

December 22, 2016

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Gino J. Agnello  
Clerk of the U.S. Court of Appeals  
for the Seventh Circuit  
Room 2722  
Chicago, IL 60604

**Re: *One Wisconsin Institute, Inc. v. Thomsen*, Case Nos. 16-3083 & 16-3091**

Dear Mr. Agnello:

I write in response to the letter Defendants filed (“Letter”) regarding *Lee v. Virginia State Board of Elections*, No. 16-1605, 2016 WL 7210103 (4th Cir. Dec. 13, 2016), which is readily distinguishable from this case.

First, Wisconsin and Virginia do *not* “provide[] similar accommodations” to individuals who lack ID. Letter at 1. In stark contrast to what the district court here found to be a “complicated beast of a system” that has led to “real incidents of disenfranchisement,” Pls.’ Opening Br. (“Br.”) 24, 60, the plaintiffs in *Lee* argued that “a free ID is so *easy* to obtain that it would not prevent” voter-impersonation fraud, and the district court in *Lee* found that “eligible voters do not need to present *any* independent documentation to obtain a free” ID. 2016 WL 7210103, at \*6, \*10 (emphases added).

Second, unlike here, the *Lee* court found that “there was no direct evidence” that Virginia’s ID law was adopted “to discriminate against minorities,” “the Virginia legislature went out of its way to make its impact as burden-free as possible,” and the legislative process “was normal”; *Lee* also involved only an ID law. *Id.* at \*7, \*9; *cf.*, *e.g.*, Br.2-3, 13-15, 18, 24-27; Pls.’ Reply Br. (“Rep.”) 1-3, 10-19.

Third, the ID law in *Lee* was found to “impose[] a lighter burden than” the ID law in *Crawford*, 2016 WL 7210103, at \*12, whereas the district court here found that, “even when the effort [to obtain an ID] is ultimately *successful*, the IDPP imposes burdens that far exceed those contemplated in *Crawford* or *Frank*.” A.131 (emphasis added). *Lee* therefore provides limited (if any) guidance with respect to the *Anderson-Burdick* challenge to the voter ID law here.

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Finally, it is plainly inaccurate that “Plaintiffs’ only evidence of age discrimination is that the laws are more likely to affect young people.” Letter at 2; *cf.* Br.3-5, 13-19; Rep.3-4. The Twenty-Sixth Amendment argument here is thus easily distinguishable from the Fourth Circuit’s description of that argument in *Lee*.

Respectfully,

s/ Bruce V. Spiva  
Bruce V. Spiva  
Counsel for Plaintiffs-Appellees, Cross-  
Appellants

cc: Counsel of record (via ECF)

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CERTIFICATE OF SERVICE

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I hereby certify that on December 22, 2016, I caused the foregoing to be electronically filed with the Clerk of the Court for the United States Court of Appeals for the Seventh Circuit by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

*s/ Bruce V. Spiva* \_\_\_\_\_

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