

STATE OF MINNESOTA
COUNTY OF RAMSEY

DISTRICT COURT
SECOND JUDICIAL DISTRICT

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

Plaintiffs,

v.

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

Defendant.

Case Type: Civil Other
Court File No. 62-CV-20-3625
The Honorable Sara Grewing

**PLAINTIFFS' AND DEFENDANT'S
JOINT MOTION TO DISMISS
COUNTS III & IV**

Plaintiffs National Association for the Advancement of Colored People Minnesota-Dakotas Area State Conference, Susan Bergquist, and Eleanor Wagner (collectively "Plaintiffs") and Minnesota Secretary of State, Steve Simon ("Defendant" or "Secretary"), by and through their undersigned counsel, jointly move the Court for an order dismissing Counts III and IV of Plaintiffs' Complaint.

Counts III and IV in Plaintiffs' Complaint ("Universal Absentee Ballot Claims") alleged that Article I, § 2 and Article VII, § 1 of the Minnesota Constitution require Defendant to mail absentee ballots to all registered voters given the circumstances created by the COVID-19 pandemic. The Court's August 3, 2020 order denied Plaintiffs' motion for preliminary relief on those claims. Following that order, Plaintiffs sought to negotiate settlement of their Universal Ballot Access Claims in lieu of appeal or continued litigation.

Plaintiffs and Defendant have reached a settlement resolving the Universal Ballot Access Claims. The Secretary has agreed to mail applications for absentee ballots to all voters in the statewide voter registration system who have not already requested one. Plaintiffs have agreed to

dismiss the Universal Ballot Access Claims with prejudice as to the November 2020 general election and without prejudice as to future elections. Plaintiffs have further agreed to withdraw pending discovery requests.

Because this settlement resolves the Universal Ballot Access Claims with finality for the November 2020 election, Plaintiffs and Defendant respectfully request that the Court enter an order under Rule 41(b) of the Minnesota Rules of Civil Procedure dismissing Counts III and IV.

Dated: September 18, 2020

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