

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WISCONSIN**

---

DEMOCRATIC NATIONAL COMMITTEE, *et al.*,

Plaintiffs,

v.

Case No. 20-cv-249-wmc

DEAN KNUDSON, *et al.*,

Defendants,

and

REPUBLICAN NATIONAL COMMITTEE, *et al.*,

Intervening Defendants.

---

SYLVIA GEAR, *et al.*,

Plaintiffs,

v.

Case No. 20-cv-278-wmc

MARGE BOSTELMANN, *et al.*,

Defendants.

---

REVEREND GREG LEWIS, *et al.*,

Plaintiffs,

v.

Case No. 20-cv-284-wmc

MARGE BOSTELMANN, *et al.*,

Defendants.

---

**THE CITY OF MILWAUKEE'S MEMORANDUM OF LAW  
IN SUPPORT OF MOTION FOR LEAVE  
TO FILE AMICUS CURIAE BRIEF**

---

## INTRODUCTION

The City of Milwaukee (“City”) is the largest and most diverse municipality in the State of Wisconsin. It has the most eligible voters and requires the greatest number of polling stations and volunteer poll workers in the State of Wisconsin. It is also presently the focal point of the COVID-19 crisis in the State of Wisconsin. For these reasons, and as further discussed below, this Court should recognize the City’s singularly valuable perspective on this matter and permit it to file an amicus curiae brief.

## ARGUMENT

### **I. The City Can Provide the Court With Valuable Insight and Information.**

The decision to accept an amicus curiae brief is within this Court’s discretion. *Nat’l Org. for Women, Inc. v. Scheidler*, 223 F.3d 615, 616 (7th Cir. 2000) (“Whether to permit a nonparty to submit a brief, as amicus curiae, is, with immaterial exceptions, a matter of judicial grace.”). The Seventh Circuit has noted that an amicus brief may be appropriate when: (1) a party is inadequately represented; (2) the proposed amicus has a direct interest in another case that may be affected by the court’s decision; or (3) the amicus offers a unique perspective or specific information that will assist the court. *Id.* at 617. Such a brief may aid the court by “presenting ideas, arguments, theories, insights, facts, or data that are not to be found in the parties’ briefs.” *Voices for Choices v. Ill. Bell Tel. Co.*, 339 F.3d 542, 545 (7th Cir. 2003).

This litigation raises issues of critical statewide importance in the midst of a global health crisis. It asks this Court to balance the requirements of the state’s election laws against recognition of the practical impediments to voting presented by the COVID-19

pandemic. Containing Wisconsin's largest and most diverse voting population, the City of Milwaukee possesses "insights, facts [and] data" that this Court cannot obtain from any other party. In particular, the City can show this Court the overwhelming effect that COVID-19 is having on election operations in a City with approximately 439,000 people of voting age.

As the City's proposed amicus brief explains more fully, its current concerns in the face of declared statewide and citywide public health emergencies will only continue to intensify should the election process remain unaltered. These concerns fall into two closely-related primary categories. First, the City is unable to appropriately staff in-person polling sites. It has already lost approximately two-thirds of its poll volunteers (and some of its polling stations) due to COVID-19 safety concerns, and expects to lose more before election day on April 7, 2020. Second, the City is attempting to manage an influx of absentee ballots ten times greater than in otherwise comparable past elections. Absentee ballots present multiple challenges: application processing and verification, distribution, and vote counting.

The City of Milwaukee is not the only municipality facing profound election challenges in the face of COVID-19. But nor is it comparable to any other Wisconsin municipality. The sheer scale of its election operations makes it unique, as does the racial and socioeconomic diversity of its population. Distinctive as it is in these respects, the City's perspective is one that can and should assist this Court in answering the difficult questions that confront it in this litigation. An amicus curiae brief affords the City the opportunity to do just that.

## CONCLUSION

For the reasons stated herein, this Court should grant the City leave to file an amicus curiae brief in this matter.

Dated at Milwaukee, Wisconsin this 30<sup>th</sup> day of March, 2020.

Respectfully submitted,

GRANT F. LANGLEY  
City Attorney

/s/Adam B. Stephens  
ADAM B. STEPHENS  
Deputy City Attorney  
State Bar No. 1033108  
City of Milwaukee, Wisconsin  
200 East Wells Street #800  
Milwaukee, WI 53202  
[asteph@milwaukee.gov](mailto:asteph@milwaukee.gov)  
414-286-2601

1086-2020-545/267729