

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

League of Women Voters of Minnesota
Education Fund, Vivian Latimer
Tanniehill,

Civil No. 0:20-cv-01205 (ECT/TNL)

Plaintiffs,

v.

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

Defendant.

**DEFENDANT’S MEMORANDUM OF
LAW IN RESPONSE TO PROPOSED
INTERVENOR’S OBJECTIONS TO
PARTIAL CONSENT DECREE**

INTRODUCTION

The context for the partial consent decree before the Court is not partisan politics, as Proposed Intervenor’s portray it, but instead a global pandemic and the health of Minnesota voters. Over the past few months, Minnesota has been responding to the COVID-19 public health crisis, which has affected almost every sector and situation, including elections. While the State has been under Peacetime Emergency executive powers and orders, the State has partnered with entities to ramp up testing, acquire personal protective equipment (“PPE”) and ventilators, and make ICU beds available. The danger has not passed, however. In fact, 636 Minnesotans have died of COVID-19 since Plaintiffs filed suit on May 19. (Declaration of Hillary Taylor (“Taylor Decl.”), ¶ 3.) The total number of Minnesotans hospitalized continues to climb steadily, with the number hospitalized standing at 3,830 on June 22. (*Id.*) In hopes of keeping Minnesotans healthy while researchers develop more effective treatments for the virus

and a vaccine, Governor Tim Walz and other elected officials, including the Secretary of State, have encouraged Minnesotans to stay home as much as possible.

With COVID-19 spreading in Minnesota, the Secretary has recognized in legislative testimony that the “administration of elections has become a public health issue.”¹ The Secretary has been emphatic that: “No one should have to choose between their health and their right to vote.”² However, designing an election during a pandemic is no easy task. The Secretary has noted: “There are a number of costs, variables, and trade-offs to consider, and planning at all levels of government will be crucial.” *Id.*

It is in this context that the Secretary and Plaintiffs entered into the partial consent decree on June 16, 2020, which suspended enforcement of the Minnesota’s witness requirement for the August 11, 2020 primary election, for which early voting begins this week on June 26. However, as further detailed below, the Secretary respectfully requests the Court abstain from ruling on the partial consent decree, because the Ramsey County District Court partial consent decree approved on June 17, 2020, provides for all the relief that Plaintiffs could obtain from the Secretary on this issue.

To the extent the Court reaches the issue of analyzing the partial consent decree, Defendant requests the decree be approved because it is fair, adequate, reasonable, and in

¹ Office of the Minnesota Secretary of State Steve Simon, *Secretary Simon Introduces Plans for an Election in a Pandemic* (April 7, 2020), <https://www.sos.state.mn.us/about-the-office/news-room/secretary-simon-introduces-plan-for-elections-in-a-pandemic/> (last accessed June 21, 2020).

² Office of the Minnesota Secretary of State Steve Simon, *Secretary Simon Statement on Elections amid COVID-19 Pandemic* (Mar. 26, 2020), <https://www.sos.state.mn.us/about-the-office/news-room/secretary-simon-statement-on-elections-amid-covid-19-pandemic/> (last accessed June 21, 2020).

the public interest. Imagine an elderly voter who lives alone. The Proposed Intervenor would require that voter to risk her life to cast a ballot—either by waiting in line at a polling place or by finding a qualified individual outside her home to come witness her fill out her absentee ballot. The parties in this case negotiated a fair and reasonable consent decree that would allow such voters to safely cast their absentee ballots in the upcoming primary election.

FACTUAL BACKGROUND

I. THE COVID-19 PANDEMIC.

COVID-19 is an infectious disease caused by a newly discovered coronavirus that spreads rapidly through respiratory transmission. (Taylor Decl., Ex. 1.) Asymptomatic individuals may carry and spread the virus and there is currently no known vaccine or effective treatment, making response efforts complex and daunting. (*Id.*, Exs. 1-2.) On March 11, 2020, the World Health Organization declared COVID-19 a global pandemic. (*Id.*, Ex. 3.) As of June 22, 2020, 33,227 Minnesotans have tested positive for COVID-19 and 1,384 have died. (*Id.* ¶ 3.) The virus has claimed over 119,615 lives in the United States since January 22, 2020. (*Id.* ¶ 7, Ex. 4.)

II. MINNESOTA’S RESPONSE TO COVID-19.

In response to the COVID-19 public health crisis, Governor Walz declared a peacetime emergency on March 13, 2020. (*Id.*, Ex. 7.) That same day, the President declared a National Emergency, and—for the first time in history—the President has approved major disaster declarations in all 50 states. (*Id.*, Exs. 5-6.) Minnesota has engaged in a comprehensive plan to combat COVID-19 that includes slowing the spread

of the disease, protecting the capacity of the state’s medical system to respond to the disease, and ensuring the continued operation of critical sectors to protect the public’s access to necessary services and supplies. *See* Emergency Executive Orders 20-02 through 20-63, 20-66, 20-70, and 20-73 through 20-74.³

Because COVID-19 is primarily spread from person-to-person contact, limiting contact between people is the most effective way to slow the spread of COVID-19. (Taylor Decl., Ex. 8.) Governor Walz issued stay-at-home orders in March and April, directing Minnesotans to stay home through May 17, 2020, except to engage in essential activities, certain types of outdoor recreation, or work in critical sectors. *See* Emergency Executive Orders 20-20, 20-33, and 20-48. On May 13, 2020, Governor Walz issued Executive Order 20-56 to continue safely reopening Minnesota beginning May 18, 2020. On June 5, 2020, Governor Walz signed Executive Order 20-74, implementing the third phase of the safe and gradual reopening of Minnesota businesses while recognizing the increasing risks this entails. Even under the current “Stay Safe” Minnesota Order, at-risk and vulnerable Minnesotans are strongly encouraged to stay home and exercise extreme caution to minimize the risk of COVID-19 infection. Minnesota remains under the COVID-19 Peacetime Emergency Order, most recently extended through July 13. Executive Order 20-75.

³ All of Minnesota’s Emergency Executive Orders regarding COVID-19 are available online at <https://www.leg.state.mn.us/lrl/execorders/eoresults?gov=44>.

III. MINNESOTA’S ABSENTEE WITNESS REQUIREMENT.

Eligible voters in Minnesota may vote by absentee ballot, so long as they comply with the requirements. Minnesota Statutes, section 203B.07, sets out the requirements for counties to prepare absentee ballots and for voters to mark them. The Secretary of State establishes the directions that must accompany absentee ballots. See Minn. R. 8210.0500-.0600. Minnesota statute provides that the counties “prepare, print, and transmit a return envelope, a ballot envelope, and a copy of the directions for casting an absentee ballot to each applicant whose application for absentee ballots is accepted.” Minn. Stat. § 203B.07, subd. 1. The absentee ballot must include a certificate of eligibility. *Id.* § 203B.07, subd. 3. The certificate must contain a space for a witness to sign to attest to three facts: “(1) the ballots were displayed to that individual unmarked; (2) the voter marked the ballots in that individual’s presence without showing how they were marked, or, if the voter was physically unable to mark them, that the voter directed another individual to mark them; and (3) if the voter was not previously registered, the voter has provided proof of residence as required by section 201.061, subdivision 3.” *Id.* The witness who signs the certificate must be “registered to vote in Minnesota or [be] a notary public or other individual authorized to administer oaths” (the “Witness Requirement”).⁴ *Id.*

⁴ People authorized to administer oaths include “[a]ll persons holding office under any law of this state, or under the charter or ordinances of any municipal corporation thereof.” Minn. Stat. § 358.10(a).

Absentee ballots are returned, by mail or in person, to the proper county auditor or municipal clerk. *Id.* § 203B.08, subd. 1. These local officials, in turn, transmit the absentee ballots to the local ballot board. *Id.*, subd. 3. The ballot board is the local government body with the responsibility of accepting or rejecting absentee ballots. *Id.* § 203B.121.

Under Minnesota law, early and absentee voting begins election begins 46 days before the date of the election, which is June 26, 2020 for the August Primary. *Id.* § 203B.081, subd. 1. 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. *Id.* § 204B.35.

IV. THE SECRETARY IS DEFENDING SEVERAL OTHER CHALLENGES TO ELECTION STATUTES THIS YEAR.

The Secretary is defending a number of cases challenging election laws which have arisen prior to and during the COVID-19 pandemic. The Secretary's response to all cases has been to evaluate the merits of each challenge, and determine whether the law and facts support defending the statutes at issue, or whether it would be fair, adequate, reasonable, and in the public interest to enter into a consent decree. The most relevant and recent cases include:

- *Schroeder v. Simon*, 62-CV-19-7440, A20-0272 (Minn. Dist. Ct. and Minn. Ct. App.) (served Oct. 21, 2019). In this case, affected Minnesotans challenge the constitutionality of Minnesota's felony disenfranchisement statutes. The Secretary is defending the statutes and filed a motion for summary judgment;
- *Pavek v. Simon*, No. 19-CV-3000 (SRN/DTS) (D. Minn.) (filed Nov. 27, 2019). In this case, two Minnesotans and two Democratic campaign committees challenge the constitutionality of the "Ballot Order" statute, Minn.

Stat. § 204D.13, subd. 2. The Secretary moved to dismiss Plaintiffs' complaint and opposed Plaintiffs' motion for preliminary injunction. The court denied the Secretary's motion to dismiss and granted the Plaintiffs' preliminary injunction motion. 2020 WL 3183249, at *30 (D. Minn. June 15, 2020);

- *DSCC v. Simon*, 62-CV-20-585 (Minn. Dist. Ct.) (filed Jan. 17, 2020). In this case, Democratic campaign committees challenge the constitutionality of aspects of the Voter Assistance Rules in Minn. Stat. § 204C.15, 203B.03.1(a)(7), and 203B.03.2. The Secretary is defending the statutes and filed a motion to dismiss in addition to opposing Plaintiffs' motion for a temporary injunction;
- *Thao v. Simon*, 62-CV-20-1044 (Minn. Dist. Ct.) (served Feb. 11, 2020). In this case, impacted voters and candidates challenged the constitutionality of aspects of the Voter Assistance Rules. Based on precedent, the Secretary entered into a consent decree concerning the at-issue restrictions set forth in Minn. Stat. § 204C.15, subd. 1 as preempted by the Voting Rights Act;
- *LaRose v. Simon*, 62-CV-20-3149 (Minn. Dist. Ct.) (filed May 13, 2020). In this case, four individual Minnesotans and an association challenge the constitutionality of the Witness Requirement and the requirement that mail-in ballots be received on election day by 8:00 pm. The Secretary entered into a consent decree on June 16, 2020, concerning the challenged requirements for the August Primary only for already registered voters, and the dispute is ongoing concerning the General Election;
- *NAACP Minn.-Dakotas Area State Conf. v. Simon*, 62-CV-3625 (Minn. Dist. Ct.) (filed June 4, 2020). In this case, non-profits challenge the constitutionality of the Witness Requirement and seek universal absentee ballots for both the August Primary and November General Elections. The dispute is ongoing, but the Secretary notes that the *LaRose* consent decree provides relief for part of Plaintiffs' claim concerning the primary.

V. PROCEDURAL POSTURE.

Plaintiffs challenge the constitutionality and enforcement of Minnesota's Witness Requirement, in general and specifically during the ongoing public health crisis caused by COVID-19. Plaintiffs filed their Complaint for Declaratory and Injunctive Relief on May 19, 2020. (Dkt. 1.) Plaintiffs then filed a Motion for Preliminary Injunction on May

29, seeking to enjoin the Witness Requirement for both the August Primary and November General Elections. (Dkts. 13, 15.)

Defendant began researching and drafting his opposition, in addition to filing his Answer on June 9, defending his position and denying many of the allegations. (Dkt. 22.) The parties met and conferred concerning the pending motion and engaged in arms-length negotiations during this time. The result of this work is before the Court with the stipulation and partial consent decree, which suspends the Witness Requirement for already registered voters for the August Primary only. (Dkt. 24.) On June 16, the parties submitted the stipulation and partial consent decree for approval as a fair, adequate, and reasonable resolution of this portion of the case with the public interest in mind. *Id.* Separately, in a state court matter, Defendant entered into a partial consent decree that suspends the Witness Requirement, which was approved by the court on June 17. (See Dkt. 28-1, *LaRose v. Simon*, 62-CV-20-3149 (Minn. Dist. Ct. June 17, 2020).) Proposed Intervenor has moved to intervene in that state court matter.

ARGUMENT

I. THE STATE COURT PARTIAL CONSENT DECREE MOOTS PLAINTIFFS' CLAIMS FOR INJUNCTIVE RELIEF.

“It is a firmly entrenched and fundamental principle of law that a cause is moot when the question presented for decision seeks a judgment upon some matter which, if the judgment was rendered, could not have any practical effect upon the then existing controversy.” *Flight Eng’rs Int’l Ass’n, AFL-CIO, TWA Chapter v. Trans World Airlines, Inc.*, 305 F.2d 675, 680 (8th Cir. 1962) (citation omitted); see *Beck v. Mo. State*

High Sch. Activities Ass’n, 18 F.3d 604, 605 (8th Cir. 1994) (per curiam) (stating that a case becomes moot when a court can no longer grant effective relief). Mootness divests the Court of subject matter jurisdiction over a controversy. *Beck*, 18 F.3d at 605; see *Abdurrahman v. Dayton*, 903 F.3d 813, 817 (8th Cir. 2018).⁵

A case becomes moot when subsequent developments in other cases, such as consent decrees, mean relief from a court is no longer needed. See *Env’tl Conserv. Org. v. City of Dallas*, 529 F.3d 519, 527-28 (5th Cir. 2008). In *City of Dallas*, the Fifth Circuit held that a lawsuit between an environmental group and the City of Dallas became moot after the city entered a consent decree with the Environmental Protection Agency in a separate lawsuit on the same issues. *Id.* The court explained that, because the consent decree provided the relief requested by the environmental group, it did not make sense for the defendant to be exposed to duplicative orders in two different cases. *Id.* at 528.

Here, Plaintiffs’ claims concerning the August Primary and the Proposed Intervenor’s objections to the partial consent decree are now moot because the Secretary has entered into a partial consent decree with identical relief on this same issue in state

⁵ The Court should consider mootness and the justiciability of the present issue before considering the merits of Proposed Intervenor’s motion to intervene and opposition to the partial consent decree. See *S.E.C. v. Med. Comm. for Human Rights*, 404 U.S. 403, 407 (1972) (internal quotations and citation omitted) (It is well settled that “federal courts may act only in the context of a justiciable case or controversy.”); see, e.g., *Jou v. Kimberly-Clark Corp.*, No. 13-CV-03075-JSC, 2015 WL 4537533, at *2 (N.D. Cal. July 27, 2015) (finding the court lacked subject matter jurisdiction to entertain motion to intervene where stipulated dismissal divested the court of jurisdiction over the case, and there was no live case or controversy into which the party could intervene).

court. (See Dkt. 28-1, *LaRose v. Simon*, 62-CV-20-3149 (Minn. Dist. Ct. June 17, 2020) (approving partial consent decree filed on June 16, 2020).) In the Ramsey County District Court action, the Secretary stipulated that he will not enforce the Witness Requirement with respect to already registered voters for the August Primary only. (Compare *LaRose* Partial Consent Decree Sec. VI.A. with *LWV of MN* Partial Consent Decree p. 6 ¶ 1.) The Secretary agreed to also issue guidance to all relevant local election officials and take reasonable steps to inform the public that the Witness Requirement for voting will not be enforced for the August Primary. (Compare *LaRose* Partial Consent Decree ¶¶ VI.C, E, G with *LWV of MN* Partial Consent Decree p. 6 ¶¶ 2-4.) Notably, Proposed Intervenorors do not dispute this obvious justiciability issue, and admit that “it would be ‘particularly inappropriate’ for this Court to enter a consent decree when ‘[m]uch of the relief requested here has been provided by [another consent] decree.’” (Dkt. 41, Prop. Intervenorors’ Opp. at 35.)

Additionally, after the *LaRose* partial consent decree was approved on June 17, the Secretary has taken steps presently to abide by the decree. (Taylor Decl., ¶ 12, Ex. 9.) There is no remaining controversy between Plaintiffs and Defendant concerning the August Primary and the enforcement of the Witness Requirement. Because the Ramsey County District Court partial consent decree provides for all of the relief that Plaintiffs could obtain from the Secretary on this issue, the Court should abstain from deciding on

the present partial consent decree and dismiss Plaintiffs' claim for injunctive relief as moot.⁶

II. THE PRINCIPLES OF *COLORADO RIVER* SUPPORT ABSTENTION.

Even if the request for judicial approval of the parties' consent decree is not moot, the present circumstance is one in which the Court should abstain from taking any action under the *Colorado River* doctrine. The Proposed Intervenor acknowledges as much by suggesting that analyzing the consent decree in this action may not be a "worthwhile 'commitment of the court's limited resources.'" (Dkt. 41 at 35.) Because the *LaRose* case was started first and is the more complete action, and the consent decree is approved and being implemented, this court should abstain in favor of the parallel proceeding in state court.

"*Colorado River* permits federal courts to decline to exercise jurisdiction over cases where 'parallel' state court litigation is pending, meaning that there is 'a substantial likelihood that the state proceeding will fully dispose of the claims presented in the federal court.'" *Spectra Commc'ns Group, LLC v. City of Cameron, Mo.*, 806 F.3d 1113,

⁶ None of the exceptions to mootness exist here. The voluntary cessation doctrine does not apply because Defendant is not merely ceasing the challenged practice. *See City of Dallas*, 529 F.3d at 527-28. Defendant is subject to the Ramsey County District Court partial consent decree. Nor is this an issue "capable of repetition, yet evading review." *Davis v. Fed. Election Comm'n*, 554 U.S. 724, 735-36 (2008). "That exception applies where (1) the challenged action is in its duration too short to be fully litigated prior to cessation or expiration, and (2) there is a reasonable expectation that the same complaining party will be subject to the same action again." *Id.* at 735 (internal quotation marks and citation omitted).

1121 (8th Cir. 2015) (citation omitted); *see generally* 17A Fed. Prac. & Proc. Juris. § 4247 (3d ed.) (describing the development of this type of abstention).

A threshold determination is whether the federal and state proceedings are indeed parallel. Proceedings are parallel when there is “a substantial likelihood that the state proceeding will fully dispose of the claims presented in the federal court.” *Cottrell v. Duke*, 737 F.3d 1238, 1245 (8th Cir. 2013) (finding matters not parallel because the federal court had exclusive jurisdiction over one of plaintiff’s claims). Considerations include “the sources of law, remedies sought, elements of proof, review on appeal, and events giving rise to each cause of action.” *Fru-Con Const. Corp. v. Controlled Air, Inc.*, 574 F.3d 527, 537 (8th Cir. 2009).

In this case, it is undisputed that the *LaRose* consent decree does fully dispose of the consent decree entered between the parties to this case. (*See supra.*) The consent decree here is subsumed by the broader *LaRose* consent decree. The decrees arise out of the same events (COVID-19) and statutes, the same law, and provide the same relief with respect to the Witness Requirement. Where there are differences, the *LaRose* case is broader. Furthermore, the Proposed Intervenors have now sought to intervene in both actions. At least with respect to the issue immediately before the Court—the parties’ consent decree—the *LaRose* consent decree does dispose of the instant consent decree.⁷

After establishing the two matters are parallel, courts look at six factors to assess whether abstention is appropriate in favor of the state case:

⁷ Defendant will leave for another day the question of whether the entire cases are sufficiently parallel that this Court should abstain by staying or dismissing the matter.

(1) whether there is a res over which one court has established jurisdiction, (2) the inconvenience of the federal forum, (3) whether maintaining separate actions may result in piecemeal litigation, unless the relevant law would require piecemeal litigation and the federal court issue is easily severed, (4) which case has priority—not necessarily which case was filed first but a greater emphasis on the relative progress made in the cases, (5) whether state or federal law controls, especially favoring the exercise of jurisdiction where federal law controls, and (6) the adequacy of the state forum to protect the federal plaintiff’s rights.

Spectra Commc’ns Grp., 806 F.3d at 1121 (quoting *Federated Rural Elec. Ins. Corp. v. Ark. Elec. Coops., Inc.*, 48 F.3d 294, 297 (8th Cir. 1995)).

The Eighth Circuit’s decision, affirming *Colorado River* abstention in *Spectra Communications*, is on all fours with the instant case. In that dispute between a city and telecommunications company, the city had sued the company in state court for failure to pay taxes and fees. Five months later, the company sued the city in federal court, alleging that the city refused to grant it a construction permit unless and until the company was current in its payment of taxes and fees (the company asserted those same claims as counterclaims in the state litigation). The state court granted partial summary judgment for the city on the issue of the propriety of the taxes and fees. The city then moved to have the company’s federal claims dismissed, and the district court dismissed based on abstention principles. *Id.* at 1117-18.

In applying the six factors of *Colorado River*, the Eighth Circuit noted that the first two were irrelevant in *Spectra Communications*. However, the “predominant factor”—the risk of piecemeal litigation—was a real concern and weighed in favor of abstention. *Id.* at 1121. That was true because: a) the state and federal courts involved the same issues, so there was a risk they would reach conflicting opinions; and b) the

state court action was also the more complete action – it included all the relevant parties and all the relevant claims. *Id.* at 1122. The fourth factor also favored abstention because the state court was the first to obtain jurisdiction over the parties and had already entered partial summary judgment. *Id.* Even though the fifth factor weighed against abstention, because the telecom had raised federal preemption issues, the court still found abstention appropriate, especially as the state court could resolve all claims and protect the telecom’s interests. *Id.*

In this case too, the first two factors are irrelevant. But the most predominant factor, the risk of conflicting opinions, is a real concern. Furthermore, as in *Spectra*, the *LaRose* matter was filed first and has already issued its consent decree. While the Plaintiff here raises federal claims, those First and Fourteenth Amendment are claims commonly addressed in state court and the Plaintiff’s interests can be protected there (especially if they seek to intervene). Just as in *Spectra Communications*, the Court should abstain in favor of the parallel proceeding in Ramsey County District Court.

III. ALTERNATIVELY, THE COURT SHOULD APPROVE AND ENTER THE PARTIAL CONSENT DECREE BECAUSE IT IS FAIR, ADEQUATE, REASONABLE, AND IN THE PUBLIC INTEREST.

Alternatively, if the Court does not abstain, the Court should approve and enter the consent decree because it is a fair, adequate, and reasonable resolution of the claims concerning the August Primary, and time is of the essence.

A consent decree represents the parties’ agreement to compromise a concrete legal dispute on the merits and waive any right to further litigate the covered issues. *See United States v. Armour & Co.*, 402 U.S. 673, 681-82 (1971). Consent decrees have

attributes of both a contract and a judicial decree, and are considered settlement agreements subject to continued judicial oversight. *See Local No. 93, Int'l Ass'n of Firefighters, AFL-CIO C.L.C. v. City of Cleveland*, 478 U.S. 501, 524 n.13 (1986); *United States v. ITT Cont'l Baking Co.*, 420 U.S. 223, 237 n.10 (1975). Unsurprisingly, a court may not enter a consent decree that imposes obligations on a party that did not consent to the decree, nor may it enter a consent decree that attempts to dispose of the claims of a third party, without that party's agreement. *Local No. 93*, 478 U.S. at 529. But neither may "an intervenor . . . preclude other parties from settling their own disputes and thereby withdrawing from litigation" certain issues. *Id.* (noting "while an intervenor is entitled to present evidence and have its objections heard at the hearings on whether to approve a consent decree, it does not have power to block the decree merely by withholding its consent").

The initial decision to approve or reject a consent decree "is committed to the sound discretion of the trial judge." *S.E.C. v. Randolph*, 736 F.2d 525, 529 (9th Cir. 1984) (citation omitted). Courts, however, usually exercise this discretion in a limited and deferential manner. *See id.* In reviewing a proposed consent decree, the Court does not decide the merits of the parties' dispute. *Williams v. Vukovich*, 720 F.2d 909, 920 (6th Cir. 1983) ("A consent decree . . . should be strictly construed to preserve the bargained for position of the parties. A court has no occasion to resolve the merits of the disputed issues or the factual underpinnings of the various legal theories advanced by the parties." (internal citations omitted)). Rather, the standard the Court applies when reviewing a proposed consent decree is to determine whether the decree is "fair,

adequate, and reasonable, as well as consistent with the public interest.” *United States v. Jones & Laughlin Steel Corp.*, 804 F.2d 348, 351 (6th Cir. 1986); *see E.E.O.C. v. Prod. Fabricators, Inc.*, 666 F.3d 1170, 1172 (8th Cir. 2012); *United States v. Oregon*, 913 F.2d 576, 580 (9th Cir.1990), *cert. denied sub nom, Makah Indian Tribe v. United States*, 501 U.S. 1250 (1991). Once the Court has determined the proposed decree is fair, adequate, reasonable, and in the public interest, it should approve the decree even if it “provides broader relief than the court could have awarded.” *Local No. 93*, 478 U.S. at 525; *see Randolph*, 736 F.2d at 529.

It is well established that public policy strongly favors settlements of disputes without litigation. *United States v. Hooker Chem. & Plastics Corp.*, 776 F.2d 410, 411 (2d Cir. 1985); *Randolph*, 736 F.2d at 528. Also, judicial deference to negotiated consent decrees is particularly appropriate where the government has entered into a consent decree. *See Randolph*, 736 F.2d at 529; *see also United States v. Bechtel Corp.*, 648 F.2d 660, 666 (9th Cir. 1981) (finding the balancing of interests “must be left, in the first instance, to the discretion of the Attorney General”); *United States v. Assoc. Milk Producers, Inc.*, 534 F.2d 113, 117 (8th Cir. 1976) (stating the “Attorney General must retain considerable discretion in controlling government litigation and in determining what is in the public interest”).

A. The Partial Consent Decree is Fair, Adequate, and Reasonable.

When considering whether a consent decree is fair, adequate, and reasonable, courts consider a number of factors, such as whether the decree is the result of arms-length negotiations, the strength of plaintiffs’ case and likelihood of success, and whether

the decree represents a reasonable factual and legal determination. *United States v. Lexington-Fayette Urban Cty. Gov't*, 591 F.3d 484, 489 (6th Cir. 2010); *United States v. Cannons Eng'g Corp.*, 899 F.2d 79, 84, 86 (1st Cir. 1990); *Oregon*, 913 F.2d at 581. “A court may not withhold approval simply because the benefits accrued from the decree are not what a successful plaintiff would have received in a fully litigated case.” *Vukovich*, 720 F.2d at 922; *see Oregon*, 913 F.2d at 581-82; *Local No. 93*, 478 U.S. at 525-26. In assessing the decree, the Court must determine whether it falls within the “range of reasonableness,” not whether it is the most favorable possible result for either party in the litigation. *See In re Nationwide Fin. Servs. Litig.*, No. 2:08-CV-00249, 2009 WL 8747486, at *2 (S.D. Ohio Aug. 19, 2009); *UAW v. Gen. Motors Corp.*, No. 05-CV-73991, 2006 WL 891151, at *17 (E.D. Mich. Mar. 31, 2006).

Here, the parties entered into arms-length negotiations after Plaintiffs filed and fully briefed a motion for a preliminary injunction on an emergency basis. Defendant had no doubt that Plaintiffs could prove that, given the current situation regarding COVID-19, some isolated voters, and in particular those who are immunocompromised or elderly, will likely not be able to safely secure a qualified witness in order to cast absentee ballots for the upcoming primary election. If the absentee witness requirement were enforced, these voters would have to choose between their health and their right to vote.

Defendant was also aware that a federal court in Virginia had recently approved a consent decree suspending that state’s witness requirement for this year’s primary election, and a federal court in South Carolina had recently enjoined that state’s witness

requirement for its primary. *See, e.g., Thomas v. Andino*, No. 3:20-CV-01552, 2020 WL 2617329, at *22 (D.S.C. May 25, 2020); *League of Women Voters of Va. v. Va. State Bd. of Elections*, No. 6:20-CV-00024, 2020 WL 2158249, at *10 (W.D. Va. May 5, 2020).

The Virginia court succinctly explained why a witness requirement should not be enforced in the time of COVID-19:

In ordinary times, Virginia’s witness signature requirement may not be a significant burden on the right to vote. But these are not ordinary times. 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 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.

League of Women Voters of Va., 2020 WL 2158249, at *8 (quotation marks and citation omitted).

While Proposed Intervenor rely on *Republican National Committee v. Democratic National Committee*, 140 S. Ct. 1205 (2020), this case actually supports the partial consent decree because it establishes that reforms or modifications to state election laws due to the COVID-19 pandemic are appropriate. The case involved the issue of whether several election laws in Wisconsin should be altered or suspended for its April 7, 2020 primary election because of the pandemic. The district court had ordered that absentee ballots received six days after the election should be counted, regardless of when they are postmarked. *Id.* at 1206. The Supreme Court altered the district court’s injunction so that ballots had to be postmarked by Election Day to be counted. *Id.* at 1208. While the Supreme Court somewhat narrowed the district court’s order, even the

Supreme Court’s order marked a departure from Wisconsin’s normal election requirement that ballots must be received by election day. *Id.* at 1209 (Ginsburg, J., dissenting). The Supreme Court, recognizing that COVID-19 required an adjustment to the state election requirement, ordered that ballots must be counted if they are postmarked by Election Day and received within six days of Election Day. *Id.* at 1208. The Court took no position on “whether other reforms or modifications in election procedures in light of COVID–19 are appropriate,” but did not rule them out. *Id.*

Here, the agreement before the Court is fair, adequate, and reasonable and recognizes the uncertainties and unique pressures of voting during the COVID-19 pandemic. The Proposed Intervenor’s hostility to state officials’ good faith efforts to find ways to allow voters to safely cast their ballots during this pandemic is remarkable.⁸ There is nothing fair, adequate, or reasonable about Proposed-Intervenor’s position that voters should have to risk their health and safety to cast a ballot.

⁸ Proposed Intervenor insinuates collusion because Defendant made efforts to get legislation passed that would relax absentee-voting rules and is “a member of the League of Women Voters.” (Dkt. 41 at 27.) This is a baseless attempt to undermine the propriety of the partial consent decree and the arms-length negotiation between experienced counsel. “Absent evidence to the contrary, the court may presume that settlement negotiations were conducted in good faith and that the resulting agreement was reached without collusion.” *League of Women Voters of Va.*, 2020 WL 2158249, at *11 (citation omitted); see *In re Telectronics Pacing Sys., Inc.*, 137 F. Supp. 2d 985, 1016 (S.D. Ohio 2001) (“Courts respect the integrity of counsel and presume the absence of fraud or collusion in negotiating the settlement unless evidence to the contrary is offered.”). Also, if the consent decree “itself is fair, reasonable and adequate, then the court may assume that the negotiations were proper and free of collusion.” *IUE-CWA v. Gen. Motors Corp.*, 238 F.R.D. 583, 598 (E.D. Mich. 2006)

B. The Partial Consent Decree is in the Public Interest.

It is clear here that the Defendant, Plaintiffs, and Proposed Intervenors have different views of what the public interest requires. However, as noted above, it is axiomatic that the Attorney General and the Secretary of State, as the Chief Legal Officer and Chief Election Officer respectively, “retain considerable discretion” in the defense of these cases and in “determining what is in the public interest.” *Assoc. Milk Producers, Inc.*, 534 F.2d at 117.

Defendant has determined, as other states have, that temporarily suspending the Witness Requirement for the impending primary election promotes the public interest in safeguarding public health. *See, e.g., Thomas*, 2020 WL 2617329, at *22 (South Carolina); *League of Women Voters of Va.*, 2020 WL 2158249, at *10 (Virginia).⁹ Like other states, Minnesota has a “legitimate interest in preventing voter fraud and safeguarding voter confidence.” *Brakebill v. Jaeger*, 932 F.3d 671, 678 (8th Cir. 2019). However, this interest must be weighed along with other considerations in the midst of a pandemic where officials are called on to remedy dangerous or unhealthy situations and prevent the further spread of disease. The public interest also “favors permitting as many qualified voters to vote as possible.” *Obama for Am. v. Husted*, 697 F.3d 423, 437 (6th Cir. 2012).

⁹ Rhode Island’s Governor suspended the state’s witness requirement in advance of the June primary through executive order. *See* Rhode Island Executive Orders 20-11, 20-27, available at <https://governor.ri.gov/newsroom/orders/> (last accessed June 22, 2020).

As the Court in *Thomas* acknowledges, “[w]ere it not for the current pandemic, then this element *may* have cut the other way.” *Thomas*, 2020 WL 2617329, at *23. But the Witness Requirement subjects some voters to interaction with people outside their household in a way that could impact their health negatively and be in contravention to current state and federal health experts’ guidelines. Since Defendant reasoned after research, investigation, and consideration of a number of options that maintaining the Witness Requirement with absentee voting starting on June 26 would only increase the risk for contracting COVID-19 for many Minnesotans, he entered into this partial consent decree to promote the public interest.

C. The Court May Approve the Partial Consent Decree Over the Proposed Intervenor’s Objections.

Despite Proposed Intervenor’s arguments, there is no authority for the Proposed Intervenor to “block” this consent decree given their alleged legal interests in the matter. As the Supreme Court has stated:

A consent decree is primarily a means by which parties settle their disputes without having to bear the financial and other costs of litigating. It has never been supposed that one party—whether an original party, a party that was joined later, or an intervenor—could preclude other parties from settling their own disputes and thereby withdrawing from litigation. **Thus, while an intervenor is entitled to present evidence and have its objections heard at the hearings on whether to approve a consent decree, it does not have power to block the decree merely by withholding its consent.**

Local No. 93, 478 U.S. at 528-29 (emphasis added). The Supreme Court only provides an exception where “nonconsenting intervenors” have brought “valid claims” that are “properly raised.” *Id.* at 529; see *S. California Edison Co. v. Lynch*, 307 F.3d 794, 807

(9th Cir.) (citing *Local No. 93*, finding the district court did not exceed its authority by approving the stipulated settlement without the intervenor's consent). While the Court may permit input from Proposed Intervenors when considering entry of the consent decree, to accord Proposed Intervenors what amounts to a veto based on their claims would effectively preclude settlement of *any* election law litigation by the Secretary—an illogical and unsupported outcome.

Here, the Proposed Intervenors have not demonstrated that the partial consent decree concretely affects any of their legal rights. “As in *Local No. 93*, the consent decree here does not bind [Proposed Intervenors] to do or not to do anything, nor does it impose any legal obligations on [Proposed Intervenors].” *Johnson v. Lodge #93 of Fraternal Order of Police*, 393 F.3d 1096, 1107 (10th Cir. 2004); see *Local No. 93*, 478 U.S. at 528-29. Outside of raising a difference of opinion in how they would have defended this matter, the Proposed Intervenors have not presented any claim for relief to the Court, but rather joined the action solely to protest the proposed consent decree. The interests the Proposed Intervenors raise do not amount to the kind of “valid claims” the Supreme Court envisioned in *Local No. 93*. It is the Secretary of State who is a necessary party to the litigation and consent decree, and who has authority to make the decision to suspend the Witness Requirement for the August Primary. See, e.g., *Lawyer v. Dep’t of Justice*, 521 U.S. 567, 576-77 (1997) (finding in a redistricting case the state should be given the opportunity to make its own decisions so long as that is practically possible, and the state’s attorney general had the authority “to propose the settlement plan” on the

state's behalf). Thus, the Court may approve the partial consent decree over the Proposed Intervenor's objections.

CONCLUSION

For all the foregoing reasons, Defendant respectfully submits that this Court no longer has jurisdiction over the partial consent decree because the issue is moot, or at least that the Court should abstain from passing on the partial consent decree's appropriateness. To the extent the Court reaches the issue of analyzing the partial consent decree, Defendant requests the decree be approved because it is fair, adequate, reasonable, and in the public interest.

Dated: June 22, 2020

KEITH ELLISON
Attorney General
State of Minnesota

s/ Hillary A. Taylor

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ATTORNEYS FOR DEFENDANT
SECRETARY OF STATE STEVE SIMON

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

League of Women Voters of Minnesota
Education Fund, Vivian Latimer
Tanniehill,

Civil No. 0:20-cv-01205 (ECT/TNL)

Plaintiffs,

v.

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

Defendant.

**DECLARATION OF
HILLARY TAYLOR IN SUPPORT OF
DEFENDANT'S RESPONSE TO
PROPOSED INTERVENOR'S
OBJECTIONS TO PARTIAL
CONSENT DECREE**

I, HILLARY A. TAYLOR, declare under penalty of perjury:

1. I am an Assistant Attorney General for the State of Minnesota and represent Secretary of State Steve Simon in this action.

2. I make this declaration in good faith based on my personal knowledge of the facts set forth herein and on documents that are publicly available, but provided here for the convenience of the Court and the parties.

3. The Minnesota Department of Health has been gathering and publishing daily data about the impact of COVID-19 on our state. That information is available at a webpage called "Situation Update for the Coronavirus Disease 2019 (COVID-19)," at <https://www.health.state.mn.us/diseases/coronavirus/situation.html>. I visited that page on June 22 after 11:00 a.m., when it is updated, and reviewed the "deaths data table" (<https://www.health.state.mn.us/diseases/coronavirus/situation.html#death1>), which reflected 1,384 total deaths and 636 new deaths since Plaintiffs filed their Complaint. I also reviewed the "hospitalization data table" (<https://www.health.state.mn.us/diseases/coronavirus/situation.html#hospitalization>).

us/diseases/coronavirus/situation.html#hosp1), which shows that 332 Minnesotans are hospitalized as of June 22, 2020, and 3,830 Minnesotans have required hospitalization overall. Finally, the data shows that 33,227 Minnesotans have tested positive for COVID-19 as of June 22, 2020.

4. Attached as Exhibit 1 is a true and correct copy of World Health Organization's website publication *Coronavirus Overview*, printed June 22, 2020, available online at www.who.int/health-topics/coronavirus#tab=tab_1.

5. Attached as Exhibit 2 is a true and correct copy of the Minnesota Department of Health website publication, *About Coronavirus Disease 2019 (COVID-19)*, printed June 22, 2020, www.health.state.mn.us/diseases/coronavirus/basics.html.

6. Attached as Exhibit 3 is a true and correct copy of the World Health Organization Director-General's opening remarks at the media briefing on COVID-19 on March 11, 2020, available online at www.who.int/dg/speeches/detail/who-director-general-s-opening-remarks-at-the-media-briefing-on-covid-19---11-march-2020.

7. The U.S. Centers for Disease Control and Prevention gathers and publishes data each day about the impact of COVID-19 on our country. That information is available online at <https://www.cdc.gov/coronavirus/2019-ncov/cases-updates/cases-in-us.html>. I visited that website after 11:00 a.m. on June 22, 2020, and it identified 119,615 total deaths in the United States from COVID-19 since January 22, 2020. Attached as Exhibit 4 is a true and correct copy of the website printed on June 22, 2020.

8. Attached as Exhibit 5 is a true and correct copy of Donald J. Trump, Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus

Disease (COVID-19) Outbreak, March 13, 2020, available online at www.whitehouse.gov/presidential-actions/proclamation-declaring-national-emergency-concerning-novel-coronavirus-disease-covid-19-outbreak/.

9. Attached as Exhibit 6 is a true and correct copy of Coleman, J., *All 50 States Under Disaster Declaration for First Time in US History*, The Hill, Apr. 12, 2020, <https://thehill.com/policy/healthcare/public-global-health/492433-all-50-states-under-disaster-declaration-for-first>.

10. Attached as Exhibit 7 is a true and correct copy of Emergency Executive Order 20-01 (Mar. 13, 2020), available online at <https://www.leg.state.mn.us/archive/execorders/20-01.pdf>.

11. Attached as Exhibit 8 is a true and correct copy of the U.S. Center for Disease Control and Prevention's online publication *How COVID-19 Spreads*, printed June 22, 2020, available online at <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-covid-spreads.html>.

12. Attached as Exhibit 9 is guidance provided to County Election Administrators sent on June 19, 2020, regarding the suspension of the Witness Requirement as applied to absentee and mail-in ballot voting, in compliance with the partial consent decree entered and approved in *LaRose v. Simon*, 62-CV-30-3149 (June 17, 2020).

FURTHER YOUR DECLARANT SAYETH NOT.

I declare under penalty of perjury that the foregoing is true and correct.

DATE: June 22, 2020

s/Hillary A. Taylor

HILLARY A. TAYLOR

TAYLOR DECLARATION EXHIBIT 1



[There is a current outbreak of Coronavirus \(COVID-19\) disease](#)

[Find out more →](#)



Coronavirus

Overview

Prevention

Symptoms

Coronavirus disease (COVID-19) is an infectious disease caused by a newly discovered coronavirus.

Most people infected with the COVID-19 virus will experience mild to moderate respiratory illness and recover without requiring special treatment. Older people, and those with underlying medical problems like cardiovascular disease, diabetes, chronic respiratory disease, and cancer are more likely to develop serious illness.

The best way to prevent and slow down transmission is be well informed about the COVID-19 virus, the disease it causes and how it spreads. Protect yourself and others from infection by washing your hands or using an alcohol based rub frequently and not touching your face.

The COVID-19 virus spreads primarily through droplets of saliva or discharge from the nose when an infected person coughs or sneezes, so it's important that you also practice respiratory etiquette (for example, by coughing into a flexed elbow).

At this time, there are no specific vaccines or treatments for COVID-19. However, there are many ongoing clinical trials evaluating potential treatments. WHO will continue to provide updated information as soon as clinical findings become available.

Stay informed:

- [Protect yourself: advice for the public](#)
- [Myth busters](#)
- [Questions and answers](#)
- [Situation reports](#)
- [All information on the COVID-19 outbreak](#)

Stay safe



Situation updates



Research and guidance



TAYLOR DECLARATION EXHIBIT 2

(<http://www.health.state.mn.us/index.html>).



About COVID-19

On this page:

[COVID-19 disease](#)

[How it spreads](#)

[Severity](#)

[Treatment](#)

[Many unknowns](#)

[More](#)

COVID-19 disease

COVID-19 is an infectious disease.

The disease is caused by a coronavirus not found in people before.

It causes viral respiratory illness.

We are still learning about the new virus. We do not know yet:

- How sick it may make different people.

- How well it passes between people.

- Other features the new coronavirus may have.

We will share more information when we have it.

[Coronavirus Disease 2019 \(COVID-19\) Key Messages](#)

(<http://www.health.state.mn.us/diseases/coronavirus/materials/keymessages.html>)

Basic overview of COVID-19 in multiple languages.

How it spreads

People can spread the COVID-19 disease to each other.

The disease is thought to spread by nose and mouth droplets when someone who is infected coughs, sneezes or exhales.

The droplets can land in the mouths or noses of people nearby. It may be possible for people to breathe the droplets into their lungs. It is important to stay 6 feet away from other people in public.

At home, someone who is sick should stay alone, in one room, as much as possible.

Droplets can land on surfaces and objects that other people then touch. It is important to wash your hands before you touch your mouth, nose, face or eyes. Clean surfaces that are touched often. Clean surfaces often if someone in the house is sick.

Infected people may be able to spread the disease before they have symptoms or feel sick.

Severity

Many people with COVID-19 have mild illness. However, anyone can become severely ill from this virus.

Based on current information and experience, older adults and people of any age who have serious underlying medical conditions have a greater risk of getting very sick from COVID-19. Ask your health care provider if you have greater risk of getting sicker.

People at higher risk may be:

- Age 65 and older.

- Living in a nursing home or long-term care facility.

- Any age if they have underlying health conditions, especially if the conditions are not well controlled:

 - Chronic lung disease or moderate to severe asthma.

 - Serious heart conditions.

 - Severe obesity with body mass index (BMI) of 40 or higher.

 - Diabetes.

 - Chronic kidney disease undergoing dialysis.

 - Liver disease.

 - Immunocompromised. Many conditions can cause a person to be immunocompromised, including cancer treatment, smoking, bone marrow or organ transplantation, immune deficiencies, poorly controlled HIV or AIDS, and prolonged use of corticosteroids and other immune weakening medications.

For more information, see:

[Managing Chronic Conditions during COVID-19](http://www.health.state.mn.us/people/conditions/index.html)

<http://www.health.state.mn.us/people/conditions/index.html>

[CDC: COVID-19 and HIV](https://www.cdc.gov/hiv/covid-19/index.html) (<https://www.cdc.gov/hiv/covid-19/index.html>)

[MATEC: COVID-19 Information for Persons Living with HIV in Minnesota](https://drive.google.com/file/d/1OpEzQqNP0dNDowYjxaf0PVARbh2b_Me-/edit) ([Google Doc](https://drive.google.com/file/d/1OpEzQqNP0dNDowYjxaf0PVARbh2b_Me-/edit))

https://drive.google.com/file/d/1OpEzQqNP0dNDowYjxaf0PVARbh2b_Me-/edit

Treatment

COVID-19 has no known specific treatment.

Rest and drink lots of liquids.

If your symptoms get worse and you need a doctor, call your clinic or an emergency room before you go there.

Many unknowns

As doctors and scientists continue to gather new information, it is important to take COVID-19 seriously. We know some of the negative effects it can have, but we do not yet know all of the negative effects it may have. It is important to keep working to slow the spread of the virus by staying home when you can, staying 6 feet away from others, wearing a mask, covering your coughs and sneezes, and washing your hands often and well.

Physical health effects

The virus that causes COVID-19 can affect people in different ways. Some can get very sick, while most have mild or moderate symptoms and get better without going to a clinic or into a hospital. Some have no symptoms. Some people die.

Some people are in the hospital for weeks. Some may need to be put on a ventilator in order to breathe and survive. Some may need to be put on a heart-lung bypass machine. The virus that causes COVID-19 has been linked to increased:

- Blood clotting.
- Strokes.
- Heart damage.
- Other organ damage.

For those that do get better, they may have long-term health problems from the virus. The disease may cause damage to the lungs, leading to ongoing trouble with breathing. New evidence shows that COVID-19 can also lead to health problems in children. More research is needed to better understand how the virus may cause short and long-term illness.

More information:

Nervous system damage:

Neurologic Manifestations of Hospitalized Patients With Coronavirus Disease 2019 in Wuhan, China (<https://jamanetwork.com/journals/jamaneurology/fullarticle/2764549>)

Heart damage:

The Harvard Gazette: Coronavirus and the heart (<https://news.harvard.edu/gazette/story/2020/04/covid-19s-consequences-for-the-heart/>)

Risks for pregnant women and infants:

Neonatal Early-Onset Infection With SARS-CoV-2 in 33 Neonates Born to Mothers With COVID-19 in Wuhan, China (<https://jamanetwork.com/journals/jamapediatrics/fullarticle/2763787>)

New complications in children:

For Parents: Multisystem Inflammatory Syndrome in Children (MIS-C) associated with COVID-19 (<https://www.cdc.gov/coronavirus/2019-ncov/daily-life-coping/children/mis-c.html>)

Possible sexual transmission:

Clinical Characteristics and Results of Semen Tests Among Men With Coronavirus Disease 2019 (<https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2765654>)

Other health effects

COVID-19 disease can cause more than physical health problems. COVID-19 is a continuing threat to the personal, financial, and mental well-being of Minnesotans This stress can lead to health problems. COVID-19 can cause stress when people:

- Must be in the hospital.
- Lose their jobs or cannot go to work.
- Do not have money to pay bills.
- Are separated from family and friends.

More

Symptoms & Testing: COVID-19

(<http://www.health.state.mn.us/diseases/coronavirus/symptoms.html>)_

What are the symptoms, when to get tested, and where to get tested.

If You Are Sick: COVID-19 (<http://www.health.state.mn.us/diseases/coronavirus/sick.html>)_

What to do if you are sick and information on going to the doctor.

Protect Yourself & Others: COVID-19

(<http://www.health.state.mn.us/diseases/coronavirus/prevention.html>)_

How to slow the spread, including information on masks and cloth face coverings and cleaning your home.

Daily Life & Coping: COVID-19

(<http://www.health.state.mn.us/diseases/coronavirus/cope.html>)_

Multigenerational living, stress and coping, pets, and more.

Updated Tuesday, 16-Jun-2020 15:28:38 CDT

TAYLOR DECLARATION EXHIBIT 3



WHO Director-General's opening remarks at the media briefing on COVID-19 - 11 March 2020

11 March 2020

Good afternoon.

In the past two weeks, the number of cases of COVID-19 outside China has increased 13-fold, and the number of affected countries has tripled.

There are now more than 118,000 cases in 114 countries, and 4,291 people have lost their lives.

Thousands more are fighting for their lives in hospitals.

In the days and weeks ahead, we expect to see the number of cases, the number of deaths, and the number of affected countries climb even higher.

WHO has been assessing this outbreak around the clock and we are deeply concerned both by the alarming levels of spread and severity, and by the alarming levels of inaction.

We have therefore made the assessment that COVID-19 can be characterized as a pandemic.

Pandemic is not a word to use lightly or carelessly. It is a word that, if misused, can cause unreasonable fear, or unjustified acceptance that the fight is over, leading to unnecessary suffering and death.

Describing the situation as a pandemic does not change WHO's assessment of the threat posed by this virus. It doesn't change what WHO is doing, and it doesn't change what countries should do.

We have never before seen a pandemic sparked by a coronavirus. This is the first pandemic caused by a coronavirus.

And we have never before seen a pandemic that can be controlled, at the same time.

WHO has been in full response mode since we were notified of the first cases.

And we have called every day for countries to take urgent and aggressive action.

We have rung the alarm bell loud and clear.

===

As I said on Monday, just looking at the number of cases and the number of countries affected does not tell the full story.

Of the 118,000 cases reported globally in 114 countries, more than 90 percent of cases are in just four countries, and two of those – China and the Republic of Korea - have significantly declining epidemics.

81 countries have not reported any cases, and 57 countries have reported 10 cases or less.

We cannot say this loudly enough, or clearly enough, or often enough: all countries can still change the course of this pandemic.

If countries detect, test, treat, isolate, trace, and mobilize their people in the response, those with a handful of cases can prevent those cases becoming clusters, and those clusters becoming community transmission.

Even those countries with community transmission or large clusters can turn the tide on this virus.

Several countries have demonstrated that this virus can be suppressed and controlled.

The challenge for many countries who are now dealing with large clusters or community transmission is not whether they can do the same – it's whether they will.

Some countries are struggling with a lack of capacity.

Some countries are struggling with a lack of resources.

Some countries are struggling with a lack of resolve.

We are grateful for the measures being taken in Iran, Italy and the Republic of Korea to slow the virus and control their epidemics.

We know that these measures are taking a heavy toll on societies and economies, just as they did in China.

All countries must strike a fine balance between protecting health, minimizing economic and social disruption, and respecting human rights.

WHO's mandate is public health. But we're working with many partners across all sectors to mitigate the social and economic consequences of this pandemic.

This is not just a public health crisis, it is a crisis that will touch every sector – so every sector and every individual must be involved in the fight.

I have said from the beginning that countries must take a whole-of-government, whole-of-society approach, built around a comprehensive strategy to prevent infections, save lives and minimize impact.

Let me summarize it in four key areas.

First, prepare and be ready.

Second, detect, protect and treat.

Third, reduce transmission.

Fourth, innovate and learn.

I remind all countries that we are calling on you to activate and scale up your emergency response mechanisms;

Communicate with your people about the risks and how they can protect themselves – this is everybody's business;

Find, isolate, test and treat every case and trace every contact;

Ready your hospitals;

Protect and train your health workers.

And let's all look out for each other, because we need each other.

===

There's been so much attention on one word.

Let me give you some other words that matter much more, and that are much more actionable.

Prevention.

Preparedness.

Public health.

Political leadership.

And most of all, people.

We're in this together, to do the right things with calm and protect the citizens of the world. It's doable.

I thank you.

Subscribe to the WHO newsletter →

TAYLOR DECLARATION EXHIBIT 4



Coronavirus Disease 2019 (COVID-19)

Cases in the U.S.

Last updated on June 21, 2020

TOTAL CASES
2,248,029
32,411 New Cases*

TOTAL DEATHS
119,615
560 New Deaths*

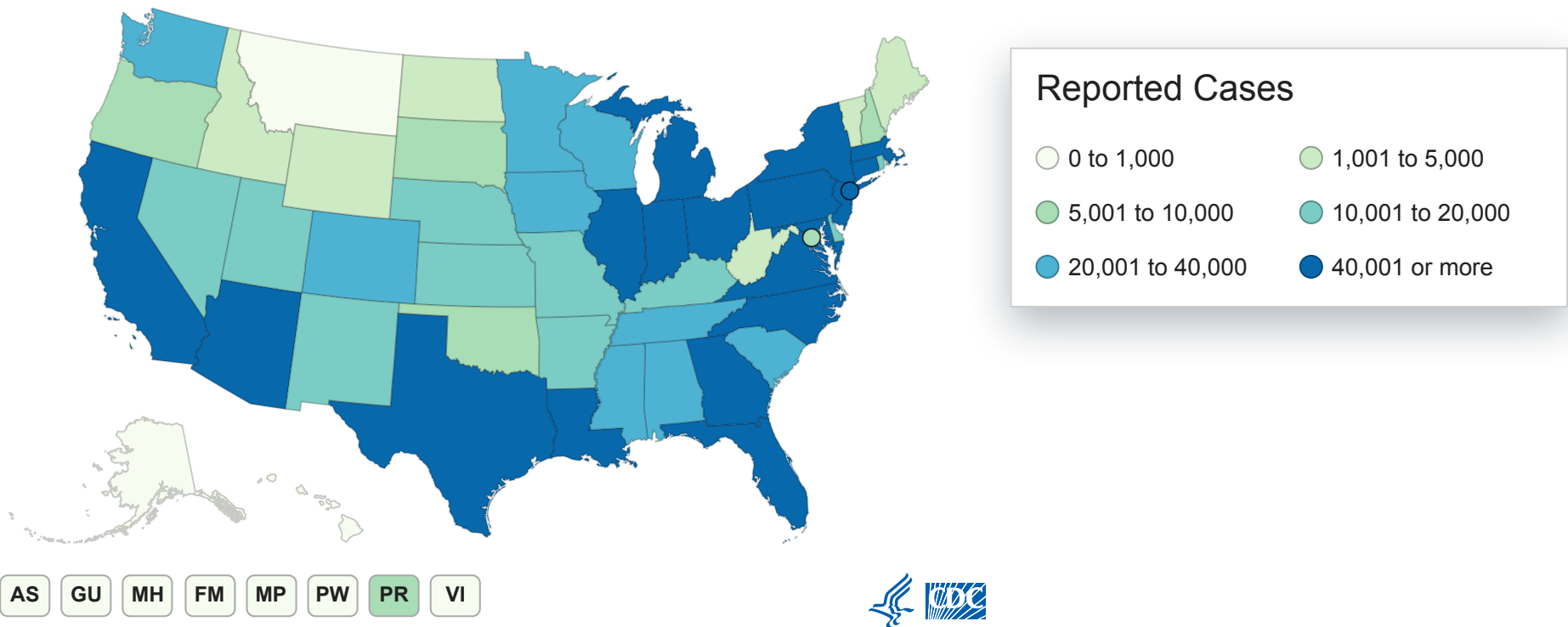
Want More Data?

CDC COVID Data Tracker

Cases & Deaths by Jurisdiction

38 jurisdictions report more than 10,000 cases of COVID-19.

This map shows COVID-19 cases and deaths reported by U.S. states, the District of Columbia, New York City, and other U.S.-affiliated jurisdictions. Hover over the map to see the number of cases and deaths reported in each jurisdiction. To go to a jurisdiction’s health department website, click on the jurisdiction on the map.



Add U.S. Map to Your Website

Cases & Deaths by County

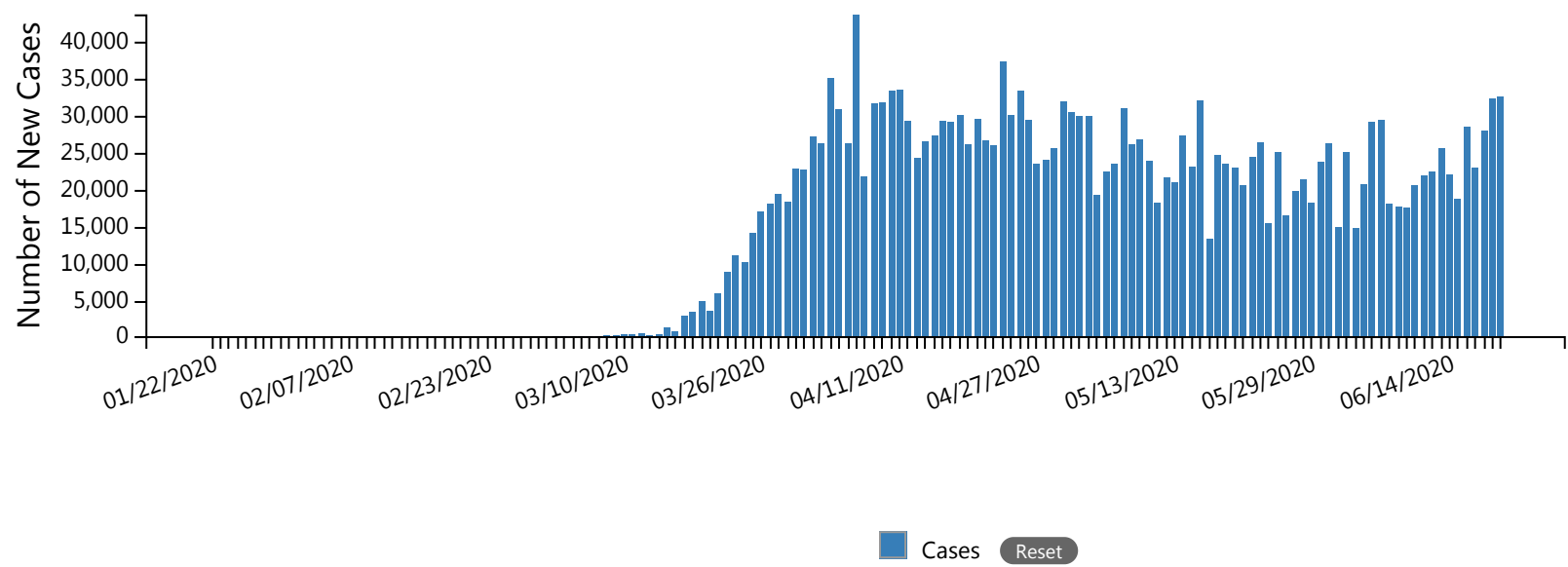
Select a state to view the number of cases and deaths by county. This data is courtesy of [USAFacts.org](#)

Select a State

View County Data

New Cases by Day

The following chart shows the number of new COVID-19 cases reported each day in the U.S. since the beginning of the outbreak. Hover over the bars to see the number of new cases by day.



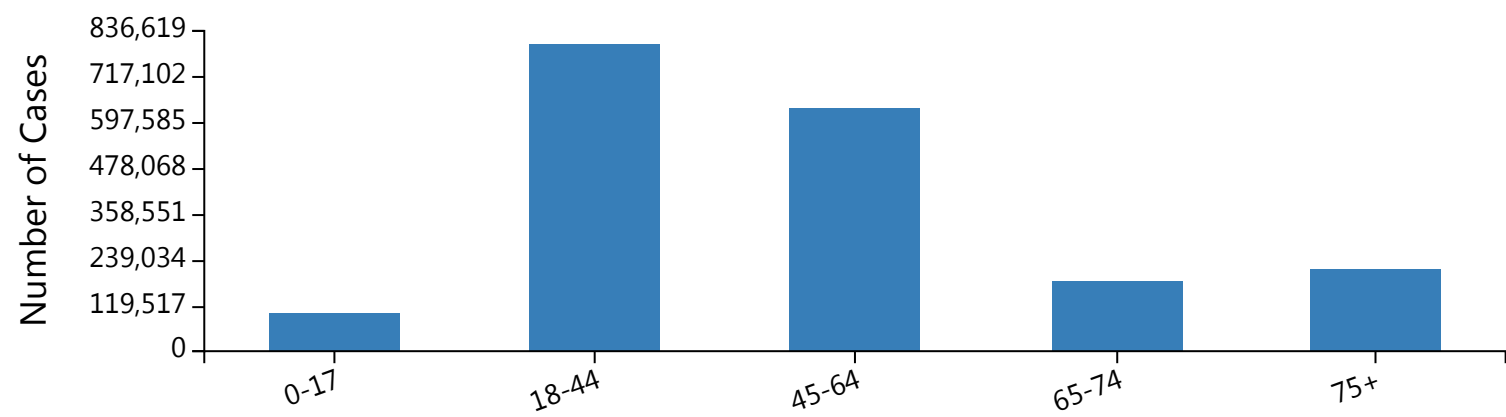
View Data

+

Cases by Age

The following chart shows the age of people with COVID-19. Hover over each bar or click on the plus (+) sign below the chart to see the number of cases in each age group.

Data were collected from 1,934,566 people, and age was available for 1,932,051 (99.9%) people.



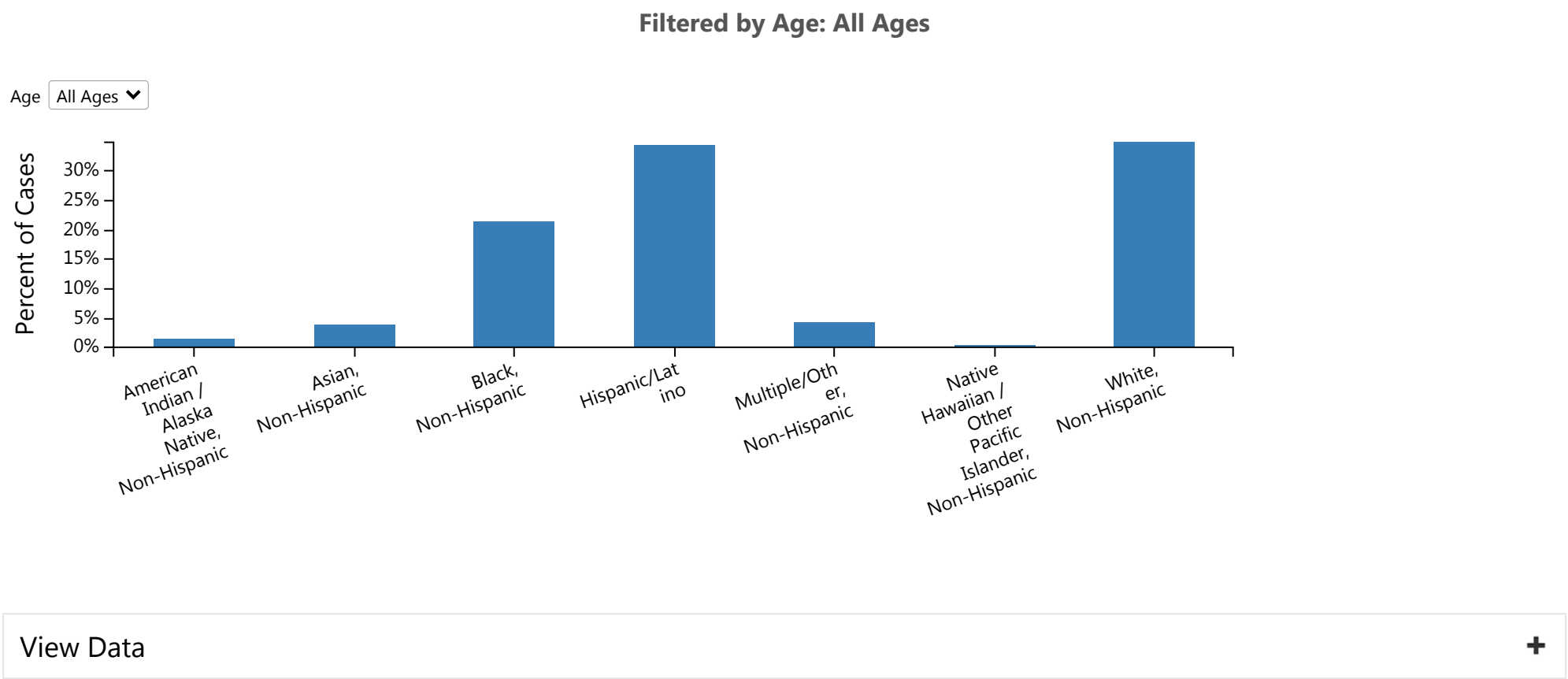
View Data

+

Cases by Race/Ethnicity

The following chart shows the race/ethnicity of people with COVID-19. Hover over each bar or click on the plus (+) sign below the chart to see the percentage for each race/ethnicity group. Select from the “Age” dropdown list to see the percentage for each age group.

Data were collected from 1,934,566 people, but race/ethnicity was only available for 932,488 (48.2 %) people. CDC is working with states to provide more information on race/ethnicity for reported cases. The percent of reported cases that include race/ethnicity data is increasing.



These data only represent the geographic areas that contributed data on race/ethnicity. Every geographic area has a different racial and ethnic composition. These data are not generalizable to the entire U.S. population.

If cases were distributed equally across racial and ethnic populations, one would expect to see more cases in those populations that are more highly represented in geographic areas that contributed data.

Cases & Deaths among Healthcare Personnel

Data were collected from 1,934,565 people, but healthcare personnel status was only available for 420,053 (21.7%) people. For the 83,365 cases of COVID-19 among healthcare personnel, death status was only available for 53,613 (64.3%).

CASES AMONG HCP
83,365

DEATHS AMONG HCP
463

Previous Data +

CDC has moved the following information to the [Previous U.S. COVID-19 Case Data](#) page.

- Level of community transmission by jurisdiction — last updated May 18, 2020
- Total number of cases by day — last updated April 28, 2020
- Number of cases by source of exposure — last updated April 16, 2020
- Number of cases from Wuhan, China and the Diamond Princess cruise — last updated April 16, 2020
- Number of cases by illness start date — last updated April 15, 2020

About the Data



Updated Daily

This page is updated daily based on data confirmed at 4:00pm ET the day before.

Reported by Jurisdiction’s Health Department

Data on this page are reported voluntarily to CDC by each jurisdiction’s health department. CDC encourages all jurisdictions to report the most complete and accurate information that best represents the current status of the pandemic in their jurisdiction.

Number of Jurisdictions

There are currently 56 U.S.-affiliated jurisdictions reporting cases of COVID-19. This includes 50 states, District of Columbia, Guam, New York City, the Northern Mariana Islands, Puerto Rico, and the U.S Virgin Islands. New York State’s case and death counts do not include New York City’s counts as they are separate jurisdictions.

Confirmed & Probable Counts

As of April 14, 2020, CDC case counts and death counts include both confirmed and probable cases and deaths. This change was made to reflect an [interim COVID-19 position statement](#)   issued by the Council for State and Territorial Epidemiologists on April 5, 2020. The position statement included a case definition and made COVID-19 a nationally notifiable disease. Nationally notifiable disease cases are voluntarily reported to CDC by jurisdictions.

A [confirmed case or death](#) is defined by meeting confirmatory laboratory evidence for COVID-19.

A [probable case or death](#) is defined by one of the following:

- Meeting clinical criteria AND epidemiologic evidence with no confirmatory laboratory testing performed for COVID-19
- Meeting presumptive laboratory evidence AND either clinical criteria OR epidemiologic evidence
- Meeting vital records criteria with no confirmatory laboratory testing performed for COVID19

Not all jurisdictions report confirmed and probable cases and deaths to CDC. When not available to CDC, it is noted as N/A.

Accuracy of Data

CDC does not know the exact number of COVID-19 illnesses, hospitalizations, and deaths for a variety of reasons. COVID-19 can cause mild illness, symptoms might not appear immediately, there are delays in reporting and testing, not everyone who is infected gets tested or seeks medical care, and there may be differences in how jurisdictions confirm numbers.

Changes & Fluctuations in Data

Health departments may update case data over time when they receive more complete and accurate information.

The number of new cases reported each day fluctuates. There is generally less reporting on the weekends and holidays.

Differences between CDC and Jurisdiction Data

If the number of cases or deaths reported by CDC is different from the number reported by jurisdiction health departments, data reported by jurisdictions should be considered the most up to date. The differences may be due

More Information

- COVIDView – A Weekly Surveillance Summary of U.S. COVID-19 Activity
- Previous U.S. COVID-19 Case Data
- FAQ: COVID-19 Data and Surveillance
- Testing Data in the U.S.
- World Map
- Health Departments

Page last reviewed: June 21, 2020

TAYLOR DECLARATION EXHIBIT 5



PROCLAMATIONS

Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak

Issued on: March 13, 2020



In December 2019, a novel (new) coronavirus known as SARS-CoV-2 (“the virus”) was first detected in Wuhan, Hubei Province, People’s Republic of China, causing outbreaks of the coronavirus disease COVID-19 that has now spread globally. The Secretary of Health and Human Services (HHS) declared a public health emergency on January 31, 2020, under section 319 of the Public Health Service Act (42 U.S.C. 247d), in response to COVID-19. I have taken sweeping action to control the spread of the virus in the United States, including by suspending entry of foreign nationals seeking entry who had been physically present within the prior 14 days in certain jurisdictions where COVID-19 outbreaks have occurred, including the People’s Republic of China, the Islamic Republic of Iran, and the Schengen Area of Europe. The Federal Government, along with State and local governments, has taken preventive and proactive measures to slow the spread of the virus and treat those affected, including by instituting Federal quarantines for individuals evacuated from foreign nations, issuing a declaration pursuant to section 319F-3 of the Public Health Service Act (42 U.S.C. 247d-6d), and releasing policies to accelerate the acquisition of personal protective equipment and streamline bringing new diagnostic capabilities to laboratories. On March 11, 2020, the World Health Organization announced that the COVID-19 outbreak can be characterized as a pandemic, as the rates of infection continue to rise in many locations around the world and across the United States.

The spread of COVID-19 within our Nation’s communities threatens to strain our Nation’s healthcare systems. As of March 12, 2020, 1,645 people from 47 States have been infected with the virus that

causes COVID-19. It is incumbent on hospitals and medical facilities throughout the country to assess their preparedness posture and be prepared to surge capacity and capability. Additional measures, however, are needed to successfully contain and combat the virus in the United States.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States, by the authority vested in me by the Constitution and the laws of the United States of America, including sections 201 and 301 of the National Emergencies Act (50 U.S.C. 1601 *et seq.*) and consistent with section 1135 of the Social Security Act (SSA), as amended (42 U.S.C. 1320b-5), do hereby find and proclaim that the COVID-19 outbreak in the United States constitutes a national emergency, beginning March 1, 2020. Pursuant to this declaration, I direct as follows:

Section 1. Emergency Authority. The Secretary of HHS may exercise the authority under section 1135 of the SSA to temporarily waive or modify certain requirements of the Medicare, Medicaid, and State Children's Health Insurance programs and of the Health Insurance Portability and Accountability Act Privacy Rule throughout the duration of the public health emergency declared in response to the COVID-19 outbreak.

Sec. 2. Certification and Notice. In exercising this authority, the Secretary of HHS shall provide certification and advance written notice to the Congress as required by section 1135(d) of the SSA (42 U.S.C. 1320b-5(d)).

Sec. 3. General Provisions. (a) Nothing in this proclamation shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This proclamation shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This proclamation is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of March, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

TAYLOR DECLARATION EXHIBIT 6



All 50 states under disaster declaration for first time in US history

BY JUSTINE COLEMAN - 04/12/20 04:31 PM EDT

Just In...

2 people killed, 7 others hurt in shooting at NC block party

STATE WATCH — 2S AGO

Trump refuses to say if he slowed down coronavirus testing

CORONAVIRUS REPORT — 26S AGO

The Hill's 12:30 Report: Fallout from Trump's weekend rally

12:30 REPORT — 2M 15S AGO

Pelosi: 'Appalling' for Trump to delay Chinese sanctions over Uighur detention camps

HOUSE — 10M 6S AGO

Get the 'F' out of the FDA

OPINION — 22M 4S AGO

Watch live: White House press secretary Kayleigh McEnany holds briefing

IN THE NEWS — 52M 2S AGO

The US-Sudan 1998 bombing settlement agreement is vital to national security

OPINION — 52M 3S AGO

Cuomo calls blaming his office for nursing home deaths a 'political charade'

STATE WATCH — 54M 21S AGO

17,515 SHARES



SHARE



TW



All 50 states are under a major disaster declaration for the first time in U.S. history, after [President Trump](#) approved Wyoming's declaration Saturday.

Within 22 days, Trump declared a major emergency in all 50 states and most territories through the Federal Emergency Management Agency (FEMA). The final disaster declaration occurred on the same day U.S. surpassed Italy to become the country with the most deaths from the virus.

Trump approved the first major disaster declaration for coronavirus in New York on March 20, followed two days later by Washington and California, the early hot spots of the virus. New York has become the hardest-hit state, recording 188,694 positive cases and 9,385 deaths from the virus, according to the [state's health department](#).

The U.S. Virgin Islands, the Northern Mariana Islands, Washington, D.C., Guam and Puerto Rico all received approved major disaster declarations. American Samoa is the only U.S. territory that has not received a disaster designation.

Trump praised the declarations in a tweet Sunday, saying, "We are winning, and will win, the war on the Invisible Enemy!"

VIEW ALL

**Donald J. Trump**
@realDonaldTrump

For the first time in history there is a fully signed Presidential Disaster Declaration for all 50 States. We are winning, and will win, the war on the Invisible Enemy!

♡ 238K 2:25 PM - Apr 12, 2020



💬 83.1K people are talking about this



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THE HILL

Trump: Foreign countries will print 'millions of mail-in ballots' in...

The Hill's Morning Report - Presented by Facebook - After rough week...

The FEMA declaration makes federal funding available to the states to use to fight the spread of the virus. State and local governments have struggled to obtain enough medical supplies amid the pandemic, with some governors saying there have been bidding wars between states and with the federal government.

The U.S. has the most cases in the world at at least 547,681, leading to at least 21,686 deaths, according to data from [Johns Hopkins University](#). Italy has documented at least 19,899 fatalities.

Worldwide, more than 1.8 million cases have been identified, leading to at least 113,362 deaths.

TAGS DONALD TRUMP FEMA FEDERAL EMERGENCY MANAGEMENT AGENCY CORONAVIRUS COVID-19 MAJOR DISASTER DECLARATION CORONAVIRUS DEATHS



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TAYLOR DECLARATION EXHIBIT 7

STATE OF MINNESOTA

Executive Department



Governor Tim Walz

Emergency Executive Order 20-01

Declaring a Peacetime Emergency and Coordinating Minnesota's Strategy to Protect Minnesotans from COVID-19

I, Tim Walz, Governor of the State of Minnesota, by the authority vested in me by the Constitution and applicable statutes, issue the following Executive Order:

The infectious disease known as COVID-19, an act of nature, has now been detected in 118 countries and territories, including the United States. COVID-19 has been reported in 42 states. There are over 1,600 confirmed cases nationwide, including fourteen in Minnesota.

The U.S. Department of Health and Human Services Secretary has declared a public health emergency for the United States to aid the nation's healthcare community in responding to COVID-19. The World Health Organization has recently assessed that this outbreak can be characterized as a pandemic.

In coordination with other state agencies, local governments, and partners in the private sector, the Minnesota Department of Health ("MDH") has been preparing for and responding to the COVID-19 pandemic in Minnesota.

On April 4, 2019, I issued Executive Order 19-22, which assigned emergency responsibilities to state agencies to respond to and assist in recovery from the effects of natural or technological emergencies, including responsibility to engage in emergency preparedness efforts. On April 4, 2019, I also issued Executive Order 19-23, which directed state agencies to engage in continuity of government and continuity of operations planning. That Executive Order established the Continuity Policy Coordination Sub-Cabinet to develop and maintain a framework for a continuity of government plan, and to oversee agency continuity of operations planning, led by Minnesota Management and Budget ("MMB").

Minnesota has taken proactive steps to ensure that we are ahead of the curve on COVID-19 prevention and response. Our State has been actively conducting continuity planning for state agency operations. MMB activated its Statewide Contingency Response Team ("SCRT"), which meets regularly to coordinate and direct state agencies to ensure priority government services continue. State agency emergency managers and continuity coordinators from the agencies have

been meeting together and sharing information related to emergency management and continuity of operations planning activities.

The State also has activated our Joint Information Center (“JIC”), led by the Department of Public Safety (“DPS”) and MDH. The JIC is responsible for sharing operational updates and keeping the public informed on COVID-19. This group convenes daily to provide consistent, coordinated, and timely information.

Agencies have activated their internal command or continuity teams and have been reviewing their emergency response and continuity plans, which are plans in place that outline how agencies will provide priority services during an emergency. Agencies have been reviewing their priority services and preparing their employees with the goal of providing uninterrupted priority services throughout an emergency.

On January 29, 2020, MDH instituted its Incident Command System (“ICS”). The ICS provides a standardized approach to the command, control, and coordination of emergency response. MDH convened a state agency COVID-19 coordinating group on March 3, 2020. DPS’s Division of Homeland Security and Emergency Management (“HSEM”) activated the State Emergency Operations Center on March 6, 2020.

MDH remains in close contact with federal, state, and local partners, and the Commissioner of Health recently convened a group of experts, including healthcare professionals (doctors, nurses, administrators, insurers), government partners (cities, counties, tribal nations), business and labor leaders, educators (child care, K-12, higher ed), public health experts, and authorities on long term care and Minnesota’s aging population. This cross-sector group provides guidance to the Commissioner on MDH’s strategies for responding to COVID-19.

As part of the response, MDH experts have been providing timely information and education to the public and stakeholders through up-to-date website information, regular press briefings, and calls for stakeholders such as schools, long-term care facilities, healthcare providers, and the business community. MDH’s COVID-19 website, with materials available in 16 languages, has been accessed by thousands of Minnesotans.

Local resources are inadequate to fully address the COVID-19 pandemic. We must continue to take this pandemic seriously, and there are sensible steps that Minnesotans and our state government can take to protect all Minnesotans by slowing the spread of COVID-19, prioritizing our healthcare resources, and safeguarding at-risk communities.

For these reasons, I declare a peacetime emergency in Minnesota and order as follows:

1. In consultation with federal, state, and local partners, tribal nations, relevant experts, and stakeholders, MDH will continue to lead the coordination of the State’s response to COVID-19.
2. HSEM will continue to assist MDH and coordinate support through the State Emergency Operations Center and in accordance with the Minnesota Emergency Operations Plan.

3. All state agencies, in cooperation with appropriate federal agencies, will work to support healthcare providers, tribal and local governments, and public health organizations as they respond to COVID-19.
4. The Minnesota National Guard will ensure that it is ready to assist as needed during this peacetime emergency.
5. In consultation with the Centers for Disease Control and Prevention, as well as public health, medical, and other experts, MDH will continue to provide guidance that is accessible and transparent to all Minnesotans, including guidance on how to best prevent and reduce community spread of COVID-19 within Minnesota and manage critical healthcare resources.
6. I encourage individual Minnesotans to help protect all Minnesotans by continuing their individual prevention efforts such as staying home when feeling sick, frequently washing their hands, and monitoring information about COVID-19.
7. I urge and advise Minnesotans to follow MDH guidance regarding hygiene, public gatherings, social distancing, and healthcare use. Minnesotans should regularly check MDH's COVID-19 webpage: <https://www.health.state.mn.us/diseases/coronavirus/>
8. As circumstances require, and pursuant to relevant law, I will issue orders and rules to protect public health and safety. All state agencies are directed to submit proposals for such orders and rules to my office.

This Executive Order and declaration of peacetime emergency is effective immediately under Minnesota Statutes 2019, section 4.035, subdivision 2, and its duration is governed by Minnesota Statutes 2019, section 12.31, subdivision 2.

Signed on March 13, 2020.


Tim Walz
Governor

Filed According to Law:


Steve Simon
Secretary of State



RESOLUTION

RESOLVED, by the Executive Council of the State of Minnesota, at its emergency meeting on March 16, 2020, that it approves the following:

Extend peacetime emergency declared in State of Minnesota, Executive Department, Emergency Executive Order 20-01 Declaring a Peacetime Emergency and Coordinating Minnesota's Strategy to Protect Minnesotans from COVID-19 as required by Minnesota Statutes 9.061.

Approved by Executive Council

DATE: March 16, 2020

BY: ARoberts Davis

TAYLOR DECLARATION EXHIBIT 8



Coronavirus Disease 2019 (COVID-19)

How COVID-19 Spreads

Updated June 16, 2020

COVID-19 is thought to spread mainly through close contact from person-to-person. Some people without symptoms may be able to spread the virus. We are still learning about how the virus spreads and the severity of illness it causes.

Person-to-person spread

The virus is thought to spread mainly from person-to-person.

- Between people who are in close contact with one another (within about 6 feet).
- Through respiratory droplets produced when an infected person coughs, sneezes, or talks.
- These droplets can land in the mouths or noses of people who are nearby or possibly be inhaled into the lungs.
- COVID-19 may be spread by people who are not showing symptoms.

The virus spreads easily between people

How easily a virus spreads from person-to-person can vary. Some viruses are highly contagious, like measles, while other viruses do not spread as easily. Another factor is whether the spread is sustained, which means it goes from person-to-person without stopping.

The virus that causes COVID-19 is spreading very easily and sustainably between people. Information from the ongoing COVID-19 pandemic suggests that this virus is spreading more efficiently than influenza, but not as efficiently as measles, which is highly contagious. In general, **the more closely a person interacts with others and the longer that interaction, the higher the risk of COVID-19 spread.**

The virus may be spread in other ways

It may be possible that a person can get COVID-19 by **touching a surface or object that has the virus on it** and then touching their own mouth, nose, or possibly their eyes. This is not thought to be the main way the virus spreads, but we are still learning more about how this virus spreads.

Spread between animals and people

- At this time, the risk of COVID-19 spreading **from animals to people** is considered to be low. Learn about [COVID-19 and pets and other animals](#).
- It appears that the virus that causes COVID-19 can spread **from people to animals** in some situations. CDC is aware of a small number of pets worldwide, including cats and dogs, reported to be infected with the virus that causes COVID-19, mostly after close contact with people with COVID-19. Learn what you should do [if you have pets](#).

Protect yourself and others

The best way to prevent illness is to avoid being exposed to this virus. You can take steps to slow the spread.

- [Maintain good social distance](#) (about 6 feet). This is very important in preventing the spread of COVID-19.
- [Wash your hands](#) often with soap and water. If soap and water are not available, use a hand sanitizer that contains at least 60% alcohol.
- [Routinely clean and disinfect](#) frequently touched surfaces.

- Cover your mouth and nose with a [cloth face covering](#) when around others.

Learn more about what you can do to [protect yourself and others](#).

More Information

[ASL Video Series: How does COVID-19 Spread?](#)

Page last reviewed: June 16, 2020

TAYLOR DECLARATION EXHIBIT 9

From: Hegg, Stella (OSS) <stella.hegg@state.mn.us>
Sent: Friday, June 19, 2020 4:47 PM
To: Department, Elections (OSS)
Subject: 2020 State Primary AB-MB Witnesses & Postmark Changes related to LaRose et al v. Simon, Case 62-CV-20-3149
Attachments: AB Instructions_Reg_ThirdEnv-2020STP.pdf; AB Instructions_NR_ThirdEnv-2020STP.pdf; MB Instructions-2020STP.pdf; AB Instructions_UOCAVA_ThirdEnv-2020STP.pdf; AB Instructions_UOCAVA_ET-2020STP.pdf; AB-MB Insert for Registered Voters - 2020STP.pdf; AB Insert for Non-Registered Voters - 2020STP.pdf; Reg Voter Signature Envelope Sticker-Stamp Suggestion Sheet.pdf
Importance: High

**Office of the Minnesota Secretary of State
Elections Division**

For Your Immediate Attention!

Dear County Election Administrators:

Please share (ASAP) this email and attachments with your municipalities who are delegated to conduct absentee voting for their residents.

These changes are necessitated by the order of the court in LaRose et al v. Simon, on June 17, 2020, Case 62-CV-20-3149.

Attached you will find:

1. A new set of instructions for all absentee and mail ballot voters to be sent out with 2020 state primary ballot packets.
 - These must be sent with all 2020 state primary ballot packets.
2. Two types of “inserts” that should be placed in registered, mail ballot and non-registered ballot packets.
 - The “inserts” to be photocopied on “brightly colored” paper so that it stands out to the voter.
3. A suggestion/informational document regarding registered and mail ballot voter signature envelopes.

OSS Webpages Regarding Absentee & Mail Ballot Voting

We are “in the works” to update all OSS webpages regarding “witnesses” and “postmarking” of returned ballots. We hope to have everything updated by Monday.

Automated emails with attachments for UOCAVA “email” voters

We are working with IT today to update the “hard coded” sentences that are in the auto-email and the attachments. It should all be updated by late Monday. Please do not send UOCAVA “email” voters their emails until all the language is updated to reflect the “post mark” of returned ballots.

Absentee & Mail Voting Guides

We are working to update both guides so that we address “witnesses” for registered and mail ballot voters and “post marks” for returned ballots. I hope to have these both done by early Tuesday morning. I am spending a great deal of time updating the “pictures” of envelopes to “reject” or to “accept.”

These are challenging, ever changing times. We appreciate all your work and your patience with us as we navigate and try to quickly communicate “all the changes.”

Best,

Stella Mary Hegg, MPA

Senior State Program Administrator

Office of Minnesota Secretary of State, Steve Simon

180 State Office Building, 100 Rev. Dr. Martin Luther King Jr. Blvd.

St. Paul, MN 55155

Phone: 651-556-0646

E-mail: stella.hegg@state.mn.us

Website: <https://www.sos.state.mn.us/>

The “Witness” section of 2020 State Primary AB & MB registered voter signature envelopes

You have several options to alter the witness portion of the envelope for a registered voter, or inform a registered voter that the witness is not required, as the consent decree does not require a sticker/stamp to be placed over the signature envelope’s “witness” section.

If 2020 state primary “registered” AB-MB ballot packets have already been prepared and it is difficult to place stickers/stamp on the “registered” AB-MB signature envelopes, rest assured, it is not required. However, if you do not choose to place the sticker on the envelope over the witness signature area, you must either include with each ballot the insert that OSS has provided explaining that the witness signature is not required for the 2020 Primary Election or draw an “X” through the witness signature area on the envelope, or both.

If a sticker/stamp is not placed on the “registered” AB-MB signature envelope, make sure that the ballot board members are well-trained and overly-reminded that missing witness information and signature is not a reason to reject a registered voter’s AB or MB returned, voted ballot.

If you would like to add a sticker or stamp to signature envelopes, here are our suggestions:

Signature Envelope

Voter must complete this section

Voter name: _____

Voter MN address: _____ MN

ID number (MN driver's license #, MN ID card #, or last four digits of SSN): _____

☐ I do not have a MN-issued driver's license, MN-issued ID card, or a Social Security Number.

I certify that on Election Day I will meet all the legal requirements to vote.

Voter Signature: X

Witness must complete this section

A witness is not required for registered absentee voters for the 2020 Minnesota State Primary.

Put the Ballot Envelope in here, then seal flap

For Official Use Only: ☐ Accepted ☐ Rejected (reason: _____)

Signature Envelope-Registered (horizontal version)

- A sticker or stamp that is 4 x 4" should cover the Witness section.
- It should state:

A witness is not required for registered absentee voters for the 2020 Minnesota State Primary.

Put the Ballot Envelope in here, then seal flap 

Signature Envelope

Voter must complete this section please print clearly

Voter name

Voter MN address MN

ID number (MN driver's license #, MN ID card #, or last four digits of SSN)

☐ I do not have a MN-issued driver's license, MN-issued ID card, or a Social Security Number.

I certify that on Election Day I will meet all the legal requirements to vote.

Voter Signature X

A witness is not required for registered absentee voters for the 2020 Minnesota State Primary.

For Official Use Only
☐ Accepted ☐ Rejected (reason:)

Signature Envelope-Registered

Signature Envelope-Registered

- A sticker or stamp that is 4 x 4" should cover the Witness section.
- It should state:

A witness is not required for registered absentee voters for the 2020 Minnesota State Primary.

Put the Ballot Envelope in here, then seal flap 

Signature Envelope

Voter must complete this section please print clearly

Voter name

Voter MN address MN

ID number (MN driver's license #, MN ID card #, or last four digits of SSN)

☐ I do not have a MN-issued driver's license, MN-issued ID card, or a Social Security Number.

I certify that on Election Day I will meet all the legal requirements to vote. I also certify that:

Agent name

delivered the absentee ballots to me and that the ballots were unmarked and the envelope sealed when they were delivered to me.

Voter Signature ☒

Witness must complete this section

A witness is not required for registered absentee voters for the 2020 Minnesota State Primary.

If necessary, mark with stamp

For Official Use Only

☐ Acceptable ☐ Rejected (reason): _____

Signature Envelope - Registered Agent Delivery

Signature Envelope-Registered-Agent Delivery

- A sticker or stamp that is 4 x 4" should cover the Witness section.
- It should state:
A witness is not required for registered absentee voters for the 2020 Minnesota State Primary.

Signature Envelope

Voter must complete this section

Voter name

Voter MN address MN

I certify that on Election Day I will meet all the legal requirements to vote.

Voter Signature X

Witness must complete this section

please print clearly

A witness is not required for registered mail ballot voters for the 2020 Minnesota State Primary.

Put the Ballot Envelope in here, then seal flap

Signature Envelope- Mail

For Official Use Only ☐ Accepted ☐ Rejected (reason:)

Signature Envelope-Mail Ballot (horizontal version)

- A sticker or stamp that is 4 x 4" should cover the Witness section.
- It should state:
A witness is not required for registered mail ballot voters for the 2020 Minnesota State Primary.

Put the Ballot Envelope in here, then seal flap 

Signature Envelope

Voter must complete this section (please print clearly)

Voter name

Voter MN address MN

I certify that on Election Day I will meet all the legal requirements to vote.

Voter Signature X

Witness must complete this section

Witness name

Witness address

Witness signature

For Official Use Only

☐ Accepted ☐ Rejected (reason:)

Signature Envelope - Mail

A witness is not required for registered mail ballot voters for the 2020 Minnesota State Primary.

Signature Envelope-Mail Ballot (horizontal version)

- A sticker or stamp that is 4 x 4" should cover the Witness section.
- It should state:

A witness is not required for registered mail ballot voters for the 2020 Minnesota State Primary.

New for the 2020 State Primary!!

Non-Registered Minnesota Voters

Your returned ballot must be postmarked *on or before* Election Day (August 11, 2020) and received by your county by the day before the county canvass, which may take place on the second or third day following the election.

Instructions

How to vote by absentee ballot

for military and overseas voters sent ballots electronically for the 2020 state primary

Note: Your ballot must be printed out and physically returned. It cannot be returned electronically.

You will need:

- A printer
- A pen with black ink
- Two envelopes (you have 3 options):
 - Address your own blank envelopes by hand
 - Print the envelope templates directly onto envelopes (print the mailing envelope onto an envelope approximately 4 ½ inches by 9 ½ inches so that everything is positioned according to postal regulations)
 - If you do not have access to any envelopes, create the envelopes by folding and taping or gluing the attachments.
- Your ID number
Minnesota driver's license number, Minnesota ID card number, U.S. passport number, or the last four digits of your Social Security number.
See below if you do not have access to any of these numbers.

1 Print the materials

- Print your ballot, the Certificate of Eligibility, and the envelope templates if you are using them.
- Please note that the ballot may take multiple pages.
- Your printer should automatically scale the documents to fit on the printable area of the page. Just be sure that none of the words or ovals are cut off.



2 Vote!

- Mark your votes in private.
- Follow the instructions on the ballot.
- Do not write your name or an ID number anywhere on the ballot.
- Do not vote for more candidates than allowed.

If you do, your votes for that office will not count.

See below if you make a mistake on your ballot.



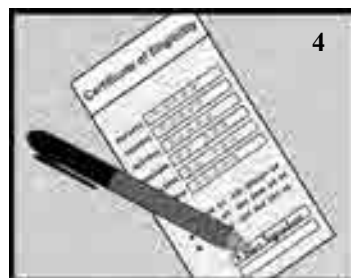
3 Use one of the envelopes as the ballot envelope

- Put your ballot in this envelope to keep your votes private.
- Seal the envelope.
- Do not write on this envelope.



4 Fill out the Certificate of Eligibility completely

- Print your name and your Minnesota street address, including city (present or last).
- Print your e-mail address and phone number (optional).
- Print your Minnesota driver's license number, Minnesota ID card number, passport number, or the last four digits of your Social Security number.
Be sure to use one of the same numbers that you provided on your absentee ballot application.
If you do not have access to any of these documents, leave this space blank.
- Read and sign the oath.



5 Put it all together

- Attach the Certificate of Eligibility to the ballot envelope.
- Your second envelope is the return (mailing) envelope.
- Put the ballot envelope and the Certificate of Eligibility into the return envelope.
- Seal the return envelope.
- Address the return envelope to:

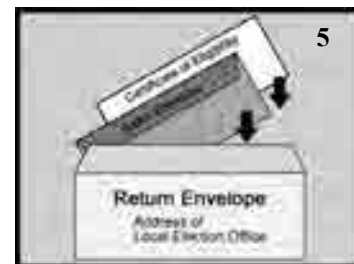
Official Absentee Balloting Material

_____ County

[Street address]

[City], MN [Zip Code]

USA

**6 Return your ballot by Election Day to the address above**

- Send it so it postmarked **on or before** Election Day, using mail, a package delivery service, or the diplomatic pouch at a U.S. embassy or consulate.
- **Important Detail regarding returned ballots:** Your returned ballot must be postmarked on or before Election Day (August 11, 2020) and received by your county by the day before the county canvass, which may take place on the second or third day following the election.
- Postage is not required if the postal permit is on the envelope and it is sent using U.S. mail, U.S. military mail, or the diplomatic pouch. Postage may be required if you use a foreign mail service or a package delivery service.

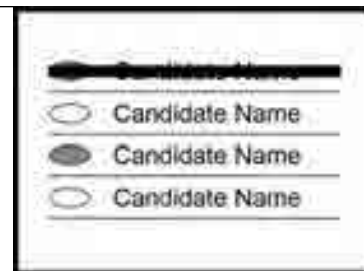


To check the status of your absentee ballot, visit <http://www.mnvotes.org>

If you need any help while voting, please contact your county elections office at [insert e-mail address] or [insert telephone number].

Correcting a mistake

- Print out a new ballot, or
- Ask for a new ballot from your election office, or
- Completely cross out the name of the candidate you accidentally marked and then mark your ballot for the candidate you prefer (do not initial your corrections).

**If you have a disability:**

If you have a disability or cannot mark your ballot, another person may assist you by marking your ballot at your direction, assembling the materials, and filling out the forms for you.

When signing the Certificate of Eligibility, Minnesota law says you may:

- Sign the Certificate yourself, or
- Make your mark, or
- Ask another person to sign for you in your presence. (Have this person sign their own name as well.)
- If you have adopted the use of a signature stamp for all purposes of signature, you may use your signature stamp or ask another person to use your signature stamp in your presence.

Minnesota Statutes, section 645.44, subdivision 14

Please note: Voting is not covered by a power of attorney. A person with power of attorney may only sign for you in your presence, as outlined above.

Confidentiality Notice: If your ballot envelope is accepted, your name and address is available to the public upon that acceptance, when used for elections, political and law enforcement purposes. Otherwise, the data you supply on your Certificate of Eligibility is restricted to election officials until 8:00 p.m. on Election Day. After that time, your certificate and the data on it, other than your identification number, are public information. Your ID number is required to ensure that the ballot is returned by the same voter who applied for it. You may refuse to provide it, but doing so may lead your absentee ballot to be rejected and will prevent you from checking on the status of your absentee ballot online.

New for the 2020 State Primary!!

Registered & Mail Ballot Minnesota Voters

Due to COVID19, you do not need to have a witness as part of the absentee ballot or mail balloting process.

Please make sure your voter information is complete on the signature envelope (name, address, ID number and signature).

Your returned ballot must be postmarked *on or before* Election Day (August 11, 2020) and received by your county by the day before the county canvass, which may take place on the second or third day following the election.

Instructions

How to vote by absentee ballot for military and overseas voters for the 2020 state primary

You will need:

- Ballot*
 - Tan ballot envelope*
 - White signature envelope*
 - Larger white return envelope*
- *If any of these items are missing, please contact your local election official.
- Pen with black ink
 - Your ID number
Minnesota driver's license number,
Minnesota ID card number, U.S. passport number,
or the last four digits of your Social Security number.
See below if you do not have any of these numbers.

1 Vote!

- Mark your votes in private.
- Follow the instructions on the ballot.
- Do not write your name or ID number anywhere on the ballot.
- Do not vote for more candidates than allowed. *If you do, your votes for that office will not count.*

See the other side if you make a mistake on your ballot.

2 Seal your ballot in the tan ballot envelope

- Do not write on this envelope.

3 Put the tan ballot envelope into the white signature envelope

4 Fill out the white signature envelope completely

- If there is no label, print your name and Minnesota address (present or last).
- Print your e-mail address and phone number (optional).
- Print your Minnesota driver's license number, Minnesota ID card number, passport number or the last four digits of your Social Security number.

Be sure to use one of the same numbers that you provided on your absentee ballot application.

If you do not have access to any of these documents, leave this space blank.

- Read and sign the oath.
- Seal the envelope.

5 Put the signature envelope into the larger white return envelope to protect your private information from view

- Seal the envelope.

6 Return your ballot by Election Day to the address on the return envelope

- Send it postmarked **on or before** Election Day, using mail, a package delivery service, or the diplomatic pouch at a U.S. embassy or consulate. **SEE IMPORTANT NOTE ON OTHER SIDE**
- Postage is not required if the postal permit is on the envelope and it is sent using the U.S. mail, U.S. military mail, or the diplomatic pouch. Postage may be required if you use a foreign mail service or a package delivery service.

See the other side for special instructions if you have a disability.

To check the status of your absentee ballot, visit <http://www.mnvotes.org>.

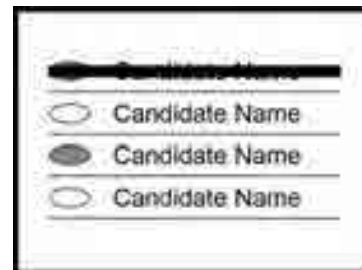
If you have any questions, contact your county elections office at [insert e-mail address] or [insert telephone number].



IMPORTANT NOTE: Your returned ballot must be postmarked on or before Election Day (August 11, 2020) and received by your county by the day before the county canvass, which may take place on the second or third day following the election.

Correcting a mistake

- If time allows, ask for a new ballot from your election office. Contact your election office at [e-mail] or [phone number], or
- Completely cross out the name of the candidate you accidentally marked and then mark your ballot for the candidate you prefer (do not initial your corrections).



If you have a disability:

If you have a disability or cannot mark your ballot, another person may assist you by marking your ballot at your direction, assembling the materials, and filling in the forms for you.

When signing the envelope, Minnesota law says you may:

- Sign the return envelope yourself, or
- Make your mark, or
- Ask another person to sign for you in your presence. (Have this person sign their own name as well.)
- If you have adopted the use of a signature stamp for all purposes of signature, you may use your signature stamp or ask another person to use your signature stamp in your presence.

Minnesota Statutes, section 645.44, subdivision 14

Please note: Voting is not covered by power of attorney. A person with power of attorney may only sign for you in your presence as outlined above.

Confidentiality Notice: If your ballot envelope is accepted, your name and address is available to the public upon that acceptance, when used for elections, political and law enforcement purposes. Otherwise, the data you supply on your signature envelope is restricted to election officials until 8:00 p.m. on Election Day. After that time, your envelope and the data on it, other than your identification number, are public information. Your ID number is required to ensure that the ballot is returned by the same voter who applied for it. You may refuse to provide it, but doing so may lead your absentee ballot to be rejected and will prevent you from checking on the status of your absentee ballot online.

Instructions

How to vote by absentee ballot for non-registered voters in the 2020 state primary

You will need:

- Ballot*
- Tan ballot envelope*
- Voter registration application*
- White signature envelope*
- Larger white return envelope*
- Pen with black ink
- Minnesota driver's license with your address or other authorized proof of where you live.
See other side for a list of options
- *If any of these items are missing, please contact your local election official.
- Your ID number
Minnesota driver's license number, Minnesota ID card number, or the last four digits of your Social Security number.
See below if you do not have any of these numbers.
- Witness
Anyone registered to vote in Minnesota, including your spouse or relative, or a notary public, or a person with the authority to administer oaths

Important: You must submit the voter registration application with your ballot (in the white signature envelope) for your vote to be counted.

1 Fill out the voter registration application and sign it

- Show your witness your driver's license or other authorized proof of where you live.
See the other side for a list of options.

2 Vote!

- Show your witness your blank ballot, then mark your votes in private.
- Follow the instructions on the ballot.
- Do not write your name or ID number anywhere on the ballot.
- Do not vote for more candidates than allowed. *If you do, your votes for that office will not count.*
See the other side if you make a mistake on your ballot.

3 Seal your ballot in the tan ballot envelope

- Do not write on this envelope.

4 Put the tan ballot envelope and the voter registration application in the white signature envelope

5 Fill out the white signature envelope completely

- If there is no label, print your name and Minnesota address.
- Print your Minnesota driver's license number, Minnesota ID card number, or the last four digits of your Social Security number.
Be sure to use one of the same numbers that you provided on your absentee ballot application.
If you do not have any of these numbers, check the box.
- Read and sign the oath.
- Ask your witness to print their name and Minnesota street address, including city (not a P.O. Box), indicate which proof you showed them, and sign their name.
If your witness is an official or notary, they must print their title instead of an address.
Notaries must also affix their stamp.
- Seal the envelope.

6 Put the signature envelope into the larger white return envelope to protect your private information from view

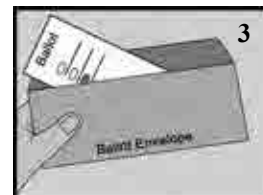
- Seal the envelope.

7 Return your ballot by Election Day to the address on the return envelope

Ballots may not be delivered to your polling place.

You have three options:

- Send it so it is postmarked on or before Election Day, using U.S. mail or a package delivery service (**SEE INSERT FOR IMPORTANT DETAILS ABOUT THIS**),
- Deliver it in person before election day or by 3:00 p.m. on Election Day, or
- Ask someone to deliver it by 3:00 p.m. on Election Day.
This person cannot deliver more than 3 ballots.



To check the status of your absentee ballot, visit www.mnvotes.org.

Options for proof of where you live

A valid Minnesota driver's license, Minnesota ID card, or permit with your current address

or

A photo ID that does not have your current address along with a document that has your current address

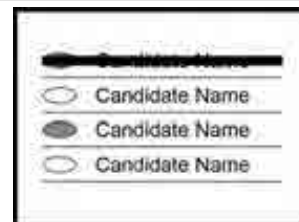
- **Eligible photo IDs:** Minnesota or another state's driver's license, learner's permit, or ID card; U.S. passport; U.S. military or veteran ID card; Minnesota high school/college/university ID card; or tribal ID card with your signature, from a tribe recognized by the Bureau of Indian Affairs (BIA).
- **Eligible documents with your current address:** an original bill, including account statements and start-of-service notifications, dated within 30 days before or with a due date 30 days before or after the election; a current student fee statement; or a residential lease if valid through election day. Eligible bills are: gas, electric, solid waste, water, sewer, phone, cell phone, television, Internet provider, credit card, or banking services; or bills for rent or mortgage payments.

or one of the following:

- A yellow receipt for a valid Minnesota driver's license, Minnesota ID card, or permit with your current address
- Vouching: the signature of a registered voter who lives in your precinct and personally knows that you live in the precinct. If your witness is registered to vote in this precinct, your witness may vouch for you.
This person must complete and sign the voucher form on the back of the voter registration application.
- A tribal ID card with your name, address, signature, and picture, from a tribe recognized by the BIA
- A "Notice of Late Registration" if you received one from the county auditor or city clerk
- If you have moved within your precinct or changed your name, a current registration in the precinct
- Vouching for residents of certain residential facilities: the signature of an employee of your residential facility, including nursing homes, group homes, battered women's shelters, homeless shelters, etc. If you are not sure if the residential facility where you live is eligible, call your local election official.
The employee must complete and sign the voucher form on the back of the voter registration application.

Correcting a mistake

- If time allows, ask for a new ballot from your election office. Contact your election office at [e-mail] or [phone number], or
- Completely cross out the name of the candidate you accidentally marked and then mark your ballot for the candidate you prefer (do not initial your corrections).



If you have a disability:

If you have a disability or cannot mark your ballot, your witness may assist you by marking your ballot at your direction, assembling the materials, and filling out the forms for you.

When signing the envelope, Minnesota law says you may:

- Sign the return envelope yourself, or
- Make your mark, or
- Ask your witness to sign for you in your presence. (Have the witness sign their own name as well.)
- If you have adopted the use of a signature stamp for all purposes of signature, you may use your signature stamp or ask your witness to use your signature stamp in your presence.

Minnesota Statutes, section 645.44, subdivision 14

Please note: Voting is not covered by power of attorney. A person with power of attorney may only sign for you in your presence, as outlined above.

Confidentiality Notice: If your ballot envelope is accepted, your name and address is available to the public upon that acceptance, when used for elections, political and law enforcement purposes. Otherwise, the data you supply on your signature envelope is restricted to election officials until 8:00 p.m. on Election Day. After that time, your envelope and the data on it, other than your identification number, are public information. Your ID number is required to ensure that the ballot is returned by the same voter who applied for it. You may refuse to provide it, but doing so may lead your absentee ballot to be rejected and will prevent you from checking on the status of your absentee ballot online.

Instructions

How to vote by mail ballot—2020 state primary

You will need:

- Ballot*
- Tan ballot envelope*
- White signature envelope*
- Pen with black ink

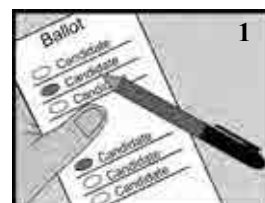
*If any of these items are missing, please contact your local election official.

1 Vote!

- Follow the instructions on the ballot.
- Do not write your name or ID number anywhere on the ballot.
- Do not vote for more candidates than allowed.

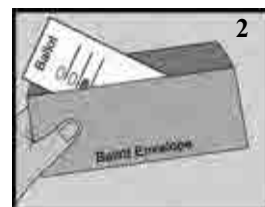
If you do, your votes for that office will not count.

See the other side if you make a mistake on your ballot.



2 Seal your ballot in the tan ballot envelope

- Do not write on this envelope.



3 Put the tan ballot envelope into the white signature envelope



4 Fill out the white signature envelope completely

- If there is no label, print your name and Minnesota address.
- Read and sign the oath.
- **NOTE: A witness is not required for registered mail ballot voters for the 2020 state primary**
- Seal the envelope.



5 Return your ballot

Postmarked by Election Day to the address on the signature envelope

You have three options:

- Send it postmarked on or before Election Day, using U.S. mail or a package delivery service
(SEE INSERT FOR IMPORTANT DETAILS ABOUT THIS),
- Deliver it in person by 8:00 p.m. on Election Day, or
- Ask someone to deliver it by 8:00 p.m. on Election Day.

This person cannot deliver more than 3 ballots.

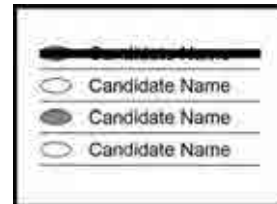
If you have questions, please call: (...) ...-....

See other side for special instructions if you have a disability



Correcting a mistake

- If time allows, ask for a new ballot from your election office. Contact your election office at [e-mail] or [phone number], or
- Completely cross out the name of the candidate you accidentally marked and then mark your ballot for the candidate you prefer (do not initial your corrections).

**If you have a disability:**

If you have a disability or cannot mark your ballot, anyone may assist you by marking your ballot at your direction, assembling the materials and filling out the forms for you.

When signing the envelope, Minnesota law says you may:

- Sign the return envelope yourself, or
- Make your mark, or
- Ask someone to sign for you in your presence. Have the person sign their own name as well.
- If you have adopted the use of a signature stamp for all purposes of signature, you may use your signature stamp or ask someone to use your signature stamp in your presence.

Minnesota Statutes, section 645.44, subdivision 14

Please note: Voting is not covered by power of attorney. A person with power of attorney may only sign for you in your presence, as outlined above.

Confidentiality Notice: The data you supply on your signature envelope are public information when used for elections, political or law enforcement purposes as part of a public information list.

Instructions

How to vote by absentee ballot for registered 2020 state primary voters

- You will need:**
- Ballot*
 - Tan ballot envelope*
 - White signature envelope*
 - Larger white return envelope*
 - Pen with black ink
 - Your ID number
Minnesota driver's license number, Minnesota ID card number, or the last four digits of your Social Security number.
See below if you do not have any of these numbers.
- *If any of these items are missing, please contact your local election official.

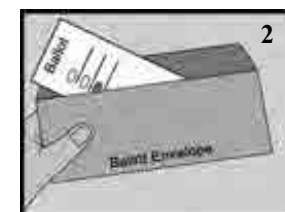
1 Vote!

- Follow the instructions on the ballot.
 - Do not write your name or ID number anywhere on the ballot.
 - Do not vote for more candidates than allowed. *If you do, your votes for that office will not count.*
- See the other side if you make a mistake on your ballot.*



2 Seal your ballot in the tan ballot envelope

- Do not write on this envelope.



3 Put the tan ballot envelope into the white signature envelope

4 Fill out the white signature envelope completely

- If there is no label, print your name and Minnesota address.
- Print your Minnesota driver's license number, Minnesota ID card number, or the last four digits of your Social Security number.
Be sure to use one of same numbers that you provided on your absentee ballot application.
If you do not have any of these numbers, check the box.
- Read and sign the oath.
- **NOTE: A witness is not needed for the absentee ballots of registered voters in the 2020 Minnesota state primary**
- Seal the envelope.



5 Put the signature envelope into the larger white return envelope to protect your private information from view

- Seal the envelope.



6 Return your ballot

Postmarked by Election Day to the address on the return envelope

Ballots may not be delivered to your polling place.

You have three options:

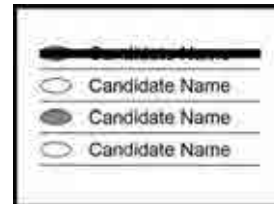
- Send it so it is postmarked by Election Day, using U.S. mail or a package delivery service
(SEE INSERT FOR IMPORTANT DETAILS ABOUT THIS),
- Deliver it in person before election day or by 3:00 p.m. on Election Day, or
- Ask someone to deliver it by 3:00 p.m. on Election Day.
This person cannot deliver more than 3 ballots.



See the other side for special instructions if you have a disability.
To check the status of your absentee ballot, visit www.mnvotes.org.

Correcting a mistake

- If time allows, ask for a new ballot from your election office. Contact your election office at [e-mail] or [phone number], or
- Completely cross out the name of the candidate you accidentally marked and then mark your ballot for the candidate you prefer (do not initial your corrections).

**If you have a disability:**

If you have a disability or cannot mark your ballot, anyone may assist you by marking your ballot at your direction, assembling the materials, and filling out the forms for you.

When signing the envelope, Minnesota law says you may:

- Sign the return envelope yourself, or
- Make your mark, or
- Ask someone to sign for you in your presence. Have the person sign their own name as well.
- If you have adopted the use of a signature stamp for all purposes of signature, you may use your signature stamp or ask someone to use your signature stamp in your presence.

Minnesota Statutes, section 645.44, subdivision 14

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