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Respondents Rise, Institute for a Progressive  
Nevada, and the Nevada Alliance for Retired  
Americans*

**FIRST JUDICIAL DISTRICT COURT  
IN AND FOR CARSON CITY, STATE OF NEVADA**

MARGARET M. OSBORNE, individually,

Petitioner,

v.

SCOTT HOEN, in his official capacity as the  
Carson City Clerk and JASON WOODBURY, in  
his official capacity as the Carson City District  
Attorney,

Respondents.

Case No.: 24-EW-000251B

Dept. No.: II

**[PROPOSED] ORDER GRANTING  
MOTION TO INTERVENE**

This matter comes before the Court pursuant to the motion of Proposed Intervenor-  
Respondents Rise, Institute for a Progressive Nevada, and the Nevada Alliance for Retired  
Americans (collectively "Proposed Intervenor") to intervene as Respondents in this lawsuit under  
Nevada Rule of Civil Procedure 24, along with their Memorandum of Points and Authorities in  
support of the motion and the exhibits attached thereto.

Having considered the parties' filings and the arguments of counsel, the Court rules as

1 follows: Proposed Intervenor is entitled to intervene in this case as a matter of right under  
2 Nevada Rule of Civil Procedure 24(a)(2). In the alternative, the Court grants Proposed Intervenor  
3 permissive intervention pursuant to Rule 24(b).

## 4 **LEGAL AND PROCEDURAL BACKGROUND**

### 5 **I. Statutory Background**

6 Maintenance of Nevada's voter rolls is primarily the responsibility of county officials, who  
7 "may use any reliable and reasonable means available" to correct the portions of the statewide  
8 registered voter list relevant to them, subject to procedural and substantive safeguards. NRS  
9 293.530(1)(a) (emphasis added). This case involves challenges under NRS 293.547, which allows  
10 registered voters to challenge other voters in their precinct by filing a written challenge within a  
11 short, five-day window ending 25 days before election day, NRS 293.547(1). Such challenges  
12 must be "based on personal knowledge of the registered voter" and be "signed and verified" by  
13 the challenger. NRS 293.547(2)(b), (3). When valid challenges of this type are filed, county clerks  
14 must mail a written notice to the voter, and, if the voter does not return the mailed postcard within  
15 30 days, mark the voter as inactive, and remove them from the rolls if they do not vote or take  
16 certain other actions in the next two general election cycles. NRS 293.530(1)(c), (g); NRS  
17 293.547(5)(b). Clerks must also attach a copy of the challenge form to the challenged registration  
18 in the voter roster, NRS 293.547(5)(a), and the district attorney must investigate the challenge  
19 within 14 days and, "if appropriate," commence judicial proceedings "without delay" to cancel the  
20 voter's registration, NRS 293.547(6). If the challenged voter appears in person to vote, they may  
21 be required to provide a supplemental affirmation of eligibility before voting. NRS 293.303(2).

22 Several of these limitations on the voter challenge process reflect protections imposed by  
23 the National Voter Registration Act of 1993 ("NVRA"). The NVRA prevents states from removing  
24 voters from the rolls due to a change of residence unless they first fail to respond to a mailed notice  
25 and then fail to vote in two federal election cycles. 52 U.S.C. § 20507(d)(1)(B). The NVRA also  
26 requires states to complete "any program the purpose of which is to systematically remove the  
27 names of ineligible voters from the official lists of eligible voters" no "later than 90 days prior to  
28 the date of a primary or general election for Federal office." *Id.* § 20507(c)(2)(A). Federal law

1 therefore prohibits all such removal programs until after the November 2024 election.

## 2 **II. Pigpen Project's Attempts to Remove Nevada Voters from the Rolls**

3 The voter challenges at issue in this case were signed by Petitioner but filed by the Citizen  
4 Outreach Foundation, which runs the "Pigpen Project," an effort to seek the removal of large  
5 numbers of voters from Nevada's voter rolls. *See* Pet. Ex. 1; PigpenProject.com. Over the summer,  
6 the Pigpen Project filed tens of thousands of voter challenges under NRS 293.535, each based on  
7 review of third-party databases. Counties across the state rejected the challenges because they were  
8 not based on "firsthand knowledge through experience or observation," NAC 293.416(3), and the  
9 Pigpen Project brought three mandamus actions—in this Court and in Clark and Washoe  
10 Counties—to compel counties to process them. Proposed Interveners were granted intervention  
11 both in this Court and in Washoe. Pigpen Project soon after voluntarily dismissed each of those  
12 actions.

13 Meanwhile, the Pigpen Project announced that it had an "army of volunteers . . . collecting  
14 new challenges under Section 547."<sup>1</sup> And they have now filed hundreds of Section 547 challenges  
15 in counties across the state, including the nine challenges at issue in this case.<sup>2</sup> Each of those nine  
16 challenges is based on a single asserted fact: "Person who answered the door said [voter] no longer  
17 lives at this address." Pet. Exs. 2–10. Respondents rejected those challenges as inadequate, and  
18 Petitioners seek to compel the Court to process them.

### 19 **FINDINGS OF FACT<sup>3</sup>**

20 **Rise.** Rise Action Fund ("Rise") is a student-led 501(c)(4) nonprofit organization that  
21 operates student-focused statewide advocacy and voter mobilization programs in Nevada. *See*  
22 Decl. of Christian Solomon ¶¶ 5–6, 8–12 ("Solomon Decl."). Its election-focused work—  
23

24 <sup>1</sup> Chuck Muth, *Fast and Furious: Quick Pigpen Project Update* (Oct. 3, 2024),  
<https://perma.cc/27J9-647T/>.

25 <sup>2</sup> Chuck Muth, *SOS, AG Do "Snoopy Dance" Over Lawsuit Withdrawal, However...*,  
26 PigPenProject.com (Oct. 15, 2024), <https://perma.cc/MQU4-NSPY>.

27 <sup>3</sup> Any findings of fact which are more appropriately considered conclusions of law shall be  
28 treated as such, and any conclusions of law which are more appropriately considered findings of  
fact shall be treated as such.

1 empowering and mobilizing students in the political process—is important to Rise’s mission,  
2 which hinges on its ability to build political power within the student population. *Id.* ¶¶ 5, 16. To  
3 build political support for its policy goals, including gun safety issues, student debt relief, and  
4 financial assistance, Rise organizes and educates its student constituents at University of Nevada,  
5 Las Vegas, University of Nevada, Reno, Nevada State University, and College of Southern Nevada  
6 about the 2024 general election. *Id.* ¶¶ 8–10, 12–18. Rise runs campus programs to register  
7 students to vote and to ensure that students stay registered and can vote. *Id.* ¶ 16.

8       The students that Rise advocates for and serves are at a particularly high risk of being  
9 removed from the rolls due to Petitioner’s efforts. *Id.* ¶¶ 19–22. Many college students move  
10 frequently without abandoning their permanent residence, so they might not be home if a  
11 challenger knocked on the door at their residential address, and they do not have ready access to  
12 mailed notices sent to their permanent addresses advising them that their registration is at risk of  
13 cancellation. *Id.* ¶ 20. If Petitioner is successful, Rise will need to help students confirm their  
14 registration status, find and respond to mailed notices, and re-register. *Id.* ¶ 21. These efforts would  
15 come at the expense of Rise’s work in support of its other mission-critical priorities. *Id.* ¶¶ 21–22.

16       ***Institute for a Progressive Nevada.*** The core mission of the Institute for a Progressive  
17 Nevada (“IPN”) is to ensure that every Nevadan can vote confidently and successfully. Decl. of  
18 Shelbie Swartz ¶ 4 (“Swartz Decl.”). As part of its work, IPN publishes a non-partisan voter guide  
19 every election cycle, with comprehensive instructions on how to register and vote, and provides a  
20 voter registration platform to help voters register. *See id.* IPN works with partner organizations to  
21 distribute voter education materials about upcoming election deadlines, eligibility requirements,  
22 where and how to vote, and universal vote-by-mail. *Id.* IPN also engages in targeted advertising  
23 campaigns to educate Nevadans about and ensure that the resources reach Nevadans who are most  
24 at risk of being disenfranchised. *Id.*

25       Should Petitioner succeed, IPN would have to retool its voter guide to inform voters why  
26 their registration might be challenged and how to confirm their registration status, and it would  
27 have to refocus its limited advertising to spread awareness about the need for voters to check their  
28 registration and potentially re-register. *Id.* ¶¶ 5–7 These efforts would pull from IPN’s limited

1 financial resources, likely making it more difficult to meet payroll for existing employees and  
2 reduce IPN's ability to organize around other issues. *See id.*

3 **The Alliance.** The Alliance for Retired Americans is a nonpartisan 501(c)(4) membership  
4 organization dedicated to ensuring the social and economic justice and full civil rights of retirees,  
5 with a particular emphasis on safeguarding the right to vote. Decl. of Thomas Bird ¶¶ 3–4 (“Bird  
6 Decl.”). The Nevada Alliance for Retired Americans has roughly 20,000 members. *Id.* ¶ 3. The  
7 Alliance organizes chapter meetings and speaks with members about key policy goals, such as  
8 preserving Social Security and Medicare. *See id.* ¶ 9.

9 Alliance members are disproportionately vulnerable to voter challenges like Petitioner's  
10 because many retirees move within Nevada after retiring and many often travel out of state for  
11 long periods, during which time they would not be home if a challenger knocked on their door,  
12 and they might miss and fail to return a mailed notice regarding their registration status. *Id.* ¶¶ 5–  
13 6, 9. Furthermore, members who spend time caring for grandchildren at another family member's  
14 home or enjoy retirement at a second home may similarly not be home if a challenger knocks, and  
15 might miss a crucial notice of cancellation if that notice is sent only to the retiree's home address.  
16 *See id.* Petitioner's suit, and the hundreds of similar PigPen Project-backed challenges filed across  
17 Nevada, threaten the registration of the Alliance's 20,000 members, including over 800 members  
18 in Carson City. *Id.* ¶ 3. If Petitioner succeeds, the Alliance would be forced to refocus its efforts  
19 on preparing materials and presentations to educate its members about confirming their registration  
20 status, help them re-register if they are removed, and answer questions about the process. *Id.* ¶¶ 7–  
21 9. These efforts would take up scarce time at chapter meetings and would frustrate the Alliance's  
22 mission by diverting resources from other essential tasks, such as advocating for lower cost  
23 prescription drugs, preserving Social Security and Medicare, and voter education. *Id.* ¶¶ 9–10.

## 24 STANDARD OF LAW

25 To intervene as of right under Rule 24(a)(2),

26 an applicant must meet four requirements: (1) that it has a sufficient interest in  
27 the litigation's subject matter, (2) that it could suffer an impairment of its ability  
28 to protect that interest if it does not intervene, (3) that its interest is not  
adequately represented by existing parties, and (4) that its application is timely.

1 *Am. Home Assurance Co. v. Eighth Jud. Dist. Ct. ex rel. Cnty. of Clark*, 122 Nev. 1229, 1238, 147  
2 P.3d 1120, 1126 (2006). “In evaluating whether Rule 24(a)(2)’s requirements are met,” courts  
3 “construe the Rule broadly in favor of proposed intervenors . . . because a liberal policy in favor  
4 of intervention serves both efficient resolution of issues and broadened access to the courts.”  
5 *Wilderness Soc’y v. U.S. Forest Serv.*, 630 F.3d 1173, 1179 (9th Cir. 2011) (cleaned up).<sup>4</sup>

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

## 10 CONCLUSIONS OF LAW

### 11 **I. Proposed Intervenors satisfy all of Rule 24(a)’s requirements for intervention as a** 12 **matter of right.**

13 Proposed Intervenors satisfy each of the four requirements of NRCP 24(a) and thus are  
14 entitled to intervene as a matter of right.

#### 15 **A. The motion is timely.**

16 First, the motion is timely. This motion comes just two days after Petitioner filed the  
17 Petition and before any substantive activity has occurred in the case. There has therefore been no  
18 delay, and there is no risk of prejudice to the other parties. *See In re Guardianship of A.M.*, No.  
19 59116, 2013 WL 3278878, at \*3 (Nev. May 24, 2013). Proposed Intervenors have promised to  
20 abide by any court-ordered schedule.

#### 21 **B. Proposed Intervenors have significant protectable interests that may be** 22 **impaired by this lawsuit.**

23 Proposed Intervenors also (1) have significant protectable interests in this lawsuit (2) that  
24 may be impaired by Petitioner’s claims. “A ‘significantly protectable interest’ . . . [is] one that is  
25

26 <sup>4</sup> Because Rule 24 and Federal Rule of Civil Procedure 24 are “equivalent,” *Lawler v. Ginocchio*,  
27 94 Nev. 623, 626, 584 P.2d 667, 668 (1978) (per curiam), “[f]ederal cases interpreting [Rule 24]  
28 are strong persuasive authority.” *Exec. Mgmt., Ltd. v. Ticor Title Ins. Co.*, 118 Nev. 46, 53, 38 P.  
3d 872, 876 (2002) (quotation omitted).

1 protected under the law and bears a relationship to the plaintiff's claims." *Am. Home Assurance*  
2 *Co.*, 122 Nev. at 1239, 147 P.3d at 1127 (en banc) (quotation omitted). If a would-be intervenor  
3 "would be substantially affected in a practical sense by the determination made in an action, he  
4 should, as a general rule, be entitled to intervene," *Sw. Ctr. for Biological Diversity v. Berg*, 268  
5 F.3d 810, 822 (9th Cir. 2001) (quotation omitted). This interest requirement is less stringent than  
6 the injury required for standing. *See Yniguez v. Arizona*, 939 F.2d 727, 735 (9th Cir. 1991).

7 Proposed Intervenors have at least two significant interests in this lawsuit. *First*, they have  
8 a compelling interest in ensuring that their members and constituents can register to vote, remain  
9 registered to vote and in active status, and successfully participate in future elections. Petitioner  
10 threatens these interests by seeking a ruling that would compel Respondents—and, by extension,  
11 county clerks across Nevada—to process their hundreds of voter challenges based on secondhand  
12 accounts of voter circumstances. That relief would dramatically increase the probability that  
13 voters—including Proposed Intervenors' members and constituents—will be wrongfully removed  
14 from the voter rolls.

15 In analogous cases, Nevada courts have recognized similar interests as a proper basis for  
16 intervention. Less than a month ago, Judge Russell granted Proposed Intervenors' motion to  
17 intervene in a suit filed by Petitioner's organization that sought to force county clerks to process  
18 their voter challenges under NRS 293.535. Order Granting Mot. to Intervene, *Citizen Outreach*  
19 *Found. v. Hoen*, No. 24EW000201B (Nev. 1st Jud. Dist. Ct. Sept. 27, 2024). And Judge Riggs in  
20 Washoe County granted Proposed Intervenors' motion to intervene in the similar case filed there.  
21 Order Granting Mots. to Intervene, *Citizen Outreach Found. v. Burgess*, No. CV24-02182 (Nev.  
22 2d Jud. Dist. Ct. Oct. 3, 2024). Earlier this year, Judge Russell granted the Alliance's motion to  
23 intervene in a challenge to Nevada's deadline for the receipt by mail of unpostmarked ballots based  
24 on its assertion of similar interests. *See* Order Granting Mot. to Intervene, *Republican Nat'l Comm.*  
25 *v. Aguilar*, No. 24-OC-00101B (Nev. 1st Jud. Dist. Ct. June 14, 2024); *see also, e.g., Bellitto v.*  
26 *Snipes*, No. 16-cv-61474, 2016 WL 5118568, at \*2–3 (S.D. Fla. Sept. 21, 2016) (granting labor  
27 union intervention in suit seeking court-ordered voter list maintenance), *reconsideration denied*,  
28 2016 WL 10518461 (S.D. Fla. Oct. 4, 2016); *Pub. Int. Legal Found., Inc. v. Winfrey*, 463 F. Supp.

1 3d 795, 799 (E.D. Mich. 2020) (granting organization intervention in suit seeking to compel city  
2 to take more aggressive measures to purge allegedly ineligible voters).

3       *Second*, should Petitioner succeed in forcing Respondents to process their challenges,  
4 Proposed Intervenor would face injury to their core missions. To reduce that injury, Proposed  
5 Intervenor would need to divert time and resources to helping their members and constituents  
6 verify—and, if necessary, renew—their voter registrations, taking resources away from Proposed  
7 Intervenor’s other priorities and harming their missions. IPN would have to update its voter  
8 registration platform to help voters determine if they have been removed or marked inactive and  
9 educate voters and help them confirm their registration status, to the detriment of its other projects.  
10 *See Swartz Decl.* ¶ 7. Rise would have to redirect its efforts away from educating students about  
11 loan repayment assistance and college aid plans and towards helping students confirm their  
12 registration status and re-register, which would harm Rise’s mission. *Solomon Decl.* ¶¶ 21–22.  
13 Similarly, the Alliance would have to use its limited volunteer resources to prepare and distribute  
14 materials educating its members on how to confirm their registration status, help them locate and  
15 respond to mailed notices, and help them re-register. *See Bird Decl.* ¶¶ 7–9. This effort will reduce  
16 the Alliance’s ability to organize its members on other key policy goals like protecting Social  
17 Security and Medicare. *See id.* ¶ 10.

18       “Once an applicant has established a significantly protectable interest in an action, courts  
19 regularly find that disposition of the case may, as a practical matter, impair an applicant’s ability  
20 to protect that interest.” *Venetian Casino Resort, LLC v. Enwave Las Vegas, LLC*, No. 2:19-CV-  
21 1197 JCM (DJA), 2020 WL 1539691, at \*3 (D. Nev. Jan. 7, 2020) (citation omitted). As explained,  
22 if Petitioner’s suit succeeds, Proposed Intervenor’s interests in their members’ and constituents’  
23 voting rights as well as their interests in their own resources will be impaired. This criterion for  
24 intervention of right is accordingly satisfied.

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

26       Proposed Intervenor also satisfy the third requirement for intervention as of right because  
27 they cannot rely on the parties in this case to adequately represent their interests. “[T]he burden on  
28 proposed intervenors in showing inadequate representation is minimal, and would be satisfied if



1 they could demonstrate that representation of their interests ‘may be’ inadequate.” *Hairr v. First*  
2 *Jud. Dist. Ct.*, 132 Nev. 180, 185, 368 P.3d 1198, 1201 (2016) (quotation omitted). Courts have  
3 “often concluded that governmental entities do not adequately represent the interests of aspiring  
4 intervenors.” *Fund for Animals, Inc. v. Norton*, 322 F.3d 728, 736 (D.C. Cir. 2003); *see also*  
5 *Citizens for Balanced Use v. Mont. Wilderness Ass’n*, 647 F.3d 893, 899 (9th Cir. 2011) (“[T]he  
6 government’s representation of the public interest may not be identical to the individual parochial  
7 interest of a particular group just because both entities occupy the same posture in the litigation.”  
8 (quotation omitted)).

9 Proposed Intervenors are focused on ensuring that their members and constituents remain  
10 registered to vote and are able to successfully cast their ballots, which is a distinct interest from  
11 Respondents’ interests in administering election laws generally. *See* Order Granting Rise’s Mot.  
12 to Intervene at 7, No. 24EW000201B. Courts in Nevada adjudicating similar voter roll  
13 maintenance issues have recognized that election officials must balance “easing barriers to  
14 registration and voting” with “protecting electoral integrity,” while the mission of Proposed  
15 Intervenors is “ensur[ing] that voters are retained on or restored to the rolls,” which “provide the  
16 counterbalance to plaintiffs’ singular purpose that defendants’ split mission does not allow.”  
17 *Republican Nat’l Comm. v. Aguilar*, No. 2:24-cv-00518-CDS-MDC, 2024 WL 3409860, at \*3 (D.  
18 Nev. July 12, 2024); *see also Pub. Int. Legal Found*, 463 F. Supp. 3d at 799 (holding that the  
19 “interests of election officials in voting roll maintenance are sufficiently distinct [] to warrant  
20 intervention by those who could be impacted by the results of the maintenance process”); *Bellitto*,  
21 2016 WL 5118568, at \*2 (same). Moreover, Proposed Intervenors have specific interests and  
22 concerns over the allocation of their limited resources to help members and constituents identify  
23 whether they have been challenged or removed from the rolls and help them re-register if  
24 necessary, interests that no other party in this lawsuit shares. Proposed Intervenors therefore cannot  
25 rely on Respondents or anyone else to adequately represent their interests in this case.

26 **II. Alternatively, Proposed Intervenors satisfy Rule 24(b)’s requirements for**  
27 **permissive intervention.**  
28

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

6       For the reasons discussed *supra* Argument § I, Proposed Intervenor's motion is timely, and  
7 Proposed Intervenor's cannot rely on Respondents to adequately protect their interests. Proposed  
8 Intervenor's also have defenses to Petitioner's claims that share common questions of law and fact,  
9 including whether Petitioner states a claim for which relief can be granted. *See Proposed Answer*.  
10 Intervention will not result in any undue delay or prejudice, because Proposed Intervenor's have a  
11 strong interest in a swift resolution to this action to ensure that their members' and constituents'  
12 voting rights are protected, while simultaneously avoiding any unnecessary delay.

13       For all of those reasons, the U.S. District Court for the District of Nevada granted these  
14 same three Proposed Intervenor's permissive intervention in a federal challenge to Nevada's voter  
15 registration list maintenance procedures earlier this year, explaining that Proposed Intervenor's  
16 mission of "ensur[ing] that voters are retained on or restored to the rolls" provides an appropriate  
17 "counterbalance to plaintiffs' singular purpose" of seeking a purge of the voter rolls. *Aguilar*, 2024  
18 WL 3409860, at \*3. The same analysis applies here, and permissive intervention is granted for the  
19 same reason.

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1 **ORDER**

2 **IT IS HEREBY ORDERED** that the motion of Rise, Institute for a Progressive Nevada,  
3 and the Nevada Alliance for Retired Americans to intervene as respondents in this action is  
4 **GRANTED.**

5 Bradley S. Schrager shall serve a notice of entry of the order on all parties and file proof  
6 of such service within 7 days after the date the Court sent the order to the attorney.

7 **IT IS SO ORDERED.**

8  
9 Dated this 24<sup>th</sup> day of October, 2024.

10  
11   
12 Hon. Kristin N. Luis  
13 District Court Judge

14 Submitted by:

15   
16

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