

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

LEAGUE OF WOMEN VOTERS OF  
MINNESOTA EDUCATION FUND  
and VIVIAN LATIMER  
TANNIEHILL,

*Plaintiffs,*

v.

Case No. 0:20-cv-01205-ECT-TNL

STEVE SIMON, in his official capacity  
as Secretary of State of Minnesota,

*Defendant,*

DONALD J. TRUMP FOR  
PRESIDENT, INC., REPUBLICAN  
NATIONAL COMMITTEE, and  
REPUBLICAN PARTY OF  
MINNESOTA,

*[Proposed] Intervenor-Defendants.*

**MOTION TO INTERVENE AS DEFENDANTS BY DONALD J. TRUMP  
FOR PRESIDENT, INC., REPUBLICAN NATIONAL COMMITTEE,  
AND REPUBLICAN PARTY OF MINNESOTA**

Movants, Donald J. Trump for President, Inc., the Republican National Committee, and the Republican Party of Minnesota, seek to intervene as defendants in this case under Federal Rules of Civil Procedure 24(a)(2) and (b). This motion is accompanied by a memorandum of law that explains why Movants are entitled to intervention as of right and permissive intervention. For the reasons in that memorandum, Movants respectfully ask this Court to grant their motion.

Dated: June 20, 2020

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Republican National Committee, and Republican Party of Minnesota*

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**[PROPOSED] ANSWER BY [PROPOSED] INTERVENOR-  
DEFENDANTS DONALD J. TRUMP FOR PRESIDENT, INC.,  
THE REPUBLICAN NATIONAL COMMITTEE, AND  
THE REPUBLICAN PARTY OF MINNESOTA**

Proposed Intervenor Defendants, Donald J. Trump for President, Inc., the Republican National Committee, and the Republican Party of Minnesota, submit this proposed answer to Plaintiffs' complaint (Doc. 1).

**INTRODUCTION**

1. Proposed Intervenor-Defendants admit that Minnesota is a State with high voter turnout and provides access to absentee ballots for all registered voters while taking steps to protect against fraud and maintaining public trust in the system.

2. Proposed Intervenor-Defendants admit that COVID-19 poses a serious health risk to some people but deny that it justifies departures from Minnesota laws that protect election integrity.

3. Proposed Intervenor-Defendants admit that Minnesota law requires voters to have their ballot witnessed by a registered Minnesota voter, a notary, or another person authorized to administer oaths.

4. Denied. Although COVID-19 poses a serious health risk to some people, the witnessing requirement does not require any unsafe or unreasonable actions by voters.

5. This paragraph consists of legal conclusions to which no response is required.

6. Denied. Minnesota's witnessing requirement protects the integrity of elections and fosters public trust.

7. Proposed Intervenor-Defendants admit that Plaintiffs seek the requested relief but deny that they are entitled to it.

## **JURISDICTION AND VENUE**

8. Admitted.

9. Admitted.

10. Admitted.

11. Admitted.

## **PARTIES**

### *Plaintiffs*

12. Proposed Intervenor-Defendants lack sufficient information to admit or deny this allegation.

13. Proposed Intervenor-Defendants lack sufficient information to admit or deny this allegation.

14. Admitted.

## **FACTS**

### *Absentee Ballots are Crucial to Voter Access in Minnesota, Especially During the COVID-19 Pandemic*

15. The referenced authorities speak for themselves.

16. The referenced authorities speak for themselves.

17. Admitted.

18. Proposed Intervenor-Defendants admit that some voters may choose to vote absentee because of concerns related to COVID-19, but lack sufficient information to admit or deny the remainder of this paragraph.

19. Proposed Intervenor-Defendants admit that COVID-19 can be transmitted, but lack sufficient information to admit or deny the remainder of this paragraph.

20. Proposed Intervenor-Defendants admit that COVID-19 causes severe illness in some people. The cited documents speak for themselves. Proposed

Intervenor-Defendants otherwise lack sufficient information to admit or deny the remainder of this paragraph.

21. Proposed Intervenor-Defendants lack sufficient information to admit or deny this allegation.

22. Proposed Intervenor-Defendants lack sufficient information to admit or deny this allegation.

23. Proposed Intervenor-Defendants lack sufficient information to admit or deny this allegation.

24. Proposed Intervenor-Defendant admit there is no vaccine available today for COVID-19 but otherwise lack sufficient information to admit or deny the remainder of this paragraph.

25. The cited documents speak for themselves. Proposed Intervenor-Defendants otherwise lack sufficient information to admit or deny the remainder of this paragraph.

26. Proposed Intervenor-Defendants lack sufficient information to admit or deny this allegation.

27. The cited orders speak for themselves. Proposed Intervenor-Defendants note that Minnesota is now in Phase III of its reopening plan, meaning the State deems it safe to visit (with social-distancing practices) retail stores, gyms, daycares, schools, churches, restaurants, bars, and other venues, and to attend outdoor gatherings of 25 people or less and indoor gatherings of 10 people or less.

28. Denied.

29. The cited documents speak for themselves; Proposed Intervenor-Defendants admit that Wisconsin conducted an election on April 9 but deny that it demonstrates that voting—including witness-signature requirements—cannot be conducted in a reasonable and safe manner.

30. The cited documents speak for themselves; Proposed Intervenor-Defendants admit that absentee voting is available in Minnesota.

31. Proposed Intervenor-Defendants lack sufficient information to admit or deny this allegation.

32. Proposed Intervenor-Defendants lack sufficient information to admit or deny this allegation.

*Minnesota's Witness Signature Requirement Undermines  
Access to Voting During the Pandemic*

33. The cited authorities speak for themselves; Proposed Intervenor-Defendants otherwise deny this allegation.

34. Denied.

35. The cited authorities speak for themselves.

36. The cited authorities speak for themselves.

37. Admitted.

38. The cited authorities speak for themselves.

39. The cited authorities speak for themselves.

40. The cited authorities speak for themselves.
41. The cited authorities speak for themselves.
42. The cited authorities speak for themselves.
43. Admitted.
44. The cited authorities speak for themselves.
45. Admitted.
46. The cited authorities speak for themselves.
47. The cited authority speaks for itself.
48. Proposed Intervenor-Defendants deny that a voter and witness cannot safely complete the absentee ballot procedure while observing social distancing.
49. Denied.
50. Proposed Intervenor-Defendants lack sufficient information to admit or deny this allegation.
51. The cited documents speak for themselves; Proposed Intervenor-Defendants otherwise lack sufficient information to admit or deny this allegation.
52. Proposed Intervenor-Defendants lack sufficient information to admit or deny this allegation.
53. Proposed Intervenor-Defendants lack sufficient information to admit or deny this allegation.
54. Proposed Intervenor-Defendants lack sufficient information to admit or deny this allegation.



55. Proposed Intervenor-Defendants lack sufficient information to admit or deny this allegation.

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57. Proposed Intervenor-Defendants lack sufficient information to admit or deny this allegation.

58. Proposed Intervenor-Defendants lack sufficient information to admit or deny this allegation.

59. Proposed Intervenor-Defendants lack sufficient information to admit or deny this allegation.

60. Proposed Intervenor-Defendants lack sufficient information to admit or deny this allegation.

61. Proposed Intervenor-Defendants lack sufficient information to admit or deny this allegation.

*Safeguards Other Than Witness Statements Adequately Protect  
Minnesota Elections From Any Threat of Absentee Ballot Fraud*

62. Denied.

63. Denied. There are multiple and recent examples of criminal cases charging individuals with absentee ballot fraud in Minnesota.

64. The cited documents speak for themselves; Proposed Intervenor-Defendants deny that the States lack any interest in maintaining ballot integrity but otherwise lack sufficient information to admit or deny this allegation.

65. Proposed Intervenor-Defendants admit that voting requirements vary from State to State but deny that the States lack any interest in maintaining ballot integrity. The cited documents speak for themselves. Proposed Intervenor-Defendants otherwise lack sufficient information to admit or deny this allegation.

66. Proposed Intervenor-Defendants admit that Minnesota law provides other measures of ballot integrity but deny any implication that the witness-signature requirement is unreasonable or unnecessary.

67. The cited authorities speak for themselves.

68. The cited authorities speak for themselves.

69. The cited authorities speak for themselves.

70. Proposed Intervenor-Defendants admit that absentee ballots are reviewed by election officials when submitted but deny any implication that the witness-signature requirement is unreasonable or unnecessary.

71. The cited authorities speak for themselves.

72. The cited authorities speak for themselves.

73. The cited authorities speak for themselves.

74. The cited authorities speak for themselves.

75. The cited authorities speak for themselves.

76. The cited authorities speak for themselves.

77. The cited authorities speak for themselves.

78. The cited authorities speak for themselves.

79. The cited authorities speak for themselves.

80. Denied.

*Minnesota's Restrictive Qualifications for Absentee  
Ballot Witnesses Are Burdensome and Needless*

81. Denied.

82. Proposed Intervenor-Defendants admit that voting laws vary from State to State but deny that Minnesota allows only registered voters to serve as witnesses; Minnesota law also permits absentee ballots to be witnessed by notaries or persons authorized to administer oaths.

83. Proposed Intervenor-Defendants admit that in order to advance public trust and voter integrity, Minnesota has reasonably chosen to limit the categories of individuals who may serve as witnesses for absentee ballots but deny that this reflects a judgment of the general trustworthiness of other individuals.

84. Proposed Intervenor-Defendants admit that notaries need not be U.S. citizens but otherwise deny the implication that Minnesota's absentee ballot procedures are unreasonable.

85. The cited authorities speak for themselves; Proposed Intervenor-Defendants otherwise deny this allegation.

86. Proposed Intervenor-Defendants deny that “the ballot-verification process is effectively indifferent to whether an absentee ballot is witnessed by a registered Minnesota voter” or that the ballot-witnessing requirement presents an unreasonable burden.

87. Denied.

88. Proposed Intervenor-Defendants lack sufficient information to admit or deny this allegation.

89. Proposed Intervenor-Defendants deny that the ballot-witnessing requirement presents an unreasonable burden but otherwise lack sufficient information to admit or deny this allegation.

90. The cited documents speak for themselves; Proposed Intervenor-Defendants otherwise lack sufficient information to admit or deny this allegation.

91. Proposed Intervenor-Defendants lack sufficient information to admit or deny this allegation.

92. Proposed Intervenor-Defendants lack sufficient information to admit or deny this allegation.

## **CAUSES OF ACTION**

### **Count I: Undue Burden on the Right to Vote in Violation of the First and Fourteenth Amendments As Applied to Elections During the COVID-19 Pandemic (42 U.S.C. § 1983)**

93. Proposed Intervenor-Defendants repeat and reallege their responses in paragraphs 1 through 92.

94. The cited authorities speak for themselves; this paragraph otherwise sets forth a legal conclusion to which no response is required.

95. Denied.

96. Denied.

97. Denied.

**Count II: Undue Burden on the Right to Vote  
Through Unduly Restrictive Witness Qualifications  
in Violation of the First and Fourteenth Amendments  
(42 U.S.C. § 1983)**

98. Proposed Intervenor-Defendants repeat and reallege their responses in paragraphs 1 through 97.

99. Admitted.

100. Denied.

101. Proposed Intervenor-Defendants admit that Minnesota absentee-ballot voters must have their ballot witnessed by another registered voter, a notary, or an individual authorized to administer oaths, but deny that this presents an unreasonable burden.

102. Denied.

103. Denied.

**Count III: Denial of Equal Protection  
On Account of Citizenship Status in**

**Violation of the Fourteenth Amendment**  
(42 U.S.C. § 1983)

104. Proposed Intervenor-Defendants repeat and reallege their responses in paragraphs 1 through 103.

105. Proposed-Intervenor Defendants deny that Minnesota's ballot-witnessing requirements unlawfully discriminate.

106. The cited authorities speak for themselves; this paragraph otherwise sets forth a legal conclusion to which no response is required.

107. Denied.

108. Denied.

109. Denied.

110. Denied.

111. Denied.

**PRAYER FOR RELIEF**

Proposed Intervenor-Defendants deny that Plaintiffs are entitled to their requested relief.

**AFFIRMATIVE DEFENSES**

1. The allegations in the Complaint fail to state a claim for relief.
2. The allegations in the Complaint are unripe and too remote and speculative to support equitable relief.
3. The Counts are barred in whole or in part by the doctrine of abstention.

Dated: June 20, 2020

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