

February 23, 2017

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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 Rule 28(j) letter the State filed yesterday advising that DMV has “submitted the final draft of a proposed permanent rule to the Legislature” for its consideration. The “final draft” was signed on January 24—over *four weeks ago*. The State claims to have made three *new* “voter-friendly” changes and “clarifications” to the IDPP.

The State apparently misses the irony of its latest submission. *See* Pls.’ Response and Cross-Appeal 23-27 (reviewing previous DMV changes and “clarifications” adopted on the eve of trial, hearing, or oral argument). As before, the State’s new claims do not hold up.

1. The State claims to have made the Common Law Name Change (“CLNC”) process more “voter friendly.” But the State continues to avoid explaining why it believes it has the authority to condition the right to vote on requiring someone to submit to a CLNC process even where the petitioner clearly is a U.S. citizen, is who he says he is, and is entitled to vote.

2. The State claims an IDPP petitioner “*need only ‘contact[]’ DMV every six months*” to continue receiving Temporary Receipts. That misstates Section 8 of the “final draft,” which requires petitioners “to assist ... in locating and obtaining correct birth information or secondary documentation.” Just earlier this month, DMV delivered notices to each of the IDPP Plaintiffs in this case falsely claiming they had failed to follow up with DMV and exhorting them to continue searching for new evidence. *See* ECF No. 322-1 and 323-1 (15-324).

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3. The “final draft” also provides that an “identification card *receipt*” must be issued despite various “mismatches,” “errors,” or failures to obtain confirmation from other “federal, state or local governmental agenc[ies].” But that’s just for the *Temporary Receipt*. The State will not issue a *permanent* ID until these matters have been resolved to the DMV’s satisfaction, even though the IDPP Plaintiffs clearly are U.S. citizens and are who they say they are. These are pointless and arbitrary burdens to inflict on IDPP petitioners, two-thirds of whom are African-American or Latino. *See* A081.

Respectfully,

s/ Bruce V. Spiva

Bruce V. Spiva

Counsel for Plaintiffs-Appellees, Cross-
Appellants

cc: Counsel of record (via ECF)

CERTIFICATE OF SERVICE

I hereby certify that on February 23, 2017, 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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General Information

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