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**OFFICE OF
APPELLATE COURTS**

STATE OF MINNESOTA

IN SUPREME COURT

Tim Walz, Governor of Minnesota, in his official capacity; Keith Ellison, Attorney General of Minnesota, in his official capacity; Drew Evans, Superintendent of the Minnesota Bureau of Criminal Apprehension, in his official capacity,

Appellants,

vs.

Minnesota Gun Owners Caucus,

Respondent.

THE STATE'S PETITION FOR ACCELERATED REVIEW

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TO THE SUPREME COURT OF THE STATE OF MINNESOTA:

Governor Tim Walz, Attorney General Keith Ellison, and the Minnesota Bureau of Criminal Apprehension (collectively, the State) seek accelerated review by the Supreme Court. This case is about the legislature's decision 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.¹ In February 2024, one of those killings occurred in Minnesota: two Burnsville police officers and a paramedic were murdered by a shooter carrying a gun equipped with a binary trigger. The legislature immediately responded by enacting a ban on binary triggers at the end of the 2024 regular session, joining more than a dozen other states that have prohibited rapid-fire devices.²

Multiple legislative committees vetted the binary trigger ban. It commanded majority support in both chambers. Ultimately, the legislature folded the ban into a large omnibus bill that was 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 (the Gun Owners) sued for declaratory and injunctive relief. The Gun Owners claim that the 2024 Omnibus Bill violates the Minnesota Constitution's single subject clause. The Honorable Leonardo

¹ See, 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., <https://apnews.com/article/binary-triggers-fargo-shooting-08391f506b264bc3de25ce7b4efd52b1> (last visited Sept. 15, 2025).

² *Prohibit Auto Sears, Bump Stocks, and Other Rapid-Fire Devices*, EVERYTOWN FOR GUN SAFETY, <https://www.everytown.org/solutions/prohibit-bump-stocks/> (last visited Sept. 12, 2025).

Castro, Ramsey County District Court, concluded that it does, and he struck down the binary trigger ban. Add. 24-25. Judge Castro reached that conclusion even though the Honorable Mark Ireland, Ramsey County District Court, rejected a similar challenge brought by UnitedHealth Group, Inc. (and affiliated entities) regarding other parts of the 2024 Omnibus Bill.³ Add. 54-55. In striking down the binary trigger ban, Judge Castro predicted that “the people and businesses of Minnesota” would “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 portions.” Add 24.

The Court should accelerate review to settle whether any of those “hundreds of lawsuits” should proceed.

A. STATEMENT OF LEGAL ISSUES:

The Minnesota Constitution provides that no law passed by the legislature “shall embrace more than one subject, which shall be expressed in its title.” Minn. Const. art. IV, § 17. Since the State’s founding, Minnesota courts have struggled to adjudicate challenges brought under the single subject clause while respecting the legislature’s lawmaking role. The struggle is most acute in the context of omnibus bills, which is how the modern legislature conducts most of its business. This petition seeks accelerated review on three issues.

1. Did the district court err by concluding that the 2024 Omnibus Bill violated the single subject clause?

³ *UnitedHealth Grp., Inc., v. State et al.*, 62-CV-24-4764 (Ramsey Cnty. Dist. Ct.), *appeal docketed*, A25-1398 (Minn. Ct. App. Aug. 28, 2025).

2. Do single subject challenges present non-justiciable political questions?
3. If single subject challenges remain justiciable, should Minnesota adopt the “codification” rule, which bars consideration of single subject claims after session laws are incorporated into the state’s legal code?

B. STATEMENT OF CRITERIA FOR ACCELERATED REVIEW:

The Supreme Court should accelerate review because it meets the criteria under Minn. R. Civ. App. P. 117, subd. 2(a), and (d)(1)-(3), and Rule 118, for four main reasons. First, this dispute raises constitutional questions of the highest import, and the resolution of those questions will impact all Minnesotans. Second, the district court’s order invites a less-safe Minnesota, amid an epidemic of gun violence, by overriding the legislature’s binary trigger ban. Third, the State seeks application of new rules of law that can be adopted only by this Court. Finally, these legal issues will almost certainly recur without the Court’s intervention.

The 2024 Omnibus Bill has already been subjected to two high-profile constitutional challenges. Ramsey County District Courts have divided on its constitutionality, and Judge Castro has forecast that “hundreds of lawsuits” will follow. The inevitable result will be more clashing district court opinions on the constitutionality of the same law. And that clash will take place against significant uncertainty about this Court’s single subject precedents, and how those precedents apply to omnibus legislation. The Court’s immediate consideration of these cases will clarify the balance of power between the legislative and judicial branches of government, the proper analysis and remedy for single subject challenges, and when such challenges can be brought. This appeal is thus “of such

imperative public importance as to justify deviation from the normal appellate procedure and to require immediate determination in the Supreme Court.” Minn. R. Civ. App. P. 118.

C. STATEMENT OF THE CASE:

This case is a constitutional challenge to the binary trigger ban.

The material facts are largely undisputed. At the start of the 2024 legislative session, the House and the Senate each took up an omnibus public safety bill, both of which proposed amending Minnesota Statutes section 609.67 to prohibit ownership, possession, or operation of binary triggers. H.F. 2609, 93d Leg., Reg. Sess. 1349 (Minn. 2024); S.F. 5153, 93d Leg., Reg. Sess. 12529 (Minn. 2024). Binary triggers increase the weapon’s rate of fire. Firearms typically discharge a single cartridge during the backward movement of the trigger, and they require a release of the trigger for subsequent discharges. Binary triggers allow firearms to discharge a cartridge during both the backward movement of the trigger and the forward movement, effectively doubling the rate of fire. Doc. No. 19, Ex. A.

Throughout the session, several different legislative committees debated the binary trigger ban. Majorities on all relevant committees in both chambers concluded that the ownership, possession, or operation of a binary trigger should be illegal. *See* Hearing on H.F. 2609 before the H. Pub. Safety Fin. & Pol’y Comm., 93rd Leg., Reg. Sess. (Minn. Apr. 4, 2024); Hearing on S.F. 5153 before the S. Fin. Comm., 93rd Leg., Reg. Sess. (Minn. Apr. 18, 2024).

The legislature ultimately folded the binary trigger ban into the session’s final piece of legislation: the 2024 Omnibus Bill. 2024 Minn. Laws. ch. 127, art. 36, § 2. The 2024 Omnibus Bill was entitled “an act relating to the operation and financing of state

government.” *Id.*, ch. 127; H.F. 5247, 93d Leg., Reg. Sess. 9600-04 (Minn. 2024); Senate S.F. 5234, 93d Leg., Reg. Sess. 2004-19 (Minn. 2024). It passed at the end of a contentious session; both political caucuses accused the other of delay and improper tactics. *See Add.* 3.⁴ Still, the 2024 Omnibus Bill passed both chambers. *Id.* On May 24, 2024, Governor Walz signed the 2024 Omnibus Bill into law. *Id.* The Revisor of Statutes later codified the binary trigger ban into Minnesota’s statutes on November 1, 2024.⁵ *See id.* at 7.

Months afterward, on February 12, 2025, the Gun Owners sued various state and local officials, alleging that the binary trigger ban violated the Minnesota Constitution’s single subject clause. *Id.* at 5. The Gun Owners sought sweeping relief: they asked the district court to invalidate the entire 2024 Omnibus Bill. Doc. 1 ¶ 82.

The parties filed opposing dispositive motions. The Defendants moved to dismiss the Gun Owners’ complaint. The State argued that single subject challenges present non-justiciable political questions. Add. 12. The State also argued that the Gun Owners’ challenge was untimely under the codification rule, which applies in several states, because the Gun Owners waited until after the bill had been codified into statute before bringing their challenge. *Id.* at 13. The Gun Owners cross-moved for summary judgment, arguing that the 2024 omnibus bill lacked any identifiable “single subject” and was therefore unconstitutional. *Id.* at 20-21.

⁴ See also Michelle Griffith, *Chaotic end leaves Democratic Legislature with a few wins*, MINNESOTA REFORMER, <https://minnesotareformer.com/2024/05/20/chaotic-end-leaves-democratic-legislature-with-a-few-wins/> (last visited Sept. 15, 2025).

⁵ <https://www.revisor.mn.gov/statutes/cite/609/versions>

The district court granted summary judgment to the Gun Owners. Add. 1. The court refused to consider either the political question doctrine or the codification rule, holding that those were questions for this Court. *Id.* at 12-13. Instead, the court held that the 2024 Omnibus Bill lacked a single subject and was unconstitutional. *Id.* at 23-24. The court declined, however, to strike down the entire 2024 Omnibus Bill. Instead, the court concluded that it was bound by this Court’s precedent, and that the remedy for the constitutional violation was severance of the challenged provision from the rest of the 2024 Omnibus Bill. *Id.* at 25.

ARGUMENT

This case warrants accelerated review. It raises critical constitutional and legal issues that only this Court can resolve. And it raises them in an area that has long vexed the legislature and the Court: how should the single subject clause apply to omnibus bills? Ramsey County District Courts have divided on the constitutionality of the 2024 Omnibus Bill—and more litigation is certain to follow. The Court should resolve these legal issues now.

I. This Case Presents Significant Legal Issues That Only This Court Can Resolve.

The district court concluded that the 2024 Omnibus Bill violated the single subject clause. Add 2 ¶ 3. The potential impact of that conclusion by itself warrants this Court’s immediate intervention. But this case also warrants accelerated review because it raises two issues that only this Court can resolve: the political question doctrine and the codification rule.

Political Question Doctrine. The threshold question here is whether single subject challenges present non-justiciable political questions. The political question doctrine is rooted in separation of powers and principles of judicial restraint. *Ninetieth Minn. State Senate v. Dayton*, 903 N.W.2d 609, 623-24 (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 McConaghy*, 119 N.W. 408, 417 (Minn. 1909)).

Single subject claims present “quintessential[] political process” questions. To be sure, Minnesota courts have wrestled with the single subject clause since the State’s founding. *See Bd. of Supervisors of Ramsey Cnty. v. Heenan*, 2 Minn. 330, 339 (Minn. 1858). Indeed, in the earliest case to consider the single subject clause, the Court concluded that it was enforceable but then found that a “technical” violation warranted no remedy. *Id.* at 340.

The Court should revisit the issue through the lens of the modern political question doctrine. The Minnesota Constitution delegates responsibility for the single-subject clause to the legislature—not the courts. Minn. Const. art. IV, § 17 (appearing in the “Legislative department” article). 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.*

Those concerns about democratic legitimacy and institutional capacity are

paramount because 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 “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: 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* 261-62 (2022) (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 (citing *State v. Elvins*, 32 N.J.L. 362, 364 (N.J. 1867)). In this vein, this Court originally enforced the clause only in the face of

legislative fraud—not for “technical” violations. *E.g.*, *State v. Gut*, 13 Minn. 341, 349-50 (1868); *Tuttle v. Strout*, 7 Minn. 465, 468-69 (Minn. 1862); *Heenan*, 2 Minn. at 339; 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.

The realities of modern legislation make judicial enforcement of the single subject clause even more fraught. This Court has been sensitive to “the growing complexity of the legislative process in modern times,” recognizing that single subject clause “place[s] in jeopardy many acts passed over the years by the Minnesota Legislature.” *Lifteau v. Metro. Sports Facilities Comm’n*, 270 N.W.2d 749, 753 (Minn. 1978) (rejecting challenge). In doing so, this Court has acknowledged that the clause is ill-suited to modern legislative “complexity.” It is instead best understood as a vestige of early statehood, when legislators passed fewer and shorter laws with less public oversight, and those laws were difficult to access.

The Court should thus consider whether 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 Rucho*, 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”). Single subject claims may fall into that rare class of cases.

The Codification Rule. This case not only asks whether the Court should consider single subject claims but *when* those claims must be brought if they remain cognizable. The default limitations period for most constitutional claims in Minnesota is six years. *See* Minn. Stat. § 541.05, subd. 1. But many states with single subject clauses in their state constitutions have adopted the “codification” rule. This common-law doctrine holds that any defects in the subject (or title) of a bill are cured once the bill is codified into statute. *See, e.g., State v. Mabry*, 460 N.W.2d 472, 475 (Iowa 1990) (adopting the codification rule and collecting cases); *Bond v. Bd. of Cnty. Comm'r*, 290 P.2d 1013, 1015 (Kan. 1955) (adopting the codification rule); *Lapland v. Steams*, 54 N.W.2d 748, 752 (N.D. 1952) (same); *South Carolina Tax Comm'n v. York Elec. 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. 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); *Blumenthal 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); *State v. Barr*, 232 N.W.2d 257, 259 (S.D. 1975) (same); *State v. Chesapeake & Potomac Tel. Co. of W. Va.*, 7 S.E.2d 257, 258 (W.V. 1939) (same); *Fed. Rsr. Bank of San Francisco v. Citizens' Bank & Tr. 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).

Under the codification rule, the Gun Owners' challenge to the binary trigger ban is untimely because Minnesota codified the binary trigger ban on November 1, 2024, before the challenge was filed. The Court should consider whether the codification rule should apply in Minnesota. Like the political question doctrine, the codification rule is rooted in separation of powers principles and "strikes a balance between the salutary purposes of the single-subject rule and the importance of upholding the constitutionality of the new legislation." *Mabry*, 460 N.W.2d at 475. Indeed, without the codification rule, plaintiffs can wait years to challenge legislation for a procedural violation that is a distant legislative memory. Given the prevalence of omnibus bills in modern legislation, the potential lag between the constitutional harm and a constitutional challenge creates a huge amount of uncertainty for Minnesotans attempting to structure their lives and affairs around Minnesota's statutes.

* * *

The State raised the political question doctrine and the codification rule before the district court. But the district court declined to address both issues, holding that they must ultimately be decided by this Court. The court of appeals will inevitably reach the same conclusion. The State thus asks the Court to answer these important questions now, on accelerated basis, to bring finality to litigation over the 2024 Omnibus Bill and reduce the instability the district court's order has created.

II. The Case is Time Sensitive Because Single Subject Challenges to the 2024 Omnibus Bill Will Soon Explode.

This Court most often grants accelerated review in time-sensitive constitutional cases. Often the timing concerns are tied to an election. *E.g., Samuels v. City of Minneapolis*, 966 N.W.2d 245, 246-47 (Minn. 2021). But sometimes a case is time-sensitive because of the extraordinary impact it will have and the litigation it will foster. *See Fedziuk v. Comm'r of Pub. Safety*, 696 N.W.2d 340, 343-44 (Minn. 2005) (granting accelerated review because district court held that the prehearing revocation procedures in Minnesota's implied consent law violated due process). And sometimes a case is time-sensitive because it involves the balance of power between the different branches of government. *E.g., Shefa v. Ellison*, 968 N.W.2d 818, 821 (Minn. 2022) (granting Chief Justice's petition for accelerated review in dispute over pardon power); *Dayton*, 903 N.W.2d at 613 (granting Governor's petition for accelerated review in dispute with legislature over line-item veto power).

This is one of those non-election cases that warrants the Court's immediate review. Single subject challenges to the 2024 Omnibus Bill are certain to balloon—and soon. The 2024 Omnibus Bill generated significant controversy when it was enacted, and it has led to conflicting rulings in Ramsey County District Court. Indeed, as discussed above, the Gun Owners were not the first to challenge the 2024 Omnibus Bill under the single subject clause. Add. 30. Nor will this case be the last given Judge Castro's open invitation for additional challenges. The likelihood of "hundreds of lawsuits" in the district courts, over the same law, favors speedy resolution by this Court.

Nor will the challenges be limited to the 2024 Omnibus Bill. Since Judge Castro's decision, the Minnesota Attorney General has received notice of a constitutional challenge under the single subject clause to a 2023 omnibus bill. *See Mot. for Partial Summ. J., Bahney v. Gelderman et al.*, No. 24-cv-00557 (D. Minn. Aug. 26, 2025) Dkt. No. 67 at 17-27 (challenging amendments to the wrongful death statute included in the 2023 omnibus). At present, nothing stops parties from going back to legislation passed as far back as 2019, unsettling long-settled statutes for process challenges. The Court should review this case now so district courts and all Minnesotans have clarity regarding whether judicial review is appropriate in these cases, when parties can bring single-subject challenges, and the proper analysis and remedy for considering such challenges. Minn. R. Civ. App. P. 118.

CONCLUSION

A constitutional cloud hangs over the 2024 Omnibus Bill, and only this Court can resolve the constitutional and legal issues raised by this case. The Court should grant accelerated review.

[signatures on following page]

Dated: September 15, 2025

Respectfully submitted,

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**CERTIFICATE OF COMPLIANCE
WITH MINN. R. CIV. APP. P. 118, SUBD. 2**

I hereby certify that this document was prepared using Microsoft Word 365, uses a proportional 13-point font; and conforms to the requirements of the applicable rules. This document is 3,371 words in length.

/s/ **Pete Farrell**
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