

IN THE SUPREME COURT OF THE STATE OF OREGON

STATE EX REL. MARY LEE
NELSON, MICHAEL NELSON,
JUDY HUFF, SAMUEL JOHNSON,
and CHAD SULLIVAN, electors of
Oregon,

Plaintiffs-Relators,

v.

LAVONNE GRIFFIN-VALADE,
Secretary of State of Oregon,
Defendant.

SC S070658

MANDAMUS PROCEEDING

**MOTION BY LANDMARK LEGAL FOUNDATION TO FILE *AMICUS
CURAE* BRIEF IN OPPOSITION TO PETITION FOR WRIT OF
MANDAMUS**

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**pro hac vice* forthcoming

December 20, 2023

NOW COMES Landmark Legal Foundation (Landmark), by and through undersigned counsel, and moves this Court pursuant to ORAP 8.15 for leave to file a brief as *amicus curiae*.

In support of its Motion, Landmark states:

1. Pending before this Court is a PETITION FOR PEREMPTORY OR ALTERNATIVE WRIT OF MANDAMUS directing Defendant to disqualify Donald John Trump ("Trump") from both the Oregon 2024 primary election ballot and the Oregon 2024 general election ballot. Plaintiffs-Realtors submitted their Petition on December 6, 2023.

2. Plaintiffs' theory is that President Trump engaged in "insurrection," and, as a result, is not eligible to hold the office of the President under the 14th Amendment of the United States Constitution.

3. Landmark is a national nonprofit devoted to discourse on federal constitutional issues. Landmark upholds the Constitution and our founding principles through legal advocacy and education. Landmark advances an "originalist" approach to the Constitution — that the words in the Constitution mean what they meant at the founding — and defends our Nation's bedrock principle of liberty.

4. Landmark has filed briefs as *amicus curiae* advancing a constitutionalist position in *Brnovich v Democratic National Committee* (US

Supreme Court), *Loper v Raimondo* (US Supreme Court), *Moore v. United States* (US Supreme Court), *W. Virginia v. EPA* (US Supreme Court), and *Biden v. Louisiana* (US Court of Appeals for the 5th Circuit).

5. Landmark has filed a brief as *amicus curiae* in the Michigan Court of Appeals (*LaBrant v. Benson*, Case No. 368628) in a matter substantially similar to the present case.

6. The issues presented impact all Oregon residents and the slate of candidates from which each voter is allowed to select during the 2024 presidential primaries and general election.

7. Landmark believes that it has insights and perspectives that may be invaluable to this Court in its review of the instant controversy and seeks permission to submit a brief as *amicus curiae*.

8. Landmark does not propose to simply re-argue what has been submitted by other parties, but will confine its submission to policy-based considerations of broad applicability and whether Section 3 of the 14th Amendment to the United States Constitution is self-executing and matters associated with this particular issue.

9. Landmark intends to present a position on the correct rule of law that does not affect a private interest of its own.

10. Landmark’s brief will be filed in opposition to Plaintiffs-Relators’
Petition.

11. This motion is timely as Landmark intends to file its amicus brief on
or before December 29, 2023, and Plaintiff-Realtors’ Petition was filed on
December 6, 2023.

12. It is estimated that Landmark Legal Foundation’s *amicus* submission
will be no more than 20 pages, exclusive of tables and indexes.

WHEREFORE, Landmark Legal Foundation respectfully requests that this
Honorable Court enter an order permitting it to file an *amicus brief* in opposition to
Plaintiffs-Realtors’ Petition.

Respectfully submitted,

/s/ James L. Buchal

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CERTIFICATE OF FILING & SERVICE

I certify that on December 20, 2023, I filed the original Motion to file an amicus brief with the State Court Administrator, Records Section, at 1163 State Street, Salem, Oregon 97301 using the court's e-filing system.

I certify that on December 20, 2023, I served a true and correct copy of the Motion to file an amicus brief on the attorneys below and parties using the court's e-filing system and by U.S. Mail:

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