

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MICHAEL J. BOST; LAURA POLLASTRINI;
and SUSAN SWEENEY,

Plaintiffs,

v.

THE ILLINOIS STATE BOARD OF
ELECTIONS; and BERNADETTE
MATTHEWS, in her capacity as the Executive
Director of the Illinois State Board of Elections,

Defendants.

No. 1:22-cv-02754

Hon. John F. Kness

**DEMOCRATIC PARTY OF ILLINOIS'S REPLY IN SUPPORT OF ITS MOTION TO
PARTICIPATE IN ARGUMENT AS AMICUS CURIAE**

This matter involves questions that threaten the enfranchisement of thousands of lawful Illinois voters, threatening to impose substantial injury on the Democratic Party of Illinois (“DPI”) itself, as well as its individual members and the millions of Illinois voters who affiliate with the Party and vote to support Democratic candidates in Illinois elections. Allowing DPI to participate in the upcoming hearing on the motion to dismiss will not confer on it party status, as Plaintiffs argue. *See* Dkt. 69 at 3. It will not allow DPI to take discovery, for example, or independently move for relief from the Court. It will simply allow DPI to be heard on issues that threaten to critically impact it and its membership, about which DPI and its counsel may offer a unique perspective. The Court has permitted DPI to participate in this litigation as amicus, and it has discretion to allow it to participate in the hearing on December 7. The named Defendants do not object to DPI’s participation, and the Plaintiffs’ opposition provides no concrete reason to forbid it.

Nor does DPI have any interest in simply reiterating the arguments of the State Defendants. If permitted to participate, DPI would ask that the Court allow its counsel a limited amount of time to offer argument informed by its unique perspective, the presentation of which is likely to aid the Court in resolving the pending motion. DPI's counsel are national election lawyers with extensive experience litigating election cases, including cases in which courts have rejected the same types of standing arguments that Plaintiffs make here. DPI's counsel also has experience in litigation which rejected similar claims against similar ballot receipt deadlines, similarly rooted in the theories urged by Plaintiffs here.

At the same time, the risk that this litigation poses to DPI and its voters is significant. The longer it remains unresolved, the higher the risk that it sows confusion among Illinois voters in upcoming elections. The uncertainty surrounding this litigation also makes it difficult for DPI to make decisions about how to allocate its resources in preparation for upcoming elections, unsure whether ballots cast by lawful voters on or before election day that arrive during the timeframe provided for by Illinois law may be called into question, a sea change in election administration in Illinois that would require DPI to divert substantial resources, well in advance of any coming election, in order to attempt to address.

For each of these reasons, DPI respectfully requests the Court grant it leave to participate in argument as amicus curiae at the December 7 hearing on the state's motion to dismiss.

November 29, 2022

Respectfully Submitted,

JENNER & BLOCK LLP

By: s/ Coral A. Negrón

Coral A. Negron
Jenner & Block LLP
1099 New York Avenue, NW
Washington, D.C. 20001
Telephone: (202) 639-6875
cnegron@jenner.com

Elisabeth C. Frost*
Maya Sequeira*
Richard A. Medina*
Elias Law Group LLP
10 G Street NE, Suite 600
Washington, D.C. 20002
Telephone: (202) 968-4490
Facsimile: (202) 968-4498
efrost@elias.law
msequeira@elias.law
rmedina@elias.law

Abha Khanna*
Elias Law Group LLP
1700 Seventh Ave, Suite 2100
Seattle, WA 98101
Telephone: (206) 656-0177
Facsimile: (206) 656-0180
akhanna@elias.law

*Attorneys for Proposed Intervenor-Defendant
Democratic Party of Illinois*

**Admitted pro hac vice*

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CERTIFICATE OF SERVICE

I, Coral A. Negrón, certify that on November 29, 2022 I electronically filed the foregoing **REPLY IN SUPPORT OF MOTION TO PARTICIPATE IN ORAL ARGUMENT** with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all attorneys of record.

I certify under penalty of perjury that the foregoing is true and correct.

/s/ Coral A. Negrón
JENNER & BLOCK LLP
1099 New York Avenue, NW
Washington, D.C. 20001
Telephone: (202) 639-6875

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