Post-Election Litigation Analysis and Summaries

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Abstract:

The 2020 general election was the most litigious in modern history, including its post-election period. In the two-month period between November 3, 2020, (Election Day) and January 6, 2021, (the date on which Congress counted the Electoral College votes), plaintiffs filed 82 lawsuits in 10 states and the District of Columbia (excluding 13 lawsuits related to the U.S. Senate runoff election in Georgia). Of these 82 complaints, Republican plaintiffs filed 80—of which 76 pertained to the presidential race. An additional thirteen lawsuits were filed regarding the Georgia U.S. Senate run-off elections. This article summarizes the major arc of the post-election litigation, its trends, and possible long-standing repercussions. The Appendix briefly summarizes each of these post-election lawsuits.

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Introduction

The 2020 general election was the most litigious in modern history, with more than 400 lawsuits filed before Election Day. In the two-month post-election period from November 3 (Election Day) to January 6 (the date on which Congress counted the Electoral College votes), plaintiffs filed 82 cases in 10 states and the District of Columbia (excluding 13 lawsuits related to the U.S. Senate runoff elections in Georgia).

All but four of the 82 post-election lawsuits directly implicated the presidential race. Four focused purely on down-ballot races.[1] All but two of the 82 post-election lawsuits were filed by the Trump campaign and its allies.[2]

Republican plaintiffs filed 76 post-election lawsuits in matters pertaining to the presidential election. In accordance with state laws governing election challenges, the overwhelming majority of these cases were filed in state courts. In the courtroom, these lawsuits yielded no meaningful success for plaintiffs. In the court of public opinion, however, they contributed to an erosion of trust in the democratic process. This article analyzes the evolution of these 76 post-election lawsuits relating to the presidential race and the unique nature of their claims in each of six battleground states. It also examines how judges reckoned with the issues in these lawsuits and what role the U.S. Supreme Court played. The Appendix briefly summarizes 95 post-Election Day lawsuits—82 related to the general election and 13 related to the U.S. Senate runoff election in Georgia.

Litigation Timeline

The post-election lawsuits brought by Trump loyalists tracked the constitutional milestones of a presidential election vote count. The initial wave of cases dealt with the immediate mechanics of the still-in-progress vote counting, alleging violations of poll observer requirements and problems with vote-tabulation machines. Subsequent lawsuits sought to stop, alter, or invalidate states' certifications of the vote and compliance with the procedural mandates in

[1] One of those four cases was filed by Claudia Tenney, the Republican candidate for New York's 22nd U.S. Congressional District seat, challenging the ballot count in her district in a contest that remained undecided even after the start of the 117th Congress; the other three cases were filed by Nicole Ziccarelli, the Republican candidate who ran unsuccessfully for Pennsylvania state senate.

[2] The other two were filed *against* Trump or Trump allies: *Michigan Welfare Rights Organization v. Trump*, which alleged that the president's pressures to de-certify Michigan election results disenfranchised Black voters, and *Pierson v. Stepien*, which alleged that the president's fundraising to pay for a recount in Wisconsin violated federal statutes.

Article II of the U.S. Constitution (i.e. the appointment of a state's Electoral College slate, the Electoral College vote, and the Congressional counting of those votes). Along the way, many of the individual lawsuits simply repackaged allegations made in other courts.

In the 76 post-election lawsuits, pro-Trump plaintiffs succeeded only twice. Neither successful complaint advanced any allegation of fraud, and both rendered relatively minor victories. The first lawsuit extended poll opening times, so that some precincts in Nevada's largest county would be open for one extra hour (*Donald J. Trump for President v. Gloria*). In the campaign's second success, a Pennsylvania court held that the secretary of the commonwealth did not have the authority to extend the state's deadline by three days (from November 9 to November 12) for absentee voters to provide proof of identification (state ID number, last 4 digits of Social Security number, or photocopy of passport) that they had failed to include with their mail-in ballots (*Donald J. Trump for President, Inc. v. Boockvar*).

On November 3 (Election Day) and the days immediately following, plaintiffs concentrated on Pennsylvania. Five of seven lawsuits filed on November 3 were filed in Pennsylvania courts. Within the first week following Election Day, 18 of 29 election lawsuits were filed in Pennsylvania. All of the Pennsylvania cases concerned technical aspects of ballot counting and completion. Claims included allegations that voter information was improperly disclosed to election staff designated to contact voters to supplement missing information (*In Re: Pre-Canvass*), a request to block any cure period for voters to correct missing or incorrect ballot information (*Hamm v. Boockvar*), and requests to reject absentee ballots returned with unsealed security envelopes or with missing voter addresses or dates (*Donald J. Trump for President Inc. v. Bucks County Board of Elections*).

Pennsylvania's status as the litigation epicenter reflected what pre-election polling and strategizing had predicted: that the Keystone State would live up to its nickname in determining the candidates' fortunes. President Trump echoed this expectation in an October 31 Twitter post: "Pennsylvania is where the story of American Independence began—it is the state where the American Constitution was signed—and 3 days from now this is the state that will SAVE THE AMERICAN DREAM!" Leading up to the election, journalists reported on GOP strategies to file lawsuits challenging Pennsylvania ballot defects as the best means to pave a path to the U.S. Supreme Court—which President Trump hoped might cede him a victory after he appointed his third justice, Amy Coney Barrett, who was sworn in one week before Election Day.

However, the lawsuit landscape pivoted away from Pennsylvania after the Associated Press called Pennsylvania, and the national election, for Democrat Joseph R. Biden Jr. on November 7. A slew of new lawsuits were filed in states that Trump had won in 2016 but which flipped to Biden in 2020 (Michigan, Wisconsin, Arizona, and Georgia). Beginning on November 9, cases

shifted focus to try to prevent state governments from certifying election results before their statutorily prescribed end-of-month deadlines. Those cases included *Costantino v. Detroit* in Michigan and *Donald J. Trump for President, Inc. v. Boockvar* in Pennsylvania.

About the same time, a jurisprudential shift emerged. Early cases relied on garden-variety "disparate treatment" equal protection allegations, in the vein of *Bush v. Gore*. Following the 2000 presidential election, the U.S. Supreme Court had ruled that Florida's recount violated voters' rights because each Florida county, and even different recount teams within the same county, were using different recount procedures that amounted to an unconstitutional variation in treatment of voters. Though the Supreme Court expressly limited its ruling exclusively to the facts in *Bush v. Gore*, lower courts across the country have gone on to apply its logic dozens of times. Plaintiffs in 2020 sought to revitalize the *Bush v. Gore* holding with an updated hook. For instance, in *Barnette v. Lawrence*, plaintiffs asked a court to rule that, if some counties in Pennsylvania were contacting voters to offer them an opportunity to correct defects with their mail-in ballots but other counties were not, the same *Bush v. Gore* equal protection violation was at play.

Starting on November 11, in *Bally v. Whitmer* and *Brooks v. Mahoney*, plaintiffs imported a novel Fourteenth Amendment argument (used during the summer's pre-election litigation), which usurped the mantle to become a dominant and conspicuous trend in post-election litigation: vote-dilution disenfranchisement. Prior to this election cycle, vote dilution claims were the exclusive province of cases involving malapportionment claims in electoral district drawing or in cases alleging the disenfranchisement of minorities under Section 2 of the Voting Rights Act. Following the general election, Harvard election law professor Nicholas Stephanopoulos proposed a schema by which courts could evaluate this new claim that alleges fraudulent ballots dilute lawful votes.

In late November, lawsuits across the country began to challenge certain election-funding grants to municipalities. These grants were distributed by the Center for Tech and Civic Life (CTCL), a Chicago-based nonprofit that received large donations from Facebook founder and billionaire Mark Zuckerberg and his wife, Priscilla Chan. The Center distributed the grants to thousands of jurisdictions in nearly every state, to help defray unexpected election costs associated with the coronavirus pandemic. Local governments used the grants to fund election worker wages, purchase ballot sorting and counting equipment, and rent large spaces to use as polling locations. Though the initiative distributed grants nationwide, plaintiffs brought challenges only in swing states that voted for Biden (e.g. *Wood v. Raffensperger* in Georgia). These lawsuits tracked some similar pre-election challenges in which plaintiffs claimed that CTCL impermissibly formed public-private partnerships designed to aid Democratic jurisdictions in conducting elections, in violation of federal statute. But the post-election cases

added a twist: They alleged that the CTCL-sponsored activities enabled illegal and fraudulent voting. Judges ruled that the presented evidence never substantiated either of these claims.

Once all states had certified their election results at the beginning of December, the Republican litigation strategy shifted again, this time to requesting, as a remedy for alleged fraud, the decertification of election results (e.g. *Trump v. Evers*) or the recertification of election results entirely for Trump electors (e.g. *Bowyer v. Ducey*). In more audacious lawsuits, plaintiffs requested courts throw out the Electoral College slates chosen by popular vote and instead remand the issue to Republican-controlled state legislatures in Pennsylvania or Wisconsin, so that those legislatures could appoint their own slates of electors (e.g. *Trump v. Boockvar*, *Trump v. Wisconsin Elections Commissions*). A small number of cases asked courts to order states to conduct the presidential election all over again, from scratch (e.g. *Trump v. Raffensperger*).

In early December, attorney Sidney Powell spearheaded four lawsuits she characterized as "Kraken" cases. Ms. Powell named her suits after a many-tentacled mythical sea creature of Scandinavian folklore, to capture the multi-pronged offensive she was launching against Biden's victory. Powell was part of the Trump campaign's legal team until the campaign issued a statement to cut ties with her following press conferences in which she implicated deceased Venezuelan President Hugo Chávez in Trump's defeat. Her team filed the lawsuits in federal courts in Michigan (*King v. Whitmer*), Wisconsin (*Feehan v. Wisconsin Elections Commission*), Georgia (*Pearson v. Kemp*), and Arizona (*Bowyer v. Ducey*), alleging a wide range of fraudulent election misconduct: election officials themselves filling out ballots, internal manipulation of voting machines (sparking a retaliatory $1.3 billion defamation lawsuit from Dominion Voting Systems and an even larger one from competitor Smartmatic), and charges that states counted illegal votes. None of the lawsuits gained traction. In Michigan, for instance, Judge Linda V. Parker held that the suit was defective in virtually every aspect. She ruled that the claim was barred by the Eleventh Amendment (the court lacked jurisdiction over claims against sovereign states), that it was moot (legal action could provide no solution), that the doctrine of laches applied (plaintiffs waited too long to bring their claims), that the abstention doctrine applied (since proceedings on these issues were ongoing in state court), and that plaintiffs failed to prove any injury sufficient to meet the requirements for standing in court.

Following the "Kraken" suits, plaintiffs transitioned from alleging purely technical misadministration (unsealed ballot sleeves or insufficient poll watcher proximity) to mixing in allegations of widespread illegal votes cast by unqualified voters. For example, a plaintiff in Arizona recycled Ms. Powell's numbers of alleged fraudulent ballots cast (*Burk v. Ducey*). The Arizona Supreme Court dismissed the case because the plaintiff had neither registered to vote nor voted in the election. Similarly, in Georgia, the Trump campaign filed a complaint on the heels of Ms. Powell's case in that state, alleging for the first time that underage individuals and

felons cast ballots in the election (*Trump v. Raffensperger*). The Trump campaign voluntarily dismissed that suit. As described in the Judicial Reasoning section, below, when judges reached the merits of the cases, they consistently ruled that there was insufficient evidence of the purported fraud.

For the 2020 presidential election, December 8 was the "safe harbor" deadline—the date by which states must have resolved all election contests and finalized their electoral slates to ensure that the dust had cleared in time for the Electoral College, which meets six days following the deadline. Part of the logic of the Supreme Court's opinion in *Bush v. Gore* in 2000, and of Vice President Gore's concession at the time, turned on the fact that Florida's recount was not on pace to meet the safe harbor deadline of 2000. Both the Supreme Court and the vice president acted to resolve the 2000 election before the safe harbor deadline.

In 2020, by contrast, new lawsuits were filed even after the safe harbor deadline, seeking either to nullify states' ratified slates or to order the Electoral College not to hold its vote. Most significant among these, both in press attention and in novelty, was *Texas v. Pennsylvania* (treated in more depth in the U.S. Supreme Court section, below). The Supreme Court denied Texas's motion to file its complaint against four battleground states for their alleged misadministration of their elections. The geographic scope of legal challenges also proliferated beyond the battleground states. By December 14, there were lawsuits in Minnesota, New York, the District of Columbia, Texas, and New Mexico.

On December 14 itself, electors for the Electoral College met in their respective states and cast their votes, as outlined in Article II Section 1 of the Constitution. The Constitution establishes that the candidate who receives the sufficient threshold of votes (the "greatest number" of votes) in the Electoral College becomes the president. Democrat Biden, having won 306 Electoral College votes to Republican Trump's 232, became the country's president-elect.

Nevertheless, even after the Electoral College votes were cast, lawsuits persisted. At the end of December, President Trump's campaign took legal aim at Congress's largely ceremonial January 6 count of the Electoral College votes, filing lawsuits that sought to empower Vice President Mike Pence to exercise greater autonomy during the count. These suits, *Gohmert v. Pence* and *Wisconsin Voters Alliance v. Pence*, challenged the constitutionality of the Electoral Count Act of 1887. That statute provides additional guidelines for resolving gridlock during Congress's count of the Electoral College vote. Congress passed the law in response to the highly contentious Hayes-Tilden election of 1876. Both in *Gohmert* and in *Wisconsin Voters Alliance*, plaintiffs sought rulings to declare the Electoral Count Act's dispute resolutions provisions unconstitutional. In the first, they argued that the Act curbs the vice president's purported Twelfth Amendment discretion to choose which votes to count and, in the second, that it unconstitutionally

disempowers state legislatures from certifying electoral slates. Pence himself, with the help of the Justice Department, moved to dismiss Trump's suit in *Gohmert*, a move that reportedly incensed President Trump. Both lawsuits failed and the Congressional count proceeded as mandated, on January 6. But the usually ceremonial and brief process was not without spectacle. President Trump, at a "Stop the Steal" rally he held that day on the White House Ellipse, urged his gathered supporters "to show strength… to demand that Congress do the right thing and only count the electors who have been lawfully slated." The resultant incursion on the nation's Capitol building, that forced the evacuation of both the Vice President and members of Congress, resulted in injury and death, elicited pity worldwide, and marked the conclusion of President Trump's efforts to seek a solution in the courtroom.

Allegations Within Each Battleground State

Lawsuit allegations differed across the six 2020 battleground states of Arizona, Georgia, Michigan, Nevada, Pennsylvania, and Wisconsin. Within each individual state, though, noticeable trends in allegations emerged. Most of these states faced many separate lawsuits with duplicative claims. This section notes the most frequent allegation, by state, with one or two illustrative examples.

Arizona has long been friendly to mail voting. In the 2018 midterm election, before the coronavirus pandemic, 79 percent of voters in Arizona voted by mail. State law enables voters to sign up to be on a permanent early voting list to vote by mail and, in contrast to many states, voters are not required to provide a reason or excuse for using a mail-in ballot. Thus, lawsuits in Arizona focused not on the procedures of mail voting but on alleged problems with voting machine technology. Specifically, complaints targeted the tabulation of the vote. Some questioned the counting machines' abilities to read ballots where votes were marked using Sharpie brand markers. Others alleged that machines designated numerous ballots as "overvotes" (where ballots show more than one choice for a given race). Plaintiffs voluntarily dropped some suits (e.g. *Aguilera v. Fontes*), and judges ruled in other cases that the number of ballots at issue was not sufficient to impact the election outcome (e.g. *Donald J. Trump for President Inc. v. Hobbs*).

Georgia plaintiffs took issue with a consent decree that Georgia Secretary of State Brad Raffensperger worked out with the Democratic Party in March, to resolve an early lawsuit related to the timeline for notifying voters when election officials were planning to reject ballots due to signature defects. The consent decree provided for prompt notice to voters when their absentee ballot was rejected and prescribed a review process for any determination that a

signature on a mail-in ballot envelope did not match the signature of the absentee voter on file. The Georgia cases (e.g. *Lin Wood v. Raffensperger*) argued that the March consent decree amounted to an impermissible executive and judicial alteration of the state's election code, which does not require three election officials to review signature-defect ballot rejections. When courts were able to consider the merits of the litigation, they concluded that the consent decree was a permissible exercise of the secretary of state's statutorily granted authority.

The main issue in the Michigan cases was the rights of poll observers, especially those assigned to the TCF Center in Detroit (e.g. *Johnson v Benson*). Plaintiffs alleged that poll observers were impermissibly removed from the TCF Center or were not allowed close enough to the ballot counting to sufficiently observe the process. Plaintiffs voluntarily dropped some cases, and judges ruled in others that the evidence presented amounted only to speculation and hearsay.

All Nevada suits filed after Election Day sought to replace Agilis, the software that Clark County used to conduct signature verification for mail-in ballots, with human review (see, e.g., *Stokke v. Cegavske* and *Law v. Whitmer*). While plaintiffs contended that the Agilis AI misidentified signatures, courts found no proof of such malfunctioning.

The gist of the lawsuits in Pennsylvania shifted over time. Prior to some media outlets declaring Biden's victory on November 7, the cases alleged various ballot defects and claimed some voters improperly had an opportunity to cure mistakes (e.g. *Barnette v. Lawrence*). Following the November 7 projection that Biden had won the White House, Pennsylvania cases mostly challenged county boards of elections, petitioning them to reject specific batches of ballots. These lawsuits alleged, for example, that counties instructed unregistered voters to come back later to vote or that polling staff forced voters to use provisional ballots (e.g. *Pirkle v. Wolf*). Plaintiffs voluntarily dismissed these claims or courts held that the state's election code should be construed toward counting votes when, as in the complaints, no fraud or impropriety was alleged (*In Re: Canvass of Absentee and Mail-In Ballots of November 3, 2020 General Election*).

Wisconsin was late to the fray—the first post-election lawsuit in Wisconsin was filed November 12, over a week after the election. Because the number of votes for Trump was within one percentage point of those for Biden, Trump was entitled to a recount. Most Wisconsin cases were filed only after the state conducted this recount and certified its results. The complaints leveled broad allegations that election officials improperly expanded mail voting by erecting ballot drop boxes and that election workers altered ballots (e.g. *Trump v. Wisconsin Elections Commissions*). Courts held that state election officials had lawfully administered Wisconsin's election, as per the directives of the state legislature.

Judicial Reasoning in Post-Election Litigation

There are several observable trends in judges' reasoning in the post-election litigation across all states, in both federal and state courts. As a preliminary matter, it is worth noting that the plaintiffs in 10 of the 76 post-election cases brought by Trump supporters voluntarily dropped their cases themselves prior to a ruling. Of the remaining 66 cases, one of the most common bases on which judges rejected a case was for "lack of standing." That is, judges found that (i) plaintiffs had not articulated a particularized harm that they uniquely had suffered, (ii) that their injury was not traceable to the named defendant, or (iii) that a favorable decision would not redress the purported injury.

Standing problems took a variety of forms. Judges determined that plaintiffs could not sue in federal court over state election claims. They determined that plaintiffs who had not voted at all could not have suffered the harm they alleged. But most standing issues stemmed from one of two sources: a generalized harm or an improper defendant. In cases filed by individual voters, judges reasoned that private citizens, when stating a grievance with the way in which their state administered its election code, are not articulating a personal harm but a generalized one (e.g. *Lin Wood v. Raffensperger*). In cases filed by the president, judges held that the parties were wrong—that the plaintiff had not suffered harm and the defendant had not caused one. As applied to Georgia, the district court found that (i) the state assembly, not the president, was the proper entity to assess whether the laws it promulgated had been violated and bring suit and (ii) that allegations of illegal votes could neither be traced to the governor nor fixed by him (*Trump v. Kemp*). Even when courts dismissed cases for a jurisdictional or standing issue as a threshold matter, they would often, nevertheless, rule on the merits and address the core allegations of the case (see, e.g., *Marchant v. Gloria* and *Boland v. Raffensperger*).

Many of the post-election lawsuits were dismissed for lack of evidence. Judges ruled against plaintiffs because either no evidence was offered to support the claim of fraud or the evidence presented was, in fact, evidence of statutorily prescribed election procedures. In response to allegations in Georgia that late-submitted ballots had been counted, the court found that plaintiffs presented "no evidence" to substantiate their claims (*In Re: Enforcement of Election Laws and Securing Ballots Cast or Received After 7:00 P.M. on November 3*). In the Nevada cases alleging machine-based malfeasance, the judge found the allegations not credible when the plaintiffs' expert witnesses were "unable to identify the source" of their datasets and admitted to using "no quality control" (*Law v. Whitmer*). The Pennsylvania Supreme Court, in response to allegations that poll observers had insufficient access, reviewed the evidence and found that the individual in question, who had purported to the press to be a poll observer, had actually identified himself to staff at the polling location as a "representative designated by the Trump

campaign" and not as a "poll watcher" (*In Re: Canvassing Observation*). "Designated representatives" are, by law, afforded different proximity privileges than are "poll watchers," and the court found that workers had adhered to the correct guidelines, established in the election code.

Once states had certified their election results, courts dismissed cases under the doctrine of mootness—finding there was no longer an ongoing controversy (see, e.g., *Costantino v. Detroit* and *Bowyer v. Ducey*). As plaintiffs began to cast wider nets and challenge statutory provisions that had been on the books before November 3, courts began dismissing cases based on the doctrine of laches—an unreasonable delay in bringing the suit. For example, in *Kelly v. Pennsylvania*, in which plaintiffs challenged the 2019 Pennsylvania law that implemented no-excuse mail voting in the state (Act 77), the court explained that plaintiffs did not file the lawsuit until more than a year after the statute's enactment.

The reasoning and outcome of the post-election lawsuits did not turn on which president appointed the presiding judge. Many of the 76 cases brought by Trump loyalists were heard by judges appointed by Republican presidents, including Trump himself (who appointed 226 judges in his single term). Trump-appointed judges dismissed case after case. In a Pennsylvania opinion, Third Circuit U.S. Court of Appeals Judge Stephanos Bibas authored the appellate ruling in which he wrote that "[the Trump campaign's] charges require specific allegations and then proof. We have neither here." The other two U.S. circuit court judges who signed onto Bibas's opinion were appointed by Republican President George W. Bush. In a Georgia case, Trump appointee U.S. District Court Judge Steven D. Grimberg found that the request had "no basis in fact or in law" and would only "breed confusion, undermine the public's trust in the election, and potentially disenfranchise over one million Georgia voters." In Wisconsin, U.S. District Court Judge Brett H. Ludwig, a Trump appointee, opened his order noting, "This is an *extraordinary* case" (emphasis in the original) because the president is "[h]oping to secure federal court help in undoing his defeat." After surveying the evidence, Judge Ludwig concluded that "[t]his [c]ourt has allowed plaintiff the chance to make his case and he has lost on the merits."

The U.S. Supreme Court and the 2020 Election

Following the passing of Justice Ruth Bader Ginsburg, the rushed confirmation of Justice Amy Coney Barrett, and the president's exhortations ("If the Supreme Court shows great Wisdom and Courage, the American People will win perhaps the most important case in history, and our

Electoral Process will be respected again!"), many observers across the political spectrum wondered and anticipated how the highest court would rule during the election.

In the end, the Supreme Court was relatively inactive in post-election litigation. It directly commented on only four election cases during the post-election period. Two of those rulings related to matters in lawsuits that were filed prior to the election. First, on November 3, Justice Samuel Alito denied an emergency application for an injunction against the Center for Tech and Civic Life's private election grants to counties in Pennsylvania (*Pennsylvania Voters Alliance v. Centre County*). The Court denied certiorari in January.

And in a case filed in October, Justice Alito on November 6 ordered that all Pennsylvania absentee ballots received after 8 p.m. on November 3 be segregated and, if counted, that they be separately tallied (*Republican Party of Pennsylvania v. Boockvar*). The Republican Party had sought to stay a Pennsylvania Supreme Court decision that would have allowed ballots mailed by November 3 and received up to three days later to be counted. Petitioners argued that the Pennsylvania Supreme Court was intervening with the state legislature's plenary authority to direct the time, place, and manner of holding elections, under the Elections Clause of the U.S. Constitution. The case was consolidated with *Donald J. Trump for President, Inc. v. Boockvar* (later *Degraffenreid*) after the election and denied certiorari as moot on February 22. The number of segregated ballots that had been sequestered was insufficient to alter Pennsylvania's election results.

Justice Clarence Thomas dissented from the denial of certiorari, noting that the judiciary is more inclined to make hasty policy rulings in the truncated post-election timeline. Justice Alito, joined by Justice Gorsuch, filed a dissent that echoed Justice Thomas's concern that state courts would continue to adjudicate in future elections, without direction on the issue of whether a state constitutional provision overrides a state statute governing the manner in which a federal election is to be conducted.

The Supreme Court addressed matters first raised post-election only twice. On December 8, in a unanimous decision, the court declined to grant the injunctive relief requested by U.S. Representative Mike Kelly (R-PA) to prevent Pennsylvania from certifying its election results (*Kelly v. Pennsylvania*). Rep. Kelly challenged Pennsylvania's 2019 Act 77, a law passed by Pennsylvania's Republican-controlled legislature that implemented a no-excuse absentee voting regime. The Pennsylvania Supreme Court, in a per curiam decision, ruled that a provision of the law barred the claim due to the delay between when the complaint was filed and when the law was enacted. The Supreme Court, without comment, denied Rep. Kelly's request to overturn the Pennsylvania Supreme Court decision.

The only post-election case in which the Supreme Court offered any elaboration was *Texas v. Pennsylvania*, a lawsuit that accumulated a fair amount of online fervor and for which U.S. Senator Ted Cruz (R-TX) offered to argue the case before the Supreme Court. On December 8, the state of Texas moved to file a complaint in the U.S. Supreme Court against Georgia, Michigan, Wisconsin, and Pennsylvania, alleging that the defendant states had failed to properly administer the presidential election in their own states. Specifically, the Texas attorney general asserted that, when the secretaries of state in these four battleground states issued guidelines in response to the coronavirus pandemic and when judges invalidated state statutes leading up to the election, often in response to the pandemic, the state executive branches and judicial branches were impermissibly intervening in state election codes—a province reserved exclusively for state legislatures. Texas also incorporated the new "vote dilution" claim and broadened it, arguing that, if other states do not run their elections in the way Texas deems proper, Texan votes are diluted at the national level.

President Trump, 126 members of the House of Representatives, and 17 states filed briefs in support of the Texas motion. The Supreme Court, in a brief statement on December 11, denied Texas's motion to file its complaint, saying Texas lacked standing. The Court held that Texas had failed to demonstrate "a judicially cognizable interest in the manner in which another State conducts its elections." Justices Thomas and Alito dissented, stating that they would permit the filing, but refrained from commenting on the merits of the case.

On January 7, the court denied certiorari in *Gohmert v. Pence* (the case that challenged the Electoral Count Act of 1887). On January 11, the court, without comment, denied motions to expedite consideration in the majority of the pending election cases before it: *Ward v. Jackson*, *Lin Wood v. Raffensperger*, *King v. Whitmer*, *Donald J. Trump for President, Inc. v. Degraffenreid*, *Kelly v. Pennsylvania*, *Trump v. Biden*, *Trump v. Wisconsin Elections Commissions*, and *In Re Coreco Ja'Qan Pearson*. Plaintiffs in *Pearson*, a "Kraken" case, voluntarily dropped their suit on January 19, a day before Joe Biden's inauguration. On February 22, the Supreme Court denied certiorari in all the remaining cases except three. On March 1, the Court denied mandamus in *In Re William Feehan* and *In Re Tyler Bowyer*. On March 8, the Court denied certiorari in the final case, *Trump v. Wisconsin Elections Commission*.

Conclusion

The sheer volume of litigation—and the number of its misfires and redundancies—led to a negative impact on public trust in the election system and democratic process beyond simply using the law to alter the election result. A Fox News post-election poll indicated that, among

voters polled between December 6-9, a supermajority of the country's Republicans believed that President Trump actually won the election.

The widespread publicity surrounding the suits also fostered an effective fundraising climate. President Trump and the Republican National Committee, in soliciting funds for voter fraud litigation, raised over $250 million from Americans in the two months following the election. It has been reported that only a small fraction of that money was actually spent on the legal costs of the litigation.

From a legal perspective, the lawsuits were remarkable in their volume, scope, and breadth. They advanced novel Fourteenth Amendment arguments, pitted states against states, and drove the vice president to quash attempts to aggrandize his own authority. The evidence they proffered failed to make headway with judges of all stripes, in federal and state courts, in district, appeals, and supreme courts, all across the country. While it is tempting to conclude that the post-election litigation notches a triumph for the rule of law and the judiciary, the precedential value of the cases themselves remains murky, due to the large volume of standing issues and the unusual nature of many of the claims. The thirteen lawsuits filed in relation to the January Georgia runoffs may reflect and foreshadow a lasting impact of the general election: the use of widespread litigation to seek favorable electoral outcomes through the judicial branch.

Appendix:
Case Summaries of the Post-Election Lawsuits

This Appendix to Post-Election Day Litigation Analysis briefly summarizes each of 95 Election Day and post-Election Day lawsuits regarding the 2020 general election.[3] Most of these cases relate to the presidential race and were filed by the Trump for President campaign and various Republican groups and allies. A few relate to down-ballot races, and 13 relate to the U.S. Senate runoff election in Georgia (cases which were not discussed in the Post-Election Day Litigation Analysis). The summaries link to the legal complaints and court orders where possible.

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[3] The summary additionally includes one case, *Bognet v. Boockvar*, that was filed prior to Election Day but decided after and is similar in nature to the post-election cases.

Arizona

- ***Bowyer v. Ducey*, No. 2:20-cv-02321-DJH (D. Ariz.)**
  - **Closed Case**
  - **Issue: Range of fraud allegations.**
  - **3/1/21: Mandamus denied.**
  - **12/09/2020: Order/Ruling.** The federal district court held that plaintiffs lack standing because they were not candidates and alleged no concrete harm. The court held that plaintiffs failed to state a claim, delayed too long in bringing the claim, and attempted to bring claims that are moot. The court also held that *Colorado River* abstention was warranted in this case and that the Eleventh Amendment barred plaintiffs' request to mandate decertification. Noting that plaintiffs did not provide any evidence for their claims, the court dismissed the suit.
  - **Filed 12/02/20: Complaint**. Plaintiffs, 13 Arizona voters and one candidate for the Republican slate of presidential electors, brought suit against Arizona state officials, including the governor and secretary of state. Plaintiffs alleged that poll watchers failed to adequately verify signatures on ballots, that Maricopa County ballot dispute referees were "biased and partisan" because they were registered Independents, that there was "no chain of custody" for the data backups from the voting machines supplied by Dominion Voting Systems, and that the Dominion machines suffered from errors during state evaluations. Plaintiffs claimed that defendants' actions violated the U.S. Constitution's Elections and Electors Clauses, and asked the court to decertify Arizona results or, in the alternative, to certify Arizona's results for Trump.

- ***Ward v. Jackson*, No. CV2020-015285 (Ariz. Super. Ct., Maricopa Cnty.)**
  - **Closed Case**
  - **Issue: Hand count audit.**
  - **2/22/2021: Cert denied.**
  - **1/11/2021: Motion to Expedite denied.**
  - **12/11/2020: Petition for Cert.**
  - **12/08/2020: Order/Ruling.** The Arizona Supreme Court, sitting en banc, unanimously held that plaintiffs had not provided any evidence to indicate that the hand count audit, required by the state election code prior to the final canvass, was insufficient to discover fraud. The court concluded that the superior court was correct in its determination that the hand count audit was adequate, and that there was no evidence of misconduct or illegal votes.

- **12/04/2020: Order/Ruling.** The superior court held that the evidence did not demonstrate fraud or misconduct, noting that the court-ordered audit of a sample of absentee ballot signatures by forensic experts chosen by both parties in the case found a tiny number of duplicate ballots and a low error rate, without any impact on the outcome. The court denied relief and confirmed the election certification.
- **Filed 11/30/20: Complaint**. Plaintiff, an Arizona voter, alleged that poll workers were not fit to verify absentee ballot signatures and that, in violation of state law, observers were not present for the replication of damaged ballots. The lawsuit requested an audit and that the election results be annulled.

- ***Burk v. Ducey,* No. CV202001869 (Ariz. Super. Ct., Pinal Cnty.)**
  - **Closed Case**
  - **Issue: Dominion software.**
  - **5/3/2021: Cert denied.**
  - **1/5/2021: Order/Ruling.** The Arizona Supreme Court affirmed the lower court's dismissal of appellant's election contest, agreeing that appellant was not a qualified elector under A.R.S. § 16-121(A) and failed to file a timely contest that complied with the election challenge statutes.
  - **12/15/2020: Order/Ruling.** The court dismissed the case after determining the plaintiff lacked standing because she did not register to vote in the election.
  - **Filed 12/07/20: Complaint**. Plaintiff, an Arizona voter, alleged that there was a scheme that resulted in the counting of hundreds of thousands of fictitious ballots in Arizona and that Dominion software covered up this scheme. Plaintiff sought an audit and an injunction against transmitting Arizona's results to the Electoral College.

- ***Stevenson v. Ducey*, No. CV2020-096490 (Ariz. Super. Ct., Maricopa Cnty.)**
  - **Closed Case**
  - **Issue: Illegal voting.**
  - **12/07/2020: Voluntary Dismissal.**
  - **Filed 12/04/20: Complaint**. Plaintiffs, members of the Arizona Election Integrity Association, alleged that grant aid from the Center for Tech and Civic Life helped fund the election in Maricopa County, that the absentee ballot error rate was impermissibly high, and that state officials did not enforce residency requirements and permitted double voting. Based on these purported violations of state law and the U.S. constitution, plaintiffs sought an injunction against the certification of the state election results.

- ***Arizona Republican Party v. Fontes*, No. CV2020-014553 (Ariz. Super. Ct., Maricopa Cnty.)**
  - **Closed Case**
  - **Issue: Hand count audit.**
  - **12/21/2020: Full Order/Ruling:** The court held that Arizona's hand count audit, conducted by Republican, Democratic, and Libertarian Party appointees, verified that the machines had "counted the votes flawlessly." The procedures were as exactly outlined in state law.
  - **11/18/2020: Order/Ruling.** The court dismissed the lawsuit, order to follow.
  - **Filed 11/12/2020: Complaint.** Arizona law requires a hand-count of a random sampling of ballots at 2% of its precincts as a quality control check on vote counting machines. While Maricopa County has 748 precincts, voters in 2020 cast their ballots at 175 “vote centers,” at which any registered voter across the county could vote. Plaintiffs, the Republican Party, urged the court to require the county to conduct its sampling from 15 precincts. Defendant, the Maricopa County Recorder, had indicated intent to follow the secretary of state manual, which would sample 2% of vote centers (4 centers). Plaintiffs seek a hand count by "precincts."

- ***Aguilera v. Fontes*, No. CV2020-014562 (Ariz. Super. Ct., Maricopa Cnty.)**
  - **Closed Case**
  - **Issue: Electronic voting systems.**
  - **11/30/2020: Dismissed.** The court held that the plaintiffs failed to allege a particularized harm sufficient to achieve standing. The court also held that there were no violations of the election code and that the relief requested was not appropriate. The court dismissed the case with prejudice.
  - **Filed 11/12/2020: Complaint.** Plaintiffs, two Arizona voters, alleged that the electronic system did not count one of their votes and that the other's ballot was rejected by the tabulator and subjected to off-site human adjudication. Plaintiffs sought the ability to cast a ballot that would be counted and an opening of the offsite adjudication process to the public.

- ***Donald J. Trump for President Inc. v. Hobbs*, No. CV2020-014248 (Ariz. Super. Ct., Maricopa Cnty.)**
  - **Closed Case**
  - **Issue: Request to halt the canvass until review of overvoted in-person ballots.**
  - **11/16/2020: Dismissed.** The court dismissed the case as moot. Ballot totals at issue would not impact election outcome.

- **Filed 11/7/2020**: **Complaint**. The Donald J. Trump for President campaign brought suit against Arizona Secretary of State Katie Hobbs and Maricopa County Recorder Adrian Fontes, alleging that qualified voters who cast their ballots in person on Election Day had their ballots improperly disqualified as an "overvote" without additional adjudication or review. It alleged violations of multiple clauses of the Arizona constitution, including equal protection and equal access to elections, as well as various elections-related statutes, including ARS 16-611. The complaint included declarations from six voters. Plaintiffs sought an injunction prohibiting canvassing until these overvotes were permitted to be reviewed and adjudicated.

- ***Aguilera v. Fontes*, No. CV2020-014083 (Ariz. Super. Ct., Maricopa Cnty.)**
  - **Closed Case**
  - **Issue: In-person ballots filled with Sharpie markers.**
  - **11/07/2020: Dismissed.** Plaintiffs voluntarily dismiss suit without prejudice.
  - **Filed 11/04/2020: Complaint.** Plaintiff, a Maricopa County voter, voted in person on Election Day, November 3, 2020, and claimed that Maricopa County failed to properly process and count her vote because of the Sharpie pen she was provided at the polling location to mark her ballot. Her claims arose out of the state constitution's Art. II Sections 13, 21 - Arizona's "equal privileges" clause, and A.R.S. sections 16-449(B), 16-452(A): failure to ensure maximum correctness, impartiality, and uniformity of election procedures. Plaintiff requested that all in-person ballots filled with Sharpie pens be allowed to be cured.

District of Columbia

- ***Wisconsin Voters Alliance v. Pence*, No. 1:20-cv-03791-JEB (D.D.C.)**
  - **Closed Case**
  - **Issue: Electoral Count Act Allegedly Violates Article II.**
  - **1/4/2021: Order/Ruling.** The court held that plaintiffs' votes were counted and that plaintiffs articulated only a generalized grievance, thus lacked standing. As to the merits, the court held that "the suit rests on a fundamental and obvious misreading of the Constitution." The district court found it lacked authority to overrule the Supreme Court and that plaintiffs "readily acknowledge that their position also means that the Supreme Court's decisions in Bush v. Gore, 531 U.S. 98 (2000), and Texas v. Pennsylvania, No. 155 (Orig.), 2020 WL 7296814 (U.S. Dec. 11, 2020), 'are in constitutional error.'"
  - **12/22/2020: Complaint.** Plaintiff individuals and groups (including the Wisconsin Voters Alliance, Pennsylvania Voters Alliance, Georgia Voters Alliance, Election Integrity Fund, and Arizona Election Integrity Alliance) alleged that the Electoral Count Act violates Article II of the U.S. Constitution, impermissibly disempowering state legislatures in post-election certification matters. The suit also commented extensively on the election funds disbursed through the Center for Tech and Civic Life, although it did not concretize this in any legal claim regarding these funds. Plaintiffs requested an injunction barring the vice president and Congress from counting the electoral votes.

- ***Michigan Welfare Rights Organization v. Trump*, No. 1:20-cv-03388 (D.D.C.)**
  - **Open Case**
  - **Issue: Voter disenfranchisement in violation of the Voting Rights Act.**
  - **11/20/2020: Complaint.** Plaintiffs, three Detroit voters and a state chapter of a union that advocates for people with low income, alleged that defendant, the Trump campaign, in its pressure on state and local officials to not certify election results, was attempting to disenfranchise Black voters in violation of the Voting Rights Act.

Georgia

- ***Daugherty v. Fulton*, No. 2021CV344953 (Ga. Super. Ct., Fulton Cnty.)**
  - **Open Case**
  - **Issue: U.S. Senate Runoff.**
  - **Filed 1/25/2021: Complaint**. Contestant, a Georgia voter, alleges a range of fraud. Contestant alleges the secretary of state certified "patently inaccurate" results, that Texas rejected the Dominion voting system used in Georgia, that county audits weren't composed of the proper parties, and that there were fraudulent ballots without creases or on different paper. Contestant requests the court invalidate the senate election results.

- ***Fair Fight v. True the Vote,* No. 2:20-CV-00302-SCJ (N.D. Ga.)**
  - **Open Case**
  - **Issue: U.S. Senate Runoff.**
  - **1/1/21: Order/Ruling.** The federal district court denied Fair Fight's motion for a preliminary injunction. The court held that, while the plaintiff's concerns about the climate of voter intimidation were reasonable, there was not sufficient evidence presented connecting the defendant to that climate. The court retained control of the case and invited the parties to submit additional evidence, stating that "an eleventh-hour challenge to the franchise of more than 360,000 Georgians is suspect."
  - **Filed 12/23/2020: Complaint**. Plaintiff Fair Fight, a voting rights advocacy group, alleged that the defendant, a Texas-based vote-monitoring organization, sought to engage in mass voter suppression in Georgia's U.S. Senate run-off election. Defendant had preemptively challenged the votes of over 364,000 Georgia voters, many of whom were first-time voters of color, based on the U.S. Postal Service's National Change of Address ("NCOA") registry. Plaintiff claimed that these challenges and True the Vote's other programming, which encouraged citizen watchdogs and offered monetary rewards, amounted to intimidation that violates the Voting Rights Act. Plaintiff requested an injunction to bar the defendant from contacting voters about their status and requiring the defendant to withdraw its voter challenges.

- ***New Georgia Project v. Cooney*, No. 2020CV343646 (Ga. Super. Ct., Fulton Cnty.)**
  - **Open Case**
  - **Issue: U.S. Senate Runoff.**

- **Filed 12/16/2020: Complaint.** Plaintiff, a voter education and registration nonprofit, alleged that Fulton County was not providing early voting on all dates required by Georgia law. Plaintiff sought an emergency injunction ordering defendants to provide for early voting in Fulton County during regular business hours on December 31, 2020, and January 4, 2021.

- ***New Georgia Project v. Shelton*, No. 2020V123366K (Ga. Super. Ct., Houston Cnty.)**
  - **Open Case**
  - **Issue: U.S. Senate Runoff.**
  - **Filed 12/16/2020: Complaint.** Plaintiff, a voter education and registration nonprofit, alleged that Houston County was not providing early voting on all dates required by Georgia law. Plaintiff sought an emergency injunction ordering defendants to provide for early voting in Houston County on December 19, 2020, from 9 a.m. to 4 p.m., and during regular business hours on January 4, 2021.

- ***New Georgia Project v. Willis*, No. 20-CV-003112 (Ga. Super. Ct., Paulding Cnty.)**
  - **Open Case**
  - **Issue: U.S. Senate Runoff.**
  - **Filed 12/15/2020: Complaint.** Plaintiff, a voter education and registration nonprofit, alleged that Paulding County was not providing early voting on all dates required by Georgia law. Plaintiff sought an emergency injunction ordering defendants to provide for early voting in Paulding County on December 19, 2020, from 9 a.m. to 4 p.m.; and during regular business hours on January 4, 2021.

- ***New Georgia Project v. Evans*, No. SU20CV0594 (Ga. Super. Ct., Clarke Cnty.)**
  - **Open Case**
  - **Issue: U.S. Senate Runoff.**
  - **Filed 12/15/2020: Complaint.** Plaintiff, a voter education and registration nonprofit, alleged that Athens-Clarke County was not providing early voting on all dates required by Georgia law. Plaintiff sought an emergency injunction ordering defendants to provide for early voting in Athens-Clarke County on December 19, 2020, from 9 a.m. to 4 p.m., and during regular business hours on January 4, 2021.

- ***New Georgia Project v. Kaplan*, No. 2020-CV-073305 (Ga. Super. Ct., Bibb Cnty.)**
  - **Open Case**
  - **Issue: U.S. Senate Runoff.**
  - **Filed 12/15/2020: Complaint.** Plaintiff, a voter education and registration nonprofit, alleged that Macon-Bibb County was not providing early voting on all

dates required by Georgia law. Plaintiff sought an emergency injunction ordering defendants to provide for early voting in Macon-Bibb County on December 19, 2020, from 9 a.m. to 4 p.m., and during regular business hours on December 31, 2020, and January 4, 2021.

- ***Favorito v. Cooney*, No. 2020CV343938 (Ga. Super. Ct., Fulton Cnty.)**
  - **Open Case**
  - **Issue: Mail-in Ballot Fraud.**
  - **Filed 12/23/2020: Complaint.** Petitioners, a Fulton County tabulation observer and several hand count auditors, alleged a range of fraud. Petitioners said they detected a sudden 20,000-vote increase for Democratic presidential candidate Joe Biden and filed a corresponding report on the phenomenon that went unanswered; that they observed boxes of ballots containing mostly Biden votes; and that they believed certain cast ballots were fraudulent because they were not creased. Petitioners also alleged that an incident at the State Farm Arena voting center violated Georgia law. The incident, documented in a video posted on social media, purports to show that, during a water main break at the arena when some staff and reporters had left the premises, some election workers allegedly pulled out cases filled with ballots and scanned them. Petitioners, based on alleged equal protection and due process violations for those voters who had their votes tabulated in the State Farm Arena on the night of November 3, sought an order permitting them to inspect and scan all mail-in ballots for the general election.

- ***Lin Wood v. Raffensperger*, No. 1:20-cv-05155-TCB (N.D. Ga.)**
  - **Closed Case**
  - **Issue: U.S. Senate Runoff.**
  - **3/8/2021: Mandamus denied.**
  - **12/28/2020: Order/Ruling.** The court first noted that the plaintiff's previous lawsuit had been dismissed for articulating only a "generally available grievance about government" instead of a particularized injury. By contrast, this lawsuit purported to claim a particularized injury through vote dilution. The court held that vote dilution, under the Equal Protection Clause, is concerned with votes being weighed differently. A plaintiff lacks standing where, as here, he claims that his vote would be diluted by unlawful or invalid ballots. The court also held that Wood had failed to prove standing on another claim, disparate treatment, saying Wood's theory of harm vis-a-vis Venezuelan manipulation of Dominion voting machines was "astonishingly speculative."

- **Filed 12/18/2020: Complaint.** Plaintiff, attorney L. Lin Wood, representing himself pro se, sought to halt the Georgia U.S. Senate runoff election. Plaintiff alleged, among other things, that the Georgia secretary of state usurped authority from the state legislature by promulgating rules related to signature verification, opening early ballots prior to Election Day, installing ballot dropboxes, and using the Dominion Voting System equipment.

- ***Lin Wood v. Raffensperger*, No. 1:20-cv-04651-SDG (N.D. Ga.)**
  - **Closed Case**
  - **Issue: Elections Clause.**
  - **2/22/2021: Cert denied.**
  - **1/11/2021: Motion to Expedite denied.**
  - **12/08/2020: Petition for Cert.**
  - **12/05/2020: Order/Ruling.** The Eleventh Circuit affirmed the district court's holding that Lin Wood lacks standing to sue because he failed to allege a particularized injury.
  - **11/20/2020: Order/Ruling.** The district court considered whether defendants violated the state constitution by (1) executing and enforcing the pre-election settlement agreement to the extent that it required different procedures from the Georgia election code, and (2) not permitting designated monitors to have certain viewing privileges of the audit. The court held that Lin Wood lacked standing to bring these claims. The court also held the plaintiff had not demonstrated a likelihood of success on the merits. The court denied the request for a temporary restraining order.
  - **11/19/2020: Order/Ruling.** The court denied the request for an injunction; order to follow.
  - **Filed 11/13/20: Complaint**. Plaintiff, a Georgia voter, alleged that the secretary of state and other state election officials violated the Elections Clause by entering into a settlement agreement, in *Georgia Democratic Party v. Raffensperger*, in March. Plaintiff alleged that the officials changed the handling of absentee ballots to a manner inconsistent with state law. On a variation of this argument, plaintiff further alleged that the "disparate" treatment of absentee ballots was an equal protection violation. Plaintiff sought a temporary restraining order against certifying the general election results in Georgia.

- ***Majority Forward v. Ben Hill County*, No. 1:20-cv-00266-LAG (M.D. Ga.)**
  - **Closed Case**
  - **Issue: U.S. Senate Runoff.**

- **1/4/2021: Order/Ruling.** In its final order in the case, the court held that plaintiffs failed to prove they would succeed on the merits of its National Voter Registration Act (NVRA) claim against Ben Hill. The court held that plaintiffs did succeed in their claim against Muscogee County, which violated the NVRA by failing to conduct the requisite individualized inquiry required for challenges made within 90 days of a federal election.
- **12/30/2020: Order/Ruling.** The court dissolved its prior temporary restraining order against Ben Hill but issued a preliminary injunction against the Muscogee County Board of Elections, enjoining it from upholding a challenge to any voter's eligibility based solely on information in the NCOA registry.
- **12/28/2020: Order/Ruling.** The federal district court granted a temporary restraining order against the Ben Hill County Board of Elections' decision to remove challenged voters from the voter roll. The court held that Section 8(d)(1)(A) of the NVRA clearly states, in relevant part, that a "State shall not remove the name of a registrant from the official list of eligible voters in elections for Federal office on the ground that the registrant has changed residence unless the registrant... confirms in writing that the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered." The targeted voters did not provide this confirmation, so their removal violates the NVRA.
- **Filed 12/23/2020: Complaint**. Plaintiffs, a voter registration nonprofit group and a registered voter temporarily living out of state, alleged that True the Vote, a Texas-based vote-monitoring organization, was engaging in voter suppression in Georgia. Plaintiffs contended that True the Vote challenged the right of many registered voters to vote by submitting lists from the United States Postal Service's National Change of Address ("NCOA") database, purporting to show the voters' addresses had changed, thus making them ineligible to vote. Under Georgia law, NCOA data is an impermissible basis for challenging a voter's eligibility. Plaintiffs contested the decisions of the boards of elections in two counties—Ben Hill County and Muscogee County—to sustain True the Vote's challenges to more than 4,000 targeted registered voters. Plaintiffs requested an injunction preventing the boards from discarding the ballots of the targeted voters, on the basis that doing so violated the National Voter Registration Act (NVRA).

- ***Georgia Republican Party v. Raffensperger*, No. 1:20-cv-05018-ELR (N.D. Ga.)**
  - **Closed Case**
  - **Issue: U.S. Senate Runoff.**
  - **12/23/2020: Voluntary dismissal.**

- **12/21/2020: Order/Ruling.** The Eleventh Circuit denied appellants' motion for stay pending appeal and dismissed the case for lack of standing. It held that the motion impermissibly seeks to order a non-party county official to do something contrary to state law. Noting that the secretary of state and the state election board do not conduct the signature matching process, are not the election officials who review the voters' signatures, and do not control whether the signature matching process can be observed, the Senate campaigns' alleged injury is not traceable to the secretary of state. And the secretary of state does not have the authority to redress it.
- **12/17/2020: Order/Ruling.** Finding that the campaigns lacked standing, the district court denied their motion for an injunction and dismissed their complaint.
- **Filed 12/10/2020: Complaint**. Plaintiffs, the Georgia Republican Party and the campaigns of the Republican candidates for U.S. Senate, requested a declaration that the current Georgia signature-matching process was unconstitutional. They sought an order to implement signature review of all absentee ballots by three reviewers, public observation from at least one person from each political party represented by the candidates, and a requirement that ballots with mismatched signatures be segregated for additional review.

- ***Georgia Republican Party v. Raffensperger,* No. 2:20-cv-00135-LGW-BWC (S.D. Ga.)**
  - **Closed Case**
  - **Issue: U.S. Senate Runoff.**
  - **12/18/2020: Order/Ruling.** In a brief order, the court dismissed the case for lack of standing.
  - **Filed 12/17/2020: Complaint.** Plaintiffs, the U.S. Senate campaigns of Republican incumbents Kelly Loeffler and David Perdue, sought an injunction to prevent the counting of ballots cast in the Senate run-off race January 5 by registered Georgia voters who cast ballots for senators in other states in the November 3 general election, pursuant to 52 U.S.C. § 10307(e). Plaintiffs requested an order that all ballots cast by individuals who registered to vote between November 4, 2020, and December 7, 2020, be segregated and investigated.

- ***RNC v. State Election Board*, No. 2020CV3423319 (Ga. Super. Ct., Fulton Cnty.)**
  - **Closed Case**
  - **Issue: U.S. Senate Runoff.**
  - **12/29/2020: Dismissed as moot.**

- **Filed 12/08/2020: Complaint.** Plaintiffs, the Republican National Committee and state Republican Party, sought an injunction compelling the secretary of state to issue guidance to election officials on proper poll watcher access and to mandate that ballot dropbox hours be limited and their video surveillance footage be made available to inquiring parties.

- ***Twelfth Congressional District Republican Committee v. Raffensperger*, No. 1:20-cv-00180-JRH-BKE (S.D. Ga.)**
  - **Closed Case**
  - **Issue: U.S. Senate Runoff.**
  - **12/17/2020: Order/Ruling.** The district court dismissed the case with prejudice.
  - **Filed 12/09/2020: Complaint.** Plaintiff, the 12th Congressional District Republican Committee, sought prospective relief to: (a) invalidate State Election Board Rule 183-1-0.6-14 and prohibit the use of drop boxes for the receipt of absentee ballot envelopes; (b) invalidate State Election Board Rule 183-1-14-0.9-.15 and prohibit the opening of absentee ballot envelopes before Election Day; and (c) invalidate the secretary of state's Official Election Bulletin regarding absentee ballot signature review guidance.

- ***Still v. Raffensperger*, No. 2020CV343711 (Ga. Super. Ct., Fulton Cnty.)**
  - **Closed Case**
  - **Issue: Decertification.**
  - **1/7/2021: Voluntary dismissal.**
  - **Filed 12/12/2020: Complaint.** Petitioners, a candidate for presidential elector and a voter, initiated an election contest to decertify Georgia's presidential results in the general election. Petitioners contended that Coffee County experienced irregularities during its recount and was unable to certify its recount by the secretary of state's deadline. Petitioners extrapolated this, across Georgia's 159 counties, to claim that the election results might instead favor President Trump.

- ***Trump v. Raffensperger*, No. 2020CV343255 (Ga. Super. Ct., Fulton Cnty.)**
  - **Closed Case**
  - **Issue: Illegal votes.**
  - **1/7/2021: Voluntary dismissal.**
  - **12/12/2020: Order/Ruling.** The Georgia Supreme Court dismissed the petition to bring the case directly to the state supreme court, citing lack of jurisdiction. The court held that the case had not gone through the requisite interlocutory

appeals necessary for an election contest and that it did not meet one of the "extremely rare" exceptions that merits original jurisdiction.
    - **12/09/2020: Order/Ruling.** Order on case status notes that, because Petitioners on December 8 voluntarily withdrew their motion for emergency relief, the action would proceed in the normal course.
    - **Filed 12/04/20: Complaint**. Petitioners, Donald Trump, the Trump campaign, and a potential presidential elector, requested a new presidential election on the basis of alleged violations of the Georgia election code and state constitution. Petitioners alleged that respondents, the secretary of state and county elections officials, allowed unqualified people to vote, sent unsolicited absentee ballots to voters, entered into a consent decree that allocated more personnel to conduct signature verification, and that the number of absentee ballots was higher than in previous elections.

- ***Pearson v. Kemp*, No. 1:20-cv-04809-TCB (N.D. Ga.)**
    - **Closed Case**
    - **Issue: Dominion software.**
    - **1/19/2021: Joint stipulation to dismiss.**
    - **1/11/2021: Motion to Expedite denied.**
    - **12/11/2020: Petition for Cert.**
    - **12/07/2020: Order/Ruling.** In a minute order on the record, Judge Timothy C. Batten Jr. ruled that: "The relief that the plaintiffs seek this court cannot grant - they ask the court to order the secretary of state to decertify the election results as if such a mechanism even exists, and I find that it does not." The judge dismissed the case.
    - **12/04/2020: Appeal and Dismissal.** Plaintiffs sought an immediate appeal to the Eleventh Circuit. An Eleventh Circuit panel dismissed the appeal for lack of jurisdiction and allowed the proceedings to continue in the district court. The panel concluded that the district court had not yet issued an appealable order over which the circuit would have jurisdiction.
    - **11/29/2020: Order/Ruling.** The court issued a 10-day temporary restraining order preventing defendants from altering or destroying Dominion machine data and ordering them to provide plaintiffs with a copy of the state contract with Dominion.
    - **Filed 11/25/20: Complaint**. Plaintiffs, six Georgia voters, alleged that Georgia's election software and hardware, obtained from voting equipment supplier Dominion Voting Systems, was developed by Venezuelans in 2004 to manipulate votes in favor of Hugo Chavez. They alleged that use of the equipment led to a fraudulent ballot-stuffing campaign in Forsyth, Spalding, Cherokee, Hall, and

Barrow counties. Plaintiffs further alleged that the state's use of Dominion violated the Georgia election code and the U.S. Constitution's Fourteenth Amendment by processing "defective" ballots. They sought an injunction for the decertification of Georgia's certified election results.

- ***Trump v. Kemp*, No. 1:20-cv-05310-MHC (N.D. Ga.)**
  - **Closed Case**
  - **Issue: Electors Clause.**
  - **1/5/2020: Order/Ruling.** The Court denied President Trump's motion. The court held that the president lacked standing on each of his counts and that only the Georgia General Assembly could bring a claim on a count that alleges the November 3 general election violated the Electors Clause. The court also held that plaintiff's due process claim met neither the causation nor redressability prongs of Article III's standing requirements. The court, nevertheless, addressed the merits, stating that only Congress can intervene post-certification and that the plaintiff, in voluntarily dismissing his Fulton County case alleging illegal votes were cast, failed to allow the proper court to review his election challenge.
  - **12/31/2020: Complaint.** President Trump requested an emergency injunction ordering Georgia officials to decertify Georgia's election results, alleging that Georgia's manner of conducting the election violated the Electors Clause of the U.S. Constitution because it purportedly interfered with the manner in which the state legislature had directed elections be held.

- ***Boland v. Raffensperger*, No. 2020CV343018 (Ga. Super. Ct., Fulton Cty.)**
  - **Closed Case**
  - **Issue: Illegal votes.**
  - **12/14/2020: Order/Ruling.** In a one-sentence order, the Georgia Supreme Court denied relief.
  - **12/08/2020: Order/Ruling.** The state superior court dismissed the suit. It held that, under state law, the named defendants were improper parties; that the suit is barred by laches; that plaintiff is not a candidate and so lacks standing; and that, even if the court were to reach the merits, presidential electors are not among those officers covered by Georgia's election contest statute.
  - **Filed 11/30/20: Complaint**. Plaintiff, one Georgia voter, alleged that people who did not reside in Georgia voted in the election and that there was a low ballot rejection rate based on signature mismatch. Plaintiff alleged both issues arose from the secretary of state's failure to follow the Georgia election code. As a remedy, the plaintiff sought the decertification of election results.

- ***Wood v. Raffensperger*, No. 2020CV342959 (Ga. Super. Ct., Fulton Cnty.)**
  - **Closed Case**
  - **Issue: Elections Clause and Public-Private Partnerships.**
  - **12/08/2020: Order/Ruling.** The court held that Georgia election law bars naming either the governor or the secretary of state as defendants in an election contest. Since the two officials are the only named defendants, the court dismissed the suit as barred by sovereign immunity.
  - **11/25/2020: Complaint.** Plaintiff, president of the Georgia Voters Alliance, contended that Georgia officials violated the state election code and state constitution by accepting a grant from the Center for Tech and Civic Life to help fund the election, by following a consent decree that provided for more scrutiny of absentee ballot signatures and disqualification, and by counting purportedly illegal votes. Plaintiff requested that the court prevent the governor from certifying Georgia's results and instead mandate that any result determined by the Georgia General Assembly be the lawful result.

- ***Schmitz v. Fulton County Board of Registration and Elections*, No. 2020CV342969 (Ga. Super. Ct., Fulton Cnty.)**
  - **Closed Case**
  - **Issue:**
  - **4/22/2020: Dismissed.** The court held that plaintiff had never served Representative Roberts, as was required, and dismissed the case.
  - **Filed 11/25/20: Complaint**. Plaintiff sought to invalidate the results of the Georgia House race for District 52. Plaintiff alleges Fulton County permitted illegal voters to cast ballots.

- ***Rebecca Brooks v. Thomas Mahoney III*, No. 4:20-cv-00281-RSB-CLR (S.D. Ga.)**
  - **Closed Case**
  - **Issue: Request to exclude from the state's overall vote count the votes of counties with alleged voting irregularities.**
  - **11/16/2020: Dismissed.** Plaintiffs voluntarily dismissed their suit.
  - **Filed 11/11/20: Complaint**. Plaintiffs, four Georgia voters, filed suit against defendants, members of county boards of elections, the secretary of state, and the governor. Plaintiffs alleged that, during the election, voters were recorded as having voted absentee, even though they voted in person and did not register absentee; that voter registration exceeded 100% of eligible voters; and that non-citizens voted. Plaintiffs sought to exclude counties with any irregularities from the state's overall vote total, on the grounds that such counties' inclusion diluted plaintiffs' votes.

- ***In re: Enforcement of Election Laws and Securing Ballots Cast or Received After 7 p.m. on November 3, 2020*, No. SPCV20-00982 (Ga. Super. Ct., Chatham Cnty.)**
    - **Closed Case**
    - **Issue: Request to sequester ballots received post-election day.**
    - **11/05/2020: Order/Ruling.** The court held that there was no evidence that the 53 ballots in question were returned after 7 p.m. on Election Day or that Chatham County Board of Elections had violated any law.
    - **Filed 11/04/2020: Complaint.** Petitioners, the Georgia Republican Party and Donald J. Trump for President, Inc., asked the court to order the Chatham County Board of Elections to follow specific ballot custody procedures, namely, to store all absentee ballots received after 7 p.m. on Election Day, as allegedly required by Ga. Code Ann. sec. 21-2-386(a)(1)(F). They also asked the court to order the board to provide an accounting of all such ballots to petitioners. Petitioners claimed this action was necessary to avoid the inadvertent counting of these ballots, which petitioners claimed would be contrary to Georgia law.

Michigan

- ***King v. Whitmer*, No. 2:20-cv-13134-LVP-RSW (E.D. Mich.)**
  - **Closed Case**
  - **Issue: Request to decertify results.**
  - **2/22/2021: Cert denied.**
  - **1/11/2021: Motion to Expedite denied.**
  - **12/11/2020: Petition for Cert.**
  - **12/07/2020: Order/Ruling.** The court held that the lawsuit was barred by the Eleventh Amendment, that the case was moot, and that plaintiffs waited too long to bring their claims. The court also held that the abstention doctrine applied, since parallel state proceedings were ongoing. Lastly, plaintiffs failed to establish an injury sufficient to meet standing requirements.
  - **11/25/2020: Complaint.** Plaintiffs, six Michigan voters, alleged that Republican poll observers were denied the opportunity to meaningfully observe, that election workers forged and altered ballots, and that defective ballots were counted. Plaintiffs claimed these purported executive branch violations of the Michigan election code violated both the Elections and Electors Clauses of the U.S. Constitution and that, as remedy, the court should either decertify Michigan's results or certify them for Trump.

- ***Leaf v. Whitmer*, No. 1:20-CV-1169 (E.D. Mich.)**
  - **Closed Case**
  - **Issue: Request to preserve data.**
  - **12/07/2020: Order/Ruling.** The court held that plaintiffs' complaint fell "far short" of the requirements for the relief sought. The court found that the complaint pleaded no specific causes of action, that the application was not verified, and that the notice certification requirement was not met.
  - **12/06/2020: Complaint.** Plaintiffs, the Barry County Sheriff and seven potential Republican electors, sought injunctive relief against the Michigan Board of Elections to stop it from initiating the deletion of election records.

- ***Johnson v. Benson*, No. 162286 (Mich. Sup. Ct.)**
  - **Closed Case**
  - **Issue: Request to decertify results.**
  - **12/09/2020: Order/Ruling.** The Michigan Supreme Court denied relief. Justice Elizabeth T. Clement, concurring, first analyzed the complaint, finding that the

only recognized cause of action was Count Four, which requested 'Mandamus and Quo Warranto,' the combination of which, since incongruous with the relief sought, "makes it unclear what petitioners are asking this Court to do." The court went on to find that plaintiffs' claimed statutory authority for jurisdiction was lacking. Finally, the court held that the injunction request was barred by mootness.

- **11/26/2020: Complaint.** Petitioners, members of Black Voices for Trump, alleged directly to the state supreme court that respondent state officials failed to allow meaningful poll observation, that they instructed election workers to count invalid ballots, and that they permitted grant funding from Mark Zuckerberg. Petitioners further alleged that election workers forged ballots and duplicated ballots without oversight. Petitioners alleged that the above and the subsequent concealment of the above violated the state election code. They sought an investigation and an injunction against final certification.

- ***Bailey v. Antrim County*, No. 2020009238CZ (Mich. Cir. Ct., Antrim Cnty.)**
  - **Closed Case**
  - **Issue: Dominion Voting Software**
  - **5/8/2021: Dismissed.** The court held that plaintiff was "not entitled to" any additional relief, as the case was moot. The court cited Michigan's statewide audit with respect to the presidential election, which confirmed the accuracy and integrity of the election, as part of the basis for dismissal.
  - **12/04/2020: PI granted.** Defendant county agreed to preserve all records and "not turn on" the Dominion tabulator. The only issue before the court was whether plaintiff could take forensic images. The judge found irreparable harm to the plaintiff, because a proposed ordinance to authorize "one marihuana retailer establishment within the village," that was initially tied 262-262, passed when the ballots were retabulated. As a result, the judge ordered that the forensic images could be taken and that the Dominion tabulator should not be connected to the internet.
  - **Filed 11/23/2020: Complaint.** Plaintiff, an individual voter, alleged potential malfunctions of Dominion software in the presidential election. Plaintiff brought suit on Michigan constitutional grounds as well as the fraud provisions of the state election code. Plaintiff requested an audit and requested that he could take "forensic images" of the Antrim county tabulators.

- ***Johnson v. Benson*, No. 1:20-cv-01098 (W.D. Mich.)**
  - **Closed Case**
  - **Issue: Request for injunction against certifying election results based on secretary of state's voter registration practices.**
  - **11/18/2020: Voluntary dismissal.**
  - **Filed 11/16/20: Complaint.** Plaintiffs, two Michigan voters who served as poll challengers at Detroit's TCF Center poll location, alleged that the defendant, the secretary of state, enabled fraud on Election Day. Specifically, plaintiffs claimed that the secretary of state's purportedly illegal plan to mail voters absentee ballot applications caused many invalid practices at the TCF Center, culminating in Democratic Party inspectors filling out "thousands" of ballots in violation of state law. Plaintiffs sought, on equal protection and due process grounds, an injunction against final certification until an audit could be conducted.

- ***Donald J. Trump for President Inc. v. Benson*, No. 1:20-cv-01083 (W.D. Mich.)**
  - **Closed Case**
  - **Issue: Request for injunction against certifying election results based on challenger access and ballot dates.**
  - **11/19/20: Voluntary dismissal.**
  - **Filed 11/11/20: Complaint.** Plaintiffs, the Trump campaign and seven Michigan voters, alleged that Wayne County and the secretary of state violated the Michigan election code by purportedly not permitting challengers to observe the conduct of the election and allegedly pre-dating ballots that were not eligible to be counted.

- ***Bally v. Whitmer*, No. 1:20-cv-1088 (W.D. Mich)**
  - **Closed Case**
  - **Issue: Request to exclude from the state's overall vote count the votes of counties with alleged voting irregularities.**
  - **11/16/2020: Dismissed.** Plaintiffs voluntarily dismiss suit.
  - **Filed 11/11/20: Complaint.** Plaintiffs, four registered voters, filed suit against the secretary of state and boards of canvassers. Plaintiffs alleged that a certified poll watcher was excluded from canvassing and cites the complaints from *Costantino* and *Trump v. Benson* with claims of anomalous election practices, such as officials counting ineligible ballots and deceased individuals casting votes. Plaintiffs further cited websites to allege that programming errors, multiple ballot mailings, and voter registration exceeding 100% violated plaintiffs'

fundamental right to vote by diluting their votes. The plaintiffs sought to exclude the presidential vote count from these counties in the state's overall total.

- ***Costantino v. Detroit*, No. 20-014780-AW (Mich. Cir. Ct., Wayne County)**
  - **Closed Case**
  - **Issue: Request for injunction against certifying election results based on various types of alleged misconduct.**
  - **11/23/2020: Order/Ruling.** The Michigan Supreme Court, in considering plaintiffs' request to enjoin the Wayne County Board of Canvassers election certification, ruled that the case is now moot, since the board has already certified the election results.
  - **11/16/2020: Order/Ruling.** The Michigan court of appeals denied plaintiffs' application for appeal and reversal of the decision below.
  - **11/13/2020: Order/Ruling.** The state circuit court for Wayne County found that the affidavits supplied by plaintiffs, purporting fraud, were "rife" with generalization, speculation, and hearsay, and lacked evidentiary basis. The court held that the evidence supported no credible finding of fraud at the TCF Center. Furthermore, the injunctive relief plaintiffs asked for—against certification of Wayne County results—would amount to judicial activism in light of the other remedies available. The court denied the injunction.
  - **Filed 11/09/20 Complaint.** Plaintiffs, two Wayne County voters who served as poll challengers, alleged several instances of election misconduct. Plaintiffs alleged that the City of Detroit processed and counted ballots from voters whose names did not appear in the Qualified Voter File; that it instructed election workers not to verify signatures on absentee ballots, to backdate absentee ballots, and to process such ballots regardless of their validity; and that, "on a daily basis leading up to the election, coached voters to vote for Joe Biden and the Democrat party." Plaintiffs sought an audit, an order to stop the count, an injunction against certifying election results, an order voiding the November 3, 2020, election results, and an order that a new election be held.

- ***Stoddard v. City Election Commission*, No. 20-014604-CZ (Mich. Cir. Ct., Wayne County)**
  - **Closed Case**
  - **Issue: Request to halt the vote count in Detroit until observers from both parties are present.**
  - **11/06/2020: Order/Ruling**. Motion for injunctive relief denied for failure to state a cause of action and because plaintiffs provided no evidence to support their

claims, while there was evidence refuting them. Further, the court noted that alternative remedies, such as a recount, exist.
    - **Filed 11/04/2020: Complaint.** Plaintiffs, a Michigan election challenger and the nonprofit organization that sponsored her credentials, alleged that absentee vote count centers in Detroit did not have one inspector from each political party present, in violation of state law. Plaintiffs sought to halt the counting of absentee ballots until observers from both parties were present.

- ***Donald J. Trump for President v. Benson*, No. 20-000225-MZ (Mich. Ct. Claims)**
    - **Closed Case**
    - **Issue: Request to halt the ballot count until inspectors were allowed at the absentee ballot counting boards and until challengers could review video surveillance footage of ballot dropboxes**
    - **12/11/2020: Order/Ruling.** The Michigan Supreme Court denied review of the case.
    - **12/04/2020: Order/Ruling.** Since the Michigan State Board of Canvassers certified the presidential election results on November 23, the court of appeals described how MCL 168.862 requires that the plaintiffs pursue their fraud allegations via a recount of the ballots cast in Wayne County. The court held that, because plaintiffs failed to follow the law in Michigan relative to such matters, its action was moot.
    - **11/05/2020: Order/Ruling**. The state court of claims dismissed the case, stating, "At this point, the essence of the count is completed, and the relief is completely unavailable."
    - **Filed 11/04/2020: Complaint**. Plaintiffs, Donald Trump's re-election campaign and one Michigan poll challenger, alleged issues with Michigan's Absent Voter Count Boards. Plaintiffs asserted that Michigan violated state requirements for the presence of election inspectors and ballot challengers in counting absentee votes. Plaintiffs asked the court to halt Michigan's ballot count until the secretary of state allowed the campaign's inspectors to be present at the absentee ballot boards and until its challengers could review video surveillance footage of ballot drop boxes.

- ***Polasek-Savage v. Benson*, No. 20-000217-MM (Mich. Ct. Claims)**
    - **Closed Case**
    - **Issue: Request to have more than one challenger present at each absent voter counting board.**

- **11/03/20: Order**. Court denied the request for declaratory judgment, finding that the defendants (the secretary of state and Oakland County) did not have the power to grant the relief requested.
- **Filed 11/02/20: Complaint.** Plaintiffs challenged the rule in Oakland County that organizations approved to appoint election challengers would be permitted to have only one challenger present at each absent voter counting board.

Minnesota

- ***Quist v. Simon*, No. 62-CV-20-5598 (Minn. Dist. Ct., Ramsey Cty.)**
  - **Closed Case**
  - **Issue: Election contest seeking audit.**
  - **12/29/2020: Order/Ruling.** The court held that it did not have jurisdiction to hear election contests where, as here, the contestants failed to seek a change in the outcome of the election. That is, contestants failed to demonstrate that their allegations would have resulted in Tina Smith losing the race for U.S. Senate. Further, the court found that Secretary of State Steve Simon was not a properly named contestee within the jurisdictional boundaries established by Minnesota law. The court, therefore, lacked subject-matter jurisdiction over Secretary Simon, and so granted his motion to dismiss with prejudice.
  - **12/01/2020: Complaint.** Election contest under Minn. Stat. §209. Contestants, three Minnesota voters, challenged the results of Minnesota's general election. They argued that the secretary of state's suspension of Minnesota's witness requirement for absentee ballots violated the Equal Protection Clause since it means the ballots were "processed differently." They further argued that the agreement to suspend the witness requirement was a violation of the state separation of powers. Finally, contestants claimed that Minnesota violated election law in its post-election review process. Contestants requested the guarding and inspection of all absentee ballots and related election materials, and the guarding of all Dominion voting machines.

- ***Braun v. Simon*, No. 62-CV-20-5602 (Minn. Dist. Ct., Ramsey Cty.)**
  - **Closed Case**
  - **Issue: Election contest seeking audit.**
  - **12/18/2020: Order/Ruling.** Dismissed with prejudice.
  - **12/01/2020: Complaint.** Election contest under Minn. Stat. §209. Contestants, three Minnesota voters, challenged the results of Minnesota's general election. They argued that the secretary of state's suspension of Minnesota's witness requirement for absentee ballots violated the Equal Protection Clause since it means the ballots were "processed differently." They further argued that the agreement to suspend the witness requirement was a violation of the state separation of powers. Finally, contestants claimed that Minnesota violated election law in its post-election review process. Contestants sought the guarding of the absentee ballots and all related election materials.

- ***Rodriguez v. Simon*, No. 62-CV-20-5601 (Minn. Dist. Ct., Ramsey Cty.)**
  - **Closed Case**
  - **Issue: Election contest seeking audit.**
  - **12/18/2020: Order/Ruling.** Dismissed with prejudice.
  - **12/01/2020: Complaint.** Election contest under Minn. Stat. §209. Contestants, two Minnesota voters, challenged the results of Minnesota's general election. They argued that the secretary of state's suspension of Minnesota's witness requirement for absentee ballots violated the Equal Protection Clause since it meant the ballots were "processed differently." They further argued that the agreement to suspend the witness requirement was a violation of the state separation of powers. Finally, contestants claimed that Minnesota violated election law in its post-election review process. Contestants requested the guarding and inspection of all absentee ballots and related election materials.

- ***Peterson v. Simon*, No. 62-CV-20-5600 (Minn. Dist. Ct., Ramsey Cty.)**
  - **Closed Case**
  - **Issue: Election contest seeking audit.**
  - **12/18/2020: Order/Ruling.** Dismissed with prejudice.
  - **12/01/2020: Complaint.** Election contest under Minn. Stat. §209. Contestants, three Minnesota voters, challenged the results of Minnesota's general election. They argued that the secretary of state's suspension of Minnesota's witness requirement for absentee ballots violated the Equal Protection Clause since it meant the ballots were "processed differently." They further argued that the agreement to suspend the witness requirement was a violation of the state separation of powers. Finally, contestants claimed that Minnesota violated election law in its post-election review process. Contestants requested the guarding and inspection of all absentee ballots and related election materials.

- ***Jensen v. Simon*, No. 62-CV-20-5599 (Minn. Dist. Ct., Ramsey Cty.)**
  - **Closed Case**
  - **Issue: Election contest seeking audit.**
  - **12/18/2020: Order/Ruling.** Dismissed with prejudice.
  - **12/01/2020: Complaint.** Election contest under Minn. Stat. §209. Contestants, three Minnesota voters, challenged the results of Minnesota's general election. They argued that the secretary of state's suspension of Minnesota's witness requirement for absentee ballots violated the Equal Protection Clause since it meant the ballots were "processed differently." They further argued that the

agreement to suspend the witness requirement was a violation of the state separation of powers. Finally, contestants claimed that Minnesota violated election law in its post-election review process. Contestants requested the guarding and inspection of all absentee ballots and related election materials.

- ***Hahn v. Simon*, No. 14-CV-20-4033 (Minn. Dist. Ct., Clay Cty.)**
  - **Closed Case**
  - **Issue: Election contest seeking audit.**
  - **12/14/2020: Order/Ruling.** Dismissed with prejudice.
  - **11/30/2020: Complaint.** Election contest under Minn. Stat. §209. Contestants, seven Minnesota voters, challenged the results in Legislative District 04A, Clay County. They argued that the secretary of state's suspension of Minnesota's witness requirement for absentee ballots violated the Equal Protection Clause since it meant the ballots were "processed differently." They further argued that the agreement to suspend the witness requirement was a violation of the state separation of powers. Finally, contestants claimed that Minnesota violated election law in its post-election review process. Contestants sought the guarding and inspection of all absentee ballots and related election materials.

- ***Kistner v. Simon*, No. 19AV-CV-20-2183 (Minn. Dist. Ct., Dakota Cty.)**
  - **Closed Case**
  - **Issue: Election contest seeking audit.**
  - **12/15/2020: Order/Ruling.** The court held that it lacked subject-matter jurisdiction, since contestants failed to allege that the contestees did not get the highest number of votes legally cast. The court further held that contestants were barred by laches, because the witness-signature requirement was suspended in August but contestants only filed their contest after the election. Lastly, with respect to contestants' allegations that Minnesota's post-election review process did not have judges present, the court held that Minnesota Election Law does not mandate the use of election judges at all.
  - **11/27/2020: Complaint.** Election contest under Minn. Stat. §209. Contestants, a group of Republican candidates for federal and state office, challenged the results of Minnesota's general election. They argued that the secretary of state's suspension of Minnesota's witness requirement for absentee ballots violated the Equal Protection Clause since it meant the ballots were "processed differently." They further argued that the agreement to suspend the witness requirement was a violation of the state separation of powers. Finally, contestants claimed that Minnesota violated election law in its post-election review process.

Contestants the guarding and inspection of all absentee ballots and related election materials.

- ***Kistner v. Simon*, No. A20-1486 (Minn. Sup. Ct.)**
  - **Closed Case**
  - **Issue: Request to block Minnesota certification.**
  - **12/04/2020: Order/Ruling.** The Minnesota Supreme Court dismissed the case. It held that the doctrine of laches applied to petitioners' claims against the secretary of state and that they had adequate time to bring suit prior to the election but failed to do so. With respect to observer access to post-election review, the court held that Minnesota law requires that such charges be served against county election officials. The court asked petitioners to do so, and petitioners did not provide evidence that they did.
  - **11/24/20: Complaint.** Petitioners, 25 candidates for U.S. Congress and the Minnesota state legislature and 10 Minnesota citizens, sought an immediate temporary restraining order from the Minnesota Supreme Court to enjoin the State Canvassing Board from certifying Minnesota's election results. Petitioners alleged that the secretary of state impermissibly removed barriers (suspended the witness requirement) to absentee voting, in violation of separation of powers, and did not provide adequate poll observer access, violating due process.

Nevada

- ***Law v. Whitmer*, No. 20 OC 00163 1B (Nev. Dist. Ct., Carson City)**
  - **Closed Case**
  - **Issue: Request to certify the Nevada election for Donald Trump.**
  - **12/08/2020: Order/Ruling.** The Nevada Supreme Court affirmed the case's dismissal, holding that appellants had pointed to no errors of law in the district court's ruling. It also noted that, even if there were a lesser standard for the burden of proof, appellants would fail to meet it.
  - **12/04/2020: Order/Ruling.** The state district ruled that the issues raised concerning the Agilis machines were "identical" to those already litigated and decided by the same court in *Kraus v. Cegavske* and that plaintiffs here are in privity with the *Kraus* parties—so issue preclusion applies. Nevertheless, the court went on to rule on the merits that there was no proof of machine malfunctions, improper votes, election board malfeasance, or improper vote manipulation. The court dismissed the case with prejudice.
  - **Filed 11/17/2020: Complaint.** Plaintiffs, six Republican presidential electors for the state of Nevada, alleged widespread electronic voting systems malfunctions both due to the Agilis Ballot Sorting System machines in Nevada and generally across the country. Plaintiffs alleged that the Agilis machine, which was used to verify signatures in Clark County but not other Nevada counties, resulted in an equal protection violation. Plaintiffs also alleged that nonprofit group voting drives in Nevada to encourage Native Americans to vote offered incentives to vote and, in "at least one social media video," depicted images of people wearing Biden-Harris promotional material, so Native American votes associated with such incentives should be disqualified. Plaintiffs sought, as relief, that Donald Trump be certified the winner of Nevada.

- ***Rodimer v. Gloria*, No. A-20-825067-P (Nev. Dist. Ct., Clark Cty.)**
  - **Closed Case**
  - **Issue: Request to block the use of Agilis in signature verification.**
  - **11/25/2020: Order/Ruling.** The state district court held that, because the plaintiff was a candidate for federal office, he was excluded from state law governing election contests and from this court's jurisdiction. The court dismissed the case.
  - **Filed 11/18/2020: Complaint.** Plaintiff, a candidate for Nevada's seat from U.S. Congressional District 3, contended that the Registrar of Voters for Clark County found discrepancies in ballot tracking, used the purportedly unreliable Agilis

system, and should have moved certain voters to the inactive list and not sent them ballots. Plaintiff sought a new election.

- ***Becker v. Cannizzaro*, No. A-20-825130-W (Nev. Dist. Ct., Clark Cty.)**
  - **Closed Case**
  - **Issue: Request to block the use of Agilis in signature verification.**
  - **11/20/20: Voluntary dismissal.**
  - **Filed 11/19/2020: Complaint.** Plaintiff, a candidate for state Senate District 6, sought a revote of her contest, alleging that Clark County Registrar of Voters Joseph Gloria's use of the Agilis system to verify signatures, when state law requires verification be conducted by a human, warranted that all votes verified by the system be invalidated and a new election be held.

- ***Marchant v. Gloria*, No. A-20-824884-W (Nev. Dist. Ct., Clark Cty.)**
  - **Closed Case**
  - **Issue: Request to block the use of Agilis in signature verification.**
  - **11/23/2020: Order/Ruling.** The state district court held that it lacked jurisdiction to hear the writ, which was, in fact, a claim for an election contest. Nevada's election contest statute excludes the federal legislative election at issue in plaintiff's petition. The court went on to hold that, even if the claim were able to proceed, it would fail on the merits. The plaintiffs invoked a statute that relates to ballot loss or destruction, neither of which was demonstrated. The court dismissed the case.
  - **Filed 11/16/2020: Complaint.** Petitioner, a candidate for Nevada's Fourth Congressional District seat, sought injunctive relief against Clark County's use of the Agilis system to verify signatures. Petitioner alleged that state law required that signature verification be conducted by a human.

- ***Becker v. Gloria*, No. A-20-824878-W (Nev. Dist. Ct., Clark Cty.)**
  - **Closed Case**
  - **Issue: Request to block the use of Agilis in signature verification.**
  - **12/02/2020: Order/Ruling**: The court ruled that plaintiff's complaint was incorrectly styled as a petition for injunctive relief but was, in actuality, a claim for an election contest under NRS 293.407. Election contests, by law, are not within district court jurisdiction. Even if the court had jurisdiction and reached the merits, it held that no ballots were lost or destroyed and so the plaintiff's case failed.
  - **Filed 11/16/2020: Complaint.** Petitioner, a candidate for Nevada Senate District 6 seat, sought relief against the use of the Agilis system in signature verification.

Petitioner alleged that the system's artificial intelligence was flawed and state law required human review, therefore a new election should be held.

- ***Stokke v. Cegavske*, No. 2:20-cv-02046 (D. Nev.)**
  - **Closed Case**
  - **Issue: Request to (i) allow greater access to observers, and (ii) cease use of automated systems to count ballots.**
  - **11/06/2020:** **Order/Ruling**. Judge Andrew Gordon denied plaintiffs' request for an injunction to prevent Nevada's largest county from using its signature-matching technology. The court also denied the plaintiffs' request to mandate that Clark County permit observers to be closer to the ballot-counting process.
  - **Filed 11/05/2020:** **Complaint.** Plaintiffs, two individuals and two Nevada Congressional campaigns, sought injunctive relief directing defendants to (a) cease their use of the Agilis system to count ballots and (b) allow greater access to ballot counting observers. Plaintiffs claimed that the Agilis system, which purportedly misidentified Plaintiff Stokke as having already voted by mail, was not able to properly verify signatures. Additionally, Plaintiffs alleged that, while Clark County officials allowed Plaintiff Prudhome to observe the ballot count, he was not allowed to stand in a position that would allow him to meaningfully observe.

- ***Kraus v. Cegavske*, No. 82018 (Nev. Sup. Ct.)**
  - **Closed Case**
  - **Issue: Request that election officials stop duplicating ballots and using AI to authenticate ballot signatures unless observers are granted access.**
  - **11/10/2020:** **Order Dismissing Case.** Court granted the appellants' motion to dismiss the case. State agreed to allow more observers, in accordance with a settlement agreement.
  - **11/03/2020:** **Order/Ruling**. In an order signed by all seven members, the Nevada Supreme Court granted the request to expedite the appeal but denied the motion for an emergency stay to stop the county from processing ballots. The court denied appellants' request to enjoin the registrar from duplicating ballots that could not otherwise be fed into the vote tabulation machine and from using artificial intelligence to authenticate ballots. The court said that appellants had not demonstrated a sufficient likelihood of success to merit a stay or injunction. The court cited the district court's conclusion that appellants' allegations lacked evidentiary support and noted that "appellant's request for relief to this court is not supported by affidavit or record materials supporting many of the factual

statements made therein.... It is unclear from the motion how appellants are being prevented from observing the process or that the use of the Agilis machine is prohibited under AB 4.... Appellants motion, on its face, does not identify any mandatory statutory duty that respondents appear to have ignored. Further, appellants fail to address the district court's conclusion that they lack standing to pursue this relief."

- **11/03/2020:** **Emergency Motion for Stay and to Expedite Appeal**. Donald J. Trump for President, the Nevada Republican Party, and a registered voter sought a stay of a lower court order allowing duplication of mail ballots without observation and the use of Agilis. Appellants filed an emergency motion seeking immediate relief under NRAP 8, pending appeal, prohibiting the Clark County Registrar from continuing to duplicate mail ballots unless observers were granted an opportunity to meaningfully observe the process and from using artificial intelligence to authenticate ballot signatures. Appellants also sought to expedite this appeal.

- ***Donald J. Trump for President v. Gloria*, No. A-20-824153-C (Nev. Dist. Ct., Clark Cty.)**
  - **Closed Case**
  - **Issue: Request to extend in-person voting hours.**
  - **11/03/20:** **Order/Ruling**. Select polling places in Clark County, Nevada, to stay open an extra hour, to 8 p.m.
  - **Filed 11/03/2020:** **Complaint**. Plaintiffs, Donald J. Trump for President and Nevada Republican Party, sought injunctive relief to require Clark County to keep open until 8 p.m. poll locations affected by voting machine malfunctions.

New Mexico

- ***Donald J. Trump for President v. Toulouse Oliver*, No. 1:20-cv-01289 (D.N.M.)**
  - **Closed Case**
  - **Issue: Dropboxes.**
  - **1/11/2021: Voluntarily dismissed.**
  - **Filed 12/14/2020: Complaint**. Plaintiff, the Trump campaign, sought an injunction to prevent the presidential electors selected by New Mexico voters from casting the state's electoral votes for president and vice president. Plaintiff alleged that the New Mexico secretary of state violated the U.S. Constitution's Electors Clause by enabling voters to return ballots at ballot dropboxes.

New York

- ***Tenney v. Oswego County Board of Elections*, No. EFC-2020-1376 (N.Y. Supr. Ct.)**
  - **Closed Case**
  - **Issue: Request to secure ballots.**
  - **2/5/2021: Order/Ruling.** The court oversaw three boards of election to correct several canvassing errors. As a result, Tenney led by 109 votes. The court denied her opponent, Brindisi's, injunction to stay certification.
  - **12/08/2020: Order/Ruling.** The court held that the relevant election boards failed to catalogue and adjudicate ballot challenges, when the candidates might be separated by only 12 votes, necessitating a partial recount. The court ordered that the elections boards account for all votes and correct all canvassing errors. Where canvassing errors could not be corrected, the court ordered the elections boards to recanvass those ballots.
  - **Filed 11/04/2020: Complaint**. Petitioner, the Republican candidate for New York's 22nd Congressional district, sought to have the court order the relevant elections boards in that Congressional district to sequester and secure the absentee ballots cast until a canvass and recanvass could be conducted.

Pennsylvania

- ***In Re: Canvass of Absentee and Mail-In Ballots of November 3, 2020 General Election*, Nos. 20110894-20110898 (Penn. Ct. Common Pleas, Philadelphia Cnty.) / Nos. J-118A-2020, J-118B-2020, J-118C-2020, J-118D-2020, J-118E-2020 and J-118F2020 (Penn. Sup. Ct.)**
  - **Closed Case**
  - **Issue: request to reserve county election board's refusal to throw out ballots based on various ballot completion omissions.**
  - **2/22/2021: Cert denied** (sub. nom. *Donald J. Trump for President, Inc. v. Degraffenreid*). Justices Thomas and Alito dissenting.
  - **1/11/2021: Motion to Expedite denied.**
  - **12/20/2020: Petition for Cert.** Petitioner, President Trump, consolidated and sought review of three Pennsylvania Supreme Court decisions: In re Canvass of Absentee & Mail-In Ballots of Nov. 3, 2020 Gen. Election (date and signature), In re Canvassing Observation (poll observation), and In re November 3, 2020 Gen. Election (a pre-election case on signature verification standards). The Petitioner alleged that the Pennsylvania Supreme Court impermissibly altered the manner of elections in violation of the Electors Clause. Petitioner requested that the U.S. Supreme Court remand the matter to the Pennsylvania state legislature, which can select its own slate of electors in place of those selected by popular vote.
  - **11/23/2020: Order/Ruling.** The Pennsylvania Supreme Court held that, absent fraud, the state election code did not require boards of elections to disqualify mail-in or absentee ballots submitted by qualified voters who signed the declaration on their ballot's outer envelope but did not handwrite their name, their address, and/or date, where no fraud or irregularity had been alleged. The court affirmed the lower courts' decisions to count the ballots, saying the state election code's directives in question were not mandatory and that Pennsylvania jurisprudence had long held that courts must construe the law to save, not void, ballots.
  - **11/13/2020: Orders/Rulings 1, 2, 3, 4, 5.** For each petition, the court of common pleas affirmed the decision of the county board. The court ruled that the election code did not require that the outer envelope have a date, the elector's printed name, and address. The court noted that the ballot envelopes already contained the voters' names and addresses pre-printed on the envelope. The Philadelphia County Board of Elections decisions to count the challenged absentee ballots, in each case, were affirmed.
  - **Filed 11/10/2020: 1, 2, 3, 4, 5.** In five separate petitions, the Trump campaign

asked the court to overturn five decisions of the Philadelphia County Board of Elections: to count 1,211 absentee ballots where the voter signed the declaration envelope but provided no other information; to count 1,259 ballots where the voters signed but did not date their signature; to count 553 ballots where all the information was complete except for the voter's printed name; to count 860 ballots missing a street address; and to count 4,466 ballots where the voters signed and dated but did not print their name and street address.

- ***In re: Canvassing Observation*, No. 7003 (Penn. Ct. Common Pleas, Philadelphia Cnty.)/ No. 30 EAP 2020 (Penn. Sup. Ct.)**
    - **Closed Case**
    - **Issue: Request for broader right to observe the canvassing**
    - **2/22/2021:** **Cert denied** (sub. nom. *Donald J. Trump for President, Inc. v. Degraffenreid*). Justices Thomas and Alito dissenting.
    - **12/20/2020:** **Petition for Cert.** Petitioner, President Trump, consolidated and sought review of three Pennsylvania Supreme Court decisions: In re Canvass of Absentee & Mail-In Ballots of Nov. 3, 2020 Gen. Election (date and signature), In re Canvassing Observation (poll observation), and In re November 3, 2020 Gen. Election (signature verification standards). The Petitioner alleged that the Pennsylvania Supreme Court impermissibly altered the manner of elections in violation of the Electors Clause. Petitioner requested that the court remand the matter to the Pennsylvania state legislature, so it could select its own slate of electors in place of those selected by popular vote.
    - **11/13/2020:** **Order/Ruling**. The Pennsylvania Supreme Court found that the procedures for poll observing that the Philadelphia Board of Elections implemented were reasonable under law. The court held that the legislature left proximity parameters to the discretion of county boards of elections. The court concluded that, based on the plaintiff witness's own testimony, he had sufficient access to observe under the election code.
    - **11/05/2020:** **Order/Ruling**. The appeals court reversed the court of common pleas and held that all candidates, watchers, or candidate representatives be permitted to be present for canvassing processes pursuant to 25 P.S. § 2650 and/or 25 P.S. § 3146.8, and they be able to observe within six feet.
    - **11/03/2020:** **Order/Ruling**. The presiding election day judge, based on a witness's testimony, held that Philadelphia was complying with canvassing observer requirements as set forth in Pennsylvania law. The judge denied the oral motion of Petitioner for closer observation of the canvassing of ballots.

- **11/03/2020: Hearing.** Petitioner, the Trump campaign, alleged that poll observers did not have sufficient proximity to canvassing.

- ***Kelly v. Pennsylvania*, No. 620 MD 2020 (Penn. Commonw. Ct.)**
  - **Closed Case**
  - **Issue: Request not to certify election results.**
  - **2/22/2021: Cert denied.**
  - **1/11/2021: Motion to Expedite denied.**
  - **12/11/2020: Petition for cert.**
  - **12/08/2020: Order/Ruling.** The U.S. Supreme Court, with no dissents, declined to grant the injunctive relief to prevent Pennsylvania from certifying its election results.
  - **12/03/2020: Emergency application.** Plaintiffs filed an emergency motion to the U.S. Supreme Court, seeking an injunction against certification.
  - **11/28/2020: Order/Ruling.** In a per curiam decision, the Pennsylvania Supreme Court vacated the Commonwealth Court's preliminary injunction and dismissed the case with prejudice. The court held that a dismissal was warranted "based upon Petitioners' failure to file their facial constitutional challenge in a timely manner," since the campaign filed the suit more than a year after the enactment of Act 77 and after a general election in which millions of voters had cast mail-in votes.
  - **11/25/2020: Order/Ruling.** The court, without elaboration, held that the Commonwealth of Pennsylvania is enjoined from certifying any remaining election results, pending a court hearing on the matter.
  - **Filed 11/21/2020: Complaint**. Plaintiffs, a U.S. representative, two candidates for office, and six voters, sought to have the court declare as unconstitutional Pennsylvania's Act 77, enacted in 2019, that contains a no-excuse mail-in voting provision. Plaintiffs also requested an injunction against certifying the state's election results.

- ***Metcalfe v. Wolf*, No. 636 MD 2020 (Penn. Commonw. Ct.)**
  - **Closed Case**
  - **Issue: Request to decertify results.**
  - **12/09/2020: Order/Ruling.** The state court held that plaintiffs were not entitled to relief because what they submitted as a complaint was "really an improper and untimely election contest." The court held that this election contest was not filed in the proper venue nor within the correct time frame, as required by the election code.
  - **Filed 12/04/2020: Complaint**. Plaintiffs, 11 Pennsylvania voters, filed suit against

the governor, the secretary of state, and Pennsylvania's Democratic presidential electors. Plaintiffs alleged that local Democratic Party officials and the Pennsylvania Supreme Court violated numerous portions of the state election code related to ballot signatures, secrecy envelopes, and poll observers. Plaintiffs sought a writ of mandamus directing the governor to withdraw the certification of the 2020 presidential election.

- ***Ziccarelli v. Westmoreland County Board of Elections*, No. 4152 (Penn. Ct. Common Pleas, Westmoreland Cnty.)**
    - **Closed Case**
    - **Issue: Request to count ballots that were challenged.**
    - **11/23/2020: Order/Ruling.** The court held that Pennsylvania law did not allow a voter to sign both a provisional ballot and a poll book indicating a machine vote. Only 46 of the 250 voters were able to submit affidavits indicating that they had voted only once, so the court ordered the other 204 ballots be invalidated. On the secrecy sleeve issue, the court ordered that 12 provisional ballots lacking secrecy sleeves, which the board had accepted, should not be counted.
    - **Filed 11/18/2020: Complaint**. Plaintiff, a candidate for Pennsylvania state senate, appealed a Westmoreland County Board of Elections decision to count nine ballots received without secrecy envelopes and 250 ballots where the voter submitted a provisional ballot but was improperly instructed to sign the poll book indicating they had voted by machine at the polling place.

- ***Ziccarelli v. Allegheny County Board of Elections*, No. GD-20-011793/No. 1161 CD 2020 (Penn. Commonw. Ct.)**
    - **Closed Case**
    - **Issue: Request to exclude ballots with various defects from the vote count.**
    - **11/23/2020. Appeal denied.** The Pennsylvania Supreme Court denied Allegheny County's appeal.
    - **11/19/2020: Order/Ruling.** The commonwealth court held that the plain language of the statute required both signatures. The court reversed the lower court's decision, holding that the 270 ballots would not be counted.
    - **11/18/2020: Order/Ruling.** The court of common pleas ruled that the 270 provisional ballots should be counted. Voters were meant to have signed twice but should not be penalized because they were given, and relied on, incorrect information from the election administration.
    - **Filed 11/16/2020: Complaint**. Plaintiff, a candidate for Pennsylvania state senate, challenged the decision of the Allegheny County Board of Elections to

accept 270 provisional ballots that included one requisite signature but not a second requisite signature.

- **I*n Re: 2,349 Ballots in the 2020 General Election* (*Ziccarelli v. Allegheny County Board of Elections*) No. GD-20-11654/No. 1162 CD 2020 (Penn. Commonw. Ct.)**
  - **Closed Case**
  - **Issue: Request to exclude ballots with various defects from the vote count.**
  - **11/23/2020: Order/Ruling.** The Pennsylvania Supreme Court reversed, holding that the election code did not require boards of elections to disqualify mail-in or absentee ballots submitted by qualified electors who signed the declaration on their ballot's outer envelope but did not handwrite their name, their address, and/or date, where no fraud or irregularity has been alleged. The court affirmed the court of common pleas' decision to count the ballots, saying the election code directives in question were not mandatory and that Pennsylvania jurisprudence had long held that courts must construe the law to save, not void, ballots.
  - **11/19/2020: Order/Ruling.** The commonwealth court held that the state election code required voters date their declaration. It reversed the lower court decision and directed that the 2,349 ballots not be counted.
  - **11/18/2020: Order/Ruling.** The court of common pleas held that the ballots at issue were sufficient even without a voter-supplied date. The ballots were processed in the Statewide Uniform Registry of Electors ("SURE") system and time-stamped when they were timely delivered to the board on or before November 3, 2020. They were signed and otherwise properly completed by a qualified elector.
  - **Filed 11/12/2020: Complaint**. Plaintiff, a candidate for Pennsylvania state senate, challenged the decision of the Allegheny County Board of Elections to accept 2,349 mail-in ballots with undated declarations of voter identity on the ballots' return envelopes.

- ***In Re: Canvass of Absentee and/or Mail-in Ballots of November 3, 2020 General Election*, No. 20-05786-35 (Penn. Ct. Common Pleas, Bucks Cnty.)**
  - **Closed Case**
  - **Issue: Request to exclude ballots from the vote count.**
  - **12/08/2020: Order/Ruling.** The Pennsylvania Supreme Court denied the application for appeal.
  - **11/25/2020: Order/Ruling.** The appeals court first described how Appellants withdrew some of the challenges in their complaint and, of the remaining challenges, the status of all but 69 ballots were resolved by the Pennsylvania

Supreme Court. These 69 ballots were received with secrecy envelopes that were "unsealed." The court held that, since: (i) it could not be established whether the electors did not seal the secrecy envelopes; (ii) the parties stipulated that the instructions on the outer envelope stated only that the ballot should be placed in the secrecy envelope and did not specify that the envelope needed to be securely sealed; and (iii) there were no allegations of any fraud, impropriety, misconduct, or undue influence, or that the secrecy of the ballots cast had been jeopardized, the 69 ballots would count. The court held prospectively that ballots must be securely sealed.

- **11/24/2020: Order/Ruling.** The Pennsylvania Supreme Court denied the applications to Exercise Extraordinary Jurisdiction.
- **11/19/2020: Order/Ruling.** The court of common pleas denied the petition for review, holding that the Pennsylvania Supreme Court had already made it clear that voters should not be disenfranchised based on advisory portions of the election code. Even following a "strict" interpretation of the state election code, the address, date, or secrecy envelope errors were not mandated by statute.
- **Filed 11/09/2020: Complaint**. Petitioners, the Trump campaign and RNC, sought review of the Bucks County Board of Elections' counting of absentee ballots. Petitioners alleged that the defendant improperly accepted ballots with date or address defects, or with unsealed secrecy sleeves. Petitioners sought a reversal of the county election board's decision.

- ***Donald J. Trump for Pres., Inc. v. Boockvar*, No. 4:20-cv-02078 (M.D. Pa.)**
  - **Closed Case**
  - **Issue: Omnibus lawsuit requesting an injunction against certifying the state's election results, alleging mail-in ballot fraud, insufficient poll observer access, and violations of the Elections, Elector, Equal Protection and Due Process clauses of the U.S. Constitution.**
  - **11/27/2020: Order/Ruling.** The Third Circuit U.S. Court of Appeals denied the requested injunction and affirmed the district court's denial of leave to amend. Judge Stephanos Bibas, writing for the panel, held that the Trump campaign had tried to "repackage" state-law claims about ballot corrections and poll observer access as unconstitutional discrimination. Yet the campaign never alleged that anyone treated the Trump campaign or Trump votes worse than it treated the Biden campaign or Biden votes. An injunction to undo Pennsylvania's certification was not warranted, said the decision, since "the number of ballots it specifically challenges is far smaller than the roughly 81,000-vote margin of victory" and "it never claims fraud or that any votes were cast by illegal voters." The circuit panel held that the district court had not abused its discretion in

denying leave to amend the complaint a second time, since the campaign's delay was undue and an amendment would have been futile.

- **11/21/2020: Order/Ruling.** Due to the Third Circuit's decision in *Bognet*, the only remaining claim was plaintiffs' contention of an equal protection violation, alleging that Pennsylvania's lack of a uniform prohibition against notice-and-cure was unconstitutional. The federal district court held that plaintiffs lacked standing to make the equal protection claim but, nevertheless, went on to reach the merits: Plaintiffs failed to even make an equal protection argument. The court described the attempt as a "Frankenstein's Monster… haphazardly stitched together from two distinct theories in an attempt to avoid controlling precedent." The court dismissed the case, characterizing it as having amounted to "strained legal arguments without merit and speculative accusations, unpled in the operative complaint and unsupported by evidence."
- **Filed 11/09/2020: Complaint.** Plaintiffs, the Trump campaign and two registered voters, alleged that defendants, the Pennsylvania secretary of the commonwealth and seven county boards of election, violated the U.S. Constitution's Elections Clause, did not allow for sufficient poll observation of absentee ballot counting, and "did not undertake any meaningful effort to prevent the casting of illegal or unreliable absentee or mail-in ballots." Plaintiff alleged that a purported lack of uniform statewide standards for curing mistakes violated voters' equal protection and due process rights. As remedy, plaintiffs sought an injunction to prohibit Pennsylvania from certifying the election results statewide or, in the alternative, an injunction to prohibit Pennsylvania from including in the count absentee and mail-in ballots for which plaintiffs' watchers were allegedly prevented from observing and those which some counties allegedly improperly permitted to be cured.

- ***In re: Pre-Canvass of Absentee and Mail-In Ballots of November 3, 2020 General Election*, No. 2020-05627 (Penn. Ct. Common Pleas, Bucks Cnty.)**
  - **Closed Case**
  - **Issue: Request to enjoin election workers from providing observers the identity of ballots with defects during pre-canvass.**
  - **11/03/2020: Order/Ruling.** In a one-sentence order, the court dismissed the petition.
  - **11/03/2020: Petition.** Petitioner, the Trump campaign, asked the court to reverse a decision of the Bucks County Board of Elections denying petitioner's objection to the disclosure of the identification of voters whose ballots were defective (e.g. naked ballots) during the pre-canvass review for the November 3, 2020, general election prior to the close of the polls. Petitioner contended that

the disclosure of such information to authorized observers in the pre-canvass meeting was, in turn, being disclosed to persons outside of the pre-canvass meeting in violation of the election code, 25 P.S. Sec. 3146.8(g)(1.1), which provides that "No person observing, attending or participating in a pre-canvass meeting may disclose the results of any portion of any pre-canvass meeting prior to the close of the polls." Petitioner also contended that absentee ballots cast in violation of mandatory requirements were void and cannot be counted.

- ***Pirkle v. Wolf*, No. 4:20-cv-02088-MWB (M.D. Penn.)**
  - **Closed Case**
  - **Issue: Request to exclude from the state-vote tabulation the votes from multiple counties, due to alleged illegal practices.**
  - **11/16/2020: Dismissed.** Plaintiffs voluntarily dismissed the suit.
  - **Filed 11/10/2020: Complaint**. Plaintiffs, four Pennsylvania voters, cited the complaint in *Trump v. Boockvar* and promised forthcoming data-backed analysis to allege that several counties violated voters' Fourteenth Amendment rights by counting "illegal votes." As a remedy, plaintiffs sought to exclude all votes from those counties, including Philadelphia County, in the tabulation of the state's final vote count.

- ***Bognet v. Boockvar*, No 20-3214 (3rd Cir.) / No. 3:20-cv-00215 (W.D. Pa.)**
  - **Closed Case**
  - **Issue: Ballot receipt deadline.**
  - **4/19/21: Vacated.** The Supreme Court vacated the judgment, and remanded the case to the United States Court of Appeals for the Third Circuit with instructions to dismiss the case as moot
  - **11/13/20: Order.** In a lawsuit filed before the election but relevant to much of the post-election litigation, the U.S. Circuit Court of Appeals for the Third Circuit upheld the district court's rejection of a constitutional challenge to Pennsylvania's post-Election Day ballot receipt deadline on the grounds that the plaintiffs lacked standing. The panel held that, “when voters cast their ballots under a state’s facially lawful election rule and in accordance with instructions from the state’s election officials, private citizens lack Article III standing to enjoin the counting of those ballots on the grounds that the source of the rule was the wrong state organ or that doing so dilutes their votes or constitutes differential treatment of voters in violation of the Equal Protection Clause. Further, and independent of our holding on standing, we hold that the District Court did not err in denying Plaintiffs’ motion for injunctive relief out of concern for the settled

expectations of voters and election officials. We will affirm the District Court's denial of Plaintiffs' emergency motion for a TRO or preliminary injunction."

- **10/28/2020: Order/Ruling**. The federal district court denied the motion for injunction, holding that the one candidate plaintiff lacked standing because his claims were too speculative and not redressable, and the voter plaintiffs lacked standing on their Equal Protection voter dilution claim because they alleged only a generalized grievance. Although the voter plaintiffs had standing on their Equal Protection arbitrary-and-disparate treatment claim and were likely to succeed on the merits (that the ballot deadline extension violated Equal Protection), the court said the *Purcell* principle mandated that no injunction be awarded since there were fewer than two weeks before the election, and injunctive relief would result in significant voter confusion.
- **10/22/2020: Complaint**. Plaintiffs, one candidate for office and four residents of Pennsylvania, brought suit against the Pennsylvania secretary of commonwealth and every Pennsylvania county board of election, alleging violations of the Elections Clause and Presidential Electors Clause as well as the Equal Protection Clause for planning to count ballots received after Election Day but postmarked by Election Day in accordance with a recent Pennsylvania Supreme Court decision. Plaintiffs sought declaratory and injunctive relief to prevent the counting of ballots received after the original Election Day receipt deadline set by statute and a declaration that the Pennsylvania Supreme Court's decision in *Pennsylvania Democratic Party v. Boockvar* was contrary to the U.S. Constitution.

- ***Boockvar v. Republican Party of Pennsylvania*, No. 20A84 (S. Ct)**
  - **Closed Case**
  - **Issue: Request for order to sequester post-Election-Day ballots and exclude them from the vote count.**
  - **11/06/2020: Order/Ruling**. Justice Samuel Alito ordered that all absentee ballots received after 8 p.m. on November 3 be segregated and that, if such ballots are counted, that their tally be counted separately. The Court did not order Pennsylvania to exclude such ballots from its vote count.
  - **11/06/2020 Emergency Application for Injunction Pending Certiorari Review.** The Republican Party of Pennsylvania petitioned the Supreme Court to order election boards to keep separate all ballots received after Election Day through November 6, 2020, and to refrain from counting them while the Republicans' legal challenge to those ballots remained pending. The challengers acknowledged that Secretary of Commonwealth Kathy Boockvar did direct county election boards to segregate later-arriving ballots, but they contended that the guidance was insufficient to preserve the challengers' potential right to a

targeted remedy of tossing those ballots later because (i) the election boards were not required to follow the directions from the secretary of the commonwealth, (ii) the secretary could change her mind, and (iii) it was "currently unclear whether all 67 county boards of elections" in the state were following instructions to segregate mail-in ballots that arrived after Election Day and they may have been unable to confirm whether they were. Petitioners requested the court to instruct election boards "to log, to segregate, and otherwise to take no further action" on mail-in ballots received after Election Day, suggesting that the order might also prohibit the state from counting the ballots.

- ***Donald J. Trump for Pres., Inc. v. Philadelphia Cnty. Bd. of Elections*, No. 2:20-cv-05533-PD (E.D. Pa.)**
  - **Closed Case**
  - **Issue: Requesting broader observer access.**
  - **11/05/2020: Order/Ruling.** The federal district court denied the request for injunction, without prejudice.
  - **Filed 11/05/2020: Complaint**. Plaintiff, the Trump campaign, sought an injunction halting the count of ballots in Philadelphia County unless Republican observers were permitted to monitor the count. The complaint alleged that the board of elections was ignoring an unspecified Order that purportedly required Republican observers to be present.

- ***Donald J. Trump for President Inc. v. Montgomery County Bd. of Elections* (*In re Canvass of Absentee and Mail-In Ballots of Nov. 3, 2020 Gen. Election*), No. 2020-18680 (Penn. Ct. Common Pleas)**
  - **Closed Case**
  - **Issue: Appeal of decision by the election board to count 592 absentee ballots missing some information on outer envelope**
  - **11/13/2020: Order/Ruling.** The court of common pleas agreed with the Montgomery County Board of Elections' interpretation of the state election code, saying the law did not require that voters provide their addresses on the declaration envelope and the 592 challenged ballots should be counted.
  - **Filed 11/05/20: Petition.** Petitioners, Donald J. Trump for President, the RNC, and three statewide candidates, requested that the court reverse the decision by the Montgomery Court Board of Elections to deny petitioners' objections to counting absentee ballots that failed to include all of the required information (i.e. signature, address, and/or date of execution) on the outer declaration

envelope. Petitioners objected to "approximately 600" such ballots and claimed the board's decision was in violation of 25 P.S. sections 3146.6(a) and 3150.16(a).

- ***Donald J. Trump for President, Inc. v. Kathy Boockvar*, et al., No. 602 MD 2020 (Penn. Commonw. Ct.)**
    - **Closed Case**
    - **Issue: Request to discard absentee ballots cured between Nov 9-12 with proof of ID.**
    - **11/12/2020: Order/Ruling.** The court held that the secretary of the commonwealth did not have authority to extend the proof of ID period by three days (from November 9 to November 12). It granted an injunction requiring that ballots for which the voter's ID was verified after November 9 be excluded from the vote count.
    - **Filed 11/04/20: Petitioner's Application**. Petitioners, the Trump campaign and RNC, sought injunctive relief to prohibit the respondent, the Pennsylvania secretary of the commonwealth, from allowing absentee and mail-in voters to cure their ballots by providing proof of ID after November 9. Petitioners claimed the state's plan to accept such IDs through November 12 violated the Pennsylvania election code. Petitioners also sought injunctive relief to prohibit the respondent from counting any absentee and mail-in ballots of voters whose proof of identification was not received and verified by November 9, 2020.

- ***Barnette v. Lawrence,* No. 2:20-cv-05477-PBT (E.D. Pa.)**
    - **Closed Case**
    - **Issue: Request to discard and sequester defective ballots that were cured, request to stop allowing voters to cure defects.**
    - **11/06/2020 Order:** The court denied the motion for a temporary restraining order. The court would not order the county to toss ballots that initially contained errors that were later cured.
    - **Filed 11/03/2020: Complaint**. Plaintiffs, two Republican Congressional candidates, alleged Montgomery County illegally pre-canvassed mail-in ballots and contacted some voters whose mail ballots had defects (such as a missing signature) to give them a chance to correct the problem. Plaintiffs, whose districts included Montgomery County, argued that, since not all Pennsylvania counties were doing this, under *Bush v. Gore*, it was a federal equal protection violation for some voters to be notified about curing their ballots and others not. Plaintiffs asked the court to order the Montgomery County election officials to stop the practice of reaching out to voters and not count the ballots that had

been cured. Plaintiffs also alleged that the county was restricting the ability of "canvass watchers" to monitor the process.

- ***Hamm v. Boockvar*, No. 600 MD 2020 (Penn. Commonw. Ct.)**
  - **Closed Case**
  - **Issue: Request to stop allowing ballots with errors to be cured by the submission of provisional ballots.**
  - **11/06/20: Order.** The commonwealth court granted in part and denied in part the petitioners' request. The court ordered that all provisional ballots cast on Election Day (in cases where the voter's absentee or mail-in ballot was timely received) be segregated and secured from other provisional ballots pending the legal determination of whether such provisional ballots were valid and could be counted. The court ordered the secretary of the commonwealth to distribute the order to county election boards statewide.
  - **Filed 11/03/20: Petitioner's Application**. Petitioners, a candidate for the U.S. House, the Pennsylvania House, and others, sought injunctive relief to (i) block Secretary of the Commonwealth Kathy Boockvar from permitting absentee and mail-in ballots that were submitted with errors to be "cured" by the submission of provisional ballots, and (ii) prohibit the state from disclosing identifying information about voters who had submitted ballots rejected for non-compliance with the Pennsylvania election code (so that party and candidate representatives could not reach out to help them cure). Petitioners contended that Secretary Boockvar's guidance allowing election officials to provide such information to parties and candidate representatives violated Pennsylvania law (25 P.S. Sec. 3146.8) and the Pennsylvania Supreme Court's decision in *In re November 3, 2020 Gen. Election* (Pa. Oct. 23, 2020) because it allowed voters an opportunity to cure ballot defects.

- ***In re: Motion for Injunctive Relief of Northampton County Republican Committee*, No. C-48-CV-2020-6915 (Penn. Commonw. Ct.)**
  - **Closed Case**
  - **Issue: Request to enjoin election workers from providing observers the identity of ballots with defects during pre-canvass.**
  - **11/03/2020 Order/Ruling**. The court of common pleas denied the oral motion of the Northampton County Republican Committee to enjoin the Northampton Board of Elections from disclosing the identity of cancelled ballots during pre-canvassing.

- Northampton County Republican Committee made an oral motion to enjoin the Northampton County Board of Elections from disclosing the identity of voters of cancelled ballots during pre-canvassing.

Texas

- ***Gohmert v. Pence*, No. 6:20-cv-00660 (E.D. Tx.)**
    - **Closed Case**
    - **Issue: Electoral Count Act.**
    - **1/7/2021: Application denied.**
    - **1/6/2021: Emergency Application for Stay.**
    - **1/1/2021: Order/Ruling.** The federal district court held that plaintiffs lacked standing and dismissed the case. The court said Rep. Louie Gohmert did not provide evidence of personal injury and the Arizona Republican electors did not trace their injury to the defendant.
    - **Filed 12/27/2020: Complaint**. Plaintiffs, the United States Representative for Texas's First Congressional District and the slate of Republican presidential electors for the State of Arizona, alleged that the elector dispute resolution provisions in Section 15 of the federal Electoral Count Act are unconstitutional. The plaintiffs argued that the provisions violate the Electors Clause and the Twelfth Amendment of the U.S. Constitution. Plaintiffs alleged that the Electoral Count Act violates the Electors Clause by transferring the "manner of appointing" electors from the state legislatures to the state executive. Plaintiffs alleged that it violates the Twelfth Amendment because it limits the defendant's—Vice President Mike Pence's—exclusive authority and sole discretion to determine which slates of electors for a state may be counted and replaces the Twelfth Amendment's dispute resolution procedure, under which the U.S. House of Representatives has authority to choose the president. Plaintiffs sought declaratory judgment that Sections 5 and 15 of the Electoral Count Act were unconstitutional and that Vice President Pence, on January 6, 2021, would be subject solely to the requirements of the Twelfth Amendment.

- ***Texas v. Pennsylvania et al.*, No. 22O155 (U.S. Supr. Ct.)**
    - **Closed Case**
    - **Issue: Decertification.**
    - **12/11/2020: Order/Ruling.** In a brief statement, the U.S. Supreme Court denied Texas's motion to file a bill of its complaint, for lack of standing. The court said Texas failed to demonstrate "a judicially cognizable interest in the manner in which another State conducts its elections." Justices Alito and Thomas dissented, stating they would have permitted the motion, yet refrained from commenting on the merits.

- **12/08/2020: Complaint.** The State of Texas filed a motion, on the basis of 28 U.S.C. § 1251(a) (to settle controversies between states) and the Supreme Court's Rule 17, to submit a bill of complaint against the states of Georgia, Michigan, Wisconsin, and Pennsylvania, challenging their administration of the 2020 presidential election. The complaint alleged three unconstitutional practices: 1) that defendant states' executive and judicial branches amended their election codes, in violation of the Electors Clause of the U.S. Constitution; 2) more favorable treatment of Democratic voters; and 3) that these states relaxed absentee ballot regulations, such as signature verification standards. Plaintiff cited *Anderson v. Celebrezze* for the proposition that Texas votes were diluted by the alleged maladministration in defendant states and sought injunctive relief.

Wisconsin

- ***Trump v. Wisconsin Elections Commission*, No. 2:20-cv-01785 (E.D. Wis.)**
  - **Closed Case**
  - **Issue: Request that Wisconsin legislature decide results.**
  - **3/8/2021: Cert. denied.**
  - **1/11/2021: Motion to Expedite denied.**
  - **12/30/2020: Petition for Cert.**
  - **12/24/2020: Order/Ruling.** A panel of the U.S. Court of Appeals for the Seventh Circuit rejected appellant's appeal, stating, "Wisconsin lawfully appointed its electors in the manner directed by its Legislature." It upheld Wisconsin's election results and affirmed the district court's ruling that there was no violation of the Electors Clause. The panel further commented that the president's claim also fails because of the "unreasonable delay" in bringing suit.
  - **12/12/2020: Order/Ruling.** The federal district court ruled that the plaintiff failed to prove that the WEC violated his rights under the Electors Clause. The court found that the record showed Wisconsin's presidential electors were "determined in the very manner directed by the Legislature, as required by Article II, Section 1 of the Constitution." With respect to plaintiff's three complaints about the WEC's guidance on indefinitely confined voters, the use of absentee ballot drop boxes, and corrections to witness addresses, the court ruled that these were not challenges to the "Manner" of Wisconsin's appointment of Presidential Electors, but rather disagreements over election administration. "The record establishes that Wisconsin's selection of its 2020 Presidential Electors was conducted in the very manner established by the Wisconsin Legislature."
  - **12/02/2020: Complaint.** Plaintiff Donald Trump alleged that defendants, local government officials in Wisconsin, undermined the election. Specifically, plaintiff alleged that defendants ignored limits on the availability of mail-in balloting, created ballot drop boxes, misapplied the state's "indefinitely confined" exception, did not provide adequate access to poll observers, "eliminated state laws requiring that voters provide information on the mail-in ballot envelope," and permitted election workers to alter ballots. Plaintiff claimed that the alleged conduct violated both the Wisconsin election code and the U.S. Constitution's Electors Clause. As a remedy, plaintiff requested that the result of the Wisconsin election be remanded to the Wisconsin state legislature.

- ***Feehan v. Wisconsin Elections Commission*, No. 2:20-cv-1771 (E.D. Wis.)**
    - **Closed Case**
    - **Issue: Request to decertify results.**
    - **3/1/2021: Writ denied.**
    - **12/09/2020: Order/Ruling.** The federal district court held that it lacked the jurisdiction to grant the relief sought—"federal judges do not appoint the president in this country." The court held that the plaintiff lacked Article III standing to sue in federal court over a state election claim. But the court went on to dismiss the claims on the additional basis of mootness.
    - **12/01/2020: Complaint.** Plaintiffs, a candidate for Republican presidential elector for Wisconsin and a U.S. Congressional candidate, alleged that the Wisconsin Elections Commission violated the state election code and the U.S. Constitution's Electors Clause. Plaintiffs alleged that the defendant commission used the Dominion voting equipment; directed clerks to keep on the absentee voter rolls individuals identified as having been "indefinitely confined" to home; permitted ballot certificates that were missing the addresses of witnesses; and, on October 19, directed clerks to fill in missing ballot information. Plaintiffs asserted that the election results must either be decertified or certified for Trump. The U.S. Congressional candidate eventually withdrew his name from the complaint.

- ***Trump v. Biden*, No. 2020CV007092 (Wis. Super. Ct., Milwaukee Cnty.)**
    - **Closed Case**
    - **Issue: Contesting Recount.**
    - **2/22/2021: Cert denied.**
    - **1/11/2021: Motion to Expedite denied.**
    - **12/29/2020: Petition for Cert.**
    - **12/14/2020: Order/Ruling.** The Wisconsin Supreme Court held that the Trump campaign was not entitled to the relief it sought. It held that the challenge to the indefinitely confined voter ballots was meritless on its face and that the challenges to the other three categories of ballots failed under the doctrine of laches.
    - **12/11/2020: Appellant Brief.** Appellants, Trump and Pence, focused their objections on four different categories of ballots—each applying only to voters in Dane and Milwaukee counties. First, they sought to strike all ballots cast by absentee voters who claimed "indefinitely confined" status since March 25, 2020. Second, they argued that a form used for in-person absentee voting was not a

"written application" and, therefore, all in-person absentee ballots should be struck. Third, they maintained that municipal officials improperly added witness information on absentee ballot certifications and that these ballots were, therefore, invalid. Finally, they asserted that all ballots collected at "Democracy in the Park," two City of Madison events in late September and early October, were illegally cast.

- **12/11/2020: Order/Ruling.** The court affirmed the final recount determinations of the Dane County Board of Canvassers and Milwaukee County Elections Commission.
- **12/03/2020: Complaint.** Pursuant to state law, President Trump and Vice-President Pence filed an appeal and posted a surety in cash to contest the Wisconsin recount.

- ***Trump v. Evers*, No. 2020AP1971-OA (Wis. Sup. Ct.)**
  - **Closed Case**
  - **Issue: Request to decertify results.**
  - **12/03/2020: Order/Ruling.** The state supreme court denied the petition for leave to commence an original action. Judge Brian Hagedorn, concurring, specified that Wisconsin law requires that challenges to election results be brought to the circuit court.
  - **12/01/2020: Complaint.** Petitioners, President Trump, Vice President Pence, and the Trump campaign, asked the Wisconsin Supreme Court to void Wisconsin's election certification. Petitioners asked the court to reject early in-person absentee votes in Milwaukee and Dane counties, where the ballot envelope contained a voter certification and application. Petitioners also alleged violations of the election code with respect to "indefinitely confined" voters having different identification requirements, election workers allegedly filling in missing voter information, and pre-Election Day "Democracy in the Park" initiatives.

- ***Mueller v. Jacobs*, No. 2020AP1958-OA (Wis. Sup. Ct.)**
  - **Closed Case**
  - **12/03/2020: Order/Ruling.** Petition for leave to commence an original action was denied.
  - **11/27/2020: Complaint.** Petitioner, a Wisconsin voter, requested that the Wisconsin Supreme Court take original jurisdiction over his case, in which he alleged that Wisconsin's ballot drop boxes and all ballots placed in such drop

boxes were illegal. Petitioner alleged that the Wisconsin Election Commission improperly made law by advising counties to establish such drop boxes.

- ***Wisconsin Voters Alliance v. Wisconsin Election Commissions*, No. 2020AP1930-OA (Wis. Sup. Ct.)**
    - **Closed Case**
    - **Issue: Request to block certification of results, Private-Public partnership.**
    - **12/04/2020: Order/Ruling.** The Wisconsin Supreme Court denied the petition, saying that "issues of material fact" prevented the court from addressing the legal issues presented. Justice Brian Hagedorn, in his concurrence, explained that the petition "falls far short of the kind of compelling evidence and legal support we would undoubtedly need to countenance the court-ordered disenfranchisement of every Wisconsin voter."
    - **11/23/2020: Complaint.** Petitioners, 30 Wisconsin voters and a Wisconsin voter confidence group, alleged that the Mark Zuckerberg-funded Center for Technology and Civic Life, which granted money to municipalities to help them conduct elections, circumvented absentee ballot laws and caused illegal votes to be cast, without which Trump would have won Wisconsin. Petitioners asked the court to block certification of the state's results.

- ***Langenhorst v. Pecore*, No. 1:20-cv-01701 (E.D. Wis.)**
    - **Closed Case**
    - **Issue: Request to exclude the votes of counties with alleged voting irregularities from the state's overall vote count.**
    - **11/16/2020: Dismissed.** Plaintiffs voluntarily dismissed their lawsuit.
    - **11/12/20: Complaint.** Plaintiffs, three Wisconsin voters, stated that Wisconsin had many absentee ballots this year and that there was a "fraud risk inherent" in mailed ballots. Plaintiffs further alleged that votes in the name of three deceased individuals were cast in Wisconsin and that voters who had received absentee ballots voted in person, after election officials tore up their unvoted absentee ballots. Plaintiffs claimed that these practices violated plaintiffs' fundamental right to vote by diluting their votes. They sought to exclude the presidential vote count from three counties from the state's overall total.