

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN**

REPUBLICAN PARTY OF WISCONSIN and
BRIAN SCHIMMING,

Plaintiffs,

v.

TONY EVERS, In his official capacity as Governor of
the State of Wisconsin,

Case No.: 3:24-cv-867

MEAGAN WOLFE, In her official capacity as
Administrator of the Wisconsin Elections Commission,

and

JOSH KAUL, In his official capacity as Attorney
General for the State of Wisconsin,

Defendants.

PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION

Plaintiffs Republican Party of Wisconsin and Brian Schimming, by and through their attorneys, Cramer Multhauf LLP, and pursuant to Fed. R. Civ. P. 65, submit the following Motion for a Preliminary Injunction and, in support of Plaintiffs' motion, states as follows:

1. The Republican Party of Wisconsin and its Chairman, Brian Schimming, have filed a lawsuit against Defendants Tony Evers, Meagan Wolfe, and Josh Kaul because of a pressing conflict in state and federal election laws regarding when Wisconsin presidential electors need to meet to cast their votes for the Electoral College.

2. Schimming has been appointed as a presidential elector by the Republican Party of Wisconsin and intends to participate in the meeting of the electors to cast the state's ten electoral votes for President-Elect Donald J. Trump and Vice President-Elect J.D. Vance.

3. On November 29, 2024, the Wisconsin Elections Commission certified that Trump and his running mate, Vance, won the state of Wisconsin.

4. The Chairwoman of the Wisconsin Elections Commission, Ann Jacobs, certified the ten presidential electors nominated by the Republican Party of Wisconsin.

5. The presidential electors and the Republican Party of Wisconsin are in the process of coordinating the meeting of these electors to cast their ballots for President and Vice President.

6. Wis. Stat. § 7.75(1) states that the electors are supposed to meet on the first Monday after the second Wednesday in December which this year would be Monday, December 16.

7. But that date conflicts with 3 U.S.C. § 7, which identifies that the presidential electors shall meet on the first Tuesday after the second Wednesday in December, which this year would be Tuesday, December 17.

8. The federal and state dates are in conflict and the federal statute should preempt the state-imposed date for the electors meeting.

9. Accordingly, the Plaintiffs seek by this motion a preliminary injunction against the enforceability and validity of Wis. Stat. § 7.75(1) until the matters set forth in the Plaintiffs' Complaint are heard on the merits.

10. As set forth in the accompanying brief in support, this situation requires a preliminary injunction from the court because the Plaintiffs can demonstrate: "(1) they will suffer irreparable harm in the period before final resolution of their claims; (2) traditional legal remedies are inadequate; and (3) the claim has some likelihood of success on the merits." *Jones v. Markiewicz-Qualkinbush*, 842 F.3d 1053, 1058 (7th Cir. 2016). The Court then must consider

the harm against the Defendants if relief is granted and the public interest in granting an injunction. *Cassell v. Snyders*, 990 F.3d 539, 545 (7th Cir. 2021). Both of these considerations weigh in the Plaintiffs' favor as the public will benefit from the Court clarifying the proper date for the presidential electors to meet and will not harm the Defendants.

11. For these reasons and those set forth in the accompanying brief in support of Plaintiff's motion, Plaintiffs respectfully request that this Motion be granted and that this Court issue a temporary injunction declaring Wis. Stat. § 7.75(1) preempted by 3 U.S.C. § 7.

12. Plaintiffs request a hearing on this motion as soon as the Court's calendar allows.

Dated this 6th day of December, 2024.

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