

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN**

REPUBLICAN NATIONAL  
COMMITTEE, JORDAN JORRITSMA,  
and EMERSON SILVERNAIL,

*Plaintiffs,*

v.

JOCELYN BENSON, *in her official capacity  
as Michigan Secretary of State*; JONATHAN  
BRATER, *in his official capacity as Director of  
the Michigan Bureau of Elections,*

*Defendants.*

**RESPONSE IN OPPOSITION  
TO THE LEAGUE OF WOMEN  
VOTERS' INTERVENTION  
MOTION**

Case No. 1:24-cv-00262

On March 22, 2024, Detroit Disability Power and the Michigan Alliance for Retired Americans moved to intervene in this case. *See* Docs. 8, 9. Plaintiffs filed a response in opposition to that motion. *See* Doc. 16. On April 4, the League of Women Voters of Michigan moved to intervene. *See* Doc. 12. The League's motion states essentially the same interests and arguments as Detroit Disability Power's intervention motion. For efficiency, Plaintiffs incorporate the arguments they made against the first intervention motion. *See* Doc. 16. The League's motion should be denied for the same reasons: it has not shown a legally protectable interest in this case, its interests are adequately represented by the State, and adding more defendants will burden the parties and the Court.

In brief, the League's interests here are identical to the interests of the first set of intervenors. Like the first set of intervenors, *see* Doc. 9, PageID.114-115, the League claims an "interest in protecting against the deregistration of eligible voters that

Plaintiffs seek.” Doc. 12, PageID.186. And like the first set of intervenors, *see* Doc. 9, PageID.114-115, the League fears that relief for Plaintiffs will harm “voter education and registration efforts in Michigan” and cause the League “to redirect already-strained resources.” Doc. 12, PageID.188. As Plaintiffs have explained, these interests are insufficient under Rule 24(a) because they are speculative: the League’s interests are not in this case, but in the possibility that the Secretary of State might erroneously implement registration measures. *See* Doc. 16, PageID.245-249.

The League has also not shown that the State’s representation is inadequate. The League, like the first set of intervenors, does not apply the correct standard for adequate representation. It says the burden to show inadequate representation is “minimal,” Doc. 12, PageID.189, but it ignores the presumption of adequate representation that applies when it shares the same “ultimate objective” as its would-be co-parties. *See* Doc. 16, PageID.249-253. Now, there can be no doubt that the State is adequately representing that ultimate objective, as the State has moved to dismiss Plaintiffs’ case on both standing and the merits. *See* Docs. 18, 19. The State is charged with defending the State’s laws and representing voters, and it is competently litigating this case.

Finally, permissive intervention is inappropriate because the League’s interests are speculative and well-represented by the State. In addition, as the multiple intervention motions show, this case will get crowded unless the Court steps in. That will add dozens of pages of briefing, complicate scheduling, increase costs on the parties, and delay proceedings. *See* Doc. 16, PageID.254-256. For these reasons, the Court should hew to its earlier decision denying intervention in *Public Interest Legal*

*Foundation v. Benson*, No. 1:21-cv-929, 2022 WL 21295936, at \*10-13 (W.D. Mich. Aug. 25, 2022) (Beckering, J.), and deny the League's motion to intervene.

Respectfully submitted,

Dated: April 19, 2024

/s/ Thomas R. McCarthy

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### **CERTIFICATE OF COMPLIANCE**

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/s/ Thomas R. McCarthy  
Counsel for Plaintiffs

### **CERTIFICATE OF SERVICE**

I certify that on April 19, 2024, I filed this document via the ECF system, which will serve everyone requiring notice.

/s/ Thomas R. McCarthy  
Counsel for Plaintiffs

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