

United States Court of Appeals
For the Eighth Circuit

No. 15-1682

Minnesota Majority

Plaintiff

Minnesota Voters Alliance; Minnesota Northstar Tea Party Patriots; Election Integrity Watch; Susan Jeffers, individually and as an election judge; Dan McGrath; Andy Cilek

Plaintiffs - Appellants

v.

Joe Mansky, in his official capacity as the Elections Manager for Ramsey County; Virginia Gelms, in her individual and official capacity as the Elections Manager for Hennepin County; Mike Freeman, in his official capacity as Hennepin County Attorney; John Choi, in his official capacity as Ramsey County Attorney; Steve Simon, in his official capacity as Secretary of State

Defendants - Appellees

No. 15-1741

Minnesota Majority

Plaintiff

Minnesota Voters Alliance; Minnesota Northstar Tea Party Patriots; Election Integrity Watch; Susan Jeffers, individually and as an election judge; Dan McGrath; Andy Cilek

Plaintiffs - Appellees

v.

Joe Mansky, in his official capacity as the Elections Manager for Ramsey County;
Virginia Gelms, in her individual and official capacity as the Elections Manager
for Hennepin County; Mike Freeman, in his official capacity as Hennepin County
Attorney; John Choi, in his official capacity as Ramsey County Attorney

Defendants

Steve Simon, in his official capacity as Secretary of State

Defendant - Appellant

Appeals from United States District Court
for the District of Minnesota - Minneapolis

Submitted: July 18, 2018
Filed: August 3, 2018
[Published]

Before RILEY, Chief Judge, LOKEN and BENTON, Circuit Judges.¹

PER CURIAM.

This case is on remand from the Supreme Court of the United States. *Minnesota Voters Alliance v. Mansky*, 138 S. Ct. 1876 (2018). In 2010, several organizations and individuals sued the Minnesota Secretary of State and Ramsey and Hennepin county election officials, attacking a statute prohibiting the wearing of

¹The Honorable William Jay Riley, then Chief Judge, United States Court of Appeals for the Eighth Circuit, now retired, took no part in this decision. This opinion is filed by the remaining judges of the panel pursuant to 8th Cir. Rule 47E.

political insignia inside a polling place. This court reversed dismissal of the defendants' as-applied First Amendment claim. *Minnesota Majority v. Mansky*, 708 F.3d 1051, 1059 (8th Cir. 2013). On remand, the district court granted summary judgment for the defendants. This court affirmed, holding that the statute, as applied, did not violate the First Amendment. *Minnesota Majority v. Mansky*, 849 F.3d 749, 753 (8th Cir. 2017). The Supreme Court reversed and remanded, holding that the statute violates the Free Speech Clause of the First Amendment. *Mansky*, 138 S. Ct. at 1891-92.

In light of the Supreme Court's decision in *Mansky*, this court reverses the grant of summary judgment for the defendants.

* * * * *

The case is remanded to the district court for proceedings consistent with this opinion.
