

FILED

No. A25-0017

January 9, 2025

**STATE OF MINNESOTA
IN SUPREME COURT**

**OFFICE OF
APPELLATE COURTS**

Minnesota Voters Alliance, et al.,

Petitioners,

Republican Party of Minnesota,

Petitioner,

vs.

Timothy Walz, in his official capacity as Governor of the State of Minnesota, et al.,
Respondents,

Tracy West, in her official capacity as County Auditor of Ramsey County, Minnesota, et
al.,

Respondents.

**RULE 129.01 REQUEST FOR LEAVE TO
FILE A BRIEF OF AMICUS CURIAE
LIBERTARIAN PARTY OF MINNESOTA**

TO: THE SUPREME COURT OF THE STATE OF MINNESOTA

The Libertarian Party of Minnesota (LPMN) respectfully requests leave to file a brief of amicus curiae under Rule 129.01 in support of Petitioners Minnesota Voters Alliance (MVA) and the Republican Party of Minnesota (RPMN).

Identity of Proposed Amicus Curiae

The LPMN is a “Minor political party” as defined in Minn. Stat. § 200.02 Subd. 23 and has members across the State of Minnesota. It presents and endorses candidates for election to statewide and national office in accordance with its Constitution and Bylaws, subject to Minnesota Election Law. The members of the LPMN stand for the principle that all individuals have the right to exercise sole dominion over their own lives,

and they oppose the initiation of force or fraud as a means of achieving political or social goals.

Public Interest of Proposed Amicus Curiae

Minn. Stat. § 204D.20 permits nomination by petition of candidates to fill a legislative vacancy in a special election. In order to qualify candidates for placement on an electoral ballot for a county or legislative office, the LPMN faces a high hurdle in collecting a sufficient number of signatures from the electorate during the filing period to satisfy the thresholds established in Minn. Stat. § 204B.08 Subd. 3(c). Relatedly, the LPMN has an interest in ensuring that all laws governing the petition process are adhered to, including the statutory notice and filing periods associated with a special election in Minn. Stat. § 204D.22 Subd. 2. When a writ for special election is issued that violates this process, as alleged by Petitioners in this matter, it impedes or destroys the ability of LPMN candidates and all other potential candidates who are not members of a major political party to gain elected office. Because this issue affects any potential candidate in the State of Minnesota wishing to gain ballot access by petition, the interest is public in nature.

On December 27, 2024, Governor Walz issued an unlawful writ of special election predicated on the “vacancy” of the seat in Minnesota House District 40B.¹ As the Petition alleges, the seat was not vacant at the time he posted the writ, and it was therefore violative of Minn. Stat. § 204D.19 Subd. 4. But the writ also destroyed the

¹ Dickey Aff. Ex. B to Petition, available at <https://officialdocuments.sos.state.mn.us/Files/GetDocument/146365> (opens .PDF)(last accessed Jan. 7, 2025).

five-day notice and associated filing periods by fixing a vanishingly small one-day window to: A) learn of the existence of the writ of special election; B) call an emergency meeting of party leadership; C) select a candidate; D) gather enough signatures to qualify the candidate for the ballot, and E) file an affidavit of candidacy as required by Minnesota Statutes. In effect, any opportunity for the LPMN and any other candidate seeking office through petition was destroyed.

Desirability of Proposed Brief of Amicus Curiae

It would be desirable for the LPMN to participate as amicus curiae because the perspective of minor political parties and all those wishing to present a candidate by petition for placement on the ballot for consideration by the voters is not reflected in the existing Petition. The actions taken by Governor Walz directly implicate the right and ability of those wishing to gain ballot access by petition, and an illustration of these arguments would provide this Court with a broader perspective of the issues at stake.

For these reasons, the LPMN respectfully requests leave to file a brief of amicus curiae in support of Petitioners MVA and RPMN.

JOSEPH LAW OFFICE PLLC

Dated: January 9, 2025

/s/ Gregory J Joseph
Gregory J Joseph (#0346779)
300 E. Frontage Road, Suite A
Waconia, MN 55387
Tel.: (612) 968-1397
josephlawoffice@protonmail.com

RULE 129.01(c) CERTIFICATE OF DOCUMENT LENGTH

The undersigned certifies that this document contains 585 words (exclusive of the caption, signature block, and certificate). This word count is derived from the count created by the word processor, Microsoft Word Version 2209. This document also complies with the type/volume limitations of Minn. R. App. P. 132 and was prepared using a proportionally spaced font size of 13 point.

JOSEPH LAW OFFICE PLLC

Dated: January 9, 2025

/s/ Gregory J Joseph
Gregory J Joseph (#0346779)
300 E. Frontage Road, Suite A
Waconia, MN 55387
Tel.: (612) 968-1397
josephlawoffice@protonmail.com