

Common Cause: Signs onto legal brief seeking safe voting for citizens during pandemic

Posted on Thursday, Jul 9, 2020

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Madison, Wisconsin – Common Cause in Wisconsin (CCWI) yesterday filed an amicus brief in four cases under the caption Democratic National Committee v. Bostelmann. That first case is a lawsuit filed by the DNC in March in federal district court in Wisconsin seeking the extension of the deadline for return of absentee ballots and suspension of other voting requirements, such as the requirement to provide proof of residence and a witness signature to vote absentee—with respect to the state’s April primary and any other election held during the pandemic crisis — including the November general election.

The CCWI brief, written by Madison lawyer Dean Strang, was filed in the U.S. District Court for the Western District of Wisconsin on Wednesday evening, July 8th and is aimed at ensuring that eligible Wisconsinites have a genuine opportunity to vote safely in the midst of the current COVID-19 Pandemic and have the ability to do so this November. The brief and the plaintiffs whom CC/WI supports ask the court to take a balanced consideration the following:

- The nation never has tried to conduct a presidential election during a pandemic. The November 1918 election, during the midst of the great influenza pandemic, was a midterm election.
- Because both the September and November 2020 elections are certain to be held during an ongoing public health crisis, given the persistence of the pandemic, absentee voting will be crucial if people (especially those with compromised immune systems or other risk factors, including just age) are to participate in our democracy. These four combined lawsuits (in the DNC v. Bostelmann case) seek, at their core, to make registration and absentee voting more reliable, secure, and safely accessible for all lawful voters. The cases are essentially the same ones filed before the April 7 election, but now seek

prospective relief for the fall elections (and perhaps beyond).

- The April 7, 2020 Wisconsin elections, also conducted during the COVID-19 pandemic, saw more than 964,000 votes cast by mail. The previous high had been the April 2016 election, with just over 170,000 mailed ballots (and that was an election with overall turnout of 2.1 million, compared to the 1.55 million in this past April election). Sensibly, then, Wisconsin voters demonstrated tremendous demand both to vote lawfully and to do their part to reduce the spread of the coronavirus. In both ways, Wisconsin voters acted responsibly and with a sense of national duty.
- Perhaps most importantly, our April 7 election proved just how important the voter protections these cases seek really are. Only one form of relief that Judge William Conley granted before the April 7 election survived the cutbacks that the Seventh Circuit and the U.S. Supreme Court made to voter access and protection in the days immediately before that spring election: the higher courts let stand Judge Conley's order requiring the Wisconsin Elections Commission to count mailed absentee ballots that were postmarked on or before election day, but not received until after the election (the judge set the deadline for receipt of those ballots at April 13, six days after the election). What impact did that narrow judicial protection of voting rights have? On the WEC's own statistics from the April 7, 2020 election, an additional 79,054 lawful Wisconsin voters had their votes counted—and none of those votes would have counted if the WEC had been allowed to do business as usual. For context, that number is higher than the population of every man, woman, and child in the City of Racine—the state's fifth largest city.
- In spite of the success of even that narrow relief (which came at zero real cost of voter fraud, double-voting, or any other improper voting, based again on WEC statistics), the WEC and the other defendants want to eliminate even that small, successful measure of protection now, as coronavirus infections and deaths in Wisconsin sore far above where they were in April. The WEC and the other defendants also are opposing every other common-sense protection of the right to vote and the health of voters and other Wisconsinites in the upcoming fall elections. Common Cause in Wisconsin is proud to stand with this state's lawful voters, and to advance the health both of our democracy and of the public that a democracy serves.

You can access the [amicus brief here](#) and the [statement of interest in the case here](#).