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## **NEWS RELEASE**

### **VOTER ID CASE HISTORIES**

For Immediate Release

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MADISON — A chronological summary of each of the voter ID cases currently in the Wisconsin Court of Appeals -- *League of Women Voters of Wisconsin Education Network, Inc, et al. v. Scott Walker, et al.*, and *Milwaukee Branch of the NAACP, et al. v. Scott Walker, et al.* -- is set forth below. In each of the cases, Attorney General J.B. Van Hollen and the Department of Justice represent the defendants, Governor Scott Walker and the members of the Government Accountability Board.

*League of Women Voters of Wisconsin Education Network, Inc, et al. v. Scott Walker, et al.*, Dane County Case No. 11-CV-4669, Appeal No. 2012-AP-584.

- October 11, 2011, Summons and Complaint filed in Dane County Circuit Court.
- December 5, 2011, DOJ files motion to dismiss.
- February 2, 2012, Plaintiffs file motion for summary judgment enjoining the law.
- February 16, 2012, DOJ opposes Plaintiffs' motion for summary judgment.
- March 5, 2012, the Honorable Richard G. Niess denies motion to dismiss.
- March 12, 2012, Judge Niess issues a permanent injunction, ordering that the defendants are "permanently enjoined forthwith from any further implementation or enforcement of [2011 Wisconsin Act 23's photo ID requirements]."
- March 15, 2012, DOJ files motion with the Circuit Court to stay the March 12, 2012, permanent injunction.
- March 15, 2012, DOJ files a notice of appeal from the March 12, 2012, final order of the Circuit Court, enjoining Act 23, and a motion to expedite appeal. Pursuant to Wis. Stat. § 752.21 (2009-10), that appeal was required to be filed with District IV of the Court of Appeals.

- March 19, 2012, the Court of Appeals, District IV, orders the Plaintiffs to file a response, by Noon on March 21, 2012, to DOJ's motion to expedite or certify the appeal to the Wisconsin Supreme Court.
- March 20, 2012, the Circuit Court denies DOJ's motion to stay the March 12, 2012, permanent injunction.
- March 22, 2012, the DOJ files with the Court of Appeals, a motion to stay pending appeal the permanent injunction entered on March 12, 2012, by Judge Niess.
- March 28, 2012, the Court of Appeals certifies to the Wisconsin Supreme Court the DOJ's appeal and two motions: a motion to expedite the appeal and a motion to stay the permanent injunction.
- April 16, 2012, the Wisconsin Supreme Court issues an order, refusing certification from the Court of Appeals.
- April 26, 2012, the Court of Appeals denies DOJ's motion to stay the Circuit Court's permanent injunction and ordering that submission of the appeal be advanced for consideration.
- May 25, 2012, DOJ files its opening brief in the Court of Appeals.
- August 20, 2012, Plaintiffs file their response brief.
- August 21, 2012, DOJ files a petition to bypass Court of Appeals and motion to consolidate with the *NAACP* case in the Wisconsin Supreme Court. DOJ also files motions to stay permanent injunction in the Wisconsin Supreme Court in both *League* and *NAACP*.
- September 7, 2012, DOJ files its reply brief in the Court of Appeals.
- September 27, 2012, the Wisconsin Supreme Court enters an order denying the petition to bypass and dismissing the motions to consolidate and stay permanent injunction.
- October 8, 2012, the record and briefs are submitted to District IV of the Court of Appeals for assignment.
- November 7, 2012, DOJ files a petition to bypass in the *NAACP* case in the Wisconsin Supreme Court and moves to consolidate that case with *League*.
- January 14, 2013, the Wisconsin Supreme Court denies the petition to bypass and motion to consolidate.
- May 30, 2013, District IV of the Court of Appeals reversed the circuit court's summary judgment granting declaratory and injunctive relief to plaintiffs and remanded the case for further proceedings as may be necessary.

*Milwaukee Branch of the NAACP, et al. v. Scott Walker, et al.*, Dane County Case No. 11-CV-5492, Appeal No. 2012-AP-1652.

- December 16, 2011, Summons and Complaint filed in Dane County Circuit Court.
- January 18, 2012, Plaintiffs file motion for preliminary injunction.
- March 1, 2012, the Honorable David T. Flanagan in Dane County Circuit Court hears the Plaintiffs' motion for temporary injunction.
- March 6, 2012, the Court issues an order granting motion for temporary injunction, ordering defendants to "cease immediately any effort to enforce or implement the photo identification requirements of 2011 Wisconsin Act 23, pending trial of this case and further order of the court."

- March 9, 2012, DOJ files a notice of motion and motion to stay temporary injunction with the Circuit Court; on March 15, 2012, the Circuit Court issues an order denying that stay motion.
- March 15, 2012, DOJ files with the Court of Appeals, District II, a petition for leave to appeal the non-final order of March 6, 2012, (the order for temporary injunction) and a request to stay further proceedings in the Circuit Court pending appeal.
- March 16, 2012, the Court of Appeals declines to immediately stay further proceedings in the Circuit Court and orders Plaintiffs to respond by March 20, 2012, both to DOJ's petition for leave to appeal and to DOJ's request for a stay of circuit court proceedings.
- March 19, 2012, the DOJ files a motion, in the Court of Appeals, for a stay pending appeal of the temporary injunction entered on March 6, 2012, by the Circuit Court.
- March 28, 2012, the Court of Appeals certifies to the Wisconsin Supreme Court the petition for leave to appeal the March 6, 2012, non-final order granting the motion for temporary injunction and the motion to stay pending appeal the temporary injunction.
- April 16, 2012, the Wisconsin Supreme Court issues an order, refusing certification of the case from the Court of Appeals.
- April 16, 2012, a bench trial begins in Dane County Circuit Court before Judge Flanagan. (The bench trial in Dane County Circuit Court was held from April 16 through 19, 2012.)
- April 19, 2012, at the conclusion of trial, DOJ asks the Court to lift the temporary injunction due to the Plaintiffs' failure to prove their case during the trial. In particular, DOJ raises the fact that the organizational plaintiffs had introduced no evidence proving that they had legal standing to challenge the law. Judge Flanagan refuses to lift the injunction.
- April 26, 2012, the Court of Appeals, District II, issues a decision, denying the petition for leave to appeal and the motion to stay the temporary injunction.
- April 30, 2012, in response to a motion by Plaintiffs to reopen the trial in order to present additional testimony to prove organizational standing, Judge Flanagan reopens the previously concluded trial to allow Plaintiffs to submit additional evidence.
- Additional testimony is taken on May 4, 2012.
- July 17, 2012, Judge Flanagan issues his decision invalidating and permanently enjoining 2011 Wisconsin Act 23.
- July 23, 2012, DOJ files with the Circuit Court and Court of Appeals, District II, a notice of appeal (and docketing statement); Appeals Case No. 2012-AP-1652.
- August 16, 2012, trial court record is filed with the Court of Appeals, officially transferring jurisdiction of the case.
- August 21, 2012, DOJ files a petition to bypass Court of Appeals and motion to consolidate with the *League* case in the Wisconsin Supreme Court. DOJ also files motions to stay permanent injunction in the Wisconsin Supreme Court in both *League* and *NAACP*. DOJ also files a motion to stay permanent injunction pending appeal in Dane County Circuit Court.
- September 13, 2012, DOJ files its opening brief in the Court of Appeals.
- September 14, 2012, Judge Flanagan of the Dane County Circuit Court denies DOJ's motion to stay permanent injunction.

- September 27, 2012, the Wisconsin Supreme Court enters an order denying the petition to bypass and dismissing the motions to consolidate and stay permanent injunction.
- November 5, 2012, Plaintiffs file their response brief in the Court of Appeals.
- January 14, 2013, DOJ files its reply brief in the Court of Appeals.
- January 14, 2013, the Wisconsin Supreme Court denies the petition to bypass and motion to consolidate.
- January 16, 2013, the record and briefs are sent to District II of the Court of Appeals.

In addition to the cases discussed above, there are two other cases challenging the Voter ID law that are pending in federal court. *Bettye Jones, et al. v. David G. Deininger, et al.*, Case No. 12-CV-185, and *Ruthelle Frank, et al. v. Scott Walker, et al.*, Case No. 11-CV-1128. Both cases are pending in the United States District Court for the Eastern District of Wisconsin and have been assigned to United States District Court Judge Lynn S. Adelman. Trial in these cases was originally scheduled to start on September 10, 2012, but was taken off of the calendar without a new trial date being scheduled. Motions to enjoin the Voter ID law have been filed, but no decision has been entered. There is currently no trial date on the calendar. A telephone status conference on both federal cases is set for July 29, 2013.

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