

**The Board on Judicial Standards
270 Northland Drive, Suite 160
Mendota Heights, MN 55120**

Complaint About Judicial Misconduct

Judge's Name: **Sara Grewing, Ramsey County District Court**

Court file number(s): **62-CV-20-3149 and 62-CV-20-3625**

Overview of Allegations

Sara Grewing failed to recuse herself from pivotal election law cases in May 2020, despite her admitted extensive previous relationships with a major political party in Minnesota. Judge Grewing openly acknowledged her impartiality could be questioned yet failed to adhere to the plain language of the Code of Judicial Conduct. Remaining the presiding judge, with a clear appearance of impartiality, she assumed an even higher duty to prevent any appearance of bias in her decisions in these extremely controversial election law causes of action. Judge Grewing had a sacred duty to ensure the Constitution and the laws of Minnesota were not violated by the secretary of state and the attorney general. Judge Grewing ignored this duty and thereby failed both the court and the people of Minnesota. Judge Grewing's actions have, predictably, undermined public confidence in the judiciary and emboldened partisan attorneys, elected officials and others to ridicule, belittle and threaten attorneys and other interested parties who express concerns about the clear, and ongoing, violations of election law in Minnesota. The following facts shall prove both her failure to adhere to the Code of Judicial Conduct and her failure to follow Minnesota law. The facts will also show how the consequences of her actions opened the door to voter fraud and emboldened state actors to seize the opportunity to ignore broader legal requirements without accountability.

Applicable Provisions of Constitution & Law History of Events & Violations

- 1. The Constitution of the State of Minnesota** is the supreme law of Minnesota and was established to secure the civil and religious liberties of the people of Minnesota.
- 2. The Constitution of the State of Minnesota, Article 1** establishes the **Bill of Rights** for the people of Minnesota. Applicable Sections of Article 1 include the following:

Section 1. Object of government.

“Government is instituted for the security, benefit and protection of the people, in whom all political power is inherent, together with the right to alter, modify or reform government whenever required by the public good.”

The plain language of this section is clear: **Only the People have the inherent political power to alter, modify or reform that government “whenever required by the public good.”** The government, in whole or part, has no authority to ignore any of the requirements of the constitution. Only the people, through the process provided within the constitution itself, may alter, modify or reform the government as it was created by the original constitution and subsequent amendments.

Section 2. Rights and privileges.

“No member of this state shall be disfranchised or deprived of any of the rights or privileges secured to any citizen thereof, unless by the law of the land or the judgment of his peers. There shall be neither slavery nor involuntary servitude in the state otherwise than as punishment for a crime of which the party has been convicted.”

The rights and privileges identified in the constitution apply only to the members of this state, Minnesota, and do not extend to those people who do not live within the bounds of the state. Residents of other states or countries are not considered members of Minnesota.

Sec. 8. Redress of injuries or wrongs.

“Every person is entitled to a certain remedy in the laws for all injuries or wrongs which he may receive to his person, property or character, and to obtain justice freely and without purchase, completely and without denial, promptly and without delay, conformable to the laws.”

The right of each member (citizen) of Minnesota to vote in Minnesota elections is inherent. Disenfranchisement is an injury and a wrong to a voter. Disenfranchisement occurs when a legal voter is prevented from voting. No person who is qualified to vote

in MN may be disenfranchised of the right to vote by either the government or another person. Disenfranchisement of a voter also occurs when the government allows an illegal ballot to be cast and counted because every illegal vote cancels out an opposing legal vote. The government has a duty to ensure the right of each individual voter is protected so therefore has a duty, using the powers delineated within the constitution, to establish laws that protect every legal voter from disenfranchisement by any illegal voter or person who may usurp the election process for partisan gains. An individual voter who brings forth a legitimate cause of action may be entitled to a remedy. **Any remedy granted to a specific voter is required to conform to the laws of Minnesota.** It appears necessary to state the obvious: **A remedy may not be granted that is NOT in conformity with the laws of Minnesota unless a court determines that a provision of a law violates the rights of a protected class of people.** A court may not throw out a statute that protects the rights of all voters from disenfranchisement because a narrow subset of a protected class of voters alleges potential harm. The court may narrowly tailor a remedy specific to that protected class of people to protect their right to vote without creating the possibility of disenfranchising other voters. **Any remedy granted for a specific protected class of voters must be limited to that protected class of voters because an overly broad application of any remedy violates the rights of the remaining voters.**

3. **The Constitution of the State of Minnesota, Article III, Section 1** commands:

“The powers of government shall be divided into three distinct departments: legislative, executive and judicial. No person or persons belonging to or constituting one of these departments shall exercise any of the powers properly belonging to either of the others except in the instances expressly provided in this constitution.”

No matter the attractiveness of histrionic arguments or proposals made by wily, partisan officers of the executive department or attorneys of plaintiffs, NO state judge may use the power of the court to usurp the Minnesota Constitution. Neither an officer of the executive department nor a judge in the judiciary department may exercise a power properly belonging to the legislative department. **Article III of our Constitution does not include a majority rule revocation provision.**

4. **The Constitution of the State of Minnesota, Article IV, Section 1** establishes the Legislative Department. **Sections 17- 23** delegate the power to pass legislation to the legislative department: the plain language of the process is quite detailed.

Section 22 states:

“The style of all laws of this state shall be: "Be it enacted by the legislature of the state of Minnesota." No law shall be passed unless voted for by a majority of all the members elected to each house of the legislature, and the vote entered in the journal of each house.”

And Section 23 states:

“Every bill passed in conformity to the rules of each house and the joint rules of the two houses shall be presented to the governor. If he approves a bill, he shall sign it, deposit it in the office of the secretary of state and notify the house in which it originated of that fact. If he vetoes a bill, he shall return it with his objections to the house in which it originated. His objections shall be entered in the journal. If, after reconsideration, two-thirds of that house agree to pass the bill, it shall be sent, together with the governor's objections, to the other house, which shall likewise reconsider it. If approved by two-thirds of that house it becomes a law and shall be deposited in the office of the secretary of state. In such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for or against the bill shall be entered in the journal of each house. Any bill not returned by the governor within three days (Sundays excepted) after it is presented to him becomes a law as if he had signed it, unless the legislature by adjournment within that time prevents its return.”

The burden to oppose a bill falls on the executive department at the time the legislative department passes the bill. Unless passed within three days of session adjournment, a bill becomes law by default if the governor does not formerly object. Once a bill becomes law, neither department can unilaterally undo its existence. There is no provision for a future slate of legislators or executive officers to join forces with the judicial department to overturn a law because they disagree with those statutes put in place by a previous elected body.

5. **The Constitution of the State of Minnesota, Article V, Section 1**, creates the Executive Department, which includes the governor, lieutenant governor, secretary of state, auditor and attorney general. Before assuming the duties of their respective offices, of the Constitution, each officer, including the attorney general and the secretary of state, must take an oath or affirmation.

Section 6 states:

“Each officer created by this article before entering upon his duties shall take an oath or affirmation to support the constitution of the United States and of this state and to discharge faithfully the duties of his office to the best of his judgment and ability.”

When acting in official capacity, the secretary of state represents the executive department and all Minnesotans. The executive department, including the attorney general, must support the Minnesota Constitution and perform all administrative duties of the office represented. They may work to change the laws of Minnesota through the constitutionally required process but may not usurp the legislative branch using unconstitutional practices.

6. **The Constitution of the State of Minnesota, Article VI, Section 1** establishes the Judiciary Department, including the supreme court, but leaves specifics regarding jurisdiction mostly to the legislature to determine.

Section 9 grants the legislative department the power to remove and discipline any judge who is incompetent or guilty of conduct prejudicial to the administration of justice.

The legislature has failed to address the growing problem with incompetent and biased members of the judiciary. This failure may be intentional in some instances but more likely is the result of its lack of knowledge about the conduct of judges in courtrooms.

How would a person know their rights to file a complaint about a judge? When would a person contact their legislators to inform them about their experiences?

7. **The Constitution of the State of Minnesota, Article VII, Section 1** establishes the Elective Franchise. This section grants a citizen of the United States who is 18 years or older, has resided in a precinct for 30 days before the election, has not been convicted of treason or felony unless restored to civil rights, is not a person under guardianship or a person who is insane or not mentally competent the right to vote in that precinct. There is no mention of manner of voting, other than to require elections be by ballot except for town officers. There is no constitutional right to vote absentee.

Section 2 Residence dictates the determination of residency under the constitution.

“For the purpose of voting no person loses residence solely by reason of his absence while employed in the service of the United States; nor while engaged upon the waters of this state or of the United States; nor while a student in any institution of learning; nor while kept at any almshouse or asylum; nor while confined in any public prison. No soldier, seaman or marine in the army or navy of the United States is a resident of this state solely in consequence of being stationed within the state.”

Under the Minnesota Constitution, a student who attends school away from home retains residency at their permanent address, most typically the home of a family member.

Multiple Minnesota statutes codify the requirement that a person's residence is the address at which they permanently reside. Any person temporarily residing in Minnesota may not legally vote in Minnesota.

8. **Minnesota Statutes Section 4.03 Proclamations** allows the governor to call a special session of the legislature:

“When the governor convenes the legislature in extra session it shall be done by proclamation, giving to the members such notice as the governor deems necessary of the time of meeting; and when assembled the governor shall inform them of the purposes for which they are convened.”

The governor called the Minnesota Legislature back into session 5 times in 2020. If the governor believed there was a need to address an urgent issue related to COVID-19 and the elections after the regular session ended, he could have included that issue in a special session. Any of these special sessions could have been used to address election law changes warranted by evolving circumstances. Of course, because the Democrats in the executive department knew the Republican-controlled Senate would refuse to alter election law in the manner the Democrats knew was necessary to influence the outcome of the elections, they chose to use the courts to usurp the legislative department's power. The changes sought by Democrats raised a political question that should have been decided, and in fact was decided, by the legislature in May 2020. Judge Grewing's decision to approve unconstitutional consent decree's interfered with the constitutional powers of the legislature and diminished the integrity of the judicial department in Minnesota. The court had a duty to deny the consent decree as presented.

9. **Minnesota Statute Section 8.01 Appearance** compels the attorney general of Minnesota to appear for the state:

“...in all causes in the supreme and federal courts wherein the state is directly interested; also in all civil causes of like nature in all other courts of the state whenever, in the attorney general's opinion, the interests of the state require it.”

Section 8.02 Deputies, Assistants permits the attorney general to appoint deputy attorneys general and assistant attorneys general to discharge the duties of the attorney general. The attorney general has the power:

“to employ such assistance, whether lay, legal, or expert, as the attorney general deems necessary for the protection of the interests of the state through the proper conduct of its legal business.”

The interests of the state and people of Minnesota are protected by defending the constitution and the law from attack. The attorney general and all authorized appointees are required to represent the interests of the state by defending the constitution and state law. This is not discretionary: The plain language of the statute is determinative. The attorney general may also provide “official opinions in writing and file the opinions in the attorney general’s office.” These official opinions must, constitutionally, advance the currently prescribed interests of the state. Any effort to subvert the constitution or current state law would be a breach of the attorney general’s duty. The attorney general may not make law. The attorney general’s personal political beliefs are not germane to his official duties to the state of Minnesota. In any court proceeding, the judicial department has the duty to recognize the roles and responsibilities of each department and repel a department from violating the distribution of powers of government as required in Article III.

10. **Minnesota Statute 204B.27** authorizes the secretary of state to perform specific actions related to elections. Any actions outside of these responsibilities must be analyzed as a non-official action unless specifically permitted under another statute. **Subdivision 2** requires the secretary of state to:

“prepare and publish a volume containing all state general laws relating to elections. The attorney general shall provide annotations to the secretary of state for this volume... The secretary of state may prepare and transmit to the county auditors and municipal clerks detailed written instructions for complying with election laws relating to the conduct of elections, conduct of voter registration and voting procedures.”

The statute in plain language requires the secretary of state to annually provide county auditors and municipal clerks with the current Minnesota state statutes and may provide them with detailed written instructions for complying with those laws. The key words are “instructions for complying with election laws” because under NO circumstances is the secretary of state or the attorney general authorized to personally, or through willing or ignorant actors, not comply with either the Minnesota constitution or election law.

11. **Minnesota State judges are bound by the Code of Judicial Conduct and will be subject to disciplinary measures if they violate this code.**
Canon 1 states:

“A Judge Shall Uphold and Promote the Independence, Integrity, and Impartiality of the Judiciary, and Shall Avoid Impropriety and the Appearance of Impropriety”

Rule 1.1 Compliance with the Law states:

“A judge shall comply with the law, including the Code of Judicial Conduct.”

Rule 1.2 Promoting Confidence in the Judiciary states

“A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of

the judiciary, and shall avoid impropriety and the appearance of impropriety.”

12. The Judicial Code of Conduct, Canon 2 states:

“A Judge Shall Perform the Duties of Judicial Office Impartially, Competently, and Diligently.”

Rule 2.2 Impartiality and Fairness

“A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially.”

Rule 2.4 External Influences on Judicial Conduct

- (A) A judge shall not be swayed by public clamor or fear of criticism.
- (B) A judge shall not permit family, social, political, financial, or other interests or relationships to influence the judge's judicial conduct or judgment.
- (C) A judge shall not convey or permit others to convey the impression that any person or organization is in a position to influence the judge.

Rule 2.5 Competence, Diligence, and Cooperation

- (A) A judge shall perform judicial and administrative duties competently and diligently.

Rule 2.7 Responsibility to Decide

“A judge shall hear and decide matters assigned to the judge, except when disqualification is required by Rule [2.11](#) or other law.”

Rule 2.11 Disqualification

- (A) A judge shall disqualify himself or herself in any proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to the following circumstances:
 - (1) The judge has a personal bias or prejudice concerning a party or a party's lawyer, or personal knowledge of facts that are in dispute in the proceeding.”

13. COVID-19 caused many people, particularly Democrats, to have concerns about the administration of elections in 2020. There were nationwide efforts to alter election laws, state by state. Many state legislatures, including Minnesota's, refused to pass the broad election law changes sought by advocacy groups and Democrat elected officials.
14. On or about April 8, 2020 the MN House Subcommittee on Elections held a Zoom meeting during which it considered a proposal put forward by Minnesota Secretary of State Simon. This proposal sought to alter election law in a manner never-before considered. House Democrats and various advocacy groups joined in the clamoring to grant the secretary of state potentially irrevocable powers to suspend election law and or procedures.¹ The proposed legislation would have granted the MN SOS unchecked, irrevocable powers during a declared infectious disease outbreak. Many recognized partisan organizations and political activists submitted letters to the committee expressing their support of the proposal put forth by the MN SOS.
15. The secretary of state's proposal did not pass out of committee because the Minnesota Senate, controlled by Republicans, would not agree to the overly broad, sweeping changes being demanded by the secretary of state and the individuals and groups that provided testimony. The legislature was clear: Secretary of State Simon would not be granted the authority to issue orders to alter election law during an infectious disease outbreak. Secretary of State Simon was well-aware of this denial of power.
16. The Republican led Senate and Democrat led House did compromise on legislation related to COVID-19. An amended HF3429 was passed by the legislature, approved by

¹ See Attachment 1. Proposed bill considered April 8, 2020 by MN House Subcommittee on elections.

the Governor and filed by the secretary of state on May 12, 2020. The plain language in **HF3429, Section 1. Safe and Secure Conduct of 2020 State Primary and State General Elections; Special Procedures**, Subdivision 1, clearly limited the application of that legislation to the 2020 primary and general elections. The modifications to Minnesota election law were limited to permitting health care facilities and hospitals to train and designate employees to assist residents or patients with the absentee voting process; granting ballot boards two additional days to process ballots received by deadlines required in 203B.08; requiring reporting consistent with 203B.121, subd. 5, paragraph (c); extending the period to **process** absentee ballots from 7 to 14 days prior to the elections; and defining the process to accept and reject ballots of voters who cast an accepted ballot prior to the close of business on the 14th day before the election.

17. **A Complaint for Declaratory and Injunctive Relief was filed in Ramsey County District Court on May 13, 2020 by the Minnesota Alliance for Retired Americans and four (4) Minnesotans.** The plaintiffs demanded the Minnesota Secretary of State not enforce two long-standing requirements of the absentee ballot process: The witness requirement and the receipt of ballot deadlines for absentee ballots. This complaint named the Minnesota Secretary of State, Steve Simon, as the defendant. The six (6) attorneys of record included two attorneys from Minnesota, Sybil L. Dunloop and Samuel Clark with Greene Espel PLLP, and four (4) attorneys from across the United States, Marc E. Elias, Amanda R Callais, Abha Khanna and Charles G Curtis, Jr. from Perkins Coie, LLP (motions for *pro hac vice* admission pending).

18. **A complaint for Declaratory and Injunctive Relief was filed in Ramsey County District Court on June 4, 2020, by the National Association for the Advancement of**

Colored People Minnesota-Dakotas Area State Conference and registered voters of Minnesota. The plaintiffs in this case demanded a waiver of the witness requirement for all absentee and mail ballots, and requested every registered voter in Minnesota be automatically mailed an absentee ballot. The ten (10) attorneys of record were Teresa Nelson and David McKinney of the American Civil Liberties Union of Minnesota. Craig Coleman, Jeffrey Justman, Evelyn Snyder, Erica Abshez Moran and Hannah Leiendecker of Faegre Drinker Biddle and Reath, LLP and Theresa Lee, Dale E. Ho and Sophia Lin Lakin of the American Civil Liberties Union of New York, New York (*pro hac vice* motion forthcoming).

19. These challenges to the witness requirement for absentee ballots and the deadline for the receipt of ballots on election day were an assault on long-standing and reasonable Minnesota statutes that had been put in place to protect the rights of and ballots cast by legal voters and the integrity of Minnesota's elections. There is no constitutional right to vote absentee. The court had a duty to analyze the consent decrees, proposed by non-adverse and cooperating parties with an independent, impartial eye. The consent decrees in Minnesota, and across the country, were a legal tool used in the midst of a chaotic period, to perform an end run around the state legislature and the people of Minnesota and other states.
20. While there may be people who would not agree, there can be no question that many Minnesotans would consider the Minnesota Alliance for Retired Americans and the NAACP to each be a partisan organization that would typically support policies and politicians favored by the Democrat Party. Few Republicans would concede these are nonpartisan organizations.

21. The secretary of state and or the attorney general, serving in their official capacity, have a right to seek election law changes at the legislature. After the secretary of state's proposal was rejected by the legislature in April 2020 and the legislature passed and the governor signed an election law compromise bill in May 2020, the secretary of state's duty was to provide guidance on the implementation of the election laws of Minnesota, as they were written. Because the secretary of state failed to appease the Democrat activist organizations, they sued him in district court. The parties to these complaints were not personally adverse: They were in total agreement about usurping the legislative department by using the courts to obliterate long-standing Minnesota election law passed to protect the integrity of the voting system.
22. Both causes of actions were highly political and any consent decree altering election law would generate controversy because of their political nature.
23. Both causes of action were assigned to Judge Sarah Grewing.
24. Judge Grewing has an extensive work history with high level Democrats:
 - Judge Grewing was the State Director for Democrat Senator Klobuchar
 - Judge Grewing was the Chief of Staff for St. Paul Democrat Mayor Chris Coleman

Neither Amy Klobuchar nor Chris Coleman would have hired an apolitical person for those positions: These positions require partisan activists with a strong skill set and passion for party politics. A state director, particularly for a senate candidate, is a senior position that requires a record of success in the party. This is also true for a Mayor's Chief of Staff in a large city.

25. Half-truth by omission is a regularly employed strategy used by lawyers to describe partial admissions or disclosures. If caught in the half-truth, the lawyer may say the omission was an error, and attempt to remedy the failure. The problem is that full disclosure of all information is required. When lawyers intentionally withhold information, it is unethical. When a judge is required to disclose information, but chooses to employ the half-truth by omission strategy, it breaches the trust of the people affected by the judge's actions.

26. Judge Grewing submitted a letter to the parties in the LaRose case regarding her past relationship with counsel in the case and notes her previous employment with Senator Klobuchar.² Her letter acknowledges the fifth comment on Rule 2.11 that suggests a judge “should disclose on the record information that the judge believes the parties or their lawyers reasonably consider relevant to a possible motion for disqualification, even if the judge believes there is no basis for disqualification.” Judge Grewing’s letter omitted the likelihood her highly political past and partisan work would create the appearance of impartiality to the 2 million Minnesotans who are not democrats if they realized that a democrat judge allowed the democrat secretary of state and democrat attorney general to negotiate the elimination of election law because democrat activists sued the democrat secretary of state. Judge Grewing also ignored the actual words of Rule 2.11:

(A) A judge shall disqualify himself or herself in any proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to the following circumstances:

(1) The judge has a personal bias or prejudice concerning a party or a party's lawyer...

and

² See Attachment 2. Letter from Judge Sara Grewing to the parties in the LaRose case, June 5, 2020.

(C) A judge subject to disqualification under this Rule, other than for bias or prejudice under paragraph (A)(1), may disclose on the record the basis of the judge's disqualification and may ask the parties and their lawyers to consider, outside the presence of the judge and court personnel, whether to waive disqualification.

If, following the disclosure, the parties and lawyers agree, without participation by the judge or court personnel, that the judge should not be disqualified, the judge may participate in the proceeding. The agreement shall be incorporated into the record of the proceeding.

and skips the very first comment:

[1] Under this Rule, a judge is disqualified whenever the judge's impartiality might reasonably be questioned, regardless of whether any of the specific provisions of paragraphs (A)(1) through (5) apply. In many jurisdictions, the term "recusal" is used interchangeably with the term "disqualification."

And the second comment:

A judge's obligation not to hear or decide matters in which disqualification is required applies regardless of whether a motion to disqualify is filed.

27. The existence of an established philosophical relationship between the parties to the declaratory relief / consent decree causes of action is obvious on its face. Also obvious was the fact that the consent decrees would impact all voters in the state, not only the litigants. The implications of the consent decrees for people other than the plaintiffs and defendants needed to be considered prior to, and during, the course of the court proceeding. Because these non-adversarial parties were seeking to overturn Minnesota election law, it became extremely important for the judge remain an honest broker of information.

28. A judge must always disqualify himself or herself from a proceeding in which their impartiality will be questioned because the perception of impartiality harms the court. When a cause of action will only impact the plaintiffs and defendants of the matter, the effect of impartiality may seem less important, but the analysis of the judge's duty is the same. When the cause of action before the court relates to a matter that will have ramifications for millions of people, it is reasonable to expect a judge to have the ability, and integrity, to honestly evaluate their personal history and recognize when impartiality will be assumed.

Discussion

The Code of Judicial Conduct exists to protect the court from nefarious behavior of judges. This Code provides clear instructions to judges about what conduct is prohibited and why it is prohibited.

Fortunately for judges, but unfortunately for the people, most judicial conduct occurs in a relatively closed courtroom setting that evades and discourages accountability. The people present for courtroom proceedings are generally lawyers who practice before the judge, litigants who have limited exposure to the judge and often no other history in court, accused criminals who often are afforded limited credibility and victims who may already feel powerless. Which of these people will be emboldened to complain about an unethical judge? Who helps people file complaints about a judge who doesn't honor the code? Who even knows there is a Code of Judicial Conduct?

In a free country, with an active and impartial press, Judge Grewing's history would have been major news before the case was ever heard and decided: Impartial journalists would

investigate and news media would report or publish important facts stories. If the press failed on the front-end of an important case to identify a breach of duty, as occurred in the consent decree cases, there would be an inevitability that the bias would be revealed after a partisan judge approved the partisan decree. This bias was identified by Minnesotans after the consent decrees were entered. Many conservatives raised concerns but those concerns were largely ignored. Unfortunately, we don't live in a country with an active free and independent press anymore. Judges are not accountable and the lack of accountability has emboldened behavior that is now undermining the public's view of the court.

Minnesota voters deserved so much better than they received from Judge Grewing in 2020. There are multiple serious violations of the Code of Judicial Conduct related to Judge Grewing's involvement in the consent decree cases between May and August 2020. Judge Grewing demonstrated either an incapacity to properly analyze her professional history and its implications for judicial assignments or a total disregard for the consequences her unchecked partisanship would bring about.

Judge Grewing was REQUIRED to disqualify herself from both cases noted in this complaint. Her deep connections to the Democrat Party cannot be ignored when cases specific to elections and/or election law are brought to the court. Judge Grewing's failure to recuse herself from these cases, and the consequences of her subsequent approval of an unconstitutional and overly broad consent decree, have been, and will remain, a contributing factor in the divisive environment that exists in Minnesota today.

Any honest person who analyzes the situation as it began would recognize that in April 2020 the Democrats tried to change election law the legal and proper way: Through the legislative process. They failed. The compromise bill signed into law on or about May 12, 2020

did not go far enough for the Democrats. After the debates in the legislature ended, the democrats knew the republicans would not agree to sweeping changes to election law. They had only one option left on the table.

Democrat activists sued the democrat secretary of state, who just tried and failed to change election law in the ways the activists wanted it changed. The democrat attorney general represents the democrat secretary of state. The democrat plaintiffs and the democrat defendants were not adversary- they wanted the same exact thing.

Because these cases named the secretary of state as a defendant, the activists filed their cases in Ramsey County District Court with fingers-crossed hopes of drawing a friendly judge.

Miracle of miracles occurred: In BOTH cases Judge Grewing was assigned. It was so perfect Champagne corks likely popped! The assigned judge wasn't just a parade-walker or a lit-dropper for Amy Klobuchar- the judge had been Democrat Amy Klobuchar's state director! Her reputation within the MNDFL was so positive she became the chief of staff for democrat St. Paul Mayor Chris Coleman! How could the democrat litigants get so lucky? That is a serious question that must be asked another day.

As soon as Judge Grewing realized the remedy being sought by the Democrats, she should have recused herself under Rule 2.11: "A judge is required to self-recuse if the judge's impartiality could reasonably be questioned."

Why do conservatives believe Judge Grewing's impartiality could reasonably be questioned?

Breaking the facts down, from a conservative point of view, looks like this:

While not all judges are connected to the political machine, there is a political machine working on both sides of the aisle, behind the scenes, to identify, cultivate and prepare attorneys

to be judges. Barring any mistakes, a well-connected, aspirational, hardworking partisan attorney may be chosen to fill a vacancy and then continue to move up the court hierarchy. If you are political, you know this.

Early in her political career, Judge Grewing was the State Director for Senator Klobuchar. State Directors for a US Senator are not simply volunteers who hand out materials at parades or who door knock occasionally: State Directors are political operatives who manage the staff in the home state, travel on behalf of the Senator within the state to remain informed of issues and oversee the state office operations. This person is responsible for cultivating and maintaining relationships between stakeholders, donors, volunteers and the candidate. This person must be a talented political partisan by necessity. This is not a criticism- these skills and the passion are necessary to support the Senator and to help the Senator remain connected to constituents and donors.

Judge Grewing's connections and work as the state director opened the door to her being named Chief of Staff for St. Paul Democrat Mayor Chris Coleman. Like a state director, the chief of staff has tremendous power. This person is a coordinator of all things and people in the office, attends meetings, moves agendas and builds relationships.

Any attorney hoping to become a judge in the Ramsey County District Court would benefit from working in St. Paul City Attorney's Office to get a jump start on building relationships with those already working in the Ramsey County court system. Judge Grewing's transition from the mayor's office to the city attorney's office was the perfect career move- Democrat Mayor Coleman appointed Grewing to be the St. Paul City Attorney in September

2010. The MinnPost ended the first paragraph of its report on the appointment with: “She is a lawyer with lots of political experience.”³

We know that all her political experience was earned working on behalf of Democrats.

The relationships she built while working for Senator Klobuchar, in the mayor’s office and then for the St. Paul City Attorney’s Office mattered. Grewing was talented and intelligent and had followed the perfect path to the judiciary. When a Democrat Governor had the ability to appoint a judge to the Ramsey County District Court, Grewing was a logical choice and securing that appointment was very important because it created an incumbency. Incumbents are almost always assured election victory as most lawyers are afraid to run against a sitting judge.

In most cases that come before a judge, the judge’s political background is not relevant. Had these cases been assigned to a non-political machine judge it is possible that judge would have also ignored the constitution, law and Judicial Code of Conduct. We will never know because the political machine made a serious mistake in 2020. The machine politicized Judge Grewing in a way that brought her partisan loyalties to the forefront and now that bias can never again be ignored.

In a controversial election case, a judge with extensive connections to any political party system should always be assumed to be prejudicial. Any judge who has engaged in extensive political activities, for any political party, must be expected to recuse themselves from cases specifically related to elections and election law.

Based upon her political acumen, there is no conceivable way Judge Grewing could have thought conservative Minnesotans would not believe her bias would be determinative in her

³ See Attachment 3. MinnPost article on Sara Grewing appointment to Ramsey County Court, September 2, 2010.

rulings: Judge Grewing was required to recuse herself from the cases. Rather than recuse herself from these pivotal and controversial cases seeking to remove protections for absentee ballots, she clung to the cases as though she were the only judge available or capable of handling them. Had Judge Grewing recused herself from these matters as required she would have shown her ability to be fair and would have improved her reputation amongst lawyers and judges. Instead, she joined the effort to usurp the rights of unknowing Minnesota voters.

To make matters worse, in what appears to be an effort to protect her from accountability for her decision not to recuse in case somebody outside of the matter raised a concern, Judge Grewing played a wink-wink game with the parties by sending them a letter that identified her possible appearance of bias and included the language of Comment 5 on Rule 2.11.⁴

It is important to ask Judge Grewing why she relied on Comment 5 to justify remaining on the cases, when it is not applicable to these circumstances, and why she ignored the actual language of the rule and of Comments 1 and 2, which are all directly applicable and REQUIRE self-removal. Rule 2.11 (A)(1) and (C) are not permissive. (See clear language provided on pages 15-16.)

The need for the required removal is clear in these matters: Could any reasonable person believe either the democrat activists who filed the cases or the democrat secretary of state or the democrat attorney general would ask a well-known democrat judge to recuse or disqualify herself? No reasonable person would believe this would have happened in these cases because plaintiffs and defendants were on the same side of the matter.

When a judge's bias works in favor of litigants, those litigants cannot be expected to seek removal. In these causes of action the litigants were not adverse and were seeking changes to the

⁴ See Attachment 2. Judge Grewing letter to LaRose parties re Rule 2.11 concerns.

law that would affect millions of voters who would have been adverse but were unaware of their right to intervene in the proceedings. Judge Grewing joined the DFL farm team in 2006 and had since become an all-star designated hitter. In 2020, she hit a homerun for the DFL, and the DNC, when she opened the door to fraud at the ballot boards by approving unconstitutional, overly broad consent decrees.

Judge Grewing could have tried to redeem herself by ensuring any agreement between the democrat litigants complied with Minnesota law and respected the constitutional framework which binds the secretary of state and the attorney general and the judicial department.

When an attorney argues against adherence to the constitution or a law, it is the judge's duty to impartially and firmly repel such an attack. Every voter, whether a participant in a cause of action or not, has the right to expect the Constitution and the laws of Minnesota to be upheld by the judicial department, no matter which party controls the executive branch and no matter which party a judge supports.

Stipulated settlements between adverse parties should naturally demonstrate compromise by all litigants. These parties were not in a personal dispute between each other about a private matter. These parties were NOT averse to each other. These parties shared the desire to alter Minnesota law, devoid of constitutional authority or legislative agreement, so as to implement the national DNC agenda to remove protections from the absentee ballot process. The DNC coordinated similar efforts to use consent decrees to alter the law in Arizona, Georgia, Michigan, North Carolina, Ohio, Virginia and Wisconsin. In each of these states, voters were left stunned by the actions and power of the partisan judicial machine. In Minnesota, the plaintiffs in one of the cases were represented by two attorneys from a local firm who were able to get assistance from four (4) attorneys with the very well-known and democrat law firm, Perkins Coie. Their

attorneys included the most powerful democrat lawyer in the country, Marc Elias. In the second consent decree case, the plaintiffs managed to secure representation by ten (that's right, ten) attorneys- two with a Minnesota non-profit, five from the Minneapolis office of a national firm and three (3) attorneys from the National Office of the ACLU. The *pro hoc vice* addition of these national attorneys is further proof of the coordination that occurred across the United States to alter election laws in ways that would change the outcomes of elections: these attorneys brought with them the resources and power to prevent average people from fighting back.

The judicial department is the only protection the voters have when nefarious actors seek to undermine the rule of law. In Minnesota, Judge Grewing was assigned the responsibility to protect every voter from this assault on their individual right to be protected from disenfranchisement.

When the parties presented their broad-based, election law overhaul for approval, Judge Grewing had a duty to say "No" to the proposed use and abuse of the judicial department by two officers of the executive department. Judge Grewing could have and should have demanded they return to work and create a stipulated settlement limited to the specific voters, or class of voters, who claimed health concerns. The proposal could easily have included a provision to require any person unable to have contact with a ballot witness to attach a document on a medical office's letterhead and signed a doctor or nurse practitioner that includes the voters name, year of birth and address with a statement that the person named may not have any contact with the outside world until after the election.

Instead, Judge Grewing complied with the DNC push to steamroll voters and state legislatures. The stipulated settlements as approved resulted in the elimination of decades-old election laws meant to secure and protect the integrity of the vote and ensure that illegal votes do

not negate legal votes.⁵ Judge Grewing’s failure to remain impartial opened the door to disenfranchising legal, law abiding voters. Rather than use her robe to shield the voters of Minnesota, Judge Grewing laid her robe atop Minnesota voters and legislators to allow partisan actors to walk all over them, trampling Minnesota law.

Conclusion

The Minnesota Board on Judicial Standards has a statutory duty to enforce the Code of Judicial Conduct and make all necessary disciplinary recommendations.

The Board is required act in a manner that protects the judiciary from judicial conduct that causes harm to the judicial department.

There can be no question Judge Sara Grewing violated the Code of Judicial Conduct. Minnesotans are realizing the scope of her judicial misconduct and the implications it had in the 2020 elections.

No Minnesota judge should ever again believe that they can act with such disregard of the Code of Judicial Conduct.

For all the facts and reasons included in this complaint, Judge Grewing should be disciplined for violating each of the following canons and rules in the Code of Judicial Conduct:

Canon 1

“A Judge Shall Uphold and Promote the Independence, Integrity, and Impartiality of the Judiciary, and Shall Avoid Impropriety and the Appearance of Impropriety”

Rule 1.1 Compliance with the Law

“A judge shall comply with the law, including the Code of Judicial Conduct.”

Rule 1.2 Promoting Confidence in the Judiciary

“A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.”

Canon 2

“A Judge Shall Perform the Duties of Judicial Office Impartially, Competently, and Diligently.”

Rule 2.2 Impartiality and Fairness

⁵ See Attachment 4. Stipulated Settlements in LaRose case and NAACP case

“A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially.”

Rule 2.3 Bias, Prejudice, and Harassment

(A) A judge shall perform the duties of judicial office, including administrative duties, without bias or prejudice.

(B) A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, or engage in harassment, including but not limited to bias, prejudice, or harassment based upon race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation, and shall not permit court staff, court officials, or others subject to the judge's direction and control to do so.

Rule 2.4 External Influences on Judicial Conduct

(A) A judge shall not be swayed by public clamor or fear of criticism.

(B) A judge shall not permit family, social, political, financial, or other interests or relationships to influence the judge's judicial conduct or judgment.

(C) A judge shall not convey or permit others to convey the impression that any person or organization is in a position to influence the judge.

Rule 2.5 Competence, Diligence, and Cooperation

(A) A judge shall perform judicial and administrative duties competently and diligently.

Rule 2.7 Responsibility to Decide

“A judge shall hear and decide matters assigned to the judge, except when disqualification is required by Rule [2.11](#) or other law.”

Rule 2.11 Disqualification

(A) A judge shall disqualify himself or herself in any proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to the following circumstances:

(1) The judge has a personal bias or prejudice concerning a party or a party's lawyer, or personal knowledge of facts that are in dispute in the proceeding.”

Judge Grewing flagrantly violated each of these rules. She disrespected the court and the people of Minnesota. She must be held to account for her violations or she will be emboldened to continue her unethical, partisan conduct.

In a just world, Judge Grewing would be removed from the bench because she has neither the judicial temperament nor the integrity to continue serving the people of Minnesota.

I thank each member of the Board in advance for enforcing the Judicial Code of Conduct.

Respectfully,

Signature

Printed Name:

Street Address

City State Zip

Phone Number

Date:

1.1 A bill for an act
 1.2 relating to elections; authorizing the secretary of state to issue emergency orders
 1.3 related to the conduct of an election during certain peacetime emergencies;
 1.4 appropriating money from the Help America Vote Act account; proposing coding
 1.5 for new law in Minnesota Statutes, chapter 204B.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. **[204B.182] EMERGENCY ORDERS; INFECTIOUS DISEASE**
 1.8 **OUTBREAK IMPACTING ELECTION.**

1.9 Subdivision 1. **Application.** The authority in this section applies only during the period
 1.10 of a peacetime emergency declared by the governor under section 12.31, subdivision 2, that
 1.11 relates to an infectious disease outbreak endangering public health. Upon certification by
 1.12 the governor that the outbreak, or any executive orders directing a response to the outbreak,
 1.13 may prevent a regular or special election from being conducted safely and in accordance
 1.14 with the Minnesota Election Law, the secretary of state may order modifications to the
 1.15 election procedure as authorized by subdivision 2. Except as necessary to implement those
 1.16 orders, the Minnesota Election Law continues to apply to the conduct of the election.

1.17 Subd. 2. **Emergency orders by secretary of state.** Upon certification that this section
 1.18 applies, the secretary of state may order that one or more of the following procedures be
 1.19 implemented to facilitate the safe and secure conduct of a regular or special state or local
 1.20 election:

1.21 (1) conduct of the election entirely by mail according to section 204B.45, subdivision
 1.22 2, provided that a schedule for reasonable public notice and ballot delivery may be directed
 1.23 by the secretary based on the circumstances of the outbreak;

- 2.1 (2) closure or relocation of high-risk polling places;
- 2.2 (3) consolidation of polling places, or the establishment of one or more vote centers that
- 2.3 have the capacity to serve all voters in an affected jurisdiction;
- 2.4 (4) authorization for an affidavit of candidacy under section 204B.06, along with any
- 2.5 applicable filing fees; a nominating petition under section 204B.07 or 204B.08; or a request
- 2.6 that a write-in candidate's votes be counted under section 204B.09, subdivision 3, to be
- 2.7 submitted by mail, electronic mail, facsimile device, or other electronic means, provided
- 2.8 that all necessary documents are received by the filing officer no later than 5:00 p.m. on
- 2.9 the last day for filing the affidavit, petition, or request;
- 2.10 (5) authorization for nominating petitions governed by section 204B.08 to be signed
- 2.11 electronically, consistent with chapter 325L; and
- 2.12 (6) authorization for the county auditor or municipal clerk to train and designate
- 2.13 employees of a health care facility or hospital to administer the absentee voting process to
- 2.14 temporary or permanent residents or patients in those facilities under section 203B.11.

2.15 Subd. 3. **Consultation with local government.** The secretary of state must consult with

2.16 impacted local elections officials prior to issuing orders under this section.

2.17 Subd. 4. **Notice of orders; effect.** An order issued by the secretary of state under this

2.18 section must be published as soon as possible after its issuance in a conspicuous place on

2.19 the secretary's website, and in the State Register. Upon publication in the State Register,

2.20 the order has the full force and effect of law. Orders issued on or after May 1 of an

2.21 even-numbered year which are applicable to the state primary or state general election in

2.22 that year are not revocable and apply regardless of whether the peacetime emergency remains

2.23 in effect at the time of the election.

2.24 **EFFECTIVE DATE.** This section is effective the day following final enactment and

2.25 applies to peacetime emergencies in effect, or declared, on or after that date.

2.26 Sec. 2. **HELP AMERICA VOTE ACT TRANSFERS AND APPROPRIATIONS;**

2.27 **SECRETARY OF STATE.**

2.28 Subdivision 1. **Appropriation.** (a) \$17,184,139 in fiscal year 2020 is appropriated from

2.29 the Help America Vote Act (HAVA) account established in Minnesota Statutes, section

2.30 5.30, to the secretary of state for the purposes of improving the administration and security

2.31 of elections as authorized by federal law, including but not limited to any of the following

2.32 activities:

3.1 (1) modernizing, securing, and updating the statewide voter registration system and for
3.2 cybersecurity upgrades as authorized by federal law;

3.3 (2) improving accessibility;

3.4 (3) preparing training materials and training local election officials;

3.5 (4) implementing security improvements for election systems; and

3.6 (5) funding other activities to improve the security of elections.

3.7 (b) Any amount earned in interest on the amount appropriated under paragraph (a) is
3.8 appropriated from the HAVA account to the secretary of state for purposes of improving
3.9 the administration and security of elections as authorized by federal law.

3.10 (c) The appropriations under paragraphs (a) and (b) are onetime and available until
3.11 December 21, 2024.

3.12 Subd. 2. State match transfers. The amounts listed in this subdivision are transferred
3.13 in fiscal year 2020 from the general fund to the Help America Vote Act account established
3.14 in Minnesota Statutes, section 5.30, and are credited to the state match requirement of the
3.15 corresponding federal act, as indicated:

3.16 (1) \$1,477,901, credited to the state match requirement of the Consolidated
3.17 Appropriations Act, 2020, Public Law 116-93, Title V; and

3.18 (2) \$1,386,122, credited to the state match requirement of the Coronavirus Aid, Relief,
3.19 and Economic Security Act, Public Law

3.20 The amounts transferred in this subdivision are included in the amounts appropriated to the
3.21 secretary of state under subdivision 1.

3.22 **EFFECTIVE DATE.** This section is effective the day following final enactment.

SARA R. GREWING
JUDGE OF DISTRICT COURT



RAMSEY COUNTY COURTHOUSE
15 WEST KELLOGG BLVD.
SAINT PAUL, MN 55102
TELEPHONE 651-266-5154

STATE OF MINNESOTA

June 5, 2020

Re: Case No. 62-CV-20-3149, LaRose, et al v. Steve Simon

Dear Counsel:

As you are aware, the defense filed an answer in the above-titled case yesterday. Upon review of the file, I became aware that Greene Espel Attorney Samuel Clark was included on the list of attorneys to be served in the file. Out of an abundance of caution, I wanted to advise all parties of my prior work with Mr. Clark.

The commentary to Rule 2.11 of the Code of Judicial Conduct states:

A judge should disclose on the record information that the judge believes the parties or their lawyers might reasonably consider relevant to a possible motion for disqualification, even if the judge believes there is no basis for disqualification.

Pursuant to this guidance, please note that Mr. Clark became the Saint Paul City Attorney immediately following my tenure as the Saint Paul City Attorney in 2015. Mr. Clark and I have also both served as senior staff to Senator Amy Klobuchar, though not at the same time. As such, our paths have crossed socially and professionally at several points.

I do not have concerns that Mr. Clark and my similar work experience requires my recusal. As has been my practice in making such disclosures, however, I will recuse myself at the request of any party. I will not require compliance with the time restrictions in Minn. R. Civ. P. 63.03. Any request for recusal based upon this disclosure should be filed and served through the normal course and submitted to court administration at billy.herr@courts.state.mn.us.

Sincerely,

A handwritten signature in cursive script that reads "Sara Grewing".

Grewing, Sara (Judge)

Jun 5 2020 11:48 AM
SARA R. GREWING

JUDGE OF DISTRICT COURT

News **Political Agenda**

Sara Grewing, Chris Coleman's chief of staff, to be city attorney

St. Paul Mayor Chris Coleman has appointed his chief of staff, Sara Grewing, to be the new St. Paul city attorney.

By Joe Kimball

Sept. 2, 2010



Sara Grewing

MinnPost/Joe Kimball

St. Paul Mayor Chris Coleman has appointed his chief of staff, Sara Grewing, to be the new St. Paul city attorney. She is a lawyer with lots of political experience.

She replaces John Choi, who [left the job in April](#) to focus on his election campaign for Ramsey County Attorney.

[Grewing joined Coleman's staff](#) in 2007, after working as state director for Sen. Amy Klobuchar.

Grewing also had worked for Klobuchar as an assistant Hennepin County attorney, in the Administration and White Collar divisions, served as an attorney at Flaherty and Hood, and currently is an adjunct professor at William Mitchell College of Law. She also is a board member of the St. Paul Public Schools Foundation.

[Show comments or leave a comment](#)

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

Case Type: Civil

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

Plaintiffs,

v.

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

Defendant.

**STIPULATION AND PARTIAL
CONSENT DECREE**

Court File No: 62-CV-20-3149

Plaintiffs Robert LaRose, Teresa Maples, Mary Sansom, Gary Severson, and Minnesota Alliance for Retired Americans, and Defendant Steve Simon (collectively, “the Parties”) stipulate to the following and request that this Court approve this Partial Consent Decree. This Stipulation and Partial Consent Decree is limited only to Plaintiffs’ claims as they pertain to the August 11, 2020 primary election (“August Primary”) and is premised upon the current public health crisis facing Minnesota caused by the ongoing spread of the novel coronavirus.

**I.
RECITALS**

WHEREAS on May 13, 2020, Plaintiffs filed a complaint against Defendant challenging the constitutionality and enforcement of Minnesota’s requirement that each mail-in ballot be witnessed by a registered Minnesota voter, a notary, or person otherwise authorized to administer oaths (“Witness Requirement”), Minn. Stat. §§ 203B.07, 204B.45, and 204B.46, and its requirement that ballots be received by 8:00 p.m. on Election Day if delivered by mail (the

“Election Day Receipt Deadline”), *id.* §§ 203B.08 subd. 3; 204B.45, and 204B.46, Minn. R. 8210.2200 subp. 1 and 8210.3000 (collectively, “Challenged Provisions”), in general and specifically during the ongoing public health crisis caused by the spread of the novel coronavirus;

WHEREAS among other relief requested, the Complaint seeks to enjoin enforcement of the Challenged Provisions during the August Primary due, in part, to the public health crisis caused by the spread of the novel coronavirus;

WHEREAS the coronavirus public health crisis is ongoing and Minnesota remains under “Stay Safe” Emergency Executive Order 20-74, which contemplates a phased reopening of Minnesota that continues to require social distancing and mandates that “[i]ndividuals engaging in activities outside of the home follow the requirements of [the Stay Safe Order and Minnesota Department of Health and Centers for Disease Control and Prevention (“CDC”)] Guidelines,” Exec. Order 20-74 ¶ 6(a), and states that individuals “at risk of severe illness from COVID-19 . . . [are] strongly urged to stay at home or in their place of residence,” *id.* ¶4;

WHEREAS Minnesota is anticipated to be required to maintain social distancing and abide by CDC Guidelines until the crisis subsides;

WHEREAS current projections indicate that the coronavirus crisis will continue into the summer and well into the August Primary election cycle;

WHEREAS federal guidelines state “[e]veryone should avoid close contact” by “stay[ing] home as much as possible” and “put[ting] distance between yourself and other people,” CDC, Coronavirus Disease 2019: How to Protect Yourself & Others, <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html> (last visited May 18, 2020), and “[e]ncourage voters to use voting methods that minimize direct contact,”

including absentee voting, CDC, Recommendations for Election Polling Locations: Interim guidance to prevent spread of coronavirus disease 2019 (COVID-19), <https://www.cdc.gov/coronavirus/2019-ncov/community/election-polling-locations.html> (last visited May 18, 2020);

WHEREAS the absentee voting period for the August Primary election begins on June 26, 2020, 46 days prior to the date of the election, Minn. Stat. § 203B.081 subd.1; *id.* § 204B.35, and absentee instructions, ballots, and envelopes, including the certificate of eligibility, must be prepared in time to have a supply for every precinct available to cover absentee voting prior to that date;

WHEREAS available public data regarding transmission of COVID-19 supports Plaintiffs' concerns for their safety if they are required to interact with others to cast their ballot in the August Primary, and whereas anticipated increases in absentee balloting, coupled with corresponding shortages of elections personnel and mail delays, appear likely to impact the August Primary and threaten to slow down the process of mailing and returning absentee ballots;

WHEREAS, on April 28, 2020, the Wisconsin Department of Health Services reported that 52 people who voted in person or worked the polls for Wisconsin's April 7, 2020 primary election have tested positive for COVID-19 thus far;

WHEREAS courts in other states have enjoined those states from enforcing witness requirements, similar to Minnesota's witness requirement, for primary elections this spring. *See Thomas v. Andino*, -- F. Supp. 3d --, 2020 WL 2617329 (D.S.C. May 25, 2020); *League of Women Voters of Virginia v. Virginia State Board of Elections*, -- F. Supp. 3d --, 2020 WL 2158249 (W.D. Va. May 5, 2020);

WHEREAS, for the April 7, 2020 primary election in Wisconsin, the U.S. Supreme Court affirmed the implementation of a postmark rule, whereby ballots postmarked by Election Day could be counted as long as they were received within six days of Election Day. *Republican Nat'l Comm. v. Democratic Nat'l Comm.*, 140 S. Ct. 1205, 1207 (2020);

WHEREAS the Parties agree that an expeditious resolution of this matter for the August Primary, in the manner contemplated by the terms of this Stipulation and Partial Consent Decree, will limit confusion and increase certainty surrounding the August Primary, including in the nine days remaining before the June 26, 2020 deadline for absentee ballot preparation, and is in the best interests of the health, safety, and constitutional rights of the citizens of Minnesota, and, therefore, in the public interest;

WHEREAS the Parties wish to avoid the burden and expense of litigation over an expedited preliminary injunction for the August Primary in agreeing to these terms, the Parties, acting by and through their counsel, have engaged in arms' length negotiations, and both Parties are represented by counsel knowledgeable in this area of the law;

WHEREAS it is the finding of this Court, made on the pleadings and upon agreement of the Parties, that: (i) the requirements of the Minnesota Constitution, Art. I, §§ 2, 7, and Art. VII, § 1, and U.S. Constitution, Amend. I and XIV, will be carried out by the implementation of this Partial Consent Decree, (ii) the terms of this Partial Consent Decree constitute a fair and equitable settlement of the issues raised with respect to the August Primary, (iii) this Partial Consent Decree is intended to and does resolve Plaintiffs' claims with respect to the August Primary; and (iv) this Partial Consent Decree is not intended to and does not resolve Plaintiffs' claims generally or specifically with respect to the general election scheduled for November 3, 2020 or any election thereafter;

NOW, THEREFORE, upon consent of the Parties, in consideration of the mutual promises and recitals contained in this Stipulation and Partial Consent Decree, including relinquishment of certain legal rights, the Parties agree as follows:

**II.
JURISDICTION**

This Court has jurisdiction over the subject matter of this action pursuant to Minn. Const. Art. VI, § 3 and Minn. Stat. § 484.01 and has jurisdiction over the Parties herein. The Court shall retain jurisdiction of this Stipulation and Consent Decree for the duration of the term of this Partial Consent Decree for purposes of entering all orders, judgments, and decrees that may be necessary to implement and enforce compliance with the terms provided herein.

**III.
PARTIES**

This Stipulation and Partial Consent Decree applies to and is binding upon the following parties:

- A. The State of Minnesota by Steve Simon, Secretary of State of Minnesota; and
- B. All Plaintiffs.

**IV.
SCOPE OF CONSENT DECREE**

A. This Stipulation and Partial Consent Decree constitutes a partial settlement and resolution of Plaintiffs' claims against Defendant pending in this Lawsuit. Plaintiffs recognize that by signing this Stipulation and Partial Consent Decree, they are releasing any claims under the Minnesota or U.S. Constitutions that they might have against Defendant with respect to the Witness Requirement and Election Day Receipt Deadline in the August Primary. Plaintiffs' release of claims will become final upon the effective date of this Stipulation and Partial Consent Decree.

B. The Parties to this Stipulation and Partial Consent Decree acknowledge that this does not resolve or purport to resolve any claims pertaining to the constitutionality or enforcement of the Witness Requirement and Election Day Receipt Deadline during the November 3, 2020 general election or any election thereafter. Neither Party releases any claims or defenses with respect to the Witness Requirement and Election Day Receipt Deadline related to the November 3, 2020 general election or any election thereafter.

C. The Parties to this Stipulation and Partial Consent Decree further acknowledge that by signing this Stipulation and Partial Consent Decree, the Parties do not release or waive the following: (i) any rights, claims, or defenses that are based on any events that occur after they sign this Stipulation and Partial Consent Decree, (ii) any claims or defenses that are unrelated to the allegations filed by Plaintiffs in this Lawsuit, and (iii) any right to institute legal action for the purpose of enforcing this Stipulation and Partial Consent Decree or defenses thereto.

D. By entering this Stipulation and Partial Consent Decree, Plaintiffs are partially settling a disputed matter between themselves and Defendant. The Parties are entering this Stipulation and Partial Consent Decree for the purpose of resolving a disputed claim, avoiding the burdens and costs associated with the costs of a preliminary injunction motion and hearing, and ensuring both safety and certainty in advance of the August Primary. Nothing in this Stipulation and Partial Consent Decree constitutes an admission by any party of liability or wrongdoing. The Parties acknowledge that a court may seek to consider this Stipulation and Partial Consent Decree, including the violations alleged in Plaintiffs' Complaint, in a future proceeding distinct from this Lawsuit.

V.
CONSENT DECREE OBJECTIVES

In addition to partially settling the claims of the Parties, the objective of this Stipulation and Partial Consent Decree is to ensure that Minnesota voters can safely and constitutionally exercise the franchise in the August Primary.

VI.
INJUNCTIVE RELIEF

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED FOR THE REASONS STATED ABOVE THAT:

A. For the August Primary Defendant shall not enforce the Witness Requirement, with respect to voting only, as set out in Minn. Stat. § 203B.07, subd. 3 (1) and (2), that each absentee ballot and designated mail ballot, Minn. Stat. § 204B.45 - .46, and Minn. R. 8210.3000, for voters previously registered in Minnesota be witnessed by a registered Minnesota voter, a notary, or person otherwise authorized to administer oaths.

B. For the August Primary Defendant shall not enforce the Election Day Receipt Deadline for mail-in ballots, as set out in Minn. Stat. §§ 203B.08 subd. 3, 204B.45, and 204B.46 and Minn. R. 8210.2200 subp. 1, and 8210.3000, that ballots be received by 8:00 p.m. on Election Day if delivered by mail. Instead, the deadline set forth in paragraph VI.D below shall govern.

C. Defendant shall issue guidance instructing all relevant local election officials to count all absentee and designated mail ballots in the August Primary that are otherwise validly cast by voters registered in Minnesota prior to casting their absentee and designated mail ballot but missing a witness signature.

D. Defendant shall issue guidance instructing all relevant local election officials to count all mail-in ballots in the August Primary that are otherwise validly cast and postmarked on or before Election Day but received by close of business at least one day prior to the beginning

of the county canvass (i.e., within 2 days of Election Day for the August Primary). For the purposes of this Stipulation and Partial Consent Decree, postmark shall refer to any type of imprint applied by the United States Postal Service to indicate the location and date the Postal Service accepts custody of a piece of mail, including bar codes, circular stamps, or other tracking marks. Where a ballot does not bear a postmark date, the election official reviewing the ballot should presume that it was mailed on or before Election Day unless the preponderance of the evidence demonstrates it was mailed after Election Day.

E. Defendant shall issue instructions to include with all absentee ballots and designated mail ballots—or issue guidance instructing all relevant local election officials to modify, amend, or print the instructions accompanying each absentee ballot and designated mail ballot—to inform voters that any absentee ballot or designated mail ballot cast by a previously registered voter in the August Primary without a witness signature will not be rejected on that basis and that the witness signature line and associated language for witnesses to certify a previously registered voter’s ballot, Minn. Stat. §§ 203B.07, subd. 3 (1) and (2), 204B.45, and 204B.46, and Minn. R. 8210.2200, subp.1 and Minn. R. 8210.3000 and be removed from the certification of eligibility altogether for absentee ballot and designated mail ballot materials sent to previously registered voters.

F. Defendant shall issue instructions to include with all absentee and designated mail ballots—or issue guidance instructing all relevant local election officials to modify, amend, or print instructions accompanying each absentee and designated mail ballot—to inform voters that any absentee or designated mail ballot cast in the August Primary and postmarked on or before Election Day and received within 2 days will be counted.

G. Defendant shall take additional reasonable steps to inform the public that the Witness Requirement for voting will not be enforced for the August Primary and issue guidance instructing all relevant city and county election officials to do the same.

H. Defendant shall take additional reasonable steps to inform the public that the Election Day Receipt Deadline will not be enforced for the August Primary and that any absentee or designated mail ballot cast in the August Primary and postmarked on or before Election Day and received within 2 days by close of business will be counted.

I. Plaintiffs will not file a motion for preliminary injunction for the August Primary election.

J. In accordance with the terms of this Stipulation and Partial Consent Decree, the Parties shall each bear their own fees, expenses, and costs incurred as of the date of this Order with respect to Plaintiffs' claims raised as to the August Primary against Defendant.

**VII.
ENFORCEMENT AND RESERVATION OF REMEDIES**

The Parties to this Stipulation and Partial Consent Decree may request relief from this Court if issues arise concerning the interpretation of this Stipulation and Partial Consent Decree that cannot be resolved through the process described below. This Court specifically retains continuing jurisdiction over the subject matter hereof and the Parties hereto for the purposes of interpreting, enforcing, or modifying the terms of this Stipulation and Partial Consent Decree, or for granting any other relief not inconsistent with the terms of this Partial Consent Decree, until this Partial Consent Decree is terminated. The Parties may apply to this Court for any orders or other relief necessary to construe or effectuate this Stipulation and Partial Consent Decree or seek informal conferences for direction as may be appropriate. The Parties shall attempt to meet and confer regarding any dispute prior to seeking relief from the Court.

If either Party believes that the other has not complied with the requirements of this Stipulation and Partial Consent Decree, it shall notify the other Party of its noncompliance by emailing the Party's counsel. Notice shall be given at least one business day prior to initiating any action or filing any motion with the Court.

The Parties specifically reserve their right to seek recovery of their litigation costs and expenses arising from any violation of this Stipulation and Partial Consent Decree that requires either Party to file a motion with this Court for enforcement of this Stipulation and Partial Consent Decree.

VIII. GENERAL TERMS

A. Voluntary Agreement. The Parties acknowledge that no person has exerted undue pressure on them to sign this Stipulation and Partial Consent Decree. Each Party is voluntarily choosing to enter into this Stipulation and Partial Consent Decree because of the benefits that are provided under the agreement. The Parties acknowledge that they have read and understand the terms of this Stipulation and Partial Consent Decree; they have been represented by legal counsel or had the opportunity to obtain legal counsel; and they are voluntarily entering into this Stipulation and Partial Consent Decree to resolve the dispute among them.

B. Severability. The provisions of this Stipulation and Partial Consent Decree shall be severable, and should any provisions be declared by a court of competent jurisdiction to be unenforceable, the remaining provisions of this Stipulation and Partial Consent Decree shall remain in full force and effect.

C. Agreement. This Stipulation and Partial Consent Decree is binding. The Parties acknowledge that they have been advised that (i) the other Party has no duty to protect their interest or provide them with information about their legal rights, (ii) signing this Stipulation and

Partial Consent Decree may adversely affect their legal rights, and (iii) they should consult an attorney before signing this Stipulation and Partial Consent Decree if they are uncertain of their rights.

D. Entire Agreement. This Stipulation and Consent Decree constitutes the entire agreement between the Parties relating to the constitutionality and enforcement of the Witness Requirement and Election Day Receipt Deadline as they pertain to the August Primary. No Party has relied upon any statements, promises, or representations that are not stated in this document. No changes to this Stipulation and Partial Consent Decree are valid unless they are in writing, identified as an amendment to this Stipulation and Partial Consent Decree, and signed by all Parties. There are no inducements or representations leading to the execution of this Stipulation and Partial Consent Decree except as herein explicitly contained.

E. Warranty. The persons signing this Stipulation and Partial Consent Decree warrant that they have full authority to enter this Stipulation and Partial Consent Decree on behalf of the Party each represents, and that this Stipulation and Partial Consent Decree is valid and enforceable as to that Party.

F. Counterparts. This Stipulation and Partial Consent Decree may be executed in multiple counterparts, which shall be construed together as if one instrument. Any Party shall be entitled to rely on an electronic or facsimile copy of a signature as if it were an original.

G. Effective Date. This Stipulation and Partial Consent Decree is effective upon the date it is entered by the Court. Defendant agrees to continue to initiate and implement all activities necessary to comply with the provisions of this Stipulation and Partial Consent Decree pending entry by the Court.

IX. TERMINATION

This Stipulation and Partial Consent Decree shall remain in effect through the certification of ballots for the August Primary. The Court shall retain jurisdiction to enforce the terms of the Partial Consent Decree for the duration of this Partial Consent Decree. This Court's jurisdiction over this Stipulation and Partial Consent Decree shall automatically terminate after the certification of all ballots for the August Primary.

THE PARTIES ENTER INTO AND APPROVE THIS STIPULATION AND PARTIAL CONSENT DECREE AND SUBMIT IT TO THE COURT SO THAT IT MAY BE APPROVED AND ENTERED. THE PARTIES HAVE CAUSED THIS STIPULATION AND CONSENT DECREE TO BE SIGNED ON THE DATES OPPOSITE THEIR SIGNATURES.

Dated: June 16, 2020

SECRETARY OF STATE OF MINNESOTA

By: Steve Simon
Steve Simon
Secretary of State

GREENE ESPEL PLLP

Dated: June 16, 2020

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Attorneys for Plaintiffs

62-CV-20-3149

Filed in District Court
State of Minnesota
6/17/2020 9:26 AM

**IT IS SO DECREED AND ORDERED. JUDGMENT SHALL BE ENTERED IN
ACCORDANCE WITH THE FOREGOING CONSENT DECREE.**

Dated: June 17, 2020



Grewing, Sara (Judge)
Jun 17 2020 9:23 AM

The Honorable Judge Sara Grewing
Judge of District Court

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

Case Type: Civil

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

Plaintiffs,

v.

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

Defendant.

**STIPULATION AND PARTIAL
CONSENT DECREE**

Honorable Sara R. Grewing
Court File No. 62-CV-20-3625

Plaintiffs National Association for the Advancement of Colored People Minnesota-Dakotas Area State Conference, Susan Bergquist, and Eleanor Wagner, and Defendant Steve Simon (collectively, “the Parties”) stipulate to the following and request that this Court approve this Partial Consent Decree. This Stipulation and Partial Consent Decree is limited only to Plaintiffs’ claims as they pertain to the Witness Requirement for the November 3, 2020 general election (“November General Election”) and is premised upon the current public health crisis facing Minnesota caused by the ongoing spread of the novel coronavirus.

**I.
RECITALS**

WHEREAS on June 5, 2020, Plaintiffs filed a complaint against Defendant challenging the constitutionality and enforcement of Minnesota’s requirement that each mail-in ballot be witnessed by a registered Minnesota voter, a notary, or person otherwise authorized to administer

oaths (“Witness Requirement”), Minn. Stat. §§ 203B.07, 204B.45, and 204B.46, during the ongoing public health crisis caused by the spread of the novel coronavirus;

WHEREAS among other relief requested, the Complaint seeks to enjoin enforcement of the Witness Requirement during the November General Election due to the public health crisis caused by the spread of the novel coronavirus;

WHEREAS the coronavirus public health crisis is ongoing and Minnesota remains under “Stay Safe” Emergency Executive Order 20-74, which contemplates a phased reopening of Minnesota that continues to require social distancing and mandates that “[i]ndividuals engaging in activities outside of the home follow the requirements of [the Stay Safe Order and Minnesota Department of Health and Centers for Disease Control and Prevention (“CDC”)] Guidelines,” Exec. Order 20-74 ¶ 6(a), and states that individuals “at risk of severe illness from COVID-19 . . . [are] strongly urged to stay at home or in their place of residence,” *id.* ¶4;

WHEREAS Minnesota remains under a peacetime emergency, declared by the governor, because the “COVID-19 pandemic continues to present an unprecedented and rapidly evolving challenge to our State,” Emergency Executive Order 20-78;

WHEREAS Minnesota is currently witnessing an increase in positive COVID-19 cases, Minnesota has had over 42,000 confirmed COVID-19 cases, with over 4,300 hospitalizations and over 1,500 fatalities, and current projections indicate that the coronavirus crisis will continue into the fall and well into the November General Election cycle;

WHEREAS cases continue to spread and climb across the country, and the director of the National Institute of Allergy and Infectious Diseases recently warned that the country is still “knee-deep” in the first wave of the pandemic;

WHEREAS federal guidelines state “[e]veryone should avoid close contact” by “keeping distance from others,” CDC, Coronavirus Disease 2019: How to Protect Yourself & Others, <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html> (last visited July 13, 2020), and advise that jurisdictions “offer alternative voting methods that minimize direct contact,” including “alternatives to in-person voting” such as absentee voting, CDC, Recommendations for Election Polling Locations: Interim guidance to prevent spread of coronavirus disease 2019 (COVID-19), <https://www.cdc.gov/coronavirus/2019-ncov/community/election-polling-locations.html> (last visited July 13, 2020);

WHEREAS Minnesota is anticipated to be required to maintain social distancing and abide by CDC Guidelines until the crisis subsides;

WHEREAS the absentee voting period for the November General Election begins on September 18, 2020, 46 days prior to the date of the election, Minn. Stat. § 203B.081 subd.1; *id.* § 204B.35, and absentee instructions, ballots, and envelopes, including the certificate of eligibility, must be prepared in time to have a supply for every precinct available to cover absentee voting prior to that date;

WHEREAS available public data regarding transmission of COVID-19 supports Plaintiffs’ concerns for their safety if they are required to interact with others to cast their ballot in the November General Election;

WHEREAS on April 28, 2020, the Wisconsin Department of Health Services reported that 52 people who voted in person or worked the polls for Wisconsin’s April 7, 2020 primary election have tested positive for COVID-19 thus far;

WHEREAS courts in other states have enjoined those states from enforcing witness requirements, similar to Minnesota’s witness requirement, for primary elections this spring. *See*

Thomas v. Andino, -- F. Supp. 3d --, 2020 WL 2617329 (D.S.C. May 25, 2020); *League of Women Voters of Va. v. Va. State Bd. of Elections*, -- F. Supp. 3d --, 2020 WL 2158249, at *8 (W.D. Va. May 5, 2020) (“In our current era of social distancing—where not just Virginians, but all Americans, have been instructed to maintain a minimum of six feet from those outside their household—the burden [of the witness requirement] is substantial for a substantial and discrete class of Virginia's electorate. During this pandemic, the witness requirement has become both too restrictive and not restrictive enough to effectively prevent voter fraud.”);

WHEREAS multiple courts have found that the pandemic requires or justifies changes to other aspects of states' election laws, *see, e.g., The Constitution Party of Virginia v. Virginia State Board of Elections*, 20-cv-349, 2020 WL 4001087 (E.D. Va. July 15, 2020); *People Not Politicians Oregon v. Clarno*, 20-cv-1053, 2020 WL 3960440 (D. Or. July 13, 2020); *Cooper v. Raffenberger*, -- F. Supp. 3d --, 20-cv-1312, 2020 WL 3892454 (N.D. Ga. July 9, 2020); *Reclaim Idaho v. Little*, 20-cv-268, 2020 WL 3892454 (D. Idaho June 26, 2020); *Libertarian Party of Ill. v. Pritzker*, 20-cv-2112, 2020 WL 1951687 (N.D. Ill. Apr. 23, 2020); *Paher v. Cegavske*, -- F. Supp. 3d --, 20-cv-243, 2020 WL 2089813 (D. Nev. Apr. 30, 2020);

WHEREAS the Parties agree that an expeditious resolution of this matter for the November General Election, in the manner contemplated by the terms of this Stipulation and Partial Consent Decree, will limit confusion and increase certainty surrounding the November General Election, including in the days remaining before the September 18, 2020 deadline for absentee ballot preparation, and is in the best interests of the health, safety, and constitutional rights of the citizens of Minnesota, and, therefore, in the public interest;

WHEREAS the Parties wish to avoid the burden and expense of litigation over an expedited preliminary injunction as to the Witness Requirement for the November General Election;

WHEREAS the Parties, in agreeing to these terms, acting by and through their counsel, have engaged in arms' length negotiations, and both Parties are represented by counsel knowledgeable in this area of the law;

WHEREAS, on June 17, 2020, this Court signed and approved a stipulation and partial consent decree implementing substantially similar relief for the August 11, 2020 primary election in *LaRose v. Simon*, 62-CV-20-3149;

WHEREAS, on July 17, 2020, the parties in *LaRose v. Simon*, 62-CV-20-3149, submitted a stipulation and partial consent decree containing relief identical to the relief provided in this stipulation and partial consent decree, as to the Witness Requirement for the November General Election;

WHEREAS voters have been informed about the rule changes for the primary election, voting has begun with those rules in place, and it would minimize confusion to have consistent rules regarding how elections are conducted during this pandemic;

WHEREAS it is the finding of this Court, made on the pleadings and upon agreement of the Parties, that: (i) the requirements of the Minnesota Constitution, Art. I, §§ 2, 7, and Art. VII, § 1, will be carried out by the implementation of this Partial Consent Decree, (ii) the terms of this Partial Consent Decree constitute a fair and equitable settlement as to the Witness Requirement for the November General Election, and (iii) this Partial Consent Decree is intended to and does resolve Plaintiffs' claims with respect to the Witness Requirement for the November General Election;

NOW, THEREFORE, upon consent of the Parties, in consideration of the mutual promises and recitals contained in this Stipulation and Partial Consent Decree, including relinquishment of certain legal rights, the Parties agree as follows:

**II.
JURISDICTION**

This Court has jurisdiction over the subject matter of this action pursuant to Minn. Const. Art. VI, § 3 and Minn. Stat. § 484.01 and has jurisdiction over the Parties herein. The Court shall retain jurisdiction of this Stipulation and Consent Decree for the duration of the term of this Partial Consent Decree for purposes of entering all orders, judgments, and decrees that may be necessary to implement and enforce compliance with the terms provided herein.

**III.
PARTIES**

This Stipulation and Partial Consent Decree applies to and is binding upon the following parties:

- A. The State of Minnesota by Steve Simon, Secretary of State of Minnesota; and
- B. All Plaintiffs.

**IV.
SCOPE OF CONSENT DECREE**

A. This Stipulation and Partial Consent Decree constitutes a partial settlement and resolution of Plaintiffs' claims against Defendant pending in this Lawsuit. Plaintiffs recognize that by signing this Stipulation and Partial Consent Decree, they are releasing any claims under the Minnesota Constitution that they might have against Defendant with respect to the Witness Requirement in the November General Election. Plaintiffs' release of claims will become final upon the effective date of this Stipulation and Partial Consent Decree.

B. The Parties to this Stipulation and Partial Consent Decree further acknowledge that by signing this Stipulation and Partial Consent Decree, the Parties do not release or waive the following: (i) any rights, claims, or defenses that are based on any events that occur after they sign this Stipulation and Partial Consent Decree, (ii) any claims or defenses that are unrelated to the allegations filed by Plaintiffs in this Lawsuit, and (iii) any right to institute legal action for the purpose of enforcing this Stipulation and Partial Consent Decree or defenses thereto.

C. By entering this Stipulation and Partial Consent Decree, Plaintiffs are partially settling a disputed matter between themselves and Defendant. The Parties are entering this Stipulation and Partial Consent Decree for the purpose of resolving a disputed claim, avoiding the burdens and costs associated with the costs of a preliminary injunction motion and hearing, and ensuring both safety and certainty in advance of the November General Election. Nothing in this Stipulation and Partial Consent Decree constitutes an admission by any party of liability or wrongdoing. The Parties acknowledge that a court may seek to consider this Stipulation and Partial Consent Decree, including the violations alleged in Plaintiffs' Complaint, in a future proceeding distinct from this Lawsuit.

**V.
CONSENT DECREE OBJECTIVES**

In addition to partially settling the claims of the Parties, the objective of this Stipulation and Partial Consent Decree is to ensure that Minnesota voters can safely and constitutionally exercise the franchise in the November General Election, and to ensure that election officials have sufficient time to implement changes for the November General Election and educate voters about these changes before voting begins.

**VI.
INJUNCTIVE RELIEF**

**IT IS HEREBY ORDERED, ADJUDGED, AND DECREED FOR THE REASONS
STATED ABOVE THAT:**

A. For the November General Election Defendant shall not enforce the Witness Requirement, with respect to voting only, as set out in Minn. Stat. § 203B.07, subd. 3 (1) and (2), that each absentee ballot and designated mail ballot for voters previously registered in Minnesota be witnessed by a registered Minnesota voter, a notary, or person otherwise authorized to administer oaths, Minn. Stat. § 204B.45 - .46, and Minn. R. 8210.3000.

B. Defendant shall issue guidance instructing all relevant local election officials to count all absentee and designated mail ballots in the November General Election, as long as they are otherwise validly cast by voters who registered in Minnesota before casting their absentee or designated mail ballot. No witness signature will be required on those ballots.

C. Defendant shall issue instructions to include with all absentee ballots and designated mail ballots—or issue guidance instructing all relevant local election officials to modify, amend, or print the instructions accompanying each absentee ballot and designated mail ballot—to inform voters that any absentee ballot or designated mail ballot cast by a previously registered voter in the November General Election without a witness signature will not be rejected on that basis and that the witness signature line and associated language for witnesses to certify a previously registered voter's ballot, Minn. Stat. §§ 203B.07, subd. 3 (1) and (2), 204B.45, 204B.46; Minn. R. 8210.2200, subp.1; Minn. R. 8210.3000, be removed from the certification of eligibility altogether for absentee ballot and designated mail ballot materials sent to previously registered voters.

D. Defendant shall take additional reasonable steps to inform the public that the Witness Requirement for voting will not be enforced for the November General Election and issue guidance instructing all relevant city and county election officials to do the same.

E. Plaintiffs will withdraw their Motion for Temporary Injunction as to the Witness Requirement for the November General Election.

F. In accordance with the terms of this Stipulation and Partial Consent Decree, the Parties shall each bear their own fees, expenses, and costs incurred as of the date of this Order with respect to Plaintiffs' claims raised as to the Witness Requirement.

VII. ENFORCEMENT AND RESERVATION OF REMEDIES

The Parties to this Stipulation and Partial Consent Decree may request relief from this Court if issues arise concerning the interpretation of this Stipulation and Partial Consent Decree that cannot be resolved through the process described below. This Court specifically retains continuing jurisdiction over the subject matter hereof and the Parties hereto for the purposes of interpreting, enforcing, or modifying the terms of this Stipulation and Partial Consent Decree, or for granting any other relief not inconsistent with the terms of this Partial Consent Decree, until this Partial Consent Decree is terminated. The Parties may apply to this Court for any orders or other relief necessary to construe or effectuate this Stipulation and Partial Consent Decree or seek informal conferences for direction as may be appropriate. The Parties shall attempt to meet and confer regarding any dispute prior to seeking relief from the Court.

If either Party believes that the other has not complied with the requirements of this Stipulation and Partial Consent Decree, it shall notify the other Party of its noncompliance by

emailing the Party's counsel. Notice shall be given at least one business day prior to initiating any action or filing any motion with the Court.

The Parties specifically reserve their right to seek recovery of their litigation costs and expenses arising from any violation of this Stipulation and Partial Consent Decree that requires either Party to file a motion with this Court for enforcement of this Stipulation and Partial Consent Decree.

VIII. GENERAL TERMS

A. Voluntary Agreement. The Parties acknowledge that no person has exerted undue pressure on them to sign this Stipulation and Partial Consent Decree. Each Party is voluntarily choosing to enter into this Stipulation and Partial Consent Decree because of the benefits that are provided under the agreement. The Parties acknowledge that they have read and understand the terms of this Stipulation and Partial Consent Decree; they have been represented by legal counsel or had the opportunity to obtain legal counsel; and they are voluntarily entering into this Stipulation and Partial Consent Decree to resolve the dispute among them.

B. Severability. The provisions of this Stipulation and Partial Consent Decree shall be severable, and should any provisions be declared by a court of competent jurisdiction to be unenforceable, the remaining provisions of this Stipulation and Partial Consent Decree shall remain in full force and effect.

C. Agreement. This Stipulation and Partial Consent Decree is binding. The Parties acknowledge that they have been advised that (i) the other Party has no duty to protect their interest or provide them with information about their legal rights, (ii) signing this Stipulation and Partial Consent Decree may adversely affect their legal rights, and (iii) they should consult an attorney before signing this Stipulation and Partial Consent Decree if they are uncertain of their rights.

D. Entire Agreement. This Stipulation and Consent Decree constitutes the entire agreement between the Parties relating to the constitutionality and enforcement of the Witness Requirement and Election Day Receipt Deadline as they pertain to the November General Election. No Party has relied upon any statements, promises, or representations that are not stated in this document. No changes to this Stipulation and Partial Consent Decree are valid unless they are in writing, identified as an amendment to this Stipulation and Partial Consent Decree, and signed by all Parties. There are no inducements or representations leading to the execution of this Stipulation and Partial Consent Decree except as herein explicitly contained.

E. Warranty. The persons signing this Stipulation and Partial Consent Decree warrant that they have full authority to enter this Stipulation and Partial Consent Decree on behalf of the Party each represents, and that this Stipulation and Partial Consent Decree is valid and enforceable as to that Party.

F. Counterparts. This Stipulation and Partial Consent Decree may be executed in multiple counterparts, which shall be construed together as if one instrument. Any Party shall be entitled to rely on an electronic or facsimile copy of a signature as if it were an original.

G. Effective Date. This Stipulation and Partial Consent Decree is effective upon the date it is entered by the Court. Defendant agrees to continue to initiate and implement all activities necessary to comply with the provisions of this Stipulation and Partial Consent Decree pending entry by the Court.

IX. TERMINATION

This Stipulation and Partial Consent Decree shall remain in effect through the certification of ballots for the November General Election. The Court shall retain jurisdiction to enforce the terms of the Partial Consent Decree for the duration of this Partial Consent Decree. This Court's

jurisdiction over this Stipulation and Partial Consent Decree shall automatically terminate after the certification of all ballots for the November General Election.

THE PARTIES ENTER INTO AND APPROVE THIS STIPULATION AND PARTIAL CONSENT DECREE AND SUBMIT IT TO THE COURT SO THAT IT MAY BE APPROVED AND ENTERED. THE PARTIES HAVE CAUSED THIS STIPULATION AND CONSENT DECREE TO BE SIGNED ON THE DATES OPPOSITE THEIR SIGNATURES.

Dated: July 23, 2020

SECRETARY OF STATE OF MINNESOTA
By: Steve Simon
Steve Simon
Secretary of State

Dated: July 22, 2020

/s/ Craig S. Coleman

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Attorneys for Plaintiffs

**IT IS SO DECREED AND ORDERED. JUDGMENT SHALL BE ENTERED IN
ACCORDANCE WITH THE FOREGOING CONSENT DECREE.**

Dated: August 3, 2020



Grewing, Sara (Judge)
Aug 3 2020 3:05 PM

The Honorable Judge Sara Grewing
Judge of District Court