STATE OF MINNESOTA
IN SUPREME COURT

Case No. A24-1134

Minnesota Alliance for Retired Americans Educational Fund, Teresa Maples, and Khalid Mohamed,

Petitioners,

v.

Steve Simon, in his official capacity as Minnesota Secretary of State,

Respondent.

OPPOSITION TO MOTION OF REPUBLICAN NATIONAL COMMITTEE AND REPUBLICAN PARTY OF MINNESOTA TO INTERVENE IN SUPPORT OF RESPONDENT ON APPEAL

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TABLE OF CONTENTS

TABLE OF AUTHORITIES

Page(s)

Cases

Statutes, Regulations, and Rules

INTRODUCTION

Proposed Intervenors' ("the Republican Committees") motive for entering this case is transparent and express: "mail-in voting has favored Democrats over Republicans." RNC Br. at 17. Based on this contention, the Republican Committees insist that they have a legally protectable interest in making absentee voting more difficult for their political opponents by defending the witness requirement. No court has ever recognized an interest in suppressing the votes of political opponents as legally protectable, and the Supreme Court of Minnesota should not be the first.

Beyond their illegitimate voter suppression interest, the Republican Committees assert a handful of other purported interests, but each boils down to a generalized desire that the current law be followed as written. Whether described as "uphold[ing] free and fair elections," or an objection to "election rules other than those set by the Legislature," or even the desire for an environment where "all laws related to election integrity and reliability—including the Witness Requirement—are enforced," RNC Br. at 1, 2, & 13, their purported interests all amount to generalized grievances with Petitioners' challenge to the law, and none are sufficient to support intervention. *See Liebert v. Wisconsin Elections Comm'n*, 345 F.R.D. 169, 173 (W.D. Wis. 2023) (denying Republican National Committee intervention in suit over Wisconsin's witness requirement because an interest in "maintaining the integrity of the election process" is a "general interest common to all members of the public").

Furthermore, the Minnesota Secretary of State has zealously argued the motion to dismiss and adequately represented the Republican Committees' interests at all stages of this litigation, in the district court and the court of appeals. The Committees were not parties to any of those proceedings because the trial court denied their intervention and the court of appeals found it was moot based on its conclusion that the district court should have dismissed the case. PA56; Order at 2, *Minn. All. for Retired Ams. Educ. Fund v. Simon*, No. A24-1170 (Minn. App. May 27, 2025).[1] Rather than ask this Court to review those rulings, the Committees have abandoned the appellate process and now attempt to intervene anew in Petitioners' appeal. But there is simply no justification for permitting the Republican Committees to circumvent the appellate process to interject in an appeal that does not actually directly affect their legally protectable interests. The motion should be denied.

BACKGROUND

I. Factual Background

In Minnesota, all eligible voters may elect to vote an absentee ballot. *See* Minn. Stat. § 203B.02, subd. 1. To qualify as an "eligible voter," an individual must be (1) at least 18 years of age, (2) a United States citizen, and (3) a Minnesota resident

[1] The decisions of the district court and court of appeals are available in Petitioners' Addendum to the Petition for Review.

who has maintained residence in the state for 20 days immediately preceding the election. Minn. Stat. § 201.014, subd. 1. Eligible voters must either register prior to requesting an absentee ballot, or they may register as part of the absentee voting process. Minn. Stat. § 203B.06, subd. 4.

Absentee voting is popular in Minnesota. In the 2024 general election, more than 1.3 million Minnesotans voted absentee. Indeed, for some Minnesota voters, that is the only option because they live in a rural area without an in-person voting location. *See generally* Minn. Stat. §§ 204B.45, 204B.46 (authorizing mail-only balloting for any precinct having fewer than 100 registered voters).

Every absentee ballot must be returned inside a designated envelope which bears a "certificate of eligibility" on the outside of the envelope. Minn. Stat. § 203B.07, subd. 3. An absentee ballot cannot be counted unless this certificate of eligibility is completed and signed by both the voter *and* a qualified witness. *Id.* Beginning in 2025, any adult citizen over 18 years of age can qualify as a witness. *Id*. The witness section of the certificate includes an attestation stating that "(1) the ballots were displayed to that individual unmarked; (2) the voter marked the ballots in that individual's presence without showing how they were marked, or, if the voter was physically unable to mark them, that the voter directed another individual to mark them; and (3) if the voter was not previously registered, the voter has provided proof of residence as required by section 201.061, subdivision 3." *Id*.

When each ballot is received by election officials, it must be reviewed by the ballot board both for compliance with the witness requirement and to determine whether "the voter is registered and eligible to vote." Minn. Stat. § 203B.121, subd. 2; *see also* Minn. R. 8210.2450. Ballot boards are instructed to reject absentee ballots where the witness (1) omits their signature, (2) omits their street name or number, (3) omits their city, (4) lists an address that appears to be outside of Minnesota, or (5) lists a PO Box as an address. Minn. R. 8210.2450. A signature envelope that fails to comply with the witness requirement to the satisfaction of two members of the ballot board must be marked "rejected," and the ballot inside cannot be opened or counted. Minn. Stat. § 203B.121, subd. 2.

II. Procedural Background

In February 2024, Petitioners filed this suit seeking to enjoin enforcement of Minnesota's witness requirement. Petitioners alleged that the witness requirement unlawfully requires absentee voters to "prove [their] qualifications by the voucher of registered voters or members of any other class," in violation of the federal Voting Rights Act, 52 U.S.C. § 10501(b). Petitioners further alleged that, to the extent that the "certificate of eligibility" can be construed as something other than a voucher of the voter's "qualifications," the requirement runs headlong into another federal law: the materiality provision of the Civil Rights Act, 52 U.S.C. § 10101(a)(2)(B).

At the district court, Petitioners moved for a temporary injunction, the Secretary moved to dismiss the Amended Complaint, and the Republican

Committees moved to intervene. On June 14, 2024, the district court denied all three motions. On the motion to dismiss, the district court held that Petitioners' allegations established standing to challenge the witness requirement and that the Amended Compliant stated a claim that the witness requirement violates both the Civil Rights Act and the Voting Rights Act. (PA25.) On the motion to intervene, the district court held that Republican Committees lacked a unique interest, unrepresented by the Secretary, because the relief sought "benefits all Minnesotans needing to vote absentee regardless of party affiliation." (PA56.) As a result, the Republican Committees' proposed filings were accepted and treated as amici. (PA25.)

The Secretary petitioned the court of appeals for discretionary review of the denial of his motion to dismiss. The Republican Committees did not seek to intervene in that appeal. Instead, they filed an amicus brief in the Secretary's appeal and separately appealed the denial of their motion to intervene. Both appeals were argued before the same court of appeals panel. That panel reversed the district court's decision on the motion to dismiss, holding that Petitioners failed to state a claim under either the Voting Rights Act or the Civil Rights Act. (PA22.) After requesting a separate round of briefing on the issue of mootness, the court of appeals

denied the Republican Committees' appeal of their motion to intervene, finding that the motion was moot in light of the court's decision to dismiss the case.[2]

ARGUMENT

I. The Republican Committees are not entitled to intervene.

"The appellate rules do not specifically address intervention." *In re Application for Sulfate Site-Specific Standard for Hay Lake*, No. A24-0428, 2024 WL 1954169, at *2 (Minn. App. Apr. 29, 2024). As a result, appellate courts have taken guidance from Minn. R. Civ. P. 24.01, which "govern[s] intervention of right in district court proceedings." *In re Crablex, Inc.*, 762 N.W.2d 247, 251 (Minn. App. 2009). Thus, appellate courts have granted intervention on appeal only where a movant satisfies all four elements of Rule 24.01. That is, the movant "(1) makes a timely application; (2) has an interest relating to the property or transaction that is the subject of the action; (3) demonstrates that the disposition of the action may as a practical matter impair or impede the party's ability to protect that interest; and (4) shows that it is not adequately represented by the existing parties." *Id.*

[2] Although Petitioners agreed that the Republican Committees' appeal was not moot because of the possibility that this Court may reverse the court of appeals' dismissal, Petitioners have consistently opposed the Committees' intervention in this case for the reasons summarized in this filing. Neither Petitioners' prior position on mootness nor the court of appeals' decision support the Committees' motion to intervene on appeal.

Here, Petitioners do not dispute the timeliness of the motion. Nevertheless, intervention must be denied because the Republican Committees have failed to satisfy any of the other three necessary elements for intervention.

First, the Republican Committees lack a direct, legally protectable interest in this case. Most of their purported interests are just different versions of their general desire to see the current election laws in Minnesota remain unchanged. And whatever partisan advantage they may obtain by making voting more difficult for their political opponents cannot be classified as a legally protectable interest.

Second, even if the Republican Committees' asserted interests were cognizable, none of these interests are at stake in this appeal, which will not grant Petitioners' ultimate relief; it will merely decide whether this case concludes or proceeds at the pleading stage.

Finally, given that the only issue before the Court is whether to affirm the Secretary's motion to dismiss, the Secretary more than adequately represents the Republican Committees' interests in achieving that same outcome.

A. The Republican Committees lack a legally protectable interest in this case.

The Republican Committees' interests manifest either as a desire to uphold the current law—which is too generalized to support intervention—or as an interest in suppressing the votes of their political opponents, which is not legally protectable. To be sure, the Republican Committees have devised a few different

labels to describe these interests, such as maintaining election integrity, protecting the current competitive environment, and preventing resource misallocation. But these are merely euphemisms for the same generalized interest in following the existing laws written, an interest that courts have routinely found insufficient to support intervention or standing. *See Schroeder v. Simon*, 950 N.W.2d 70, 78 n.6 (Minn. App. 2020) ("MVA's general public interest is insufficient to support intervention as a matter of right."); *see also Bognet v. Sec'y Commonwealth of Pennsylvania*, 980 F.3d 336, 351-52 (3d Cir. 2020), *cert. granted, judgment vacated sub nom. Bognet v. Degraffenreid*, 141 S. Ct. 2508 (2021) (vacated on mootness grounds) (finding that candidate plaintiffs lacked standing to challenge the counting of ballots that arrive after election day because they suffer no direct, particularized injury); *Republican Nat'l Comm. v. Burgess*, No. 3:24-CV-00198-MMD-CLB, 2024 WL 3445254, at 3 (D. Nev. July 17, 2024) (same); *United States v. State of Alabama*, No. 2:06-CV-392-WKW, 2006 WL 2290726, at *3 (M.D. Ala. Aug. 8, 2006) (denying intervention to Democratic Party officials that claimed "an interest relating to fair and adequate voter registration procedures and in ensuring that voters have confidence in Alabama's electoral systems").

Contrary to the Republican Committees' suggestion, partisan entities have never enjoyed blanket authority to intervene in every case that implicates elections. Election law cases are myriad. Some concern the regulation of candidates,

campaigns, and committees—and, in those circumstances, courts have granted intervention to partisan entities. *See, e.g.*, *Mecinas v. Hobbs*, 30 F.4th 890, 898 (9th Cir. 2022) (standing case upholding political party standing in dispute over ballot order of a party's candidates); *Pavek v. Donald J. Trump for President, Inc.*, 967 F.3d 905, 907 (8th Cir. 2020) (upholding political party intervention in dispute over ballot order); *Green Party of Tennessee v. Hargett*, 767 F.3d 533, 544 (6th Cir. 2014) (upholding political party standing in dispute over ballot order); *Growe v. Simon*, 2 N.W.3d 490, 495 (Minn. 2024) (granting intervention in a dispute over candidate qualifications); *La Union del Pueblo Entero v. Abbott,* 29 F.4th 299, 306 (5th Cir. 2022) ("*LUPE*") (granting intervention in challenge to law that conferred "new rights" and "new remedies" to poll watchers recruited and trained by partisan committee).

Courts have also granted intervention in cases challenging rules that regulate competitive tactics, like advertising and ballot collection. *See*, *e.g.*, *Shays v. Fed. Election Comm'n*, 414 F.3d 76, 86, 91 (D.C. Cir. 2005) (standing case recognizing political parties' interest in the enforcement of campaign finance laws). While the Republican Committees rely heavily on *Shays*, the court in that case held that partisan entities had standing to challenge relaxed enforcement of campaign finance rules that subjected them to increased attack through unregulated advertising. *Id.* at 84–85. Importantly, the FEC's challenged conduct opened the door for a "broader

range of competitive tactics than federal law would otherwise allow." *Id.* at 86. In a similar vein, partisan entities were granted intervention in a Minnesota lawsuit seeking to permit wider collection of mail ballots, which would subject the partisan entities to "a broader range of competitive tactics." *DSCC v. Simon*, No. 62-CV-20-585, 2020 WL 4519785, at *15 (Minn. Dist. Ct. July 28, 2020) (quotation omitted).[3]

But here, there are no competitive tactics at stake because this lawsuit does not challenge a law regulating the tactics of campaigns, committees, organizers, or volunteers; it seeks to invalidate unnecessary restrictions on absentee voting that apply to every voter. In those types of cases, political parties that merely seek to uphold the law are frequently denied intervention or standing. For example, in a case challenging Wisconsin's absentee ballot witness requirement, party committees were denied intervention because they did not have a legally protectable interest in the outcome of the litigation. *Liebert v. Wis. Elections*

[3] In addition, intervention was granted in *DSCC v. Simon* because the Republican intervenors' interests were "similar enough" to the interests of the Democratic plaintiffs. 2020 WL 4519785, at *16. That is consistent with other cases that have recognized "mirror interest" standing where a political party seeks to intervene in a case that the opposing political party brought. *See, e.g.*, *Democratic Nat'l Comm. v. Bostelmann*, No. 20-cv-249-wmc, 2020 WL 1505640, at *5 (W.D. Wis. Mar. 28, 2020) (denying intervention of right but granting permissive intervention solely because the state Republican Party and Republican National Committee "are uniquely qualified to represent the 'mirror-image' interests of the plaintiffs, as direct counterparts to" the Democratic National Committee and state Democratic Party). But here, Petitioners are not Democratic Party entities—they are individual voters and a non-profit social welfare organization seeking to make it easier for everyone to vote in Minnesota, including Republicans.

Comm'n, 345 F.R.D. 169, 173 (W.D. Wis. 2023). The *Liebert* court expressly held that the purported interest in maintaining the same electoral environment and protecting the "integrity of the election process" were too generalized to support intervention. *Id.* Similarly, the Republican Committees' "competitive standing" argument was recently rejected in litigation over mail voting in Nevada. *Burgess*, 2024 WL 3445254, at 3 (holding that "being forced to participate in an illegally structured competitive environment" does not constitute a concrete or particularized harm).

To be sure, there are circumstances where cases affecting individual voters will support the intervention of partisan entities. Namely, where a lawsuit threatens to make voting *more difficult* for a political party's *supporters*, courts have typically granted intervention. *See, e.g.*, *Issa v. Newsom*, 2:20-cv-01044-MCE-CKD, 2020 WL 3074351 (E.D. Cal. June 10, 2020) (granting political party intervention in lawsuit where requested relief would reduce the availability of absentee voting); *Paher v. Cegavske*, No. 3:20-cv-00243-MMD-WGC, 2020 WL 2042365 (D. Nev. Apr. 28, 2020) (same). But the inverse is not true: political parties do *not* have a legally protectable interest in making voting more difficult for their opponents. There is no cognizable interest in contesting a legal change that "un-burdened the right to vote." *Election Integrity Project California, Inc. v. Weber*, 113 F.4th 1072, 1085 (9th Cir. 2024) (affirming dismissal on standing grounds because plaintiff lacked an injury-

in-fact); *see also Short v. Brown*, 893 F.3d 671, 677–78 (9th Cir. 2018) (noting lack of authority for proposition that "a law that makes it easier to vote would violate the Constitution"). While voters—and the partisan entities that represent them—have an interest in having their *own* votes counted, there is no corresponding interest in preventing others' votes from being counted. *See Bognet*, 980 F.3d at 359 (finding no standing where plaintiffs "have presented no instance in which an individual voter had Article III standing to claim an equal protection harm to his or her vote from the existence of an allegedly illegal vote cast by someone else in the same election"). It does not matter whether certain voters are more likely to avail themselves of absentee voting because the option is equally available to all voters. *Compare McConnell v. FEC*, 540 U.S. 93, 228 (2003), *overruled on other grounds, Citizens United v. FEC*, 558 U.S. 310 (2010) (holding candidates had no competitive standing to challenge law raising contribution limits based on "their own personal 'wish' not to solicit or accept large contributions"). No court has held that there is a legally protectable interest in suppressing the votes of one's political opponents, and this Court should not be the first.

Lastly, the Republican Committees' vague and speculative resource allocation arguments are also insufficient to support intervention. As the Supreme Court recently clarified, parties cannot generate a stake in litigation simply by spending money. *Cf. Food & Drug Admin. v. All. for Hippocratic Med.*, 602 U.S. 367, 394 (2024)

(holding a party cannot "spend its way into standing"). Indeed, these same generalized spending interests were rejected in *Liebert*—where the court denied partisan entities intervention in a legal challenge to the state's absentee ballot witness requirement. *Liebert*, 345 F.R.D. at 173. As the *Liebert* court explained, resource expenditures have generally been recognized only in cases that threaten to *add* requirements to the voting process; here, the requested relief would "eliminate a requirement, not add one." *Id*.

B. The Republican Committees' purported interests are not at stake in this appeal.

Even if the Republican Committees' purported interests were adequate to justify intervention in the case below, they are plainly inadequate to intervene in this *appeal* because none of those interests are at stake in the case's current posture. This Court cannot grant the relief sought in the Amended Complaint. The only question before the Court is whether this case should be dismissed at the pleading stage. This Court will either affirm the dismissal or reverse and remand so that the case can proceed. Neither of those outcomes will "impair or impede" the Republican Committees' interests in the witness requirement—as required by Rule 24.01. Given the narrow issue before the Court, participation from nonparties should be limited to an amici role, if any. *See, e.g.*, *In re Sulfate Site-Specific Standard for Hay Lake*, 2024 WL 1954169, at *1 (denying intervention and permitting amici participation in single-issue appeal).

The Republican Committees have identified only one potential interest that may be implicated by this appeal itself: their desire to "invoke [this case] as a precedent in other lawsuits." RNC Br. at 20. But nonparties cannot support intervention with merely an interest in the precedential impact of the court's ruling. Permitting intervention on such a thin basis would open the floodgates to countless nonparties who could be tangentially affected by the precedent set in a case. *See, e.g.*, *Texas v. United States*, 805 F.3d 653, 657 (5th Cir. 2015) (explaining that a party's interest in a suit cannot be based merely on "precedential reasons" to support intervention).

Where the Republican Committees have failed to show that their interests will be impaired in this unique appellate posture, they cannot justify intervention on appeal in the first instance.

C. The Republican Committees are adequately represented by the Secretary of State in this case.

The Republican Committees' generalized interest in preserving the witness requirement is adequately represented by the Secretary, who moved to dismiss Petitioners' claims and swiftly appealed the denial of that motion to dismiss. The Republican Committees face a high burden to establish that the Secretary's representation is inadequate because he is an "arm or agency of the government and the case concerns a matter of sovereign interest." *DSCC*, 2020 WL 4519785 at 17. This heightened burden is supported by ample federal authority—none of which is

mentioned by the Republican Committees. *See, e.g.*, *Mausolf v. Babbitt*, 85 F.3d 1295, 1303 (8th Cir. 1996) (holding "when one of the parties is an arm or agency of the government, and the case concerns a matter of sovereign interest, the bar is raised, because in such cases the government is presumed to represent the interests of all its citizens"); *see also Arakaki v. Cayetano*, 324 F.3d 1078, 1086 (9th Cir. 2003) (explaining that a "very compelling showing" is required to rebut a "presumption of adequacy" when "the government is acting on behalf of a constituency it represents" or when the applicant and existing party "have the same ultimate objective").

These standards exist for a reason: adding additional parties risks prejudicing the existing parties by making the case more complex "without any added benefit." *Liebert*, 345 F.R.D. at 173; *see also Bost v. Illinois State Bd. of Elections*, 75 F.4th 682, 691 (7th Cir. 2023) (affirming denial of permissive intervention to a political party because "[i]ncreasing the number of parties to a suit can make the suit unwieldy"). Here, the only issue on appeal is whether the Secretary's own motion to dismiss should be affirmed or reversed. The Secretary has ably and zealously argued the motion at every stage of the case until this point, and there is no reason to expect the Secretary to change course in this appeal.

Instead of engaging with the Secretary's representation in *this* case, the Republican Committees rely on an unrelated case from five years ago where the Secretary took a different approach from the Republican Committees. RNC Br. at 15

(citing *DSCC v. Simon*, 950 N.W. 2d 280, 283–84 (Minn. 2020)). In that case, the Secretary declined to appeal a temporary injunction only after (1) a criminal court had already resolved the same legal issue and (2) the Secretary had already entered into a consent decree in a related case. *DSCC*, 950 N.W.2d at 285. But those circumstances are not present here and that prior case has no bearing on whether intervention is appropriate in *this* case—especially where the Republican Committees have "point[ed] to no evidence in *this* lawsuit that the [Secretary] will not defend [the witness requirement]." *Liebert*, 345 F.R.D. at 173 (emphasis added).

Here, the Republican Committees have identified only a single potential departure between the Secretary's representation and their own: the Committees would prefer a ruling "on the merits . . . whereas the Secretary may prioritize threshold defenses, such as standing." RNC Br. at 20. But this explanation does not withstand scrutiny. At every prior stage of the case, the Republican Committees have also advanced standing objections. For example, the proposed motion to dismiss accompanying their original motion to intervene included an entire section arguing Petitioners lacked standing. *See* Proposed Motion to Dismiss at 5–9, *Minn. All. For Retired Ams. Educ. Fund v. Simon*, No. 62-cv-24-854 (Minn. Dist. Ct. Apr. 25, 2024). Similarly, at the court of appeals, the Republican Committees expressly supported the Secretary's standing objections. *See* RNC Amicus Br. at 6 n.4, *Minn. All. For Retired Ams. Educ. Fund v. Simon*, No. A24-1134 (Minn. App. Sept. 19, 2024)

("*Amici* agree with the Secretary that Respondents lack standing."). What is more, the Republican Committees' own motion seeking intervention states their intent to argue that recent changes to the witness requirement "weaken[] Petitioners' already-tenuous standing." RNC Br. at 22. In that way, the Secretary's and the Republican Committees' arguments are in lockstep.[4]

Even if this Court does not apply the presumption of adequate representation to a government defendant, the Republican Committees still have not established that the Secretary "may not adequately represent their interests" in this appeal. *Jerome Faribo Farms Inc. v. Cnty. Of Dodge*, 464 N.W.2d 568, 570 (Minn. App. 1990). Even the most lenient view of adequate representation requires some showing of potential conflict. *Bost*, 75 F.4th at 690. But the Committees "ha[ve] not proposed even a possible conflict between [themselves] and the [Secretary]." *Id*. The substantive arguments raised by the Secretary's motion to dismiss and the Republican Committees' proposed motion to dismiss largely overlap, and the Committees are unlikely to lend any new insight or expertise, as evidenced by their

[4] The Republican Committees also point to the Secretary's divergent position on the Committees' own intervention motion. RNC Br. at 20–21. But a party's position on the intervention motion *itself* does not establish inadequate representation because it is not "germane to the case." *Guenther v. BP Ret. Accumulation Plan*, 50 F.4th 536, 543 (5th Cir. 2022). Otherwise, the adequacy of representation element would become irrelevant anytime a co-party did not consent to intervention. *Compare Purl v. United States Dep't of Health & Hum. Servs.*, No. 2:24-CV-228-Z, 2025 WL 1117477, at *5 (N.D. Tex. Apr. 15, 2025) (finding adequacy of representation by Defendants even where "Defendants themselves oppose intervention.").

incomplete (and one-sided) summary of the law on the materiality provision of the Civil Rights Act.[5] Ultimately, the Republican Committees have not established that the Secretary's representation has been or will be inadequate. *See League of Women Voters Minn. v. Ritchie*, 819 N.W.2d 636, 643 (Minn. 2012) (denying intervention to a nonprofit where the position it sought to advance in the litigation was "substantially the same as the position advanced by the House and Senate"); *see also State ex rel. Donnell v. Jourdain*, 374 N.W.2d 204, 206 (Minn. App. 1985) (explaining that a non-party's interests can be adequately represented by a real party in interest who vigorously pursues the matter); *Husfeldt v. Willmsen*, 434 N.W.2d 480, 483 (Minn. App. 1989) (affirming denial of intervention where there was "no suggestion" that the existing defendants "will not vigorously defend" the case).

II. The Republican Committees' motion attempts to circumvent the appeal process.

The issue of whether to affirm the court of appeals' dismissal is extremely narrow and, as explained above, the Republican Committees have not established the elements of intervention with respect to appeal itself. If the "only decision at

[5] For example, the Republican Committees' claim that "every appellate precedent, . . . has applied the Materiality Provision only to rules governing voter registration" glaringly omits the breadth of district court authority across federal circuits. RNC Br. at 23. Indeed, the appellate case identified by the Republican Committees is the *only* federal appellate case to hold that the materiality provision applies only to rules governing voter registration. And Petitioners identify at least five contrary holdings from federal district courts. *See* Petition for Review at 8 n.1, No. A24-1134 (Apr. 23, 2025).

issue in this appeal" is one where the Republican Committees are fully aligned with the Secretary, intervention is not appropriate. *See, e.g.*, *In re Sulfate Site-Specific Standard for Hay Lake*, 2024 WL 1954169, at *2 (granting leave to participate as amicus and denying motion to intervene on appeal).

If the Committees disagree with the court of appeals' decision dismissing their appeal, they should seek review from this Court. Minn. R. App. P. 117. "Appellate intervention is not a means to escape the consequences of noncompliance with traditional rules of appellate jurisdiction and procedure." *Hutchinson v. Pfeil*, 211 F.3d 515, 519 (10th Cir. 2000). The Committees do not identify a single case in support of circumventing the ordinary appellate process simply because it may be "time-consuming." RNC Br. at 3. Indeed, their timing concerns are premature and speculative. The petition has not yet been granted, and nothing is preventing the Committees from swiftly appealing the decision of the court of appeals. This transparent circumvention of appellate procedure should not be countenanced.

CONCLUSION

For the reasons stated above, this Court should deny the Republican Committees' motion to intervene.

Dated: June 11, 2025

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CERTIFICATE OF DOCUMENT LENGTH

I hereby certify that the Opposition, filed herewith, complies with the requirements of Minnesota Rules of Civil Appellate Procedure 132.02 and 132.01, in that it is printed in 13-point font, is the proper length, excluding exempted parts, and has proportionally spaced typeface, utilizing processing program and version: Microsoft Word for Office 365 (16.0) and that this word processing program has been applied specifically to include all text, including headings, footnotes, and quotations, exclusive of the caption and signature block.

I further certify that the above document contains the following number of words: 4,660.

/s/ *Sybil L. Dunlop*
Sybil L. Dunlop