

SUPREME COURT OF MINNESOTA

Reiter v. Kiffmeyer

721 N.W.2d 908 (Minn. 2006) · No. A06-1508 · Decided September 28, 2006

SUMMARY

The Minnesota Supreme Court held that Minn. Stat. § 204B.11, subd. 2, does not require signatures on a petition submitted in lieu of a filing fee to be collected during the statutory 14-day filing period. The court rejected the petitioner’s equal protection argument, granted the motion to dismiss, and denied the petition seeking removal of Gil Gutknecht’s name from the primary-election ballot.

CASE DETAILS

COURT	Supreme Court of Minnesota
WRITING FOR THE COURT	Per Curiam
JURISDICTION	Minnesota
DECIDED	September 28, 2006
DOCKET	A06-1508
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petition under Minn. Stat. § 204B.44 seeking an order directing the Minnesota Secretary of State to remove a congressional candidate's name from the 2006 Republican primary ballot. The intervenor moved to dismiss for failure to state a claim, and the Supreme Court of Minnesota granted the motion and denied the petition.
STANDARD OF REVIEW	Statutory construction is reviewed as a question of law. The court determines first whether the statute is ambiguous and applies its plain meaning when it is plain and unambiguous.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Minnesota
PARTIES	Louis H. Reiter v. Mary Kiffmeyer, individually and as Secretary of State of Minnesota, Gil Gutknecht, intervenor and respondent

TOPICS

- election law
- election administration
- statutory interpretation
- plain meaning rule
- equal protection

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Minn. Stat. § 204B.11, subd. 2, requires signatures on a petition filed in lieu of a filing fee to be affixed during the 14-day filing period.
2. Whether the Equal Protection Clause requires the petition-in-lieu-of-filing-fee statute to impose the same signature-timing limitation applicable to nominating petitions.

HOLDINGS

1. Minn. Stat. § 204B.11, subd. 2, is plain and unambiguous and does not require signatures on a petition in lieu of the filing fee to be affixed during the 14-day filing period.
2. The Equal Protection Clause does not require imposing the signature-timing limitation applicable to nominating petitions on petitions filed in lieu of filing fees because the two petitions serve different purposes and the filing-fee alternative is equally available to all candidates.

KEY QUOTATIONS

“We conclude that section 204B.11, subd. 2, is plain and not ambiguous: it does not require that signatures on a petition in place of the filing fee be affixed during the filing period.” (at 910)

“Had the legislature intended to limit the period during which signatures on a petition in place of the filing fee could be obtained, it would have expressly done so.” (at 911)

“Because the petition in place of the filing fee is equally available to all candidates, this case does not present an equal protection issue.” (at 912)

FACTUAL BACKGROUND

Gil Gutknecht sought the Republican Party nomination for United States Representative for Minnesota's First Congressional District. Instead of paying the \$300 filing fee, he filed a petition bearing approximately 1,626 signatures; only about 300 were dated within the July 4–18, 2006, filing period. The Secretary of State accepted the filing and certified Gutknecht for the primary ballot. Reiter challenged the certification, contending that all required signatures had to be affixed during the 14-day filing period.

PROCEDURAL HISTORY

Gutknecht filed an affidavit of candidacy and a petition in lieu of the \$300 filing fee. The Secretary of State accepted the filing and certified Gutknecht as a candidate. Reiter petitioned the Supreme Court of Minnesota to remove Gutknecht's name from the ballot, arguing that the petition signatures had to be collected during the statutory 14-day filing period. Gutknecht intervened and moved to dismiss; the court denied Reiter's petition by order on August 22, 2006, and issued this opinion confirming that order.

DISPOSITION

dismissed

CASES CITED

- Camacho v. Todd and Leiser Homes, 706 N.W.2d 49, 53 (Minn. 2005)
- Zurich American Ins. Co. v. Bjelland, 710 N.W.2d 64, 68 (Minn. 2006)
- Wynkoop v. Carpenter, 574 N.W.2d 422, 425 (Minn. 1998)
- Christopherson v. Fed. Land Bank of St. Paul, 388 N.W.2d 373, 374 (Minn. 1986)
- Feick v. State Farm Mut. Auto. Ins. Co., 307 N.W.2d 772, 775 (Minn. 1981)
- Metro. Sports Facilities Comm'n v. County of Hennepin, 561 N.W.2d 513, 516-17 (Minn. 1997)
- Burkstrand v. Burkstrand, 632 N.W.2d 206, 210 (Minn. 2001)