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13 *\*Pro Hac Vice Application Forthcoming*

14 **ARIZONA SUPERIOR COURT**  
15 **YAVAPAI COUNTY**

16 STRONG COMMUNITIES FOUNDATION )  
OF ARIZONA INCORPORATED; ERIC )  
17 LOVELIS; WILLIAM JOSEPH APPLETON; )  
and LAURA HARRISON, )  
18 )  
Plaintiffs, )

19 )  
20 v. )

21 YAVAPAI COUNTY; CRAIG L. BROWN, )  
JAMES GREGORY, DONNA G. MICHAELS, )  
MARY MALLORY, and HARRY B. OBERG, )  
22 in their respective official capacities as members )  
of the Yavapai County Board of Supervisors; )  
23 MICHELLE M. BURCHILL, in her official )  
capacity as Yavapai County Recorder; )  
24 MARICOPA COUNTY; BILL GATES, )  
STEVE GALLARDO, THOMAS GALVIN, )  
25 CLINT HICKMAN, and JACK SELLERS, in )  
their respective official capacities as members )  
26 of the Maricopa County Board of Supervisors; )  
STEPHEN RICHER, in his official capacity as )  
27 Maricopa County Recorder; COCONINO )  
COUNTY; JERÓNIMO VASQUEZ, PATRICE )  
28 HORSTMAN, ADAM HESS, JUDY BEGAY, )

No. S13000V202400175

**PROPOSED INTERVENOR-  
DEFENDANTS ARIZONA  
ALLIANCE FOR RETIRED  
AMERICANS AND VOTO  
LATINO'S MOTION TO  
INTERVENE**

(Assigned to the Hon. John D.  
Napper)

1 and LENA FOWLER, in their respective )  
2 official capacities as members of the Coconino )  
3 County Board of Supervisors; and PATTY )  
4 HANSEN, in her official capacity as Coconino )  
5 County Recorder, )

6 Defendants. )

7 **INTRODUCTION**

8 Despite near-constant allegations of widespread fraud and unlawful conduct for the  
9 past four years—pressed in a series of unsuccessful lawsuits brought by, among others,  
10 failed gubernatorial candidate Kari Lake—no court has ever found merit to claims that  
11 Arizona election officials (in Yavapai County, Maricopa County, Coconino County, or  
12 anywhere else) have done anything but conscientiously and diligently apply the state’s laws  
13 and administer fair and honest elections. Indeed, courts at all levels, including the Arizona  
14 Supreme Court, have soundly rejected such claims.

15 Now, it’s déjà vu all over again. Plaintiffs seek to improperly use the judiciary to  
16 micromanage election administration—primarily in Maricopa County—based on  
17 unfounded allegations about issues in 2020 and 2022 and rank speculation about what might  
18 happen in coming elections. Plaintiffs originally (and more logically) filed suit in Maricopa  
19 County, only to voluntarily dismiss that action and refile a substantively identical complaint  
20 in this Court. The most significant difference is that Plaintiffs have now added Yavapai  
21 County as a defendant—though there is no better reason to allege or presume that its  
22 officials have mismanaged or will mismanage its elections.

23 If Plaintiffs’ lawsuit is successful, many of Arizona’s most fundamental election  
24 procedures will be declared unlawful, enjoined, and significantly changed. Their claims,  
25 however, are wholly without merit. They hinge on the groundless suggestion that Arizona  
26 county election officials are systematically violating state law, and they assume, based on  
27 nothing more than pure conjecture, that these invented problems will persist in the 2024  
28 elections. In other words, Plaintiffs not only mischaracterize previous elections, but also  
speculate as to future hypothetical misconduct in elections that have not yet occurred—and

1 ask this Court to *disenfranchise all Yavapai County, Maricopa County, and Coconino*  
2 *County voters* as a remedy for these imagined violations.

3 As they have in prior actions that have challenged election administration in ways  
4 that threaten their missions and voters in Arizona, Proposed Intervenor-Defendants Arizona  
5 Alliance for Retired Americans (the “Alliance”) and Voto Latino (together, “Proposed  
6 Intervenors”) seek to intervene. Plaintiffs’ sweeping suit threatens to upend the orderly and  
7 lawful administration of the state’s elections, putting the voting rights of Proposed  
8 Intervenors’ memberships and constituencies directly in the crosshairs. The Alliance has  
9 nearly 25,000 members in Maricopa County alone, and these voters, together with the  
10 Latino populations that Voto Latino empowers and enfranchises, are uniquely vulnerable  
11 to the harms threatened by Plaintiffs’ lawsuit.

12 Arizona courts have not hesitated to grant the Alliance’s and Voto Latino’s motions  
13 to intervene in cases that have constituted similar threats in the past, and this Court should  
14 do the same here. Both organizations readily meet the requirements for both intervention as  
15 of right and permissive intervention under Arizona Rule of Civil Procedure 24. They have  
16 moved quickly to intervene and seek to protect their interests, which stand to be uniquely  
17 impaired by the disposition of this action. Absent their intervention, these interests will not  
18 be adequately represented. Though Defendants share the objective of defending their  
19 counties’ election administration, they are not involved in targeted get-out-the-vote  
20 programming or voter-advocacy efforts like Proposed Intervenors. Nor do they share  
21 Proposed Intervenors’ particular organizational objectives—and do not have the same stake  
22 in the civic participation of Proposed Intervenors’ members and constituents. Finally,  
23 because Proposed Intervenors have regularly litigated issues related to election  
24 administration and voting rights in Arizona—including signature-verification procedures  
25 and the use of drop boxes, both of which are challenged here—they are well situated to  
26 assist the Court in the timely adjudication of Plaintiffs’ claims. Proposed Intervenors should

1 accordingly be granted intervention as of right or, in the alternative, permissive  
2 intervention.<sup>1</sup>

3 Proposed Intervenors have conferred with counsel for Plaintiffs and Defendants for  
4 their positions on this motion. The Yavapai County and Coconino County Defendants do  
5 not object to the motion, the Maricopa County Defendants take no position on the motion,  
6 and Plaintiffs oppose the motion.

### 7 **BACKGROUND**

8 The Alliance is a nonprofit corporation whose membership includes around 50,000  
9 retirees from public- and private-sector unions, community organizations, and individual  
10 activists in every county in Arizona, including 24,717 members in Maricopa County alone.  
11 The Alliance’s mission is to ensure social and economic justice and protect the civil rights  
12 of retirees after a lifetime of work, including by ensuring that its members have access to  
13 the franchise and can meaningfully participate in Arizona’s elections. To protect the right  
14 to vote, the Alliance has been involved in litigation implicating a range of voting-rights  
15 issues. This includes litigation that the Alliance successfully brought last election cycle to  
16 obtain a writ of mandamus to compel the Cochise County Board of Supervisors to canvass  
17 their election results. *See Ariz. All. for Retired Ams. v. Crosby*, No. S0200CV202200552  
18 (Cochise Cnty. Super. Ct.). The Alliance was also granted intervention to participate as a  
19 defendant intervenor in two other ongoing challenges to the use of ballot drop boxes and  
20 signature-verification procedures in Arizona elections, both in Yavapai County. *See Ariz.*  
21 *Free Enter. Club v. Fontes*, No. S1300CV202300202 (Yavapai Cnty. Super. Ct.); *Ariz. Free*  
22 *Enter. Club v. Fontes*, No. S1300CV202300872 (Yavapai Cnty. Super. Ct.).

23 Voto Latino is the largest Latino advocacy organization in the nation. Its mission is  
24 to grow political engagement in historically underrepresented communities, especially in  
25 its core constituency of young Latino voters. Since 2012, Voto Latino has registered over

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26 <sup>1</sup> Consistent with Arizona’s intervention rules, Proposed Intervenors have attached a  
27 proposed answer as their “pleading in intervention.” Ariz. R. Civ. P. 24(c). While Rule 24  
28 requires a “pleading,” Rule 12 requires that certain defenses be asserted by motion prior to  
a responsive pleading. *See Ariz. R. Civ. P. 12(b)*. Accordingly, if granted intervention,  
Proposed Intervenors intend to file a motion to dismiss prior to filing their answer.

1 60,000 voters in Arizona. To further its mission, Voto Latino spends significant resources  
2 on voter-education and -mobilization initiatives, including voter-registration drives; email  
3 and social-media campaigns; digital ads communicating directly with Latino voters; and  
4 text banking to encourage voters to vote, remind them to update their voter registrations,  
5 and inform them about available means of voting. Voto Latino also seeks to educate Latino  
6 voters on issues that impact their community and where candidates stand on those issues.  
7 Like the Alliance, Voto Latino has repeatedly been involved in Arizona litigation to protect  
8 the right to vote. *See, e.g., Ariz. All. for Retired Ams. v. Hobbs*, No. CV-22-01374-PHX-  
9 GMS (D. Ariz.); *Ariz. Free Enter. Club*, No. S1300CV202300872 (Yavapai Cnty. Super.  
10 Ct.) (granting intervention to Alliance and Voto Latino in case challenging EPM’s  
11 signature-verification procedures).

## 12 ARGUMENT

13 Under Rule 24, a party has a right to intervene when, on timely motion, it “claims an  
14 interest relating to the subject of the action, and . . . disposing of the action in the person’s  
15 absence may as a practical matter impair or impede the person’s ability to protect that  
16 interest, unless existing parties adequately represent that interest.” Ariz. R. Civ. P. 24(a)(2).  
17 Alternatively, intervention may be permitted when the motion is timely and a party “has a  
18 claim or defense that shares with the main action a common question of law or fact.” Ariz.  
19 R. Civ. P. 24(b)(1)(B). Rule 24 “should be construed liberally . . . to assist parties seeking  
20 to obtain justice in protecting their rights.” *Dowling v. Stapley*, 221 Ariz. 251, 270 ¶ 58  
21 (App. 2009). Here, Proposed Intervenors satisfy the standards for both intervention as of  
22 right and permissive intervention.

### 23 **I. Proposed Intervenors have a right to intervene.**

24 Proposed Intervenors have a right to intervene under Rule 24(a). The Court must  
25 allow intervention where a proposed intervenor satisfies four elements:

- 26 (1) the motion must be timely; (2) the applicant must assert an interest  
27 relating to the property or transaction which is the subject of the action;  
28 (3) the applicant must show that disposition of the action may impair or  
impede its ability to protect its interest; and (4) the applicant must show that  
the other parties would not adequately represent its interests.

1 *Woodbridge Structured Funding, LLC v. Ariz. Lottery*, 235 Ariz. 25, 28 ¶ 13 (App. 2014).  
2 Proposed Intervenors meet each of these requirements and are thus entitled to intervene as  
3 of right under Rule 24(a).

4 **A. The motion to intervene is timely.**

5 Timeliness under Rule 24 is “flexible,” and the most important consideration “is  
6 whether the delay in moving for intervention will prejudice the existing parties to the case.”  
7 *Weaver v. Synthes, Ltd. (U.S.A.)*, 162 Ariz. 442, 446 (App. 1989) (cleaned up).

8 Here, Proposed Intervenors timely filed this motion to intervene. Plaintiffs filed suit  
9 on February 23, 2024, and this motion follows just *six days* later, before any responsive  
10 pleadings have been filed or any significant events in the case have occurred. Allowing  
11 intervention would not require altering any existing deadlines, and there is no risk of  
12 prejudice to any party if Proposed Intervenors are allowed to participate.

13 **B. The disposition of this case threatens to impair Proposed Intervenors’  
14 abilities to further their missions and ensure their members’ and  
15 constituents’ voting rights.**

16 “[A] prospective intervenor ‘has a sufficient interest for intervention purposes if it  
17 will suffer a practical impairment of its interests as a result of the pending litigation.’”  
18 *Wilderness Soc’y v. U.S. Forest Serv.*, 630 F.3d 1173, 1179 (9th Cir. 2011) (quoting  
19 *California ex rel. Lockyer v. United States*, 450 F.3d 436, 441 (9th Cir. 2006)).<sup>2</sup> “[I]t is  
20 generally enough that the interest is protectable under some law, and that there is a  
21 relationship between the legally protected interest and the claims at issue.” *Id.* (quoting  
22 *Sierra Club v. EPA*, 995 F.2d 1478, 1484 (9th Cir. 1993)). Under Arizona law, “a would-  
23 be intervenor must show only that impairment of its substantial legal interest *is possible* if  
24 intervention is denied”—a “minimal” burden. *Heritage Vill. II Homeowners Ass’n v.*  
25 *Norman*, 246 Ariz. 567, 572 ¶ 21 (App. 2019) (quoting *Utah Ass’n of Cntys. v. Clinton*, 255  
26 F.3d 1246, 1253 (10th Cir. 2001)).

27 \_\_\_\_\_  
28 <sup>2</sup> Because it is “substantively indistinguishable” from Federal Rule of Civil Procedure 24,  
Arizona courts “may look for guidance to federal courts’ interpretations of their rules.”  
*Heritage Vill. II Homeowners Ass’n v. Norman*, 246 Ariz. 567, 572 ¶ 19 (App. 2019).

1 Here, Proposed Intervenors satisfy the intertwined second and third prongs of the  
2 standard for intervention as of right: They have interests in the subject of this action, and its  
3 disposition might impair or impede their ability to protect those interests.

4 **1. Plaintiffs' requested relief would burden and disenfranchise**  
5 **Proposed Intervenors' members and constituents.**

6 Proposed Intervenors have an interest in ensuring that their members and  
7 constituents can exercise the franchise free from unnecessary obstacles—and in preventing  
8 the disenfranchisement of the voters they represent. *Cf., e.g., Sandusky Cnty. Democratic*  
9 *Party v. Blackwell*, 387 F.3d 565, 573–74 (6th Cir. 2004) (risk that some voters will be  
10 disenfranchised confers organizational standing); *Charles H. Wesley Educ. Found., Inc. v.*  
11 *Cox*, 408 F.3d 1349, 1352 (11th Cir. 2005) (“A plaintiff need not have the franchise wholly  
12 denied to suffer injury.”); *see also Bechtel v. Rose*, 150 Ariz. 68, 72 (1986) (explaining that  
13 standing poses higher bar than intervention because intervenor “does not even have to be a  
14 person who would have been a proper party at the beginning of the suit” (cleaned up)). This  
15 interest is directly threatened by Plaintiffs’ lawsuit, which is nothing short of a broad,  
16 sweeping attack on the ways in which elections are administered in Yavapai, Maricopa, and  
17 Coconino Counties.

18 The relief that Plaintiffs seek is truly extraordinary. If they are successful, many of  
19 Arizona’s most fundamental election procedures will be declared unlawful, enjoined, and  
20 significantly changed, with dramatic repercussions for Proposed Intervenors’ members and  
21 constituents. Indeed, if Plaintiffs secure their requested relief and Defendants fail to  
22 precisely adhere to each of their impracticable and outrageous demands, then Plaintiffs are  
23 explicit that they may unilaterally ask the Court to declare the 2024 general-election results  
24 in Yavapai, Maricopa, and Coconino Counties invalid—a result that would directly  
25 disenfranchise tens of thousands of Proposed Intervenors’ members and constituents. *See*  
26 *Pls.’ Compl. for Special Action Relief (“Compl.”)* 42 (requesting “[a]n order stating that, if  
27 on election day there is credible evidence of any failures or irregularities in the  
28

1 administration of the election, that this Court . . . will take appropriate action, such as by  
2 . . . invalidating election results[ or] ordering a new election”).

3 In an election that will involve the participation of millions of Arizona voters,  
4 Plaintiffs demand a level of micromanagement that is as expansive as it is inappropriate.  
5 For example, in Counts I and II, Plaintiffs seek a requirement that Maricopa County  
6 maintain “exact counts of ballots at all phases of the election” and “daily produce . . . copies  
7 of all chain of custody forms.” *Id.* at 38. Plaintiffs also demand that, “if there are  
8 discrepancies” at any point that are “sufficient to cast the outcome of the election into  
9 doubt,” then the Court must either “*invalidat[e] the 2024 general election results from*  
10 *Maricopa County*” or order a do-over with only one day of in-person voting. *Id.* at 39  
11 (emphasis added). In short, Plaintiffs demand to act as unelected and unappointed election  
12 monitors, empowered to disenfranchise all Maricopa County voters if their demands are not  
13 met. This would have disastrous results on Arizona’s ability to conduct orderly and fair  
14 elections in 2024 and beyond, and threatens to deny Proposed Intervenors’ members and  
15 constituents their fundamental right to vote.

16 Plaintiffs’ other claims are no less troubling. Counts III and IV seek to relitigate the  
17 same unsuccessful printer-failure claims from Kari Lake’s prolonged (and ongoing)  
18 election contest, claiming that purported printer failures in 2022 now require Yavapai and  
19 Maricopa Counties to “revert to precinct voting countywide” in 2024. *Id.* at 40. This  
20 threatens to severely limit options for voting in person, with the inevitable result of longer  
21 lines and delays across the state, burdening the franchise of Proposed Intervenors’ members  
22 and constituents who cast ballots in person. And the burden on those particular voters would  
23 be especially severe: Many of the Alliance’s members are older and less able to wait in long  
24 lines or navigate additional difficulties finding new voting locations, especially if Plaintiffs’  
25 proposed limitations are imposed and previous voting locations are no longer available.

26 Proposed Intervenors would also be harmed by Plaintiffs’ requested relief in  
27 Counts V and VI. Plaintiffs claim that Maricopa County’s voting centers are “distributed in  
28 a racially discriminatory way” because “Long Distance Voters are disproportionately White



1 and Native American.” *Id.* ¶ 173. Ignoring that the number and locations of Maricopa  
2 County’s voting centers already sensibly reflect population distribution, Plaintiffs claim that  
3 “the location of voting centers in Maricopa County unlawfully makes it easier for Hispanics  
4 and Blacks to vote and more difficult for Whites and Native Americans.” *Id.* ¶ 72. But  
5 Latino voters—including Voto Latino’s constituents—and Native American and other  
6 minority voters—including the Alliance’s members—are the ones who would be most  
7 harmed by Plaintiffs’ request to reallocate voting centers to “racially balance the number of  
8 election-day Long Distance Voters.” *Id.* at 40. This relief would cause voting centers to be  
9 distributed without considering population density and actual need, significantly decreasing  
10 access to voting centers among Proposed Intervenors’ members and constituents.

11 Count VII seeks to eliminate the use of technology in the signature-verification  
12 process, which would, in addition to burdening election officials, result in increased  
13 signature mismatches and incorrect rejections. Because the Alliance’s members are elderly  
14 and thus more likely to have signatures that have changed over time (whether due to age,  
15 illness, or disability), they are more likely to be impacted by the human error that is  
16 inevitable when election officials rely entirely on manual signature-verification procedures.  
17 Combined with Counts VIII, IX, and XI, which seek to make the signature-matching and  
18 curing processes more onerous—including by requiring election officials to physically  
19 show voters their signatures and limiting voter-contact options—Plaintiffs’ requested relief  
20 would have a disproportionate impact on the Alliance’s members’ ability to have their votes  
21 counted. For similar reasons, a Yavapai County court recently allowed the Alliance to  
22 intervene in another case that sought to tighten signature-verification procedures. *See Order*  
23 *re: Nature of Proceedings, Ariz. Free Enter. Club*, No. S1300CV202300202 (Yavapai Cnty.  
24 Super. Ct. Apr. 21, 2023). So too should this Court allow the Alliance to intervene here.

25 Finally, Count XII seeks to require that every ballot drop box be staffed at all times  
26 by at least two election workers, Compl. ¶¶ 228–34, a result that would severely limit  
27 counties’ ability to operate drop boxes. The voters most impacted would be those who vote  
28 using early ballots and live in communities that are underserved (or not served at all) by

1 reliable mail service. This includes voters in Arizona’s most vulnerable and marginalized  
2 communities, such as underserved minority communities and elderly voters where access  
3 to the franchise is already difficult and burdensome—precisely Proposed Intervenor’s  
4 members and constituents. Indeed, in a similar case where plaintiffs sought to ban the use  
5 of “unstaffed” drop boxes, a Yavapai County court recently allowed the Proposed  
6 Intervenor to intervene and defend their members’ and constituents’ right to vote. *See*  
7 *Order Re: Nature of Proceedings, Ariz. Free Enter. Club*, No. S1300CV202300872  
8 (Yavapai Cnty. Super. Ct. Oct. 27, 2023). This Court should do the same here.

9 **2. Plaintiffs’ requested relief would also require Proposed**  
10 **Intervenor to divert their limited resources.**

11 If Plaintiffs succeed in their attempt to micromanage elections in Yavapai, Maricopa,  
12 and Coconino Counties, then Proposed Intervenor would be forced to divert resources from  
13 their mission-critical work to ensure that their members and constituents are not  
14 unreasonably burdened, prevented, or deterred from voting as a result. This further  
15 constitutes a protectable interest sufficient for intervention as of right. *See, e.g., E. Bay*  
16 *Sanctuary Covenant v. Biden*, 993 F.3d 640, 663 (9th Cir. 2021) (“[A]n organization has  
17 direct standing to sue where it establishes that the defendant’s behavior has frustrated its  
18 mission and caused it to divert resources in response to that frustration of purpose.”); *Mi*  
19 *Familia Vota v. Fontes*, No. CV-22-00509-PHX-SRB, 2023 WL 8183070, at \*10 (D. Ariz.  
20 Feb. 16, 2023) (organizational plaintiffs had standing when voting laws would require them  
21 to divert resources from other activities to assist their supporters who might be  
22 disproportionately disenfranchised or discouraged from voting); *cf. Crawford v. Marion*  
23 *Cnty. Election Bd.*, 472 F.3d 949, 951 (7th Cir. 2007) (political-party entity suffered injury  
24 in fact because challenged law “compell[ed] the party to devote resources” in response),  
25 *aff’d*, 553 U.S. 181 (2008).

26 The Alliance—whose mission is to ensure social and economic justice and protect  
27 the civil rights of retirees—would need to redirect time and resources to educate its  
28 members on the new election procedures Plaintiffs demand, ranging from more onerous

1 signature-curing processes to new voting-center locations. The Alliance would also need to  
2 divert time and resources from other priorities to ensure that their members who planned to  
3 cast ballots using drop boxes instead vote through other means. Similarly, Voto Latino, a  
4 grassroots organization focused on educating and empowering Latino voters, would have  
5 to change its get-out-the-vote efforts and divert resources towards educating its constituents  
6 about the new obstacles to voting. Such diversions of Proposed Intervenors' limited  
7 resources constitute impairments of cognizable interests, thus satisfying the second and  
8 third prongs for intervention as of right.

9 **C. Proposed Intervenors' interests are not adequately represented.**

10 Proposed Intervenors' interests are not adequately represented by the current parties.  
11 Plaintiffs do not represent Proposed Intervenors' interests, as Plaintiffs seek—among other  
12 things—unprecedented relief that would burden and disenfranchise Proposed Intervenors'  
13 members and constituents and even invalidate election results in three counties. Nor are  
14 Proposed Intervenors' interests here—namely, preventing the disenfranchisement of their  
15 members and constituents and avoiding the diversion of their mission-critical resources—  
16 shared by Defendants, who possess only a general obligation to administer their respective  
17 counties' elections, not a specific interest in mobilizing and educating retired or Latino  
18 voters and advocating on their behalf.

19 Courts have recognized that government officials like Defendants “must represent  
20 the interests of all people in [their jurisdiction],” such that they cannot give Proposed  
21 Intervenors' or their constituencies' interests “the kind of primacy” that Proposed  
22 Intervenors will themselves provide. *Planned Parenthood Ariz., Inc. v. Am. Ass'n of Pro-*  
23 *Life Obstetricians & Gynecologists*, 227 Ariz. 262, 279 ¶ 58 (App. 2011) (permitting  
24 adversely affected groups to intervene in defense of challenged statute). Indeed, when an  
25 original party to the suit is a government entity whose position is “necessarily colored by  
26 its view of the public welfare rather than the more parochial views of a proposed intervenor  
27 whose interest is personal to it,” the burden of establishing inadequacy of representation by  
28

1 existing parties is “comparatively light.” *Kleissler v. U.S. Forest Serv.*, 157 F.3d 964, 972  
2 (3d Cir. 1998).

3 Accordingly, courts routinely allow organizations to intervene on the same side as  
4 government officials when the organizations and their members have interests that are  
5 distinct from the public at large. *See, e.g., Saunders v. Superior Ct.*, 109 Ariz. 424, 426  
6 (1973) (associations of police officers and firefighters were not adequately represented by  
7 Attorney General in challenge to state pension system because “[t]he interest of petitioners  
8 is not common to other citizens in the state”); *Citizens for Balanced Use v. Mont. Wilderness*  
9 *Ass’n*, 647 F.3d 893, 899 (9th Cir. 2011) (allowing environmental group to intervene where  
10 it had different objectives from U.S. Forest Service); *Utah Ass’n of Cnty.*, 255 F.3d at  
11 1255–56 (“[T]he government’s representation of the public interest generally cannot be  
12 assumed to be identical to the individual parochial interest of a particular member of the  
13 public merely because both entities occupy the same posture in the litigation.”); *Paher v.*  
14 *Cegavske*, No. 3:20-cv-00243-MMD-WGC, 2020 WL 2042365, at \*1 (D. Nev. Apr. 28,  
15 2020) (granting intervention to political-party organizations alongside election officials);  
16 *Ariz. All. for Retired Ams. v. Hobbs*, No. CV-22-01374-PHX-GMS, 2022 WL 4448320, at  
17 \*3 (D. Ariz. Sept. 23, 2022) (allowing Yuma County Republican Committee to intervene  
18 alongside state and county election officials); *see also Trbovich v. United Mine Workers of*  
19 *Am.*, 404 U.S. 528, 538 (1972) (union was not adequately represented by U.S. Secretary of  
20 Labor where its interests in litigation were “related, but not identical”).

21 Consistent with this precedent, a Yavapai County court has recently allowed both  
22 the Alliance and Voto Latino to intervene on the same side as government officials in  
23 challenges to the administration of the state’s elections. *See Order Re: Nature of*  
24 *Proceedings, Ariz. Free Enter. Club*, No. S1300CV202300872 (Yavapai Cnty. Super. Ct.  
25 Oct. 27, 2023) (granting intervention to Alliance and Voto Latino in case seeking to  
26 invalidate EPM provisions authorizing use of unstaffed ballot drop boxes); *Order re: Nature*  
27 *of Proceedings, Ariz. Free Enter. Club*, No. S1300CV202300202 (Yavapai Cnty. Super. Ct.  
28 Apr. 21, 2023) (granting intervention to nonprofit organizations, including Alliance, in case

1 seeking to invalidate EPM provision regarding signature-verification procedures). The  
2 same result is appropriate here: This Court should grant intervention because no party,  
3 including Defendants, adequately represents Proposed Intervenors' interests.

4 **II. In the alternative, Proposed Intervenors should be granted permissive**  
5 **intervention.**

6 In the alternative, the Court should grant Proposed Intervenors permissive  
7 intervention because they have “a claim or defense that shares with the main action a  
8 common question of law or fact.” Ariz. R. Civ. P. 24(b)(1)(B). Indeed, Proposed  
9 Intervenors' defenses depend on the same questions of law—namely, the proper  
10 interpretation of Arizona's election laws—that form the bases of Plaintiffs' claims.

11 When such a requisite common question is present, Arizona courts consider other  
12 factors to decide whether to grant permissive intervention, including:

13 the nature and extent of the intervenors' interest, their standing to raise  
14 relevant legal issues, the legal position they seek to advance, and its probable  
15 relation to the merits of the case. The court may also consider . . . whether  
16 the intervenors' interests are adequately represented by other parties, whether  
17 intervention will prolong or unduly delay the litigation, and whether parties  
seeking intervention will significantly contribute to full development of the  
underlying factual issues in the suit and to the just and equitable adjudication  
of the legal questions presented.

18 *Bechtel*, 150 Ariz. at 72 (quoting *Spangler v. Pasadena City Bd. of Educ.*, 552 F.2d 1326,  
19 1329 (9th Cir. 1977)). Here, these considerations favor permissive intervention.

20 *First*, Proposed Intervenors have distinct interests in ensuring their members and  
21 constituents are not disenfranchised and in avoiding the diversion of their resources to voter-  
22 education initiatives and other efforts in response to Plaintiffs' requested relief. In  
23 particular, as discussed above, allowing Plaintiffs to drastically upend established election  
24 procedures—and to outlaw entire methods of voting relied on by Proposed Intervenors'  
25 members and constituents—would disproportionately impact Proposed Intervenors and the  
26 communities they represent.

27 *Second*, as the only parties representing Arizona voters, Proposed Intervenors are  
28 uniquely positioned to not only provide legal arguments relevant to Plaintiffs' claims—as

1 noted above, they are now litigating these and similar issues in other pending cases—but  
2 also address the injuries to voters and voter-advocacy groups that would follow from the  
3 relief Plaintiffs seek (as well as the repeated misrepresentations of Arizona law that  
4 Plaintiffs have propounded in this lawsuit). Moreover, Proposed Intervenors and their  
5 counsel have significant experience litigating election and voting-rights matters in this  
6 Court and, if granted intervention, would substantially contribute to robust analysis of the  
7 relevant legal and factual issues.

8 *Third*, as discussed above, Proposed Intervenors’ interests are distinct from those of  
9 the other parties here. The Alliance and Voto Latino represent their own organizational  
10 interests and missions, as well as the interests and rights of their individual members and  
11 constituents, many of whom are at particular risk of burden and disenfranchisement because  
12 of this lawsuit.

13 *Finally*, Proposed Intervenors have promptly sought intervention, which will neither  
14 delay the proceedings nor prejudice any party. To the contrary, Proposed Intervenors have  
15 a particular interest in the expeditious resolution of this case to avoid uncertainty and  
16 attendant harms to their organizational interests, members, and constituents.

17 Because Rule 24 is liberally construed to protect the rights of all interested parties,  
18 *see Bechtel*, 150 Ariz. at 72, the Court should grant permissive intervention.

19 **CONCLUSION**

20 For these reasons, Proposed Intervenors respectfully request that the Court grant  
21 their motion and allow them to intervene as defendants in these proceedings.<sup>3</sup>

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<sup>3</sup> Proposed Intervenors also respectfully request that the Court set a schedule regarding this  
motion that allows for their participation in any briefing schedules and hearings.

1 RESPECTFULLY SUBMITTED this 29th day of February, 2024.

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