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September 1, 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: *Frank v. Walker*, Case Nos. 16-3003, 16-3052

Dear Mr. Agnello,

Plaintiffs submit this letter pursuant to FRAP 28(j) in support of Plaintiffs' still-pending Emergency Petition for Rehearing *En Banc* of Panel Order Granting a Stay, ECF No. 35.

Last Friday, this Court denied Plaintiffs' separate petition for an initial *en banc* hearing (ECF No. 14) on the basis of Defendants' "representation" that every voter who is able to "show up at a DMV with as much as he or she has" will not be refused ID because any "particular document is missing." ECF No. 39 at 4.

Yesterday, Defendants reneged on the very representation upon which this Court relied. Defendants now assert that "every eligible voter" *must* "present . . . proof of residency . . . and proof of identity" in order to obtain ID to vote. ECF No. 41 at 3. Thus, contrary to Defendants' prior representation, DMV *will* refuse to issue ID to voters who lack a "particular document," renewing the need for "urgen[t]" relief before November. ECF No. 39 at 4.

In light of these developments, and for the reasons given in Plaintiffs' pending petition, this Court should grant Plaintiffs' petition and vacate the stay that was previously ordered by a panel of this Court, to ensure that there is a fail-safe for voters during the November election.

Respectfully,

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

## CERTIFICATE OF SERVICE

I hereby certify that on September 1, 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 document 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: September 1, 2016

/s/ Sean J. Young

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