

FILED

September 20, 2023

**OFFICE OF
APPELLATE COURTS**

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

On September 12, 2023, petitioners Joan Growe, Paul Anderson, Thomas Beer, David Fisher, Vernae Hasbargen, David Thul, Thomas Welna, and Ellen Young filed a petition pursuant to 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 candidate for the office of President of the United States. Service was made upon the Secretary of State, the Republican Party of Minnesota, and Donald J. Trump. On September 20, 2023, the Republican Party of Minnesota filed an unopposed motion to intervene as a respondent.

Minnesota has established a presidential nomination primary for any “major political party” that uses a “national convention” to determine its candidate for President. Minn. Stat. § 207A.11(d) (2022). The chairs of these parties “must submit to the secretary of state the names of the candidates to appear on the ballot for that party no later than 63 days before the presidential nomination primary.” Minn. Stat. § 207A.13, subd. 2(a) (2022). Thus, names must be submitted by January 2, 2024, for the March 5, 2024 primary. *See* Minn. Stat. § 207A.11(b) (2022) (addressing the date for a presidential nomination primary). Absentee voting for the presidential primary will begin January 19, 2024. *See* Minn. Stat. § 204B.35, subd. 4 (2022); Minn. Stat. § 204B.45, subd. 2 (2022).

Petitioners filed with their petition a letter asserting, among other things, that their petition is ripe and that they anticipate seeking discovery. Before considering any request by petitioners to pursue discovery, we will first address threshold and potentially dispositive legal issues of justiciability and the legal construction of Section 3 of the Fourteenth Amendment to the U.S. Constitution.

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

IT IS HEREBY ORDERED THAT:

1. The Republican Party of Minnesota’s motion to intervene as a respondent in this action is granted.

2. Respondent Secretary of State Steve Simon, respondent the Republican Party of Minnesota, and Donald J. Trump may serve and file responses to the petition on or before **Wednesday, September 27, 2023**. Any responses shall also identify any genuine issue of material fact that is in dispute.

3. Petitioners shall file a brief addressing the following legal issues: (1) justiciability, including standing and ripeness; and (2) the legal construction of Section 3 of the Fourteenth Amendment, including but not limited to (a) whether Section 3 of the Fourteenth Amendment is self-executing; (b) whether Section 3 of the Fourteenth Amendment operates to preclude a person from being President of the United States; and (c) whether Section 3 of the Fourteenth Amendment applies to a person who has previously taken an oath as President of the United States. The brief must be served and filed on or before **Wednesday, October 4, 2023**.

4. Respondents Simon and the Republican Party of Minnesota shall file responsive briefs addressing the same legal issues. Donald J. Trump may also file a responsive brief addressing the same legal issues. The briefs must be served and filed on or before **Wednesday, October 18, 2023**.

5. Petitioners may serve and file a reply brief on or before **Monday, October 23, 2023**.

6. Briefs shall be served and filed consistent with Minn. R. Civ. App. P. 132.

7. Any party that wishes to participate as amicus curiae must file a notice that complies with Minn. R. Civ. App. P. 129.01(c) on or before **Wednesday, September 27, 2023**. Any brief of an amicus curiae in support of petitioners or in support of neither party must be served and filed on or before **Friday, October 6, 2023**. Any brief of an amicus curiae in support of respondents must be served and filed on or before **Friday, October 20, 2023**. Any entity that participates as amicus curiae will not be allowed to participate in oral argument.

8. Oral argument will be held in this case on **Thursday, November 2, 2023**, at 10:00 a.m. in the State Capitol Courtroom. Counsel who intend to argue must file Notices of Appearances on or before **Wednesday, October 18, 2023**.

9. Petitioners shall serve a copy of this order on Donald J. Trump. Petitioners shall file proof with the Clerk of the Appellate Courts no later than **12:00 p.m., Thursday, September 21, 2023**, that the service required by this paragraph has been completed.

Dated: September 20, 2023

BY THE COURT:



Lorie S. Gildea
Chief Justice

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