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**OFFICE OF
APPELLATE COURTS**

STATE OF MINNESOTA

IN COURT OF APPEALS

Minnesota Gun Owners Caucus,
Respondent,

vs.

Tim Walz, et al.,
Appellants,

vs.

Mary Moriarty,
Defendant.

APPELLANTS' BRIEF

NICHOLAS J. NELSON (#391984)
DOUGLAS P. SEATON (#127759)

UPPER MIDWEST LAW CENTER
12600 Whitewater Drive, Suite 140
Minnetonka, MN 55343
(612) 428-7000 (Voice)

Nicholas.nelson@umlc.org
Douglas.seaton@umlc.org

LIZ KRAMER (#0325089)
Solicitor General

PETER J. FARRELL (#0393071)
Deputy Solicitor General

EMILY B. ANDERSON (#0399272)
ANNA VEIT-CARTER (#0392518)
MATT MASON (#0397573)
Assistant Attorneys General

445 Minnesota Street, Suite 600
St. Paul, Minnesota 55101-2131
(651) 300-7547 (Voice)
liz.kramer@ag.state.mn.us
peter.farrell@ag.state.mn.us
emily.anderson@ag.state.mn.us
anna.veit-carter@ag.state.mn.us
matt.mason@ag.state.mn.us

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LEGAL ISSUES

1. Do single-subject challenges present non-justiciable political questions?

The district court declined to consider this issue. Add. 12. The State appealed.

Apposite Authorities:

Ninetieth Minn. State Senate v. Dayton, 903 N.W.2d 609 (Minn. 2017)
State ex rel. Nash v. Madson, 45 N.W. 856 (Minn. 1890)

2. Should Minnesota apply the codification rule to bar single-subject challenges that do not come until after the challenged law has been codified into statutes—including this challenge?

The district court declined to consider this issue. Add. 13. The State appealed.

Apposite Authorities:

State v. Mabry, 460 N.W.2d 472 (Iowa 1990)

STATEMENT OF THE CASE

In 2024, the legislature worked to combat gun violence by outlawing binary triggers—dangerous devices that double a gun’s rate of fire. Mass shooters and other criminals have used binary triggers and similar rapid-fire devices in high-profile killings across the country. One of those killings occurred in Minnesota in early 2024: two Burnsville police officers and a paramedic were murdered by a shooter carrying a gun equipped with a binary trigger.

Multiple legislative committees vetted the binary trigger ban. It commanded majority support in both chambers. Ultimately, the legislature folded the ban into an omnibus bill that passed at the end of the session. 2024 Minn. Laws ch. 127, art. 36, § 2 (the 2024 omnibus bill).

Nine months later, the Minnesota Gun Owners Caucus (Gun Owners) sued the State, alleging that the binary trigger ban should be invalidated because the 2024 omnibus bill violated the Minnesota Constitution’s single-subject clause. Minn. Const. art. IV, § 17. The Gun Owners’ challenge was sweeping: they sought to invalidate the *entire* 2024 omnibus bill—not just the binary trigger ban. On competing dispositive motions, the district court¹ held that the binary trigger ban was not germane to the 2024 omnibus bill’s subject, and it severed that provision from the 2024 omnibus bill.

¹ The Honorable Leonardo Castro, Ramsey County District Court.

STATEMENT OF FACTS

I. BINARY TRIGGERS.

Binary triggers are dangerous devices that are designed to increase a weapon's rate of fire. Doc. 19, Ex. A. When loaded, firearm triggers are generally in the forward position and must be pulled backward to discharge. *Id.* Guns typically discharge a single cartridge only during the backward movement of the trigger, and require the shooter to release the trigger to fire a subsequent cartridge on a second "pull." *Id.* Binary triggers, however, allow firearms to discharge a cartridge during both the backward pull and forward release of the trigger, effectively doubling the rate of fire. *Id.*

Mass shooters and other criminals have used binary triggers and similar trigger activators in high-profile killings across the country, including a recent ambush of police officers in Fargo, North Dakota.² In February 2024, two Burnsville police officers and a paramedic were murdered by a shooter carrying several guns, one of which was equipped with a binary trigger.³

² E.g., Claudia Lauer, *The Fargo shooter used a binary trigger. Here's what to know about the device that's worrying police*, A.P. (July 21, 2023), <https://apnews.com/article/binary-triggers-fargo-shooting-08391f506b264bc3de25ce7b4efd52b1>.

³ Michelle Griffith, *DFL lawmakers propose increased straw purchase penalty, trigger ban after Burnsville shooting*, Minnesota Reformer (Mar. 20, 2024), <https://minnesotareformer.com/2024/03/20/dfl-lawmakers-propose-increased-straw-purchase-penalty-trigger-ban-after-burnsville-shooting/>.

II. THE LEGISLATURE PASSES THE BINARY TRIGGER BAN.

Since 1933, Minnesota has prohibited the use, ownership, possession, sale, control, or transport of machine guns. H.F. 189, 48th Leg., Reg. Sess. 231-33 (Minn. 1933).⁴ In 1993, the legislature amended the prohibition on machine guns to also ban trigger activators, which are devices constructed and designed to increase a weapon's rate of fire to that of a machine gun. H.F. 1585, 78th Leg., Reg. Sess. 1988 (Minn. 1993).⁵ Then, in the 2023 session, the legislature amended the definition of a trigger activator to include devices that allow firearms to discharge multiple shots with a single pull of the trigger. S.F. 2909, 93d Leg., Reg. Sess. 8920-21 (Minn. 2023).⁶

Following the 2024 tragedy in Burnsville, the legislature further amended that definition to ban binary triggers, joining more than a dozen other states that have prohibited trigger activators and other rapid-fire devices.⁷ At the start of the session, the House and Senate each took up an omnibus public safety bill, both of which proposed amending Minn. Stat. § 609.67 to prohibit the ownership, possession, or operation of binary triggers (the

⁴ <https://www.revisor.mn.gov/laws/1933/0/Session+Law/Chapter/190/pdf/>.

⁵<https://www.revisor.mn.gov/laws/1993/0/Session+Law/Chapter/326/1993-05-17%2000:00:00+00:00/pdf>.

⁶ <https://www.senate.mn/journals/2023-2024/20230517072.pdf#page=2>.

⁷ *Prohibit Auto Sears, Bump Stocks, and Other Rapid-Fire Devices*, Everytown for Gun Safety, <https://www.everytown.org/solutions/prohibit-bump-stocks/> (last visited Nov. 13, 2025).

binary trigger ban).⁸ H.F. 2609, 93d Leg., Reg. Sess. 1349 (Minn. 2024); S.F. 5153, 93d Leg., Reg. Sess. 12529 (Minn. 2024).

On March 6, 2024, the House introduced its omnibus public safety bill and referred it to the Public Safety Finance and Policy Committee. H.F. 2609, 93d Leg., Reg. Sess. 1349 (Minn. 2024).⁹ At a hearing on March 21, 2024, the Public Safety Finance and Policy Committee subsequently adopted amended language that included the binary trigger ban.¹⁰ The Senate introduced a companion bill on March 21, 2024, and referred it to the Judiciary and Public Safety Committee. S.F. 5153, 93d Leg., Reg. Sess. 12529 (Minn. 2024).¹¹ At a hearing the following day, the Judiciary and Public Safety Committee considered that bill, including the binary trigger ban, recommended its passage, and referred the bill to the Finance Committee.¹²

Throughout the legislative session, several committees in both chambers debated and vetted the binary trigger ban, receiving testimony both for and against. Doc. 18, at 4-5. Majorities on all relevant committees concluded that the binary trigger ban should

⁸ The enacted version of the binary trigger ban adds subdivision 1(d)(3) to Minn. Stat. § 609.67, which clarifies that the definition of a trigger activator includes “a device that allows a firearm to shoot one shot on the pull of the trigger and a second shot on the release of the trigger without requiring a subsequent pull of the trigger.” Minn. Stat. § 609.67, subd. 1(d)(3).

⁹ <https://www.house.mn.gov/cco/journals/2023-24/J0306030.htm#1349>.

¹⁰ <https://www.house.mn.gov/committees/minutes/93020/100747>.

¹¹ <https://www.senate.mn/journals/2023-2024/20240321095.pdf#page=73>.

¹² https://www.senate.mn/schedule/hearing_minutes.html?hearing_id=18492&ls=93.

become law and recommended its passage. Hearing on H.F. 2609 before the H. Pub. Safety Fin. & Pol'y Comm., 93rd Leg., Reg. Sess. (Minn. Apr. 4, 2024);¹³ Hearing on S.F. 5153 before the S. Fin. Comm., 93rd Leg., Reg. Sess. (Minn. Apr. 18, 2024).¹⁴

The House passed its version of the bill containing the binary trigger ban by a vote of 71 to 59 on May 2, 2024. H.F. 2609, 93d Leg., Reg. Sess. 15597-98 (Minn. 2024).¹⁵ On May 9, 2024, the Senate passed an amended version of the companion bill (which still included the binary trigger ban) and returned it to the House.¹⁶ *Id.* at 16416. A conference committee reconciled the differences and issued a report on May 17, 2024.¹⁷ *Id.* at 17328-29. That same day, the House repassed the amended bill, including the binary trigger ban, by a vote of 69 to 60.¹⁸ *Id.* at 17331-32.

The legislature ultimately folded the binary trigger ban into the 2024 omnibus bill. Minn. Laws ch. 127, art. 36, § 2. The 2024 omnibus bill is titled “an act relating to the operation and financing of state government.” 2024 Minn. Laws ch. 127;¹⁹ H.F. 5247,

¹³ <https://www.house.mn.gov/committees/minutes/93020/100919>.

¹⁴ https://www.senate.mn/schedule/hearing_minutes.html?hearing_id=18674&ls=93.

¹⁵ <https://www.house.mn.gov/cco/journals/2023-24/J0502110.htm#15597>.

¹⁶ <https://www.house.mn.gov/cco/journals/2023-24/J0509114.htm#16416>.

¹⁷ <https://www.house.mn.gov/cco/journals/2023-24/J0517117.htm#17328>.

¹⁸ <https://www.house.mn.gov/cco/journals/2023-24/J0517117.htm#17332>.

¹⁹ <https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/127/>.

93d Leg., Reg. Sess. (Minn. 2024); S.F. 5234, 93d Leg., Reg. Sess. (Minn. 2024).²⁰ The 2024 omnibus bill ultimately passed both houses on May 19, 2024, at the end of a contentious session where both political caucuses accused the other of delay and improper tactics.²¹

On May 24, 2024, Governor Walz signed the 2024 omnibus bill into law.²² The Revisor of Statutes codified all the statutes affected by the 2024 omnibus bill, including the binary trigger ban, into Minnesota's statutes on November 1, 2024.²³

III. PROCEDURAL HISTORY.

A. The Gun Owners Sue To Invalidate the 2024 Omnibus Bill.

Nine months after the binary trigger ban was signed into law, the Gun Owners sued the State and Hennepin County Attorney Mary Moriarty. Doc. 1. The complaint alleged that the binary trigger ban violated the single-subject clause of the Minnesota Constitution, Minn. Const. art. IV, § 17. *Id.* Despite only challenging the binary trigger ban, the Gun

²⁰ On May 19, 2025, the Tax Omnibus Conference Committee proposed a “delete-all” amendment, replacing the entirety of the former H.F. 5247 (the tax omnibus) with the language and title of the eventual 2024 omnibus bill. House Journal p. 18591 (“H.F. No. 5247 be further amended as follows: Delete everything after the enacting clause and insert: [language of the 2024 omnibus bill, beginning with Article I: Transportation Appropriations]”); Senate Journal p. 18845 (same). The Committee specifically proposed deleting the tax omnibus’s title and replacing it with the 2024 omnibus bill’s title. House Journal pp. 19600-04; Senate Journal pp. 20014-21.

²¹ See Michelle Griffith, *Chaotic end leaves Democratic Legislature with a few wins*, Minnesota Reformer (May 20, 2024), <https://minnesotareformer.com/2024/05/20/chaotic-end-leaves-democratic-legislature-with-a-few-wins/>.

²² <https://www.house.mn.gov/cco/journals/2023-24/JSupp2024.htm#19819>.

²³ <https://www.revisor.mn.gov/statutes/cite/609/versions>.

Owners asked that the entire 2024 omnibus bill be invalidated (or, in the alternative, that the binary trigger ban be severed and voided). Doc. 1 ¶¶ 82-83.

On competing dispositive motions, the district court largely agreed with the Gun Owners. Add. 2. It declined to address the State’s threshold arguments: the political question doctrine and the codification rule. Add. 12-13. On the merits, the district court held that the binary trigger ban was not germane to the bill’s subject and therefore violated the constitution. Add. 24. Deferring to precedent, the district court limited its remedy to severing the binary trigger ban from the 2024 omnibus bill and invalidating only that provision. Add. 25. But it also invited “the people and businesses of Minnesota” to “bring hundreds of lawsuits over the next few years before the statute of limitations expires to hack off, piece by piece, [the 2024 omnibus bill’s] many offending provisions.” Add. 24.

B. *UnitedHealth Group, Inc. v. State.*

Shortly before the district court ruled in this case, another Ramsey County district court ruled on another single-subject challenge to the 2024 omnibus bill—*UnitedHealth Group, Inc. v. State*, 62-cv-24-4764 (Ramsey Cnty. Dist. Ct.), *appeal docketed*, A25-1398 (Minn. Ct. App. Aug. 28, 2025). That lawsuit was filed in August 2024 and challenged two other sets of provisions of the 2024 omnibus bill: the HMO contracting provision and the worker classification provisions. Add. 32.

Like the district court in this case, the *UnitedHealth* district court did not address whether the political question doctrine should apply to bar consideration of single-subject claims. Add. 32-55. But on the merits, the district court held that the 2024 omnibus bill’s subject was “the operation and financing of state government,” that subject was

constitutional, and both sets of challenged provisions were germane to that subject. Add. 53-54. An appeal in that case remains pending.

STANDARD OF REVIEW

The Court reviews orders granting summary judgment de novo to determine whether there are any genuine issues of material fact and whether the district court erred in applying the law. *STAR Ctrs., Inc. v. Faegre & Benson, L.L.P.*, 644 N.W.2d 72, 76-77 (Minn. 2002).

Minnesota’s “[s]tatutes are presumed constitutional, and ‘the party that asserts otherwise bears a heavy burden to overcome that presumption.’” *Binkley for President 2024 v. Simon*, 7 N.W.3d 400, 403 (Minn. 2024) (quoting *Kimberly-Clark Corp. v. Comm'r of Revenue*, 880 N.W.2d 844, 848 (Minn. 2016)). “To prevail, a party challenging the constitutionality of a statute must demonstrate beyond a reasonable doubt that the statute violates a constitutional provision.” *Vermillion State Bank v. Tennis Sanitation, LLC*, 969 N.W.2d 610, 630 (Minn. 2022) (citation modified).

ARGUMENT²⁴

This Court should reverse the district court’s order for two reasons. First, single-subject challenges should be treated as non-justiciable political questions. Second, the

²⁴ The State understands that this Court does not have the authority to “abolish established judicial precedent.” *State v. McCormick*, 835 N.W.2d 498, 510 (Minn. Ct. App. 2013) (citation modified). Because the Minnesota Supreme Court has long treated single-subject claims as justiciable, the State’s political question argument is ultimately for the Minnesota Supreme Court. The State advances the argument here to preserve it for further review. The codification rule likely falls into the same bucket, but it is at least arguably different. This Court has recognized narrow authority to “make new law” if “there are no statutory (Footnote Continued on Next Page.)

Court should apply the codification rule to bar this case because the Gun Owners did not bring this challenge until several months *after* the binary trigger ban was codified. For both reasons, the Gun Owners' challenge to the binary trigger ban fails.

I. THE COURT SHOULD DECLINE TO CONSIDER SINGLE-SUBJECT CHALLENGES BECAUSE THEY PRESENT NON-JUSTICIALE POLITICAL QUESTIONS.

The Minnesota Constitution provides that “[n]o law shall embrace more than one subject, which shall be expressed in its title.” Minn. Const. art. IV, § 17. The Minnesota Supreme Court has interpreted this language as requiring legislation to have a “single-subject,” *Johnson v. Harrison*, 50 N.W. 923, 924 (Minn. 1891), as well as a title that provides “notice of the interests likely to be affected by the law,” *Wass v. Anderson*, 252 N.W.2d 131, 134-35 (Minn. 1977).

The political question doctrine is rooted in the separation of powers and principles of judicial restraint. *Ninetieth Minn. State Senate v. Dayton*, 903 N.W.2d 609, 623-25 (Minn. 2017). It recognizes that the judiciary’s role is not “to assess, weigh, and judge the motives of co-equal branches of government engaged in a quintessentially political process.” *Id.* (citing *In re McConaughy*, 119 N.W. 408, 417 (Minn. 1909)).

Single-subject claims present “quintessential[] political process” questions that should be beyond the reach of the judiciary. *Id.* To be sure, Minnesota courts have long heard cases arising under the single-subject clause. But in the modern era, Minnesota courts

or judicial precedents to follow.” *Id.* (citation modified.). Here, the Minnesota Supreme Court has never—to the State’s knowledge—addressed the codification rule. The Court therefore has “no controlling precedent” on codification to apply. Regardless, the State advances the codification argument to preserve it for further review too.

have not considered whether the political question doctrine should bar consideration of single-subject claims. The time to do so is now: constitutional text and structure, history, and prudential considerations all favor holding single-subject claims non-justiciable.

A. The Text of the Minnesota Constitution Commits Responsibility for the Single-Subject Clause to the Legislature.

Consider first the text of the Minnesota Constitution. A key inquiry under the political question doctrine is whether the Minnesota Constitution “specifically delegate[s]” the matter “to some other department.” *In re McConaughy*, 119 N.W. at 415. After all, “[t]he courts have no judicial control over such matters . . . which the people have by the Constitution delegated to the Legislature.” *Id.* The Minnesota Constitution delegates responsibility for the single-subject clause to the legislature. The clause appears in article IV of the Minnesota Constitution, which relates to the powers and responsibilities of the “legislative department.” Minn. Const. art. IV, § 17. And the clause applies to the legislature’s core function: lawmaking. *See Fletcher Props., Inc. v. City of Minneapolis*, 947 N.W.2d 1, 11 (Minn. 2020). Legislative power is at its apex when exercising that function, which is why courts “generally defer to legislative judgments on the wisdom and utility of a law out of concern for democratic legitimacy and institutional capacity.” *Id.*²⁵

Other textual and structural clues confirm legislative primacy when it comes to the single-subject clause. If a constitutional power is “textually committed” to a coordinate

²⁵ This is a key difference between the single-subject clause and other legislative issues that the Minnesota Supreme Court has recently policed. For example, the issue in *Simon v. Demuth* was not one purely delegated to the legislative branch because it involved a separate constitutional officer—the Secretary of State. *Simon v. Demuth*, 17 N.W.3d 753, 757-78 (Minn. 2025).

branch, the political question doctrine asks whether the constitutional language is capacious or “precise.” *See Nixon v. United States*, 506 U.S. 224, 228-30 (1993) (holding that former judge’s claim that alleged violation of the U.S. Constitution’s Impeachment Trial Clause was nonjusticiable). Constitutional language that is limited and precise (e.g., the age requirement for U.S. House of Representatives members) is susceptible to meaningful judicial review. But broad constitutional language that “lacks sufficient precision” may foreclose it.

The single-subject clause is capacious: it speaks in the broadest terms about a law’s “subject.” Minn. Const. art. IV, § 17. This sweeping language raises the very real prospect that the judiciary will interfere with the legislature’s lawmaking power in inconsistent and arbitrary ways. *See Nixon*, 506 U.S. at 229-30 (observing that the word “try” in the Impeachment Trial Clause “lacked ‘sufficient precision’ for judicial review). It also raises the very real prospect that the judiciary will violate the separation of powers. Minn. Const. art. III (forbidding the different branches from exercising “any of the powers properly belonging to either of the others”).²⁶

B. History Confirms That the Single-Subject Clause is “Well-Nigh Impossible” to Enforce.

The long history of the single-subject clause shows that it is difficult to enforce. Courts and commentators—from Minnesota and beyond—uniformly agree that the term

²⁶ This is another distinction between this case and *Simon v. Demuth*. The constitutional language at issue in *Simon* was specific—the case only asked the supreme court to determine a precise mathematical answer (what constituted a “quorum”). 17 N.W.3d at 758. Not so here—policing the single-subject clause requires courts to police the very meaning of legislation, which is a capacious task squarely in the province of the legislature.

“subject” is inherently ambiguous and “well-nigh impossible” for courts to police. *E.g.*, *State ex rel. Nash v. Madson*, 45 N.W. 856, 856 (Minn. 1890) (observing that it is “well-nigh impossible” for courts “to lay down any general rule” on whether legislation is confined to one subject); Richard Briffault, *The Single-Subject Rule: A State Constitutional Dilemma*, 82 Alb. L. Rev. 1629, 1630 (2019) (collecting cases and commentary on “deeply problematic” single-subject rule).

Because of the inherent ambiguity of the term “subject,” the clause does not present “yes or no question[s]” that are well-suited to judicial resolution. *Compare Cruz-Guzman v. State*, 916 N.W.2d 1, 9 (Minn. 2018), *with Dayton*, 903 N.W.2d at 623. Quite the opposite, as uncertainty about the meaning of “subject” fosters inconsistent judicial decision-making, leading to “unmoored determination[s]” that undermine confidence in the judiciary. *See Rucho v. Common Cause*, 588 U.S. 684, 707 (2019) (cleaned up); *see also* Jeffrey S. Sutton, *Who Decides? States as Laboratories of Constitutional Experimentation* 262 (2022) (ebook) (noting that “the most biting criticism of judicial enforcement of single-subject (and clear-title) rules is that they promote uneven decision making or, worse, policymaking masquerading as decision making”).

History reinforces these concerns. Single-subject clauses were first enacted in the mid-nineteenth century, when many courts and commentators understood them to be “‘only directory’—admonitions to be followed by the Legislature, not mandates to be enforced by the courts.” Sutton, *supra*, at 245; *accord State v. Elvins*, 32 N.J.L. 362, 364 (N.J. 1867); *Washington v. Page*, 4 Cal. 388, 389 (Cal. 1854). In this vein, the Minnesota Supreme Court originally enforced the clause only in the face of legislative fraud—not for

“technical” violations.²⁷ *E.g., State v. Gut*, 13 Minn. 341, 349–50 (1868); *Tuttle v. Strout*, 7 Minn. 465, 468-69 (1862); *Bd. of Supervisors of Ramsey Cnty. v. Heenan*, 2 Minn. 330, 339 (1858); Ben Johnson, *Embraced and Expressed: Minnesota’s Single Subject and Title Clause 2-4* (2020) (discussing focus on fraud). Those early decisions recognized that strict enforcement of the single-subject clause would interfere with the legislative process, create uncertainty about huge swaths of law, and not afford proper respect to a coordinate branch of government.

C. Prudential Considerations Underscore That Single-Subject Clause Claims Present Political Questions.

The realities of modern legislation make judicial enforcement of the single-subject clause even more fraught. The Minnesota Supreme Court has been sensitive to “the growing complexity of the legislative process in modern times,” recognizing that the single-subject claims “place in jeopardy many acts passed over the years by the Minnesota

²⁷ In the nineteenth century, courts sometimes distinguished between “mandatory” and “directory” constitutional provisions. The former were enforceable; the latter were not. The earliest Minnesota Supreme Court cases “may say that the provision is not mandatory,” *i.e.*, not enforceable. *See* Millard H. Ruud, *No Law Shall Embrace More Than One Subject*, 42 Minn. L. Rev. 389, 393 n.17 (1958). *Board of Supervisors of Ramsey County v. Heenan*, the earliest case to deal with the single-subject clause, is ambiguous. On the one hand, the supreme court says that the single-subject clause is an “advancement in the science of government,” and that it would be “senseless” to treat the clause as directory. 2 Minn. at 336. But the court uses conditional language in doing so, and then proceeds to find a “technical” violation that warrants no remedy. *Id.* at 340. Four years later, in *Tuttle v. Strout*, Chief Justice James Gilfillan’s influential, revised edition of the first twenty Minnesota Reports describes *Heenan*’s holding as follows: “we there held . . . that this provision of the constitution was merely directory.” 7 Gil. 374, 376 (Minn. 1862). Then, six years later, in *State v. Gut*, the Gilfillan report inserts a “not” before “merely directory” when it quotes *Tuttle*. 13 Minn. at 349 (Gil. 323). At minimum, the historical record in the era closest to Minnesota’s founding is mixed.

Legislature.” *Lifteau v. Metro. Sports Facilities Comm’n*, 270 N.W.2d 749, 753 (Minn. 1978) (rejecting challenge). Indeed, much (if not most) legislative work in Minnesota is accomplished through large omnibus bills. *See, e.g.*, 2023 Minn. Laws ch. 70 (620-page omnibus bill); 2019 Minn. Laws, 1st Sp. Sess. ch. 9 (478-page omnibus bill); 2016 Minn. Laws ch. 189 (480-page omnibus bill); 2013 Minn. Laws ch. 108 (512-page omnibus bill). The judiciary should be wary about continuing to inject itself into single-subject disputes when doing so may “obliterate” much of the modern legislature’s work from the statute books. *See Washington*, 4 Cal. at 389.

In today’s internet age, legislators and the public alike have ample transparency into the legislative process through online drafts of bills, livestreams of hearings, and robust media coverage. Indeed, the complaint here cites to committee hearings, draft bills, conference committee reports, social media posts, and news articles—a veritable tick-tock of the legislative process. Judicial oversight is neither necessary nor sufficient to squelch the sort of legislative fraud that animates the single-subject clause. Instead, the single-subject clause is best enforced through “the usual political process,” *Dayton*, 903 N.W.2d at 624, and “by the people in their primary political capacity,” *In re McConaughy*, 119 N.W. at 417.

* * *

Courts have employed the political question doctrine—even when they have previously enforced a constitutional limit—when there are principled reasons to conclude that the judiciary is not best situated to resolve a class of constitutional claims. *See Ruchos*, 588 U.S. at 707 (concluding that partisan gerrymandering claims were nonjusticiable

political questions after struggling for “several decades to discern judicially manageable standards for deciding such claims”). In the modern era, single-subject claims should fall into that rare class of cases.

II. THE COURT SHOULD APPLY THE CODIFICATION RULE, WHICH ESTABLISHES THAT THE GUN OWNERS’ CHALLENGE IS UNTIMELY.

This single-subject challenge should also have been dismissed because Gun Owners took too long to sue. The Gun Owners waited nearly nine months after the binary trigger ban was signed into law and three months after it was codified to sue. The codification rule is a common law rule providing that any procedural defects in the title or subject of a bill are cured when the bill is codified into statute. *State v. Mabry*, 460 N.W.2d 472, 475 (Iowa 1990). Because the Gun Owners sued after the binary trigger ban was codified, their suit was untimely, and it should have been dismissed for that reason.

A. The Codification Rule Explained.

The codification rule functions much like laches, another common law timeliness rule, which courts apply as a matter of judicial administration and equity. *See, e.g., Harr v. City of Edina*, 541 N.W.2d 603, 606 (Minn. Ct. App. 1996). Laches bars suits where there has been an unreasonable delay in asserting a known right that results in prejudice to others, such that granting the relief in question would be inequitable. *Id.* Likewise, the codification rule bars single-subject challenges that are brought after an unreasonable delay. Like laches, the codification rule protects important reliance interests. Indeed, those interests are heightened in the context of legislation, which structures the lives of the entire state’s population and impacts the public broadly—not just individual parties to a case. *See Mabry*,

460 N.W.2d at 475 (emphasizing the “importance of upholding the constitutionality of new legislation”).

The Iowa Supreme Court’s decision in *Mabry* is instructive. There, the Iowa Supreme Court considered a single-subject challenge to a criminal provision that had been amended as part of a larger bill. 460 N.W.2d at 473. The challenged provision had been codified before the defendant raised his single-subject challenge. *Id.* at 475. Following numerous other states, the court adopted the codification rule. *Id.* It reasoned that the codification process “provides a window of time measured from the date legislation is passed until such legislation is codified” during which a single-subject case can be brought. *Id.* “Absent a successful challenge during this period of time, the new legislation, if it is otherwise constitutional, becomes valid law.” *Id.* As the court explained, this codification rule “strikes a balance between the salutary purposes of the single-subject rule and the importance of upholding the constitutionality of new legislation.” *Id.*

In addition to Iowa, 15 other states that have considered the codification rule have adopted it. *Heaton v. State*, 4 S.E.2d 98, 99 (Ga. Ct. App. 1939) (applying the codification rule in a single-subject challenge); *Bond v. Bd. of Cnty. Comm’rs*, 290 P.2d 1013, 1015 (Kan. 1955) (same); *Peterson v. Vasak*, 76 N.W.2d 420, 424 (Neb. 1956) (same); *Lapland v. Stearns*, 54 N.W.2d 748, 752 (N.D. 1952) (same); *South Carolina Tax Comm’n v. York Electric Coop.*, 270 S.E.2d 626, 628-29 (S.C. 1980) (same); *Skaggs v. Grisham-Hunter Corp.*, 53 S.W.2d 687, 688 (Tex. Civ. App. 1932) (same); *State v. Pitet*, 243 P.2d 177, 186 (Wyo. 1952) (same); *State v. Rothauser*, 934 So. 2d 17, 19 (Fla. Ct. App. 2006) (same); *State v. Snyder*, 835 S.W.2d 30, 32 (Tenn. Ct. Crim. App. 1992) (same);

Bluthenthal v. I. Trager & Co., 31 So. 622, 623 (Ala. 1902) (same); *Abruzzese v. Oestrich*, 138 N.J. Eq. 33, 41 (N.J. 1946) (applying codification rule in a title clause challenge)²⁸; *State v. Barr*, 232 N.W.2d 257, 259 (S.D. 1975) (same); *State v. Chesapeake & Potomac Tel. Co. of W. Va.*, 4 S.E.2d 257, 258 (W.V. 1939) (same); *Fed. Reserve Bank of San Francisco v. Citizens' Bank & Trust Co. of Pocatello*, 23 P.2d 735, 738-39 (Ida. 1933) (same); *Falender v. Hankins*, 177 S.W.2d 382, 383 (Ky. Ct. App. 1944) (same).

On the other side of the ledger, the State is aware of only two states that have considered and rejected it. *See People v. Reedy*, 708 N.E.2d 1114, 1119 (Ill. 1999); *Netzer Law Office, P.C. v. State ex rel. Knudsen*, 520 P.3d 335, 340 (Mont. 2022).²⁹

B. Codification in Minnesota.

The Minnesota Revisor's Office codifies legislation annually. Minn. Stat. § 3C.06, subd. 1. Since its founding in 1939 the Revisor's Office has, under the legislature's statutory delegation, served as the compiler of Minnesota statutes and the publisher of Minnesota's statute, laws, and rules.³⁰ The Revisor's Office is a nonpartisan office of the

²⁸ Minnesota courts, like those in other jurisdictions, have held that provisions like art. IV, § 17 impose two separate, but related, requirements: that laws embrace only one subject (the single-subject clause), and that their titles express that subject (the title clause). *See, e.g., State ex rel. Pearson v. Probate Ct. of Ramsey Cnty.*, 287 N.W. 297, 300 (Minn. 1939). The codification rule applies to both requirements.

²⁹ Roughly forty states have single-subject provisions in their constitutions, but the State is not aware of caselaw suggesting that any of the 22 other states with single-subject provisions have considered the codification rule. Nor is the State aware of any caselaw indicating that Minnesota courts have previously considered the codification rule.

³⁰ *Office Information*, Office of the Revisor of Statutes, <https://www.revisor.mn.gov> (last visited Nov. 13, 2025).

legislature, and the Revisor is appointed by, and serves at the direction and pleasure of, the Legislative Coordinating Commission.³¹ Minn. Stat. § 3C.01. By law, the Revisor's Office is prohibited from advocating for or against "legislation on issues susceptible to action in the Minnesota legislature" and "may not engage in activities of a partisan nature." Minn. Stat. § 3C.05, subd. 1(b), (e). And the Revisor's Office is prohibited from altering "the sense, meaning, or effect of any legislative act" in carrying out its publication powers. Minn. Stat. § 3C.10, subd.1. In other words, the Revisor is an employee of, and acts solely under the authority of, the legislature.

As soon as possible after adjournment of the session, statute requires the Revisor to publish session laws in a publication titled "Laws of Minnesota," which is an annual compilation of acts passed by the legislature during that year's session.³² Minn. Stat. § 3C.06, subd. 1. And the Revisor is required by law to then "incorporate into the text of Minnesota Statutes the permanent general laws enacted and the amendments made to the statutes at that session and at any extra session of the legislature."³³ Minn. Stat. § 3C.08, subd. 4. The Minnesota Statutes are Minnesota's coded laws.³⁴ This form of continuous

³¹ *Id.*

³² See *Minnesota Session Laws*, Office of the Revisor of Statutes, <https://www.revisor.mn.gov/laws/> (last visited Nov. 13, 2025).

³³ See *Publication Duties*, Office of the Revisor of Statutes, <https://www.revisor.mn.gov/office/duties/pubs> (last visited Nov. 13, 2025).

³⁴ See *Minnesota Session Laws*, Office of the Revisor of Statutes, <https://www.revisor.mn.gov/laws/> (last visited Nov. 13, 2025).

statutory revision allows for the most up-to-date, accessible, and usable compilation of Minnesota law for both the public and legislature.

C. The Codification Rule Bars the Gun Owners' Single-Subject Claim.

The Revisor codified all the statutes affected by the 2024 omnibus bill, including the binary trigger ban, on November 1, 2024. *See Chapter 609 Versions, Minnesota Statutes, <https://www.revisor.mn.gov/statutes/cite/609/versions>* (noting that the current version of chapter 609 was codified and published on November 1, 2024). Accordingly, parties could have challenged alleged procedural defects in the 2024 omnibus bill before codification for nearly 6 months. Indeed, another set of plaintiffs did just that. *See UnitedHealth Grp., Inc., et al. v. State of Minnesota, et al.*, 62-CV-24-4764 (Ramsey Cnty. Dist. Ct., filed Aug. 7, 2024). But the Gun Owners did not. Even though they had opposed the inclusion of the binary trigger ban during the legislative process (Doc. 23 at ¶¶ 5-7), the Gun Owners waited nearly *nine months* after the 2024 omnibus bill passed to challenge it.³⁵

The Gun Owners provide no explanation for this unreasonable delay, which unsettled law that had been on the books for over a year before the district court invalidated it. Without applying the codification rule, there is nothing to stop the Gun Owners (or other plaintiffs) from bringing single-subject challenges—objections purely to process, not to

³⁵ The Gun Owners are very capable of bringing speedy challenges to legislation. Indeed, just this month the Gun Owners sued mere hours after the city of St. Paul passed an ordinance they disagreed with. *St. Paul passes assault weapon ban, gun rights groups file lawsuit in response*, KSTP (Nov. 12, 2025), <https://kstp.com/kstp-news/top-news/st-paul-passes-assault-weapon-ban-gun-rights-groups-file-lawsuit-in-response/>.

substance—against legislation going back years into the past. *See* Minn. Stat. § 541.05, subd. 1 (imposing a six-year limitations period for most claims in Minnesota) That destabilizing result is exactly what the court in *Mabry* (and its companion jurisdictions) sought to avoid, and exactly the sort of result that laches applies to prevent—and why this Court should apply the codification rule to bar the Gun Owners’ challenge to the binary trigger ban.

Perhaps recognizing the strong common law and prudential force of the codification rule, the Gun Owners resisted it below by claiming it does not translate to Minnesota. According to the Gun Owners, other states apply the codification rule because the legislature—not a non-partisan legislative office like the Revisor—codify their laws by a vote. Doc. 32 at 18-19. But the Gun Owners are wrong. Eleven of the 16 codification-rule states have legislative offices (like the Minnesota Revisor’s) that codify or publish revised statutes without a legislative vote.³⁶ And while those eleven states’ courts may have adopted the codification rule before their legislatures delegated their codification

³⁶ Idaho Code Ann. §§ 73-201, -203, -205; I.C.A. §§ 2B.1, .12; K.S.A. § 46-1211; Ky. Rev. Stat. Ann. §§ 7.120, .140; Neb. Rev. Stat. §§ 49-701-702; N.J. Stat. Ann. § 1:12A-8; N.D. Cent. Code §§ 46-03-10, -11, -11.2; S.C. Code Ann. §§ 2-13-30, -60, -80; S.D. Codified Laws § 2-9-11; W.Va. Code Ann. § 4-1-13, -19, *see also* “West Virginia Legislature Legislative Services Division: Research Resources for Lawyers” at 26, 40, <https://www.wvlegislature.gov/Joint/Legislative-Research-Resources-slides.pdf> (last visited Nov. 17, 2025); Wyo. Stat. Ann. § 28-8-105.

responsibility to those offices, there is no indication that those states no longer apply the codification rule in light of that change.³⁷

Because the Gun Owners sat on their rights until after the binary trigger ban was codified, its challenge should be dismissed as untimely.

CONCLUSION³⁸

The decision below should be reversed as presenting a nonjusticiable question. The political question doctrine should apply, rendering all single-subject challenges nonjusticiable. The Gun Owners' challenge specifically should be barred by the codification rule, which bars challenges from parties who inexplicably sit on their rights only to upset settled law years into the future, as the Gun Owners did.

³⁷ Indeed, *Mabry* adopted the codification rule in Iowa when a legislative office, not the legislature, codified the laws. *See I.C.A. § 14.1 (1989)* (“The legislative council shall appoint a Code editor who shall serve at the pleasure of the legislative counsel”), .15 (1989) (directing the code editor to codify the law “as soon as possible after the final adjournment of the second regular session of the general assembly”); *Mabry*, 460 N.W.2d at 475 (citing I.C.A. § 14.15). These historical statutes can be found at <https://www.legis.iowa.gov/docs/shelves/code/ocr/1989%20Iowa%20Code.pdf> (last visited Nov. 13, 2025). Those sections were re-numbered, but did not substantively change, in 1991. *See I.C.A. § 2B.12.*

³⁸ The State prevailed below on the appropriate scope of, and remedy to single-subject violations, so does not brief that issue here. The State will respond to any arguments regarding the proper scope of a single-subject challenge in its response/reply brief.

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Respectfully submitted,

KEITH ELLISON
Attorney General
State of Minnesota

/s/ Emily B. Anderson

LIZ KRAMER (#0325089)
Solicitor General

PETER J. FARRELL (#0393071)
Deputy Solicitor General

EMILY B. ANDERSON (#0399272)
ANNA VEIT-CARTER (#0392518)
MATT MASON (#0397573)

445 Minnesota Street, Suite 600
St. Paul, Minnesota 55101-2131
(651) 300-7547 (Voice)
(651) 282-5832 (Fax)

liz.kramer@ag.state.mn.us
peter.farrell@ag.state.mn.us
emily.anderson@ag.state.mn.us
anna.veit-carter@ag.state.mn.us
matt.mason@ag.state.mn.us

ATTORNEYS FOR APPELLANTS

CERTIFICATION OF LENGTH OF DOCUMENT

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/s/ Emily B. Anderson

Emily B. Anderson