

STATE OF MINNESOTA

IN SUPREME COURT

A26-1178

Tim Holden,

Petitioner,

vs.

Steve Simon, in his official capacity as
Minnesota Secretary of State,

Respondent.

O R D E R

On July 10, 2026, petitioner Tim Holden filed what is captioned as a “writ of mandamus asking the court for immediate emergency placement on the 2026 governor ballot.” (Capitalization and emphasis omitted.) Holden claims that he is “appealing the last correspondence from Lauren Bethke with the Minnesota Secretary of States office,” but he did not include that correspondence or otherwise describe it in his filing. Based on other materials that Holden filed, he appears to allege that on June 2, 2026, he submitted materials to be placed on the 2026 ballot for Minnesota Governor for the Democratic-Farmer-Labor party but did not appear on the ballot, and he seeks relief under Minn. Stat. § 204B.44.

On July 13, 2026, we ordered petitioner, among other things, to file and serve any additional materials in support of his petition, including the correspondence from Lauren

Bethke with the Minnesota Secretary of State's office that petitioner claims he is appealing as well as to address whether his petition is barred by the doctrine of laches. The court further ordered respondent Secretary of State to address whether the petition is barred by laches.

On July 15, 2026, Holden submitted additional materials in which he claims this suit is not barred by laches and that laches is not relevant to this case. Holden, however, provides no legal argument in support of that position, and he concedes that he knew of his removal from the ballot by June 15, 2026.

In response to Holden's petition, the Secretary of State argues that the petition should be dismissed because it is barred by laches. If the case is not dismissed on laches grounds, the Secretary of State argues that Holden is not entitled to relief because Holden has not presented evidence that he complied with the statutory requirement to file his affidavit of candidacy jointly with the affidavit of an individual seeking nomination as lieutenant governor. *See* Minn. Stat. § 204B.06, subd. 7 ("An individual who files as a candidate for governor or lieutenant governor shall file the affidavit of candidacy jointly with the affidavit of another individual who seeks nomination as a candidate for the other office.").

"Laches is an equitable doctrine applied to prevent one who has not been diligent in asserting a known right from recovering at the expense of one who has been prejudiced by the delay." *Winters v. Kiffmeyer*, 650 N.W.2d 167, 169 (Minn. 2002) (citation omitted) (internal quotation marks omitted). We have applied laches to election ballot challenges, dismissing petitions when the petitioner does not proceed "with diligence and

expedition in asserting his claim.” *Clark v. Pawlenty*, 755 N.W.2d 293, 299 (Minn. 2008) (citation omitted) (internal quotation marks omitted); *see, e.g., Kieffer v. Governing Body of the Mun. Rosemount, MN*, 978 N.W.2d 442, 443 (Minn. 2022) (order) (finding petition barred by laches when it was filed 34 days after petitioners could be deemed to have actual knowledge of all relevant facts to bring a claim); *Olson v. Simon*, 978 N.W.2d 269, 270–71 (Minn. 2022) (order) (dismissing on laches grounds a petition challenging candidate residency filed 65 days after affidavit of candidacy); *Trooien v. Simon*, 918 N.W.2d 560, 561 (Minn. 2018) (order) (dismissing petition seeking to change the political party or political principle of a candidate when candidate waited 27 days to file the petition, which was after ballots had been printed and early voting had begun); *Martin v. Simon*, No. A16-1436, Order at 6, (Minn. filed Sept. 12, 2016) (dismissing petition to remove candidates from the ballot based on a two-week delay in filing); *Larkey v. Ritchie*, No. A12-1064, Order at 2–3 (Minn. filed June 28, 2012) (dismissing a petition seeking to strike a legislative candidate from the primary ballot who allegedly did not live in the district when affidavit of candidacy was publicly available 20 days before the petition was filed and ballots had to be made available four days after the petition was filed); *Clark v. Reddick*, 791 N.W.2d 292, 294–96 (Minn. 2010) (denying petition seeking to strike candidate’s name from the ballot when petitioner waited more than two months to file the petition, which was 15 days before absentee ballots were to be made available to voters); *Clark v. Pawlenty*, 755 N.W.2d 293, 298, 303 (Minn. 2008) (denying on laches grounds a petition seeking to strike a candidate’s name or remove the incumbent designation from a primary ballot filed 26 days before the primary).

“The practical question in each case is whether there has been such an unreasonable delay in asserting a known right, resulting in prejudice to others, as would make it inequitable to grant the relief prayed for.” *Kieffer*, 978 N.W.2d at 443 (quoting *Winters*, 650 N.W.2d at 169). Regarding unreasonable delay, Holden concedes that he knew of his removal from the ballot by June 15, 2026. Despite learning of his removal from the ballot on June 15, 2026, Holden waited almost four weeks (25 days) before filing his petition on July 10, 2026. Holden offers no explanation for this delay in filing the petition. Instead, he points out that he “immediately reached out to Lauren Bethke with the Minnesota Secretary of State’s Office.” But that is not the same as filing a petition. This length of time is well within the range of past decisions where this court has found delays of two weeks to 27 days unreasonable. *See, e.g., Trooien*, 918 N.W.2d at 561 (delay of 27 days); *Martin v. Simon*, No. A16-1436, Order at 6 (Minn. filed Sept. 12, 2016) (two-week delay in filing); *Larkey v. Ritchie*, No. A12-1064, Order at 2–3 (Minn. filed June 28, 2012) (20-day delay); *see also Kieffer*, 978 N.W.2d 442, 444 (observing that even if using the three-week delay petitioners advocated for, that would be “longer than other delays we have found to be unreasonable”).

In addition to unreasonable delay, we must assess whether that delay “result[s] in prejudice to others, as would make it inequitable to grant the relief.” *Kieffer*, 978 N.W.2d at 444 (alteration in original) (quoting *Fetsch v. Holm*, 52 N.W.2d 113, 115 (Minn. 1952)). The prejudice analysis considers the impact on “election officials, other candidates, and the Minnesota electorate in general.” *Id.* (quoting *Pawlenty*, 755 N.W.2d at 301).

Here, prejudice is evident. Despite learning of his removal from the ballot on June 15, 2026, Holden waited almost four weeks (25 days) before filing his petition on July 10, 2026. Holden offers no explanation for this delay. Ballots have already been printed, absentee ballots have already been mailed, and absentee voting already began on June 26, 2026. According to the Secretary of State, accomplishing these tasks before the August 11, 2026 primary would be incredibly difficult, and readministering absentee ballots already cast may be practically impossible. The circumstances here are squarely within the scope of other election petitions we have dismissed on laches grounds. *See, e.g., Trooien*, 918 N.W.2d at 561 (dismissing on laches where ballots had been printed and early voting had begun); *Larkey*, Order at 2–3 (dismissing on laches when ballots had to be made available four days after the petition was filed); *Clark*, 791 N.W.2d at 294–96 (dismissing on laches when petition was filed 15 days before absentee ballots were to be made available to voters). We therefore conclude the petition must be dismissed on the grounds of laches.

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

IT IS HEREBY ORDERED that Holden’s petition is dismissed.

Dated: July 24, 2026

BY THE COURT:

Natalie E. Hudson
Chief Justice