

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN**

DEMOCRATIC NATIONAL COMMITTEE  
and DEMOCRATIC PARTY OF  
WISCONSIN,

*Plaintiffs,*

Case No. 3:20-cv-249-wmc

v.

Marge BOSTELMANN, et al.,

*Defendants,*

REPUBLICAN NATIONAL COMMITTEE,  
REPUBLICAN PARTY OF WISCONSIN, and  
WISCONSIN STATE LEGISLATURE,

*Intervenor-Defendants.*

**REPUBLICAN NATIONAL COMMITTEE AND REPUBLICAN  
PARTY OF WISCONSIN’S ANSWER TO THE SECOND AMENDED COMPLAINT**

Intervenors Republican National Committee and Republican Party of Wisconsin submit this Answer to Plaintiffs’ second amended complaint (Doc. 198-1):

**NATURE OF THE CASE**

1. Denied.
2. The referenced documents speak for themselves; Intervenors otherwise deny the allegations in this paragraph.
3. The referenced documents speak for themselves; Intervenors otherwise lack sufficient information to admit or deny the allegations in this paragraph.
4. The referenced authorities speak for themselves; Intervenors admit that Plaintiffs filed suit on March 18, 2020, and that certain preliminary injunction proceedings occurred.
5. The referenced documents speak for themselves; Intervenors otherwise lack sufficient information to admit or deny the allegations in this paragraph.
6. Intervenors admit that Wisconsin will hold additional elections in 2020, and admit that Plaintiffs now seek relief as to those elections. Intervenors deny any implication that Plaintiffs are

entitled to the relief they seek.

7. The cited documents and authorities speak for themselves. Intervenor admits that Plaintiffs seek relief concerning the election provisions identified in the paragraph but deny that they are entitled to it.

8. Denied.

9. Intervenor admits that Plaintiffs seek the relief described in this paragraph but deny that they are entitled to it.

### **JURISDICTION AND VENUE**

10. Intervenor admits that Plaintiffs bring this action under 42 U.S.C. §§1983 and 1988, but deny that they are entitled to any relief.

11. Admitted.

12. Admitted.

13. Admitted.

14. Admitted.

15. The referenced authorities speak for themselves. The remainder of this paragraph sets forth a legal conclusion to which no response is required.

### **PARTIES**

16. Admitted.

17. Intervenor admits that the Democratic National Committee “has members and constituents across the United States” and in Wisconsin, but otherwise deny this allegation.

18. Intervenor admits the first sentence and that the DPW has members in Wisconsin, but otherwise deny this allegation.

19. The cited authorities speak for themselves. Intervenor otherwise deny this allegation.

20. The first sentence is admitted. The cited authorities speak for themselves.

21. Admitted.

22. Admitted.

23. Admitted.

## STATEMENT OF FACTS AND LAW

### A. Wisconsin Registration and Absentee Laws

24. This allegation is a legal conclusion that requires no response. The cited authority speaks for itself.

25. This allegation is a legal conclusion that requires no response. The cited authorities speak for themselves.

26. This allegation is a legal conclusion that requires no response. The cited authorities speak for themselves.

27. The cited documents speak for themselves. Intervenors otherwise lack sufficient information to admit or deny this paragraph.

28. This allegation is a legal conclusion that requires no response. The cited authority speaks for itself.

29. This allegation is a legal conclusion that requires no response. The cited authority speaks for itself.

30. This allegation is a legal conclusion that requires no response. The cited authority speaks for itself.

### B. The COVID-19 Pandemic and the April 7 Spring Election

31. Intervenors admits that COVID-19 infections present serious health issues. The cited documents speak for themselves. Intervenors otherwise lack sufficient information to admit or deny the remaining allegations in this paragraph.

32. Intervenors admit that the Governor issued the “Safer-at-Home Order” on March

24, 2020, the contents of which speak for themselves, and extended the order on April 16. The cited authorities speak for themselves. Intervenors deny the remaining allegations.

33. Intervenors admit that Wisconsin will hold additional elections in 2020, but lack sufficient information to admit or deny the remaining allegations in in this paragraph.

34. The documents cited in this paragraph speak for themselves. Intervenors otherwise lack sufficient information to admit or this allegation.

35. The documents cited in this paragraph speak for themselves. Intervenors otherwise lack sufficient information to admit or this allegation.

36. The documents cited in this paragraph speak for themselves. Intervenors otherwise lack sufficient information to admit or this allegation.

37. The documents cited in this paragraph speak for themselves. Intervenors otherwise lack sufficient information to admit or this allegation.

38. The documents cited in this paragraph speak for themselves. Intervenors otherwise lack sufficient information to admit or this allegation.

39. The documents cited in this paragraph speak for themselves. Intervenors otherwise lack sufficient information to admit or this allegation.

40. The documents and authorities cited in this paragraph speak for themselves. Intervenors otherwise lack sufficient information to admit or this allegation.

41. The documents cited in this paragraph speak for themselves. Intervenors otherwise lack sufficient information to admit or this allegation.

42. The documents cited in this paragraph speak for themselves. Intervenors otherwise lack sufficient information to admit or this allegation.

43. The documents cited in this paragraph speak for themselves. Intervenors otherwise lack sufficient information to admit or this allegation.

44. The documents cited in this paragraph speak for themselves. Intervenors otherwise lack sufficient information to admit or this allegation.

45. The documents cited in this paragraph speak for themselves. Intervenors otherwise lack sufficient information to admit or this allegation.

46. The documents cited in this paragraph speak for themselves. Intervenors otherwise lack sufficient information to admit or this allegation.

**C. The Impact of the Challenged Statutory Provisions During the COVID-19 Pandemic**

47. Denied.

48. Denied.

**a. Extension of Deadline for Receipt of Absentee Ballots**

49. Denied.

50. The cited court order speaks for itself; Intervenors otherwise lack sufficient information to admit or deny the allegations in this paragraph.

51. The cited documents speak for themselves; Intervenors otherwise deny the allegations in this paragraph.

52. The cited authority speaks for itself; Intervenors otherwise deny the allegations in this paragraph.

53. The cited authority speaks for itself; Intervenors otherwise deny the allegations in this paragraph.

**b. Relief from Requirement of Witness Signature for Absentee Ballots**

54. Denied.

55. The cited authority speaks for itself; Intervenors otherwise deny the allegations in this paragraph.

56. The cited documents speak for themselves; Intervenors otherwise lack sufficient

information to admit or deny the allegations in this paragraph.

57. The cited authority speaks for itself. Intervenors otherwise deny the allegations of this paragraph.

58. The cited authority and documents speak for themselves. Intervenors otherwise lack sufficient information to admit or deny the allegations in this paragraph.

59. Denied.

**c. Relief from Proof of Identification Provision**

60. The cited authority speaks for itself.

61. Intervenors deny the first sentence and lack sufficient information to admit or deny the remaining allegations in this paragraph.

62. The cited authorities speak for themselves

63. The cited documents speak for themselves; Intervenors otherwise deny the allegations in this paragraph.

64. Denied.

**d. Relief from Proof of Residence Provision**

65. The cited authority speaks for itself.

66. This Court's order speaks for itself.

67. Denied.

68. Denied.

**e. Extension of Mail-In and Electronic Registration Deadlines**

69. The cited authority speaks for itself.

70. Intervenors lack sufficient information to admit or deny the allegations in this paragraph.

71. Denied.

72. This Court's order speaks for itself.

73. This Court's order speaks for itself. Intervenor's lack sufficient information to admit or deny the allegations in this paragraph.

74. Denied.

75. Denied.

76. Denied.

## **CLAIMS FOR RELIEF**

### **COUNT I**

#### **First and Fourteenth Amendments**

#### **U.S. Const. Amend I and XIV, 42 U.S.C. § 1983, 28 U.S.C. §§ 2201, 2202 Undue Burden on the Right to Vote**

77. Intervenor's reallege and incorporate by reference all prior paragraphs of this answer and the paragraphs in the counts below as though fully set forth herein.

78. This paragraph consists of legal conclusions to which no response is required. The cited authorities speak for themselves.

79. Denied.

80. Denied.

81. Denied.

82. Denied.

83. The cited authorities speak for themselves. Intervenor's otherwise deny the allegations in this paragraph.

84. Denied.

### **COUNT II**

#### **Due Process**

#### **U.S. Const. Amend. XIV, 42 U.S.C. § 1983 Denial of Procedural Due Process**

85. Intervenor's reallege and incorporate by reference all prior paragraphs of this answer

and the paragraphs in the counts below as though fully set forth herein.

86. This paragraph consists of legal conclusions to which no response is required. The cited authorities speak for themselves.

87. This paragraph consists of legal conclusions to which no response is required. The cited authorities speak for themselves.

88. This paragraph consists of legal conclusions to which no response is required. The cited authority speaks for itself.

89. Denied.

90. Denied.

### **COUNT III**

#### **Equal Protection**

#### **U.S. Const. Amend. XIV, 42 U.S.C. § 1983**

91. Intervenors reallege and incorporate by reference all prior paragraphs of this answer and the paragraphs in the counts below as though fully set forth herein.

92. This paragraph consists of legal conclusions to which no response is required. The cited authorities speak for themselves.

93. This paragraph consists of legal conclusions to which no response is required. The cited authorities speak for themselves.

94. The cited documents speak for themselves; Intervenors otherwise lack sufficient information to admit or deny the remaining allegations.

95. The cited authority speaks for itself; Intervenors deny that the April election resulted in any violation of equal protection. Intervenors otherwise lack sufficient information to admit or deny the remaining allegations.

96. The cited authority speaks for itself; Intervenors deny that Wisconsin law results in any violation of equal protection. Intervenors otherwise lack sufficient information to admit or deny



the remaining allegations.

97. Denied.

98. Denied.

### **PRAYER FOR RELIEF**

Intervenors deny that Plaintiffs are entitled to their requested relief.

### **AFFIRMATIVE DEFENSES**

1. The allegations in the second amended complaint fail to state a claim upon which relief may be granted, including the requirement for extraordinary injunctive relief.
2. The counts are barred in whole or in part by the doctrine of abstention.
3. The relief Plaintiffs seek is too speculative to support relief from this Court.

Dated: June 30, 2020

Jeffrey M. Harris  
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Respectfully submitted,

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