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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MICHIGAN WELFARE RIGHTS
ORGANIZATION, *et al.*,

Plaintiffs,

v.

DONALD J. TRUMP, *et al.*,

Defendants.

Case No. 1:20-cv-03388-EGS

**PLAINTIFFS' MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT
AND STATEMENT OF POINTS AND AUTHORITIES**

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Pursuant to this Court’s June 10, 2022 minute order, Plaintiffs Michigan Welfare Rights Organization (“MWRO”), NAACP, Maureen Taylor, Nicole L. Hill, and Teasha K. Jones, by counsel (collectively, “Plaintiffs”), respectfully move for leave to amend their Amended Complaint (Dkt. 8) by filing the Second Amended Complaint attached hereto as **Exhibit A**.¹ Plaintiffs seek that leave to address the concerns regarding their 52 U.S.C. § 10307(b) claim (“Section 11(b) claim”) raised in the Court’s April 1, 2022 opinion (Dkt. 49) and otherwise to add factual allegations regarding conduct by Defendant Republican National Committee (“RNC”) and Defendants Donald J. Trump and Donald J. Trump for President, Inc. (respectively, “Trump” and the “Trump Campaign”), especially conduct that occurred or evidence that became available after Plaintiffs filed their December 21, 2020 Amended Complaint.

I. Legal Standard.

“The court should freely give leave [to amend a pleading] when justice so requires.” *Johnson v. City of Shelby, Miss.*, 574 U.S. 10, 12 (2014) (per curiam) (quoting Fed. R. Civ. P. 15(a)(2)) (alteration in original). “[I]t is an abuse of discretion to deny leave to amend unless there is sufficient reason, such as undue delay, bad faith or dilatory motive, repeated failure to cure deficiencies by previous amendments or futility of amendment.” *Firestone v. Firestone*, 76 F.3d 1205, 1208 (D.C. Cir. 1996) (per curiam) (citation omitted) (cleaned up).

At the motion to dismiss stage, complaints generally should not be dismissed with prejudice absent an opportunity to amend. *See, e.g., In re McCormick & Co., Inc., Pepper Prods. Mktg. & Sales Prac. Litig.*, 275 F. Supp. 3d 218, 223 (D.D.C. 2017) (noting “dismissal with prejudice is warranted only when a trial court determines that the allegation of other facts consistent with the challenged pleading could not possibly cure the deficiency” and providing

¹ A redline showing the differences between Plaintiffs’ Amended Complaint and their proposed Second Amended Complaint is attached hereto as **Exhibit B**.

leave to amend) (quoting *Belizan v. Hershon*, 434 F.3d 579, 583 (D.C. Cir. 2006) (internal quotation marks omitted)). Granting such leave is consistent with the principle that “[d]ismissal with prejudice is the exception, not the rule, in federal practice because it operates as a rejection of the plaintiff’s claims on the merits and [ultimately] precludes further litigation.” *Rudder v. Williams*, 666 F.3d 790, 794 (D.C. Cir. 2012) (internal quotation marks omitted).

II. Justice Requires Granting Leave to Amend.

There is no “sufficient reason” to deny leave to amend here. Plaintiffs are moving within a reasonable time and with proper motivation; they have not previously failed to cure any pleading deficiency identified by this Court; and amendment would not be futile.

A. Plaintiffs Have Not Unduly Delayed, Are Acting from Proper Motivation, and Have Not Previously Failed to Cure Any Pleading Deficiency.

Plaintiffs have not delayed unduly in seeking leave to file a Second Amended Complaint (“SAC”). The Court entered its order granting dismissal of Plaintiffs’ Section 11(b) claim (Dkt. 48) on March 31, 2022 and its related opinion (Dkt. 49) on April 1, 2022. Because the Court’s order and opinion held Plaintiffs’ 42 U.S.C. § 1985(3) claim in abeyance, Dkt. 49 at 59, and did not specify when and whether Plaintiffs had leave to amend their Section 11(b) claim, on May 16, 2022, Plaintiffs moved the Court for clarification as to whether they had leave to amend their Section 11(b) claim and, if so, whether, in the interests of judicial economy, they could wait to file the SAC until the Court ruled on their § 1985(3) claim, Dkt. 52 at 11. The Court denied the motion in a June 10, 2022 minute order that instructed Plaintiffs to file by June 16, 2022 any motion for leave to file an amended or supplemental complaint. Plaintiffs therefore file the instant motion.

This motion arises not from bad faith or dilatory motive but rather from Plaintiffs’ reasonable and legitimate desire to file a complaint amended to include factual allegations that

address the standing concerns regarding their Section 11(b) claim raised in the Court’s April 1, 2022 opinion, Dkt. 49 at 42, and to otherwise add factual allegations relevant to their claims, especially conduct occurring after they filed their Amended Complaint on December 21, 2020 or evidence that became available after that date.

Plaintiffs have not previously failed to cure any deficiencies identified by the Court in their Amended Complaint or, indeed, in any complaint in this matter. Plaintiffs have only once amended a complaint in this matter, an amendment as a matter of right pursuant to Fed. R. Civ. P. 15(a) filed before any Defendant filed a responsive pleading or a motion under Fed. R. Civ. P. 12(b), (e), or (f). Fed. R. Civ. P. 15(a)(1)(B). Plaintiffs have not previously sought leave to amend their Amended Complaint.

B. Amendment Would Not Be Futile.

Plaintiffs’ proposed SAC fully addresses the standing concerns raised in the Court’s April 1, 2022 opinion. As this Court recognized, “Plaintiffs have sufficiently pled a risk of future harm to voting rights involving the same actors in this case” to defeat mootness. Dkt. 49 at 29, 39. However, this Court concluded that the allegations in the Amended Complaint were too speculative to support standing. *Id.* at 39. In reaching that conclusion, the Court emphasized the Supreme Court’s language regarding the requirement of “imminent” harm for equitable relief. *See id.* (quoting *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 560 (1992)). As the Supreme Court and D.C. Circuit have explained, the imminence requirement is satisfied where there is a “substantial risk” of future harm. *See, e.g., Clapper v. Amnesty Int’l USA*, 568 U.S. 398, 414 n.5 (2013); *Attias v. Carefirst, Inc.*, 865 F.3d 620, 627 (D.C. Cir. 2017). Courts in this District have stressed that “substantial risk” is the touchstone for analyzing imminence. *See, e.g., Richardson v. Trump*, 496 F. Supp. 3d 165, 178 (D.D.C. 2020). Plaintiffs’ proposed SAC contains additional factual allegations showing that, unless the Court grants the injunctive relief sought under their Section

11(b) claim, there is a substantial risk that they will suffer future harm caused by Defendants.

For the Plaintiffs and their members, threats, intimidation, and coercion by Defendants and their agents that create a climate of fear and uncertainty regarding whether the individual Plaintiffs' votes in upcoming elections will be "counted properly and included in the appropriate totals of votes cast" imperils their right to vote and is thus a concrete harm in violation of Section 11(b). 52 U.S.C. § 10310(c)(1); *see also Reynolds v. Sims*, 377 U.S. 533, 554–55 (1964). As also noted in the Amended Complaint, Plaintiffs already suffered such harms during the 2020 Presidential election. The individual Plaintiffs live in Michigan, a state where Defendants have repeatedly undertaken efforts to disenfranchise voters through targeted harassment, intimidation, and efforts to prevent the complete counting and certification of validly cast ballots. Dkt. 8 ¶¶ 8–10, 24, 33, 38–39; SAC ¶¶ 8–10, 25, 34, 39–41. Further, the individual Plaintiffs are Black voters particularly targeted by those baseless allegations of election fraud. Dkt. 8 ¶¶ 8–10, 24, 43–49; SAC ¶¶ 8–10, 25, 46. The situation is similar for organizational Plaintiffs, both because such conduct imperils their members' right to vote and, in the case of the NAACP, because it has been forced to divert resources to protect its members' right to vote. Dkt. 8 ¶ 84; SAC ¶ 129.

The SAC adds allegations further showing that, unless this Court grants injunctive relief, such harms are both imminent and, indeed, *ongoing*. Defendants' illegal attempts to disenfranchise the individual Plaintiffs and the members of the organizational Plaintiffs have continued since Plaintiffs filed their Amended Complaint, and the harms from that conduct are also continuing, including the substantial risk of disenfranchisement resulting from coercion and intimidation of state and local election officials and the concomitant drain on the NAACP's resources as it attempts to counteract those risks. SAC ¶¶ 128–130.

For example, although former President Trump has every reason to know his claims of

widespread election fraud are at odds with reality—even his own Attorney General called them “completely bogus and silly,” “crazy stuff,” and “bullshit,” *id.* ¶ 67—his efforts to overturn the results of the 2020 election are still ongoing. Those efforts include:

- pressuring the Speaker of the Wisconsin Assembly to nullify the 2020 election results in March 2022, *id.* ¶ 112, which the Speaker is not legally permitted to do;
- continuing in 2022 to pressure, behind the scenes, Alabama Representative Mo Brooks and other lawmakers to “rescind” the 2020 presidential election results, *id.* ¶ 113, which there is no legal basis for doing; and
- backing candidates in 2022 elections in order to have a “new Legislature” in Michigan that would, baselessly, try to undermine the 2020 presidential election results, and backing other 2022 candidates because they endorse his false claims that the 2020 presidential election was stolen from him, *id.* ¶ 114.

Such conduct is consistent with other improper pressure and coercion Defendants and their agents applied to election officials that occurred after or came to light after Plaintiffs filed their December 21, 2020 Amended Complaint, including:

- pressuring Arizona election officials to stop counting validly cast votes and, on December 24, 2020, to get the election results “fixed up” in Trump’s favor, *id.* ¶ 60;
- in January 2021 baselessly threatening Georgia Secretary of State Brad Raffensperger with criminal charges if he refused to “find” enough non-existent Trump votes to swing Georgia’s electoral votes to former President Trump, *id.* ¶ 59; and
- on January 6, 2021, inciting followers to use violence and the threat of violence in the United States Capitol building to disrupt the Congress’ certification of the states’ electoral votes, *id.* ¶¶ 1, 95–108.

Further, the onslaught of threats and intimidation directed at election officials by Defendants and their agents following the 2020 presidential election creates ongoing harms and poses substantial risk of future harms. Those threats and intimidation have led both to an exodus of election officials as they retire early or simply quit and to fears among election officials that political leaders will interfere with how they do their jobs in future elections, including by pressuring those officials to certify election results in favor of a specific candidate or party. *Id.* ¶ 35. Those fears are far from speculative. One in six election officials has experienced job-related threats, and thirty percent of officials know of one or more election workers who have already left their jobs because of the threats and intimidation. *Id.* ¶ 36.

Even though—or, indeed, *because*—baseless claims of election fraud have already imperiled the proper counting of validly cast votes and continue to undermine the electoral system by intimidating officials tasked with counting those votes, Defendants have continued to amplify false claims about the 2020 election. As noted above, former President Trump has repeatedly advocated illegal action to overturn the 2020 election. *Id.* ¶¶ 101–108, 112–114. RNC Chairwoman Ronna McDaniel has publicly stated there were “lots of problems with the election” and raised questions about the legitimacy of the results. *Id.* ¶ 116. On February 4, 2022, the RNC passed a resolution censuring Republican legislators Liz Cheney and Adam Kinzinger for their involvement in investigating the January 6 insurrection in which participants used violence and terror to try to prevent Congressional certification of the election results. *Id.* Insurrectionists involved in planning the attack stated they understood former President Trump’s statements as “marching orders” to interfere with the certification process. *Id.* ¶ 97. The RNC’s censure resolution, defended by RNC Chairwoman McDaniel, described the insurrection as “legitimate political discourse,” and criticized the investigation as “persecution of ordinary citizens.” *Id.*

¶ 116.

Not only are Defendants engaged in ongoing efforts to subvert the 2020 election results, as reflected in the proposed SAC, the RNC and state Republican organizations are undertaking large-scale “election integrity” efforts, spearheaded by individuals who have publicly encouraged election interference and intimidation during the 2020 election results, to interfere with voting and vote counting in 2022. *Id.* ¶¶ 117–119. For example, Michigan Republican Party Co-Chair and RNC member Meshawn Maddock, a so-called “alternate elector” who participated in the coordinated effort to undermine Michigan’s (and other states’) 2020 election certification by submitting false election “certifications” purporting to show that former President Trump won the election, is now involved in recruiting thousands of poll watchers to “flood the system” in forthcoming elections. *Id.* ¶ 119. In Texas, state Republican officials have administered virtual trainings likely to encourage poll watchers to assume that votes cast by voters of color are presumptively illegitimate by instructing those poll watchers that “fraud is occurring” in “densely populated, largely Black, Latino, and Asian neighborhoods.” *Id.* Election watchdog groups and legal experts warn that the RNC’s efforts to recruit and install partisans who believe in Defendants’ false election fraud narrative in positions that should be occupied by unbiased officials, thus risking “chaos” in jurisdictions with large numbers of voters of color, including Detroit. *Id.* ¶ 118. Presumably the effort to install these partisans will be made easier by the widespread resignations and retirements of unbiased officials. *See id.* ¶¶ 35, 36.

Indeed, election officials who subscribe to Defendants’ false election fraud narrative are already beginning to interfere with the orderly functioning of the electoral system. On June 15, 2022, the New Mexico Supreme Court had to issue a writ of mandamus because the Otero County Commission baselessly refused to fulfill its nondiscretionary statutory obligation to

approve the canvass and report the results of the 2022 primary election. *Id.* ¶ 120. The commission, whose members include a Cowboys for Trump co-founder who was convicted of illegally entering restricted U.S. Capitol grounds during the January 6 insurrection and who subscribes to former President Trump’s groundless claims to have won the 2020 presidential election, justified their misconduct by citing debunked conspiracy theories that the voting machines used in the primary election were somehow unreliable. *Id.*

Further, aside from the question of standing and imminent harm, Plaintiffs should be allowed to update the Amended Complaint to provide additional information relevant to their claims, especially information regarding conduct occurring after they filed their Amended Complaint and evidence that became available after they filed it. For example, additional recent evidence makes clear that, far from merely engaging in and encouraging “legitimate political discourse,” Defendants have engaged in illicit conduct designed to subvert vote counting and election certification. Recent testimony by David Shafer, Chairman of the Georgia Republican Party and RNC member, revealed that in battleground states, the Trump Campaign directly coordinated the creation of “alternate slates of electors”—*i.e.*, groups with no legal status that were created to interfere with, and cast doubt upon, the certification of election results by the actual, legally appointed electors. *Id.* ¶¶ 75–77. Defendants took pains to hide those efforts from public view. Robert Sinners, the Trump Campaign’s elections operations director for Georgia, sent an email instructing the fake electors in Georgia to maintain “complete secrecy” and to misrepresent to security guards why they were entering the Georgia Capitol. *Id.* ¶ 76.

Plaintiffs’ proposed SAC makes even clearer that Defendants’ attempts to disenfranchise Plaintiffs in violation of Section 11(b) have continued well after the 2020 presidential election and have done so in ways that create imminent and ongoing harms to Plaintiffs. Thus, especially

given that “Plaintiffs’ bar at the motion to dismiss stage is low . . . [because t]hey must only ‘plausibly allege’ standing,” the newly pleaded factual allegations on that point make clear that Plaintiffs have standing to bring their Section 11(b) claim and leave to amend would not be futile. *Ctr. for Biological Diversity v. Trump*, 453 F. Supp. 3d 11, 28 (D.D.C. 2020) (citation omitted). This Court should grant Plaintiffs leave to file their proposed SAC.

III. Local Civil Rule 7(m) Certification.

Pursuant to LCvR 7(m), on the morning of June 15, 2022, Plaintiffs’ counsel contacted Defendants’ counsel via email to let them know that Plaintiffs anticipated filing this motion on June 16, 2022 and asked whether Defendants oppose the relief sought herein. Counsel for all Defendants stated that their clients will oppose this motion.

IV. Conclusion.

WHEREFORE, Plaintiffs respectfully request that this Court grant leave to file the Second Amended Complaint attached hereto as Exhibit A.

Dated: June 16, 2022

Respectfully submitted,

/s/ Jason M. Bradford

Jason M. Bradford (D.D.C Bar No. IL0073)

Full counsel information on cover page.

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I certify that on June 16, 2022, I electronically filed the foregoing Plaintiffs' Motion for Leave to File Second Amended Complaint and Statement of Points and Authorities with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel and parties of record.

Dated: June 16, 2022

/s/ Jason M. Bradford

Jason M. Bradford

Counsel for Plaintiffs

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

MICHIGAN WELFARE RIGHTS
ORGANIZATION, *et al.*,
Plaintiffs,

v.

DONALD J. TRUMP, *et al.*,
Defendants.

Case No. 1:20-cv-03388-EGS

**INDEX OF EXHIBITS TO PLAINTIFFS' MOTION FOR LEAVE TO FILE SECOND
AMENDED COMPLAINT AND STATEMENT OF POINTS AND AUTHORITIES**

Ex. A	[PROPOSED] Second Amended Complaint
Ex. B	Comparison of Amended Complaint with [PROPOSED] Second Amended Complaint

Exhibit A

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

MICHIGAN WELFARE RIGHTS
ORGANIZATION,
23 E. Adams Street, 4th Floor
Detroit, MI 48226;

NAACP,
4805 Mt. Hope Drive
Baltimore, MD 21215;

MAUREEN TAYLOR,
c/o NAACP Legal Defense &
Educational Fund, Inc.
40 Rector St., 5th Floor
New York, NY 10006;

NICOLE L. HILL,
c/o NAACP Legal Defense &
Educational Fund, Inc.
40 Rector St., 5th Floor
New York, NY 10006;

and TEASHA K. JONES,
c/o NAACP Legal Defense &
Educational Fund, Inc.
40 Rector St., 5th Floor
New York, NY 10006,

Plaintiffs,

v.

DONALD J. TRUMP,
President of the United States, in his
personal capacity,
1600 Pennsylvania Ave., NW
Washington, DC 20500;

DONALD J. TRUMP FOR
PRESIDENT, INC.,
725 5th Ave.
New York, NY 10022;

Case No. 1:20-cv-03388-EGS

[Caption Continued]

and REPUBLICAN NATIONAL
COMMITTEE
310 First Street SE
Washington, D.C. 20003,

Defendants.

SECOND AMENDED COMPLAINT
FOR DECLARATORY AND INJUNCTIVE RELIEF

INTRODUCTION

1. In the aftermath of his loss in the 2020 presidential election, former President Donald J. Trump, in his personal capacity, and Donald J. Trump for President, Inc. (“Trump Campaign”) sought to overturn the result of the election by disenfranchising voters, in particular voters of color in several major metropolitan areas. Former President Trump and the Trump Campaign did this by attempting to slow and stop vote counting efforts in tightly contested states; by pressuring state and local election officials not to certify election results, as required by law, or to take other measures to overturn the will of the voters; by raising baseless challenges to the validity of ballots; and, on January 6, 2021, by inciting followers to use violence and the threat of violence in and around the United States Capitol building to disrupt the Congress’ certification of the states’ electoral votes. Former President Trump’s and the Trump Campaign’s efforts to undermine the 2020 election have not stopped, and they are planning to take similar steps to interfere in upcoming elections. Although the Defendants’ actions thus far have been unsuccessful in overturning election results, they were and are designed to disenfranchise hundreds of thousands of voters, including the individual Plaintiffs and the Organizational Plaintiffs’ members and constituents, and they stand a real chance of doing so unless Defendants are stopped.

2. The Republican National Committee (“RNC”) has aligned itself with, and contributed to, this effort. Throughout the 2020 election process, the RNC closely coordinated with the Trump Campaign, notably through the “Trump Victory” project, a joint endeavor of the RNC and the Trump Campaign. In the aftermath of former President Trump’s loss, the RNC—and state Republican parties whose activities it oversees—endorsed and amplified baseless allegations of voter fraud and intimidating messages about a stolen election and “taking the country back,” and sought to block the certification of election results in key states. In February 2022, the RNC censured two Republican representatives for participating in a House investigation of the January 6, 2021 insurrection, and the RNC chair characterized investigating that violent and bloody insurrection, which has resulted in multiple criminal convictions, as an attempt to punish “legitimate political discourse.”

3. Defendants’ efforts to disenfranchise hundreds of thousands of voters—targeting cities with large Black populations, including Detroit, Michigan, Milwaukee, Wisconsin, Philadelphia, Pennsylvania, and Atlanta, Georgia—repeat the worst abuses in our nation’s history, where Black Americans were denied a voice in American democracy for most of the first two centuries of the Republic.

4. No more. The Voting Rights Act of 1965 (“VRA”) and the Ku Klux Klan Act flatly prohibit Defendants’ efforts to disenfranchise voters. Defendants’ efforts to disenfranchise predominantly Black communities are an assault on the fabric of our Republic. They must stop.

JURISDICTION AND VENUE

5. This Court has jurisdiction under 28 U.S.C. § 1331 and 28 U.S.C. § 1343 because this matter involves federal questions under the Voting Rights Act and the Ku Klux Klan Act, and because Plaintiffs seek injunctive relief to protect the right to vote.

6. Venue is proper in this district because a substantial part of the acts or omissions giving rise to the claim occurred in this judicial district. 28 U.S.C. § 1391(b)(2).

PARTIES

7. Plaintiff Michigan Welfare Rights Organization (“MWRO”) is a state chapter of the National Welfare Rights Union that advocates for public assistance recipients and low-income people. MWRO encourages community involvement and grassroots organizing to improve the status of voters and conducts voter engagement efforts targeted at low-income voters of color throughout the state of Michigan. MWRO has Black members who reside in Detroit in Wayne County, Michigan, voted in the November 2020 election, and cast a ballot for President. Defendants have sought to prevent the complete counting and certification of validly cast ballots for President in Wayne County, and thereby sought to disenfranchise and disregard the lawfully cast votes of the members of MWRO.

8. Plaintiff Maureen Taylor is a Black resident of Detroit in Wayne County, Michigan. Plaintiff Taylor, who is over eighteen years old, voted in the November 2020 election and cast a ballot for President. Defendants have sought to prevent the complete counting and certification of validly cast ballots for President in Wayne County and thereby sought to disenfranchise and disregard the lawfully cast votes of Plaintiff Taylor and other voters.

9. Plaintiff Nicole L. Hill is a Black resident of Detroit, Michigan. Plaintiff Hill, who is over eighteen years old, voted in the November 2020 election and cast a ballot for President. Defendants have sought to prevent the complete counting and certification of validly cast ballots for President in Wayne County and thereby sought to disenfranchise and disregard the lawfully cast votes of Plaintiff Hill and other voters.

10. Plaintiff Teasha K. Jones is a Black resident of Detroit, Michigan. Plaintiff Jones, who is over eighteen years old, voted in the November 2020 election and cast a ballot for President. Defendants have sought to prevent the complete counting and certification of validly cast ballots for President in Wayne County and thereby sought to disenfranchise and disregard the lawfully cast votes of Plaintiff Jones and other voters.

11. Plaintiff NAACP is the nation's largest and oldest civil rights grassroots organization. Since its founding in 1909, the mission of the NAACP has been to ensure the political, educational, social, and economic equality of all persons and to eliminate race-based discrimination. The NAACP has fought in the courts for decades to protect the constitutional guarantee of equal protection under law. To advance its mission, the NAACP has brought landmark civil rights cases over its 113-year history and continues to do so. The NAACP also has filed numerous amicus briefs in cases that significantly impact people of color.

12. The NAACP has state and regional conferences representing 48 states, thousands of local units, and it has several hundreds of thousands of members nationwide. The NAACP has members across the country who voted in the 2020 election and who plan to vote in future elections, including in Michigan, Wisconsin, Pennsylvania, Georgia, Arizona, and Nevada. Defendants have sought to prevent the complete counting and certification of validly cast ballots for President by Plaintiff NAACP's members and thereby sought to disenfranchise and disregard the lawfully cast votes of Plaintiff NAACP's members and other similarly situated voters.

13. Defendant Donald J. Trump is the former President of the United States, who unsuccessfully sought a second term during the November 2020 presidential campaign. He is sued in his personal capacity because the acts in question relate to his candidacy for a second term, not to his official duties as President.

14. Defendant Donald J. Trump for President, Inc., is the campaign committee that unsuccessfully sought to re-elect former President Trump in the November 2020 presidential election.

15. The Republican National Committee is a political committee responsible for developing, promoting, and implementing the Republican political platform, and for coordinating fundraising and election strategy. As alleged more fully below, the RNC worked hand-in-hand with Donald Trump and the Trump Campaign's efforts in the November 2020 election, including with respect to the acts alleged in this Complaint.

16. The RNC is responsible for the general management of the Republican Party and oversees the activities of Republican state committees. State committee chairs are members of the RNC.

17. As discussed in detail below, Defendants have acted in concert and violated the VRA and the Ku Klux Klan Act while taking actions that directly put pressure on election officials and volunteers, and encouraged their own volunteers and supporters, acting as their agents, to do the same, in an effort to disenfranchise voters in predominantly Black cities.

RELEVANT STATUTES

18. Section 11(b) of the Voting Rights Act ("Section 11(b)") provides that: "No person, whether acting under color of law or otherwise, shall intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person for voting or attempting to vote, or intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person for urging or aiding any person to vote or attempt to vote[.]" 52 U.S.C. § 10307(b). "Voting" is defined by the VRA as "all action necessary to make a vote effective in any . . . election, including, but not limited to registration, casting a ballot, . . . and having such ballot counted properly and included in the appropriate totals

of votes cast with respect to candidates for public or party office and propositions for which votes are received in an election.” 52 U.S.C. § 10310(c)(1).

19. The Ku Klux Klan Act prohibits persons from conspiring to deny “either directly or indirectly, any person or class of persons of the equal protection of the laws,” to “prevent[] or hinder[] the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws,” or “to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President . . . of the United States.” 42 U.S.C. § 1985(3).

FACTS

20. In violation of these statutory provisions, Defendants have attempted to undermine confidence in the vote and to disenfranchise voters. Under the specter of preventing “fraud,” Defendants have engaged in a conspiracy, executed through a coordinated effort, to disenfranchise voters by, among other means, disrupting vote counting efforts, lodging groundless challenges during recounts, and attempting to block certification of election results through intimidation and coercion of election officials and volunteers. These systematic efforts – violations of the VRA and the Ku Klux Klan Act – have largely been directed at major metropolitan areas with large Black voter populations. These include Detroit, Milwaukee, Atlanta, Philadelphia, and others. Defendants have not directed these efforts at predominantly white areas.

Defendants Have Violated The Voting Rights Act And the Ku Klux Klan Act By Intimidating Election Officials And Vote Tabulators While They Counted Votes

21. At approximately 2:30 a.m. on November 4, 2020, as ballot counting was still underway in key states and trending in favor of then-President-Elect Joseph Biden, former President Trump falsely declared that he had won the presidential election, insisting that: “This is

a fraud on the American public. This is an embarrassment to our country.” As explained in a news account: “Trump’s election night claim of victory . . . ha[d] been months in the making. As Trump has trailed Biden in polls, he has sought to undermine faith in the multiday process of vote tallying, and to lay the groundwork for insisting that the only valid election results were those tallied on election night.”¹

22. Defendants have engaged in an aggressive media campaign intended to undermine the validity of the voting process, to disqualify legally cast ballots, and to shake the public’s confidence in the election results, by claiming election results that did not favor former President Trump were fraudulent. Through their messaging to volunteers, supporters, and the American people, they attempted to intimidate election officials and tabulators into delaying and outright stopping vote counts, and thereby disenfranchise voters and even well after the November 2020 presidential election have continued to pressure election officials to overturn the election results.

23. For example, former President Trump has made numerous false public statements claiming that President Biden’s victories in various battleground states (the result of ballots counted late on election night or in the days after November 3) proved the election was being “stolen” and damage had been done to the democratic process. As set forth below, the RNC and its members made similar false claims. Defendants also aggressively argued that mail-in ballots received after polls closed should not be counted, notwithstanding state-specific election rules and court orders that required states to count ballots received after polls closed. On November 15, 2020, former President Trump tweeted: “I WON THE ELECTION!”² Three days later, on November 18, 2020, he tweeted: “This was a rigged election. No Republican Poll Watchers

¹ <https://www.cnbc.com/2020/11/04/trump-tries-to-claim-victory-even-as-ballots-are-being-counted-in-several-states-nbc-has-not-made-a-call.html>.

² <https://twitter.com/realDonaldTrump/status/1328200072987893762>.

allowed, voting machine ‘glitches’ all over the place (meaning they got caught cheating!), voting after election ended, and so much more!”³ The following quotes, which come directly from former President Trump, are evidence of this campaign to disenfranchise voters and to undermine voter confidence:

- a. “Frankly, we did win this election. So now our goal is to ensure the integrity, for the good of this nation . . . This is a major fraud on our nation.”
- b. “The damage has already been done[.]”
- c. “ANY VOTE THAT CAME IN AFTER ELECTION DAY WILL NOT BE COUNTED!”
- d. “IF YOU COUNT THE LEGAL VOTES, I EASILY WIN THE ELECTION! IF YOU COUNT THE ILLEGAL AND LATE VOTES, THEY CAN STEAL THE ELECTION FROM US!”⁴

24. Former President Trump pushed this messaging well into the weeks following the election. For example, on Wednesday, November 18, 2020, he falsely stated that “[i]n Detroit, there are FAR MORE VOTES THAN PEOPLE. Nothing can be done to cure that giant scam. I win Michigan!”⁵ On November 11, 2020, he attacked Republican Philadelphia City Commissioner Al Schmidt, falsely asserting that the election in Philadelphia was characterized by a “mountain of corruption & dishonesty. We win!”⁶ And his campaign promoted a false story about a woman voting fraudulently near Atlanta.⁷

³ <https://twitter.com/realdonaldtrump/status/1329064787142172673?lang=en>.

⁴ <https://www.washingtonpost.com/politics/2020/11/05/president-trumps-false-claims-vote-fraud-chronology/>.

⁵ <https://www.nbcnews.com/politics/2020-election/fact-check-trump-s-bogus-claim-more-votes-detroit-people-n1248121>.

⁶ <https://twitter.com/realdonaldtrump/status/1326525851752656898>; <https://apnews.com/article/joe-biden-donald-trump-politics-virus-outbreak-campaigns-22665ea3884c47f883b416e4bd03bf54>.

⁷ See <https://www.cnn.com/2020/11/18/politics/fact-check-georgia-dead-voter-deborah-jean-christiansen/index.html>.

25. RNC Chairwoman Ronna McDaniel amplified these statements, publicly questioning the integrity of the Michigan election results and alleging misconduct by Detroit election officials.⁸ The RNC sent its supporters hundreds of emails after the election that included false claims about the election until their email marketing firm determined such claims increased “a risk of politically incited violence across the country.”⁹

26. These and subsequent public statements and actions by Defendants encouraged their volunteers and supporters to interfere with vote counts through harassment and intimidation.

27. In Wisconsin, for example, the Trump Campaign initiated a recount after learning that President Biden defeated former President Trump by more than 20,000 votes. The recount was not statewide; the Trump Campaign-initiated recount was limited to the two counties in Wisconsin with the largest percentage of Black voters, covering the cities of Milwaukee and Madison. The Trump Campaign did not identify any neutral justification for targeting its recount request at only those two counties.

28. Trump Campaign observers at recount sites in Milwaukee engaged in behavior that deliberately interfered with and slowed down recount efforts.

29. Trump Campaign observers encroached on physical spaces of vote tabulators to observe the count and made verbal comments pressuring vote tabulators. One supporter of former President Trump leaned over observer boundaries and, upon a warning from a vote tabulator, said “I know you don’t want us to see the ballots . . . You think we’ll find something.”¹⁰ Other observers

⁸ <https://www.michigan.gov/sos/0,4670,7-127-93094-544676--,00.html>; <https://www.freep.com/story/news/politics/elections/2020/11/06/mcdaniel-claims-election-misconduct-michigan-without-presenting-proof/6185731002/>.

⁹ <https://www.cbsnews.com/sanfrancisco/news/salesforce-says-it-has-taken-action-against-rnc-email-campaign-that-falsely-claims-election-fraud/>.

¹⁰ <https://apnews.com/article/donald-trump-challenges-wisconsin-tally-6f5b29d61b95754b0b5f311640136149>.

supporting former President Trump broke observation rules by frequently interrupting vote counters, sometimes with harassing questions and comments.¹¹

30. Some Trump Campaign observers engaged in other deliberate actions to delay the recount by separately challenging every single ballot at a particular recount table.¹² As further examples of bad-faith conduct, Trump Campaign observers also baselessly challenged absentee ballots that tabulators folded in order to put them in envelopes and sought to disqualify mail-in ballots where official stickers had become unstuck, even though such challenges are clearly improper under Wisconsin law.¹³

31. Some Trump Campaign observers went even further in their attempts to interfere with the vote count through pressure and intimidation by becoming physically aggressive with election volunteers. During the Milwaukee recount, for example, one Trump Campaign observer had to be escorted from the recount site after pushing an election official.¹⁴ This physical aggression, similar to the encroachment on observer boundaries and rules, either attempted to intimidate or resulted in intimidation of election officials and volunteers.

32. Rohn Bishop, the chairperson of the Republican Party of Fond du Lac County Wisconsin, acknowledged that the “GOP strategy” in Wisconsin post-election was to disenfranchise voters: “I’ve pushed back against Dem claims that we Repubs were trying to disenfranchise people. Now here we are, trying to disenfranchise people.”¹⁵

¹¹ <https://apnews.com/article/election-2020-joe-biden-donald-trump-wisconsin-elections-dcb7da95578fc7289122c6d372575a9b>.

¹² <https://apnews.com/article/donald-trump-challenges-wisconsin-tally-6f5b29d61b95754b0b5f311640136149>.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ <https://www.newsweek.com/wisconsin-gop-chair-says-republicans-are-trying-disenfranchise-people-amid-post-election-turmoil-1549633>.

33. In other instances, supporters of former President Trump, encouraged by Defendants' rhetoric and calls to action, threatened violence against election officials and volunteers. For example, during Georgia's recount efforts, supporters of former President Trump paraded past the Georgia Secretary of State's personal residence and reportedly directed sexually explicit threats to the Secretary's wife.¹⁶ On information and belief, Trump Campaign supporters also threatened a Georgia election technician with a noose.¹⁷ Similarly, after Wisconsin Supreme Court Justice Brian Hagedorn ruled against the Trump Campaign in several lawsuits, Trump Campaign supporters have sent him threatening and "dark messages" wherein he has been called a "traitor," "liar," and "fraud," and been threatened with being "tried for treason by a military tribunal."¹⁸

34. On information and belief, election officials and volunteers in other states were also subjected to threats of violence by supporters of former President Trump. The Arizona Secretary of State received threats via email, social media, and phone. The Nevada Secretary of State's office received a voicemail that said, in part, "You guys are f*****g dead." In Michigan, a supporter of former President Trump interrupted a Zoom meeting and threatened to rape election officials' mothers.¹⁹ Armed Trump supporters also gathered outside of the Michigan Secretary of State Jocelyn Benson's home at night.²⁰

¹⁶ <https://www.npr.org/sections/biden-transition-updates/2020/12/01/940961602/someones-going-to-get-killed-ga-official-blasts-gop-silence-on-election-threats>.

¹⁷ *Id.*

¹⁸ <https://www.nytimes.com/2020/12/20/us/politics/wisconsin-justice-brian-hagedorn.html>.

¹⁹ <https://www.nbcnews.com/politics/elections/has-stop-harassed-threatened-gop-election-officials-urge-party-leaders-n1249769>.

²⁰ <https://www.metrotimes.com/news-hits/archives/2020/12/07/armed-trump-supporters-swarmed-michigan-secretary-of-states-house-at-night>.

35. The onslaught of threats and intimidation directed at election officials following the 2020 presidential election has led to an exodus of election officials as they retire early or simply quit.²¹ A recent poll of election officials revealed that nearly two-thirds of election officials are worried about political leaders' interfering with how they do their jobs in future elections, and nearly one in five fear that they will face pressure to certify election results in favor of a specific candidate or party.²²

36. Given Defendants' ongoing conduct, those fears are well-founded. One in six election officials has experienced threats because of their job.²³ In this fraught and dangerous climate, twenty percent of election officials polled plan to leave before the 2024 election, in large part due to political leaders' attacks.²⁴ Thirty percent of officials know of one or more election workers who already have left their jobs because of fear for their safety, increased threats, or intimidation.²⁵

37. The inappropriate pressure, physical aggression, and explicit threats of violence that Defendants' volunteers and supporters have directed to election officials, volunteers, and judges during and after recounts—which were foreseeable results of the Defendants' actions—were intimidating and coercive, all in an attempt to disqualify legally cast ballots and to prevent them from being counted.

²¹ <https://apnews.com/article/election-officials-retire-trump-2020-threats-misinformation-3b810d8b3b3adee2ca409689788b863f>.

²² <https://www.brennancenter.org/our-work/analysis-opinion/attacks-against-election-officials-are-taking-toll>.

²³ Brennan Ctr. for Justice, Local Election Officials Survey (March 2022), at 6, available at <https://www.brennancenter.org/our-work/research-reports/local-election-officials-survey-march-2022>.

²⁴ <https://www.brennancenter.org/our-work/analysis-opinion/attacks-against-election-officials-are-taking-toll>.

²⁵ Brennan Ctr. for Justice, Local Election Officials Survey at 19.

Defendants Violated The Voting Rights Act And the Ku Klux Klan Act By Attempting To Stop Vote Certification Through Intimidation and Coercion

38. After all the ballots were counted and a clear winner had been determined, Defendants also actively called for officials to halt certification of election results in certain states. Apart from public calls for delaying certification, Defendants directly contacted election officials to delay certification. The most egregious example of this occurred in in Wayne County, Michigan (the county in which Detroit is located).

39. President Joseph Biden carried the State of Michigan by over 150,000 votes, winning 2,804,040 votes (50.62%) compared to 2,649,852 votes for former President Trump (47.84%).²⁶ In Wayne County, President Biden won 597,170 votes compared to 264,553 votes for former President Trump.²⁷ That included a margin of over 200,000 votes in Detroit, Michigan.²⁸

40. Because former President Trump lost the popular vote in Michigan and other states that were necessary for a majority of the electoral college, Defendants worked to block certification of the results on the (legally incorrect) theory that blocking certification would allow state legislatures to override the will of the voters and choose the Trump Campaign's slate of electors.²⁹

41. On November 19, 2020, former President Trump's personal lawyer, Rudy Giuliani, and others held a press conference at the RNC headquarters in Washington, D.C., where they repeated false allegations of fraud and openly discussed their strategy of disenfranchising voters in Detroit and Wayne County. At that press conference, Mr. Giuliani asserted without evidence

²⁶ See https://mielections.us/election/results/2020GEN_CENR.html (last visited Dec. 21, 2020).

²⁷ See <https://www.waynecounty.com/elected/clerk/election-results.aspx>.

²⁸ <https://detroitmi.gov/webapp/election-results>.

²⁹ See, e.g., <https://www.reuters.com/article/us-usa-election-trump-strategy/trumps-election-power-play-persuade-republican-legislators-to-do-what-u-s-voters-did-not-idUSKBN27Z30G>; <https://www.wsj.com/articles/what-is-trumps-legal-strategy-try-to-block-certification-of-biden-victory-in-states-11605138852>.

that the Trump campaign had identified 300,000 “illegitimate ballots,” and stated: “These ballots were all cast basically in Detroit that Biden won 80-20,” and “it changes the result of the election in Michigan, if you take out Wayne County.”³⁰ Mr. Giuliani also focused on allegations made by Detroit poll challengers seeking to stop the certification of Wayne County’s election results, even though Wayne County Circuit Judge Timothy Kenny had already rejected the plaintiffs’ “interpretation of events” in that case as “incorrect and not credible.”³¹

42. Former President Trump announced Mr. Giuliani’s press conference in advance on Twitter, stating: “Important News Conference today by lawyers on a very clear and viable path to victory. Pieces are very nicely falling into place. RNC at 12:00 P.M.”³² In another tweet prior to the press conference, former President Trump falsely asserted: “Voter Fraud in Detroit is rampant, and has been for many years!”³³

43. The RNC then retweeted a clip of the press conference on its official Twitter feed. Specifically, the RNC retweeted a clip of a portion of remarks by Sidney Powell, then-identified as a Trump Campaign lawyer, asserting that the 2020 election had involved “the most unpatriotic acts I can even imagine for people in this country to have participated in, in any way, shape or form,” and that: “I want the American public to know right now that we will not be intimidated. American patriots are fed up with the corruption from the local level, to the highest level of our government. And we are going to take this country back . . . [A]nd, we are going to reclaim the United States of America for the people who vote for freedom.”³⁴

³⁰ <https://www.detroitnews.com/story/news/politics/2020/11/19/rudy-giuliani-targets-wayne-county-raising-claims-judge-found-not-credible/6341765002/>.

³¹ *Id.*

³² <https://twitter.com/realDonaldTrump/status/1329408856733184008>.

³³ <https://twitter.com/realDonaldTrump/status/1329405682706247683>.

³⁴ <https://twitter.com/gop/status/1329490975266398210?lang=en>.

44. Despite the overwhelming margin of President Joseph Biden’s victory in Wayne County, and in Michigan as a whole, and the absence of any evidence of voter fraud, when the Wayne County Board of Canvassers initially met to certify the County’s election results on November 17, they initially deadlocked 2-2.

45. In declining to certify, the two Republican members of the canvassing board pointed to concerns about minor discrepancies in which the number of voters who signed into poll books did not match the number of ballots. But those minor discrepancies (which affected roughly 400 ballots out of the hundreds of thousands cast in Wayne County) are common and provide no basis for declining to certify election results. Indeed, the same Board certified the results of the 2016 presidential election and August primary notwithstanding similar discrepancies.³⁵ As explained by the office of Michigan’s Secretary of State: such discrepancies are “common in Michigan and across the nation,” and “[t]here are many reasons why this can occur: for example, a voter being checked in at the right polling place but the wrong precinct, or a voter checking in but leaving with their ballot if the line was long.”³⁶

46. During the meeting, one of the Republican canvassers said she would be open to certifying the rest of Wayne County (which is predominately white) but not Detroit (which is predominately Black), even though those other areas of Wayne County had similar discrepancies and in at least one predominantly white city, Livonia, the discrepancies were more significant than those in Detroit.³⁷

³⁵ See <https://www.detroitnews.com/story/news/politics/2020/11/17/wayne-county-canvassers-deadlock-certifying-november-3-election-results/6324274002/>.

³⁶ <https://www.bridgemi.com/michigan-government/gop-canvassers-want-do-over-wayne-county-results-too-late-experts-say>.

³⁷ See <https://www.freep.com/story/news/local/michigan/wayne/2020/11/19/wayne-canvassing-board-monica-palmer-william-hartmann/3770140001/>.

47. After the 2-2 vote was reported, former President Trump tweeted a message stating: “Wow! Michigan just refused to certify the election results! Having courage is a beautiful thing. The USA stands proud!”³⁸ And the Michigan Republican Party Chairwoman, Laura Cox, issued a statement saying: “I am proud that, due to the efforts of the Michigan Republican Party, the Republican National Committee and the Trump Campaign, enough evidence of irregularities and potential voter fraud was uncovered resulting in the Wayne County Board of Canvassers refusing to certify their election results.”³⁹

48. RNC Chairwoman McDaniel amplified these statements, publicly questioning the integrity of the Michigan election results and of Detroit election officials without providing any evidence to support those claims.⁴⁰

49. However, after widespread public outcry during the meeting, the two Republican canvassers on the Wayne County Board of Canvassers reversed course and voted to certify the results later that evening.⁴¹

50. Following the meeting of the Wayne County Board, former President Trump personally called both Republican canvassers.⁴² After speaking with former President Trump, the two canvassers provided affidavits to the Trump Campaign in a suit that it had filed in the Western District of Michigan.⁴³

³⁸ <https://www.detroitnews.com/story/news/politics/2020/11/17/wayne-county-canvassers-deadlock-certifying-november-3-election-results/6324274002/>.

³⁹ <https://www.freep.com/story/news/local/michigan/wayne/2020/11/19/wayne-canvassing-board-monica-palmer-william-hartmann/3770140001/>.

⁴⁰ <https://www.michigan.gov/sos/0,4670,7-127-93094-544676--,00.html>; <https://www.freep.com/story/news/politics/elections/2020/11/06/mcdaniel-claims-election-misconduct-michigan-without-presenting-proof/6185731002/>.

⁴¹ See *id.*

⁴² See <https://apnews.com/article/trump-allies-try-overturn-biden-victory-29da6aac9cc41e47f3095855e7af7031>.

⁴³ *Id.*

51. In those affidavits, the canvassers stated that, despite their votes to certify, they were opposed to certifying the Wayne County results. There was no mechanism under state law for them to rescind those votes after the results were certified. Nonetheless, the Trump Campaign filed a notice to withdraw its federal suit, relying on the affidavits and falsely asserting: “The Wayne County board of canvassers met and declined to certify the results of the presidential election.” *Donald J. Trump for President v. Benson*, 1:20-cv-01083 (W.D. Mich.), ECF No. 33 & Exs. A, B. In fact, as discussed, the Wayne County Board of Canvassers did certify the results of the presidential election.

52. Former President Trump also summoned Mike Shirkey and Lee Chatfield, the respective leaders of the Michigan State Senate and State House, to meet with him in Washington. Even though a spokeswoman for Senator Shirkey has acknowledged that “Michigan law does not include a provision for the Legislature to directly select electors or to award electors to anyone other than the person who received the most votes,” they both accepted that invitation and met with him at the White House.⁴⁴ Lawyers working on former President Trump’s effort to overturn the election results also called in to that meeting.⁴⁵ On information and belief, former President Trump, Senator Shirkey, and Representative Chatfield discussed the Michigan election results at that meeting.⁴⁶

53. Ahead of their final certification meeting, the State Board of Canvassers faced tremendous pressure from Republican activists and former President Trump not to certify the

⁴⁴ See <https://www.nytimes.com/2020/11/19/us/politics/trump-michigan-election.html>; <https://www.dailypress.net/news/local-news/2020/11/trump-invites-mich-gop-leaders-to-white-house/>.

⁴⁵ See <https://www.politico.com/news/2020/12/21/trump-pressure-campaign-overturn-election-449486>.

⁴⁶ See *id.*

official county results.⁴⁷ Former President Trump himself tweeted on the Wednesday before this meeting: “The Great State of Michigan, with votes being far greater than the number of people who voted, cannot certify the election. The Democrats cheated big time, and got caught. A Republican WIN!”⁴⁸ Ronna McDaniel and Laura Cox, the respective chairpersons of the RNC and the Michigan Republican Party, sent a letter to the State Board of Canvassers urging them to delay certification to audit Wayne County results.⁴⁹ As the chairman of the Michigan Republican Party, Laura Cox is a member of the RNC.⁵⁰

54. Former President Trump’s campaign team further pressured Michigan officials to give the Trump legal team custody of voting machines used in particular Michigan counties.⁵¹

55. In addition to pressuring Michigan canvassers during the certification process, former President Trump reportedly asked aides what officials he could call in other battleground states in his effort to prevent the certification of his loss to President Joseph Biden.⁵²

56. A key adviser to Donald Trump’s legal team in its efforts to overturn the 2020 presidential election provided January 6 investigators with a written plan titled “STRATEGIC COMMUNICATIONS PLAN - GIULIANI PRESIDENTIAL LEGAL DEFENSE TEAM” that called for organizing “rallies and protests” in Arizona, Georgia, Michigan, Nevada, Pennsylvania,

⁴⁷ See <https://patch.com/michigan/across-mi/michigan-gop-canvassers-under-pressure-ignore-votes>.

⁴⁸ <https://twitter.com/realDonaldTrump/status/1329093126238203905>.

⁴⁹ See https://www.migop.org/joint_letter_from_ronna_mcdaniel_and_laura_cox.

⁵⁰ https://prod-cdn-static.gop.com/media/documents/2016-Republican-Rules-Reformatted2018_1533138132.pdf?_ga=2.149031222.1425528050.1608523646-105743898.1607070929, at rule no. 1(a).

⁵¹ <https://www.washingtonpost.com/investigations/2022/02/09/giuliani-antrim-prosecutor-voting-machines/>; <https://thehill.com/policy/national-security/593529-michigan-prosecutor-says-giuliani-asked-him-to-get-voting-machines>.

⁵² See <https://www.nytimes.com/2020/11/19/us/politics/trump-michigan-election.html>.

and Wisconsin, including at the homes of “local officials” and secretaries of state.⁵³ The plan specifically named two Georgia election workers, falsely accusing them of election law violations. After their names were disclosed in this written plan, both workers were threatened and harassed by Trump supporters. One of the workers was forced to flee her home for months after it was surrounded by a mob, and the other had Trump supporters attempt to force their way into her grandmother’s home.⁵⁴

57. As Republican Senator, and former presidential candidate, Mitt Romney explained on November 19, 2020: “Having failed to make even a plausible case of widespread fraud or conspiracy before any court of law, the President has now resorted to overt pressure on state and local officials to subvert the will of the people and overturn the election. It is difficult to imagine a worse, more undemocratic action by a sitting American President.”⁵⁵

58. Yet, former President Trump persisted. On November 26, 2020, he publicly referred to Georgia’s Secretary of State Brad Raffensperger, whose office presided over the recount of Georgia’s election and certified President Biden’s victory there, as “really, really an enemy of the people.”⁵⁶ When Gabriel Sterling, a Republican official in Secretary Raffensperger’s office implored the President to stop fostering rhetoric and threats against elections workers on December 1, 2020, former President Trump responded by doubling down, tweeting: “Rigged Election. Show signatures and envelopes. Expose the massive voter fraud in Georgia. What is Secretary of State and [Georgia Governor] @BrianKempGA afraid of. They know what we’ll

⁵³ <https://www.politico.com/news/2021/12/31/kerik-documents-jan-6-committee-526297>;
<https://www.politico.com/f/?id=0000017e-132a-dca7-a1ff-b33b8afd0000>.

⁵⁴ <https://www.independent.co.uk/news/world/americas/us-politics/donald-trump-documents-election-harassment-b1985982.html>.

⁵⁵ <https://www.cnn.com/2020/11/19/politics/mitt-romney-ben-sasse-trump/index.html>.

⁵⁶ https://www.cbs46.com/news/trump-calls-ga-secretary-of-state-enemy-of-the-people/article_917de492-30c5-11eb-a89b-6f888a101160.html.

find!!!”⁵⁷ On December 5, 2020, former President Trump called Governor Kemp, pressuring him to somehow overturn the election result in Georgia.⁵⁸ After Governor Kemp refused, former President Trump amplified a tweet from attorney Lin Wood (who had filed a frivolous federal challenge to Georgia’s election results), saying former President Trump “gave @BrianKempGA & @GaSecofState every chance to get it right. They refused. They will soon be going to jail.”⁵⁹

59. On January 2, 2021, former President Trump called Secretary Raffensperger and pressured him to “find 11,780 votes,” and threatened him with a “criminal offense” if he declined to do so.⁶⁰ Former President Trump and his advisers, including private attorney Cleta Mitchell,⁶¹ specifically urged Raffensperger to advance a baseless claim that hundreds of thousands of ballots mysteriously appeared in Fulton County, which includes Atlanta.⁶² Raffensperger has since described that call as a “threat.”⁶³

60. Recently released records also show that around the same time, former President Trump placed two calls to Clint Hickman, Chair of the Maricopa County, Arizona Board of

⁵⁷ https://www.cbs46.com/news/secy-of-state-raffensperger-backs-aide-as-trump-refuses-to-back-down/article_03a446bc-34a2-11eb-bf4f-e3771e83791c.html.

⁵⁸ https://www.washingtonpost.com/politics/trump-kemp-call-georgia/2020/12/05/fd8d677c-3721-11eb-8d38-6aea1adb3839_story.html.

⁵⁹ <https://www.newsweek.com/donald-trump-shares-tweet-georgia-governor-secretary-state-going-jail-1554846>.

⁶⁰ https://www.washingtonpost.com/politics/trump-raffensperger-call-transcript-georgia-vote/2021/01/03/2768e0cc-4ddd-11eb-83e3-322644d82356_story.html; <https://apnews.com/article/election-2020-joe-biden-donald-trump-georgia-elections-a7b4aa4d8ce3bf52301ddbe620c6bfff6>.

⁶¹ <https://www.npr.org/2021/01/06/953823383/attorney-on-call-with-trump-and-georgia-officials-resigns-from-law-firm>; https://january6th.house.gov/sites/democrats.january6th.house.gov/files/2022-3-1.BGT%20Letter%20to%20Mitchell%20-%20Cover%20Letter%20and%20Schedule_Redacted.pdf.

⁶² <https://apnews.com/article/election-2020-joe-biden-donald-trump-georgia-elections-a7b4aa4d8ce3bf52301ddbe620c6bfff6>.

⁶³ <https://apnews.com/article/donald-trump-joe-biden-arts-and-entertainment-elections-georgia-2b27f4c92919556bf6548117648693b7>.

Supervisors.⁶⁴ Former President Trump’s then-personal lawyer Rudy Giuliani also called Mr. Hickman and three other supervisors on the Maricopa County Board of Supervisors, including to leave a voicemail to Supervisor Bill Gates saying, “Maybe we can get this thing fixed up.”⁶⁵ Additionally, in text messages sent shortly after the election, Arizona Republican Party Chairwoman and RNC member Dr. Kelli Ward told Mr. Hickman, “We need you to stop the counting.”⁶⁶

61. Similarly, in the first week of December 2020, former President Trump twice called the speaker of Pennsylvania’s House of Representatives, Bryan Cutler, seeking to overturn the result of the election in Pennsylvania.⁶⁷ Speaker Cutler informed former President Trump that the Pennsylvania legislature has no authority to overturn the result of the election, but he subsequently joined about 60 Republican lawmakers who sent a letter to Pennsylvania’s congressional representatives urging them to object to the state’s electors when their votes were counted in Congress on January 6, 2021.⁶⁸

62. Former President Trump also exerted pressure on the Department of Justice in his attempts to overturn the election results. Former President Trump made near-daily outreach to former Acting Attorney General Jeff Rosen and former Acting Deputy Attorney General Richard Donoghue to put pressure on them after former Attorney General Bill Barr left DOJ.⁶⁹ For

⁶⁴ <https://www.12news.com/article/news/politics/stop-the-counting-records-show-trump-and-allies-pressured-top-maricopa-county-officials-over-election-results/75-61a93e63-36c4-4137-b65e-d3f8bde846a7>.

⁶⁵ *Id.*

⁶⁶ *Id.*

⁶⁷ https://www.washingtonpost.com/politics/trump-pennsylvania-speaker-call/2020/12/07/d65fe8c4-38bf-11eb-98c4-25dc9f4987e8_story.html.

⁶⁸ *See id.*

⁶⁹ https://www.washingtonpost.com/national-security/trump-rosen-election-calls/2021/07/28/43106ab6-efd6-11eb-bf80-e3877d9c5f06_story.html.

example, on a December 27, 2020 call with Rosen, former President Trump pressed Rosen to falsely state the election was “illegal” and “corrupt.”⁷⁰ Trump also forced U.S. Attorney for the Northern District of Georgia Byung Jin Pak to resign because former President Trump believed Pak was not doing enough to support his false claims of election fraud in Georgia, and then went outside the line of succession to appoint an Acting U.S. Attorney whom former President Trump believed would “do something” about his election fraud claims.⁷¹

63. State Republican parties reinforced former President Trump’s overt pressure on state and local elected officials to not certify the election. In Arizona, former President Trump’s attorneys and campaign aides reportedly spent weeks pressuring Governor Doug Ducey to echo former President Trump’s false claims about election fraud and cast doubt upon the State’s results.⁷² After Governor Ducey refused and signed documents certifying President Biden’s victory on November 30, 2020, former President Trump sent a series of angry tweets about Governor Ducey.⁷³ Several days later, he met with Dr. Kelli Ward, chair of the Arizona Republican Party, at the White House.⁷⁴

64. Defendants encouraged Arizona state officials to conduct an audit of the state’s election returns, amplifying prior baseless allegations of misconduct.⁷⁵ Despite the audit’s findings that Arizona’s electoral results were correctly tabulated, confirming President Biden’s win, former

⁷⁰ <https://www.theguardian.com/us-news/2021/dec/24/donald-trump-charges-capitol-attack-obstruct-congress>.

⁷¹ <https://lailluminator.com/2021/10/08/u-s-attorney-in-georgia-quit-under-pressure-from-trump-to-reject-election-results-new-report-confirms/>.

⁷² See <https://www.politico.com/news/2020/12/21/trump-pressure-campaign-overtake-election-449486>.

⁷³ See *id.*

⁷⁴ See *id.*

⁷⁵ <https://thehill.com/homenews/campaign/573798-trump-blames-media-after-arizona-audit-finds-biden-won>.

President Trump continued to amplify accusations of wrongdoing and undermine public confidence in the results.⁷⁶

65. In its official Twitter account, the Arizona Republican Party's ("ARP") called on Arizona officials to not certify the election results. On November 30, the ARP tweeted out "DO NOT CERTIFY[.] A FALSE ELECTION!"⁷⁷ The state of Arizona certified the election on November 30. As of December 21, 2020, even in light of the certification results, the ARP's "DO NOT CERTIFY" tweet remained pinned to the top of the ARP's Twitter feed. On December 4, the ARP tweeted, "THEY want to silence YOU!"⁷⁸ Unsatisfied with the election certification, on December 8, the ARP responded to a supporter of the pro-Trump group, Stop the Steal. The supporter tweeted, "I am willing to give my life for this fight," to which the ARP responded with, "He is. Are you?"⁷⁹ Later that day, the ARP, in a since deleted tweet, shared a clip from the 2008 film *Rambo* using the following quote: "This is what we do, who we are. Live for nothing or die for something."⁸⁰

66. On information and belief, the RNC oversees the activities of state Republican parties, but it has done nothing to remove or disavow these tweets from the Arizona Republican Party.

67. Even after the Electoral College met on December 14, 2020 to confirm the popular vote and President Biden and Vice President Harris's victory, Trump Campaign representatives and state Republican party officials have continued to take actions and amplify messaging that

⁷⁶ <https://www.reuters.com/world/us/arizona-republicans-release-findings-widely-panned-election-audit-2021-09-24/>.

⁷⁷ <https://twitter.com/AZGOP/status/1333477057876156418>.

⁷⁸ <https://twitter.com/AZGOP/status/1335046033869426688>.

⁷⁹ <https://www.cbsnews.com/news/arizona-republican-party-overturn-election-results-death/>.

⁸⁰ *Id.*

propagate Defendants’ baseless fraud assertions, all of which are designed to undermine the will of the People and disenfranchise voters. Defendants had and have every reason to know these assertions are baseless. Indeed, testimony before the House January 6 Committee has included “a parade of insiders in Donald Trump’s White House describing how they each told Trump in the wake of his 2020 loss that there was no credible evidence the election had been stolen.”⁸¹ Former Trump Campaign manager Bill Stepien testified that he thought the groundless voter fraud allegations were not “necessarily honest or professional.”⁸² Trump Campaign general counsel Matthew Morgan testified that the Trump Campaign’s legal team concluded within weeks of the election that any fraud allegations were “not sufficient” to reverse Biden’s victory.⁸³ In late 2020, then-Attorney General Bill Barr told former President Trump that the claims of election fraud were “completely bogus and silly,” “crazy stuff,” and “bullshit” entirely unsupported by evidence and that he wanted no part of them.⁸⁴ Knowing that the claims are baseless has not stopped Defendants from repeating those claims in service of their efforts to interfere with past and future elections. For example, on June 13, 2022, former President Trump released a 12-page statement baselessly denouncing the January 6 Committee as illegal; most of the statement was dedicated to repeating his false claims that the 2020 presidential election was rigged in battleground states and elsewhere,

⁸¹ <https://www.washingtonpost.com/national-security/2022/06/13/house-panel-set-examine-trumps-persistent-lies-2nd-hearing/>.

⁸² *Id.*

⁸³ *Id.*

⁸⁴ <https://www.nytimes.com/2022/06/09/us/bill-bar-testimony-trump-january-6.html>; <https://www.businessinsider.com/jan-6-hearing-video-barr-calling-trumps-election-claims-bullshit-2022-6>.

including making conspiracy theory allegations against Meta CEO Mark Zuckerberg and calling for Zuckerberg's criminal prosecution.⁸⁵

68. In the wake of the November 2020 election, former President Trump and his legal team proactively sought to organize so-called "alternate slates of electors," that is, people who were not validly appointed electors but who were willing to declare that their states' electoral votes should go to President Trump.⁸⁶

69. At the request of the Trump Administration and Trump Campaign officials, attorneys Jenna Ellis and John Eastman authored two memoranda ("Eastman Memoranda")⁸⁷ outlining an extensive plan whereby then-Vice President Pence, under his purported Twelfth Amendment authority, would find certain states' submitted election results illegitimate and rely instead on "alternate slates of electors" to declare a Trump victory.⁸⁸

70. The Eastman memoranda set out multiple legally baseless scenarios by which then-Vice President Pence could have declared that the Electoral Count Act encroached on his purported Twelfth Amendment authority and, on that basis, could have disregarded the Act's procedures for counting state electoral votes. The Eastman memoranda asserted that then-Vice President Pence could have invalidated the electoral results of several states, including Nevada, Arizona, and Michigan. In one scenario, the Eastman memoranda asserted that then-Vice President Pence could

⁸⁵ <https://www.businessinsider.com/trump-statement-12-pages-bashes-jan-6-investigation-2022-6>; https://cdn.nucleusfiles.com/e7/e746fae9-7a5f-462d-a0dd-dd9a11895451/statement-by-president-donald-j.-trump.pdf?utm_medium=email&utm_source=ncl_amplify&utm_campaign=20220613-statement_by_donald_j_trump._45th_president_of_the_united_states_of_america&utm_content=ncl-WeyXbMHZvA&_nlid=WeyXbMHZvA&_nhids=DR5ps6bKKK.

⁸⁶ <https://www.nytimes.com/2022/02/02/us/politics/trump-jan-6-memos.html>; <https://www.cnn.com/2022/01/25/politics/fake-trump-electoral-certificates-justice-department/index.html>.

⁸⁷ For simplicity, this complaint presents the Eastman memoranda together, as "the memoranda" or "the Eastman memoranda."

⁸⁸ See <https://www.cnn.com/2021/09/21/politics/read-eastman-memo/index.html>.

have proceeded by counting only the electoral college votes of the remaining “valid” electors, resulting in a Trump victory. In another scenario, the Eastman memoranda asserted that then-Vice President Pence could have relied on “alternate slates of electors,” certified by state legislatures, to declare a Trump victory.⁸⁹

71. In still another scenario, the Eastman memoranda asserted that then-Vice President Pence could have determined that the exclusion of “invalid” state votes so reduced the number of valid electoral college votes such that neither candidate achieved the necessary electoral college majority, and submit the matter to the House of Representatives to undertake the constitutional “tie-breaking” procedure.⁹⁰

72. The efforts described in these memoranda were not merely speculative. Still-emerging information confirms that Defendants took affirmative efforts, and acted in concert, to identify individuals to serve in the “alternate slates of electors” described in the Eastman Memoranda. Emerging facts allege this effort involved Defendants, including members of former President Trump’s administration, campaign team, and legal team, in addition to state Republican committees under the organizational supervision of the RNC. Emerging facts further indicate these efforts were orchestrated by Defendants working from Washington, D.C.⁹¹

73. The strategies described in the memoranda each relied on the bogus assertion that the official 2020 election results, in several states, were illegitimate. Eastman’s subsequent statements indicate this approach could only work if there were enough public distrust in the actual,

⁸⁹ *Id.*

⁹⁰ *Id.*

⁹¹ <https://www.cnn.com/2022/01/25/politics/fake-trump-electoral-certificates-justice-department/index.html>.

official results of the Presidential election to justify overturning President Biden’s election.⁹² As described elsewhere in this complaint, Defendants acted in concert to incite widespread public distrust in the actual election results, including affirmative efforts to prepare the “alternate slates of electors” necessary to at least one strategy outlined in these memoranda.

74. The House Select Committee investigating January 6 recently issued subpoenas to individuals who agreed to serve on “alternate slates of electors.” Identified individuals “seated” on or “slated” for these slates of “alternate electors” include current and former state Republican Party Chairs, National Committeemen, and National Committeewomen from Arizona, New Mexico, Pennsylvania, Wisconsin, Michigan, Georgia, and Arizona—positions which make them members of the RNC.⁹³

75. These requests were coordinated by the Trump Campaign, acting in concert with state RNC officials. Recent testimony by David Shafer, Chairman of the Georgia Republican Party and RNC member, revealed that the Trump Campaign directly coordinated the creation of “alternate slates of electors,”⁹⁴ and Michigan Republican Party co-chair Meshawn Maddock has publicly described being asked to serve as an alternate elector by members of former President Trump’s team.⁹⁵

⁹² <https://www.politico.com/news/2022/05/26/eastman-said-dueling-electors-were-dead-on-arrival-without-state-legislature-backing-00035634>.

⁹³ <https://lailluminator.com/2022/01/31/trumps-fake-electors-heres-the-full-list/>; <https://gop.com/about-our-party/rnc-members/>.

⁹⁴ <https://www.cnn.com/2022/02/25/politics/georgia-gop-chair-january-6-committee-trump-campaign/index.html>.

⁹⁵ <https://www.nytimes.com/2022/01/28/us/politics/jan-6-committee-trump-electors.html>; <https://www.freep.com/story/news/local/michigan/detroit/2022/01/20/meshawn-maddock-donald-trump-fake-electors-cnn-audio/6599607001/>; <https://www.detroitnews.com/story/news/politics/2022/01/20/michigan-gop-meshawn-maddock-trump-campaign-asked-gop-electors/6600843001/>; https://www.washingtonpost.com/investigations/electors-giuliani-trump-electoral-college/2022/01/20/687e3698-7587-11ec-8b0a-bcfab800c430_story.html.

76. The Trump Campaign wanted these “alternate electors” to act in “complete secrecy.”⁹⁶ According to recent reporting and testimony, the Georgia “alternates” were prohibited from speaking with the media or other statehouse officials, and were instructed to give State Capitol security a pretext for their visit to the state Legislature upon entry.⁹⁷

77. These “alternate electors” met on December 14, 2020, the same date each state’s actual, lawful electors met to cast and submit electoral college votes, represented by named electors, for President Biden.⁹⁸ These “alternate electors” sent false election certificates to Congress submitting their respective states’ electoral college votes for former President Trump.⁹⁹

78. Former President Trump’s attorney Rudolph Giuliani submitted these alternate slates of electors to the National Archives in Washington, D.C.¹⁰⁰

79. In December 2020, former President Trump discussed seizing voting machines as an additional means to continue the Trump Campaign’s investigation into purported voter “fraud.”¹⁰¹ Mr. Giuliani also reportedly contacted Ken Cuccinelli, second in command at the Department of Homeland Security (“DHS”), and asked him about DHS seizing voting machines.¹⁰²

80. The January 6 Committee is investigating a draft order created by former President Trump’s legal team, instructing military personnel to seize voting machines after the 2020

⁹⁶ <https://www.washingtonpost.com/politics/2022/06/06/fake-trump-electors-ga-told-shroud-plans-secrecy-email-shows/>.

⁹⁷ *Id.*

⁹⁸ <https://www.nytimes.com/2022/01/28/us/politics/jan-6-committee-trump-electors.html>.

⁹⁹ *Id.*

¹⁰⁰ <https://wisconsinexaminer.com/2022/02/02/trumps-fake-electors-heres-the-full-list/>.

¹⁰¹ <https://www.axios.com/giuliani-homeland-security-seize-voting-machines-4ee2e575-e32c-46a2-9f0b-fd80dd63049c.html>.

¹⁰² <https://www.unilad.co.uk/news/giuliani-presses-homeland-security-to-seize-voting-machines-in-attempt-to-overturn-election-results>.

election.¹⁰³ The executive order contemplates the need to “preserve evidence” of votes in advance of legal challenge.¹⁰⁴

81. General Michael Flynn was briefly former President Trump’s national security advisor before being convicted of lying to the FBI and then pardoned by then-President Trump. After publicly suggesting that then-President Trump impose martial law to overturn the result of the election and seize voting machines,¹⁰⁵ he was invited to a meeting in the Oval Office on December 18, 2020. This December 18 meeting also included former President Trump, Ms. Powell, Mr. Giuliani (by phone), and White House officials.¹⁰⁶

82. On December 19, 2020, Dr. Kelli Ward, then and now the chair of the Arizona Republican Party and a member of the RNC, tweeted out the following: “Mr. President @realDonaldTrump – we are with you in #Arizona. We are working every avenue to stop this coup & to stop our Republic from crumbling. Patriots are united. Those who are against us are exposing themselves. #Liberty & #freedom are on the line. #CrossTheRubicon @GenFlynn.”¹⁰⁷ This tweet, endorsing General Flynn’s call for military intervention, was later amplified and retweeted by General Flynn.¹⁰⁸

Defendants’ Volunteer Recruitment And Training Encouraged Volunteers And Supporters To Intimidate And Attempt To Coerce Election Officials And Volunteers

¹⁰³ <https://www.cbsnews.com/news/voting-machines-seize-executive-order-january-6-committee/>.

¹⁰⁴ *Id.*; <https://www.politico.com/news/2022/01/21/read-the-never-issued-trump-order-that-would-have-seized-voting-machines-527572>.

¹⁰⁵ <https://www.businessinsider.com/michael-flynn-trump-military-martial-law-overturn-election-2020-12>.

¹⁰⁶ <https://www.usatoday.com/story/news/politics/elections/2020/12/19/trump-sydney-powell-special-counsel-michael-flynn-martial-law/3978054001/>.

¹⁰⁷ <https://twitter.com/kelliwardaz/status/1340475397666836480>.

¹⁰⁸ <https://twitter.com/GenFlynn/status/1340611262196137985>.

83. Defendants’ efforts to recruit and train volunteers for the 2020 election cycle delivered inconsistent, incomplete, and sometimes aggressive messaging that gave way to and resulted in their supporters intimidating and attempting to coerce election officials to slow and stop vote counts.

84. One of the primary mechanisms Defendants used for recruiting volunteers for election-related activities was ArmyForTrump.com. Defendants encouraged its “army of supporters” to “fight with President Trump!” and to “fight[] to re-elect [President Trump] in 2020.”¹⁰⁹ In its list of volunteer opportunities, ArmyForTrump encouraged its army to “enlist,” as opposed to signing up.¹¹⁰ Trump Victory offered similar messaging: “Become a member of the Trump Victory Team’s exclusive group of grassroots supporters and help us FIGHT BACK against the Radical Socialist Democrats.”¹¹¹

85. On information and belief, after Defendants’ volunteers “enlisted,” they were required to participate in a training before engaging in certain election-related activities. The RNC produced training videos for volunteers to watch.¹¹² For example, the training for Georgia appears to be only about 15 minutes long and covers a variety of topics including “poll watchers,” “dos and don’ts,” “polling process,” and “issues to monitor.”¹¹³

86. The training video lists and quotes various election laws and regulations; it does not, however, explore what those rules look like in practice. The video and training deprive volunteers of the tools to properly act as poll watchers. On information and belief, the RNC also

¹⁰⁹ <https://www.armyfortrump.com/>.

¹¹⁰ *Id.*

¹¹¹ <https://trumpvictory.com/volunteers/>.

¹¹² See e.g., https://www.youtube.com/watch?v=6fWeQXtoBZ4&feature=emb_logo (Georgia-specific training).

¹¹³ *Id.*

produced and distributed similar training videos for volunteers in Wisconsin, Michigan, and other battleground states.

87. In addition to limited explanation of rules and regulations, the training video encourages volunteer poll watchers to wear “Official ‘Poll Watcher’” badges.¹¹⁴ Badges and other items that give the impression that volunteers are official state actors were prohibited by a consent decree the RNC had entered in 1982, which remained in place through 2017, as a result of improper conduct the RNC had encouraged its poll watchers to engage in. Finally, the RNC’s video directed the following language at volunteers: “Through your presence at the polls you will deter mismanagement and deliberate attacks that could sway the overall results of the election.”¹¹⁵ This language, like the “Army for Trump” language, presupposes conflict.

88. Defendants’ failure to properly train volunteers they recruited, and their ever-present messaging encouraging supporters and volunteers to “fight” allowed and encouraged inappropriate behavior, including intimidation and coercion, at polling places and recount sites.

The Defendants Have Acted In Concert To Encourage Intimidation And Attempted Coercion Of Election Officials Volunteers

89. During and after the 2020 election cycle, Defendants have acted in concert to execute a seamless election strategy. After the 2016 election, former President Trump, the Trump Campaign, and the RNC merged their field and fundraising efforts together under the “Trump Victory” banner, which resulted in shared operational overhead, including office space and staff. According to RNC Chairwoman Ronna McDaniel, Trump Victory was to be “the biggest, most efficient and unified campaign operation in American history.”¹¹⁶

¹¹⁴ *Id.*

¹¹⁵ *Id.*

¹¹⁶ See <https://www.politico.com/story/2018/12/18/trump-machine-swallows-rnc-1067875>.

90. From late 2016 through November 23, 2020, Trump Victory raised at least \$366 million dollars. Of the total raised, approximately \$197 million went directly to the RNC, more than \$57 million went to the Trump Campaign and former President Trump, approximately \$1.6 million went to the Republican Party of Michigan, approximately \$920,000 went to the Republican Party of Wisconsin, and \$3.24 million went to the Republican Party of Arizona.¹¹⁷ The Republican Federal Committee of Pennsylvania received more than \$1.2 million, the Nevada Republican Central Committee received approximately \$958,000, and the Republican Party of Georgia received approximately \$2.1 million.¹¹⁸

91. In addition to functioning as an operational hub for the Trump Campaign and the RNC during the 2020 election cycle, Trump Victory also served as a recruitment tool for campaign volunteers. The training opportunities and events offered through TrumpVictory.com included opportunities to engage in poll monitoring activities and post-election vote counting monitoring efforts, including the vote counting efforts in Wisconsin and Georgia.¹¹⁹ TrumpVictory.com also offered opportunities to volunteer for the January 5, 2021 Georgia run-off election, an election of which former President Trump was not a candidate.¹²⁰

92. The marketing surrounding these efforts was designed to prime volunteers to expect fraudulent activities at the polls and used military language suggesting that volunteers would need to actively work to ensure the integrity of the election. As discussed above, the prime example of

¹¹⁷ <https://www.opensecrets.org/jfc/summary.php?id=C00618389&cycle=2020>.

¹¹⁸ *Id.*

¹¹⁹ See <https://www.cnn.com/2020/11/09/trump-recount-fight-rnc-shifting-wisconsin-staff-to-georgia-senate-battle.html>.

¹²⁰ <https://trumpvictory.com/>.

this is the Trump Campaign’s “Army for Trump” which refers to Trump Campaign volunteers as members of an “army” who would need to “enlist” and “fight.”¹²¹

93. Apart from sharing operational and financial resources, these Defendants also spoke on behalf of and supported each other in the public eye. For example, the RNC frequently endorsed and amplified material from and in support of former President Trump and the Trump Campaign. Before and after Election Day, the RNC repeatedly retweeted material from the Trump Campaign’s official account (@TeamTrump), including multiple links to the Trump Campaign’s purported fraud hotline¹²² and statements from Trump and his Campaign alleging widespread irregularities and fraud.¹²³ Approximately twenty times between November 4 and November 20, 2020, the RNC’s official Twitter feed, @GOP, tweeted or retweeted a secure.winred.com fundraising link showing an image of Trump and including the claim that “THE DEMOCRATS WILL TRY TO STEAL THIS ELECTION!”¹²⁴ On November 4, 2020, the RNC retweeted a tweet from RNC Chairwoman Ronna McDaniel, @GOPChairwoman, that included the secure.winred.com link and that said, “Our team is already fighting hard on the ground in battleground states. We need all the help we can get to defend the integrity of this election. Thank you for your support!”¹²⁵ A November 5, 2020 RNC tweet included the secure.winred.com link and claimed: “The Left wants to undermine this Election, and we need YOU to FIGHT BACK! Contribute now!”¹²⁶ A November 6, 2020 RNC tweet containing the secure.winred.com link said, “Stop the FRAUD! Donate today to ensure @realDonaldTrump has the resources he needs to

¹²¹ <https://www.armyfortrump.com/>.

¹²² See, e.g., <https://twitter.com/TeamTrump/status/1328074040070770688?s=20> (Nov. 15, 2020); <https://twitter.com/TeamTrump/status/1323696696778387456> (Nov. 3, 2020).

¹²³ See, e.g., <https://twitter.com/TeamTrump/status/1325118559467397121?s=20> (Nov. 7, 2020).

¹²⁴ See, e.g., <https://twitter.com/GOP/status/1325487696857485312?s=20?>.

¹²⁵ <https://twitter.com/GOPChairwoman/status/1324090396033601541?s=20A>.

¹²⁶ <https://twitter.com/GOP/status/1324445432211263488?s=20>.

FIGHT this corruption!”¹²⁷ A November 14, 2020 RNC tweet including the secure.winred.com link said, “Our team is working around the clock to make sure every LEGALLY cast ballot is counted. We need YOU to help us have the resources to FIGHT BACK against potential voter fraud.”¹²⁸

94. Finally, as discussed above, the RNC hosted the Trump Campaign’s legal team’s November 19, 2020, press conference at its headquarters in Washington, DC, and the RNC amplified a clip of that press conference in which Sidney Powell referred to supposed unpatriotic activities in the November election and promised to take the country back.

Defendants Actively Encouraged Interference with Congress’s Certification of Election Results

95. On December 19, 2020, former President Trump announced plans to hold the “Save America” rally in Washington, D.C., on January 6, 2021, the date a joint session of Congress was set to convene in the U.S. Capitol to certify President Biden’s electoral vote win.

96. Former President Trump and the Trump Campaign organized the rally, selected speakers, and made direct payments of \$3.5 million to rally organizers.¹²⁹

97. After the announcement, supporters turned to several pro-Trump message boards sites and social media groups to discuss the rally. Former President Trump and his advisors actively monitored these sites.¹³⁰ Several individuals called former President Trump’s announcement “marching orders” and explicitly discussed plans to attend the rally, “storm and occupy Congress,”

¹²⁷ <https://twitter.com/GOP/status/1324854254058823680?s=20>.

¹²⁸ <https://twitter.com/GOP/status/1327702874227421193?s=20>.

¹²⁹ <https://www.opensecrets.org/news/2021/02/jan-6-protests-trump-operation-paid-3p5mil/>.

¹³⁰ <https://www.independent.co.uk/voices/trump-dan-scavino-white-house-insiders-capitol-b1786148.html>.

or begin “Operation Occupy the Capitol.”¹³¹ Tweet and message-board discussions about former President Trump’s announcement further propagated the hashtag “#OccupyCapitol.”¹³²

98. Trump campaign associates further publicized the announcement and encouraged supporters to attend the rally. For example, Donald Trump, Jr. posted a video on Instagram urging followers to “Be Brave” and “Do Something.”¹³³

99. At the rally, speakers organized by the Trump campaign invoked and amplified the militaristic rhetoric the Trump campaign and RNC had been propagating over the course of the prior several months.

100. For example, Rudy Giuliani urged the crowd to “vindicate” the “stolen” election to “save our republic,” and explicitly called for “trial by combat.”¹³⁴ Donald Trump, Jr. directed the crowd’s attention to toward the ongoing certification process in the U.S. Congress, apparently warning Congress members that if the election is certified, “we’re coming for you, and we’re gonna have a good time doing it.”¹³⁵

101. In his remarks, former President Trump told the crowd, “We will never give up. We will never concede,” and that “we’re going to the Capitol” to give legislators “the kind of pride

¹³¹ <https://ent.siteintelgroup.com/Far-Right/-Far-Left-Threat/how-a-trump-tweet-sparked-plots-strategizing-to-storm-and-occupy-capitol-with-handcuffs-and-zip-ties.html>; <https://www.nbcnews.com/tech/internet/extremists-made-little-secret-ambitions-occupy-capital-weeks-attack-n1253499>.

¹³² <https://www.newsweek.com/exclusive-secret-service-intel-saw-no-indication-civil-disobedience-1661331>.

¹³³ <https://www.instagram.com/tv/CJrtdcog7d0/?igshid=YmMyMTA2M2Y=>.

¹³⁴ <https://www.rev.com/blog/transcripts/rudy-giuliani-speech-transcript-at-trumps-washington-d-c-rally-wants-trial-by-combat>; <https://www.washingtonpost.com/politics/2021/01/06/lets-have-trial-by-combat-how-trump-allies-egged-violent-scenes-wednesday/>.

¹³⁵ <https://www.chicagotribune.com/columns/ct-ent-storming-capitol-drama-20210106-g4nhz5b3dzgijmd4uhjr7haljy-story.html>.

and boldness that they need to take back our country.”¹³⁶ Former President Trump urged the crowd to “fight like hell [or] you’re not going to have a country anymore.”¹³⁷

102. Former President Trump further stated that “we will stop the steal” and subsequently provided the crowd with two possible means to do so.¹³⁸ First, referring to the Vice President’s role on the ongoing certification process at the Capitol, former President Trump said “Mike Pence is going to have to come through for us.”¹³⁹ Second, former President Trump told the crowd “after this, we’re going to walk down--- and I’ll be there with you... We’re going to walk down... to the Capitol... We have come to demand that Congress do the right thing and only count the electors who have been lawfully slated.... I know that everyone here will soon be marching over to the Capitol building.”¹⁴⁰

103. Former President Trump further remarked that if the election results are nonetheless certified to reflect President Biden’s electoral victory, “you will have an illegitimate president...and we can’t let that happen.”¹⁴¹

104. Less than thirty minutes after former President Trump finished his inflammatory speech, an insurrectionist mob at the Capitol overcame the police and broke through the police barricades.¹⁴² Then, insurrectionists broke windows of the Capitol building, climbed into the

¹³⁶ <https://www.npr.org/2022/01/05/1069977469/a-timeline-of-how-the-jan-6-attack-unfolded-including-who-said-what-and-when>.

¹³⁷ <https://www.theguardian.com/us-news/2021/dec/24/donald-trump-charges-capitol-attack-obstruct-congress>.

¹³⁸ <https://www.npr.org/2021/02/10/966396848/read-trumps-jan-6-speech-a-key-part-of-impeachment-trial>.

¹³⁹ *Id.*

¹⁴⁰ *Id.*

¹⁴¹ *Id.*

¹⁴² <https://www.npr.org/2022/01/05/1069977469/a-timeline-of-how-the-jan-6-attack-unfolded-including-who-said-what-and-when>.

Capitol, and opened doors so others could enter.¹⁴³ Rioters broke into the Senate chamber and into lawmakers' offices.¹⁴⁴ Others swarmed and overwhelmed the Capitol Police officers guarding the Speaker's Lobby where lawmakers were sheltered.¹⁴⁵ They broke windows in an attempt to force their way in.¹⁴⁶

105. As a result of the mob swarming the Capitol, the joint session was interrupted. The Senate and House were called to recess, the building went into lockdown, and Pence, Pelosi, and other lawmakers were escorted away for their safety.¹⁴⁷ The certification of the election results could not continue until order was restored hours later.

106. The rioters were armed with guns, knives, bats, pepper spray, stolen police shields, and other items such as a stun gun, a rebar, a hockey stick, and a flagpole.¹⁴⁸ The rioters in the Capitol were heard chanting "hang Mike Pence."¹⁴⁹ Others were chanting "Break it down! Break it down!"¹⁵⁰ A Capitol Police officer shot one rioter trying to climb into the Speaker's Lobby. At least seven people lost their lives in connection with the January 6 insurrection, including one Capitol Police officer who was overpowered and beaten by the mob.¹⁵¹ A police officer described it as "a war scene," stating that "[t]here were officers on the ground. They were bleeding, they

¹⁴³ <https://www.npr.org/2022/01/05/1069977469/a-timeline-of-how-the-jan-6-attack-unfolded-including-who-said-what-and-when>.

¹⁴⁴ *Id.*

¹⁴⁵ *Id.*

¹⁴⁶ *Id.*

¹⁴⁷ *Id.*

¹⁴⁸ <https://www.cnn.com/2021/07/28/politics/armed-insurrection-january-6-guns-fact-check/index.html>.

¹⁴⁹ <https://www.cnn.com/2021/01/15/politics/pence-mob-us-capitol-january-6/index.html>.

¹⁵⁰ <https://www.npr.org/2022/01/05/1069977469/a-timeline-of-how-the-jan-6-attack-unfolded-including-who-said-what-and-when>.

¹⁵¹ <https://www.nytimes.com/2022/01/05/us/politics/jan-6-capitol-deaths.html>.

were throwing up. I mean, I saw friends with blood all over their faces. I was slipping in people's blood.”¹⁵²

107. Later in the day, Maryland and Virginia sent National Guard and state troopers to the District of Columbia. Almost five hours after the rioting began, police began to clear the Capitol and secure the interior.¹⁵³

108. As events at the Capitol unfolded, former President Trump did not recant any of his claims about election fraud. Instead, he continued to tweet baseless claims about election fraud. He accused Pence of lacking “courage” and tweeted that “these are the things and events that happen when a sacred landslide election victory” had been “unceremoniously & viciously stripped away.”¹⁵⁴

Defendants Are Likely To Engage In Similar Election Activities In The Future

109. Defendants' conduct during the 2020 election cycle, including their efforts to disenfranchise voters by attempting to slow and halt vote counts and by attempting to prevent vote certification in cities with large numbers of Black residents, is an extension and continuation of the same types of conduct that resulted in a previous consent decree.

110. In 1982, the RNC entered into a court-approved consent decree with the Democratic National Committee (“DNC”) after the DNC sued the RNC for its operations during the New Jersey election in 1981, which included targeting minority neighborhoods by hiring off-duty law enforcement officers to patrol polling sites.¹⁵⁵ The consent decree remained in effect for

¹⁵² <https://www.nbcnews.com/politics/donald-trump/-was-slipping-peoples-blood-police-officer-describes-battling-rioters-rcna32903>.

¹⁵³ <https://www.npr.org/2022/01/05/1069977469/a-timeline-of-how-the-jan-6-attack-unfolded-including-who-said-what-and-when>.

¹⁵⁴ *Id.*

¹⁵⁵ Consent Order, *Democratic Nat'l Comm. v. Republican Nat'l Comm.*, Case No. 2:81-cv-03876 (D. N.J.), Nov. 1, 1982.

approximately 35 years from 1982 until 2017 because the RNC engaged in other practices to intimidate, discourage, and disenfranchise Black voters in federal elections. *See, e.g., Democratic Nat. Comm. v. Republican Nat. Comm.*, 671 F. Supp. 2d 575, 579–83 (D.N.J. 2009), *aff'd*, 673 F.3d 192 (3d Cir. 2012). During the period that the consent decree was in effect, it protected voters by, for example, prohibiting the RNC from engaging in certain activities which could have the effect of intimidating, harassing, discriminating, or otherwise disrupting the election process. Upon its expiration, however, the RNC, although bound by the VRA, was permitted to resume all of its election-related activities without court supervision. The 2020 presidential election highlighted, and its aftermath continues to highlight, how, absent injunctive relief, the RNC and the rest of the Defendants will continue to violate the VRA.

111. While the 2020 presidential election is over, Defendants’ efforts to overturn its results are ongoing. Former President Trump, actively aided by the other Defendants, continues to try to overturn the 2020 presidential election, and all Defendants are working together to lay the groundwork to interfere in future elections. This conduct—including intimidation and the incitement of intimidations—is harming Plaintiffs now by imperiling their right to have their 2020 votes remain counted, by weakening electoral mechanisms designed to ensure free and fair elections, and by systematically laying the groundwork for widespread intimidation of voters and election officials in the 2022 midterm elections and beyond. Absent injunctive relief, including court supervision of Defendants’ future election-related activities, Defendants will likely continue to violate the VRA and the Ku Klux Klan Act and attempt to disenfranchise Plaintiffs and other Black voters through illegal means. Absent court intervention, Defendants will continue to harm voters.

112. As recently as March 2022, former President Trump’s allies met with Wisconsin Assembly Speaker Robin Vos and attempted to pressure him to nullify the 2020 election results, which Speaker Voss is not legally permitted to do.¹⁵⁶ Following the meeting, former President Trump announced that “Speaker Vos should do the right thing and correct the Crime of the Century—immediately! It is my opinion that other states will be doing this, Wisconsin should lead the way!”¹⁵⁷

113. In March 2022, Alabama Representative Mo Brooks said that, behind the scenes, former President Trump has been pressuring him and other lawmakers to overturn the 2020 presidential election even though Representative Brooks made clear that there is no legal basis for doing so.¹⁵⁸ “He always brings up, ‘we’ve got to rescind the election. We got to take Joe Biden down and put me in now.’”¹⁵⁹

114. Former President Trump has called for Michigan to elect a “new Legislature” in 2022 to attack the 2020 election results and has endorsed several Michigan officials who were involved in efforts to overturn the state’s 2020 results.¹⁶⁰ Former President Trump has endorsed or provided financial support to candidates in other states that have expressed similar interest in once again trying to overturn the 2020 election results.¹⁶¹

¹⁵⁶ <https://abcnews.go.com/Politics/trump-lawyer-amid-clash-jan-committee-pushing-decertify/story?id=83965757>.

¹⁵⁷ *Id.*

¹⁵⁸ <https://www.cnn.com/2022/03/24/politics/mo-brooks-donald-trump-january-6-election/index.html>.

¹⁵⁹ *Id.*

¹⁶⁰ <https://www.mlive.com/public-interest/2022/02/trump-gave-30k-to-michigan-republicans-who-challenged-2020-election.html>.

¹⁶¹ <https://abcnews.go.com/Politics/republicans-continue-push-decertification-2020-election/story?id=83794526>.

115. Defendants' conduct indicates that they will likely engage in similar activities for the foreseeable future and in the immediate future. This is particularly true given former President Trump's reported interest in campaigning for President in 2024 (he is apparently considering announcing his candidacy as early as this summer, possibly on July 4), and the fact that as of December 2020, he had raised at least \$207.5 million since the election, a significant amount of which has been directed to former President Trump's new political action committee, Save America PAC.¹⁶² Former President Trump has continued to aggressively fundraise for a possible 2024 Presidential campaign, bringing in large sums of money via a fundraising campaign that has pushed "deceptive claims about corruption in the last election" and proclaimed that "Trump is the true president."¹⁶³ Former President Trump has continued to claim that "our elections are corrupt," and he encouraged his supporters to hold "the biggest protest we have ever had" if he disapproves of the direction of investigations into his actions or the January 6 insurrection.¹⁶⁴ Former President Trump has indicated that if he were to regain the Presidency in 2024, he would pardon the January 6 insurrectionists.¹⁶⁵

116. Defendant RNC is involved in most elections for key offices, overseeing state party operations. The RNC has continued to amplify false claims about the 2020 election. RNC Chairwoman Ronna McDaniel has publicly stated there were "lots of problems with the elections"

¹⁶² <https://www.politico.com/news/2020/12/01/trump-2024-presidential-run-442083>;
<https://www.politico.com/news/2020/12/03/trump-pac-fundraising-442775>;
<https://www.nbcnews.com/politics/donald-trump/trump-brink-rcna31774>.

¹⁶³ https://www.washingtonpost.com/politics/trump-fundraising/2021/10/29/5b5a2e64-31b1-11ec-a1e5-07223c50280a_story.html.

¹⁶⁴ <https://thehill.com/homenews/administration/592009-trump-calls-for-biggest-protest-weve-ever-had-if-prosecutors-do>.

¹⁶⁵ <https://www.cnn.com/2022/02/02/politics/pete-aguilar-trump-january-6-pardons-cnntv/index.html>.

and raised questions about the legitimacy of the results.¹⁶⁶ On February 4, 2022, the RNC passed a resolution censuring Republican legislators involved in investigating the January 6 insurrection. The resolution, defended by RNC Chair McDaniel, described the insurrection as “legitimate political discourse,” and criticized the investigation as “persecution of ordinary citizens.”¹⁶⁷

117. Further, ahead of the 2022 midterm elections, the RNC and state Republican organizations are undertaking large-scale “election integrity” efforts, spearheaded by individuals who publicly encouraged interference and intimidation of officials involved with the certification of the 2020 election results.¹⁶⁸ These efforts aim to train and deploy poll watchers and officially-designated poll workers to monitor elections on the ground, equipped with pre-existing connections to the RNC’s election lawyers to facilitate ballot challenges.¹⁶⁹

118. This effort is being led by former Trump advisor Cleta Mitchell, who participated in the January 2021 call between former President Trump and Georgia Secretary of State Brad Raffensperger. Recently released recordings of poll worker training sessions confirm that these trainings continue the militaristic and adversarial character of the 2020 efforts and frequently refer to the need to create an “army of volunteers,” resembling the rhetoric of the 2020 intimidation efforts, describing the goal to create “fighters,”¹⁷⁰ build “an army” of poll workers,¹⁷¹ and target

¹⁶⁶ https://www.huffpost.com/entry/mcdaniel-trump-election_n_61968854e4b0ae9a429da0ad

¹⁶⁷ <https://www.cnn.com/2022/02/04/politics/liz-cheney-adam-kinzinger-censure-rnc/index.html>; <https://www.cnbc.com/2022/02/04/rnc-censures-liz-cheney-adam-kinzinger-for-investigating-jan-6-pro-trump-riot.html>; <https://www.nytimes.com/2022/02/08/us/politics/republicans-censure-mcconnell.html>.

¹⁶⁸ <https://www.nytimes.com/2021/03/23/us/politics/republican-voter-laws.html>.

¹⁶⁹ <https://www.politico.com/news/2022/06/01/gop-contest-elections-tapes-00035758>.

¹⁷⁰ <https://www.nytimes.com/2022/05/30/us/politics/republican-poll-monitors-election-activists.html>.

¹⁷¹ <https://www.politico.com/news/2022/06/01/gop-contest-elections-tapes-00035758>.

their tactics depending on whether a given county or state election official is a “friend or foe.”¹⁷² The recordings also show that the RNC’s Director of “Election Integrity” in Michigan outlined a plan to install party-trained volunteers prepared to challenge voters at polling places with large numbers of voters of color, including Detroit; establish relationships with local attorneys, law enforcement officers, and judges to facilitate the volunteers’ work; and develop a network of friendly district attorneys who could intervene to block vote counts at certain precincts.¹⁷³ Election watchdog groups and legal experts say that the likely consequence of the RNC’s heavily recruiting people who falsely believe the 2020 election was stolen to fill positions that should be held by unbiased officials could create chaos in the targeted precincts, many of which, including Detroit, have large numbers of voters of color.¹⁷⁴ In May 2022, the “Election Integrity Network” held a summit in Detroit with trainings that featured political figures who have made false claims of fraud in the 2020 election.¹⁷⁵ Republicans in Wayne County have also nominated a member of the Board of Canvassers who said he would not have certified the results of the 2020 election.¹⁷⁶

119. In the course of these efforts, the Michigan Republican Party has funded a website to recruit potential poll watchers that lists among its “sponsors” groups that have challenged the 2020 election results, and that have called the 2020 election “stolen,” an “occupation,” or a “coup.”¹⁷⁷ Michigan Republican Party Co-Chair and RNC member Meshawn Maddock, herself an “alternate elector” in the effort to undermine Michigan’s 2020 election certification, is now

¹⁷² <https://www.nytimes.com/2022/05/30/us/politics/republican-poll-monitors-election-activists.html>.

¹⁷³ <https://www.politico.com/news/2022/06/01/gop-contest-elections-tapes-00035758>.

¹⁷⁴ *Id.*

¹⁷⁵ <https://www.detroitnews.com/story/news/politics/2022/05/12/trump-allies-set-election-integrity-summit-detroit/9746669002/>.

¹⁷⁶ <https://www.politico.com/news/2022/06/01/gop-contest-elections-tapes-00035758>.

¹⁷⁷ <https://www.mlive.com/public-interest/2022/01/michigan-republicans-expand-recruitment-of-poll-challengers-for-2022-elections.html>.

involved in recruiting thousands of poll watchers to “flood the system” in forthcoming elections.¹⁷⁸ In Texas, state Republican officials have administered virtual trainings likely to encourage poll watchers to assume that votes cast by voters of color are presumptively illegitimate by instructing those poll watchers that “fraud is occurring” in “densely populated, largely Black, Latino, and Asian neighborhoods.”¹⁷⁹

120. Defendants’ ongoing efforts to prevent the orderly functioning of the electoral system by baselessly undermining legitimate elections have already begun to affect 2022 elections. On June 15, 2022, the New Mexico Supreme Court had to issue a writ of mandamus ordering the Otero County Commission to fulfill its nondiscretionary statutory obligation by June 17, 2022 to “meet to approve the report of the canvass of the returns and declare the results” of the 2022 primary election.¹⁸⁰ Days earlier, the Otero County Commission had voted unanimously against fulfilling that duty without identifying any specific discrepancies that might explain that refusal.¹⁸¹ The commission, whose members include Cowboys for Trump co-founder Couy Griffin, who was convicted of illegally entering restricted U.S. Capitol grounds during the January 6 insurrection and who subscribes to former President Trump’s groundless claims to have won the 2020 presidential election, cited debunked conspiracy theories that the Dominion voting machines used in the primary election were somehow unreliable.¹⁸²

FIRST CAUSE OF ACTION

(Violation of Section 11(b), 52 U.S.C. § 10307(b) of the Voting Rights Act)

¹⁷⁸ <https://www.mlive.com/public-interest/2022/01/one-year-after-jan-6-riot-michigan-election-deniers-hold-more-influence-in-republican-politics.html>.

¹⁷⁹ <https://www.nytimes.com/2021/05/01/us/politics/republican-pollwatchers.html>.

¹⁸⁰ <https://www.kob.com/new-mexico/new-mexico-supreme-court-issues-writ-of-mandamus-against-otero-county-commission/>.

¹⁸¹ <https://apnews.com/article/2022-midterm-elections-new-mexico-voting-election-recounts-general-54745f2169166e82090d0f7bc1ddc1b2>.

¹⁸² *Id.*

121. All other allegations of this complaint are re-asserted and incorporated into this cause of action.

122. Section 11(b) of the Voting Rights Act (“Section 11(b)”) provides: “No person, whether acting under color of law or otherwise, shall intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person for voting or attempting to vote, or intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person for urging or aiding any person to vote or attempt to vote.” 52 U.S.C. § 10307(b).

123. As set forth above, publicly available facts demonstrate that Defendants engaged in or encouraged volunteers and supporters to engage in conduct intended to and that did result in intimidation, harassment, and coercion of election officials as they performed their duties to count and certify votes, worked to undermine the validity of the election without a legitimate basis to do so, and impermissibly exerted pressure on state and local officials not to certify the results of elections. These actions were directed at major metropolitan areas with large Black populations, including Detroit and Milwaukee. Also as set forth above, Defendants’ past and present actions indicate that they are likely to engage in such conduct in connection with upcoming elections if they are not enjoined against doing so.

124. Defendants’ past and present actions violate Section 11(b) because their actions involved conduct that “intimidate[s], threaten[s], or coerce[s], or attempt[s] to intimidate, threaten or coerce” people involved in “aiding person to vote or attempt to vote.” *Id.* Under the Voting Rights Act, voting is specifically defined to include: “all action necessary to make a vote effective in any . . . election, including, but not limited to . . . having such ballot counted properly and included in the appropriate totals of votes cast with respect to candidates for public or party office and propositions for which votes are received in an election.” 52 U.S.C. § 10310(c)(1).

125. By engaging in the conduct described above, by encouraging volunteers and supporters to take the actions they did, and by exerting pressure on state and local officials in the manner described above, Defendants have attempted to and did intimidate and or coerce state and local officials from aiding Plaintiffs and other residents of Detroit, Milwaukee, and other major cities with large Black populations from having their votes “counted properly and included in the appropriate totals of votes cast.” *Id.* Defendants’ past and present actions indicate that they are likely to engage in such conduct in connection with upcoming elections if they are not enjoined from doing so.

SECOND CAUSE OF ACTION

(Conspiracy to Interfere with Civil Rights in Violation of 42 U.S.C. § 1985(3))

126. All other allegations of this complaint are re-asserted and incorporated into this cause of action.

127. The Ku Klux Klan Act prohibits two or more persons from conspiring to deny “either directly or indirectly, any person or class of persons of the equal protection of the laws,” to “prevent[] or hinder[] the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws,” or “to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States.” 42 U.S.C. § 1985(3).

128. The foregoing conduct of the Defendants violates § 1985(3). By coordinating their actions in an effort to pressure state and local officials to discard votes cast by Plaintiffs, their constituents, and other voters in cities with large Black populations, Defendants engaged in a conspiracy to deny the equal protection of the laws and to prevent Plaintiffs and others from giving

their support to electors for President and Vice President. Defendants have concertedly acted to undermine confidence in the election results, including inciting, amplifying, and organizing efforts by former President Trump's supporters to take steps to interfere with the vote counting, the slating of electors, and the final certification of the election.

129. As a result of this conspiracy, Plaintiff NAACP has been required to divert resources to monitor Defendants' activities and disseminate public education materials. If Defendants are not enjoined from further actions in furtherance of this conspiracy, Plaintiff NAACP will continue to be required to divert resources for the same reasons.

130. As a result of this conspiracy, Plaintiffs and their constituents have suffered dignitary injuries by having their full citizenship undermined and by Defendants' perpetuation of the noxious myth that votes cast by in communities with large Black populations are more likely to be fraudulent.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray that this Court:

(A) Declare that Defendants have engaged in conduct violating Section 11(b) of the Voting Rights Act and 42 U.S.C. § 1985(3);

(B) Issue an injunction requiring Defendants, and anyone acting on behalf of Defendants or in concert with them, to do the following:

- Refrain from violating all federal and state laws protecting the rights of qualified citizens to vote;
- Secure approval from this Court prior to engaging in any activities related to recounts, certifications, or similar post-election activities;

- Refrain from intimidating or coercing state and local officials involved in counting votes, recounts, or the certification process;
 - Refrain from intimidating or coercing state, local, or federal officials to disregard any lawful votes or to overturn the result of an election;
 - Refrain from intimidating voters or obstructing voters from exercising their rights to vote; and
 - Train all official volunteers on the Voting Rights Act and on activities prohibited by the Voting Rights Act, with all training materials approved by the Court; and
- (C) Award monetary damages.
- (D) Grant such other relief as this Court may deem just and proper.

Dated: June 16, 2022

Respectfully submitted,

/s/ Samuel Spital

Janai S. Nelson (*pro hac vice*)

Samuel Spital

(D.D.C Bar No. SS4839)

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Counsel for Plaintiffs

Exhibit B

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

MICHIGAN WELFARE RIGHTS
ORGANIZATION,
23 E. Adams Street, 4th Floor
Detroit, MI 48226;

NAACP,
4805 Mt. Hope Drive
Baltimore, MD 21215;

MAUREEN TAYLOR,
c/o NAACP Legal Defense &
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40 Rector St., 5th Floor
New York, NY 10006;

NICOLE L. HILL,
c/o NAACP Legal Defense &
Educational Fund, Inc.
40 Rector St., 5th Floor
New York, NY 10006;

and TEASHA K. JONES,
c/o NAACP Legal Defense &
Educational Fund, Inc.
40 Rector St., 5th Floor
New York, NY 10006,

Plaintiffs,

v.

DONALD J. TRUMP,
President of the United States, in his
personal capacity,
1600 Pennsylvania Ave., NW
Washington, DC 20500;

DONALD J. TRUMP FOR
PRESIDENT, INC.,
725 5th Ave.
New York, NY 10022;

Case No. 1:20-cv-03388-EGS

[Caption Continued]

and REPUBLICAN NATIONAL
COMMITTEE
310 First Street SE
Washington, D.C. 20003,

Defendants.

SECOND AMENDED COMPLAINT
FOR DECLARATORY AND INJUNCTIVE RELIEF

INTRODUCTION

1. In the aftermath of his loss in the 2020 presidential election, former President Donald J. Trump, in his personal capacity, and Donald J. Trump for President, Inc. (“Trump Campaign”) sought to overturn the result of the election by disenfranchising voters, in particular voters of color in several major metropolitan areas. Former President Trump and the Trump Campaign did this by attempting to slow and stop vote counting efforts in tightly contested states; by pressuring state and local election officials not to certify election results, as required by law, or to take other measures to overturn the will of the voters; ~~and~~ by raising baseless challenges to the validity of ballots; and, on January 6, 2021, by inciting followers to use violence and the threat of violence in and around the United States Capitol building to disrupt the Congress’ certification of the states’ electoral votes. Former President Trump’s and the Trump Campaign’s efforts to undermine the 2020 election have not stopped, and they are planning to take similar steps to interfere in upcoming elections. Although the Defendants’ actions ~~were~~ thus far have been unsuccessful in overturning election results, they were and are designed to disenfranchise hundreds of thousands of voters, including the individual Plaintiffs and the Organizational Plaintiffs’ members and constituents, and they stand a real chance of doing so unless Defendants are stopped.

2. The Republican National Committee (“RNC”) has aligned itself with, and contributed to, this effort. Throughout the 2020 election process, the RNC closely coordinated with the Trump Campaign, notably through the “Trump Victory” project, a joint endeavor of the RNC and the Trump Campaign. In the aftermath of ~~outgoing~~ former President Trump’s loss, the RNC—and state Republican parties whose activities it oversees—endorsed and amplified baseless allegations of voter fraud and intimidating messages about a stolen election and “taking the country back,” and sought to block the certification of election results in key states. In February 2022, the RNC censured two Republican representatives for participating in a House investigation of the January 6, 2021 insurrection, and the RNC chair characterized investigating that violent and bloody insurrection, which has resulted in multiple criminal convictions, as an attempt to punish “legitimate political discourse.”

3. Defendants’ efforts to disenfranchise hundreds of thousands of voters—targeting cities with large Black populations, including Detroit, Michigan, Milwaukee, Wisconsin, Philadelphia, Pennsylvania, and Atlanta, Georgia—repeat the worst abuses in our nation’s history, where Black Americans were denied a voice in American democracy for most of the first two centuries of the Republic.

4. No more. The Voting Rights Act of 1965 (“VRA”) and the Ku Klux Klan Act flatly ~~prohibits~~ prohibit Defendants’ efforts to disenfranchise voters. ~~The~~ Defendants’ efforts to disenfranchise predominantly Black communities are an assault on the fabric of our Republic. They must stop.

JURISDICTION AND VENUE

5. This Court has jurisdiction under 28 U.S.C. § 1331 and 28 U.S.C. § 1343 because this matter involves federal questions under the Voting Rights Act and the Ku Klux Klan Act, and because Plaintiffs seek injunctive relief to protect the right to vote.

6. Venue is proper in this district because a substantial part of the acts or omissions giving rise to the claim occurred in this judicial district. 28 U.S.C. § 1391(b)(2).

PARTIES

7. Plaintiff Michigan Welfare Rights Organization (“MWRO”) is a state chapter of the National Welfare Rights Union that advocates for public assistance recipients and low-income people. MWRO encourages community involvement and grassroots organizing to improve the status of voters and conducts voter engagement efforts targeted at low-income voters of color throughout the state of Michigan. MWRO has Black members who reside in Detroit in Wayne County, Michigan, voted in the November 2020 election, and cast a ballot for President. Defendants have sought to prevent the complete counting and certification of validly cast ballots for President in Wayne County, and thereby sought to disenfranchise and disregard the lawfully cast votes of the members of MWRO.

8. Plaintiff Maureen Taylor is a Black resident of Detroit in Wayne County, Michigan. Plaintiff Taylor, who is over eighteen years old, voted in the November 2020 election and cast a ballot for President. Defendants have sought to prevent the complete counting and certification of validly cast ballots for President in Wayne County and thereby sought to disenfranchise and disregard the lawfully cast votes of Plaintiff Taylor and other voters.

9. Plaintiff Nicole L. Hill is a Black resident of Detroit, Michigan. Plaintiff Hill, who is over eighteen years old, voted in the November 2020 election and cast a ballot for President.

Defendants have sought to prevent the complete counting and certification of validly cast ballots for President in Wayne County and thereby sought to disenfranchise and disregard the lawfully cast votes of Plaintiff Hill and other voters.

10. Plaintiff Teasha K. Jones is a Black resident of Detroit, Michigan. Plaintiff Jones, who is over eighteen years old, voted in the November 2020 election and cast a ballot for President. Defendants have sought to prevent the complete counting and certification of validly cast ballots for President in Wayne County and thereby sought to disenfranchise and disregard the lawfully cast votes of Plaintiff Jones and other voters.

11. Plaintiff NAACP is the nation's largest and oldest civil rights grassroots organization. Since its founding in 1909, the mission of the NAACP has been to ensure the political, educational, social, and economic equality of all persons and to eliminate race-based discrimination. The NAACP has fought in the courts for decades to protect the constitutional guarantee of equal protection under law. To advance its mission, the NAACP has brought landmark civil rights cases over its ~~111-year~~ 113-year history and continues to do so. The NAACP also has filed numerous amicus briefs in cases that significantly impact people of color.

12. The NAACP has state and ~~local~~ regional conferences ~~or chapters~~ representing 48 states, thousands of local units, and it has ~~over 220,000~~ several hundreds of thousands of members nationwide. The NAACP has members across the country who voted in the 2020 election and who plan to vote in future elections, including in Michigan, Wisconsin, Pennsylvania, Georgia, Arizona, and Nevada. Defendants have sought to prevent the complete counting and certification of validly cast ballots for President by Plaintiff NAACP's members and thereby sought to disenfranchise and disregard the lawfully cast votes of Plaintiff NAACP's members and other similarly situated voters.

13. Defendant Donald J. Trump is the ~~outgoing~~former President of the United States, who unsuccessfully sought a second term during the November 2020 presidential campaign. He is sued in his personal capacity because the acts in question relate to his candidacy for a second term, not to his official duties as President.

14. Defendant Donald J. Trump for President, Inc., is the campaign committee that unsuccessfully sought to re-elect former President Trump in the November 2020 presidential election.

15. The Republican National Committee is a political committee responsible for developing, promoting, and implementing the Republican political platform, and for coordinating fundraising and election strategy. As alleged more fully below, the RNC worked hand-in-hand with Donald Trump and the Trump Campaign's efforts in the November 2020 election, including with respect to the acts alleged in this Complaint.

16. The RNC is responsible for the general management of the Republican Party and oversees the activities of Republican state committees. State committee chairs are members of the RNC.

17. As discussed in detail below, Defendants have acted in concert and violated the VRA and the Ku Klux Klan Act while taking actions that directly put pressure on election officials and volunteers, and encouraged their own volunteers and supporters, acting as their agents, to do the same, in an effort to disenfranchise voters in predominantly Black cities.

RELEVANT STATUTES

18. Section 11(b) of the Voting Rights Act ("Section 11(b)") provides that: "No person, whether acting under color of law or otherwise, shall intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person for voting or attempting to vote, or intimidate, threaten,

or coerce, or attempt to intimidate, threaten, or coerce any person for urging or aiding any person to vote or attempt to vote[.]” 52 U.S.C. § 10307(b). “Voting” is defined by the VRA as “all action necessary to make a vote effective in any . . . election, including, but not limited to registration, casting a ballot, . . . and having such ballot counted properly and included in the appropriate totals of votes cast with respect to candidates for public or party office and propositions for which votes are received in an election.” 52 U.S.C. § 10310(c)(1).

19. The Ku Klux Klan Act prohibits persons from conspiring to deny “either directly or indirectly, any person or class of persons of the equal protection of the laws,” to “prevent[] or hinder[] the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws,” or “to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President . . . of the United States.” 42 U.S.C. § 1985(3).

FACTS

20. In violation of these statutory provisions, Defendants have attempted to undermine confidence in the vote and to disenfranchise voters. Under the specter of preventing “fraud,” Defendants have engaged in a conspiracy, executed through a coordinated effort, to disenfranchise voters by -, among other means, disrupting vote counting efforts, lodging groundless challenges during recounts, and attempting to block certification of election results through intimidation and coercion of election officials and volunteers. These systematic efforts – violations of the VRA and the Ku Klux Klan Act – have largely been directed at major metropolitan areas with large Black voter populations. These include Detroit, Milwaukee, Atlanta, Philadelphia, and others. Defendants have not directed these efforts at predominantly white areas.

Defendants [Have](#) Violated The Voting Rights [Act](#) And the Ku Klux Klan Act By Intimidating Election Officials And Vote Tabulators While They Counted Votes

21. At approximately 2:30 a.m. on November 4, 2020, as ballot counting was still underway in key states and trending in favor of [then](#)-President-Elect Joseph Biden, [former](#) President Trump falsely declared that he had won the presidential election, insisting that: “This is a fraud on the American public. This is an embarrassment to our country.” As explained in a news account: “Trump’s election night claim of victory . . . ha[d] been months in the making. As Trump has trailed Biden in polls, he has sought to undermine faith in the multiday process of vote tallying, and to lay the groundwork for insisting that the only valid election results were those tallied on election night.”¹

22. Defendants [have](#) engaged in an aggressive media campaign intended to undermine the validity of the voting process, to disqualify legally cast ballots, and to shake the public’s confidence in the election results, by claiming election results that did not favor [former](#) President Trump were fraudulent. Through their messaging to volunteers, supporters, and the American people, they attempted to intimidate election officials and tabulators into delaying and outright stopping vote counts, and thereby disenfranchise voters [and even well after the November 2020 presidential election have continued to pressure election officials to overturn the election results.](#)

23. For example, [former](#) President Trump [has](#) made numerous false public statements claiming that President-~~Elect~~ Biden’s victories in various battleground states (the result of ballots counted late on election night or in the days after November 3) proved the election was being “stolen” and damage had been done to the democratic process. As set forth below, the RNC and

¹ <https://www.cnbc.com/2020/11/04/trump-tries-to-claim-victory-even-as-ballots-are-being-counted-in-several-states-nbc-has-not-made-a-call.html>.

its members made similar false claims. Defendants also aggressively argued that mail-in ballots received after polls closed should not be counted, notwithstanding state-specific election rules and court orders that required states to count ballots received after polls closed. On November 15, 2020, former President Trump tweeted: “I WON THE ELECTION!”² Three days later, on November 18, 2020, he tweeted: “This was a rigged election. No Republican Poll Watchers allowed, voting machine ‘glitches’ all over the place (meaning they got caught cheating!), voting after election ended, and so much more!”³ The following quotes, which come directly from former President Trump, are evidence of this campaign to disenfranchise voters and to undermine voter confidence:

- a. “Frankly, we did win this election. So now our goal is to ensure the integrity, for the good of this nation . . . This is a major fraud on our nation.”
- b. “The damage has already been done[.]”
- c. “ANY VOTE THAT CAME IN AFTER ELECTION DAY WILL NOT BE COUNTED!”
- d. “IF YOU COUNT THE LEGAL VOTES, I EASILY WIN THE ELECTION! IF YOU COUNT THE ILLEGAL AND LATE VOTES, THEY CAN STEAL THE ELECTION FROM US!”⁴

24. Former President Trump pushed this messaging well into the weeks following the election. For example, on Wednesday, November 18, 2020, he falsely stated that “[i]n Detroit, there are FAR MORE VOTES THAN PEOPLE. Nothing can be done to cure that giant scam. I win Michigan!”⁵ On November 11, 2020, he attacked Republican Philadelphia City Commissioner

² <https://twitter.com/realDonaldTrump/status/1328200072987893762>.

³ <https://twitter.com/realdonaldtrump/status/1329064787142172673?lang=en>.

⁴ <https://www.washingtonpost.com/politics/2020/11/05/president-trumps-false-claims-vote-fraud-chronology/>.

⁵ <https://www.nbcnews.com/politics/2020-election/fact-check-trump-s-bogus-claim-more-votes-detroit-people-n1248121>.

Al Schmidt, falsely asserting that the election in Philadelphia was characterized by a “mountain of corruption & dishonesty. We win!”⁶ And his campaign promoted a false story about a woman voting fraudulently near Atlanta.⁷

25. RNC Chairwoman Ronna McDaniel amplified these statements, publicly questioning the integrity of the Michigan election results and alleging misconduct by Detroit election officials.⁸ The RNC sent its supporters hundreds of emails after the election that included false claims about the election until their email marketing firm determined such claims increased “a risk of politically incited violence across the country.”⁹

26. ~~25.~~ These and subsequent public statements and actions by Defendants encouraged their volunteers and supporters to interfere with vote counts through harassment and intimidation.

27. ~~26.~~ In Wisconsin, for example, the Trump Campaign initiated a recount after learning that President ~~Eleet~~ Biden defeated former President Trump by more than 20,000 votes. The recount was not statewide; the Trump Campaign-initiated recount was limited to the two counties in Wisconsin with the largest percentage of Black voters, covering the cities of Milwaukee and Madison. The Trump Campaign did not identify any neutral justification for targeting its recount request at only those two counties.

⁶ <https://twitter.com/realdonaldtrump/status/1326525851752656898>;
<https://apnews.com/article/joe-biden-donald-trump-politics-virus-outbreak-campaigns-22665ea3884c47f883b416e4bd03bf54>.

⁷ See <https://www.cnn.com/2020/11/18/politics/fact-check-georgia-dead-voter-deborah-jean-christiansen/index.html>.

⁸ <https://www.michigan.gov/sos/0,4670,7-127-93094-544676--,00.html>; <https://www.freep.com/story/news/politics/elections/2020/11/06/mcdaniel-claims-election-misconduct-michigan-without-presenting-proof/6185731002/>.

⁹ <https://www.cbsnews.com/sanfrancisco/news/salesforce-says-it-has-taken-action-against-rnc-email-campaign-that-falsely-claims-election-fraud/>.

28. ~~27.~~ Trump Campaign observers at recount sites in Milwaukee engaged in behavior that deliberately interfered with and slowed down recount efforts.

29. ~~28.~~ Trump Campaign observers encroached on physical spaces of vote tabulators to observe the count and made verbal comments pressuring vote tabulators. One supporter of former President Trump ~~supporter~~ leaned over observer boundaries and, upon a warning from a vote tabulator, said “I know you don’t want us to see the ballots . . . You think we’ll find something.”⁸¹⁰ Other observers supporting former President Trump broke observation rules by frequently interrupting vote counters, sometimes with harassing questions and comments.⁹¹¹

30. ~~29.~~ Some Trump Campaign observers engaged in other deliberate actions to delay the recount by separately challenging every single ballot at a particular recount table.¹⁰¹² As further examples of bad-faith conduct, Trump Campaign observers also baselessly challenged absentee ballots that tabulators folded in order to put them in envelopes and sought to disqualify mail-in ballots where official stickers had become unstuck, even though such challenges are clearly improper under Wisconsin law.¹¹¹³

31. ~~30.~~ Some Trump Campaign observers went even further in their attempts to interfere with the vote count through pressure and intimidation by becoming physically aggressive with election volunteers. During the Milwaukee recount, for example, one Trump Campaign observer had to be escorted from the recount site after pushing an election official.¹²¹⁴ This physical

⁸¹⁰ <https://apnews.com/article/donald-trump-challenges-wisconsin-tally-6f5b29d61b95754b0b5f311640136149>.

⁹¹¹ <https://apnews.com/article/election-2020-joe-biden-donald-trump-wisconsin-elections-dcb7da95578fc7289122c6d372575a9b>.

¹⁰¹² <https://apnews.com/article/donald-trump-challenges-wisconsin-tally-6f5b29d61b95754b0b5f311640136149>.

¹¹¹³ *Id.*

¹²¹⁴ *Id.*

aggression, similar to the encroachment on observer boundaries and rules, either attempted to intimidate or resulted in intimidation of election officials and volunteers.

32. ~~31.~~ Rohn Bishop, the chairperson of the Republican Party of Fond du Lac County Wisconsin, acknowledged that the “GOP strategy” in Wisconsin post-election was to disenfranchise voters: “I’ve pushed back against Dem claims that we Repubs were trying to disenfranchise people. Now here we are, trying to disenfranchise people.”¹³¹⁵

33. ~~32.~~ In other instances, supporters of former President Trump, encouraged by Defendants’ rhetoric and calls to action, threatened violence against election officials and volunteers. For example, during Georgia’s recount efforts, supporters of former President Trump paraded past the Georgia Secretary of State’s personal residence and reportedly directed sexually explicit threats to the Secretary’s wife.¹⁴¹⁶ On information and belief, Trump Campaign supporters also threatened a Georgia election technician with a noose.¹⁵¹⁷ Similarly, after Wisconsin Supreme Court Justice Brian Hagedorn ruled against the Trump Campaign in several lawsuits, Trump Campaign supporters have sent him threatening and “dark messages” wherein he has been called a “traitor,” “liar,” and “fraud,” and been threatened with being “tried for treason by a military tribunal.”¹⁶¹⁸

34. ~~33.~~ On information and belief, election officials and volunteers in other states were also subjected to threats of violence by supporters of former President Trump. The Arizona Secretary of State received threats via email, social media, and phone. The Nevada Secretary of

¹³¹⁵ <https://www.newsweek.com/wisconsin-gop-chair-says-republicans-are-trying-disenfranchise-people-amid-post-election-turmoil-1549633>.

¹⁴¹⁶ <https://www.npr.org/sections/biden-transition-updates/2020/12/01/940961602/someones-going-to-get-killed-ga-official-blasts-gop-silence-on-election-threats>.

¹⁵¹⁷ *Id.*

¹⁶¹⁸ <https://www.nytimes.com/2020/12/20/us/politics/wisconsin-justice-brian-hagedorn.html>.

State's office received a voicemail that said, in part, "You guys are f*****g dead." In Michigan, a supporter of former President Trump ~~supporter~~ interrupted a Zoom meeting and threatened to rape election officials' mothers.¹⁷¹⁹ Armed Trump supporters also gathered outside of the Michigan Secretary of State Jocelyn Benson's home at night.¹⁸²⁰

35. The onslaught of threats and intimidation directed at election officials following the 2020 presidential election has led to an exodus of election officials as they retire early or simply quit.²¹ A recent poll of election officials revealed that nearly two-thirds of election officials are worried about political leaders' interfering with how they do their jobs in future elections, and nearly one in five fear that they will face pressure to certify election results in favor of a specific candidate or party.²²

36. Given Defendants' ongoing conduct, those fears are well-founded. One in six election officials has experienced threats because of their job.²³ In this fraught and dangerous climate, twenty percent of election officials polled plan to leave before the 2024 election, in large part due to political leaders' attacks.²⁴ Thirty percent of officials know of

¹⁷¹⁹ <https://www.nbcnews.com/politics/elections/has-stop-harassed-threatened-gop-election-officials-urge-party-leaders-n1249769>.

¹⁸²⁰ <https://www.metrotimes.com/news-hits/archives/2020/12/07/armed-trump-supporters-swarmed-michigan-secretary-of-states-house-at-night>.

²¹ <https://apnews.com/article/election-officials-retire-trump-2020-threats-misinformation-3b810d8b3b3adee2ca409689788b863f>.

²² <https://www.brennancenter.org/our-work/analysis-opinion/attacks-against-election-officials-are-taking-toll>.

²³ Brennan Ctr. for Justice, Local Election Officials Survey (March 2022), at 6, available at <https://www.brennancenter.org/our-work/research-reports/local-election-officials-survey-march-2022>.

²⁴ <https://www.brennancenter.org/our-work/analysis-opinion/attacks-against-election-officials-are-taking-toll>.

one or more election workers who already have left their jobs because of fear for their safety, increased threats, or intimidation.²⁵

37. ~~34.~~ The inappropriate pressure, physical aggression, and explicit threats of violence that Defendants' volunteers and supporters have directed to election officials, volunteers, and judges during and after recounts—which were foreseeable results of the Defendants' actions—were intimidating and coercive, all in an attempt to disqualify legally cast ballots and to prevent them from being counted.

Defendants Violated The Voting Rights Act And the Ku Klux Klan Act By Attempting To Stop Vote Certification Through Intimidation and Coercion

38. ~~35.~~ After all the ballots were counted and a clear winner had been determined, Defendants also actively called for officials to halt certification of election results in certain states. Apart from public calls for delaying certification, Defendants directly contacted election officials to delay certification. The most egregious example of this occurred in in Wayne County, Michigan (the county in which Detroit is located).

39. ~~36.~~ President ~~Elect~~ Joseph Biden carried the State of Michigan by over 150,000 votes, winning 2,804,040 votes (50.62%) compared to 2,649,852 votes for former President Trump (47.84%).¹⁹²⁶ In Wayne County, President ~~Elect Joseph~~ Biden won 597,170 votes compared to 264,553 votes for former President Trump.²⁰²⁷ That included a margin of over 200,000 votes in Detroit, Michigan.²¹²⁸

40. ~~37.~~ Because former President Trump lost the popular vote in Michigan and other states that were necessary for a majority of the electoral college, Defendants worked to block

²⁵ Brennan Ctr. for Justice, Local Election Officials Survey at 19.

¹⁹²⁶ See https://mielections.us/election/results/2020GEN_CENR.html (last visited Dec. 21, 2020).

²⁰²⁷ See <https://www.waynecounty.com/elected/clerk/election-results.aspx>.

²¹²⁸ <https://detroitmi.gov/webapp/election-results>.

certification of the results on the (legally incorrect) theory that blocking certification would allow state legislatures to override the will of the voters and choose the Trump Campaign's slate of electors.²²²⁹

41. ~~38.~~ On November 19, 2020, former President Trump's personal lawyer, Rudy Giuliani, and others held a press conference at the RNC headquarters in Washington, D.C., where they repeated false allegations of fraud and openly discussed their strategy of disenfranchising voters in Detroit and Wayne County. At that press conference, Mr. Giuliani asserted without evidence that the Trump campaign had identified 300,000 "illegitimate ballots," and stated: "These ballots were all cast basically in Detroit that Biden won 80-20," and "it changes the result of the election in Michigan, if you take out Wayne County."²³³⁰ Mr. Giuliani also focused on allegations made by Detroit poll challengers seeking to stop the certification of Wayne County's election results, even though Wayne County Circuit Judge Timothy Kenny had already rejected the plaintiffs' "interpretation of events" in that case as "incorrect and not credible."²⁴³¹

42. ~~39.~~ Former President Trump announced Mr. Giuliani's press conference in advance on Twitter, stating: "Important News Conference today by lawyers on a very clear and viable path to victory. Pieces are very nicely falling into place. RNC at 12:00 P.M."²⁵³² In another tweet prior to the press conference, former President Trump falsely asserted: "Voter Fraud in Detroit is rampant, and has been for many years!"²⁶³³

²²²⁹ See, e.g., <https://www.reuters.com/article/us-usa-election-trump-strategy/trumps-election-power-play-persuade-republican-legislators-to-do-what-u-s-voters-did-not-idUSKBN27Z30G>; <https://www.wsj.com/articles/what-is-trumps-legal-strategy-try-to-block-certification-of-biden-victory-in-states-11605138852>.

²³³⁰ <https://www.detroitnews.com/story/news/politics/2020/11/19/rudy-giuliani-targets-wayne-county-raising-claims-judge-found-not-credible/6341765002/>.

²⁴³¹ *Id.*

²⁵³² <https://twitter.com/realDonaldTrump/status/1329408856733184008>.

²⁶³³ <https://twitter.com/realDonaldTrump/status/1329405682706247683>.

43. ~~40.~~ The RNC then retweeted a clip of the press conference on its official Twitter feed. Specifically, the RNC retweeted a clip of a portion of remarks by Sidney Powell, then-identified as a Trump Campaign lawyer, asserting that the 2020 election had involved “the most unpatriotic acts I can even imagine for people in this country to have participated in, in any way, shape or form,” and that: “I want the American public to know right now that we will not be intimidated. American patriots are fed up with the corruption from the local level, to the highest level of our government. And we are going to take this country back . . . [A]nd, we are going to reclaim the United States of America for the people who vote for freedom.”²⁷³⁴

44. ~~41.~~ Despite the overwhelming margin of President ~~Eleet~~ Joseph Biden’s victory in Wayne County, and in Michigan as a whole, and the absence of any evidence of voter fraud, when the Wayne County Board of Canvassers initially met to certify the County’s election results on November 17, they initially deadlocked 2-2.

45. ~~42.~~ In declining to certify, the two Republican members of the canvassing board pointed to concerns about minor discrepancies in which the number of voters who signed into poll books did not match the number of ballots. But those minor discrepancies (which affected roughly 400 ballots out of the hundreds of thousands cast in Wayne County) are common and provide no basis for declining to certify election results. Indeed, the same Board certified the results of the 2016 presidential election and August primary notwithstanding similar discrepancies.²⁸³⁵ As explained by the office of Michigan’s Secretary of State: such discrepancies are “common in Michigan and across the nation,” and “[t]here are many reasons why this can occur: for example,

²⁷³⁴ <https://twitter.com/gop/status/1329490975266398210?lang=en>.

²⁸³⁵ See <https://www.detroitnews.com/story/news/politics/2020/11/17/wayne-county-canvassers-deadlock-certifying-november-3-election-results/6324274002/>.

a voter being checked in at the right polling place but the wrong precinct, or a voter checking in but leaving with their ballot if the line was long.”²⁹³⁶

46. ~~43.~~ During the meeting, one of the Republican canvassers said she would be open to certifying the rest of Wayne County (which is predominately white) but not Detroit (which is predominately Black), even though those other areas of Wayne County had similar discrepancies and in at least one predominantly white city, Livonia, the discrepancies were more significant than those in Detroit.³⁰³⁷

47. ~~44.~~ After the 2-2 vote was reported, former President Trump tweeted a message stating: “Wow! Michigan just refused to certify the election results! Having courage is a beautiful thing. The USA stands proud!”³¹³⁸ And the Michigan Republican Party Chairwoman, Laura Cox, issued a statement saying: “I am proud that, due to the efforts of the Michigan Republican Party, the Republican National Committee and the Trump Campaign, enough evidence of irregularities and potential voter fraud was uncovered resulting in the Wayne County Board of Canvassers refusing to certify their election results.”³²³⁹

48. [RNC Chairwoman McDaniel amplified these statements, publicly questioning the integrity of the Michigan election results and of Detroit election officials without providing any evidence to support those claims.](#)⁴⁰

²⁹³⁶ <https://www.bridgemi.com/michigan-government/gop-canvassers-want-do-over-wayne-county-results-too-late-experts-say>.

³⁰³⁷ See <https://www.freep.com/story/news/local/michigan/wayne/2020/11/19/wayne-canvassing-board-monica-palmer-william-hartmann/3770140001/>.

³¹³⁸ <https://www.detroitnews.com/story/news/politics/2020/11/17/wayne-county-canvassers-deadlock-certifying-november-3-election-results/6324274002/>.

³²³⁹ <https://www.freep.com/story/news/local/michigan/wayne/2020/11/19/wayne-canvassing-board-monica-palmer-william-hartmann/3770140001/>.

⁴⁰ <https://www.michigan.gov/sos/0,4670,7-127-93094-544676--,00.html>; <https://www.freep.com/story/news/politics/elections/2020/11/06/mcdaniel-claims-election-misconduct-michigan-without-presenting-proof/6185731002/>.

49. ~~45.~~ However, after widespread public outcry during the meeting, the two Republican canvassers on the Wayne County Board of Canvassers reversed course and voted to certify the results later that evening.³³⁴¹

50. ~~46.~~ Following the meeting of the Wayne County Board, former President Trump personally called both Republican canvassers.³⁴⁴² After speaking with former President Trump, the two canvassers provided affidavits to the Trump Campaign in a suit that it had filed in the Western District of Michigan.³⁵⁴³

51. ~~47.~~ In those affidavits, the canvassers stated that, despite their votes to certify, they were opposed to certifying the Wayne County results. There was no mechanism under state law for them to rescind those votes after the results were certified. Nonetheless, the Trump Campaign filed a notice to withdraw its federal suit, relying on the affidavits and falsely asserting: “The Wayne County board of canvassers met and declined to certify the results of the presidential election.” *Donald J. Trump for President v. Benson*, 1:20-cv-01083 (W.D. Mich.), ECF No. 33 & Exs. A, B. In fact, as discussed, the Wayne County Board of Canvassers did certify the results of the presidential election.

52. ~~48.~~ Former President Trump also summoned Mike Shirkey and Lee Chatfield, the respective leaders of the Michigan State Senate and State House, to meet with him in Washington. Even though a spokeswoman for Senator Shirkey has acknowledged that “Michigan law does not include a provision for the Legislature to directly select electors or to award electors to anyone other than the person who received the most votes,” they both accepted that invitation and met

³³⁴¹ See *id.*

³⁴⁴² See <https://apnews.com/article/trump-allies-try-overturn-biden-victory-29da6aac9cc41e47f3095855e7af7031>.

³⁵⁴³ *Id.*

with him at the White House.³⁶⁴⁴ Lawyers working on former President Trump's effort to overturn the election results also called in to that meeting.³⁷⁴⁵ On information and belief, former President Trump, Senator Shirkey, and Representative Chatfield discussed the Michigan election results at that meeting.³⁸⁴⁶

53. ~~49.~~ Ahead of their final certification meeting, the State Board of Canvassers faced tremendous pressure from Republican activists and former President Trump not to certify the official county results.³⁹⁴⁷ Former President Trump himself tweeted on the Wednesday before this meeting: "The Great State of Michigan, with votes being far greater than the number of people who voted, cannot certify the election. The Democrats cheated big time, and got caught. A Republican WIN!"⁴⁰⁴⁸ Ronna McDaniel and Laura Cox, the respective chairpersons of the RNC and the Michigan Republican Party, sent a letter to the State Board of Canvassers urging them to delay certification to audit Wayne County results.⁴¹⁴⁹ As the chairman of the Michigan Republican Party, Laura Cox is a member of the RNC.⁴²⁵⁰

³⁶⁴⁴ See <https://www.nytimes.com/2020/11/19/us/politics/trump-michigan-election.html>; <https://www.dailypress.net/news/local-news/2020/11/trump-invites-mich-gop-leaders-to-white-house/>.

³⁷⁴⁵ See <https://www.politico.com/news/2020/12/21/trump-pressure-campaign-overturn-election-449486>.

³⁸⁴⁶ See *id.*

³⁹⁴⁷ See <https://patch.com/michigan/across-mi/michigan-gop-canvassers-under-pressure-ignore-votes>.

⁴⁰⁴⁸ <https://twitter.com/realDonaldTrump/status/1329093126238203905>.

⁴¹⁴⁹ See https://www.migop.org/joint_letter_from_ronna_mcdaniel_and_laura_cox.

⁴²⁵⁰ https://prod-cdn-static.gop.com/media/documents/2016-Republican-Rules-Reformatted2018_1533138132.pdf?_ga=2.149031222.1425528050.1608523646-105743898.1607070929, at rule no. 1(a).

54. Former President Trump’s campaign team further pressured Michigan officials to give the Trump legal team custody of voting machines used in particular Michigan counties.⁵¹

55. ~~50.~~ In addition to pressuring Michigan canvassers during the certification process, former President Trump reportedly asked aides what officials he could call in other battleground states in his effort to prevent the certification of his loss to President ~~Eleet~~ Joseph Biden.⁴³⁵²

56. A key adviser to Donald Trump’s legal team in its efforts to overturn the 2020 presidential election provided January 6 investigators with a written plan titled “STRATEGIC COMMUNICATIONS PLAN - GIULIANI PRESIDENTIAL LEGAL DEFENSE TEAM” that called for organizing “rallies and protests” in Arizona, Georgia, Michigan, Nevada, Pennsylvania, and Wisconsin, including at the homes of “local officials” and secretaries of state.⁵³ The plan specifically named two Georgia election workers, falsely accusing them of election law violations. After their names were disclosed in this written plan, both workers were threatened and harassed by Trump supporters. One of the workers was forced to flee her home for months after it was surrounded by a mob, and the other had Trump supporters attempt to force their way into her grandmother’s home.⁵⁴

57. ~~51.~~ As Republican Senator, and former presidential candidate, Mitt Romney explained on November 19, 2020: “Having failed to make even a plausible case of widespread

⁵¹ <https://www.washingtonpost.com/investigations/2022/02/09/giuliani-antrim-prosecutor-voting-machines/>; <https://thehill.com/policy/national-security/593529-michigan-prosecutor-says-giuliani-asked-him-to-get-voting-machines>.

⁴³⁵² See <https://www.nytimes.com/2020/11/19/us/politics/trump-michigan-election.html>.

⁵³ <https://www.politico.com/news/2021/12/31/kerik-documents-jan-6-committee-526297>; <https://www.politico.com/f/?id=0000017e-132a-dca7-a1ff-b33b8afd0000>.

⁵⁴ <https://www.independent.co.uk/news/world/americas/us-politics/donald-trump-documents-election-harassment-b1985982.html>.

fraud or conspiracy before any court of law, the President has now resorted to overt pressure on state and local officials to subvert the will of the people and overturn the election. It is difficult to imagine a worse, more undemocratic action by a sitting American President.”⁴⁴⁵⁵

^{58.} ~~52.~~ Yet, former President Trump persisted. On November 26, 2020, he publicly referred to Georgia’s Secretary of State Brad Raffensperger, whose office presided over the recount of Georgia’s election and certified President ~~Eleet~~ Biden’s victory there, as “really, really an enemy of the people.”⁴⁵⁵⁶ When Gabriel Sterling, a Republican official in Secretary Raffensperger’s office implored the President to stop fostering rhetoric and threats against elections workers on December 1, 2020, former President Trump responded by doubling down, tweeting: “Rigged Election. Show signatures and envelopes. Expose the massive voter fraud in Georgia. What is Secretary of State and [Georgia Governor] @BrianKempGA afraid of. They know what we’ll find!!!”⁴⁶⁵⁷ On December 5, 2020, former President Trump called Governor Kemp, pressuring him to somehow overturn the election result in Georgia.⁴⁷⁵⁸ After Governor Kemp refused, former President Trump amplified a tweet from attorney Lin Wood (who had filed a frivolous federal challenge to Georgia’s election results), saying former President Trump “gave @BrianKempGA & @GaSecofState every chance to get it right. They refused. They will soon be going to jail.”⁴⁸⁵⁹

⁴⁴⁵⁵ <https://www.cnn.com/2020/11/19/politics/mitt-romney-ben-sasse-trump/index.html>.

⁴⁵⁵⁶ https://www.cbs46.com/news/trump-calls-ga-secretary-of-state-enemy-of-the-people/article_917de492-30c5-11eb-a89b-6f888a101160.html.

⁴⁶⁵⁷ https://www.cbs46.com/news/secy-of-state-raffensperger-backs-aide-as-trump-refuses-to-back-down/article_03a446bc-34a2-11eb-bf4f-e3771e83791c.html.

⁴⁷⁵⁸ https://www.washingtonpost.com/politics/trump-kemp-call-georgia/2020/12/05/fd8d677c-3721-11eb-8d38-6aea1adb3839_story.html.

⁴⁸⁵⁹ <https://www.newsweek.com/donald-trump-shares-tweet-georgia-governor-secretary-state-going-jail-1554846>.

59. On January 2, 2021, former President Trump called Secretary Raffensperger and pressured him to “find 11,780 votes,” and threatened him with a “criminal offense” if he declined to do so.⁶⁰ Former President Trump and his advisers, including private attorney Cleta Mitchell,⁶¹ specifically urged Raffensperger to advance a baseless claim that hundreds of thousands of ballots mysteriously appeared in Fulton County, which includes Atlanta.⁶² Raffensperger has since described that call as a “threat.”⁶³

60. Recently released records also show that around the same time, former President Trump placed two calls to Clint Hickman, Chair of the Maricopa County, Arizona Board of Supervisors.⁶⁴ Former President Trump’s then-personal lawyer Rudy Giuliani also called Mr. Hickman and three other supervisors on the Maricopa County Board of Supervisors, including to leave a voicemail to Supervisor Bill Gates saying, “Maybe we can get this thing fixed up.”⁶⁵ Additionally, in text messages sent shortly after the election, Arizona Republican Party Chairwoman and RNC member Dr. Kelli Ward told Mr. Hickman, “We need you to stop the counting.”⁶⁶

⁶⁰ https://www.washingtonpost.com/politics/trump-raffensperger-call-transcript-georgia-vote/2021/01/03/2768e0cc-4ddd-11eb-83e3-322644d82356_story.html; <https://apnews.com/article/election-2020-joe-biden-donald-trump-georgia-elections-a7b4aa4d8ce3bf52301ddbe620c6bfff6>.

⁶¹ <https://www.npr.org/2021/01/06/953823383/attorney-on-call-with-trump-and-georgia-officials-resigns-from-law-firm>; https://january6th.house.gov/sites/democrats.january6th.house.gov/files/2022-3-1.BGT%20Letter%20to%20Mitchell%20-%20Cover%20Letter%20and%20Schedule_Redacted.pdf.

⁶² <https://apnews.com/article/election-2020-joe-biden-donald-trump-georgia-elections-a7b4aa4d8ce3bf52301ddbe620c6bfff6>.

⁶³ <https://apnews.com/article/donald-trump-joe-biden-arts-and-entertainment-elections-georgia-2b27f4c92919556bf6548117648693b7>.

⁶⁴ <https://www.12news.com/article/news/politics/stop-the-counting-records-show-trump-and-allies-pressured-top-maricopa-county-officials-over-election-results/75-61a93e63-36c4-4137-b65e-d3f8bde846a7>.

⁶⁵ *Id.*

⁶⁶ *Id.*

61. ~~53.~~ Similarly, in the first week of December 2020, former President Trump twice called the speaker of Pennsylvania's House of Representatives, Bryan Cutler, seeking to overturn the result of the election in Pennsylvania.⁴⁹⁶⁷ Speaker Cutler informed former President Trump that the Pennsylvania legislature has no authority to overturn the result of the election, but he subsequently joined about 60 Republican lawmakers who sent a letter to Pennsylvania's congressional representatives urging them to object to the state's electors when their votes ~~are~~ were counted in Congress on January 6, 2021.⁵⁰⁶⁸

62. Former President Trump also exerted pressure on the Department of Justice in his attempts to overturn the election results. Former President Trump made near-daily outreach to former Acting Attorney General Jeff Rosen and former Acting Deputy Attorney General Richard Donoghue to put pressure on them after former Attorney General Bill Barr left DOJ.⁶⁹ For example, on a December 27, 2020 call with Rosen, former President Trump pressed Rosen to falsely state the election was "illegal" and "corrupt."⁷⁰ Trump also forced U.S. Attorney for the Northern District of Georgia Byung Jin Pak to resign because former President Trump believed Pak was not doing enough to support his false claims of election fraud in Georgia, and then went outside the line of succession to appoint an Acting U.S. Attorney whom former President Trump believed would "do something" about his election fraud claims.⁷¹

⁴⁹⁶⁷ https://www.washingtonpost.com/politics/trump-pennsylvania-speaker-call/2020/12/07/d65fe8c4-38bf-11eb-98c4-25dc9f4987e8_story.html.

⁵⁰⁶⁸ See *id.*

⁶⁹ https://www.washingtonpost.com/national-security/trump-rosen-election-calls/2021/07/28/43106ab6-efd6-11eb-bf80-e3877d9c5f06_story.html.

⁷⁰ <https://www.theguardian.com/us-news/2021/dec/24/donald-trump-charges-capitol-attack-obstruct-congress>.

⁷¹ <https://lailluminator.com/2021/10/08/u-s-attorney-in-georgia-quit-under-pressure-from-trump-to-reject-election-results-new-report-confirms/>.

63. ~~54.~~ State Republican parties reinforced former President Trump’s overt pressure on state and local elected officials to not certify the election. In Arizona, former President Trump’s attorneys and campaign aides reportedly spent weeks pressuring Governor Doug Ducey to echo former President Trump’s false claims about election fraud and cast doubt upon the State’s results.⁵⁴⁷² After Governor Ducey refused and signed documents certifying President-~~Elect~~ Biden’s victory on November 30, 2020, former President Trump sent a series of angry tweets about Governor Ducey.⁵²⁷³ Several days later, he met with Dr. Kelli Ward, chair of the Arizona Republican Party, at the White House.⁵³⁷⁴

64. Defendants encouraged Arizona state officials to conduct an audit of the state’s election returns, amplifying prior baseless allegations of misconduct.⁷⁵ Despite the audit’s findings that Arizona’s electoral results were correctly tabulated, confirming President Biden’s win, former President Trump continued to amplify accusations of wrongdoing and undermine public confidence in the results.⁷⁶

65. ~~55.~~ In its official Twitter account, the Arizona Republican Party’s (“ARP”) called on Arizona officials to not certify the election results. On November 30, the ARP tweeted out “DO NOT CERTIFY[.] A FALSE ELECTION!”⁵⁴⁷⁷ The state of Arizona certified the election on November 30. As of December 21, 2020, even in light of the certification results, the ARP’s “DO NOT CERTIFY” tweet remained pinned to the top of the ARP’s Twitter feed. On December 4, the

⁵⁴⁷² See <https://www.politico.com/news/2020/12/21/trump-pressure-campaign-overtake-election-449486>.

⁵²⁷³ See *id.*

⁵³⁷⁴ See *id.*

⁷⁵ <https://thehill.com/homenews/campaign/573798-trump-blames-media-after-arizona-audit-finds-biden-won>.

⁷⁶ <https://www.reuters.com/world/us/arizona-republicans-release-findings-widely-panned-election-audit-2021-09-24/>.

⁵⁴⁷⁷ <https://twitter.com/AZGOP/status/1333477057876156418>.

ARP tweeted, “THEY want to silence YOU!”⁵⁵⁷⁸ Unsatisfied with the election certification, on December 8, the ARP responded to a supporter of the pro-Trump group, Stop the Steal. The supporter tweeted, “I am willing to give my life for this fight,” to which the ARP responded with, “He is. Are you?”⁵⁶⁷⁹ Later that day, the ARP, in a since deleted tweet, shared a clip from the 2008 film *Rambo* using the following quote: “This is what we do, who we are. Live for nothing or die for something.”⁵⁷⁸⁰

66. ~~56.~~ On information and belief, the RNC oversees the activities of state Republican parties, but it has done nothing to remove or disavow these tweets from the Arizona Republican Party.

67. ~~57.~~ Even after the Electoral College met on December 14, 2020 to confirm the popular vote and President ~~Eleet~~ Biden and Vice President ~~Eleet~~ Harris’s victory, Trump Campaign representatives and state Republican party officials have continued to take actions and amplify messaging that propagate Defendants’ baseless fraud assertions, all of which are designed to undermine the will of the People and disenfranchise voters. Defendants had and have every reason to know these assertions are baseless. Indeed, testimony before the House January 6 Committee has included “a parade of insiders in Donald Trump’s White House describing how they each told Trump in the wake of his 2020 loss that there was no credible evidence the election had been stolen.”⁸¹ Former Trump Campaign manager Bill Stepien testified that he thought the groundless voter fraud allegations were not “necessarily honest or

⁵⁵⁷⁸ <https://twitter.com/AZGOP/status/1335046033869426688>.

⁵⁶⁷⁹ <https://www.cbsnews.com/news/arizona-republican-party-overturn-election-results-death/>.

⁵⁷⁸⁰ *Id.*

⁸¹ <https://www.washingtonpost.com/national-security/2022/06/13/house-panel-set-examine-trumps-persistent-lies-2nd-hearing/>.

professional.”⁸² Trump Campaign general counsel Matthew Morgan testified that the Trump Campaign’s legal team concluded within weeks of the election that any fraud allegations were “not sufficient” to reverse Biden’s victory.⁸³ In late 2020, then-Attorney General Bill Barr told former President Trump that the claims of election fraud were “completely bogus and silly,” “crazy stuff,” and “bullshit” entirely unsupported by evidence and that he wanted no part of them.⁸⁴ Knowing that the claims are baseless has not stopped Defendants from repeating those claims in service of their efforts to interfere with past and future elections. For example, on June 13, 2022, former President Trump released a 12-page statement baselessly denouncing the January 6 Committee as illegal; most of the statement was dedicated to repeating his false claims that the 2020 presidential election was rigged in battleground states and elsewhere, including making conspiracy theory allegations against Meta CEO Mark Zuckerberg and calling for Zuckerberg’s criminal prosecution.⁸⁵

68. In the wake of the November 2020 election, former President Trump and his legal team proactively sought to organize so-called “alternate slates of electors,” that is, people who were not validly appointed electors but who were willing to declare that their states’ electoral votes should go to President Trump.⁸⁶

⁸² Id.

⁸³ Id.

⁸⁴ <https://www.nytimes.com/2022/06/09/us/bill-barr-testimony-trump-january-6.html>; <https://www.businessinsider.com/jan-6-hearing-video-barr-calling-trumps-election-claims-bullshit-2022-6>.

⁸⁵ <https://www.businessinsider.com/trump-statement-12-pages-bashes-jan-6-investigation-2022-6>; https://cdn.nucleusfiles.com/e7/e746fae9-7a5f-462d-a0dd-dd9a11895451/statement-by-president-donald-j.-trump.pdf?utm_medium=email&utm_source=ncl_amplify&utm_campaign=20220613-statement_by_donald_j_trump.45th_president_of_the_united_states_of_america&utm_content=ncl-WeyXbMHzvA&nclid=WeyXbMHzvA&nuids=DR5ps6bKKK.

⁸⁶ <https://www.nytimes.com/2022/02/02/us/politics/trump-jan-6-memos.html>; <https://www.cnn.com/2022/01/25/politics/fake-trump-electoral-certificates-justice-department/index.html>.

69. At the request of the Trump Administration and Trump Campaign officials, attorneys Jenna Ellis and John Eastman authored two memoranda (“Eastman Memoranda”)⁸⁷ outlining an extensive plan whereby then-Vice President Pence, under his purported Twelfth Amendment authority, would find certain states’ submitted election results illegitimate and rely instead on “alternate slates of electors” to declare a Trump victory.⁸⁸

70. The Eastman memoranda set out multiple legally baseless scenarios by which then-Vice President Pence could have declared that the Electoral Count Act encroached on his purported Twelfth Amendment authority and, on that basis, could have disregarded the Act’s procedures for counting state electoral votes. The Eastman memoranda asserted that then-Vice President Pence could have invalidated the electoral results of several states, including Nevada, Arizona, and Michigan. In one scenario, the Eastman memoranda asserted that then-Vice President Pence could have proceeded by counting only the electoral college votes of the remaining “valid” electors, resulting in a Trump victory. In another scenario, the Eastman memoranda asserted that then-Vice President Pence could have relied on “alternate slates of electors,” certified by state legislatures, to declare a Trump victory.⁸⁹

71. In still another scenario, the Eastman memoranda asserted that then-Vice President Pence could have determined that the exclusion of “invalid” state votes so reduced the number of valid electoral college votes such that neither candidate achieved the necessary

⁸⁷ For simplicity, this complaint presents the Eastman memoranda together, as “the memoranda” or “the Eastman memoranda.”

⁸⁸ See <https://www.cnn.com/2021/09/21/politics/read-eastman-memo/index.html>.

⁸⁹ *Id.*

electoral college majority, and submit the matter to the House of Representatives to undertake the constitutional “tie-breaking” procedure.⁹⁰

72. The efforts described in these memoranda were not merely speculative. Still-emerging information confirms that Defendants took affirmative efforts, and acted in concert, to identify individuals to serve in the “alternate slates of electors” described in the Eastman Memoranda. Emerging facts allege this effort involved Defendants, including members of former President Trump’s administration, campaign team, and legal team, in addition to state Republican committees under the organizational supervision of the RNC. Emerging facts further indicate these efforts were orchestrated by Defendants working from Washington, D.C.⁹¹

73. The strategies described in the memoranda each relied on the bogus assertion that the official 2020 election results, in several states, were illegitimate. Eastman’s subsequent statements indicate this approach could only work if there were enough public distrust in the actual, official results of the Presidential election to justify overturning President Biden’s election.⁹² As described elsewhere in this complaint, Defendants acted in concert to incite widespread public distrust in the actual election results, including affirmative efforts to prepare the “alternate slates of electors” necessary to at least one strategy outlined in these memoranda.

74. The House Select Committee investigating January 6 recently issued subpoenas to individuals who agreed to serve on “alternate slates of electors.” Identified

⁹⁰ Id.

⁹¹ <https://www.cnn.com/2022/01/25/politics/fake-trump-electoral-certificates-justice-department/index.html>.

⁹² <https://www.politico.com/news/2022/05/26/eastman-said-dueling-electors-were-dead-on-arrival-without-state-legislature-backing-00035634>.

individuals “seated” on or “slated” for these slates of “alternate electors” include current and former state Republican Party Chairs, National Committeemen, and National Committeewomen from Arizona, New Mexico, Pennsylvania, Wisconsin, Michigan, Georgia, and Arizona—positions which make them members of the RNC.⁹³

75. These requests were coordinated by the Trump Campaign, acting in concert with state RNC officials. Recent testimony by David Shafer, Chairman of the Georgia Republican Party and RNC member, revealed that the Trump Campaign directly coordinated the creation of “alternate slates of electors,”⁹⁴ and Michigan Republican Party co-chair Meshawn Maddock has publicly described being asked to serve as an alternate elector by members of former President Trump’s team.⁹⁵

76. The Trump Campaign wanted these “alternate electors” to act in “complete secrecy.”⁹⁶ According to recent reporting and testimony, the Georgia “alternates” were prohibited from speaking with the media or other statehouse officials, and were instructed to give State Capitol security a pretext for their visit to the state Legislature upon entry.⁹⁷

77. These “alternate electors” met on December 14, 2020, the same date each state’s actual, lawful electors met to cast and submit electoral college votes, represented by

⁹³ <https://lailluminator.com/2022/01/31/trumps-fake-electors-heres-the-full-list/>; <https://gop.com/about-our-party/rnc-members/>.

⁹⁴ <https://www.cnn.com/2022/02/25/politics/georgia-gop-chair-january-6-committee-trump-campaign/index.html>.

⁹⁵ <https://www.nytimes.com/2022/01/28/us/politics/jan-6-committee-trump-electors.html>; <https://www.freep.com/story/news/local/michigan/detroit/2022/01/20/meshawn-maddock-donald-trump-fake-electors-cnn-audio/6599607001/>; <https://www.detroitnews.com/story/news/politics/2022/01/20/michigan-gop-meshawn-maddock-trump-campaign-asked-gop-electors/6600843001/>; https://www.washingtonpost.com/investigations/electors-giuliani-trump-electoral-college/2022/01/20/687e3698-7587-11ec-8b0a-bcfab800c430_story.html.

⁹⁶ <https://www.washingtonpost.com/politics/2022/06/06/fake-trump-electors-ga-told-shroud-plans-secrecy-email-shows/>.

⁹⁷ Id.

named electors, for President Biden.⁹⁸ These “alternate electors” sent false election certificates to Congress submitting their respective states’ electoral college votes for former President Trump.⁹⁹

78. Former President Trump’s attorney Rudolph Giuliani submitted these alternate slates of electors to the National Archives in Washington, D.C.¹⁰⁰

79. ~~58.Last week, In December 2020, former~~ President Trump discussed seizing voting machines as an additional means to continue the Trump Campaign’s investigation into purported voter “fraud.”⁵⁸¹⁰¹ Mr. Giuliani also reportedly contacted Ken Cuccinelli, second in command at the Department of Homeland Security (“DHS”), and asked him about DHS seizing voting machines.⁵⁹¹⁰²

80. The January 6 Committee is investigating a draft order created by former President Trump’s legal team, instructing military personnel to seize voting machines after the 2020 election.¹⁰³ The executive order contemplates the need to “preserve evidence” of votes in advance of legal challenge.¹⁰⁴

81. ~~59.General~~ Michael Flynn was briefly former President Trump’s national security advisor before being convicted of lying to the FBI and then pardoned by then-President Trump. After publicly suggesting that then-President Trump impose martial law to overturn the result of

⁹⁸ <https://www.nytimes.com/2022/01/28/us/politics/jan-6-committee-trump-electors.html>.

⁹⁹ Id.

¹⁰⁰ <https://wisconsinexaminer.com/2022/02/02/trumps-fake-electors-heres-the-full-list/>.

⁵⁸¹⁰¹ <https://www.axios.com/giuliani-homeland-security-seize-voting-machines-4ee2e575-e32c-46a2-9f0b-fd80dd63049c.html>.

⁵⁹¹⁰² <https://www.unilad.co.uk/news/giuliani-presses-homeland-security-to-seize-voting-machines-in-attempt-to-overturn-election-results>.

¹⁰³ <https://www.cbsnews.com/news/voting-machines-seize-executive-order-january-6-committee/>.

¹⁰⁴ Id.; <https://www.politico.com/news/2022/01/21/read-the-never-issued-trump-order-that-would-have-seized-voting-machines-527572>.

the election and seize voting machines,⁶⁰¹⁰⁵ he was invited to a meeting in the Oval Office on December 18, 2020. This December 18 meeting also included former President Trump, Ms. Powell, Mr. Giuliani (by phone), and White House officials.⁶⁴¹⁰⁶

82. ~~60.~~ On December 19, 2020, Dr. Kelli Ward, then and now the ~~current~~ chair of the Arizona Republican Party and a member of the RNC, tweeted out the following: “Mr. President @realDonaldTrump – we are with you in #Arizona. We are working every avenue to stop this coup & to stop our Republic from crumbling. Patriots are united. Those who are against us are exposing themselves. #Liberty & #freedom are on the line. #CrossTheRubicon @GenFlynn.”⁶²¹⁰⁷ This tweet, endorsing General Flynn’s call for military intervention, was later amplified and retweeted by General Flynn.⁶³¹⁰⁸

Defendants’ Volunteer Recruitment And Training Encouraged Volunteers And Supporters To Intimidate And Attempt To Coerce Election Officials And Volunteers

83. ~~61.~~ Defendants’ efforts to recruit and train volunteers for the 2020 election cycle delivered inconsistent, incomplete, and sometimes aggressive messaging that gave way to and resulted in their supporters intimidating and attempting to coerce election officials to slow and stop vote counts.

84. ~~62.~~ One of the primary mechanisms Defendants used for recruiting volunteers for election-related activities was ArmyForTrump.com. Defendants encouraged its “army of supporters” to “fight with President Trump!” and to “fight[] to re-elect [President Trump] in

⁶⁰¹⁰⁵ <https://www.businessinsider.com/michael-flynn-trump-military-martial-law-overturn-election-2020-12>.

⁶⁴¹⁰⁶ <https://www.usatoday.com/story/news/politics/elections/2020/12/19/trump-sydney-powell-special-counsel-michael-flynn-martial-law/3978054001/>.

⁶²¹⁰⁷ <https://twitter.com/kelliwardaz/status/1340475397666836480>.

⁶³¹⁰⁸ <https://twitter.com/GenFlynn/status/1340611262196137985>.

2020.”⁶⁴¹⁰⁹ In its list of volunteer opportunities, ArmyForTrump encouraged its army to “enlist,” as opposed to signing up.⁶⁵¹¹⁰ Trump Victory offered similar messaging: “Become a member of the Trump Victory Team’s exclusive group of grassroots supporters and help us FIGHT BACK against the Radical Socialist Democrats.”⁶⁶¹¹¹

85. ~~63.~~ On information and belief, after Defendants’ volunteers “~~enlistenlisted~~,” they ~~are~~ were required to participate in a training before engaging in certain election-related activities. The RNC produced training videos for volunteers to watch.⁶⁷¹¹² For example, the training for Georgia appears to be only about 15 minutes long and covers a variety of topics including “poll watchers,” “dos and don’ts,” “polling process,” and “issues to monitor.”⁶⁸¹¹³

86. ~~64.~~ The training video lists and quotes various election laws and regulations; it does not, however, explore what those rules look like in practice. The video and training deprive volunteers of the tools to properly act as poll watchers. On information and belief, the RNC also produced and distributed similar training videos for volunteers in Wisconsin, Michigan, and other battleground states.

87. ~~65.~~ In addition to limited explanation of rules and regulations, the training video encourages volunteer poll watchers to wear “Official ‘Poll Watcher’” badges.⁶⁹¹¹⁴ Badges and other items that give the impression that volunteers are official state actors were prohibited by a consent decree the RNC had entered in 1982, which remained in place through 2017, as a result of improper conduct the RNC had encouraged its poll watchers to engage in. Finally, the RNC’s

⁶⁴¹⁰⁹ <https://www.armyfortrump.com/>.

⁶⁵¹¹⁰ *Id.*

⁶⁶¹¹¹ <https://trumpvictory.com/volunteers/>.

⁶⁷¹¹² See e.g., https://www.youtube.com/watch?v=6fWeQXtoBZ4&feature=emb_logo (Georgia-specific training).

⁶⁸¹¹³ *Id.*

⁶⁹¹¹⁴ *Id.*

video directed the following language at volunteers: “Through your presence at the polls you will deter mismanagement and deliberate attacks that could sway the overall results of the election.”⁷⁰¹¹⁵ This language, like the “Army for Trump” language, presupposes conflict.

88. ~~66.~~ Defendants’ failure to properly train volunteers ~~it~~they recruited, and their ever-present messaging encouraging supporters and volunteers to “fight” allowed and encouraged inappropriate behavior, including intimidation and coercion, at polling places and recount sites.

The Defendants Have Acted In Concert To Encourage Intimidation And Attempted Coercion Of Election Officials Volunteers

89. ~~67.~~ During and after the 2020 election cycle, Defendants have acted in concert to execute a seamless election strategy. After the 2016 election, former President Trump, the Trump Campaign, and the RNC merged their field and fundraising efforts together under the “Trump Victory” banner, which resulted in shared operational overhead, including office space and staff. According to RNC Chairwoman Ronna McDaniel, Trump Victory was to be “the biggest, most efficient and unified campaign operation in American history.”⁷¹¹¹⁶

90. ~~68.~~ Since-From late 2016 ~~and~~ through November 23, 2020, Trump Victory ~~has~~ raised at least \$366 million dollars. Of the total raised, approximately \$197 million ~~has gone-went~~ directly to the RNC, more than \$57 million ~~has gone-went~~ to the Trump Campaign and former President Trump, approximately \$1.6 million went to the Republican Party of Michigan, approximately \$920,000 went to the Republican Party of Wisconsin, and \$3.24 million went to the Republican Party of Arizona.⁷²¹¹⁷ The Republican Federal Committee of Pennsylvania ~~has~~ received more than \$1.2 million, the Nevada Republican Central Committee ~~has~~—received

⁷⁰¹¹⁵ *Id.*

⁷¹¹¹⁶ See <https://www.politico.com/story/2018/12/18/trump-machine-swallows-rnc-1067875>.

⁷²¹¹⁷ <https://www.opensecrets.org/jfc/summary.php?id=C00618389&cycle=2020>.

approximately \$958,000, and the Republican Party of Georgia ~~had~~ received approximately \$2.1 million.⁷³¹¹⁸

91. ~~69.~~ In addition to functioning as an operational hub for the Trump Campaign and the RNC during the 2020 election cycle, Trump Victory also served as a recruitment tool for campaign volunteers. The training opportunities and events offered through TrumpVictory.com included opportunities to engage in poll monitoring activities and post-election vote counting monitoring efforts, including the vote counting efforts in Wisconsin and Georgia.⁷⁴¹¹⁹ TrumpVictory.com also ~~currently offers~~ offered opportunities to volunteer for the January 5, 2021 Georgia run-off election, ~~to be held on January 5, 2021,~~ an election of which former President Trump ~~is~~ was not a ~~part~~ candidate.⁷⁵¹²⁰

92. ~~70.~~ The marketing surrounding these efforts was designed to prime volunteers to expect fraudulent activities at the polls and used military language suggesting that volunteers would need to actively work to ensure the integrity of the election. As discussed above, the prime example of this is the Trump Campaign's "Army for Trump" which refers to Trump Campaign volunteers as members of an "army" who would need to "enlist" and "fight."⁷⁶¹²¹

93. ~~71.~~ Apart from sharing operational and financial resources, these Defendants also spoke on behalf of and supported each other in the public eye. For example, the RNC frequently endorsed and amplified material from and in support of former President Trump and the Trump Campaign. Before and after Election Day, the RNC repeatedly retweeted material from the Trump Campaign's official account (@TeamTrump), including multiple links to the Trump Campaign's

⁷³¹¹⁸ *Id.*

⁷⁴¹¹⁹ See <https://www.cnn.com/2020/11/09/trump-recount-fight-rnc-shifting-wisconsin-staff-to-georgia-senate-battle.html>.

⁷⁵¹²⁰ <https://trumpvictory.com/>.

⁷⁶¹²¹ <https://www.armyfortrump.com/>.

purported fraud hotline⁷⁷[122](#) and statements from Trump and his Campaign alleging widespread irregularities and fraud.⁷⁸[123](#) Approximately twenty times between November 4 and November 20, 2020, the RNC's official Twitter feed, @GOP, tweeted or retweeted a secure.winred.com fundraising link showing an image of Trump and including the claim that "THE DEMOCRATS WILL TRY TO STEAL THIS ELECTION!"⁷⁹[124](#) On November 4, 2020, the RNC retweeted a tweet from RNC Chairwoman Ronna McDaniel, @GOPChairwoman, that included the secure.winred.com link and that said, "Our team is already fighting hard on the ground in battleground states. We need all the help we can get to defend the integrity of this election. Thank you for your support!"⁸⁰[125](#) A November 5, 2020 RNC tweet included the secure.winred.com link and claimed: "The Left wants to undermine this Election, and we need YOU to FIGHT BACK! Contribute now!"⁸¹[126](#) A November 6, 2020 RNC tweet containing the secure.winred.com link said, "Stop the FRAUD! Donate today to ensure @realDonaldTrump has the resources he needs to FIGHT this corruption!"⁸²[127](#) A November 14, 2020 RNC tweet including the secure.winred.com link said, "Our team is working around the clock to make sure every LEGALLY cast ballot is counted. We need YOU to help us have the resources to FIGHT BACK against potential voter fraud."⁸³[128](#)

94. ⁷² Finally, as discussed above, the RNC hosted the Trump Campaign's legal team's November 19, 2020, press conference at its headquarters in Washington, DC, and the RNC

⁷⁷[122](#) See, e.g., <https://twitter.com/TeamTrump/status/1328074040070770688?s=20> (Nov. 15, 2020); <https://twitter.com/TeamTrump/status/1323696696778387456> (Nov. 3, 2020).

⁷⁸[123](#) See, e.g., <https://twitter.com/TeamTrump/status/1325118559467397121?s=20> (Nov. 7, 2020).

⁷⁹[124](#) See, e.g., <https://twitter.com/GOP/status/1325487696857485312?s=20?>.

⁸⁰[125](#) <https://twitter.com/GOPChairwoman/status/1324090396033601541?s=20A>.

⁸¹[126](#) <https://twitter.com/GOP/status/1324445432211263488?s=20>.

⁸²[127](#) <https://twitter.com/GOP/status/1324854254058823680?s=20>.

⁸³[128](#) <https://twitter.com/GOP/status/1327702874227421193?s=20>.

amplified a clip of that press conference in which Sidney Powell referred to supposed unpatriotic activities in the November election and promised to take the country back.

Defendants Actively Encouraged Interference with Congress's Certification of Election Results

95. On December 19, 2020, former President Trump announced plans to hold the "Save America" rally in Washington, D.C., on January 6, 2021, the date a joint session of Congress was set to convene in the U.S. Capitol to certify President Biden's electoral vote win.

96. Former President Trump and the Trump Campaign organized the rally, selected speakers, and made direct payments of \$3.5 million to rally organizers.¹²⁹

97. After the announcement, supporters turned to several pro-Trump message boards sites and social media groups to discuss the rally. Former President Trump and his advisors actively monitored these sites.¹³⁰ **Several individuals called former President Trump's announcement "marching orders" and explicitly discussed plans to attend the rally, "storm and occupy Congress," or begin "Operation Occupy the Capitol."**¹³¹ **Tweet and message-board discussions about former President Trump's announcement further propagated the hashtag "#OccupyCapitol."**¹³²

¹²⁹ <https://www.opensecrets.org/news/2021/02/jan-6-protests-trump-operation-paid-3p5mil/>

¹³⁰ <https://www.independent.co.uk/voices/trump-dan-scavino-white-house-insiders-capitol-b1786148.html>.

¹³¹ <https://ent.siteintelgroup.com/Far-Right/-Far-Left-Threat/how-a-trump-tweet-sparked-plots-strategizing-to-storm-and-occupy-capitol-with-handcuffs-and-zip-ties.html>;
<https://www.nbcnews.com/tech/internet/extremists-made-little-secret-ambitions-occupy-capital-weeks-attack-n1253499>.

¹³² <https://www.newsweek.com/exclusive-secret-service-intel-saw-no-indication-civil-disobedience-1661331>.

98. Trump campaign associates further publicized the announcement and encouraged supporters to attend the rally. For example, Donald Trump, Jr. posted a video on Instagram urging followers to “Be Brave” and “Do Something.”¹³³

99. At the rally, speakers organized by the Trump campaign invoked and amplified the militaristic rhetoric the Trump campaign and RNC had been propagating over the course of the prior several months.

100. For example, Rudy Giuliani urged the crowd to “vindicate” the “stolen” election to “save our republic,” and explicitly called for “trial by combat.”¹³⁴ Donald Trump, Jr. directed the crowd’s attention to toward the ongoing certification process in the U.S. Congress, apparently warning Congress members that if the election is certified, “we’re coming for you, and we’re gonna have a good time doing it.”¹³⁵

101. In his remarks, former President Trump told the crowd, “We will never give up. We will never concede,” and that “we’re going to the Capitol” to give legislators “the kind of pride and boldness that they need to take back our country.”¹³⁶ Former President Trump urged the crowd to “fight like hell [or] you’re not going to have a country anymore.”¹³⁷

¹³³ <https://www.instagram.com/tv/CJrtdcog7d0/?igshid=YmMyMTA2M2Y=>.

¹³⁴ <https://www.rev.com/blog/transcripts/rudy-giuliani-speech-transcript-at-trumps-washington-d-c-rally-wants-trial-by-combat>;
<https://www.washingtonpost.com/politics/2021/01/06/lets-have-trial-by-combat-how-trump-allies-egged-violent-scenes-wednesday/>.

¹³⁵ <https://www.chicagotribune.com/columns/ct-ent-storming-capitol-drama-20210106-g4nhz5b3dzgjmd4uhjr7haly-story.html>.

¹³⁶ <https://www.npr.org/2022/01/05/1069977469/a-timeline-of-how-the-jan-6-attack-unfolded-including-who-said-what-and-when>.

¹³⁷ <https://www.theguardian.com/us-news/2021/dec/24/donald-trump-charges-capitol-attack-obstruct-congress>.

102. Former President Trump further stated that “we will stop the steal” and subsequently provided the crowd with two possible means to do so.¹³⁸ First, referring to the Vice President’s role on the ongoing certification process at the Capitol, former President Trump said “Mike Pence is going to have to come through for us.”¹³⁹ Second, former President Trump told the crowd “after this, we’re going to walk down--- and I’ll be there with you... We’re going to walk down... to the Capitol... We have come to demand that Congress do the right thing and only count the electors who have been lawfully slated.... I know that everyone here will soon be marching over to the Capitol building.”¹⁴⁰

103. Former President Trump further remarked that if the election results are nonetheless certified to reflect President Biden’s electoral victory, “you will have an illegitimate president...and we can’t let that happen.”¹⁴¹

104. Less than thirty minutes after former President Trump finished his inflammatory speech, an insurrectionist mob at the Capitol overcame the police and broke through the police barricades.¹⁴² Then, insurrectionists broke windows of the Capitol building, climbed into the Capitol, and opened doors so others could enter.¹⁴³ Rioters broke into the Senate chamber and into lawmakers’ offices.¹⁴⁴ Others swarmed and overwhelmed

¹³⁸ <https://www.npr.org/2021/02/10/966396848/read-trumps-jan-6-speech-a-key-part-of-impeachment-trial>.

¹³⁹ *Id.*

¹⁴⁰ *Id.*

¹⁴¹ *Id.*

¹⁴² <https://www.npr.org/2022/01/05/1069977469/a-timeline-of-how-the-jan-6-attack-unfolded-including-who-said-what-and-when>.

¹⁴³ <https://www.npr.org/2022/01/05/1069977469/a-timeline-of-how-the-jan-6-attack-unfolded-including-who-said-what-and-when>.

¹⁴⁴ *Id.*

the Capitol Police officers guarding the Speaker's Lobby where lawmakers were sheltered.¹⁴⁵
They broke windows in an attempt to force their way in.¹⁴⁶

105. As a result of the mob swarming the Capitol, the joint session was interrupted.
The Senate and House were called to recess, the building went into lockdown, and Pence,
Pelosi, and other lawmakers were escorted away for their safety.¹⁴⁷ The certification of the
election results could not continue until order was restored hours later.

106. The rioters were armed with guns, knives, bats, pepper spray, stolen police
shields, and other items such as a stun gun, a rebar, a hockey stick, and a flagpole.¹⁴⁸ The
rioters in the Capitol were heard chanting "hang Mike Pence."¹⁴⁹ Others were chanting
"Break it down! Break it down!"¹⁵⁰ A Capitol Police officer shot one rioter trying to climb
into the Speaker's Lobby. At least seven people lost their lives in connection with the January
6 insurrection, including one Capitol Police officer who was overpowered and beaten by the
mob.¹⁵¹ A police officer described it as "a war scene," stating that "[t]here were officers on
the ground. They were bleeding, they were throwing up. I mean, I saw friends with blood all
over their faces. I was slipping in people's blood."¹⁵²

¹⁴⁵ Id.

¹⁴⁶ Id.

¹⁴⁷ Id.

¹⁴⁸ <https://www.cnn.com/2021/07/28/politics/armed-insurrection-january-6-guns-fact-check/index.html>.

¹⁴⁹ <https://www.cnn.com/2021/01/15/politics/pence-mob-us-capitol-january-6/index.html>.

¹⁵⁰ <https://www.npr.org/2022/01/05/1069977469/a-timeline-of-how-the-jan-6-attack-unfolded-including-who-said-what-and-when>.

¹⁵¹ <https://www.nytimes.com/2022/01/05/us/politics/jan-6-capitol-deaths.html>.

¹⁵² <https://www.nbcnews.com/politics/donald-trump/-was-slipping-peoples-blood-police-officer-describes-battling-rioters-rcna32903>.

107. Later in the day, Maryland and Virginia sent National Guard and state troopers to the District of Columbia. Almost five hours after the rioting began, police began to clear the Capitol and secure the interior.¹⁵³

108. As events at the Capitol unfolded, former President Trump did not recant any of his claims about election fraud. Instead, he continued to tweet baseless claims about election fraud. He accused Pence of lacking “courage” and tweeted that “these are the things and events that happen when a sacred landslide election victory” had been “unceremoniously & viciously stripped away.”¹⁵⁴

Defendants Are Likely To Engage In Similar Election Activities In The Future

109. ~~73.~~ Defendants’ conduct during the 2020 election cycle, including their efforts to disenfranchise voters by attempting to slow and halt vote counts and by attempting to prevent vote certification in cities with large numbers of Black residents, is an extension and continuation of the same types of conduct that resulted in a previous consent decree.

110. ~~74.~~ In 1982, the RNC entered into a court-approved consent decree with the Democratic National Committee (“DNC”) after the DNC sued the RNC for its operations during the New Jersey election in 1981, which included targeting minority neighborhoods by hiring off-duty law enforcement officers to patrol polling sites.⁸⁴¹⁵⁵ The consent decree remained in effect for approximately 35 years from 1982 until 2017 because the RNC engaged in other practices to intimidate, discourage, and disenfranchise Black voters in federal elections. *See, e.g., Democratic Nat. Comm. v. Republican Nat. Comm.*, 671 F. Supp. 2d 575, 579–83 (D.N.J. 2009), *aff’d*, 673

¹⁵³ <https://www.npr.org/2022/01/05/1069977469/a-timeline-of-how-the-jan-6-attack-unfolded-including-who-said-what-and-when>.

¹⁵⁴ *Id.*

⁸⁴¹⁵⁵ Consent Order, *Democratic Nat’l Comm. v. Republican Nat’l Comm.*, Case No. 2:81-cv-03876 (D. N.J.), Nov. 1, 1982.

F.3d 192 (3d Cir. 2012). During the period that the consent decree was in effect, it protected voters by, for example, prohibiting the RNC from engaging in certain activities which could have the effect of intimidating, harassing, discriminating, or otherwise disrupting the election process. Upon its expiration, however, the RNC, although bound by the VRA, was permitted to resume all of its election-related activities without court supervision. The 2020 presidential election highlighted, and its aftermath continues to highlight, how, absent injunctive relief, the RNC and the rest of the Defendants will continue to violate the VRA.

111. While the 2020 presidential election is over, Defendants' efforts to overturn its results are ongoing. Former President Trump, actively aided by the other Defendants, continues to try to overturn the 2020 presidential election, and all Defendants are working together to lay the groundwork to interfere in future elections. This conduct—including intimidation and the incitement of intimidations—is harming Plaintiffs now by imperiling their right to have their 2020 votes remain counted, by weakening electoral mechanisms designed to ensure free and fair elections, and by systematically laying the groundwork for widespread intimidation of voters and election officials in the 2022 midterm elections and beyond. Absent injunctive relief, including court supervision of Defendants' future election-related activities, Defendants will likely continue to violate the VRA and the Ku Klux Klan Act and attempt to disenfranchise Plaintiffs and other Black voters through illegal means. Absent court intervention, Defendants will continue to harm voters.

112. As recently as March 2022, former President Trump's allies met with Wisconsin Assembly Speaker Robin Vos and attempted to pressure him to nullify the 2020

election results, which Speaker Voss is not legally permitted to do.¹⁵⁶ Following the meeting, former President Trump announced that “Speaker Vos should do the right thing and correct the Crime of the Century—immediately! It is my opinion that other states will be doing this, Wisconsin should lead the way!”¹⁵⁷

113. In March 2022, Alabama Representative Mo Brooks said that, behind the scenes, former President Trump has been pressuring him and other lawmakers to overturn the 2020 presidential election even though Representative Brooks made clear that there is no legal basis for doing so.¹⁵⁸ “He always brings up, ‘we’ve got to rescind the election. We got to take Joe Biden down and put me in now.’”¹⁵⁹

114. Former President Trump has called for Michigan to elect a “new Legislature” in 2022 to attack the 2020 election results and has endorsed several Michigan officials who were involved in efforts to overturn the state’s 2020 results.¹⁶⁰ Former President Trump has endorsed or provided financial support to candidates in other states that have expressed similar interest in once again trying to overturn the 2020 election results.¹⁶¹

115. ~~75. While the 2020 presidential election is over,~~ Defendants’ conduct indicates that they will likely engage in similar activities for the foreseeable future and in the immediate future. This is particularly true given former President Trump’s reported interest in campaigning

¹⁵⁶ <https://abcnews.go.com/Politics/trump-lawyer-amid-clash-jan-committee-pushing-decertify/story?id=83965757>.

¹⁵⁷ *Id.*

¹⁵⁸ <https://www.cnn.com/2022/03/24/politics/mo-brooks-donald-trump-january-6-election/index.html>.

¹⁵⁹ *Id.*

¹⁶⁰ <https://www.mlive.com/public-interest/2022/02/trump-gave-30k-to-michigan-republicans-who-challenged-2020-election.html>.

¹⁶¹ <https://abcnews.go.com/Politics/republicans-continue-push-decertification-2020-election/story?id=83794526>.

for President in 2024 (he is apparently considering announcing his candidacy as early as this summer, possibly on July 4), and the fact that ~~he has~~ as of December 2020, he had raised at least \$207.5 million since the election, a significant amount of which has been directed to former President Trump's new political action committee, Save America PAC.⁸⁵¹⁶² ~~And Defendant RNC is involved in most elections for key offices. Absent injunctive relief, including court supervision of Defendants' future election-related activities, Defendants will likely continue to violate the VRA and attempt to disenfranchise Plaintiffs and other Black voters through illegal means. Absent court intervention, Defendants will continue to harm voters. Former~~ President Trump has continued to aggressively fundraise for a possible 2024 Presidential campaign, bringing in large sums of money via a fundraising campaign that has pushed "deceptive claims about corruption in the last election" and proclaimed that "Trump is the true president."¹⁶³ Former President Trump has continued to claim that "our elections are corrupt," and he encouraged his supporters to hold "the biggest protest we have ever had" if he disapproves of the direction of investigations into his actions or the January 6 insurrection.¹⁶⁴ Former President Trump has indicated that if he were to regain the Presidency in 2024, he would pardon the January 6 insurrectionists.¹⁶⁵

116. Defendant RNC is involved in most elections for key offices, overseeing state party operations. The RNC has continued to amplify false claims about the 2020 election.

⁸⁵¹⁶² <https://www.politico.com/news/2020/12/01/trump-2024-presidential-run-442083>;
<https://www.politico.com/news/2020/12/03/trump-pac-fundraising-442775>;
<https://www.nbcnews.com/politics/donald-trump/trump-brink-rcna31774>.

¹⁶³ https://www.washingtonpost.com/politics/trump-fundraising/2021/10/29/5b5a2e64-31b1-11ec-a1e5-07223c50280a_story.html.

¹⁶⁴ <https://thehill.com/homenews/administration/592009-trump-calls-for-biggest-protest-weve-ever-had-if-prosecutors-do>.

¹⁶⁵ <https://www.cnn.com/2022/02/02/politics/pete-aguilar-trump-january-6-pardons-cnntv/index.html>.

RNC Chairwoman Ronna McDaniel has publicly stated there were “lots of problems with the elections” and raised questions about the legitimacy of the results.¹⁶⁶ On February 4, 2022, the RNC passed a resolution censuring Republican legislators involved in investigating the January 6 insurrection. The resolution, defended by RNC Chair McDaniel, described the insurrection as “legitimate political discourse,” and criticized the investigation as “persecution of ordinary citizens.”¹⁶⁷

117. Further, ahead of the 2022 midterm elections, the RNC and state Republican organizations are undertaking large-scale “election integrity” efforts, spearheaded by individuals who publicly encouraged interference and intimidation of officials involved with the certification of the 2020 election results.¹⁶⁸ These efforts aim to train and deploy poll watchers and officially-designated poll workers to monitor elections on the ground, equipped with pre-existing connections to the RNC’s election lawyers to facilitate ballot challenges.¹⁶⁹

118. This effort is being led by former Trump advisor Cleta Mitchell, who participated in the January 2021 call between former President Trump and Georgia Secretary of State Brad Raffensperger. Recently released recordings of poll worker training sessions confirm that these trainings continue the militaristic and adversarial character of the 2020 efforts and frequently refer to the need to create an “army of volunteers,” resembling the rhetoric of the 2020 intimidation efforts, describing the goal to create

¹⁶⁶ https://www.huffpost.com/entry/mcdaniel-trump-election_n_61968854e4b0ae9a429da0ad

¹⁶⁷ <https://www.cnn.com/2022/02/04/politics/liz-cheney-adam-kinzinger-censure-rnc/index.html>; <https://www.cnbc.com/2022/02/04/rnc-censures-liz-cheney-adam-kinzinger-for-investigating-jan-6-pro-trump-riot.html>;

<https://www.nytimes.com/2022/02/08/us/politics/republicans-censure-mcconnell.html>.

¹⁶⁸ <https://www.nytimes.com/2021/03/23/us/politics/republican-voter-laws.html>.

¹⁶⁹ <https://www.politico.com/news/2022/06/01/gop-contest-elections-tapes-00035758>.

“fighters,”¹⁷⁰ build “an army” of poll workers,¹⁷¹ and target their tactics depending on whether a given county or state election official is a “friend or foe.”¹⁷² The recordings also show that the RNC’s Director of “Election Integrity” in Michigan outlined a plan to install party-trained volunteers prepared to challenge voters at polling places with large numbers of voters of color, including Detroit; establish relationships with local attorneys, law enforcement officers, and judges to facilitate the volunteers’ work; and develop a network of friendly district attorneys who could intervene to block vote counts at certain precincts.¹⁷³ Election watchdog groups and legal experts say that the likely consequence of the RNC’s heavily recruiting people who falsely believe the 2020 election was stolen to fill positions that should be held by unbiased officials could create chaos in the targeted precincts, many of which, including Detroit, have large numbers of voters of color.¹⁷⁴ In May 2022, the “Election Integrity Network” held a summit in Detroit with trainings that featured political figures who have made false claims of fraud in the 2020 election.¹⁷⁵ Republicans in Wayne County have also nominated a member of the Board of Canvassers who said he would not have certified the results of the 2020 election.¹⁷⁶

119. In the course of these efforts, the Michigan Republican Party has funded a website to recruit potential poll watchers that lists among its “sponsors” groups that have

¹⁷⁰ <https://www.nytimes.com/2022/05/30/us/politics/republican-poll-monitors-election-activists.html>.

¹⁷¹ <https://www.politico.com/news/2022/06/01/gop-contest-elections-tapes-00035758>.

¹⁷² <https://www.nytimes.com/2022/05/30/us/politics/republican-poll-monitors-election-activists.html>.

¹⁷³ <https://www.politico.com/news/2022/06/01/gop-contest-elections-tapes-00035758>.

¹⁷⁴ *Id.*

¹⁷⁵ <https://www.detroitnews.com/story/news/politics/2022/05/12/trump-allies-set-election-integrity-summit-detroit/9746669002/>.

¹⁷⁶ <https://www.politico.com/news/2022/06/01/gop-contest-elections-tapes-00035758>.

challenged the 2020 election results, and that have called the 2020 election “stolen,” an “occupation,” or a “coup.”¹⁷⁷ Michigan Republican Party Co-Chair and RNC member Meshawn Maddock, herself an “alternate elector” in the effort to undermine Michigan’s 2020 election certification, is now involved in recruiting thousands of poll watchers to “flood the system” in forthcoming elections.¹⁷⁸ In Texas, state Republican officials have administered virtual trainings likely to encourage poll watchers to assume that votes cast by voters of color are presumptively illegitimate by instructing those poll watchers that “fraud is occurring” in “densely populated, largely Black, Latino, and Asian neighborhoods.”¹⁷⁹

120. Defendants’ ongoing efforts to prevent the orderly functioning of the electoral system by baselessly undermining legitimate elections have already begun to affect 2022 elections. On June 15, 2022, the New Mexico Supreme Court had to issue a writ of mandamus ordering the Otero County Commission to fulfill its nondiscretionary statutory obligation by June 17, 2022 to “meet to approve the report of the canvass of the returns and declare the results” of the 2022 primary election.¹⁸⁰ Days earlier, the Otero County Commission had voted unanimously against fulfilling that duty without identifying any specific discrepancies that might explain that refusal.¹⁸¹ The commission, whose members include Cowboys for Trump co-founder Couy Griffin, who was convicted of illegally entering restricted U.S. Capitol grounds during the January 6 insurrection and who subscribes to former President

¹⁷⁷ <https://www.mlive.com/public-interest/2022/01/michigan-republicans-expand-recruitment-of-poll-challengers-for-2022-elections.html>.

¹⁷⁸ <https://www.mlive.com/public-interest/2022/01/one-year-after-jan-6-riot-michigan-election-deniers-hold-more-influence-in-republican-politics.html>.

¹⁷⁹ <https://www.nytimes.com/2021/05/01/us/politics/republican-pollwatchers.html>.

¹⁸⁰ <https://www.kob.com/new-mexico/new-mexico-supreme-court-issues-writ-of-mandamus-against-otero-county-commission/>.

¹⁸¹ <https://apnews.com/article/2022-midterm-elections-new-mexico-voting-election-recounts-general-54745f2169166e82090d0f7bc1ddc1b2>.

Trump's groundless claims to have won the 2020 presidential election, cited debunked conspiracy theories that the Dominion voting machines used in the primary election were somehow unreliable.¹⁸²

FIRST CAUSE OF ACTION

(Violation of Section 11(b), 52 U.S.C. § 10307(b) of the Voting Rights Act)

121. ~~76.~~ All other allegations of this complaint are re-asserted and incorporated into this cause of action.

122. ~~77.~~ Section 11(b) of the Voting Rights Act ("Section 11(b)") provides: "No person, whether acting under color of law or otherwise, shall intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person for voting or attempting to vote, or intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person for urging or aiding any person to vote or attempt to vote." 52 U.S.C. § 10307(b).

123. ~~78.~~ As set forth above, publicly available facts demonstrate that Defendants engaged in or encouraged volunteers and supporters to engage in conduct intended to and that did result in intimidation, harassment, and coercion of election officials as they performed their duties to count and certify votes, worked to undermine the validity of the election without a legitimate basis to do so, and impermissibly exerted pressure on state and local officials not to certify the results of elections. These actions were directed at major metropolitan areas with large Black populations, including Detroit and Milwaukee. Also as set forth above, Defendants' past and present actions indicate that they are likely to engage in such conduct in connection with upcoming elections if they are not enjoined against doing so.

¹⁸² Id.

124. ~~79.~~**Defendants'** Defendants' past and present actions violate Section 11(b) because their actions involved conduct that "intimidate[s], threaten[s], or coerce[s], or attempt[s] to intimidate, threaten or coerce" people involved in "aiding person to vote or attempt to vote." *Id.* Under the Voting Rights Act, voting is specifically defined to include: "all action necessary to make a vote effective in any . . . election, including, but not limited to . . . having such ballot counted properly and included in the appropriate totals of votes cast with respect to candidates for public or party office and propositions for which votes are received in an election." 52 U.S.C. § 10310(c)(1).

125. ~~80.~~By engaging in the conduct described above, by encouraging volunteers and supporters to take the actions they did, and by exerting pressure on state and local officials in the manner described above, Defendants have attempted to and did intimidate and or coerce state and local officials from aiding Plaintiffs and other residents of Detroit, Milwaukee, and other major cities with large Black populations from having their votes "counted properly and included in the appropriate totals of votes cast." *Id.* Defendants' past and present actions indicate that they are likely to engage in such conduct in connection with upcoming elections if they are not enjoined from doing so.

SECOND CAUSE OF ACTION

(Conspiracy to Interfere with Civil Rights in Violation of 42 U.S.C. § 1985(3))

126. ~~81.~~All other allegations of this complaint are re-asserted and incorporated into this cause of action.

127. ~~82.~~The Ku Klux Klan Act prohibits two or more persons from conspiring to deny "either directly or indirectly, any person or class of persons of the equal protection of the laws," to "prevent[] or hinder[] the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws," or "to prevent by

force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States.” 42 U.S.C. § 1985(3).

128. ~~83.~~ The foregoing conduct of the Defendants violates § 1985(3). By coordinating their actions in an effort to pressure state and local officials to discard votes cast by Plaintiffs, their constituents, and other voters in cities with large Black populations, Defendants engaged in a conspiracy to deny the equal protection of the laws and to prevent Plaintiffs and others from giving their support to electors for President and Vice President. Defendants have concertedly acted to undermine confidence in the election results, including inciting, amplifying, and organizing efforts by former President Trump’s supporters to take steps to interfere with the vote counting, the slating of electors, and the final certification of the election.

129. ~~84.~~ As a result of this conspiracy, Plaintiff NAACP has been required to divert resources to monitor Defendants’ activities and disseminate public education materials. If Defendants are not enjoined from further actions in furtherance of this conspiracy, Plaintiff NAACP will continue to be required to divert resources for the same reasons.

130. ~~85.~~ As a result of this conspiracy, Plaintiffs and their constituents have suffered dignitary injuries by having their full citizenship undermined and by Defendants’ perpetuation of the noxious myth that votes cast by in communities with large Black populations are more likely to be fraudulent.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray that this Court:

(A) Declare that Defendants have engaged in conduct violating Section 11(b) of the Voting Rights Act and 42 U.S.C. § 1985(3);

(B) Issue an injunction requiring Defendants, and anyone acting on behalf of Defendants or in concert with them, to do the following:

- Refrain from violating all federal and state laws protecting the rights of qualified citizens to vote;
- Secure approval from this Court prior to engaging in any activities related to recounts, certifications, or similar post-election activities;
- Refrain from intimidating or coercing state and local officials involved in counting votes, recounts, or the certification process;
- Refrain from intimidating or coercing state, local, or federal officials to disregard any lawful votes or to overturn the result of an election;
- Refrain from intimidating voters or obstructing voters from exercising their rights to vote; and
- Train all official volunteers on the Voting Rights Act and on activities prohibited by the Voting Rights Act, with all training materials approved by the Court; and

(C) Award monetary damages.

(D) Grant such other relief as this Court may deem just and proper.

Dated: ~~December 21~~ June 16, 2020 2022

Respectfully submitted,

/s/ Samuel Spital

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Samuel Spital

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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

MICHIGAN WELFARE RIGHTS
ORGANIZATION, *et al.*,

Plaintiffs,

v.

DONALD J. TRUMP, *et al.*,

Defendants.

Case No. 1:20-cv-03388-EGS

[PROPOSED] ORDER

Upon consideration of Plaintiffs' Motion for Leave to File Second Amended Complaint and Statement of Points and Authorities, any related briefing, and any oral argument upon the motion, it is hereby ordered that the motion is GRANTED such that Plaintiffs have leave to amend their Second Amended Complaint.

IT IS SO ORDERED.

Dated: _____

The Honorable Emmet G. Sullivan
United States District Judge
For the District of Columbia