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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

DARRELL ISSA,  
Plaintiff,  
v.

SHIRLEY N. WEBER, in her official  
capacity as Secretary of State of  
California,  
Defendant.

Case No: 25-cv-598-AGS-JLB

**VET VOICE FOUNDATION AND  
CALIFORNIA ALLIANCE FOR  
RETIRED AMERICANS’  
MEMORANDUM OF POINTS AND  
AUTHORITIES IN SUPPORT OF  
MOTION TO INTERVENE AS  
DEFENDANTS**

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Pursuant to Rule 24(a), Vet Voice Foundation (“Vet Voice”) and the California Alliance for Retired Americans (“CARA”) (together, “Proposed Intervenor”) move to intervene as a matter of right. Alternatively, the Proposed Intervenor move to intervene permissively under Rule 24(b). Their motion should be granted for the reasons below.

### INTRODUCTION<sup>1</sup>

In the 2024 general election, nearly 10 million Californians—*over 80%* of the voters who participated—cast their ballots by mail.<sup>2</sup> In accordance with California law, those ballots were counted so long as they were postmarked on or before election day and received no later than seven days after. Cal. Elec. Code § 3020 (the “Ballot Receipt Deadline”). Nearly two dozen other states and U.S. territories have similar laws on the books—many of which have been in place for decades. These laws are commonsense measures that protect lawful, qualified voters from disenfranchisement due to mail delays that are both increasingly common and often entirely out of the voters’ control. These types of ballot receipt deadlines are particularly critical in states like California, where the vast majority of voters cast their ballots by mail. Indeed, granting the relief that Plaintiff Congressman Darrell Issa seeks here and requiring California to reject all mail ballots received after election day—regardless of whether they were cast on or well before that day—would likely require a wholesale revamping of California’s election system to ensure that voters across the state would have free and fair access to the franchise.

In states without similar deadlines, qualified voters who timely complete and cast their ballots are routinely disenfranchised. Most at risk are voters who must rely on mail voting to vote, including many active and former members of the Armed Services and their

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<sup>1</sup> Prior to filing this motion, counsel for Vet Voice and CARA conferred with counsel for both Plaintiff and Defendant. Plaintiff objects to the motion, and Defendant takes no position on the motion.

<sup>2</sup> See Cal. Sec’y of State, *Vote-By-Mail Ballot Rejection Reason Reports – Statewide Elections* (2024), <https://admin.cdn.sos.ca.gov/elections/statewide-elections/2024-general/november-general-2024.pdf>.

1 families, disabled voters, and voters who are 65 years old or older—precisely the voters  
2 who Proposed Intervenor Vet Voice and CARA represent and work to enfranchise as part  
3 of their core organizational missions. While these voters have always been particularly  
4 vulnerable to disenfranchisement due to mail delays, that risk is only becoming more acute.  
5 With growing stresses on the U.S. Postal Service, staffing shortages, and increased and  
6 often unpredictable mail delays, voters face a lack of both certainty and control over how  
7 quickly their mailed ballots are returned to election officials.<sup>3</sup> What’s more, the USPS just  
8 announced tens of thousands of staff cuts and billions of dollars in funding cuts—which  
9 will only exacerbate delivery delays in future elections.<sup>4</sup>

10 After a decade of California counting mail ballots received after election day without  
11 issue, Congressman Issa filed this lawsuit seeking to use the judiciary to force California  
12 to reverse this sensible policy decision. He claims that the Ballot Receipt Deadline is  
13 preempted by the federal election day statutes, 2 U.S.C. §§ 1, 7 and 3 U.S.C. § 1, and violates  
14 his constitutional right to vote and stand for office, and seeks an order forbidding  
15 Defendant, the California Secretary of State, from counting *any* mail ballots received after  
16 election day, even if postmarked on or before. *See* Compl. ¶¶ 10, 33–66, Prayer for Relief,  
17 ECF No. 1. Not only would the results be devastating to California voters, Congressman  
18 Issa’s legal theories have been tried again and again in federal courts across the country  
19 and repeatedly rejected.<sup>5</sup> In the solitary opinion to endorse Congressman Issa’s position,

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21 <sup>3</sup> *See* Suzanne Potter, *Postal Workers Speak out about Short Staffing, Mail Delays*, Pub.  
22 News Serv. (Feb. 9, 2024), [https://www.publicnewsservice.org/2024-02-09/livable-wages-](https://www.publicnewsservice.org/2024-02-09/livable-wages-working-families/postal-workers-speak-out-about-short-staffing-mail-delays/a88788-1)  
23 [working-families/postal-workers-speak-out-about-short-staffing-mail-delays/a88788-1](https://www.publicnewsservice.org/2024-02-09/livable-wages-working-families/postal-workers-speak-out-about-short-staffing-mail-delays/a88788-1).

24 <sup>4</sup> Associated Press, *USPS agrees to work with DOGE on reform, planning to cut 10,000*  
25 *workers*, (Mar. 14, 2025), [https://apnews.com/article/us-postal-service-doge-agreement-](https://apnews.com/article/us-postal-service-doge-agreement-daf3bf54fa0718908791fcb368b4d9d8#:~:text=WASHINGTON%20(AP)%20%E2%80%94%20Postmaster%20General,members%20of%20Congress%20on%20Thursday)  
26 [daf3bf54fa0718908791fcb368b4d9d8#:~:text=WASHINGTON%20\(AP\)%20%E2%80%94%20Postmaster%20General,members%20of%20Congress%20on%20Thursday](https://apnews.com/article/us-postal-service-doge-agreement-daf3bf54fa0718908791fcb368b4d9d8#:~:text=WASHINGTON%20(AP)%20%E2%80%94%20Postmaster%20General,members%20of%20Congress%20on%20Thursday).

27 <sup>5</sup> *See, e.g., Bognet v. Sec’y Commonwealth of Pa.*, 980 F.3d 336 (3d Cir. 2020), *cert.*  
28 *granted, judgment vacated sub nom. Bognet v. Degraffenreid*, 141 S. Ct. 2508 (2021); *Bost*

1 *Republican National Committee v. Wetzel*, 120 F.4th 200 (5th Cir. 2024), the court reversed  
2 a careful, thoughtful opinion by the district court that—like all the other courts to consider  
3 the matter before it—thoroughly rejected the claim, in favor of rationale that ignored the  
4 facts and long-standing precedent interpreting the U.S. Constitution’s Election Clause to  
5 read in an unspoken limitation on state power that has no grounding in text or history.

6 Given their unique interest in the matter, federal courts have granted Vet Voice and  
7 CARA’s sister organizations, the Mississippi and Nevada chapters of the Alliance for  
8 Retired Americans, intervention in substantively identical federal lawsuits challenging  
9 those states’ ballot receipt deadlines—including the case upon which Congressman Issa  
10 now relies. *See* Text Order, *Republican Nat’l Comm. v. Wetzel*, No. 1:24-cv-00025-LG-  
11 RPM (S.D. Miss. Mar. 4, 2024); Order, *Republican Nat’l Comm. v. Burgess*, No. 3:24-cv-  
12 00198-MMD-CLB (D. Nev. June 6, 2024), ECF No. 70. Here too, they should be granted  
13 intervention as of right under Federal Rule of Civil Procedure 24(a)(2) or, in the alternative,  
14 permissive intervention under Rule 24(b).

15 All the requirements for intervention as of right are met. *First*, the motion is timely:  
16 Congressman Issa filed this action a mere three weeks ago, and no substantive proceedings  
17 have occurred. *Second*, both Proposed Intervenors have an interest in the subject of the  
18 action and their ability to protect that interest will be impaired if Congressman Issa obtains  
19 the relief he seeks. Vet Voice’s mission focuses on increasing turnout among veterans,  
20 active servicemembers, and military families, including in California. Laws like the one at  
21 issue here play a critical role in enfranchising those voters. *See, e.g., Splonskowski v. White*,  
22 No. 1:23-CV-00123, 2024 WL 402629, at \*4 n.3 (D.N.D. Feb. 2, 2024) (in dismissing

23 \_\_\_\_\_  
24 *v. Ill. State Bd. of Elections*, No. 22-CV-02754, 2023 WL 4817073 (N.D. Ill. July 26,  
25 2023); *Bost v. Ill. State Bd. of Elections*, 114 F.4th 634, 644 (7th Cir. 2024); *Splonskowski*  
26 *v. White*, No. 1:23-CV-00123, 2024 WL 402629, at \*4 (D.N.D. Feb. 2, 2024); *Donald J.*  
27 *Trump for President, Inc. v. Way*, 492 F. Supp. 3d 354, 366 (D.N.J. 2020); *see also Donald*  
28 *J. Trump for President, Inc. v. Way*, No. 20-10753 (MAS) (ZNQ), 2020 WL 6204477, at  
\*11 (D.N.J. Oct. 22, 2020).

1 similar challenge, observing that plaintiffs’ requested relief—the same sought here—is  
2 likely to “impinge upon the voting rights of members of the United States military”); *see*  
3 *also* Br. for U.S. as Am. Curiae at 6, *Bost v. Ill. State Bd. Of Elections*, No. 23-2644 (7th  
4 Cir. Dec. 12, 2023), ECF No. 21 (explaining that late “ballot receipt deadlines . . . protect  
5 military and overseas voters’ right to vote”) (“Br. for U.S. As Am. Curiae”). Furthermore,  
6 many of Vet Voice’s constituents are veterans who contend with service-related disabilities  
7 that may cause them to struggle to access in-person voting and rely on mail voting as a  
8 result. The same is true of CARA whose membership is made up of retirees, many of whom  
9 face challenges in getting to the polls to vote in person. *Finally*, neither organization’s  
10 interests are adequately represented in this suit. Congressman Issa actively seeks to  
11 undermine those interests, and Defendant Weber does not have the same focus on  
12 protecting the rights of the specific voter populations Vet Voice and CARA serve.

13 The motion to intervene should be granted.<sup>6</sup>

## 14 BACKGROUND

### 15 I. California’s mail voting laws.

16 In California, mail ballots are available to “any registered voter.” Cal. Elec. Code  
17 § 3003. Over the years, voters in California have become increasingly reliant on voting by  
18 mail to participate in the franchise. In 2000, around 25% of all ballots cast in the general  
19 election, about 2.7 million votes, came from mail ballots. In 2010, that figure grew to  
20 almost 50%, or 5 million votes, and in every statewide election since 2020, including a  
21 special statewide election in 2021, the mid-term general election in 2022, and the  
22 presidential general election in 2024, more than 80% of Californians—around 10 million  
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25 <sup>6</sup> In compliance with Rule 24(c), Vet Voice and CARA accompany this motion with a  
26 proposed a proposed Answer. *See* Ex. 4. If granted intervention, Vet Voice and CARA  
27 reserve their rights as Defendants to move to dismiss Congressman Issa’s complaint prior  
28 to filing their Answer.

1 people—voted by mail.<sup>7</sup>

2 Under existing state law, a mail ballot received on or before election day is timely  
3 cast. *Id.* § 3020. In addition, a mail ballot is “timely cast if it is received by the voter’s  
4 elections official via the United States Postal Service or a bona fide private mail delivery  
5 company no later than seven days after election day” and contains one of two marks  
6 identifying when the ballot was sent: either (1) a postmark by USPS or stamp by a private  
7 mail delivery service on or before election day, or (2) if there is no valid postmark and  
8 there is no other information from the delivery service indicating when the ballot was  
9 mailed, a date stamp by election officials upon receipt of the ballot as well as the voter’s  
10 signature and a date on the ballot on or before election day. *Id.* § 3020(b).

11 Before 2014, California required mail ballots to be received by election day. That  
12 year, the State Assembly changed the receipt deadline to three days after election day. *See*  
13 2014 Cal. Legis. Serv. Ch. 618 (S.B. 29). During the COVID-19 pandemic, the State  
14 Assembly allowed for mail ballots cast in the 2020 general election to be counted if  
15 received within 17 days of election day. *See* 2020 Cal. Legis. Serv. Ch. 4 (A.B. 860). In  
16 2021, the State Assembly made it the default rule that ballots would count if received seven  
17 days after election day—the current Ballot Receipt Deadline. 2021 Cal. Legis. Serv. Ch.  
18 312 (A.B. 37). Through all of these points in time, mail ballots would only count if they  
19 were postmarked or otherwise stamped as having been sent on or before election day. The  
20 existing Ballot Receipt Deadline has now been in place for both the 2022 and 2024 election  
21 cycles in California.

22 California is one of nearly two-dozen U.S. states and territories that have similar  
23 laws that allow ballots *cast* on or before election day to be *received* after election day.<sup>8</sup> As

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24 <sup>7</sup> Cal. Sec’y of State Shirley N. Weber, *Historical Vote-By-Mail (Absentee) Ballot Use in*  
25 *California*, <https://www.sos.ca.gov/elections/historical-absentee> (last accessed Apr. 4,  
26 2025).

27 <sup>8</sup> *See* Nat’l Conf. of State Legs., *Tbl. 11: Receipt & Postmark Deadlines for Absentee/Mail*

1 the U.S. Department of Justice has repeatedly noted, these types of laws are particularly  
2 important to guard against the systemic disenfranchisement of military voters and their  
3 families who, due to obstacles such as long mail transit times, have historically voted at  
4 significantly lower rates than the national population. *See* Br. for U.S. as Am. Curiae at  
5 23-28 (discussing challenges faced by military and overseas voters and the importance of  
6 extended ballot receipt deadlines to such voters); Statement of Interest of the United States  
7 at 1, 10–15, *Splonskowski v. White*, No. 1:23-cv-00123-DMT-CRH (D.N.D. Sept. 11,  
8 2023), ECF No. 19 (explaining such laws “can be vital in ensuring that military and  
9 overseas voters are able to exercise their right to vote”); Ex. 2, Decl. of Janessa Goldbeck  
10 (“Goldbeck Decl.”) ¶¶ 10–12.

11 These laws have only become more essential as election officials across the country  
12 have sounded the alarm about “serious” problems with USPS processing facility  
13 operations, lost or delayed election mail, and front-line training deficiencies that risk  
14 impacting the USPS’s ability to deliver election mail on time.<sup>9</sup> And in a state like  
15 California, where the entire elections apparatus is now premised on the assumption that  
16 voters will continue to cast their ballots primarily by mail, eliminating the seven-day grace  
17 period would all but guarantee the disenfranchisement of tens of thousands and maybe even  
18

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19 *Ballots* (last updated March 24, 2025), [https://www.ncsl.org/elections-and-](https://www.ncsl.org/elections-and-campaigns/table-11-receipt-and-postmark-deadlines-for-absentee-mail-ballots)  
20 [campaigns/table-11-receipt-and-postmark-deadlines-for-absentee-mail-ballots](https://www.ncsl.org/elections-and-campaigns/table-11-receipt-and-postmark-deadlines-for-absentee-mail-ballots); Alaska  
21 Stat. § 15.20.081(e), (h); 10 Ill. Comp. Stat. § 5/19-8(c); Kan. Stat. § 25-1132; Md. Code,  
22 Elec. Law § 9-309; Md. State Bd. of Elections, “Canvassing,” [https://perma.cc/RZ8M-](https://perma.cc/RZ8M-W6JK)  
23 [W6JK](https://perma.cc/RZ8M-W6JK) (last visited April 4, 2025); Mass. Gen. Laws ch. 54, § 93; Nev. Rev. Stat.  
24 § 293.269921; N.J. Stat. § 19:63-22; N.Y. Elec. Law § 8-412; N.D. Cent. Code §§ 16.1-  
25 07-09, 16.1-15-25; Ohio Rev. Code § 3509.05; Or. Rev. Stat. § 253.070; Tex. Elec. Code  
26 § 86.007; Utah Code § 20A-3a-204; Va. Code § 24.2-709; Wash. Rev. Code § 29A.40.091;  
27 W. Va. Code §§ 3-3-5, 3-5-17; D.C. Code § 1-1001.05(a)(10A); 25 Pa. C.S. § 3146.8; P.R.  
28 Code Ann. tit. 16, § 4735; V.I. Code tit. 18, § 665.

<sup>9</sup> Letter from Na’l Ass’n of Sec’ys of State to Postmaster Gen. (Sept. 11, 2024),  
[https://www.nass.org/sites/default/files/NASS%20Letters/9.11.24%20NASS\\_](https://www.nass.org/sites/default/files/NASS%20Letters/9.11.24%20NASS_NASED%20Letter%20to%20US%20Postmaster%20DeJoy.pdf)  
[NASED%20Letter%20to%20US%20Postmaster%20DeJoy.pdf](https://www.nass.org/sites/default/files/NASS%20Letters/9.11.24%20NASS_NASED%20Letter%20to%20US%20Postmaster%20DeJoy.pdf).



1 hundreds of thousands of lawful, qualified voters.

2        Nevertheless, on March 13, 2025, Congressman Issa filed this litigation, in which he  
3 argues that California’s Ballot Receipt Deadline violates federal law and his constitutional  
4 right to run for office and asks this Court to enjoin it and require California election officials  
5 to toss out all ballots received after election day, even if postmarked on or before that day.  
6 *See* Compl. at 9–10 (Prayer for Relief seeking to enjoin Cal Elec. Code § 3020).

7 **II. Proposed Intervenor-Defendants.**

8        **Vet Voice.** Vet Voice is a national non-profit, non-partisan organization dedicated  
9 to empowering veterans across the country to become civic leaders and policy advocates.  
10 *See* Goldbeck Decl. ¶¶ 3, 5. It has over 1.5 million subscribers who receive Vet Voice  
11 communications, including thousands here in California. *Id.* ¶ 4. Beyond those who  
12 affirmatively subscribe to its communications, Vet Voice’s constituency includes active  
13 servicemembers, including those deployed away from home, as well as military veterans,  
14 many of whom are over the age of 65 or have physical disabilities (oftentimes attributable  
15 to their time in service). *Id.* ¶¶ 8–9. Increasing voter turnout among military and veteran  
16 voters, as well as their families, is critical to Vet Voice’s mission. *Id.* ¶ 5. Furthermore, Vet  
17 Voice believes that turning out the “veteran vote” benefits all Americans by engaging  
18 people who have served their country in the civic process, and aims to promote turnout  
19 among all veterans, regardless of their political beliefs. *Id.* ¶¶ 5–6, 13.

20        Military voters and veterans often face challenges in exercising their right to vote.  
21 Active-duty servicemembers and their families are frequently deployed away from home,  
22 making it physically impossible for them to appear in person at their local polling sites on  
23 election day and making them entirely reliant on mail voting to exercise the franchise. *Id.*  
24 ¶ 8. Vet Voice’s CEO, Janessa Goldbeck, has firsthand knowledge of these challenges.  
25 During her seven years in the U.S. Marine Corps, she personally relied on mail voting to  
26 cast her ballot on several occasions, including in 2012 when she was not able to leave  
27 officer training school at Marine Corps Base Quantico. *Id.* ¶¶ 7, 11. Veteran voters also

1 often face obstacles to voting in person, either due to age or disabilities caused by military  
2 service. *Id.* ¶¶ 8–9. These voters similarly depend heavily on mail voting. *Id.*

3 Vet Voice dedicates significant resources, including money, personnel time, and  
4 volunteer effort, to improving military and veteran voter turnout rates. *Id.* ¶ 14. Roughly  
5 three-quarters of America’s 1.4 million active servicemembers are eligible to vote by mail,  
6 including many members from California. *Id.* ¶ 8. Active servicemembers vote at  
7 significantly lower rates than the national population. *Id.* ¶ 10. To combat this issue, Vet  
8 Voice has developed a first-of-its kind military voter file containing approximately 32  
9 million records of veterans and military family members, including records for thousands  
10 of voters in California. *Id.* ¶ 6. Vet Voice uses its voter file to directly reach out to military  
11 voters, often through veteran-to-veteran communications. *Id.* ¶ 15. In the 2020 general  
12 election, Vet Voice sent over 2.5 million texts to 1.5 million military voters, and in 2024,  
13 Vet Voice sent 600,000 veterans and military-affiliated voters texts nationwide to  
14 encourage voting participation. *Id.* In each election, Vet Voice saw a substantial increase  
15 in turnout among the voters they contacted as compared to non-contacted voters. *Id.* On  
16 top of this, Vet Voice also engages in more traditional forms of voter engagement,  
17 including direct mailers, phone banking, rural radio advertising, and digital advertising. *Id.*  
18 ¶ 17. Given the importance of mail voting to Vet Voice’s constituencies, these contacts  
19 often focus on educating military voters about how to vote by mail, including by providing  
20 information about eligibility requirements, application deadlines, and deadlines for  
21 submitting ballots. *Id.* ¶ 19.

22 Vet Voice is extremely concerned that Congressman Issa’s challenge, if successful,  
23 will make it harder for its supporters and constituents—active-duty servicemembers,  
24 veterans, and their families—to successfully cast a mail ballot in California. *Id.* ¶ 20. Mail  
25 voters—and in particular active-duty servicemembers deployed overseas, in combat zones,  
26 or on ships and submarines—lack control over the mail, which is oftentimes unreliable for  
27 deployed members. *Id.* ¶¶ 12, 21. In addition to threatening Vet Voice’s supporters and  
28



1 constituents, Congressman Issa’s challenge also frustrates Vet Voice’s effort to realize its  
2 mission. To effectively plan voter engagement and mobilization efforts in California ahead  
3 of the 2025 municipal elections and 2026 general election, Vet Voice must understand the  
4 relevant legal landscape before preparing its voter education efforts. *Id.* ¶ 19. This lawsuit,  
5 however, hinders those engagement and mobilization efforts because it seeks to wholly  
6 rewrite the state’s laws around mail voting, which in turn makes it more difficult for the  
7 organization to properly educate voters about the law and how to avoid issues that could  
8 lead to ballots being thrown out. *Id.* ¶ 20. Vet Voice thus seeks to intervene in this case to  
9 protect the voting rights of its supporters and constituencies, settle the legal landscape for  
10 its voter education efforts ahead of upcoming elections, and protect its own significant  
11 expenditure of resources in promoting mail voting. *Id.* ¶¶ 19–22.

12 Because of Vet Voice’s unique and important interests in maintaining ballot receipt  
13 deadlines so its constituents can successfully vote, Vet Voice has previously intervened to  
14 defend against challenges to Nevada and Mississippi’s ballot receipt deadlines that raised  
15 nearly identical theories as those asserted by Congressman Issa here. *Id.* ¶ 22; *see*  
16 *Republican National Committee v. Wetzel*, No. 1:24-cv-00025-LG-RPM (S.D. Miss.  
17 2024); *Republican National Committee v. Burgess*, No. 3:24-cv-00198 (D. Nev. 2024).

18 **CARA**. CARA is the California chapter of the national Alliance for Retired  
19 Americans, a non-profit and non-partisan organization that has millions of members across  
20 the country. *See* Ex. 3, Decl. of Rob England (“England Decl.”) ¶¶ 3–4. CARA has 900  
21 members who pay dues directly to the organization, as well as a total of 950,000 members  
22 who it represents through formal affiliations with other organizations, including labor  
23 unions. *Id.* ¶ 4. Under these agreements, affiliated members are considered full members  
24 of CARA. *Id.* CARA’s membership is overwhelmingly comprised of senior retirees, and  
25 its mission is to ensure that its members, and all retirees, enjoy their retirement after a  
26 lifetime of work. *Id.* ¶¶ 5–6. To that end, its efforts are often focused on issues of particular  
27 concern to retirees, including Medicare and Medicaid, Social Security, and the cost of  
28

1 medicine. *Id.* ¶ 5.

2 Ensuring access to the franchise is a critical piece of CARA's mission, and  
3 accordingly it dedicates significant effort to voter registration and voter education. *Id.* ¶ 11.  
4 CARA, its members, and other volunteers register and educate voters, including by  
5 sponsoring and facilitating programs and campaigns to encourage members and  
6 constituents to vote and ensure their vote will be counted. *Id.* CARA also runs a senior vote  
7 program focused on outreach to older voters through postcards and other forms of  
8 communication to educate these voters about how to cast their ballots. *Id.* Through this  
9 program, volunteers provide voters with information on how to return their mail ballots.  
10 *Id.* This program requires significant dedication of resources from CARA's already limited  
11 budgetary resources and members' time. *Id.* CARA's members and volunteers also educate  
12 family, friends, and neighbors about registering to vote. *Id.* ¶ 12. And they oftentimes assist  
13 friends or family members in completing mail ballots, due to their familiarity with  
14 California voting rules. *Id.*

15 CARA's members are themselves highly reliant on mail voting. *Id.* ¶ 6. Rob  
16 England, the Executive Director of CARA, estimates that approximately 75% of the  
17 group's membership votes by mail. *Id.* ¶ 7. These members must vote by mail for many  
18 reasons, including because of their age and other physical conditions, lack of  
19 transportation, and inability to stand in lines at polling places. *Id.* ¶ 6.

20 If Congressman Issa's suit is successful, CARA's members will face a heightened  
21 risk of having their mail ballots rejected. *Id.* ¶¶ 8–10, 14. Like Vet Voice, CARA is  
22 extremely concerned about the impact such an outcome would have on its members and  
23 constituents who depend on mail voting because of inaccessibility to in-person voting due  
24 to age, mobility problems, and health issues. *Id.* ¶ 14. CARA therefore seeks to intervene  
25 in this case to protect its members' rights to cast mail ballots under California law, as well  
26 as their right to vote generally. *Id.* ¶¶ 14, 17. It also seeks to protect its own resources and  
27 mission, including its existing voter education efforts and activities that ensure older  
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Americans have access to social security, Medicare, and affordable medicines. *Id.* ¶¶ 15–16. If the ballot receipt deadline is now seven days earlier, CARA will have to change the timing of all of its programing so that it is able to engage voters early enough to get them the information they need to vote. *Id.* ¶ 15. CARA’s senior vote program will also have to spend additional time and resources planning how to change its communication plan with voters to best advise them of how to vote and return their ballot with sufficient buffer time in advance of election day. *Id.*

Because of the importance of ballot receipt deadlines to the Alliance for Retired Americans’ members and constituency nationwide, federal courts granted the Nevada and Mississippi sister chapters of CARA motions to intervene to defend against challenges to those states’ ballot receipt deadlines. *Id.* ¶ 18; *see generally Wetzel*, No. 1:24-cv-00025-LG-RPM; *Burgess*, No. 3:24-cv-00198. These efforts reflect Proposed Intervenor’s commitment to ensuring that any qualified voter can access the franchise through fair voting rules, especially rules for voting by mail. England Decl. ¶ 18.

## ARGUMENT

### **I. Vet Voice and CARA are entitled to intervene as of right under Rule 24(a).**

Rule 24(a)(2) permits a party to intervene as a matter of right if the following four elements are met: the intervening party “(i) timely moves to intervene; (ii) has a significantly protectable interest related to the subject of the action; (iii) may have that interest impaired by the disposition of the action; and (iv) will not be adequately represented by existing parties.” *W. Watersheds Project v. Haaland*, 22 F.4th 828, 835 (9th Cir. 2022) (quoting *Oakland Bulk & Oversized Terminal, LLC v. City of Oakland*, 960 F.3d 603, 620 (9th Cir. 2020)); *see also* Fed. R. Civ. P. 24(a)(2). The Ninth Circuit has adopted a policy of “interpret[ing] these requirements broadly in favor of intervention.” *Id.* (quoting *Citizens for Balanced Use v. Mont. Wilderness Ass’n*, 647 F.3d 893, 897 (9th Cir. 2011)). And “[i]n addition to mandating broad construction, [] review is guided primarily by practical considerations, not technical distinctions.” *Id.* Vet Voice and CARA readily meet

1 the requirements of Rule 24(a)(2). They should accordingly be granted intervention as of  
2 right.

3 **A. The motion is timely.**

4 The motion to intervene is clearly timely. Congressman Issa filed his Complaint on  
5 March 13, 2025. On March 28, 2025, this Court granted the parties' joint motion to extend  
6 the deadline for responsive pleadings until May 19, 2025. This motion follows a week later,  
7 before any substantive activity in the case.

8 In determining whether a motion to intervene is "timely," courts in this Circuit  
9 consider the stage of the proceeding at which an applicant seeks to intervene, prejudice to  
10 other parties, and the reason for and length of any delay. *See League of United Latin Am.*  
11 *Citizens v. Wilson*, 131 F.3d 1297, 1302 (9th Cir. 1997). All three considerations support a  
12 finding of timeliness here.

13 Proposed Intervenors have moved to intervene just a few weeks after the Complaint  
14 was filed—at the "outset of the litigation," when timeliness is plain. *See Sierra Club v.*  
15 *EPA*, 995 F.2d 1478, 1481 (9th Cir. 1993). Secretary Weber's response to the complaint is  
16 not due until May 19—over six weeks from the filing of this motion. *See* ECF No. 5. One  
17 other party has moved to intervene as a defendant in this case, but no responses from the  
18 existing parties have been filed, and the motion is set for hearing on the same date as this  
19 motion in mid-May. No other deadlines exist as of now and, if granted intervention,  
20 Proposed Intervenors will abide by any schedule adopted by the Court. Thus, granting Vet  
21 Voice and CARA intervention poses no possible prejudice to the other parties. *See W.*  
22 *States Trucking Ass'n v. Schoorl*, No. 2:18-CV-1989, 2018 WL 5920148, at \*1 (E.D. Cal.  
23 Nov. 13, 2018) (finding no prejudice where party "sought to intervene [at] the very outset  
24 of litigation"). Proposed Intervenors accordingly satisfy Rule 24's timeliness requirement.  
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**B. The disposition of this case will impair Vet Voice’s and CARA’s significant interest in promoting and protecting their members’ and constituents’ voting rights.**

Vet Voice and CARA also satisfy the second and third requirements for intervention because they have significant protectable interests in this lawsuit, and the action threatens to impair their ability to protect those interests. Under Rule 24(a)(2), “[w]hether an applicant for intervention demonstrates sufficient interest in an action is a practical, threshold inquiry,” and “[n]o specific legal or equitable interest need be established.” *Sw. Ctr. for Biological Diversity v. Berg*, 268 F.3d 810, 818 (9th Cir. 2001) (quoting *Greene v. United States*, 996 F.2d 973, 976 (9th Cir. 1993)); *see also Perry v. Schwarzenegger*, 630 F.3d 898, 906 (9th Cir. 2011) (intervenors “need not establish Article III standing to intervene”). “[T]he ‘interest’ test is primarily a practical guide to disposing of lawsuits by involving as many apparently concerned persons as is compatible with efficiency and due process.” *Wilderness Soc’y v. U.S. Forest Serv.*, 630 F.3d 1173, 1177 (9th Cir. 2011) (cleaned up). As such, applicants need not show that impairment is a “certainty,” only that “disposition of the action ‘may’ practically impair a party’s ability to protect their interest in the subject matter of the litigation.” *Citizens for Balanced Use*, 647 F.3d at 900 (quoting Fed. R. Civ. P. 24(a)(2)). Once an applicant has shown some protectible interest, courts generally “have little difficulty concluding that the disposition of [a] case may, as a practical matter, affect” an intervenor’s interests. *Cal. ex rel. Lockyer v. United States*, 450 F.3d 436, 442 (9th Cir. 2006). Furthermore, “[t]he interest requirement may be judged by a more lenient standard if the case involves a public interest question or is brought by a public interest group.” *Brumfield v. Dodd*, 749 F.3d 339, 344 (5th Cir. 2014) (quoting 6 James W. Moore, *et al.*, *Moore’s Federal Practice* § 24.03[2][c] (3d ed. 2008)).

Vet Voice and CARA easily satisfy these requirements. Congressman Issa’s challenge to California’s Ballot Receipt Deadline seeks to restrict the ability of Vet Voice’s and CARA’s members, supporters, and constituents to successfully cast a mail ballot in

1 California's elections. *See* Compl. at 9–10 (seeking to enjoin Cal. Elec. Code § 3020). Both  
2 Vet Voice and CARA serve communities that rely heavily on mail ballots to vote. Vet  
3 Voice, for example, spends significant resources to promote voting among veterans, active  
4 service members, and military family members. Goldbeck Decl. ¶ 14. Because active  
5 service members and their families are often stationed away from their homes, they depend  
6 on mail voting to participate in elections. *Id.* ¶ 18. Similarly, many veterans in California  
7 rely on mail voting as well, *id.* ¶ 9, often because of age or physical disability (often caused  
8 by military service). Vet Voice's military voter file includes thousands of California  
9 servicemembers, veterans, and military family members who are eligible to vote by mail,  
10 *id.* ¶ 7, along with thousands of subscribers in the state whom the group seeks to mobilize  
11 in furtherance of its mission, *id.* ¶ 5. Vet Voice's mission is to ensure each of these people  
12 has full access to the ballot box and that military voters are heard at the polls. *Id.* ¶¶ 6–7.

13 Similarly, CARA has many members in California who must vote by mail due to the  
14 greater obstacles they face voting in person, whether due to age or disability. England Decl.  
15 ¶¶ 6, 10. In fact, roughly 75% of the group's members vote by mail because, among other  
16 reasons, their age or physical disabilities limit their ability to vote in person. *Id.* ¶¶ 7, 10.  
17 Other members lack transportation or are not able to stand in long lines at polling places.  
18 *Id.* ¶ 10. If Congressman Issa succeeds, CARA's members will face heightened risks of  
19 having their ballots rejected. *Id.* ¶¶ 10, 14. Like Vet Voice, ensuring access to the ballot is  
20 a critical piece of CARA's mission. *Id.* ¶ 7.

21 Congressman Issa expressly seeks a federal judicial order that would prohibit  
22 California from counting any mail ballots that are received after election day, even if they  
23 were timely cast—as evidenced by a postmark on or before election day—and even where  
24 events outside of the voter's control delay arrival of their ballots. If successful, this suit  
25 will directly threaten the voting rights of the communities Vet Voice and CARA serve, as  
26 well as CARA's individual members. *Id.* ¶¶ 20–22; England Decl. ¶¶ 6–10. And the risk  
27 of disenfranchisement for the voters Vet Voice and CARA represent is only increasing as  
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USPS delivery performance degrades. Indeed, USPS itself recently reported that only about 80% of first-class mail is delivered on-time.<sup>10</sup> Accordingly, Proposed Intervenors have an important protectable interest that they may assert on behalf of their members, supporters, and constituents where, as here, litigation threatens to burden their constitutional right to vote. *See generally Mi Familia Vota v. Fontes*, 129 F.4th 691, 709 (9th Cir. 2025); *see also Sw. Ctr. for Biological Diversity*, 268 F.3d at 821 (reversing denial of intervention and concluding a threatened injury to their members was sufficient). Vet Voice and CARA likewise, as organizations, have important interests in protecting their members’, supporters’, and constituents’ ability to vote by mail.

Proposed Intervenors also have additional significant protectable interests in this lawsuit independent from their members and constituents because the relief Congressman Issa seeks will impact how Vet Voice and CARA allocate their resources, including financial resources and volunteer and staff time, as they prepare to educate and turn out their members and constituents for the 2025 municipal elections and 2026 general elections. *Cf. E. Bay Sanctuary Covenant v. Biden*, 993 F.3d 640, 663 (9th Cir. 2021) (“[A]n organization has direct standing to sue 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.”); *Mi Familia Vota*, 129 F.4th at 709 (concluding organization representing naturalized citizens had standing to challenge lawsuit that would threaten the voting rights of the public and the organization’s members). Both Vet Voice and CARA are in the process of preparing their voter engagement and get-out-the-vote campaigns for upcoming elections, and plan to devote significant resources to encourage their members and supporters in California to apply for mail ballots, and to assist them in successfully casting those ballots. Goldbeck Decl. ¶ 19; England Decl. ¶¶ 11–12.

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<sup>10</sup> U.S. Postal Serv., “Quarterly Performance for Single-Piece First-Class Mail,” (FY2025, Q1), <https://about.usps.com/what/performance/service-performance/fy2025-q1-single-piece-first-class-mail-quarterly-performance.pdf>.

1        These kinds of interests are “routinely found to constitute significant protectable  
2 interests” for purposes of intervention. *Issa v. Newsom*, No. 20-CV-01044-MCE-CKD,  
3 2020 WL 3074351, at \*3 (E.D. Cal. June 10, 2020) (granting intervention as a matter of  
4 right). Indeed, another state chapter of the Alliance for Retired Americans was granted  
5 intervention as of right precisely because “protecting their own constituents’ voting rights”  
6 is a “significant protectable” interest under Rule 24. *1789 Found. Inc., v. Fontes*, No. CV-  
7 24-02987-PHX-SPL, 2025 WL 834919, at \*3 (D. Ariz. Mar. 17, 2025). Congressman  
8 Issa’s suit seeks to rewrite the deadline for mail ballots, meaning Vet Voice and CARA  
9 “would have to devote their limited resources to educating their members on California’s  
10 [altered] voting-by-mail system.” *Id.*; see Goldbeck Decl. ¶¶ 19–22; England Decl. ¶¶ 15–  
11 16. They seek to intervene in this case, in part, to avoid the disruption that Congressman  
12 Issa’s requested relief would cause to their voter education and engagement plans for the  
13 upcoming elections, as well as other organizational priorities like educating retirees about  
14 policies affecting Medicare and Medicaid, Social Security, and the cost of medicine,  
15 England Decl. ¶ 16, and empowering veterans to become advocates about policy issues  
16 they will face at home such as the environment, health care, and employment, Goldbeck  
17 Decl. ¶ 6. See *County of San Miguel v. MacDonald*, 244 F.R.D. 36, 47 (D.D.C. 2007)  
18 (granting intervention where plaintiffs’ requested relief would require “the expenditure of  
19 additional time and resources” by intervenors and their members (internal citation  
20 omitted)); cf. *Democratic Nat’l Comm. v. Reagan*, 329 F. Supp. 3d 824, 841 (D. Ariz. 2018)  
21 (finding standing where law required organization “to retool [its] [get-out-the-vote]  
22 strategies and divert [] resources”), *rev’d on other grounds sub nom. Democratic Nat’l*  
23 *Comm. v. Hobbs*, 948 F.3d 989 (9th Cir. 2020) (en banc).

24        Vet Voice and CARA’s ability to protect their interests, as well as the interests of  
25 their members and constituents, will be significantly impaired if they are not permitted to  
26 intervene. Congressman Issa does not seek relief impacting himself alone. Rather, he seeks  
27 injunctive and declaratory relief that, if granted, will determine the rules for the millions of  
28



1 Californians who vote by mail. Many of Vet Voice’s and CARA’s members and  
2 constituents plan to vote by mail in the 2025 municipal elections and 2026 general election,  
3 and both organizations are currently preparing their voter outreach and get-out-the-vote  
4 strategies for that election in California. Goldbeck Decl. ¶¶ 16, 19; England Decl. ¶¶ 7, 15.  
5 This case will likely set the rules of the road for those efforts, and Vet Voice, CARA, and  
6 the communities they serve in California will have no other opportunity to prevent  
7 Congressman Issa’s unilateral attempt to rewrite state election law. Simply put, the law  
8 Congressman Issa seeks to overturn—Cal. Elec. Code § 3020—“grants rights to [the  
9 Proposed Intervenors] and their members that could be taken away if the plaintiffs prevail.”  
10 *La Union del Pueblo Entero v. Abbott*, 29 F.4th 299, 307 (5th Cir. 2022) (“*LUPE*”)  
11 (holding political committees “established that their interest may be impaired” where  
12 litigation impacted “election landscape”). Given the possibility of the direct alteration of  
13 their members’ rights, Vet Voice and CARA have readily shown that Congressman Issa’s  
14 claims, if successful, “may practically impair [their] ability to protect their interest in the  
15 subject matter of the litigation.” *1789 Found. Inc.*, No. CV-24-02987-PHX-SPL, 2025 WL  
16 834919, at \*2 (quoting *Citizens for Balanced Use*, 647 F.3d at 900) (granting intervention  
17 as of right to Arizona Alliance for Retired Americans in a voting rights case).

18 **C. Vet Voice’s and CARA’s interests are not adequately represented by the**  
19 **existing parties in this case.**

20 Finally, Vet Voice and CARA will not be assured adequate representation in this  
21 matter if they are denied intervention. “[The] requirement . . . is satisfied if the applicant  
22 shows that representation of his interest ‘*may be*’ inadequate.” *Trbovich v. United Mine*  
23 *Workers of Am.*, 404 U.S. 528, 538 n.10 (1972) (citation omitted) (emphasis added). This  
24 burden is minimal, *Sagebrush Rebellion Inc. v. Watt*, 713 F.2d 525, 528 (9th Cir. 1983),  
25 and is “satisfied if the applicant shows that representation of its interests may be  
26 inadequate,” *Hoopa Valley Tribe v. U.S. Bureau of Reclamation*, 648 F. Supp. 3d 1196,  
27 1204 (E.D. Cal. 2022). Courts are typically “liberal in finding” this requirement is met  
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1 because “there is good reason in most cases to suppose that the applicant is the best judge  
2 of the representation of the applicant’s own interests.” 7C Charles Alan Wright & Arthur  
3 R. Miller, *Fed. Prac. & Proc. Civ.* § 1909 (3d ed.). The Ninth Circuit has repeatedly  
4 stressed that the burden is minimal when reversing orders denying intervention. *See e.g.*,  
5 *Sw. Ctr. for Biological Diversity*, 268 F.3d at 819 (reversing denial of intervention because  
6 the “interests of government and the private sector may diverge”); *Citizens for Balanced*  
7 *Use*, 647 F.3d at 900 (reversing denial of intervention and emphasizing that intervention  
8 does not require “absolute certainty . . . that existing parties will not adequately represent  
9 its interests.”). Vet Voice and CARA satisfy that requirement here.

10 The existing Defendant in this action, Secretary of State Weber, is a California public  
11 official. As such, she represents the broader public interest, and not the acute concerns that  
12 organizations like Vet Voice and CARA have in protecting mail voting for their members  
13 and specific constituencies. *See Trbovich*, 404 U.S. at 538–39 (observing government  
14 defendant had “an obligation to protect the vital public interest” in contrast to the “narrower  
15 interest” of a private party (cleaned up)).<sup>11</sup> Indeed, other state chapters of the Alliance for  
16 Retired Americans have been granted intervention as of right in federal cases where they  
17 similarly sought to protect their members voting rights and their organizational interests  
18 precisely because they uniquely represent “their organizational and associational interests  
19 in protecting the voting rights of their constituents.” *1789 Found. Inc.*, 2025 WL 834919,  
20 at \*2; *see* Text Order, *Wetzel*, No. 1:24-cv-00025-LG-RPM (Mar. 4, 2024); *Burgess*, No.  
21 3:24-cv-00198-MMD-CLB, ECF No. 70.

22 While the Secretary of State may oppose the relief Congressman Issa requests, it  
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26 <sup>11</sup> As to Congressman Issa, little needs to be said—he seeks to shorten the period of time  
27 in which a mail ballot may be received by election officials. Vet Voice and CARA strongly  
28 oppose that result.

1 does not follow that she will adequately represent Proposed Intervenor’s interests.<sup>12</sup> Courts  
2 have “often concluded that governmental entities do not adequately represent the interests  
3 of aspiring intervenors.” *Fund for Animals, Inc. v. Norton*, 322 F.3d 728, 736 (D.C. Cir.  
4 2003); accord *Citizens for Balanced Use*, 647 F.3d at 899 (“[T]he government’s  
5 representation of the public interest may not be ‘identical to the individual parochial  
6 interest’ of a particular group just because ‘both entities occupy the same posture in the  
7 litigation.’” (quoting *WildEarth Guardians v. U.S. Forest Serv.*, 573 F.3d 992, 996 (10th  
8 Cir. 2009))). Courts within this Circuit regularly reach the same conclusion in election  
9 cases. See, e.g., *Donald J. Trump for President, Inc. v. Cegavske*, No. 2:20-CV-1445 JCM  
10 (VCF), 2020 WL 5229116, at \*1 (D. Nev. Aug. 21, 2020) (granting intervention as of right  
11 because Secretary did not adequately represent organization’s interests, despite both  
12 wishing to defend against suit); *Paher v. Cegavske*, No. 3:20-CV-00243-MMDWGC, 2020  
13 WL 2042365, at \*3 (D. Nev. Apr. 28, 2020) (similar, even where intervenors and named  
14 defendant “presumably share[ d] the goal of protecting the all-mail election provisions. . .  
15 being challenged”); *Issa*, 2020 WL 3074351, at \*3 (granting intervention as of right even  
16 though “Defendants and the Proposed Intervenor fall on the same side of [mail voting]  
17 dispute”).

18 The Supreme Court has recently emphasized that executive officials will not often  
19 be adequate representatives for partisan or private actors who seek to intervene under Rule  
20 24. See *Berger v. N.C. State Conf. of the NAACP*, 597 U.S. 179, 194–97 (2022). In *Berger*,  
21 the Supreme Court reiterated its longstanding instruction that even when state agents  
22 pursue “related” interests to proposed intervenors, those interests are not properly  
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24 <sup>12</sup> There is also no reason to expect that Proposed Intervenor Curtis Morrison will  
25 adequately represent the interests of Vet Voice or CARA. See ECF No. 6. Morrison seeks  
26 to intervene to defend *his* particular interests as a voter and potential candidate. *Id.* at 6.  
27 This does not come close to encompassing or representing the interests of Vet Voice and  
28 CARA in protecting their members’ voting rights, which face heightened risk of rejection  
for being received after election day.

1 considered “identical.” *Id.* at 197 (quoting *Trbovich*, 404 U.S. at 538–39). The Court then  
2 explained that, “[w]here ‘the absentee’s interest is similar to, but not identical with, that of  
3 one of the parties,’ that normally is not enough to trigger a presumption of adequate  
4 representation.” *Id.* (quoting *Wright & Miller*, *supra*, § 1909). In particular, the Court  
5 stressed that whereas actors like the named Defendant must “bear in mind broader public-  
6 policy implications,” *id.* at 196, proposed intervenors’ sole interest—like Vet Voice and  
7 CARA here—rests in protecting the ability of their members and constituents to vote,  
8 Goldbeck Decl. ¶¶ 16–19; England Decl. ¶ 13. Vet Voice and CARA and the named  
9 Defendant thus do not “share the same ultimate objective.” *Citizens for Balanced Use*, 647  
10 F.3d at 898.

11       It is therefore immaterial that Vet Voice and CARA would “fall on the same side of  
12 the dispute” as the existing Defendant—which is always the case with intervention. *Issa*,  
13 2020 WL 3074351, at \*3 (“While Defendant[’s] arguments turn on [its] inherent authority  
14 as [a] state executive[] and [her] responsibility to properly administer election laws, the  
15 Proposed Intervenors are concerned with ensuring their . . . members [and supporters] . . .  
16 have the opportunity to vote” by mail and in “allocating their limited resources to inform  
17 voters about the election procedures.”); *cf. Democratic Party of Va. v. Brink*, No. 3:21-cv-  
18 756-HEH, 2022 WL 330183, at \*2 (E.D. Va. Feb. 3, 2022) (observing that the “[state’s]  
19 interests are to defend [the state’s] voting laws no matter the political repercussions while  
20 [intervenor’s] interest is to defend the voting laws when doing so would benefit” its  
21 supporters).

22       Moreover, Vet Voice and CARA will bring a different perspective to the litigation  
23 than the existing Defendant. Proposed Intervenors’ missions include promoting access to  
24 mail voting in California to the maximum extent possible in order to enfranchise the  
25 communities they serve. Goldbeck Decl. ¶¶ 4–7, 19–20; England Decl. ¶ 5. In contrast,  
26 Defendant Weber—California’s chief election officer, Compl. ¶ 24—has supported laws  
27 restricting mail voting. For example, in a prior challenge brought by CARA seeking to  
28

1 overturn California’s signature matching requirement—which disenfranchises tens of  
2 thousands of mail voters in each election—Defendant Weber defended the law despite its  
3 risk to CARA’s members. *See generally Cal. All. for Retired Ams. v. Weber*, No.  
4 24STCP02062 (Cal. Super. 2024); *see also e.g.*, Goldbeck Decl. ¶¶ 5–7; England Decl. ¶ 7.  
5 Accordingly, Vet Voice and CARA “may present arguments about the need to safeguard  
6 [Californians’] right to vote that are distinct from Defendants’ arguments.” *Paher*, 2020  
7 WL 2042365, at \*3.

8 Because these distinct perspectives and interests are sufficient to meet the minimal  
9 burden of demonstrating that the existing parties’ representation of Vet Voice’s and  
10 CARA’s interests are inadequate, the final requirement of Rule 24(a)(2) is met. *See*  
11 *Trbovich*, 404 U.S. at 538 n.10 (emphasis added); *Sagebrush Rebellion Inc.*, 713 F.2d at  
12 528.

13 **II. Alternatively, Vet Voice and CARA should be granted permissive intervention**  
14 **under Rule 24(b).**

15 Vet Voice and CARA also satisfy the requirements for permissive intervention. Rule  
16 24(b) permits intervention upon timely application “‘when an applicant’s claim or defense  
17 and the main action have a question of law or fact in common.’” *Beckman Indus., Inc. v.*  
18 *Int’l Ins. Co.*, 966 F.2d 470, 472 (9th Cir. 1992) (quoting Fed. R. Civ. P. 24(b)(2)). In  
19 exercising their discretion to permit intervention, courts “must consider whether the  
20 intervention will unduly delay or prejudice the adjudication of the original parties’ rights.”  
21 Fed. R. Civ. P. 24(b)(3).

22 Courts routinely grant permissive intervention to voting rights and other advocacy  
23 organizations in actions involving burdens on voting rights. In fact, both Vet Voice and  
24 other state chapters of the Alliance for Retired Americans have been granted intervention  
25 in other states to defend substantively identical lawsuits challenging state ballot receipt  
26 deadlines. *See* Text Order, *Wetzel*, No. 1:24-cv-00025-LG-RPM (S.D. Miss. Mar. 4, 2024)  
27 (permitting Vet Voice and the Mississippi Alliance for Retired Americans to intervene to  
28

1 defend Mississippi’s ballot receipt deadline); Order, *Burgess*, No. 3:24-cv-00198-MMD-  
2 CLB (D. Nev. June 6, 2024), ECF No. 70 (permitting Vet Voice and the Nevada Alliance  
3 for Retired Americans to intervene to defend Mississippi’s ballot receipt deadline). That  
4 history alone gives these Proposed Intervenors a unique perspective that is currently  
5 missing from this litigation: they are the only parties that have also participated in prior  
6 challenges to similar laws and can provide the Court with a unique perspective on that  
7 precedent. Moreover, granting their intervention here is consistent with the regular practice  
8 of federal courts that routinely recognize that organizations such as these bring a valuable  
9 perspective to cases that threaten to make it harder for such organizations’ members and  
10 constituents to successfully vote. *See also, e.g., Pub. Int. Legal Found., Inc. v. Winfrey*,  
11 463 F. Supp. 3d 795, 802 (E.D. Mich. 2020) (permitting voting rights organization to  
12 intervene in an action brought to compel local election officials to purge the voter rolls of  
13 ineligible voters); *Kobach v. U.S. Election Assistance Comm’n*, No. 13-CV-4095-EFM-  
14 DJW, 2013 WL 6511874, at \*4 (D. Kan. Dec. 12, 2013) (allowing voting rights, civil  
15 rights, and other advocacy organizations to intervene in an action brought to compel voter  
16 registration applications to submit proof-of-citizenship documents); *see also League of*  
17 *Women Voters of N.C. v. North Carolina*, No. 1:13CV660, 2014 WL 12770081, at \*3  
18 (M.D.N.C. Jan. 27, 2014) (permitting individual voters to intervene in action challenging  
19 a series of restrictions on voting). And other district courts have granted permissive  
20 intervention to organizations that, like Vet Voice and CARA, “engage in voter advocacy  
21 and education to increase voting participation in elections” in a case raising substantially  
22 similar legal questions about the meaning of the federal election day statutes. *Donald J.*  
23 *Trump for President, Inc. v. Murphy*, No. CV-20-10753 (MAS) (ZNQ), 2020 WL 6573382,  
24 at \*2 (D.N.J. Sept. 23, 2020).

25 As discussed above, Congressman Issa’s challenge to California law threatens  
26 significant harm to Vet Voice’s and CARA’s legally protected interests, and the motion to  
27 intervene is indisputably timely. Vet Voice and CARA raise arguments against  
28

1 Congressman Issa's claims that are likely to share common questions of law and fact with  
2 the main action, including with respect to Congressman Issa's flawed standing theories and  
3 his widely rejected reading of federal law upon which he bases his entire suit. *See generally*  
4 Ex. 4, Proposed Intervenor's Proposed Answer. Most importantly, intervention will result  
5 in neither prejudice nor undue delay. As shown by their prompt effort to intervene, Vet  
6 Voice and CARA have an interest in swift resolution of this action to ensure that their  
7 voters are able to cast a mail ballot and have that ballot counted.

### 8 CONCLUSION

9 For the reasons stated above, Vet Voice and CARA respectfully request that the  
10 Court grant their motion to intervene as a matter of right under Rule 24(a)(2) or, in the  
11 alternative, permit them to intervene under Rule 24(b).



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Respectfully submitted,

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