

STATE OF MINNESOTA  
IN SUPREME COURT

OFFICE OF  
APPELLATE COURTS

JUN 08 2012

FILED

League of Women Voters Minnesota;  
Common Cause, a District of Columbia  
nonprofit corporation; Jewish Community  
Action; Gabriel Herbers; Shannon Doty; Gretchen  
Nickence; John Harper Ritten; and Kathryn Ibur,

REQUEST OF THE ST. PAUL  
BRANCH OF THE NAACP  
FOR LEAVE TO FILE BRIEF  
AMICUS CURIAE

Petitioners,

vs.

Case No.: A12-0920

Mark Ritchie, in his capacity as Secretary of State  
of the State of Minnesota, and not in his  
individual capacity,

Respondent.

TO: THE MINNESOTA SUPREME COURT AND TO COUNSEL FOR ALL  
PARTIES ABOVE-NAMED:

Applicant, St. Paul Branch of The National Association for the Advancement of  
Colored People (hereafter "St. Paul NAACP"), respectfully requests that the Minnesota  
Supreme Court grant it leave to participate in this case, as amicus curiae, pursuant to Rule  
129 of the Minnesota Rules of Civil Appellate Procedure. Applicant will support the  
brief of the Petitioner.

I. STATEMENT OF APPLICANT'S INTEREST.

The Applicant's interest in this matter is public. The St. Paul NAACP is part of a  
national network of more than 2,000 affiliates of the NAACP covering all 50 states and  
the District of Columbia. As the Nation's oldest and largest civil rights organization, the

NAACP has more than 500,000 members in the United States and overseas. The mission of the NAACP and its state and local affiliates is to ensure the political, educational, social, and economic equality of all persons, and to protect constitutional rights.

The St. Paul NAACP is the local unit of the NAACP comprising members within St. Paul. Like its national parent organization, the St. Paul NAACP has long been focused on ensuring fairness in voting and full and equal voting rights for African Americans and other communities, by engaging in voting rights litigation, legislative advocacy, voter registration, and voter education efforts.

The struggle for equal voting rights on behalf of women and people of color in past generations will forever stand as one of the great civic achievements in this nation's history. The St. Paul NAACP believes that it must join the fight to overcome all measures and barriers that could limit the rights of individuals to vote in a fair process. In addition to affecting the Petitioners, the outcome of this case will have a significant impact on the voting rights of all Minnesota citizens.

## II. STATEMENT OF PARTY SUPPORTED AND POSITION TAKEN.

The Applicant supports the petition of Petitioners and will take the position that the ballot question violates the State Constitution, Article 9, § 1, as interpreted by this Court, because it substantially misstates the core provisions of the proposed amendment. *See, e.g., Breza v. Kiffmeyer*, 723 N.W.2d 633, 636 (Minn. 2006) (ballot questions must not be “so unreasonable and misleading as to be a palpable violation of the constitutional requirement to submit the law to a popular vote”). The ballot question is false and misleading for at least two reasons. First, the ballot question falsely states that all voters

must show ID while the proposed amendment only expressly requires voters voting *in person* to show ID, leaving the question of absentee voters up in the air. Second, the ballot question omits that the proposed amendment requires that the ID be “government-issued,” suggesting that other forms of ID might be permissible.

### III. STATEMENT OF WHY PARTICIPATION OF AMICUS CURIAE IS DESIRABLE.

An amicus curiae brief by Applicant is desirable because the issues raised by this matter affect interests extending far beyond those of the parties to this action. The ballot question subject to this matter intends to permanently change how Minnesotans vote, by changing our State Constitution.

The Applicant has a long history of advocating for fairness and equality on matters relating to voting and constitutional matters generally. For over 100 years, the NAACP and its individual branches have sought redress within the courts and elsewhere to protect voting rights. The NAACP is capable of providing this Court with cases, argument, and historical perspective and context on the very important issues raised in this matter.

The Applicant will assist the Court in its determination of these critical issues to ensure the citizens of the State of Minnesota that the specter of “palpable evasion” of constitutional requirements will be thoroughly addressed by our State’s highest court. The Applicant seeks to participate in this case as amicus curiae because it believes that it can offer valuable experience and perspective regarding the fairness and accuracy of the ballot question as well as the potential impact of the Court’s decision on how citizens of this state shall vote.

JUN 08 2012

AFFIDAVIT OF SERVICE

**FILED**

James R. Hilbert, being duly sworn, states as follows:

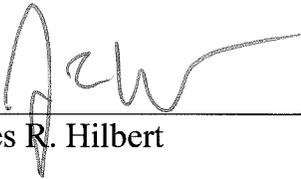
On this 8<sup>th</sup> day of June, 2012, copies of the foregoing request for leave to file were deposited in the U.S. Mail, first-class postage prepaid, addressed as follows:

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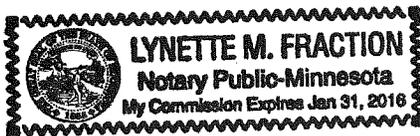
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\_\_\_\_\_  
James R. Hilbert

Subscribed and sworn to before me this 8<sup>th</sup> day of June, 2012 in the State of Minnesota.



  
\_\_\_\_\_  
Notary Public

My commission expires: 1/31/2016

IV. CONCLUSION.

For all the above reasons, Applicant St. Paul NAACP respectfully requests the opportunity to participate in this case as *amicus curiae*.

Respectfully submitted,

ST. PAUL BRANCH OF THE NAACP

Date: June 8, 2012

By:   
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