

STATE OF MINNESOTA
IN SUPREME COURT
A26-0946



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Steve Carlson,

Petitioner,

vs.

Steve Simon, in his Official Capacity as
Minnesota Secretary of State,

Respondent,

Minnesota Department of Public Safety,
Driver and Vehicle Services Division,

Respondent.

O R D E R

On June 2, 2026, petitioner Steve Carlson filed a petition under Minn. Stat. § 204B.44 and for a writ of mandamus. Carlson alleges, in part, that respondent Secretary of State Steve Simon committed a wrongful act by refusing to accept his affidavit of candidacy for State Senate District 65 based on the statutory requirement found in Minn. Stat. § 204B.06, subd. 1b(a). That provision requires candidates to present a valid Minnesota identification card containing their current address or other proof of residency documents at the time of filing. Carlson alleges that he was “was unable to comply with this requirement” because respondent Department of Public Safety, Driver and Vehicle

Services Division (DVS), prevented him from obtaining a replacement Minnesota identification card. Carlson argues that this statutory provision is unconstitutional. On June 1, 2026, Carlson filed an affidavit of candidacy for United States Representative for Congressional District 7, which the Secretary of State accepted. Carlson intends to stay on the ballot for this federal office.

Respondents argue the petition should be denied as moot because Carlson filed his affidavit of candidacy for United States Representative for Congressional District 7, and Minn. Stat. § 204B.04, subd. 4, prohibits a candidate who filed an affidavit of candidacy for an office to be elected in a general election to file for another office that will also be elected in that same election. Respondents further contend that most of the relief Carlson requests, including all claims against DVS, are beyond the scope of a Minn. Stat. § 204B.44 petition. Finally, respondents argue that Carlson’s constitutional claims fail on the merits.

We conclude that Carlson’s petition must be dismissed because none of his claims are properly before this court. We begin with Carlson’s petition for a writ of mandamus, which is focused upon “mandamus relief directing DVS to perform its ministerial duty to issue a replacement identification card.” Minnesota Statutes section 586.11, however, is clear: “The district court has exclusive original jurisdiction in all cases of mandamus” That statute—along with our rules and precedent—provides only a limited exception for when a petition for a writ of mandamus may be brought directly to our court in the first instance *only* if it is directed to the court of appeals, the tax court, or the workers’ compensation court of appeals. Minn. Stat. § 586.11 (“If the writ is to be directed to the

court of appeals or a judge thereof in the judge’s official capacity, the supreme court or a judge thereof has original jurisdiction.”); Minn. R. Civ. App. P. 120.01 (stating that an “[a]pplication for a writ of mandamus ... in the Supreme Court directed to the Court of Appeals, the Tax Court, or the Workers’ Compensation Court of Appeals, or in the Court of Appeals directed to a trial court, shall be made by petition.”); *Clark v. Ritchie*, 787 N.W.2d 142, 145 n.2 (Minn. 2010). Therefore, this court lacks jurisdiction over this petition to the extent that it seeks mandamus relief. We have dismissed mandamus petitions filed in this court that fall outside these narrow exceptions, and we are compelled to do the same here.¹ *See Winters v. Kiffmeyer*, 650 N.W.2d 167, 168 n.1 (Minn. 2002).

Carlson’s remaining claims under Minn. Stat. § 204B.44 are likewise nonjusticiable or not properly before this court. To the extent Carlson is asking this court to order his placement on the ballot for State Senate District 65, this request is moot. This court cannot exercise jurisdiction unless a justiciable controversy exists. *Grove v. Simon*, 2 N.W.3d 490, 499 (Minn. 2024). “A moot case is nonjusticiable.” *Winkowski v. Winkowski*, 989 N.W.2d 302, 307–08 (Minn. 2023). This court will dismiss on mootness grounds when subsequent events have rendered a decision on the merits no longer necessary or effective relief no longer possible. *Grove*, 2 N.W.3d at 502.

¹ For the same reasons, we likewise deny petitioner’s motion for temporary relief, which relates to Carlson’s request for mandamus relief and asks this court to order DPS to process and issue an identification card.

Carlson’s claims regarding the denial of his affidavit of candidacy for State Senate District 65 are rendered moot by his subsequent affidavit of candidacy for Congressional District 7—which was accepted by the Secretary of State—and Carlson’s decision to remain in that race. “A candidate who files an affidavit of candidacy for an office to be elected at the general election may not subsequently file another affidavit of candidacy for any other office to be elected on the date of that general election, unless the candidate withdraws the initial affidavit pursuant to section 204B.12.” Minn. Stat. § 204B.04, subd. 4. Carlson has not withdrawn his affidavit of candidacy for United States Representative for Congressional District 7, and the withdrawal deadline has expired.² Nor has Carlson asked us to permit him to withdraw his affidavit of candidacy for United States Representative for Congressional District 7 if we were to otherwise order that his name appear on the ballot for State Senate District 65. Instead, Carlson is clear in his filings to our court: “I intend to stay on the CD7 ballot.”³ Thus, because Carlson’s affidavit of candidacy for Congressional District 7 was accepted by the Secretary of State and not subsequently withdrawn, to the extent Carlson brings claims for relief regarding

² The state primary is August 11, 2026, and the time period to file affidavits of candidacy expired on June 2, 2026. *See* Minn. Stat. § 204B.09, subd. 1 (stating “affidavits of candidacy ... shall be filed not more than 84 days nor less than 70 days before the state primary”). The last day to withdraw an affidavit of candidacy was June 4, 2026, at 5:00 p.m. *See* Minn. Stat. § 204B.12, subd. 3 (stating “an affidavit of withdrawal ... shall not be accepted later than 5:00 p.m. on the last day for withdrawal”); *see also id.*, subd. 1 (stating “[t]he affidavit [requesting withdrawal] shall be filed no later than two days after the last day for filing for the office”).

³ On June 10, 2026, Carlson filed a motion to accept a reply to the respondents’ June 10, 2026 filings. We grant this motion and order that Carlson’s reply be deemed filed as of June 10, 2026.

the rejection of his affidavit of candidacy for State Senate District 65, those claims are moot.⁴

Any of Carlson’s remaining claims for a declaration about how Minn. Stat. § 204B.06, subd. 1b(a), may be enforced do not fall within the scope of Minn. Stat. § 204B.44. The same is also true to the extent that Carlson’s petition can be construed as not seeking his placement on the 2026 ballot for State Senate District 65 but nonetheless challenging the Secretary of State’s actions and the constitutionality of Minn. Stat. § 204B.44. The “principal purpose” of section 204B.44 “is to provide a mechanism for correcting errors alleged to have occurred before the election, such as errors and omissions ... in preparing or printing the official ballot.” *Coleman v. Ritchie*, 762 N.W.2d 218, 231 n.13 (Minn. 2009); *see also Clark v. Pawlenty*, 755 N.W.2d 293, 299 (Minn. 2008) (stating that section 204B.44 “provides a remedial process only for correction of the ballot and directly related election procedures”). The statute “is not a broad vehicle through which any conduct with any relationship to an election, however tangential, can be challenged.” *Carlson v. Ritchie*, 830 N.W.2d 887, 894 (Minn. 2013). And “[s]ection 204B.44 may be used only as a procedural mechanism to bring ‘a challenge in the context of a *single specific election*, rather than a challenge to election policies generally.’ ”

⁴ Carlson does not argue, and we also conclude, that no mootness exception applies. *See Benda for Common-Sense v. Anderson*, 27 N.W.3d 155, 158 n.6 (Minn. 2025). In particular, we note that the “capable of repetition, yet evading review” doctrine is not implicated here. *See Kahn v. Griffin*, 701 N.W.2d 815, 821 (Minn. 2005) (citation omitted) (internal quotation marks omitted). Although the circumstance here may be capable of repetition, it is only evading review because of Carlson’s own “inten[tion] to stay on the CD7 ballot.”

Benda for Common-Sense v. Anderson, 27 N.W.3d 155, 159–60 (Minn. 2025) (quoting *Minn. Voters All. v. Simon*, 885 N.W.2d 660, 665 (Minn. 2016)). In light of Carlson’s failure to bring a justiciable claim that he should be placed on the ballot for State Senate District 65, all of Carlson’s remaining claims challenging Minn. Stat. § 204B.06, subd. 1b(a), generally and its application to him here, fall outside the scope of a petition brought under Minn. Stat. § 204B.44.

We thus conclude, under these circumstances, that Carlson’s petition for a writ of mandamus and for relief under Minn. Stat. § 204B.44 must be dismissed.⁵

Based upon all the files, records, and proceedings herein,

IT IS HEREBY ORDERED that the June 10, 2026 motion of petitioner Steve Carlson to file a reply is granted. The reply is deemed filed as of June 10, 2026.

IT IS FURTHER ORDERED that the petition of Steve Carlson for a writ of mandamus and for relief under Minn. Stat. § 204B.44 is dismissed.

Dated: June 23, 2026

BY THE COURT:



Natalie E. Hudson
Chief Justice

⁵ Because we are dismissing the petition on these grounds we do not reach the merits of the parties’ arguments.