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KING COUNTY  
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CASE #: 22-2-19384-1 SEA

The Honorable Catherine Shaffer

SUPERIOR COURT OF THE STATE OF WASHINGTON  
KING COUNTY

VET VOICE FOUNDATION, THE  
WASHINGTON BUS, EL CENTRO DE LA  
RAZA, KAELEENE ESCALANTE  
MARTINEZ, BETHAN CANTRELL, DAISHA  
BRITT, GABRIEL BERSON, and MARI  
MATSUMOTO,

Plaintiffs,

v.

STEVE HOBBS, in his official capacity as  
Washington State Secretary of State, JULIE  
WISE, in her official capacity as the  
Auditor/Director of Elections in King County  
and a King County Canvassing Board Member,  
SUSAN SLONECKER, in her official capacity  
as a King County Canvassing Board Member,  
and STEPHANIE CIRKOVICH, in her official  
capacity as a King County Canvassing Board  
Member,

Defendants,

REPUBLICAN NATIONAL COMMITTEE and  
WASHINGTON STATE REPUBLICAN  
PARTY,

Proposed Intervenor-Defendants.

No. 22-2-19384-1 SEA

THE REPUBLICAN NATIONAL  
COMMITTEE AND  
WASHINGTON STATE  
REPUBLICAN PARTY'S  
MOTION TO INTERVENE

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## I. RELIEF REQUESTED

Movants—The Republican National Committee and the Washington State Republican Party—respectfully move to intervene in this action under Washington Superior Court Civil Rule 24.

As the Democratic Party has observed, “political parties usually have good cause to intervene in disputes over election rules.” *Issa v. Newsom*, Doc. 23 at 2, No. 2:20-cv-1044 (E.D. Cal. June 8, 2020). That is why, in recent litigation challenging a variety of state election laws, the Republican Party has nearly always been granted intervention.<sup>1</sup> This Court should do the same here for two independent reasons.

First, Movants satisfy the criteria for intervention as of right under CR 24(a). This motion is timely. This case is still in its infancy, and no party will be prejudiced. Movants also have a clear interest in protecting their members, candidates, voters, and resources from Plaintiffs’ attempt to upend Washington’s duly enacted election rules. Finally, no other party adequately represents Movants’ interests. Adequacy is not a demanding standard, and Defendants do not share Movants’ distinct interests in protecting their resources and helping Republican candidates and voters.

Second, and alternatively, the Court should grant Movants permissive intervention under CR 24(b)(2). Again, intervention will result in no delay or prejudice. Movants’ defenses also share

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<sup>1</sup> *E.g.*, *Democratic Nat’l Comm. v. Hobbs*, Doc. 18, No. 2:22-cv-1369 (D. Ariz. Aug. 24, 2022); *La Union del Pueblo Entero v. Abbott*, 29 F.4th 299, 309 (5th Cir. 2022); *Mi Familia Vota v. Hobbs*, Doc. 53, No. 2:21-cv-1423 (D. Ariz. Oct. 4, 2021); *Harriet Tubman Freedom Fighters Corp. v. Lee*, Doc. 34, No. 4:21-cv-242 (N.D. Fla. July 6, 2021); *Fla. Rising Together v. Lee*, Doc. 52, No. 4:21-cv-201 (N.D. Fla. July 6, 2021); *Ga. State Conf. of NAACP v. Raffensperger*, Doc. 40, No. 1:21-cv-1259 (N.D. Ga. June 4, 2021); *Fla. State Conf. of Branches & Youth Units of NAACP v. Lee*, Doc. 43, No. 4:21-cv-187 (N.D. Fla. June 8, 2021); *Swenson v. Bostelmann*, Doc. 38, No. 3:20-cv-459 (W.D. Wis. June 23, 2020); *Edwards v. Vos*, Doc. 27, No. 3:20-cv-340 (W.D. Wis. June 23, 2020); *League of Women Voters of Minn. Ed. Fund v. Simon*, Doc. 52, No. 0:20-cv-1205 (D. Minn. June 23, 2020); *Priorities USA v. Nessel*, Doc. 60, No. 2:19-cv-13341 (E.D. Mich. May 22, 2020); *Thomas v. Andino*, Doc. 39, No. 3:20-cv-1552 (D.S.C. May 8, 2020); *Corona v. Cegavske*, Order Granting Mot. to Intervene, No. CV 20-OC-644-1B (Nev. 1st Jud. Dist. Ct. Apr. 30, 2020); *League of Women Voters of Va. v. Va. State Bd. of Elections*, Doc. 57, No. 6:20-cv-24 (W.D. Va. Apr. 29, 2020); *Democratic Nat’l Comm. v. Bostelmann*, Doc. 85, No. 3:20-cv-249 (W.D. Wis. Mar. 28, 2020); *Gear v. Knudson*, Order 58, No. 3:20-cv-278 (W.D. Wis. Mar. 31, 2020); *Nielsen v. DeSantis*, Doc. 216, No. 4:20-cv-236 (N.D. Fla. May 28, 2020).

1 common questions of law and fact with the existing parties’ defenses. This Court’s resolution of  
2 the important questions here will have significant implications for Movants—and their members,  
3 candidates, voters, and resources—as Movants work to ensure that Republican candidates and  
4 voters can participate in fair and orderly elections.

5 Whether under CR 24(a) or (b)(2), Movants should be allowed to intervene as defendants.  
6 On January 12, 2023, Movants contacted all counsel of record via email to obtain their respective  
7 positions on this motion. The King County Defendants do not oppose Movants’ intervention. The  
8 remaining parties did not offer their positions before Movants filed this motion.

## 9 II. STATEMENT OF FACTS

10 Movants are political committees who support Republicans in Washington. The  
11 Republican National Committee is a national committee, as defined by 52 U.S.C. § 30101, that  
12 manages the party’s business at the national level, supports Republican candidates for public office  
13 at all levels, coordinates fundraising and election strategy, and develops and promotes the national  
14 Republican platform. The Washington State Republican Party is a state political committee that  
15 works to promote Republican principles and assist Republican candidates for federal, state, and  
16 local office. The WSRP conducts fundraising and assists candidates with communication, strategy,  
17 and planning. Movants have interests—their own and those of their members, candidates, and  
18 voters—in the rules and procedures governing Washington’s elections for offices at all levels of  
19 state and federal government.

20 Movants have a particular interest in preserving the election rules under attack in this case.  
21 Since at least 1915, the State of Washington has employed the common-sense procedure of  
22 checking that a voter’s signature matches the signature of the person who registered under that  
23 name. *See* Rem. 1915 Code § 4971-10 (requiring election officers to “compare the signature” on  
24 ballot-initiative petitions “with the signature on the registration book” to ensure they were “written  
25 by the same hand”). Over the decades, the Washington Legislature has amended the signature  
26 verification process to keep up with advancements in technology and law. For example,  
27 Washington now requires “[a]ll personnel assigned to verify signatures [to] receive training on

1 statewide standards for signature verification.” WRCW 29A.40.110(3). The Legislature has  
2 approved the use of “automated verification system[s],” *id.*, and the Secretary of State has  
3 established precise, objective criteria for evaluating signatures, WAC 434-379-020. Washington’s  
4 former Secretary of State described the State’s signature verification process as the “linchpin” of  
5 Washington’s election security. Arit John, ‘Every Day Was Nonstop Calls’: How a Blue State  
6 Republican Became the Face of Mail Voting, L.A. Times (July 30, 2020), [https://perma.cc/APW2-  
7 LCJN](https://perma.cc/APW2-LCJN). The entire process must be “open to the public.” WAC 434-250-120.

8 Plaintiffs nevertheless demand that this Court nullify these election safeguards that  
9 Washington has effectively employed for over a century. Plaintiffs claim the process  
10 unconstitutionally burdens the right to vote, discriminates against various groups, disenfranchises  
11 voters, and permits arbitrary and capricious government action. They are wrong.

12 Movants seek to intervene to defend the constitutionality of Washington’s longstanding  
13 signature verification procedure. These election rules serve “the integrity of [the] election process”  
14 and the “orderly administration” of elections. *Eu v. San Fran. Cty. Democratic Cent. Comm.*, 489  
15 U.S. 214, 231 (1989); *Crawford v. Marion Cty. Election Bd.*, 553 U.S. 181, 196 (2008) (op. of  
16 Stevens, J.). The Court should not set aside Washington law, and it should not proceed without  
17 Movants’ participation.

### 18 III. STATEMENT OF ISSUES

- 19 A. Whether Movants have a right to intervene in this action under Civil Rule 24(a).  
20 B. Whether the court should permit Movants to intervene under Civil Rule 24(b)  
21 because Movants share a common claim or defense with the main action.

### 22 IV. EVIDENCE RELIED UPON

23 Movants rely on Plaintiffs’ Amended Complaint, this motion, and Movants’ Proposed  
24 Answer.

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**V. ARGUMENT**

**A. Movants are entitled to intervene as of right.**

Courts “liberally construe [the] rules in favor of intervention.” *Olver v. Fowler*, 161 Wn.2d 655, 664 (2007). Under CR 24(a), Movants are entitled to intervention of right if (1) the motion is timely, (2) Movants have an interest in the subject of the action, (3) Movants are so situated that the disposition will impair or impede their ability to protect their interest, and (4) Movants’ interest is not adequately represented by the existing parties. *Westerman v. Cary*, 125 Wn.2d 277, 303 (1994). Because CR 24 mirrors the federal intervention rule, Washington courts often “look to decisions and analysis of the federal rule for guidance.” *Am. Disc. Corp. v. Saratoga W., Inc.*, 81 Wn.2d 34, 37 (1972). Movants satisfy all four elements.

**1. The motion is timely.**

There can be no dispute that Movants timely moved to intervene. “[A] motion to intervene is timely if it is filed before the commencement of the trial.” *Columbia Gorge Audubon Soc’y v. Klickitat Cnty.*, 98 Wn. App. 618, 623 (1999) (citing *Am. Disc.*, 81 Wn.2d at 43). Plaintiffs filed their complaint on November 22, 2022, and amended their complaint on December 16. No party has filed substantive motions, and the Court has not held trial or hearings. Movants’ intervention is thus timely. *See Corbin Dist. Prop. Owners Ass’n v. Spokane Cnty. Bd. of Adjustment*, 26 Wn. App. 913, 916 (1980) (“The application was made prior to the hearing and was therefore timely.”); *Am. Disc.*, 81 Wn.2d at 43 (“The claim of right to intervene was thus raised prior to trial and judgment and was thus timely.”).

When a motion is timely, the Court “need not consider prejudice or other negative effects of the delayed admission of additional parties.” *Columbia Gorge Audubon Soc’y*, 98 Wn. App. at 628. Regardless, Movants’ intervention will not prejudice the other parties. This litigation has only just begun. No party has filed responsive pleadings, and the Court has not decided any dispositive motions. Conversely, if Movants are not allowed to intervene, their interests could be irreparably harmed by an order overriding Washington election rules, which could undermine the integrity of Washington elections. There are no unusual circumstances at play. This motion is timely.

1                   **2.       Movants have protected interests in this action.**

2                   “Not much of a showing is required ... to establish an interest.” *Columbia Gorge Audubon*  
3 *Soc’y*, 98 Wn. App. at 629 (citing *Am. Disc.*, 81 Wn.2d at 41). As Republican Party organizations  
4 who represent members, candidates, and voters in every county in Washington, Movants have  
5 “have a significant protectable interest in the action.” *Citizens for Balanced Use v. Mont.*  
6 *Wilderness Ass’n*, 647 F.3d 893, 897 (9th Cir. 2011). Specifically, Movants want Republican  
7 voters to vote, Republican candidates to win, elections to be conducted fairly, and Republican  
8 resources to be spent wisely rather than wasted on diversions. These “are routinely found to  
9 constitute significant protectable interests.” *Issa v. Newsom*, No. 2:20-cv-1044, 2020 WL 3074351,  
10 at \*3 (E.D. Cal. 2020). Indeed, given their inherent and intense interest in elections, usually “[n]o  
11 one disputes” that political parties “meet the impaired interest requirement for intervention as of  
12 right.” *Citizens United v. Gessler*, No. 14-cv-2266, 2014 WL 4549001, at \*2 (D. Colo. Sept. 15,  
13 2014).

14                   In addition, public interest groups that support a measure have a “significant protectable  
15 interest’ in defending the legality of the measure.” *Prete v. Bradbury*, 438 F.3d 949, 954 (9th Cir.  
16 2006). Courts have thus permitted the Republican Party to intervene in defense of signature-  
17 verification laws like those challenged here. *See, e.g., All. for Retired Ams. v. Sec’y of State*, 240  
18 A.3d 45, 45 n.2 (Me. 2020); *N.C. All. for Retired Ams. v. N.C. State Bd. of Elections*, No. 20 CVS  
19 8881, 2020 WL 10758664, at \*2 (N.C. Super. Ct. Oct. 5, 2020); *League of Women Voters of Ohio*  
20 *v. LaRose*, 489 F. Supp. 3d 719, 724 (S.D. Ohio 2020); *Ariz. Democratic Party v. Hobbs*, Doc. 60,  
21 No. 2:20-cv-1143 (D. Ariz. June 26, 2020); *Democratic Exec. Comm. of Fla. v. Detzner*, Doc. 20,  
22 No. 4:18-cv-520 (N.D. Fla., Nov. 9, 2018). And the Republican Party has consistently defended  
23 signature verification procedures in various other states. *Ga. Republican Party, Inc. v. Sec’y of*  
24 *State for Ga.*, No. 20-14741, 2020 WL 7488181 (11th Cir. Dec. 21, 2020); *Donald J. Trump for*  
25 *President, Inc. v. Boockvar*, 493 F. Supp. 3d 331, 342 (W.D. Pa. 2020).

26                   Movants and their members also have vested statutory rights at stake. Advocacy groups  
27 have “a significant protectable interest” in defending election rules when state law grants a “right

1 to challenge” elections for violations of those rules. *PEST Comm. v. Miller*, 648 F. Supp. 2d 1202,  
2 1212 (D. Nev. 2009), *aff’d*, 626 F.3d 1097 (9th Cir. 2010). That is the case here. If election officials  
3 fail to verify signatures in accordance with Washington law, registered voters have a statutory right  
4 to challenge the election. RCW 29A.68.020. The verification and challenge procedures are  
5 important to the integrity of Washington elections. But “if Plaintiffs succeed and have these  
6 statutes declared unconstitutional, the Proposed Intervenors will lose the rights afforded them by  
7 the statutes.” *PEST Comm.*, 648 F. Supp. 2d at 1212.

8         Simply put, “in cases challenging ... statutory schemes as unconstitutional or as  
9 improperly interpreted and applied, ... the interests of those who are governed by those schemes  
10 are sufficient to support intervention.” *Chiles v. Thornburgh*, 865 F.2d 1197, 1214 (11th Cir.  
11 1989). Because Movants’ candidates will “actively seek [election or] reelection in contests  
12 governed by the challenged rules,” and Movants’ voters will vote in them, Movants have an  
13 interest in “demand[ing] adherence” to Washington’s rules. *Shays v. FEC*, 414 F.3d 76, 88 (D.C.  
14 Cir. 2005). In any event, even an “insufficient interest should not be used as a factor for denying  
15 intervention.” *Columbia Gorge Audubon Soc’y*, 98 Wn. App. at 629. Movants have thus met the  
16 minimal requirement to show an interest at stake in this case.

17                 **3. This action threatens to impair Movants’ interests.**

18         Movants are “so situated that the disposition of the action may as a practical matter impair  
19 or impede [their] ability to protect [their] interest.” CR 24(a). Movants “do not need to establish  
20 that their interests will be impaired,” “only that the disposition of the action ‘may’ impair or  
21 impede their ability to protect their interests.” *Brumfield v. Dodd*, 749 F.3d 339, 344 (5th Cir.  
22 2014) (quoting identical language from the federal rule).

23         Here, Movants’ interests will “suffer if the Government were to lose this case, or to settle  
24 it against [Movants’] interests.” *Mausolf v. Babbitt*, 85 F.3d 1295, 1302-03 (8th Cir. 1996). Laws  
25 such as those challenged here serve “the integrity of [the] election process” and the “orderly  
26 administration” of elections. *Eu*, 489 U.S. at 231; *Crawford*, 553 U.S. at 196 (op. of Stevens, J.).  
27 An adverse decision thus would not only undercut democratically enacted laws that protect voters

1 and candidates (including Movants' members), but also change the "structur[e] of th[e]  
2 competitive environment" and "fundamentally alter the environment in which [Movants] defend  
3 their concrete interests (e.g. their interest in ... winning [election or] reelection)." *Shays*, 414 F.3d  
4 at 85-86. These changes could confuse voters and undermine confidence in the electoral process,  
5 potentially making it less likely that Movants' voters will vote. *See Crawford*, 553 U.S. at 197.  
6 And those changes would require Movants to spend substantial resources fighting confusion and  
7 galvanizing participation. *Id.*; *Pavek v. Simon*, 467 F.Supp.3d 718, 739-40 (D. Minn. 2020).

8 Any persuasive effect of an adverse ruling could further jeopardize Movants' interests.  
9 *Chiles*, 865 F.2d at 1214. Similar groups have challenged other election-integrity measures in  
10 Arizona, Colorado, Georgia, and Nevada, for example. A ruling in Plaintiffs' favor here could  
11 undermine Movants' ability to assert their rights and interests in those and future cases across the  
12 country. *See Stone v. First Union Corp.*, 371 F.3d 1305, 1310 (11th Cir. 2004) (holding that the  
13 "persuasive effects" of one court's opinion on other courts can be significant and thus warrant  
14 intervention). Accordingly, "disposition of the action may as a practical matter impair or impede  
15 [Movants'] ability to protect [their] interest." CR 24(a). CR 24 reflects a "greater liberality toward  
16 third party practice," *Am. Disc.*, 81 Wn.2d at 40, to give "all parties with a real stake in a  
17 controversy ... an opportunity to be heard" in this suit, *Hodgson v. UMWA*, 473 F.2d 118, 130  
18 (D.C. Cir. 1972). That includes Movants.

19 **4. The existing parties do not adequately represent Movants' interests.**

20 Finally, Movants are not adequately represented by Defendants. "The intervenor need  
21 make only a *minimal* showing that its interests may not be adequately represented." *Columbia*  
22 *Gorge Audubon Soc'y*, 98 Wn. App. at 629 (emphasis added). The Washington Supreme Court  
23 has "repeatedly concluded that the state's general duty to protect the public's interest does not  
24 sufficiently protect the narrower interests of private groups." *Pub. Util. Dist. No. 1 of Okanogan*  
25 *Cnty. v. State*, 182 Wn.2d 519, 532 (2015). That is because Defendants necessarily represent "the  
26 public interest" rather than Movants' "particular interest[s]" in protecting their resources and the  
27 rights of their candidates and voters. *Coal. of Ariz./N.M. Cntys. for Stable Econ. Growth v. DOI*,



1 100 F.3d 837, 845 (10th Cir. 1996). Courts thus “often conclude[] that governmental entities do  
2 not adequately represent the interests of aspiring intervenors.” *Fund for Animals, Inc. v. Norton*,  
3 322 F.3d 728, 736 (D.C. Cir. 2003).

4 This tension is stark in the context of elections. Defendants have no interest in the election  
5 of particular candidates or the mobilization of particular voters, or the costs associated with either.  
6 Instead, state officials, acting on behalf of all Washington citizens and the State itself, must  
7 consider “a range of interests likely to diverge from those of the intervenors.” *Meek v. Metro. Dade*  
8 *Cty.*, 985 F.2d 1471, 1478 (11th Cir. 1993). Those interests include “the expense of defending the  
9 current [laws] out of [state] coffers,” “the social and political divisiveness of the election issue,”  
10 “their own desires to remain politically popular and effective leaders,” and even the interests of  
11 Plaintiffs. *Clark v. Putnam Cnty.*, 168 F.3d 458, 461 (11th Cir. 1999); *Meek*, 985 F.2d at 1478. All  
12 of this makes Defendants less likely to make the same arguments, less likely to exhaust all  
13 appellate options, and more likely to settle. *Clark*, 168 F.3d at 461-62.

14 For similar reasons, Movants and Defendants have fundamentally different interests. “[A]n  
15 intervenor’s interest is not adequately represented simply because similar relief is sought by  
16 another party.” *Pub. Util. Dist. No. 1*, 182 Wn.2d at 532. The fact that Movants and Defendants  
17 “both believe [Plaintiffs’ relief] should be denied” thus “does not mean that [they] have identical  
18 positions or interests.” *Georgia v. U.S. Army Corps of Eng’rs*, 302 F.3d 1242, 1259 (11th Cir.  
19 2002). On the contrary, Defendants are concerned with “properly administer[ing Washington’s]  
20 election laws,” while Movants “are concerned with ensuring their party members and the voters  
21 they represent have the opportunity to vote,” “advancing their overall electoral prospects,” and  
22 “allocating their limited resources to inform voters about the election procedures.” *Issa*, 2020 WL  
23 3074351, at \*3. This “difference in interests” between Movants and Defendants is “sufficient to  
24 overcome the weak presumption of adequate representation.” *Stone*, 371 F.3d at 1312.

25 Defendants are elected officials charged with administering the State’s election laws—and  
26 doing so neutrally, without favoring Democrats or Republicans. “In carrying out this  
27 responsibility, [Defendants] would ‘shirk [their] duty were [they] to advance the narrower interest

1 of a private entity.” *Nat’l Parks Conservation Ass’n v. EPA*, 759 F.3d 969, 977 (8th Cir. 2014).  
2 For this reason, political organizations such as Movants often have “interest[s] divergent from that  
3 represented by the Attorney General” and other state officials. *Fritz v. Gorton*, Wn. App. 658, 661  
4 (1973) (reversing denial of intervention to the League of Women Voters). Even “assum[ing] that  
5 [Defendants] will perform [their] duties exceptionally well,” Movants “might still have a valid  
6 complaint about [their] performance,” which would warrant intervention. *Id.* For these reasons,  
7 Movants occupy an adversarial position in this case that no existing party serves. Their  
8 “intervention [is] vital to the defense of the law[s] at issue.” *Miracle v. Hobbs*, 333 F.R.D. 151,  
9 155 (D. Ariz. 2019) (citing *Horne v. Flores*, 557 U.S. 433, 433 (2009)). Movants should be granted  
10 intervention as of right.

11 **B. Alternatively, Movants should be granted permissive intervention.**

12 Even if this Court finds that Movants have not satisfied the elements of intervention as of  
13 right, the Court should permit Movants to intervene under CR 24(b)(2). Permissive intervention is  
14 appropriate “[w]hen an applicant’s claim or defense and the main action have a question of law or  
15 fact in common.” CR 24(b)(2). “It is clear from the wording of the rule itself that exact parallelism  
16 between the original action and the intervention action is not required.” *State ex rel. Keeler v. Port*  
17 *of Peninsula*, 89 Wn.2d 764, 767 (1978). Indeed, federal courts have found this element met merely  
18 when “the intervenors represent that their defenses are based on the same legal arguments that the  
19 state has raised, such that there are questions of law and fact in common between their defense and  
20 the main action.” *N. Am. Meat Inst. v. Becerra*, 420 F. Supp. 3d 1014, 1021 (C.D. Cal. 2019). The  
21 Court must also consider whether intervention “will unduly delay or prejudice the adjudication of  
22 the rights of the original parties.” CR 24(b)(2). “When in doubt, intervention should be granted.”  
23 *Columbia Gorge Audubon Soc’y*, 98 Wn. App. at 630.

24 Movants satisfy the requirements of CR 24(b)(2). As discussed, Movants have filed a  
25 timely motion that will neither delay the case nor prejudice the parties. And Movants will raise  
26 defenses likely to share many common questions with the parties’ claims and defenses. Plaintiffs  
27 allege that the challenged laws are unconstitutional and must be enjoined. Movants will argue that

1 the laws are valid, that an injunction is unwarranted, and that Plaintiffs’ desired relief would  
2 undermine Movants’ interests. This obvious clash is why courts allow political parties to intervene  
3 in defense of state election laws. *See, e.g., Swenson, supra* (“[T]he [RNC and Republican Party of  
4 Wisconsin] have a defense that shares common questions of law and fact with the main action;  
5 namely, they seek to defend the challenged election laws to protect their and their members’ stated  
6 interests—among other things, interest in the integrity of Wisconsin’s elections.”); *Priorities USA*  
7 *v. Nessel*, No. 2:19-cv-13341, 2020 WL 2615504, at \*5 (E.D. Mich. May 22, 2020) (granting  
8 permissive intervention where the RNC “demonstrate[d] that they seek to defend the  
9 constitutionality of Michigan’s [election] laws, the same laws which the plaintiffs allege are  
10 unconstitutional”).

11 Movants’ intervention will not delay this litigation or prejudice anyone. Movants swiftly  
12 moved to intervene at this case’s earliest stage, and their participation will add no delay beyond  
13 the norm for multiparty litigation. Movants also commit to complying with all deadlines that  
14 govern the parties, working to prevent duplicative briefing, and coordinating with the parties on  
15 discovery, “which is a promise” that undermines claims of undue delay, *Emerson Hall Assocs. v.*  
16 *Travelers Cas. Ins.*, No. 3:15-cv-447, 2016 WL 223794, at \*2 (W.D. Wis. Jan. 19, 2016); *see also*  
17 *Nielsen v. DeSantis*, No. 4:20-cv-236, 2020 WL 6589656, at \*1 (N.D. Fla. May 28, 2020). Of  
18 course, “there is always ‘prejudice’ that arises out of having to respond to an intervenor’s  
19 arguments.” *Pub. Util. Dist. No. 1*, 342 P.3d at 315. But that kind of prejudice or delay is irrelevant,  
20 because the rule considers only the kind that will “unduly delay or prejudice the adjudication.” CR  
21 24(b)(2) (emphasis added); *see also Appleton v. Comm’r*, 430 F. App’x 135, 138 (3d Cir. 2011).  
22 Movants will “proceed expeditiously,” so their presence will not render the litigation  
23 “unmanageable.” *Fritz*, 8 Wn. App. at 662.

24 Allowing Movants to intervene will promote consistency and fairness in the law, as well  
25 as efficiency in this case. *See Venegas v. Skaggs*, 867 F.2d 527, 531 (9th Cir. 1989). It will allow  
26 “the Court ... to profit from a diversity of viewpoints as [Movants] illuminate the ultimate  
27 questions posed by the parties.” *Franconia Minerals (US) LLC v. United States*, 319 F.R.D. 261,

1 268 (D. Minn. 2017). Any prejudice from granting intervention would be no greater than the  
2 prejudice from denying intervention. *See League of Women Voters of Fla. v. Lee*, No. 4:21-cv-  
3 186, 2021 WL 5278735, at \*2 (N.D. Fla. June 4, 2021) (“[D]enying [the Republican Party’s]  
4 motion will open the door to delaying the adjudication of this case’s merits for months,’ while  
5 Proposed Intervenors appeal this Court’s decision.” (cleaned up)).

6 This Court should not consider whether to change Washington’s election rules without  
7 giving one of the two major political parties a seat at the table. Republican Party organizations  
8 “are not marginally affected individuals; they are substantial organizations with experienced  
9 attorneys who might well bring perspective that others miss or choose not to provide.” *Nielsen*,  
10 2020 WL 6589656, at \*1. Movants respectfully submit that they have at least as much at stake in  
11 Washington’s elections and at least as much expertise on the relevant issues as Plaintiffs or  
12 Defendants. Allowing Movants to intervene here would thus serve “the interest of a full exposition  
13 of the issues.” *S. Carolina v. N. Carolina*, 558 U.S. 256, 272 (2010) (citation omitted).

## 14 VI. CONCLUSION

15 For these reasons, Movants’ motion to intervene should be granted. A proposed order and  
16 Movants’ proposed answer accompany this motion.

17 DATED this 17th day of January, 2023.

18 DAVIS WRIGHT TREMAINE LLP

19 By s/ Robert J. Maguire

20 Robert J. Maguire, WSBA #29909

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25  
26 *Counsel certifies that this memorandum*  
27 *contains 3,952 words, in compliance with the*  
*Local Civil Rules*

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1 **CERTIFICATE OF SERVICE**

2 On January 17, 2023, I served a copy of the foregoing document on all counsel of record  
3 in the manner indicated:

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By: s/ Robert J. Maguire

**[PROPOSED]  
ANSWER TO  
PLAINTIFFS' FIRST  
AMENDED  
COMPLAINT**

RETRIEVED FROM DEMOCRACY DOCKET.COM

The Honorable Catherine Shaffer

SUPERIOR COURT OF THE STATE OF WASHINGTON  
KING COUNTY

VET VOICE FOUNDATION, THE  
WASHINGTON BUS, EL CENTRO DE LA  
RAZA, KAELEENE ESCALANTE  
MARTINEZ, BETHAN CANTRELL, DAISHA  
BRITT, GABRIEL BERSON, and MARI  
MATSUMOTO,

Plaintiffs,

v.

STEVE HOBBS, in his official capacity as  
Washington State Secretary of State, JULIE  
WISE, in her official capacity as the  
Auditor/Director of Elections in King County  
and a King County Canvassing Board Member,  
SUSAN SLONECKER, in her official capacity  
as a King County Canvassing Board Member,  
and STEPHANIE CIRKOVICH, in her official  
capacity as a King County Canvassing Board  
Member,

Defendants.

No. 22-2-19384-1

THE REPUBLICAN NATIONAL  
COMMITTEE AND  
WASHINGTON STATE  
REPUBLICAN PARTY'S  
[PROPOSED] ANSWER TO  
PLAINTIFFS' FIRST AMENDED  
COMPLAINT

Proposed Intervenors—the Republican National Committee and the Republican Party of  
Washington—respectfully submit the following proposed answer to Plaintiffs' first amended  
complaint:



1 **Nature of the Action**

2 1. Paragraph 1 of Plaintiffs' first amended complaint quotes cases and state law that  
3 speak for themselves.

4 2. Proposed Intervenors deny that Washington's signature matching procedure is  
5 arbitrary, fundamentally flawed, or unlawful. Paragraph 2 otherwise contains mere  
6 characterizations, legal contentions, conclusions, and opinions to which no response is required.  
7 To the extent a response is required, Proposed Intervenors deny the allegations.

8 3. Proposed Intervenors lack knowledge or information sufficient to form a belief as  
9 to the truth of the allegations in paragraph 3 and therefore deny the allegations.

10 4. Proposed Intervenors lack knowledge or information sufficient to form a belief as  
11 to the truth of the allegations in paragraph 4 and therefore deny the allegations.

12 5. Proposed Intervenors lack knowledge or information sufficient to form a belief as  
13 to the truth of the allegations in paragraph 5 and therefore deny the allegations.

14 6. Proposed Intervenors lack knowledge or information sufficient to form a belief as  
15 to the truth of the allegations in paragraph 6 and therefore deny the allegations.

16 7. Proposed Intervenors deny that Washington's signature matching procedure is  
17 unconstitutional or "has disenfranchised tens of thousands of lawful voters for no discernable  
18 benefit." Proposed Intervenors otherwise lack knowledge or information sufficient to form a belief  
19 as to the truth of the allegations in paragraph 7 and therefore deny the allegations.

20 8. Paragraph 8 contains mere characterizations, legal contentions, conclusions, and  
21 opinions to which no response is required. To the extent a response is required, Proposed  
22 Intervenors deny the allegations.

23 **Parties**

24 9. Proposed Intervenors lack knowledge or information sufficient to form a belief as  
25 to the truth of the allegations in paragraph 9 and therefore deny the allegations.

26 10. Proposed Intervenors lack knowledge or information sufficient to form a belief as  
27 to the truth of the allegations in paragraph 10 and therefore deny the allegations.

1 11. Proposed Intervenors lack knowledge or information sufficient to form a belief as  
2 to the truth of the allegations in paragraph 11 and therefore deny the allegations.

3 12. Proposed Intervenors lack knowledge or information sufficient to form a belief as  
4 to the truth of the allegations in paragraph 12 and therefore deny the allegations.

5 13. Proposed Intervenors lack knowledge or information sufficient to form a belief as  
6 to the truth of the allegations in paragraph 13 and therefore deny the allegations.

7 14. Proposed Intervenors lack knowledge or information sufficient to form a belief as  
8 to the truth of the allegations in paragraph 14 and therefore deny the allegations.

9 15. Proposed Intervenors lack knowledge or information sufficient to form a belief as  
10 to the truth of the allegations in paragraph 15 and therefore deny the allegations.

11 16. Proposed Intervenors lack knowledge or information sufficient to form a belief as  
12 to the truth of the allegations in paragraph 16 and therefore deny the allegations.

13 17. Proposed Intervenors lack knowledge or information sufficient to form a belief as  
14 to the truth of the allegations in paragraph 17 and therefore deny the allegations.

15 18. Proposed Intervenors lack knowledge or information sufficient to form a belief as  
16 to the truth of the allegations in paragraph 18 and therefore deny the allegations.

17 19. Proposed Intervenors lack knowledge or information sufficient to form a belief as  
18 to the truth of the allegations in paragraph 19 and therefore deny the allegations.

19 20. Proposed Intervenors lack knowledge or information sufficient to form a belief as  
20 to the truth of the allegations in paragraph 20 and therefore deny the allegations.

21 21. Proposed Intervenors lack knowledge or information sufficient to form a belief as  
22 to the truth of the allegations in paragraph 21 and therefore deny the allegations.

23 22. Proposed Intervenors lack knowledge or information sufficient to form a belief as  
24 to the truth of the allegations in paragraph 22 and therefore deny the allegations.

25 23. Proposed Intervenors lack knowledge or information sufficient to form a belief as  
26 to the truth of the allegations in paragraph 23 and therefore deny the allegations.

27

1 24. Proposed Intervenors lack knowledge or information sufficient to form a belief as  
2 to the truth of the allegations in paragraph 24 and therefore deny the allegations.

3 25. Proposed Intervenors lack knowledge or information sufficient to form a belief as  
4 to the truth of the allegations in paragraph 25 and therefore deny the allegations.

5 26. Paragraph 26 quotes Washington statutes that speak for themselves. Paragraph 26  
6 otherwise contains mere characterizations, legal contentions, conclusions, and opinions to which  
7 no response is required. To the extent a response is required, Proposed Intervenors deny the  
8 allegations.

9 27. Paragraph 27 cites Washington statutes that speak for themselves. Paragraph 27  
10 otherwise contains mere characterizations, legal contentions, conclusions, and opinions to which  
11 no response is required. To the extent a response is required, Proposed Intervenors deny the  
12 allegations.

13 **Jurisdiction and Venue**

14 28. Paragraph 28 contains mere characterizations, legal contentions, conclusions, and  
15 opinions to which no response is required. To the extent a response is required, Proposed  
16 Intervenors deny the allegations.

17 29. Paragraph 29 contains mere characterizations, legal contentions, conclusions, and  
18 opinions to which no response is required. To the extent a response is required, Proposed  
19 Intervenors deny the allegations.

20 30. Paragraph 30 contains mere characterizations, legal contentions, conclusions, and  
21 opinions to which no response is required. To the extent a response is required, Proposed  
22 Intervenors deny the allegations.

23 31. Paragraph 31 contains mere characterizations, legal contentions, conclusions, and  
24 opinions to which no response is required. To the extent a response is required, Proposed  
25 Intervenors deny the allegations.

26  
27

1 **Factual Allegations**

2 32. Proposed Intervenors deny that Washington’s signature matching procedure  
3 disenfranchised over 113,000 Washington voters. Proposed Intervenors deny that voters were  
4 forced to take burdensome extra steps to get their ballot counted or that officials erred in rejecting  
5 the ballots. Proposed Intervenors otherwise lack knowledge or information sufficient to form a  
6 belief as to the truth of the allegations in paragraph 32 and therefore deny the allegations.

7 33. Proposed Intervenors deny that voters were forced to take burdensome additional  
8 steps to cure their ballots. Proposed Intervenors otherwise lack knowledge or information  
9 sufficient to form a belief as to the truth of the allegations in paragraph 33 and therefore deny the  
10 allegations.

11 34. Proposed Intervenors lack knowledge or information sufficient to form a belief as  
12 to the truth of the allegations in paragraph 34 and therefore deny the allegations.

13 35. Proposed Intervenors lack knowledge or information sufficient to form a belief as  
14 to the truth of the allegations in paragraph 35 and therefore deny the allegations.

15 36. Proposed Intervenors lack knowledge or information sufficient to form a belief as  
16 to the truth of the allegations in paragraph 36 and therefore deny the allegations.

17 37. Proposed Intervenors deny that King County consistently disenfranchises over  
18 42,000 voters, or that “King County is poised to disenfranchise around 14,000 voters for non-  
19 matching signatures.” Proposed Intervenors otherwise lack knowledge or information sufficient to  
20 form a belief as to the truth of the allegations in paragraph 37 and therefore deny the allegations.

21 38. Deny.

22 39. Paragraph 39 cites a news article in footnote 2 that speaks for itself. Proposed  
23 Intervenors otherwise lack knowledge or information sufficient to form a belief as to the truth of  
24 the allegations in paragraph 39 and therefore deny the allegations.

25 40. Paragraph 40 cites a study in footnote 3 that speaks for itself. Proposed Intervenors  
26 otherwise lack knowledge or information sufficient to form a belief as to the truth of the allegations  
27 in paragraph 40 and therefore deny the allegations.

1           41.     Proposed Intervenor deny that the signature matching procedure is not effective.  
2 Proposed Intervenor otherwise lack knowledge or information sufficient to form a belief as to the  
3 truth of the allegations in paragraph 41 and therefore deny the allegations.

4           42.     Proposed Intervenor lack knowledge or information sufficient to form a belief as  
5 to the truth of the allegations in paragraph 42 and therefore deny the allegations.

6           43.     Deny.

7           44.     Paragraph 44 cites a publication that speaks for itself. Proposed Intervenor  
8 otherwise lack knowledge or information sufficient to form a belief as to the truth of the allegations  
9 in paragraph 44 and therefore deny the allegations.

10          45.     Paragraph 45 cites a Washington statute that speaks for itself. Paragraph 45  
11 otherwise contains mere characterizations, legal contentions, conclusions, and opinions to which  
12 no response is required. To the extent a response is required, Proposed Intervenor deny the  
13 allegations.

14          46.     Paragraph 46 quotes a Washington statute that speaks for itself. Paragraph 46  
15 otherwise contains mere characterizations, legal contentions, conclusions, and opinions to which  
16 no response is required. To the extent a response is required, Proposed Intervenor deny the  
17 allegations.

18          47.     Paragraph 47 cites Washington statutes that speak for themselves. Paragraph 47  
19 otherwise contains mere characterizations, legal contentions, conclusions, and opinions to which  
20 no response is required. To the extent a response is required, Proposed Intervenor deny the  
21 allegations.

22          48.     Paragraph 48 cites Washington statutes that speak for themselves. Paragraph 48  
23 otherwise contains mere characterizations, legal contentions, conclusions, and opinions to which  
24 no response is required. To the extent a response is required, Proposed Intervenor deny the  
25 allegations.

26          49.     Paragraph 49 cites Washington statutes that speak for themselves. Paragraph 49  
27 otherwise contains mere characterizations, legal contentions, conclusions, and opinions to which

1 no response is required. To the extent a response is required, Proposed Intervenor deny the  
2 allegations.

3 50. Paragraph 50 quotes a Washington statute that speaks for itself. Paragraph 50  
4 otherwise contains mere characterizations, legal contentions, conclusions, and opinions to which  
5 no response is required. To the extent a response is required, Proposed Intervenor deny the  
6 allegations.

7 51. Paragraph 51 cites a Washington statute that speaks for itself. Paragraph 51  
8 otherwise contains mere characterizations, legal contentions, conclusions, and opinions to which  
9 no response is required. To the extent a response is required, Proposed Intervenor deny the  
10 allegations.

11 52. Proposed Intervenor deny that Washington law does not prescribe sufficient  
12 standards and leaves “the fate of each voter’s ballot to an election official’s subjective and arbitrary  
13 visual inspection.” Proposed Intervenor also deny that state guidance encourages election officials  
14 to invalidate signatures on the basis of minor, easy-to-misinterpret discrepancies. Paragraph 52  
15 quotes a Washington statute that speaks for itself. Paragraph 52 otherwise contains mere  
16 characterizations, legal contentions, conclusions, and opinions to which no response is required.  
17 To the extent a response is required, Proposed Intervenor deny the allegations.

18 53. Paragraph 53 quotes a Washington statute that speaks for itself. Paragraph 53  
19 otherwise contains mere characterizations, legal contentions, conclusions, and opinions to which  
20 no response is required. To the extent a response is required, Proposed Intervenor deny the  
21 allegations.

22 54. Proposed Intervenor deny that election officials must make subjective, arbitrary  
23 determinations. Proposed Intervenor also deny that the signature verification process presents any  
24 constitutional problem or that the training magnifies any such problem. Proposed Intervenor  
25 otherwise lack knowledge or information sufficient to form a belief as to the truth of the allegations  
26 in paragraph 54 and therefore deny the allegations.

1           55.     Proposed Intervenor lack knowledge or information sufficient to form a belief as  
2 to the truth of the allegations in paragraph 55 and therefore deny the allegations.

3           56.     Proposed Intervenor lack knowledge or information sufficient to form a belief as  
4 to the truth of the allegations in paragraph 56 and therefore deny the allegations.

5           57.     Proposed Intervenor lack knowledge or information sufficient to form a belief as  
6 to the truth of the allegations in paragraph 57 and therefore deny the allegations.

7           58.     Proposed Intervenor deny that Washington signature matching procedure is highly  
8 error-prone. Proposed Intervenor otherwise lack knowledge or information sufficient to form a  
9 belief as to the truth of the allegations in paragraph 58 and therefore deny the allegations.

10          59.     Proposed Intervenor lack knowledge or information sufficient to form a belief as  
11 to the truth of the allegations in paragraph 59 and therefore deny the allegations.

12          60.     Proposed Intervenor lack knowledge or information sufficient to form a belief as  
13 to the truth of the allegations in paragraph 60 and therefore deny the allegations.

14          61.     Proposed Intervenor deny that Washington's signature matching procedure has a  
15 high rate of error, or that Washington election officials are afforded inadequate time and resources.  
16 Proposed Intervenor otherwise lack knowledge or information sufficient to form a belief as to the  
17 truth of the allegations in paragraph 61 and therefore deny the allegations.

18          62.     Proposed Intervenor lack knowledge or information sufficient to form a belief as  
19 to the truth of the allegations in paragraph 62 and therefore deny the allegations.

20          63.     Proposed Intervenor lack knowledge or information sufficient to form a belief as  
21 to the truth of the allegations in paragraph 63 and therefore deny the allegations.

22          64.     Proposed Intervenor lack knowledge or information sufficient to form a belief as  
23 to the truth of the allegations in paragraph 64 and therefore deny the allegations.

24          65.     Proposed Intervenor lack knowledge or information sufficient to form a belief as  
25 to the truth of the allegations in paragraph 65 and therefore deny the allegations.

26          66.     Proposed Intervenor lack knowledge or information sufficient to form a belief as  
27 to the truth of the allegations in paragraph 66 and therefore deny the allegations.

1           67. Proposed Intervenors deny that Washington's signature matching procedure  
2 disproportionately disenfranchises any particular group. Proposed Intervenors otherwise lack  
3 knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph  
4 67 and therefore deny the allegations.

5           68. Proposed Intervenors lack knowledge or information sufficient to form a belief as  
6 to the truth of the allegations in paragraph 68 and therefore deny the allegations.

7           69. Proposed Intervenors lack knowledge or information sufficient to form a belief as  
8 to the truth of the allegations in paragraph 69 and therefore deny the allegations.

9           70. Proposed Intervenors deny that Washington's signature matching procedure has a  
10 disproportionate disenfranchising effect on any particular group. Proposed Intervenors otherwise  
11 lack knowledge or information sufficient to form a belief as to the truth of the allegations in  
12 paragraph 70 and therefore deny the allegations.

13           71. Proposed Intervenors deny that the effects of Washington's signature matching  
14 procedure are pernicious. Proposed Intervenors otherwise lack knowledge or information  
15 sufficient to form a belief as to the truth of the allegations in paragraph 71 and therefore deny the  
16 allegations.

17           72. Proposed Intervenors lack knowledge or information sufficient to form a belief as  
18 to the truth of the allegations in paragraph 72 and therefore deny the allegations.

19           73. Proposed Intervenors lack knowledge or information sufficient to form a belief as  
20 to the truth of the allegations in paragraph 73 and therefore deny the allegations.

21           74. Proposed Intervenors lack knowledge or information sufficient to form a belief as  
22 to the truth of the allegations in paragraph 74 and therefore deny the allegations.

23           75. Proposed Intervenors lack knowledge or information sufficient to form a belief as  
24 to the truth of the allegations in paragraph 75 and therefore deny the allegations.

25           76. Proposed Intervenors deny that Washington's signature matching procedure harms  
26 any particular group. Proposed Intervenors otherwise lack knowledge or information sufficient to  
27 form a belief as to the truth of the allegations in paragraph 76 and therefore deny the allegations.



1 77. Proposed Intervenors lack knowledge or information sufficient to form a belief as  
2 to the truth of the allegations in paragraph 77 and therefore deny the allegations.

3 78. Proposed Intervenors lack knowledge or information sufficient to form a belief as  
4 to the truth of the allegations in paragraph 78 and therefore deny the allegations.

5 79. Proposed Intervenors deny that Washington's signature matching procedure has a  
6 disproportionate disenfranchising impact on any particular group. Proposed Intervenors otherwise  
7 lack knowledge or information sufficient to form a belief as to the truth of the allegations in  
8 paragraph 79 and therefore deny the allegations.

9 80. Proposed Intervenors lack knowledge or information sufficient to form a belief as  
10 to the truth of the allegations in paragraph 80 and therefore deny the allegations.

11 81. Proposed Intervenors lack knowledge or information sufficient to form a belief as  
12 to the truth of the allegations in paragraph 81 and therefore deny the allegations.

13 82. Proposed Intervenors deny that Washington's signature matching procedure  
14 disproportionately disenfranchises any particular group. Paragraph 82 cites a Washington statute  
15 that speaks for itself. Proposed Intervenors otherwise lack knowledge or information sufficient to  
16 form a belief as to the truth of the allegations in paragraph 82 and therefore deny the allegations.

17 83. Proposed Intervenors lack knowledge or information sufficient to form a belief as  
18 to the truth of the allegations in paragraph 83 and therefore deny the allegations.

19 84. Proposed Intervenors lack knowledge or information sufficient to form a belief as  
20 to the truth of the allegations in paragraph 84 and therefore deny the allegations.

21 85. Proposed Intervenors deny that Washington's signature matching procedure  
22 disproportionately disenfranchises any particular group. Proposed Intervenors also deny that the  
23 cure process is burdensome. Proposed Intervenors otherwise lack knowledge or information  
24 sufficient to form a belief as to the truth of the allegations in paragraph 85 and therefore deny the  
25 allegations.

26 86. Proposed Intervenors lack knowledge or information sufficient to form a belief as  
27 to the truth of the allegations in paragraph 86 and therefore deny the allegations.

1 87. Proposed Intervenors lack knowledge or information sufficient to form a belief as  
2 to the truth of the allegations in paragraph 87 and therefore deny the allegations.

3 88. Proposed Intervenors deny that proof of identity imposes a burden on any particular  
4 group. Proposed Intervenors otherwise lack knowledge or information sufficient to form a belief  
5 as to the truth of the allegations in paragraph 88 and therefore deny the allegations.

6 89. Proposed Intervenors lack knowledge or information sufficient to form a belief as  
7 to the truth of the allegations in paragraph 89 and therefore deny the allegations.

8 90. Proposed Intervenors lack knowledge or information sufficient to form a belief as  
9 to the truth of the allegations in paragraph 90 and therefore deny the allegations.

10 91. Proposed Intervenors deny that Washington's signature matching procedure is  
11 unnecessary. Proposed Intervenors otherwise lack knowledge or information sufficient to form a  
12 belief as to the truth of the allegations in paragraph 91 and therefore deny the allegations.

13 92. Deny.

14 93. Deny.

15 94. Paragraph 94 cites a Washington statute that speaks for itself. Paragraph 94  
16 otherwise contains mere characterizations, legal contentions, conclusions, and opinions to which  
17 no response is required. To the extent a response is required, Proposed Intervenors deny the  
18 allegations.

19 95. Paragraph 95 cites a Washington statute that speaks for itself. Paragraph 95  
20 otherwise contains mere characterizations, legal contentions, conclusions, and opinions to which  
21 no response is required. To the extent a response is required, Proposed Intervenors deny the  
22 allegations.

23 96. Paragraph 96 quotes a Washington statute that speaks for itself. Paragraph 96  
24 otherwise contains mere characterizations, legal contentions, conclusions, and opinions to which  
25 no response is required. To the extent a response is required, Proposed Intervenors deny the  
26 allegations.

1           97. Paragraph 97 cites websites that speak for themselves. Proposed Intervenors  
2 otherwise lack knowledge or information sufficient to form a belief as to the truth of the allegations  
3 in paragraph 97 and therefore deny the allegations.

4           98. Proposed Intervenors lack knowledge or information sufficient to form a belief as  
5 to the truth of the allegations in paragraph 98 and therefore deny the allegations.

6           99. Proposed Intervenors lack knowledge or information sufficient to form a belief as  
7 to the truth of the allegations in paragraph 99 and therefore deny the allegations.

8           100. Deny.

9           101. Proposed Intervenors deny that Washington's signature matching procedure  
10 inherently bears a "heightened risk of erroneous rejection." Paragraph 101 otherwise contains mere  
11 characterizations, legal contentions, conclusions, and opinions to which no response is required.  
12 To the extent a response is required, Proposed Intervenors deny the allegations.

13           102. Paragraph 102 quotes a Washington statute that speaks for itself. Paragraph 102  
14 otherwise contains mere characterizations, legal contentions, conclusions, and opinions to which  
15 no response is required. To the extent a response is required, Proposed Intervenors deny the  
16 allegations.

17           103. Paragraph 103 cites a Washington statute that speaks for itself. Paragraph 103  
18 otherwise contains mere characterizations, legal contentions, conclusions, and opinions to which  
19 no response is required. To the extent a response is required, Proposed Intervenors deny the  
20 allegations.

21           104. Paragraph 104 quotes a Washington statute that speaks for itself. Paragraph 104  
22 otherwise contains mere characterizations, legal contentions, conclusions, and opinions to which  
23 no response is required. To the extent a response is required, Proposed Intervenors deny the  
24 allegations.

25           105. Proposed Intervenors deny that Washington's signature matching procedure is  
26 inherently flawed or imposes undue costs and burdens.

1 106. Proposed Intervenors lack knowledge or information sufficient to form a belief as  
2 to the truth of the allegations in paragraph 106 and therefore deny the allegations.

3 107. Paragraph 107 quotes a state Audit that speaks for itself. Proposed Intervenors lack  
4 knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph  
5 107 and therefore deny the allegations.

6 108. Paragraph 108 quotes a state Audit that speaks for itself. Proposed Intervenors lack  
7 knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph  
8 108 and therefore deny the allegations.

9 109. Paragraph 109 quotes a state Audit that speaks for itself. Proposed Intervenors lack  
10 knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph  
11 109 and therefore deny the allegations.

12 110. Paragraph 110 quotes a state Audit that speaks for itself. Proposed Intervenors lack  
13 knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph  
14 110 and therefore deny the allegations.

15 111. Paragraph 111 quotes a state Audit that speaks for itself. Proposed Intervenors lack  
16 knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph  
17 111 and therefore deny the allegations.

18 112. Paragraph 112 quotes a state Audit that speaks for itself. Proposed Intervenors lack  
19 knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph  
20 112 and therefore deny the allegations.

21 113. Paragraph 113 quotes a state Audit that speaks for itself. Proposed Intervenors lack  
22 knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph  
23 113 and therefore deny the allegations.

24 **First Cause of Action**  
25 **Article I Section 19 of the Washington State Constitution**  
26 **All Defendants**  
27 **(Unconstitutional Burden on the Right to Vote)**

114. Proposed Intervenors incorporate by reference the previously alleged paragraphs.

1 115. Paragraph 115 quotes the Washington State Constitution, which speaks for itself.

2 116. Paragraph 116 quotes *Madison v. State*, 161 Wn.2d 85 (2007), which speaks for  
3 itself.

4 117. Paragraph 117 contains mere characterizations, legal contentions, conclusions, and  
5 opinions to which no response is required. To the extent a response is required, Proposed  
6 Intervenor deny the allegations.

7 118. Paragraph 118 contains mere characterizations, legal contentions, conclusions, and  
8 opinions to which no response is required. To the extent a response is required, Proposed  
9 Intervenor deny the allegations.

10 119. Paragraph 119 contains mere characterizations, legal contentions, conclusions, and  
11 opinions to which no response is required. To the extent a response is required, Proposed  
12 Intervenor deny the allegations.

13 120. Paragraph 120 contains mere characterizations, legal contentions, conclusions, and  
14 opinions to which no response is required. To the extent a response is required, Proposed  
15 Intervenor deny the allegations.

16 121. Paragraph 121 contains mere characterizations, legal contentions, conclusions, and  
17 opinions to which no response is required. To the extent a response is required, Proposed  
18 Intervenor deny the allegations.

19 122. Paragraph 122 characterizes Plaintiffs' prayer for relief, to which no response is  
20 required. To the extent a response is required, Proposed Intervenor deny the allegations.

21 **Second Cause of Action**  
22 **Article I Sections 12 and 19 of the Washington State Constitution**  
23 **All Defendants**  
24 **(Equal Protection)**

25 123. Proposed Intervenor incorporate by reference the previously alleged paragraphs.

26 124. Paragraph 124 quotes the Washington State Constitution and *Grant Cty. Fire Prot.*  
27 *Dist. No. 5 v. City of Moses Lake*, 150 Wn.2d 791 (2004), which speak for themselves.



1 134. Paragraph 134 contains mere characterizations, legal contentions, conclusions, and  
2 opinions to which no response is required. To the extent a response is required, Proposed  
3 Intervenor deny the allegations.

4 135. Paragraph 135 characterizes Plaintiffs' prayer for relief, to which no response is  
5 required. To the extent a response is required, Proposed Intervenor deny the allegations.

6 **Fourth Cause of Action**  
7 **Article I Section 3 of the Washington State Constitution**  
8 **All Defendants**  
9 **(Arbitrary and Capricious Government Action)**

10 136. Proposed Intervenor incorporate by reference the previously alleged paragraphs.

11 137. Paragraph 137 quotes *Carlson v. San Juan County*, 333 P.3d 511 (Wash. 2014),  
12 which speaks for itself.

13 138. Paragraph 138 contains mere characterizations, legal contentions, conclusions, and  
14 opinions to which no response is required. To the extent a response is required, Proposed  
15 Intervenor deny the allegations.

16 139. Paragraph 139 contains mere characterizations, legal contentions, conclusions, and  
17 opinions to which no response is required. To the extent a response is required, Proposed  
18 Intervenor deny the allegations.

19 140. Paragraph 140 characterizes Plaintiffs' prayer for relief, to which no response is  
20 required. To the extent a response is required, Proposed Intervenor deny the allegations.

21 **Fifth Cause of Action**  
22 **RCW 29a.04.206**  
23 **All Defendants**  
24 **(Right To Vote)**

25 141. Proposed Intervenor incorporate by reference the previously alleged paragraphs.

26 142. Paragraph 142 quotes RCW 29A.04.206, which speaks for itself.

27 143. Paragraph 143 contains mere characterizations, legal contentions, conclusions, and  
opinions to which no response is required. To the extent a response is required, Proposed  
Intervenor deny the allegations.

1 144. Paragraph 144 contains mere characterizations, legal contentions, conclusions, and  
2 opinions to which no response is required. To the extent a response is required, Proposed  
3 Intervenors deny the allegations.

4 145. Paragraph 145 contains mere characterizations, legal contentions, conclusions, and  
5 opinions to which no response is required. To the extent a response is required, Proposed  
6 Intervenors deny the allegations.

7 146. Paragraph 146 characterizes Plaintiffs' prayer for relief, to which no response is  
8 required. To the extent a response is required, Proposed Intervenors deny the allegations.

9 **Prayer for Relief**

10 Page 40 of Plaintiffs' first amended complaint characterizes Plaintiffs' prayer for relief, to  
11 which no response is required. To the extent a response is required, Proposed Intervenors respond  
12 as follows:

- 13 A. Deny.
- 14 B. Deny.
- 15 C. Deny.
- 16 D. Deny.
- 17 E. Deny.

18 **Affirmative Defenses**

19 Proposed Intervenors assert the following affirmative defenses:

- 20 1. Plaintiffs lack standing to assert their claims.
- 21 2. Plaintiffs' claims are not ripe.
- 22 3. Plaintiffs' complaint fails, in whole or in part, to state a claim upon which relief  
23 can be granted.
- 24 4. Plaintiffs' claims are barred in whole or in part because this Court lacks jurisdiction  
25 to grant Plaintiffs' requested relief.
- 26 5. The requested relief would violate the U.S. Constitution.
- 27



1 6. Proposed Intervenors reserve the right to assert any further defenses that may  
2 become evident during the pendency of this matter.

3 **Proposed Intervenors' Request for Relief**

4 Having answered Plaintiffs' complaint, Proposed Intervenors request that the Court:

- 5 1. Deny Plaintiffs any relief;  
6 2. Dismiss Plaintiffs' complaint with prejudice;  
7 3. Award Proposed Intervenors their costs and attorneys' fees incurred in defending  
8 against Plaintiffs' claims; and  
9 4. Grant such other and further relief as the Court deems just and proper.

10  
11  
12 DATED this 17th day of January, 2023.

13  
14 DAVIS WRIGHT TREMAINE LLP

15 By \_\_\_\_\_

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1 **CERTIFICATE OF SERVICE**

2 On January 17, 2023, I served a copy of the foregoing document on all counsel of record  
3 in the manner indicated:

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