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August 11, 2014

**Via ECF**

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

*Re:* Fed. R. App. P. 28(j) additional authority letter in *League of United Latin American Citizens (LULAC) of Wisconsin, et al. v. Deininger, et al.*, No. 14-2059

Dear Mr. Agnelli:

We write to advise of the decisions in *Milwaukee Branch NAACP v. Walker*, 2014 WI 98, and *League of Women Voters v. Walker*, 2014 WI 97, both issued July 31, 2014. These decisions underscore the burdens imposed by Wisconsin's voter ID law on voters of color as discussed in our brief at Doc. 42, pp. 5-12.

The decisions confirm that Wisconsin Act 23, as construed and enforced by the State since 2011, has imposed a "severe burden" on the right to vote. *NAACP*, 2014 WI 98, ¶¶ 7 & n. 5, 60. The Wisconsin Supreme Court held that Department of Motor Vehicles supervisors must henceforth exercise "discretion" to grant waivers from having to pay for birth certificates or other government records needed to obtain a voter ID—costs the court repeatedly labeled a "de facto poll tax." *Id.* ¶¶ 50, 54-55, 57.

With the general election just 13 weeks away, the State has not yet announced how it proposes to implement the substantial changes required by these decisions. Moreover, the decisions rely on a petition process requiring "extraordinary proof"—a process the District Court found is burdensome and administered in a secretive and politicized manner. *See* A. 32-33 n.17, 34-37 & n.20. The District Court's decision also

Hon. Gino J. Agnelli  
August 11, 2014  
Page 2

rests on a broad range of problems that led it to conclude that Act 23 violates Section 2 of the Voting Rights Act; having to pay money for birth certificates was only one of those many problems. Any consideration of how the State's still-unannounced plans for complying with the new decisions might bear on the District Court's decision and injunction must be made in the first instance by the District Court.

These and other concerns will be addressed in our opposition to defendants' Expedited Motion to Stay Permanent Injunction Pending Appeal (Doc. 47-1). If that motion is not referred to the merits panel, and if the merits panel has questions about the relevance of the new Wisconsin Supreme Court decisions to the appeals, we respectfully refer the merits panel to the parties' briefing on the motion to stay.

Respectfully,

/s/ John C. Ulin  
John C. Ulin

One of the attorneys for the *LULAC*  
plaintiffs-appellees in Case No. 14-2059

cc: All counsel of record who are registered CM/ECF users

**CERTIFICATE OF COMPLIANCE WITH FED. R. APP. P. 28(j) WORD LIMIT**

I certify that the foregoing letter to the Clerk of Court pursuant to Fed. R. App. P. 28(j) is 345 words long (as measured in accordance with the instructions in the Advisory Committee Notes to the 2002 amendments to Rule 28(j)), and thus complies with that rule's word limit for additional authority letters.

Dated this 11<sup>th</sup> day of August, 2014.

/s/ John C. Ulin  
John C. Ulin

One of the attorneys for the *LULAC*  
plaintiffs-appellees in Case No. 14-2059

**CERTIFICATE OF SERVICE**

I certify that on August 11, 2014, I electronically filed the foregoing letter to the Clerk of Court on behalf of the Plaintiffs-Appellees in No. 14-2059 (the "*LULAC* Plaintiffs-Appellees") with the Clerk of Court using the CM/ECF system, which will accomplish electronic notice and service on all counsel of record who are registered CM/ECF users.

/s/ John C. Ulin

John C. Ulin

One of the attorneys for the *LULAC* plaintiffs-appellees in Case No. 14-2059