

STATE OF MINNESOTA**DISTRICT COURT****COUNTY OF RAMSEY****SECOND JUDICIAL DISTRICT**

Minnesota Alliance for Retired Americans
Educational Fund, Teresa Maples, and Khalid
Mohamed,

Case Type: Civil Other/Misc.
Case No. 62-cv-24-854
Judge Edward Sheu

Plaintiffs,

v.

INTERVENORS' PROPOSED ANSWER

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

Defendant,

Republican National Committee and
Republican Party of Minnesota,

Intervenors.

Intervenors the Republican National Committee and Republican Party of Minnesota respectfully answer Plaintiffs' Complaint. Any allegation in the Complaint not explicitly responded to in this Answer is hereby denied.

BASIS FOR INTERVENTION

1. The Republican National Committee and Republican Party of Minnesota (collectively, the "Republican Committees") support free and fair elections for all Minnesotans and for all voters across the country.

2. 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 2024. The RNC 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 2024. The State Party has a substantial and particularized interest in ensuring that Minnesota carries out free and fair elections.

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

5. 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.

6. 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.

7. An injunction prohibiting enforcement of the challenged statute 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.

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

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

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

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

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

ANSWER TO PLAINTIFFS' ALLEGATIONS

INTRODUCTION

1. The Republican Committees state that Minnesota's requirement that voters using absentee ballots obtain the signature of a registered Minnesota voter, notary, or other official authorized to administer oaths (the "witness requirement") is lawful and should be upheld against Plaintiffs' challenge. To the extent a further response is required, the Republican Committees deny the allegations in Paragraph 1 of the Complaint.

2. The Republican Committees state that Minnesota's witness requirement is lawful and constitutional and therefore deny the allegations in Paragraph 2 of the Complaint. The Republican Committees state that Paragraph 2 of the Complaint also contains legal conclusions to which no answer is required.

3. The Republican Committees aver that Paragraph 3 of the Complaint characterizes federal statutes, which speak for themselves, and therefore deny any allegation in Paragraph 3 of the Complaint that is inconsistent with those statutes. To the extent a further answer is required, the Republican Committees deny the allegations contained in Paragraph 3 of the Complaint.

4. The Republican Committees aver that Paragraph 4 of the Complaint sets forth legal conclusions that do not require an answer. To the extent that any answer is required, the Republican Committees deny the allegations contained in Paragraph 4 of the Complaint.

5. The Republican Committees state that Minnesota's witness requirement is lawful and constitutional and therefore deny the allegations in Paragraph 5 of the Complaint. The Republican Committees further aver that Paragraph 5 of the Complaint sets forth legal conclusions that do not require an answer. To the extent that any answer is required, the Republican Committees deny the allegations contained in Paragraph 5 of the Complaint.

6. The Republican Committees state that Minnesota's witness requirement is lawful and constitutional and therefore deny the allegations in Paragraph 6 of the Complaint. The Republican Committees further aver that Paragraph 6 of the Complaint sets forth legal conclusions that do not require an answer. To the extent that any answer is required, the Republican Committees deny the allegations contained in Paragraph 6 of the Complaint.

7. The Republican Committees state that Minnesota's witness requirement is lawful and constitutional and therefore deny the allegations in Paragraph 7 of the Complaint and deny that Plaintiffs are entitled to any relief. The Republican Committees further aver that Paragraph 7 of the Complaint sets forth legal conclusions that do not require an answer. To the extent that any answer is required, the Republican Committees deny that Plaintiffs are entitled to a remedy.

PARTIES

8. The Republican Committees are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 8 of the Complaint and, on that basis, deny them.

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

10. The Republican Committees are without knowledge or information sufficient to form a belief as to the truth of the 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 admit that Steve Simon is the Secretary of State of Minnesota. As for the rest of Paragraph 12, the Republican Committees are without knowledge or information sufficient to form a belief as to the truth of the allegations and, on that basis, deny them.

JURISDICTION AND VENUE

13. The Republican Committees admit that Plaintiffs purport to “bring this action under the laws of the United States.” The Republican Committees admit the second sentence of Paragraph 13 of the Complaint.

14. The Republican Committees admit the allegations in Paragraph 14 of the Complaint.

15. The Republican Committees admit the allegations in Paragraph 15 of the Complaint.

16. The Republican Committees deny the allegations in Paragraph 16 of the Complaint, which fails to identify how the cause of action “arose in part in Ramsey County.”

GENERAL ALLEGATIONS

17. 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 17 of the Complaint that is inconsistent with those statutes.

18. 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 18 of the Complaint that is inconsistent with those statutes.

19. 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 19 of the Complaint that is inconsistent with those statutes.

20. 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 20 of the Complaint that is inconsistent with those statutes.

21. 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 21 of the Complaint that is inconsistent with those statutes.

22. 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 22 of the Complaint that is inconsistent with those statutes.

23. 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 23 of the Complaint that is inconsistent with those statutes.

24. 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 24 of the Complaint that is inconsistent with those statutes.

25. The Republican Committees aver that the laws regarding absentee voting in Minnesota are prescribed by rules promulgated by the Secretary of State; those rules speak for themselves, and the Republican Committees therefore deny any allegation in Paragraph 25 of the Complaint that is inconsistent with those rules.

26. The Republican Committees aver that the laws regarding absentee voting in Minnesota are prescribed by rules promulgated by the Secretary of State; those rules speak for themselves, and the Republican Committees therefore deny any allegation in Paragraph 26 of the

Complaint that is inconsistent with those rules.

27. The Republican Committees aver that the laws regarding absentee voting in Minnesota are prescribed by rules promulgated by the Secretary of State; those rules speak for themselves, and the Republican Committees therefore deny any allegation in Paragraph 27 of the Complaint that is inconsistent with those rules.

28. The Republican Committees aver that the laws regarding absentee voting in Minnesota are prescribed by rules promulgated by the Secretary of State; those rules speak for themselves, and the Republican Committees therefore deny any allegation in Paragraph 28 of the Complaint that is inconsistent with those rules. The Republican Committees are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 28 and, on that basis, deny them.

29. The Republican Committees are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 29 and, on that basis, deny them.

30. The Republican Committees deny that “Defendant has injured and will continue to injure Minnesota’s absentee voters, including the Individual Plaintiffs and the Alliance’s members.” The Republican Committees further aver that Paragraph 30 of the Complaint sets forth legal conclusions that do not require an answer.

31. The Republican Committees deny the allegations in Paragraph 31 of the Complaint.

32. The Republican Committees deny the allegations in Paragraph 32 of the Complaint.

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

statutes. The Republican Committees deny the remaining allegations in Paragraph 33 of the Complaint.

34. The Republican Committees deny the allegations in Paragraph 34 of the Complaint.

CLAIMS FOR RELIEF

COUNT I

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

36. The Republican Committees aver that Paragraph 36 of the Complaint sets forth legal conclusions that do not require an answer. To the extent that any answer is required, the Republican Committees deny the allegations contained in Paragraph 36 of the Complaint.

37. Paragraph 37 of the Complaint quotes a federal statute, which speaks for itself. The Republican Committees therefore deny any allegation in Paragraph 37 of the Complaint that is inconsistent with that statute.

38. The Republican Committees aver that Paragraph 38 of the Complaint sets forth legal conclusions that do not require an answer. To the extent that any answer is required, the Republican Committees deny the allegations contained in Paragraph 38 of the Complaint.

39. The Republican Committees aver that Paragraph 39 of the Complaint sets forth legal conclusions that do not require an answer. To the extent that any answer is required, the Republican Committees deny the allegations contained in Paragraph 39 of the Complaint.

COUNT II

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

41. The Republican Committees aver that Paragraph 41 of the Complaint sets forth

legal conclusions that do not require an answer. To the extent that any answer is required, the Republican Committees deny the allegations contained in Paragraph 41 of the Complaint.

42. Paragraph 42 of the Complaint quotes a federal statute, which speaks for itself. The Republican Committees therefore deny any allegation in Paragraph 42 of the Complaint that is inconsistent with that statute.

43. The Republican Committees aver that Paragraph 43 of the Complaint sets forth legal conclusions that do not require an answer. To the extent that any answer is required, the Republican Committees deny the allegations contained in Paragraph 43 of the Complaint.

44. The Republican Committees aver that Paragraph 44 of the Complaint sets forth legal conclusions that do not require an answer. To the extent that any answer is required, the Republican Committees deny the allegations contained in Paragraph 44 of the Complaint.

45. The Republican Committees aver that the laws regarding absentee voting in Minnesota are prescribed by statute and rules promulgated by the Secretary of State; those statutes and rules speak for themselves, and the Republican Committees therefore deny any allegation in Paragraph 45 of the Complaint that is inconsistent with those rules.

46. The Republican Committees aver that the laws regarding absentee voting in Minnesota are prescribed by statute and rules promulgated by the Secretary of State; those statutes and rules speak for themselves, and the Republican Committees therefore deny any allegation in Paragraph 46 of the Complaint that is inconsistent with those rules.

47. The Republican Committees aver that Paragraph 47 of the Complaint sets forth legal conclusions that do not require an answer. To the extent that any answer is required, the Republican Committees deny the allegations contained in Paragraph 47 of the Complaint.

PRAYER FOR RELIEF

The Republican Committees deny that Plaintiffs are entitled to any relief and aver that the Court should not enter judgment in their favor but, instead, should enter judgment in favor of Defendant and the Republican Committees.

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.

f. The Republican Committees deny the allegations of subparagraph f 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.

FIFTH AFFIRMATIVE DEFENSE

Plaintiffs lack causes of action to bring their claims.

SIXTH AFFIRMATIVE DEFENSE

Plaintiffs have filed their lawsuit in an improper venue.

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: March 15, 2024

Respectfully submitted,

/s/Benjamin L. Ellison

Benjamin L. Ellison (#392777)

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forthcoming

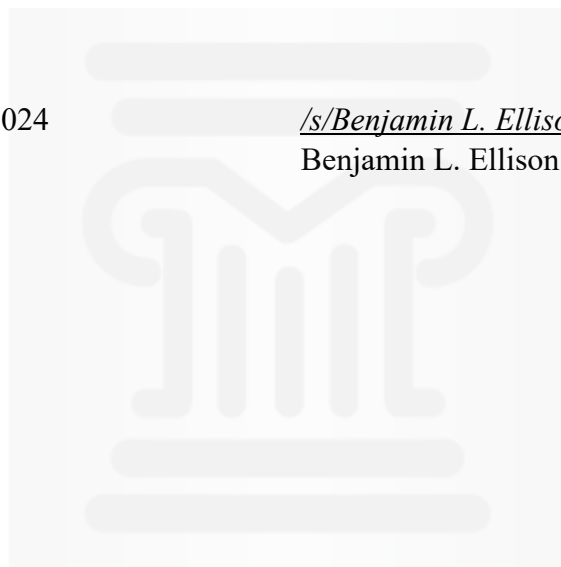
ACKNOWLEDGEMENT

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

DATED: March 15, 2024

/s/Benjamin L. Ellison

Benjamin L. Ellison (#392777)



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