

ALITO, J., dissenting

SUPREME COURT OF THE UNITED STATES

No. 14A352

RUTHELLE FRANK, ET AL. *v.* SCOTT WALKER
GOVERNOR OF WISCONSIN, ET AL.

ON APPLICATION TO VACATE STAY

[October 9, 2014]

The application to vacate the September 12, 2014 order of the United States Court of Appeals for the Seventh Circuit presented to Justice Kagan and by her referred to the Court is granted and the Seventh Circuit’s stay of the district court’s permanent injunction is vacated pending the timely filing and disposition of a petition for a writ of certiorari respecting case Nos. 14-2058 & 14-2059. Should the petition for a writ of certiorari be denied, this order shall terminate automatically. In the event the petition for a writ of certiorari is granted, the order shall terminate upon the sending down of the judgment of this Court

JUSTICE ALITO, with whom JUSTICE SCALIA and JUSTICE THOMAS join, dissenting.

There is a colorable basis for the Court’s decision due to the proximity of the upcoming general election. It is particularly troubling that absentee ballots have been sent out without any notation that proof of photo identification must be submitted. But this Court “may not vacate a stay entered by a court of appeals unless that court clearly and ‘demonstrably’ erred in its application of ‘accepted standards.’” *Planned Parenthood of Greater Tex. Surgical Health Servs. v. Abbott*, 571 U. S. ____, ____ (2013) (slip op., at 1) (SCALIA, J., concurring in denial of application to vacate stay) (quoting *Western Airlines, Inc. v. Teamsters*, 480 U. S. 1301, 1305 (1987) (O’Connor, J., in chambers); some internal quotation marks omitted). Under that test, the application in this case should be denied.