

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

National Association for the Advancement of
Colored People Minnesota-Dakotas Area
State Conference; Susan Bergquist; Eleanor
Wagner,

Case Type: Civil Other/Misc.
Case No. 62-cv-20-3625
Judge Sara R. Grewing

Plaintiffs,

NOTICE OF INTERVENTION

v.

Minnesota Secretary of State, Steve Simon, in
his official capacity,

Defendant,

Donald J. Trump for President, Inc.;
Republican Party of Minnesota; Republican
National Committee; National Republican
Congressional Committee.

Intervenor-Defendants.

TO: Plaintiffs above-named and their counsel, Craig S. Coleman, Jeffrey P. Justman, Evelyn Snyder, Erica Abshez, and Hannah M. Leiendecker of Faegre Drinker Biddle & Reath LLP, 2200 Wells Fargo Center, 90 South Seventh Street, Minneapolis, MN 55402, craig.coleman@faegredrinker.com, jeff.justman@faegredrinker.com, evelyn.snyder@faegredrinker.com, erica.moran@faegredrinker.com, Hannah.leiendecker@faegredrinker.com; Teresa J. Nelson and David P. McKinney of American Civil Liberties Union of Minnesota, 2828 University Avenue Southeast, Suite 160, Minneapolis, MN 55414, tnelson@aclu-mn.org, dmckinney@aclu-mn.org; Theresa J. Lee, Dale E. Ho, and Sophia Lin Lakin of American Civil Liberties Union, 125 Broad Street, 18th Floor, New York, NY 10004, tlee@aclu.org, dho@aclu.org, slakin@aclu.org;

Defendant above-named and his counsel, Attorney General Keith M. Ellison and Assistant Attorney General Jason Marisam, 445 Minnesota Street, Suite 1400, St. Paul, MN 55101

Donald J. Trump for President, Inc., the Republican Party of Minnesota, the Republican National Committee, and the National Republican Congressional Committee support and seek to uphold free and fair elections for all Minnesotans and for all voters across the country.

PLEASE TAKE NOTICE, therefore, that Donald J. Trump for President, Inc., the

Republican Party of Minnesota, Republican National Committee, and National Republican Congressional Committee (collectively, “Republican Committees”) seek to intervene as defendants in the above-captioned matter under Minnesota Rules of Civil Procedure 24.01 and 24.02. This notice of intervention is timely.

The Republican Committees are entitled to intervene of right in this action under Rule 24.01. Donald J. Trump for President, Inc. is the principal campaign committee of President Donald J. Trump, who is the Republican candidate for re-election as President of the United States in 2020. The Republican Party of Minnesota, Republican National Committee, and National Republican Congressional Committee, respectively a state committee, the national committee, and the national congressional committee of the Republican Party, have made significant contributions and expenditures in support of Republican candidates up and down the ballot in Minnesota for the past many election cycles and intend to do so again in 2020. The Republican Committees have a substantial and particularized interest in defending this action to preserve the structure of the competitive environment in which their supported candidates participate and to ensure that Minnesota carries out free and fair elections. The disposition of this action may as a practical matter impair or impede the Republican Committees’ ability to protect that interest. Moreover, the existing parties do not adequately represent the Republican Committees’ interests.

Alternatively, the Republican Committees should be granted permissive intervention under Rule 24.02. The Republican Committees’ arguments and defenses have questions of fact and law in common with the claims of Plaintiffs. Intervention, moreover, will not unduly delay or prejudice the adjudication of the rights of the existing parties.

As required by Rule 24.03, this notice is accompanied by a pleading, in the form of an answer to Plaintiffs’ Complaint, setting forth the reasons for the claim of entitlement to

intervention and the nature and extent of the defenses for which intervention is sought.

Please be advised that pursuant to Rule 24.03, in the absence of an objection by one of the existing parties within thirty (30) days after service of this notice, the Republican Committees' intervention will be deemed accomplished. In the event of an objection, as directed under Minn. R. Civ. P. 24.03, the Republican Committees will move the Court for leave to intervene in this action within thirty (30) days of such objection.

DATED: June 22, 2020

Respectfully submitted,

/s/Benjamin L. Ellison

Benjamin L. Ellison (#392777)

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*motion for admission pro hac vice pending

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Plaintiffs,

**INTERVENOR-DEFENDANTS’
PROPOSED ANSWER**

v.

Steve Simon, in his official capacity as
Minnesota Secretary of State,

Defendant,

Donald J. Trump for President, Inc.;
Republican Party of Minnesota; Republican
National Committee; National Republican
Congressional Committee.

Intervenor-Defendants.

Intervenor-Defendants Donald J. Trump for President, Inc., the Republican Party of Minnesota, the Republican National Committee, and the National Republican Congressional Committee respectfully answer Plaintiffs’ Complaint. Any allegation in the Complaint not explicitly responded to in this Answer is hereby denied.

BASIS FOR INTERVENTION

1. Donald J. Trump for President, Inc., the Republican Party of Minnesota, the Republican National Committee, and the National Republican Congressional Committee (collectively, the “Republican Committees”) support free and fair elections for all Minnesotans and for all voters across the country.

2. Donald J. Trump for President, Inc. (hereinafter the “Campaign”) is the “principal campaign committee,” as defined by 52 U.S.C. §§ 30101(5), 30102(e), of President Donald J.

Trump, who is the Republican candidate for re-election as President of the United States in 2020. The Campaign's purpose is to promote President Trump's re-election. The Campaign works to accomplish this purpose by, among other things, devoting substantial resources toward educating, mobilizing, assisting, and turning out voters in support of President Trump in Minnesota. The Campaign made significant expenditures in Minnesota in support of President Trump's candidacy in the 2016 election and intends to do so again in 2020. The Campaign has a substantial and particularized interest in ensuring that Minnesota carries out free and fair elections.

3. The Republican Party of Minnesota (hereinafter, the "State Party") is a state "political party unit" of the Republican Party as defined by Minn. Stat. § 10A.01(30) and a federally registered "State Committee" of the Republican Party as defined by 52 U.S.C. § 30101(15). The State Party's general purpose is to promote and assist Republican candidates who seek election or appointment to partisan federal, state, and local office in Minnesota. The State Party works to accomplish this purpose by, among other things, devoting substantial resources toward educating, mobilizing, assisting, and turning out voters in Minnesota. The State Party has made significant contributions and expenditures in support of Republican candidates up and down the ballot in Minnesota for the past many election cycles and intends to do so again in 2020. The State Party has a substantial and particularized interest in ensuring that Minnesota carries out free and fair elections.

4. The Republican National Committee (hereinafter, the "RNC") is the national committee of the Republican Party as defined by 52 U.S.C. § 30101(14). The RNC manages the Republican Party's business at the national level, including development and promotion of the Party's national platform and fundraising and election strategies; supports Republican candidates for public office at the federal, state, and local levels across the country, including those on the

ballot in Minnesota; and assists state parties throughout the country, including the Republican Party of Minnesota, to educate, mobilize, assist, and turn out voters. The RNC has made significant contributions and expenditures in support of Republican candidates up and down the ballot in Minnesota in the past many election cycles and intends to do so again in 2020. The RNC has a substantial and particularized interest in ensuring that Minnesota carries out free and fair elections.

5. The National Republican Congressional Committee (hereinafter, the “NRCC”) is the national congressional committee of the Republican Party as defined by 52 U.S.C. § 30101(14). The NRCC’s mission is to elect Republican candidates to the U.S. House of Representatives from across the United States, including from Minnesota’s eight congressional districts. The NRCC works to accomplish its mission in Minnesota by, among other things, providing direct and indirect financial contributions and support to candidates and other Republican Party organizations; providing technical and research assistance to Republican candidates and Party organizations; engaging in voter registration, voter education and voter turnout programs; and other Republican party-building activities. The NRCC has made significant contributions and expenditures in support of Republican House candidates and in mobilizing and educating voters in Minnesota in the past many election cycles and intends to do so again in 2020. The NRCC has a substantial and particularized interest in ensuring that Minnesota carries out free and fair elections.

6. The Republican Committees’ application for intervention is timely and will not unduly and adversely affect the rights of the existing parties.

7. The Republican Committees, on behalf of their supported candidates, voters, and own institutional interests, have a substantial and particularized interest in preserving the state laws challenged in this action, which the state legislature has enacted to ensure the structure and

integrity of elections in Minnesota.

8. Plaintiffs' lawsuit threatens to interfere with the structure of this competitive environment in which the Republican Committees' supported candidates participate, and the disposition of Plaintiffs' lawsuit may impair the Republican Committees' interest in demanding adherence to those requirements.

9. An injunction prohibiting enforcement of the challenged statutes such as the injunction Plaintiffs seek would alter the competitive environment in which the Republican Committees and their supported candidates operate, and would subject them to a broader range of competitive tactics than state law would otherwise allow.

10. The existing parties do not adequately represent the Republican Committees' interests in this case.

11. Accordingly, the Republican Committees are entitled to intervene as of right under Minn. R. Civ. P. 24.01.

12. Moreover, the Republican Committees' arguments and defenses have questions of fact and law in common with Plaintiffs' claims.

13. The Republican Committees intervention will not unduly delay or prejudice the adjudication of the rights of the existing parties to the action.

14. Accordingly, and in the alternative, the Republican Committees should be granted permissive intervention under Minn. R. Civ. P. 24.02.

ANSWER TO PLAINTIFFS' ALLEGATIONS

1. The Republican Committees aver that the press release from the Defendant cited in Paragraph 1 of the Complaint speaks for itself. The Republican Committees admit that Plaintiffs have filed the present lawsuit. The Republican Committees are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 1 of the Complaint and, on that basis, deny them.

2. The Republican Committees admit that Minnesota residents have been affected by COVID-19 over the past several months. The Republican Committees are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 2 of the Complaint and, on that basis, deny them.

3. The Republican Committees admit that the right to vote is a fundamental right. The Republican Committees aver that Paragraph 3 of the Complaint sets forth legal conclusions that do not require an answer. To the extent that any answer may be required, the Republican Committees aver that the case law referenced in Paragraph 3 of the Complaint speaks for itself. The Republican Committees are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 3 of the Complaint and, on that basis, deny them.

4. The Republican Committees admit that Plaintiffs have filed the present lawsuit and seek the relief described in Paragraph 4 of the Complaint. The Republican Committees deny the remaining allegations contained in Paragraph 4 of the Complaint.

5. The Republican Committees aver that Paragraph 5 of the Complaint sets forth legal conclusions that do not require an answer. To the extent that any answer may be required, the Republican Committees deny the allegations contained in Paragraph 5 of the Complaint.

6. The Republican Committees deny the allegations contained in Paragraph 6 of the Complaint.

7. The Republican Committees aver that the internet sources cited in Paragraph 7 of the Complaint speak for themselves and, except as thus averred, are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 7 of the Complaint and, on that basis, deny them.

8. The Republican Committees aver that the laws regarding absentee voting in Minnesota are prescribed by statutes, which speak for themselves, and therefore deny any allegation in Paragraph 8 of the Complaint that is inconsistent with those statutes. The Republican Committees deny the remaining allegations contained in Paragraph 8 of the Complaint.

9. The Republican Committees deny the allegations contained in the first sentence of Paragraph 9 of the Complaint. The Republican Committees are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 9 of the Complaint and, on that basis, deny them.

10. The Republican Committees aver that the third sentence in Paragraph 10 of the Complaint sets forth legal conclusions that do not require an answer. To the extent that any answer may be required, the Republican Committees aver that the case law referenced in Paragraph 10 of the Complaint speaks for itself. The Republican Committees are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 10 of the Complaint and, on that basis, deny them.

11. The Republican Committees are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 11 of the Complaint and, on that basis, deny them.

12. The Republican Committees deny the allegations contained in Paragraph 12 of the Complaint.

13. The Republican Committees deny the allegations contained in the first sentence of Paragraph 13 of the Complaint. The Republican Committees aver that the laws regarding mail-in voting in Minnesota are prescribed by statutes, which speak for themselves, and therefore deny any allegation in Paragraph 13 of the Complaint that is inconsistent with those statutes. The Republican Committees are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 13 of the Complaint and, on that basis, deny them.

14. The Republican Committees admit that Plaintiffs have filed the present lawsuit and seek the relief described in Paragraph 14 of the Complaint, but deny that Plaintiffs are entitled to any relief.

PARTIES

15. The Republican Committees are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 15 of the Complaint and, on that basis, deny them.

16. The Republican Committees are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 16 of the Complaint and, on that basis, deny them.

17. The Republican Committees are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 17 of the Complaint and, on that basis, deny them.

18. The Republican Committees are without knowledge or information sufficient to

form a belief as to the truth of the allegations contained in Paragraph 18 of the Complaint and, on that basis, deny them.

19. The Republican Committees are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 19 of the Complaint and, on that basis, deny them.

20. The Republican Committees are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 20 of the Complaint and, on that basis, deny them.

21. The Republican Committees are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 21 of the Complaint and, on that basis, deny them.

22. The Republican Committees are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 22 of the Complaint and, on that basis, deny them.

23. The Republican Committees are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 23 of the Complaint and, on that basis, deny them.

24. The Republican Committees admit that Defendant Steve Simon is the chief election office for the State of Minnesota and that he is named in his official capacity. The Republican Committees aver that the legal conclusions in Paragraph 24 do not require an answer. The Republican Committees aver that the duties and responsibilities of the Secretary of State of Minnesota are prescribed by statutes, which speak for themselves, and therefore deny any allegation that is inconsistent with those statutes.

25. The Republican Committees aver that the legal conclusions in Paragraph 25 do not require an answer. The Republican Committees aver that the duties and responsibilities of the Secretary of State of Minnesota are prescribed by statutes, which speak for themselves, and therefore deny any allegation that is inconsistent with those statutes.

JURISDICTION AND VENUE

26. The Republican Committees admit that Plaintiffs purport to bring claims “under the Minnesota Constitution and the laws of the State of Minnesota.” The Republican Committees admit the second sentence of Paragraph 26 of the Complaint.

27. The Republican Committees aver that the statutes and case law cited speak for themselves, and therefore deny any allegation in Paragraph 27 of the Complaint that is inconsistent with those authorities. The Republican Committees are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 27 of the Complaint and, on that basis, deny them.

28. The Republican Committees admit the allegations in Paragraph 28 of the Complaint.

29. The Republican Committees admit that venue is proper in Ramsey County.

LEGAL BACKGROUND

30. The Republican Committees aver that Paragraph 30 of the Complaint sets forth legal conclusions that do not require an answer. To the extent that any answer may be required, the Republican Committees aver that the constitutional provisions and case law referenced in Paragraph 30 of the Complaint speak for themselves; and, except as thus averred, deny the allegations contained in Paragraph 30 of the Complaint.

31. The Republican Committees aver that Paragraph 31 of the Complaint sets forth

legal conclusions that do not require an answer. To the extent that any answer may be required, the Republican Committees aver that the constitutional provisions referenced in Paragraph 31 of the Complaint speak for themselves; and, except as thus averred, deny the allegations contained in Paragraph 31 of the Complaint.

32. The Republican Committees aver that Paragraph 32 of the Complaint sets forth legal conclusions that do not require an answer. To the extent that any answer may be required, the Republican Committees aver that the case law referenced in Paragraph 32 of the Complaint speaks for itself; and, except as thus averred, deny the allegations contained in Paragraph 32 of the Complaint.

33. The Republican Committees aver that the laws regarding absentee voting in Minnesota are prescribed by statutes, which speak for themselves, and therefore deny any allegation in Paragraph 33 of the Complaint that is inconsistent with those statutes.

34. The Republican Committees aver that the laws regarding absentee voting in Minnesota are prescribed by statutes, which speak for themselves, and therefore deny any allegation in Paragraph 34 of the Complaint that is inconsistent with those statutes.

35. The Republican Committees aver that the laws regarding absentee voting in Minnesota are prescribed by statutes, which speak for themselves, and therefore deny any allegation in Paragraph 35 of the Complaint that is inconsistent with those statutes.

36. The Republican Committees aver that the laws regarding absentee voting in Minnesota are prescribed by statutes, which speak for themselves, and therefore deny any allegation in Paragraph 36 of the Complaint that is inconsistent with those statutes.

37. The Republican Committees aver that the laws regarding absentee voting in Minnesota are prescribed by statutes, which speak for themselves, and therefore deny any

allegation in Paragraph 37 of the Complaint that is inconsistent with those statutes.

38. The Republican Committees aver that the laws regarding absentee voting in Minnesota are prescribed by statutes, which speak for themselves, and therefore deny any allegation in Paragraph 38 of the Complaint that is inconsistent with those statutes.

39. The Republican Committees aver that the laws regarding absentee voting in Minnesota are prescribed by statutes, which speak for themselves, and therefore deny any allegation in Paragraph 39 of the Complaint that is inconsistent with those statutes.

40. The Republican Committees aver that the laws regarding absentee voting in Minnesota are prescribed by statutes, which speak for themselves, and therefore deny any allegation in Paragraph 40 of the Complaint that is inconsistent with those statutes.

41. The Republican Committees aver that the laws regarding absentee voting in Minnesota are prescribed by statutes, which speak for themselves, and therefore deny any allegation in Paragraph 41 of the Complaint that is inconsistent with those statutes.

42. The Republican Committees aver that the laws regarding absentee voting and mail-in voting in Minnesota are prescribed by statutes, which speak for themselves, and therefore deny any allegation in Paragraph 42 of the Complaint that is inconsistent with those statutes.

43. The Republican Committees aver that the laws regarding Minnesota's election laws are prescribed by statutes, which speak for themselves, and therefore deny any allegation in Paragraph 43 of the Complaint that is inconsistent with those statutes.

FACTS

44. The Republican Committees are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 44 of the Complaint and, on that basis, deny them.

45. The Republican Committees are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 45 of the Complaint and, on that basis, deny them.

46. The Republican Committees are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 46 of the Complaint and, on that basis, deny them.

47. The Republican Committees are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 47 of the Complaint and, on that basis, deny them.

48. The Republican Committees are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 48 of the Complaint and, on that basis, deny them.

49. The Republican Committees are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 49 of the Complaint and, on that basis, deny them.

50. The Republican Committees are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 50 of the Complaint and, on that basis, deny them.

51. The Republican Committees are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 51 of the Complaint and, on that basis, deny them.

52. The Republican Committees are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 52 of the Complaint and, on

that basis, deny them.

53. The Republican Committees are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 53 of the Complaint and, on that basis, deny them.

54. The Republican Committees are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 54 of the Complaint and, on that basis, deny them.

55. The Republican Committees are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 55 of the Complaint and, on that basis, deny them.

56. The Republican Committees are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 56 of the Complaint and, on that basis, deny them.

57. The Republican Committees are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 57 of the Complaint and, on that basis, deny them.

58. The Republican Committees aver that the declaration cited in Paragraph 58 of the Complaint speaks for itself, and therefore deny any allegation in Paragraph 58 of the Complaint that is inconsistent with that declaration.

59. The Republican Committees aver that the Executive Order cited in Paragraph 59 of the Complaint speaks for itself, and therefore deny any allegation in Paragraph 59 of the Complaint that is inconsistent with that Executive Order.

60. The Republican Committees aver that the Executive Orders cited in Paragraph 60

of the Complaint speak for themselves, and therefore deny any allegation in Paragraph 60 of the Complaint that is inconsistent with those Executive Orders.

61. The Republican Committees aver that the Executive Orders cited in Paragraph 61 of the Complaint speak for themselves, and therefore deny any allegation in Paragraph 61 of the Complaint that is inconsistent with those Executive Orders. The Republican Committees are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 61 of the Complaint and, on that basis, deny them.

62. The Republican Committees aver that the Executive Order cited in Paragraph 62 of the Complaint speaks for itself, and therefore deny any allegation in Paragraph 62 of the Complaint that is inconsistent with that Executive Order.

63. The Republican Committees are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 63 of the Complaint and, on that basis, deny them.

64. The Republican Committees are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 64 of the Complaint and, on that basis, deny them.

65. The Republican Committees are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 65 of the Complaint and, on that basis, deny them.

66. The Republican Committees are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 66 of the Complaint and, on that basis, deny them.

67. The Republican Committees are without knowledge or information sufficient to

form a belief as to the truth of the allegations contained in Paragraph 67 of the Complaint and, on that basis, deny them.

68. The Republican Committees aver that the orders cited in Paragraph 68 of the Complaint speaks for itself, and therefore deny any allegation in Paragraph 68 of the Complaint that is inconsistent with those orders.

69. The Republican Committees are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 69 of the Complaint and, on that basis, deny them.

70. The Republican Committees are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 70 of the Complaint and, on that basis, deny them.

71. The Republican Committees are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 71 of the Complaint and, on that basis, deny them.

72. The Republican Committees are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 72 of the Complaint and, on that basis, deny them.

73. The Republican Committees are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 73 of the Complaint and, on that basis, deny them.

74. The Republican Committees deny the allegations contained in Paragraph 74 of the Complaint.

75. The Republican Committees aver that the laws regarding absentee voting and mail-

in voting in Minnesota are prescribed by statutes, which speak for themselves, and therefore deny any allegation in Paragraph 75 of the Complaint that is inconsistent with those statutes. The Republican Committees deny the remaining allegations in Paragraph 75 of the Complaint.

76. The Republican Committees are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 76 of the Complaint and, on that basis, deny them.

77. The Republican Committees are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 77 of the Complaint and, on that basis, deny them.

78. The Republican Committees deny the allegations contained in Paragraph 78 of the Complaint.

79. The Republican Committees are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 79 of the Complaint and, on that basis, deny them.

80. The Republican Committees are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 80 of the Complaint and, on that basis, deny them.

81. The Republican Committees deny the allegations in Paragraph 81 of the Complaint.

82. The Republican Committees are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 82 of the Complaint and, on that basis, deny them.

83. The Republican Committees are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 83 of the Complaint and, on

that basis, deny them.

84. The Republican Committees are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 84 of the Complaint and, on that basis, deny them.

85. The Republican Committees are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 85 of the Complaint and, on that basis, deny them.

86. The Republican Committees deny the allegations in Paragraph 86 of the Complaint.

87. The Republican Committees deny the allegations contained in the first sentence of Paragraph 87 of the Complaint. The Republican Committees are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 87 of the Complaint and, on that basis, deny them.

88. The Republican Committees aver that the laws regarding absentee voting in Minnesota are prescribed by statutes, which speak for themselves, and therefore deny any allegation in Paragraph 88 of the Complaint that is inconsistent with those statutes.

89. The Republican Committees aver that the laws regarding absentee voting in Minnesota are prescribed by statutes, which speak for themselves, and therefore deny any allegation in Paragraph 89 of the Complaint that is inconsistent with those statutes.

90. The Republican Committees aver that the laws regarding absentee voting in Minnesota are prescribed by statutes, which speak for themselves, and therefore deny any allegation in Paragraph 90 of the Complaint that is inconsistent with those statutes.

91. The Republican Committees aver that the laws regarding absentee voting in Minnesota are prescribed by statutes, which speak for themselves, and therefore deny any

allegation in Paragraph 91 of the Complaint that is inconsistent with those statutes.

92. The Republican Committees aver that the laws regarding absentee voting in Minnesota are prescribed by statutes, which speak for themselves, and therefore deny any allegation in Paragraph 92 of the Complaint that is inconsistent with those statutes.

93. The Republican Committees aver that the laws regarding absentee voting in Minnesota are prescribed by statutes, which speak for themselves, and therefore deny any allegation in Paragraph 93 of the Complaint that is inconsistent with those statutes. The Republican Committees are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 93 of the Complaint and, on that basis, deny them.

94. The Republican Committees deny the allegations in Paragraph 94 of the Complaint.

95. The Republican Committees are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 95 of the Complaint and, on that basis, deny them.

96. The Republican Committees are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 96 of the Complaint and, on that basis, deny them.

97. The Republican Committees are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 97 of the Complaint and, on that basis, deny them.

98. The Republican Committees are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 98 of the Complaint and, on that basis, deny them.

99. The Republican Committees are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 99 of the Complaint and, on that basis, deny them.

100. The Republican Committees are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 100 of the Complaint and, on that basis, deny them.

101. The Republican Committees aver that the fifth and sixth sentences of Paragraph 101 of the Complaint set forth legal conclusions that do not require an answer. The Republican Committees are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 101 of the Complaint and, on that basis, deny them.

102. The Republican Committees are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 102 of the Complaint and, on that basis, deny them.

103. The Republican Committees are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 103 of the Complaint and, on that basis, deny them.

104. The Republican Committees are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 104 of the Complaint and, on that basis, deny them.

105. The Republican Committees are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 105 of the Complaint and, on that basis, deny them.

106. The Republican Committees deny the allegations in Paragraph 106 of the

Complaint.

107. The Republican Committees are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 107 of the Complaint and, on that basis, deny them.

108. The Republican Committees are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 108 of the Complaint and, on that basis, deny them.

109. The Republican Committees aver that Paragraph 109 of the Complaint sets forth legal conclusions that do not require an answer. The Republican Committees aver that statutes cited speak for themselves, and therefore deny any allegation in Paragraph 109 of the Complaint that is inconsistent with those statutes. The Republican Committees are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 109 of the Complaint and, on that basis, deny them.

CLAIMS FOR RELIEF

COUNT I: WITNESS REQUIREMENT

110. The Republican Committees incorporate by reference their responses to the foregoing paragraphs as if fully set forth herein.

111. The Republican Committees aver that Paragraph 111 of the Complaint sets forth legal conclusions that do not require an answer. To the extent that any answer may be required, the Republican Committees aver that the case law and constitutional provisions referenced in Paragraph 111 of the Complaint speak for themselves; and, except as thus averred, deny the allegations contained in Paragraph 111 of the Complaint.

112. The Republican Committees deny the allegations contained in Paragraph 112 of the

Complaint.

113. The Republican Committees deny the allegations contained in Paragraph 113 of the

Complaint.

114. The Republican Committees deny the allegations contained in Paragraph 114 of the

Complaint.

115. The Republican Committees deny the allegations contained in Paragraph 115 of the

Complaint.

COUNT II: WITNESS REQUIREMENT

116. The Republican Committees incorporate by reference their responses to the foregoing paragraphs as if fully set forth herein.

117. The Republican Committees aver that Paragraph 117 of the Complaint sets forth legal conclusions that do not require an answer. To the extent that any answer may be required, the Republican Committees aver that the constitutional provisions referenced in Paragraph 117 of the Complaint speak for themselves; and, except as thus averred, deny the allegations contained in Paragraph 117 of the Complaint.

118. The Republican Committees deny the allegations contained in Paragraph 118 of the Complaint.

119. The Republican Committees deny the allegations contained in Paragraph 119 of the Complaint.

120. The Republican Committees deny the allegations contained in Paragraph 120 of the Complaint.

121. The Republican Committees deny the allegations contained in Paragraph 121 of the Complaint.

COUNT III: UNIVERSAL ABSENTEE BALLOTS

122. The Republican Committees incorporate by reference their responses to the foregoing paragraphs as if fully set forth herein.

123. The Republican Committees aver that Paragraph 123 of the Complaint sets forth legal conclusions that do not require an answer. To the extent that any answer may be required, the Republican Committees aver that the case law and constitutional provisions referenced in Paragraph 123 of the Complaint speak for themselves; and, except as thus averred, deny the allegations contained in Paragraph 123 of the Complaint.

124. The Republican Committees deny the allegations contained in Paragraph 124 of the Complaint.

125. The Republican Committees deny the allegations contained in Paragraph 125 of the Complaint.

126. The Republican Committees deny the allegations contained in Paragraph 126 of the Complaint.

127. The Republican Committees deny the allegations contained in Paragraph 127 of the Complaint.

128. The Republican Committees deny the allegations contained in Paragraph 128 of the Complaint.

COUNT IV: UNIVERSAL ABSENTEE BALLOTS

129. The Republican Committees incorporate by reference their responses to the foregoing paragraphs as if fully set forth herein.

130. The Republican Committees aver that Paragraph 130 of the Complaint sets forth legal conclusions that do not require an answer. To the extent that any answer may be required,

the Republican Committees aver that the constitutional provisions referenced in Paragraph 130 of the Complaint speak for themselves; and, except as thus averred, deny the allegations contained in Paragraph 130 of the Complaint.

131. The Republican Committees deny the allegations contained in Paragraph 131 of the Complaint.

132. The Republican Committees deny the allegations contained in Paragraph 132 of the Complaint.

133. The Republican Committees deny the allegations contained in Paragraph 133 of the Complaint.

PRAYER FOR RELIEF

A. The Republican Committees deny the allegations of subparagraph A of Plaintiffs' prayer for relief, and deny that Plaintiffs are entitled to relief.

B. The Republican Committees deny the allegations of subparagraph B of Plaintiffs' prayer for relief, and deny that Plaintiffs are entitled to relief.

C. The Republican Committees deny the allegations of subparagraph C of Plaintiffs' prayer for relief, and deny that Plaintiffs are entitled to relief.

D. The Republican Committees deny the allegations of subparagraph D of Plaintiffs' prayer for relief, and deny that Plaintiffs are entitled to relief.

E. The Republican Committees deny the allegations of subparagraph E of Plaintiffs' prayer for relief, and deny that Plaintiffs are entitled to relief.

AFFIRMATIVE AND OTHER DEFENSES

Without assuming the burden of proof, and while reserving the right to assert all applicable affirmative defenses supported in law and fact, the Republican Committees assert the following affirmative defenses:

FIRST AFFIRMATIVE DEFENSE

The Complaint fails to allege sufficient facts upon which a claim for relief may be granted.

SECOND AFFIRMATIVE DEFENSE

Plaintiffs lack standing to assert their claims in the Complaint.

THIRD AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred by the applicable statutes of limitations.

FOURTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred by the equitable doctrines of laches, estoppel, unclean hands, and/or waiver.

WHEREFORE, the Republican Committees respectfully request that the Court:

1. Dismiss Plaintiffs' claims with prejudice and enter judgment for Defendants;
2. Deny Plaintiffs' prayer for relief; and
3. Grant such other relief as the Court may deem just and proper.

DATED: June 22, 2020

Respectfully submitted,

/s/Benjamin L. Ellison
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ACKNOWLEDGEMENT

The undersigned acknowledges that sanctions may be imposed pursuant to Minn. Stat. § 549.211.

DATED: June 22, 2020

/s/Benjamin L. Ellison
Benjamin L. Ellison (#392777)