

Press Releases

O'Melveny Helps Secure Key Win in Wisconsin Voting Rights Case

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FOR IMMEDIATE RELEASE

NEW YORK—September 22, 2020—O'Melveny helped achieve a significant legal victory for a coalition of Wisconsin voters and organizations in a federal lawsuit brought to ensure that all voters in the key battleground state can safely and equitably cast ballots during the November general election.

On September 21, a federal judge in the Western District of Wisconsin:

- extended the deadline for receipt of absentee ballots until November 9 for all ballots postmarked on or before November 3;
- extended the deadline for online and mail-in registration to October 21;
- authorized election officials to email ballots to voters who request them but don't receive them in the mail;
- authorized Wisconsin residents to serve as poll workers outside of their counties of residence to help combat the threat of a poll worker shortage.

The order is subject to a one week judicial stay to allow time for appeals.

The lawsuit was filed in response to voting rights violations during Wisconsin's April 7 primary election. The plaintiffs include three registered Wisconsin voters, as well as Disability Rights Wisconsin, which advocates for legal rights on behalf of Wisconsin residents with disabilities, and Black Leaders Organizing for Communities, a group that engages members of the Milwaukee Black community in voting and the political process.

O'Melveny is serving as co-counsel for the plaintiffs, along with lawyers from Protect Democracy, a nonpartisan nonprofit organization, the MacArthur Justice Center, and Stafford Rosenbaum LLP. O'Melveny counsel Yaira Dubin and Jason Zarrow led the oral argument at the preliminary injunction hearing that resulted in yesterday's victory.

“This is an important step to ensure that voting rights in Wisconsin are protected. Whether people are casting in-person ballots or utilizing the absentee voting process, it is vital that every eligible voter has the ability to safely and easily exercise their constitutional right to participate in the upcoming election,” said O’Melveny partner Anton Metlitsky, who led the O’Melveny team.

“We are proud to join forces with our co-counsel in the fight to protect the most fundamental American freedom—the right to vote—and we applaud the voters and organizations that brought this important lawsuit,” added Dubin.

“We’re encouraged by Judge Conley’s ruling vindicating the right to vote in Wisconsin. But there is more work yet to be done, and we look forward to working with co-counsel and our local partners in making sure this critical right is protected,” said Zarrow.

The O’Melveny team also included partners Leah Godesky and Molly Lens, and associates Vivaan Nehru, Kurt Brown, Katie Takakjian, Harry Liberman, and Christina Martin.

About O’Melveny

It’s more than what you do: it’s how you do it. Across sectors and borders, in board rooms and courtrooms, we measure our success by yours. And in our interactions, we commit to making your O’Melveny experience as satisfying as the outcomes we help you achieve. Our greatest accomplishment is ensuring that you never have to choose between premier lawyering and exceptional service. So, tell us. What do you want to achieve? Visit us at www.omm.com or learn more in our [firm at-a-glance](#), [year-end highlights](#), and on [LinkedIn](#), [Twitter](#), [Facebook](#), [Instagram](#), and [YouTube](#).

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Protect Democracy issued the following [release](#):

FEDERAL COURT REQUIRES WISCONSIN TO TAKE IMMEDIATE ACTION TO ENSURE SAFE VOTING IN NOVEMBER

September 21, 2020

Wisconsin Election Commission ordered to improve absentee and in-person voting procedures.

Madison, WI—Today, a coalition consisting of **Disability Rights Wisconsin, Black Leaders Organizing for Communities (BLOC)**, and three registered Wisconsin voters won a significant legal victory when a federal court ordered the Wisconsin Election Commission to ensure that voters have safe and equitable access to cast ballots during the November general election.

The Court, among other things, extended the deadline for receipt of absentee ballots until Nov. 9 for all mailed ballots postmarked on or before Nov. 3, which had been the deadline for receipt of ballots; extended the deadline for online and mail-in registration by one week, to October 21; allowed election officials to email ballots to voters who request them but don't receive them in the mail; and allowed Wisconsin residents to serve as poll workers outside of their counties of residence, to help the threat of a poll worker shortage.

The order will not go into effect for one week to allow time for any appeals; voters should not rely on these changes until they are no longer subject to any judicial stay.

"I'm glad to see the court acting to make sure every voter has a way to make her voice heard. Our democracy is stronger when we make it easier for more people to vote," said **Melody McCurtis**, a Milwaukee-based community organizer and a plaintiff in the lawsuit.

Angela Lang, Executive Director of BLOC, said, "Today's decision is a win for democracy, paving the way for thousands of legally registered Wisconsin voters to safely and securely participate in the general election. We can't let a pandemic, or any other threat, diminish the ability of voters to participate in the most fundamental aspect of our democracy, casting a ballot."

The plaintiffs filed the lawsuit after Wisconsin's April 7 primary election was marred by long lines, absent poll workers, missing absentee ballots, and a shortage of health safety supplies in the midst of the COVID pandemic—leaving tens of thousands of Wisconsin voters disenfranchised. The case was consolidated with several other lawsuits, including one brought by the Democratic National Committee.

Farbod Faraji, Counsel for Protect Democracy, held the ruling up as an example of how citizens can fight back to protect our democracy: "The late hero John Lewis said, 'The vote is precious. It is almost sacred. It is the most powerful non-violent tool we have in a democracy.' The Court's decision today is an affirmation of those words and the decades-long struggle for voting rights in this country. We owe a debt of gratitude to these plaintiffs for bringing the case forward."

“This ruling is a victory for democracy. Every voter should be able to vote easily, safely, and accessibly, no matter where they live or who they are,” added Jonathan Manes, an attorney with the MacArthur Justice Center, which represented the plaintiffs alongside Protect Democracy. “Today’s decision brings us closer to that goal.”

In addition to Protect Democracy and the MacArthur Justice Center, the plaintiffs were represented by two firms: Stafford Rosenbaum LLC and O’Melveny & Myers, LLP.

Jeffrey A. Mandell and **Douglas M. Poland**, attorneys with Stafford Rosenbaum LLC, noted that the Court’s ruling will help ensure that the 2020 general election is safe and fair: “Having been on the front lines for the last several years of fighting to protect the right to vote in Wisconsin, we are pleased that the federal courts continue to protect the ability of Wisconsin voters to have a say in who governs them. The relief granted by the Court in this case will help avoid Wisconsin’s November election being beset by the same problems we saw in April, when thousands of Wisconsinites had to choose between exercising their right to vote and protecting themselves and others from risking infection with COVID-19. Today’s Court’s order will enhance democracy in Wisconsin.”

“Today’s victory finally clears the way for a fair and free election in Wisconsin this November,” said **Yaira Dubin**, counsel at O’Melveny & Myers. “We have been proud to join the fight to protect the most fundamental American freedom—the right to vote—and we applaud the voters and organizations that brought this important challenge. It has been an honor to be part of the team.”

The ruling and other filings, including the complaint, can be found [here](#).

More information about the lawsuit is available [here](#).

Protect Democracy is a nonpartisan nonprofit organization dedicated to preventing American democracy from declining into a more authoritarian form of government.

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