capital" described in MS § 126C.10, subds. 13 & 14. The Respondent may have believed that as capital project revenue is approved to be used for operating capital expenditures, that one be permitted to more or less "brand," one might say, that which is an *operating capital* referendum as a "*capital project*" levy—even if there is no "project." But the statutes are absolutely clear that a project, "a building or site improvement," is required *to exist* and *to be noticed* in the text of the ballot question statement. MS § 123B.71 subd. 2.

4. Respondents also claim that this ballot question referendum can under "no mechanism" be renewed without public vote, even though both finance instruments raise inputs to "total operating capital," which legislators, in the 2023 Minnesota Session Laws, made subject to doubling without public vote, categorically. 2023 Session Laws Ch. 55 Article I § 25. This new renewal mechanism was the point of concern that prompted Petitioner to the investigation that has uncovered the invalidity of the attempted choice of fundraising instrument, which collaterally increases concern of the doubling of the levy voted upon without a public vote.

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VENUE

5. Action took place and is taking place primarily in Rochester, Minnesota—specifically—within the jurisdiction of ISD # 535, i.e. Rochester Public Schools, which is located in Olmsted and Wabasha Counties—the later to a minor extent. The Respondents, seeking to avoid the Petitioner's combination of anti-corruption petition and electoral campaigning about the violative misinformation of Respondents regarding the proposed levy's category, substance, and potential financial ramifications have ridiculed and sought to suppress and interfere with Petitioner's protected activity.

JURISDICTION

6. Jurisdiction is sufficiently provided by Minnesota Statutes § 204B.44, which provides that any citizen or taxpayer may have standing to assert a justiciable controversy in Minnesota courts where there is an error in a ballot. (Additional applicable species of claims, sorted in "Claims" section, infra (¶ 130 et sequent), are not the primary emphasis of this petition as such as less direct to the immediately needed relief: injunction against Respondents regarding the ballot question or for the nullification of the invalid and prejudicial or unfair ballot question.)

7. Though there are many cases of §-204B.44-ballot-errors being mere clerical errors, the controversies finding justiciability under this statute are any of an error in the placing of a question on the ballot (from the decision of what to the execution of the correct particulars)—including the range of matters in the instant case…ballot being prohibited for conflicts with Minnesota Law to the related misinformation ending up with voters connected to the ballot-question-proposition errors.

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8. The Minnesota Supreme Court, in such cases as *Bicking v. City of Minneapolis*, 891 N.W.2d 304 (2017), demonstrates such "placement" or "form" error-basis for standing under MS § 204B.44. In *Bicking*, the Petitioner challenged the decision of the city council of Minneapolis regarding a ballot question.

9. The Minnesota Supreme Court declared in *Bicking*, at 308:

> "We have express statutory authority to resolve the dispute between the parties: whether the Minneapolis City Council properly directed the City Clerk not to place the proposed question on the ballot for the 2016 election. *See* Minn. Stat. § 204B.44(a)(1) (conferring authority on the judicial branch to correct any error or omission 'in the placement…of…any question on any official ballot'). Bicking invoked section 204B.44 when he filed his petition in the district court, the parties agree that section 204B.44 confers judicial authority to review a ballot-question decision [of a resolving local governmental body]." *Bicking*, 891 N.W.2d at 308.

Here, "placement" is used in a broad, encompassing sense including the deliberative choice, consideration, or determine a "placement…of…any question on any official ballot."

10. In questions of the interpretation of MS § 204B.44, the Minnesota Supreme Court has affirmed that §-204B.44-cases can present challenges of the ballot-question-proposition's legal validity, in terms of compliance with Minnesota Law. Again, in *Bicking*:

> "We concluded that there was 'no good reason' to require the 'trouble and expense' of an election if a proposed constitutional amendment 'be not proposed in the *form* demanded by the constitution.' [*Wingert v. Holm*, 187 Minn. 78,] at 81….Nothing in *Wingert* suggests that we used the word 'form'

> to limit pre-enactment review of procedural defects, while prohibiting pre-enactment review of the 'underlying validity' of a proposed ballot question....[*Bicking*, 311] We know of 'no good reason' to require an election on a proposed amendment that is in clear conflict with the...laws of the state. See *Andrews* [*v. Beach*], 155 Minn. [33,] at 35." *Bicking*, 891 N.W.2d at 310-311.

11. The issue before the court is not a dispute of the authority of a school district to tax or the amount to tax in the abstract or generally, but whether, as in *Bicking*, the decision of a local administration made a permissible or valid decision about placing a ballot question. In this case, the Superintendent's proposed referendum placement was consented to by the RPS Board of Education on 1 August 2023, just in time to meet notice deadlines ahead of the start of voting.

12. Another case of the Minnesota Supreme Court further establishes how the challenge the form of a ballot question under MS § 204B.44, as opposed to the fundamental power to raise a ballot question. In *League of Women Voters Minnesota v. Ritchie*, 819 N.W.2d 636 (2012), the Minnesota Supreme Court provides an analogy to the justiciability of the instant case in its review of a challenge to the legitimacy of a statement of a proposed constitutional amendment, "the petition does not, however, challenge the proposed constitutional amendment itself or the constitutional authority of the Legislature to submit the proposed amendment to the people....[P]etitioners challenge only the particular language of the ballot question as failing to describe accurately the proposed amendment. *See Breza v. Kiffmeyer*, 723 N.W.2d 633, 636 (Minn.2006)." *League of Women Voters* at 644.

13. The issue, in the instance case, is thus not about a challenge to the power of the school district to lawfully levy property in the jurisdiction, but invalidities in its form of doing such or

placing this ballot question in its form. That is, purporting to be using a referendum type without the qualifying element—not having it and failing the necessary description of that element in the question put directly to voters—as required by statute. Furthermore, are no good or excusable reasons for the error of Respondents to act in accordance with their lawful responsibilities—only a cognoscible effort to spoil the vote with misinformed voters.

14. The errant ballot question of the instant controversy is stated contrary to the mandatory limitations set in the statutes and the public are currently suffering from misinformation about it, which would engender illegitimacy to the tax, were it to nominally pass.

> In *Bicking*, the court says, "[W]e…hold[] that a controversy such as this one, involving the 'frustration and expense' of a futile election, is justiciable. *Hous. & Redevelopment Auth.* [*v. City of Minneapolis*], 293 Minn. [227,] at 234…This precedent has stood the test of time over almost 100 years….In sum, given the concrete, genuine, adversarial dispute before us, we conclude that the parties' contest over Bicking's right to place a proposed charter amendment question on the ballot is justiciable. This conclusion is consistent with our doctrine of stare decisis…as well as our statutory authority, Minn. Stat. § 204B.44." *Bicking*, 891 N.W.2d at 312.

15. The Minnesota Supreme Court, in connecting their application of the statute in *Bicking* to reasoning about standing-needing-a-justiciable-controversy, more fundamentally, continued, describing the controversy required for jurisdiction: "in *Minneapolis Federation of Men Teachers*, we found that….what is required is 'only a right on the part of the complainant to be relieved of an uncertainty and insecurity arising out of an actual controversy with respect to his rights, status,

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and other legal relations with an adversary,' even though 'the status quo between the parities has not yet been destroyed or impaired.' [238 Minn. 154,]...at 157." *Bicking*, 891 N.W.2d at 309.

16. Again, the court in *League of Women Voters*, *Id.* at 644, had affirmed the applicability of MS § 204B.44 to provide statutory basis for jurisdiction where a ballot question has an error of misleading or errant language used in the statement of the ballot question: "The statute petitioners invoke...204B.44—provides a statutory basis for our jurisdiction....[u]nder [which]...we have the authority to hear claims of errors 'in the placement [of]...any question on any official ballot.' The petitioners argue that...the question as currently phrased...is 'unreasonable and misleading' to such an extent that it 'fails to provide voters with a fair opportunity to understand and vote.' The plain language of section 204B.44 therefore gives us the authority to hear the type of dispute at issue here. *See Erlandson v. Kiffmeyer*, 659 N.W.2d 724, 729 (Minn.2003) (stating that section 204B.44 'allows any person to file a petition to correct or prevent certain types of errors, omissions, or wrongful acts')." *League of Women Voters* at 644.

17. In *Foley v. Donovan*, 274 Minn. 501 (1966), the Minnesota Supreme Court dealt with a situation requiring the application of the principle of the legislature regarding error in ballot text and the role of judiciary in protecting the democratic process for the voters and state:

> "The difficulty here is that there has been no provision by the legislature for a situation such as now confronts us....The opportunity for confusion here is [acute]....[W]hile [the statute] deals mainly with preparation of the form of the ballot, [it] contains the following provision...[P]reparing the ballots shall [be] do[ne]...in such a manner as to enable the voter to understand which questions are to be voted upon' [§ 203.30 of 1966]....We think this statutory provision is a clear legislative mandate to have the ballot so prepared as to

> enable the voter to know whom or what he is voting for....Thus, while we have no express legislative authority to act in this kind of case, we think we do have a clear legislative mandate to see to it that a ballot is submitted to the voters free from confusion, one that will enable them to make an enlightened and intelligent choice." *Foley*, 274 Minn. at 504.

18. The court in *Foley* subsequently proceeds to order corrective statement of the ballot text: "It is therefore ordered that to avoid confusion and to enable voters to distinguish [the facts of choice put to them]...contain these provisions: [clarifying text is added]." *Foley*, 274 Minn. at 505.

19. Jurisprudence governing what to do in the case of a ticking clock of escalating potential harm, such as in §-204B.44-cases, warrants equitable consideration, should Respondents object to the relief. In this case, as discussed in the section regarding equitable analysis, infra (see ¶ 62 et sequent), Respondents are clearly responsible, which controls for the Petitioner, and moreover, were Respondents have alternatives, including other powers or another election opportunity, relief has never been denied petitioning ballot error. (See ¶ 107 et sequent regarding alternatives Respondents possess.)

20. The existence of sufficient alternatives has been a uniformly determinative for the nullification of an invalid ballot irrespective of complaint of prejudice to the candidate or proponent in Minnesota Supreme Court jurisprudence. *Monaghen v. Simon*, 888 N.W.2d 324 (2016) at 331.

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PARTIES

21. Petitioner is an ISD-#-535-property taxpayer, petitioning and politicking as has involved reports to public and press and campaign activity. Matters of concerns include the well-functioning of republican democracy, leaders' conduct over the citizenry, and the harm of the potential doubling of a tax without consent.

22. Respondents include ISD-#-535 officials, including Superintendent Dr. Kent Pekel, Ed.D and those who have been out with Respondent Pekel on the campaign trail or who recommended and planned the violative ballot question and misinformation-based campaign and campaign strategy. Also properly named as Respondents are the School District officials responsible or advising the violations of the information-only campaigning conducted by Respondent Pekel and those responsible for the joint action with Olmsted County administration and election officials responsible for blocking data request response and production.

23. "ISD Officials ## 2-5" can stand in place, until the discovery-based identifications of the proper names for Respondents to be named, can be completed, beyond named-Respondent Kent Pekel. ISD Officials ## 2-5 would include close assistants or aides working on this matter or carrying significant water for the Respondents' liable misinforming of the public and invalid and unfair ballot-placement-error.

THE CONTROVERSY:

SUBPART 1) THE INVALIDITY OF THE BALLOT QUESTION

24. The Respondents inaugurated at the July 25th, 2023 Rochester Public Schools Board of Education meeting, as is reflected in the agenda and minutes, the plan to collect a new property tax via this ballot referendum. Respondents passed that proposed ballot question on August 1st.

25. Petitioner raised concerns about renewability of the levy, plainly relevant to consider given the plain text of 2023 Minnesota Session Law Chapter 55 Article I § 25, which says that school board referenda are now to be renewable without a public vote. "Renewing" a school board referendum, in plain terms, means doubling it—continuing it for twice the period at the same amount or increasing the amount at the continuing rate. *Id* or MS § 123B.63 subd. 3(d). Upon information and belief, Respondents initially assured or promised that public should not worry about a doubling of the tax-collection-at-stake as the Respondents would effectively promise not to use any authority to renew this referendum without public vote, but have hardened this position to now assert there is "no mechanism" for renewal (see the subsection at ¶ 54 et sequent, infra).

26. Aside from the substantive concerns of the scope and nature of this referendum's proposed tax burden for the electors' consideration (i.e. voters), the face of the ballot question, itself, is clearly violative of the mandate for the use of such statutory tax authority—as set out in the statute.

27. The project capital levy terms of statutorily valid use as a school district "power" (MS § 123B.63 subd. 2) defines that uses of capital project levy must be within the defined range of permitted uses, which it defines by incorporating the list of permitted, "Uses of total operating capital revenue," which is MS § 126C.10 subd. 14. MS § 123B.63 subd. 2 says uses of project funds must be kept within the bounds as may: "[I]nclud[e] the costs of acquisition and betterment for a project that has been reviewed under section 123B.71 and has been approved according to subdivision 3." MS § 123B.63 subd 2.

28. The Respondents' levy is not a *project* levy, most transparently of all reasons because it lacks the required and defining element of a *project* levy ballot question, which is the identification

of a precise "*project*." The capital project levy referendum statute (MS § 123B.63) says at subdivision 3, clause "c" that a capital project levy must identify the project *in the* ballot question.

29. Clause (c) of subdivision 3 of MS § 123B.63, i.e. the power to raise operating capital under a designated subaccount for a capital "project," states, "The ballot [text] must provide a general description of the proposed project, state the estimated total cost of the project…state the maximum amount of the capital project levy as a percentage of net tax capacity."

30. There is no "building or site improvement" identified at all in the ballot text, let alone a fair description of one for the public's consideration or judgment.

31. The meaning of "project" as used in MS § 123B (the capital project levy account and referendum statute) is set out in MS § 123B.71: "The construction, remodeling, or improvement of a building or site of an educational facility at an estimated cost exceeding $100,000 is a project under section 177.42, subdivision 2." MS § 123B.71 subd.2. The significance of the reference to MS § 177.42, subdivision 2 is that subdivision defines that which is in terms of Labor and Industry a project—as in a sense of the "New Deal" Public Works Administration.

32. The foundational legal concept is recognizable in terms of property law, it is that of real property, i.e. real estate. A building or site improvement is a real estate capital investment, which is the true sense of the capital project statute. Which is why the required element for its use is that—"a building or site improvement." In English, "real estate" draws from the origins of the terms, "real," which draws its metaphysical affirmation from the royal-issued numismatic legitimacy, and, "estate," which comes from longstanding meaning in English analogous the ancient Roman notion of our "state," which in medieval Italian became rested on the notion of one's summer-property holding, to the extent that "estate" came to mean the season of summer in Italian. Indeed, the first uses of the combination, "real estate," per OED, in the early 17th Century

referenced property in the sense of the medieval and modern Italian, the notion of cultivated and architecturally developed land of perennial dividend value from its ever-continuing production.

33. Respondents, speaking about the desire to upgrade only recently purchased computers speak about a three-year-lifespan as being the natural end for purchased computers—referring to them as poorly functioning "hand-me-downs." (See "Approval of 2023 Referendum Proposal" of the 1 August 2023 Agenda under "Proposed Priorities for the Technology Levy" # 4.) Such pieces of "equipment" are movable property, i.e. "chattels," the dichotomous category of property distinct from real property.

34. The Respondents' current ballot question text only states regarding an object of expenditure, "The proposed authorization will provide funds for the purchase, installation, support, and maintenance of software and technology equipment."

35. Pieces of technology "equipment" are not fixtures—nor any clear building or site improvements. There is no reason to be certain of any building or site improvement that may be involved in the plans, certainly there is no implied existence, let alone description for the public consideration, of any "project" in this ballot question.

36. School districts attempting to use statutory revenue tools requiring the approval of the public electors must comply with the terms of balloting-election-law like candidates for election do for their campaigns. Strict compliance is the governing standard. See *Anderson v. Ritchie*, 819 N.W.2d 445:

> Candidates for elective office must strictly comply with the requirements for filing for office. *See, e.g., Paquin v. Mack,* 788 N.W.2d 899, 904 (Minn.2010) (affirming the rejection of a nominating petition for lack of sufficient signatures for which a street address, rather than a post office box,

was given); *Idusogie v. Kiffmeyer,* 721 N.W.2d 283, 285 (Minn.2006) (affirming the rejection of a nominating petition for lack of the required number of signatures and barring **447* candidate from adding signatures gathered after the filing deadline); *Fetsch v. Holm,* 236 Minn. 158, 162-163, 52 N.W.2d 113, 115 (1952) (affirming the rejection of a nominating petition that contained more than sufficient signatures but lacked the required oath). *Anderson* at 446-447.

SUBPART 2) MISINFORMATION

37. Can a school district use capital project money on operating capital expenses like software and computers? Yes.

38. But where Westonka Public Schools (ISD # 277), e.g., has done it, this year, they do so with an actual building and site improvement and have that project stated in the ballot question put to voters as the statutory authority requires. The demands of the "School District Powers" (Chapter 123B) and "Education Funding" (Chapter 126C) statutes are clear enough for Westonka to comply with their principle, letter, and spirit.

39. Can a school district spend capital project money on technology or any other operating capital expenditures? Yes—any of MS § 126C.10 subdivision 14, "Uses of total operating capital revenue," which includes clauses:

> (15): "to purchase or leave interactive telecommunications equipment…(18) to purchase or lease computers and related hardware, software, and annual licensing fees, copying machines, telecommunications equipment, and other noninstructional equipment; (19) to purchase or lease assistive technology or

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> equipment for instructional programs; (20) to purchase textbooks as defined in section 123B.41, subdivision 2; (21) to purchase new and replacement library media resources or technology…(23) to purchase or lease telecommunications equipment, computers, and related equipment for integrated information management systems for [various school functions]; (24) to pay personnel costs directly related to the acquisition, operation, and maintenance of telecommunications systems, computers, related equipment, and network and applications software."

40. Furthermore, in the Westonka comparison, it has sorted the actual project out of the bulk of its operating-capital-expenses fundraising; it has two referenda on the ballot, the technology project referenda is a quarter of the size of the Rochester attempt, leaving vast bulk of the operating capital expenses properly to a one-hundred-million-dollar MS-§-123B.62 facilities referendum.

41. Rochester has admitted that the primary purpose and intended use of this false technology capital project has nothing to do with a project or technology. Over 70% is just freeing up the flex money currently spent on these software and equipment operating costs. (See RPS Board Agenda of July 25th item 7.1 under "Funds that Could Be Generated Through a Capital Project Levy:"

> "Funding from the levy would enable the district to invest in approximately $3 million in new or upgraded technology-related services each year. It would also allow the school district to reallocate approximately $7 million per year in funding from the district's General Fund that is currently dedicated to technology to meet other needs, such as…academic support [services]…creating new programs….lawn mowers…snow removal…and minivans."

Westonka is not trying to get away with such misinformation under an invalidly categorized levy.

42. The ballot question *resolution* passed by the Rochester Schools Board of Education has more detail about the *potential* plans, but does so reserving the right to annually, or more frequently, change the spending plan that voters believe is quite fixed on funding technology. See Item 8.1 of the August 1st, 2023 Meeting's "Proposed Priorities for the Technology Levy (emphasis original):"

> Detailed plans for the expenses that would be covered through funding generated by the technology levy would be shared with the public and annually reviewed and approved by the RPS School Board through its annual budgeting process. The following list highlights ten key priorities that would be supported with referendum funding…[ten possibilities are listed, and then below is a second list emphasizing the actual parameters for this budget line:] Allowed Expenses [paragraph] The expenses outlined above are well aligned with the purposes that capital projects levies are intended to support according to state statute."

Again, the above is not the ballot text, but the resolution text of Item 8.1 of August 1st, 2023.

43. The statute has its demand of information needing to be contained in the ballot question, itself, as that is what the majority of voters would be able to consider. But the problem belied by the obvious critical element missing from the question is that Respondents are operating with a totally errant and impermissible notion of that which could be a *capital project levy*. It is not a package of "expenses outlined" in 126C.10 subd. 4—*operating capital levies* are to raise those things; *capital project levies* require a *project*.

44. Upon information and belief, Respondents have publicly stated that they have already negotiated with the unions to deliver general employees raises with this new money being pitched to voters as if it is being spent on devices and software. Published documents in petitioners position show considerable indication of such discussion and anticipation.

45. Yes, project money can be expended on operating capital uses, but a project referendum requires a project, which is more specific than a choice of operating-capital permitted uses, but which is precisely defined as a *project*, which is a building or site improvement greater than $100,000 (MS § 123B.71),

46. Project money is permitted to be spent for operations as construction goes hand-in-glove with bringing new space into operability, which means outfitting it as may warrant any dimension of the range of permitted operating expense. See again MS § 123B.63 subd. 2: "the capital project referendum account must be used only for the purposes…including the…betterment for a project…under section 123B.71." MS § 123B.63 subd. 2.

47. Gutting and renovating a library media center could be an example of an eligible "technology project" with next generation spaces for media experiences, where the Commissioner of Education need not review and comment on the capital investment under MS § 123B.71 Subd. 8. Subdivision 8 (*Id.*) clearly, in no way, provides an exempt from subdivision 2 higher up in § 123B.71, which sets out the demand that a project is building or site improvement of over $100,000.

48. There is no cause for representing those things which are clearly on the list of operating levy expenditures as a proper cause for a project levy account, as a matter of misleading the public as to nature or quality of the expenditure. The Respondents should just do the obvious alternative, which is their published Plan B, which ought to have been a correct Plan A, which is simply

increase the operating capital levy, rather than renewing without public vote, contrary to their promises when voters approved it.

49. In sum and substance, Respondents would have this Court change the meaning, effect, and carefully negotiated equitable formulations of the statutes to make a project levy just an operating capital levy kept in a subaccount.

50. Accounting can track a separate account without violative use of a referendum supposed to be about real estate development value. Respondents would have this court cut out the special purpose of the "capital project levy" being limited to a building or site improvement, in recognition of the special status of real estate development, cognizable to voters and falsely branding, in this case, equipment forecast to have, on average, a less-than-three-year useable life.

51. Defendants would be able to package their technology operating capital levy as a "tech levy," for short, if they wanted, as having a designated account to track budgetary spending with equal force as under their invalid proposal. This, would of course be renewable and as this is the valid interpretation of the levy on the ballot, this arguably is the default (see the next subsection, infra).

52. The closest things Respondents have to identification of a *project* is a plan to possibly add some security cameras, which are very much movable fixtures or not likely to be of any measure of building or site improvement—certainly not the $100,000 statutory threshold (in the course of the ten years). There is furthermore only consideration of cameras, not a definitive plan, and were the cameras worth anything, they are easily removable—but as Petitioner's evidence shows, the District is not shy to crush and destroy moveable property once it is aged (Respondent's past behavior shows an inclination to destroy usable moveable property that has aged).

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53. Annual software license expenditures and subscriptions have far less permanent value than textbooks, which totally betrays the clear and inherent purpose of a capital project referendum. Particularly where there are four other referenda options that would be more accurately fitting. There is a technology referendum, specifically for such as equipment and other operating capital expenditures, and two general operating capital options, as well as a school safety referendum that would be appropriate for items the Respondents would so brand.

SUBPART 3) DOUBLING WITHOUT PUBLIC VOTE

54. *Foley v. Donovan* is most cited for having laid out the following: "Our elections are bottomed on the theory that no candidate for an office [or likewise for ballot questions—the up-or-down proposition before voters] ought to be given an unfair advantage over another and the people ought to be permitted to know whom and what they are voting for." *Foley,* 274 Minn. 501, 503.

55. As it is entirely correct to find the proposed referendum to be correctly construed as one of a few referenda types even more directly identified as being subject to doubling without public vote, the risk of such is particularly acute.

56. However, in the examination of the Statutes as a whole, the plain text of the 2023 Session Law additional provision about the renewability of school board referenda, which says "notwithstanding" the option for voters to pass renewals of school board referenda, board's may do so once per referendum, which in effect doubles the outcome for taxpayers without their vote. 2023 Minnesota Session Laws Article I § 25.

57. This new subdivision of the rules of education taxation (MS § 126C), which is part of MS § 126C.17, i.e. the new subdivision "9(b)," has no language which limits itself from

applying equally to all ingredients of "total operating capital revenue" and the other levies named in MS § 126C.10, subdivision 1.

58. The new MS § 126C.17, subdivision 9(b) references the current subdivision 9. Subdivision 9 specifically names its application to all referenda sources of the "total operating capital revenue" and the other levies named in MS § 126C.10, subdivision 1.

59. The capital project levy's statutory articulation in MS § 123B.63 reiterates the MS § 126C.17, subdivision 9. Subdivision 9 is called, "Referendum revenue," which clearly affirms the general application. Chapter 126C is the "Education Funding" Chapter of the Statutory Law of Minnesota, standing in place of the former, now repeal Chapter that was called "Education Finance."

60. The plain reading of the statutes indicates that the Rochester Schools Board of Education of 2033 would have the authority to double this levy, via the new renewal-without-voters-decision option.

61. Section 25 of Article of Chapter of the 2023 Minnesota Session Law reads: "Subd. 9b. Renewal by school board. (a) Notwithstanding the election requirements of subdivision 9, a school board may renew an expiring referendum by board action if" where nothing in the following language hints at any restriction to certain types of referenda—the text makes the "renewal by school board" option otherwise relatively similar to the MS §§ 126C.17 subd. 9 or 123B subd. 3(d) renewal by voter approval options.

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URGENCY OF RELIEF

SUBPART 1) EQUITABLE ANALYSIS

62. To recite the essential facts for the equitable analysis concerning relief. The Respondents received approval for a ballot referendum to add revenue for the school district budget on August 1st of 2023. Petitioner was notified by fellow concerned citizens about the uncertainty regarding the application of the new statutory referendum levy renewal (MS § 126C.17 subd. 9b) and potential for the levy to be putting double the amount of tax described at stake.

63. Equitable analysis, here, about the propriety of relief, which should be uniquely considered in this exact situation and circumstances as they unfolded and whether or not respondents are prejudiced, which means would have been able to fix the situation well after voting started. As they waited until just before the required notice window to pass their referendum resolution, there was no time for them to have re-promulgated a valid exercise that they deliberately avoided doing to avoid the harder, straightforward public campaign that simply would have sought at $27 MN USD operating capital levy to commence immediately or following the expiration of the current, next year.

64. Equitable analysis in the context of election cases involves consideration of fairness to both sides of a ballot proposition and the electorate. In the context of ballot placement challenges, there is a comparison of the relative culpability of the parties. In subpart 5, below, it is rightly put to the Court that Respondents' error is clearly the culpable. Petitioner rightly could not merely raise a hand about a misspelling in bringing this petition any sooner with respect to significance to prejudice. Petitioner needed to rightly vet and consequently present the situation of the legislative context beyond the obvious noncompliance of the law, after that fact was incidentally come across, only very recently, well into the voting period.

65. It is the Respondents' duty to act validly and public presumption of valid action being betrayed is not a fault chiefly culpable to the taxpayers.

66. Even if the petitioner in not found to not have brought the matter diligently as caused prejudice that the respondent could have avoided with earlier notice, the availability of alternatives for the respondents is a categorically determinative factor for granting the petitioner's relief: "Even if that delay was unreasonable" the availability of effective alternative as a remedy for the prejudice is determinative in Minnesota jurisprudence. Monaghen v. Simon 888 N.W.2d 324, 330-331 (2016)."

SUBPART 2) DILIGENCE MEASURED BY EFFORT

67. In the course of examining that ambiguous new statute (which clearly is not written with any deliberate limitation of its application to any subset of school funding referendum levies, though most experts seem to agree the intent is only for a subset to be eligible at this time), and attempting to figure out the risk of this referendum to be so renewed without a vote, with other concerned citizens, the group identified the controlling ballot defect.

68. The Petitioner has acted with the vigorous diligence in bringing this matter. Consideration of petitioners' diligence need to consider petitioners becoming aware of *placement issues* such as lack of the project element in the ballot text, after voting has started. Education financing is a complex and carefully mastered formula, and it was obviously appropriate vet this notice. Diligence cannot have been expected to be equivalent to raising a hand when Respondents would be potentially abusively retaliate. I, the Petitioner, acted in good faith upon only the due diligence. Petitioner cannot be found to have "'not been diligent in asserting a known right…at the expense

of one who has been prejudice by the delay.' *Winters v. Kiffmeyer*, 650 N.W. 2d 167, 169 (Minn 2002). *Clark v. Pawlenty* 755 N.W.2d 293 (2008)."

69. The term, "diligence," rightly invokes the concept of the petitioner's work. In some cases, the work required to bring notice of a ballot error is simply giving notice of a misspelling; in the instant situation, it is proper to have knowledgably briefed the court about the problems, which has required connecting with the Minnesota School Boards Association, the Revisor, Legislators, the Department of Education officials, and others able to meaningful contribute to this understanding. It is obviously proper to have sought input from experts and others in order to properly bring this.

70. To argue a lack of diligence, Respondents would have to meet the standard of such as *Piepho v. Burns*, 652 N.W.2d 40, regarding proof to undiligent delay, "we cannot conclude that petitioner failed to assert a *known* right within a reasonable period, and therefor deny the motion to quash." emphasis original, *Piepho*, 652 N.W.2d at 43.

71. Stated "Plan B" would have been the logical alternative if notice had been well prior to voting having started, not a ballot-correction situation. District efforts to have tried to have cleaned up earlier misinformation and to provide notice to those who had already voted would have brought costs equivalent to or greater than alternative financing means.

72. It was correct not to bring the issue on the matter of the unclarity of impacts of 2023 Minnesota Law capital project levies compared to operating capital levies, given such is, upon examination, mostly relevant as a result of the failure of the proposed levy to be a valid capital project levy. The certain, likely, potential, or possible risk of the "doubling" of the tax without a vote by the public electorate.

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SUBPART 3) JURISPRUDENTIAL CONCERNS AGAINST LACHES

73. Refusing to enforce the legislative restriction that project levies be *for projects* would undermine decades of legislative "equalization" policy. Respondents are attempting to package permitted operating levy (MS§ 126C.10 subd. 14) expenditures—which are supposed to be merely for the "betterment" of a project, *as a project*.

74. This would enable, directly as Respondents are attempting to do, the pursuit of that which is effectively legislatively supposed to be an operating capital levy as a project levy. The legislature "equalizes" operating levies, so that higher property tax areas (i.e. higher-on-the-range net tax capacity) effectively share some "equalization" with lower property tax (i.e. comparatively lower net tax capacity).

75. Rochester real estate is projected to increase faster than state averages, increasing the significance of thwarting equalization over the scope of the levy (whether or not it would end up being a 10 years or 20 years). Resounding investment activity of major national REIT players in Rochester supports the likelihood of such property investment performance (price increases).

76. Were Respondent Pekel et alia's scheme held legitimate by this Court, Westonka's whole referenda, arguably, should have been stuck under its capital project levy.

77. Indeed, were Repondents' scheme held legitimate, equalization of operating capital levies would be obliterated in magnitude by all districts that net, "pay in," i.e. lose money, in equalization, being obligating to instead package, for their constituents' benefit, all operating capital levies as project levies, which is all Respondents are doing here (though perhaps to mostly to avoid asking for the 27 million operating capital levy, which is in terms plan B and the primary lawful route to increasing funding). Asking for 27 million in taxes on the ballot is harder to do.

78. The straightforward, honest ask of taxpayers being harder to do, the pressure to have a strong win-rate on referenda in competing with other district administrations and such—neither of which is a justification for thwarting the rules and undermining the statutory law, including equalization of operating capital levies.

SUBPART 4) ADDITIONAL FACTORS AGAINST THE RESPONDENTS

79. Respondents' election unfairness violative of the Foley rule about straightforwardly communicating the choice to voters includes Respondents' Misinformation. Which, as described primarily in subsection 2 of the "Controversy" section, supra, includes Defendants wrongfully attributing to the public impression of the levy that the expenditures would have durable or perennial value. More than this, the tax is foremostly labeled as being for technology, when technology is at best forecast to be under 30% of the expenditure. In addition to the factors discussed above, Defendants admit in the Agenda text that most IT support staff will continue to be paid from general fund money, even though such is included in the ten million dollar budget forecast for software, equipment, and tech support. Thus, that remainder of approximately three million is clearly well short of the three million the amount of the IT support staff costs.

80. Major Additional Factor (1): A first major additional factor of Respondents' election unfairness is the coercive implied messaging to public regarding student data protection prioritization in response to public vote:

81. Coercion of voters' regarding private data security of their children is, upon information and belief, violative of the Minnesota Government Data Practices Act. The news broadcasts exemplary of the evening broadcast television reports of 20 October 2023, which, across the board conveying Respondents' messaging stressed that day and week that if a majority of electors denied the tax increase that students' private data would face a significantly increased quantum of risk.

82. One cannot view the messages broadcast through the major network's service as a conduit for informational campaigns as threatening that which cannot be threatened or hazarded under the Minnesota Government Data Practices Act.

83. The Minnesota Government Data Practices Act permits the District no discretion to not prioritize the mitigation of any such significant risks (Minnesota Statutes § 13). That is not a budget item that can be cut or such would be a deliberate violation of the Minnesota Government Data Practices Act (MS § 13.09).

84. The Respondents might say that they are not putting sound security measures at stake in the election, as was effectively broadcast, but obviously that was the intention that led to the broadcasters conveying that message.

85. The written material of Respondents gives no assurances that all statutory duties to protect student private data are being upheld regardless of the decision—again, the purpose of this "information" is to suggest significant risk to private data without public consent to taxation—which the Respondents would not have lawful discretion to choose in terms of priorities.

86. Major Additional Factor (2): A second major factor to be held against the Respondents in any comparison of the fairness of Petitioner and Respondents is Respondents joint or concerted-action conversion, withholding, or obstruction of Petitioner's requested public data.

87. Petitioner was informed by the local election officials at the County, which is operating the School District's election through the School District's agreement with the City, that data updates of absentee ballot deliveries and submissions would be made available to Petitioner at little or no charge, at regular intervals through the weeks remaining of the campaign.

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88. Respondents' election unfairness includes unfair electoral play from elections office, which is also violative of Chapter 13 as an independent matter suiting enforcement from this court (MS § 13.08).

89. Upon information and belief, Respondents possess numerous insiders on the ballot board or otherwise have data monitoring capability of some form to track or scope absentee balloting activity. Thus, Respondents have meaningful intelligence on balloting without needing to pursue data requests as would make Petitioner's access more blatantly unequal.

90. Contrary to county election official promises, Olmsted county attorneys are instead threatening to produce zero meaningful data (they have said they will only produce information after the election), which is precisely contrary to the promises of election officials. Upon information and belief, this continuing violation of Minnesota Data Practices Act is joint concerted action with Respondents to prevent Petitioner from obtaining data property that was rightfully promised by the County to use as a deliberate means to interfere with our constitutionally protected and lawful political activity as citizens concerned about a misguided and improper ballot referendum, et cetera.

91. Again, Respondents are behaving in pattern seeking an unfair election on this property tax increase question, et cetera. As a result of the Respondents' governmental obstruction of our constitutionally protected political activity and constitutionally protected petition activity against governmental unlawfulness, we cannot report to the Court how many individuals have voted.

92. Major Addition Factor (3): Respondents plan to shift money collected under the proposed memorandum within the range of permitted operating capital revenue uses, whereas Subdivision 4 of MS § 123B.63 says of "excess levy proceeds....[That] [a]ny funds remaining in the capital project referendum account that are not applied to the payment of the costs of the

approved project before its final completion must be transferred to the district's debt redemption fund."

93. Obviously, Subdivision 4 of MS § 123B.63 clearly establishes that budgeting is to be relatively tight. Not a situation where district's a free to slough spending to any MS-§-126C.10 subd. 14, i.e. permitted uses for total operating capital, which is an underlying premise of the Respondents void notion of packaging operating capital expenditures and calling such project.

94. As observed above, Respondents note in the Agendas cited (Item 8.1 of the August 1st and Item 7.1 of the July 25th) that they would plan to annually edit or change the list of priorities, staying within the list of permitted operating capital expenditures.

95. Where the statutes say the fat trimmable from the completion of the "building or site improvement" and its "betterment" with certain operating capital expenditures to outfit it for use is to go to the district debt redemption fund, they mean for project referenda not to be slushy as Respondents would treat it, here, where the objective is not a building or site improvement.

SUBPART 5) CULPABILITY COMPARISON

96. The Court could not, in equitable analysis, were the Respondents to object to the instant Petition being granted relief, find that the Petitioner were in greater fault than Respondents for the error here.

97. There are numerous cases in the line of MS-§-204B.44 cases where a mistake on the ballot could have been corrected immediately, with little harm to anyone.

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98. Naturally, jurisprudence does not want parties to delay giving notice of a problem as would harm or prejudice a candidate or ballot-question propositioning group. So, laches stand as the equitable measure to require diligent action upon awareness.

99. But this is not a situation where the offense of the statute was obvious without some knowledge of it, which first required identifying they relevant statute. It is obvious when you consider the requirements of a project for a project levy, which is not trivial—it is what distinguishes the project levy from a generic operating capital levy and a few other options.

100. Respondents, given the time to officially notice their ballot question prior to the start of voting, did not resolve upon the ballot question until the 11th hour. There would have effectively been no time to have noticed the violation in time for the Respondents to have made a correction and repromulgated a valid approach without a delay in voting or prejudice to voters, that would have warranted the prudent decision to simply delay the revenue authority or seek one of the available alternatives the Respondents have for these funds.

101. Thus, one might say that even if Petitioners had noticed this most obvious fault of the violation of the project requirement far earlier in voting, the appropriate remedy would have been the same as it is appropriately now: Respondents going with their plan B, i.e. waiting a year. But, again, they do have other alternatives.

102. The whole scheme was to misrepresent an increase to flex spending as a smallish tech levy this year and renew a levy they promised voters would not be renewed without a vote, by the new renewal without-a-vote. This was a plan to achieve by an easier means than simply telling voters their straightforward intention: renewing the expiring operating capital levy ten million dollars higher. Plan A was to effect the same net result as Plan B, but schemed a sneakier way of doing it.

103. Moreover, the Respondents clearly established their knowledge of trying to get cute, nonchalant, and lose with the fundraising terms, as if possessing a conceit that they, not the legislature, get to set their own instruments of financing.

104. The Administration admits in its July 25th Meeting Agenda that "While the formal name of the funding source that the superintendent proposes RPS utilize to advance this component of the district's financial stabilization strategy is 'capital projects levy,' given that RPS would use funds generated by the levy to support initiatives focused on technology, the term technology levy more accurately reflects the purpose of the proposed levy. As such, that is the term used in the remainder of this agenda item and that will be used providing information on the levy proposal to the Rochester community if the School Board votes to place the levy on the ballot. Agenda item (7.1) titled, "Approval of the 2023 Referendum Proposal," of the 25 July 2023 meeting.

105. The Respondents' conceited attitude, or pride, one might say, which has disregarded the actual statutory requirements is at fault, here. The disregard includes disregard, or deliberate avoidance, of the Legislature's formulation that funding operating capital bundles should be equalized, whereas building or site improvement projects, which may rightly entail some outfitting expenses of the operating capital varieties, may be exempt from equalization.

SUBPART 6) FITTING ALTERNATIVES FOR REPSONDENTS

106. Respondents have alternatives available. Again, *Monaghen v. Simon*, 888 N.W.2d 324 at 330-331 provides that the Minnesota Supreme Court has never denied a ballot challenges due to a laches objection where there is a reasonable alternative means for the proposition or candidate to receive consideration or need met.

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107. There are bonding actions and special election possibilities. The Respondents have already set out that they have a "back-up" plan, which actually is the plan that would not seek to abuse the statutory revenue authority, which is simply to seek an increased operating levy authority next year.

108. Respondents also discuss in the relevant July 25th and August 1st Agendas using MS-§-123B.61 certificates for technology purchases, which do not require organizing elections and thus might be available alternatives on the same course.

109. Respondents would have been straightforward in asking for the revenue authority by having presented this as a $27 MN USD operating levy referendum, set to increase from the expiring amount of $17 MN USD. Instead, the tactics is clearly to mislead about the nature of the property category of the investment, about the expenditure, about the security measures the district is required to maintain under Chapter 13 of the Minnesota Statutes, et cetera.

110. Respondents clearly have the alternative that would have been the straightforward way to present and request what it is that the actually intend to take.

111. The Court cannot find it inequitable for the Respondents to do as they ought to have. But they do have a number of additional alternatives—including managing the money they have better.

112. Respondents motive is to mislead with this false project levy and then extend the revenue of the current $17 MN USD, which the District had promised voters it would not do without their vote, without the public vote. The Respondents have stated this intention to use the new renewal without public vote option (the new MS § 126C.17 subd 9b).

113. Not having $10 MN increase for a year would amount to a 2% hardship for a year (based on an estimated $430 MN USD revenue) this is effectively no sufferance at all, and the District would have multiple alternatives to recover this revenue or more, if warranted.

SUMMARY OF THE EQUITY OF GRANTING THE RELIEF

114. Petitioner have made diligent and thorough effort to present this Petition to the Court, that the Court may properly relieve the public of an improper ballot, which would cause at most, by itself, a 2% shortfall for a year, according to Respondents' already pronounced plan if this levy were fail at referendum. The school district would have, indeed, other immediate financing options, including bond sales, if this 2% shortfall for a year warranted such action.

115. For the Respondents to say their expenditure in this campaign should not be wasted, would require a finding that Respondents have conducted a worthy campaign. School districts are obligated under the restrictions of only providing non-persuasive, unbiased information about the ballot question.

116. As Petitioner's have clearly articulated, the Respondents have clearly not made a fair campaign that should survive *Foley* analysis of a fair choice having been put to voters so that voters know for what they are voting. *Foley,* 274 Minn. 501. Calling it a capital project referendum is misleading and pointedly impermissible as Respondents have stated it. Project levies are supposed to be for the completion of specific projects, but Respondents admit they would retain the power to change the expenditures at any meeting of the Board, with the intention of doing so no less frequently than annually. Although $10 MN is purportedly being raised for technology—the notion Respondents know they are projecting to most persons who would actually vote upon belief in their information—Respondents admit in the fine details that $ 7MN of the planned and negotiated result has nothing to do with technology spending, at all, but is simply an increase of flex money.

117. Indeed, there are many other factors that clearly warrant that Respondents' improper pursuit of the wrong financial tool cannot merit a court's effort to rescue their campaigning. The risk to the public of an unfair decision is great.

118. Petitioner's original concern, whether or not this referendum would be renewable, under the new MS § 126C.17, subd. 9b authority, is still unclear, particularly as this is not a valid project levy and substantively clearly a renewable operating levy. The fact of whether this is one hundred million dollars from taxpayers or two hundred million dollars from taxpayers is obviously consequential to voters. Clarity not provided by the statute, itself, would arguably merit this action, but it would only be feasible to have researched, with some appropriate and hasty due diligence, the matters of Minnesota "Education Funding" policy prior to articulating this Petition and is cognizable for the Court.

119. Given there was effectively no time between the Respondents' decision to pursue this ballot and the time required to notice the ballot question prior to such being on the ballot, there would not have been time to Respondents to have promulgated an operating capital levy. Regardless, such is the tip of the iceberg of causes to find a *Foley* risk of unfairness in the placement and campaigning regarding such placement to the electorate.

120. Respondents' errors and improprieties regarding this ballot question placement and aggravating this risks to the electorate of this placement are a continuing violation.

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COUNTS

121. COUNT I) Respondents have written an invalid 2023 ballot question seeking a property tax increase.

122. COUNT II) Respondents have sought to misinform and mislead the public about the value of the impermissible levy, falsely categorizing it as a real estate improvement to the public property, where over 70% of the funds is simply transferred to utter flex spending (across-the-board items) and there is to be no, or effectively zero, building or site improvement.

123. COUNT III) Respondents have told the public that this property tax levy puts $100 MN USD at stake when $200 MN USD is or may be actual potential take entailed by this vote.

124. COUNT IV) Respondents have suppressed, obstructed, and retaliated against Petitioner's substantive-due-process-protected and first-amendment-protected petition against anti-democratic taxation contrary to the terms of voter authorization. These Respondent tactics have included derogatory representations, attacks, or ridiculing of Petitioner to undermine public consideration of Petitioner.

125. COUNT V) Respondents have unconstitutionally treated Petitioner and peers unequally and targeted them as critics of Respondents.

126. COUNT VI) Respondents have violated Petitioner's procedural due process rights to fair elections conduct under Minnesota law in violation of Petitioner's first amendment right to political assembly and to petition the government for the redress of grievances.

127. COUNT VII) Certain Respondents have violated the "informational"-scope only limitations upon campaign activity of Respondents as school-district representatives. This

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includes misrepresentations including regarding the nature and scope of financial liability of the property tax proposed—as well as regarding the expenditure plans.

128. COUNT VIII) Upon reasonable belief: certain Respondents are deliberately sustaining an unconstitutional and unlawful advantage of Olmsted-County-held absentee ballot data as obstructs this petition and our constitutionally protected election activity.

129. COUNT IX) Upon reasonable belief: certain administrative-role Respondents, including Respondent Pekel have deliberately caused public media broadcast of an implication of significant risks of the exposure of schoolchildren's private data to hackers or malicious abusers of data as a means of improper coercion of the public vote and misinformation about school officials obligations under the Minnesota Government Data Practices Act to protect private data of students, parents, et alia. Protection from significant threats is not optional and the Respondents do not have the discretion to put such at stake in exchange for the public's vote to increase its taxes. It is a matter of law that all warranted diligence of protecting private data is due of officials under Minnesota Statutes 13 and such is not a priority that a school administration can negotiate fulfilling with the public if the public consents to higher tax. Public media broadcasts on major networks bound to serve as conduits of public election information on Friday, 20 October 2023, as an example, clearly presented the public of a significant risk to their children's private data if voters did not submit to increased property taxation by the school district.

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CLAIMS

130. Claim for Ballot Error Injunctive Relief. The Court should find, under MS § 204B.44 and otherwise, that Respondents' referendum to be subject to nullifying or striking injunction for its invalidities due to statutory failures, the unfairness to the public, the risk of improper or abusive applications of statutory authority, and as punishment to false and misleading campaigning by Respondent officials.

131. Claim for Civil Judgment. The Court should find, under Rules 56 or 57 or under M.S. §§ 555 or 586, the Rochester Public Schools District Administration and officials, Respondents, to be subject to injunction corrective or sanctioning Respondents' misleading, dishonest, and exceeding-the-limits-of-"informational" campaigning for this funding, for Respondents' capricious and derogatory treatment of Petitioner, for Respondents violations of the Minnesota Government Data Practices Act, and for Respondents' attempted jerry-rigging of a falsely categorized referendum.

132. Claim of Group Concerted-Action Liability. The Court should find Respondents joint-and-severally liable for their concerted group action against Petitioner and other critics and in deliberate violations of campaign fairness under *Foley* (274 Minn. 501, 504).

133. Claim for Other Declaratory Relief. The Court should make any or all other declaratory rulings affording taxpayers notice, due process, and proper taxation treatment by Minnesota school districts that correct or protect against capricious or improper application of 2023 Minnesota Session Laws.

134. Claim for Data Practices Vindication under MS § 13.08. The Court should find violations of Minnesota Government Data Practices Act, MS §§ 13.03 subd. 2 & 3 (failure to have a procedure that prevented county attorney's office and data practices act from unlawful

political and anti-election, 13.09 (willful non-response and non-production), and other aspects of Chapter 13 according with the threat to not perform stated significant security expenditures if the revenue increase is not approved by voters.

135. Claim for Alternative Civil Rights Vindication. The Court should alternatively find Minnesota State equivalent relief or recommend removal to federal jurisdiction for prosecution of civil rights claims under 42 U.S.C. § 1983 for violations of equal protection in discriminatory mistreatment and targeting, suppression of petition concerning schemes to tax contrary to public commitments, conversion of property to suppress election activity, etc.

REMEDIES

136. The Court should order the Respondents to Respond as immediately as possible, preferably admitting to the withdrawal or striking of the ballot question and its nullification. Should the Respondents object to the granting of relief, Respondents should file response showing cause against this Petition's being granted relief. Upon Petitioner's reply reiterating the petition in the face of further improper tactics, clearing away obfuscation, or otherwise addressing matters of the response, the Court should grant relief.

137. The Court should properly enjoin the 2023 Rochester Public Schools (ISD # 535) and contracted Olmsted County and Rochester City officials from carrying out further election activities for it other than announcing the invalidity of the ballot question referendum to increase property taxes, including nullification or other relief for the protection of voters and as a consequence for transgressions of the rules by the taxing administration. The Court should

properly enjoin Respondent officials for the vindication of Petitioner and to make a teaching example of Respondents with respect to capricious and unfair actions of Respondents.

138. Attorney fees under Title 42 or under Minnesota precedents of governmental fault in a taxpayer, declaratory judgment case, or Minnesota Government Data Practices Act enforcement case.

139. Other relief consequential for Respondents' violations, misconduct, negligence, caprice, or erring as found or held.

With full asseveration of good faith, belief, and knowledge regarding the underlying facts and just cause for such claims as petitioner or complainant pro se in a state or federal pleading,

And furthermore, swearing to have brought the instant petition with the greatest haste I have been able to muster,

Cassie McGregor 10/30/2023

Cassie "Casey" Lynn McGregor 30 October 2023

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