

Case No. 24-3188
(Consolidated)

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

MI FAMILIA VOTA, et al.,
Plaintiffs-Appellees,

v.

ADRIAN FONTES, et al.,
Defendants-Appellants,

and

WARREN PETERSEN, et al.
Intervenor-Defendants-Appellants.

On Appeal from the United States District Court for the District of Arizona, Case
No. 2:22-CV-00509-SRB (and Consolidated Cases)
The Honorable Susan R. Bolton

**LEAGUE OF WOMEN VOTERS, LEAGUE OF WOMEN
VOTERS OF ARIZONA, SECURE FAMILIES INITIATIVE,
AND MODERN MILITARY ASSOCIATION OF AMERICA'S
MOTION FOR LEAVE TO FILE AMICUS CURIAE BRIEF**

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* Application for Admission Pending

INTRODUCTION

Pursuant to Fed. R. App. Proc. 29(a) and Ninth Cir. R. 29-3, *amici curiae* the League of Women Voters (the “League”), the League of Women Voters Arizona (“LWV Arizona”), the Secure Families Initiative (“SFI”), and the Modern Military Association of America (“Modern Military”), respectfully seek this Court’s leave to file the accompanying *amicus curiae* brief. *Amici* sought consent of all parties to file the brief. No parties objected and nearly all parties gave their consent, including Intervenors and Defendant. However, some parties did not respond, necessitating this motion for leave to file.

Pursuant to Fed. R. App. P. 27(a)(2)(B)(i) and 29(a)(6), the proposed *amicus* brief is submitted as an exhibit accompanying this motion.

I. INTEREST AND IDENTITY OF *AMICI CURIAE*

Movant the League of Women Voters (the “League”) is a nonpartisan, grassroots organization committed to protecting voting rights, empowering votes and defending democracy. The League led the coalition that successfully advocated for the enactment of the National Voter Registration Act (“NVRA”), and is now the NVRA’s foremost defender. Through its state and local affiliates, the League advocates for the NVRA both in and out of court. *See, e.g., League of Women Voters of Indiana, Inc. v. Sullivan*, 5 F.4th 714 (7th Cir. 2021) (affirming district court injunction of Indiana’s list maintenance law that violated NVRA).

Movant League of Women Voters of Arizona (LWV Arizona) is the Arizona state affiliate of the League. LWV Arizona is a domestic nonprofit corporation in Arizona. LWV Arizona consists of both a statewide organization and five local chapters with 900 members statewide. LWV Arizona's work to support voters in Arizona includes conducting voter registration drives, informing voters through the online resource VOTE411, and advocating for voting rights in court. *See, e.g., Arizona All. for Retired Americans v. Clean Elections USA*, No. CV-22-01823-PHX-MTL, 2022 WL 17088041, at *2 (D. Ariz. Nov. 1, 2022) (granting restraining order prohibiting defendants from engaging in voter intimidation).

Movant Secure Families Initiative ("SFI") is a nonpartisan, nonprofit organization of military spouses and family members that encourages its members to advocate for their communities, with a particular focus on issues such as registering and turning out military voters and defending democracy. SFI has over 50,000 members and supporters and is dedicated to ensuring that military members and their families have a meaningful voice in the electoral process. SFI is participating as *amicus* to support Congress's authority to protect and empower voters—including military and overseas voters—in all federal elections.

Movant Modern Military Association of America (“Modern Military”) is a nonpartisan, nonprofit organization that educates, advocates, and champions for the rights and well-being of LGBTQ+ service members, veterans, and their families as well as people living with HIV. Modern Military’s advocacy includes work to provide military and overseas voting resources, protect military voter rights, and increase voter access, engagement, and participation in democracy. Modern Military is participating as *amicus* to support Congress’s authority to protect and empower voters—including military and overseas voters—in all federal elections.

II. *Amici*’s brief will serve the court’s resolution of the issues raised in these appeals by providing legal, historical, and policy support for Congress’s authority to pass laws regulating presidential elections.

The District Court correctly determined that Congress has the authority to pass legislation regulating all federal elections, including elections for president and vice president. The proposed *amicus* brief provides further support for Congress’s authority to regulate elections for president.

Amici’s brief contains four main sections. The first analyzes the extensive case law affirming Congress’s authority to regulate presidential elections. The second describes the historical support for Congress’s authority. The third section describes the detrimental impact that stripping Congress of its long-held authority to regulate federal elections would have on the voter rights established by laws

such as the National Voter Registration Act (“NVRA”) and the Uniformed Overseas Citizens Absentee Voting Act (“UOCAVA”). Fourth, the brief provides further support for the District Court’s correct determination that enforcement of H.B. 2492’s DPOC regulations would violate a consent decree issued in *League of United Latin American Citizens of Arizona v. Reagan*, No. 2:17-cv-04102-DGC (D. Ariz. June 18, 2018), ECF No. 37 (“LULAC Consent Decree”). As organizations that advocate for the voter rights enshrined in these laws, *amici* are particularly well-positioned to inform the Court of the history and significance of the NVRA and UOCAVA. As a party to the LULAC Consent Decree, *amicus* LWV Arizona is especially knowledgeable about the importance of maintaining the protections put in place by the Consent Decree.

CONCLUSION

For the foregoing reasons, movants the League of Women Voters, the League of Women Voters Arizona, the Secure Families Initiative, and the Modern Military Association of America respectfully request leave to file the accompanying *amicus curiae* brief.

DATED: August 19, 2024

/s/ R. Adam Lauridsen

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**Application for admission pending*

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing LEAGUE OF WOMEN VOTERS, LEAGUE OF WOMEN VOTERS OF ARIZONA, SECURE FAMILIES INITIATIVE, AND MODERN MILITARY ASSOCIATION OF AMERICA'S MOTION FOR LEAVE TO FILE AMICUS CURIAE BRIEF with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate ACMS system on August 19, 2024. All participants in the case are registered ACMS users, and service will be accomplished by the appellate ACMS system.

DATED: August 19, 2024

/s/ R. Adam Lauridsen

R. Adam Lauridsen