

Post-Election Litigation in Battleground States

Updated November 20, 2020

Abstract: This document briefly summarizes the approximately two dozen Election Day and post-Election Day lawsuits filed in the battleground states, primarily by the Trump For President campaign and various GOP groups. It also links to the legal complaints and court orders where possible.

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Arizona

- **Arizona Republican Party v. Fontes, No. CV2020-014553 (Ariz. Super. Ct., Maricopa Cnty.)**
 - **Closed Case**
 - **Issue: Criteria for sample size of quality control recount.**
 - **11/18/2020: [Order/Ruling](#).** Dismissed, order to follow.
 - **Filed 11/12/2020: [Complaint](#).** Arizona must hand-count a random sampling of ballots as quality control once a preliminary result has been made public. Plaintiffs, the Republican party, contend that, according to state law, a sampling from 2% of precincts is required which, in Maricopa County, is 15 precincts. Defendant, the Maricopa County Recorder, follows the Secretary of State manual which, due to Maricopa County's Vote Center model, would sample 2% of vote centers (4 centers). Plaintiffs seek a hand count by "precincts" as opposed to "polling places."

- **DJT for President v. Hobbs, No. _____ (Ariz. Super. Ct., Maricopa Cnty.)**
 - **Closed Case**
 - **Issue: Request to halt the canvass until review of over-voted in-person ballots that were allegedly improperly disqualified**
 - **11/16/2020: [Dismissed](#).** Case dismissed as moot. Ballot totals at issue would not impact election outcome.
 - **Filed 11/7/2020: [Complaint](#).** Donald. J Trump for President brings suit against Secretary of State Hobbs and Maricopa County Recorder 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. Alleges violations of multiple clauses of the AZ constitution including equal protection and equal access to elections, as well as various election related statutes including ARS 16-611. Complaint includes declaration from six voters. Plaintiffs seek an injunction prohibiting canvassing until these over votes are permitted to be reviewed and adjudicated.

- **Aguilera v. Fontes, No. CV2020-014083 (Ariz. Super. Ct., Maricopa Cnty.)**
 - **Closed Case**

- **Issue: Request that in-person ballots filled with sharpie markers be allowed to be cured.**
- **11/07/2020: [Dismissed](#).** Plaintiffs voluntarily dismiss suit without prejudice.
- **Filed 11/04/2020: [Complaint](#).** Petitioner, Maricopa County voter, voted in person on Election Day, November 3, 2020 and claims that Maricopa County failed to properly process and count her vote because of the sharpie she was provided at the polling location. Her claims arise out of the state constitution's Art II Sections 13, 21 - Arizona's "equal privileges" clause, and failure to ensure maximum correctness, impartiality, and uniformity of election procedures under A.R.S. sections 16-449(B), 16-452(A). Plaintiff requests that all in-person ballots filled with sharpie pens be allowed to be cured.

Georgia

- **Wood v. Raffensperger, No. 1:20-cv-04651-SDG (N.D. Ga.)**
 - **Closed Case**
 - **11/19/2020: [Order/Ruling](#).** Denied, order to follow.
 - **Filed 11/13/20: [Complaint](#).** Plaintiff, a Georgia voter, alleges that defendant, the Secretary of State, violated the Elections Clause by entering into the litigation settlement in Georgia Democratic Party v. Raffensperger in March. Plaintiff alleges that the Secretary of State changed the manner of handling absentee ballots to a form inconsistent with state law. On a variation of this argument, plaintiffs further alleges that the "disparate" treatment of absentee ballots by county boards as compared to the process laid out by the Georgia legislature is an equal protection violation. Plaintiff seeks an injunction against certifying the general election results in Georgia.
- **Rebecca Brooks v. Thomas Mahoney III, 4:20-cv-00281-RSB-CLR (S.D. Ga.)**
 - **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 dismiss suit.
 - **Filed 11/11/20: [Complaint](#).** Plaintiffs, Georgia voters, file suit against defendants, members of County Boards of Elections, the Secretary of State, and the Governor. Plaintiffs allege that, during the election: voters were recorded as having voted absentee,

even though they voted in person and did not register absentee; voter registration exceeded 100%; and non citizens voted. Plaintiffs seek to exclude counties with any irregularities from the state's overall vote total, on the grounds that such counties' inclusion dilutes plaintiffs' votes.

- **In re: Enforcement of Election Laws and Securing Ballots Cast or Received After 7:00 P.M. on November 3, 2020, No. SPCV20-00982 (Ga. Super. Civil)**
 - **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 ballots in question were returned after 7:00p.m. on Election Day or that Chatham County Board of Elections had violated any law.
 - **[Press Report](#):** “A pair of Republican election watchers who had raised concerns on Wednesday about the process testified in the video-conferenced hearing. They both testified about concerns about the process they observed involving a stack of 53 ballots, but offered no evidence that the ballots had come in after the deadline. After listening to testimony for more than a hour, including a details outlining the procedures the Chatham County registrar’s office uses to receive and track absentee ballots, Judge James F. Bass swiftly threw out the case. ‘I’m denying the request and dismissing the petition,’ he said.”
 - **Filed 11/04/2020: [Complaint](#).** Petitioners, the Georgia Republican Party and Donald J. Trump for President, Inc., petition the Court to order the Chatham County Board of Elections to follow specific ballot custody procedures, namely, to store all absentee ballots received after 7:00 P.M. on Election Day, as allegedly required by Ga. Code Ann. sec. 21-2-386(a)(1)(F), and to provide an accounting of all such ballots to Petitioners. Petitioners claim this action is necessary to avoid the inadvertent count of these ballots, which Petitioners claim would be contrary to Georgia law.

Michigan

- **Johnson v. Benson, No. 1:20-cv-01098 (W.D. Mich.)**
 - **Open Case**
 - **Issue: Request for injunction against certifying election results based on Secretary of State's voter registration practices.**
 - **Filed 11/16/20: [Complaint](#).** Plaintiffs, Michigan voters and TCF Center poll challengers, allege that defendant, the Secretary of State, enabled fraud on Election Day. Specifically, plaintiffs claim that the Secretary of State's purportedly illegal plan to mail voters absentee applications caused many invalid occurrences at the TCF Center, culminating in democratic party inspectors filling out "thousands" of ballots in violation of state law. Plaintiffs seek, on equal protection and due process grounds, an injunction against final certification until an audit is conducted.
- **Donald J. Trump for President Inc. v. Benson, No. 1:20-cv-01083 (W.D. Mich.)**
 - **Open Case**
 - **Issue: Request for injunction against certifying election results based on challenger access and ballot dates.**
 - **Filed 11/11/20: [Complaint](#).** Plaintiff, the Trump campaign, alleges 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 the processing of ballots and pre-dating ballots that were not eligible to be counted.
 - [Dropped](#) on 11/19/20
- **Bally v. Whitmer, No. 1:20-cv-1088 (W.D. Mich)**
 - **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 dismiss suit.
 - **Filed 11/11/20: [Complaint](#).** Plaintiffs, registered voters, file suit against the Secretary of State and Boards of Canvassers. Plaintiffs allege 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 that officials counted ineligible ballots and that deceased individuals cast votes. Plaintiffs further cite websites to allege that programming errors, multiple ballot mailing, and voter registration exceeding 100% violate plaintiff's fundamental right to vote by diluting their votes. The

plaintiffs seek to exclude the presidential vote count from these counties in the state's overall total.

- **Costantino v. Detroit, No. [_____] (Mich. Cir. Ct., Wayne County)**
 - **Closed Case**
 - **Issue: Request for injunction against certifying election results based on various types of alleged misconduct**
 - **11/13/2020: [Order/Ruling](#).** The court found that the affidavits supplied by plaintiffs, purporting fraud, were "rife" with generalization, speculation, hearsay, and a lack of evidentiary basis. The court held that the evidence supports no credible finding of fraud at the TCF Center. Furthermore, the injunctive relief plaintiffs ask 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, Wayne County voters, allege several instances of election misconduct. Plaintiffs allege that the city of Detroit processed and counted ballots from voters whose names did not appear in the Qualified Voter File; instructed election workers to not verify signatures on absentee ballots, to backdate absentee ballots, and to process such ballots regardless of their validity; and, "on a daily basis leading up to the election, coached voters to vote for Joe Biden and the Democrat party." Plaintiffs seek 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 to 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' allegation is "mere speculation." Further, alternative remedies, such as a recount, exist.
 - **Filed 11/04/2020: [Complaint](#).** Plaintiffs, a Michigan poll observer and a nonprofit organization, allege that absentee vote count centers in Detroit do not have one inspector from each political party present, in violation of state law. Plaintiffs seek to halt the counting of absentee ballots until observers from both parties are 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 are allowed at the absentee ballot boards and until challengers can review video surveillance footage of ballot dropboxes**
 - **11/05/2020: [Order/Ruling](#).** The judge dismissed the case stating that, “At this point, the essence of the count is completed, and the relief is completely unavailable.”
 - **Filed 11/04/2020: [Complaint](#).** Plaintiff, Donald Trump’s reelection campaign, alleges issues with Michigan’s Absent Voter Count Boards. Plaintiff asserts, based on state laws, that Michigan has violated election inspector and ballot challenger requirements in counting absentee votes. The campaign asks the court to halt Michigan’s ballot count until the Secretary of State allows its inspectors to be present at the absentee ballot boards and until its challengers can review video surveillance footage of ballot dropboxes.

- **Polasek-Savage v. Benson, No. 20-000217-MM (Mich. Ct. Claims)**
 - **Closed Case**
 - **Issue: Request to have more than one challenger present at the absent voter counting board**
 - **11/03/30: [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 will be permitted to have only one challenger present at each combined absent voter counting board. The issue concerns the number of election challengers that can be present at a combined absent voter counting board established under MCL 168.764d(1)(a).

Nevada

- **Becker v. Cannizzaro, No. A-20-825130-W**
 - **Open Case**
 - **Issue: Request to block the use of Agilis in signature verification**
 - **Filed 11/19/2020: [Complaint](#).** Plaintiff, a candidate for state Congressional District 3, seeks relief against the Clark County Registrar of Voters. Plaintiff alleges that

defendant's use of the Agilis system to verify signatures, when state law requires verification be conducted by a human, warrants that all votes verified by the system be invalidated and a new election be held.

- **Rodimer v. Gloria, No. A-20-825067-P**
 - **Open Case**
 - **Issue: Request to block the use of Agilis in signature verification**
 - **Filed 11/18/2020: [Complaint](#).** Plaintiff, a Candidate for Senate District 6, contends 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 seeks a new election.

- **Marchant v. Gloria, No. A-20-824884-W**
 - **Open Case**
 - **Issue: Request to block the use of Agilis in signature verification**
 - **Filed 11/16/2020: [Complaint](#).** Petitioner, a Nevada Fourth Congressional District Representative, seeks injunctive relief against Clark County's use of the Agilis system to verify signatures. Petitioner alleges that state law requires that signature verification be conducted by a human.

- **Law v. Whitmer, No. ___**
 - **Open Case**
 - **Issue: Request to certify the Nevada election for Donald Trump**
 - **Filed 11/17/2020: [Complaint](#).** Plaintiffs, presidential electors for Donald Trump for the state of Nevada, allege widespread electronic voting systems malfunctions both due to the Agilis machine and generally across the country. Plaintiffs also allege that voting drives in Nevada to encourage Native Americans to vote depicted Biden-Harris promotional material and that any such resulting votes should be invalidated. Plaintiffs allege 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 seek, as relief, that Donald Trump be certified the winner of Nevada.

- **Becker v. Gloria, No. A-20-824878-W**

- **Open Case**
 - **Issue: Request to block the use of Agilis in signature verification**
 - **Filed 11/16/2020: [Complaint](#).** Petitioner, a candidate for senate district 6, seeks relief against the use of the Agilis system in signature verification. Petitioner alleges that, since the AI is flawed and state law requires human review, 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 system 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, seek 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 claim that the Agilis system, which purportedly misidentified Plaintiff Stokke as having already voted by mail, is not able to properly verify signatures. Additionally, Plaintiffs allege 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.
 - **Filed 11/05/2020: [Motion for Expedited Hearing and Briefing on Emergency Motion for TRO and PI](#).**
- **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 to process.**
 - **11/10/2020: [Order Dismissing Case](#).** Court granted appellants' motion to dismiss the case. State agreed to allow more observers, in accordance with a settlement agreement.

- **11/05/2020: [Emergency Motion for Extension of Briefing Schedule](#)**. Appellants file an emergency motion for a 7-day extension of time to file their docketing statement, opening brief, and appendix pending settlement.
- **11/03/2020: [Emergency Motion for Stay and to Expedite Appeal](#)** Kraus, Donald J. Trump for President, and the Nevada Republican party seek a stay of a lower court order allowing duplication of mail ballots without observation and the use of artificial intelligence to expedite appeals. 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 are granted an opportunity to meaningfully observe the process and from using artificial intelligence to authenticate ballot signatures. Appellants also seek to expedite this appeal.
- **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 granted the motion as to the request to expedite the appeal because the matter involves the election process currently underway.
 - The court denied appellants' request to enjoin the registrar from duplicating ballots and using artificial intelligence to authenticate ballots. Appellants have 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. Thus, appellants have not shown that the NRAP 8(c) factors militate in favor of a stay or injunction, and the request for immediate relief is denied."
- **Kraus v. Cegavske, No. 20 OC 00142 1B (Nev. Dist. Ct., Carson City)**
 - **10/29/2020: [Order/Ruling](#)**. The court held that plaintiffs lacked standing, since they proved neither a direct nor indirect injury. Nevertheless, the court went on to find that no proof of an equal protection violation was presented

nor was there any statutory basis for the level of poll observation plaintiffs were seeking.

- **Filed 10/23/2020: [Complaint](#).** The plaintiffs, Nevada Republican Party and Trump’s re-election campaign, seek a temporary restraining order, ordering Clark County to immediately halt the county’s ballot processing and counting. They argue the county’s signature verification process for mail-in ballots is lacking and that observers are not provided with ample opportunities to view or challenge the work of election workers. They are asking the judge to force election officials to allow “meaningful observation” of the verification of mail-in ballots, including allowing watchers to have access to all parts of the verification process and be close enough to verify data, including being able to see individual voter signatures.
- **Donald J. Trump for President v. Gloria, No. A-20-824153-C (Nev. Dist. Ct.)**
 - **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 8:00 p.m.
 - **Filed 11/03/2020: [Complaint](#).** Plaintiffs, Donald J. Trump for President and Nevada Republican Party, seek injunctive relief from Clark County to keep open poll locations affected by voting machine malfunctions until 8:00 p.m.

Pennsylvania

- **Zicarelli v. Allegheny County Board of Elections, No. GD-20-11654/No. 1161 CD 2020 (Penn. Commonw. Ct.) and No. GD-20-011793/No. 1162 CD 2020 (Penn. Commonw. Ct.)**
 - **Open Cases**
 - **Issue: Request to exclude ballots with various defects from the vote count.**
 - **11/19/2020: [Order/Ruling](#).** The court of appeals held that the plain language of the statute requires both signatures. The court reversed the lower court’s decision, holding that the 270 ballots will not be counted.
 - **11/18/2020: [Order/Ruling](#).** The court ruled that the approximately 300 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, appeals the decision of the Allegheny County Board of Elections to accept 270 provisional ballots that had a requisite signature but not an affidavit signature.
 - **11/19/2020: [Order/Ruling](#).** The court of appeals held that the Election Code requires that voters date the declaration. The lower court is reversed, and the 2,349 ballots will not be counted.
 - **11/18/2020: [Order/Ruling](#).** The court held that the ballots at issue are sufficient even without a voter supplied date. The ballots were processed in the Statewide Uniform Registry of Electors (“SURE”) system and timestamped 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, appeals the decision of the Allegheny County Board of Elections to accept 2,349 mail-in ballots containing an undated voter verification.
- **Zicarelli v. Westmoreland County Board of Elections, No. 4152**
 - **Open Case**
 - **Issue: Request to count ballots that were challenged.**
 - **Filed 11/18/2020: [Complaint](#).** Plaintiff, a candidate for Pennsylvania state senate, appeals the Westmoreland County Board of Elections decision to uphold challenges to 9 ballots received without secrecy envelopes and to uphold challenges to 250 ballots where the voter used a provisional ballot and was improperly instructed to sign the poll book.
 - **Donald J. Trump for President Inc. v. Bucks County Bd. of Elections, No. (Penn. Ct. Common Pleas, Bucks Cnty.)**
 - **Open Case**
 - **Issue: Request to exclude ballots with various defects from the vote count.**
 - **Filed 11/09/2020: [Complaint](#).** Petitioners, the Trump campaign and RNC, seek review of the Bucks County Board of Elections' counting of absentee ballots. Petitioners allege that defendant accepted ballots with date or address defects, or with

unsealed secrecy sleeves, as valid votes. Petitioners seek a reversal of the election board's decision.

- **Donald J. Trump for Pres., Inc. v. Boockvar, No. 4:20-cv-02078 (M.D. Pa.)**
 - **Open Case**
 - **Issue: Omnibus lawsuit requesting an injunction against certifying the 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 US Constitution.**
 - **Filed 11/09/2020: [Complaint](#).** Plaintiff, the Trump campaign, alleges that defendants, the Pennsylvania Secretary of State and county boards of election, violated the 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 alleges that the purported lack of uniform statewide standards for curing mistakes violates voters' equal protection and due process rights. As remedy, plaintiffs seek an injunction that prohibits Pennsylvania from certifying the election results state-wide or, in the alternative, one that prohibits Pennsylvania from including in its certification the tabulation of 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.: [_____]**
 - **Open Case**
 - **Issue: Request to enjoin election workers from providing observers the identity of ballots with defects during pre-canvass**
 - **11/03/2020: [Petition](#).** Petitioner asks 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 Nov. 3, 2020 general election prior to the close of the polls. Petitioner contends that the disclosure of such information to authorized observers in the pre-canvass meeting is in turn being disclosed to persons outside of the pre-canvass meeting in violation of 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 contends that absentee ballots cast in violation of mandatory requirements are 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 dismiss suit.
 - **Filed 11/10/2020: [Complaint](#).** Plaintiffs, Pennsylvania voters, cite 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 remedy, plaintiffs seek 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.)**
 - **Closed Case**
 - **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 court held "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."
 - The Court did not decide "whether the Deadline Extension or the Presumption of Timeliness are proper exercises of the Commonwealth of Pennsylvania's lawmaking authority, delegated by the U.S. Constitution, to regulate federal elections. Nor [did it]

evaluate the policy wisdom of those two features of the Pennsylvania Supreme Court’s ruling.”

- **Bognet v. Boockvar, No. 3:20-cv-00215 (W.D. Pa.)**
 - **10/28/2020: [Order/Ruling](#).** The district court denied the motion for injunction holding that the 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. And 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 violates Equal Protection), the Purcell principle mandates that no injunction be awarded since there is less than two weeks before the election, and injunctive relief would result in significant voter confusion.
 - **10/22/2020: [Complaint](#).** Plaintiffs, residents of Pennsylvania and some candidates for office there, bring suit against the Pennsylvania Secretary of State and every Pennsylvania county Board of Elections alleging violations of the Elections Clause and Presidential Electors Clause as well as the Equal Protection Clause for counting ballots received after election day but postmarked by election day in accordance with a recent Pennsylvania Supreme Court decision. Plaintiffs seek declaratory and injunctive relief in the form of preventing ballots received after the original Election Day receipt deadline set by statute from being counted and a declaration that the Pennsylvania Supreme Court's decision in Pennsylvania Democratic Party v. Boockvar was contrary to the United States Constitution.
- **In Re: Canvass of Absentee and Mail-In Ballots of November 3, 2020 General Election, Nos. 20110894-20110898 (Penn. Ct. Common Pleas, Philadelphia Cnty.)**
 - **Closed Case**
 - **Issue: request to reserve county election board’s refusal to throw out ballots based on various ballot completion omissions**
 - **11/13/2020: Orders/Rulings [1](#), [2](#), [3](#), [4](#), [5](#).** For each petition, the court reached the same holding: that petitioner is not alleging fraud but conducting an eligibility challenge. The Election Code does not require that the outer envelope have a date, the elector’s printed name, and address. In fact, the preprinted ballots already contain the

elector's name and address. The Philadelphia County Board of Elections decision to count the ballots is affirmed.

- **Filed 11/10/2020: [1](#), [2](#), [3](#), [4](#), [5](#).** Five petitions from the Trump campaign to overturn the five following Philadelphia County Board of Elections decisions: to count 1,211 ballots where the voter affixed their signature to the Declaration Envelope, but no other information was provided, preventing signature verification; to count 1,259 ballots where the voters did not date their signature but all other information was complete; 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.
- **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 Alito ordered that all absentee ballots received after 8:00 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 separate ballots received after Election Day through November 6, 2020 and to refrain from counting them while the Republicans' legal challenge to those ballots remains pending. The challengers acknowledged that Secretary of State Boockvar directed county election boards to segregate later-arriving ballots, but contended that the guidance is insufficient to preserve the challengers' potential right to a targeted remedy of tossing those ballots later because (i) the election boards are not required to follow the directions from the Secretary of State, (ii) the Secretary of State may change her mind, and (iii) it "is currently unclear whether all 67 county boards of elections" in the state are following instructions to segregate mail-in ballots that arrive after Election Day and they have been unable to confirm whether they are. 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](#).** Request for injunction denied without prejudice.
 - **Filed 11/05/2020: [Complaint](#).** Plaintiff Donald J. Trump for President seeks an injunction halting the count of ballots in Philadelphia County unless Republican observers are permitted to monitor the count. The complaint alleges that the Board of Elections is ignoring an unspecified Order that purportedly requires Republican observers to be present. Plaintiff seeks an Emergency Injunction barring the Defendant County Board of Elections from continuing to count any ballots so long as Republican observers are not present as required by state law.

- **Donald J. Trump for President Inc. v. Montgomery County Bd. of Elections (In re Canvass of 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 600 absentee ballots missing some information on outer envelope**
 - **11/13/2020: [Order/Ruling](#).** The court agreed with the Montgomery County Board of Elections's interpretation of the Election Code. The law does not require that voters provide their addresses on the declaration envelope. The 592 ballots will be counted.
 - **Filed 11/05/20: [Petition](#).** Petitioners, Donald J. Trump for President, the RNC, Heidelbaugh for Attorney General, Garrity for PA, and Republican state house candidate Daniel Wissert, request that the Court reverse the purported decision by the Montgomery Court Board of Elections to deny Petitioners' objections to counting absentee ballots that fail to include all of the required information (i.e. signature, address, and/or date of execution) on the outer declaration envelope. Petitioners objected to 600 such ballots and claim the board's decision is 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 (Pa. Comm. 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 State did not have authority to extend the proof of ID period by three days (from November 9 to November 12), and granted an injunction requiring that ballots in connection with 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, seek injunctive relief to prohibit the Respondents, the Pennsylvania Secretary of State, from allowing absentee and mail-in voters to cure their ballots by providing proof of ID after November 9. Petitioners claim the state's plan to accept such ID through Nov 12 violates the Pennsylvania Election Code. Petitioners also seek injunctive relief to prohibit the Respondents from counting any absentee and mail-in ballots of voters whose proof of identification was not received and verified by November 9, 2020.

- **In re: Canvassing Observation, No. 30 EAP 2020 (Penn. Sup. Ct.)**
 - **Closed Case**
 - **Issue: Request for broader right to observe the canvassing**
 - **11/13/2020: [Order/Ruling](#).** The Supreme Court found that the procedures for poll observing that the Philadelphia Board of Elections had implemented were reasonable under law. The court held that the legislature held proximity parameters to the discretion of county boards of elections. The court concluded that, based on the plaintiffs' witness's own testimony, he had sufficient access to observe under the Election Code.
 - **11/05/20.** Philadelphia county appeals the state appellate court's reversal of the trial judge's ruling that Philadelphia was complying with canvassing observer requirements.
 - **In Re: Canvassing Observation, No. 1094 CD 2020 (Penn. Commonw. Ct.)**
 - **11/04/20: [Appellant Brief](#).** The Trump campaign appealed the trial court (court of common pleas) ruling that Philadelphia county was complying with poll observer requirements.

- **11/05/2020: [Order/Ruling](#).** The appeals court reversed the court of claims, 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 to observe within 6 feet.
 - **In Re: Canvassing Observation, No. 7003 (Penn. Ct. Common Pleas, Philadelphia Cnty.)**
 - Petitioners, the Trump campaign, allege that poll observers do not have sufficient proximity to canvassing.
 - **11/03/2020: [Order/Ruling](#).** The presiding election day judge, based on the witness's testimony, held that Philadelphia was complying with canvassing observer requirements as set forth in Pennsylvania law, and denied the oral motion of Petitioners for closer observation of the canvassing of ballots.
- **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 the TRO. The court will not order the county to toss ballots that initially contained errors that were later cured.
 - **Filed 11/03/2020: [Complaint](#).** Plaintiff, a Republican congressional candidate, seeks injunctive relief from Montgomery County, PA. He alleges the County illegally pre-canvassed mail-in ballots and contacted some voters who's mail ballots had defects (such as a missing signature) to give them a chance to correct the problem. Plaintiff, whose district includes Montgomery County, argues that since not all Pennsylvania counties are doing this, under Bush v. Gore, it is a federal equal protection violation for some voters to be notified about curing their ballots and others not. He asks the court to order the Montgomery County election officials to stop the practice of reaching out to voters and not count the ballots that have been cured. Plaintiff also alleges that the County is restricting the ability of "Canvass Watchers" to monitor the process.
- **Hamm v. Boockvar, No. 600 MD 2020 (Pa. Comm. 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 court granted in part and denied in part the Petitioner’s 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 are valid and may be counted. The court ordered the Secretary of State to distribute the order to county election boards statewide.
- **Filed 11/03/20: [Petitioner’s Application](#).** Petitioners Hamm (a candidate for the Pennsylvania State House of Representatives) and Mike Kelly (a Republican Candidate for US Congress), and others, seek injunctive relief (i) blocking Secretary of State Boockvar from permitting absentee and mail-in ballots that were submitted with errors to be “cured” by the submission of provisional ballots, and (ii) prohibiting the state from disclosing identifying information about voters who have submitted ballots rejected for non-compliance with the Pennsylvania Election Code (so that party and candidate representatives cannot reach out to help them cure). Petitioners contend that Secretary Boockvar’s guidance allowing election officials to provide such information to parties and candidate representatives violates 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 allows voters an opportunity to cure ballot defects.
- **In re: Motion for Injunctive Relief of Northampton County Republican Committee, No.: C-48-CV-2020-6915**
 - **Closed Case**
 - **Issue: Request to enjoin election workers from providing observers the identity of ballots with defects during pre-canvass**
 - 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.
 - **11/03/2020 [Order/Ruling](#).** The court 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.

Wisconsin

- **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 dismiss suit.
 - **11/12/20: [Complaint](#).** Plaintiffs, Wisconsin voters, state that Wisconsin had many absentee ballots this year, and such ballots are purportedly conclusively linked to fraud. Plaintiffs further allege that three deceased individuals voted and that voters who had received absentee ballots voted in person, after election officials tore up their unvoted absentee ballots. Plaintiffs claim that these alleged practices violate plaintiffs' fundamental right to vote by diluting their votes, and seek to exclude the presidential vote count from these counties from the state's overall total.