



VOTING RIGHTS LITIGATION: POST-ELECTION CASES
 UPDATED 11/4/20 at 7:00 PM

CASE	ISSUE	DEVELOPMENTS
PENNSYLVANIA		
<i>Republican Party of Pennsylvania v. Boockvar</i> , No. 20-542 (U.S.)	Trump campaign claims that state supreme court ruling that extended ballot receipt deadline to November 6 violates the Elections/Electors Clause.	Trump filed a motion to intervene before the Supreme Court. The Supreme Court has ordered a response to be filed by 5pm tomorrow (11/5)
<i>In re Canvassing Observation</i> , No. 1094 CD 2020 (Commonwealth Ct. of Pa.)	Trump campaign argues that counting should temporarily stop until observers are given greater access to watch the ballot count. Contemporaneous coverage of proceedings here: https://twitter.com/broadandmarket/status/1323794598951587841?s=21	Trump campaign appeals ruling by Election Day judge that denied greater access. A hearing has been scheduled for 7pm on 11/4.
<i>Hamm v. Boockvar</i> , No. 600 MD 2020 (Commonwealth Ct. of Pa.)	Plaintiffs challenge guidance recently issued by the Secretary of the Commonwealth, arguing that her instruction that county boards of election communicate with voters whose ballots	Filed late 11/3. Status conference scheduled for 1:30 Wed 11/4.

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	are found to be deficient during the pre-canvass process violates state law. In their view, this process, as well as any process for allowing voters to “cure” their vote with a provisional ballot, violates Pennsylvania law, and they ask the court to enjoin the Secretary from allowing invalidly “cured” ballots to be counted in the vote totals.	
<i>Barnette v. Lawrence, No. 20-cv-5477 (E.D. Pa.)</i>	A Pennsylvania voter and a Fourth Congressional District candidate have sued in federal court, seeking to stop Montgomery County officials from contacting voters with deficient ballots and permitting them to cure deficiencies. They also ask the court to spoil any ballots that have been cured. The plaintiffs argue that Montgomery County officials are violating the Equal Protection Clause by arbitrarily allowing some voters a cure opportunity while denying that same opportunity to other voters.	The complaint was filed early 11/3. TRO motion was filed at 4pm 11/3 afternoon, with plaintiffs requesting a hearing at 9am today, 11/4. A hearing was held 11/4, but no decision is expected until Friday at the earliest.
<i>In re Pre-Canvass of Absentee and Mail-in Ballot of November 3, 2020 General Election,</i> (Bucks County Case)	Plaintiffs argue that the Bucks County Board of Elections has permitted the disclosure of pre-canvass results by sharing certain information about deficient ballots. They argue that the Bucks County Board’s actions violate Pennsylvania law.	Dismissed last night (11/3). Watching for possible appeal.
ARIZONA		
<i>Aguilera v. Fontes, No. ?? (Maricopa County Superior Court)</i>	The plaintiff claims that her vote was cancelled because she filled out her ballot	

	using a sharpie, and she seeks an opportunity to cure her ballot.	
GEORGIA		
<i>In re: Enforcement of Election Laws and Securing Ballots Cast or Received After 7:00PM on November 3, 2020</i> , No. SPCV20-00982 (Chatham County Superior Court)	Georgia Republican Party and Trump campaign argue that some elections officials may be confused about whether ballots that arrive after 7:00pm on Election Day can be counted, and to avoid any counting of late ballots they ask the court to order the Chatham County Board of Elections to collect, secure, and safely store all absentee ballots received after 7:00pm on Election Day and provide a list of the names of the voters and the time the ballot was received to the plaintiffs.	
MINNESOTA		
<i>Carson v. Simon</i> , No. 20-cv-2030 (D. Minn.)	Two Republican electors argue that the Secretary of State violated federal law and the Electors Clause by entering into a state-court consent decree in which he agreed not to enforce Minnesota's Election Day deadline to receive absentee ballots. On 10/11, the district court denied a preliminary injunction on standing grounds, and on 10/19, it denied a stay pending appeal. On 10/29, the 8th Circuit reversed and remanded, ordering ballots to be segregated.	Intervenors have moved to stay further proceedings and to certify a question to the Minnesota Supreme Court. The certified question would clarify whether the plaintiffs in this case are bound by the Trump campaign and Republican Party's agreement not to challenge the state-court consent decree in any forum. Response was filed today at 8am by Republican electors, and a decision could come at any time.
MICHIGAN		

<p><i>Donald J. Trump for President, Inc. v. Benson, No. 20-225-MZ (Mich. Ct. Cls.)</i></p>	<p>Trump campaign has filed a lawsuit in the Michigan Court of Claims to halt the counting of mail-in ballots until they are granted “meaningful access” to observe the opening and counting process.</p>	<p>11/4. Complaint filed along with motion for emergency declaratory judgment.</p>
<p>NEVADA</p>		
<p><i>Kraus v. Cegavske, No. 82018 (Nev.)</i></p>	<p>On 10/23, the Trump campaign and Nevada Republican Party filed a lawsuit seeking to halt mail-in ballot counting in Clark County, Nevada. The plaintiffs argued that Nevada law and the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution required Clark County to permit poll watchers to observe and assert challenges to the counting of mail-in ballots. The day that the lawsuit was filed, the state-court judge denied the plaintiffs’ motion for a temporary restraining order. On 11/2, the same judge denied the plaintiffs’ petition for a writ of mandamus. In the judge’s view, the plaintiffs’ lacked standing to raise their claims and, in any event, their allegations did not establish a violation of state law or the Equal Protection Clause.</p>	<p>Nevada has won this case twice: original TRO and then on the merits. Nevada Republicans have filed an emergency appeal with the Nevada Supreme Court. They ask that the court halt the count of mail-in ballots until proper observation procedures can be instituted.</p> <p>On 11/3, the Nevada Supreme Court denied a stay pending appeal while also expediting the appeal, ordering briefing that will conclude by November 9. The court’s order recognizes that much of the plaintiffs’ appeal may be moot by the time the appeal is fully briefed.</p>