

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

MICHIGAN WELFARE RIGHTS  
ORGANIZATION,  
23 E. Adams Street, 4<sup>th</sup> 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., 5<sup>th</sup> Floor  
New York, NY 10006;

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

and TEASHA K. JONES,  
c/o NAACP Legal Defense &  
Educational Fund, Inc.  
40 Rector St., 5<sup>th</sup> 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.*

**AMENDED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

**INTRODUCTION**

1. In the aftermath of his loss in the 2020 presidential election, 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. 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. Although the Defendants’ actions were unsuccessful, they were designed to disenfranchise hundreds of thousands of voters, including the individual Plaintiffs and the Organizational Plaintiffs’ members and constituents.

2. The Republican National Committee (“RNC”) 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 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.

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") flatly prohibits 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 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 conferences or chapters representing 48 states, and it has over 220,000 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 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 President Trump.

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 acted in concert and violated the VRA 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 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 engaged in a conspiracy, executed through a coordinated effort, to disenfranchise voters by 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 Violated The Voting Rights 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 President-Elect Joseph Biden, 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.”<sup>1</sup>

22. Defendants 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

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<sup>1</sup> <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>.

confidence in the election results, by claiming election results that did not favor 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.

23. For example, President Trump 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 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, President Trump tweeted: "I WON THE ELECTION!"<sup>2</sup> 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!"<sup>3</sup> The following quotes, which come directly from 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!"

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

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



- 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!”<sup>4</sup>

24. President Trump pushed this messaging well into the weeks following the election. For example, on Wednesday, November 18, 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!”<sup>5</sup> On November 11, 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!”<sup>6</sup> And his campaign promoted a false story about a woman voting fraudulently near Atlanta.<sup>7</sup>

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

26. In Wisconsin, for example, the Trump Campaign initiated a recount after learning that President-Elect Biden defeated 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.

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

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

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

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

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

28. Trump Campaign observers encroached on physical spaces of vote tabulators to observe the count and made verbal comments pressuring vote tabulators. One 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.”<sup>8</sup> Other observers supporting President Trump broke observation rules by frequently interrupting vote counters, sometimes with harassing questions and comments.<sup>9</sup>

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.<sup>10</sup> 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.<sup>11</sup>

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.<sup>12</sup> This physical

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<sup>8</sup> <https://apnews.com/article/donald-trump-challenges-wisconsin-tally-6f5b29d61b95754b0b5f311640136149>.

<sup>9</sup> <https://apnews.com/article/election-2020-joe-biden-donald-trump-wisconsin-elections-dcb7da95578fc7289122c6d372575a9b>.

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

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

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

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.”<sup>13</sup>

32. In other instances, supporters of 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 President Trump paraded past the Georgia Secretary of State’s personal residence and reportedly directed sexually explicit threats to the Secretary’s wife.<sup>14</sup> On information and belief, Trump Campaign supporters also threatened a Georgia election technician with a noose.<sup>15</sup> 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.”<sup>16</sup>

33. On information and belief, election officials and volunteers in other states were also subjected to threats of violence by supporters of 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 President

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<sup>13</sup> <https://www.newsweek.com/wisconsin-gop-chair-says-republicans-are-trying-disenfranchise-people-amid-post-election-turmoil-1549633>.

<sup>14</sup> <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>.

<sup>15</sup> *Id.*

<sup>16</sup> <https://www.nytimes.com/2020/12/20/us/politics/wisconsin-justice-brian-hagedorn.html>.

Trump supporter interrupted a Zoom meeting and threatened to rape election officials' mothers.<sup>17</sup> Armed Trump supporters also gathered outside of the Michigan Secretary of State Jocelyn Benson's home at night.<sup>18</sup>

34. The inappropriate pressure, physical aggression, and explicit threats of violence that Defendants' volunteers and supporters directed to election officials, volunteers, and judges during 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 By Attempting To Stop Vote Certification Through Intimidation and Coercion**

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).

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 President Trump (47.84%).<sup>19</sup> In Wayne County, President-Elect Joseph Biden won 597,170 votes compared to 264,553 votes for President Trump.<sup>20</sup> That included a margin of over 200,000 votes in Detroit, Michigan.<sup>21</sup>

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<sup>17</sup> <https://www.nbcnews.com/politics/elections/has-stop-harassed-threatened-gop-election-officials-urge-party-leaders-n1249769>.

<sup>18</sup> <https://www.metrotimes.com/news-hits/archives/2020/12/07/armed-trump-supporters-swarmed-michigan-secretary-of-states-house-at-night>.

<sup>19</sup> See [https://mielections.us/election/results/2020GEN\\_CENR.html](https://mielections.us/election/results/2020GEN_CENR.html) (last visited Dec. 21, 2020).

<sup>20</sup> See <https://www.waynecounty.com/elected/clerk/election-results.aspx>.

<sup>21</sup> <https://detroitmi.gov/webapp/election-results>.

37. Because 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.<sup>22</sup>

38. On November 19, 2020, 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."<sup>23</sup> 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."<sup>24</sup>

39. 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."<sup>25</sup> In another tweet prior to the press

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<sup>22</sup> 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>.

<sup>23</sup> <https://www.detroitnews.com/story/news/politics/2020/11/19/rudy-giuliani-targets-wayne-county-raising-claims-judge-found-not-credible/6341765002/>.

<sup>24</sup> *Id.*

<sup>25</sup> <https://twitter.com/realDonaldTrump/status/1329408856733184008>.

conference, President Trump falsely asserted: “Voter Fraud in Detroit is rampant, and has been for many years!”<sup>26</sup>

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.”<sup>27</sup>

41. Despite the overwhelming margin of President-Elect 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.

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.<sup>28</sup> As

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<sup>26</sup> <https://twitter.com/realDonaldTrump/status/1329405682706247683>.

<sup>27</sup> <https://twitter.com/gop/status/1329490975266398210?lang=en>.

<sup>28</sup> See <https://www.detroitnews.com/story/news/politics/2020/11/17/wayne-county-canvassers-deadlock-certifying-november-3-election-results/6324274002/>.

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.”<sup>29</sup>

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.<sup>30</sup>

44. After the 2-2 vote was reported, 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!”<sup>31</sup> 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.”<sup>32</sup>

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<sup>29</sup> <https://www.bridgemi.com/michigan-government/gop-canvassers-want-do-over-wayne-county-results-too-late-experts-say>.

<sup>30</sup> See <https://www.freep.com/story/news/local/michigan/wayne/2020/11/19/wayne-canvassing-board-monica-palmer-william-hartmann/3770140001/>.

<sup>31</sup> <https://www.detroitnews.com/story/news/politics/2020/11/17/wayne-county-canvassers-deadlock-certifying-november-3-election-results/6324274002/>.

<sup>32</sup> <https://www.freep.com/story/news/local/michigan/wayne/2020/11/19/wayne-canvassing-board-monica-palmer-william-hartmann/3770140001/>.

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.<sup>33</sup>

46. Following the meeting of the Wayne County Board, President Trump personally called both Republican canvassers.<sup>34</sup> After speaking with President Trump, the two canvassers provided affidavits to the Trump Campaign in a suit that it had filed in the Western District of Michigan.<sup>35</sup>

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.

48. 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

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<sup>33</sup> *See id.*

<sup>34</sup> *See* <https://apnews.com/article/trump-allies-try-overtun-biden-victory-29da6aac9cc41e47f3095855e7af7031>.

<sup>35</sup> *Id.*



with him at the White House.<sup>36</sup> Lawyers working on President Trump's effort to overturn the election results also called in to that meeting.<sup>37</sup> On information and belief, President Trump, Senator Shirkey, and Representative Chatfield discussed the Michigan election results at that meeting.<sup>38</sup>

49. Ahead of their final certification meeting, the State Board of Canvassers faced tremendous pressure from Republican activists and President Trump not to certify the official county results.<sup>39</sup> 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!"<sup>40</sup> 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.<sup>41</sup> As the chairman of the Michigan Republican Party, Laura Cox is a member of the RNC.<sup>42</sup>

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<sup>36</sup> 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/>.

<sup>37</sup> See <https://www.politico.com/news/2020/12/21/trump-pressure-campaign-overturn-election-449486>.

<sup>38</sup> See *id.*

<sup>39</sup> See <https://patch.com/michigan/across-mi/michigan-gop-canvassers-under-pressure-ignore-votes>.

<sup>40</sup> <https://twitter.com/realDonaldTrump/status/1329093126238203905>.

<sup>41</sup> See [https://www.migop.org/joint\\_letter\\_from\\_ronna\\_mcdaniel\\_and\\_laura\\_cox](https://www.migop.org/joint_letter_from_ronna_mcdaniel_and_laura_cox).

<sup>42</sup> [https://prod-cdn-static.gop.com/media/documents/2016-Republican-Rules-Reformatted2018\\_1533138132.pdf?\\_ga=2.149031222.1425528050.1608523646-105743898.1607070929](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).

50. In addition to pressuring Michigan canvassers during the certification process, 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-Elect Joseph Biden.<sup>43</sup>

51. As Republican Senator, and former presidential candidate, Mitt Romney explained on November 19: “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.”<sup>44</sup>

52. Yet, 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-Elect Biden’s victory there, as “really, really an enemy of the people.”<sup>45</sup> 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, 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!!!”<sup>46</sup> On December 5, 2020, President Trump called Governor Kemp, pressuring him to somehow overturn the election result in Georgia.<sup>47</sup> After Governor Kemp refused, President Trump amplified a tweet from attorney Lin

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<sup>43</sup> See <https://www.nytimes.com/2020/11/19/us/politics/trump-michigan-election.html>.

<sup>44</sup> <https://www.cnn.com/2020/11/19/politics/mitt-romney-ben-sasse-trump/index.html>.

<sup>45</sup> [https://www.cbs46.com/news/trump-calls-ga-secretary-of-state-enemy-of-the-people/article\\_917de492-30c5-11eb-a89b-6f888a101160.html](https://www.cbs46.com/news/trump-calls-ga-secretary-of-state-enemy-of-the-people/article_917de492-30c5-11eb-a89b-6f888a101160.html).

<sup>46</sup> [https://www.cbs46.com/news/secy-of-state-raffensperger-backs-aide-as-trump-refuses-to-back-down/article\\_03a446bc-34a2-11eb-bf4f-e3771e83791c.html](https://www.cbs46.com/news/secy-of-state-raffensperger-backs-aide-as-trump-refuses-to-back-down/article_03a446bc-34a2-11eb-bf4f-e3771e83791c.html).

<sup>47</sup> [https://www.washingtonpost.com/politics/trump-kemp-call-georgia/2020/12/05/fd8d677c-3721-11eb-8d38-6aea1adb3839\\_story.html](https://www.washingtonpost.com/politics/trump-kemp-call-georgia/2020/12/05/fd8d677c-3721-11eb-8d38-6aea1adb3839_story.html).

Wood (who had filed a frivolous federal challenge to Georgia’s election results), saying President Trump “gave @BrianKempGA & @GaSecofState every chance to get it right. They refused. They will soon be going to jail.”<sup>48</sup>

53. Similarly, in the first week of December, President Trump twice called the speaker of Pennsylvania’s House of Representatives, Bryan Cutler, seeking to overturn the result of the election in Pennsylvania.<sup>49</sup> Speaker Cutler informed 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 counted in Congress on January 6, 2021.<sup>50</sup>

54. State Republican parties reinforced President Trump’s overt pressure on state and local elected officials to not certify the election. In Arizona, President Trump’s attorneys and campaign aides reportedly spent weeks pressuring Governor Doug Ducey to echo President Trump’s false claims about election fraud and cast doubt upon the State’s results.<sup>51</sup> After Ducey refused and signed documents certifying President-Elect Biden’s victory on November 30, President Trump sent a series of angry tweets about Governor Ducey.<sup>52</sup> Several days later, he met with Dr. Kelli Ward, chair of the Arizona Republican Party, at the White House.<sup>53</sup>

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

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<sup>48</sup> <https://www.newsweek.com/donald-trump-shares-tweet-georgia-governor-secretary-state-going-jail-1554846>.

<sup>49</sup> [https://www.washingtonpost.com/politics/trump-pennsylvania-speaker-call/2020/12/07/d65fe8c4-38bf-11eb-98c4-25dc9f4987e8\\_story.html](https://www.washingtonpost.com/politics/trump-pennsylvania-speaker-call/2020/12/07/d65fe8c4-38bf-11eb-98c4-25dc9f4987e8_story.html).

<sup>50</sup> *See id.*

<sup>51</sup> *See* <https://www.politico.com/news/2020/12/21/trump-pressure-campaign-overturn-election-449486>.

<sup>52</sup> *See id.*

<sup>53</sup> *See id.*

NOT CERTIFY[.] A FALSE ELECTION!”<sup>54</sup> 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!”<sup>55</sup> 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?”<sup>56</sup> 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.”<sup>57</sup>

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.

57. Even after the Electoral College met on December 14 to confirm the popular vote and President-Elect Biden and Vice President-Elect 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.

58. Last week, President Trump discussed seizing voting machines as an additional means to continue the Trump Campaign’s investigation into purported voter “fraud.”<sup>58</sup> Mr.

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<sup>54</sup> <https://twitter.com/AZGOP/status/1333477057876156418>.

<sup>55</sup> <https://twitter.com/AZGOP/status/1335046033869426688>.

<sup>56</sup> <https://www.cbsnews.com/news/arizona-republican-party-overturn-election-results-death/>.

<sup>57</sup> *Id.*

<sup>58</sup> <https://www.axios.com/giuliani-homeland-security-seize-voting-machines-4ee2e575-e32c-46a2-9f0b-fd80dd63049c.html>.

Giuliani also reportedly contacted Ken Cuccinelli, second in command at the Department of Homeland Security (“DHS”), and asked him about DHS seizing voting machines.<sup>59</sup>

59. Michael Flynn was briefly President Trump’s national security advisor before being convicted of lying to the FBI and then pardoned by President Trump. After publicly suggesting that President Trump impose martial law to overturn the result of the election and seize voting machines,<sup>60</sup> he was invited to a meeting in the Oval Office on December 18. This December 18 meeting also included President Trump, Ms. Powell, Mr. Giuliani (by phone), and White House officials.<sup>61</sup>

60. On December 19, Dr. Kelli Ward, 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.”<sup>62</sup> This tweet, endorsing General Flynn’s call for military intervention, was later amplified and retweeted by General Flynn.<sup>63</sup>

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

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

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<sup>59</sup> <https://www.unilad.co.uk/news/giuliani-presses-homeland-security-to-seize-voting-machines-in-attempt-to-overturn-election-results>.

<sup>60</sup> <https://www.businessinsider.com/michael-flynn-trump-military-martial-law-overturn-election-2020-12>.

<sup>61</sup> <https://www.usatoday.com/story/news/politics/elections/2020/12/19/trump-sydney-powell-special-counsel-michael-flynn-martial-law/3978054001/>.

<sup>62</sup> <https://twitter.com/kelliwardaz/status/1340475397666836480>.

<sup>63</sup> <https://twitter.com/GenFlynn/status/1340611262196137985>.

resulted in their supporters intimidating and attempting to coerce election officials to slow and stop vote counts.

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 2020.”<sup>64</sup> In its list of volunteer opportunities, ArmyForTrump encouraged its army to “enlist,” as opposed to signing up.<sup>65</sup> 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.”<sup>66</sup>

63. On information and belief, after Defendants’ volunteers “enlist,” they are required to participate in a training before engaging in certain election-related activities. The RNC produced training videos for volunteers to watch.<sup>67</sup> 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.”<sup>68</sup>

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.

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<sup>64</sup> <https://www.armyfortrump.com/>.

<sup>65</sup> *Id.*

<sup>66</sup> <https://trumpvictory.com/volunteers/>.

<sup>67</sup> See e.g., [https://www.youtube.com/watch?v=6fWeQXtoBZ4&feature=emb\\_logo](https://www.youtube.com/watch?v=6fWeQXtoBZ4&feature=emb_logo) (Georgia-specific training).

<sup>68</sup> *Id.*

65. In addition to limited explanation of rules and regulations, the training video encourages volunteer poll watchers to wear “Official ‘Poll Watcher’” badges.<sup>69</sup> 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.”<sup>70</sup> This language, like the “Army for Trump” language, presupposes conflict.

66. Defendants’ failure to properly train volunteers it 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 Acted In Concert To Encourage Intimidation And Attempted Coercion Of Election Officials Volunteers**

67. During the 2020 election cycle, Defendants acted in concert to execute a seamless election strategy. After the 2016 election, 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.”<sup>71</sup>

68. Since 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 directly to the RNC,

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<sup>69</sup> *Id.*

<sup>70</sup> *Id.*

<sup>71</sup> See <https://www.politico.com/story/2018/12/18/trump-machine-swallows-rnc-1067875>.

more than \$57 million has gone to the Trump Campaign and 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.<sup>72</sup> The Republican Federal Committee of Pennsylvania has received more than \$1.2 million, the Nevada Republican Central Committee has received approximately \$958,000, and the Republican Party of Georgia had received approximately \$2.1 million.<sup>73</sup>

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.<sup>74</sup> TrumpVictory.com also currently offers opportunities to volunteer for the Georgia run-off election, to be held on January 5, 2021, an election of which President Trump is not a part.<sup>75</sup>

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."<sup>76</sup>

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<sup>72</sup> <https://www.opensecrets.org/jfc/summary.php?id=C00618389&cycle=2020>.

<sup>73</sup> *Id.*

<sup>74</sup> See <https://www.cnbc.com/2020/11/09/trump-recount-fight-rnc-shifting-wisconsin-staff-to-georgia-senate-battle.html>.

<sup>75</sup> <https://trumpvictory.com/>.

<sup>76</sup> <https://www.armyfortrump.com/>.



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 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 hotline<sup>77</sup> and statements from Trump and his Campaign alleging widespread irregularities and fraud.<sup>78</sup> 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!”<sup>79</sup> 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!”<sup>80</sup> 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!”<sup>81</sup> 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!”<sup>82</sup> A November 14, 2020 RNC tweet including the secure.winred.com link

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

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

<sup>79</sup> See, e.g., <https://twitter.com/GOP/status/1325487696857485312?s=20?>.

<sup>80</sup> <https://twitter.com/GOPChairwoman/status/1324090396033601541?s=20A>.

<sup>81</sup> <https://twitter.com/GOP/status/1324445432211263488?s=20>.

<sup>82</sup> <https://twitter.com/GOP/status/1324854254058823680?s=20>.

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.”<sup>83</sup>

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

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.

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.<sup>84</sup> 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 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

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<sup>83</sup> <https://twitter.com/GOP/status/1327702874227421193?s=20>.

<sup>84</sup> Consent Order, *Democratic Nat’l Comm. v. Republican Nat’l Comm.*, Case No. 2:81-cv-03876 (D. N.J.), Nov. 1, 1982.

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.

75. While the 2020 presidential election is over, Defendants' conduct indicates that they will likely engage in similar activities for the foreseeable future. This is particularly true given President Trump's reported interest in campaigning for President in 2024, and the fact that he has raised at least \$207.5 million since the election, a significant amount of which has been directed to President Trump's new political action committee, Save America PAC.<sup>85</sup> 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.

#### **FIRST CAUSE OF ACTION**

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

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

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 any person for urging or aiding any person to vote or attempt to vote." 52 U.S.C. § 10307(b).

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<sup>85</sup> <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>.

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.

79. Defendants' 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).

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 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.*

**SECOND CAUSE OF ACTION**

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

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

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).

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.

84. As a result of this conspiracy, Plaintiff NAACP has been required to divert resources to monitor Defendants’ activities and disseminate public education materials.

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, 2020

Respectfully submitted,

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