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16 SUPERIOR COURT OF ARIZONA  
17 MARICOPA COUNTY

18 REPUBLICAN NATIONAL COMMITTEE, et  
19 al.,

20 Plaintiffs,

21 v.

22 ADRIAN FONTES,

23 Defendant.

No. CV2024-050553

**MOTION TO INTERVENE**

(Assigned to the Hon. Frank  
Moskowitz)

1 The Democratic National Committee (“DNC”) and Arizona Democratic Party  
2 (“ADP”) (collectively, “Proposed Intervenors”) respectfully move to intervene as  
3 defendants in this action. Undersigned counsel has conferred with counsel for the parties,  
4 who have indicated that they do not intend to oppose this motion.

5 Proposed Intervenors have abundant good cause to seek intervention both as a matter  
6 of right and permissively. Plaintiffs Republican National Committee (“RNC”), Republican  
7 Party of Arizona (“RPAZ”), and Yavapai County Republican Party (collectively,  
8 “Plaintiffs”) seek to dramatically reshape election procedures in Arizona less than a month  
9 before the Arizona presidential preference election and only nine months before the 2024  
10 general election.

11 Plaintiffs’ primary claim seeks to invalidate and “enjoin[] enforcement of the 2023  
12 [Elections Procedures Manual (“EPM”)] (including by criminal prosecution).” Compl. ¶ 48;  
13 *see also* Count II–Count IX (all plead “[i]n the [a]lternative”). If Plaintiffs succeed, they  
14 will cause an immediate and seismic shift in Arizona election law. As Defendant Adrian  
15 Fontes, the Arizona Secretary of State (the “Secretary”), emphasized, the EPM is “one of  
16 the most important documents to ensure consistent and efficient election administration  
17 across our state.” *Id.* ¶ 3. In their own words, Plaintiffs acknowledge that the EPM “spans  
18 268 pages of substance on a range of election topics, including voter registration, early  
19 voting, ballot-by-mail elections, . . . accommodating voters with disabilities, regulation of  
20 petition circulators presidential preference elections, pre-election procedures, . . . and  
21 campaign finance.” *Id.* ¶ 2. Even if Plaintiffs succeed only on their alternative claims, they  
22 will make it more burdensome for otherwise qualified Arizona voters to cast their ballots.

23 Proposed Intervenors satisfy the criteria for intervention as of right. There can be  
24 little serious dispute, given the stakes of this litigation, that Proposed Intervenors have  
25 significant interests in this action that, if successful, would force them to expend significant  
26 resources and would burden their constituents and members. Further, the existing parties do  
27 not adequately represent Proposed Intervenors’ interests, which diverge from those of the  
28 Secretary, who must represent all Arizonans—not just Proposed Intervenors or their

1 members.

2 Proposed Intervenors also satisfy the criteria for permissive intervention. Again, they  
3 have significant interests at stake in this litigation. By timely seeking to intervene, Proposed  
4 Intervenors will not prejudice any of the parties’ rights or the adjudication of this case. Nor  
5 does any other factor mitigate against Proposed Intervenors—the national and state  
6 Democratic committees—from defending their and their members’ and constituents’  
7 interests against this litigation brought by their direct political competitors. Proposed  
8 Intervenors are not simply interested bystanders, but the ultimate *target* of Plaintiffs’ action.

9 For these reasons, the DNC and the ADP should be permitted to intervene as of right,  
10 or, in the alternative, should be granted permissive intervention.<sup>1</sup>

### 11 **BACKGROUND**

12 Plaintiffs filed this complaint on February 9, 2024. They seek an unprecedented  
13 ruling that the entire “2023 EPM is invalid.” Compl. Demand at A(1). This would invalidate  
14 the range of rules and guidance related to, among other things, “the procedures for early  
15 voting and voting.” A.R.S. § 16-452(A). Beyond this, and in the alternative, they seek to  
16 invalidate a number of individual provisions in the EPM related to a range of issues,  
17 including cancellation of voter registrations (Counts II, V), the ability of federal-only voters  
18 to vote in presidential elections (Count III), access to mail ballots (Count IV, VII),  
19 challenges to early ballots (Count VIII), access to voter signatures (Count VI), and voting  
20 by out-of-precinct voters (Count IX).

21 Proposed Intervenors are political committees and parties that support Democrats in  
22 Arizona. The DNC is a national committee, as that term is defined and used by 52 U.S.C.

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24 <sup>1</sup> As required by Arizona Rule of Civil Procedure 24(c), this motion is accompanied  
25 by Proposed Intervenor’s Answer, which is attached hereto as Exhibit 1, and a proposed  
26 form of order, lodged concurrently with this motion. Arizona Rule of Civil Procedure  
27 24(c)(1)(B) requires that a putative intervenor “attach as an exhibit to the motion a copy of  
28 the proposed pleading in intervention that sets out the . . . defense for which intervention is  
sought.” Proposed Intervenors submit this proposed Answer in compliance with this rule.  
If permitted to intervene, however, Proposed Intervenors would intend to move to dismiss  
this case before filing this proposed Answer.

1 § 30101, dedicated to electing local, state, and national candidates of the Democratic Party  
2 to public office throughout the United States. To accomplish its mission, the DNC, among  
3 other things, assists state parties and candidates by providing active support through the  
4 development of programs benefiting Democratic candidates. The DNC works with  
5 individuals who affiliate and engage with it in Arizona, whom the DNC also considers to  
6 be members and constituents. These include all Democratic voters in the State, whom the  
7 DNC educates and works to ensure have access to the franchise.

8 The ADP is a state committee, as defined by 52 U.S.C. § 30101. ADP's purpose is  
9 to elect candidates of the Democratic Party to public office throughout Arizona. To  
10 accomplish this purpose, ADP engages in vitally important activities, including supporting  
11 Democratic Party candidates; protecting the legal rights of voters; and ensuring that all  
12 voters have the meaningful ability to cast ballots in Arizona. ADP has members and  
13 constituents from across Arizona, including many voters who regularly support and vote  
14 for candidates affiliated with the Democratic Party.

15 As set forth below, the DNC and ADP should be permitted to intervene to protect  
16 these interests, and those of their members and constituents.

### 17 ARGUMENT

18 Arizona Rule of Civil Procedure 24 allows for both intervention as of right and  
19 permissive intervention. As courts have repeatedly held, Rule 24 "is remedial and should  
20 be construed liberally in order to assist parties seeking to obtain justice in protecting their  
21 rights." *Dowling v. Stapley*, 221 Ariz. 251, 270 ¶ 58 (App. 2009). Proposed Intervenors  
22 satisfy both the requirements for intervention as of right and for permissive intervention.<sup>2</sup>  
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26 <sup>2</sup> "Federal Rule of Civil Procedure 24 is substantively indistinguishable from  
27 Arizona Rule 24, [so Arizona's courts] may look for guidance to federal courts'  
28 interpretations of their rules." *Heritage Vill. II Homeowners Ass'n v. Norman*, 246 Ariz.  
567, 572 ¶ 19 (App. 2019).

1           **A.     The DNC and ADP are entitled to intervene as of right under Rule**  
2                               **24(a).**

3           The DNC and ADP are entitled to intervene as of right in this case. The Court must  
4 allow intervention in a case when a party satisfies the four elements under Rule 24(a):  
5 “(1) the motion must be timely; (2) the applicant must assert an interest relating to the  
6 property or transaction which is the subject of the action; (3) the applicant must show that  
7 disposition of the action may impair or impede its ability to protect its interest; and (4) the  
8 applicant must show that the other parties would not adequately represent its interests.”  
9 *Woodbridge Structured Funding, LLC v. Ariz. Lottery*, 235 Ariz. 25, 28 ¶ 13 (App. 2014).  
10 Here, Proposed Intervenors meet all four requirements.

11                           **1.     The motion is timely.**

12           First, the motion is timely. The Complaint was filed on February 9, little more than  
13 a week ago. And the DNC and ADP have filed this motion before the Court has heard  
14 arguments or made any substantive rulings. This case has neither a trial date nor an entered  
15 case schedule, beyond setting an initial return hearing for February 26. Indeed, the Secretary  
16 has yet to even answer Plaintiffs’ Complaint.<sup>3</sup> Timeliness under Rule 24 is “flexible,” and  
17 the most important consideration “is whether the delay in moving for intervention will  
18 prejudice the existing parties to the case.” *Weaver v. Synthes, Ltd. (U.S.A.)*, 162 Ariz. 442,  
19 446 (App. 1989) (citation omitted). Given that all issues remain pending before the Court,  
20 no party will be prejudiced by the DNC and ADP’s intervention, and the Court should  
21 therefore consider the motion timely. *See Winner Enters., Ltd. v. Superior Court*, 159 Ariz.  
22 106, 109–10 (App. 1988) (finding intervention “timely,” despite that “[t]he time frame in  
23 the trial court was extremely compressed,” when proposed intervenor sought intervention  
24 at least 21 days after it had notice of the proceeding).

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27                           <sup>3</sup> On February 14, 2024, Plaintiffs filed a Motion for Preliminary Injunction and a  
28 request to expedite the briefing on that motion. Proposed Intervenors file this motion 5  
calendar days after Plaintiffs’ filing.

1                   **2. The DNC and ADP have interests at stake in this litigation.**

2           Second, the DNC and ADP, as well as their members and constituents, have  
3 significant organizational and associational interests at stake in this litigation.

4           Under Rule 24(a)(2), a proposed intervenor “must assert an interest relating to the  
5 property or transaction which is the subject of the action.” *Woodbridge*, 235 Ariz. at 28  
6 ¶ 13; accord Ariz. R. Civ. P. 24(a)(2). This interest must be “direct and immediate.”  
7 *Weaver*, 162 Ariz. at 447 (quoting *Miller v. City of Phoenix*, 51 Ariz. 254, 263 (1938)).  
8 Such interests include, as courts have held, an organizational interest from needing “to  
9 expend additional resources . . . should [a challenged] election law change” or “an  
10 associational interest on behalf of its members . . . should the law change” and threaten  
11 those members’ votes. *Bost v. Ill. St. Bd. of Elections*, 75 F.4th 682, 687 (7th Cir. 2023);  
12 see *La Union del Pueblo Entero v. Abbott*, 29 F.4th 299, 306 (5th Cir. 2022) (holding that  
13 sufficient interests include a political committee’s need to “expend significant resources”  
14 based on a new election law and that law “regulat[ing] the conduct of the Committees’  
15 volunteers and poll watchers”); see also *E. Bay Sanctuary Covenant v. Biden*, 993 F.3d 640,  
16 663 (9th Cir. 2021) (“[A]n organization has direct standing to sue where it establishes that  
17 the defendant’s behavior has frustrated its mission and caused it to divert resources in  
18 response to that frustration of purpose.”). And “in a case involving ‘a public interest  
19 question’ that is ‘brought by a public interest group,’ the ‘interest requirement may be  
20 judged by a more lenient standard.” *La Union del Pueblo Entero*, 29 F.4th at 305–06  
21 (citation omitted).

22           Proposed Intervenors have significant organizational and associational interests in  
23 this case.

24           Organizational interests: The core mission of Proposed Intervenors is maximizing  
25 voter turnout for Democratic candidates in federal, state, and local elections. To do that in  
26 Arizona, as they would in any other state, Proposed Intervenors, among other things, hire  
27 employees and recruit volunteers to educate voters on whether, how, when, and where they  
28 can vote under the rules prescribed by the state. Proposed Intervenors have already begun

1 preparing for the upcoming elections under current law—under the terms of the current  
2 EPM.

3 If Plaintiffs are successful in invalidating and enjoining the EPM, Proposed  
4 Intervenors would need to expend significant additional resources (in time, effort, and  
5 expense) to adapt to an entirely new, and yet unknown (depending on the remedy), election  
6 regime. Such expenses would include, at minimum, diverting resources to training  
7 employees and volunteers, as well as educating voters on the changes to the EPM’s rules or  
8 what rules would be in place without the EPM altogether. Given the central importance of  
9 the EPM to Arizona elections and the broad scope of its reach, this interest is substantial.

10 Even if Plaintiffs succeed in their secondary goals of invalidating portions of the  
11 EPM, *see* Compl. ¶¶ 50–104, Proposed Intervenors would still need to expend these  
12 resources to educate voters on whether certain voters are eligible (or how to become  
13 eligible) to vote, *see, e.g., id.* Counts II, III, and V, whether and how voters can vote early,  
14 *see, e.g., id.* Counts IV and VII, where voters can vote, *see, e.g., id.* Counts VII and IX, and  
15 how voters might have their votes challenged, *see, e.g., id.* Counts VI and VII. All those  
16 efforts turn on which provisions of the EPM survive.

17 These expenditures “to educate their members on the election procedures . . . are  
18 routinely found to constitute significant protectable interests.” *Issa v. Newsom*, No. 2:20-  
19 cv-1044, 2020 WL 3074351, at \*3 (E.D. Cal. June 10, 2020); *see Bost*, 75 F.4th at 687  
20 (finding an interest sufficient where a political party “would have to expend additional  
21 resources . . . should the law change”). And any changes to the EPM or its wholesale  
22 invalidation would “unquestionably regulate[] the conduct of [Proposed Intervenors’]  
23 volunteers and poll watchers.” *La Union del Pueblo Entero*, 29 F.4th at 306. In short, a  
24 judgment for Plaintiffs would require Proposed Intervenors to expend significant resources,  
25 including financial ones—the “quintessential rights Rule 24(a) protects.” *Id.* at 305.

26 Further, Plaintiffs frame their interest in this case in terms of the “competitive  
27 environment” affecting elections. *See* Compl. ¶ 6 (“The RNC has an interest in the  
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1 administration of elections in Arizona and the competitive environment affecting  
2 Republican candidates in Arizona” and “significant resources . . . will necessarily be  
3 diverted” because of the challenged law); *id.* ¶ 7 (“The RPAZ has an interest in the  
4 administration of elections in Arizona and the competitive environment affecting  
5 Republican candidates in Arizona . . .”). Any impact on the “competitive environment”  
6 caused by the EPM and the specifically challenged provisions will also impact Proposed  
7 Intervenors as well. *See Mecinas v. Hobbs*, 30 F.4th 890, 898 (9th Cir. 2022) (holding that  
8 election regulations that “make[] the competitive landscape worse for a candidate or that  
9 candidate’s party” would confer standing).

10 Associational interests: Political entities, such as Proposed Intervenors, have an  
11 “associational interest on behalf of [their] members” to challenge or defend a law that might  
12 affect those members’ right to vote. *Bost*, 75 F.4th at 687; *see also Crawford v. Marion*  
13 *Cnty. Election Bd.*, 553 U.S. 181, 189 & n.7 (2008) (holding, in the more demanding context  
14 of standing, that a political party had “standing to challenge the validity of” a law that  
15 imposed voting requirements on the party’s members).

16 Here, Plaintiffs’ lawsuit threatens the rights of Proposed Intervenors’ members.  
17 Proposed Intervenors’ members are both voters and candidates for elected office. If  
18 Plaintiffs succeed in enjoining or invalidating the EPM, then it will undoubtedly  
19 (negatively) affect Proposed Intervenors’ voter-members’ ability to vote and candidate-  
20 members’ ability to win. The sheer importance and scope of the EPM, covering “voter  
21 registration, early voting, ballot-by-mail elections, [] accommodating voters with  
22 disabilities, regulation of petition circulators presidential preference elections, pre-election  
23 procedures . . . and campaign finance,” Compl. ¶ 2, makes such an effect inevitable. *See*  
24 *Sandusky Cnty. Democratic Party v. Blackwell*, 387 F.3d 565, 573–74 (6th Cir. 2004) (per  
25 curiam) (“Appellees have standing to assert, at least, the rights of their members who will  
26 vote in the November 2004 election.”).

27 Even if Plaintiffs succeed in their alternative goals, the relief they seek will no doubt  
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1 impact Proposed Intervenors’ members. This includes impacting the status of some voters’  
2 registration, including their cancellation, Compl. ¶¶ 53, 76; making it more difficult for  
3 some voters to receive and cast early ballots, *id.* ¶¶ 68, 88; prohibiting certain voters from  
4 voting presidential elections, *id.* ¶ 61; making it more likely that a voter’s ballot will be  
5 challenged, *id.* ¶¶ 82, 94; and prohibiting voters from casting an otherwise valid ballot in a  
6 different precinct, *id.* ¶ 102.

7 Whether Plaintiffs succeed in their primary claim or any of their alternative claims,  
8 Plaintiffs’ suit would affect Proposed Intervenors’ members’ right to vote, *see Bost*, 75  
9 F.4th at 687, and by extension, their candidate-members ability to get elected.

10 In the end, if Plaintiffs have standing to file this suit, Proposed Intervenors, as  
11 committees of the other major political party, certainly have the “mirror image” interest in  
12 opposing it. *See Democratic Nat’l Comm. v. Bostelmann*, No. 20-cv-249, 2020 WL  
13 1505640, at \*5 (W.D. Wis. Mar. 28, 2020) (allowing the RNC and Republican Party of  
14 Wisconsin to intervene “as they are uniquely qualified to represent the mirror-image  
15 interests of the plaintiffs, as direct counterparts to the DNC/[Democratic Party of  
16 Wisconsin]”) (internal quotations omitted), *modified on reconsideration*, 451 F. Supp. 3d  
17 952 (W.D. Wis. 2020). Indeed, courts regularly grant intervention to Democratic Party  
18 organizations in suits brought by their Republican counterparts, and vice versa. *See, e.g.,*  
19 *Ariz. Democratic Party v. Hobbs*, No. CV-20-1143, 2020 WL 6559160 (D. Ariz. June 26,  
20 2020) (granting intervention to the RNC and Arizona Republican Party).

21 The DNC and ADP have satisfied this second requirement.

22 **3. Those interests will be impaired by an adverse ruling of the**  
23 **Court.**

24 Next, this action “may as a practical matter impair or impede” the DNC and ADP’s  
25 “ability to protect [their] interest[s].” Ariz. R. Civ. P. 24(a)(2). “[A] would-be intervenor  
26 must show only that impairment of its substantial legal interest is possible if intervention is  
27 denied. This burden is minimal.” *Heritage Vill. II Homeowners Ass’n*, 246 Ariz. at 572 ¶ 21  
28

1 (quoting *Utah Ass’n of Cntys. v. Clinton*, 255 F.3d 1246, 1253 (10th Cir. 2001)); *see id.*  
2 ¶ 22 (adopting rule). And it is surely met here. *Id.* ¶ 21; *see also Citizens for Balanced Use*  
3 *v. Mont. Wilderness Ass’n*, 647 F.3d 893, 898 (9th Cir. 2011) (“Having found that appellants  
4 have a significant protectable interest, this court has little difficulty concluding that the  
5 disposition of the case may, as a practical matter, affect it.” (cleaned up) (citation omitted)).

6 This action directly affects the DNC and ADP. As detailed above, an adverse ruling  
7 would, among other things, dramatically change the rules for virtually all aspects of the  
8 upcoming elections. Again, Proposed Intervenors are presently, and have been, developing  
9 their strategies related to the upcoming primary and general elections based on the current  
10 EPM. If Plaintiffs succeed in obtaining the relief they seek, the DNC and ADP will be  
11 forced to dedicate and re-allocate resources—including money and staff time—to change  
12 their strategy whether the entire EPM, or certain provisions, are invalidated. *See La Union*  
13 *del Pueblo Entero*, 29 F.4th at 307 (“If the district court either partially or fully grants the  
14 relief sought by the plaintiffs here, the Committees will have to expend resources to educate  
15 their members on the shifting situation in the lead-up to the 2022 election.”).

16 Because the outcome of this litigation may impair the rights of the DNC and ADP,  
17 as well as those of their members and constituents, the DNC and ADP have met this  
18 requirement, too.

19 **4. No party represents Proposed Intervenors’ interests.**

20 Finally, Proposed Intervenors must show that “the other parties would not adequately  
21 represent [their] interests.” *Woodbridge*, 235 Ariz. at 28 ¶ 13; *accord* Ariz. R. Civ. P.  
22 24(a)(2). Because the future course of litigation is difficult to predict, the test is whether  
23 representation “may be inadequate”—not whether it “will be, for certain, inadequate.” *La*  
24 *Union del Pueblo Entero*, 29 F.4th at 307–08 (citation omitted). This burden is “minimal.”  
25 *Citizens for Balanced Use*, 647 F.3d at 898 (citation omitted). And “when the proposed  
26 intervenors’ concern is not a matter of ‘sovereign interest,’ there is no reason to think the  
27 government will represent it.” *Mausolf v. Babbitt*, 85 F.3d 1295, 1303 (8th Cir. 1996); *see*  
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1 *also Kleissler v. U.S. Forest Serv.*, 157 F.3d 964, 972 (3d Cir. 1998).

2 Here, the Secretary does not share the same interests as Proposed Intervenors. The  
3 “private interests” of the political committees “are different in kind from the public interests  
4 of the State or its officials.” *La Union del Pueblo Entero*, 29 F.4th at 309.

5 The Secretary is entrusted with a general obligation to Arizona voters—not a  
6 particular competitive interest in fielding or electing candidates or mobilizing and turning  
7 out certain voters. The Secretary’s interests in this litigation are defined by his statutory  
8 duties to conduct elections and to administer Arizona’s election laws. *See, e.g.*, A.R.S. § 16-  
9 142(A)(1) (the Secretary is the chief election officer). Proposed Intervenors face significant  
10 harm to their core missions of mobilizing and educating Democratic voters and electing  
11 Democratic candidates if the EPM is invalidated in its entirety, or even the limited pieces  
12 that Plaintiffs seek to nullify in the alternative.

13 Therefore, because the Secretary “must represent the interests of all people in  
14 Arizona,” he cannot give Proposed Intervenors or their members’ interests “the kind of  
15 primacy” that Proposed Intervenors will. *Planned Parenthood Ariz., Inc. v. Am. Ass’n of*  
16 *Pro-Life Obstetricians & Gynecologists*, 227 Ariz. 262, 279 ¶ 58 (App. 2011) (permitting  
17 adversely affected group to intervene in defense of a challenged statute); *Coal. of Ariz./N.M.*  
18 *Cntys. for Stable Econ. Growth v. Dep’t of the Interior*, 100 F.3d 837, 845 (10th Cir. 1996)  
19 (government defendants necessarily represent “the public interest” rather than the proposed  
20 intervenors’ “particular interest[s]” in protecting their resources and the rights of their  
21 candidates and voters.).

22 Further, “the government’s representation of the public interest may not be ‘identical  
23 to the individual parochial interest’ of a particular group just because ‘both entities occupy  
24 the same posture in the litigation.’” *Citizens for Balanced Use*, 647 F.3d at 899 (citation  
25 omitted) (allowing environmental group to intervene where it had different objectives than  
26 the U.S. Forest Service); *see also Utah Ass’n of Cntys.*, 255 F.3d at 1255–56 (“[T]he  
27 government’s representation of the public interest generally cannot be assumed to be  
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1 identical to the individual parochial interest of a [political candidate] merely because both  
2 entities occupy the same posture in the litigation.”).

3 For these reasons, courts have repeatedly permitted political parties to intervene in  
4 cases involving election administration, even where government officials are named as  
5 defendants—including in Arizona. *See, e.g., Ariz. Democratic Party v. Hobbs*, No. CV-20-  
6 01143, 2020 WL 6559160, at \*1 (D. Ariz. June 26, 2020) (allowing parties, including the  
7 RNC, to intervene in case brought by the DNC and ADP); *see also Issa*, 2020 WL 3074351,  
8 at \*3 (“While [government] Defendants’ arguments turn on their inherent authority as state  
9 executives and their responsibility to properly administer election laws, the Proposed  
10 [political party] Intervenors are concerned with ensuring their party members and the voters  
11 they represent have the opportunity to vote in the upcoming federal election, advancing  
12 their overall electoral prospects, and allocating their limited resources to inform voters  
13 about the election procedures.”).

14 Proposed Intervenors have met this prong too; at the very least, the Secretary may  
15 not adequately represent their interests, and this potential inadequacy is all that is necessary  
16 to support intervention.

17 \* \* \*

18 In the end, courts have frequently granted intervention to political parties in other  
19 challenges to the Secretary’s EPM. *See, e.g., Ariz. Republican Party v. Richer*, 255 Ariz.  
20 363, 359 ¶ 10 (App. 2023), *review granted on other grounds* (Jan. 9, 2024). This Court  
21 should here as well; Proposed Intervenors meet the criteria for intervention as of right.

22 **B. In the alternative, the Court should grant permissive intervention.**

23 In the alternative, the DNC and ADP should be permitted to intervene as parties that  
24 have “a claim or defense that shares with the main action a common question of law and  
25 fact.” Ariz. R. Civ. P. 24(b)(1). When this standard is met, a court may consider certain  
26 other factors to guide its decision whether to grant permissive intervention. *See Bechtel v.*  
27 *Rose*, 150 Ariz. 68, 72 (1986) (identifying factors). Those factors weigh in favor of, at a  
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1 minimum, permissive intervention.

2 To start, the participation of the DNC and ADP will not “prolong or unduly delay  
3 the litigation.” *Id.* (quoting *Spangler v. Pasadena City Bd. of Educ.*, 552 F.2d 1326, 1329  
4 (9th Cir. 1977)). The DNC and ADP have moved to intervene little more than a week after  
5 this case was filed (and only 5 days after Plaintiffs filed their Motion for Preliminary  
6 Injunction). And Proposed Intervenors are prepared to adhere to the deadlines set by the  
7 Court.

8 Nor will participation of Proposed Intervenors “prejudice the adjudication of the  
9 original parties’ rights.” Ariz. R. Civ. P. 24(b)(3); *see also Bechtel*, 150 Ariz. at 72  
10 (considering “the legal position the[] [intervenors] seek to advance, and its probable relation  
11 to the merits of the case”) (quoting *Spangler*, 552 F.2d at 1329). The DNC and ADP will  
12 raise defenses that have legal questions in common with the parties’ claims and defenses.  
13 That is, the DNC and ADP will defend the EPM, as well as the specific provisions Plaintiffs  
14 challenge. *See, e.g., Edwards v. Vos*, No. 20-CV-340, 2020 WL 6741325, at \*1 (W.D. Wis.  
15 June 23, 2020) (“[T]he [intervenors] have a defense that shares common questions of law  
16 and fact with the main action—namely, they seek to defend the challenged election laws to  
17 protect their and their members’ stated interests in, among other things, the integrity of [the  
18 state’s] elections.”).

19 Beyond this, the DNC and ADP have significant interests at stake in this litigation,  
20 as outlined above, which would be undermined by the relief Plaintiffs seek. *See Bechtel*,  
21 150 Ariz. at 72 (examining “the nature and extent of the intervenors’ interest”) (quoting  
22 *Spangler*, 552 F.2d at 1329). And with their interests and experience in elections in Arizona,  
23 intervention “will [also] significantly contribute to full development of the underlying  
24 factual issues in the suit and to the just and equitable adjudication of the legal questions  
25 presented.” *Id.*

26 Additionally, Proposed Intervenors’ interests are not adequately represented by the  
27 Secretary, as also detailed above. *See id.* (considering “whether the intervenors’ interests  
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1 are adequately represented by other parties”).

2 Ultimately, Rule 24, including the provisions related to permissive intervention,  
3 “should be construed liberally in order to assist parties seeking to obtain justice in protecting  
4 their rights.” *Dowling*, 221 Ariz. at 270 ¶ 58 (citation omitted). For the reasons set forth  
5 above, permitting the intervention of the DNC and ADP is consistent with Rule 24 and will  
6 permit Proposed Intervenors to protect their rights and the rights of their members.

### 7 **CONCLUSION**

8 For these reasons, the DNC and ADP respectfully request that this Court grant their  
9 motion to intervene.

10 Dated: February 20, 2024

11 Respectfully submitted,

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1 **Certificate of Service**

2 I hereby certify that on this 20th day of February, 2024, I electronically submitted  
3 a PDF version of this document to the Office of the Clerk of the Superior Court,  
4 Maricopa County, for filing using the AZTurboCourt system. I further certify that a copy  
5 of the foregoing was sent via email this same date to:

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