

FILED

August 10, 2020

**STATE OF MINNESOTA
IN COURT OF APPEALS**

Robert LaRose, Teresa Maples, Mary
Sansom, Gary Severson, and Minnesota
Alliance for Retired Americans
Educational Fund,

Case Type: Civil/Other/Misc.
Dist. Ct. File No. 62-cv-20-3149
Judge Sara Grewing

OFFICE OF
APPELLATE COURTS

Plaintiffs/Respondents,

v.

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

**STATEMENT OF THE CASE OF
APPELLANTS**

Defendant,

Republican Party of Minnesota,
Republican National Committee, and
National Republican Congressional
Committee,

Intervenor-
Defendants/Appellants.

Appellants Republican Party of Minnesota, Republican National Committee, and National Republican Congressional Committee respectfully submit this statement of the case.

1. Court or agency of case origination and name of judge or hearing officer who presided.

District court where case originated: **Ramsey County, Second Judicial District**
Name of presiding judge: **Hon. Sara Grewing**

2. Jurisdictional statement

A) Appeal from district court

- a. The statute, rule or other authority authorizing appeal: **Minn. R. Civ. App. P. 103.03(b)**
- b. Date of entry of judgment from which appeal is taken: **August 3, 2020**

- c. Rule or statute setting time limit for notice of appeal: **Minn. R. Civ. App. P. 104.01, subd. 1**
- d. Date of filing of motion that tolls appeal time: **n/a**

D) Finality of order or judgment

Does the judgment or order to be reviewed dispose of all claims by and against all parties, including attorney fees?

No

Did the district court order entry of a final partial judgment for immediate appeal pursuant to Minn. R. Civ. P. App. 104.01?

No

If yes, provide date of order:

N/A

If no, is the order or judgment appealed from reviewable under any exception to the finality rule?

Yes

If yes, cite rule, statute, or other authority authorizing appeal:

Minn. R. Civ. App. P. 103.03(b)

3. Type of litigation and any statutes at issue:

This case involves a constitutional challenges to two Minnesota election laws, Minn. Stat. § 203B.07, subd. 3, and Minn. Stat. § 203B.08, subd. 3. Plaintiffs sought declaratory and injunctive relief, claiming that the statutes violate Article I, § 2 and Article VII, § 1 of the Minnesota Constitution and the First and Fourteenth Amendments of the United States Constitution.

4. Brief description of issues that were raised in the district court, and how the district court judge decided those issues:

Plaintiffs the Minnesota Alliance for Retired Americans Educational Fund and four individuals sued the Minnesota Secretary of State, seeking declaratory and injunctive relief. Plaintiffs alleged that two Minnesota election-administration

statutes infringe the right to vote protected by the United States and Minnesota Constitutions, and that one of those statutes also violates the due process guarantees of the United States and Minnesota Constitutions. The first challenged statute, Minn. Stat. § 203B.07 (the “Witness Requirement”), requires absentee ballots to contain a statement signed by a registered Minnesota voter, notary, or other individual authorized to administer oaths attesting that the witness observed the voter marking the absentee ballot. The second statute, Minn. Stat. § 203B.08, subd. 3 (the “Election Day Receipt Deadline”), provides that absentee ballots must be delivered to election officials by 3:00 p.m. on election day, if delivered in person, or by 8:00 p.m. on election day, if delivered by mail.

Defendant answered the complaint and denied Plaintiffs’ claims. On June 16, Plaintiffs and Defendant submitted a Stipulation and Partial Consent Decree (“Primary Consent Decree”) to eliminate the Witness Requirement and Election Day Receipt Deadline for the August 11, 2020 primary election. The district court entered the Primary Consent Decree the next day. Intervenor-Defendants Republican Party of Minnesota, Republican National Committee, and National Republican Congressional Committee filed a Notice of Intervention the following day.

Plaintiffs moved for a temporary injunction eliminating the Witness Requirement and the Election Day Receipt Deadline for the November 3, 2020 general election on July 2. On July 17, the date that Defendant’s response to that motion was due, Plaintiffs and Defendant submitted a Second Stipulation and Partial Consent Decree (“General Election Consent Decree”) that, if approved, would provide Plaintiffs that relief. Intervenor-Defendants filed an opposition to Plaintiffs’ motion for temporary injunction and objections to the proposed General Election Consent Decree.

Following a hearing at which the district court allowed Intervenor-Defendants to participate, the district court granted Intervenor-Defendants’ motion to intervene and entered the General Election Consent Decree. The district court concluded that the General Election Consent Decree was fair.

5. Short description of issues raised in this appeal:

- a. Whether the district court erred in entering the General Election Consent Decree.

6. Related appeals:

Appeal from August 3, 2020 order of Judge Sara Grewing in *NAACP v. Simon*, No. 63-cv-20-3625 (filed August 10, 2020).

7. Contents of record:

- a. Is a transcript necessary to review the issues on appeal? **No**
- b. If yes, is it a full transcript of the hearing before the district court judge or a partial transcript? **N/A**
- c. Has the transcript already been delivered to the parties and filed with the district court administrator? **N/A**

8. Oral argument:

- a. If you have an attorney, is oral argument requested? **Yes**
- b. If so, is argument requested at a location other than that provided in Rule 134.09, subd. 2? **Appellants request that argument take place via video or telephonic conference.**

9. Type of brief to be filed: Formal brief under Rule 128.02

10. Names, addresses, and telephone numbers of counsel:

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DATED: August 10, 2020

Respectfully submitted,

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