

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)

Michael J. Lindell,

Petitioner,

v.

**PETITION FOR CORRECTIONS
OF ERRORS, OMISSIONS, AND
WRONGFUL ACTS UNDER
MINN. STAT. § 204B.44 AND FOR
TEMPORARY RESTRAINING
ORDER**

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

Respondents.

Petitioner Michael J. Lindell, pursuant to Minn. Stat. § 204B.44, respectfully
petitions this Court as follows:

I. JURISDICTION

This Court has original jurisdiction under Minn. Stat. § 204B.44 because this
matter involves an election for a state office (Governor) and seeks correction of a
wrongful act, omission, or error by the Secretary of State and the State Canvassing
Board in the performance of duties concerning an election. Minn. Stat. §
204B.44(a)(4), (b).

II. THE ERROR, OMISSION, OR WRONGFUL ACT AND THE CORRECTION SOUGHT

Petitioner is a candidate for Governor in the August 11, 2026, Primary Election. He timely requested a discretionary recount under Minn. Stat. § 204C.35, subd. 2.

Respondents have adopted a Contingent Plan and accompanying Recount Procedures that limit the actual counting of votes to only two candidates (designated “Candidate A” = Michael J. Lindell and “Candidate B” = Lisa Demuth) while sorting all other candidates’ ballots into a third pile that will not be fully counted or recorded.

That limitation is a wrongful act, omission, and error. Minn. Stat. § 204C.35, subd. 3 requires a recount to determine “the number of votes validly cast for the office.” A selective count of only two candidates violates that mandate.

The correction sought is an order requiring Respondents to conduct a full recount of all ballots cast for the office of Governor, determining and recording the number of votes validly cast for every candidate, in accordance with Minn. Stat. § 204C.35, subd. 3, Minn. Stat. § 204C.361, and Minnesota Rules chapter 8235.

III. REQUEST FOR IMMEDIATE HEARING AND TEMPORARY RELIEF

Pursuant to Minn. Stat. § 204B.44(b), Petitioner requests that the Court immediately set a hearing and order Respondents to correct the error or perform the duty required by law.

Petitioner further requests a Temporary Restraining Order preventing Respondents from conducting a limited recount that counts only two candidates and leaves the votes of all other candidates uncounted.

IV. PRAYER FOR RELIEF

WHEREFORE, Petitioner requests that this Court:

- A. Immediately set a hearing pursuant to Minn. Stat. § 204B.44(b);
- B. Issue a Temporary Restraining Order restraining Respondents from limiting the recount to only Candidate A (Lindell) and Candidate B (Demuth);
- C. Order Respondents to conduct a full recount of all ballots cast for the office, as required by Minn. Stat. § 204C.35, subd. 3; and
- D. Grant such other relief as the Court deems just and proper.

BERENS & MILLER, P.A.

Dated: August 24, 2026

s/Barbara Podlucky Berens

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