



CLERK OF THE COURT

1 Abha Khanna (Wash. Bar No. 42612)*
2 **ELIAS LAW GROUP LLP**
3 1700 Seventh Avenue, Suite 2100
4 Seattle, WA 98101
5 akhanna@elias.law
6 Telephone: (206) 656-0177

BRADLEY SCHRAGER, ESQ. (SBN 10217)
DANIEL BRAVO, ESQ. (SBN 13078)
**WOLF, RIFKIN, SHAPIRO, SCHULMAN &
RABKIN, LLP**
3773 Howard Hughes Parkway, Suite 590 South
Las Vegas, Nevada 89169
bschrager@wrslawyers.com
dbravo@wrslawyers.com
Telephone: (702) 341-5200

5 Christopher D. Dodge, Esq.
6 (Mass. Bar No. 696172)*
7 **ELIAS LAW GROUP LLP**
8 10 G Street NE, Suite 600
9 Washington, DC 20002
10 cdodge@elias.law
11 Telephone: (202) 968-4490

10 *Attorneys for Proposed Intervenor-
11 Respondents DSCC and DCCC*

11 **Pro hac vice forthcoming*

12 **EIGHTH JUDICIAL DISTRICT COURT**
13 **IN AND FOR CLARK COUNTY, STATE OF NEVADA**

14
15 REPUBLICAN NATIONAL COMMITTEE,
16
17 Petitioner,
18
19 v.
20 CLARK COUNTY, *et al.*,
21
22 Respondents.

Case No.: A-22-858609-W

Dept. No.: XVI

**UNOPPOSED MOTION TO
INTERVENE AS RESPONDENTS
ON ORDER SHORTENING TIME**

21 Pursuant to Nevada Rule of Civil Procedure 24, Proposed Intervenor-Respondents DCCC
22 and DSCC (together, "Proposed Intervenor-Respondents") move to intervene as Respondents in
23 the above-title action on an order shortening time. Respondents do not oppose Proposed Intervenor-
24 Respondents' motion to intervene and Petitioner takes no position on Proposed Intervenor-
25 Respondents' motion. No party intends to file an opposition.

26 ///

27 ///

28 ///

1 This Motion is based on the Memorandum of Points and Authorities below, any affidavits
2 and exhibits attached hereto, all papers and pleadings on file, and any oral argument this Court sees
3 fit to allow at the hearing on this matter.

4 DATED this 31st day of October, 2022.

5 **WOLF, RIFKIN, SHAPIRO, SCHULMAN &**
6 **RABKIN, LLP**

7 By: /s/ Bradley S. Schrager

8 Bradley S. Schrager, Esq., SBN 10217

9 Abha Khanna*

10 **ELIAS LAW GROUP LLP**

11 Christopher D. Dodge*

12 **ELIAS LAW GROUP LLP**

13 *Attorneys for Proposed Intervenor-Respondents*
14 *DCCC and DSCC*

15 *Pro hac vice application forthcoming

RETRIEVED FROM DEMOCRACYDOCKET.COM

1 **DECLARATION OF BRADLEY SCHRAGER IN SUPPORT OF UNOPPOSED MOTION**
2 **TO INTERVENE AS DEFENDANT ON ORDER SHORTENING TIME**

3 I, Bradley Schrage, declare as follows:

4 1. I am duly admitted to practice law in the state of Nevada and am a partner with the
5 law firm Wolf, Rifkin, Shapiro, Schulman & Rabkin, LLP, counsel for Proposed Intervenor-
6 Respondents DSCC and DCCC. I make this Declaration of personal, firsthand knowledge and, if
7 called and sworn as a witness, I could and would testify competently thereto. I have personal
8 knowledge of the facts stated herein.

9 2. I make this Declaration in support of Proposed Intervenor-Respondents' Motion for
10 Order Shortening Time for the Court to consider Proposed Intervenor-Respondents' Unopposed
11 Motion to Intervene (the "Unopposed Motion to Intervene").

12 3. On October 31, 2022, Proposed Intervenor-Respondents filed their Unopposed
13 Motion to Intervene, pursuant to NRC 24(a)(1).

14 4. Shortening time for the Court to adjudicate the Unopposed Motion to Intervene is
15 appropriate. The Court's typical practice would result in the Unopposed Motion to Intervene being
16 adjudicated within 30–45 days of its filing (i.e., in December 2022). This would leave the Proposed
17 Intervenor-Respondents without an opportunity to intervene as respondents in the above-titled
18 action as this Court has scheduled a hearing for November 2, 2022, to consider Petitioner's Motion
19 to Lift Stay and Application for Writ of Mandamus or Injunction Directing the Clark County
20 Registrar to Comply with NRS 293B.360(2) (the "Application").

21 5. Petitioner seeks a writ of mandamus or injunction directing Respondent Clark
22 County Election Department to comply with NRS 293B.360(2) by convening a "signature
23 verification board" that represents all political parties "as equally as possible." As described in the
24 Proposed Response to the Application, Petitioner misunderstands governing law and seeks relief
25 that threatens to disrupt the orderly administration of Clark County's forthcoming election. If
26 granted, Petitioner's requested relief will harm the Proposed Intervenor's rights and legal interests.

27 6. On October 30, 2022, my office sent Petitioner's and Respondent's counsel an email
28 correspondence informing them that we would be filing a Motion to Intervene, and that we will

1 forward copies of any filings in this regard promptly. Counsel for Respondent indicated that
2 Respondent would not oppose the Motion to Intervene, and Petitioner's counsel indicated that
3 Petition takes no position on the motion.

4 7. Considering the foregoing, good cause exists to hear the Unopposed Motion to
5 Intervene on shortened time, and no prejudice arises from requiring the Motion to Intervene to be
6 considered on shortened time.

7 8. Proposed Intervenor-Respondents further respectfully request that their Unopposed
8 Motion to Intervene be heard at the November 2, 2022 hearing already scheduled in this matter so
9 that they may be heard on the Petitioner's application.

10 I declare under penalty of perjury that the foregoing is true and correct to the best of my
11 knowledge.

12 Executed this 31st day of October, 2022.

13 By: /s/ Bradley Schragger

14 BRADLEY SCHRAGER (SBN 10217)

1 **ORDER SHORTENING TIME**

2 After considering the Declaration of Bradley Schrager, and good cause appearing, the Court
3 grants the Order Shortening Time and sets **UNOPPOSED MOTION TO INTERVENE** for
4 hearing on the 2nd day of November, 2022, at 9:05 a.m. ~~m.~~ or as soon thereafter
5 as the Court deems necessary.

JM
ent

6 Proposed Intervenor-Respondents shall serve this order upon all parties immediately by
7 electronic filing, and shall also email courtesy copies to counsel of record. All other parties shall
8 have until 5 p.m. on November 1, 2022, to file an opposition to the motion, if any. If
9 time permits, Proposed Intervenor-Respondents may file a reply.

10 DATED this _____ day of _____, 2022.

11 Dated this 31st day of October, 2022



12 _____
DISTRICT COURT JUDGE

JM

13 Submitted:

0DB 9C0 E95B FF4A
Timothy C. Williams
District Court Judge

14 Bradley Schrager
15 **WOLF, RIFKIN, SHAPIRO,**
16 **SCHULMAN & RABKIN, LLP**
17 3556 E. Russell Road, Second Floor
Las Vegas, Nevada 89120
Tel: (702) 341-5200

RETRIEVED FROM DEMOCRACYDOCS.COM

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 Barely a week before Election Day, the Republican National Committee (“RNC”) has asked
3 this Court to disrupt Clark County’s procedures for manually verifying mail ballot signatures. The
4 RNC’s demand is premised on a profound misunderstanding of Nevada law governing signature
5 verification, as explained in the accompanying proposed response to the RNC’s application for a
6 writ of mandamus or an injunction. The provision actually governing signature verification for mail
7 ballots in Nevada—NRS § 293.269927—was adopted in response to 2020 litigation brought by
8 DCCC and other Democratic entities, which brought the litigation in part to ensure that no Nevada
9 voter has their mail ballot errantly rejected due to unreasonable signature verification procedures.
10 DSCC and DCCC (“Proposed Intervenor-Respondents”) seek to join this litigation for similar
11 reasons—granting the RNC its requested relief risks disrupting the forthcoming election for Nevada
12 voters and will also prejudice Proposed Intervenor-Respondents by forcing them to respond to new
13 election procedures at the eleventh hour.

14 For the reasons below, Proposed Intervenor-Respondents are entitled to intervene in this
15 case as a matter of right under Nevada Rule of Civil Procedure 24(a)(2). Such intervention is needed
16 to protect Proposed Intervenor-Respondents’ substantial and distinct legal interests, which will
17 otherwise be inadequately represented in this litigation. In the alternative, the Court should allow
18 Proposed Intervenor-Respondents to permissively intervene under Rule 24(b).¹

19 **BACKGROUND**

20 **I. The *Corona* litigation and DCCC’s involvement in recent changes to Nevada signature**
21 **verification law.**

22 In response to the COVID-19 pandemic, states across the country amended their election
23 laws to facilitate mail and absentee voting so that voters could safely participate in the 2020
24 elections. In April 2020, a group of Nevada voters and Democratic Party organizations—including
25 DCCC—sued state government officials to ensure Nevada would do the same ahead of the June
26 2020 primary elections. The plaintiffs alleged that several aspects of Nevada’s mail ballot system,

27 ¹ The Proposed Intervenor-Respondents include a Proposed Response to Petitioner’s
28 Application for Writ of Mandamus or Injunction as Exhibit 1. In accordance with Rule
24(c), Proposed Intervenor-Respondents’ proposed answer is also attached as Exhibit 2.

1 including the state’s ballot rejection rules (then codified at NRS §§ 293.325 and 293.333), violated
2 the Nevada Constitution’s right to suffrage and unduly burdened the right to vote under both the
3 Nevada and United States Constitutions. *See* Am. Compl. ¶¶ 5-6, 55-84, 137-149, *Corona v.*
4 *Cegavske*, Case No. 20 OC 00064 1B (Carson Cnty. 1st Jud. Dist. Ct., June 19, 2020) (attached
5 hereto as Exhibit 3). During the pendency of the *Corona* litigation, the Nevada legislature passed
6 Assembly Bill No. 4 (2020) (A.B. 4), which, among other things, amended Nevada’s signature
7 verification procedures “to provide clearer standards and more meaningful cure opportunities for
8 Nevada voters.” Stipulation and Order of Voluntary Dismissal, *Corona v. Cegavske*, Case No. 20
9 OC 00064 1B (Carson Cnty. 1st Jud. Dist., Aug. 4, 2020) (“*Corona Stipulation*”) (attached hereto
10 as Exhibit 4).

11 Nevada law previously provided that the “county clerk shall check the signature on the
12 return envelope” of an absent ballot. A.B. 4 § 39, 32d Leg. Spec. Sess. (Nev. 2020). A.B. 4 revised
13 the law to make clear that the “county clerk *or employee*” may check the signature. *Id.* (amended
14 language emphasized).² As explained in DSCC and DCCC’s Proposed Response (Ex. 1), the law
15 makes no mention of a “signature verification board”, *see* Application at 2, or any political
16 appointees or officers.

17 “As a result of” the enactment of A.B. 4, DCCC and the other plaintiffs voluntarily
18 dismissed their lawsuit. *Corona Stipulation* at *2. In May 2021, the legislature passed Assembly
19 Bill No. 321 (2021), which adopted the mail ballot procedures of A.B. 4 on a permanent rather than
20 emergency basis. A.B. 321, 81st Leg. Reg. Sess. (Nev. 2021). A.B. 321 again confirmed that manual
21 signature verification is performed by the “county clerk or employee.” NRS § 293.269927(3)(a).

22 **II. The instant litigation and the RNC’s belated effort to force the Clark County Registrar**
23 **to hire additional Republican employees.**

24 On September 20, 2022, the RNC filed a mandamus action seeking the production of public
25 records under the Nevada Public Records Act. The petition asserted only a single claim—that the
26 Clark County Election Department and Registrar of Voters did not respond to a public records

27 _____
28 ² At the time, this language was codified in NRS § 293.325, which governed absent ballots. In the wake of Nevada’s adoption of a universal mail ballot system, it is now located in N.R.S. § 293.269927.

1 request to the RNC’s satisfaction. *See* First Petition for Writ of Mandamus. Nothing in the petition
2 mentions signature verification or refers to any statutory provision governing signature verification.

3 Clark County began producing the requested records to the RNC on a rolling basis, and on
4 October 5, 2022, the parties entered into a stipulation to stay the litigation. *See* Declaration of Jordan
5 T. Smith (Oct. 27, 2022), ¶¶ 12, 13 (“Smith Decl.”). On October 18, 2022, Clark County provided
6 the RNC with “a tentative breakdown of party affiliation” of temporary employees hired “for the
7 manual signature verification room.” Application, Exhibit 6. Nine days later, the RNC filed the
8 instant application for a writ of mandamus or an injunction on October 27, 2022. The RNC has yet
9 to amend its original petition to assert any cause of action related to its claim that the Registrar is
10 required to hire additional employees of a particular political affiliation.

11 STANDARD OF LAW

12 Under Nevada Rule of Civil Procedure 24(a)(2), “the court must permit anyone to intervene
13 who . . . claims an interest relating to the property or transaction that is the subject of the action,
14 and is so situated that disposing of the action may as a practical matter impair or impede the
15 movant’s ability to protect its interest, unless existing parties adequately represent that interest.”
16 Nev. R. Civ. P. 24(a)(2). A party seeking to intervene as of right must show that “(1) it has a
17 sufficient interest in the subject matter of the litigation, (2) its ability to protect its interest would
18 be impaired if it does not intervene, (3) its interest is not adequately represented, and (4) its
19 application is timely.” *Nalder v. Eighth Jud. Dist. Ct. in & for Cnty. of Clark*, 462 P.3d 677, 684
20 (Nev. 2020). Nevada’s rule is identical to the equivalent federal rule, which courts “construe . . .
21 ‘broadly in favor of proposed intervenors.’” *Wilderness Soc’y v. U.S. Forest Serv.*, 630 F.3d 1173,
22 1179 (9th Cir. 2011) (quoting *United States v. City of Los Angeles*, 288 F.3d 391, 397 (9th Cir.
23 2002)).

24 Nevada Rule of Civil Procedure 24(b) allows for permissive intervention if an applicant
25 “has a claim or defense that shares with the main action a common question of law or fact.” Nev.
26 R. Civ. P. 24(b)(1)(B). When considering a petition for permissive intervention, a court “must
27 consider whether the intervention will unduly delay or prejudice the adjudication of the original
28 parties’ rights.” *Id.* 24(b)(3).

1 Nevada Rule 24 and Federal Rule 24 are “equivalent,” *Lawler v. Ginocchio*, 584 P.2d 667,
2 668 (Nev. 1978), so “[f]ederal cases interpreting [Rule 24] ‘are strong persuasive authority.’” *Exec.*
3 *Mgmt., Ltd. v. Ticor Title Ins. Co.*, 38 P.3d 872, 876 (Nev. 2002) (quoting *Las Vegas Novelty, Inc.*
4 *v. Fernandez*, 787 P.2d 772, 776 (Nev. 1990)).

5 ARGUMENT

6 DSCC and DCCC move to intervene because the RNC’s application seeks to impose a
7 harmful misunderstanding of a statute that if adopted, threatens to complicate and disrupt election
8 administration in Nevada and directly impair DSCC’s and DCCC’s unique and significant interests.

9 DSCC is the Democratic Party’s national senatorial committee, as defined by 52 U.S.C. §
10 30101(14). Its mission is to elect candidates of the Democratic Party across the country, including
11 in Nevada, to the U.S. Senate. DSCC works to accomplish its mission by, among other things,
12 assisting state parties throughout the country. In 2022, DSCC will provide millions of dollars in
13 contributions and expenditures to persuade and mobilize voters to support U.S. Senate candidates
14 who affiliate with the Democratic Party. For the 2022 election for U.S. Senate in Nevada, DSCC
15 has worked (and will continue to work) to elect the Democratic candidate, Sen. Catherine Cortez
16 Masto, and has made (and will continue to make) substantial contributions and expenditures to
17 support Sen. Cortez Masto in her candidacy.

18 DCCC is the Democratic Party’s national congressional committee as defined by 52 U.S.C.
19 § 30101(14). Its mission is to elect candidates of the Democratic Party from across the country,
20 including those running in Nevada, to the U.S. House of Representatives. DCCC works to
21 accomplish its mission by, among other things, assisting state parties throughout the country,
22 including in Nevada. In 2022, DCCC will provide millions of dollars in contributions and
23 expenditures to persuade and mobilize voters to support congressional candidates who affiliate with
24 the Democratic Party.

25 **I. Proposed Intervenor-Respondents are entitled to intervene as of right.**

26 **A. The disposition of this case may impair DCCC and DSCC’s significantly** 27 **protectable interests.**

28 “No specific legal or equitable interest need be established” for courts to grant intervention.

1 *Greene v. United States*, 996 F.2d 973, 976 (9th Cir. 1993). Instead, courts consider whether the
2 movant stands “to gain or lose by the direct legal operation of the [] court’s judgment.” *Teague v.*
3 *Bakker*, 931 F.2d 259, 261 (4th Cir. 1991). In other words, the inquiry turns on whether “an absentee
4 would be substantially affected in a practical sense,” *Sw. Ctr. for Biological Diversity v. Berg*, 268
5 F.3d 810 (9th Cir. 2001), to decide whether “disposing of the action may . . . impair or impede” the
6 proposed intervenor’s interests. Nev. R. Civ. P. 24. In federal cases, political committees like DSCC
7 and DCC are routinely deemed to have significantly protectable interests in cases involving election
8 administration, and typically meet the even more demanding standard for Article III standing. *See,*
9 *e.g., Donald J. Trump for President, Inc. v. Cegavske*, No. 220CV1445JCMVCF, 2020 WL
10 5229116, at *1 (D. Nev. Aug. 21, 2020) (granting intervention to Democratic Party entities,
11 including DCCC, in suit challenging Nevada A.B. 4); *Paher v. Cegavske*, No.
12 320CV00243MMDWGC, 2020 WL 2042365, at *2 (D. Nev. Apr. 28, 2020) (same, for challenge
13 to mail voting plan); *see also Mecinas v. Hobbs*, 30 F.4th 890 (9th Cir. 2022) (finding that DSCC,
14 among others, had Article III standing to challenge state election law).

15 The RNC’s lawsuit threatens several of the Proposed Intervenor-Respondents’ significantly
16 protectable interests. *First*, the RNC seeks to circumvent and modify a statutory scheme that
17 Nevada adopted in response to litigation brought by DCCC. Along with other Democratic Party
18 organizations and Nevada voters, DCCC brought suit in April 2020 challenging the
19 constitutionality of Nevada’s vote by mail statutes in light of the COVID-19 pandemic. During the
20 pendency of the litigation, the legislature passed A.B. 4, which, among other things amended
21 Nevada’s signature verification procedures. “As a result” of A.B. 4’s enactment, DCCC and other
22 plaintiffs voluntarily dismissed the lawsuit. Stipulation and Order of Voluntary Dismissal, *Corona*
23 *v. Cegavske*, Case No. 20 OC 00064 1B (Carson Cnty. 1st Jud. Dist., Aug. 4, 2020). DCCC has a
24 strong interest in ensuring the law that prompted it to dismiss its earlier litigation is protected here.
25 *See Moore v. Circosta*, No. 1:20CV911, 2020 WL 6597291, at *2 (M.D.N.C. Oct. 8, 2020) (holding
26 that party that had brought earlier lawsuit resulting in consent decree had interest sufficient for
27 intervention in subsequent litigation challenging legal status quo); *see also Idaho Farm Bureau*
28 *Federation v. Babbitt*, 58 F.3d 1392, 1397 (9th Cir. 1995) (“A public interest group is entitled as a

1 matter of right to intervene in an action challenging the legality of a measure it has supported.”);
2 *Wash. State Bldg. & Const. Trades Council, AFL-CIO v. Spellman*, 684 F.2d 627 (9th Cir. 1982)
3 (same). This interest is all the more significant where DCCC and DSCC may “lose the opportunity
4 to ensure that one or more electoral campaigns . . . are conducted under legislatively approved terms
5 that the [intervenor] believes to be fair and constitutional.” *Mich. State AFL-CIO v. Miller*, 103
6 F.3d 1240, 1247 (6th Cir. 1997).

7 *Second*, Proposed Intervenor-Respondents, as Democratic Party entities, have significantly
8 protectable interests in how Nevada administers its elections. Election rules directly affect political
9 party committees, which recruit candidates to run for office; expend resources nominating and
10 training volunteers and poll watchers; help voters register and turn out to vote; and provide up-to-
11 date information about elections to their constituents. Courts routinely permit party committees to
12 intervene in litigation impacting such matters. *See Paher*, 2020 WL 2042365, at *2 (granting
13 intervention by Democratic National Committee, DCCC, and Nevada State Democratic Party in
14 challenge to Nevada’s emergency mail voting plan); *see also La Union del Pueblo Entero v. Abbott*,
15 29 F.4th 299, 306 (5th Cir. 2022) (granting intervention by Republican National Committee,
16 National Republican Senatorial Committee, and National Republican Congressional Committee in
17 challenge to election law). Proposed Intervenor-Respondents’ interests in election administration
18 are particularly acute since it is the RNC—a direct political rival—seeking to bend signature
19 verification procedures in Clark County in its favor. Courts recognize that party entities are
20 “uniquely qualified to represent the ‘mirror-image’ interests” of their political “counterparts.”
21 *Democratic Nat’l Comm. v. Bostelmann*, No. 20-CV-249-WMC, 2020 WL 1505640, at *5 (W.D.
22 Wis. Mar. 28, 2020) (permitting RNC and state party to intervene in case brought by DNC); *see*
23 *also Builders Ass’n of Greater Chi. v. Chicago*, 170 F.R.D. 435, 441 (N.D. Ill. 1996) (similar).

24 *Third*, Proposed Intervenor-Respondents have a significantly protectable interest in
25 avoiding the diversion of resources that would be required by the RNC’s requested relief. The RNC
26 seeks to impose significant and last-minute changes in how Clark County verifies signatures on
27 mail ballots. If granted, this will require Prospective Intervenor-Respondents to divert their own
28 resources, including staff time and attention, mere days before the election to ensure their own

1 compliance with the proposed rules, including potentially recruiting their own partisan volunteers
2 to staff signature verification rooms. And it will likewise require them to, with little notice, develop
3 strategies for ensuring that the RNC’s partisan appointees do not disrupt the signature verification
4 process. Intervention is required so that the DSCC and DCCC may guard against this last-minute
5 diversion of resources. *See Crawford v. Marion Cnty. Election Bd.*, 472 F.3d 949, 951 (7th Cir.
6 2007), *aff’d* 551 U.S. 181 (2008) (finding that the Democratic Party suffered injury in fact because
7 challenged law “compell[ed] the party to devote resources” in response); *Tex. Democratic Party v.*
8 *Benkiser*, 459 F.3d 582, 586 (5th Cir. 2006) (same).

9 *Finally*, Proposed Intervenor-Respondents have a significantly protectable interest in
10 preventing disruptive behavior at polling sites and election offices in Nevada. Unfortunately, in
11 Nevada and around the country, hyper-partisan poll watchers, activists, and self-appointed election
12 vigilantes sympathetic to the Republican Party have disrupted or threatened to disrupt myriad
13 voting processes.³ The relief the RNC seeks—requiring Clark County to hire the RNC’s self-
14 selected, partisan, and untrained volunteers to sensitive administrative roles—would risk inviting
15 chaos and disruption into the very heart of Clark County’s election procedures, materially harming
16 the Proposed Intervenor-Respondents’ interest in the fair treatment of its voters and candidates.

17 **B. The existing parties do not adequately represent DSCC and DCCC’s interests.**

18 The burden of demonstrating inadequate representation “is minimal, and would be satisfied
19 if [the proposed intervenors] c[an] demonstrate that representation of their interests ‘may be’
20 inadequate.” *Hairr v. First Jud. Dist. Ct.*, 368 P.3d 1198, 1201 (Nev. 2016) (quoting *Arakaki v.*
21 *Cayetano*, 324 F.3d 1078, 1086 (9th Cir. 2003)). Proposed Intervenor-Respondents here have
22 unique interests that will not be adequately represented by Clark County alone.

23 _____
24 ³ *See, e.g., See Jennifer Solis, Clark, Washoe election departments pelted with records*
25 *requests by election deniers*, Nevada Current, Oct. 26, 2022,
26 [https://www.nevadacurrent.com/2022/10/26/clark-washoe-election-departments-pelted-](https://www.nevadacurrent.com/2022/10/26/clark-washoe-election-departments-pelted-with-records-requests-by-election-deniers/)
27 *with-records-requests-by-election-deniers/*; Jessica Hill, ‘Prepare for the worst’: Election
28 *officials increase security to protect workers from threats*, Las Vegas Review-Journal, Oct.
24, 2022, [https://www.reviewjournal.com/news/politics-and-government/nevada/prepare-](https://www.reviewjournal.com/news/politics-and-government/nevada/prepare-for-the-worst-election-officials-increase-security-to-protect-workers-from-threats-2663781/)
for-the-worst-election-officials-increase-security-to-protect-workers-from-threats-
2663781/; Ned Parker et al., ‘Stop the steal’ supporters train thousands of U.S. poll
observers,” Reuters, Oct. 13, 2022, [https://www.reuters.com/world/us/stop-steal-](https://www.reuters.com/world/us/stop-steal-supporters-train-thousands-us-poll-observers-2022-10-13/)
supporters-train-thousands-us-poll-observers-2022-10-13/.

1 As an initial matter, it is possible that the Clark County Registrar may decide, for any number
2 of reasons, to simply acquiesce to the RNC’s demands. The Proposed Intervenor-Respondents have
3 little ability to stop Clark County from pursuing this course, which would frustrate their interests
4 in Nevada’s signature verification laws and reward the RNC for bullying the Clark County
5 Registrar into accepting its demands. *See Sagebrush Rebellion, Inc. v. Watt*, 713 F.2d 525 (9th Cir.
6 1983) (finding inadequate representation where government defendant might not defend law as
7 rigorously as private party); *W. Energy Alliance v. Zinke*, 877 F.3d 1157 (10th Cir. 2017) (finding
8 inadequate representation due to possibility that government defendant would abandon policy in
9 question).

10 Further still, DSCC and DCCC have interests, such as the proper allocation of their
11 operational resources and maximizing turnout by Democratic voters, that a governmental body
12 cannot represent. Whereas Clark County must “bear in mind broader public-policy implications,”
13 the DSCC and DCCC seek to advance their own interests in protecting their voters, promoting their
14 candidates, and preserving their resources. *Berger v. N.C. State Chapter of the NAACP*, 142 S.Ct.
15 2191, 2203-04 (2022) (emphasizing that government parties and private parties may have
16 overlapping interests without the former providing adequate representation for the latter); *N.C.*
17 *Green Party v. N.C. State Bd. of Elections*, No. 5:22-CV-276-D, 2022 WL 3142606, at *10
18 (E.D.N.C. Aug. 5, 2022) (citing *Berger* to grant intervention by DSCC and state Democratic Party
19 on the side of state defendants). As one court aptly put it, this is an instance where:

21 Although Defendants and the Proposed Intervenor fall on the same side of the
22 dispute, Defendants’ interests in the implementation of the [challenged law] differ
23 from those of the Proposed Intervenor. While Defendants’ arguments turn on their
24 inherent authority as [government officials] and their responsibility to properly
25 administer election laws, the Proposed Intervenor are concerned with ensuring . .
26 . the voters they represent have the opportunity to vote in the upcoming federal
27 election . . . and allocating their limited resources to inform voters about the election
28 procedures. As a result, the parties’ interests are neither “identical” nor “the same.”

Issa v. Newsom, No. 2:20-cv-01044-MCE-CKD, 2020 WL 3074351, at *3 (E.D. Cal. June 10,
2020) (citation omitted).

1 **C. The motion to intervene is timely.**

2 Proposed Intervenor-Respondents timely filed this motion to intervene. The RNC filed its
3 initial petition for a writ of mandamus on September 20, 2022. At that point, the action concerned
4 a request for public records that did not implicate the Democratic Party’s interests. The RNC filed
5 its “Motion to Lift Stay and Petition for a Writ of Mandamus or Injunction” on October 27, 2022,
6 expanding the scope of the action to, for the first time, implicate Nevada’s rules governing signature
7 verification and threaten Proposed Intervenor-Respondents’ interests in the administration of
8 Nevada elections. This motion to intervene follows two business days later, on October 31, 2022.
9 *See, e.g., Nevada v. United States*, No. 3:18-cv-569-MMD-CBC, 2019 WL 718825, at *2 (D. Nev.
10 Jan. 14, 2019) (granting motion to intervene filed several weeks after action commenced); *W. Expl.*
11 *LLC v. Dep’t of Interior*, No. 3:15-cv-00491-MMD-VPC, 2016 WL 355122, at *2 (D. Nev. Jan.
12 28, 2016) (granting motion to intervene filed nearly two months after action commenced).

13 The Nevada Supreme Court has also explained that “[t]he most important question to be
14 resolved in the determination of the timeliness of an application for intervention is not the length
15 of the delay by the intervenor but the extent of prejudice to the rights of existing parties resulting
16 from the delay.” *Lawler v. Ginocchio*, 584 P.2d 667, 669 (Nev. 1978). There is no such prejudice
17 here, as shown by the lack of any opposition to Proposed Intervenor-Respondents’ motion.
18 Proposed Intervenor-Respondents have petitioned to intervene as soon as their interests came under
19 threat, and the motion does not interfere with the briefing and hearing schedule laid out in this
20 Court’s October 29 order. Moreover, Proposed Intervenor-Respondents agree to abide by any
21 subsequent schedule set out by the Court.

22 **II. In the alternative, the Court should grant DSCC and DCCC intervention on a**
23 **permissive basis.**

24 Rule 24(b) grants courts broad discretion to permit intervention where an applicant’s claim
25 or defense and the main action have a question of law or fact in common and intervention will not
26 unduly delay or prejudice the adjudication of the rights of the original parties. *See Hairr*, 368 P.3d
27 at 1202.

28 For the reasons discussed above, the motion is timely, and Proposed Intervenor-

1 Respondents cannot rely on the Clark County Registrar to adequately protect its unique interests.
2 Proposed Intervenor-Respondents also have defenses to the RNC's claims that share common
3 questions of law and fact—for example, whether the RNC has stated a claim for which relief may
4 be granted or demonstrated any entitlement to extraordinary relief, whether in the form of a writ of
5 mandamus or a preliminary injunction.

6 Intervention is unopposed by the existing parties and will neither prejudice nor delay the
7 action. DSCC and DCCC aim to resolve this action as swiftly as practicable to ensure a smooth
8 election and prevent unnecessary post-election litigation. By threatening a rewrite of Nevada's mail
9 ballot rules, it is this litigation that threatens to disrupt the election and the timely reporting of
10 results. Proposed Intervenor-Respondents therefore have a strong interest in opposing the RNC's
11 lawsuit and avoiding delay.

12 **CONCLUSION**

13 For these reasons, the DCCC and DSCC request that the Court grant their Motion to
14 Intervene and participate in these proceedings as Respondents.

15 Dated: October 31, 2022

16 Respectfully submitted,

17 */s/ Bradley S. Schrager*

18 Bradley Schrager, Esq.

19 **WOLF, RIFKIN, SHAPIRO, SCHULMAN & RABKIN, LLP**
3773 Howard Hughes Parkway, Suite 590 South
Las Vegas, Nevada 89169

20 Abha Khanna*

21 **ELIAS LAW GROUP LLP**
1700 Seventh Ave, Suite 2100
Seattle, WA 98101

22 Christopher D. Dodge*

23 **ELIAS LAW GROUP LLP**
10 G Street NE, Suite 600
Washington, D.C. 20002

24 *Attorneys for Proposed Intervenor-Respondents DCCC and DSCC*

25 **Pro hac vice application to be filed*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of October, 2022, a true and correct copy of the **UNOPPOSED MOTION TO INTERVENE AS RESPONDENTS** was served by electronically filing with the Clerk of the Court using the Odyssey eFileNV system and serving all parties with an email-address on record, pursuant to Administrative Order 14-2 and Rule 9 of the N.E.F.C.R.

Jordan T. Smith, Esq.
PISANELLI BICE, PLLC
400 South 7th Street, Suite 300
Las Vegas, NV 89101

Lisa Logsdon, Esq.
Clark County District Attorney
500 S. Grand Central Parkway, Suite 5075
Las Vegas, NV 89106

Attorneys for Petitioner,
Republican National Committee

Attorneys for Respondents,
Clark County, Clark County Elections
Department, and Joseph P. Gloria

By /s/ Dannielle Fresquez
Dannielle Fresquez, an Employee of
WOLF, RIFKIN, SHAPIRO, SCHULMAN &
RABKIN, LLP

RETRIEVED FROM DEMOCRACYDOCKET.COM

1 ABHA KHANNA, ESQ. (Wash. Bar No. 42612)*

2 **ELIAS LAW GROUP LLP**
3 1700 Seventh Ave, Suite 2100
4 Seattle, WA 98101
5 Tel: (206) 656-0177
6 Fax: (202) 968-4498
7 akhanna@elias.law

8 CHRISTOPHER D. DODGE, ESQ. (Mass. Bar No. 696172)*

9 **ELIAS LAW GROUP LLP**
10 10 G Street NE, Suite 600
11 Washington, DC 20002
12 Tel: (202) 987-4928
13 Fax: (202) 968-4498
14 cdodge@elias.law

15 BRADLEY SCHRAGER, ESQ. (SBN 10217)

16 DANIEL BRAVO, ESQ. (SBN 13078)

17 **WOLF, RIFKIN, SHAPIRO, SCHULMAN & RABKIN, LLP**

18 3773 Howard Hughes Parkway, Suite 590 South
19 Las Vegas, Nevada 89169
20 Tel: (702) 341-5200
21 Fax: (702) 341-5300
22 bschrager@wrslawyers.com
23 dbravo@wrslawyers.com

24 *Attorneys for Proposed Intervenor-Respondents DSCC and DCCC*

25 **Pro hac vice forthcoming*

26 **DISTRICT COURT**
27 **CLARK COUNTY, NEVADA**

28 REPUBLICAN NATIONAL COMMITTEE,

Petitioner,

v.

CLARK COUNTY; CLARK COUNTY
ELECTION DEPARTMENT; and JOE P.
GLORIA, in his official capacity as the Clark
County Registrar of Voters,

Respondents.

Case No. A-22-858609-W

Dept. No. XVI

**[PROPOSED] ANSWER IN
INTERVENTION**

Hearing Set: Nov. 2, 2022, at 9:05 a.m.

1 Proposed Intervenor-Respondents DSCC and DCCC (together, “Proposed Intervenor-
2 Respondents”), answer Petitioner the Republican National Committee’s Petition for Writ of
3 Mandamus and Application Compelling Disclosure of Public Records Pursuant to NRS 239.011
4 (the “Petition”) as follows:

5 **NATURE OF THE CASE**

6 1. Proposed Intervenor-Respondents admit that the quoted language appears at the
7 statutory provision cited in Paragraph 1 of the Petition. Petitioner’s allegation that “information
8 about poll workers is not confidential and the requested information is presumptively open to
9 public inspection under the NPRA” is a legal conclusion to which no response is required; to the
10 extent a response is required, the allegation is denied. Proposed Intervenor-Respondents are
11 otherwise without sufficient information to form a belief as to the truth or falsity of the remaining
12 allegations in Paragraph 1 of the Petition, and therefore deny them.

13 2. Petitioner’s allegations that NRS 293.217 “mandates” the disclosure of the
14 Petitioner’s requested documents and that Petitioner “had no obligation” to treat requested
15 information as “attorneys’ eyes only” are legal conclusions to which no response is required; to
16 the extent a response is required, the allegations are denied. Proposed Intervenor-Respondents are
17 otherwise without sufficient information to form a belief as to the truth or falsity of the remaining
18 allegations in Paragraph 2 of the Petition, and therefore deny them.

19 3. Proposed Intervenor-Respondents admit that the quoted language appears at the
20 statutory provision cited in paragraph 3 of the Petition. Proposed Intervenor-Respondents are
21 otherwise without sufficient information to form a belief as to the truth or falsity of the remaining
22 allegations in Paragraph 3 of the Petition, and therefore deny them.

23 4. Denied.

24 5. Denied.