



The Office of
Minnesota Attorney General Keith Ellison

helping people afford their lives and live with dignity, safety, and respect • www.ag.state.mn.us

November 23, 2022

Via email: mayor.prinsburg@gmail.com

Mayor Roger Ahrenholz
P.O. Box 7
Prinsburg, MN 56281

Re: Prinsburg's consideration of abortion ordinance

Dear Mayor Ahrenholz:

I write in response to today's article in the Star Tribune, indicating that the City of Prinsburg is "considering an ordinance that would allow residents to sue abortion providers [and...] companies that provide abortion drugs by mail." The article does not identify the attorney representing the City, so I am writing you directly to both: 1) seek information; and 2) advise you that the ordinance described in the newspaper is unconstitutional. (If you have counsel, please connect me with him/her.)

My staff was unable to find the text of the proposed ordinance on your website. I ask that your team send us a copy of the ordinance, as well as any engagement letter(s) you have entered into with either the Thomas More Society¹ or Pro Life Action Ministries.

Any municipal ordinance which limits the fundamental rights of pregnant Minnesotans to receive an abortion is unconstitutional. The Minnesota Constitution contains a right of privacy in Article I, Sections 2, 7 and 10, and that right encompasses the decision to terminate a pregnancy. *Women of State of Minn. by Doe v. Gomez*, 542 N.W.2d 17, 26 (Minn. 1995). In addition, we have extensive state laws regulating the practices of medicine, nursing, and pharmacy. No city in Minnesota has the power to restrict the right to abortion or enact conflicting regulations on health care providers.²

¹ There have been repeated articles about the Thomas More Society's efforts to undercut legitimate elections, suggesting it has low regard for the rule of law. See e.g., Nick Corasaniti and Alexandra Berzon, "Lawyers Who Advanced Trump's Election Challenges Return for Midterms," *New York Times* (Nov. 2, 2022); Matt Mencarini, "Blurring of Lines': Private Lawyer Plays Starring Role in Taxpayer-funded Wisconsin Election Probe," *Wisconsin Watch* (April 27, 2022); Jon Swain, et al, "Conservative Nonprofit Group Challenging Election Results Around the Country Has Tie to Trump Adviser Jenna Ellis," *The Washington Post* (Dec. 7, 2020)

² I have not seen the proposed ordinance, so I am not suggesting that preemption is the only problematic aspect of it.

Bicking v. City of Minneapolis, 851 N.W.2d 304, 313-314 (Minn. 2017) (finding amendment to city charter preempted by state law).

All of us as elected officials swear to uphold Minnesota's Constitution. I know that as Minnesota's Chief Legal Officer, I will do everything within my power to protect Minnesotans' constitutional rights, including the right to abortion.

Sincerely,

A handwritten signature in blue ink that reads "Keith Ellison". The signature is written in a cursive, flowing style.

KEITH ELLISON
Attorney General

#5372968-v1