**UNITED STATES DISTRICT COURT**
**WESTERN DISTRICT OF MICHIGAN**

RUTH JOHNSON, TERRI LYNN LAND, and MARIAN SHERIDAN,

Plaintiffs,

v.

JOCELYN BENSON, Secretary of the State of Michigan, in her official capacity,

Defendant,

MICHIGAN ALLIANCE FOR RETIRED AMERICANS, DETROIT/DOWNRIVER CHAPTER OF THE A. PHILIP RANDOLPH INSTITUTE, CHARLES ROBINSON, GERARD MCMURRAN, and JIM PEDERSEN'S

Proposed-Intervenor Defendants.

Case No. 1:20-CV-00948

MICHIGAN ALLIANCE FOR RETIRED AMERICANS, DETROIT/DOWNRIVER CHAPTER OF THE A. PHILIP RANDOLPH INSTITUTE, CHARLES ROBINSON, GERARD MCMURRAN, AND JIM PEDERSEN'S MEMORANDUM IN SUPPORT OF MOTION TO INTERVENE AS DEFENDANTS



Under Federal Rule of Civil Procedure 24, the Michigan Alliance for Retired Americans, Detroit/Downriver Chapter of the A. Philip Randolph Institute, Charles Robinson, Gerard McMurran, and Jim Pedersen move to intervene as defendants in the above-titled action. Plaintiffs and Defendant Secretary of State Jocelyn Benson do not oppose the *Michigan Alliance* Intervenors' request to intervene in this action.

## INTRODUCTION

Plaintiffs are Republican politicians and an officer of the Michigan Republican Party. *See* Compl. ¶¶ 6-8.[1] They seek to persuade this federal court to nullify an order issued by a Michigan state court. Two weeks ago, the Michigan Court of Claims issued narrow relief under state law to

[1] *See also* https://www.migop.org/about (identifying a Marian Sheridan who is also a resident of Oakland County, Michigan as the State Republican Party's Grassroots Vice Chair).

protect Michigan's electorate from serious and concrete threats to their voting rights in the upcoming election. *See Michigan Alliance for Retired Americans v. Benson*, No. 20-000108-MM, Mich. Ct. of Claims (Sept. 18, 2020). Specifically, the Court of Claims held that the plaintiffs were likely to succeed on their claims under the Michigan Constitution challenging the application of Michigan's deadline for the receipt of mail-in ballots in the context of the current pandemic, and that the public interest favored an injunction. As a result, the court modestly extended the receipt deadline to allow for the acceptance of lawful ballots that are postmarked *the day before* Election Day, and (2) received by elections officials before the canvass is final on November 17, 2020. *Id.*; *see also* Mich. Comp. Laws Ann. § 168.842 (requiring board of state canvassers to report results of final canvass to Secretary by fourteenth day after election).

That relief was both entirely appropriate under the Michigan Constitution, and far narrower than relief approved by the U.S. Supreme Court earlier this year in litigation over the timeliness of mail ballots in the Wisconsin Primary. *Republican National Committee v. Democratic National Committee*, 140 S. Ct. 1205, 1208 (2020). The State Court Decision was also thoughtfully considered and thoroughly supported. Far from a rushed decision, it was only issued after the Court of Claims had considered several rounds of briefing, oral argument, and an extensive evidentiary record, including live testimony during an evidentiary hearing. And it was informed by robust participation as amici by representatives from the Michigan Legislature, the Republican National Committee, and Michigan Republican Party. Finally, although the state court originally denied the Michigan Legislature's motion to participate as a party, it has since granted the Legislature's motion to intervene as a defendant for the purposes of appealing the State Court Decision. Thus, the Plaintiffs in this action not only seek to invite a federal court to issue an order that would effectively overrule a considered state court judgment that is based entirely on state law, they ask

that this Court do so even before the state appellate courts have had the opportunity to consider a pending appeal of that very decision.

Proposed Intervenors are the plaintiffs in the Court of Claims case that the Plaintiffs in this litigation now collaterally attack (hereinafter the "*Michigan Alliance* Intervenors"). Their involvement in that case, and the consequences of this litigation on their and their members' right to vote should the Plaintiffs in this case succeed, clearly give them a substantial interest in this litigation. That interest, moreover, will be seriously impaired unless they are granted intervention, where no existing party will adequately represent their interests and the motion to intervene is, unquestionably, timely. The *Michigan Alliance* Intervenors include individual voters who stand to be harmed directly, as well as two nonprofit organizations: the Michigan Alliance for Retired Americans (the "Alliance") and the Downriver/Detroit Chapter of the A. Philip Randolph Institute ("APRI"), both dedicated to promoting the franchise and ensuring the full constitutional rights of their members. The Alliance has over 200,000 members in Michigan, composed of retirees from 23 public and private sector unions, community organizations, and individual activists. Some of its members are disabled, and many are elderly. Because all of the Alliance's members are of an age that place them at heightened risk of complications from COVID-19, all members are overwhelmingly likely to vote absentee this year. APRI is a senior constituency group with the mission of continuing to fight for human equality and economic justice to seek structural changes through the American democratic process. APRI works to educate voters about their voting options, to encourage voters to cast their ballots, and to provide assistance to help members of the Detroit/Downriver community vote, both in person and through absentee ballots.



Proposed Intervenots respectfully request that the Court set an expedited schedule regarding their motion to intervene, to allow for a prompt decision on this motion so that they may

respond to the pending motion for preliminary injunction by October 13 and participate in the hearing on October 20. Otherwise, the *Michigan Alliance* Intervenors' substantial constitutional rights are at risk of being irreparably harmed. In contrast, Plaintiffs' constitutional rights have not been harmed, and abstention principles strongly suggest this Court should not interfere with an injunction issued by a state court, based on state court law, which the State Legislature has been clear will be appealed to the state appellate courts.

## BACKGROUND

On June 2, 2020, the *Michigan Alliance* Intervenors filed a complaint in the Court of Claims against Secretary Benson and Michigan Attorney General Dana Nessel seeking declaratory and injunctive relief. That lawsuit raised several facial and as-applied challenges to three restrictions on absentee voting, which the Michigan Alliance argued violated the Michigan Constitution's protections of voting rights as applied in the current pandemic. The only one of those claims that is relevant to the current litigation is the Michigan Alliance's challenge to MCL 168.764a, which ordinarily requires that absentee ballots be received, and not merely postmarked, by election day to be counted. The Republican National Committee and Michigan Republican Party (the "Republican Committees"), as well as representatives from the Michigan Senate and House of Representatives (the "Michigan Legislators"), sought to intervene as parties in that State Court litigation. The state court denied those motions, but permitted them to broadly participate as amicus. The Court of Claims has since granted a motion by the Michigan Legislature to intervene as a defendant for the purposes of appealing the State Court Decision.

At issue in this litigation is the State Court Decision, which held that the "unrefuted documentary evidence concerning the effects of the pandemic and mail delays" made the "statutory ballot receipt deadline is, as applied, an impermissible restriction on the self-executing

right to vote" as guaranteed by the Michigan Constitution. *Michigan Alliance*, Case No. 20-000108-MM at 10. Accordingly, the state court enjoined the Secretary and Attorney General Nessel from enforcing the ballot receipt deadline during the November general election, ordering that, *for that election only*, "[a]ll ballots postmarked no later than one day before the election, i.e., November 2, 2020, and received before the deadline for certifying election results, are eligible and to be counted." *Id.* at 2.

This decision, although based on the Michigan Constitution, is consistent with decisions by courts across the country extending or affirming the extension of election-day ballot receipt deadlines in light of the current pandemic and the resultant toll on U.S. Postal Service. *Id.* at 4; *see also, e.g., Common Cause of Indiana et al. v. Lawson*, No. 1:20-cv-02007, 2020 WL 5798148, at *17 (S.D. Ind. Sept. 29, 2020); *Democratic National Committee v. Bostelmann*, No. 3:20-cv-00249, ECF No. 538 at 47-51 (W.D. Wisc. Sept. 21, 2020); *Pennsylvania Democratic Party v. Boockvar*, No. 133-MM-2020 at 36-37 (Pa. Sept. 17, 2020); *New Ga. Project v. Raffensperger*, No. 1:20-cv-01986-ELR, ECF No. 134 (N.D. Ga. Aug. 31, 2020).

Plaintiffs brought this case 11 days later and now seek to undo the State Court Decision in a collateral attack in this federal court. In their Complaint, Plaintiffs incorrectly describe the State Court Decision as a "policy" that the Secretary has "chosen," rather than one required by court order interpreting and applying the Michigan Constitution. *See* Compl. ¶¶ 56, 60; *see also id*. ¶ 76 (alleging "[t]he Secretary has acted *ultra vires* by *acceding* to a policy that ignores the Legislature's constitutional role in determining the deadline for when absentee ballots must be received"). Plaintiffs ask this Court for an extraordinary and entirely unprecedented remedy: declaratory and injunctive relief forbidding the Secretary from complying with the State Court Decision, by forbidding the counting of any ballots received after 8:00 p.m. on election day. *Id*. at

18. The relief they seek is not only improper, it poses a clear and direct threat to the *Michigan Alliance* Intervenors' rights and legal interests. The *Michigan Alliance* Intervenors should be permitted to intervene, file a response to the motion for preliminary injunction by October 13, and participate in the hearing set for October 20.

**STANDARD OF LAW**

The requirements for intervention under Federal Rule of Civil Procedure 24 "should be broadly construed in favor of potential intervenors." *Stupak-Thrall v. Glickman*, 226 F.3d 467, 472-73 (6th Cir. 2000) (quoting *Purnell v. City of Akron*, 925 F.2d 941, 951 (6th Cir. 1991)). To intervene as of right, the proposed intervenor must show that: "1) the application was timely filed; 2) the applicant possesses a substantial legal interest in the case; 3) the applicant's ability to protect its interest will be impaired without intervention; and 4) the existing parties will not adequately represent the applicant's interest." *Blount-Hill v. Zelman*, 636 F.3d 278, 283 (6th Cir. 2011) (citing *Grutter v. Bollinger*, 188 F.3d 394, 397-98 (6th Cir. 1999)).



"Permissive intervention has a less exacting standard than mandatory intervention and courts are given greater discretion to decide motions for permissive intervention." *Priorities USA v. Benson*, 448 F. Supp. 3d 755, 759–60 (E.D. Mich. 2020) (citing *Grubbs v. Norris*, 870 F.2d 343, 345 (6th Cir. 1989) ("[A] district court has less discretion to limit the participation of an intervenor of right than of a permissive intervenor."). "On a timely motion, the court may permit anyone to intervene who . . . has a claim or defense that shares with the main action a common question of law or fact." Fed. R. Civ. P. 24(b)(1). "In exercising its discretion, the court must consider whether the intervention will unduly delay or prejudice the adjudication of the original parties' rights." Fed. R. Civ. P. 24(b)(3). The interest of the intervenors, for the purposes of permissive intervention, only needs to be "distinct" from the defendants, regardless of whether it is "substantial." *Pub.*

*Interest Legal Found., Inc. v. Winfrey*, No. 19-13638, 2020 WL 2781826, at *3 (E.D. Mich. May 28, 2020) (citing *League of Women Voters of Michigan v. Johnson*, 902 F.3d 572, 579 (6th Cir. 2018)).

## ARGUMENT

### I. The *Michigan Alliance* Intervenors satisfy Rule 24(a)'s requirements for intervention as a matter of right.

#### A. The motion to intervene is timely.

The *Michigan Alliance*'s motion to intervene is indisputably timely. FRCP 24(b)(1); *United States v. Michigan*, 424 F.3d 438, 445 (6th Cir. 2005). Courts consider the following factors when deciding whether a motion to intervene is timely:

> (1) the point to which the suit has progressed; (2) the purpose for which intervention is sought; (3) the length of time preceding the application during which the proposed intervenors knew or should have known of their interest in the case; (4) the prejudice to the original parties due to the proposed intervenors' failure to promptly intervene after they knew or reasonably should have known of their interest in the case; and (5) the existence of unusual circumstances militating against or in favor of intervention.

*Stupak-Thrall*, 226 F.3d at 472-73 (quoting *Jansen v. City of Cincinnati*, 904 F.2d 336, 340 (6th Cir. 1990)). "No one factor is dispositive, but rather the determination of whether a motion to intervene is timely should be evaluated in the context of all relevant circumstances." *Zelman*, 636 F.3d at 284.

The *Michigan Alliance* Intervenors filed this motion just three days after Plaintiffs filed their Complaint, before any significant action in the case. *Priorities USA*, 448 F. Supp. 3d at 763 (noting legislature moved to intervene a mere twenty days after a lawsuit was filed without being formally noticed, and that it was "difficult to imagine a more timely intervention"). The purpose of the intervention is both to defend against this collateral attack on the State Court Decision, which was the result of the *Michigan Alliance* Intervenors' successful lawsuit, but also to protect

against irreparable harm to their and their members' fundamental rights. This is unquestionably a "legitimate" purpose and a case where "the motion to intervene was timely in light of the stated purpose for intervening." *Kirsch v. Dean*, 733 F. App'x 268, 275 (6th Cir. 2018) (quotations and citations omitted). Nor is there any plausible risk of prejudice to the other parties if the motion to intervene is granted. The *Michigan Alliance* Intervenors are prepared to file a response to Plaintiffs' motion for a preliminary injunction on Tuesday, October 13, at 5:00 p.m., pursuant to the Court's scheduling order. The *Michigan Alliance* Intervenors are also prepared to participate in oral argument on October 20th and will adhere to any other deadlines imposed by this Court. Finally, there are no unusual circumstances that should dissuade this Court from granting intervention. Therefore, the Court should find that the *Michigan Alliance* Intervenors' motion is timely.



### B. The *Michigan Alliance* Intervenors have significant, legally cognizable interests in the substance of this litigation.

The *Michigan Alliance* Intervenors significant protectable interests in this lawsuit strongly supports this Court granting their motion to intervene as defendants. To meet this standard, intervenors "'must have a direct and substantial interest in the litigation' such that it is a 'real party in interest in the transaction which is the subject of the proceeding.'" *Reliastar Life Ins Co.. v. MKP Invs.*, 565 F.App'x 369, 372 (6th Cir. 2014) (citation omitted). In the Sixth Circuit, this requirement has been described as "rather expansive," *Mich. State AFL–CIO v. Miller*, 103 F.3d 1240, 1245 (6th Cir. 1997), and one that courts should "construe[] liberally," *Bradley v. Milliken*, 828 F.2d 1186, 1192 (6th Cir. 1987). For example, in the Sixth Circuit, an intervenor need not have the same standing necessary to initiate a lawsuit and has rejected the notion that Rule 24(a)(2) requires a "specific legal or equitable interest." *Mich. State AFL–CIO*, 103 F.3d at 1245. But

regardless of how flexibly this Court applies this standard, the *Michigan Alliance* Intervenors more than adequately meet it here.

As discussed, the *Michigan Alliance* Intervenors are the plaintiffs in the State Court case that resulted in the decision that Plaintiffs collaterally attack here. The Michigan Alliance brought that case to protect its members' (and in the case of the individual voters, their own) fundamental rights to vote as guaranteed by the Michigan Constitution. In this lawsuit, Plaintiffs threaten to both invalidate the State Court Decision that the *Michigan Alliance* Intervenors obtained, but also to irreparably harm the very rights that the Michigan Alliance brought the Court of Claims case to protect. That State Court litigation, moreover, is ongoing. The Michigan Legislature has been granted the right to seek an appeal of it in the state courts themselves. Thus, this case also threatens to result in an order that could impact ongoing proceedings to which the Michigan Alliance remains an active party.

All of these interests, on their own, independently support granting intervention as of right here. Potential infringement of constitutional rights is a legally cognizable interest sufficient to constitute injury in fact for purposes of intervention. *See, e.g.*, *Baker v. Carr*, 369 U.S. 186, 207–08 (1962) (finding impairment of the right to vote is a legally cognizable injury); *Turn Key Gaming, Inc. v. Oglala Sioux Tribe*, 164 F.3d 1080, 1081–82 (8th Cir. 1999) (finding interest requirement "easily satisfie[d]" where "[t]he disposition of the lawsuit . . . may require resolution of legal and factual issues bearing on the validity of [] agreements" in which proposed intervenor had interests). But in addition, should Plaintiffs' requested relief be granted by this Court, it would also require the Alliance and APRI to divert time and resources from their other activities to remedy the suppressive and disenfranchising effects that invalidating the Court of Claims Order would have on Michigan voters. APRI and the Alliance would have to engage in efforts to ensure

that its members—the vast majority of whom are over the age of 65, placing them at elevated risk of severe illness from COVID-19—are not disenfranchised by the ballot receipt deadline during the November Election. Such an expenditure would necessarily divert resources from these organizations' other pre-election activities, such as their robust public policy and issue advocacy work, all of which imposes cognizable harm on the organization and its members. *See, e.g.*, *Nat'l Council of La Raza v. Cegavske*, 800 F.3d 1032, 1040 (9th Cir. 2015) (finding "concrete and particular" injury where plaintiffs alleged that, but for defendants' conduct, they "would be able to allocate substantial resources to other activities central to [their] mission[s]" (alterations in original) (citing *Havens Realty Corp. v. Coleman*, 455 U.S. 363, 379 (1982))); *Democratic Nat'l Comm. v. Reagan*, 329 F. Supp. 3d 824, 841 (D. Ariz. 2018) (finding standing where law required "organizations . . . to retool their [get-out-the-vote] strategies and divert [] resources"), *rev'd on other grounds sub nom. Democratic Nat'l Comm. v. Hobbs*, 948 F.3d 989 (9th Cir. 2020) (en banc).



### C. The disposition of this action may impair the *Michigan Alliance* Intervenors' ability to protect their interests.

The *Michigan Alliance* Intervenors also easily satisfy the minimal burden of showing that disposition of this matter may impair their ability to protect their interest. *Mich. State AFL-CIO*, 103 F.3d at 1247 ("This burden [of demonstrating impairment] is minimal."). To satisfy this factor, an intervenor need not demonstrate that its interest will be impaired, but instead need only demonstrate that impairment of its interest is *possible*. *Purnell*, 925 F.2d at 948. Moreover, the Sixth Circuit "has recognized that the time-sensitive nature of a case may be a factor in our intervention analysis," *Mich. State AFL-CIO*, 103 F.3d at 1247, and has found impairment of interest where the proposed intervenor "may lose the opportunity to ensure that one or more

electoral campaigns in Michigan are conducted under legislatively approved terms that [the proposed intervenor] believes to be fair and constitutional." *Id.* at 1247.

Because Plaintiffs' lawsuit effectively seeks to overturn a State Court Decision in which the *Michigan Alliance* Intervenors are the plaintiffs, a court order granting Plaintiffs' requested relief will indisputably impede the ability of the intervenors to enforce their constitutional rights. *Teague v. Bakker*, 931 F.2d 259, 261 (4th Cir. 1991); *Turn Key Gaming*, 164 F.3d at 1081–82 (finding interest requirement "easily satisfie[d]" where "[t]he disposition of the lawsuit . . . may require resolution of legal and factual issues bearing on the validity of [] agreements" in which proposed intervenor had interests).

The *Michigan Alliance* Intervenors' right to vote is also at risk if Plaintiffs' requested relief is granted. As the Court of Claims found in *Michigan Alliance*, the ballot receipt deadline imposes a severe burden on Michigan voters in the November election, including on the *Michigan Alliance* Intervenors and their members, who will encounter extended mail delivery timelines which are incompatible with the State's deadlines for the receipt of absentee ballots postmarked by election day, all during a global pandemic that imposes health risks on those who seek to vote in person. The *Michigan Alliance* Intervenors have a cognizable interest in protecting the constitutional rights that form the basis of their state court lawsuit and the rights of their members who might lose the ability to have their votes counted. *See, e.g.*, *Ohio Org. Collaborative v. Husted*, 189 F. Supp. 3d 708, 726 (S.D. Ohio 2016) (finding organization "established an injury in fact" where "the challenged provisions will make it more difficult for its members and constituents to vote"), *rev'd on other grounds sub nom. Ohio Democratic Party v. Husted*, 834 F.3d 620 (6th Cir. 2016). Moreover, as discussed, the disruptive and disenfranchising effects of Plaintiffs' lawsuit would require the Alliance and APRI to divert resources to protect the rights of their members. In other

words, impairment of the *Michigan Alliance* Intervenors' interests as a result of this lawsuit, is more than "possible." *Mich. State AFL-CIO*, 103 F.3d at 1247 (citing *Purnell*, 925 F.2d at 948). Thus, this fact as well strongly favors granting intervention as of right.

### D. The *Michigan Alliance* Intervenors' interests are not adequately represented by the Secretary.

Finally, that the Secretary is adverse to the *Michigan Alliance* Intervenors in ongoing, related litigation is sufficient by itself to demonstrate a lack of adequate representation here. "The question of adequate representation does not arise unless the applicant is somehow represented in the action. An interest that is not represented at all is surely not 'adequately represented,' and intervention in that case must be allowed." *Grubbs v. Norris*, 870 F.2d 343, 347 (6th Cir. 1989) (citations omitted); *see, e.g.*, *Maxum Indem. Co. v. Biddle Law Firm, PA*, 329 F.R.D. 550, 556 (D.S.C. 2019) (finding intervenors' interests not adequately represented where parties seeking intervention were adverse to defendants in a related state-court action brought by the intervenors); *Hartford Accident & Indem. Co. v. Crider*, 58 F.R.D. 15, 18 (N.D. Ill. 1973) (same). The *Michigan Alliance* Intervenors have specific interests implicated by the litigation which they cannot rely on the Secretary to adequately protect, particularly considering that they were forced to sue the Secretary to obtain relief.



Indeed, the Secretary has an undeniable interest in defending Michigan's election code in general, while the *Michigan Alliance* Intervenors challenge those very laws as unconstitutional in the Court of Claims action. As one court recently explained while granting intervention under similar circumstances,

> Although Defendants and the Proposed Intervenors fall on the same side of the dispute, Defendants' interests in the implementation of the [challenged law] differ from those of the Proposed Intervenors. While Defendants' arguments turn on their inherent authority as state executives and their responsibility to properly administer election laws, the Proposed Intervenors are concerned with ensuring their party members and the voters they represent have the opportunity to vote in the upcoming

> federal election . . . and allocating their limited resources to inform voters about the election procedures. As a result, the parties' interests are neither "identical" nor "the same."

*Issa v. Newsom*, No. 20-cv-01044, 2020 WL 3074351, at *3 (E.D. Cal. June 10, 2020) (citation omitted). The *Michigan Alliance* Intervenors have made this challenge to ensure that they and their members will be have meaningful and safe opportunities to cast ballots. *See Paher v. Cegavske*, No. 20-cv-00243, 2020 WL 2042365, at *3 (D. Nev. Apr. 28, 2020) (concluding "Proposed Intervenors . . . have demonstrated entitlement to intervene as a matter of right" where they "may present arguments about the need to safeguard [the] right to vote that are distinct from Defendants' arguments"). In addition, their interest in ensuring that their limited resources are not diverted is not an interest shared by the Secretary. Because the *Michigan Alliance* Intervenors cannot rely on the Secretary to protect their distinct interests, they have satisfied the fourth requirement and are entitled to intervention as of right under Rule 24(a)(2). *See id.*; *Issa*, 2020 WL 3074351, at *4.



## II. Alternatively, the *Michigan Alliance* Intervenors satisfy Rule 24(b)'s requirements for permissive intervention.

Even if the *Michigan Alliance* Intervenors were not entitled to intervene as of right, permissive intervention is warranted under Rule 24(b). "On timely motion, the court may permit anyone to intervene who . . . has a claim or defense that shares with the main action a common question of law or fact." Fed. R. Civ. P. 24(b)(1). The court must consider "whether the intervention will unduly delay or prejudice the adjudication of the original parties' rights." Fed. R. Civ. P. 24(b)(3). "Permissive intervention has a less exacting standard than mandatory intervention and courts are given greater discretion to decide motions for permissive intervention." *Priorities USA*, 448 F. Supp. 3d at 759–60. For the purposes of permissive intervention, proposed intervenors need only show that their interest are "'distinct' from the defendants, regardless of whether [their interests are] 'substantial.'" *Pub. Int. Legal Found., Inc.*, 2020 WL 2781826 at *3. In other words,

even assuming the *Michigan Alliance* Intervenors did not have substantial interests in this litigation, the Court may allow them to intervene because their interests are distinct from the Secretary's interests.

For the reasons set forth above, the motion is timely and intervention will not unduly delay or prejudice the adjudication of the rights of the original parties. Moreover, the *Michigan Alliance* Intervenors' interests are distinct and are not adequately represented by the existing defendants. The *Michigan Alliance* Intervenors will undoubtedly raise common questions of law and fact in defending this lawsuit and Court of Claims Order, including this Court's authority to enjoin an order from a Michigan state trial court based on the Michigan Constitution. Beyond that, the interests of the *Michigan Alliance* Intervenors are constitutional in nature and extend to some of the most fundamental rights protected by the Michigan Constitution: the right to free elections and to equal protection under the law. Their participation in this action will contribute to the full development of the factual and legal issues in this action and will aid the Court in the adjudication of this matter.



## CONCLUSION

For these reasons, Proposed Intervenors ask this Court to grant their motion to intervene as a matter of right under Federal Rule of Civil Procedure 24(a)(2) or, in the alternative, to permit them to intervene under Rule 24(b).

Dated: October 2, 2020

Respectfully submitted,

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**Admission to W.D. Mich. Forthcoming*

## CERTIFICATE OF SERVICE

Sarah Prescott certifies that on the 2nd day of October 2020, they served a copy of the above document in this matter on all counsel of record and parties via electronic filing and e-mail.

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