

STATE OF MINNESOTA  
IN SUPREME COURT  
A23-1354



Joan Growe, et al.,

Petitioners,

vs.

Steve Simon, Minnesota Secretary of State,

Respondent.

O R D E R

This matter involves a petition filed under Minn. Stat. § 204B.44 (2022) asking, in part, for an order declaring that Donald J. Trump, who served as President of the United States and has filed federal paperwork as a candidate for President in the 2024 election, is disqualified from holding the office of President of the United States pursuant to Section 3 of the Fourteenth Amendment to the United States Constitution; and directing the Secretary of State to exclude Donald J. Trump from the ballot for the March 5, 2024, presidential nomination primary and from the ballot for the November 5, 2024, general election as a candidate for the office of President of the United States.

We are aware of a prior petition filed under Minn. Stat. § 204B.44 seeking to remove the name of a candidate for President of the United States from a ballot because he was allegedly not eligible to serve. We dismissed this petition. *Oines v. Ritchie*, No. A12-1765, Order at 5 (Minn. filed Oct. 18, 2012). We have attached a copy of our order in *Oines* to this order.

All parties have filed their principal briefs. No one has referenced or otherwise cited *Oines*.

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

IT IS HEREBY ORDERED that petitioners, the Secretary of State, the Republican Party of Minnesota, and Donald J. Trump may file and serve a supplemental brief addressing the impact, if any, *Oines* has on this matter. Any supplemental brief must be filed and served on or before October 25, 2023, and shall not exceed 10 pages.

Dated: October 20, 2023

BY THE COURT:

A handwritten signature in cursive script that reads "Natalie E. Hudson".

Natalie E. Hudson  
Chief Justice

CHUTICH, PROCACCINI, JJ., took no part in the consideration or decision of this case.

STATE OF MINNESOTA  
IN SUPREME COURT  
A12-1765



Reid A. Oines,

Petitioner,

vs.

Mark Ritchie, Minnesota Secretary of  
State, and Ken Martin, Minnesota DFL  
State Chair,

Respondents.

O R D E R

Under Minn. Stat. § 208.03 (2010), the chairs of the major political parties are required to certify to the Minnesota Secretary of State, at least 77 days before the general election, “the names of the party candidates for president and vice president.” On July 9, 2012, respondent Ken Martin, the State Chair of the Minnesota DFL Party, certified to respondent Secretary of State Mark Ritchie the names of Barack Obama and Joe Biden as the Democratic Party’s candidates for President and Vice President of the United States respectively.

On October 3, 2012, petitioner Reid A. Oines filed a petition with our court under Minn. Stat. § 204B.44 (2010). Oines’ petition seeks to remove President Obama from the November 2012 general election ballot as a candidate for President of the United States on the basis that he is not a “natural born citizen” of the United States and under

Article II, Section 1 of the United States Constitution is therefore not eligible to serve. More specifically, petitioner asserts that the reference in Article II, Section 1 to “natural born Citizen,” U.S. Const. art. II, § 1, is limited to “those born in the country of parents who were citizens thereof.” Although President Obama was born in Hawaii, petitioner contends that he is not a “natural born citizen” because President Obama’s father was a “Kenyan national and a citizen under the British crown.” On October 4, 2012, we issued an order requiring petitioner to address why his petition could not have been filed at an earlier date and why laches should not apply. We received memoranda from petitioner and from respondents.

“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) (quoting *Aronovitch v. Levy*, 238 Minn. 237, 242, 56 N.W.2d 570, 574 (1953)). “[T]he 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.” *Winters*, 650 N.W.2d at 170. This petition was not filed until after ballots for the November 2012 general election were prepared and after absentee and overseas voting had begun. *See* Minn. Stat. § 203B.081 (2010) (providing for voting by absentee ballot during the 46 days before the election).

Petitioner does not dispute that his petition was brought after voting had already begun but asserts that he did not discover until September 22 that President Obama is not eligible to serve as President. In previous election cases we have held the petitioner to a

reasonable standard of investigation. For example, in *Clark v. Pawlenty* we held that a petition challenging the designation of a judicial candidate as the “incumbent” could have been filed once the candidate filed for office. 755 N.W.2d 293, 300 (Minn. 2008). In this election cycle, we dismissed on the basis of laches a petition seeking to strike a candidate from the primary ballot brought 20 days after the candidate’s affidavit of candidacy was filed of record. *Larkey v. Ritchie*, No. A12-1064, Order at 2-3 (Minn. filed June 28, 2012).

In this case, the facts upon which petitioner relies have been public for some time. Petitioner attaches a copy of President Obama’s birth certificate to his petition, which was publicly released in April 2011. Dan Pfeiffer, *President Obama’s Long Form Birth Certificate*, The White House Blog (Apr. 27, 2011, 8:57 AM), <http://www.whitehouse.gov/blog/2011/04/27/president-obamas-long-form-birth-certificate>. President Obama’s 1995 memoir, *Dreams from My Father*, discusses his father’s citizenship. Barack Obama, *Dreams from My Father: A Story of Race and Inheritance* 9 (1995); see also *Ankeny v. Governor of the State of Ind.*, 916 N.E.2d 678, 688 (Ind. Ct. App. 2009) (concluding “that persons born within the borders of the United States are ‘natural born Citizens’ for Article II, Section 1 purposes, regardless of the citizenship of their parents.”). We therefore reject petitioner’s assertion that his petition could not have been filed sooner.

Furthermore, although petitioner asserts an error on the part of DFL State Chair Martin in submitting President Obama’s name as the Democratic Party’s presidential candidate and an error on the part of Secretary of State Ritchie in placing President

Obama's name on the ballot, Minnesota election law gives neither respondent any discretion in the matter. Under Minn. Stat. § 208.03 (2010), the chairs of the major political parties must certify the names of the respective party's candidates for president and vice president. Under Minn. Stat. § 208.04, subd. 1 (2010), the secretary of state must in turn certify to the respective county auditors "the names of all duly nominated presidential and vice presidential candidates."

Petitioner contends that the certification requirement of section 208.04 requires the secretary of state "to guarantee that the candidates that were submitted to his office were in fact eligible and proper for the office they sought." However, candidates for president or vice president of the United States are specifically exempted from the requirement of filing an affidavit of candidacy that demonstrates their eligibility for the office sought. Minn. Stat. § 204B.06, subd. 4 (2010). Instead, under federal law it is Congress that decides challenges to the qualifications of an individual to serve as president. *See* 3 U.S.C. § 15 (2006); *see also Keyes v. Bowen*, 189 Cal. App. 4th 647, 660, 117 Cal. Rptr. 3d 207, 214-15 (Cal. Ct. App. 2010) (concluding that the California Secretary of State had no duty to investigate and determine whether a presidential candidate met the eligibility requirements of the United States Constitution and rejecting the argument that state election officials can "override a party's selection of a presidential candidate.").

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

IT IS HEREBY ORDERED that the petition of Reid A. Oines brought under Minn. Stat. § 204B.44 (2010) to strike the name of Barack Obama from the November 2012 general election ballot be, and the same is, dismissed.

Dated: October 18, 2012

BY THE COURT:

/s/

Lorie S. Gildea  
Chief Justice

STRAS, J., took no part in the consideration or decision of this matter.