UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
GAINESVILLE DIVISION

VOTE.ORG; FLORIDA ALLIANCE FOR RETIRED AMERICANS; FLORIDA STATE CONFERENCE OF BRANCHES AND YOUTH UNITS OF THE NAACP,

Plaintiffs,

v.

CORD BYRD, in his official capacity as Secretary of State of Florida, et al.,

Defendants,

REPUBLICAN NATIONAL COMMITTEE and REPUBLICAN PARTY OF PASCO COUNTY,

Proposed Intervenor-Defendants.

No. 4:23-cv-00111-AW-MAF

MOTION TO INTERVENE

Movants—the Republican National Committee and the Republican Party of Pasco County—seek to intervene as defendants in this case. Attached is a memorandum of law that explains why the Court should grant Movants permissive intervention under Rule 24(b). No party opposes Movants' intervention under Rule 24(b). The Secretary of Florida and the supervisor for Brevard County are expressly unopposed to permissive intervention; plaintiffs and most of the county supervisors take no position on permissive intervention. The remaining Defendants have either not appeared or did not provide their position by the time Movants filed this motion. For the reasons in the accompanying memorandum, Movants respectfully ask the Court to grant this motion.

Dated: April 5, 2023

Respectfully submitted,

/s/ Daniel E. Nordby

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Counsel for Proposed Intervenor-Defendants the Republican National Committee and the Republican Party of Pasco County

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(B)

Counsel for Movants conferred with counsel for Plaintiffs, as well as the Defendants who have entered appearances, regarding this motion. The Secretary and the supervisor for Brevard County do not oppose the motion. Plaintiffs and the county supervisors for Alachua, Baker, Bay, Bradford, Broward, Calhoun, Columbia, Dixie, Duval, Franklin, Gadsden, Hamilton, Hillsborough, Jackson, Lafayette, Leon, Liberty, Nassau, Okaloosa, Pinellas, Putnam, Santa Rosa, St. Johns, Sumter, Suwannee, Taylor, Union, Wakulla, Walton, and Washington counties take no position on the motion. The remaining Defendants have not provided their positions or have not yet appeared.

/s/ Daniel E. Nordby

CERTIFICATE OF SERVICE

I e-filed this document, which will serve all parties whose counsel have entered appearances. Those parties who have not yet appeared will be served via email.

/s/ Daniel E. Nordby

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Proposed Intervenor-Defendants.

No. 4:23-cv-00111-AW-MAF

MEMORANDUM OF LAW IN SUPPORT OF MOTION TO INTERVENE

This Court should allow Movants—the Republican National Committee and the Republican Party of Pasco County—to intervene in this case to defend Florida's original-signature requirement. No party opposes Movants' participation in this case under Rule 24(b). And 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, courts have virtually always granted the Republican Party

intervention.[1] In fact, Chief Judge Walker recently permitted the Republican Party to intervene in several cases challenging Florida's recent election reform bill.[2] And this Court has always allowed the Republican Party to intervene under these circumstances.[3] It should do so again here.

Movants satisfy the requirements for permissive intervention under Rule 24(b). This motion is timely. Plaintiffs just filed their complaint, most defendants haven't entered appearances, this litigation is still in its infancy, and no party will be prejudiced. Movants' defenses also share common questions of law and fact with the existing parties' defenses. Though not required for permissive intervention, this Court's resolution of the important questions here will have significant implications for

[1] *E.g.*, *La Union del Pueblo Entero v. Abbott*, 29 F.4th 299, 309 (5th Cir. 2022); *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); *Ga. State Conf. of NAACP v. Raffensperger*, Doc. 40, No. 1:21-cv-1259 (N.D. Ga. June 4, 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).

[2] *Fla. Rising Together v. Lee*, Doc. 52, No. 4:21-cv-201 (N.D. Fla. July 6, 2021) (Walker, C.J.) (granting intervention to the RNC and the National Republican Senatorial Committee); *Fla. State Conf. of Branches & Youth Units of NAACP v. Lee*, Doc. 43, No. 4:21-cv-187 (N.D. Fla. June 8, 2021) (Walker, C.J.) (same); *Harriet Tubman Freedom Fighters Corp. v. Lee*, Doc. 34, No. 4:21-cv-242 (N.D. Fla. July 6, 2021) (Walker, C.J.) (same);

[3] *E.g.*, *Nielsen v. DeSantis*, 4:20-cv-236, 2020 WL 6589656 (N.D. Fla. May 28, 2020) (granting intervention to the RNC, RPOF, and the National Republican Congressional Committee); *VoteVets Action Fund v. Detzner*, Doc. 16, No. 4:18-cv-524 (N.D. Fla. Nov. 11, 2018) (Walker, C.J.) (granting intervention to the NRSC); *Democratic Exec. Cmte. of Fla. v. Detzner*, No. 4:18-cv-520 (N.D. Fla. Nov. 9, 2018) (Walker, C.J.) (same); *Jacobson v. Detzner*, Doc. 36, No. 4:18-cv-262 (N.D. Fla. July 1, 2018) (Walker, C.J.) (granting intervention to the NRSC and Republican Governors Association).

Movants—and their members, candidates, voters, and resources—as Movants work to ensure that Republican candidates and voters can participate in fair and orderly elections, and no party will adequately represent those interests. The Court should thus allow Movants to intervene.

INTERESTS OF PROPOSED INTERVENORS

Movants are two political committees who support Republicans in Florida. The RNC is a national committee that manages the Party's business at the national level, supports Republican candidates for public office at all levels, coordinates fundraising and election strategy, and develops and promotes the national Republican platform. The RNC's membership consists of the party chair and national committeeman and national committeewoman for each State and territory, including three representatives from Florida who are registered voters in Florida.

The Republican Party of Pasco County is a county Republican executive committee authorized under Fla. Stat. §103.091 that works to promote Republican values, register voters, and assist Republican candidates in obtaining election to partisan state and local office. It has been registered as a third-party voter registration organization with the State of Florida, Division of Elections since 2011.

ARGUMENT

Rule 24(b) grants this Court discretion to permit "anyone to intervene" who, on a timely motion, presents "a claim or defense that shares with the main action a common question of law or fact." Fed. R. Civ. P. 24(b). Courts also consider "whether

the intervention will unduly delay or prejudice the adjudication of the original parties' rights." Fed. R. Civ. P. 24(b)(3). "Any doubt concerning the propriety of allowing intervention should be resolved in favor of the proposed intervenors because it allows the court to resolve all related disputes in a single action." *Fed. Sav. & Loan Ins. v. Falls Chase Special Taxing Dist.*, 983 F.2d 211, 216 (11th Cir. 1993). Where a court has doubts, "the most prudent and efficient course" is to allow permissive intervention. *Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wis. v. United States*, 2002 WL 32350046, *3 (W.D. Wis. Nov. 20, 2002).

The requirements of Rule 24(b) are met here. Movants have filed a timely motion that will neither delay the case nor prejudice the parties. And Movants will raise defenses that share many common questions with the parties' claims and defenses. Because Movants are not moving to intervene as of right, they do not need to meet the higher standard of showing that they have protected interests in the action or that defendants' representation of those interests could be inadequate. *Cf.* Fed. R. Civ. P. 24(a)(2). But they meet those standards anyway. Movants have numerous legal and political interests in the "subject of the action" that defendants—as public officials—cannot "adequately represent." Fed. R. Civ. P. 24(a)(2).

A. The motion is timely, and Movants' participation will not delay or prejudice this case.

Timeliness concerns four factors: any delay in filing after the movant discovered its interest in the case; any prejudice to the existing parties from that delay; prejudice to

the movant from denying intervention; and any unusual circumstances. *Chiles v. Thornburgh*, 865 F.2d 1197, 1213 (11th Cir. 1989). The convenience of the parties is not a factor. *Clark v. Putnam Cty.*, 168 F.3d 458, 462 (11th Cir. 1999). All four factors favor Movants.

Movants filed this motion quickly—less than three weeks after plaintiffs sued, and before most defendants have even entered appearances. Much later motions have been declared timely. *See e.g.*, *North Dakota v. Heydinger*, 288 F.R.D. 423, 429 (D. Minn. 2012) (motion filed one year after answer); *Idaho Farm Bureau Fed'n v. Babbitt*, 58 F.3d 1392, 1397 (9th Cir. 1995) (motion filed four months after complaint); *Uesugi Farms, Inc. v. Michael J. Navilio & Son, Inc.*, 2015 WL 3962007, at *2 (N.D. Ill. June 25, 2015) (motions filed 4-6 weeks after complaint).

Nor will Movants' intervention delay this litigation or prejudice anyone. Movants swiftly moved to intervene at this case's earliest stage, *see Black Voters Matter Fund v. Raffensperger*, Doc. 42, No. 1:20-cv-4869 (N.D. Ga. Dec. 9, 2020), and their participation will add no delay beyond the norm for multiparty litigation. Movants also commit to complying with all deadlines that govern the parties, working to prevent duplicative briefing, and coordinating with the parties on discovery, *see Nielsen v. DeSantis*, 2020 WL 6589656, at *1 (N.D. Fla. 2020), "which is a promise" that undermines concerns of undue delay, *Emerson Hall Assocs. v. Travelers Casualty Ins.*, 2016 WL 223794, *2 (W.D. Wis. Jan. 19, 2016). Of course, "any introduction of an intervener in a case will necessitate its being permitted to actively participate, which will inevitably cause some

'delay,'" but that kind of prejudice or delay is irrelevant: Rule 24(b) is concerned with "*undu[e]* delay or prejudice," and "'[u]ndue' means not normal or appropriate." *Appleton v. Comm'r*, 430 F. App'x 135, 138 (3d Cir. 2011) (emphasis added).

But if Movants are not allowed to intervene, their interests could be irreparably harmed by an order overriding Florida's election rules, which could undermine the integrity of Florida's elections. And there are no unusual circumstances at play. This litigation has only just begun. No parties have filed responsive pleadings, and this Court has not decided any dispositive motions. This motion is timely.

B. Movants' defenses share many common questions with the parties' claims and defenses.

Plaintiffs allege that Florida's original-signature requirement is unlawful and must be enjoined. But laws like the one challenged here are designed to serve "the integrity of [the] election process" and the "orderly administration" of elections. *Eu v. S.F. Cty. Democratic Cent. Comm.*, 489 U.S. 214, 231 (1989); *Crawford v. Marion Cty. Election Bd.*, 553 U.S. 181, 196 (2008) (op. of Stevens, J.). Movants will argue that the law is valid, that an injunction is unwarranted, and that plaintiffs' desired relief would undermine Movants' interests. This obvious clash is why courts allow political parties to intervene in defense of state election laws. *See, e.g.*, *Swenson v. Bostelmann*, Doc. 38, No. 3:20-cv-459 (W.D. Wis. June 23, 2020) ("[T]he [RNC and Republican Party of Wisconsin] have a defense that shares common questions of law and fact with the main action; namely, they seek to defend the challenged election laws to protect their and their members'

stated interests—among other things, interest in the integrity of Wisconsin's elections."); *Priorities USA v. Nessel*, No. 2:19-cv-13341, 2020 WL 2615504, at *5 (E.D. Mich. May 22, 2020) (granting permissive intervention where the RNC "demonstrate[d] that they seek to defend the constitutionality of Michigan's [election] laws, the same laws which the plaintiffs allege are unconstitutional").

Allowing Movants to intervene will promote consistency and fairness in the law, as well as efficiency in this case. It will allow "the Court … to profit from a diversity of viewpoints as [Movants] illuminate the ultimate questions posed by the parties." *Franconia Minerals (US) LLC v. United States*, 319 F.R.D. 261, 268 (D. Minn. 2017). Any prejudice from granting intervention would be no greater than the prejudice from denying intervention, because denying the motion to intervene "opens the door to delaying the adjudication of this case's merits for months," given that "denial of a party's motion to intervene is immediately appealable." *See Jacobson v. Detzner*, No. 4:18-cv-262, 2018 WL 10509488, at *1 (N.D. Fla. July 1, 2018). For these reasons, the Court should permit Movants to intervene.

C. Movants have protected interests in this action.

Permissive intervention does not require the intervenor to have an "interest" in the action. *Solid Waste Agency of N. Cook Cty. v. U.S. Army Corps of Eng'rs*, 101 F.3d 503, 509 (7th Cir. 1996). Rather, "[a]ll that is required for permissive intervention … is that the applicant have a claim or defense in common with a claim or defense in the suit."

Id. Still, Movants have several interests at stake that underscore their common claims and defenses.

As Republican Party organizations who together represent members, candidates, and voters in every county in Florida, Movants have "'direct, substantial, legally protectible interest[s] in the proceeding.'" *Chiles*, 865 F.2d at 1213-14. Specifically, Movants want Republican voters to vote, Republican candidates to win, and Republican resources to be spent wisely and not wasted on diversions. These interests "are routinely found to constitute significant protectable interests" under Rule 24. *Issa v. Newsom*, 2020 WL 3074351, at *3 (E.D. Cal. 2020); *see, e.g.*, *Siegel v. LePore*, 234 F.3d 1163, 1169 n.1 (11th Cir. 2001); *Trinsey v. Pennsylvania*, 941 F.2d 224, 226 (3d Cir. 1991); *Anderson v. Babb*, 632 F.2d 300, 304 (4th Cir. 1980). Given their inherent and intense interest in elections, usually "[n]o one disputes" that political parties "meet the impaired interest requirement for intervention as of right." *Citizens United v. Gessler*, 2014 WL 4549001, *2 (D. Col. Sept. 15, 2014). That is certainly true where, as here, "changes in voting procedures could affect candidates running as Republicans and voters who [are] members of the … Republican Party." *Ohio Democratic Party v. Blackwell*, 2005 WL 8162665, *2 (S.D. Ohio Aug. 26, 2005); *see id.* (under these circumstances, "there [was] no dispute that the Ohio Republican Party had an interest in the subject matter of this case").

These direct harms are more than an "indirect impact" on Movants' general "economic interest." *Cf. Georgia v. U.S. Army Corps of Eng'rs*, 302 F.3d 1242, 1251 (11th

Cir. 2002). Encouraging voter participation and winning elections are not "economic" at all. And courts routinely recognize that preventing diversions of resources away from an organization's activities is a legitimate "interest" under Rule 24(a)(2). *E.g.*, *Issa*, 2020 WL 3074351, at *3; *Bldg. & Realty Inst. of Westchester & Putnam Ctys., Inc. v. New York*, 2020 WL 5658703, at *11 (S.D.N.Y. 2020).

Nor are Movants' interests "generalized" or shared by all Floridians. Not all Floridians have an interest in electing *Republicans* or conserving the resources of the *Republican Party*. As the Democratic Party has explained, political parties "have specific interests and concerns—from their overall electoral prospects to the most efficient use of their limited resources—that neither defendants nor any other party in this lawsuit share." *Wood v. Raffensperger*, Doc. 13 at 16, No. 1:20-cv-5155 (N.D. Ga. Dec. 21, 2020). If voter participation and resource diversion are not too generalized to give plaintiffs standing, *see* Compl. ¶¶11-21, then they are not too generalized to justify Movants' intervention, *see Meek v. Metro. Dade Cty.*, 985 F.2d 1471, 1480 (11th Cir. 1993) (rejecting the argument "that the intervenors had only nonjusticiable generalized grievances simply because they asserted interests widely shared by others," and noting that, "[i]f we accepted such an argument, we would be forced to conclude that most of the plaintiffs also lack standing").

Simply put, "'in cases challenging … statutory schemes as unconstitutional or as improperly interpreted and applied, … the interests of those who are governed by those schemes are sufficient to support intervention.'" *Chiles*, 865 F.2d at 1214. Because

Movants' candidates will "actively seek [election or] reelection in contests governed by the challenged rules," and Movants' voters will vote in them, Movants have an interest in "demand[ing] adherence" to Florida's rules. *Shays v. FEC*, 414 F.3d 76, 88 (D.C. Cir. 2005).[4]

In sum, the "very purpose of intervention is to allow interested parties to air their views so that a court may consider them before making potentially adverse decisions." *Brumfield v. Dodd*, 749 F.3d 339, 345 (5th Cir. 2014). So, the "best" course—and the one that Rule 24 "implements"—is to give "all parties with a real stake in a controversy … an opportunity to be heard" in this suit. *Hodgson v. United Mine Workers of Am.*, 473 F.2d 118, 130 (D.C. Cir. 1972). That includes Movants.

D. The existing parties do not adequately represent Movants' interests.

This Court can—and should—grant permissive intervention even if it were to conclude that defendants adequately represent Movants' interests. For starters, "Rule 24(b) does not have the same inadequate representation requirements that Rule 24(a)(2) does." *Black Voters Matter*, Doc. 42, *supra* at 5. So permissive intervention "does not require [the movant] to demonstrate that its interests are inadequately represented under *any standard*." *Planned Parenthood of Wis., Inc. v. Kaul*, 942 F.3d 793, 801 n.4 (7th Cir. 2019) (emphasis added). Courts thus grant permissive intervention even when the movant is "completely and adequately represented," will merely "enhance[]" the government's

[4] Some of Movants' authorities discuss Article III standing, not the "interest" requirement of Rule 24(a). But in the Eleventh Circuit, "a movant who shows standing is deemed to have a sufficiently substantial interest to intervene." *Meek v. Metro. Dade Cty.*, 985 F.2d 1471, 1480 (11th Cir. 1993).

defense, or will provide a "secondary voice in the action." *Ohio Democratic Party v. Blackwell*, 2005 WL 8162665, at *2 (S.D. Ohio Aug. 26, 2005); *100Reporters LLC v. DOJ*, 307 F.R.D. 269, 286 (D.D.C. 2014); *Alabama v. U.S. Dep't of Commerce*, 2018 WL 6570879, at *3 (N.D. Ala. 2018).

In any event, Movants' interests are not adequately represented by defendants. Even under Rule 24(a), the required showing of inadequate representation is "minimal" and "not difficult." *Clark*, 168 F.3d at 461 (citation omitted). Movants "should be allowed to intervene unless it is clear that [the current parties] will provide adequate representation." *Chiles*, 865 F.2d at 1214 (citation omitted). While adequacy is sometimes presumed when movants have the same objective as one of the parties, "[t]his presumption is weak and can be overcome if the [movants] present some evidence to the contrary." *Stone v. First Union Corp.*, 371 F.3d 1305, 1311-12 (11th Cir. 2004) (citation omitted). "Some evidence" includes a "difference in interests." *Id.*

Courts thus "often conclude[] that governmental entities do not adequately represent the interests of aspiring intervenors." *Fund for Animals, Inc. v. Norton*, 322 F.3d 728, 736 (D.C. Cir. 2003). "[T]he government's representation of the public interest generally cannot be assumed to be identical to the individual parochial interest of a [private movant] merely because both entities occupy the same posture in the litigation." *Utah Ass'n of Cntys. v. Clinton*, 255 F.3d 1246, 1255-56 (10th Cir. 2001). Here, too, defendants necessarily represent "the public interest," rather than Movants' "particular interest[s]" in protecting their resources and the rights of their candidates

and voters. *Coal. of Ariz./N.M. Cntys. for Stable Economic Growth v. DOI*, 100 F.3d 837, 845 (10th Cir. 1996).

This tension is stark in the context of elections. Defendants have no interest in the election of particular candidates or the mobilization of particular voters, or the costs associated with either. Instead, state officials, acting on behalf of all Florida citizens and the State itself, must consider "a range of interests likely to diverge from those of the intervenors." *Meek*, 985 F.2d at 1478. Those interests include "the expense of defending the current [laws] out of [state] coffers," *Clark*, 168 F.3d at 461; "the social and political divisiveness of the election issue," *Meek*, 985 F.2d at 1478; "their own desires to remain politically popular and effective leaders," *id.*; and even the interests of plaintiffs, *In re Sierra Club*, 945 F.2d 776, 779-80 (4th Cir. 1991); *see Clark*, 168 F.3d at 461 (the State necessarily "represent[s] interests adverse to [Movants]" because they also represent "the plaintiffs"). All of this makes defendants less likely to make the same arguments, less likely to exhaust all appellate options, and more likely to settle. *Clark*, 168 F.3d at 461-62. To quote the Democratic Party again, inadequacy is a "light" burden here because defendants' "views are necessarily colored by [their] view of the public welfare rather than the more parochial views of a proposed intervenor whose interest is personal to it." *Ga. Republican Party*, *supra* at 9-10 (quoting *Kleissler v. U.S. Forest Serv.*, 157 F.3d 964, 972 (3d Cir. 1998)).

For similar reasons, Movants and defendants have fundamentally different interests. The fact that they "both believe [plaintiffs' relief] should be denied … does

not mean that [they] have identical positions or interests." *U.S. Army Corps*, 302 F.3d at 1259. On the contrary, defendants are concerned with "properly administer[ing Florida's] election laws," while Movants "are concerned with ensuring their party members and the voters they represent have the opportunity to vote," "advancing their overall electoral prospects," and "allocating their limited resources to inform voters about the election procedures." *Issa*, 2020 WL 3074351, at *3. This "difference in interests" between Movants and defendants is "sufficient to overcome the weak presumption of adequate representation." *Stone*, 371 F.3d at 1312.

Additionally, no defendant opposes Movants' intervention. As many courts have stressed, the State's "silence on any intent to defend [the movant's] special interests is deafening." *Conservation Law Found. of N.E., Inc. v. Mosbacher*, 966 F.2d 39, 44 (1st Cir. 1992); *accord Utahns for Better Transp. v. DOT*, 295 F.3d 1111, 1117 (10th Cir. 2002) (same). Because the State "nowhere argues . . . that it will adequately protect [Movants'] interests," Movants "have raised sufficient doubt concerning the adequacy of [its] representation." *U.S. House of Representatives v. Price*, 2017 WL 3271445, at *2 (D.C. Cir. 2017).

Even if courts could deny permissive intervention based on adequate representation, they should not do so when that question is a close call. At most, permissive intervention is warranted because "reasonable minds may differ over whether Florida's Secretary of State represents Proposed Intervenors' interests adequately." *Jacobson*, 2018 WL 10509488, at *1.

This Court should not consider whether to change the election rules in a crucial State without giving one of the two major political parties a seat at the table. Republican Party organizations "are not marginally affected individuals; they are substantial organizations with experienced attorneys who might well bring perspective that others miss or choose not to provide." *Nielsen*, 2020 WL 6589656, at *1. Movants have at least as much at stake in Florida's elections and at least as much expertise on the relevant issues as plaintiffs or defendants. The Republican Party has litigated these same statutory issues in many cases across the country. Allowing Movants to intervene here would similarly serve "'the interest of a full exposition of the issues.'" *South Carolina v. North Carolina*, 558 U.S. 256, 272 (2010); *accord Meek*, 985 F.2d at 1479 ("The substantial public interest at stake in the case is an unusual circumstance militating in favor of intervention.").

CONCLUSION

Movants respectfully ask this Court to grant their motion and let them intervene as defendants in this important case.

Dated: April 5, 2023

Respectfully submitted,

/s/ Daniel E. Nordby

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Counsel for Proposed Intervenor-Defendants the Republican National Committee and the Republican Party of Pasco County

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(F)

This document contains 4,017 words, excluding what can be excluded under the Local Rules.

/s/ Daniel E. Nordby

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(B)

Counsel for Movants conferred with counsel for plaintiffs, as well as the defendants who have entered appearances, regarding this motion. The Secretary and the supervisor for Brevard County do not oppose the motion. Plaintiffs and the county supervisors for Alachua, Baker, Bay, Bradford, Brevard, Broward, Calhoun, Columbia, Dixie, Duval, Franklin, Gadsden, Hamilton, Hillsborough, Jackson, Lafayette, Leon, Liberty, Nassau, Okaloosa, Pinellas, Putnam, Santa Rosa, St. Johns, Sumter, Suwannee, Taylor, Union, Wakulla, Walton, and Washington counties take no position on the motion. The remaining defendants have not provided their positions or have not yet appeared.

/s/ Daniel E. Nordby

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I e-filed this document, which will serve all parties whose counsel have entered appearances. Those parties who have not yet appeared will be served via email.

/s/ Daniel E. Nordby

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[PROPOSED] INTERVENOR-DEFENDANTS' [PROPOSED] ANSWER

Intervenors— the Republican National Committee and the Republican Party of Pasco County—now answer Plaintiffs' complaint (Doc. 1). Unless expressly admitted below, every allegation in the complaint is denied. When Intervenors say something "speaks for itself," they do not admit that the referenced material exists, is accurate, or is placed in the proper context. Accordingly, Intervenors state:

1. The cited statute speaks for itself. This paragraph otherwise contains legal arguments and conclusions to which no response is required.

2. Intervenors deny that the original-signature requirement serves "no purpose other than to impede some Floridians' right to vote." This paragraph otherwise contains legal arguments and conclusions to which no response is required.

3. The cited cases and statute speak for themselves. This paragraph otherwise contains legal arguments and conclusions to which no response is required.

4. Intervenors deny that the original-signature requirement "bears no relation to [voting] qualifications and does not serve any purpose for which a digital, electronic, or facsimile signature would not suffice." Intervenors also deny that the original-signature requirement "serves no purpose other than to deny some Floridians their constitutional right to vote." This paragraph otherwise contains legal arguments and conclusions to which no response is required.

5. This paragraph contains legal arguments and conclusions to which no response is required.

JURISDICTION AND VENUE

6. Intervenors deny that Plaintiffs have a cause of action under under 52 U.S.C. § 10101(a)(2)(B). The cited statutes otherwise speak for themselves, and the remainder of this paragraph contains legal arguments and conclusions to which no response is required.

7. The cited statutes speak for themselves. This paragraph otherwise contains legal arguments and conclusions to which no response is required.

8. This paragraph contains legal arguments and conclusions to which no response is required.

9. The cited statutes speak for themselves. This paragraph otherwise contains legal arguments and conclusions to which no response is required.

10. The cited legal authorities speak for themselves. This paragraph otherwise contains legal arguments and conclusions to which no response is required.

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

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

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

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

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

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

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

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

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

20. Intervenors deny that the original-signature requirement is burdensome. Intervenors otherwise lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the allegations.

21. The first sentence of this paragraph is a legal argument to which no response is required. Intervenors otherwise lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the allegations.

22. Defendants admit that Cord Byrd is the Florida Secretary of State. The cited statutes speak for themselves, and this paragraph otherwise contains legal arguments and conclusions to which no response is required.

23. The first two sentences of this paragraph contain legal arguments and conclusions to which no response is required. The cited statute speaks for itself, and Intervenors otherwise lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the allegations.

24. Deny.

25. The cited statutes speak for themselves. This paragraph otherwise contains legal arguments and conclusions to which no response is required.

26. The cited legal authorities speak for themselves. This paragraph otherwise contains legal arguments and conclusions to which no response is required.

27. The cited legal authorities speak for themselves. This paragraph otherwise contains legal arguments and conclusions to which no response is required.

28. The cited statute speaks for itself. This paragraph otherwise contains legal arguments and conclusions to which no response is required.

29. The cited statute speaks for itself. This paragraph otherwise contains legal arguments and conclusions to which no response is required.

30. The cited statute speaks for itself. This paragraph otherwise contains legal arguments and conclusions to which no response is required.

31. The cited legal authorities speak for themselves. This paragraph otherwise contains legal arguments and conclusions to which no response is required.

32. The cited statute speaks for itself. This paragraph otherwise contains legal arguments and conclusions to which no response is required.

33. The cited legal authorities speak for themselves. This paragraph otherwise contains legal arguments and conclusions to which no response is required.

34. The cited legal authorities speak for themselves. This paragraph otherwise contains legal arguments and conclusions to which no response is required.

35. The cited statutes speak for themselves. This paragraph otherwise contains legal arguments and conclusions to which no response is required.

CLAIM FOR RELIEF

COUNT I

52 U.S.C. § 10101; 42 U.S.C. § 1983

Violation of 52 U.S.C. § 10101(a)(2)(B)

36. Intervenors incorporate by reference the previously alleged paragraphs.

37. The cited statute speaks for itself.

38. The cited statute speaks for itself.

39. The cited case speaks for itself.

40. The cited case speaks for itself. This paragraph otherwise contains legal arguments and conclusions to which no response is required.

41. The cited legal authorities speak for themselves. This paragraph otherwise contains legal arguments and conclusions to which no response is required.

42. The cited statutes speak for themselves. This paragraph otherwise contains legal arguments and conclusions to which no response is required.

43. The cited case speaks for itself. This paragraph otherwise contains legal arguments and conclusions to which no response is required.

RESPONSE TO PRAYER FOR RELIEF

Intervenors deny that Plaintiffs are entitled to their requested relief.

AFFIRMATIVE DEFENSES

1. The allegations in the complaint fail to state a claim.

2. Plaintiffs' requested relief is barred by the *Purcell* principle.

3. Plaintiffs lack a cause of action.

4. Plaintiffs lack standing to assert their claims.

Dated: April 5, 2023

Respectfully submitted,

/s/ Daniel E. Nordby

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Counsel for Proposed Intervenor-Defendants the Republican National Committee and the Republican Party of Pasco County

CERTIFICATE OF SERVICE

I e-filed this document, which will serve all parties whose counsel have entered appearances. Those parties who have not yet appeared will be served via email.

/s/ Daniel E. Nordby