



**Lawton & Cates, s.c.**  
The voice of experience

345 W. Washington Avenue, Suite 201  
P. O. Box 2965  
Madison, WI 53701-2965  
P: 608.282.6200 F: 608.282.6252  
[www.lawtoncates.com](http://www.lawtoncates.com)

[dlenz@lawtoncates.com](mailto:dlenz@lawtoncates.com)

April 2, 2020

Hon. William M. Conley  
U.S. District Court for the  
Western District of Wisconsin  
120 N. Henry St., Rm. 320  
Madison, WI 53703

Re: *Democratic National Committee et al. v. Bostelmann et al.*  
Case Nos. 3:20-cv-249; 3:20-cv-278; 3:20-cv-284 (consolidated)

Dear Judge Conley:

The Commissioners and Administrator Wolfe have reviewed today's Opinion and Order [Case No. 3:20-cv-249, Dkt. No. 170] and would appreciate some clarification.

Under Wisconsin Statute sec. 7.51 (3), "Immediately after the polls close the inspectors except any inspector appointed under s. [7.30 \(1\) \(b\)](#) shall proceed to canvass publicly all votes received at the polling place." Current law also states that election officials are required to tally and post unofficial Election Night results under Wis. Stat. secs. 7.51(1) and (4)(c) and sec. 7.60.

It is the interpretation of the of the Commission that, based on the Court's Opinion and Order, election night unofficial results should not be announced until April 13 at 4 PM or as soon thereafter as votes can be tabulated. The Commission wishes to avoid changing results being publicized each night during the tabulation period.

In addition, the Commission is enjoined from enjoining Wis. Stat. § 6.87(2) as to "any absentee voters who have provided a written affirmation or other statement that they were unable to safely obtain a witness certification despite reasonable efforts to do so, provided the ballots are otherwise valid." Could the Court please clarify if this means: (1) Any voter who has submitted such an affirmation or statement at the time the ballot is received in the municipal clerk's office, or (2) Any voter who submits such a statement prior to the ballot being tabulated?

Thank you for your attention to these matters.



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Sincerely,

LAWTON & CATES, S.C.

*Electronically signed by Daniel S. Lenz*

Daniel S. Lenz

Terry M. Polich

Dixon R. Gahnz.

Daniel P. Bach

DSL:cf

cc: All counsel of record (via E-Filing)