

Nos. 20-1538, 20-1539

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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.

MARGE BOSTELMANN, *et al.*,  
Defendants

and

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

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SYLVIA GEAR, *et al.*,  
Plaintiffs-Appellees,

v.

MARGE BOSTELMANN, *et al.*,  
Defendants

and

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

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REVEREND GREG LEWIS, *et al.*,  
Plaintiffs-Appellees,

v.

MARGE BOSTELMANN, *et al.*,  
Defendants

and

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

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On Appeal From The United States District Court For The Western District Of Wisconsin  
Case Nos. 3:20-249, 3:20-278 & 3:20-284, The Honorable Judge William M. Conley Presiding

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***LEWIS PLAINTIFFS' OPPOSITION TO MOTIONS TO STAY***

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The *Lewis* Plaintiffs hereby adopt and incorporate the arguments of the *Democratic National Party* Plaintiffs and the *Gear* Plaintiffs in opposition to the pending motions for stay. In addition, the *Lewis* Plaintiffs wish to emphasize the following point:

After the evidentiary hearing, the District Court found that the Wisconsin Election Commission “acknowledged that approximately 27,500 voters absentee ballots will be received *after* the receipt deadline of 8:00 p.m. on the day of the election, April 7, 2020, and, therefore, will not be counted.” No. 20-1538, Doc. No. 7-1 at 16. Additionally, the record before the District Court, based on declarations before it, overwhelmingly shows that voting during COVID-19 will be hindered in numerous ways and, logically, as conditions deteriorate, those hinderances will certainly grow. Indeed, the COVID-19 virus continues to spread throughout Wisconsin, causing casualties that grow by the day at a frightening pace. According to the Wisconsin Department of Health Services, there are now 1,916 Wisconsinites who have tested positive for COVID-19, and 37 have died from the virus.<sup>1</sup>

The District Court addressed the pre-election relief sought by three groups of plaintiffs, received and considered a substantial amount of evidence from all parties, considered the arguments of many *amici*, held an evidentiary hearing, and exercised its discretion based on the formidable factual record to issue the relief in its Order. The District Court issued extensive findings of fact, with narrowly tailored remedial relief which imposed minimal disruption or deviation from the state’s statutory electoral scheme. This Court should not disturb that pre-election relief by granting the motions to stay.

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<sup>1</sup> <https://www.dhs.wisconsin.gov/outbreaks/index.htm>

DATED: April 3, 2020

Respectfully submitted,

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