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**SECOND JUDICIAL DISTRICT COURT
IN AND FOR WASHOE COUNTY, STATE OF NEVADA**

FREDERICK H. KRAUS; PUBLIC INTEREST
LEGAL FOUNDATION,

Petitioners,

v.

CARRIE-ANN BURGESS, in her official
capacity as Washoe County Interim
Registrar of Voters,

Respondent,

and

RISE ACTION FUND; INSTITUTE FOR A
PROGRESSIVE NEVADA; and NEVADA
ALLIANCE FOR RETIRED AMERICANS,

Proposed
Intervenor-
Respondents.

Case No. CV24-01051
Dept. No.: 4

**MOTION TO INTERVENE AS
RESPONDENTS**

1 Pursuant to Nevada Rule of Civil Procedure 24, Proposed Intervenor-Respondents Rise
2 Action Fund, the Institute for a Progressive Nevada, and the Nevada Alliance for Retired
3 Americans move to intervene as respondents in the above-titled action.

4 This Motion is based on the Memorandum of Points and Authorities below, the
5 declarations and exhibits attached hereto, all papers and pleadings on file, and any oral argument
6 this Court sees fit to allow at the hearing on this matter.

7 DATED this 28th day of May, 2024.

8
9 By: /s/ Bradley Schrager

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26
27
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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 Proposed Intervenor-Respondents Rise Action Fund, the Institute for a Progressive
3 Nevada, and the Nevada Alliance for Retired Americans (“Proposed Intervenor”) move to
4 intervene as respondents in this lawsuit under Nevada Rule of Civil Procedure 24.

5 Petitioners seek a court-ordered end run around the detailed statutory procedures and
6 safeguards governing third-party challenges to voters’ eligibility. *See* NRS 293.535, 293.547.
7 Under those procedures, challenges must be made under oath, based on personal knowledge, and
8 on particular grounds or during particular time periods. *See* NRS 293.535, 293.547. Petitioners do
9 not cite and have not complied with those procedures. Yet they ask the Court to compel
10 Respondent Burgess to investigate their unsworn, unsourced allegations that certain unnamed
11 voters are improperly registered at addresses that Petitioners say are not traditional residences.

12 If the Court grants such relief, Respondent Burgess—and other clerks and registrars across
13 the state—will be flooded with third-party demands to investigate all manner of alleged
14 peculiarities in the voter rolls, based on unsourced, unverified, and unsworn information.
15 Petitioners are not the only ones making such demands. Nevada is in the midst of a storm of
16 baseless efforts by third parties to force election officials to undertake a rushed purge of registered
17 voters before the November election, from Petitioners to the newly founded “Pigpen Project”¹ to
18 a U.S. Senate candidate² to one of the major political parties.³

19 Such relief would severely harm Proposed Intervenor by threatening their members’ and
20 constituents’ voting rights and requiring Proposed Intervenor to expend substantial resources to
21 educate voters and protect them from baseless attacks on their eligibility. No existing party
22 adequately protects Proposed Intervenor’s interests in this case. Proposed Intervenor are
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24 _____
25 ¹ *See* Pigpen Project, <https://pigpenproject.com/> (last accessed May 28, 2024).

26 ² *See* @DrJeffGunter, X.com (May 20, 2024, 5:22 PM),
<https://x.com/DrJeffGunter/status/1792667306851774590>.

27 ³ *See generally* *RNC v. Aguilar*, No. 2:24-cv-00518 (D. Nev. filed Mar. 18, 2024).
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1 accordingly entitled to intervene in this case as a matter of right under Rule 24(a)(2). In the
2 alternative, the Court should grant Proposed Intervenor's permissive intervention pursuant to Rule
3 24(b).⁴

4 BACKGROUND

5 I. Statutory Background

6 An overlapping set of state and federal statutes govern the maintenance of the voter rolls
7 and changes or cancellations to voters' registrations. Petitioners' claim relies primarily on one such
8 statute, NRS 293.530(1), which provides that county clerks "*may* use any reliable and reasonable
9 means available to correct the portions of the statewide voter registration list which are relevant to
10 the county clerks and to determine whether a registered voter's current residence is other than that
11 indicated on the voter's application to register to vote." NRS 293.530(1)(a) (emphasis added). That
12 provision goes on to explain that county clerks "*may*, with the consent of the board of county
13 commissioners, make investigations of registration in the county by census, by house-to-house
14 canvass or by any other method." NRS 293.530(1)(b) (emphasis added). Nothing in NRS
15 293.530(1)(a) or (b) *requires* county clerks to do anything, or even *permits* them to make an
16 investigation without authorization from their respective county boards. And the remainder of NRS
17 293.530 prescribes detailed procedures that county clerks must follow before canceling the
18 registration of voters under the provision, providing for cancellation only after: (1) the clerk mails
19 a written notice to the voter, along with a return postcard that has a place for the voter to write any
20 new address; (2) the voter does not respond; (3) the voter's registration information is not
21 otherwise updated by an automatic voter registration agency; and (4) the voter does not appear to
22 vote in two successive general elections following the date of the notice. NRS 293.530(1)(c).

23 NRS 293.530(1) makes no mention of the involvement of any nongovernmental third
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25
26 ⁴ If Proposed Intervenor's motion is granted, Proposed Intervenor's intend to file a motion
27 to dismiss the Petition under Rule 12(b) for failure to state a claim and lack of subject matter
28 jurisdiction. Because Rule 24(c) requires putative intervenors to attach a proposed pleading to their
motion, however, Proposed Intervenor's attach a proposed answer hereto as **Exhibit 1**.

1 parties in this process. That is because two other Nevada statutes that Petitioners do not cite—NRS
2 293.535 and NRS 293.547—expressly govern third party challenges to voters’ registration. Under
3 NRS 293.535, “any elector or other reliable person” may file an affidavit with the county clerk,
4 which must be based on personal knowledge, stating that a voter is not a citizen or has moved
5 outside the county where he or she is registered to vote and established residence elsewhere. NRS
6 293.535(1). If the challenge is based on residence, the clerk must notify the registrant “in the
7 manner set forth in NRS 293.530,” and the same timeline and procedures apply for canceling the
8 registration based on lack of response. NRS 293.535(2). Similarly, NRS 293.547 allows a
9 registered voter to file a written challenge to another voter’s registration between 25 and 30 days
10 before an election. NRS 293.547(1). The challenger must be registered to vote in the same precinct
11 as the person challenged; the challenge must be based on personal knowledge; it must be signed
12 and verified; and it must target a single individual. NRS 293.547(2)–(4). The county clerk must
13 notify both the voter being challenged and the district attorney. NRS 293.547(5). If the person fails
14 to respond or appear to vote, the county clerk shall cancel the registration. NRS 293.547(5)(b).

15 Petitioners also rely on a different statute: NRS 293.675. That statute provides that “[t]he
16 Secretary of State shall establish and maintain a centralized, top-down database that collects and
17 stores information related to the preregistration of persons and the registration of electors.” NRS
18 293.675(1). It further states that the Secretary “shall use the voter registration information collected
19 in the database . . . to create the official statewide voter registration list, which may be maintained
20 on the Internet, in consultation with each county and city clerk,” and that this list must, in relevant
21 part, be “regularly maintained to ensure the integrity of the registration process and the election
22 process.” NRS 293.675(2), 3(i). NRS 293.675 goes on to specifically explain how the list is to be
23 maintained: via agreements with the Department of Motor Vehicles, the Social Security
24 Administration, and the State Registrar of Vital Statistics to allow verification of information on
25 voter registration applications. NRS 293.675(5)–(6), (8). The only duties NRS 293.675 imposes
26 on county and city clerks are to enter voter registration information into the database when
27 received, to provide the Secretary of State with any voter registration information he reasonably
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1 requests, and, for county clerks, to “use the database . . . to collect and maintain all records of
2 preregistration and registration to vote.” NRS 293.675(1), (4). It imposes no further requirements
3 on how county clerks are to use the database, nor does it require the Secretary of State or county
4 clerks to accept or investigate any information from non-governmental third parties like
5 Petitioners. *See* NRS 293.675.

6 A state’s ability to make changes to its voter rolls is further circumscribed by the federal
7 National Voter Registration Act of 1993 (“NVRA”). The NVRA imposes strict restrictions on
8 whether, when, and how a state may remove a voter from its registration rolls. *See* 52 U.S.C. §
9 20507(a)(3)–(4), (b)–(d). For instance, in most situations, a registrant may be removed from the
10 rolls by reason of change of residence only after failing to respond to a notice and failing to appear
11 to vote for two general elections following that notice. *Id.* § 20507(d)(1). In addition, a state must
12 complete “any program the purpose of which is to systematically remove the names of ineligible
13 voters from the official lists of eligible voters” no “later than 90 days prior to the date of a primary
14 or general election for Federal office.” *Id.* § 20507(c)(2)(A).

15 **II. Recent Attempts by Nongovernmental Parties to Remove Nevada Voters from the** 16 **Rolls**

17 Election officials in this state are currently beset by unjustified, baseless efforts to impugn
18 the accuracy of Nevada’s voter rolls and force a rushed purge of voters before the 2024 general
19 election. Petitioners’ letter and lawsuit is one example, but it is not the only one. In January 2023,
20 conservative activists in Nevada launched the so-called “Pigpen Project,” a project of Citizen
21 Outreach Foundation. *See About, Pigpen Project*, <https://pigpenproject.com/about/> (last accessed
22 May 28, 2024). Named after the Charlie Brown character, the project’s self-described mission is
23 to “clean[] up the voter rolls in Nevada by removing ineligible voters from the ‘Active’ voting
24 list.” *Id.* According to the group, it analyzes voter files to look for “red flags” of potentially invalid
25 registrations and conducts “boots on the ground” inspections to provide evidence of allegedly “bad
26 registrations” to election officials. *Id.* Since its creation, the Pigpen Project has “organized door-
27 to-door canvassing and enlisted landlords to compare voter rolls with their leasing records,”
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1 including “escort[ing] landlords to the Clark County registrar’s office so that they can flag
2 registrations of former tenants.” Alexandra Berzon & Nick Corasaniti, *Trump’s Allies Ramp Up*
3 *Campaign Targeting Voter Rolls*, N.Y. Times (Mar. 3, 2024),
4 <https://www.nytimes.com/2024/03/03/us/politics/trump-voter-rolls.html>. And the Republican
5 National Committee and the Nevada Republican Party have sued state and county officials in
6 federal court, seeking to force a voter purge, purportedly under the NVRA. *See generally* *RNC v.*
7 *Aguilar*, No. 2:24-cv-00518 (D. Nev. filed Mar. 18, 2024).

8 **III. Petitioners’ Lawsuit**

9 According to the Petition, on April 11, 2024, Logan Churchwell, a Research Director at
10 Petitioner Public Interest Law Foundation (the “Foundation”), sent an email titled “Official review
11 requested under NRS 293.486(1)” to the official email address of the Washoe County Elections
12 Department. Pet. for Writ of Mandamus (“Pet.”) Ex. B at 4. That email attached a letter addressed
13 to Petitioner Cari-Ann Burgess, the Interim Registrar of Voters of Washoe County. *See* Pet. Ex. A
14 at 1. The letter stated that the Foundation had conducted an “analysis of Nevada’s statewide voter
15 list dated April 9, 2024” and “identified numerous addresses listed as residential that appeared to
16 be commercial buildings where no one resides,” along with a list of addresses and photographs.
17 *Id.*; *see also generally* Pet. Ex. A. The letter further requested that Burgess “conduct [her]
18 investigation and make any appropriate corrections to the voter roll by May 1, 2024,” stating that
19 “[a]ction is needed prior to mailing out ballots for the June primary election.” Pet. Ex. A at 1
20 (emphasis omitted).

21 George Guthrie, an employee of the Registrar’s office, responded to Mr. Churchwell’s
22 email the following day. *See* Pet. Ex. B at 3–4. Messrs. Guthrie and Churchwell exchanged several
23 additional emails in which Mr. Guthrie asked about the source of the information in the letter. *Id.*
24 at 2–4. Mr. Churchwell stated that the Foundation had “reviewed the Nevada voter roll directly to
25 identify commercial addresses” and that its research “noted active, inactive, or a combination of
26 those at the addresses shown in the presentation list.” *Id.* at 2–3. Mr. Guthrie then stated that he
27 would “be sending [a] bulk response” to all the addresses “in the coming weeks.” *Id.* at 2. On May
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2, 2024, Mr. Churchwell sent another email asking, “Which addresses have you reviewed and what actions have been taken?” *Id.* at 1. Four days later, Mr. Guthrie responded that “[a]fter further evaluation of the information you’ve provided to our office, I would suggest bringing your information to the Secretary of State’s office.” *Id.* Mr. Guthrie further noted that “we are within the 90 day list maintenance window as described by the NVRA” and so “any action would have to be taken after the June Primary. In the meantime, you may wish to pursue other options laid out in NRS 293.535 and NRS 293.547”—the statutes governing the voter challenge process by which third parties can challenge voter eligibility. *Id.*

Instead of following that statutory process, Petitioners filed the present Petition on May 10, 2024. In it, Petitioners bring a single count for relief based on Burgess’s alleged failure “to investigate and make corrections regarding known commercial addresses in violation of her duties to maintain the voter registration list.” Pet. ¶ 32. Petitioners thus seek both “a declaratory judgment that Respondent is not in compliance with NRS 293.530 and 293.675” and “a writ of mandamus requiring Respondent to investigate known commercial addresses.” *Id.* ¶¶ 35–36.

IV. Proposed Intervenors

Rise. Rise Action Fund (“Rise”) is a student-led 501(c)(4) nonprofit organization that runs student-focused statewide advocacy and voter mobilization programs in Nevada, among other states. It is committed to empowering and mobilizing students in the political process and has recently focused its efforts on students in Nevada. *See* Decl. of Christian Solomon ¶¶ 5–6, 8–10 (“Solomon Decl.”) (attached as **Exhibit 2**). For example, Rise hired a State Director to build out the organization’s operations in Nevada in 2023, focusing first on UNLV. *Id.* ¶¶ 6, 8. Rise expects to expand to UNR after students return this fall and is now completing the process of hiring a Deputy State Director who will oversee Rise’s operations at UNR. *Id.* ¶ 8. Rise’s Nevada chapter strives to be responsive to the concerns of its student constituents within Nevada. In light of the December 6, 2023, mass shooting on the UNLV campus, it has made organizing students around gun safety issues a top goal, and it also organizes around the issues of student debt relief and financial assistance. *See id.* ¶¶ 9–10. To build political support for these policy goals, Rise plans

1 to make organizing and educating its student constituents about the 2024 general election a major
2 priority. *Id.* ¶ 11. It is planning extensive efforts to register students on campus and to ensure that
3 students *stay* registered. Rise’s goal is to have its organizers and volunteers reach each student at
4 UNLV and UNR three to five times, whether through phone banking or direct conversation, ahead
5 of the 2024 general election. *Id.* This election-focused work is important to Rise’s mission, which
6 hinges on its ability to build political power within the student population. *Id.*

7 Petitioners’ suit particularly threatens to harm the student population that Rise advocates
8 for and seeks to serve. *Id.* ¶ 12. Many college students live away from their family homes or places
9 of residence for long periods of time while at school, often changing temporary places of residence
10 repeatedly without abandoning their permanent residence—but without immediate access to
11 mailed notices sent to their permanent addresses that might advise them that their registration is at
12 risk of cancellation. *Id.* ¶ 13. Other college students establish permanent residences in their new
13 college communities but may move frequently—every year, or even every semester—within the
14 same small geographic area. *Id.* Students in both categories are at a particularly high risk for
15 disenfranchisement through the attempts of Petitioners and others to abruptly remove voters from
16 the rolls in the months ahead of a major general election. Petitioners’ suit is therefore a direct
17 attack on the very voters Rise seeks to organize, empower, and advocate for. And if Petitioners’
18 suit is successful, Rise will have to retool its efforts in Nevada to focus on assisting students in
19 determining their registration status. *Id.* ¶ 14. This will significantly disrupt Rise’s pre-election
20 planning and also come at the expense of work on its other mission-critical goals. In particular,
21 Rise expects that it will have to focus its volunteer phone banking efforts on educating students
22 and informing them how to confirm their registration status. *Id.* This volunteer-intensive effort
23 would come at the expense of Rise’s work in support of its other mission-critical priorities. *Id.*

24 ***Institute for a Progressive Nevada.*** The Institute for a Progressive Nevada (“IPN”) is a
25 progressive, non-partisan, and non-profit organization that educates, empowers, and engages
26 Nevadans to build a state where everyone has a fair opportunity to succeed. Its core mission is to
27 ensure that every Nevadan knows how to vote and how to do so confidently and successfully. Decl.
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1 of Shelbie Swartz ¶ 4 (“Swartz Decl.”) (attached as **Exhibit 3**). Over the past fifteen years, IPN
2 has focused its work on civic education and voting rights, as well as on healthcare, public lands,
3 and gun violence issues.

4 As part of its work, IPN publishes a non-partisan voter guide every election cycle. *Id.* This
5 guide includes comprehensive instructions on how to register and vote in Nevada. *See id.* IPN also
6 hosts its own voter registration platform—RegisterNevada.org—that it promotes across the state
7 to encourage voter registration. *See id.* In addition, IPN works with All Voting is Local and the
8 ACLU of Nevada in Washoe County to conduct election protection work and educate voters on
9 their rights at the polling place. *Id.* IPN also engages in targeted advertising campaigns to educate
10 citizens about its core policy areas. *Id.* It presently has about a dozen employees. *Id.* ¶ 3.

11 Petitioners’ suit is a direct affront to IPN’s mission to empower all Nevadans to vote. In
12 effect, Petitioners are seeking to enable any third party across the state to seek a rushed purge of
13 voters in advance of an election, threatening to remove ineligible voters from the rolls or have
14 them moved to inactive status. Should Petitioners succeed, IPN would need to take several major
15 steps in response. First, it would have to retool its voter guide to educate the public about the purge
16 and add material informing voters how to confirm their registration status. *See id.* ¶ 5. Second, it
17 would have to refocus its limited advertising to spread awareness about the need for voters to check
18 their registration. *Id.* Such a campaign would eat into IPN’s limited financial resources, likely
19 making it more difficult to meet payroll for existing employees. *Id.* And it would also reduce IPN’s
20 ability to advertise about other issues, including spreading awareness of different voting methods
21 within Nevada. *See id.* Nonetheless, given the centrality of voting to its mission, IPN strongly
22 believes it would have to commit these resources to such an advertising campaign, even at the
23 expense of other objectives. *See id.*

24 **The Alliance.** The Alliance for Retired Americans is a nonpartisan 501(c)(4) membership
25 organization. Decl. of Thomas Bird ¶ 3 (“Bird Decl.”) (attached as **Exhibit 4**). Its mission is to
26 ensure the social and economic justice and full civil rights that retirees have earned, with a
27 particular emphasis on safeguarding the right to vote. *Id.* ¶ 4. The Alliance’s Nevada chapter, the
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1 Nevada Alliance for Retired Americans, has roughly 20,000 members in the state of Nevada,
2 including more than 3,000 members in Washoe County alone. *Id.* ¶ 3. It works with 20 affiliated
3 chapters—comprised of other union and community groups—across Nevada. *Id.* ¶ 9. A major
4 focus of the Alliance’s work is attending these chapter meetings to speak with members about key
5 policy goals, such as preserving Social Security and Medicare. *See id.* ¶¶ 9–10.

6 Alliance members are disproportionately vulnerable when voting rolls are purged. In
7 particular, retirees are disproportionately burdened by voter purges because many retirees move
8 within Nevada after retiring, and because retirees often travel out of state for long periods, during
9 which time they may forward their mail or miss and fail to return a mailed notice regarding their
10 registration status. *Id.* ¶¶ 5–6. As a consequence, if Petitioners succeed, those who move and travel
11 will be at an increased risk of wrongful deregistration. *Id.* A retiree who spends a lengthy period
12 of time caring for grandchildren at another family member’s home, or enjoying retirement at a
13 second home, may miss a crucial notice of cancellation if that notice is sent only to the retiree’s
14 home address. *See id.* Beyond that, the Alliance’s sheer size gives it a substantial stake in this case:
15 Given its roughly 20,000 members, it is all but certain that the rushed purges sought by Petitioners
16 and their allies would put many of those members’ voter registrations in jeopardy. *Id.* ¶ 3.

17 If Petitioners’ suit were to succeed, the Alliance would be forced to refocus its efforts on
18 educating its members about registration issues. *Id.* ¶ 7. Alliance leadership would need to devote
19 time and effort to preparing materials and presentations about the need for members to confirm
20 their registration status, and would have to use scarce presentation and organizing time at chapter
21 meetings to walk members through how to confirm their registrations, as well as to answer
22 members’ questions. *Id.* ¶¶ 7, 9. Alliance leadership and volunteers would also need to assist any
23 members who were deregistered. *Id.* ¶ 8. All this would frustrate the Alliance’s mission by
24 diverting its resources from other essential tasks, such as advocating to lower the cost of
25 prescription drugs, preserving Social Security and Medicare, and other voter education work. *Id.*
26 ¶ 10.

STANDARD OF LAW

Nevada Rule of Civil Procedure 24 governs intervention in Nevada state court actions. Because Rule 24 and Federal Rule of Civil Procedure 24 are “equivalent,” *Lawler v. Ginochio*, 94 Nev. 623, 626, 584 P.2d 667, 668 (1978) (per curiam), “[f]ederal cases interpreting [Rule 24] ‘are strong persuasive authority.’” *Exec. Mgmt., Ltd. v. Ticor Title Ins. Co.*, 118 Nev. 46, 53, 38 P. 3d 872, 876 (2002) (quoting *Las Vegas Novelty, Inc. v. Fernandez*, 106 Nev. 113, 119, 787 P.2d 772, 776 (1990)).

To intervene as of right under Rule 24(a)(2), an applicant must meet four requirements: (1) that it has a sufficient interest in the litigation’s subject matter, (2) that it could suffer an impairment of its ability to protect that interest if it does not intervene, (3) that its interest is not adequately represented by existing parties, and (4) that the application is timely. *Am. Home Assurance Co. v. Eighth Jud. Dist. Ct. ex rel. County of Clark*, 122 Nev. 1229, 1238, 147 P.3d 1120, 1126 (2006). “In evaluating whether Rule 24(a)(2)’s requirements are met,” courts “construe the Rule broadly in favor of proposed intervenors . . . because a liberal policy in favor of intervention serves both efficient resolution of issues and broadened access courts.” *Wilderness Soc’y v. U.S. Forest Serv.*, 630 F.3d 1173, 1179 (9th Cir. 2011) (cleaned up) (quoting *United States v. City of Los Angeles*, 288 F.3d 391, 397–98 (9th Cir. 2002)).

Under Rule 24(b), a movant may permissively intervene if the movant “has a claim or defense that shares with the main action a common question of law or fact.” NRCP 24(b)(1)(B). “In exercising its discretion, the court must consider whether the intervention will unduly delay or prejudice the adjudication of the original parties’ rights.” NRCP 24(b)(3).

ARGUMENT

I. Proposed Intervenors satisfy all of Rule 24(a)’s requirements for intervention as a matter of right.

Proposed Intervenors satisfy each of the four requirements of NRCP 24(a) and thus should be allowed to intervene as a matter of right.

1 **A. The motion is timely.**

2 First, the motion is timely. Petitioners filed their petition on May 10, 2024; this motion
3 follows just over two weeks later and before any substantive activity has occurred in the case.
4 There has therefore been no delay, and no possible risk of prejudice to the other parties. *See In re*
5 *Guardianship of A.M.*, No. 59116, 2013 WL 3278878, at *3 (Nev. May 24, 2013); *Lawler*, 94 Nev.
6 at 626, 584 P.2d at 669; *see also, e.g., Nevada v. United States*, No. 3:18-cv-569-MMD-CBC,
7 2019 WL 718825, at *2 (D. Nev. Jan. 14, 2019) (granting motion to intervene filed several weeks
8 after action commenced); *W. Expl. LLC v. U.S. Dep’t of Interior*, No. 3:15-cv-00491-MMD-VPC,
9 2016 WL 355122, at *2 (D. Nev. Jan. 28, 2016) (granting motion to intervene filed nearly two
10 months after action commenced).

11 **B. Proposed Intervenorors have significant protectable interests that may be**
12 **impaired by this lawsuit.**

13 Proposed Intervenorors also satisfy the next two requirements for intervention as a matter of
14 right because they (1) have significantly protectable interests in this lawsuit (2) that may be
15 impaired by Petitioners’ claims. “A ‘significantly protectable interest’ . . . [is] one that is protected
16 under the law and bears a relationship to the plaintiff’s claims.” *Am. Home Assurance Co.*, 122
17 Nev. at 1239, 147 P.3d at 1127 (quoting *S. Cal. Edison Co. v. Lynch*, 307 F.3d 794, 803 (9th Cir.
18 2002)). In the federal context, courts have made clear that if a would-be intervenor “would be
19 substantially affected in a practical sense by the determination made in an action, he should, as a
20 general rule, be entitled to intervene,” *Sw. Ctr. for Biological Diversity v. Berg*, 268 F.3d 810, 822
21 (9th Cir. 2001) (quoting Fed. R. Civ. P. 24 advisory committee note to 1966 amendment)), and
22 that this interest requirement is less stringent than Article III’s standing requirement, *see Yniguez*
23 *v. Arizona*, 939 F.2d 727, 735 (9th Cir. 1991). !!

24 Proposed Intervenorors have at least two significant interests in this lawsuit. *First*, they have
25 a compelling interest in ensuring that their members and constituents are able to register to vote,
26 remain registered to vote and in active status, and successfully participate in future elections.
27 Petitioners threaten these interests by seeking a writ of mandamus that would compel Burgess to
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1 “investigate known commercial addresses” based on unsworn, unverified third-party information,
2 provided entirely outside the statutory challenge process and in the absence of any authorization
3 from the Washoe County Board of County Commissioners for Burgess to conduct such an
4 investigation. Pet. ¶ 36. Such an interpretation of the law would seemingly impose a duty on any
5 Nevada county clerk to investigate any voter based on any report from any third party, without any
6 of the safeguards and limitations that Nevada’s voter challenge statutes expressly provide. And it
7 would dramatically increase the probability that voters—including Proposed Intervenor’s
8 members and constituents—will be wrongfully removed from active status or deregistered.

9 In analogous cases, courts have recognized the interests that Proposed Intervenor seek to
10 intervene to represent here as a proper basis for intervention. *See Bellitto v. Snipes*, No. 16-cv-
11 61474, 2016 WL 5118568, at *2 (S.D. Fla. Sept. 21, 2016) (granting labor union intervention of
12 right in suit seeking court-ordered voter list maintenance under NVRA), *reconsideration denied*,
13 2016 WL 10518461 (S.D. Fla. Oct. 4, 2016); *see also, e.g., Pub. Int. Legal Found., Inc. v. Winfrey*,
14 463 F. Supp. 3d 795, 799 (E.D. Mich. 2020) (granting organization permissive intervention in
15 NVRA suit seeking to compel city to take more aggressive measures to purge allegedly ineligible
16 voters). In *Bellitto*, for instance, the court permitted a union with tens of thousands of members in
17 Florida to intervene because “the interests of its members would be threatened by [any] court-
18 ordered ‘voter list maintenance’ sought by Plaintiffs.” 2016 WL 5118568, at *2. That is the harm
19 that the Alliance seeks to protect here on behalf of its nearly 20,000 retiree members in Nevada,
20 Bird Decl. ¶¶ 3–4, and what Rise seeks to protect on behalf of its constituency of politically
21 marginalized students, Solomon Decl. ¶ 15; *cf. Am. Unites for Kids v. Rousseau*, 985 F.3d 1075,
22 1096–97 (9th Cir. 2021) (holding organizations may sue on behalf of non-member constituents
23 even under the more-demanding Article III test).

24 *Second*, should the Petition succeed in forcing Burgess—and by extension, obtaining an
25 order that would endorse a similar duty applicable to other clerks, as well—to investigate voter
26 eligibility based on unsourced, unsworn third-party information offered outside the voter challenge
27 process, each Proposed Intervenor would have to divert time and resources to educating voters
28

1 about the need to verify their registration to ensure that it has not been inactivated. This would take
2 resources away from Proposed Intervenor’s other essential priorities, harming their missions in the
3 process.

4 For instance, IPN would have to take several steps in response to Petitioners’ suit. It would
5 have to update its voter registration platform to help Nevada voters determine if they have been
6 removed. *See Swartz Decl.* ¶ 5. In addition, because empowering people to vote is at the core of
7 IPN’s mission, the organization would be forced to use its limited financial resources to educate
8 voters and instruct them on how to confirm their registration status. *See id.* This would restrict
9 IPN’s ability to conduct other voter education work, thus harming IPN’s mission. *Id.* Rise and the
10 Alliance would suffer similar harms. As explained, Rise plans to focus its efforts on educating
11 students about their various options for loan repayment assistance and other college aid plans.
12 Solomon Decl. ¶¶ 9, 14. If Petitioners prevail, however, Rise will have to redirect some of these
13 efforts towards educating students about how to confirm their registration status. *Id.* ¶ 14. That
14 would severely harm Rise’s mission, which includes fighting for free higher public education and
15 being responsive to local student concerns. *See id.* ¶ 5. Similarly, the Alliance will have to use its
16 limited volunteer resources to prepare materials educating its members about how to confirm their
17 registration status, and then distribute these materials to members through social media channels,
18 email, and at chapter meetings. *See Bird Decl.* ¶¶ 7–9. This effort will reduce the Alliance’s ability
19 to speak to its members about other key policy goals, including protecting Social Security and
20 Medicare. *See id.* ¶ 10.

21 “Once an applicant has established a significantly protectable interest in an action, courts
22 regularly find that disposition of the case may, as a practical matter, impair an applicant’s ability
23 to protect that interest.” *Venetian Casino Resort, LLC v. Enwave Las Vegas, LLC*, No. 2:19-CV-
24 1197 JCM (DJA), 2020 WL 1539691, at *3 (D. Nev. Jan. 7, 2020) (citing *California ex rel.*
25 *Lockyer v. United States*, 450 F.3d 436, 442 (9th Cir. 2006)). Petitioners’ lawsuit seeks to make it
26 easier for third parties to challenge—in order to ultimately cancel—a voter’s registration and to
27
28

1 require clerks to take action to this effect on short notice.⁵ This threatens Proposed Intervenor’s
2 interest in ensuring that their members and constituents are able to register to vote, remain
3 registered, and ultimately vote in future elections, and would require Proposed Intervenor to divert
4 resources to respond to this unwarranted attack on the rights of their members and constituents.
5 Accordingly, if Petitioners’ suit succeeds, Proposed Intervenor’s interests in their members’ and
6 constituents’ voting rights as well as their interests in their own resources will be impaired. This
7 criterion for intervention of right is accordingly satisfied.

8 **C. Respondent does not adequately represent Proposed Intervenor.**

9 Proposed Intervenor also satisfy the third requirement for intervention as of right because
10 they cannot rely on the parties in this case to adequately represent their interests. “[T]he burden on
11 proposed intervenors in showing inadequate representation is minimal, and would be satisfied if
12 they could demonstrate that representation of their interests ‘may be’ inadequate.” *Hairr v. First*
13 *Jud. Dist. Ct.*, 132 Nev. 180, 185, 368 P.3d 1198, 1201 (2016) (quoting *Arakaki v. Cayetano*, 324
14 F.3d 1078, 1086 (9th Cir. 2003)). Courts have “often concluded that governmental entities do not
15 adequately represent the interests of aspiring intervenors.” *Fund for Animals, Inc. v. Norton*, 322
16 F.3d 728, 736 (D.C. Cir. 2003); *see also Citizens for Balanced Use v. Mont. Wilderness Ass’n*, 647
17 F.3d 893, 899 (9th Cir. 2011) (“[T]he government’s representation of the public interest may not
18 be ‘identical to the individual parochial interest’ of a particular group just because ‘both entities
19 occupy the same posture in the litigation.’” (quoting *WildEarth Guardians v. U.S. Forest Serv.*,
20 573 F.3d 992, 996 (10th Cir. 2009))).

21 While Respondent Burgess has an interest in administering the election laws generally,
22 Proposed Intervenor are focused on ensuring that their members and constituents remain
23 registered to vote. In similar cases, courts have concluded that the “interests of election officials
24

25
26 ⁵ Indeed, cancellation must be the goal, or else Petitioners’ demand that the Court act with
27 urgency—based on their contention that “[a]ction is needed prior to mailing out ballots for the
28 June primary election,” Pet. Ex. A at 1 (emphasis omitted)—would make no sense.

1 in voting roll maintenance are sufficiently distinct from those of elected officials and their
2 constituents to warrant intervention by those who could be impacted by the results of the
3 maintenance process.” *Pub. Int. Legal Found*, 463 F. Supp. 3d at 799 (citing *League of Women*
4 *Voters of Mich. v. Johnson*, 902 F.3d 572, 579 (6th Cir. 2018)); *see also Bellitto*, 2016 WL
5 5118568, at *2 (holding, in allowing intervention as of right, that government defendant would not
6 adequately represent labor union in case seeking court-ordered “voter list maintenance”).
7 Moreover, Proposed Intervenors have specific interests and concerns—in particular, the proper
8 allocation of their limited resources to maximize voter turnout and promote civic engagement—
9 that neither Burgess nor any other party in this lawsuit shares. Should Petitioners be successful,
10 Proposed Intervenors will have to divert resources to help protect the process against Petitioners’
11 disruptive efforts, rendering those resources unavailable for Proposed Intervenors’ other mission-
12 critical work.

13 Accordingly, this is not a case where “there is an ‘assumption of adequacy [because] the
14 government is acting on behalf of a constituency it represents,’” since such an assumption only
15 arises “when the applicant shares the same interest.” *Hairr*, 132 Nev. at 185, 368 P.3d at 1201
16 (quoting *Arakaki*, 324 F.3d at 1086). Rather, this is an instance where, “[a]lthough [Burgess] and
17 the Proposed Intervenors fall on the same side of the dispute, [Burgess’s] interests . . . differ from
18 those of the Proposed Intervenors.” *Issa v. Newsom*, No. 2:20-cv-01044-MCE-CKD, 2020 WL
19 3074351, at *3 (E.D. Cal. June 10, 2020). While Burgess’s arguments are likely to “turn on . . .
20 [her] responsibility to properly administer election laws,” Proposed Intervenors are concerned
21 with ensuring that their members and constituents “have the opportunity to vote” and “allocating
22 their limited resources to inform voters about the election procedures.” *Id.* (granting motion to
23 intervene as a matter of right). Because these interests are not shared by the current parties to the
24 litigation, Proposed Intervenors cannot rely on Burgess or anyone else to provide adequate
25 representation, and the third requirement for intervention of right is satisfied.

1 **II. Alternatively, Proposed Intervenor**s satisfy Rule 24(b)'s requirements for
2 **permissive intervention.**

3 Rule 24(b) grants courts broad discretion to permit intervention where an applicant's claim
4 or defense and the main action have a question of law or fact in common and intervention will not
5 unduly delay or prejudice the adjudication of the rights of the original parties. *See Hairr*, 132 Nev.
6 at 187, 368 P.3d at 1202.

7 For the reasons discussed *supra* Argument § I, Proposed Intervenor

s' motion is timely, and
8 Proposed Intervenors cannot rely on Burgess to adequately protect their interests. Proposed
9 Intervenors also have defenses to Petitioners' claims that share common questions of law and
10 fact—for example, whether Petitioners have pleaded facts allowing a court to conclude that they
11 have a clear legal right to the extraordinary remedy of mandamus; whether their claims are
12 preempted by the NVRA; and whether mandamus is unavailable because Petitioners have another
13 remedy through the challenge processes set forth in NRS 293.535 and NRS 293.547. *See* Exhibit
14 1 (Proposed Answer). Intervention will not result in any undue delay or prejudice, because
15 Proposed Intervenors have a strong interest in a swift resolution to this action to ensure that their
16 members' and constituents' voting rights are protected, while simultaneously avoiding any
17 unnecessary delay.

18 **CONCLUSION**

19 For the reasons stated above, Proposed Intervenor

s respectfully request that the Court grant
20 their motion to intervene as a matter of right under Rule 24(a)(2) or, in the alternative, permit them
21 to intervene under Rule 24(b).⁶

22 ///

23 ///

24 ///

25 _____
26 ⁶ Alternatively, Proposed Intervenor

s request permission from the Court "to submit briefs
27 on determinative issues as amici curiae." *Hairr*, 132 Nev. at 188, 368 P.3d at 1203.

1 **AFFIRMATION**

2 Pursuant to NRS 239B.030 and 603A.040, the undersigned does hereby affirm that this
3 document does not contain the personal information of any person.

4
5 DATED this 28th day of May, 2024.

6 By: /s/ Bradley Schrager

7 Bradley Schrager (NV Bar No. 10217)
8 Daniel Bravo (NV Bar No. 13078)
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16 *Respondents Rise Action Fund, the Institute*
17 *for a Progressive Nevada, and the Nevada*
Alliance for Retired Americans

18 *Pro hac vice application forthcoming
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CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of May, 2024, a true and correct copy of **MOTION TO INTERVENE AS RESPONDENTS** was served by electronically filing with the Clerk of the Court using the Odyssey eFileNV system and serving all parties with an email-address on record, pursuant to Administrative Order 14-2 and Rule 9 of the N.E.F.C.R.

By: /s/ Dannielle Fresquez
Dannielle Fresquez, an employee of
BRAVO SCHRAGER LLP

INDEX OF EXHIBITS		
Exhibit No.	Description	Pages
1	[PROPOSED] Answer to Petition for Writ of Mandamus	7
2	Declaration of Christian Solomon	5
3	Declaration of Shelbie Swartz	3
4	Declaration of Thomas Bird	4

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Exhibit 1

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Retired Americans

15 **SECOND JUDICIAL DISTRICT COURT**
16 **IN AND FOR WASHOE COUNTY, STATE OF NEVADA**

17 FREDERICK H. KRAUS; PUBLIC INTEREST
18 LEGAL FOUNDATION,
19 Petitioners,

20 v.

21 CARRIE-ANN BURGESS, in her official
capacity as Washoe County Interim
22 Registrar of Voters,
Respondent,

23 and

24 RISE ACTION FUND; INSTITUTE FOR A
PROGRESSIVE NEVADA; and NEVADA
25 ALLIANCE FOR RETIRED AMERICANS,
Proposed
26 Intervenor-
Respondents.

Case No. CV24-01051
Dept. No.: 4

**[PROPOSED] ANSWER TO PETITION
FOR WRIT OF MANDAMUS**

1 Proposed Intervenor Rise Action Fund, Institute for a Progressive Nevada, and Nevada
2 Alliance for Retired Americans (“Proposed Intervenor”), by and through their attorneys, submit
3 the following Proposed Answer to Petitioners’ Petition for Writ of Mandamus (the “Petition”).
4 Proposed Intervenor respond to the allegations in the Petition as follows:

5 **NATURE OF THE CASE**

6 1. Proposed Intervenor admit that Paragraph 1 accurately quotes from NRS 293.675.
7 The remainder of Paragraph 1 contains legal contentions, characterizations, conclusions, and
8 opinions to which no response is required. To the extent a response is required, Proposed
9 Intervenor deny the allegations in Paragraph 1.

10 2. Proposed Intervenor admit that Paragraph 2 accurately quotes from NRS
11 293.530(1)(a).

12 3. Paragraph 3 contains legal contentions, characterizations, conclusions, and
13 opinions to which no response is required. To the extent a response is required, Proposed
14 Intervenor deny the allegations in Paragraph 3.

15 **PARTIES**

16 4. Proposed Intervenor lack knowledge and information sufficient to form a belief as
17 to the truth of the allegations in Paragraph 4 and therefore deny them.

18 5. Proposed Intervenor admit that Petitioner Public Interest Legal Foundation, Inc.
19 (the “Foundation”) is incorporated and based in Virginia. Proposed Intervenor lack knowledge
20 and information sufficient to form a belief as to the truth of the allegations in Paragraph 5 and
21 therefore deny them.

22 6. Proposed Intervenor lack knowledge and information sufficient to form a belief as
23 to the truth of the allegations in Paragraph 6 and therefore deny them.

24 7. Proposed Intervenor are without sufficient information or knowledge with which
25 to form a belief as to the truth or falsity of the allegations in Paragraph 7 and therefore deny them.

26 8. Admitted.

27 9. Paragraph 9 contains legal contentions, characterizations, conclusions, and
28

1 opinions to which no response is required. To the extent a response is required, Proposed
2 Intervenor deny the allegations.

3 10. Admitted.

4 **JURISDICTION AND VENUE**

5 11. Paragraph 11 contains legal contentions, characterizations, conclusions, and
6 opinions to which no response is required.

7 12. Admitted.

8 **GENERAL FACTUAL ALLEGATIONS**

9 13. Proposed Intervenor admit that Paragraph 13 accurately quotes the excerpted
10 portion of NRS 293.675.

11 14. Proposed Intervenor admit that Paragraph 14 accurately quotes the excerpted
12 portion of NRS 293.530.

13 15. Proposed Intervenor admit that Paragraph 15 accurately quotes the excerpted
14 portion of NRS 293.486.

15 16. Proposed Intervenor admit that Paragraph 16 accurately quotes the excerpted
16 portion of NRS 293.507(4).

17 17. Admitted.

18 18. Proposed Intervenor admit that Paragraph 18 accurately quotes the excerpted
19 portion of NRS 293.505(12)(b).

20 19. Exhibit A to the Petition speaks for itself. Proposed Intervenor otherwise lack
21 knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph
22 19 and therefore deny them.

23 20. Proposed Intervenor lack knowledge and information sufficient to form a belief as
24 to the truth of the allegations in Paragraph 20 and the subparagraphs thereto, and therefore deny
25 them.

26 21. Exhibit B to the Petition speaks for itself. Proposed Intervenor otherwise lack
27 knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph
28

21 and therefore deny them.

22. Exhibit B to the Petition speaks for itself. Proposed Intervenor otherwise lack knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 22 and therefore deny them.

23. Exhibit B to the Petition speaks for itself. Proposed Intervenor otherwise lack knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 23 and therefore deny them.

24. Exhibit B to the Petition speaks for itself. Proposed Intervenor otherwise lack knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 24 and therefore deny them.

25. Exhibit B to the Petition speaks for itself. Proposed Intervenor otherwise lack knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 25 and therefore deny them.

26. Exhibit B to the Petition speaks for itself. Proposed Intervenor otherwise lack knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 26 and therefore deny them.

27. Exhibit B to the Petition speaks for itself. Proposed Intervenor otherwise lack knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 27 and therefore deny them.

28. Proposed Intervenor lack knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 28 and therefore deny them.

29. Denied.

30. Denied.

COUNT I

Writ of Mandamus and Declaratory Relief for Violation of the NRS 293.530 and 293.675

31. Proposed Intervenor incorporate their responses to Paragraphs 1 through 30 as if set forth fully herein.

32. Denied.

33. Denied.

34. Denied.

35. Proposed Intervenors admit that Petitioners purport to seek a declaratory judgment that Respondent is not in compliance with NRS 293.530 and NRS 293.675, but deny that Petitioners are entitled to any relief.

36. Proposed Intervenors admit that Petitioners purport to seek a writ of mandamus requiring Respondent to investigate known commercial addresses, but deny that Petitioners are entitled to any relief.

GENERAL DENIAL

Proposed Intervenors deny every allegation in the Petition that is not expressly admitted herein.

AFFIRMATIVE DEFENSES

Proposed Intervenors sets forth their affirmative defenses without assuming the burden of proving any fact, issue, or element of a cause of action where such burden properly belongs to Petitioners. Moreover, nothing stated here is intended or shall be construed as an admission that any particular issue or subject matter is relevant to the allegations in the Petition. Proposed Intervenors reserve the right to amend or supplement their affirmative defenses as additional facts concerning defenses become known.

Proposed Intervenors assert the following affirmative defenses:

Petitioners' claim is preempted by the National Voter Registration Act.

Petitioners fail to plead facts showing a clear legal right to the extraordinary remedy of mandamus.

Petitioners are not entitled to a writ of mandamus because they have an alternate, adequate legal remedy available to them.

Petitioners' claims are barred by the doctrine of laches.

Petitioners lack standing to pursue their claims.

Petitioners fail to state a claim on which relief can be granted.

PRAYER FOR RELIEF

WHEREFORE, Proposed Intervenors respectfully request that this Court:

- A. Deny that Petitioners are entitled to any relief;
- B. Dismiss the Petition in its entirety, with prejudice; and
- C. Grant such other and further relief as the Court may deem just and proper.

AFFIRMATION

Pursuant to NRS 239B.030 and 603A.040, the undersigned does hereby affirm that this document does not contain the personal information of any person.

DATED this 28th day of May, 2024.

By: /s/ Bradley Schrager

Bradley Schrager

Daniel Bravo

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for a Progressive Nevada, and the Nevada
Alliance for Retired Americans*

*Pro hac vice application forthcoming

Exhibit 2

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SECOND JUDICIAL DISTRICT COURT
IN AND FOR WASHOE COUNTY, STATE OF NEVADA

FREDERICK H. KRAUS; PUBLIC
INTEREST LEGAL FOUNDATION,

Petitioners,

V.

CARRIE-ANN BURGESS, in her official capacity as Washoe County Interim Registrar of Voters,

Respondent.

Case No. CV24-01051

DECLARATION OF CHRISTIAN SOLOMON

I, CHRISTIAN SOLOMON, under penalty of perjury, hereby declare as follows:

1. I am over eighteen years of age. I have personal knowledge of the facts set forth herein. If called upon to testify before this Court, I would do so to the same effect.

2. I am a resident of Clark County, Nevada.

3. I am currently the Nevada State Director of Rise Action Fund (“Rise”).

4. In my capacity as State Director, I am responsible for overseeing Rise's operations within the state of Nevada, including the training and recruiting of organizers, fellows, and volunteers, as well as the campaign work performed by our organizers, fellows, and volunteers.

5. Rise is a national student-led 501(c)(4) nonprofit organization that runs student-focused advocacy and vote mobilization programs in states across the country. Rise's mission is to fight for free higher public education and ending homelessness, housing insecurity, and food insecurity among college students. Rise also strives to be responsive to its student constituents, and accordingly each state organization often pursues goals based on local student concerns. To achieve that mission, Rise is committed to empowering and mobilizing students in the political process. It has trained thousands of students across the country in how to be civically engaged forces for change in their communities.

6. Rise expanded into Nevada in 2023. I was hired as State Director to build up Rise's

1 operations within the state. My role as State Director is a full-time paid position.

2 7. Rise operates based on an organizer model, meaning that we recruit and train
3 organizers and part-time organizers (known as fellows) who then marshal and supervise volunteers
4 in campaign actions meant to further our mission. We recruit and train student volunteers through
5 what we call “Rise University” events, which train students about how to be civically engaged
6 volunteers around our key organizational goals.

7 8. One of my first acts as State Director was to recruit and train two lead organizers—
8 full time paid positions—dedicated to serving the University of Nevada, Las Vegas (“UNLV”).
9 Next, Rise expects to expand its efforts to the University of Nevada, Reno (“UNR”), which is
10 Nevada’s flagship state university, after students return this fall. We are now completing the
11 process of hiring a Deputy State Director, who will oversee Rise’s operations at UNR.

12 9. The Nevada chapter of Rise shares the national organization’s mission, and
13 accordingly one of our major goals at the moment is educating Nevada students about various
14 student aid, loan repayment, and debt relief programs.

15 10. Our Rise chapter has also made gun violence prevention a major objective.
16 Tragically, our inaugural training on UNLV’s campus coincided with a mass shooting event on
17 UNLV’s campus the very same day, resulting in the deaths of three people. In response to student
18 concern about the issue of gun safety, we are planning campaigns to promote gun safety legislation
19 in Nevada.

20 11. It is also critical to Rise’s effectiveness as an organization to harness student
21 political power. Organizing and educating students ahead of the 2024 general election is therefore
22 also one of our major priorities for the year. We aim to have our organizers and volunteers make
23 contact with every student at UNLV and UNR at least three to five times before the election,
24 whether through phone banking or direct communication on campus, in order to promote voter
25 registration and voting.

26 12. The lawsuit filed by Frederick H. Kraus and the Public Interest Legal Foundation
27 threatens Rise’s mission and the work described above.

28 13. In particular, the lawsuit threatens the ability of Rise’s constituency—students and

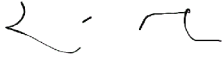
1 younger people—to vote in the 2024 general election. Student voters are disproportionately likely
2 to be wrongfully removed from the voter rolls. Many college students live away from their family
3 homes and voting residences for long periods of time while at school. They also frequently change
4 their temporary residence while at school, for example by moving between dorm rooms or off
5 campus apartments, while still maintaining a permanent residence with family. Due to this frequent
6 moving, and long stretches away from their voting residence, students often do not receive mailed
7 notices meant to advise them that their registration is at risk, and only learn later that they have
8 been removed. Similarly, many college students and young people establish new permanent
9 residences on or near campus but move frequently within a small area while in school or starting
10 their careers. These people remain eligible to vote in the same area, but also are likely to not receive
11 election-related mail concerning their registration status. Any student voter who is removed as a
12 result of the unreliable third-party information that this lawsuit seeks to allow to be used risks
13 never receiving a mail ballot, which is the most common and convenient method of voting in
14 Nevada, diminishing the voting power of Rise’s core constituency.

15 14. Furthermore, if this suit is successful, it will derail Rise’s planned campaign work
16 for the year. If thousands of voters are placed at increased risk of removal from Nevada’s rolls,
17 our immediate response would be to refocus our volunteer phone banking efforts towards
18 educating students about how to confirm their registration status. Given the centrality of voting to
19 our mission, this would be a key priority through the election. In view of our limited resources,
20 however, this effort would come at the expense of our work that is already planned around the
21 issues of college aid, student debt relief, and loan repayment assistance—key issues for our student
22 constituents. It would also reduce our ability to recruit and train new organizers at other schools in
23 Nevada, as our limited staff resources would be focused on first ensuring that student voters are
24 able to successfully cast their ballots.

25 15. Both of these impacts would severely harm Rise’s mission. We cannot successfully
26 realize our mission as an organization if our student constituents are not able to successfully cast
27 their ballots and make their voices heard. Similarly, our ability to expand our work and operations
28 in Nevada will be hampered if we have to respond to attempts at last-minute and rushed voter

1 purges that are likely to disproportionately harm student voters.

2 I declare under penalty of perjury under the law of the State of Nevada that the foregoing
3 is true and correct.

4 

5 Executed on: 5/28/2024

6 Christian Solomon

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Exhibit 3

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1 educates them about upcoming election deadlines and eligibility requirements. In Washoe County,
2 we work with All Voting is Local and the ACLU of Nevada to conduct election protection work
3 and educate voters on their rights at the polling place. Finally, we pay for targeted advertisements
4 to ensure that the information and resources we produce reach Nevadans who are most likely to
5 be disenfranchised due to information and language barriers.

6 5. A lawsuit such as this one that would allow any third party to seek a rushed, pre-
7 election purge of Nevada's voter rolls would threaten our ability to fulfill our mission by increasing
8 the likelihood that the already at-risk voters we target would be unable to vote. To reduce this
9 threat, we would have to undertake a robust, paid advertising campaign encouraging all Nevadans
10 to check their voter registration status. We would also need to update all of our voter education
11 materials, including our comprehensive voter guide, and to have those materials translated into
12 several languages. Because we have limited financial resources, funding such an undertaking
13 would make it extremely difficult for us to fulfill our duty to the people of Nevada while still
14 making payroll. It would also severely limit our ability to do non-purge related voter education
15 work and to dedicate resources towards voter turnout efforts.

16 I declare under penalty of perjury that the foregoing is true and correct.

17
18 *Shelbie Swartz*

Executed on: 5/28/2024

19 Shelbie Swartz
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Exhibit 4

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1 about how to get their ballots cast and counted.

2 5. Because our members are retired, it is not uncommon for them to relocate to
3 assisted living facilities, to be closer to or to move in with family, or to transition into smaller
4 homes for financial reasons. Many of them also frequently travel out of state to visit family or for
5 personal travel. They are thus at particular risk of missing notifications by mail regarding their
6 voter registration status.

7 6. Retirees are particularly likely to not receive mailed notices related to their voter
8 registration status for the reasons outlined above. As a result, lawsuits such as this one, which aim
9 to allow any third party to seek a purge of Nevada's voter rolls in advance of a general election,
10 would undoubtedly and disproportionately impact the Alliance's members.

11 7. If this lawsuit were to succeed, ensuring that our members are registered and that
12 any previously registered members who had been removed get re-registered to vote would quickly
13 become a central priority for the Alliance. We would host a series of in-person town halls across
14 the state and—using the tools available to us on social media, via email and traditional mail, and
15 through phonebanking—attempt to reach any potentially impacted members. We would also need
16 to update—and likely create new—voter education materials.

17 8. In our conversations with members, and through our materials, we would direct all
18 members to confirm their registration status and explain how to do so as well as outline the steps
19 they would need to take to get re-registered were they to discover they were removed.

20 9. Because Nevada is a large state, because many of our members do not own
21 computers or cell phones, and because, for the reasons articulated above, our members often
22 change mailing addresses and do not have regular access to their mail, focusing on an in-person
23 voter education campaign would be of particular importance to reach our members. Currently, our
24 practice is to visit each of our 20 affiliated union and community groups across Nevada twice a
25 year. If this suit were to succeed, we would have to double down on that to ensure we could make
26 contact with each group, in person, prior to the upcoming election. Our members are also a very
27 engaged group and are likely to have a lot of questions that would require time and resources to
28 address.

10. We are also a small team—the day-to-day activities of the Alliance are conducted entirely by me and my wife and a small board of seniors—so time and resources are already quite limited. Given our limited resources and the particular needs of our membership, the steps necessary to respond here would almost certainly come at the expense of other mission-critical priorities, such as advocating to lower the cost of prescription drugs, preserving social security and Medicare, and other voter education work. Our ability to establish relationships with new members and to focus on critical state legislative work which allows us to keep our members informed about their elected officials' voting records would also be severely compromised, significantly frustrating our mission.

I declare under penalty of perjury that the foregoing is true and correct.

Thomas Bird

Thomas Bird

Executed on: 5-22-24

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