

**FILED**

August 24, 2026

**OFFICE OF  
APPELLATE COURTS**

**Court File No. \_\_\_\_\_**

STATE OF MINNESOTA

IN THE SUPREME COURT

*(Original Jurisdiction under Minn. Stat. § 204B.44)*

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Michael J. Lindell,

Petitioner,

v.

Steve Simon, in his official capacity as  
Minnesota Secretary of State, and  
the Minnesota State Canvassing Board,

Respondents.  
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**DECLARATION OF MICHAEL  
J. LINDELL IN SUPPORT OF  
TEMPORARY RESTRAINING  
ORDER**

I, Michael J. Lindell, hereby declare the following:

1. I was a candidate for the office of Governor of the State of Minnesota in the Republican Party Primary Election that was held on August 11, 2026.
2. Following the canvass of the results of that election, I timely requested a discretionary recount of the votes for the Offices of Governor and Lieutenant Governor pursuant to Minnesota Statutes section 204C.35, subd. 2.
3. On August 18, 2026, Lauren Bethke, General Counsel of the Office of the Minnesota Secretary of State, sent me a letter estimating the cost of the discretionary recount at \$825,021.93. Ms. Bethke's letter stated that an official request for the recount, together with a bond, cash, or surety for the full estimated cost, must be received by the Office of the Minnesota

Secretary of State no later than Monday, August 24, 2026. A true and correct copy of that letter is attached as **Exhibit A**.

4. On or about the same date, the Office of the Minnesota Secretary of State also issued a “Contingent Plan for Discretionary Recount,” bearing the date of August 18, 2026. That Plan states that “[t]he State Recount Official may designate Deputy Recount Officials to perform **a recount of all ballots cast for the office requested to be recounted.**” A true and correct copy of the Contingent Plan is attached as **Exhibit B**. In my communications with Ms. Bethke, I specifically requested that **all** votes that were cast for both the Republican and Democratic gubernatorial race be recounted.
6. I also understood from the terms of the Contingent Plan quoted above (which provides for a recount of “all ballots”), my express request to have **all** of the gubernatorial votes recounted, and my payment of \$825,021.93, which was the costs for recount provided by Ms. Bethke, that the recount would include all of the gubernatorial votes cast in the context of both the Democratic and Republican gubernatorial races.
7. It was only today, August 24, 2026, the alleged deadline for my payment of \$825,021.93 for the recount, that Ms. Bethke informed me that only two groups of votes were to be recounted: those votes cast for Ms. Lisa Demuth and those votes cast for me.

8. A partial recount of just two groups of votes is not the recount I requested.

It is also my understanding that this is not the recount of all votes for the governor's office that is required by law. Minnesota Statutes Section 204C.35, subdivision 3, which addresses the scope of recounts, mandates a recount of "the number of votes validly cast for the office." That provision requires counting and recording the votes for every candidate who appeared on the ballot for governor in the both Republican and the Democratic gubernatorial primary.

9. The proposed scope of that recount also fails to address the legitimate concerns I have as a candidate for governor. First, the same ballot form was used for both the Democratic and Republican primary races and thus, a full recount of all of the ballots is warranted to ensure that there are no anomalies in the ballots, whether the votes cast are for the Democratic or Republican primaries. Second, by only counting a subset of the votes that had been cast in the Republican gubernatorial primary, I will be unable to get a full picture of the actual number of Republican votes cast to determine if I won the primary, particularly given the number of substantial number of votes that were reportedly cast for the candidate who obtained the third largest number of those votes in the Republican governor's race. Third, the

scope of the proposed recount was not made clear to me until this morning, the day on which the payment for the recount was supposed to be made.

10. This “clarification” of what was to be the recount on the very last day I was to pay for the recount is untenable. Further, I will suffer irreparable harm because I will be forced to pay for an illegal recount which will not protect my legitimate interest in determining whether the election results were legitimate or tainted by the voting anomalies that have already surfaced.
11. Furthermore, the “Contingent” Plan is indefensible because the proposed recount violates Minnesota law, yet Ms. Bethke informed me this evening that if I do not wire funds to pay for that invalid recount, I will allegedly lose my right to obtain a recount.
12. I am ready, willing, and able to pay the full estimated cost of the recount. I arranged for a wire transfer of the necessary funds (approximately \$825,000) through Goldman Sachs. I provided Ms. Bethke with proof of the availability of those funds. Attached hereto as **Exhibit C** are true and correct copies of the email correspondence confirming the wiring instructions and my authorization to process the wire to pay for the recount.
13. I also note that the Contingent Plan is ambiguous at best and deceptive at worst. The Plan states only that the recount is limited to “the candidates to be recounted,” without identifying those candidates or explaining whether

the votes of other candidates will actually be counted and recorded. The accompanying Recount Procedures describe sorting ballots into three piles (Candidate A, Candidate B, and “all other ballots”) but never state that the third pile will be counted by candidate or that totals for every candidate will be determined and recorded. Because of that ambiguity, I did not understand until this morning, the final day for payment, that the Secretary of State intended to limit the actual counting of votes to only two candidates and leave every other candidate’s ballots in an uncouned third pile. Respondents are now requiring me to pay \$825,021.93 today for a recount that violates the statute, while asserting that failure to pay will cause me to lose all rights to a recount. That last-minute clarification of an ambiguous plan, combined with the take-it-or-leave-it demand, causes me independent irreparable harm.

14. I asked Ms. Bethke to have the Secretary of State waive or stay the statutory payment deadline. She replied that this could not be done. Yet the “Contingent” Plan violates another Minnesota statutory provision.

15. Legitimate and publicly recognized concerns exist about the security and accuracy of electronic voting equipment. A full manual recount of the votes for every candidate is the only means of providing a transparent, observable verification of the machine tabulations across both the Democratic and

Republican gubernatorial primaries. Limiting the recount to two candidates prevents that verification.

16. If the Court does not grant a temporary restraining order requiring a full recount of all ballots cast for the office of Governor and Lieutenant Governor and the recording of votes for every candidate, I will suffer the irreparable harm described in this declaration. The incomplete returns will become the certified baseline, I will permanently lose the opportunity for a complete administrative count of the votes for the office, and public confidence in the integrity of the election will be damaged.
17. Attached as **Exhibit D** is a true and correct copy of the email I sent to Lauren Bethke, General Counsel of the Office of the Minnesota Secretary of State, on August 24, 2026, at 5:05 p.m. I explained in that email that the Secretary of State's last-minute disclosure of the limited scope of the recount (counting only two candidates) and the simultaneous demand that I pay \$825,021.93 by the end of the day had placed me in an untenable position.
18. Attached as **Exhibit E** is a true and correct copy of the email exchange between my counsel, Barbara Berens, and Lauren Bethke on August 24, 2026. In her 4:01 p.m. email, Ms. Bethke reconfirmed that any recount would be conducted according to the Contingent Plan approved by the State Canvassing Board on August 18, 2026, and that the required funds must be

received by the Secretary of State's office no later than 11:59 p.m. on August 24, 2026.

I declare under penalty of perjury that the foregoing is true and correct.

August 24, 2026

s/Michael J. Lindell