



VOTING RIGHTS LITIGATION: POST-ELECTION CASES
 UPDATED 11/12/20

CASE	ISSUE	Developments (include last updated timestamp)
PENNSYLVANIA		
<p><i>Republican Party of Pennsylvania v. Boockvar</i>, No. 20-542 (U.S.)</p> <p>(Motion for an emergency injunction is No. 20A84)</p>	<p>The Trump campaign claims that a state supreme court ruling that extended the mail-in ballot receipt deadline to November 6 violates the Elections/Electors Clause of the U.S. Constitution.</p> <p>The Court previously declined to issue a stay and refused to expedite briefing in the case.</p>	<p style="text-align: right;">9:00am 11/12</p> <p>Awaiting action by the Supreme Court on the Trump campaign’s motion to intervene and motion to segregate late-arriving ballots and cease counting.</p> <p>--</p> <p style="text-align: right;">11/9</p> <p>Oklahoma, on behalf of a number of states, filed an amicus brief in support of cert. States on the brief are: Oklahoma, Indiana, Kansas, Nebraska, Tennessee, and West Virginia.</p> <p>Missouri, on behalf of a number of states, filed an amicus brief in support of cert. States on the brief are: Missouri, Alabama, Arkansas, Florida, Kentucky, Louisiana, Mississippi, South Carolina, South Dakota, and Texas.</p> <p>Ohio submitted an amicus brief in support of cert.</p> <p>The Republican Party of Pennsylvania filed a reply to the state’s updated notice, arguing that the court should issue an injunction notwithstanding the state’s representations that county boards of election are segregating ballots.</p> <p style="text-align: right;">11/8</p> <p>The state provided updated notice to the Court, confirming that all county boards of election are complying with the Secretary’s segregation guidance.</p> <p>----</p>

		<p style="text-align: center;">11/7</p> <p>Responses filed by the state and Luzerne County Board of Elections. --</p> <p style="text-align: center;">11/6</p> <p>Response to application for injunction filed by the PA Democratic Party.</p> <p>Justice Alito ordered that county boards segregate ballots arriving after Election Day. But his order does not appear to preclude counting.</p> <p>Reply in Support of Motion for Leave to Intervene as Petitioner of Donald J. Trump for President, Inc. submitted.</p> <p>The Republican Party of Pennsylvania moved for an emergency injunction (No. 20A84) from the Supreme Court, asking that “The Court...order [Pennsylvania] county boards of elections, pending certiorari review or further order of this Court, to log, to segregate, and otherwise not to take any action related to mail-in or civilian absentee ballots that arrive after the General Assembly’s Election Day received-by deadline but before the Pennsylvania Supreme Court’s judicially extended deadline.” --</p> <p style="text-align: center;">11/5</p> <p>The Luzerne County Board filed a brief that takes no position on intervention.</p> <p>The PA Democratic Party filed a brief that does not oppose intervention but simply argues that the court need not decide the motion until it rules on the cert petition.</p> <p>The state filed a response opposing the Trump campaign’s motion.</p> <p>The Republican party consented to the Trump campaign’s intervention.</p> <p>The Supreme Court ordered a response to be filed</p> <p>Trump filed a motion to intervene before the Supreme Court.</p>
<p>Bognet v. Boockvar, No. 20-3214 (3d Cir.)</p>	<p>A Pennsylvania congressional candidate and several voters argue that the PA Supreme Court has violated the Elections</p>	<p style="text-align: center;">9:00am 11/12</p> <p>Awaiting further action by the panel (Shwartz, Smith, Scirica)</p>

	<p>and Electors Clauses and violated the Equal Protection Clause by extending the ballot receipt deadline and establishing a presumption of timeliness for unpostmarked ballots</p>	<p>--</p> <p style="text-align: right;">11/12</p> <p>The state estimates that 9,383 absentee ballots arrived between Nov. 3 and Nov. 6, and that 655 of those ballots lacked postmarks.</p> <p style="text-align: right;">11/10</p> <p>The Court has ordered the state to provide exact or approximate tallies of the number of ballots that: (1) arrived between November 3 and November 6, and (2) the number of those ballots that lacked a legible postmark. The state's report is due by 9am on Thursday, 11/12.</p> <p style="text-align: right;">11/9</p> <p>State brief filed at 3pm.</p> <p>Case submitted to panel.</p> <p>--</p> <p style="text-align: right;">11/6</p> <p>Plaintiffs filed a brief urging the Circuit to reverse the district court's denial of their preliminary injunction motion.</p> <p>--</p> <p style="text-align: right;">10/30</p> <p>Third Circuit set a briefing schedule and ordered briefs to be filed on 11/6 (by the plaintiffs) and 11/9 (by the state).</p>
<p>Donald J. Trump for President v. Boockvar, No. 4:20-cv-2078 (M.D. Pa.)</p>	<p>The Trump campaign claims that Democrat-leaning counties provided cure opportunities to voters that were not available in Republican-leaning counties, and it argues that poll-watchers in those same counties were not given adequate access to monitor the count of absentee ballots. Due to these disparate cure policies and lack of access, the Trump campaign claims that Pennsylvania has effectively created an unfair "two-track" voting system where Election-Day votes were subject to more monitoring and</p>	<p style="text-align: right;">9:00am 11/12</p> <p>Awaiting court action on plaintiff's motion for a preliminary injunction and defendants' motion to dismiss.</p> <p>--</p> <p style="text-align: right;">11/12</p> <p>State filed motion to dismiss.</p> <p>The court granted the DNC and ALCU's motions to intervene.</p> <p style="text-align: right;">11/11</p> <p>The DNC and ACLU moved to intervene.</p>

	<p>stricter standards than mail-in votes. The campaign claims this violates the Due Process Clause and Equal Protection Clause, and also constitutes a violation of the Elections and Electors Clauses. The campaign asks the court to enjoin the certification of the election and/or excluding from the ballot-count ballots that were not subject to observation and/or were improperly cured.</p>	<p style="text-align: right;">11/10</p> <p>Judge Brann denied the state's motion to transfer and set the following briefing schedule:</p> <ul style="list-style-type: none"> ● Plaintiffs motion for injunctive relief will be filed by 5:00 PM Thursday, 11/12 ● Defendants' motion(s) to dismiss will be filed by 5:00 PM Thursday, 11/12 ● Plaintiffs' response to any motions to dismiss will be filed by 12:00 PM Sunday, 11/15 ● Defendants shall file their reply by 12:00 PM Monday, 11/16 ● Oral Argument scheduled for 11/17 at 1:30 PM ● The Court will hold an evidentiary hearing on Thursday, 11/19 at 10:00 AM <p>Motion to intervene filed by NAACP Pennsylvania State Conference, Common Cause Pennsylvania, League of Women Voters of Pennsylvania, Black Political Empowerment Project, and others.</p> <p>A status conference was held at 3pm.</p> <p>The state moved to transfer the case to the Harrisburg division (it is currently with Judge Brann's chambers in Williamsport).</p> <p style="text-align: right;">11/9</p> <p>Complaint filed.</p> <p>Case assigned to Judge Brann (an Obama appointee)</p>
<p>Pirkle v. Wolf, No. 20-cv-2088 (M.D. Pa.)</p>	<p>Four voters sued the PA Governor and Secretary Boockvar, seeking to prevent certification of presidential election results in certain counties, including Philadelphia County, Montgomery County, Delaware County, and Allegheny County, arguing that these counties' results include illegally cast ballots. The plaintiffs argue that including results from these counties in the statewide certified results dilutes the value of their votes in violation of the Equal</p>	<p style="text-align: right;">5:30pm 11/12</p> <p>Awaiting court action, probably to set a briefing schedule.</p> <p>--</p> <p style="text-align: right;">11/12</p> <p>Plaintiffs have moved for declaratory and injunctive relief.</p> <p style="text-align: right;">11/11</p> <p>The state filed its opposition to the motion to consolidate and expedite, arguing the plaintiffs lack standing.</p> <p>Motion to consolidate and expedite proceedings with <i>Trump v. Boockvar</i>, No. 20-</p>

	Protection Clause.	<p>cv-2078 filed.</p> <p>--</p> <p>11/10</p> <p>Complaint filed.</p>
<p>Donald J. Trump for President, Inc. v. Bucks County Board of Elections, No. 2020-0578 (Bucks County Court of Common Pleas)</p>	<p>The Trump campaign, Heidelbaugh campaign, and Republican National Committee have filed a petition contesting the Bucks County Board of Elections's decision to accept 2,251 allegedly defective ballots as votes.</p>	<p>6:00pm 11/12</p> <p>Awaiting further action.</p> <p>--</p> <p>11/12</p> <p>Court has set a hearing for 11/17.</p> <p>--</p> <p>11/11</p> <p>Motion to intervene filed.</p> <p>--</p> <p>11/10</p> <p>Petition for review filed.</p>
<p>In re: Canvassing Observation, No. 30 EAP 2020 (Pa. Supreme Court)</p> <p>Formerly No. 425 EAL 2020 (Pa. Supreme Court)</p> <p>(The Philadelphia County case)</p>	<p>Trump campaign argues that counting should temporarily stop until observers are given greater access to watch the ballot count.</p> <p>The Trump campaign claims to want "meaningful" access to observe the ballot count.</p> <p>Contemporaneous coverage of lower court proceedings here: https://twitter.com/broadandmarket/status/1323794598951587841?s=21</p>	<p>9:00am 11/12</p> <p>Awaiting briefs to be filed on 11/13.</p> <p>--</p> <p>11/11</p> <p>Briefs filed.</p> <p>11/9</p> <p>The PA Supreme Court granted permission for the Philadelphia County Board of Elections to appeal. A brief from the Board of Elections is due November 11 (Wednesday), and briefs from the Trump campaign and PA Democratic Party are due November 13 (Friday). The briefs will address the following questions:</p> <p>(1) Whether, as a matter of statutory construction pursuant to Pennsylvania law, the Commonwealth Court erred in reversing the trial court, which concluded that Petitioner City of Philadelphia Board of Elections' regulations regarding observer and representative access complied with applicable Election Code requirements;</p> <p>(2) Whether the issue raised in Petitioner's petition for allowance of appeal is moot;</p> <p>(3) If the issue raised in Petitioner's petition for allowance of appeal is moot, does there remain a substantial question that is capable of</p>

		<p>repetition yet likely to evade review, and, thus, fall within an exception to the mootness doctrine.</p> <p style="text-align: center;">11/5</p> <p>The city petitioned the Pennsylvania Supreme Court to allow an appeal. Counting temporarily stopped and then restarted while officials made plans to accommodate the Commonwealth Court’s order.</p> <p>The Pennsylvania Democratic Party filed a letter supporting the Board’s appeal.</p> <p>The Trump campaign filed an answer.</p> <p>Though not on the docket, reporters claimed there was a hearing at 2pm 11/5. https://twitter.com/BroadAndMarket/status/1324426044477218816?s=20</p> <p>Trump campaign filed a reply.</p> <p>The Commonwealth Court reversed the trial court, ordering that observers be allowed to stand as close as 6 feet away from canvassers. The Commonwealth Court found that the representative was deprived of the ability to observe “in any meaningful way.” The court did <u>not</u> order the count to stop.</p> <p>The parties filed briefs at 8am.</p> <p>--</p> <p style="text-align: center;">11/4</p> <p>Trump campaign appealed a ruling by Election Day judge that denied greater access.</p> <p>A status conference was held.</p>
<p>Donald J. Trump for President Inc. v. Boockvar, No. 602 MD 2020 (Commonwealth Court of Pennsylvania)</p>	<p>The Trump campaign claims that Secretary Boockvar issued guidance that impermissibly extends the statutory period for absentee and mail-in voters to provide proof of identification.</p> <p>In their complaint, the Trump campaign explicitly accepts that ballots can continue</p>	<p style="text-align: center;">3:00pm 11/12</p> <p>Awaiting possible appeal by the state.</p> <p>--</p> <p style="text-align: center;">11/12</p> <p>Commonwealth Court enjoined state from counting ballots for which proof of ID is provided after Nov. 9. The court found that the Secretary lacked statutory authority to extend the ID deadline.</p>

<p>("HAVA" Case)</p>	<p>to be counted after Election Day.</p>	<p style="text-align: right;">11/10</p> <p>Briefs were filed by the parties. --</p> <p style="text-align: right;">11/6</p> <p>The court ordered briefs to be filed by 12pm on Tuesday, 11/10.</p> <p>The DNC moved to intervene</p> <p>The Commonwealth Court entered an interim order that county boards of elections segregate ballots for which ID is received and verified on November 10, 11, and 12 and not count those ballots until further order of the court. --</p> <p style="text-align: right;">11/5</p> <p>A status conference was held at 10:00am.</p> <p>A status conference was held at 12:00pm.</p> <p style="text-align: right;">11/4</p> <p>Petition for review filed.</p>
<p>Hamm v. Boockvar, No. 600 MD 2020 (Commonwealth Ct. of Pa.)</p> <p>("Harrisburg" case)</p>	<p>Plaintiffs (including a member of the PA House) challenge guidance recently issued by Secretary Boockvar, arguing that her instruction that county boards of election communicate with voters whose ballots are found to be deficient during the pre-cavass process violates state law.</p> <p>In the plaintiffs' view, this process, as well as any process allowing voters to "cure" their vote through casting a provisional ballot, violates Pennsylvania law. They ask the court to enjoin the Secretary from allowing invalidly "cured" ballots to be counted in the vote totals.</p>	<p style="text-align: right;">9:00am 11/12</p> <p>Awaiting further order of the court. --</p> <p style="text-align: right;">11/6</p> <p>Commonwealth Court granted in part the petitioners' request for a preliminary injunction: County boards of elections must segregate provisional ballots cast on election day where the electors' absentee ballot was received previously. The case is stayed pending further order of the court.</p> <p>A hearing on the plaintiffs' preliminary injunction motion was scheduled for Fri 11/6 at 9:30am, but did not appear to have occurred.</p> <p>Petitioners' brief was filed; response from state was filed 8am</p>

		<p>Intervenor-DNC filed response in opposition to PI</p> <p style="text-align: center;">11/5</p> <p>Another status conference was scheduled for 10am.</p> <p>Petitioners filed amended petitions and the DNC moved to intervene.</p> <p style="text-align: center;">11/4</p> <p>Status conference was scheduled for 1:30.</p> <p style="text-align: center;">11/3</p> <p>Case filed.</p>
<p>Donald J. Trump for President, Inc. v. Montgomery County Board of Elections, No. 2020-18680 (Montgomery County Court of Common Pleas)</p>	<p>The Trump campaign is challenging the validity of around 600 ballots that it alleges have been counted despite having certain deficiencies on the outer envelope that is verified during the pre-canvassing process (the voter's signature, address, and/or date of execution)</p>	<p style="text-align: center;">9:00am 11/11</p> <p>Awaiting further court decision, likely Thursday.</p> <p>--</p> <p style="text-align: center;">11/10</p> <p>Hearing held. Briefs filed.</p> <p style="text-align: center;">11/9</p> <p>League of Women Voters</p> <p>NAACP moved to file an amicus brief.</p> <p>Montgomery County Board of Elections brief filed.</p> <p>The DNC filed an opposition to the Trump campaign's petition for review.</p> <p style="text-align: center;">11/6</p> <p>The DNC has moved to intervene.</p> <p>--</p> <p style="text-align: center;">11/5</p>

		Case was filed.
<i>In re: Canvass of Absentee and Mail-In Ballots of November 3 General Election, (Phila. Cty. Ct. of Common Pleas)</i> (Category 3 Ballots)	The Trump campaign appeals the Philadelphia County Board of Elections's decision to count 1,211 ballots over objections by Trump campaign challengers. The campaign alleges that these ballots were initially rejected for lacking any information on the ballot declaration other than a signature, but were accepted by the Board on "secondary review."	Awaiting court action -- Complaint filed.
		9:00am 11/12 11/11
<i>In re: Canvass of Absentee and Mail-In Ballots of November 3 General Election, (Phila. Cty. Ct. of Common Pleas)</i> (Category 4 Ballots)	The Trump campaign appeals the Philadelphia County Board of Elections's decision to count 1,259 ballots over objections by Trump campaign challengers. The campaign alleges that these ballots were initially rejected for lacking a date on the ballot declaration, but were accepted by the Board on "secondary review."	Awaiting court action -- Complaint filed.
		9:00am 11/12 11/11
<i>In re: Canvass of Absentee and Mail-In Ballots of November 3 General Election, (Phila. Cty. Ct. of Common Pleas)</i> (Category 5 Ballots)	The Trump campaign appeals the Philadelphia County Board of Elections's decision to count 553 ballots over objection by Trump campaign challengers. The campaign alleges that these ballots were initially rejected for lacking the printed name of the voter on the ballot declaration, but were accepted by the Board on "secondary review."	Awaiting court action -- Complaint filed.
		9:00am 11/12 11/11
<i>In re: Canvass of Absentee and Mail-In Ballots of November 3 General Election, (Phila. Cty. Ct. of Common Pleas)</i> (Category 6 Ballots)	The Trump campaign appeals the Philadelphia County Board of Elections's decision to count 860 ballots over objection by Trump campaign challengers. The campaign alleges that these ballots were initially rejected for lacking a street address on the ballot declaration, but were accepted by the Board on "secondary review."	Awaiting court action -- Complaint filed.
		9:00am 11/12 11/11

<p><i>In re: Canvass of Absentee and Mail-In Ballots of November 3 General Election, (Phila. Cty. Ct. of Common Pleas)</i></p> <p>(Category 7 Ballots)</p>	<p>The Trump campaign appeals the Philadelphia County Board of Elections’s decision to count 4,466 ballots over objection by Trump campaign challengers. The campaign alleges that these ballots were initially rejected for lacking a printed name and street address on the ballot declaration, but were accepted by the Board on “secondary review.”</p>	<p style="text-align: right;">9:00am 11/12</p> <p>Awaiting court action --</p> <p style="text-align: right;">11/11</p> <p>Complaint filed.</p>
<p><i>Miller v. Delaware County Board of Elections, No. CV-2020-007458 (Ct. Common Pleas, Del. Cty.)</i></p> <p>(Drop box case)</p>	<p>Two voters challenged Delaware County’s use of drop boxes, arguing that the county had not instituted procedures to ensure that ballots will not be deposited after polls close at 8pm. They based this allegation “upon information and belief.” The plaintiffs argue that Delaware County’s “comingling” of late ballots with validly cast ballots violates Pennsylvania statutory law.</p>	<p style="text-align: right;">10:00pm 11/8</p> <p>It appears no appeal has been filed. --</p> <p style="text-align: right;">11/3</p> <p>11/3 - The case was dismissed without prejudice and does not appear to have been renewed.</p>
<p><i>In re: Motion for Injunctive Relief of the Northampton County Republican Committee, No. 1100 CD 2020 (Commonwealth Court of Pa.)</i></p>	<p>The Northampton County Republican Committee made an oral motion to stop the county board of elections from disclosing the identity of cancelled ballots during the pre-canvass process. The court denied that motion.</p> <p>Reported: The Northampton County Republican Committee will ask an appeals court to block the local elections board from disclosing the identity of cancelled ballots (presumably so the errors can be fixed).</p>	<p style="text-align: right;">10:00pm 11/8</p> <p>Expecting no further action. --</p> <p style="text-align: right;">11/6</p> <p>Action withdrawn</p> <p>The DNC moved to intervene.</p> <p>Briefs were filed at 3pm --</p> <p style="text-align: right;">11/5</p> <p>An appeal was filed to the Commonwealth Court.</p>
<p><i>Donald J. Trump for President, Inc. v.</i></p>	<p>The Trump campaign has sued to force the Philadelphia County Board of Elections to</p>	<p style="text-align: right;">10:00pm 11/8</p>

<p>Philadelphia County Board of Elections, No. 20-cv-5533 (E.D. Pa.)</p>	<p>comply with the Commonwealth Court's order allowing greater access for poll watchers. The campaign asserts that the county board's violation of that order contravenes the Fourteenth Amendment's Due Process Clause. The entire complaint is just over one page in length.</p>	<p>Expecting no further court action. -- 11/5 Complaint was filed late afternoon. Judge Diamond held a hearing at 5:30pm and then denied the request for an injunction w/o prejudice.</p>
<p>Barnette v. Lawrence, No. 20-cv-5477 (E.D. Pa.) (Montgomery County Case)</p>	<p>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.</p> <p>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. At a hearing, the judge appeared disinclined to endorse the plaintiffs' view of the law.</p>	<p>9:00am 11/10 Case closed. -- 11/11 Plaintiffs have voluntarily dismissed the case. 11/9 Defendants have moved to dismiss the complaint. 11/6 Judge Savage entered an order denying the plaintiffs' motion for a TRO. -- 11/5 Plaintiffs filed a supplemental motion in support of their TRO. The plaintiffs filed a motion to withdraw their TRO motion, noting that the schedule set by the court would not allow relief to be granted in a timely manner. Democratic party filed a brief opposing the TRO motion. -- 11/4 A hearing was held, but no decision is expected until Friday at the earliest. -- 11/3 The complaint was filed.</p>

		TRO motion was filed.
<i>In re Pre-Canvass of Absentee and Mail-in Ballot of November 3, 2020 General Election,</i> (Bucks County Case)	Plaintiffs argued that the Bucks County Board of Elections permitted the disclosure of pre-canvass results by sharing certain information about deficient ballots. They claimed that the Bucks County Board's actions violate Pennsylvania law.	<p style="text-align: right;">10:00pm 11/8</p> <p>No further action expected. --</p> <p style="text-align: right;">11/3</p> <p>The case was dismissed Tuesday night.</p>
ARIZONA		
<i>Donald J. Trump for President Inc. v. Hobbs, No. CV2020-014248 (Maricopa County Superior Court)</i>	The Trump campaign, RNC, and Arizona Republican Party claim that numerous voters were convinced to override "overvote" notifications on an electronic tabulation system. These alleged "overvotes" stem from the use of sharpies to complete the voters' ballot. The Trump campaign asks that any overvotes be subjected to a hand recount to determine the intent of the voter.	<p style="text-align: right;">1:00pm 11/12</p> <p>Awaiting upcoming 5-hour hearing at 9:30am on 11/12. --</p> <p style="text-align: right;">11/12</p> <p>Judge granted motion in limine. Trial held.</p> <p style="text-align: right;">11/11</p> <p>Judge denied motion to seal. Motion in limine filed. --</p> <p style="text-align: right;">11/10</p> <p>The parties have filed briefs relating to the Trump campaign's motion to seal certain evidence relating to their voter fraud/irregularity claims.</p> <p style="text-align: right;">11/9</p> <p>Hearing held. Judge Kiley denied motion to intervene by the Public Interest Law Foundation and scheduled an evidentiary hearing and oral argument for 9:30am on Thursday, 11/12. Attorneys for Maricopa County and the Secretary of State told the judge that only 180 ballots cast on Election Day contained overvotes in the Presidential race.</p> <p>The plaintiffs from <i>Aguilera v. Fontes</i> (below) filed a motion to intervene, re-raising their "sharpiegate" claims. https://lawandcrime.com/2020-election/conservative-lawyers-quietly-dropped-lawsuit-that-pushed-debunked-sharpiegate-conspiracy-theory/</p>

		11/7 Lawsuit filed
<i>Aguilera v. Fontes,</i> No. CV2020-014083 (Maricopa County Superior Court)	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. This complaint is part of the larger narrative of “#sharpiegate,” a conspiracy that Republican voters were given sharpies to use while voting.	10:00pm 11/8 No further action expected. -- 11/7 Dismissed voluntarily. -- 11/6 Lawsuit filed. Secretary of state Hobbs filed an amicus brief asking for a hearing to be held within 72 hours. The political parties agreed to ask for an evidentiary hearing next Friday, 11/13. Maricopa County appeared to be fine with an even later hearing, proposing November 24.
GEORGIA		
<i>Brooks v. Mahoney,</i> No. 20-cv-281 (S.D. Ga.)	Voters in Georgia have sued to exclude votes cast in Henry County, Richmond County, Cobb County, Clayton County, Gwinnett County, DeKalb County, Chatham County, and Fulton County from the statewide certified results in the presidential election. They allege that the inclusion of votes from these counties would unconstitutionally dilute the value of their votes.	1:30pm 11/12 Awaiting motion for preliminary injunctive relief. -- 11/12 Judge R. Stan Baker (Trump appointee) assigned to case. -- 11/11 Complaint filed.
<i>In re: Enforcement of Election Laws and</i>	Georgia Republican Party and Trump campaign argue that some elections	10:00pm 11/8

<p>Securing Ballots Cast or Received After 7:00PM on November 3, 2020, No. SPCV 20-00982 (Chatham County Superior Court)</p>	<p>officials may be confusion 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.</p> <p>Per an affidavit in support of the complaint, the plaintiffs are only concerned about 53 potential inter-mixed ballots.</p>	<p>No further court action expected.</p> <p>--</p> <p style="text-align: right;">11/5</p> <p>Petition dismissed following hearing. Undisputed evidence was that no late-arriving ballots had been counted and that all late-arriving ballots are being segregated according to Georgia law.</p> <p>--</p> <p style="text-align: right;">11/4</p> <p>Lawsuit filed</p>
<p>MINNESOTA</p>		
<p>Carson v. Simon, No. 20-cv-2030 (D. Minn.)</p>	<p>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.</p>	<p style="text-align: right;">9:00am 11/10</p> <p>Awaiting further court action.</p> <p>--</p> <p style="text-align: right;">11/5</p> <p>On 11/5, the court denied the motion to certify without prejudice. The court reasoned that there was no request for relief pending before it from any party (ballots have been segregated by order of the 8th Circuit).</p> <p>--</p> <p style="text-align: right;">11/2</p> <p>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.</p> <p>A response was filed by Republican electors, and a decision could come at any time.</p>

MICHIGAN		
<p>Donald J. Trump for President, Inc. v. Benson, No. 20-cv-1083 (W.D. Mich.)</p>	<p>The Trump campaign and a number of Michigan voters allege that Wayne County failed to allow challengers adequate access to observe the processing of ballots and that some election officials back-dated ballots that were not actually received before the close of polls on election day. The plaintiffs allege that these actions violate the Equal Protection Clause (by allowing the Wayne County general election to be conducted in a different manner than that conducted in other areas of the state), the Elections and Electors Clauses (by deviating from the Michigan Election Code), and Michigan state law. They seek to enjoin the certification of Michigan’s general election and to prevent the Wayne County and state canvassing boards from certifying any vote tally that includes ballots that were processed without a challenging having a meaningful opportunity to observe the ballots’ processing. They also seek to exclude or hand count any ballots that were tabulated with deficient machines.</p>	<p style="text-align: right;">9:00am 11/12</p> <p>Awaiting docket likely motion for a preliminary injunction. --</p> <p style="text-align: right;">11/10</p> <p>Trump campaign announced lawsuit and claims to have filed it. Complaint posted to campaign website.</p>
<p>Bally v. Whitmer, No. 20-cv-1088 (W.D. Mich.)</p>	<p>A number of voters have sued to enjoin the certification of Michigan’s presidential election results to the extent that the certified total would include results from counties where irregularities “place in doubt” the county-wide result. Counties with such irregularities - which include insufficient transparency and opportunities to challenge ballots - allegedly include Ingham County, Washtenaw County, and Wayne County.</p>	<p style="text-align: right;">9:00am 11/12</p> <p>Awaiting filing of preliminary injunction motion. --</p> <p style="text-align: right;">11/11</p> <p>Complaint filed.</p>

<p>Costantino v. City of Detroit, No. 20-014780-AW (Wayne County Circuit Court)</p>	<p>Plaintiffs have sued to enjoin the certification of the election pending a full investigation and court hearing, and ask for an independent audit of the election results.</p>	<p style="text-align: right;">9:00am 11/12</p> <p>Awaiting decision, likely by Friday at noon. --</p> <p style="text-align: right;">11/11</p> <p>A hearing was held at 3pm. Coverage here: https://lawandcrime.com/2020-election/detroit-lawyer-tells-judge-that-pro-trump-efforts-to-void-election-are-like-unfunny-version-of-groundhog-day/</p> <p>Brief filed by the city.</p> <p style="text-align: right;">11/10</p> <p>An order to show case was issued. --</p> <p style="text-align: right;">11/8</p> <p>Complaint filed.</p>
<p>Davis v. Wayne County Board of Canvassers, No. 20-014601-AW (Wayne County Circuit Court)</p>	<p>A voter has sued, seeking (1) a writ of mandamus to force the Wayne County Board of Canvassers to count and certify <i>all</i> votes cast in the November 3, 2020 general election no later than November 17, and (2) a declaration that no member of the Board may serve as a challenger on behalf of any party during the canvass. The complaint expresses the plaintiff's fear that two Republican members of the Board will delay and interfere with the canvass</p>	<p style="text-align: right;">9:00am 11/12</p> <p>Awaiting written order from the court. --</p> <p style="text-align: right;">11/9</p> <p>Hearing held, at which the judge orally denied the plaintiffs' motion. A written order will follow.</p> <p style="text-align: right;">11/6</p> <p>Response filed by the County Board of Canvassers. --</p> <p style="text-align: right;">11/5</p> <p>Complaint filed.</p> <p>Order to show cause issued.</p>
<p>Donald J. Trump for President, Inc. v. Benson, No. 20-225-MZ (Mich. Ct. Cls.);</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</p>	<p style="text-align: right;">9:00am 11/11</p> <p>Awaiting court order setting a briefing schedule. --</p>

<p>No. 355378 (Mich. Ct. App.)</p>	<p>the opening and counting process.</p> <p>This case resembles one brought in Pennsylvania and appears to be part of a larger effort to stop the count in states where mail-in ballots were cast heavily in favor of Trump.</p>	<p style="text-align: right;">11/9</p> <p>The Trump campaign filed a notice of appeal with the Michigan Court of Appeals. That appeal was bounced for being procedurally improper, but the campaign later noticed a proper appeal.</p> <p style="text-align: right;">11/6</p> <p>On 11/6, the court issued a written order memorializing its reasons. The court found that none of the relief requested by the plaintiffs could be ordered as to the Secretary of State, that the record did not support their requests, and that the case was moot given that vote-counting is complete. The court also denied as moot the DNC's motion to intervene.</p> <p style="text-align: right;">11/5</p> <p>The court denied relief following a hearing --</p> <p style="text-align: right;">11/4</p> <p>Complaint filed along with motion for emergency declaratory judgment.</p> <p>Case was assigned to Judge Cynthia Dane Stephens.</p> <p>The DNC has moved to intervene.</p>
<p><i>Stoddard v. City Election Commission, No. ??? (Third Judicial Circuit Court, Wayne County)</i></p>	<p>Plaintiffs claim that in Detroit, Democratic inspectors are improperly curing deficient ballots without the participation of a Republican inspector. They ask the Court to halt the improper cure process, order the cured ballots to be segregated, and postpone certification until Republican inspectors can be located to participate in the process. They also seek to segregate any previously cured ballots.</p>	<p style="text-align: right;">10:00pm 11/8</p> <p>No further action expected. --</p> <p style="text-align: right;">11/9</p> <p>Opinion issued.</p> <p style="text-align: right;">11/6</p> <p>The court denied the plaintiffs' motion for relief.</p> <p>The court determined no cause of action had been submitted. Specifically, the court stated there was no evidence offered that a single ballot was improperly submitted, much less evidence establishing the frequency of the error. The court emphasized there were assertions in the complaint but no evidence in support of the assertions. The court further determined that Plaintiff could not</p>

		<p>establish a showing of concrete, irreparable harm. With respect to this prong, the court noted that Plaintiff will have an opportunity to request a recount if they believe the canvass of the voters suffers from defect or fraud.</p> <p>--</p> <p style="text-align: right;">11/5</p> <p>An amended complaint and TRO were filed today.</p> <p>The DNC moved to intervene.</p> <p>--</p> <p style="text-align: right;">11/4</p> <p>Case was filed late Wednesday evening.</p>
NEVADA		
<p>Stokke v. Cegavske, No. 20cv2046 (D. Nev.)</p>	<p>In a six-page complaint, Republican plaintiffs allege violations of the Elections Clause and Equal Protection Clause based on (1) Clark County’s use of certain signature-verification systems; (2) Clark County’s limitations on poll-watcher access to observe the ballot counting process; and (3) allowing around 3,000 invalid ballots to be cast.</p>	<p style="text-align: right;">9:00am 11/10</p> <p>No further action is expected.</p> <p>--</p> <p style="text-align: right;">11/6</p> <p>Case was assigned to Judge Andrew P. Gordon (Obama appointee) in the morning.</p> <p>The DNC/Nevada Dem Party moved to intervene.</p> <p>Judge Gordon granted the motion to expedite on 11/6.</p> <p>Responses by the State and the Democrats were filed at 3pm. A hearing will be held at 5pm.</p> <p>At a hearing, Judge Gordon granted the Democrats’s motion to intervene and denied the plaintiffs’ motion for an injunction.</p> <p>--</p> <p style="text-align: right;">11/5</p> <p>At 11:30am ET, Republican operatives and officials announced a lawsuit seeking to stop the counting of “improper” ballots cast by voters from outside Nevada.</p>

		<p>The suit is expected to be filed in federal district court.</p> <p>The complaint was filed around 10:00pm. A TRO motion was also filed, requesting that a hearing be scheduled for no later than 5pm on 11/6.</p>
<p>Kraus v. Cegavske, No. 82018 (Nev.)</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.</p> <p>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 style="text-align: right;">10:00pm 11/10</p> <p>No further action is expected.</p> <p>--</p> <p style="text-align: right;">11/10</p> <p>Parties have filed a voluntary dismissal.</p> <p>--</p> <p style="text-align: right;">11/5</p> <p>The parties filed a motion to extend the briefing schedule, to allow time to finalize a settlement agreement.</p> <p>--</p> <p style="text-align: right;">11/3</p> <p>The Nevada Supreme Court denied an injunction 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>
WISCONSIN		
<p>Langenhorst v. Pecore, No. 20-cv-1701 (E.D. Wis.)</p>	<p>Voters in Wisconsin have sued to exclude votes cast in Menominee County, Milwaukee County, and Dane County from the statewide certified results in the presidential election. They allege that the inclusion of votes from these counties would unconstitutionally dilute the value</p>	<p style="text-align: right;">5:30pm 11/12</p> <p>Awaiting motion for preliminary injunctive relief.</p> <p>--</p> <p style="text-align: right;">11/12</p> <p>Complaint filed.</p>

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