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December 21, 2016

Gino J. Agnello
Clerk of the Court
United States Court of Appeals for the Seventh Circuit
219 S. Dearborn Street, Room 2722
Chicago, IL 60604

Re: Supplemental Authority in *Frank v. Walker*, Case Nos. 16-3003, 16-3052

Dear Mr. Agnello,

Plaintiffs submit this response to Defendants' December 20, 2016 letter, which cites *Lee v. Va. State Bd. of Elections*, No. 16-1605, 2016 WL 7210103 (4th Cir. Dec. 13, 2016) as supplemental authority pursuant to FRAP 28(j). The case is entirely different and supports affirmance here.

First, as the Fourth Circuit emphasized, Virginia issues permanent photo IDs to all voters without requiring any documentation whatsoever. *Lee*, 2016 WL 7210103, at *12. Wisconsin's administrative rules, however, authorize the DMV to deny permanent photo IDs to several categories of voters who lack certain documentation, including voters whose birth documentation is difficult to find through no fault of the voter. Pls.' Opening Br. at 14-22.

Second, Virginia provides "mobile voter-ID stations located throughout Virginia," *Lee*, 2016 WL 7210103, at *1, including satellite offices and community centers that are open on Saturdays and evenings,¹ consistent with the recommendations of the Carter-Baker Commission on Federal Election Reform, *see* Pls.' Reply Br. at 12. Wisconsin has refused to open mobile DMV offices. *See* Joint Phase Two Report, *One Wisconsin Inst., Inc. v. Thomsen*, No. 15-cv-324, at 5-6 (W.D.Wis. Oct. 21, 2016). And almost all of Wisconsin's DMV offices are open only during limited business hours. Pls.' Opening Br. at 19-21.

Third, Virginia's voter ID law deems acceptable a "broad range" of photo IDs, *Lee*, 2016 WL 7210103, at *1, including photo IDs issued by both public and private employers, standard

¹ *See, e.g.*, Arlington County, Virginia Voter Photo ID Q&A, <http://tinyurl.com/jeo8ke4> at 5 (offering ID issuance in "several alternate locations around the County, such as senior centers, retirement communities, and community centers. Other Virginia jurisdictions may also offer extra hours for photo ID . . ."); Fairfax County, Voter Photo ID Opportunities, <http://tinyurl.com/htn3ga5> (linking to website listing satellite offices for issuing IDs with office hours during evening hours and Saturdays).

photo IDs issued by any university or any private school in Virginia, and *any* photo IDs issued by the United States, Virginia, or any local subdivision of Virginia. Va. Code Ann. § 24.2-643(B). Wisconsin does not. Wis. Stat. § 5.02(6m).

Respectfully,

A handwritten signature in black ink, appearing to read "Sean J. Young". The signature is fluid and cursive, with the first name "Sean" being more prominent than the last name "Young".

Sean J. Young
Attorney for Plaintiffs
American Civil Liberties Union
Foundation, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on December 21, 2016, Plaintiffs-Appellees-Cross-Appellants' 28(j) Letter was filed with the Clerk of the Court for the United States Court of Appeals for the Seventh Circuit by using the appellate CM/ECF system and that the body of the letter does not exceed 350 words. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

Dated: December 21, 2016

/s/ Sean J. Young

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