

**STATE OF MICHIGAN
IN THE COURT OF APPEALS**

ROBERT DAVIS,

Plaintiff-Appellee,

v

Court of Appeals No. 355265

Court of Claims No. 20-000207-MZ

JOCELYN BENSON, in her official capacity as
Secretary of State,

Defendant-Appellants.

**The appeals involve a ruling that a
provision of the Constitution, a statute,
rule or regulation, or other State
governmental action is invalid.**

JAMES LAMBERT, *et al.*,

Plaintiffs-Appellees,

v

Court of Appeals No. 355266

Court of Claims No. 20-000208-MM

JOCELYN BENSON, in her official capacity as
Secretary of State, *et al.*,

Defendants-Appellants.

**BRIEF FOR AMICI CURIAE MASSACHUSETTS, THE DISTRICT OF COLUMBIA,
CALIFORNIA, CONNECTICUT, DELAWARE, ILLINOIS, MARYLAND, MINNESOTA,
NEVADA, NEW JERSEY, NEW MEXICO, NEW YORK, OREGON, VERMONT, AND
VIRGINIA IN SUPPORT OF DEFENDANTS-APPELLANTS**

MAURA HEALEY
Attorney General of Massachusetts
DAVID C. KRAVITZ
Deputy State Solicitor
AMY SPECTOR
Assistant Attorney General
One Ashburton Place
Boston, MA 02108
(617) 727-2200

KARL A. RACINE
Attorney General for the District of Columbia
LOREN L. ALIKHAN
Solicitor General
ALEX KARPINSKI (P58770)
Assistant Attorney General
Counsel of record
400 6th Street, NW, Suite 8100
Washington, D.C. 20001
(202) 727-3400
Attorneys for amici curiae

Dated: October 28, 2020

RECEIVED by MCOA 10/28/2020 2:47:01 PM

TABLE OF CONTENTS

INDEX OF AUTHORITIES..... ii

INTEREST OF AMICI CURIAE..... 1

ARGUMENT2

States’ wide-ranging authority to protect voting rights and regulate elections includes authority to prevent voter intimidation at and near polling locations, just as Secretary Benson’s Directive does here2

A. Restrictions on firearms at polling places have long been recognized as a legitimate means of ensuring orderly elections and preventing voter intimidation..... 3

B. Securing order at the polls is sufficiently important that it justifies reasonable restrictions on other constitutionally-protected activity 6

C. Voter intimidation has long been recognized as a unique evil in the context of free and fair elections..... 8

CONCLUSION AND RELIEF REQUESTED10

INDEX OF AUTHORITIES

Cases

A. Philip Randolph Inst. v. Husted, 907 F.3d 913 (6th Cir. 2018)9

Bay Cty. Democratic Party v. Land, 347 F. Supp. 2d 404
(E.D. Mich. 2004)9

Burson v. Freeman, 504 U.S. 191 (1992)..... *passim*

Citizens for Police Accountability Political Comm. v. Browning, 572 F.3d
1213 (11th Cir. 2009)..... 8-9

League of Women Voters of Ohio v. Brunner, 548 F.3d 463 (6th Cir. 2008).....1

Michigan State A. Philip Randolph Institute v. Johnson, 833 F.3d 656 (6th
Cir. 2016)9

Mills v. Alabama, 384 U.S. 214 (1966) 1

Minnesota Voters Alliance v. Mansky, 138 S. Ct. 1876 (2018)..... *passim*

Munro v. Socialist Workers Party, 479 U.S. 189 (1986)..... 9-10

Storer v. Brown, 415 U.S. 724 (1974)2

The Ku Klux Cases (Ex parte Yarbrough), 110 U.S. 651 (1884)8

Timmons v. Twin Cities Area New Party, 520 U.S. 351 (1997)2

U.S. Student Ass’n Found. v. Land, 585 F. Supp. 2d 925
(E.D. Mich. 2008)9

Wesberry v. Sanders, 376 U.S. 1 (1964)..... 2

Williams v. Salerno, 792 F.2d 323 (2d Cir. 1986)9

Yick Wo v. Hopkins, 118 U.S. 356 (1886)1

Statutes

MCL 28.425o5

MCL 168.932(a)8

MCL 750.234d	5
Ariz. Rev. Stat. § 13-3102(A)(11)	4
1901 Ariz. Acts 1252, § 387	3
Cal. Election Code § 18544(a).....	4
Del. Const. art. 28 (1776).....	3
D.C. Code § 7-2509.07(a)(5)	4
Fla. Stat. § 790.06(12)(a)(6)	4
Ga. Code § 16-11-127(b)(7)	4
Park’s Ann. Ga. Code 1914, Penal Code, Article 3, § 348	3
La. Rev. Stat. § 18:1461.7(C)(3).....	4
1870 La. Acts 159-60, § 73	3
Md. Code, Election Law § 16-903(a)(3).....	4
1886 Md. Laws 315, ch. 189, § 1.....	3
Miss. Code § 45-9-101(13).....	4-5
Mo. Rev. Stat. § 571.107.1(2).....	5
1883 Mo. Laws 76, § 1	3
Ohio Rev. Code § 3505.21(B)	5
1890 Okla. Laws 495, art. 47, § 7.....	3
S.C. Code § 23-31-215(M)(3).....	5
Tenn. Pub. Stat. 1871, Elections, § 2	3-4
Tex. Penal Code § 46.03(a)(2).....	5
1870 Tex. Gen. Laws 63, Chap. 46, § 1.....	4

18 U.S.C. § 245.....8

18 U.S.C. § 594.....8

42 U.S.C. § 1985(3).....8

52 U.S.C. § 10101(b).....8

52 U.S.C. § 10307(b).....8

Miscellaneous

Giffords Law Center to Prevent Gun Violence, “Open Carry,”
<https://giffords.org/lawcenter/gun-laws/policy-areas/guns-in-public/open-carry/>.....5

Op. Va. Att’y Gen. No. 20-046 (Sept. 24, 2020).....8

INTEREST OF AMICI CURIAE

Amici curiae Massachusetts, the District of Columbia, California, Connecticut, Delaware, Illinois, Maryland, Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon, Vermont, and Virginia respectfully submit this brief in support of Defendants-Appellants Secretary of State Benson *et al.*¹ We are deeply committed to the principle that “[t]he right to vote is a fundamental right, ‘preservative of all rights.’” *League of Women Voters of Ohio v. Brunner*, 548 F.3d 463, 476 (6th Cir. 2008) (quoting *Yick Wo v. Hopkins*, 118 U.S. 356, 370 (1886)). Accordingly, we see the protection of all eligible citizens’ right to vote safely, securely, and free from intimidation, as essential to our system of government, and as among our most important responsibilities.

To that end, amici, like all States, extensively exercise our well-recognized “power to regulate conduct in and around the polls in order to maintain peace, order and decorum there.” *Mills v. Alabama*, 384 U.S. 214, 218 (1966); *see, e.g., Minnesota Voters Alliance v. Mansky*, 138 S. Ct. 1876, 1883 (2018) (“Today, all 50 States and the District of Columbia have laws curbing various forms of speech in and around polling places on Election Day.”). Preventing voter intimidation is a critical part of our authority over polling places, and many States both historically and today have concluded that banning firearms from polling places serves that goal. In our view, Secretary Benson’s Directive prohibiting the open carriage of firearms within 100 feet of polling places on election day falls well within her authority to regulate polling places and prevent voter intimidation. Accordingly, the judgment of the Court of Claims should be reversed and the injunction should be vacated.

¹ No counsel for a party authored any part of this brief. No counsel for a party made a monetary contribution intended to fund the preparation or submission of this brief. No person other than amici curiae and their counsel made any such monetary contribution.

ARGUMENT

States' wide-ranging authority to protect voting rights and regulate elections includes authority to prevent voter intimidation at and near polling locations, just as Secretary Benson's Directive does here

“No right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live. Other rights, even the most basic, are illusory if the right to vote is undermined.” *Wesberry v. Sanders*, 376 U.S. 1, 17 (1964); *see also, e.g., Burson v. Freeman*, 504 U.S. 191, 214 (1992) (Kennedy, J., concurring) (“Voting is one of the most fundamental and cherished liberties in our democratic system of government.”). To prevent voting rights from being “undermined,” States can and do implement detailed measures designed to ensure that voters can exercise their fundamental right to vote in a peaceful and orderly manner. State authority to do so is well established: “States may, and inevitably must, enact reasonable regulations of parties, elections, and ballots to reduce election- and campaign-related disorder.” *Timmons v. Twin Cities Area New Party*, 520 U.S. 351, 358 (1997); *see also, e.g., Storer v. Brown*, 415 U.S. 724, 730 (1974) (“[A]s a practical matter, there must be a substantial regulation of elections if they are to be fair and honest and if some sort of order, rather than chaos, is to accompany the democratic processes.”).

In particular, the Supreme Court has recognized that “the right to cast a ballot in an election free from the taint of intimidation” is “a fundamental right,” and that a State’s interest in preventing voter intimidation is “compelling.” *Burson*, 504 U.S. at 206, 211 (plurality opinion). Secretary Benson’s Directive banning the open carriage of firearms within 100 feet of polling places advances that compelling interest, and does so in a manner that is reasonably tailored to the circumstances. Moreover, as shown below, it does so in a manner consistent with both current and historical practice in numerous states; similar restrictions date back to 1776.

Secretary Benson’s Directive is a sensible means of preventing a potential source of voter intimidation and discord at the polls, and it should be upheld.

A. Restrictions on firearms at polling places have long been recognized as a legitimate means of ensuring orderly elections and preventing voter intimidation

States throughout American history have restricted the presence of firearms at and near polling places on election day. The Delaware Constitution of 1776 provided that, “[t]o prevent any violence or force being used at the said elections, no person shall come armed to any of them.” Del. Const. art. 28 (1776).² Other states adopted similar provisions by statute. *See, e.g.*, 1901 Ariz. Acts 1252, § 387 (“If any person shall go ... to any election precinct, on the day or days of any election, ... and shall have or carry about his person a pistol or other firearm, ... he shall be punished....”); Park’s Ann. Ga. Code 1914, Penal Code, Article 3, § 348 (“Whoever shall carry about his person any ... pistol or revolver, or any kind of deadly weapon, to or while at ... an election ground or precinct, ... shall be punished....”); 1870 La. Acts 159-60, § 73 (“[I]t shall be unlawful for any person to carry any gun..., concealed or unconcealed, on any day of election during the hours the polls are open....”); 1886 Md. Laws 315, ch. 189, § 1 (“[I]t shall not be lawful for any person in Calvert County to carry, on the days of election and primary election, within three hundred yards of the polls, secretly, or otherwise, any gun....”); 1883 Mo. Laws 76, § 1 (“If any person ... shall go ... to any election precinct on any election day, ... having upon or about his person any kind of fire arms, ... he shall, upon conviction, be punished....”); 1890 Okla. Laws 495, art. 47, § 7 (“It shall be unlawful for any person, except a peace officer, to carry ... to any election ... any [pistol [or] revolver.]”); Tenn. Pub. Stat. 1871,

² The 1776 Delaware Constitution is no longer in force; the currently operative version is the Delaware Constitution of 1897, as amended. <https://delcode.delaware.gov/constitution/>. Current Delaware law does not restrict firearms at polling places. The 1776 version is available at https://avalon.law.yale.edu/18th_century/de02.asp.

Elections, § 2 (“That it shall not be lawful for any qualified voter or other person attending any election in this State ... to carry about his person, concealed or otherwise, any pistol ...”); 1870 Tex. Gen. Laws 63, Chap. 46, § 1 (“That if any person shall go into ... any election precinct on the day or days of any election, ... and shall have about his person a ... gun or pistol of any kind, such person so offending shall be deemed guilty....”).³

Many States have maintained election-specific firearms prohibitions to the present day. *See, e.g.*, Ariz. Rev. Stat. § 13-3102(A)(11) (“A person commits misconduct involving weapons by knowingly: ... Unless specifically authorized by law, entering an election polling place on the day of any election carrying a deadly weapon.”); Cal. Election Code § 18544(a) (“Any person in possession of a firearm ... who is stationed in the immediate vicinity of, or posted at, a polling place without written authorization ... is punishable....”); D.C. Code § 7-2509.07(a)(5) (“No person holding a license shall carry a pistol in the following locations or under the following circumstances: ... A polling place while voting is occurring”); Fla. Stat. § 790.06(12)(a)(6) (“A license issued under this section does not authorize any person to openly carry a handgun or carry a concealed weapon or firearm into: ... Any polling place”); Ga. Code § 16-11-127(b)(7) (“[A] person shall be guilty of carrying a weapon or long gun in an unauthorized location and punished as for a misdemeanor when he or she carries a weapon or long gun while: ... Within 150 feet of any polling place when elections are being conducted”); La. Rev. Stat. § 18:1461.7(C)(3) (“No person shall ... Carry or possess a firearm while present in a polling place, except a peace officer....”); Md. Code, Election Law § 16-903(a)(3) (banning “carrying or displaying a gun ... within 100 feet of a polling site on election day”); Miss. Code § 45-9-101(13) (“No license issued pursuant to this section shall authorize any person to carry a stun

³ The citations in this paragraph are drawn from the Repository of Historical Gun Laws at the Duke Center for Firearms Law, <https://firearmslaw.duke.edu/repository/search-the-repository/>.

gun, concealed pistol or revolver into ... any polling place”); Mo. Rev. Stat. § 571.107.1(2) (“No concealed carry permit ... shall authorize any person to carry concealed firearms into: ... Within twenty-five feet of any polling place on any election day.”); Ohio Rev. Code § 3505.21(B) (“[N]o person carrying a firearm or other deadly weapon shall serve as an observer....”); S.C. Code § 23-31-215(M)(3) (“A permit issued pursuant to this section does not authorize a permit holder to carry a concealable weapon into a: ... polling place on election days”); Tex. Penal Code § 46.03(a)(2) (“A person commits an offense if the person intentionally, knowingly, or recklessly possesses or goes with a firearm, illegal knife, club, or prohibited weapon ... on the premises of a polling place on the day of an election or while early voting is in progress”).

And, of course, numerous states have broad bans or restrictions on the open carriage of firearms that may prohibit open carry at or near polling places. *See generally* Giffords Law Center to Prevent Gun Violence, “Open Carry,” <https://giffords.org/lawcenter/gun-laws/policy-areas/guns-in-public/open-carry/> (collecting and summarizing state laws).

Thus, as a matter of both historical and current practice, restrictions on firearms at the polls are routine and widespread. Such restrictions, when calibrated to prevent intimidation and disruption to create “an island of calm in which voters can peacefully contemplate their choices,” *Mansky*, 138 S. Ct. at 1887, are well within States’ established authority to regulate elections. And the Secretary’s Directive to equalize conditions across Michigan by ensuring that the open carriage of firearms is banned at all (rather than at some⁴) polling places on election day—while

⁴ The Court of Claims’ injunction applies only “to the extent [the Secretary’s Directive] prohibits the open-carry of firearms in places not prohibited by MCL 750.234d or concealed weapons by MCL 28.425o.” Defs. Appx. vol. 3, at 565. Thus, the open carriage of firearms remains banned at commonly-used polling locations such as churches and other houses of worship. *See* MCL 750.234d(1)(b).

taking no action with respect to concealed carry—is just such a carefully calibrated restriction. It should be upheld.

B. Securing order at the polls is sufficiently important that it justifies reasonable restrictions on other constitutionally-protected activity

Polling places and their environs hold a singular status in constitutional law. The Supreme Court recently recognized “the unique context of a polling place on Election Day,” and has upheld state authority “to set it aside as an island of calm in which voters can peacefully contemplate their choices.” *Mansky*, 138 S. Ct. at 1887 (citation and internal quotation marks omitted). The Court pointed out that election day happens “at the end of what may have been a divisive election season,” and recognized state authority “to ensure that partisan discord not follow the voter up to the voting booth.” *Id.* at 1888. Thus, even with respect to “nondisruptive” conduct, such as wearing “expressive apparel,” the Court held that “[t]he State may reasonably take steps to ensure” that voters are not “distract[ed] from a sense of shared civic obligation at the moment it counts the most.” *Id.* at 1887-88.

Accordingly, the States have expansive authority over polling places and their environs. This authority extends to the regulation of actions that might be beyond the reach of state authority in other locations. When it comes to polling places, courts have recognized that certain otherwise constitutionally-protected activity “conflicts with another fundamental right,” namely, the right to vote. *Burson*, 504 U.S. at 211 (plurality opinion); *see also Mansky*, 138 S. Ct. at 1892 (“Cases like this ‘present[] us with a particularly difficult reconciliation: the accommodation of the right to engage in political discourse with the right to vote.’”) (quoting *Burson*, 504 U.S. at 198 (plurality opinion)). And courts have upheld States’ reasonable judgments in resolving these conflicts in favor of the right to vote. *E.g.*, *Burson*, 504 U.S. at 210 (plurality opinion) (“The State of Tennessee has decided that these last 15 seconds before its

citizens enter the polling place should be their own, as free from interference as possible. We do not find that this is an unconstitutional choice.”). Even where the constitutionally-protected activity is such that strict scrutiny applies to governmental restrictions on it, the restrictions may survive because of the unique nature of polling places. *See Burson*, 504 U.S. at 211 (plurality opinion) (“[W]e reaffirm that it is the rare case in which we have held that a law survives strict scrutiny. This, however, is such a rare case.”); *cf. id.* at 216 (Scalia, J., concurring in judgment) (concluding that strict scrutiny did not apply to content-based speech restrictions in a 100-foot zone around polling places).

If activity as passive and non-threatening as the wearing of “expressive apparel” in or near polling places may be regulated, *see Mansky*, 138 S. Ct. at 1887-88, it follows *a fortiori* that the open carriage of firearms is similarly subject to state regulation. Such activity has the potential to intimidate and frighten voters, and to discourage them from appearing at polling places to cast their ballots. *See generally* Defs. Appx. vol. 2, at 334-388 (declarations from voters and poll workers who lost family members to gun violence, hail from war zones, must bring their children to the polls, fear that challenges could dangerously escalate if guns are present, are concerned about militia activity and the plot against Governor Whitmer, or otherwise would find the presence of guns to be intimidating at or near polling places).⁵ As explained below, avoiding voter intimidation is among the most compelling of state interests with respect to elections, and that state interest justifies reasonable restrictions on activity that might be permitted in other public spaces.

⁵ At oral argument in the Court of Claims, counsel for plaintiffs-appellees derided these legitimate concerns about voter intimidation as “the fragile state of mind of 21 voters, and what the Secretary envisions as the appropriate level of wokeness by voters.” *See* <https://www.youtube.com/watch?v=ktW6WKEXpts>, at 26:55-27:05.

C. Voter intimidation has long been recognized as a unique evil in the context of free and fair elections

Well over a century ago, the Supreme Court observed that “[i]n a republican government, like ours, where political power is reposed in representatives of the entire body of the people, chosen at short intervals by popular elections, the temptations to control these elections by violence and by corruption is a constant source of danger.” *The Ku Klux Cases (Ex parte Yarbrough)*, 110 U.S. 651, 666 (1884); *see also id.* at 657 (“[T]he offense charged in this indictment is that the defendants conspired to intimidate Berry Saunders, a citizen of African descent, in the exercise of his right to vote for a member of the Congress of the United States...”). Similarly, in 1992, the Court explained that “an examination of the history of election regulation in this country reveals a persistent battle against two evils: voter intimidation and election fraud.” *Burson*, 504 U.S. at 206 (plurality opinion). “Intimidation of citizens who are seeking to vote is both illegal and antithetical to one of the basic promises that binds us together: that of democratic self-governance.” Op. Va. Att’y Gen. No. 20-046, slip op. at 1 (Sept. 24, 2020). Accordingly, federal law contains numerous provisions outlawing voter intimidation. *See, e.g.*, 18 U.S.C. §§ 245 & 594; 42 U.S.C. § 1985(3); 52 U.S.C. §§ 10101(b) & 10307(b). Michigan law outlaws it as well. *See* MCL 168.932(a).

But simply outlawing wrongful conduct does not always suffice. Crucially for present purposes, States can and do take proactive measures to prevent election interference, including voter intimidation. Combating the evil of voter intimidation is a state interest of the highest order, and “[a] long history, a substantial consensus, and simple common sense show that some restricted zone around polling places is necessary to protect that fundamental right” to “cast a ballot in an election free from the taint of intimidation.” *Burson*, 504 U.S. at 211 (plurality opinion); *see also, e.g., Citizens for Police Accountability Political Comm. v. Browning*, 572

F.3d 1213, 1221 (11th Cir. 2009) (“The cost of a disturbed election is too high to allow the State only to react to disturbances but not to prevent disturbances.”).

Thus, States need not wait for voter intimidation to occur, and then attempt to prosecute the bad actors later. At that point, the election has already been disrupted and voters’ fundamental right to participate in elections without intimidation has been infringed. Denial of the right to vote is irreparable injury that cannot be adequately remedied after the fact. *See, e.g., A. Philip Randolph Inst. v. Husted*, 907 F.3d 913, 921 (6th Cir. 2018) (“This Court has stated that ‘[a] restriction on the fundamental right to vote ... constitutes irreparable injury.’”) (quoting *Michigan State A. Philip Randolph Institute v. Johnson*, 833 F.3d 656, 669 (6th Cir. 2016)); *Williams v. Salerno*, 792 F.2d 323, 326 (2d Cir. 1986) (“The registration applicants in this case would certainly suffer irreparable harm if their right to vote were impinged upon.”); *U.S. Student Ass’n Found. v. Land*, 585 F. Supp. 2d 925, 944 (E.D. Mich. 2008) (“[A]ny disenfranchisement effected by the undeliverable ID or driver’s license practices would indeed constitute irreparable harm.”); *Bay Cty. Democratic Party v. Land*, 347 F. Supp. 2d 404, 435 (E.D. Mich. 2004) (concluding that “the deprivation of an eligible voter’s right to have his or her vote counted constitutes irreparable harm”).

Nor is elaborate proof required to sustain sensible proactive measures like the one at issue here. “[B]ecause a government has such a compelling interest in securing the right to vote freely and effectively, this Court never has held a State to the burden of demonstrating empirically the objective effects on political stability that [are] produced by the voting regulation in question.” *Burson*, 504 U.S. at 208 (plurality opinion) (citation and internal quotation marks omitted). States “should be permitted to respond to potential deficiencies in the electoral process with foresight, rather than reactively, provided that the response is reasonable and does not

significantly impinge on constitutionally protected rights.” *Munro v. Socialist Workers Party*, 479 U.S. 189, 195-96 (1986).

Secretary Benson has implemented just such a proactive and reasonable measure here, which “does not significantly impinge on constitutionally protected rights.” *Id.* It should be upheld.

CONCLUSION AND RELIEF REQUESTED

For the foregoing reasons and for those set forth in the Defendants-Appellants’ brief, the judgment of the Court of Claims should be reversed, and the injunction should be vacated.

Respectfully submitted,

MAURA HEALEY
Attorney General of Massachusetts
DAVID C. KRAVITZ
Deputy State Solicitor
AMY SPECTOR
Assistant Attorney General
One Ashburton Place
Boston, MA 02108
(617) 727-2200

KARL A. RACINE
Attorney General for the District of Columbia
LOREN L. ALIKHAN
Solicitor General

/s/ Alex Karpinski

ALEX KARPINSKI (P58770)
Assistant Attorney General
Counsel of record
400 6th Street, NW, Suite 8100
Washington, D.C. 20001
(202) 727-3400
alex.karpinski@dc.gov

XAVIER BECERRA
Attorney General of California
1300 I Street
Sacramento, CA 95814

WILLIAM TONG
Attorney General of Connecticut
165 Capitol Avenue
Hartford, CT 06106

KATHLEEN JENNINGS
Attorney General of Delaware
820 N. French Street
Wilmington, DE 19801

KWAME RAOUL
Attorney General of Illinois
100 W. Randolph Street, 12th Floor
Chicago, IL 60601

BRIAN E. FROSH
Attorney General of Maryland
200 Saint Paul Place
Baltimore, MD 21202

KEITH ELLISON
Attorney General of Minnesota
102 State Capitol
75 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, MN 55155

AARON D. FORD
Attorney General of Nevada
100 North Carson Street
Carson City, NV 89701

GURBIR S. GREWAL
Attorney General of New Jersey
Richard J. Hughes Justice Complex
25 Market Street
Trenton, NJ 08625

HECTOR BALDERAS
Attorney General of New Mexico
408 Galisteo Street
Villagra Building
Santa Fe, NM 87501

LETITIA JAMES
Attorney General of New York
28 Liberty St.
New York, NY 10005

ELLEN F. ROSENBLUM
Attorney General of Oregon
1162 Court Street NE
Salem, OR 97301

T.J. DONOVAN
Attorney General of Vermont
109 State Street
Montpelier, VT 05609

MARK R. HERRING
Attorney General of Virginia
202 North 9th Street
Richmond, VA 23219

Dated: October 28, 2020