

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

PAUL ZIRIAX, in his official capacity as
Secretary of the State Election Board,

Defendant.

Case No. 5:26-cv-361

**MEMORANDUM IN SUPPORT OF THE OKLAHOMA ALLIANCE FOR
RETIRED AMERICANS' MOTION TO INTERVENE AS DEFENDANT**

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INTRODUCTION

The Department of Justice (“DOJ”) has embarked on an unprecedented campaign to amass a wide array of highly sensitive personal information about voters across the country. In connection with this effort, DOJ sued Secretary of the State Election Board Paul Ziriaux on February 26, 2026, seeking to compel production of Oklahoma’s complete and unredacted voter registration list, which contains sensitive and private information about every voter in Oklahoma. But Oklahoma law permits disclosure of only select categories of information about registered voters. 26 O.S. § 4-112(H). Pointedly, the State Election Board *must* keep “full or partial Social Security Number[s]” and “driver license number[s] in a voter registration record or a voter registration application” confidential. *Id.* DOJ’s demand intrudes not only on Oklahoma’s constitutional prerogative to maintain and protect its own voter registration list—and the explicit guarantees that Oklahoma has made to voters that their private information will not be shared—but also on the privacy rights of individual Oklahoma voters who have good reason to fear their personal information being handed over to the federal government. This includes the approximately 27,500 voters affiliated with the Oklahoma Alliance for Retired Americans (“the Alliance”), which seeks to intervene to preserve its members’ privacy rights by preventing disclosure of their sensitive personal information to DOJ.

The Alliance has significant interests that are at serious risk of impairment by the relief sought in this action, and the existing parties do not adequately represent that interest. *See* Fed. R. Civ. P. 24(a). Most significantly, the Alliance has an interest in ensuring that its members’ sensitive and personal information is not improperly disclosed to DOJ. While

Oklahoma’s Secretary of the State Election Board has thus far resisted disclosure, as a government official he must consider “broader public-policy implications” of the issues presented in this suit; the Alliance meanwhile is solely concerned with protecting its members’ privacy and voting rights and preserving its organizational resources—“full stop.” *Berger v. N.C. State Conf. of the NAACP*, 597 U.S. 179, 196 (2022) (citing *Trbovich v. United Mine Workers*, 404 U.S. 528, 538–39 (1972)). Unsurprisingly, in cases involving DOJ’s nationwide crusade, other federal courts have already granted intervention to similarly situated intervenors, including to several state chapters of the Alliance. *See United States v. Benson*, No. 1:25-cv-01148, 2025 WL 3520406 (W.D. Mich. Dec. 9, 2025); *United States v. Oregon*, No. 25-cv-01666, 2025 WL 3496571 (D. Or. Dec. 5, 2025); Minute Order, *United States v. Oliver*, No. 1:25-cv-01193 (D.N.M. Dec. 15, 2025), ECF No. 9; Op., *United States v. Simon*, No. 0:25-cv-03761 (D. Minn. Jan. 6, 2026), ECF No. 90; Minute Order, *United States v. Commonwealth*, No. 2:25-cv-01481 (W.D. Pa. Jan. 16, 2026), ECF No. 105; Minute Order, *United States v. Hanzas*, No. 2:25-cv-00903 (D. Vt. Jan. 16, 2026), ECF No. 41; Order, *United States v. Wisconsin Elections Comm’n*, No. 3:25-cv-01036 (W.D. Wis. Jan. 22, 2026), ECF No. 53; Order, *United States v. DeMarinis*, No. 1:25-cv-03934 (D. Md. Feb. 2, 2026), ECF No. 38; Minute Order, *United States v. Galvin*, No. 1:25-cv-13816 (D. Mass. Jan. 6, 2026), ECF No. 30; Text Order, *United States v. Matthews*, No. 3:25-cv-03398 (C.D. Ill. Mar. 2, 2026).

Alternatively, the Alliance should be granted permissive intervention under Rule 24(b) to ensure that Oklahoma voters have a voice in this case, the core subject of which is the disclosure of *their* personal information. At a minimum, the Alliance will help to

develop the issues and ensure vigorous presentation of arguments that the existing Defendant may be limited in presenting. *See* Mins. of Mot. Hr'g, *United States v. Weber*, No. 25-cv-09149 (C.D. Cal. Nov. 24, 2025), ECF No. 70 (granting permissive intervention by oral order); Text Order, *United States v. Matthews*, No. 3:25-cv-03398 (C.D. Ill. Mar. 2, 2026) (granting permissive intervention to Illinois' chartered state affiliate of the Alliance). Moreover, the Alliance is uniquely situated to offer insight into parallel proceedings, many of which involve the organization's sister state chapters. Those considerations weigh strongly in favor of permissive intervention.

BACKGROUND

I. Federal law has long made voter list maintenance a state responsibility, consistent with principles of federalism.

The U.S. Constitution “invests the States with responsibility for the mechanics” of elections, subject to any decision by Congress to “preempt state legislative choices.” *Foster v. Love*, 522 U.S. 67, 69 (1997); *see also* U.S. Const. art. I, § 4, cl. 1. Accordingly, as a default matter, the Constitution assigns states the responsibility for determining voter eligibility and maintaining lists of eligible voters. *See Arizona v. Inter Tribal Council of Ariz., Inc.*, 570 U.S. 1, 17 (2013).

While Congress has enacted certain laws governing voter registration, these laws augment existing “state voter-registration systems,” *id.* at 5, and confirm that states are the custodians of voter registration data. Congress in 1993 enacted the National Voter Registration Act (“NVRA”) to serve “two main objectives: increasing voter registration and removing ineligible persons from the States’ voter registration rolls.” *Husted v. A.*

Philip Randolph Inst., 584 U.S. 756, 761 (2018); *see also* 52 U.S.C. § 20501(b). The NVRA tellingly charges *states*—not the federal government—with the “administration of voter registration for elections for Federal office,” 52 U.S.C. § 20507(a), including as to maintaining voter lists (subject to strict procedural safeguards), *id.* § 20507(c)–(g). It similarly makes *states* the custodians of voter lists, *see Husted*, 584 U.S. at 761.

In the wake of the 2000 elections, Congress enacted the Help America Vote Act (“HAVA”) “to improve voting systems and voter access.” *Republican Nat’l Comm. v. N.C. State Bd. of Elections*, 120 F.4th 390, 394 (4th Cir. 2024). Like the NVRA, HAVA regulates how *states* maintain voter lists, requiring they create a “computerized statewide voter registration list” and “perform list maintenance.” 52 U.S.C. § 21083(a)(1)(A), (a)(2)(A). HAVA is abundantly clear that this list is to be “defined, maintained, and administered at the State level.” *Id.* § 21083(a)(1)(A).

II. The Department of Justice has embarked on an unprecedented nationwide campaign to amass personal voter registration data held by the states.

Last spring, DOJ launched a campaign to demand broad and unprecedented access to state voter files, including personal information about each registered voter like their date of birth, driver’s license number, and social security number. DOJ has reportedly sent demands to at least 48 states, with plans to make similar demands on all 50.¹ The vast

¹ *See* Devlin Barrett & Nick Corasaniti, *Trump Administration Quietly Seeks to Build National Voter Roll*, N.Y. Times (Sep. 9, 2025), <https://www.nytimes.com/2025/09/09/us/politics/trump-voter-registration-data.html>; Kaylie Martinez-Ochoa, Eileen O’Connor & Patrick Berry, *Tracker of Justice Department Requests for Voter Information*, Brennan Ctr. for Just. (Dec. 5, 2025), <https://perma.cc/7LBF-YER5>.

majority have declined to turn over sensitive personal information that is typically protected by state law. *See supra* note 1. Oklahoma law similarly provides confidentiality protections for sensitive personal information provided in the context of voter registration. *See* 26 O.S. § 4-112(H).

DOJ has now filed lawsuits against 29 states and the District of Columbia to compel production of that data. While DOJ has repeatedly claimed that it need not offer any justification for its demands, it reportedly seeks to use the data to create a national voter database to attempt to substantiate unfounded accusations that millions of non-citizens have voted illegally in recent elections. *See* Barrett & Corasaniti, *supra* note 1. In recent public statements, moreover, Assistant Attorney General Harmeet Dhillon made clear that DOJ also intends to use the information to attempt to compel the removal of *hundreds of thousands* of voters from the rolls.² And, as detailed in a brief filed by several states in other parallel suits in which DOJ seeks to compel similarly sensitive voter data, DOJ has sought not simply read-only access, but “materials that define or explain how” the information is coded into the registration database, “potentially because additional information about database condition would assist in transferring data . . . into other federal databases.” *See, e.g.*, Brief of Amici Curiae Maryland, et al., in Support of Motion to Dismiss at 6, *United States v. Bd. of Elections of N.Y.*, No. 1:25-cv-1338 (N.D.N.Y. Jan. 6, 2026), ECF No. 79-1; Brief of Amici Curiae Maryland, et al., in Support of Motion to

² *See* AAG Harmeet Dhillon (@AAGHarmeetDhillon), X (Dec. 18, 2025, at 9:24 ET), <https://x.com/AAGDhillon/status/2001659823335616795> (stating in video discussing these lawsuits: “You’re going to see hundreds of thousands of people in some states being removed from the voter rolls.”).

Dismiss at 9, *United States v. Weber*, No. 2:25-cv-09149 (C.D. Cal. Nov. 26, 2025), ECF No. 83. Indeed, in recent months the federal government has repeatedly sought to transfer and utilize sensitive information given to or possessed by it for other uses that threaten the citizenry in a number of ways. This includes, for example, collecting state data on Supplemental Nutrition Assistance Programs and using state-compiled Medicaid data for immigration enforcement purposes. *Id.* at 2–5. These concerns are similarly present here.

As part of this broader pressure campaign, DOJ set its sights on Oklahoma. On December 12, 2025, DOJ allegedly sent a letter to Secretary Ziriix asking that the Secretary provide DOJ with “a current electronic copy of Oklahoma’s computerized statewide voter registration list” within fourteen days. Compl. ¶¶ 18–19, ECF No. 1. DOJ was explicit that the statewide voter registration list should “include *all fields*.” *Id.* ¶ 21 (emphasis added). Secretary Ziriix purportedly responded by letter on February 4, 2026. *Id.* ¶ 23. In that response, Secretary Ziriix allegedly declined to share an unredacted copy of Oklahoma’s statewide voter registration. *Id.* ¶¶ 23–24.

As noted, around the same time as DOJ was making these demands of Oklahoma, it made similar demands to scores of other States, the vast majority of which have refused to turn over highly sensitive personal voter information. Beginning in September 2025, DOJ began filing lawsuits against some—but not all—of these States. On September 16, DOJ brought actions against Oregon and Maine,³ alleging in both cases that DOJ was entitled to the voter information it sought under three statutes: the NVRA, HAVA, and the

³ *Justice Department Sues Oregon and Maine for Failure to Provide Voter Registration Rolls*, U.S. Dep’t of Just. (Sep. 16, 2025), <https://perma.cc/9HZQ-CFCG>.

Civil Rights Act of 1960 (“CRA”). On September 25, DOJ filed another set of lawsuits, this time against California, Michigan, Minnesota, New Hampshire, New York and Pennsylvania.⁴ Again, DOJ brought its claims under those same three statutes, excepting only the NVRA claim in states that are exempt from the NVRA. In early December, DOJ sued a third group of States—Delaware, Maryland, New Mexico, Rhode Island, Vermont, and Washington.⁵ Notably, beginning with the lawsuits filed in early December 2025, DOJ asserted only a single claim under the CRA, implicitly acknowledging the weakness of its NVRA and HAVA claims filed in the earlier actions. The lawsuits are otherwise identical to the first few waves.

Similarly, in mid-December, DOJ filed fourth and fifth waves of suits against Colorado, Hawaii, Massachusetts, Nevada, the District of Columbia, Georgia, Illinois, and Wisconsin, alleging claims under the CRA only.⁶ On January 6, 2026, DOJ brought suit against Arizona and Connecticut, again alleging only one claim under the CRA.⁷ Days later, DOJ sued Virginia, again alleging only one claim under the CRA.⁸ Most recently, on

⁴ *Justice Department Sues Six States for Failure to Provide Voter Registration Rolls*, U.S. Dep’t of Just. (Sep. 25, 2025), <https://perma.cc/J2Z3-C4NY>.

⁵ *Justice Department Sues Six Additional States for Failure to Provide Voter Registration Rolls*, U.S. Dep’t of Just. (Dec. 2, 2025), <https://perma.cc/SCJ6-7GW4>.

⁶ *Justice Department Sues Four Additional States and One Locality for Failure to Comply with Federal Elections Laws*, U.S. Dep’t of Just. (Dec. 12, 2025), <https://perma.cc/Y8VL-QBDP>; *Justice Department Sues Four States for Failure to Produce Voter Rolls*, U.S. Dep’t of Just. (Dec. 18, 2025), <https://perma.cc/7WMZ-FSQR>.

⁷ *Justice Department Sues Arizona and Connecticut for Failure to Produce Voter Rolls*, U.S. Dep’t of Just. (Jan. 6, 2026), <https://perma.cc/PCE6-DHYA>.

⁸ *Justice Department Sues Virginia for Failure to Produce Voter Rolls*, U.S. Dep’t of Just. (Jan. 16, 2026), <https://perma.cc/5MNZ-7SKQ>.

February 26, 2026, along with Oklahoma, DOJ brought suit against Utah, Kentucky, West Virginia, and New Jersey, also asserting a single claim under the CRA.⁹

III. The Department of Justice sues Secretary Ziriix to obtain Oklahoma’s voter registration list.

DOJ filed this suit on February 26, 2026, seeking to compel Secretary Ziriix to provide Oklahoma’s full, unredacted statewide voter registration list. *See generally* Compl., ECF No. 1.

As noted above, DOJ’s most recent suits in this campaign—including this one—assert only a single count: namely, it alleges that, in refusing to fully comply with DOJ’s requests, Secretary Ziriix violated Section 303 of the CRA—a civil rights era law that permits DOJ to review certain voting records to investigate “question[s] concerning infringement or denial of . . . constitutional voting rights.” *Kennedy v. Lynd*, 306 F.2d 222, 228 (5th Cir. 1962).

Section 303 does not support DOJ’s sweeping demands. *See United States v. Weber*, --- F. Supp. 3d ----, No. 2:25-cv-09149-DOC-ADS, 2026 WL 118807, at *8 (C.D. Cal. Jan. 15, 2026) (granting motions to dismiss DOJ’s parallel CRA claim in California). Congress enacted that provision to preserve “the right of all qualified citizens to vote without discrimination,” and specifically to facilitate “investigation[s]” authorized under the Civil Rights Act of 1957, which recalcitrant local officials had frustrated through the destruction of records. H.R. Rep. No. 86-956, at 7 (1959). This history “leaves no doubt but that

⁹ *Justice Department Sues Five Additional States for Failure to Produce Voter Rolls*, U.S. Dep’t of Just. (Feb. 26, 2026), <https://perma.cc/D5D3-Q72U>.

[Section 303] is designed to secure a more effective protection of the right to vote.” *Alabama ex rel. Gallion v. Rogers*, 187 F. Supp. 848, 853 (M.D. Ala. 1960), *aff’d sub nom. Dinkens v. Att’y Gen. of U.S.*, 285 F.2d 430 (5th Cir. 1961); *see also Weber*, 2026 WL 118807, at *8 (“The purpose of Title III is to detect voting-related racial discrimination.”). Yet DOJ admits that it is *not* seeking to enforce these laws or to investigate the unconstitutional denial of the right to vote. Instead, DOJ’s own *stated* purpose in making the demand for the voter file was “to ascertain Oklahoma’s compliance with the list maintenance requirements of the NVRA and HAVA,” Compl. ¶ 29, laws with their own separate procedures and enforcement mechanisms. Section 303 is not a roving authorization for the federal government to demand any voter information it wants from any state for any purpose the federal government can conjure as a post-hoc rationale for litigation, and even if Section 303 did apply, it would not prohibit Oklahoma from redacting confidential and sensitive voter information that has nothing to do with investigating the denial of the right to vote, just as it would be entitled to do under the NVRA. *See Voter Reference Found., LLC v. Torrez*, 160 F.4th 1068, 1083 n.14 (10th Cir. 2025); *Pub. Int. Legal Found., Inc. v. Bellows*, 92 F.4th 36, 56 (1st Cir. 2024).

IV. DOJ’s demands threaten the Alliance’s members’ privacy rights.

The Oklahoma Alliance for Retired Americans is a 501(c)(4) nonprofit, social welfare organization and the statewide Oklahoma affiliate of the national Alliance for Retired Americans. *See Ex. 1, Decl. of Kevin O’Connor* (“O’Connor Decl.”) ¶ 4. It represents approximately 27,500 members across the state of Oklahoma through 17 affiliated groups. It is comprised primarily of retirees over the age of 60 who live on fixed

incomes and who have worked for decades in public and private-sector unions and community organizations. *Id.* ¶ 5. The Alliance is a lean, volunteer-driven organization dedicated to ensuring social and economic justice, as well as full civil rights, for all retirees in Oklahoma. *Id.* ¶¶ 4–6. A central component of its mission is civic engagement, including conducting “resource events” across the State where it educates seniors about voter registration and encourages participation in the electoral process. *Id.* ¶ 6.

The Alliance has significant concerns about DOJ’s intended use of its members’ sensitive personal voter information. *Id.* ¶¶ 9–11. As explained by President Kevin O’Connor, the Alliance expects that many members will be deterred from registering or voting if they believe their personal data will be shared with the federal government. *Id.* ¶ 10. Older Oklahomans are frequently targeted by Social Security scams, identity theft, fraudulent loan approval notices, and other financial fraud, and they are particularly sensitive to the risk that their private data may be circulated without their consent. *Id.* ¶ 9. Even the perception that such information may be disclosed beyond the State increases anxiety among members. *Id.*

If DOJ obtains Oklahoma’s unredacted voter file, the resulting fear and mistrust will directly undermine the Alliance’s voter registration and turnout efforts, discouraging seniors—especially those already facing mobility, health, or financial challenges—from participating in the electoral process. *Id.* ¶ 6. That deterrence will impair the Alliance’s ability to carry out its core civic-engagement mission and frustrate the very activities through which it advances the rights of Oklahoma retirees. *Id.* ¶¶ 6, 10.

LEGAL STANDARD

A movant “seeking to intervene as of right must establish (1) timeliness, (2) an interest relating to the property or transaction that is the subject of the action, (3) the potential impairment of that interest, and (4) inadequate representation by existing parties.” *Kane Cnty. v. United States*, 928 F.3d 889 (10th Cir. 2019) (citing Fed. R. Civ. P. 24(a)(2) and *W. Energy All. v. Zinke*, 877 F.3d 1157, 1164 (10th Cir. 2017)). Courts in the Tenth Circuit follow a “liberal line in allowing intervention” under Rule 24(a). *Barnes v. Sec. Life of Denver Ins. Co.*, 945 F.3d 1112, 1121 (10th Cir. 2019) (quoting *Utah Ass’n of Cntys. v. Clinton*, 255 F.3d 1246, 1249 (10th Cir. 2001)). Courts also have discretion to grant permissive intervention if the movant has “a claim or defense that shares with the main action a common question of law or fact,” and if doing so will not “unduly delay or prejudice the adjudication of the original parties’ rights.” Fed. R. Civ. P. 24(b).

ARGUMENT

I. The Alliance is entitled to intervene as of right under Rule 24(a)(2).

A. This Motion is timely.

The Alliance’s motion—filed a mere 7 days after DOJ brought suit and before any case schedule has been set—is plainly timely. *See Kane Cnty.*, 928 F.3d at 890–91 (motion timely where intervenors moved “three months” after learning of potential impact on interests); *see also Zinke*, 877 F.3d at 1164–65 (motion timely where intervenors moved “just over two months after” learning of lawsuit that could potentially affect interests). In fact, the Secretary has not even entered an appearance. Because this case is at its earliest

stage, there is no risk of prejudice to the existing parties if intervention is granted. *See Kane Cnty.*, 928 F.3d at 891.

B. The Alliance has an interest in protecting its members' sensitive and personal information from improper disclosure to DOJ, which is threatened by this action.

The Alliance also satisfies Rule 24(a)(2)'s interest requirements because it has interests that may be "impair[ed] as a practical matter." *Utah Ass'n of Cntys.*, 255 F.3d at 1253. A proposed intervenor satisfies the "interest" requirement if it identifies a "direct, substantial, and legally protectable" stake in the lawsuit that "would be impeded by the disposition of the action." *Barnes*, 945 F.3d at 1121–22 (citation omitted). The "interest" requirement is intended to ensure the "involve[ment of] as many apparently concerned persons as is compatible with efficiency and due process," *Coal of Ariz./N.M. Cntys. for Stable Econ. Growth v. Dep't of Interior*, 100 F.3d 837, 841 (10th Cir. 1996) (citation omitted), meaning that establishing a protectable interest "presents a minimal burden," *Kane Cnty.*, 928 F.3d at 891 (citation omitted). So long as the Alliance can show that it may "be substantially affected in a practical sense by the determination made in an action, [it] should . . . be entitled to intervene" as of right. *WildEarth Guardians v. U.S. Forest Serv.*, 573 F.3d 992, 995 (10th Cir. 2009) (citation omitted).

The Alliance easily meets this requirement. The organization represents thousands of registered Oklahoma voters who have protectable interests in maintaining the privacy and security of their highly sensitive personal identifying information. *See supra* Background Part IV. Importantly, the voter registration data of the Alliance's members is protected from disclosure under Oklahoma law. *See* 26 O.S. § 4-112(H).

The Alliance and its members are also concerned about the consequences of the disclosure of their sensitive information to DOJ, both because of the risk of data breaches that would expose them to identity theft scams, and because of the potential that the federal government may purge their members from the voting rolls without cause. O'Connor Decl. ¶¶ 9, 11. The risk of disclosure, and of accompanying adverse consequences, is enough to satisfy Rule 24(a). *See WildEarth Guardians v. Nat'l Park Serv.*, 604 F.3d 1192, 1197–98 (10th Cir. 2010) (noting that intervenor-organization asserted its members' interests in determining that it had a protectable interest); *Forest Guardians v. U.S. Dep't of Interior*, No. CIV-02-1003 JB/WDS, 2004 WL 3426413, at *7–8 (D.N.M. Jan. 12, 2004) (concluding that intervenor-organization had protectable interest in case implicating members' privacy interests). And multiple other federal courts have held as much in DOJ's parallel cases, granting intervention as of right in Michigan—notably, to the Michigan Alliance for Retired Americans—and in Oregon. *See Benson*, 2025 WL 3520406, at *2–5; *Oregon*, 2025 WL 3496571, at *1.

The Alliance's mission-critical voter engagement and turnout work will also be harmed by the disclosure of its members' information to DOJ. Its members are predominantly senior citizens, who are frequently targets of identity theft scams, and many members are also concerned about the federal government's lack of transparency with respect to its plans for their personal data. *See* O'Connor Decl. ¶¶ 9, 11. If members know their sensitive identifying information will be disclosed to a federal government that they do not trust to handle it with care, many may opt out of voter registration and political engagement altogether, thus undermining the Alliance's core mission. *Id.* ¶ 10. Courts have

long recognized that organizations have a significant protectable interest in preserving and pursuing their own mission-critical organizational activities, particularly when it comes to ensuring their members' ability to vote. *See, e.g., DCCC v. Ziriox*, 487 F. Supp. 3d 1207, 1228 (N.D. Okla. 2020) (finding political party had standing to sue on behalf of its members because of its interest in "getting out the votes of its members," which was "germane" to the organization's purpose); *Jud. Watch, Inc. v. Ill. State Bd. of Elections*, No. 24 C 1867, 2024 WL 3454706, at *3 (N.D. Ill. July 18, 2024); *Pager v. Cegavske*, No. 3:20-cv-00243, 2020 WL 2042365, at *2 (D. Nev. Apr. 28, 2020); *Issa v. Newsom*, No. 2:20-cv-01044, 2020 WL 3074351, at *3 (E.D. Cal. June 10, 2020); *cf. La Union del Pueblo Entero v. Abbott*, 29 F.4th 299, 306 (5th Cir. 2022) (recognizing that party committees had "legally protectable interest" because they "expend significant resources in the recruiting and training of volunteers and poll watchers who participate in the election process").

Ultimately, the Alliance and its members have an interest in ensuring that their information remains private, regardless of whether disclosure to the DOJ would produce any harm. *Benson*, 2025 WL 3520406, at *3. Individuals have an intrinsic right to the sanctity of information that is deeply personal and sensitive. *Slayton v. Willingham*, 726 F.2d 631, 635 (10th Cir. 1984); *see also Doe v. Bd. of Cnty. Comm'rs of Craig Cnty.*, No. 11-CV-0298-CVE-PJC, 2012 WL 2887217, at *2 (N.D. Okla. July 13, 2012) ("The Tenth Circuit has held that an individual has a constitutional right to privacy in the non-disclosure of personal information."). Once that information is disclosed, "the cat is out of the bag." *In re Sealed Case*, 237 F.3d 657, 664 (D.C. Cir. 2001) (citation omitted) (finding

impairment when intervenor’s confidential information was at risk of disclosure); *see also Kalbers v. DOJ*, 22 F.4th 816, 828 (9th Cir. 2021) (holding intervenor’s “interest in keeping its documents confidential would obviously be impaired by an order to disclose” those documents); *Forest Guardians*, 2004 WL 3426413, at *7–8. Thus, disclosure of the confidential information of the Alliance’s members as a result of this litigation “easily satisfies the minimal burden of showing the potential for impairment of [their] interests.” *Barnes*, 945 F.3d at 1124; *see also Benson*, 2025 WL 3520406, at *4; *Oregon*, 2025 WL 3496571, at *2–3.

C. The existing parties do not adequately represent the Alliance.

Lastly, the Alliance readily meets the burden of establishing inadequate representation—which, again, is a “minimal one” requiring only that the Alliance demonstrate that “representation *may* be inadequate.” *Utahns for Better Transp. v. U.S. Dep’t of Transp.*, 295 F.3d 1111, 1117 (10th Cir. 2002) (citation modified); *accord Trbovich*, 404 U.S. at 538 n.10. “Where the purportedly adequate representative of the proposed intervenor’s interest is a governmental entity,” courts may allow intervention when “the public interest the government is obligated to represent may differ from the would-be intervenor’s particular interest.” *Kane Cnty.*, 928 F.3d at 892 (cleaned up) (quoting *Utah Ass’n of Cntys.*, 255 F.3d at 1255). The Tenth Circuit has also found inadequate representation where “the government has multiple objectives and could well decide to embrace some” goals over others in the course of litigation. *Id.* at 892–93 (quoting *WildEarth Guardians*, 573 F.3d at 997). That is true here for both Plaintiff and Defendant. And, again, multiple federal courts have held as much in granting intervention as of right,

such as in the DOJ's parallel cases in Michigan and Oregon. *See Benson*, 2025 WL 3520406, at *5–6; *Oregon*, 2025 WL 3496571, at *2.

DOJ plainly does not represent the Alliance's interests; it seeks to forcibly compel production of sensitive, personal voter information against the wishes of the Alliance's members and in violation of privacy laws. And while Oklahoma's Secretary of the State Election Board, to date, has resisted that demand, he too does not adequately represent the Alliance's distinct private interests. Federal courts have "often concluded that governmental entities do not adequately represent the interests of aspiring intervenors." *Fund for Animals, Inc. v. Norton*, 322 F.3d 728, 736 (D.C. Cir. 2003). That is because a government-official defendant "is seeking to protect not only the interest of the public but also the private interest of the petitioners in intervention, a task which is on its face impossible." *Utah Ass'n of Cntys.*, 255 F.3d at 1255. Simply put, "the government's representation of the public interest" may not be "identical to the individual parochial interest of a particular group" just because "both entities occupy the same posture in the litigation." *WildEarth Guardians*, 573 F.3d at 996; *see also Benson*, 2025 WL 3520406, at *6 (recognizing "Michigan has other countervailing incentives—for example, to maintain an election system, comply with federal law, and preserve comity with the federal government—that may ultimately induce it to stop defending the lawsuit or give up the information at issue"); *Oregon*, 2025 WL 3496571, at *2 (similar).

Moreover, the risk that the Secretary may seek a compromise settlement in this case weighs strongly in favor of granting intervention as well, particularly here where the Oklahoma Attorney General has not indicated whether he plans to fight the release of

protected data or instead comply with DOJ's request.¹⁰ Indeed, DOJ recently revealed in a parallel case that one of the state defendants in DOJ's most recent wave of lawsuits demanding voter data has already proactively reached out to DOJ to express interest in negotiating a settlement. *See* Mot. Hr'g Tr. at 33:1–11, *United States v. Simon*, No. 0:25-cv-03761 (D. Minn. Mar. 3, 2026). Representation is clearly inadequate where existing parties may seek to “negotiate[] a settlement that would [be] contrary to the interest of the prospective intervenors.” *Fiandaca v. Cunningham*, 827 F.3d 825, 833 (1st Cir. 1987); *see also Kane Cnty.*, 928 F.3d at 895–96 (recognizing “administration of ... litigation resources” and “inclin[ation] to settle” may further establish inadequate representation); *City of Chicago v. FEMA*, 660 F.3d 980, 986 (7th Cir. 2011) (explaining that a possible “conflict of interest ... when it comes to settlement possibilities” favors intervention); *Kleissler v. U.S. Forest Serv.*, 157 F.3d 954, 974 (3d Cir. 1998) (similar). There may be good reason for the Secretary to seek a settlement with the federal government, because he must balance his personal views with his public duties, including under federal and state laws governing voter registration. *See id.* at 972; *cf. Bellitto v. Snipes*, 935 F.3d 1192, 1201 (11th Cir. 2019) (recognizing competing objectives of the NVRA). But that only confirms the Secretary cannot adequately represent the Alliance's interests.

The Supreme Court itself recently emphasized this point, noting that public officials must “bear in mind broader public-policy implications,” whereas private litigants—like the

¹⁰ *See* Barbara Hoberock, *Oklahoma AG won't say if Trump administration push to access protected voter info is lawful*, Oklahoma Voice (Feb. 27, 2026), <https://oklahomavoice.com/2026/02/27/justice-department-sues-oklahoma-to-force-release-of-protected-voter-info/>.

Alliance and its members—seek to vindicate their own rights “full stop.” *Berger*, 597 U.S. at 195–96 (citing *Trbovich*, 404 U.S. at 538–39). Thus, the Court cautioned that courts should not conduct the adequacy of representation analysis at too “high [a] level of abstraction,” and reaffirmed that, even where the parties’ interests “seem[] closely aligned,” the burden to demonstrate inadequate representation remains “minimal” unless those interests are “identical.” *Id.* at 196 (citation omitted). In other words, even if Defendant continues to also oppose the relief that DOJ seeks at a high level of abstraction, it does not follow that the Secretary shares “identical” interests to civic membership organizations committed to protecting their members and encouraging political participation. *See id.*

Because state officials do not share “identical” interests with private parties, the Alliance bears only a “minimal” burden in showing inadequate representation. *Id.* (citation omitted). And courts in general are typically “liberal in finding” this requirement satisfied, recognizing that, ultimately, “there is good reason in most cases to suppose that the applicant is the best judge of the representation of the applicant’s own interests.” 7C Charles Alan Wright & Arthur R. Miller, *Federal Practice & Procedure* § 1909 (3d ed. 2024). Here, the Alliance is not constrained by competing public duties, but is instead vehemently opposed to the exposure of its members’ personal and private information, and is well-positioned to press legal arguments that cannot be “equally asserted” by the existing parties given their public duties. *Does 1 Through 7 v. The Taliban*, No. 6:22-cv-990, 2023 WL 4532763, at *5 (N.D.N.Y. July 12, 2023); *Benson*, 2025 WL 3520406, at *5–6; *Oregon*, 2025 WL 3496571, at *2.

II. Alternatively, the Alliance should be granted permissive intervention.

Even if the Alliance did not satisfy the requirements for intervention as of right—which it does, *see supra* Part I—this Court should grant permissive intervention. *See Forest Guardians*, 2004 WL 3426413, at *11–12. Rule 24(b) is readily satisfied here: the Alliance asserts a “claim or defense that shares with the main action a common question of law or fact,” and because the Alliance has filed its motion at the earliest stage of this litigation, granting intervention would not “unduly delay or prejudice the adjudication” of the matter. Fed. R. Civ. P. 24(b).

Furthermore, courts regularly grant permissive intervention to ensure voters (or organizations representing them) have a say in litigation concerning their rights.¹¹ That rationale applies with particular force here. The Alliance’s members indisputably “oppose disclosure” of their private information, which alone “satisf[ies] the requirements for permissive intervention.” *Forest Guardians*, 2004 WL 3426413, at *10–11; *Romero v. Bd. of Cnty. Comm’rs for the Cnty. of Curry*, 313 F.R.D. 133, 147 (D.N.M. 2016); *see also id.* at 140 (“allowing an intervenor with a contingent interest to intervene will usually only strengthen the litigation, making the parties’ presentation of the issues more sharply focused”). These considerations, in addition to the clear satisfaction of Rule 24(b), strongly weigh in favor of permissive intervention. *See* Text Order, *United States v. Matthews*, No.

¹¹ *See, e.g., Republican Nat’l Comm. v. Aguilar*, No. 2:24-CV-00518-CDS-MDC, 2024 WL 3409860, at *3 (D. Nev. July 12, 2024); *Ariz. All. for Retired Ams. v. Hobbs*, No. CV-22-01374, 2022 WL 4448320, at *2 (D. Ariz. Sep. 23, 2022); *Pub. Int. Legal Found., Inc. v. Winfrey*, 463 F. Supp. 3d 795, 802 (E.D. Mich. 2020).

3:25-cv-03398 (C.D. Ill. Mar. 2, 2026) (granting permissive intervention to Illinois' chartered state affiliate of the Alliance).

CONCLUSION

For all of the foregoing reasons, the Oklahoma Alliance for Retired Americans respectfully requests that the Court grant it intervention as of right—or in the alternative, permissive intervention—to allow it to protect the significant interests that the Alliance and its members have at stake in this case.

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Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served this 5th day of March, 2026, with a copy of this document via the Court's CM/ECF system. All other counsel will be served in accordance with Federal Rule of Civil Procedure 5(a).

/s/ Frank W Frasier, III

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