

October 28, 2020

Litigation Brought by the Democratic National Convention (DNC) and Democratic Organizations

Alabama (AL)	Curbside voting - Republican victory: US Supreme Court stayed a lower court ruling that would have allowed (though not required) Alabama counties to offer curbside voting. (<i>Merrill v. People First of Alabama</i>)
Arizona (AZ)	Absentee ballots – Temporary Republican victory: Ninth Circuit Court of Appeals <u>issued</u> a temporary stay on a lower court ruling, which would have given Arizona voters up to five days after the election to remedy ballot identification issues. The Ninth Circuit is considering the appeal.
Florida (FL)	Ex-felons voting – Republican victory: Eleventh Circuit Court of Appeals, in a reversal of a lower court, <u>reinstated</u> a Florida law requiring ex-felons to pay court fines and fees before registering to vote.
Georgia (GA)	Absentee ballots – Democratic victory: Georgia Secretary of State settles in federal court; agrees to contact voters whose absentee ballots were rejected within three business days. Voters must be contacted within one business day if the ballot is invalidated during the 11 days before Election Day.
	Absentee ballots – Republican victory: Eleventh Circuit Court of Appeals reversed lower court decision which gave the state three extra days to count ballots postmarked by Election Day. (<i>New Georgia Project v. Raffensperger</i>)
	Polling locations (pending): Federal lawsuit asking state to provide sufficient number and equitable distribution of polling places. (<i>Democratic Senatorial Campaign Committee et. al. vs. Raffensperger</i>)
	Election security – Republican victory: Federal judge rejected lawsuit seeking preliminary injunction to order the state to use hand-marked paper ballots instead of touch screen voting machines. (<i>Curling et. al. vs. Raffensperger</i>)
Michigan (MI)	Poll books – Republican victory: Eleventh Circuit Court of Appeals stayed lower court's order to provide paper backups for poll books. (<i>Curling et. al. vs. Raffensperger</i>)
	Absentee ballots – Republican victory: State Court of Appeals reversed lower court's decision to allow ballots to be counted for two weeks after Election Day.
Ohio (OH)	Absentee ballots – Republican victory: Federal judge <u>dismissed</u> lawsuit from voting rights advocates arguing that Ohio's provision of one absentee ballot drop box per county is unconstitutional. Plaintiffs and the state have expressed confusion over the judge's order, which seemed to argue that the lawsuit is unnecessary given the Ohio Secretary of State's plan to order more ballot drop boxes.
Pennsylvania (PA)	Absentee ballots – Democratic victory: US Supreme Court, through a 4-4 deadlock, let stand a lower court ruling that requires Pennsylvania to count absentee ballots received within three days after Election Day, even if these ballots are not postmarked. (<i>Pennsylvania Democratic Party v. Boockvar</i>)
South Carolina (SC)	Absentee ballot witnesses – Republican victory: US Supreme Court affirmed South Carolina's law requiring voters to sign absentee-ballot envelopes in the presence of a witness (a lower court had ruled the requirement was unconstitutional during COVID-19). However, the Supreme Court also ruled that ballots already cast must still be counted, as long as they are received within two days of the Court's ruling.
Texas (TX)	Absentee voting – Republican victory: Fifth Circuit Court of Appeals <u>reversed</u> a lower court's decision invalidating Texas' requirement that voters under 65 must provide an excuse to receive an absentee ballot. The case was remanded for further litigation.
	Signature verification – Republican victory: Fifth Circuit Court of Appeals <u>stayed</u> a lower court order, which would have required Texas to advise election officials that mail-in ballots with signature verification issues could be rejected without giving voters a chance to correct them.
	Absentee voting – Republican victory: Fifth Circuit Court of Appeals affirmed Texas decision that each county could have a maximum of one absentee ballot drop box. A lower court had previously struck down the change. (<i>Anti-Defamation League et. al. vs. Abbott</i>)
Wisconsin (WI)	Absentee ballots – Republican victory: US Supreme Court rejected lower court decisions that would have extended the duration of time the state could count ballots. Ballots are due on Election Day. (<i>Democratic National Committee vs. Bostelmann</i>)

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Iowa (IA)	Absentee ballots – Republican victory: Trump Campaign <u>won</u> an injunction in state court invalidating pre-filled mail-in ballots that were sent to 50,000 voters in certain counties.
Michigan (MI)	Voter transportation – Republican victory: Sixth Circuit Court of Appeals stayed a lower court decision which had blocked a law that would have made it illegal to pay for voter transportation.
Montana (MT)	Absentee ballots – Democratic victory: Federal judge <u>rejected</u> lawsuit from Trump Campaign arguing that Montana's plan to grant counties right to run elections by mail is unconstitutional. The Ninth Circuit Court of Appeals <u>affirmed</u> the lower court's decision.
Nevada (NV)	Absentee ballots – Democratic victory: Federal judge <u>rejected</u> Trump Campaign lawsuit challenging state decision to send mail-in ballots to voters.
New Jersey (NJ)	Absentee ballots – Democratic victory: Federal judge <u>rejected</u> Trump Campaign lawsuit challenging state decision to send mail-in ballots to voters.
	Absentee ballots – Democratic victory: Federal judge <u>rejected</u> Trump Campaign motion for preliminary injunction against new state rules allowing state to accept absentee ballots without postmarks for up to two days after Election Day.
North Carolina (NC)	Absentee ballots – Temporary Republican victory: Federal judge <u>issued</u> a temporary stay blocking North Carolina's Board of Elections' decision to allow absentee voters the chance to correct certain ballot issues without filling out a new ballot. Judge's final decision is pending.
	Absentee ballots – Democratic victory: Fourth Circuit Court of Appeals <u>affirmed</u> North Carolina's decision to count ballots received up to nine days after Election Day as long as they are postmarked before November 3.
Pennsylvania (PA)	Absentee ballots – Democratic victory: Federal judge <u>rejected</u> Trump Campaign motion for preliminary injunction to disqualify Pennsylvania's plan to have drop boxes for mail-in ballots.
	Absentee ballots – Democratic victory: US Supreme Court declined to review Pennsylvania's plans to count absentee ballots three days after Election Day, even without a postmark.

Yellow = Pending | Blue = Democratic Win | Red = Republican Win