

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

CASE TYPE: OTHER-CIVIL

<p>Minnesota Democratic-Farmer-Labor Party, by Ken Martin, its Chair,</p>
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Court File No. \_\_\_\_\_

Plaintiff,

v.

**COMPLAINT**

<p>Steve Simon, in his official capacity as the Secretary of State of the State of Minnesota,</p>
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Defendant.

**INTRODUCTION**

1. The First Amendment of the United States Constitution guarantees to the Minnesota Democratic-Farmer-Labor Party the freedom of political association. Minnesota Statute § 202A.16, subd. 1 violates this right by limiting participation in precinct caucuses to “eligible voters,” thus preventing the Party from including all Minnesota residents in the process of freely choosing its leaders and defining its platform. Accordingly, Plaintiff, the Minnesota Democratic-Farmer-Labor Party (the “DFL,” the “Party,” or “Plaintiff”), through Ken Martin, its Chair, brings this action for Declaratory and Injunctive relief against Steve Simon, in his official capacity as Secretary of State of the State of Minnesota, challenging the constitutionality of Minnesota Statute § 202A.16, subd. 1, which provides that “[o]nly those individuals who are or will be eligible to vote at the time of the next state general election, may vote or be elected a delegate or officer at the precinct caucus.” Voter eligibility is in turn governed by Minn. Stat. § 201.014 and limited to individuals who are 18 years of age or older, a citizen of the United States, and resided in Minnesota for the 20 days immediately preceding the election but specifically excludes individuals convicted of treason or any felony and whose civil rights have not been

restored. Pursuant to 42 U.S.C. § 1983 and Minn. Stat. § 555.01, Plaintiff seeks declaratory relief to invalidate the quoted portion of § 202A.16 because it violates the DFL's freedom of association rights under the First Amendment to the United States Constitution as applied to the States via the Fourteenth Amendment to the United States Constitution. Plaintiff also seeks injunctive relief to prevent the unconstitutional enforcement of this law by Defendant.

### **PARTIES**

2. Plaintiff, the DFL, is a major political party in the State of Minnesota, *see* Minn. Stat. § 202.02, subd. 7, with its principal place of business at 255 East Plato Blvd, St. Paul, MN 55107.

3. Defendant Steve Simon is the Secretary of State for the State of Minnesota. The Secretary of State is responsible for the oversight of elections, including for promulgating rules governing the eligibility and registration of voters in Minnesota, *see* Minn. Stat. § 201.221, and maintaining the registered voter lists, *see* Minn. Stat. § 201.091, subd. 2, which are used to determine whether an individual can participate in a precinct caucus. His office is located at 180 State Office Building, 100 Rev. Dr. Martin Luther King Jr. Blvd., Saint Paul, MN 55155.

### **JURISDICTION AND VENUE**

4. This Court has jurisdiction over these claims pursuant to 42 U.S.C. § 1983 and the Minnesota Uniform Declaratory Judgments Act, Minn. Stat. § 555.01, which provides courts with the power to declare rights, status, and other legal relations whether or not further relief is or could be claimed. Minn. Stat. § 555.01.

5. Venue is proper pursuant to Minn. Stat. § 542.03 and § 542.09 because the cause of action arose in Ramsey County and Defendant Steve Simon has his office in Ramsey County.

## FACTUAL ALLEGATIONS

### **I. THE DFL SUPPORTS THE INCLUSION OF ALL MINNESOTANS IN THE PARTY STRUCTURE.**

6. The DFL believes that every American and Minnesotan, regardless of their immutable traits has a right to stable employment with fair wages, to a proper education, to raise and provide for a family, to accessible and affordable healthcare, to live in safe communities, and to retire with dignity and security.

7. In recognition of this, the DFL Constitution provides that “[m]embership in this party is open to *all Minnesota residents* who support the principles of the Democratic-Farmer-Labor Party of Minnesota.” Art 1, Sec. 2 (emphasis added).

8. One of the most effective ways an individual can meaningfully impact the Party is through the caucus and convention process. As described in greater depth below, it is through this process that the Party endorses candidates, considers and adopts the Party Platform and Action Agenda, and selects Party leadership. Individuals who participate in the caucus and convention process have the opportunity to speak, debate, and vote on these matters of Party-building.

9. However, Minnesota Statute Section 202A.16, subd. 1, provides that “[o]nly those individuals who are or will be eligible to vote at the time of the next state general election, may vote or be elected a delegate or officer at the precinct caucus.”

10. This provision thus prevents non-eligible voters, such as “Dreamers,” individuals who have not been fully restored to civil rights, or minors, from participating fully in the DFL’s caucus and convention process, which as laid out below, fundamentally influence the structure and platform of the DFL.

## **II. THE PRECINCT CAUCUS SERVES AS THE FOUNDATION OF THE DFL'S PARTY STRUCTURE.**

11. The Precinct Caucus is a foundational pillar of the DFL's grassroots history. In every year in which a general election is held, DFL members come together in small neighborhood-level gatherings to discuss issues and organize the local DFL party unit.

12. The two primary functions of the caucus are the introduction of resolutions to amend the DFL Party Platform and DFL Action Agenda and the election of delegates.

13. First, attendees at a caucus may introduce resolutions on important issues that they wish to see included in the DFL Party Platform and the DFL Action Agenda. The DFL Platform embodies the DFL's fundamental beliefs and principles, and the DFL Action Agenda lays out legislative objectives and political priorities for a two-year period. If resolutions are adopted by the requisite number of caucuses and approved by delegates at the State Convention, they will be added to the Platform or Action Agenda.

14. The other important function of the caucus is to select delegates and alternates. These delegates play an essential role in the Party structure through the endorsement of local candidates and the selection of DFL leadership.

15. Delegates elected at the Precinct Caucus may go on to the Organizing Unit Convention, which is the second level of the DFL Party structure. At this level, delegates endorse candidates for the state legislature and choose delegates to move on to the State and Congressional District Conventions. In addition to endorsing candidates for the State Senate and House, delegates at the Organizing Convention consider resolutions passed at the precinct caucuses. A select number of resolutions earning the greatest number of votes will be considered at the State Convention.

16. The third level of the DFL Party structure is the Congressional District Convention. Delegates elected at the Organizing Unit Convention gather together to endorse Minnesota candidates for U.S. Congress, elect members to State Commissions and committees for the State Convention, and elect delegates to the National Convention.

17. The State Convention is the supreme governing body of the DFL. The convention is held in even-numbered years with over 1,300 voting delegates. These delegates will endorse a candidate for the U.S. Senate, endorse a gubernatorial candidate and candidates for other State constitutional offices, elect At-Large Delegates to the Democratic National Convention, and elect DFL State Directors. In addition, delegates at the State Convention present and deliberate amendments to the State DFL Constitution and Bylaws, and consider proposed resolutions for addition to the DFL Party Platform and Action Agenda.

18. Every four years, delegates at the State Convention also elect at-large representatives to serve on the Democratic National Committee along with the State Party Chair and Vice-Chair.

19. Finally, delegates may proceed to the National Convention, where they choose the Democratic nominees for President of the United States and Vice President of the United States. Delegates are elected to the National Convention from Congressional District Elections and the State Convention.

20. Because of Minnesota Statute Section 202A.16, subd. 1, those who are not eligible voters, such as “Dreamers,” individuals who have not been restored to their full civil rights, and minors, are unable to participate in these fundamental democratic processes.

21. Specifically, these individuals are precluded from becoming delegates and thus excluded from the process of endorsing candidates for office at the local, state, and national level.

22. In addition, these individuals are precluded from leadership positions in the DFL, because such positions are selected from among eligible delegates at the Congressional District and State Conventions.

23. Finally, these individuals are precluded from advancing important issues and action items for inclusion in the DFL Party Platform and DFL Action Agenda, because the final decision to amend these documents is made by eligible delegates at the State Convention.

24. The exclusion of these individuals from full participation in the DFL Party structure conflicts with the DFL's fundamental belief that every Minnesotan, regardless of their eligibility to vote, has an interest in endorsing candidates for office who best represent their interests and beliefs, and should have the opportunity to participate in the leadership structure of the DFL, including the chance to advance important issues and action items for inclusion in the Party Platform.

#### **COUNT ONE**

#### **Minnesota Statute § 202A.16, Subdivision 1 Violates the DFL's Freedom of Association**

25. Plaintiffs repeat and reallege the allegations in paragraphs 1 through 24 of this complaint as if fully set forth herein.

26. It is irrefutable that political parties enjoy a constitutionally protected right of political association.

27. Although the State has a legitimate interest in protecting the integrity of the electoral process, such interest must be compelling to justify an abridgement of the exercise of a political party of its constitutional right of association.

28. The DFL's right of association is at its strongest when considering a wholly internal Party system such as the caucus and convention process.

29. The selection of delegates, endorsement of candidates, selection of Party leadership, and adoption of issues and action items to be included in the Party Platform do not bear a sufficiently close relationship to the election of officials for state or national office such that the State has a compelling interest in limiting participation to eligible voters.

30. Accordingly, Minn. Stat. § 202A.16, subd. 1, which states that “only those individuals who are or will be eligible to vote at the time of the next state general election, may vote or be elected a delegate or officer at the precinct caucus,” violates the Party’s right to determine the composition of its delegates who will endorse candidates and advance important issues, and to freely choose Party officials and leaders.

31. Because the State has no compelling interest in regulating the qualifications of delegates or officers of the DFL, Minn. Stat. § 202A.16, subd. 1 is unconstitutional as a violation of the DFL’s First Amendment freedom of association rights as applied to the States via the Fourteenth Amendment to the United States Constitution, and should thus be deemed void, and the Defendant enjoined from enforcing this provision of Minnesota law.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs respectfully pray this Court enter an Order:

- a. Declaring that Minn. Stat. § 202A.16, subd. 1 is unconstitutional to the extent it limits the DFL from allowing non-eligible voters from serving as delegates or officers of the Party because it violates the DFL’s freedom of association under the First Amendment to the Constitution as applied to the States via the Fourteenth Amendment to the Constitution.
- b. Enjoining the Secretary of State from enforcing Minn. Stat. § 202A.16, subd. 1.

- c. Awarding Plaintiff the costs and expenses incurred in the instant litigation, including its reasonable attorneys' fees pursuant to 42 U.S.C. § 1988(b).
- d. Awarding any such other relief as may be just and appropriate under the circumstances.

Dated: July 10, 2020

LOCKRIDGE GRINDAL NAUEN P.L.L.P.

s/Charles N. Nauen

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**ACKNOWLEDGMENT**

The undersigned hereby acknowledges that, pursuant to Minn. Stat. § 549.211, subd. 2, costs, disbursements, and reasonable attorney and witness fees may be awarded to the opposing party in this litigation if the Court should find that the undersigned acted in bad faith, asserted a claim or defense that is frivolous and that is costly to the other party, asserted an unfounded position solely to delay the ordinary course of the proceedings or to harass; or committed a fraud upon the Court.

s/Charles N. Nauen  
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