

No. 22O155

In the  
Supreme Court of the United States

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State of Texas,

*Plaintiff,*

vs.

Commonwealth of Pennsylvania,  
State of Georgia, State of Michigan,  
State of Wisconsin,

*Defendants.*

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State Legislators and Voters Group Motion for Leave to  
File Complaint-in-Intervention

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## MOTION

The proposed Plaintiff-interveners State Legislators and Voters Group<sup>1</sup> move for a Court order granting them leave to file their Complaint-in-Intervention. Alternatively, the movants request to participate as amici curiae and file an amici curiae brief in support of the Plaintiff.

The proposed complaint-in-intervention seeks a declaratory judgment and an injunction against the various Defendants to establish a constitutional process for the selection of Presidential electors from Pennsylvania, Michigan, Wisconsin, and Georgia (“Defendant States”) relating to the November 3, 2020 election of President and Vice President and future elections. In each case, Article II requires the state legislatures to have a post-election certification vote of their respective Presidential electors before their votes can be counted for President and Vice President.

The threatened unconstitutionality of the November 3, 2020 election is caused by the rampant lawlessness arising out of Defendant States election officials’ or judges’ unconstitutional acts as described in a number of currently pending lawsuits in Defendant States or in public view including:

- *Dozens of witnesses testifying under oath about:* the physical blocking and kicking out of Republican poll challengers; thousands of the same ballots run multiple times through tabulators; mysterious late night dumps of thousands of ballots at tabulation

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<sup>1</sup> The proposed Plaintiff-interveners are included in Proposed Complaint-in-Intervention at 1. The Michigan state legislators are Gary Eisen, John Reilly, Julie Alexander, Matt Maddock, Daire Rendon, Beth Griffin, Douglas Wozniak, Michele Hoytenga, Brad Paquette, Rodney Wakeman, Greg Markkanen and Jack O'Malley. The Pennsylvania state legislators are Daryl D. Metcalfe, Mike Puskaric, Chris E. Dush and Thomas R. Sankey III. The individual voters are Ronald H. Heuer (WI), John Wood (GA), Angelic Johnson (MI), Dr. Linda Lee Tarver (MI) and Kristina Karamo (MI).

centers; illegally backdating thousands of ballots; signature verification procedures ignored; more than 173,000 ballots in the Wayne County, MI center that cannot be tied to a registered voter;

- *Absentee ballot errors unacceptably high:* a) Matthew Braynard data analysis based on government post-election data tabulations showing unacceptably high absentee ballot errors in excess of vote margin and b) the government's pre-election error rate for voting system hardware and software is 0.0008%--which is far exceeded in the respective states' absentee ballot error rate.
- *Election official irregularities:* including election official curing of legally-defective absentee ballots occurred in different ways in Philadelphia, Detroit and Milwaukee in consolidated municipal counting centers; consolidating municipal counting centers into one massive center occurred despite COVID-19 rationale suggesting otherwise; possible breaches in chain of custody of absentee ballot drop box ballots (additional security measures required (e.g., two persons per key));
- *Disparate impact:* Mark Zuckerberg and spouse funding of \$350,000,000 through non-profit to state and primarily urban election officials; Zuckerberg-funded drop box created disparate impact within states for access to voting and different absentee balloting standards were applied for different parts of state (e.g, curing absentee ballots versus non-curing).
- *Possible massive government official manipulation of absentee ballots:* the declarations of Jesse Morgan, Greg Stenstrom, Ethan Pease and post service experts suggest possible massive government official manipulation of absentee ballots.
- *Videos of:* poll workers erupting in cheers as poll challengers are removed from vote counting centers; poll watchers being blocked from entering vote counting centers—despite even having a court order to enter; suitcases full of ballots being pulled out from underneath tables after poll watchers were told to leave.
- *Facts for which no independently verified reasonable explanation yet exists:* On October 1, 2020, in

Pennsylvania a laptop and several USB drives, used to program Pennsylvania's Dominion voting machines, were mysteriously stolen from a warehouse in Philadelphia. The laptop and the USB drives were the *only* items taken, and potentially could be used to alter vote tallies; In Michigan, which also employed the same Dominion voting system, on November 4, 2020, Michigan election officials have admitted that a purported "glitch" caused 6,000 votes for President Trump to be wrongly switched to Democrat Candidate Biden. A flash drive containing tens of thousands of votes was left unattended in the Milwaukee tabulations center in the early morning hours of Nov. 4, 2020, without anyone aware it was not in a proper chain of custody.

In response, the Electors Clause of Article II of the Constitution authorizes the state legislature to direct the manner of appointment of a State's Presidential electors:

Each state shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress...

The proposed Plaintiff-intervenors claim that the Electors Clause requires each state legislature to conduct post-election certification of the Presidential electors to be submitted to the Vice President for counting by the Vice President on January 6, 2020 under 3 U.S.C. § 15 to elect a President and Vice President. Otherwise, the appointment of the Presidential electors from that state is constitutionally invalid for electing the President and Vice President.

But, the state legislatures of Defendant States have completely abdicated their Article II role of appointing Presidential electors by delegating this responsibility of post-election certification of Presidential electors to state executive branch officials and judges.

To the contrary, the proposed Plaintiff-intervenors claim that the Electors Clause requires each state legislature to conduct post-election certification of the Presidential electors to be

submitted to the Vice President for counting by the Vice President on January 6, 2020 under 3 U.S.C. § 15 to elect a President and Vice President. Otherwise, the appointment of the Presidential electors from that state is constitutionally invalid for electing the President and Vice President.

The state legislatures of Defendant States and other states violate their express duties under Article II of the U.S. Constitution by wholly delegating the post-election certification of Presidential electors to state election officials and judges.

Thus, this case presents a common question of law: Do Defendant State Legislatures violate the Electors Clause (or, in the alternative, the Fourteenth Amendment) by delegating wholly the post-election certification of election results to state election officials and judges as a ministerial duty?

The respective state legislatures' wholesale delegation to state election officials and judges opened the door to election irregularities in an unprecedented magnitude without post-election state legislative certification.

The proposed Plaintiff-interveners allege that each of the Defendant States' election officials or judges flagrantly violated state laws governing elections for the appointment of presidential electors.

Accordingly, the proposed Plaintiff-interveners allege that the Defendant States' state legislatures violated their Article II duties by not conducting post-election certification of the Presidential electors from their respective states—and causing injury to them.

In the proposed complaint-in-intervention, among other things, the Plaintiffs respectfully request that this Court issue the following relief: declare that Defendant States Pennsylvania, Georgia, Michigan, and Wisconsin administration of the 2020 presidential election and future Presidential elections would be in violation of the Electors Clause and the Fourteenth Amendment of the U.S. Constitution due to the respective state legislature's wholesale delegation of post-election certification to executive branch officials and judges as a ministerial duty and enjoin the counting of Presidential electors votes from each state unless

their respective state legislatures conduct post-election certification of the Presidential electors before January 5, 2021.

If the motion to intervene is not granted, the movants, alternatively, ask for permission to file an amici curiae brief.

Dated: December 10, 2020

Respectfully submitted.

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