

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
MINNESOTA SECRETARY OF STATE

In the Matter of the HAVA Elections Complaint of
Gregory Buck and
Minnesota Elections Integrity Solutions

**SECRETARY'S MOTION
FOR SUMMARY
DISPOSITION**

Respondent Minnesota Secretary of State respectfully moves the Court to grant summary disposition in favor of the Secretary in this case because there is no genuine issue as to any material fact and that the Secretary is entitled to judgment as a matter of law. This Court has legal authority to determine this matter based on a motion for summary disposition. *McGrath v. Minn. Sec'y of State*, No. A11-0613, 2011 WL 5829345, *5 (Minn. Ct. App. Nov. 21, 2011); *In re HAVA Elections Complaint of The Public Interest Legal Found.*, No. 71-3500-38362, at 17–18 (OAH Jul. 29, 2022) (following *id.*); *see also* Minn. R. 1400.5500(D), (K), .6600 (2021) (authorizing ALJ to order summary disposition in appropriate cases brought under Administrative Procedure Act).¹ This motion is based upon a memorandum of law, a declaration, and all the files, records, and proceedings herein.

Insofar as the administrative rules governing Administrative Procedure Act proceedings are applicable here, the Secretary is required to advise Complainants that, should they wish to contest this motion, they must file and serve their response within ten working days after the motion is received. Minn. R. 1400.6600 (2021).

¹ The instant proceeding was not brought under the Administrative Procedure Act, and that act does not directly apply here. Minn. Stat. § 200.04, subd. 4 (2020) (providing that proceedings under section 200.04 “are not subject to chapter 14”). As the court of appeals held in *McGrath*, however, “summary disposition is an established method observed in all ALJ cases,” and it is procedurally appropriate in cases under section 200.04 that meet the criteria for such disposition. *McGrath*, 2011 WL 5829345, at *5.

Dated: November 22, 2022

Respectfully submitted,

KEITH ELLISON
State of Minnesota
Attorney General

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