



October 1, 2012

Hon. Lynn S. Adelman, U.S. District Judge
U.S. District Court for Eastern District of Wisconsin
517 E Wisconsin Ave, Rm 364
Milwaukee, WI 53202-4511

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BY ECF

Re: *Frank v. Walker*, 2011-CV-1128

Dear Judge Adelman:

After last week's scheduling conference, the Wisconsin Supreme Court denied the state's motions to bypass in the two state court voter ID cases, *League of Women Voters of Wisconsin Education Network, Inc. v. Scott Walker* and *Milwaukee Branch of the NAACP v. Scott Walker*. Copies of the Supreme Court orders are attached.

It remains theoretically possible that the injunctions could be lifted before the November 6 election. In an article posted today by WRN (copy attached), the state attorney general reportedly states that the court "could be asked to reconsider the issue after a briefing deadline in mid-October." Given that Defendant Kevin Kennedy stated that it would not have been feasible to implement voter ID before November 6 had the Wisconsin Supreme Court reinstated it last month, that there has been no public information campaign on voter ID since March and no election official training on it in months, and that often takes weeks for voters to assemble the documents necessary to obtain ID, reinstating voter ID less than a month before the election would create widespread confusion and inevitable disfranchisement.

We do not believe the Court needs to retain the placeholder October 10 date for oral argument, if the Court has done so. However, we request that the Court be prepared to rule immediately on the preliminary injunction requests and/or order that the parties be prepared for an immediate status conference in the (unlikely) event that the Wisconsin courts stay or reverse both state court injunctions before November 6.

Sincerely,

/s/ Karyn L. Rotker

Karyn L. Rotker
One of Plaintiffs' Attorneys

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September 27, 2012

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*Additional Parties listed on Page Two

You are hereby notified that the Court has entered the following order:

No. 2012AP584-AC League of Women Voters of Wisconsin Education Network, Inc. v. Scott Walker L.C.#2011CV4669

On August 21, 2012, a petition to bypass the court of appeals, a motion to stay permanent injunction, and a motion to consolidate this matter with No. 2012AP1652, Milwaukee Branch of the NAACP v. Scott Walker (NAACP),¹ were submitted on behalf of defendants-appellants, Scott Walker, Thomas Barland, Gerald C. Nichol, Michael Brennan, Thomas Cane, David G. Deininger and Timothy Vocke. On September 10, 2012, a motion for leave to file a non-party brief *amicus curiae* in support of the petition to bypass was filed on behalf of Margaret Farrow, George Mitchell, Mike Sandvick, Aaron Rodriguez, Deborah Haywood, and Mary Ann Hanson.

¹ A petition to bypass, motion to stay permanent injunction, and motion to consolidate were also filed in NAACP.

This court recognizes the importance of the issues raised in this case and NAACP. The two cases share a commonality of subject matter, and if we were to grant review, we would hear oral argument in both cases on the same day and would take both matters under advisement at the same time. It is not feasible to follow that customary procedure in these two cases when all briefs on appeal have not yet been filed in NAACP.² Accordingly, this court denies the petition to bypass.

IT IS ORDERED that the motion for leave to file a non-party brief *amicus curiae* is granted, and the brief is accepted for filing.

IT IS FURTHER ORDERED that the petition to bypass is denied, without costs.

IT IS FURTHER ORDERED that, because the court has declined to grant the petition to bypass, the motion to stay permanent injunction and motion to consolidate filed in this court are dismissed.

Diane M. Fremgen
Clerk of Supreme Court

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² This court has today, by separate order, dismissed the petition to bypass filed in NAACP as premature. See Milwaukee Branch of the NAACP v. Scott Walker, No. 2012AP1652, unpublished order (Sept. 27, 2012).



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You are hereby notified that the Court has entered the following order:

No. 2012AP1652

Milwaukee Branch of the NAACP v. Scott Walker L.C.#2011CV5492

On August 21, 2012, a petition to bypass the court of appeals pursuant to Wis. Stat. §§ 808.05 and 809.60, a motion to stay permanent injunction, and a motion to consolidate this matter with No. 2012AP584-AC, League of Women Voters of Wisconsin Education Network, Inc. v. Scott Walker (League of Women Voters),¹ were filed on behalf of defendants-appellants, Scott Walker, Thomas Barland, Gerald C. Nichol, Michael Brennan, Thomas Cane, David G. Deininger and Timothy Vocke. The court notes that all opening briefs on appeal have not yet been filed. On September 10, 2012, a motion for leave to file a non-party brief *amicus curiae* in support of the petition to bypass was filed on behalf of Margaret Farrow, George Mitchell, Mike

¹ A petition to bypass, motion to stay permanent injunction, and motion to consolidate were also filed in League of Women Voters.

Sandvick, Aaron Rodriguez, Deborah Haywood, and Mary Ann Hanson. The court having considered all of the foregoing;

IT IS ORDERED that the motion for leave to file a non-party brief *amicus curiae* is granted, and the brief is accepted for filing.

IT IS FURTHER ORDERED that the petition to bypass is dismissed as being premature, without costs. See Milwaukee Brewers Baseball Club v. Wisconsin Dept. of Health and Social Servs., 130 Wis. 2d 56, 62-63, 387 N.W.2d 245 (1986) (noting dismissal of initial petition to bypass as premature because the briefs on appeal had not been filed); see also Schoolcraft v. DPI, No. 2011AP2917, unpublished order (Feb. 6, 2012); Michael S. Heffernan, Appellate Practice and Procedure in Wisconsin, § 24.3 (5th ed. 2012).

IT IS FURTHER ORDERED that, because the court has declined to grant the petition to bypass, the motion to stay permanent injunction and motion to consolidate filed in this court are dismissed.

Diane M. Fremgen
Clerk of Supreme Court

October 1, 2012

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Van Hollen considering options on Voter ID

October 1, 2012 By [Andrew Beckett](#)

Wisconsin's Attorney General is not giving up on efforts to reinstate the state's voter ID law before the November elections.

The state Supreme Court last Thursday rejected a request to stay injunctions preventing the photo I-D requirement from being enforced. However, Attorney General J.B. Van Hollen says the court did recognize the importance of the case and he believes justice could be asked to reconsider the issue after a briefing deadline in mid-October.

The requirement for voters to show a government-issued photo ID at the polls has been on hold for much of the past year. Dane County judges issued injunctions in two separate lawsuits, after finding the law unconstitutional. Both cases are currently awaiting action in an appeals court, but Van Hollen had asked the Supreme Court to

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combine them and stay the injunctions.

Van Hollen remains confident rulings that the law is unconstitutional will be overturned, although he has not determined yet if they will make another push before the election in November. He says "it's certainly a possibility. We have to look into the timing of everything."

If the Supreme Court were to stay the injunctions, Wisconsin voters would be required to show a photo ID at the polls on November 6th. While state election officials have warned that could cause chaos at the polls, Van Hollen doubts it would result in problems. He says much of the groundwork was already done before the one election the requirement was in effect for last February, and he believes the rule could be put back in place quickly.

▶ [AUDIO](#): Andrew Beckett reports (1:02)

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