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**EIGHTH JUDICIAL DISTRICT COURT  
IN AND FOR CLARK COUNTY, STATE OF NEVADA**

FREDERICK H. KRAUS, JOEY PAUL OS,  
PUBLIC INTEREST LEGAL FOUNDATION,

Petitioners,

v.

LORENA S. PORTILLO, in her official  
capacity as Clark County Registrar of Voters,

Respondent.

Case No.: A-24-896151-W  
Dept. No.: 16

Hearing Requested

**MOTION TO INTERVENE AS  
RESPONDENTS**

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

This Motion is based on the Memorandum of Points and Authorities below, the declarations and exhibits attached hereto, all papers and pleadings on file, and any oral argument

1 this Court sees fit to allow at the hearing on this matter.

2 DATED this 3rd day of July, 2024.

3  
4 By: /s/ Daniel Bravo

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18 *Nevada, and the Nevada Alliance for Retired*  
19 *Americans*

20 \*Pro hac vice application forthcoming  
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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 Intervenors”) 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 Portillo 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 Portillo—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. Two of  
15 the Petitioners have already made a materially identical demand of the Washoe County Registrar  
16 of Voters. *See* Petition, *Kraus v. Burgess*, No. CV24-01051 (Nev. 2d Jud. Dist. Ct. May 10, 2024)  
17 (“Washoe Pet.”). And Petitioners are not the only ones making such demands. Nevada is in the  
18 midst of a storm of baseless efforts by third parties to force election officials to undertake a rushed  
19 purge of registered voters before the November election, from Petitioners to the newly founded  
20 “Pigpen Project”<sup>1</sup> to a U.S. Senate candidate<sup>2</sup> to one of the major political parties.<sup>3</sup>

21 Such relief would severely harm Proposed Intervenors by threatening their members’ and  
22 constituents’ voting rights and requiring Proposed Intervenors to expend substantial resources to  
23

24  
25 <sup>1</sup> *See* Pigpen Project, <https://pigpenproject.com/> (last accessed July 2, 2024).

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

27 <sup>3</sup> *See generally* *RNC v. Aguilar*, No. 2:24-cv-00518 (D. Nev. filed Mar. 18, 2024).  
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1 educate voters and protect them from baseless attacks on their eligibility. No existing party  
2 adequately protects Proposed Intervenor's interests in this case. Proposed Intervenor's are  
3 accordingly entitled to intervene in this case as a matter of right under Rule 24(a)(2). In the  
4 alternative, the Court should grant Proposed Intervenor's permissive intervention pursuant to Rule  
5 24(b).<sup>4</sup>

## 6 BACKGROUND

### 7 I. Statutory Background

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

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25  
26 <sup>4</sup> 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 vote in two successive general elections following the date of the notice. NRS 293.530(1)(c).

2 NRS 293.530(1) makes no mention of the involvement of any nongovernmental third  
3 parties in this process. That is because two other Nevada statutes that Petitioners do not cite—NRS  
4 293.535 and NRS 293.547—expressly govern third party challenges to voters’ registration. Under  
5 NRS 293.535, “any elector or other reliable person” may file an affidavit with the county clerk,  
6 which must be based on personal knowledge, stating that a voter is not a citizen or has moved  
7 outside the county where he or she is registered to vote and established residence elsewhere. NRS  
8 293.535(1). If the challenge is based on residence, the clerk must notify the registrant “in the  
9 manner set forth in NRS 293.530,” and the same timeline and procedures apply for canceling the  
10 registration based on lack of response. NRS 293.535(2). Similarly, NRS 293.547 allows a  
11 registered voter to file a written challenge to another voter’s registration between 25 and 30 days  
12 before an election. NRS 293.547(1). The challenger must be registered to vote in the same precinct  
13 as the person challenged; the challenge must be based on personal knowledge; it must be signed  
14 and verified; and it must target a single individual. NRS 293.547(2)–(4). The county clerk must  
15 notify both the voter being challenged and the district attorney. NRS 293.547(5). If the person fails  
16 to respond or appear to vote, the county clerk shall cancel the registration. NRS 293.547(5)(b).

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

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

## 17 **II. Recent Attempts by Nongovernmental Parties to Remove Nevada Voters from the** 18 **Rolls**

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

### 12 **III. Petitioners’ Current Lawsuit**

13 According to the Petition, on June 3, 2024, Petitioners “wrote to Respondent Portillo  
14 requesting that she investigate the commercial addresses listed on the voter roll in [Clark] County,”  
15 citing several addresses listed on voter registrations that Petitioners allege are commercial  
16 addresses. Pet. ¶¶ 20-21. Respondent Portillo did not respond. *Id.* ¶ 22.

17 Instead of following the statutory process under NRS 293.535 and 293.547, Petitioners  
18 then filed the present Petition on June 25, 2024. In it, Petitioners bring a single count for relief  
19 based on Portillo’s alleged failure “to investigate and, if need, fix known commercial addresses  
20 listed as residential addresses in violation of her duties to maintain the voter registration list.” *Id.*  
21 ¶ 27. Petitioners thus seek both “a declaratory judgment that Respondent is not in compliance with  
22 NRS 293.530 and 293.675” and “a writ of mandamus requiring Respondent to investigate known  
23 commercial addresses.” *Id.* ¶¶ 30–31.

### 24 **IV. Petitioners’ Prior Lawsuit**

25 Petitioners’ lawsuit is a near carbon copy of a mandamus petition that two of the same  
26 Petitioners—Kraus and PILF—filed in Washoe County on May 10, 2024. *See Washoe Pet.* In  
27 Washoe County, PILF sent a letter to Cari-Ann Burgess, the Interim Registrar of Voters of Washoe  
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County, stating that PILF had conducted an “analysis of Nevada’s statewide voter list dated April 9, 2024” and “identified numerous addresses listed as residential that appeared to be commercial buildings where no one resides,” along with a list of addresses and photographs. Washoe Pet. Ex. A. The letter requested that Burgess “conduct [her] investigation and make any appropriate corrections to the voter roll by May 1, 2024,” stating that “[a]ction is needed prior to mailing out ballots for the June primary election.” *Id.* (emphasis omitted). An employee of the Washoe County Registrar’s office responded, ultimately suggesting that PILF “bring[] [its] information to the Secretary of State’s office.” *Id.* Ex. B. The employee explained 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.*

But rather than follow that statutory process, Petitioners Kraus and PILF filed a mandamus petition against Burgess that is materially identical to the Petition they have filed here against Portillo. *See generally* Washoe Pet. Proposed Intervenor moved to intervene in that case as well to protect the same interests at stake here, and their motion is currently pending. *See* Motion to Intervene, *Kraus v. Burgess*, No. CV24-01051 (Nev. 2d Jud. Dist. Ct. May 28, 2024).

## V. Proposed Intervenor

**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’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



1 relief and financial assistance. *See id.* ¶¶ 9–10. To build political support for these policy goals,  
2 Rise plans to make organizing and educating its student constituents about the 2024 general  
3 election a major priority. *Id.* ¶ 11. It is planning extensive efforts to register students on campus  
4 and to ensure that students *stay* registered. Rise’s goal is to have its organizers and volunteers  
5 reach each student at UNLV and UNR three to five times, whether through phone banking or direct  
6 conversation, ahead of the 2024 general election. *Id.* This election-focused work is important to  
7 Rise’s mission, which hinges on its ability to build political power within the student population.  
8 *Id.*

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

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

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

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

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

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

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

1 **ARGUMENT**

2 **I. Proposed Intervenor**s satisfy all of Rule 24(a)'s requirements for intervention as a  
3 **matter of right.**

4 Proposed Intervenor

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

6 **A. The motion is timely.**

7 First, the motion is timely. Petitioners filed their Petition on June 25, 2024; this motion  
8 follows just eight days later and before any substantive activity has occurred in the case. There has  
9 therefore been no delay, and there is no possible risk of prejudice to the other parties. *See In re*  
10 *Guardianship of A.M.*, No. 59116, 2013 WL 3278878, at \*3 (Nev. May 24, 2013); *Lawler*, 94 Nev.  
11 at 626, 584 P.2d at 669; *see also, e.g., Nevada v. United States*, No. 3:18-cv-569-MMD-CBC,  
12 2019 WL 718825, at \*2 (D. Nev. Jan. 14, 2019) (granting motion to intervene filed several weeks  
13 after action commenced); *W. Expl. LLC v. U.S. Dep't of Interior*, No. 3:15-cv-00491-MMD-VPC,  
14 2016 WL 355122, at \*2 (D. Nev. Jan. 28, 2016) (granting motion to intervene filed nearly two  
15 months after action commenced).

16 **B. Proposed Intervenor**s have significant protectable interests that may be  
17 **impaired by this lawsuit.**

18 Proposed Intervenor

s also satisfy the next two requirements for intervention as a matter of  
19 right because they (1) have significantly protectable interests in this lawsuit (2) that may be  
20 impaired by Petitioners' claims. "A 'significantly protectable interest' . . . [is] one that is protected  
21 under the law and bears a relationship to the plaintiff's claims." *Am. Home Assurance Co.*, 122  
22 Nev. at 1239, 147 P.3d at 1127 (quoting *S. Cal. Edison Co. v. Lynch*, 307 F.3d 794, 803 (9th Cir.  
23 2002)). In the federal context, courts have made clear that if a would-be intervenor "would be  
24 substantially affected in a practical sense by the determination made in an action, he should, as a  
25 general rule, be entitled to intervene," *Sw. Ctr. for Biological Diversity v. Berg*, 268 F.3d 810, 822  
26 (9th Cir. 2001) (quoting Fed. R. Civ. P. 24 advisory committee note to 1966 amendment)), and  
27  
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1 that this interest requirement is less stringent than Article III’s standing requirement, *see Yniguez*  
2 *v. Arizona*, 939 F.2d 727, 735 (9th Cir. 1991). !!

3 Proposed Intervenors have at least two significant interests in this lawsuit. *First*, they have  
4 a compelling interest in ensuring that their members and constituents are able to register to vote,  
5 remain registered to vote and in active status, and successfully participate in future elections.  
6 Petitioners threaten these interests by seeking a writ of mandamus that would compel Portillo to  
7 “investigate known commercial addresses” based on unsworn, unverified third-party information,  
8 provided entirely outside the statutory challenge process and in the absence of any authorization  
9 from the Clark County Board of County Commissioners for Portillo to conduct such an  
10 investigation. Pet. ¶ 31. Such an interpretation of the law would seemingly impose a duty on any  
11 Nevada county clerk to investigate any voter based on any report from any third party, without any  
12 of the safeguards and limitations that Nevada’s voter challenge statutes expressly provide. And as  
13 demonstrated by their identical petition in Washoe County—where Proposed Intervenors have also  
14 moved to intervene—the Petition is part of a broader, state-wide effort to impose such a duty on  
15 county clerks and registrars. *See generally* Washoe Pet. Petitioners have no intention of stopping  
16 here. The rule of Nevada law that Petitioners advocate for and the relief that they request would  
17 dramatically increase the probability that voters—including Proposed Intervenors’ members and  
18 constituents—will be wrongfully removed from active status or deregistered.

19 In analogous cases, courts have recognized the interests that Proposed Intervenors seek to  
20 intervene to represent here as a proper basis for intervention. *See Bellitto v. Snipes*, No. 16-cv-  
21 61474, 2016 WL 5118568, at \*2 (S.D. Fla. Sept. 21, 2016) (granting labor union intervention of  
22 right in suit seeking court-ordered voter list maintenance under NVRA), *reconsideration denied*,  
23 2016 WL 10518461 (S.D. Fla. Oct. 4, 2016); *see also, e.g., Pub. Int. Legal Found., Inc. v. Winfrey*,  
24 463 F. Supp. 3d 795, 799 (E.D. Mich. 2020) (granting organization permissive intervention in  
25 NVRA suit seeking to compel city to take more aggressive measures to purge allegedly ineligible  
26 voters). In *Bellitto*, for instance, the court permitted a union with tens of thousands of members in  
27 Florida to intervene because “the interests of its members would be threatened by [any] court-  
28

ordered ‘voter list maintenance’ sought by Plaintiffs.” 2016 WL 5118568, at \*2. That is the harm that the Alliance seeks to protect here on behalf of its nearly 20,000 retiree members in Nevada, Bird Decl. ¶¶ 3–4, and what Rise seeks to protect on behalf of its constituency of politically marginalized students, Solomon Decl. ¶ 15; *cf. Am. Unites for Kids v. Rousseau*, 985 F.3d 1075, 1096–97 (9th Cir. 2021) (holding organizations may sue on behalf of non-member constituents even under the more-demanding Article III test).

*Second*, should the Petition succeed in forcing Portillo to investigate voter eligibility based on unsourced, unsworn third-party information offered outside the voter challenge process—and in the process obtain an order endorsing the extra-textual duty they seek to impose on all county clerks—each Proposed Intervenor would have to divert time and resources to educating voters about the need to verify their registration to ensure that it has not been inactivated. This would take resources away from Proposed Intervenors’ other essential priorities, harming their missions in the process.

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

1 email, and at chapter meetings. *See* Bird Decl. ¶¶ 7–9. This effort will reduce the Alliance’s ability  
2 to speak to its members about other key policy goals, including protecting Social Security and  
3 Medicare. *See id.* ¶ 10.

4 “Once an applicant has established a significantly protectable interest in an action, courts  
5 regularly find that disposition of the case may, as a practical matter, impair an applicant’s ability  
6 to protect that interest.” *Venetian Casino Resort, LLC v. Enwave Las Vegas, LLC*, No. 2:19-CV-  
7 1197 JCM (DJA), 2020 WL 1539691, at \*3 (D. Nev. Jan. 7, 2020) (citing *California ex rel.*  
8 *Lockyer v. United States*, 450 F.3d 436, 442 (9th Cir. 2006)). Petitioners’ lawsuit seeks to make it  
9 easier for third parties to challenge—in order to ultimately cancel—a voter’s registration and to  
10 require clerks to take action to this effect on short notice. This threatens Proposed Intervenors’  
11 interest in ensuring that their members and constituents are able to register to vote, remain  
12 registered, and ultimately vote in future elections, and would require Proposed Intervenors to divert  
13 resources to respond to this unwarranted attack on the rights of their members and constituents.  
14 Accordingly, if Petitioners’ suit succeeds, Proposed Intervenors’ interests in their members’ and  
15 constituents’ voting rights as well as their interests in their own resources will be impaired. This  
16 criterion for intervention of right is accordingly satisfied.

17 **C. Respondent does not adequately represent Proposed Intervenors.**

18 Proposed Intervenors also satisfy the third requirement for intervention as of right because  
19 they cannot rely on the parties in this case to adequately represent their interests. “[T]he burden on  
20 proposed intervenors in showing inadequate representation is minimal, and would be satisfied if  
21 they could demonstrate that representation of their interests ‘may be’ inadequate.” *Hairr v. First*  
22 *Jud. Dist. Ct.*, 132 Nev. 180, 185, 368 P.3d 1198, 1201 (2016) (quoting *Arakaki v. Cayetano*, 324  
23 F.3d 1078, 1086 (9th Cir. 2003)). Courts have “often concluded that governmental entities do not  
24 adequately represent the interests of aspiring intervenors.” *Fund for Animals, Inc. v. Norton*, 322  
25 F.3d 728, 736 (D.C. Cir. 2003); *see also* *Citizens for Balanced Use v. Mont. Wilderness Ass’n*, 647  
26 F.3d 893, 899 (9th Cir. 2011) (“[T]he government’s representation of the public interest may not  
27 be ‘identical to the individual parochial interest’ of a particular group just because ‘both entities  
28



1 occupy the same posture in the litigation.” (quoting *WildEarth Guardians v. U.S. Forest Serv.*,  
2 573 F.3d 992, 996 (10th Cir. 2009)).

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

18 Accordingly, this is not a case where “there is an ‘assumption of adequacy [because] the  
19 government is acting on behalf of a constituency it represents,” since such an assumption only  
20 arises “when the applicant shares the same interest.” *Hairr*, 132 Nev. at 185, 368 P.3d at 1201  
21 (quoting *Arakaki*, 324 F.3d at 1086). Rather, this is an instance where, “[a]lthough [Portillo] and  
22 the Proposed Intervenors fall on the same side of the dispute, [Portillo’s] interests . . . differ from  
23 those of the Proposed Intervenors.” *Issa v. Newsom*, No. 2:20-cv-01044-MCE-CKD, 2020 WL  
24 3074351, at \*3 (E.D. Cal. June 10, 2020). While Portillo’s arguments are likely to “turn on . . .  
25 [her] responsibility to properly administer election laws,” Proposed Intervenors are concerned with  
26 ensuring that their members and constituents “have the opportunity to vote” and “allocating their  
27 limited resources to inform voters about the election procedures.” *Id.* (granting motion to intervene  
28

as a matter of right). Because these interests are not shared by the current parties to the litigation, Proposed Intervenor cannot rely on Portillo or anyone else to provide adequate representation, and the third requirement for intervention of right is satisfied.

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

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

For the reasons discussed *supra* Argument § I, Proposed Intervenor's motion is timely, and Proposed Intervenor cannot rely on Portillo to adequately protect their interests. Proposed Intervenor also has defenses to Petitioner's claims that share common questions of law and fact—for example, whether Petitioner has pleaded facts allowing a court to conclude that they have a clear legal right to the extraordinary remedy of mandamus; whether their claims are preempted by the NVRA; and whether mandamus is unavailable because Petitioner has another remedy through the challenge processes set forth in NRS 293.535 and NRS 293.547. *See* Exhibit 1 (Proposed Answer). Intervention will not result in any undue delay or prejudice, because Proposed Intervenor has a strong interest in a swift resolution to this action to ensure that their members' and constituents' voting rights are protected, while simultaneously avoiding any unnecessary delay.

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1 **CONCLUSION**

2 For the reasons stated above, Proposed Intervenor respectfully request that the Court grant  
3 their motion to intervene as a matter of right under Rule 24(a)(2) or, in the alternative, permit them  
4 to intervene under Rule 24(b).<sup>5</sup>

5  
6 DATED this 3rd day of July, 2024.

7  
8 By: /s/ Daniel Bravo

9 BRADLEY S. SCHRAGER (NV Bar No. 10217)  
10 DANIEL BRAVO (NV Bar No. 13078)  
11 **BRAVO SCHRAGER LLP**  
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14 DAVID R. FOX (NV Bar No. 16536)  
15 ROBERT GOLAN-VILELLA  
16 (*pro hac vice* forthcoming)  
17 **ELIAS LAW GROUP LLP**  
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19 Washington, DC 20001

20 *Attorneys for Proposed Intervenor-Respondents*  
21 *Rise Action Fund, the Institute for a Progressive*  
22 *Nevada, and the Nevada Alliance for Retired*  
23 *Americans*

24 \*Pro hac vice application forthcoming

25  
26  
27 <sup>5</sup> Alternatively, Proposed Intervenor respectfully request permission from the Court “to submit briefs  
28 on determinative issues as amici curiae.” *Hairr*, 132 Nev. at 188, 368 P.3d at 1203.

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on this 3rd day of July, 2024, a true and correct copy of **MOTION**  
3 **TO INTERVENE AS RESPONDENTS** was served by electronically filing with the Clerk of the  
4 Court using the Odyssey eFileNV system and serving all parties with an email-address on record,  
5 pursuant to Administrative Order 14-2 and Rule 9 of the N.E.F.C.R.

6  
7 By: /s/ Dannielle Fresquez  
8 Dannielle Fresquez, an employee of  
9 BRAVO SCHRAGER LLP  
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# EXHIBIT 1

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# EXHIBIT 1

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11 *Attorneys for Proposed Intervenor-*  
12 *Respondents Rise Action Fund, Institute for a*  
13 *Progressive Nevada, and Nevada Alliance for*  
*Retired Americans*

14 **EIGHTH JUDICIAL DISTRICT COURT**  
15 **IN AND FOR CLARK COUNTY, STATE OF NEVADA**

16 FREDERICK H. KRAUS, JOEY PAULOS,  
17 PUBLIC INTEREST LEGAL FOUNDATION,

18 Petitioners,

19 v.

20 LORENA S. PORTILLO, in her official  
21 capacity as Clark County Registrar of Voters,

22 Respondent,  
23

Case No. A-24-896151-W  
Dept. No.: 16

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

24 Proposed Intervenor Rise Action Fund, Institute for a Progressive Nevada, and Nevada  
25 Alliance for Retired Americans (“Proposed Intervenor”), by and through their attorneys, submit  
26 the following Proposed Answer to Petitioners’ Petition for Writ of Mandamus (the “Petition”).  
27 Proposed Intervenor respond to the allegations in the Petition as follows:  
28

1 **NATURE OF THE CASE**

2 1. Proposed Intervenor's admit that Paragraph 1 accurately quotes from NRS 293.675.  
3 The remainder of Paragraph 1 contains legal contentions, characterizations, conclusions, and  
4 opinions to which no response is required. To the extent a response is required, Proposed  
5 Intervenor's deny the allegations in Paragraph 1.

6 2. Proposed Intervenor's admit that Paragraph 2 accurately quotes from NRS  
7 293.530(1)(a).

8 3. Paragraph 3 contains legal contentions, characterizations, conclusions, and  
9 opinions to which no response is required. To the extent a response is required, Proposed  
10 Intervenor's deny the allegations in Paragraph 3.

11 **PARTIES**

12 4. Proposed Intervenor's lack knowledge and information sufficient to form a belief as  
13 to the truth of the allegations in Paragraph 4 and therefore deny them.

14 5. Proposed Intervenor's lack knowledge and information sufficient to form a belief as  
15 to the truth of the allegations in Paragraph 5 and therefore deny them.

16 6. Proposed Intervenor's admit that Petitioner Public Interest Legal Foundation, Inc.  
17 (the "Foundation") is incorporated and based in Virginia. Proposed Intervenor's lack knowledge  
18 and information sufficient to form a belief as to the truth of the remaining allegations in Paragraph  
19 6 and therefore deny them.

20 7. Proposed Intervenor's lack knowledge and information sufficient to form a belief as  
21 to the truth of the allegations in Paragraph 7 and therefore deny them.

22 8. Proposed Intervenor's are without sufficient information or knowledge with which  
23 to form a belief as to the truth or falsity of the allegations in Paragraph 8 and therefore deny them.

24 9. Admitted.

25 10. Paragraph 10 contains legal contentions, characterizations, conclusions, and  
26 opinions to which no response is required. To the extent a response is required, Proposed  
27 Intervenor's deny the allegations.  
28

11. Admitted.

**JURISDICTION AND VENUE**

12. Paragraph 12 contains legal contentions, characterizations, conclusions, and opinions to which no response is required.

13. Admitted.

**GENERAL FACTUAL ALLEGATIONS**

14. Proposed Intervenor's admit that Paragraph 14 accurately quotes the excerpted portion of NRS 293.675.

15. Proposed Intervenor's admit that Paragraph 15 accurately quotes the excerpted portion of NRS 293.530.

16. Proposed Intervenor's admit that Paragraph 16 accurately quotes the excerpted portion of NRS 293.486.

17. Proposed Intervenor's admit that Paragraph 17 accurately quotes the excerpted portion of NRS 293.507(4).

18. Admitted.

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

20. Proposed Intervenor's lack knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 20 and therefore deny them.

21. Proposed Intervenor's lack knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 21 and the subparagraphs thereto, and therefore deny them.

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

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

24. Denied.





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

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

5       Petitioners' claims are barred by the doctrine of laches.

6       Petitioners lack standing to pursue their claims.

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

8                                   **PRAYER FOR RELIEF**

9       WHEREFORE, Proposed Intervenors respectfully request that this Court:

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

13      DATED this 3rd day of July, 2024.

14                                   By: /s/ Daniel Bravo

15                                   BRADLEY S. SCHRAGER (NV Bar No. 10217)  
16                                   DANIEL BRAVO (NV Bar No. 13078)  
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18                                   DAVID R. FOX (NV Bar No. 16536)  
19                                   ROBERT GOLAN-VILELLA \*  
                                      (*pro hac vice* forthcoming)  
20                                   **ELIAS LAW GROUP LLP**  
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22                                   *Attorneys for Proposed Intervenor-Respondents*  
23                                   *Rise Action Fund, the Institute for a Progressive*  
                                      *Nevada, and the Nevada Alliance for Retired*  
24                                   *Americans*

25                                   \*Pro hac vice application forthcoming  
26  
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# EXHIBIT 2

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# EXHIBIT 2

1 **EIGHTH JUDICIAL DISTRICT COURT**  
2 **IN AND FOR CLARK COUNTY, STATE OF NEVADA**  
3

4 **FREDERICK H. KRAUS, JOEY PAULOS,**  
5 **PUBLIC INTEREST LEGAL**  
6 **FOUNDATION,**

7 **Petitioners,**

8 **v.**

9 **LORENA S. PORTILLO, in her official**  
10 **capacity as Clark County Registrar of Voters,**

11 **Respondent.**

Case No.: A-24-896151-W  
Dept. No.: 16

**DECLARATION OF CHRISTIAN**  
**SOLOMON IN SUPPORT OF RISE**  
**ACTION FUND'S MOTION TO**  
**INTERVENE**

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

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

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

16 3. I am currently the Nevada State Director of Rise Action Fund ("Rise").

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

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

1           6.       Rise expanded into Nevada in 2023. I was hired as State Director to build up Rise's  
2 operations within the state. My role as State Director is a full-time paid position.

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

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

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

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

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

27          12.      The lawsuit filed by Frederick H. Kraus, Joey Paulos, and the Public Interest Legal  
28

1 Foundation threatens Rise’s mission and the work described above.

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

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

27       15. Both of these impacts would severely harm Rise’s mission. We cannot successfully  
28

1 realize our mission as an organization if our student constituents are not able to successfully cast  
2 their ballots and make their voices heard. Similarly, our ability to expand our work and operations  
3 in Nevada will be hampered if we have to respond to attempts at last-minute and rushed voter  
4 purges that are likely to disproportionately harm student voters.

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

6  
7 

Executed on: 7/2/2024

8 Christian Solomon  
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# EXHIBIT 3

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# EXHIBIT 3



1 **EIGHTH JUDICIAL DISTRICT COURT**  
2 **IN AND FOR CLARK COUNTY, STATE OF NEVADA**  
3

4 FREDERICK H. KRAUS, JOEY PAULOS,  
5 PUBLIC INTEREST LEGAL  
6 FOUNDATION,

7 Petitioners,

8 v.

9 LORENA S. PORTILLO, in her official  
10 capacity as Clark County Registrar of Voters,

11 Respondent.

Case No.: A-24-896151-W  
Dept. No.: 16

**DECLARATION OF SHELBY  
SWARTZ IN SUPPORT OF  
INSTITUTE FOR A PROGRESSIVE  
NEVADA'S MOTION TO INTERVENE**

12 I, SHELBY SWARTZ, under penalty of perjury, hereby declare as follows:

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

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

16 3. I am currently the Executive Director of the Institute for a Progressive Nevada  
17 ("The Institute"), a non-partisan, 501(c)(3) civic engagement and voting rights organization that  
18 serves the entire state of Nevada. In addition to an Executive Director, we currently have 11 other  
19 employees on staff, including a Deputy Director, a Communications Director, and a Lead  
20 Organizer with a focus on voter education. We also work with a limited number of volunteers, and  
21 we work closely with our c3 table partners across the state.

22 4. The Institute's mission is to ensure that all Nevadans know how to vote and can do  
23 so with confidence. To further our mission, we produce and distribute in-language voter materials  
24 that we share with our c3 partners to ensure that all Nevadans can access critical information about  
25 how and where to cast their ballots. For example, we publish a comprehensive, non-partisan voter  
26 guide that includes candidate information, explains where and how to vote, and provides  
27 information on universal vote-by-mail in Nevada. In coordination with our c3 partners, we also  
28

1 host a website—RegisterNevada.org—that allows eligible voters to register to vote online and  
2 educates them about upcoming election deadlines and eligibility requirements. In Clark County,  
3 we work with All Voting is Local, Silver State Voices, and the ACLU of Nevada to conduct  
4 election protection work and educate voters on their rights at the polling place. Finally, we pay for  
5 targeted advertisements to ensure that the information and resources we produce reach Nevadans  
6 who are most likely to be disenfranchised due to information and language barriers.

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

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

18 *Shelbie Swartz*

19 Executed on: 7/2/2024

20 Shelbie Swartz

# EXHIBIT 4

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# EXHIBIT 4

1 **EIGHTH JUDICIAL DISTRICT COURT**  
2 **IN AND FOR CLARK COUNTY, STATE OF NEVADA**  
3

4 **FREDERICK H. KRAUS, JOEY PAULOS,**  
5 **PUBLIC INTEREST LEGAL**  
6 **FOUNDATION,**

7 **Petitioners,**

8 **v.**

9 **LORENA S. PORTILLO, in her official**  
10 **capacity as Clark County Registrar of Voters,**

11 **Respondent.**

Case No.: A-24-896151-W  
Dept. No: 16

**DECLARATION OF THOMAS BIRD**  
**IN SUPPORT OF NEVADA**  
**ALLIANCE FOR RETIRED**  
**AMERICANS' MOTION TO**  
**INTERVENE**

12 I, THOMAS BIRD, under penalty of perjury, hereby declare as follows:

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

15 2. I am a resident of Lyon County, Nevada.

16 3. I am currently the President of the Nevada Alliance for Retired Americans (the  
17 "Alliance"), a non-partisan 501(c)(4) membership organization with roughly 20,000 members  
18 across the state of Nevada. Thousands of those members reside in Clark County. Our members are  
19 diverse in terms of age and profession. We serve both older retirees who are farther into their  
20 retirement and new retirees, who have only recently stopped working. Similarly, our retirees come  
21 from many different AFL-CIO affiliated unions, and worked in many different industries before  
22 their retirement.

23 4. The Alliance's mission is to ensure the social and economic justice and full civil  
24 rights that retirees have earned after a lifetime of work, with a particular emphasis on protecting  
25 the right to vote. To further that mission, each election cycle, we travel across the state to bring a  
26 voter education campaign directly to our members. As part of our voter education work, we put  
27 together voter education materials, help our members confirm their voter registration status and  
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1 track the status of their submitted mail ballots, and answer any other questions they may have  
2 about how to get their ballots cast and counted.

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

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

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

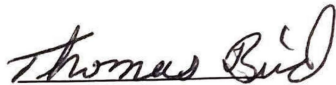
18 8. In our conversations with members, and through our materials, we would direct all  
19 members to confirm their registration status and explain how to do so as well as outline the steps  
20 they would need to take to get re-registered were they to discover they were removed.

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

1 engaged group and are likely to have a lot of questions that would require time and resources to  
2 address.

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

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

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Executed on: 2.2.24

15 Thomas Bird  
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