

**FILED**

January 30, 2025

**OFFICE OF  
APPELLATE COURTS**

**DECLARATION OF HARRY NISKA**

STATE OF MINNESOTA     )  
  )ss.  
COUNTY OF RAMSEY     )

I, Harry Niska, declare and testify as follows:

1. My name is Harry Niska. I provide this declaration based on my personal knowledge of the facts set forth herein.

2. I am a resident of Anoka County, Minnesota.

3. I am an elected member of the Minnesota House of Representatives, representing District 31A. I have been elected by the Republican caucus as House Majority Leader. On January 14, 2025, the Minnesota House of Representatives (the “House”) met and Secretary of State Steve Simon called the House to order. A roll call was taken by the clerk pro tem. The roll call by the clerk signified that 67 persons with election certificates on file were present (specifically, the 67 members who constitute the Republican caucus), 66 such persons were not present, and that one seat was vacant.

4. After the initial roll call was completed, Simon called for the oath of office to be administered to the members elect. All 67 members present took their oath of office as required by the Constitution.

5. Simon then ordered the clerk pro tem to take the “roll to determine a quorum.” An electronic roll was taken. Simon ordered the roll be closed and stated: “There being 67 members present, there is no quorum as required by

the Constitution of the State of Minnesota, the House may not conduct any further business, and the House of Representatives is adjourned.”

6. While Simon was making those statements, I moved to appeal Simon’s quorum ruling. Simon refused to hear my motion. Indeed, he refused to hear any motion at all, and purported to adjourn the House without a motion or a vote to do so. Simon then left the presiding officer’s rostrum. The 67 Members present then attempted to elect leadership, adopt rules, and transact legislative business, believing that they constituted a quorum.

7. On January 27, 2025, at 2:30 PM, Simon met with Representative Lisa Demuth and myself to discuss logistics for the floor session later that day. The meeting was attended by staff from Simon’s office, as well as nonpartisan and Republican House staff.

8. At that meeting, Simon stated that, if a quorum was not present, he would not recognize any House members for any purpose. He stated that, instead, he would unilaterally adjourn to a date and time that he determined.

9. When we asked Simon if he would permit motions relating to the actions expressly permitted by Article IV, Section 13 of the Minnesota Constitution, Secretary Simon insisted that he would not permit any motions.

10. When the House convened that day at 3:30 PM, I presented a motion to compel attendance of absent members and to prescribe penalties, as specifically authorized by Article IV, Section 13 of the Minnesota Constitution. A true and correct copy of my motion is attached hereto as Exhibit A.

11. A copy of my motion was presented at the front desk, the customary manner for offering written motions.

12. At the conclusion of the quorum call, I rose seeking recognition to make motions provided by Article IV, Section 13 of the Minnesota Constitution.

13. Secretary Simon refused to recognize me or acknowledge the motion that I had presented to him. Instead, Simon purported to adjourn the House unilaterally, without allowing a vote, until January 28, 2025, at 3:30 PM.

14. On January 28, 2025, the House convened at 3:30 PM, I again presented the same motion to compel attendance of absent members and to prescribe penalties, as specifically authorized by Article IV, Section 13 of the Minnesota Constitution.

15. A copy of my motion was presented at the front desk in the same, customary manner for written motions as on January 27.

16. At the conclusion of the quorum call, I rose seeking recognition to make motions provided by Article IV, Section 13 of the Minnesota Constitution.

17. Secretary Simon refused to recognize me or acknowledge the motion I had presented to him. Instead, Simon purported to unilaterally adjourn the House until January 29, 2025, at 3:30 PM.

18. On January 29, 2025, when the House convened that day at 3:30 PM, I, again presented a motion to compel attendance of absent members and to prescribe penalties, as specifically authorized by Article IV, Section 13 of the Minnesota Constitution. A true and correct copy of my proposed motion is attached hereto as Exhibit B.

19. A copy of my motion was presented at the front desk in the same, customary manner for written motions as on previous days.

20. At the conclusion of the quorum call, I rose seeking recognition to make motions provided by Article IV, Section 13 of the Minnesota Constitution.

21. Secretary Simon refused to recognize me or acknowledge the motion I had presented to him. Instead, Simon purported to unilaterally adjourn the House until January 30, 2025, at 3:30 PM.

I declare under penalty of perjury that everything I have stated in this document is true and correct.

Dated: January 30, 2025



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Representative Harry Niska

**Exhibit A**  
**to Declaration of Rep. Harry Niska**

Pursuant to Article IV, Section 13 of the Minnesota Constitution, Niska moves that absent members be compelled to attend the next House session. Those who remain absent shall forego their legislative salary until they attend session and shall be ineligible to receive per diem for the 2025-2026 legislative session.

**Exhibit B**  
**to Declaration of Rep. Harry Niska**

Pursuant to Article 4 Section 13 of the Constitution, Niska moves that absent members be compelled to attend the next House session. Those who remain absent shall be fined an amount equal to the portion of their legislative salary covering the days they are absent and shall be ineligible to receive per diem for the 2025-26 legislative session.