

**FILED**

January 9, 2020

**OFFICE OF  
APPELLATE COURTS**

STATE OF MINNESOTA  
IN SUPREME COURT

A19-1994

Roque “Rocky” De La Fuente, et al.

Petitioners,

vs.

Steve Simon, Minnesota Secretary of State,

Respondent.

**ORDER**

On December 13, 2019, petitioners Roque “Rocky” De La Fuente and James Martin, Jr. filed a petition under Minn. Stat. § 204B.44(a) (2018). Petitioners ask our court to direct respondent Steve Simon, Minnesota Secretary of State, to include De La Fuente’s name as a candidate for the Republican Party’s nomination for United States President on the ballot for Minnesota’s March 3, 2020, presidential nomination primary election. Under the statutes that govern Minnesota’s presidential nomination primary election, the participating major political parties must “determine which candidates are to be placed on” the party’s ballot and submit those names to the Secretary of State, decide whether the party’s ballot should include a “blank line” that allows “a voter [to] write in the name of a person who is not listed on the ballot,” and submit to the Secretary of State “the names of write-in candidates” whose votes should be counted for the party. Minn. Stat. § 207A.13 (2018).

The chair of The Republican Party of Minnesota notified the Secretary of State on October 24, 2019, that the candidate for that party's ballot is Donald J. Trump.

Petitioners assert that by conferring sole authority on political parties to determine which candidates' names will be on the ballot, and whether to allow write-in voting and if so which candidates' votes to count, section 207A.13 violates the Minnesota Constitution's prohibition on special laws that grant special or exclusive privileges to a private corporation, association, or individual, Minn. Const. art. XII, § 1; the presidential Eligibility Clause of the United States Constitution, U.S. Const. art. II, § 1, cl. 5; and candidates' and voters' rights of free association under the First and Fourteenth Amendments to the United States Constitution, U.S. Const. amends. I, XIV. The petition was served on Minnesota's major political parties, the candidates designated by Minnesota's Republican and Democratic-Farmer-Labor (DFL) parties to appear on the ballots for the primary election, and the Secretary of State.

We directed the parties to file briefs addressing petitioners' claims and invited amicus participation by Minnesota's major political parties and the candidate for the Republican Party's nomination as president. Petitioners, in their brief, ask that we declare Minn. Stat. § 207A.13, subd. 2(a)–(b), unconstitutional and direct the Secretary of State to include De La Fuente's name and the names of other Republican Party candidates on the ballot for Minnesota's presidential nomination primary. The Secretary of State, in response, asserted first that we should dismiss the petition based on laches because petitioners delayed unreasonably in asserting their claims, resulting in prejudice. *See Winters v. Kiffmeyer*, 650 N.W.2d 167, 169 (Minn. 2002) (explaining that laches prevents

the party who has not been diligent in asserting a known right from recovering against a party who is prejudiced by the delay). The Secretary also asserts that petitioners' claims fail as a matter of law. The Minnesota DFL Party filed a brief in support of the Secretary of State; the Minnesota Republican Party has not appeared in this action. We held oral argument on January 9, 2020.

We conclude that laches does not bar consideration of the petition. We further conclude that petitioners' claims lack legal merit.

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

**IT IS HEREBY ORDERED THAT:**

1. The petition of Roque "Rocky" De La Fuente and James Martin, Jr., under Minn. Stat. § 204B.44(a) (2018), be, and the same is, denied.
2. So as not to impair the orderly election process, this order is issued with an opinion to follow.

Dated: January 9, 2020

BY THE COURT:



Lorie S. Gildea  
Chief Justice