

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-Appellees*,

and

WISCONSIN STATE LEGISLATURE, *et al.*,  
*Intervening Defendant-Appellant*.

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

v.

MARGE BOSTELMANN, *et al.*,  
*Defendants-Appellees*,

and

WISCONSIN STATE LEGISLATURE, *et al.*,  
*Intervening Defendant-Appellant*.

CRYSTAL EDWARDS, *et al.*,  
*Plaintiffs-Appellees*,

v.

WISCONSIN STATE LEGISLATURE, *et al.*,  
*Intervening Defendant-Appellant*.

JILL SWENSON, *et al.*,  
*Plaintiffs-Appellees*,

v.

MARGE BOSTELMANN, *et al.*,  
*Defendants-Appellees*,

and

WISCONSIN STATE LEGISLATURE, *et al.*,  
*Intervening Defendant-Appellant*.

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

v.

MARGE BOSTELMANN, *et al.*,  
*Defendants-Appellees*,  
and  
REPUBLICAN NATIONAL COMMITTEE and REPUBLICAN PARTY OF WISCONSIN,  
*Intervening Defendants-Appellants*.

SYLVIA GEAR, *et al.*,  
*Plaintiffs-Appellees*,  
v.  
MARGE BOSTELMANN, *et al.*,  
*Defendants-Appellees*,  
and  
REPUBLICAN NATIONAL COMMITTEE and REPUBLICAN PARTY OF WISCONSIN, *et al.*,  
*Intervening Defendants-Appellants*.

CRYSTAL EDWARDS, *et al.*,  
*Plaintiffs-Appellees*,  
v.  
WISCONSIN STATE LEGISLATURE, *et al.*,  
*Intervening Defendant-Appellant*,  
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On Appeal from the United States District Court  
for the Western District of Wisconsin (Conley, J.)

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**JOINDER OF THE WISCONSIN LEGISLATURE'S EMERGENCY  
MOTION TO CERTIFY A QUESTION OF LAW TO THE WISCONSIN  
SUPREME COURT AND FOR AN ADMINISTRATIVE STAY**

The Republican National Committee and Republican Party of Wisconsin hereby join the Wisconsin State Legislature’s emergency motion to certify a question of law to the Wisconsin Supreme Court and for an administrative stay pending that court’s decision. Appellate jurisdiction turns in part on an important question of state law to which this Court has given two different answers in a matter of months. Certification will clarify whether the Court’s September 29 opinion correctly interpreted *Service Employees International Union (SEIU), Local 1 v. Vos*, 946 N.W.2d 35 (Wis. 2020)—a “limited” decision that “only” rejected a facial challenge to Wis. Stat. §803.09(2m) (among other statutes) and explicitly “express[ed] no opinion on whether individual applications or categories of applications” of those statutes “may violate the separation of powers,” 946 N.W.2d at 57 (¶73).

Although the Court relied on *Vos* only in rejecting the Legislature’s appellate standing (not the RNC’s or RPW’s), the RNC and RPW have an interest in the Legislature’s motion because, if the Legislature has appellate standing, the RNC and RPW need not separately demonstrate appellate standing. *Horne v. Flores*, 557 U.S. 433, 446 (2009).

This motion is not intended as the RNC’s and RPW’s response to the Court’s show-cause order. The RNC and RPW will submit their response to that order in a separate filing no later than October 6.

Dated: September 30, 2020

Respectfully submitted,

/s/ Patrick Strawbridge  
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### **CERTIFICATE OF COMPLIANCE**

This motion complies with the type-volume limitation of Rule 27(d)(2) because it contains 356 words, excluding the parts that can be excluded. This motion complies with all typeface requirements of Rules 27(d)(1)(E) and 32(a)(5)-(6), because it has been prepared in a proportionally spaced typeface using the 2016 version of Microsoft Word in 14-point Garamond.

Dated: September 30, 2020

/s/ Patrick Strawbridge

### **CERTIFICATE OF SERVICE**

I filed this motion with the Court via ECF, which will electronically notify all counsel requiring notice.

Dated: September 30, 2020

/s/ Patrick Strawbridge