

No. 20-1538

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE SEVENTH CIRCUIT**

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DEMOCRATIC NATIONAL COMMITTEE et al.,  
*Plaintiffs-Appellees,*

v.

REPUBLICAN NATIONAL COMMITTEE et al.,  
*Intervenor-Defendants-Appellants.*

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On Appeal from the United States District Court  
for the Western District of Wisconsin  
Consol. Case Nos. 3:20-cv-249, -278, -284  
The Honorable William M. Conley, Presiding

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**EMERGENCY MOTION OF REPUBLICAN  
NATIONAL COMMITTEE AND REPUBLICAN  
PARTY OF WISCONSIN FOR ADMINISTRATIVE  
STAY AND STAY PENDING APPEAL**

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Citing the COVID-19 pandemic, the court below substantially rewrote the rules for Wisconsin's ongoing election, with election day less than a week away. Most notably, the district court extended absentee voting *past* election day, and created a new (and boundless) exception to the requirement that absentee voters verify their ballots with a witness's signature. *See* Docs. 170, 171, *Democratic Nat'l Comm. v. Bostelmann*, No. 3:20-cv-249 (W.D. Wis. Apr. 2, 2020) (Conley, J.) (Ex. A). The court's last-minute injunction substantially interferes with the integrity of Wisconsin's election, grants relief that no plaintiff requested, changes the rules for completing absentee ballots in the middle of an election, creates voter confusion, and plainly conflicts with binding precedent.

Because election day is rapidly approaching and the decision below allows ineligible voters to immediately submit ballots, Movants ask this Court to stay parts a)

and c) of the district court's injunction until after this appeal is decided. *See* Doc. 171 at 2.<sup>1</sup> To restore the status quo while this Court considers a full stay pending appeal, Movants ask the Court to administratively stay the challenged portions of the injunction **as soon as possible**.<sup>2</sup>

Movants are entitled to a stay pending appeal for the reasons provided in the Wisconsin Legislature's motion, which was filed shortly before this one. Given this Court's admonition that "brevity in motion procedure is extremely important," *Practitioner's Handbook for Appeals* 87 (2019 ed.), Movants simply adopt the Legislature's motion (except for part III) and incorporate those arguments here. Unlike the Legislature, Movants were granted intervention below, *see* Doc. 85 (Ex. B), so the Court can grant Movants' motion without considering whether the Legislature should have been granted intervention.

Accordingly, Movants ask the Court to immediately grant an administrative stay, and ultimately grant a stay pending appeal, of parts a) and c) of the district court's injunction.

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<sup>1</sup> Movants do not ask the Court to stay part b) of the district court's injunction, which extends the time to request absentee ballots from April 2 to April 3. *See* Doc. 171 at 2.

<sup>2</sup> Given the emergency nature of this case, Movants respectfully suggest that, if this motion is denied, it should be reconsidered *sua sponte* by the en banc Court.

Dated: April 2, 2020

Respectfully submitted,

/s/ Patrick Strawbridge

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**CERTIFICATE OF SERVICE**

I filed this motion and accompanying documents with the Court via ECF, which will electronically notify all counsel.

Dated: April 2, 2020

/s/ Patrick Strawbridge

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