

STATE OF MINNESOTA
IN SUPREME COURT

A19-1994

Roque “Rocky” De La Fuente, et al.,

Petitioner,

vs.

Steve Simon, Minnesota Secretary of
State,

Respondent.

**SECRETARY OF STATE’S
RESPONSE TO
MINN. STAT. § 204B.44 PETITION**

Petitioner Roque De La Fuente has no constitutional right to force the Republican Party of Minnesota to associate with him. Petitioner James Martin, Jr., has no constitutional right to force the party to associate with Petitioner De La Fuente so that Martin may vote for him in the party’s presidential nomination primary. The interests of the State of Minnesota, which include protecting its political parties’ right to freedom of association, far outweigh any actual rights Petitioners can cite in this matter. Because Petitioners’ claims thus fail on their merits, and because Petitioners unreasonably delayed in raising them, the petition should be denied.

FACTS

Minnesota law provides for a presidential nomination primary to be held on March 3, 2020. Minn. Stat. § 207A.11(a), (b); Maeda Aff. ¶ 2. Each major political party taking part in the nomination primary is authorized and required to determine the names of the candidates for its presidential nomination that will be printed on primary ballots. Minn. Stat. § 207A.13, subd. 2(a). Each party may also determine whether its presidential

nomination primary ballot will include (1) an option for voters to support sending uncommitted delegates to the party's national convention and/or (2) a space for voters to cast votes for write-in candidates. *Id.*, subd. 1(c). The chair of each participating party must send Respondent Steve Simon, in his official capacity as Secretary of State ("the Secretary"), the names of all candidates the party has selected to appear on its primary ballot, as well as the party's determinations regarding uncommitted delegates and write-in candidates, no later than 63 days before the primary. *Id.*, subds. 1(c), 2(a). In the current election cycle, the 63-day deadline falls on December 31, 2019. *See id.* Once the party submits its list of candidate names to the Secretary, state law prohibits changes to the list. *Id.*, subd. 2(a).

The Republican Party of Minnesota submitted its authorized list of candidates for the 2020 presidential nomination primary in a letter the Secretary received on October 25, 2019. (Maeda Aff. ¶ 6, Ex. C (Republican Party letter dated Oct. 25).) The letter stated that the sole candidate name that party authorized to have listed on its presidential nomination primary ballot was Donald J. Trump. (*Id.*) Local and national press outlets then picked up the story, reporting on October 31 that President Trump would be the only Republican candidate on the March 3 ballot. (*Id.* ¶ 8, Ex. D.)

Weeks later, in a complaint dated November 26, 2019, Petitioner Roque De La Fuente sued the Secretary in federal court, challenging the constitutionality of Minn. Stat. § 207A.13 both on its face and as applied to exclude him from the Republican presidential nomination primary ballot. *See De La Fuente v. Simon*, No. 19-cv-2995

(D. Minn. 2019); Maeda Aff. Ex. H (federal complaint dated Nov. 26).¹ More than two weeks after that, on December 13, Petitioners filed the instant Petition.

Finally, on December 23, the Republican Party of Minnesota notified the Secretary that it authorized the inclusion of a line for write-in candidates on the party's presidential nomination primary ballot. (Maeda Aff. ¶ 9, Ex. E (Republican Party letter dated Dec. 23).)

ARGUMENT

The petition should be denied both on the basis of laches and on its merits.

I. THE PETITION IS BARRED BY LACHES.

“Laches is an equitable doctrine applied to prevent one who has not been diligent in asserting a known right from recovering at the expense of one who has been prejudiced by the delay.” *Winters v. Kiffmeyer*, 650 N.W.2d 167, 169-70 (Minn. 2002). “The practical question in each case is whether there has been such an unreasonable delay in asserting a known right, resulting in prejudice to others, as would make it inequitable to grant the relief prayed for.” *Id.*

“The orderly administration of elections does not wait for convenience.” *Trooien v. Simon*, 918 N.W.2d 560, 562 (Minn. 2018). As a result, this Court has repeatedly noted the problems caused by belated challenges to the form or content of a ballot:

¹ Petitioner De La Fuente served the complaint on the Secretary on December 2. (Maeda Aff. ¶ 14.) The Secretary moved to dismiss the federal lawsuit on December 23. (*Id.*)

One who intends to question the form or contents of an official ballot to be used at state elections must realize that serious delays, complications, and inconvenience must follow any action he may take and that, unless a reasonable valid excuse be presented by him indicating why he did not act expeditiously, he should not be permitted to complain.

Marsh v. Holm, 55 N.W.2d 302, 304 (Minn. 1952); *see also Peterson v. Stafford*, 490 N.W.2d 418, 419 (Minn. 1992) (because of time constraints, ballot-error petitions are to be examined “not only on their merits, but also from the perspective of whether the applicant acted promptly in initiating proceedings”).

A petition filed under Minn. Stat. § 204B.44 is barred by laches when (1) the petitioner unreasonably delays in filing his or her petition and (2) the relief the petitioner requests would prejudice election officials, other candidates, and the Minnesota electorate in general. *Clark v. Pawlenty*, 755 N.W.2d 293, 299-303 (Minn. 2008). Both of these elements are met in this case.

A. Petitioners Filed Their Petition After Serious and Unreasonable Delay.

The *Clark* court held that a 44-day gap between the date that the petitioners’ claims arose and the date that they filed their petition was an unreasonable delay that justified denial on the basis of laches. *Id.* at 297, 300 (holding delay from July 1 to August 14, 2008, was unreasonable). More recently, in *Trooien*, the Court held that the petition merited denial on the basis of laches where it was filed 27 days after the petitioner was aware of the rights he sought to vindicate. *Trooien*, 918 N.W.2d at 562 (holding delay from August 30 to September 26, 2018, was unreasonable).

In the instant case, Petitioners’ delay was much longer than the one deemed unreasonable in *Trooien* and almost exactly the same length as the delay deemed

unreasonable in *Clark*. Petitioners seek to have the ballots for Minnesota’s presidential nomination primary altered to include Petitioner De La Fuente’s name as a candidate for the Republican nomination for president. (Pet. at 27 ¶ D.) Petitioners have had notice that the ballot would not contain De La Fuente’s name since at least October 31, when news stories on both local and national outlets reported the Minnesota Republican Party’s letter announcing that President Trump would be the only candidate listed on the Republican ballot in the state presidential nomination primary. (Maeda Aff. ¶ 8, Ex. D.) Petitioners filed their section 204B.44 petition 43 days later, on December 13. Petitioners have provided no excuse for waiting more than six weeks to assert the claims in their petition. This delay is clearly unreasonable. *Cf. Clark*, 755 N.W.2d at 297, 300 (holding 44-day delay unreasonable); *Trooien*, 918 N.W.2d at 562 (holding 27-day delay unreasonable).

The length of Petitioners’ delay in filing their petition is especially egregious in light of Petitioner De La Fuente’s activities in the weeks prior to the filing. In October 2019, Petitioner’s counsel wrote the Secretary demanding to be placed on the Republican presidential nomination primary ballot, proving that Petitioner was well aware of the restrictions in Minn. Stat. § 207A.13, subd. 2, at the same time that the Republican Party of Minnesota was making the determination authorized by that subdivision that would exclude him. (*See* Maeda Aff. ¶ 13, Ex. G (De La Fuente counsel letter dated Oct. 25).) Even more significantly, De La Fuente responded to his exclusion from the Republican primary by filing a federal lawsuit against the Secretary making substantially the same claims that form the core of Petitioners’ petition here. *See De La Fuente v. Simon*, No. 19-cv-2995 (D. Minn. 2019). The complaint in De La Fuente’s federal lawsuit is

dated November 26, 2019. (*See* Maeda Aff. Ex. H.) In light of the fact that the instant petition is founded on exactly the same legal theory as De La Fuente’s federal lawsuit, Petitioners’ decision to wait seventeen further days before filing the petition in this Court is patently unreasonable.

B. Requiring Ballot Changes Shortly Before the Statewide Presidential Nomination Primary Would Harm Minnesota Voters and Election Officials.

In the context of a ballot-error petition, the laches inquiry requires the Court to balance the “petitioners’ delay in raising [their] issues [against] the prejudice that would result to respondents, other election officials, other candidates, and the Minnesota electorate in general were we to grant the relief petitioners request.” *Clark*, 755 N.W.2d at 301.

In this case, the prejudice Petitioners’ requested relief would inflict on the Secretary and other election officials is severe. The process of printing and programming the millions of ballots that will be used in Minnesota’s 2020 presidential nomination primary will begin a week or more before oral argument on the instant petition. (*See* Maeda Aff. ¶ 15.) By the time the Court issues a decision in this matter, the process will be well underway, as local election officials endeavor to complete printing and programming before absentee balloting begins on January 17, 2020. (*Id.*)

As a result, in order to implement the revision Petitioners seek, state and local election officials would be required to administer the destruction, redesign, and reprinting of millions of election ballots statewide. (*Id.* ¶ 16.) Automated voting systems—that is, the systems that count voters’ ballots and those that provide assistance to voters with

disabilities—would require extensive reprogramming and testing before voting could continue with a new statewide ballot. (*Id.*) The eleventh-hour alteration to the statewide ballot Petitioners seek would thus be an extraordinary task that would take at least two weeks and cost many thousands of dollars. (*Id.*)

In addition to election officials, Minnesota’s voters would be at risk of serious prejudice from the relief Petitioner seeks. State law permits Minnesota voters to begin voting via absentee ballot in the presidential nomination primary on January 17. *See* Minn. Stat. §§ 204B.35, subd. 4 (2018) (requiring that ballots be available for absentee voting at least 46 days before election); 207A.12(a) (requiring presidential nomination primary to be conducted “in the manner provided by law for the state primary”). Any alteration to the list of candidates will require election officials to destroy, redesign, reprint, and reprogram the nomination primary ballot, a process that local election officials and their ballot vendors are not likely to be able to complete by January 17. (*Maeda Aff.* ¶ 17.) As a result, Petitioners’ delay places the voting rights of at least some Minnesotans at risk. (*Maeda Aff.* ¶¶ 18-20.) While local election officials could ameliorate the voting-rights problem to some degree by printing makeshift ballots for voters to use between January 17 and the date on which the revised ballot is complete, this would increase the burden of difficulty and cost on those officials. (*Id.* ¶ 18.) Moreover, voters with disabilities who require assistive voting technology would not be able to use makeshift paper ballots, and as a result their voting rights would unavoidably be placed at risk by late alterations to the ballot. (*Id.* ¶ 19; *see also* Minn. Stat. § 206.57, subd. 5 (2018) (requiring Minnesota election officials to provide voting systems

accessible for individuals with disabilities).) The votes of Minnesotans living overseas, many of whom currently serve in the military, would also be at risk. (*Id.* ¶ 20.)

All of these factors strongly support denying the petition on the basis of laches. *See Clark*, 755 N.W.2d at 303 (“[W]e cannot ignore the potential prejudice to the electorate in general. Requiring changes to the primary ballot at this stage could prejudice those who have requested, or perhaps already cast, absentee ballots. The risk of creating additional error in the ballot or problems with voting machines, perhaps wholly unrelated to the judicial race at issue, by mandating last-minute changes cannot be overlooked.”).

The instant case closely resembles *Clark* in both the length of the unreasonable delay in Petitioners’ actions and the magnitude of the prejudice to Minnesotans’ interests if their petition were granted. This Court held that the *Clark* petitioners’ laches justified denial. *Id.* (“[W]e conclude that it would be inequitable to grant the relief sought by petitioners with respect to the primary ballot even if we were to conclude that their arguments had merit.”). For the same reasons as in that case, therefore, the Petition should be denied on the basis of laches.

II. THE PETITION FAILS ON ITS MERITS.

Regardless of Petitioners’ diligence, or lack thereof, in raising their legal claims, the Court should also deny the petition on its merits. In short, the core right implicated by this case is the Republican Party’s First Amendment right to freedom of association—and neither the United States Constitution nor the Minnesota Constitution grants Petitioners (or anyone else) the authority to force the Republican Party to associate with them by placing Petitioner De La Fuente’s name on the party’s presidential nomination primary

ballot. The challenged provision of Minnesota’s election law exists to protect political parties’ fundamental right to freedom of association; it is therefore constitutional.

A. The Challenged Statute

The instant petition challenges Minn. Stat. § 207A.13, subd. 2. (Pet. p. 27.) That subdivision states:

Candidates on the ballot. (a) Each party must determine which candidates are to be placed on the presidential nomination primary ballot for that party. The chair of each party 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. Once submitted, changes must not be made to the candidates that will appear on the ballot.

(b) No later than the seventh day before the presidential nomination primary, the chair of each party must submit to the secretary of state the names of write-in candidates, if any, to be counted for that party.

Minn. Stat. § 207A.13, subd. 2 (2018). In the instant case, the Minnesota Republican Party notified the Secretary in writing on October 25, 2019, that the only candidate name that would appear on the party’s ballot in the presidential nomination primary would be the name of President Donald J. Trump. As it stated in a subsequent letter, however, the party will permit voters to cast write-in votes for other candidates.

B. Section 207A.13 is Subject to Limited Scrutiny, Because the State’s Important Regulatory Interests Far Outweigh the Alleged Damage to Petitioners’ Rights.

The United States Constitution authorizes states to prescribe “[t]he Times, Places and Manner of holding Elections for Senators and Representatives.” U.S. Const. Art. I, § 4. States therefore retain the power to regulate their own elections. *Burdick v. Takushi*, 504 U.S. 428, 433 (1992). State election regulations inevitably impose burdens on individuals’ rights to vote and to associate with others for political purposes.

Anderson v. Celebrezze, 460 U.S. 780, 788 (1983). As a result, courts do not broadly subject election regulations to strict scrutiny; doing so “would tie the hands of States seeking to assure that elections are operated equitably and efficiently.” *Burdick*, 504 U.S. at 433. Instead, courts tailor the level of scrutiny applied to each case according to the particular details of the private rights and government interests that are implicated:

[A] court considering a challenge to a state election law must weigh the character and magnitude of the asserted injury to the rights protected by the First and Fourteenth Amendments that the plaintiff seeks to vindicate against the precise interest put forward by the state as justifications for the burden imposed by its rule, taking into consideration the extent to which those interests make it necessary to burden the plaintiff’s right.

Id. at 434 (internal quotation marks omitted). When state law subjects First and Fourteenth Amendment rights to “severe” restrictions, courts apply strict scrutiny. *Id.* But when the law only imposes restrictions on constitutional rights that are reasonable and nondiscriminatory, “the State’s important regulatory interests are generally sufficient to justify the restrictions.” *Id.* (internal quotation marks omitted); *see also Carlson v. Simon*, 888 N.W.2d 467, 470-71 (Minn. 2016) (following *id.*).

1. The burden on Petitioners’ rights is de minimis.

In this case, the balancing test described above tilts overwhelmingly in favor of a limited standard of review, because there is no clear legal basis for Petitioners’ assertions that they possess constitutional rights that are relevant to this case at all. Petitioners cite no case law, and the Secretary is aware of none, holding either that (1) an individual has a First or Fourteenth Amendment right to run in a partisan presidential nomination primary or (2) a voter has a First or Fourteenth Amendment right to vote for a particular candidate

in such a primary. Indeed, federal courts have held that such alleged rights are “considerably attenuated and possibly nonexistent.” *Duke v. Massey*, 87 F.3d 1226, 1233 (11th Cir. 1996) (“*Duke III*”); *see also id.* at 1232-33 (holding that candidate “does not have a First Amendment right to express his beliefs as a presidential candidate for the Republican Party”); *Duke v. Cleland*, 954 F.2d 1526, 1530-31 & n. 6 (11th Cir. 1992) (“*Duke I*”) (rejecting candidate’s allegation that “he has a right to associate with an ‘unwilling partner,’ the Republican Party,” and holding that “[i]ndeed a strong argument could be made that there is no right to vote for any particular candidate in a party primary, because the party has the right to select its candidates.”); *Belluso v. Poythress*, 485 F. Supp. 904, 912 (N.D. Ga. 1980) (holding candidate’s “claimed need to ‘associate’ with an unwilling partner, the Republican party in Georgia, is not a first amendment right”).

Notably, this state’s presidential nomination primary is like no other election proceeding created by Minnesota law. In every other election in this state, the candidate who receives the most votes is thereby entitled either (1) to take office or (2) to have her name entered on ballots in a subsequent Minnesota election. But winning a presidential nomination primary carries with it no such direct consequence. Instead, that primary merely yields a particular variety of *information*—specifically, numbers of votes received by the respective candidates—that the major parties then use within their private nominating processes. *See Belluso*, 485 F. Supp. at 912 (noting that presidential primary is “a preferential primary that has dubious effect as opposed to a general election that has

finality”). As a federal court hearing a constitutional lawsuit substantially identical to the instant petition noted,

there is much truth in the [State’s] characterization of [its] Presidential Preference Primary as a “beauty contest.” The balloting merely effects a recommendation to the parties, which are free to accept or ignore the results. The plaintiffs’ constitutional interest in [the would-be-candidate plaintiff’s] inclusion is decreased because the importance of the primary lies within the discretion of the party.

Id. The same logic applies to the instant case, and as a result Petitioners’ constitutional interests in Petitioner De La Fuente appearing on the nomination primary ballot are at best severely attenuated.

Moreover, Petitioner De La Fuente is not in fact being denied the right to run for President in Minnesota: state law permits him to run in the November 2020 general election as a minor-party or independent candidate, notwithstanding the fact that he was not on the ballot for the March nomination primary. *See* Minn. Stat. §§ 204B.07, subd. 2 (requirements for minor-party and independent candidates for President to appear on ballots); .09, subd. 3(b) (requirements for individuals running for President as write-in candidates). In turn, Petitioner Martin retains the right to vote for Petitioner De La Fuente for President in November if De La Fuente fulfills these procedural requirements. Thus, this case does not involve the question of whether Petitioner De La Fuente is being permitted to run for President; instead, the question before the court is only whether Petitioners have the right to force their way into the Republican Party’s presidential nominating process.

2. The state has a compelling interest in avoiding “laundry list” ballots and protecting political parties’ right to free association.

For the above reasons, the actual damage that the challenged statute imposes on Plaintiffs’ constitutional rights is severely limited, if not nonexistent. Under these circumstances, representatives of the State of Minnesota “need not establish a compelling interest to tip the constitutional scales in its direction.” *Carlson*, 888 N.W.2d at 472. Instead, “the State need only establish that its legitimate interests are sufficient to outweigh the limited burden” that the challenged statute imposes on Petitioners. *Id.* This standard is easily met in this case: the State’s interest in limiting the candidates on the March 3 ballot to those named by the major political parties is clear and compelling.

First, the state has a legitimate interest in avoiding a “laundry list” ballot that contains the name of every would-be candidate, no matter how frivolous her candidacy. *Clements v. Fashing*, 457 U.S. 957, 964-65 (U.S. 1982) (holding that states “have important interests in protecting the integrity of their political processes from frivolous or fraudulent candidacies, in ensuring that their election processes are efficient, in avoiding voter confusion caused by an overcrowded ballot, and in avoiding the expense and burden of run-off elections”).²

If every individual were guaranteed a place on the March 3 ballot based on the mere assertion that she, like Petitioner De La Fuente, wanted to run in a particular party’s

² See also *Burdick*, 504 U.S. at 438 (holding that purpose of elections is choosing candidates for public office, not some “more generalized expressive function[, which] would undermine the ability of States to operate elections fairly and efficiently”).

nomination primary, both Minnesota voters and their election system would suffer from the lengthy lists of candidates that would inevitably result.

More importantly in the current case, however, the state has a compelling interest in protecting the major parties' constitutional freedom of association. A political party is a private association that holds a First Amendment right to identify the people who constitute the association and to limit its membership to those people alone. *Democratic Party of U.S. v. Wisconsin*, 450 U.S. 107, 121-22 (1981). As such, parties have the right to choose their party leaders without interference from federal or state governments. *Id.* at 121-26; *see also Kucinich v. Texas Democratic Party*, 563 F.3d 161, 166-68 (5th Cir. 2009) (rejecting constitutional challenge to loyalty oath required by state party for place on party's presidential nomination primary ballot). Further, the First Amendment grants political parties the right to determine their own membership, which includes the right to disregard the electoral preferences of nonmembers. *Tashjian v. Republican Party of Conn.*, 479 U.S. 208, 215 n. 6 (1986) (holding that a "nonmember's desire to vote in the party's affairs is overborne by the countervailing and legitimate right of the party to determine its own membership qualifications"); *Haase v. Silver*, 140 Fed. App'x 274, 277 (2nd Cir. 2005) (rejecting claim brought by voters wishing to vote in party's presidential nomination primary on grounds that "an individual who does not fit within the parameters determined by a party does not have an absolute right to participate in that party's primary election"). States have a compelling interest in protecting these associational rights, not least within the context of determining the names to be printed on ballots in a presidential nomination primary. *Duke III*, 87 F.3d at 1234.

The *Burdick* balancing test thus indicates that the challenged Minnesota statute is subject only to limited scrutiny. First, the burden placed on Petitioners' constitutional rights is at best attenuated and at worst nonexistent, given that there is no evident basis for Petitioners' contention that they have a constitutional right to participate in the presidential nomination primary in the manner they desire. Second, the state's countervailing interest in avoiding "laundry list" ballots and in preserving political parties' freedom of association is clear and compelling.

C. Section 207A.13 is a Reasonable and Nondiscriminatory Provision that is Justified by the State's Important Regulatory Interests.

For the reasons explained above, under *Burdick* the candidate restrictions imposed by Minn. Stat. § 207A.13, subd. 2, must be upheld if they are reasonable, nondiscriminatory, and justified by an important regulatory interest of the state. *Carlson*, 888 N.W.2d at 471 (citing *Burdick*, 504 U.S. at 434). And on substantially the same grounds that are discussed above, the challenged restrictions easily pass constitutional muster.

The restrictions are reasonable, in large part, because they do not bar Petitioner De La Fuente from running for President or prevent Petitioner Martin from voting for him. *See* Minn. Stat. §§ 204B.07, subd. 2 (requirements for minor-party and independent candidates for President to appear on ballots); .09, subd. 3(b) (requirements for individuals running for President as write-in candidates). They are nondiscriminatory because, by directly granting each political party the authority to determine the list of candidates it agrees to associate with for the purposes of a presidential nomination

primary, the restrictions are precisely tailored to serve the state’s compelling interest in protecting the parties’ right to free association. Finally, the state’s need to both protect that right and avoid “laundry list” ballots constitutes an important regulatory interest. The petition should therefore be denied.

This determination finds strong support in the decisions of federal courts that have reviewed similar lawsuits pertaining to presidential primary ballots. Most notably, in 1992, self-declared Republican presidential candidate David Duke and three voters who supported him filed a federal lawsuit challenging a Georgia statute under which state officials had denied Duke a place as a Republican candidate on Georgia’s presidential nomination primary ballot. *Duke I*, 954 F.2d at 1527-28. After the state defendants prevailed in district court, on appeal the Eleventh Circuit applied the *Burdick* test and rejected Duke’s constitutional claims, holding that the candidate’s interests under the First and Fourteenth Amendments “do not trump the Republican Party’s right to identify its membership based on political beliefs nor the state’s interests in protecting the Republican Party’s right to define itself.” *Duke III*, 87 F.3d at 1231-33. The court also rejected the plaintiff voters’ claims, noting that they had “failed to offer any authority suggesting that they have a right to vote for their candidate of choice as a republican in a nonbinding primary”; it determined that “any burden on these voters is considerably attenuated and possibly nonexistent.” *Id.* at 1233 (internal quotation marks omitted). Finally, the Eleventh Circuit held that the plaintiffs’ interests, to the extent they even existed, were outweighed by the state’s “compelling interest in protecting political

parties' right to define their membership" and "significant interest in structuring and regulating elections in order to facilitate order, honesty and fairness." *Id.* at 1234.

An earlier Georgia federal decision reached the same result as *Duke*. In *Belluso v. Poythress*, a federal district court denied the plaintiffs' motion for a preliminary injunction in a case brought by a would-be candidate and two individuals wishing to vote for him in Georgia's 1980 Republican presidential nomination primary. 485 F. Supp. at 906, 914. The court held that the plaintiff candidate had no constitutional right to associate with the Republican Party as his "unwilling partner," that "the right of [the candidate's] supporters to vote for him in the general election stands unaffected," and that Georgia's interest in protecting the party's rights and avoiding "laundry list" ballots justified excluding the candidate from the primary. *Id.* at 911-13.

The instant petition is indistinguishable from *Duke* and *Belluso*. This Court should deny the petition for the same reasons that the federal courts rejected the plaintiffs' constitutional claims in those cases. First, a state law barring individuals from running in a presidential nomination primary for the nomination of an unwilling political party imposes little if any burden to any individual's actual constitutional rights; and second, states have important regulatory interests in protecting political parties' right to freedom of association and in restricting ballot access to legitimate and non-frivolous candidates.

D. Section 207A.13 Does Not Violate the Minnesota Constitution.

Finally, Petitioners contend that the challenged statute violates the Minnesota Constitution's prohibition on "granting to any private corporation, association, or

individual any special or exclusive privilege, immunity or franchise.” (Pet. ¶¶ 60-67; Minn. Const. art. XII, § 1.)

Petitioners are mistaken. As an initial matter, the Secretary notes that he is not aware of any case law suggesting that any provision of election law does or even could violate one of the prohibitions in art. XII, § 1 of the state constitution. In any event, the state constitutional provision bars the legislature from granting special privileges to a *specific* “private corporation, association, or individual.” Minn. Const. art. XII, § 1. By contrast, Chapter 207A of the Minnesota Statutes grants the right to participate in the presidential nomination primary, and thus to determine the names of the candidates authorized to run in that primary, to *any and every* major political party in Minnesota that conducts a national convention. Article XII, section 1 is therefore facially inapplicable to the current dispute.

Finally, even if the challenged statute did fall afoul of the state constitution, it would still be the case that Minnesota’s major political parties have a right under the *federal* constitution not to be forced to associate unwillingly with individuals who run for President. Thus, even if Petitioners’ interpretation of the state constitution were correct, the Secretary could not lawfully require the Republican Party’s presidential nomination primary ballot to include the name of a candidate that the party, in its exercise of its First Amendment right to freedom of association, had elected not to associate with. Petitioners’ claim therefore fails.

CONCLUSION

For the above reasons, Respondent respectfully requests that the Court deny the instant petition.

Dated: December 31, 2019

Respectfully submitted,

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ATTORNEY FOR RESPONDENT
STEVE SIMON, MINNESOTA
SECRETARY OF STATE

2. My current duties include supervising all election administration duties of the Office. These duties include administering the Minnesota presidential nomination primary process, including receiving the choices of major-party chairs as to the appearance of the ballot, if any, that will be presented to voters on their behalf at the presidential nomination primary to be held on March 3, 2020, as well as associated issues of ballot formatting, creation, distribution, and absentee balloting, in compliance with Minnesota law.

3. As a result of my position, I am familiar with the steps entailed in determining the presidential nomination primary ballot for each major party, preparing ballots, and distributing absentee ballots.

4. There are four major parties that were established by the voters of Minnesota for the period extending from January 2019 through December 2023. The voters gave each of those parties at least five percent of the statewide vote, with votes in each of Minnesota's 87 counties, in at least one statewide race in the 2018 general election. Those parties are the Legal Marijuana Now Party, the Grassroots – Legalize Cannabis Party, the Republican Party of Minnesota, and the Democratic-Farmer-Labor Party.

5. The Office has received letters from the Legal Marijuana Now Party and the Grassroots-Legalize Cannabis Party stating that those parties will not be selecting delegates to or participating in a national convention and are therefore ineligible to participate in the presidential nomination primary. True and correct copies of those letters are attached to this affidavit as Exhibits A and B.

6. On October 25, 2019, the Office received a letter from the Republican Party of Minnesota stating that the sole candidate name that party authorized to have listed on the party's presidential nomination primary ballot is Donald J. Trump. A true and correct copy of this letter is attached as Exhibit C.

7. Office staff subsequently posted the letter on the Office's website, where it can now be found. See <https://officialdocuments.sos.state.mn.us/Document/Details/127996>.

8. On October 31, 2019, and during the days afterward, news gathering organizations, both local and national, published numerous stories describing the October 25 letter and its effect on the ballot of the Republican Party of Minnesota. True and correct copies of some examples of these stories are attached as Exhibit D.

9. On December 23, 2019, the Office of the Secretary of State received an additional letter requesting that the ballot of the Republican Party of Minnesota also include a line for voters to write in another candidate. A true and correct copy of this letter is attached as Exhibit E.

10. On December 17, 2019, the Office of the Secretary of State received a letter from the Democratic-Farmer-Labor Party naming candidates to appear on the presidential nomination primary ballot and requesting the inclusion of a line for uncommitted delegates. A true and correct copy of this letter is attached as Exhibit F.

11. Because of the Republican and Democratic letters described above, there will be two ballots available to voters at the March 3, 2020 presidential nomination primary: one pertaining to the Republican Party of Minnesota and one pertaining to the

Democratic-Farmer-Labor Party. No further changes to candidate names are permitted by law, and, although changes made on or before December 31, 2019 are not similarly prohibited with respect to uncommitted or write-in options, such changes seem unlikely at this point.

12. Since receiving the Republican Party letter referenced above, the Office of the Secretary of State received correspondence and then a lawsuit from attorneys representing Petitioner Roque De La Fuente.

13. On October 25, 2019, the Office of the Secretary of State received a letter from Mr. Paul A. Rossi stating that he represented Mr. De La Fuente and requesting that his client be provided a place on the presidential nomination primary ballot of the Republican Party of Minnesota. A true and correct copy of this letter is attached as Exhibit G.

14. On November 26, 2019, Plaintiff commenced a federal lawsuit against the Secretary, *De La Fuente vs. Simon*, No. 19-cv-2995, in the United States District Court for the District of Minnesota. A true and correct copy of the complaint in that case is attached as Exhibit H. The Secretary was served with the lawsuit on December 2 and filed a motion to dismiss it on December 23.

15. In the absence of any order to the contrary, preparations for the presidential nomination primary are proceeding as previously planned. The Office will certify candidate and ballot information to county auditors and election administrators at the close of business on December 31, 2019. County auditors will subsequently commence ballot preparation in anticipation of the absentee ballot period, scheduled by law to

commence January 17, 2020. Programming of tabulating machines and assistive voting equipment will also commence.

16. As a result, if changes are made to ballots days or weeks into the preparation process, local election officials will be required to administer the destruction, redesign, and reprinting of millions of election ballots statewide. The automated voting systems that count voters' ballots and provide assistance to voters with disabilities will require extensive reprogramming and testing before voting can continue with a new statewide ballot. These tasks will require at least two weeks of work for local election officials and their ballot vendors. The costs imposed will total many thousands of dollars.

17. If changes to the ballot are made within the two weeks before the January 17 deadline, it is unlikely that Minnesota's county auditors could complete the work of formatting, programming, printing, and shipping absentee ballots by January 17.

18. If ballots are not all ready by January 17, county auditors may be able to make up for a portion of the shortfall by providing makeshift paper ballots on which voters can cast votes until the final ballots are completed and delivered. While this solution could preserve the voting rights of some portion of Minnesota's voters, it would increase the burden of difficulty and cost placed on local election officials.

19. It would be much more difficult to provide makeshift solutions for voters requiring assistive voting technologies, because the processes that assistive voting machines use require programming that takes considerably more time than does printing makeshift ballots. *See* Minn. Stat. § 206.57, subd. 5 (2018) (requiring Minnesota election officials to provide voting systems accessible for individuals with disabilities). As a

result, Minnesota voters with disabilities would particularly feel the effects of a late change to ballot composition.

20. The voting rights of Minnesota voters living abroad and serving in the military would also be at particular risk if ballot printing is not completed before January 17. The 46-day absentee balloting period exists as a result of the Military and Overseas Voter Empowerment (MOVE) Act, a federal statute passed in 2009 that is designed to facilitate voting by Americans serving and/or living abroad. The brevity of a 46-day absentee balloting period is a challenge for these voters, many of whom must rely on foreign post offices to transmit their ballots to election officials in Minnesota. In 2018, 6,076 Minnesotans serving and/or living abroad cast absentee ballots in the November general election. Of that number, 771 voters' ballots (12.69% of the total) were rejected because they were not received by Election Day, as state law requires. In the current election, if local election officials are not able to send ballots to overseas voters by January 17, it is likely that a larger proportion of these voters will be prevented from casting timely absentee ballots.

21. In 2018, Petitioner De La Fuente submitted two affidavits of candidacy with the Office, representing that he was running as a candidate in that year's election for both of Minnesota's seats in the United States Senate. Upon information and belief, these affidavits were part of Mr. De La Fuente's attempt to run for every Senate seat in the nation that was being contested in the November 2018 elections, an attempt that included both of Minnesota's seats. The Office responded to Mr. De La Fuente's filings in a May 2018 letter, informing him that individuals may not constitutionally hold more than

one United States Senate seat at a time and that, as a result, he could not run for both Minnesota seats in the same general election. A true and correct copy of this letter is attached as Exhibit I. Petitioner De La Fuente then elected to run for the seat currently held by Senator Amy Klobuchar but was unsuccessful.

FURTHER THE AFFIANT SAYETH NAUGHT.

Dated: December 31, 2019

/s/ **David Maeda**
DAVID MAEDA

Subscribed and sworn to before me on
this 31st day of December, 2019.

/s/ Nancy K. Breems
NOTARY PUBLIC, County of Hennepin
My Commission Expires January 31, 2021

12 -- 19 -- 2019



Marty Super
Legal Marijuana Now Party
1717 Tyler St. N.E.
Minneapolis, MN 55413
763-742-6198
Marty.j.super@gmail.com

To the Honorable Secretary of State Steve Simon
180 State Office Building
100 Martin Luther King Jr. Blvd.
St. Paul, MN 55155

The Legal Marijuana Now Party of Minnesota will not be participating in, or selecting delegates to, any national convention and therefore will not be eligible to participate in the Presidential nomination primary, pursuant to MN statutes section 207A.11, clause (d).

Sincerely

Marty Super

Legal Marijuana Now

Board Chair

12/16/2019

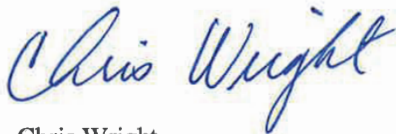
Chris Wright
Grassroots-Legalize Cannabis Party
2114 E. 35th St.
Minneapolis, MN 55407
(651) 280-7922
tc_wright38@yahoo.com

Honorable Secretary of State Steve Simon
180 State Office Building
100 Rev. Dr. Martin Luther King Jr Blvd.
St. Paul, MN 55155

Dear Secretary Simon,

Pursuant to Minnesota Statutes 207A.11(d) Presidential Nomination Primary Established, I am informing you that the Grassroots Party will not be holding a national nominating convention and therefore will not be eligible to participate in the presidential nomination primary.

Sincerely,

A handwritten signature in blue ink that reads "Chris Wright". The signature is written in a cursive, flowing style.

Chris Wright
Grassroots Party Board Chair



REPUBLICAN PARTY OF MINNESOTA

7400 METRO BLVD, SUITE 424
EDINA, MN 55439

October 24, 2019

Honorable Steve Simon
Secretary of State
180 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd
Saint Paul, MN 55155



Dear Honorable Secretary Simon:

Per Minnesota General Law 207A.13 – Subd.2A, please consider this letter as the determination for candidates to be placed on the March 3, 2020 Presidential Nomination Republican Primary ballot:

1. Name of candidate: Donald J. Trump
 - a. Name of candidate as we wish to appear on the ballot: Donald J. Trump
 - b. The official name and address of the campaign:
Donald J. Trump for President, Inc.
725 Fifth Avenue
Fifteenth Floor
New York, NY 10022
 - c. This campaign is registered with the Federal Election Commission (“FEC”) and the FEC registration number is: C00580100

At your earliest convenience, please confirm that this fulfills your requirements for Minnesota’s Republican Presidential Primary Election ballot.

Confirmation may be sent to my Executive Director, Mr. Kevin Poindexter, at kdp@mngop.com. You may also reach him at 612-384-8357 should you have any questions or require additional information.

Sincerely,

Jennifer Carnahan
Chairwoman, Republican Party of Minnesota

201659

Paid for by the Republican Party of Minnesota. Not authorized by any candidate or candidate's committee. www.mngop.com

EXHIBIT C

POLITICS

Minnesota Republican Party leaves Trump challengers off presidential primary ballot

By Patrick Condon (<http://www.startribune.com/patrick-condon/250305341/>) Star Tribune |

OCTOBER 31, 2019 — 6:58PM

WASHINGTON - President Donald Trump will be the only choice on the ballot in Minnesota's Republican presidential primary, even though he's not the only candidate.

The state Republican Party has decided voters won't have any alternatives.

Its chairwoman, Jennifer Carnahan, sent a letter to the Minnesota Secretary of State on Oct. 24 outlining the party's "determination of candidates" for the March 3 Republican primary ballot. Trump is the only name listed.

Absent are three other Republicans who, while long shots, are prominent political names running active campaigns: former Massachusetts Gov. William Weld, former South Carolina Gov. Mark Sanford and former U.S. Rep. Joe Walsh of Illinois.

"The idea that we're taking our cues from North Korea or the Soviet Union in terms of voter access and voter participation just seems weird to me," Sanford said in an interview Thursday. Minnesota voters are the biggest losers in the party decision, he said, adding that he suspects that state party leaders are worried a contested primary would show Trump isn't as popular as he claims.

Lucy Caldwell, Walsh's campaign manager, called it "appalling but unsurprising news, given the hold that Trump's cult of personality has over some of these state party leaders."

The state GOP released a statement from Carnahan, which said: "President Trump is extremely popular in Minnesota and my job as chairwoman is to make sure we deliver our 10 electoral votes to the president on November 3, 2020."

The Weld campaign did not respond to a request for comment.

State law leaves it up to the political parties to determine which candidate names are placed on the presidential nomination primary ballots. The deadline for that filing is Dec. 31, meaning the Minnesota GOP submitted its ballot more than two months earlier than necessary.

The political parties are also allowed to request a space for voters to identify write-in candidates, or a space for voters to choose that delegates to the national party convention remain uncommitted. The state Republican Party made neither of those requests, said a spokesman for the Secretary of State's Office.

State law says the ballot cannot be changed once it's set.

It's not unusual for political parties to push back against internal dissent to a sitting president. While primary challenges to presidents face long odds, they can reveal the incumbent's weaknesses. In 1992, for example, Pat Buchanan won 24% of the Minnesota GOP vote when he challenged President George H.W. Bush. Later that year, Bush lost the presidency to Bill Clinton.

In 2016, Trump finished third in Minnesota's Republican presidential caucus, trailing Sens. Marco Rubio and Ted Cruz. In the general election, Libertarian presidential candidate Gary Johnson — a former Republican governor of New Mexico who had Weld as his running mate — got 4% of the vote. Trump lost the state to Hillary Clinton by less than 2%.



"My job as Chairwoman is to make sure we deliver our 10 electoral votes to the President."
Jennifer Carnahan

The Trump campaign hopes to win Minnesota next year, something a Republican presidential candidate hasn't done since 1972. A September Minnesota Poll showed him trailing all the leading Democratic candidates.

State GOP parties in South Carolina, Nevada, Kansas and Arizona voted last month to scrap their presidential primaries in 2020 to foil Trump rivals. In South Carolina, two Republicans, including a former congressman, have sued in an effort to reinstate the presidential primary.

Sanford was governor of South Carolina from 2003 to 2011 and also served separate six-year stretches in the U.S. House. Walsh is a former Tea Party activist who served one two-year House term. Weld was governor of Massachusetts from 1991 to 1997.

All have been highly critical of Trump's character and job performance.

Sanford said he sees little recourse for his exclusion from the Minnesota ballot, but he'll continue to critique Trump, especially in states where GOP voters will have a choice.

"There is a creeping and sizable disconnect between what this president promised and what he's delivered," Sanford said.

Patrick Condon is the Star Tribune's Washington bureau chief. He was previously the paper's politics/government team leader, supervising a team of reporters who cover Minnesota politics in St. Paul and Washington. He has worked at the Star Tribune since 2014 after more than a decade as a reporter for the Associated Press.

patrick.condon@startribune.com 202-662-7452 PatrickTCondon



Trump primary challengers to be excluded from Minnesota ballot

BY RACHEL FRAZIN - 10/31/19 11:08 AM EDT

19,552 SHARES

Just In...

Southern border wall is destroying natural habitats

OPINION — 59M 38S AGO

Taliban attack on Afghan army compound kills 6 troops

DEFENSE — 1H 15M AGO

'Walking Dead' actor Steven Yeun endorses Yang

CAMPAIGN — 1H 16M AGO

Russian opposition leader's office raided

INTERNATIONAL — 1H 34M AGO

Law must be adapted for the Fourth Industrial Revolution

OPINION — 1H 59M AGO

China sails carrier through Taiwan Strait ahead of presidential election

INTERNATIONAL — 1H 59M AGO

Two passengers say Frontier Airlines staff ignored requests for help after they were sexually assaulted

TRANSPORTATION — 2H 32S AGO

Navy football team flies to Liberty Bowl in Patriots plane

BLOG BRIEFING ROOM

— 2H 15M AGO

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© Greg Nash - Moriah Ratner

President Trump's Republican presidential challengers will be excluded from Minnesota's primary ballot, the [Minneapolis Star Tribune reported](#) Thursday.

Trump's name was the only one listed on the Republican Party of Minnesota's letter to the Minnesota Secretary of State's Office outlining its "determination of candidates" for the primary ballot, according to the newspaper.

This means that former Massachusetts Gov. Bill Weld (R), former Rep. Joe Walsh (R-Ill.) and former South Carolina Gov. Mark Sanford (R) were not listed in the Oct. 24 letter from state party chairwoman Jennifer Carnahan.

A spokesman for the Secretary of State's Office told the Star Tribune that while parties are allowed to request a space for write-in candidates or for voters to choose that delegates to the national convention are uncommitted, the party did not do so.

Carnahan told The Hill in a statement Thursday that the Trump campaign was the only presidential campaign to contact the state party as of the filing.

"President Trump's campaign has been working with the Republican Party of Minnesota regarding the upcoming ballot for months. As of the filing, no other Presidential candidates have reached out to the MNGOP," Carnahan said.

Walsh's campaign manager Lucy Caldwell told the newspaper that the move is "appalling but unsurprising news, given the hold that Trump's cult of personality has over some of these state party leaders."

"The people who are being wronged in this are the voters of Minnesota, whose rights are being disenfranchised," Caldwell said.

Several Republican parties have also canceled their primaries in support of Trump.

TAGS MARK SANFORD DONALD TRUMP JOE WALSH BILL WELD 2020 ELECTION
2020 REPUBLICAN PRIMARY



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Trump the only GOP candidate who will appear on presidential primary ballot in Minnesota

Associated Press Published 2:42 p.m. ET Oct. 31, 2019 | Updated 2:47 p.m. ET Oct. 31, 2019

MINNEAPOLIS — President Donald Trump isn't the only Republican candidate running in the presidential primary, but he'll be the only choice on the ballot in Minnesota.

The Republican Party of Minnesota has informed the state Secretary of State that Trump will be the only name listed on the 2020 Republican primary ballot.

The Star Tribune (<http://www.startribune.com/minnesota-republican-party-leaves-trump-challengers-off-presidential-primary-ballot/564160782/>) reports three other Republican candidates who many consider long shots won't be listed. They include former Massachusetts Gov. William Weld, former South Carolina Gov. Mark Sanford and former U.S. Rep. Joe Walsh of Illinois.

Walsh's campaign manager Lucy Caldwell says voters' rights are being disenfranchised in Minnesota as a result of the decision.

State law says the party determines which candidates are placed on the primary ballot. The Minnesota GOP submitted its ballot well in advance of the Dec. 31 deadline.

Read or Share this story: <https://www.usatoday.com/story/news/politics/elections/2019/10/31/donald-trump-only-republican-minnesota-primary-ballot/411280002/>



Politics and Government

Trump gets sole spot on Minnesota's GOP primary ballot

Brian Bakst St. Paul October 31, 2019 9:54 a.m.



President Trump applauds his supporters as he takes the stage inside of the Target Center in Minneapolis on Thursday, Oct. 10, 2019. Evan Frost | MPR News

Share story

ON AIR 0:00

MPR News Presents



President Trump is the only Republican candidate who will appear on Minnesota's presidential primary ballot.

The state Republican Party submitted his name to the Secretary of State's office last week. The state's primary law gives the major political parties the power to designate who will appear on the ballot.

"President Trump is extremely popular in Minnesota and my job as Chairwoman is to make sure we deliver our 10 electoral votes to the President on November 3, 2020," Republican Party Chair Jennifer Carnahan said in a written statement.

The law says changes aren't allowed after a slate is submitted.

Trump does have primary rivals who have served in high office. They include former Massachusetts Governor Bill Weld and former U.S. Reps. Mark Sanford of South Carolina and Joe Walsh of Illinois.

Sanford called the party's decision anti-democratic.

"We don't want to be taking our electoral cues from North Korea. It makes us weaker as a party," he said in an interview. "But most of all it is telling in terms of what the Trump campaign is looking at internally in looking on trying to avoid contest of ideas in a variety of states across the country."

The decision is perplexing if Trump is as strong as candidate as he says he is, Sanford added.

ON
AIR 0:00

MPR News Presents



“In the world of politics if you have a chance to lock in an 80 or 90-percent win, you do it all day long.”

Sanford said he doesn't anticipate taking legal action to seek ballot access here, nor does he expect to campaign in a state where he can't win votes.

Walsh responded to the news on Twitter.

“One person. In one state. Just disenfranchised every Republican voter in that state.

This isn't America. This can't be allowed to stand. I'm going to Minnesota in the next day or two to raise hell. Who'll join me?
<https://t.co/lyfZsTRQHy>

— Joe Walsh (@WalshFreedom) [October 31, 2019](#)

The DFL Party has yet to submit its ballot for the March 3 primary, which falls on Super Tuesday. The DFL has until Dec. 31 to put that in.

The 2020 primary will be the first presidential primary in Minnesota since 1992, replacing the caucuses that had been used to express preferences in nomination races. The Legislature changed the law after a crush of caucus turnout in 2016 left many voters who wanted to participate frustrated

ON
AIR 0:00

MPR News Presents



Minnesota doesn't have party registration but voters can only participate in one party's primary. The parties will get the rosters of voters who do take part, regardless of the party ballot chosen.

ON
AIR 0:00
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REPUBLICAN PARTY OF MINNESOTA

7400 METRO BLVD, SUITE 424
EDINA, MN 55439

December 23, 2019

Honorable Steve Simon
Secretary of State
180 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd
Saint Paul, MN 55155

Dear Honorable Secretary Simon,

Per Minnesota General Law 207.A.13 – Sub.2A, please consider this letter as the determination for the Republican Party of Minnesota to place a ‘write-in’ option on the Presidential Nomination Republican Primary Ballot.

At your earliest convenience, please confirm that this fulfills your requirements for Minnesota’s Republican Presidential Primary Election ballot.

Confirmation may be sent to my Executive Director, Ms. Becky Alery, at bla@mngop.com. You may also reach her at 763-360-1711 should you have any questions or require additional information.

Sincerely,

Jennifer Carnahan
Chairwoman, Republican Party of Minnesota



December 17, 2019

Secretary Steve Simon
The Office of the Minnesota Secretary of State
180 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
Saint Paul, MN 55155

Dear Secretary Simon,

On behalf of the Minnesota Democratic-Farmer-Labor Party, our candidates, our elected officials, and party leaders and activists throughout this great state I am pleased to submit the following Democratic Presidential candidates for inclusion on the March 3rd, 2020 Presidential Nomination Primary Ballot. Pursuant to Minnesota Statute 207A.13, the candidates named here comprise the list of ballot-approved candidates from the Minnesota Democratic-Farmer-Labor Party:

- Michael Bennet Amy Klobuchar
Joseph Biden Deval Patrick
Michael R. Bloomberg Bernie Sanders
Cory Booker Tom Steyer
Pete Buttigieg Elizabeth Warren
Julián Castro Marianne Williamson
John K. Delaney Andrew Yang
Tulsi Gabbard Uncommitted

Feel free to contact me if you need additional information or have any questions regarding our candidate submission.

Sincerely,

Ken Martin
Chairman
Minnesota Democratic-Farmer-Labor Party

321

IMPG ADVOCATES, INC.
316 HILL STREET SUITE 1020
MOUNTVILLE, PENNSYLVANIA 17554
717.615.2030
Direct Dial: 717.681.8344
Paul-Rossi@comcast.net

Civil Rights • International Law • Antitrust • Election Law • Complex Litigation

October 25, 2019

IMMEDIATE ATTENTION REQUESTED

Secretary Steve Simon
Minnesota Secretary of State
180 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
Saint Paul, MN 55155-1299
Phone: (651) 201-1324
Fax: (651) 296-9073
Secretary.State@state.mn.us

Attorney General Keith Ellison
Office of the Minnesota Attorney General
445 Minnesota Street
Suite 1400
Saint Paul, MN 55101
Phone: (651) 296-3353
Attorney.General@ag.state.mn.us

VIA FIRST CLASS MAIL, FAX & EMAIL VIA FIRST CLASS MAIL & EMAIL

Dear Secretary Simon & Attorney General Ellison:

I write this letter as litigation counsel to Roque De La Fuente, who is a candidate for the 2020 Republican party nomination for the Office of President of the United States, in a sincere effort to avoid litigation under 42 U.S.C. § 1983. Mr. De La Fuente's election lawyers have uncovered a likely unconstitutional provision in Minnesota's Election Code which we believe violates the presidential Qualifications Clause of article II, section 1, clause 5 of the United States Constitution (hereinafter the "Qualifications Clause"), which enumerates the exclusive substantive requirements to hold the office of president.

Minnesota Election Code § 207A.13, Subd. 2(a) provides that candidates seeking the 2020 Republican presidential nomination may only appear on Minnesota's primary election ballot if:

“Each party must determine which candidates are to be placed on the presidential nomination primary ballot for that party. The chair of each party 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. Once submitted, changes must not be made to the candidates that will appear on the ballot.”

Accordingly, in addition to the exclusive list of requirements to hold the office of president under the Qualifications Clause, Minnesota imposes the additional substantive qualification that an otherwise qualified candidate may only appear on its ballot to contest for Minnesota's delegates to the

Republican National Convention, if, and only if, his name is forwarded to the Minnesota Secretary of State for inclusion on Minnesota's taxpayer financed presidential preference primary election ballot.

As you may be aware, federal courts have unanimously declared state statutes imposing qualifications to appear on their ballot for federal office in addition to those enumerated in the relevant constitutional text to be unconstitutional. *See, e.g., U.S. Term Limits, Inc. v. Thornton*, 514 U.S. 779 (1995) (holding term limit statute violated Congressional Qualification Clause); *Schaefer v. Townsend*, 215 F.3d 1031 (9th Cir. 2000) (holding that a state residency requirement violated Congressional Qualifications Clause and that any substantive state imposed barrier to ballot access for federal candidates not tethered to regulating the mechanics of the conduct of the election or for the candidate to show a modicum of support violated the relevant constitutional qualification clauses); *Shub v. Simpson*, 76 A.2d 332 (Md. 1950) (holding a loyalty oath required for ballot access for federal office violated relevant qualification clauses).

The most recent example of Qualifications Clause jurisprudence is *De La Fuente v Padilla*, 2:19-cv-01659-MCE-DB (E.D. Ca. October 1, 2019), where Mr. De La Fuente successfully challenged the constitutionality, on a motion for preliminary injunction, of California's attempt to force presidential candidates to file 5 years' worth of federal income tax returns with the Secretary of State as a requirement to appear on California's presidential primary election ballot. It should be noted, as will be highlighted in any future federal litigation, that President Trump joined in the argument that any state imposed additional requirement to appear on a presidential primary election ballot amounts to an unconstitutional additional qualification. I am confident that any attempt to manipulate Minnesota's 2020 primary election ballot through the imposition of additional qualifications to protect President Trump from a legitimate primary contest will be viewed with increased skepticism by a federal judge given President Trump's litigation stance in California district court challenging an additional qualification that threatened his access to a presidential primary ballot.

Unlike the tax returns at issue in the successful California challenge, the Minnesota statute imposes a substantive ballot access restriction which imposes an absolute bar from the ballot which candidate De La Fuente cannot overcome by the production of any document in his possession. De La Fuente's access to Minnesota's 2020 presidential primary ballot is wholly contingent on a decision outside his control as authorized by the challenged state statute. It is precisely because the State of Minnesota imposes the requirement under § 207A.13 Subd. 2(a), in a state controlled and mandated presidential primary that the requirement implicates an unconstitutional additional qualification. The challenged statutory restriction is not a private party rule governing internal party decisions, rather it is a ballot access restriction made part of a taxpayer financed primary election and imposed under state law, without any opportunity to bypass through other means or standards governing the decision making process as to which candidates are submitted to the secretary of state to appear on the ballot.

I am requesting an immediate written guarantee that presidential candidate De La Fuente will appear on Minnesota's 2020 Republican presidential primary election ballot upon satisfaction of any other statutory requirements, or, in the alternative, that the requirement of § 207A.13 Subd. 2(a) will not be enforced to prevent any candidate from appearing on their respective party's presidential primary election ballot.

Please advise of your position prior to November 10, 2019.

Sincerely,

/s/ Paul A. Rossi

Paul A. Rossi

cc: Minnesota Republican Party
Roque De La Fuente

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

ROQUE “ROCKY” DE LA FUENTE,	:	
	:	Civil Acton # _____
Plaintiff,	:	
	:	
vs.	:	
	:	
STEVE SIMON, in his official capacity as the Secretary of State of the State of Minnesota,	:	
	:	
Defendant.	:	

COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF

1. Plaintiff, ROQUE “ROCKY” DE LA FUENTE by and through his undersigned legal counsel, file this civil action pursuant to 42 U.S.C. § 1983 for prospective equitable and declaratory relief against Defendant, STEVE SIMON, made a party to this action in his official capacity as the Secretary of State for the State of Minnesota as the chief elections official charged with enforcement of Minnesota Election Code § 207A.13, subd. 2(a) which Plaintiff alleges violate rights guaranteed to his under the United States Constitution.

JURISDICTION

2. Jurisdiction lies in this Court under 28 U.S.C. § 1331, providing that the district courts of the United States shall have original jurisdiction of all civil actions arising under the Constitution of the United States.

3. Moreover, jurisdiction lies under 42 U.S.C. § 1983 and 28 U.S.C. § 1343(a), the jurisdictional counterpart of 42 U.S.C. § 1983 as Plaintiff alleges violation of rights guaranteed to him under the United States Constitution.

VENUE

4. Venue is proper in the United States District Court for the District of Minnesota under 28 U.S.C. § 1391 as Defendant exercises his statutory authority as the chief elections official of the State of Minnesota within this district, maintains all of his offices within this district and all of the events and/or omissions giving rise to the claims advanced in this litigation occurred in this district.

PARTIES

5. Plaintiff Roque “Rocky” De La Fuente, is a registered voter and a member of the Republican Party and is a declared candidate for the 2020 presidential nomination of the Republican National Convention. Plaintiff registered as a presidential candidate seeking the 2020 Republican Party presidential nomination with the Federal Elections Commission (hereinafter “FEC”) on May 16, 2019. Plaintiff De La Fuente’s FEC presidential identification number is P60016342. As a candidate for the 2020 Republican Party presidential nomination, Plaintiff De La Fuente intends to secure ballot access to Minnesota’s 2020 Republican presidential primary election seeking to contest for Minnesota’s

39 delegates and 39 alternate delegates to the 2020 Republican National Convention. Plaintiff De La Fuente is a resident of San Diego county in the State of California.

6. Plaintiff De La Fuente is over the age of 35, is a natural born citizen of the United States of America, having been born in San Diego, California and has been a continual resident of the United States for over 35 years.

7. Plaintiff De La Fuente satisfies all of the qualifications enumerated under the Presidential Qualification Clause of Article II, section 1, clause 5 of the United States Constitution.

8. Defendant Steve Simon, in the Secretary of State of the State of Minnesota and is made a party to this action in his official capacity as the official charged with enforcement of Section 207A.13, subd. 2(a) which imposes an additional qualification beyond the exclusive list enumerated in the Presidential Qualification Clause of Article II, section 1, clause 5 of the United States Constitution preventing Plaintiff De La Fuente from securing access to Minnesota's 2020 Republican Party presidential primary election ballot.

FACTUAL ALLEGATIONS

9. The presidential Qualifications Clause of Article II, Section 1, Clause 5 of the United States Constitution provides the exclusive list of qualifications for an individual to be eligible to seek the Office of President of the United States.

10. Article II, Section 1, Clause 5 of the United States Constitution provides that:

No person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.

11. Further, the United States Constitution provides the exclusive list of methods by which a person otherwise eligible for the Office of President may be disqualified to hold the Office of President under the following constitutional provisions:

- (a) Article I, Section 3, Clause 7;
- (b) Fourteenth Amendment, section 3;
- (c) Twenty-Second Amendment.

12. Plaintiff De La Fuente satisfies all of the constitutional requirements to hold the Office of President.

13. Plaintiff De La Fuente is not otherwise disqualified by any constitutional provision from holding the Office of President.

14. Plaintiff De La Fuente is one of only two candidates challenging President Trump for the 2020 Republican presidential nomination to have qualified for every 2020 state presidential primary election ballot where candidates have

been permitted to secure ballot access without the imposition of additional qualifications such as the approval of state or political party officials.

15. No provision of the United States Constitution provides authority to the State of Minnesota to impose additional requirements on eligible citizens to hold the Office of President that are not tethered to a State's legitimate interest to maintain an orderly ballot or properly regulate Minnesota's election machinery.

16. Minnesota Election Code § 207A.13, subd. 2(a) provides that candidates seeking the 2020 Republican presidential nomination may only appear on Minnesota's primary election ballot if:

“Each party must determine which candidates are to be placed on the presidential nomination primary ballot for that party. The chair of each party 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. Once submitted, changes must not be made to the candidates that will appear on the ballot.”

17. The Minnesota presidential primary election is a taxpayer funded election contest.

18. On October 25, 2019, Plaintiff sent a letter to Defendant and Attorney General Keith Ellison, attached hereto as Exhibit A, requesting that they review the constitutionality of Minnesota Election Code § 207A.13, subd. 2(a) under the presidential Qualifications Clause of Article II, Section 1, Clause 5 of the United

States Constitution and a written guarantee that the challenged provision would not be enforced against Plaintiff.

19. To date, neither Defendant nor the Attorney General have responded to Plaintiff's October 25, 2019 letter.

20. Section 207A.13, subd. 2(a) of the Minnesota Election Code is not a provision which tests whether or not a candidate as a modicum support with the electorate sufficient to constitutionally deny access to Minnesota's presidential primary election ballot. The challenged provision simply imposes an additional qualification that a small number of party insiders qualify a candidate to appear on Minnesota's presidential primary election ballot.

21. Defendant has announced that Plaintiff De La Fuente's name was not provided by the Minnesota Republican Party for inclusion on the 2020 Minnesota Republican presidential election ballot and will therefore not appear on the 2020 primary ballot.

22. Minnesota Republican Party officials admit they conspired with President Trump to deny any other Republican presidential candidate access to Minnesota's 2020 presidential primary election ballot demonstrating that the challenged provision is not a permissible test of community support to determine ballot access in Minnesota and is, instead, an unconstitutional additional qualification imposed by the State of Minnesota and enforced by Defendant.

23. The challenged statute is not designed to avoid ballot clutter or promote a more manageable ballot because the challenged statute does not place a limit on the number of candidate placed on Minnesota's presidential primary election ballot

24. The challenged statute is not designed to force, or even permit, a candidate to show any threshold of public support to secure access to the ballot.

25. The challenged statute is not designed to promote an orderly or well-regulated election process.

26. Section 207A.13, subd. 2(a) of the Minnesota Election Code applies to no other candidate nomination within the State of Minnesota.

27. In all other candidate nominations, candidates secure access to the Minnesota primary election ballot through the collection and timely filing of petitions signed by qualified Minnesota electors demonstrating that the candidate enjoys a modicum of support with the electorate sufficient to warrant ballot access and protect the state's interest in preventing ballot clutter.

28. The Supreme Court has recognized that states have a diminished interest in regulating the presidential primary election ballot because the presidential primary and general elections re the only elections conducted within Minnesota which are decided outside the borders of Minnesota.

29. The United States Supreme Court in *Anderson v. Celebrezze*, 460 U.S. 780 (1983), established that a state may not impose its most stringent ballot access restrictions to prevent ballot access for presidential candidates.

30. Plaintiff intends to associate with the Republican voters of Minnesota to provide them the opportunity to elect delegate and alternate delegates to the 2020 Republican National Convention to nominate a candidate free from the stain of impeachment proceedings.

31. Section 207A.13, subd. 2(a) prevents Plaintiff from associating with Minnesota Republican voters for the purpose of securing the support of Minnesota delegate and alternate delegates to the Republican National Convention in violation of rights guaranteed to him under the First and Fourteenth Amendments to the United States Constitution.

32. The challenged statute's only purpose is to prevent otherwise eligible citizens from being able to contest for the Office of President in their party's primary election who are not provided permission by a small cable of party officials.

33. The presidential Qualification Clause of Article II, Section 1, Clause 5 of the United States Constitution was included precisely to prevent an ever-escalating set of differing state requirements for presidential candidates.

34. The challenged statute strikes at the very heart of the constitutional framework establishing a unified set of requirements that a citizen must satisfy to contest for the Office of President of the United States in America's only national election.

35. The challenged statute is not an internal Republican or Democratic Party rule.

36. The challenged statute does not prevent "party raising" to protect the associational rights of political parties.

37. Defendant's enforcement of the challenged statute is the direct and proximate cause of Plaintiff's constitutional injury.

38. Plaintiff has no other remedy available at law.

COUNT I

(As-Applied Challenge – Violation of Presidential Qualification Clause)

39. Plaintiff reasserts each preceding paragraph as if set forth fully herein.

40. Minnesota Election Code § 207A.13, Subd. 2(a) imposes the additional qualification on citizens otherwise qualified to hold the Office of President of the United States that they receive the permission of their political party to appear on Minnesota's 2020 tax-payer funded presidential primary election ballot.

41. The presidential Qualifications Clause of Article II, Section 1, Clause 5 of the United States Constitution enumerates the exclusive qualification to hold the Office of President of the United States.

42. The presidential Qualifications Clause of Article II, Section 1, Clause 5 of the United States Constitution does not impose the requirement that a presidential candidate receive the approval of a political party to contest and hold the Office of President of the United States.

43. Accordingly, Minnesota Election Code § 207A.13, subd. 2(a) imposes an additional qualification on Plaintiff, who is otherwise qualified to appear on Minnesota's 2020 Republican presidential primary election ballot, to secure access to the Minnesota's 2020 primary election ballot in violation of rights guaranteed to Plaintiff De La Fuente under Article II, Section 1, Clause 5 of the United States Constitution for which Plaintiff requests emergency preliminary and permanent declaratory and injunctive relief against Defendant's continued enforcement of Minnesota Election Code § 207A.13, subd. 2(a).

COUNT II

(As-Applied Challenge – Impairment of Plaintiff's Rights Under the First & Fourteenth Amendments to the United States Constitution)

44. Plaintiff reasserts each preceding paragraph as if set forth fully herein.

45. Minnesota Election Code § 207A.13, subd. 2(a) makes it impossible for certain presidential candidates to secure access to Minnesota's 2020 presidential primary election ballot.

46. Minnesota Election Code § 207A.13, subd. 2(a) prevents access to Minnesota's presidential primary election ballot to candidates who can demonstrate a significant modicum of support necessary to require ballot access.

47. Minnesota Election Code § 207A.13, subd. 2(a) imposes Minnesota's most severe ballot access restrictions on presidential candidates.

48. Minnesota Election Code § 207A.13, subd. 2(a) prevents Plaintiff from associating with Minnesota Republican voters to secure support of Minnesota's delegate and alternate delegates to the 2020 Republican National Convention.

49. Accordingly, Minnesota Election Code § 207A.13, Subd. 2(a) violates rights guaranteed to Plaintiff under the First and Fourteenth Amendments to the United States Constitution for which Plaintiff requests emergency preliminary and permanent declaratory and injunctive relief against Defendant's continued enforcement of Minnesota Election Code § 207A.13, Subd. 2(a).

REQUEST FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court:

(A) Enter emergency preliminary injunctive relief against Defendant from enforcing Minnesota Election Code § 207A.13, subd. 2(a) in the 2020 Republican presidential primary election;

(B) Require Defendant to print the name of Plaintiff De La Fuente on the 2020 Republican presidential primary election ballot;

(C) Enter permanent injunctive relief against Defendant from enforcing Minnesota Election Code § 207A.13, subd. 2(a) in future presidential primary elections;

(D) Declare Minnesota Election Code § 207A.13, subd. 2(a) unconstitutional;

(E) Award Plaintiff the cost of this action together with Plaintiff's reasonable attorney fees and expenses pursuant to 42 U.S.C. § 1988; and,

(F) Retain jurisdiction of this action and grant Plaintiff such other relief which in the determination of this Honorable Court to be necessary and proper.

Respectfully submitted,

Dated: November 26, 2019

/s/ Erick Kaardal
Erick Kaardal, Atty No. 229647
Mohrman, Kaardal & Erickson, P.A.
150 South Fifth Street, Suite 3100
Minneapolis, MN 55402
Telephone: (612) 341-1074
Email: kaardal@mklaw.com
Counsel for Plaintiff



STATE OF MINNESOTA
Office of Minnesota Secretary of State
Steve Simon

May 31, 2018

Roque de la Fuente
5440 Morehouse Drive, Suite 4000
San Diego CA 92121

Dear Mr. de la Fuente,

The Office of the Secretary of State (OSS) is in receipt of your second affidavit of candidacy for an office to be voted on at the same election.

A copy of the first affidavit filed by you for an office to be contested at the November 6, 2018 election is attached. You filed for the United States Senate seat with a term expiring in 2025.

You have since sent to OSS an additional affidavit for the United States Senate seat with a term expiring in 2021, along with the appropriate fee.

Minnesota law prohibits a person from filing an affidavit of candidacy for more than one office (and for more than one seat where multiple seats for one office are to be elected) at any one election, with some very minor exceptions not applicable to the United States Senate. *Minnesota Statutes*, section 204B.06, subdivision 1, clause 2. Even though the second Senate seat to be contested is for a shorter term and is named as a special election, *Minnesota Statutes*, section 204D.28, the primary is held as part of the state primary, and the general election is held as part of the state general election, *Minnesota Statutes*, section 204D.28, subdivisions 6 and 7.

Therefore, once having filed an affidavit for one United States Senate seat, you cannot file an affidavit for the other United States Senate seat.

Your affidavit and fee are returned to you with this letter.

The filing period closes June 5, 2018 at 5 PM Central Daylight Time. If you wish, you could withdraw your affidavit of candidacy for the United States Senate seat with a term expiring in 2025, (your previously paid fee is not refundable), and instead file the affidavit of candidacy for the United States Senate seat with a term expiring in 2021, along with an additional \$400 fee, if you so choose and if you could provide both the withdrawal and the new affidavit and fee to this office, (in **our** possession, not in the hands of a courier or the United States Mail) by the close of the filing period.

Please contact me if you have any questions.

Best regards,

A handwritten signature in blue ink, appearing to read "Bert Black". The signature is fluid and cursive, with the first name "Bert" written in a larger, more prominent script than the last name "Black".

Bert Black
Legal Advisor
Office of the Secretary of State of Minnesota

Enclosure.

MAY 29 18 09:59



Office of the Minnesota Secretary of State
AFFIDAVIT OF CANDIDACY

Filing #	102
Cash/Check #	101
Amount \$	400

Instructions

All information on this form is available to the public. Information provided will be published on the Secretary of State's website. If filing for partisan office and not a major party candidate, you must file both an affidavit of candidacy and a nominating petition. (Minn. Stat. 204B.03)

Candidate Information

Name and Office

Candidate Name (as it will appear on the ballot) **Roque "Rocky" De La Fuente**

Office Sought **US Senate - Full Term Expires 2025** District # _____

For Partisan Office, Provide Political Party or Principle **Republican**

For Judicial Office, Provide Name of Incumbent _____

Residence Address

Do not complete if residence address is to be private and checkbox below is marked. All address and contact information is optional for federal, judicial, county attorney, and county sheriff office candidates.

Street Address **700 Front St. Unit 2106**

City **San Diego** State **CA** Zip Code **92101**

My residence address is to be classified as private data. I certify a police report has been submitted or I have an order for protection for my (or my family's) safety, or my address is otherwise private by Minnesota law. I have attached a separate form listing my residence address.

Campaign Address and Contact

Candidate Phone Number (Required) **858-239-9007**

Campaign Contact Address (Required for those who have checked the box above):

Street Address **5440 Morehouse Dr. Suite 4000**

City **San Diego** State **CA** Zip Code **92121**

Website **www.Rocky101.com** Email **Rocky@Rocky101.com**

Affirmation

For all offices, I swear (or affirm) that this is my true name or the name by which I am generally known in the community.

If filing for a state or local office, I also swear (or affirm) that:

- I am eligible to vote in Minnesota;
- I have not filed for the same or any other office at the upcoming primary or general election (except as provided in M.S. 204B.06, subd. 1 (2));
- I am, or will be on assuming office, 21 years of age or more;
- I will have maintained residence in this district for at least 30 days before the general election; and
- If a major political party candidate, I either participated in the party's most recent precinct caucuses or intend to vote for a majority of that party's candidates at the next general election.

If filing for one of the following offices, I also swear (or affirm) that I meet the requirements listed below:

- **United States Senator** – I will be an inhabitant of this state when elected and I will be at least 30 years old and a citizen of the United States for not less than nine years on the next January 3rd, or if filled at special election, within 21 days after the election.
- **United States Representative** – I will be an inhabitant of this state when elected and I will be at least 25 years old and a citizen of the United States for not less than seven years on the next January 3rd, or if filled at special election, within 21 days after the election.
- **Governor or Lieutenant Governor** – I will be at least 25 years old on the first Monday of the next January and a resident of Minnesota for not less than one year on election day. I am filing jointly with _____
- **Supreme Court Justice, Court of Appeals Judge, District Court Judge, or County Attorney** – I am learned in the law and licensed to practice law in Minnesota. My Minnesota attorney license number is _____ and a copy of my license is attached.
- **State Senator or State Representative** – I will be a resident of Minnesota not less than one year and of this district for six months on the day of the general or special election.
- **County Sheriff** – I am a licensed peace officer in Minnesota. My Board of Peace Officer Standards and Training license number is _____ and a copy of my license is attached.
- **School Board Member** – I have not been convicted of an offense for which registration is required under Minn. Stat. 243.166.
- **County, Municipal, School District, or Special District Office** – I meet any other qualifications for that office prescribed by law.

Candidate Signature _____ Date **5/24/18**

Subscribed and sworn to before me this **24th** day of **May**, 20**18**

Marilou Alvarez, Notary Public _____

Notary public or other officer empowered to take and certify acknowledgement



White Copy – Filing Officer Yellow Copy – CFPD Board Pink Copy – Public Information Goldenrod Copy – Candidate Rev. 5/2015

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.



Office of the Minnesota Secretary of State
AFFIDAVIT OF CANDIDACY

Filing #	_____
Cash/Check #	_____
Amount \$	_____

Instructions

All information on this form is available to the public. Information provided will be published on the Secretary of State's website. If filing for partisan office and not a major party candidate, you must file both an affidavit of candidacy and a nominating petition. (Minn. Stat. 204B.03)

Candidate Information

Name and Office

Candidate Name (as it will appear on the ballot) **Roque "Rocky" De La Fuente**

Office Sought **US Senate - Special Election Expires 2021**

District # _____

For Partisan Office, Provide Political Party or Principle **Republican**

For Judicial Office, Provide Name of Incumbent _____

Residence Address

Do not complete if residence address is to be private and checkbox below is marked. All address and contact information is optional for federal, judicial, county attorney, and county sheriff office candidates.

Street Address **700 Front St. Unit 2106**

City **San Diego**

State **CA** Zip Code **92101**

My residence address is to be classified as private data. I certify a police report has been submitted or I have an order for protection for my (or my family's) safety, or my address is otherwise private by Minnesota law. I have attached a separate form listing my residence address.

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Email **Rocky@Rocky101.com**

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- I am eligible to vote in Minnesota;
- I have not filed for the same or any other office at the upcoming primary or general election (except as provided in M.S. 204B.06, subd. 1 (2));
- I am, or will be on assuming office, 21 years of age or more;
- I will have maintained residence in this district for at least 30 days before the general election; and
- If a major political party candidate, I either participated in the party's most recent precinct caucuses or intend to vote for a majority of that party's candidates at the next general election.

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- **Governor or Lieutenant Governor** – I will be at least 25 years old on the first Monday of the next January and a resident of Minnesota for not less than one year on election day. I am filing jointly with _____
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- **County, Municipal, School District, or Special District Office** – I meet any other qualifications for that office prescribed by law.

Candidate Signature _____ Date **25/may/18**

Subscribed and sworn to before me this **25th** day of **May**, 20**18**

Marilou Alvarez, Notary Public

Notary public or other officer empowered to take and certify acknowledgement



White Copy – Filing Officer

Yellow Copy – CFPD Board

Pink Copy – Public Information

Goldenrod Copy – Candidate

Rev. 5/2015

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