

Mr. Miller Goes to Washington!

US Supreme Court Petition Filed Challenging Nation's State Laws Banning False Campaign Speech

On July 15, 2024, Minnesota State Senate 2022 write-in candidate, Nathan Miller, petitioned the US Supreme Court to review his \$250 fine for a false claim of Republican Party of Minnesota support. The Minnesota appellate courts affirmed the fine imposed by the Minnesota Office of Administrative Hearings.

Minnesota penalizes false campaign speech—including false claims of political party support. Civil fines of up to \$5,000 and criminal misdemeanor penalties apply.

Minnesota is not alone. Fifteen other states punish false campaign speech. The federal government and the other 30 or so states do not penalize campaign speech—false or otherwise.

Two federal appellate decisions have found such state laws unconstitutional. The Eighth Circuit decision in *281 Care Committee v. Arneson* held a Minnesota statute, section 211B.06, unconstitutional. The Sixth Circuit decision in *Susan B. Anthony List v. Dreihus* held a similar Ohio statute unconstitutional.

During the 2022 campaign for Senate District 9, Miller lost the Republican primary, but ran as a write-in candidate anyway. Miller was invited to speak at an event as a “Republican.” The related flyer identified Miller as a Republican. But, Miller never claimed to be the Republican nominated or endorsed candidate.

The Republican Party of Minnesota filed a complaint alleging Miller made a false claim of political party support under Minnesota Statutes section 211B.02. The Office of Administrative Hearings agreed imposing a fine of \$250 on Miller. The Minnesota Court of Appeals affirmed supporting the constitutionality of the statute. The Minnesota Supreme Court denied review.

Now, Miller has filed his petition in the U.S. Supreme Court. The SCOTUS case number is 24-53. The new docket entry, "Petition for a writ of certiorari filed. (Response due August 16, 2024)" is found at [Nathan Miller, et al., Petitioners v. Republican Party of Minnesota, et al.](#)

If Miller prevails, it will be the first time the U.S. Supreme Court has applied the First Amendment to a statutory ban on false campaign speech. Such a ruling would mean similar statutory bans in 15 other states would also be unconstitutional.