Lalitha D. Madduri*
Melinda Johnson*
Tyler L. Bishop*
Renata O'Donnell*
ELIAS LAW GROUP LLP
250 Massachusetts Ave NW, Suite 400
Washington, D.C. 20001
T: (202) 968-4330
lmadduri@elias.law
mjohnson@elias.law
tbishop@elias.law
rodonnell@elias.law

D. Andrew Gaona (028414)
Austin C. Yost (034602)
COPPERSMITH BROCKELMAN PLC
2800 North Central Avenue, Suite 1900
Phoenix, Arizona 85004
T: (602) 381-5486
agaona@cblawyers.com
ayost@cblawyers.com

Attorneys for Proposed Intervenor-Defendants Arizona Alliance for Retired Americans and Voto Latino

**Admitted Pro Hac Vice*

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

Scot Mussi, Gina Swoboda, in her capacity as Chair of the Republican Party of Arizona, and Steven Gaynor, Plaintiffs, v. Adrian Fontes, in his official capacity as Arizona Secretary of State, Defendant.	No. CV-24-01310-PHX-DWL **PROPOSED INTERVENORS ARIZONA ALLIANCE FOR RETIRED AMERICANS AND VOTO LATINO'S REPLY IN SUPPORT OF MOTION TO INTERVENE** (Oral Argument Requested)

INTRODUCTION

Proposed Intervenors, the Arizona Alliance for Retired Americans ("the Alliance") and Voto Latino, satisfy the requirements for intervention as of right under Rule 24(a). Each Proposed Intervenor has a significant stake in this case. They are committed to enfranchising their members, constituents, and Arizonans generally and undertake significant efforts to ensure their members are registered and can cast ballots. Plaintiffs do not meaningfully dispute these activities and interests, yet they insist that while they have a right to purge other voters from the rolls, those voters and Proposed Intervenors who represent them cannot intervene to prevent unlawful removals.

Plaintiffs' arguments against intervention rest on the falsehood that their lawsuit will remove only ineligible voters, so Proposed Intervenors' eligible members and constituents are at no risk of being purged. That ignores reality and history. Voter purges, and particularly rushed purges like the one Plaintiffs seek, often remove eligible voters from the rolls, even if inadvertently. That is, in part, why Congress passed the National Voter Registration Act ("NVRA") to restrict the circumstances under which states may remove voters. If Plaintiffs succeed in their effort to prompt new removal procedures based on threadbare allegations that the NVRA has been violated, eligible voters are very likely to be removed, imperiling Proposed Intervenors' members and constituents, as well as their missions, requiring them to abandon other mission-critical activities in an election year to refocus their efforts and resources on staunching the effect of Plaintiffs' demanded purge.

The other requirements for intervention are also met. Proposed Intervenors moved to intervene days after Plaintiffs filed suit and moved to dismiss on the same timeline as the named Defendant. And the Secretary does not adequately represent Proposed Intervenors' interests because he must balance the NVRA's competing goals of expanding access to voting while maintaining accurate voter rolls, but Proposed Intervenors' sole focus is on protecting their members' and constituents' voting rights. Proposed Intervenors therefore do not have "interests . . . identical to those of an existing party," so their burden

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to show inadequate representation is "minimal." *Berger v. N.C. State Conf. of the NAACP*, 597 U.S. 179, 196 (2022).

The Court should thus grant Proposed Intervenors' motion.

ARGUMENT

I. Proposed Intervenors are entitled to intervene as a matter of right.

A. Proposed Intervenors have significantly protectable interests that may be impaired absent intervention.

Proposed Intervenors have significantly protectable interests—risk of their members and constituents being erroneously removed from voting rolls and diversion of limited resources from other critical organizational priorities toward ensuring their voters are registered and able to vote—that the disposition of this case "may as a practical matter impair or impede the movant's ability to protect its interest." Fed. R. Civ. P. 24(a); Mot. to Intervene at 7, 9–10, ECF No. 15 ("MTI").

Registering Arizonans to vote—and ensuring they remain registered and are able to cast ballots—is at the core of Proposed Intervenors' missions. MTI Ex. C, Decl. of Ameer Patel ¶ 3, ECF No. 15-3 ("Patel Decl."); MTI Ex. B, Decl. of Dora Vasquez ¶¶ 3–5, ECF No. 15-2 ("Vasquez Decl."). Proposed Intervenors engage in substantial efforts to educate voters about the registration process, register members and others, and would need to undertake significant remedial work to protect their members and communities if Plaintiffs prevail in their demand for a voter purge on the cusp of a major election. Plaintiffs' suit threatens to injure Proposed Intervenors' missions; disrupt election-year organizing plans; and drain precious financial and personnel resources. Patel Decl. ¶¶ 6–13; Vasquez Decl. ¶¶ 7–12. Plaintiffs dispute none of this, admitting their lawsuit suit concerns "fundamental voting rights." Pls.' Resp. in Opp'n to Mot. to Intervene at 6, ECF No. 18 ("Opp.").

Unable to dispute Proposed Intervenors' clear stake in this lawsuit, Plaintiffs mischaracterize Proposed Intervenors' interest in protecting their members' and constituents' fundamental voting rights as a "generalized" "interest in upholding the

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constitutionality" of a challenged law. *See* Opp. at 5 (citing *Miracle v. Hobbs*, 333 F.R.D. 151 (D. Ariz. 2019)). But Proposed Intervenors seek to protect the specific rights of their members and constituents, which courts consistently recognize as a sufficient interest to warrant intervention. *See* MTI at 10–11 (collecting cases). Whether there may be other organizations in Arizona that may also represent voters at risk of unlawful purges does not diminish Proposed Intervenors' interest in preventing the disenfranchisement of their members and constituents. *See, e.g.*, *Bellitto v. Snipes*, No. 16-CV-61474, 2016 WL 5118568, at *2 (S.D. Fla. Sept. 21, 2016) (granting intervention as of right where organization sought to protect "interests of its members" that were "threatened by the court-ordered 'voter list maintenance' sought by Plaintiff"). Indeed, Plaintiffs offer no response to the many cases which have recognized the right to vote as a sufficient interest for intervention as of right. MTI at 10–11.

Plaintiffs claim they seek to "keep only eligible voters on the voting rolls," implying that only *ineligible* voters will be removed should they succeed. Opp. at 7. This argument puts the cart before the horse and wrongly assumes at the intervention stage that Plaintiffs are correct that voters are on the rolls who should not be. This is akin to arguing a patentholder has no right to intervene in a challenge to their patent's validity because they have no right to an invalid patent, or that a third-party beneficiary has no right to intervene to defend a contract's enforceability because they have no rights under an unenforceable contract. Plaintiffs will *always* claim they seek only lawful relief; the purpose of intervention is to allow Proposed Intervenors to defend their own interests and present their own arguments, so that the Court can consider all arguments and perspectives to adjudicate the merits.

Despite seeking "additional" and "effective" programs to remove voters, Opp. at 7, Plaintiffs next insist it is only "speculation," *id.* at 2, that Proposed Intervenors' members and constituents will be swept up in any purge. But Proposed Intervenors need not show that it is "an absolute certainty that [their] interests will be impaired." *Citizens for Balanced*

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Use v. Mont. Wilderness Ass'n, 647 F.3d 893, 900 (9th Cir. 2011). As Proposed Intervenors explained, MTI at 3–4, Congress enacted the NVRA to guard against rushed and aggressive purges of the voter rolls, which often capture eligible voters, even if unintentionally, *see also Am. C.R. Union v. Phila. City Comm'rs*, 872 F.3d 175, 179 (3d Cir. 2017) (explaining NVRA "protects registered voters from improper removal from the rolls"); *Bellitto v. Snipes*, 935 F.3d 1192, 1198 (11th Cir. 2019) ("Undoubtedly, a maximum effort at purging voter lists could minimize the number of ineligible voters, but those same efforts might also remove eligible voters."); *PILF v. Winfrey*, 463 F. Supp. 3d 795, 801 (E.D. Mich. 2020) (similar); Opp. at 12 (admitting Plaintiffs seek relief before elections just four months away). These harms are not "hypothetical," Opp. at 6; just earlier this year, a clerk in Michigan errantly purged over 1,000 voters from the rolls at conservative organizations' demand, including qualified voters.[1] And it is well-established that "voter purges have often had the effect of clearing eligible voters from state registration lists and in a manner that tends to discriminate by race and nationality." Lydia Hardy, *Voter Suppression Post-Shelby: Impacts and Issues of Voter Purge and Voter ID Laws*, 71 Mercer L. Rev. 857, 866 (2020).[2] This threat is more than sufficient for intervention as of right, which requires only that "disposition of the action 'may' practically impair" Proposed Intervenors' "ability to

[1] *See* Alexandra Berzon & Nick Corasaniti, *Trump's Allies Ramp Up Campaign Targeting Voter Rolls*, N.Y. Times (March 3, 2024), https://www.nytimes.com/2024/03/03/us/politics/trump-voter-rolls.html; *see also* Peg McNichol, *Voter rolls targeted in run-up to November election, highlighted by recent efforts in Waterford*, The Oakland Press (March 18, 2024), https://www.theoaklandpress.com/2024/03/18/voter-rolls-targeted-in-run-up-to-november-election/.

[2] *See also* Gilda Daniels, *Democracy's Destiny*, 109 Cal. L. Rev. 1067, 1088 (2021) ("[V]oter purges can also cause the removal or invalidation of eligible and legal voters from voter registration lists."); Sarah M.L. Bender, *Algorithmic Elections*, 121 Mich. L. Rev. 489, 503 (2022) (describing instances of voter purges removing eligible voters); Naila S. Awan, *When Names Disappear: State Roll-Maintenance Practices*, 49 U. Mem. L. Rev. 1107, 1108 (2019) (similar); Daniel P. Tokaji, *Voter Registration and Election Reform*, 17 Wm. & Mary Bill Rts. J. 453, 478 (2008) ("An overly aggressive program of removing voters believed to be ineligible threatens to result in erroneous deletion of some who are eligible.").

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protect" their members from being purged. *Citizens for Balanced Use*, 647 F.3d at 900.

Plaintiffs falsely claim that Proposed Intervenors are "partisan groups" that would "drag this case into a prolonged, partisan battle," Opp. at 6, and mischaracterize them as lobbyists, intervening in this matter for "pure issue-advocacy," *id.* at 8. But each Proposed Intervenor is a non-partisan, non-profit organization dedicated to enfranchising Arizonans, regardless of political party, that seeks to intervene to protect their members' ability to vote. MTI at 5–7; Patel Decl. ¶ 3; Vasquez Decl. ¶ 2. And rather than delay this case, Proposed Intervenors will allow the Court to more expediently "decide whether [Arizona's] program of list maintenance is 'reasonable' within the meaning of" "each side of the balancing test" of the NVRA's twin objectives. *Winfrey*, 463 F. Supp. 3d at 801.[3]

Proposed Intervenors separately possess significantly protectable interests in preventing the diversion of their limited resources to counter the effect of a possible voter purge, which would impair their ability to conduct the critical election-year activities they would otherwise undertake. MTI at 12–13; Patel Decl. ¶¶ 6–13; Vasquez Decl. ¶¶ 6–12. Ignoring these interests, Plaintiffs turn Ninth Circuit caselaw on its head, claiming Article III standing is "a bar even lower than the impaired interest requirement of Rule 24(a)." Opp. at 8.[4] But the Ninth Circuit has explained the opposite: "Article III standing requirements are more stringent than those for intervention under rule 24(a)." *Yniguez v. Arizona*, 939 F.2d 727, 735 (9th Cir. 1991). And because diversion of Proposed Intervenors' resources away from other mission-related work satisfies the "more stringent" hurdle imposed by "Article III standing requirements," it readily suffices for the more lenient Rule 24(a) standard. *Id.*; *see also E. Bay Sanctuary Covenant v. Biden*, 993 F.3d

[3] Plaintiffs misrepresent a slew of cases as "well-established precedent" that courts deny intervention to partisan actors, Opp. at 6, but none of Plaintiffs' cited cases stand for such a proposition or denied intervention because of a proposed intervenor's partisanship.

[4] The cases that Plaintiffs cite in support of this point do not even mention intervention, much less support the reversal of standing and intervention standards. *See* Opp. at 8 (citing *Sierra Club v. Morton*, 405 U.S. 727, 739 (1972) & *Ariz. Sch. Bds. Ass'n Inc. v. State of Arizona*, 252 Ariz. 219, 224 (2022)).

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640, 663 (9th Cir. 2021) (en banc) (holding that "an organization has direct standing . . . where it establishes that the defendant's behavior has frustrated its mission and caused it to divert resources in response to that frustration of purpose"); *see* MTI at 13.

Plaintiffs next attempt to recast Proposed Intervenors' interest in preserving their limited resources for mission-critical activities as a "pure economic expectancy," which they argue "is not a legally protected interest for purposes of intervention." Opp. at 4 (citing *Ranchers Cattlemen Action Legal Fund United Stockgrowers of Am. v. USDA*, 143 F. App'x 751, 753 (9th Cir. 2005)). Proposed Intervenors' interest is not simply monetary. Unlike the proposed intervenors in *Ranchers*, who were denied intervention to defend a USDA rule from which they stood to profit, 143 F. App'x at 753–54, Proposed Intervenors seek to prevent harm to their missions that would ensue if they are forced to divert resources to ensure their members and constituents are not purged from the rolls. *See* Patel Decl. ¶¶ 6–13; Vasquez Decl. ¶¶ 6–12. And contrary to Plaintiffs' assertion that these harms are "conclusory," Opp. at 8, Proposed Intervenors have expressly explained how they will divert resources and how doing so undercuts their missions, MTI at 12–13. For instance, the Alliance will need to develop new materials and use tools like phone banking to educate its members about the risk of erroneous removal, which will require reallocating resources from other activities, like hosting town halls on issues central to the Alliance's mission. Vasquez Decl. ¶¶ 5, 8–10. Voto Latino will need to redirect resources from phone banking, door-knocking, and campaigning on issues of importance to their constituents toward informing them of the threat of voter purges and ensuring they are registered. Patel Decl. ¶¶ 11–12. And because Plaintiffs have identified no "sham [or] frivolity" in Proposed Intervenors allegations in support of intervention, the Court must take these allegations as true. *Sw. Ctr. for Biological Diversity v. Berg*, 268 F.3d 810, 820 (9th Cir. 2001).[5]

[5] Even under Article III's higher standard that Plaintiffs wrongly claim applies, Opp. at 7–8, Proposed Intervenors have demonstrated that their missions to educate and mobilize their members on priority issues will be compromised absent their diversion of resources to combat the harms of Plaintiffs' requested relief. Patel Decl. ¶¶ 6–13; Vasquez Decl. ¶¶ 5–12.

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B. The existing parties do not adequately represent Proposed Intervenors.

Proposed Intervenors easily satisfy the "minimal" burden to show that neither Plaintiffs nor the Secretary adequately represents Proposed Intervenors' interests. *Trbovich v. United Mine Workers of Am.*, 404 U.S. 528, 538 n.10 (1972). Plaintiffs demand the very purges that Proposed Intervenors seek to prevent. And Plaintiffs do not dispute that the Secretary must pursue the NVRA's twin, competing objectives: easing barriers to voting and maintaining accurate voter rolls. *See generally* Opp. As several courts have recognized, the Secretary's obligation to balance those competing objectives is enough to show that state officials may not adequately represent the interests of civic organizations like the Proposed Intervenors. *See, e.g.*, *Bellitto*, 2016 WL 5118568, at *2; *Winfrey*, 463 F. Supp. 3d at 801; *cf. Kobach v. U.S. Election Assistance Comm'n*, No. 13-CV-4095-EFM-DJW, 2013 WL 6511874, at *4 (D. Kan. Dec. 12, 2013) (explaining in NVRA litigation "that the existing government Defendants have a duty to represent the public interest, which may diverge from the private interest of Applicants"). In short, Proposed Intervenors are the only ones dedicated *solely* to maximizing registration and access to the ballot.

Plaintiffs "simply ignore[] the second—equally weighty—express legislative purpose of the [National Voter Registration] Act." *Winfrey*, 463 F. Supp. 3d at 801 (granting intervention in NVRA case). The Secretary's second interest impacts the adequacy of representation because the NVRA's two separate goals naturally "create some tension" with one another, requiring election officials "to balance these competing interests." *Id*. (quoting *Bellitto*, 935 F.3d at 1198). Thus, "while [Proposed Intervenors'] principal interest is in ensuring that all eligible voters are allowed to vote," the Secretary must balance that interest with "ensuring that no ineligible voters are allowed to vote." *Kasper v. Hayes*, 651 F. Supp. 1311, 1313 (N.D. Ill.), *aff'd*, 810 F.2d 1167 (7th Cir. 1987).

With nothing to say about the Secretary's dual interests, Plaintiffs try to raise Proposed Intervenors' burden, insisting that the Court presume adequacy of representation because Proposed Intervenors and the Secretary both oppose Plaintiffs' requested relief at

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this stage of the litigation. Opp. at 2, 9. But the Ninth Circuit has recognized that the Supreme Court, in *Berger*, "call[ed] into question whether the application of such a ['ultimate objective'] presumption is appropriate." *Callahan v. Brookdale Senior Living Cmtys., Inc.*, 42 F.4th 1013, 1021 n.5 (9th Cir. 2022) (declining to apply ultimate-objective presumption and "offer[ing] no opinion as to whether it remains good law in light of *Berger*"). *Berger* itself explained that it is not appropriate to "presume[] . . . adequate representation" absent "identical" interests between the parties, stressing that public officials must "bear in mind broader public-policy implications" than private groups. 597 U.S. at 196 (citing *Trbovich*, 404 U.S. at 538–39). Accordingly, even where two "state agents may pursue 'related' state interests, . . . they cannot be fairly presumed to bear 'identical' ones." *Id.* at 197 (quoting *Trbovich*, 404 U.S. at 538). That is the exact situation here: The NVRA *mandates* that the Secretary balance the statute's "twin objectives," while Proposed Intervenors focus on just one of those objectives—maximizing registration and access to the ballot. MTI at 15. This Court should adhere to *Berger* and find that the Secretary, who must "bear in mind broader public-policy implications" mandated by Congress, 597 U.S. at 196, may not adequately represent Proposed Intervenors. See 7C Charles Alan Wright & Arthur R. Miller, *Federal Practice & Procedure* § 1909 (3d ed. 2024) (explaining that in such circumstances "intervention ordinarily should be allowed").

Even setting *Berger* aside, Plaintiffs admit that the "ultimate objective" test applies only where "the applicant's interest is *identical* to that of one of the present parties." Opp. at 8–9 (emphasis added). But interests are not "identical," as Plaintiffs suggest, *id.* at 8–11, anytime an existing party and a proposed intervenor happen to "occupy the same posture in the litigation." *Citizens for Balanced Use*, 647 F.3d at 899 (quotation omitted); *cf. Berger*, 597 U.S. at 197 (explaining that where proposed intervenor's "'interest is similar to, but not identical with, that of one of the parties,' that normally is not enough to trigger a presumption of adequate representation." (quoting Wright & Miller, *supra*, § 1909)). As the Seventh Circuit recently explained, it is not enough that named parties and a proposed

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intervenor "seek the same outcome in the case" for such a presumption to apply; otherwise "intervention as of right will almost always fail." *Bost v. Ill. State Bd. of Elections*, 75 F.4th 682, 688–89 (7th Cir. 2023) (explaining presumption should only apply when parties share "identical" interests and concluding officials and intervenor did not "share the same goal" despite similar position). And Plaintiffs bizarrely argue that both they and the Secretary seek the same outcome as Proposed Intervenors, underscoring that neither existing party has interests "identical" to Proposed Intervenors. *Compare* Opp. at 7 ("Plaintiffs and Proposed Intervenors share the same goal") *with id.* at 11 ("Proposed Intervenors and the Secretary share the same ultimate objectives.").

Even before *Berger*, the Ninth Circuit held that parties do not share the same "ultimate objective" where one seeks the "broadest possible" reading of a statute—like Proposed Intervenors' reading of the NVRA's protections against removal—while an existing party adopts "narrower [views] [that] suffice to comply with its statutory mandate," as the Secretary must under the NVRA. *Citizens for Balanced Use*, 647 F.3d at 899. Such differing views "represent[] more than a mere difference in litigation strategy . . . but rather demonstrate[] fundamentally differing points of view . . . on the litigation as a whole." *Id.* While the Secretary must "balance the[] competing interests" of the NVRA, *Bellitto*, 935 F.3d at 1198, Proposed Intervenors seek only to promote their organizations' "parochial interest[s]," *Citizens for Balanced Use*, 647 F.3d at 899. Proposed Intervenors therefore satisfy the "ultimate objective" test, even if it applies and survives *Berger*.

None of the limited authorities Plaintiffs cite, Opp. at 9–10, alter the conclusion that Proposed Intervenors have met Rule 24(a)'s "minimal" "burden" that the Secretary "may" not adequately represent Proposed Intervenors' interests, *Trbovich*, 404 U.S. at 538 n.10. While an Arizona state court denied intervention to parties seeking to defend election procedures alongside the Secretary in *Arizona Free Enterprise Club v. Fontes*, CV 2024-002760 (Maricopa Cnty. Super. Ct. June 7, 2024), that case did not involve the NVRA or any other law that required the Secretary to balance competing—and at times conflicting—

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interests. As recent history demonstrates, state officials in NVRA litigation have opted to settle rather than defend NVRA litigation. MTI at 15. And true enough, *Fund for Animals, Inc. v. Norton*, 322 F.3d 728, 731 (D.C. Cir. 2003), involved a foreign intervenor, but that is irrelevant to the general fact that courts, including the Supreme Court, "have 'often concluded that governmental entities do not adequately represent the interests of aspiring intervenors.'" MTI at 14 (quoting *Fund for Animals*, 322 F.3d at 736); *see, e.g.*, *Trbovich*, 404 U.S. at 539; *Kane County v. United States*, 94 F.4th 1017, 1033–34 (10th Cir. 2024) (finding United States did not adequately represent nonprofit's interests); *Nat'l Res. Def. Council v. Costle*, 561 F.2d 904, 912 (D.C. Cir. 1977) (allowing private companies to intervene in support of Environmental Protection Agency because of differing interests). Plaintiffs do not and cannot dispute that courts regularly grant private parties intervention on the side of the government in NVRA purge cases, nor the countless cases wherein courts have found government actors do not adequately represent the parochial and distinct interests of non-governmental intervenors. MTI at 13–16; Opp. 9–10.[6]

Plaintiffs also fault Proposed Intervenors for not "identify[ing] any novel argument that would not otherwise be raised by" the Secretary. Opp. at 10–11. But it is not Proposed Intervenors' "burden at this stage in the litigation to anticipate" such "specific differences." *Berg*, 268 F.3d at 823–24; *see also Wineries of Old Mission Peninsula Ass'n v. Township of Peninsula,* 41 F.4th 767, 774 (6th Cir. 2022) ("[I]n assessing whether a proposed intervenor has fulfilled [the inadequacy of representation] requirement, courts must remember that certainty about future events is not required."). It is sufficient to show a "difference in interests," *Berg*, 268 F.3d at 824, of which there can be no doubt—under any standard—given the Secretary's statutory duty to balance the NVRA's twin objectives.

[6] Contrary to Plaintiffs' claim that medical professionals were granted intervention in *Planned Parenthood Arizona, Inc. v. American Association of Pro-Life Obstetricians & Gynecologists*, 227 Ariz. 262, 279 (Ct. App. 2011), because of "conflicting interests" with the Secretary, Opp. at 10, that case is another among the many cases where courts concluded that the government does not adequately represent private parties' parochial interests when it has an obligation to represent the broader public interest. *See id.* at 279–80, ¶¶ 58, 60.

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II. Proposed Intervenors satisfy Rule 24(b)'s requirements for permissive intervention.

Alternatively, permissive intervention is appropriate under Rule 24(b) because Proposed Intervenors' motion is timely and shares common questions of law and fact with Plaintiffs' action. *See* Fed. R. Civ. P. 24(b). Plaintiffs concede the former, Opp. at 3, and do not dispute the latter, *id.* at 11–12. Still, Plaintiffs proclaim without explanation that intervention will cause "inevitable delays and prejudice." Opp. at 12. But Proposed Intervenors moved to intervene just days after the complaint was filed and have already moved to dismiss on the same timeline as the Secretary. While Plaintiffs observe that the upcoming 2024 elections render the case "time-sensitive," *id.*, that only stresses the need for Proposed Intervenors to ensure their members and constituents are not unlawfully purged in the runup to those critical elections. And Plaintiffs again contend that Proposed Intervenors' interests are aligned with the Secretary but ignore that "there is good reason in most cases to suppose that the applicant is the best judge of the representation of the applicant's own interests." Wright & Miller, *supra* § 1909. As already explained, Proposed Intervenors have meaningfully distinct interests from the Secretary. *See supra* Section I.B.[7]

CONCLUSION

For the reasons stated above, Proposed Intervenors request that the Court grant their motion to intervene as a matter of right under Rule 24(a) or, in the alternative, permit intervention under Rule 24(b), without limitation on their participation.

[7] Because Proposed Intervenors have satisfied the requirements to intervene as of right, they should be afforded full participation in the litigation. The Court should reject Plaintiffs' request to limit Proposed Intervenors' participation, particularly because Plaintiffs have failed to articulate any possible prejudice or delay as a result of intervention. In support of their argument, Plaintiffs cite a case that arose in materially different circumstances. *Mi Familia Vota v. Hobbs*, No. 2:21-cv-01423-DWL, 2021 WL 5217875 (D. Ariz. Oct. 14, 2021). In *Mi Familia Vota*, the Court limited participation by plaintiff-intervenors whose interests were aligned with the original plaintiffs. *Id.* at *2. Here, Proposed Intervenors occupy a unique role as the only party dedicated to preventing removal of additional votes from the rolls, while the Secretary is statutorily obligated to balance the NVRA's dual requirements of easing voting barriers *and* maintaining accurate rolls. And for that reason, Proposed Intervenors are likely to be helpful to the Court in determining what constitutes a "reasonable" effort at list maintenance in view of the NVRA's competing objectives. *See Winfrey*, 463 F. Supp. 3d at 801.

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ATTORNEYS AT LAW
WASHINGTON, DC

RESPECTFULLY SUBMITTED this 2nd day of July, 2024.

COPPERSMITH BROCKELMAN PLC

By: */s/ D. Andrew Gaona*

D. Andrew Gaona
Austin C. Yost

ELIAS LAW GROUP LLP

Lalitha D. Madduri*
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Attorneys for Proposed Intervenor-Defendants

* *Admitted Pro Hac Vice*