



Civic Caucus

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Press Release

Left, right and middle join forces to protect Minnesota's single-subject rule

Civic Caucus joins group headed by ACLU-MN in filing Supreme Court amicus brief in State Auditor case

St. Paul, Minn. - The American Civil Liberties Union of Minnesota yesterday filed an

amicus brief in the Minnesota Supreme Court on behalf of itself and 17 other individuals and organizations, including the Civic Caucus, in *Rebecca Otto v. Wright County*. The brief argues that the lower courts erred in refusing to enforce the single-subject clause of the Minnesota Constitution. The *amici* include an array of organizations and individuals from across the political spectrum.

Minnesota State Auditor Rebecca Otto sued in February 2016, claiming that the Legislature had no authority to allow Minnesota's 87 counties to hire private auditing firms rather than using her office. One of her claims—the one supported by the *amici*—focuses on the process used to pass the measure. That process included tacking the provision that reduces the auditor's authority onto a completely unrelated bill. In their brief, the ACLU-MN, the Civic Caucus and the other *amici* argue this tactic violated the Minnesota Constitution.

The Minnesota Constitution's Single-Subject-and-Title Clause has two parts: (1) no law may include more than one subject; and (2) that subject must be expressed in the title. More than 40 state constitutions have similar provisions. The Minnesota Supreme Court has warned the Legislature repeatedly over the years against violating this part of the Constitution, but has been lax about enforcing it, according to the *amicus* brief.

"The single-subject clause is important to protect government transparency and accountability," stated Teresa Nelson, interim executive director of the ACLU-MN. "The public should be able to trust that what is stated in the title and description of a bill clearly aligns with what the Legislature passes and the governor signs. And legislators should be able to vote for policies they favor and against policies they oppose, without logrolling that coerces votes for unpopular measures. The Minnesota Legislature violated this rule in 2015, when it snuck a provision governing auditing into an 'omnibus' bill that had nothing to do with auditing."

"The Civic Caucus is dedicated to fostering a culture of innovation in public policy in Minnesota," added Civic Caucus Chair Paul Ostrow. "The single-subject rule in our Constitution is critical to restoring a legislative process that can generate and welcome the creative ideas we need to keep our state competitive. The Civic Caucus is pleased to join with the other *amici* coming together in a nonpartisan fashion to promote change that will benefit all of Minnesota."

No date has been set for the Minnesota Supreme Court arguments.

The complete *amicus* brief is available at

 https://www.aclu-mn.org/sites/default/files/field_documents/09-14-17_-_otto_-_aclu_et_al.amicus_brief_mn_supreme_court.pdf

The *amici* on the brief are *American Civil Liberties Union of Minnesota; Center for Popular Democracy; Center of the American Experiment; Civic Caucus; Gender Justice; Growth & Justice; Honorable Jack Davies; Immigrant Law Center of Minnesota; Indian Land Tenure Foundation; Jewish Community Action; Key Investment; League of Women Voters Minnesota; Minnesota Association of Black Lawyers; Minnesota Coalition on Government Information; Minnesota Hispanic Bar Association; David Schultz; Warren Spannaus; and TCF Financial Corporation.*

Cooperating attorneys in the case include: Melissa Muro LaMere, William Z. Pentelovitch and Michael C. McCarthy of Maslon LLP, along with Teresa Nelson and John Gordon of the ACLU-MN.

The Civic Caucus, a Minnesota-based, nonprofit study group, has been conducting weekly interviews on public policy for the past 12 years. Summaries of all Civic Caucus interviews can be found at <http://civiccaucus.org>.

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