

or, in the alternative, move for leave to file the Brief of *Amici Curiae*, *instanter*, under Rule 29(b), and in support thereof state as follows:

I. NOTICE OF CONSENT TO FILE BRIEF OF *AMICI CURIAE*

On November 7, 2016, counsel for *Amici* contacted counsel for Defendants-Appellants, Intervenor Cook County Clerk David Orr (“Intervenor”), and Plaintiffs-Appellees to request their consent to file the Brief of *Amici Curiae* in accordance with Rule 29(a).

Counsel for Defendants-Appellants stated “we consent.” A true and correct copy of the email correspondence between counsel for *Amici* and counsel for Defendants-Appellants is attached as Exhibit B.

Counsel for Intervenor stated “Clerk Orr’s office has no objection to your proposed amicus brief.” A true and correct copy of the email correspondence between counsel for *Amici* and counsel for Intervenor is attached as Exhibit C.

Counsel for Plaintiffs-Appellees stated “[w]e do not object.” A true and correct copy of the email correspondence between counsel for *Amici* and counsel for Plaintiffs-Appellees is attached as Exhibit D.

II. ALTERNATIVE MOTION FOR LEAVE TO FILE BRIEF OF *AMICI CURIAE*.

In the alternative, to the extent the Court does not deem the email correspondence between counsel for *Amici* and counsel for Defendants-Appellants, Plaintiffs-Appellees, and Intervenor to reflect consent, within the meaning of Rule

29(a), to the filing of the Brief of *Amici Curiae*, *Amici* respectfully move in the alternative for leave to file their Brief pursuant to Rule 29(b).

A. The Identities And Interests Of The Movants

Amici are non-profit, non-partisan organizations that form the steering committee of the Just Democracy Coalition (the “Coalition”). The Coalition engaged in substantial public advocacy efforts for the passage of Illinois’ Election Day Registration Law (“EDR Law”), which is the subject of this appeal.

Asian Americans Advancing Justice – Chicago is a pan-Asian, non-profit organization that empowers the Asian American community through advocacy, coalition-building, education, and research. Founded in 1992, the organization leads the largest non-partisan poll monitoring effort in the Midwest to protect the voting rights of immigrants.

Action Now Institute educates, mobilizes, and engages community residents of Illinois’ low- and moderate-income communities to take a public stance on issues of importance to their neighborhoods, cities, and State.

CHANGE Illinois (the Coalition for Honest and New Government Ethics) includes a diverse network of civic, business, labor, professional, non-profit, and philanthropic organizations committed to strengthening our democracy and promoting a vibrant culture of civic participation in Illinois. CHANGE Illinois addresses issues that are essential to our democracy, including ballot access,

competitive elections, government transparency, judicial independence, and open and nonpartisan redistricting procedures.

Chicago Votes is a non-partisan, non-profit organization that builds a robust, equitable, and reflective democracy by empowering young people through hands-on civic education in historically underrepresented communities. Founded in 2012, Chicago Votes has built robust civic leadership development programs in public and private universities and high schools, registered 25,000 young people to vote, and led youth grassroots advocacy on issues of public importance.

Common Cause Illinois is a nonpartisan, nonprofit advocacy organization that was founded in 1970 as a vehicle for citizens to make their voices heard in the political process, and to hold their elected leaders accountable to the public interest. With nearly 475,000 members and supporters, and thirty-five state organizations, Common Cause Illinois fights for honest, open, and accountable government at all levels.

The Illinois Coalition for Immigration and Refugee Rights (“ICIRR”) is Illinois’ largest multiethnic immigrant advocacy organization. ICIRR promotes the rights of immigrants and refugees to full and equal participation in the civic, cultural, social, and political life of our diverse society. In partnership with its member organizations, ICIRR educates and organizes immigrant and refugee communities to better understand and assert their rights. ICIRR also promotes

citizenship and civic participation; monitors, analyzes, and advocates on immigrant-related issues; and informs the public about the contributions of immigrants and refugees.

The Illinois Public Interest Research Group (“Illinois PIRG”) is a citizen-funded, non-partisan, public interest advocacy organization. Illinois PIRG has played leadership roles in Just Democracy Illinois, and advocated for the passage of the EDR Law. Illinois PIRG’s Democracy and Civic engagement program works to modernize voter registration and election administration, reduce corporate influence on elections, and reform the redistricting process. Further, Illinois PIRG draws upon over thirty years of experience running non-partisan voter registration and get-out-the-vote drives on college campuses.

The *Amici*’s collective efforts to make the systems that govern political participation more fair and inclusive, including for minority and marginalized groups, give *Amici* considerable interest and insight into this litigation. *Amici* advocated for the passage of the EDR Law, and invested substantial resources in conducting voter outreach to inform individuals and communities about the new registration opportunities available under the EDR Law. Accordingly, *Amici* are uniquely positioned to provide the Court with insight regarding the context, purpose, and policy rationale for the EDR Law.

B. The Brief of *Amici Curiae* Will Aid The Court In Resolving This Appeal By Providing Insights Regarding The Legislative History And Intent of The EDR Law.

The Court has discretion to grant *Amici* leave to file the proposed Brief as “a matter of judicial grace.” *National Organization for Women, Inc. v. Scheidler*, 223 F.3d 615, 616 (7th Cir. 2000). In exercising such discretion, the Court considers “whether the brief will assist the judges by presenting ideas, arguments, theories, insights, facts, or data that are not to be found in the parties’ briefs.” *Voices for Choices v. Illinois Bell Telephone Co.*, 339 F.3d 542, 545 (7th Cir. 2003). The Court has identified three general circumstances under which this test is “likely to be satisfied”: “[1] a case in which a party is inadequately represented; [2] [a case] in which the would-be amicus has a direct interest in another case that may be materially affected by a decision in this case; or [3] [a case] in which the amicus has a unique perspective or specific information that can assist the court beyond what the parties can provide.” *Id.*; *National Organization for Women, Inc.*, 223 F.3d at 617.

Amici seek leave to file the proposed Brief on the basis of their unique perspective and specific information that can assist the Court beyond what the parties can provide. Given their legislative advocacy and community organization with respect to the EDR law, *Amici* uniquely are positioned to provide the Court with insight regarding the history, purpose, and policy rationale of the EDR Law,

and, in particular, the importance of the EDR Law to marginalized populations in high-population urban geographies throughout the State.

Amici have not received financial sponsorship or encouragement to submit the proposed Brief from Defendants-Appellants or Intervenor. *Cf. National Organization for Women, Inc.*, 223 F.3d at 617 (“The lawyer for one of the would-be amici curiae in this case admits that he was paid by one of the appellants for his preparation of the amicus curiae brief.”). To the contrary, *Amici* themselves have committed substantial resources and engaged *pro bono* counsel in connection with their proposed Brief.

Moreover, *Amici* do not seek “to inject interest-group politics into the federal appellate process.” *Cf. id.* By contrast to trade organizations and other interest groups, *Amici* are non-partisan organizations that with an overriding interest in promoting fair and inclusive political participation in our democracy.

Finally, *Amici*’s proposed Brief does not “cover the same ground” as Defendants-Appellants. *Cf. Voices for Choices*, 339 F.3d at 545. The Brief offers a narrative of *Amici*’s own advocacy efforts for the EDR Law, and their own experience regarding the policy rationale underlying the EDR Law. Based on their grassroots presence in communities throughout the State, *Amici* have a unique understanding of the peculiar importance of EDR in high-population counties with a substantial presence of historically marginalized voters.

III. CONCLUSION

Amici respectfully request that the Court accept the Brief of *Amici Curiae* based on the consent of the parties in accordance with Rule 29(a) or, in the alternative, by motion under Rule 29(b).

Dated: November 17, 2016

Respectfully submitted,

Just Democracy Coalition

By: /s/ Raja S. Gaddipati
Attorney for *Amici Curiae*

Raja S. Gaddipati
Mikiko A. Thelwell
DLA Piper LLP (US)
203 North LaSalle Street
Suite 1900
Chicago, Illinois 60601-1201
T 312.368.4000
F 312.236.7516
E raja.gaddipati@dlapiper.com
E mikiko.thelwell@dlapiper.com

CERTIFICATE OF SERVICE

I hereby certify that on November 17, 2016, I electronically filed the foregoing *Notice Of Consent To File, Or In The Alternative, Motion For Leave To File Brief Of Amici Curiae Asian-Americans Advancing Justice-Chicago; Action Now Institute; Change Illinois; Chicago Votes; Common Cause Illinois; The Illinois Coalition for Immigrant and Refugee Rights; And The Illinois Public Interest Research Group In Support Of Defendants-Appellants And Reversal* using the ECF system for the United States Court of Appeals for the Seventh Circuit. Notice of this filing will be sent by operation of the Court's electronic filing system to all counsel of record registered on the ECF system.

By: /s/ Raja S. Gaddipati
Attorney for *Amici Curiae*