

STATE OF MINNESOTA
IN SUPREME COURT

FILED

January 17, 2025

**OFFICE OF
APPELLATE COURTS**

Steve Simon, Minnesota Secretary of State,

Petitioner,

vs.

Lisa Demuth,

Respondent (A25-0066).

Nos. A25-0066; A25-0068

Melissa Hortman, et al.,

Petitioners,

vs.

Lisa Demuth, Harry Niska, Paul Anderson,

Respondents (A25-0068).

**REQUEST OF PROFESSOR ILAN WURMAN, MINNESOTA GUN
OWNERS CAUCUS, CENTER OF THE AMERICAN EXPERIMENT,
TAKECHARGE, AND MINNESOTA VOTERS ALLIANCE
FOR LEAVE TO FILE AN *AMICUS CURIAE* BRIEF
IN SUPPORT OF ALL RESPONDENTS**

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***Counsel for Prospective
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January 17, 2025

Pursuant to Minnesota Rule of Appellate Procedure 129.01, Professor Ilan Wurman, the Minnesota Gun Owners Caucus, Center of the American Experiment, TakeCharge, and the Minnesota Voters Alliance (collectively “*Amici*”) respectfully seek leave to file an *amicus curiae* brief in the above-captioned appeal in support of Respondents in these consolidated cases.

Given the urgency of this case and the short timeframe for the Court’s consideration of it, *amici* request that the Court allow the filing of their brief no later than 12:00 P.M. on January 21, 2025.

Interest and Identity of Prospective *Amici Curiae*

Professor Ilan Wurman is the Julius E. Davis Professor of Law at the University of Minnesota Law School, where he teaches federal constitutional law, administrative law, and statutory interpretation. He is interested in the sound development of these fields at both the federal and state levels. He participates as *amicus* in his personal capacity and his views do not necessarily reflect those of his academic institution.

Minnesota Gun Owners Caucus is a 501(c)(4) social welfare non-profit organization which advocates for Minnesotans’ right to keep and bear arms. The Caucus is interested in this case because its work at the Minnesota legislature will be frustrated if minority parties are able to derail the legislative session by attacking a valid quorum.

Center of the American Experiment is a 501(c)(3) non-profit organization. It researches and produces papers on Minnesota's economy, education, health care, energy policy, public safety, and state and local governance. It advances those solutions in part by drafting legislation and testifying before legislative committees. The Center is interested in this case because its work at the Minnesota legislature will be frustrated if minority parties are able to derail the legislative session by attacking a valid quorum.

TakeCharge is a 501(c)(3) organization committed to promoting the idea that the promise of America is available to everyone regardless of race or social station. TakeCharge is interested in this case because it believes the Minnesota Constitution's quorum rule is important in ensuring that the legislature works for the people by compromise instead of allowing a minority party to derail legitimate legislative work.

Minnesota Voters Alliance is a 501(c)(3) nonprofit organization committed to safeguarding and improving our elections process. The Alliance is interested in this case because the outcome may affect when the governor must issue a writ of election for the House District 40B seat. *See Minn. Voters All. v. Walz*, No. A25-0017. The Alliance also believes the Minnesota Constitution's quorum rule is important in ensuring that the legislature works for the people by compromise instead of allowing a minority party to derail legitimate legislative work.

Position of Prospective *Amici Curiae*

The *amici* seek leave to write a brief supporting Respondents. *Amici* would argue that the Minnesota Constitution defines a quorum as a majority of “each house,” and “each house” is “compose[d]” of “members” who are “chosen” by the people. Under the Constitution, “each house” engages in numerous functions; for example, “each house” shall judge the qualifications of its members. A hypothetical future representative to a now-vacant seat has not yet been “chosen” by the electorate, is not a “member” of the house, and cannot exercise the qualification function or any other function the Constitution assigns to “each house.”

This conclusion, which follows inescapably from the Constitution’s text and structure, is supported by the only available legislative history from the Constitutional Convention; by repeated decisions of this Court; by the settled interpretation of the federal constitutional provision from which Minnesota’s provision was drawn; and from Mason’s manual on legislative procedure.

Amici believe that a lawful quorum now exists, and members of the minority party, in coordination with executive officials of this state, are effectively proroguing a legitimate session of the state house. *Amici* will argue that the Court should reject such an assault on democracy.

Desirability of Participation as *Amici Curiae*

Amici believe that their brief is desirable because the Court would benefit from the fullest discussion possible of the text, structure, history, relevant case law, relevant secondary sources, and policy concerns related to the meaning of a quorum under the Minnesota Constitution. *Amici* recognize that this matter is of great urgency and must be decided with dispatch, and so *amici* hope to provide important research and reasoning supporting Respondents' interpretation of the quorum rule.

For these reasons, Professor Ilan Wurman, Minnesota Gun Owners Caucus, Center of the American Experiment, TakeCharge, and Minnesota Voters Alliance respectfully request the opportunity to participate in this case as *amici curiae*.

Date: January 17, 2025

Respectfully submitted,

/s/ Ilan Wurman

/s/ James V. F. Dickey

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CERTIFICATE OF DOCUMENT LENGTH

I hereby certify that this document conforms to the requirements of the applicable rules, including Minnesota Rule of Appellate Procedure 129.01(c), is produced with a proportional font of Century Schoolbook, size 13, and the length of this document is 746 words. This document was prepared using Microsoft Word Version 2412.

January 17, 2025

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CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that this document is being served on all petitioners by authorized use of the Court's electronic filing system, E-MACS, on January 17, 2025. Service on respondents is being effected by other means under Minn. R. Civ. App. P. 125.03, pursuant to a separate affidavit of service.

January 17, 2025

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