No. 20-3414

IN THE UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

DONALD J. TRUMP, AS CANDIDATE FOR
PRESIDENT OF THE UNITED STATES OF AMERICA,
Plaintiff-Appellant,

v.

WISCONSIN ELECTIONS COMMISSION, *et al.*,
Defendants-Appellees

On Appeal From The United States District Court
For The Eastern District of Wisconsin, Milwaukee Division
Civil Action N. 2:20-cv-01785
The Honorable Brett H. Ludwig, Presiding

BRIEF OF INTERVENOR-APPELLEES WISCONSIN STATE CONFERENCE NAACP, DOROTHY HARRELL, WENDELL J. HARRIS, SR., AND EARNESTINE MOSS

Joseph S. Goode
Mark M. Leitner
John W. Halpin
Laffey, Leitner & Goode LLC
325 E. Chicago Street
Suite 200
Milwaukee, WI 53202
(414) 312-7003 Phone
(414) 755-7089 Facsimile
jgoode@llgmke.com
mleitner@llgmke.com
jhalpin@llgmke.com

Jon Greenbaum
Ezra Rosenberg
Lawyers' Committee for Civil Rights
Under Law
1500 K Street NW
9th Floor
Washington, DC 20005
(202) 662-8315 (phone)
(202) 783-0857 (fax)
jgreenbaum@lawyerscommittee.org
erosenberg@lawyerscommittee.org

Attorney for Intervenor-Appellees Wisconsin State Conference NAACP, Dorothy Harrell, Wendell J. Harris, Sr., and Earnestine Moss

Save As Clear Form

APPEARANCE & CIRCUIT RULE 26.1 DISCLOSURE STATEMENT

Appellate Court No: 20-3414

Short Caption: Donald J. Trump v. Wisconsin Elections Commission, et al.

To enable the judges to determine whether recusal is necessary or appropriate, an attorney for a non-governmental party, amicus curiae, intervenor or a private attorney representing a government party, must furnish a disclosure statement providing the following information in compliance with Circuit Rule 26.1 and Fed. R. App. P. 26.1.

The Court prefers that the disclosure statements be filed immediately following docketing; but, the disclosure statement must be filed within 21 days of docketing or upon the filing of a motion, response, petition, or answer in this court, whichever occurs first. Attorneys are required to file an amended statement to reflect any material changes in the required information. The text of the statement must also be included in the front of the table of contents of the party's main brief. **Counsel is required to complete the entire statement and to use N/A for any information that is not applicable if this form is used.**

☐ **PLEASE CHECK HERE IF ANY INFORMATION ON THIS FORM IS NEW OR REVISED AND INDICATE WHICH INFORMATION IS NEW OR REVISED.**

(1) The full name of every party that the attorney represents in the case (if the party is a corporation, you must provide the corporate disclosure information required by Fed. R. App. P. 26.1 by completing item #3):
Wisconsin State Conference NAACP; Dorothy Harrell; Wendell J. Harris, Sr.; Earnestine Moss

(2) The names of all law firms whose partners or associates have appeared for the party in the case (including proceedings in the district court or before an administrative agency) or are expected to appear for the party in this court:
Laffey, Leitner & Goode LLC

Lawyers Committee for Civil Rights Under Law

(3) If the party, amicus or intervenor is a corporation:

i) Identify all its parent corporations, if any; and

None

ii) list any publicly held company that owns 10% or more of the party's, amicus' or intervenor's stock:

None

(4) Provide information required by FRAP 26.1(b) – Organizational Victims in Criminal Cases:

Not applicable.

(5) Provide Debtor information required by FRAP 26.1 (c) 1 & 2:

Not applicable.

Attorney's Signature: s/ Joseph S. Goode Date: December 18, 2020

Attorney's Printed Name: Joseph S. Goode

Please indicate if you are *Counsel of Record* for the above listed parties pursuant to Circuit Rule 3(d). **Yes** ☑ **No** ☐

Address: Laffey, Leitner & Goode LLC, 325 E. Chicago Street, Suite 200, Milwaukee, WI 53202

Phone Number: (414) 312-7003 Fax Number: (414) 755-7089

E-Mail Address: jgoode@llgmke.com

rev. 12/19 AK

Save As Clear Form

APPEARANCE & CIRCUIT RULE 26.1 DISCLOSURE STATEMENT

Appellate Court No: 20-3414

Short Caption: Donald J. Trump v. Wisconsin Elections Commission, et al.

To enable the judges to determine whether recusal is necessary or appropriate, an attorney for a non-governmental party, amicus curiae, intervenor or a private attorney representing a government party, must furnish a disclosure statement providing the following information in compliance with Circuit Rule 26.1 and Fed. R. App. P. 26.1.

The Court prefers that the disclosure statements be filed immediately following docketing; but, the disclosure statement must be filed within 21 days of docketing or upon the filing of a motion, response, petition, or answer in this court, whichever occurs first. Attorneys are required to file an amended statement to reflect any material changes in the required information. The text of the statement must also be included in the front of the table of contents of the party's main brief. **Counsel is required to complete the entire statement and to use N/A for any information that is not applicable if this form is used.**

☐ **PLEASE CHECK HERE IF ANY INFORMATION ON THIS FORM IS NEW OR REVISED AND INDICATE WHICH INFORMATION IS NEW OR REVISED.**

(1) The full name of every party that the attorney represents in the case (if the party is a corporation, you must provide the corporate disclosure information required by Fed. R. App. P. 26.1 by completing item #3):

Wisconsin State Conference NAACP; Dorothy Harrell; Wendell J. Harris, Sr.; Earnestine Moss

(2) The names of all law firms whose partners or associates have appeared for the party in the case (including proceedings in the district court or before an administrative agency) or are expected to appear for the party in this court:

Laffey, Leitner & Goode LLC

Lawyers Committee for Civil Rights Under Law

(3) If the party, amicus or intervenor is a corporation:

i) Identify all its parent corporations, if any; and

None

ii) list any publicly held company that owns 10% or more of the party's, amicus' or intervenor's stock:

None

(4) Provide information required by FRAP 26.1(b) – Organizational Victims in Criminal Cases:

Not applicable.

(5) Provide Debtor information required by FRAP 26.1 (c) 1 & 2:

Not applicable.

Attorney's Signature: s/ Mark M. Leitner Date: December 18, 2020

Attorney's Printed Name: Mark M. Leitner

Please indicate if you are *Counsel of Record* for the above listed parties pursuant to Circuit Rule 3(d). **Yes** ☐ **No** ☑

Address: Laffey, Leitner & Goode LLC, 325 E. Chicago Street, Suite 200, Milwaukee, WI 53202

Phone Number: (414) 312-7003 Fax Number: (414) 755-7089

E-Mail Address: mleitner@llgmke.com

rev. 12/19 AK

Save As Clear Form

APPEARANCE & CIRCUIT RULE 26.1 DISCLOSURE STATEMENT

Appellate Court No: 20-3414

Short Caption: Donald J. Trump v. Wisconsin Elections Commission, et al.

To enable the judges to determine whether recusal is necessary or appropriate, an attorney for a non-governmental party, amicus curiae, intervenor or a private attorney representing a government party, must furnish a disclosure statement providing the following information in compliance with Circuit Rule 26.1 and Fed. R. App. P. 26.1.

The Court prefers that the disclosure statements be filed immediately following docketing; but, the disclosure statement must be filed within 21 days of docketing or upon the filing of a motion, response, petition, or answer in this court, whichever occurs first. Attorneys are required to file an amended statement to reflect any material changes in the required information. The text of the statement must also be included in the front of the table of contents of the party's main brief. **Counsel is required to complete the entire statement and to use N/A for any information that is not applicable if this form is used.**

☐ **PLEASE CHECK HERE IF ANY INFORMATION ON THIS FORM IS NEW OR REVISED AND INDICATE WHICH INFORMATION IS NEW OR REVISED.**

(1) The full name of every party that the attorney represents in the case (if the party is a corporation, you must provide the corporate disclosure information required by Fed. R. App. P. 26.1 by completing item #3):
Wisconsin State Conference NAACP; Dorothy Harrell; Wendell J. Harris, Sr.; Earnestine Moss

(2) The names of all law firms whose partners or associates have appeared for the party in the case (including proceedings in the district court or before an administrative agency) or are expected to appear for the party in this court:
Laffey, Leitner & Goode LLC

Lawyers Committee for Civil Rights Under Law

(3) If the party, amicus or intervenor is a corporation:

i) Identify all its parent corporations, if any; and

None

ii) list any publicly held company that owns 10% or more of the party's, amicus' or intervenor's stock:

None

(4) Provide information required by FRAP 26.1(b) – Organizational Victims in Criminal Cases:

Not applicable.

(5) Provide Debtor information required by FRAP 26.1 (c) 1 & 2:

Not applicable.

Attorney's Signature: s/ John W. Halpin Date: December 18, 2020

Attorney's Printed Name: John W. Halpin

Please indicate if you are *Counsel of Record* for the above listed parties pursuant to Circuit Rule 3(d). **Yes** ☐ **No** ☑

Address: Laffey, Leitner & Goode LLC, 325 E. Chicago Street, Suite 200, Milwaukee, WI 53202

Phone Number: (414) 312-7003 Fax Number: (414) 755-7089

E-Mail Address: jhalpin@llgmke.com

rev. 12/19 AK

Save As Clear Form

APPEARANCE & CIRCUIT RULE 26.1 DISCLOSURE STATEMENT

Appellate Court No: 20-3414

Short Caption: Donald J. Trump v. Wisconsin Elections Commission, et al.

To enable the judges to determine whether recusal is necessary or appropriate, an attorney for a non-governmental party, amicus curiae, intervenor or a private attorney representing a government party, must furnish a disclosure statement providing the following information in compliance with Circuit Rule 26.1 and Fed. R. App. P. 26.1.

The Court prefers that the disclosure statements be filed immediately following docketing; but, the disclosure statement must be filed within 21 days of docketing or upon the filing of a motion, response, petition, or answer in this court, whichever occurs first. Attorneys are required to file an amended statement to reflect any material changes in the required information. The text of the statement must also be included in the front of the table of contents of the party's main brief. **Counsel is required to complete the entire statement and to use N/A for any information that is not applicable if this form is used.**

☐ **PLEASE CHECK HERE IF ANY INFORMATION ON THIS FORM IS NEW OR REVISED AND INDICATE WHICH INFORMATION IS NEW OR REVISED.**

(1) The full name of every party that the attorney represents in the case (if the party is a corporation, you must provide the corporate disclosure information required by Fed. R. App. P. 26.1 by completing item #3):
Wisconsin State Conference NAACP; Dorothy Harrell; Wendell J. Harris, Sr.; Earnestine Moss

(2) The names of all law firms whose partners or associates have appeared for the party in the case (including proceedings in the district court or before an administrative agency) or are expected to appear for the party in this court:
Laffey, Leitner & Goode LLC

Lawyers Committee for Civil Rights Under Law

(3) If the party, amicus or intervenor is a corporation:

i) Identify all its parent corporations, if any; and

None

ii) list any publicly held company that owns 10% or more of the party's, amicus' or intervenor's stock:

None

(4) Provide information required by FRAP 26.1(b) – Organizational Victims in Criminal Cases:

Not applicable.

(5) Provide Debtor information required by FRAP 26.1 (c) 1 & 2:

Not applicable.

Attorney's Signature: s/ Jon M. Greenbaum Date: December 18, 2020

Attorney's Printed Name: Jon M. Greenbaum

Please indicate if you are *Counsel of Record* for the above listed parties pursuant to Circuit Rule 3(d). **Yes** ☐ **No** ☑

Address: Lawyers' Committee for Civil Rights Under Law, 1500 K Street NW, Suite 900, Washington, D.C. 20005

Phone Number: (202) 662-8315 Fax Number: (202) 783-0857

E-Mail Address: jgreenbaum@lawyerscommittee.org

rev. 12/19 AK

Save As Clear Form

APPEARANCE & CIRCUIT RULE 26.1 DISCLOSURE STATEMENT

Appellate Court No: 20-3414

Short Caption: Donald J. Trump v. Wisconsin Elections Commission, et al.

To enable the judges to determine whether recusal is necessary or appropriate, an attorney for a non-governmental party, amicus curiae, intervenor or a private attorney representing a government party, must furnish a disclosure statement providing the following information in compliance with Circuit Rule 26.1 and Fed. R. App. P. 26.1.

The Court prefers that the disclosure statements be filed immediately following docketing; but, the disclosure statement must be filed within 21 days of docketing or upon the filing of a motion, response, petition, or answer in this court, whichever occurs first. Attorneys are required to file an amended statement to reflect any material changes in the required information. The text of the statement must also be included in the front of the table of contents of the party's main brief. **Counsel is required to complete the entire statement and to use N/A for any information that is not applicable if this form is used.**

☐ **PLEASE CHECK HERE IF ANY INFORMATION ON THIS FORM IS NEW OR REVISED AND INDICATE WHICH INFORMATION IS NEW OR REVISED.**

(1) The full name of every party that the attorney represents in the case (if the party is a corporation, you must provide the corporate disclosure information required by Fed. R. App. P. 26.1 by completing item #3):

Wisconsin State Conference NAACP; Dorothy Harrell; Wendell J. Harris, Sr.; Earnestine Moss

(2) The names of all law firms whose partners or associates have appeared for the party in the case (including proceedings in the district court or before an administrative agency) or are expected to appear for the party in this court:

Laffey, Leitner & Goode LLC

Lawyers Committee for Civil Rights Under Law

(3) If the party, amicus or intervenor is a corporation:

i) Identify all its parent corporations, if any; and

None

ii) list any publicly held company that owns 10% or more of the party's, amicus' or intervenor's stock:

None

(4) Provide information required by FRAP 26.1(b) – Organizational Victims in Criminal Cases:

Not applicable.

(5) Provide Debtor information required by FRAP 26.1 (c) 1 & 2:

Not applicable.

Attorney's Signature: s/ Ezra D. Rosenberg Date: December 18, 2020

Attorney's Printed Name: Ezra D. Rosenberg

Please indicate if you are *Counsel of Record* for the above listed parties pursuant to Circuit Rule 3(d). **Yes** ☐ **No** ☑

Address: Lawyers' Committee for Civil Rights Under Law, 1500 K Street NW, Suite 900, Washington, D.C. 20005

Phone Number: (202) 662-8345 Fax Number: (202) 783-0857

E-Mail Address: erosenberg@lawyerscommittee.org

rev. 12/19 AK

TABLE OF CONTENTS

TABLE OF AUTHORITIES

RULES **PAGES**

OTHER AUTHORITIES **PAGES**

STATEMENT REGARDING ORAL ARGUMENT

Intervenor-Appellees Wisconsin State Conference NAACP, Dorothy Harrell, Wendell J. Harris, Sr., and Earnestine Moss (collectively, "NAACP Appellees") respectfully request oral argument.

JURISDICTIONAL STATEMENT

The Jurisdictional Statement submitted by President Trump is argumentative and inaccurate. This Court lacks jurisdiction over the President's claims because he lacks Article III standing, his claims are moot, and his claims are barred by the Eleventh Amendment. Each of these objections is discussed in detail in the brief of the Democratic National Committee ("DNC"), which the NAACP Appellees join and adopt by reference.

A. District Court Jurisdiction.

President Trump brought this action on December 2, 2020, over four weeks after the November 3, 2020 General Election. The President asked the U.S. District Court for the Eastern District of Wisconsin to exercise federal jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1343 with respect to his claims under 28 U.S.C. §§ 2201-02 and 42 U.S.C. § 1983 for alleged federal constitutional violations in connection with the Presidential election. The President contends that the state and municipal defendants violated Art. I, § 4, cl. 2, Art. II, § 1, cl. 4, and the First and Fourteenth Amendments of the U.S. Constitution. He further asserts that the governmental defendants engaged in "*ultra vires* modifications to the Legislature's explicit directions for the manner of conducting absentee voting in Wisconsin for the

presidential election," which the President claims were 'significant departure[s] from the legislative scheme for appointing Presidential electors.'" (Trump Br. at 1 (quoting *Bush v. Gore,* 531 U.S. 98, 113 (2000) (Rehnquist, C.J., concurring)).

The District Court lacked jurisdiction over these claims because of the standing, mootness, and Eleventh Amendment issues discussed in the DNC brief. The President's supposedly "federal" claims are merely disguised state law claims seeking relief against state and local officials who supposedly violated state statutory law, even though these allegations have been rejected by the Wisconsin Supreme Court. The President's claims of errors by state officials in carrying out state law are all wrong, and in any event would not constitute a "*significant* departure from the legislative scheme for appointing Presidential electors" necessary to invite federal judicial intervention. These points are developed in full in the government defendants' brief, which the NAACP Appellees also join and adopt by reference.

B. Appellate Jurisdiction.

This Court has jurisdiction under 28 U.S.C. § 1291 over President Trump's appeal from the District Court's final Decision and Order (A001) and Judgment (A024), which were entered on December 12, 2020.[1] The President's notice of appeal was filed that same day and is timely under Fed. R. App. P. 4(a)(1)(A).

[1] Consistent with President Trump's usage, citations to "A___" are to the appendix materials attached to the President's brief (ECF No. 41). Citations to "B___" are to the President's separately bound appendix (ECF No. 42). Citations to "JD___" are to the Joint Defense Appendix being filed on behalf of all defendants and intervening defendants.

STATEMENT OF THE ISSUES

The NAACP Appellees disagree with the Statement of Issues presented by Plaintiff-Appellant and instead join the Statement of Issues submitted by the other Defendants-Appellees whose briefs the NAACP Appellees join.

STATEMENT OF THE CASE

The NAACP Appellees disagree with the Statement of the Case presented by Plaintiff-Appellant and instead join the Statement of the Case submitted by the other Defendants-Appellees whose briefs the NAACP Appellees join.

SUMMARY OF ARGUMENT

The NAACP Appellees[2] join in the briefs by the other Defendants-Appellees that set forth in detail the myriad reasons why this Court should affirm the District Court's denial of Plaintiff-Appellant's motion for preliminary injunction and dismissal of this case with prejudice.

As the only Appellees in this action that represent individual voters, and more particularly Black voters, the NAACP Appellees write briefly to address a point that

[2] The Wisconsin State Conference NAACP ("Wisconsin NAACP") has approximately 4,000 members in seven units across Wisconsin. A significant portion of members are registered to vote in Wisconsin and the vast majority of its members are in Milwaukee County. The Wisconsin NAACP works in the areas of voter registration, voter education, get-out-the-vote efforts, and grassroots mobilization around voting rights. It engaged in those efforts in the November 3, 2020 election. (JD092-095.) Wendell J. Harris, Sr. is the President of the NAACP. He lives in Milwaukee and voted by mail in the November 3, 2020 because he contracted COVID-19. (JD092.) Earnestine Moss and Dorothy Harrell are members of the Wisconsin NAACP. Ms. Moss voted in person in Dane County and Ms. Harrell voted early in person in Rock County. (JD090; JD096.) The NAACP Appellees intervened in this case because view it as an attack on their votes and those of black voters. (JD090-091; JD093-095; JD096-097.)

only they can make amongst the parties in this case: this case is a part of a racist legal strategy devised by the lawyers for the President and his allies to challenge the results in several battleground states by baselessly attacking the legitimacy of the vote in jurisdictions with large numbers of Black voters and other voters of color. Although this Court and other courts handling these challenges can resolve them in favor of leaving the election results undisturbed without examining the racial element of these challenges, the NAACP Appellees believe that it is imperative to put this challenge and others like it in their proper context.

ARGUMENT

I. The Court Should Affirm the District Court's Denial of the Motion for Preliminary Injunction and Dismissal of President Trump's Case on the Merits.

In an effort to overturn the will of the voters and change the November 3, 2020 election results in the states that President-Elect Biden won most closely, President Trump and his allies have engaged in a racist legal strategy: challenge enough votes in the counties of each state with the most Black voters or voters of color to create doubt as to who won the election and request that election officials or judges determine a winner using a mechanism other than the actual statewide voting totals. In one of the first court hearings involving a post-election challenge, the President's legal architect, Rudy Giuliani, made unfounded and callous accusations about the legitimacy of the vote in Philadelphia, Pittsburgh, Atlanta, Detroit, and Milwaukee—all cities with substantial Black populations. (JD274-275.) Even when the challenged procedures at issue mostly involved the election on a statewide basis, the President

and his allies have focused on challenging those procedures in those counties with the most voters of color. *See, e.g.*, *Donald J. Trump for President, Inc. v. Boockvar*, No. 4:20-cv-02078-MWB, 2020 WL 6821992 at *3 (M.D. Pa., Nov. 21, 2020) (challenge to Pennsylvania Secretary of State's guidance for notice and cure of mail-in ballots directed at six counties with among the largest Black populations in Pennsylvania) (*aff'd*, *Donald v. Trump for President v. Pennsylvania*, No. 20-3361, 2020 WL 7012522 (3d Cir., Nov. 27, 2020)).

This unprecedented effort to change the vote in a Presidential election has sought to exploit unfounded biases that, in counties with large numbers of voters of color, election officials lack competency and/or integrity and votes are not legitimate. The President's effort has demonstrated that, unfortunately, efforts to suppress the Black vote in this country are not a relic of the past or confined to one region of the country. Of course, the NAACP was prepared. NAACP State Conferences throughout the United States and their members have participated as amici or defendant-intervenors in sixteen post-election challenge suits by the President and his allies in Pennsylvania, Georgia, Michigan, and Wisconsin—primarily directed at the strategy invoked by the President to baselessly call out election "problems" in jurisdictions where Black voters reside in greater numbers. *See, e.g.*, *Trump v. Boockvar* (Pennsylvania State Conference of the NAACP served as intervenor); *Wood v. Raffensperger*, No. 1:20-cv-04651-SDG, 2020 WL 6817513 (N.D. Ga., Nov. 20, 2020) (counsel for Georgia State Conference of the NAACP participated in temporary restraining order oral argument) (*aff'd*, No. 20-14418, 2020 WL 7094866 (11th Cir.,

Dec. 5, 2020)); *King v. Whitmer*, No. 20-13134, 2020 WL 7134198 (E.D. Mich., Dec. 7, 2020) (Michigan State Conference of the NAACP participated as amicus). Fortunately, state and local election officials have not buckled under the enormous pressure placed on them by the President and his allies as court after court (including the District Court below and the Wisconsin Supreme Court) have required the President and his allies to prove their allegations—not just talk about them in the media. And because result of the November 3, 2020 Presidential election is legitimate, the President and his supporters have failed in the courts over and over and over.

The President's legal strategy in Wisconsin has followed the same pattern—challenge statewide procedures (with one exception, Madison's "Democracy in the Park") but only do so in the counties and municipalities where the majority of Black voters live. For example, the President sought a recount only in Milwaukee and Dane Counties, the two Wisconsin counties that have the largest Black population, and followed that up with a court challenge to the recount in only those two counties. That challenge failed when the Wisconsin Supreme Court rejected it earlier this week. *Trump v. Biden*, No. 2020AP2038, 2020 WL 7331907 (Wis., Dec. 14, 2020).

This case is no different. The President named as defendants officials in two counties and municipalities within those counties (Milwaukee County, Dane County, Milwaukee, and Madison) and three additional municipalities (Cities of Racine, Kenosha, and Green Bay). This handful of jurisdictions among Wisconsin's 72 counties and 600 municipalities comprise close to 85% of the Black voting age population in Wisconsin. *See* United States Census Bureau, 2015-2019 American

Community Survey 5-year estimates; Table B01001B: Sex by Age (Black or African American Alone), https://data.census.gov/cedsci/advanced, last accessed on December 18, 2020. Moreover, the City of Milwaukee, which contains about two-thirds of Wisconsin's Black voting age population, is the centerpiece. Indeed, of the seven witnesses the President's counsel originally placed on the witness list for the hearing in the case, five were from Milwaukee, one was from Dane, and the seventh was the state elections administrator. (JD085-089.)

One final point merits attention. At the motion hearing, counsel for the President had the audacity to compare the significance of his client's cause to that of the plaintiffs in the seminal civil rights cases of *Brown v. Bd. of Ed. of Topeka, Shawnee Cty., Kan.*, 347 U.S. 483 (1954) (*supplemented sub nom. Brown v. Bd. of Educ. of Topeka, Kan.*, 349 U.S. 294 (1955)), and *Loving v. Virginia*, 388 U.S. 1 (1967). (JD171.) Comparing the President's specious effort to that of courageous legal pioneers who risked their own well-being to challenge and ultimately end the pernicious legal policies that formally segregated Black students from white students and criminalized interracial marriage is patently offensive.

This Court should affirm the district court for all of the reasons set forth in the briefs of the other defendants-appellees. In doing so, this Court will also send an important message to those who in the future may want to adopt a legal strategy similar to the President's legal team and his adherents—the courts will not recognize unwarranted challenges to the votes of Black people as a means of overturning an election result.

CONCLUSION

For the reasons set forth above, and for those set forth by the other Defendants-Appellees in their briefing, Wisconsin State Conference NAACP, Dorothy Harrell, Wendell J. Harris, Sr., and Earnestine Moss respectfully request that this Court affirm the District Court's denial of Plaintiff-Appellant's motion for preliminary injunction and dismissal of this case with prejudice.

Respectfully submitted this 18th day of December, 2020.

By: s/ *Joseph S. Goode*

LAFFEY, LEITNER & GOODE LLC
Joseph S. Goode
Mark M. Leitner
John W. Halpin
325 E. Chicago Street
Suite 200
Milwaukee, WI 53202
(414) 312-7003 Phone
(414) 755-7089 Facsimile
jgoode@llgmke.com
mleitner@llgmke.com
jhalpin@llgmke.com

LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW
Jon Greenbaum
Ezra Rosenberg
1500 K Street NW
9th Floor
Washington, DC 20005
(202) 662-8315 Phone
(202) 783-0857 Fax
jgreenbaum@lawyerscommittee.org
erosenberg@lawyerscommittee.org

Attorneys for Intervenor-Appellees Wisconsin State Conference NAACP, Dorothy Harrell, Wendell J. Harris, Sr., and Earnestine Moss

CERTIFICATE OF COMPLIANCE

1. This brief complies with the type-volume limitation of Fed. R. App. P. 32(a)(7)(B) because this brief contains 1,916 words, excluding the parts of the brief exempted by Fed. R. App. P. 32(a)(7)(B)(iii) as verified through Microsoft Word's "Word Count" function.

2. This brief complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and Circuit Rule 32(b) and the type style requirements of Fed. R. App. P. 32(a)(6) because this brief has been prepared in a proportionally spaced typeface using Microsoft Office Word in 12-point Century Schoolbook font.

Respectfully submitted this 18th day of December, 2020.

By: s/ *Joseph S. Goode*

An Attorney for Intervenor-Appellees Wisconsin State Conference NAACP, Dorothy Harrell, Wendell J. Harris, Sr., and Earnestine Moss

CERTIFICATE OF SERVICE

I hereby certify that on December 18, 2020, I electronically filed the foregoing document with the Clerk of the Court for the United States Court of Appeals for the Seventh Circuit by using the CM/ECF No. system. Participants in this case who are registered CM/ECF No. users will be served by the CM/ECF No. system.

Respectfully submitted this 18th day of December, 2020.

By: s/ *Joseph S. Goode*

An Attorney for Intervenor-Appellees Wisconsin State Conference NAACP, Dorothy Harrell, Wendell J. Harris, Sr., and Earnestine Moss

CERTIFICATE OF COMPLIANCE WITH CIRCUIT RULE 30(d)

The undersigned counsel hereby certifies that Wisconsin NAACP is not filing a separate Appendix and instead submits the Joint Appendix of Defendants-Appellees, which includes all materials required by Circuit Rules 30(a) and 30(b).

Respectfully submitted this 18th day of December, 2020.

By: s/ *Joseph S. Goode*

An Attorney for Intervenor-Appellees Wisconsin State Conference NAACP, Dorothy Harrell, Wendell J. Harris, Sr., and Earnestine Moss