

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF KENTUCKY**

UNITED STATES OF AMERICA,

*Plaintiff,*

v.

MICHAEL ADAMS, in his Official Capacity as KENTUCKY SECRETARY OF STATE and as CHIEF ELECTION OFFICIAL for the KENTUCKY STATE BOARD OF ELECTIONS; ROSS OWENS, III in his Official Capacity as KENTUCKY STATE BOARD OF ELECTIONS MEMBER; ERIC FARRIS in his Official Capacity as KENTUCKY STATE BOARD OF ELECTIONS MEMBER; JOHN BROWN, III in his Official Capacity as KENTUCKY STATE BOARD OF ELECTIONS MEMBER; SUE PERRY in her Official Capacity as KENTUCKY STATE BOARD OF ELECTIONS MEMBER; DEANNA BRANGERS in her Official Capacity as KENTUCKY STATE BOARD OF ELECTIONS MEMBER; CORY SKOLNICK in his Official Capacity as KENTUCKY STATE BOARD OF ELECTIONS MEMBER; DWIGHT SEARS in his Official Capacity as KENTUCKY STATE BOARD OF ELECTIONS MEMBER; JULIE GRIGGS in her Official Capacity as KENTUCKY STATE BOARD OF ELECTIONS MEMBER,

*Defendants.*

Case No.: 3:26-cv-00019-GFVT

**KENTUCKY ALLIANCE FOR RETIRED AMERICANS' MOTION  
TO INTERVENE AS DEFENDANT**

Kentucky Alliance for Retired Americans moves to intervene as a Defendant in this matter to defend its members' significant interests as well as its own organizational interests, which stand to be impaired by this litigation.

For the reasons discussed in the supporting memorandum filed alongside this Motion, and the declaration attached thereto, Proposed Intervenor is entitled to intervene in this case as a matter of right under Federal Rule of Civil Procedure 24(a)(2). In the alternative, Proposed Intervenor requests permissive intervention under Rule 24(b). Pursuant to Rule 24(c), a Proposed Answer is also attached to this Motion.<sup>1</sup>

**WHEREFORE**, Proposed Intervenor respectfully requests that the Court grant its intervention in the above-captioned matter.

Dated: March 2, 2026,

Respectfully submitted,

**TRUE GUARNIERI AYER, LLP**

/s/ J. Guthrie True

J. Guthrie True  
124 West Clinton Street  
Frankfort, KY 40601  
Telephone: (502) 605-9900  
Facsimile: (502) 605-9901  
E-mail: gtrue@truelawky.com

**ELIAS LAW GROUP LLP**

Elisabeth Frost\*  
Lucas Lallinger\*  
Tina Meng Morrison\*  
250 Massachusetts Ave. NW, Suite 400  
Washington, DC 20001  
T: (202) 968-4490  
F: (202) 968-4498

---

<sup>1</sup> Proposed Intervenor respectfully requests leave to file a Rule 12(b) motion within the time period prescribed by the Federal Rules of Civil Procedure or pursuant to any schedule set by this Court.

efrost@elias.law  
llallinger@elias.law  
tmengmorrison@elias.law

*\* Pro Hac Vice Applications Pending  
Counsel for Proposed Intervenor*

RETRIEVED FROM DEMOCRACYDOCKET.COM

**CERTIFICATE OF SERVICE**

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served this 2nd 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/ J. Guthrie True

J. Guthrie True  
124 West Clinton Street  
Frankfort, KY 40601  
Telephone: (502) 605-9900  
Facsimile: (502) 605-9901  
E-mail: gtrue@truelawky.com

*Counsel for Proposed Intervenors*

RETRIEVED FROM DEMOCRACYDOCK.COM

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF KENTUCKY**

UNITED STATES OF AMERICA,

*Plaintiff,*

v.

MICHAEL ADAMS, in his Official Capacity as KENTUCKY SECRETARY OF STATE and as CHIEF ELECTION OFFICIAL for the KENTUCKY STATE BOARD OF ELECTIONS; ROSS OWENS, III in his Official Capacity as KENTUCKY STATE BOARD OF ELECTIONS MEMBER; ERIC FARRIS in his Official Capacity as KENTUCKY STATE BOARD OF ELECTIONS MEMBER; JOHN BROWN, III in his Official Capacity as KENTUCKY STATE BOARD OF ELECTIONS MEMBER; SUE PERRY in her Official Capacity as KENTUCKY STATE BOARD OF ELECTIONS MEMBER; DEANNA BRANGERS in her Official Capacity as KENTUCKY STATE BOARD OF ELECTIONS MEMBER; CORY SKOLNICK in his Official Capacity as KENTUCKY STATE BOARD OF ELECTIONS MEMBER; DWIGHT SEARS in his Official Capacity as KENTUCKY STATE BOARD OF ELECTIONS MEMBER; JULIE GRIGGS in her Official Capacity as KENTUCKY STATE BOARD OF ELECTIONS MEMBER,

*Defendants.*

Case No. 3:26-cv-00019-GFVT

**MEMORANDUM OF LAW IN SUPPORT OF KENTUCKY ALLIANCE FOR RETIRED  
AMERICANS' MOTION TO INTERVENE AS DEFENDANT**

Pursuant to Federal Rule of Civil Procedure 24, the Kentucky Alliance for Retired Americans (the “Alliance” or “Proposed Intervenor”) moves to intervene as defendant in this lawsuit. The Court should grant this motion because Proposed Intervenor satisfies all the requirements for intervention as of right under Rule 24(a), and, alternatively, permissive intervention under Rule 24(b).

### **INTRODUCTION**

The U.S. Department of Justice (“DOJ”) recently embarked on an unprecedented nationwide campaign to compile sensitive personal information on voters in a centralized federal database. As part of this effort, DOJ sued the Kentucky Secretary of State Michael Adams (“Secretary Adams”) and Kentucky State Board of Elections (“KSBE”) members Owens, Farris, Brown, Perry, Brangers, Skolnick, Sears, and Griggs (together “KSBE Members”) on February 26, 2026, seeking to compel them to turn over the State’s complete and unredacted voter registration list, which contains sensitive and private information about every voter in Kentucky. This unlawful demand intrudes not only upon Kentucky’s constitutional prerogative to maintain and protect its own voter registration list—and the explicit guarantees it has made to voters that their private information will not be shared—but also upon the privacy rights of Kentucky voters whose data will be disclosed if DOJ prevails.

For example, Kentucky law requires that “a registered voter’s Social Security number . . . shall be redacted by the county clerk” before the registration record may be “inspect[ed] or . . . cop[ied].” Ky. Rev. Stat. (“KRS”) § 116.095; *see also* KRS § 61.878(1)(a) (precluding disclosure without a court order of “[p]ublic records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy”); *Zink v. Commonwealth*, 902 S.W.2d 825, 829–30 (Ky. App. 1994) (concluding disclosure of an employee’s social security number constituted a “clearly unwarranted invasion of personal

privacy” under KRS § 61.878(1)(a)). DOJ’s requested relief runs roughshod over these privacy protections, which Proposed Intervenor seeks to preserve.

Proposed Intervenor—which has over 62,000 members in Kentucky—moves to intervene to represent and protect its members’ interests in preventing improper disclosure of their sensitive and personal information, as well as its own organizational interests which are threatened by this action. *See* Ex. B, Decl. of Kirk Gillenwaters (“Gillenwaters Decl.”) ¶¶ 4, 8–15. Although Defendants have reportedly refused to provide the requested information, as governmental Defendants, Secretary Adams and the KSBE Members must consider the “broader public-policy implications” of the issues presented in this suit, unlike Proposed Intervenor, which is solely concerned with protecting its members’ and constituents’ privacy, “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)). As a result, Proposed Intervenor’s interests are not adequately protected by the existing parties.

Indeed, DOJ has filed nearly identical lawsuits against states across the country and courts have repeatedly granted intervention to state Alliance chapters seeking to defend their members’ privacy rights and their own organizational interests. *See United States v. Benson*, No. 1:25-CV-1148, 2026 WL 362789 (W.D. Mich. Feb. 10, 2026); Order, *U.S. v. Simon*, No. 25-cv-3761 (D. Minn. Jan. 6, 2026); Order, *U.S. v. Pennsylvania*, No. 25-cv-1481 (W.D. Pa. Jan. 16, 2026); *United States v. DeMarinis*, No. 25-cv-03934 (D. Md. Feb. 2, 2026); Minute Order, *U.S. v. Oliver*, No. 25-cv-1193 (D.N.M. Dec. 12, 2025); Minute Order, *U.S. v. Amore*, No. 25-cv-00639 (D.R.I. Jan. 6, 2026), Minute Order, *U.S. v. Copeland Hanzas*, No. 2:25-cv-903 (D. Vt., Jan. 16, 2026); Minute Order, *U.S. v. Galvin*, No. 25-cv-13816 (D. Mass. Jan. 6, 2026); Order, *U.S. v. Wis. Elections Comm’n*, No. 25-cv-1036 (W.D. Wis. Jan. 21, 2026); Minute Order, *U.S. v. Thomas*, No. 3:26-cv-

00021 (D. Conn. Jan. 13, 2026); Text Order, *U.S. v. Matthews*, 3:25-cv-03398-CRL-DJQ (C.D. Ill. Mar. 2, 2026).<sup>1</sup> Indeed, the Alliance has not been denied intervention in any of the DOJ voter file cases in which the Alliance has sought intervention. This makes sense. Ultimately, it is the voters' personal data that is at stake. Thus, not only should the Court allow participation by a party that directly represents those interests (and, here, in the Kentucky Alliance's case, it represents over 62,000 of those voters' interests), allowing intervention will ensure that the Court hears from the people who will be directly harmed should DOJ prevail.

Proposed Intervenor is entitled to intervention as of right under Rule 24(a). But in the alternative, it should be granted permissive intervention under Rule 24(b) to ensure that Kentucky voters—whose sensitive and personal information is the target of DOJ's request for relief—have a voice and will be heard from in these proceedings. Proposed Intervenor's presence will also help to develop the issues and ensure vigorous presentation of arguments that are most pertinent to the voters who are threatened by this suit and that the existing Defendants may be limited in presenting. For example, Proposed Intervenor is uniquely situated to offer insight into the parallel proceedings, many of which involve sister state Alliance chapters. Indeed, one court has already relied on the Alliance's arguments in dismissing DOJ's claims. *See Benson*, 2026 WL 362789, at \*11.

---

<sup>1</sup> Numerous other motions to intervene in similar DOJ voter file cases from state Alliance chapters are pending. *See Arizona Alliance Mot. Intervene, U.S. v. Fontes*, 22-cv-00066 (D. Ariz. Jan. 8, 2026) (pending); *Colorado Alliance Mot. Intervene, U.S. v. Griswold*, 25-cv-03967 (D. Colo. Dec. 17, 2025) (pending); *Nevada Alliance Mot. Intervene, U.S. v. Aguilar*, 3:25-cv-00728 (D. Nev. Dec. 16, 2025) (pending); *MD/DC Alliance Mot. Intervene, U.S. v. Evans et al*, 1:25-cv-04403 (D.D.C. Dec. 21, 2025) (pending).

## **BACKGROUND**

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

The U.S. Constitution “invests the States with responsibility for the mechanics” of federal 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 to the states the responsibility of determining 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.

Thus, in 1993, Congress enacted the National Voter Registration Act (“NVRA”), which charges *states*—not the federal government—with the “administration of voter registration for elections for Federal office,” 52 U.S.C. § 20507(a), including maintaining voter lists (subject to strict procedural safeguards), *id.* § 20507(c)–(g). It similarly makes *states* the custodians of those lists. *See Husted v. A. Philip Randolph Inst.*, 584 U.S. 756, 761 (2018). Later, Congress enacted the Help America Vote Act (“HAVA”) “to improve voting systems and voter access.” *RNC v. N.C. State Bd. of Elections*, 120 F.4th 390, 394 (4th Cir. 2024). HAVA requires states to create a “computerized statewide voter registration list,” 52 U.S.C. § 21083(a)(1), and to “perform list maintenance” consistent with the highly deferential provisions of the NVRA. *Id.* § 21083(a)(2). HAVA is also abundantly clear that this list is to be “defined, maintained, and administered at the State level.” *Id.* § 21083(a)(1)(A). Indeed, its legislative history stressed that “[h]istorically, elections in this country have been administered at the state and local level. This system has many benefits that must be preserved.” H.R. Rep. No. 107-329, pt. 1, at 31–32 (2001). Among them is

that “[t]he dispersal of responsibility for election administration has made it impossible for a single centrally controlled authority to dictate how elections will be run, and thereby be able to control the outcome.” *Id.* at 32. Accordingly, neither the NVRA nor HAVA tasks the federal government with duties related to voter lists, *by design*. Congress has intentionally “left it up to the States to maintain accurate lists of those eligible to vote in federal elections.” *Husted*, 584 U.S. at 761.

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

In the spring of 2025, DOJ launched a campaign to demand broad and unprecedented access to state voter files, including personal information about each voter. It has reportedly sent demands to at least 48 states, with plans to make similar demands on all 50.<sup>2</sup> The vast majority have declined to turn over sensitive personal information that is typically protected by state law. *See supra* note 1.

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.<sup>3</sup> In recent public statements, moreover, Assistant Attorney General Harmeet Dhillon made clear that DOJ also intends to use the information to attempt to compel removal of *hundreds*

---

<sup>2</sup> See 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/ED4Z-AWB4>; 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>.

<sup>3</sup> See AAG Harmeet Dhillon (@AAGHarmeetDhillon), X (Dec. 18, 2025, at 9:24 AM 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.”).

of thousands of voters from the rolls.<sup>4</sup> And, as detailed in a brief filed by several states in DOJ’s New York litigation, in some cases, DOJ has sought not simply read-only access, but “materials that define or explain how” the voter information is coded into the registration database, “potentially because additional information about database coding would assist in transferring data . . . into other federal databases.” Br. of Amici Curiae Md. et al. in Supp. of Mot. 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. 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.

DOJ allegedly sent Defendants letters on July 17, August 8, and August 14, 2025, seeking Kentucky’s statewide voter registration list with “all fields” that DOJ claimed were “required under Section 303 of HAVA.” Compl. ¶¶ 20–25. According to the complaint, on August 22, 2025, “Defendants refused the Attorney General’s demand.” *Id.* ¶ 26. DOJ allegedly emailed Defendants on December 2, 2025, a proposed memorandum of understanding (“MOU”) stating the alleged authorities under which the DOJ demanded Kentucky’s statewide voter registration list. *Id.* ¶¶ 28–30. According to the complaint, Defendants took no action on the MOU at KSBE meetings on December 16, 2025, and January 5, 2026, and as of the date of the complaint have “refused to comply with the Attorney General’s demand.” *Id.* ¶¶ 31–33.

---

<sup>4</sup> *See id.*

### III. The Department of Justice sues Kentucky for its complete voter list.

DOJ filed this suit on February 26, 2026, seeking to compel Kentucky to provide its full statewide voter registration list. *See* Compl. The Complaint names Secretary Adams, in his official capacity as Kentucky Secretary of State and Chief Election Official of the KSBE, as well as all of the KSBE Members, as Defendants. *Id.* ¶¶ 8-9. Although the Complaint alleges that DOJ seeks this data to ensure that Kentucky is complying with the NVRA and HAVA, it does not assert *any* claims under those laws. Instead, DOJ brings only one claim under the Civil Rights Act of 1960, 52 U.S.C. § 20703 (“Section 303”), a statute that permits DOJ to review certain voting records and papers for the purpose of enabling investigations “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*, 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 [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 investigate the denial of the right to vote. Instead, it claims to be evaluating Kentucky’s list maintenance efforts under the NVRA and HAVA. *See generally* Compl. Section 303 of the Civil Rights Act thus has no application here. And, even if it did apply, it does not prohibit states from redacting sensitive voter information that

has nothing to do with investigating the denial of the right to vote, just as states may 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).

It is also notable that, in the first few waves of its otherwise nearly identical lawsuits against other states, DOJ *did* assert NVRA and HAVA claims.<sup>5</sup> However, it has abandoned those claims in more recent waves of these lawsuits, including here against Kentucky.<sup>6</sup> DOJ's change of tactic is an implicit admission that it does not have a basis to pursue these actions under HAVA or the NVRA, and in that regard at least, DOJ is correct.

#### **IV. Proposed Intervenors and their members are threatened by DOJ's demands.**

Proposed Intervenor Kentucky Alliance for Retired Americans represents over 62,000 members in Kentucky—most of whom are registered to vote and whose sensitive personal

---

<sup>5</sup> DOJ filed numerous cases on different dates in September 2025, alleging claims under the NVRA, HAVA, and Section 303. *See* Compl., *United States v. Bellows*, No. 25-cv-468 (D. Me. Sep. 16, 2025); Compl., *United States v. Oregon*, No. 25-cv-1666 (D. Or. Sep. 16, 2025); Compl., *United States v. Weber*, No. 2:25-cv-09149 (C.D. Cal. Sep. 25, 2025); Compl., *United States v. Bd. of Elections of N.Y.*, No. 25-cv-1338 (N.D.N.Y. Sep. 25, 2025); Compl., *United States v. Benson*, No. 25-cv-1148 (W.D. Mich. Sep. 25, 2025); Compl., *United States v. Simon*, No. 25-cv-3761 (D. Minn. Sep. 25, 2025); Compl., *United States v. Scanlan*, No. 25-cv-371 (D.N.H. Sep. 25, 2025); Compl., *United States v. Pennsylvania*, No. 2:25-cv-1481 (W.D. Pa. Sep. 25, 2025).

<sup>6</sup> None of the DOJ's later-filed cases allege NVRA or HAVA claims—each alleges only a single claim under Section 303. *See* Compl., *United States v. Copeland Hanzas*, No. 25-cv-903 (D. Vt. Dec. 1, 2025); Compl., *United States v. DeMarinis*, No. 25-cv-03934 (D. Md. Dec. 1, 2025); Compl., *United States v. Albence*, No. 25-cv-01453 (D. Del. Dec. 2, 2025); Compl., *United States v. Amore*, No. 25-cv-00629 (D.R.I. Dec. 2, 2025); Compl., *United States v. Hobbs*, No. 3:25-cv-6078 (W.D. Wash. Dec. 2, 2025); Compl., *United States v. Toulouse Oliver*, No. 25-cv-1193 (D.N.M. Dec. 2, 2025); Compl., *United States v. Griswold*, No. 25-cv-3967 (D. Colo. Dec. 11, 2025); Compl., *United States v. Nago*, No. 25-cv-00522 (D. Haw. Dec. 11, 2025); Compl., *United States v. Galvin*, No. 25-cv-13816 (D. Mass. Dec. 12, 2025), ECF No. 1; Compl., *United States v. Aguilar*, No. 3:25-cv-00728 (D. Nev. Dec. 12, 2025); Compl., *United States v. Evans*, No. 25-cv-04403 (D.D.C. Dec. 18, 2025); Compl., *United States v. Raffensperger*, No. 5:25-cv-0548 (M.D. Ga. Dec. 18, 2025); Compl., *United States v. Matthews*, No. 3:25-cv-3398 (C.D. Ill. Dec. 19, 2025), ECF No. 4; Compl., *Wis. Elections Comm'n*, No. 3:25-cv-1036 (W.D. Wis. Dec. 18, 2025); Compl., *United States v. Thomas*, No. 3:26-cv-00021 (D. Conn. Jan. 6, 2026); Compl., *United States v. Fontes*, No. 2:26-cv-00066 (D. Ariz. Jan 6, 2026).

information will be disclosed to DOJ if it prevails here. Ex. B, Gillenwaters Decl. ¶ 4. Kentucky law guarantees to all these voters that the sensitive information they disclose when registering to vote will be confidential and secure. *See* KRS § 116.095; *see also* KRS § 61.878.

The Alliance is a nonprofit, nonpartisan organization whose membership includes more than 62,000 retired workers that live throughout Kentucky. Gillenwaters Decl. ¶¶ 3-4. Its mission is to ensure the social and economic justice and full civil rights of retirees, including by working to safeguard the right to vote. *Id.* ¶¶ 5-6. To that end, the Alliance encourages its members to register to vote, engages in registration drives, and educates voters. *Id.* These activities are central to achieving the Alliance’s core mission—by turning out members to vote, the Alliance builds its constituency’s political power and ability to achieve its legislative goals. *Id.* ¶ 6. A long-term concern of the Alliance is protecting the privacy rights of its members, and thus the Alliance regularly discusses with its members the risks of identity-fraud scams and how its members need to protect their confidential, personally identifying information to avoid such scams, which are disproportionately targeted at older Americans. *Id.* ¶¶ 9-11. And, given the current Administration’s carelessness regarding personal data—as shown, for example, by the Department of Government Efficiency’s poor track record of preventing data breaches—many of the Alliance’s members fear that the federal government will not take diligent care and commit to safeguard the confidentiality of their personal data.<sup>7</sup> *Id.* ¶¶ 13-15. Given the risks of identity theft

---

<sup>7</sup> For example, public reports have indicated that the Department of Government Efficiency (“DOGE”) placed the security of millions of Social Security numbers at risk through improper maintenance. *See* Nicholas Nehamas, *DOGE Put Critical Social Security Data at Risk, Whistle-Blower Says*, N.Y. Times (Aug. 26, 2025), <https://www.nytimes.com/2025/08/26/us/politics/doge-social-security-data.html>. And DOJ recently admitted that some DOGE employees sought to share private social security data with private organizations seeking to undermine the results of prior elections. *See* Notice of Corrections to the Record, *Am. Fed. of State, Cnty., & Mun. Emps. v. Social Sec. Admin.*, No. 1:25-cv-00596-ELH (D. Md. Jan. 16, 2026), ECF No. 197, *available at*

and other forms of exploitation that accompany disclosures of such information, the Alliance has a direct and particularly acute interest in protecting the fundamental privacy rights of its individual members. *Id.* ¶ 11.

### LEGAL STANDARD

The Federal Rules of Civil Procedure require courts to grant intervention to any movant who “claims an interest relating to the property or transaction that is the subject of the action, and is so situated that disposing of the action may as a practical matter impair or impede the movant’s ability to protect its interest, unless existing parties adequately represent that interest.” Fed. R. Civ. P. 24(a)(2). Consequently, in order to intervene as of right, a proposed intervenor must satisfy four criteria. It must show that: “1) the application [to intervene] was timely filed; 2) the applicant possesses a substantial legal interest in the case; 3) the applicant’s ability to protect its interest will be impaired without intervention; and 4) the existing parties will not adequately represent the applicant’s interest.” *Blount-Hill v. Zelman*, 636 F.3d 278, 283 (6th Cir. 2011) (citing *Grutter v. Bollinger*, 188 F.3d 394, 397–98 (6th Cir. 1999)); *see also* Fed. R. Civ. P. 24(a).

Courts also have discretion to grant permissive intervention when a proposed intervenor “has a claim or defense that shares with the main action a common question of law or fact.” Fed. R. Civ. P. 24(b)(1)(B). In the Sixth Circuit, Rule 24’s requirements “should be ‘broadly construed in favor of potential intervenors.’” *Stupak-Thrall v. Glickman*, 226 F.3d 467, 472 (6th Cir. 2000) (quoting *Purnell v. City of Akron*, 925 F.2d 941, 950 (6th Cir. 1991)).<sup>8</sup>

---

<https://storage.courtlistener.com/recap/gov.uscourts.mdd.577321/gov.uscourts.mdd.577321.197.0.pdf>.

<sup>8</sup> Rule 24 requires a motion to intervene to “be accompanied by a pleading that sets out the claim or defense for which intervention is sought.” Fed. R. Civ. P. 24(c). Proposed Intervenor thus attaches a proposed Answer to this motion. *See* Ex. A. However, should it be granted intervention, Proposed Intervenor respectfully reserves the right to file a Rule 12(b) motion.

**ARGUMENT**

**I. Proposed Intervenor is entitled to intervene as of right.**

The Court should grant Proposed Intervenor’s motion to intervene as of right under Rule 24(a)(2) because it has timely moved to participate, the disposition of this case could impair its ability to protect significant interests—the privacy rights of its members and constituents, and its mission-critical work—and no existing party adequately represents those interests.

**A. The motion to intervene is timely and will not prejudice the parties.**

Proposed Intervenor’s motion to intervene is indisputably timely. DOJ brought this suit on February 26, 2026, *see* Compl., and this motion follows only four days later—before any responsive pleadings or dispositive motions have been filed. No case schedule has been set, and no deadlines would need to be altered if intervention were granted. Proposed Intervenor will abide by any future deadlines set by the Court, so there is no prejudice to any party if intervention is granted. *See Priorities USA v. Benson*, 448 F. Supp. 3d 755, 763 (E.D. Mich. 2020) (stating that it was “difficult to imagine a more timely intervention” when the motion was filed twenty days after the lawsuit’s initiation).

**B. Proposed Intervenor’s ability to protect its substantial interests will be impaired absent intervention, as other courts have recognized in parallel litigation.**

Proposed Intervenor satisfies the closely related second and third requirements for intervention because it has significant protectible interests in this lawsuit, and the relief DOJ seeks threatens to impair those interests. *See Blount-Hill*, 636 F.3d at 283. The Sixth Circuit subscribes to an “expansive notion of the interest sufficient to invoke intervention of right.” *Mich. State AFL–CIO v. Miller*, 103 F.3d 1240, 1245 (6th Cir. 1997). This Circuit has also “reject[ed] the notion that Rule 24(a)(2) requires a specific legal or equitable interest.” *Grutter*, 188 F.3d at 399 (quoting *Mich. State AFL-CIO*, 103 F.3d at 1245). *See also Davis v. Lifetime Cap., Inc.*, 560 F. App’x 477,

495 (6th Cir. 2014) (same). The interest need only be “significantly protectable.” *Wineries of the Old Mission Peninsula Ass’n v. Township of Peninsula*, 41 F.4th 767, 772 (6th Cir. 2022) (quoting *Grubbs v. Norris*, 870 F.2d 343, 346 (6th Cir. 1989)). Moreover, the burden of establishing an impairment of a protectable interest is “minimal,” *Mich. State AFL-CIO*, 103 F.3d at 1247, and the alleged impairment need only be possible, not certain, *see Purnell*, 925 F.2d at 948.

Proposed Intervenor more than satisfies Rule 24(a)(2)’s standards. It staunchly opposes the disclosure of its members’ sensitive personal information to DOJ. *See supra* Background § IV. Courts regularly find that precisely these types of concerns support intervention. *See, e.g., Kalbers v. U.S. Dep’t of Just.*, 22 F.4th 816, 827 (9th Cir. 2021) (recognizing “straightforward” significantly protectible interest in confidentiality of non-public documents); *In re Sealed Case*, 237 F.3d 657, 663–64 (D.C. Cir. 2001) (holding intervenors had “legally cognizable interest in maintaining the confidentiality” of records). Proposed Intervenor’s members have relied upon Kentucky law’s protections against disclosure of their social security numbers. *See* KRS § 116.095. Yet DOJ seeks to override those protections, and Proposed Intervenor is credibly concerned about the consequences of the disclosure of its members’ sensitive information to DOJ, including because of the risk of data breaches that could expose them to identity-theft scams, and based on their members’ fears of retaliation. Gillenwaters Decl. ¶¶ 9–15.

In fact, as another court in this Circuit found in granting intervention to a sister Alliance chapter in DOJ’s parallel case against Michigan, Proposed Intervenor and its members have “an interest in keeping their information private from the DOJ, whether or not disclosure to the DOJ produces any additional harm.” *Benson*, 2025 WL 3520406, at \*6. Individuals have an intrinsic right to the sanctity of information that is deeply personal and sensitive, and once that information is disclosed, “the cat is out of the bag.” *In re Sealed Case*, 237 F.3d at 664 (citation omitted)

(finding impairment when intervenor’s confidential information was at risk of disclosure); *see also Newport News Shipbuilding & Drydock Co.*, 646 F.2d 117, 121 (4th Cir. 1981) (noting that the question of impairment includes whether the proposed intervenors would suffer a “practical disadvantage or impediment”); *Kalbers*, 22 F.4th at 828 (holding intervenor’s “interest in keeping its documents confidential would obviously be impaired by an order to disclose” those documents). DOJ, in asking Defendants to disregard Kentucky law by turning over such sensitive information, threatens to irreparably harm Proposed Intervenor’s members.

This is particularly important to the Alliance’s membership, which consists almost entirely of seniors who are deeply concerned about the risks of social security fraud, identity theft, and other types of financial fraud, which are very often targeted at seniors. Gillenwaters Decl. ¶¶ 9, 11. The Alliance’s members are wary of conducting their lives or engaging in activities that will increase the chance that their private data will be turned over to third parties without knowledge or authorization. *Id.* In view of the current administration’s carelessness regarding personal data, Alliance members may reasonably be particularly hesitant to engage in the political process if it means inviting opportunities to have their private personal information released. *Id.* ¶¶ 11, 13, 15.

Proposed Intervenor’s voter engagement and turnout work will also be harmed if DOJ’s requested relief is granted. The fear and distrust sown by DOJ’s aggressive demands for personal information directly frustrates Proposed Intervenor’s mission-critical organizational work. *Id.* ¶¶ 6, 8. And courts have long recognized that organizations have a significant protectible interest in preserving and pursuing their own mission-critical organizational work, particularly when it comes to ensuring members’ ability to vote. *See, e.g., Jud. Watch, Inc. v. Ill. State Bd. of Elections*, No. 24 C 1867, 2024 WL 3454706, at \*3 (N.D. Ill. July 18, 2024); *Paher v. Cegavske*, No. 3:20-cv-00243-MMD-WGC, 2020 WL 2042365, at \*2 (D. Nev. Apr. 28, 2020); *Issa v. Newsom*, No. 2:20-

CV-01044-MCE-CKD, 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 political party had a “legally protectable interest” because it “expend[s] significant resources in the recruiting and training of volunteers and poll watchers who participate in the election process”); *League of United Latin Am. Citizens, Dist. 19 v. City of Boerne*, 659 F.3d 421, 434–35 (5th Cir. 2011) (reversing denial of intervention and concluding voting rights interest was sufficient to satisfy Rule 24(a)(2)).

Given these significant interests, Proposed Intervenor easily satisfies Rule 24(a)(2)’s requirements. Courts have accordingly granted intervention as of right to many similarly situated parties in parallel cases, including the Alliance, as well as other organizations that asserted organizational and membership interests akin to Proposed Intervenor’s here. *See supra* at 2–3 (collecting cases); *see also Benson*, 2025 WL 3520406, at \*6 (granting intervention as of right to the Alliance in DOJ’s parallel Michigan lawsuit); *United States v. Oregon*, No. 6:25-CV-01666-MTK, 2025 WL 3496571, at \*2 (D. Or. Dec. 5, 2025) (granting intervention as of right to advocacy organization and individual voters); Text Order, *Amore*, No. 25-cv-00639 (D.R.I. Jan. 6, 2026) (granting intervention as of right to membership organization, labor union, and individual voters); Order, *Wis. Elections Comm’n*, No. 3:25-cv-1036 (W.D. Wis. Jan. 22, 2026), ECF No. 53 (granting intervention as of right, and alternatively by permission, to several organizations and individual voters).

**C. Proposed Intervenor’s interests are not adequately represented by existing parties.**

The burden to show inadequate representation is “minimal,” and Proposed Intervenor need only show that “representation *may* be inadequate.” *Mich. State AFL-CIO*, 103 F.3d at 1247 (emphasis added) (quotation omitted); *accord Trbovich*, 404 U.S. at 538 n.10 (explaining this requirement “should be treated as minimal”). Accordingly, courts are “liberal in finding” this

requirement to be met because “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, Proposed Intervenor has distinct interests from the existing parties, all of which are governmental actors bound by federal and state laws governing voter list maintenance activities. No existing party adequately represents those distinct interests.

DOJ plainly does not, as it seeks to forcibly compel production of Kentucky’s unredacted state voter registration list—including the sensitive data of Alliance members.

While the existing Defendants have, to date, resisted the DOJ’s demand, they do not adequately represent Proposed Intervenor’s specific 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). This is because a government-official defendant’s interests are “defined by the public interest, [not simply] the interests of a particular group of citizens.” *JLS, Inc.*, 321 F. App’x at 290 (citation modified); *see also Kleissler v. U.S. Forest Serv.*, 157 F.3d 964, 972 (3d Cir. 1998). 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.’” *Citizens for Balanced Use v. Mont. Wilderness Ass’n*, 647 F.3d 893, 899 (9th Cir. 2011) (quoting *WildEarth Guardians v. U.S. Forest Serv.*, 573 F.3d 992, 996 (10th Cir. 2009)); *see also Conservation L. Found. of New Eng., Inc. v. Mosbacher*, 966 F.2d 39, 44 (1st Cir. 1992) (explaining “a governmental entity charged by law with representing the public interest of its citizens” will not necessarily “advance the narrower interest of a private entity”).

The Supreme Court recently emphasized this point, explaining that public officials must “bear in mind broader public-policy implications,” whereas a private litigant—like Proposed Intervenor—seeks to vindicate its 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 Defendants continue to also oppose the relief that DOJ seeks at a high level of abstraction, it does not follow that they share “identical” interests to a civic membership organization committed to protecting its members and encouraging political participation. *See id.*

Here, Defendants and Proposed Intervenor do not share “identical” interests. For one, Defendants are required to enforce the requirements of the NVRA and HAVA, in addition to state laws governing maintenance of the voter registration list. Thus, by definition, Defendants have an obligation to weigh and carry out public duties that Proposed Intervenor does not share. *See, e.g., Bellitto v. Snipes*, No. 16-cv-61474, 2016 WL 5118568, at \*2 (S.D. Fla. Sep. 21, 2016) (concluding adequate representation was not guaranteed where existing defendant was “an elected official” whose interpretation of the NVRA might not be aligned with intervenors’ interests). Indeed, the NVRA specifically requires state election officials to “balance competing objectives”—maintaining accurate and current voter rolls while promoting access to the ballot box—that do not pertain to Proposed Intervenor’s interests. *Bellitto v. Snipes*, 935 F.3d 1192, 1201 (11th Cir. 2019). In view of those circumstances, adequate representation of Proposed Intervenor and its members’ interests is hardly “assured.” *Brennan v. N.Y.C. Bd. of Educ.*, 260 F.3d 123, 132–33 (2d Cir. 2001)

(explaining this factor is met where parties' interests are not "so similar" as to assure adequacy of representation). These considerations may require Defendant to "negotiate[] a settlement that would [be] contrary to the interest of the prospective intervenors," itself reason to find Proposed Intervenor's interests not adequately represented. *Fiandaca v. Cunningham*, 827 F.2d 825, 833 (1st Cir. 1987); *see also Kane County v. United States*, 928 F.3d 877, 895–96 (10th Cir. 2019) (recognizing "administration of . . . litigation resources" and "inclin[ation] to settle" may further establish inadequate representation).

In addition, Defendants in this matter consist of many different individuals with competing interests themselves. The KSBE is a bipartisan State Board of Elections with competing views among its various members. Secretary Adams must work in conjunction with the Board to administer the state's elections and must balance his views with those of the Board. *See Kleissler*, 157 F.3d at 973 (finding inadequate representation when government had "numerous complex and conflicting interests"). And, Defendants not only face pressure from other governmental actors within the State, but also from the federal government; the state is reliant on federal dollars to administer elections, supporting a potential "interest in bringing [this] litigation to an end by settlement[]" with DOJ. *Brennan v. N.Y.C. Bd. of Educ.*, 260 F.3d at 133. The Attorney General of the United States has recently stepped up DOJ's attempts to coerce state governments by demanding access to Minnesota's voter roles as a condition to ending ICE violence in Minneapolis. *See supra* note 6.

Proposed Intervenor, however, is not burdened with the existing Defendants' public duties and obligations to enforce the NVRA and HAVA—it is focused entirely on maintaining the privacy of its members' sensitive personal information and promoting its own organizational objectives. As a result, Proposed Intervenor 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). Other courts have recognized this and granted intervention to other similar organizations and Alliance chapters in parallel cases. *See, e.g.*, Text Order, *Amore*, No. 25-cv-00639 (D.R.I. Jan. 6, 2026); *Benson*, 2025 WL 3520406, at \*5–6; *Oregon*, 2025 WL 3496571, at \*4–5; *see also* Order, *Galvin*, No. 25-cv-13816 (D. Mass. Jan. 6, 2026), ECF No. 30; Order, *Pennsylvania*, No. 25-cv-1481 (W.D. Pa. Jan. 16, 2026), ECF No. 105; Order, *Simon*, No. 25-cv-3761 (D. Minn. Jan. 6, 2026); Minute Order, *Commonwealth of Pa.*, 25-cv-1481 (W.D. Pa. Jan. 16, 2026); *DeMarinis*, 25-cv-03934 (D. Md. Feb. 2, 2026); Minute Order, *Oliver*, 25-cv-1193 (D.N.M. Dec. 12, 2025); Minute Order, *Amore*, 25-cv-00639 (D.R.I. Jan. 6, 2026), Minute Order, *Copeland Hanzas*, 2:25-cv-903 (D. Vt. Jan. 16, 2026); Minute Order, *Galvin*, 25-cv-13816 (D. Mass. Jan. 6, 2026); Order, *Wis. Elections Comm’n*, 25-cv-1036 (W.D. Wis. Jan. 21, 2026); Minute Order, *Thomas*, 3:26-cv-00021 (D. Conn. Jan. 13, 2026).

Indeed, in a recent decision from a district court in the Sixth Circuit in a similar action filed by DOJ seeking Michigan’s state voter registration list, the Michigan Alliance, as intervenor, made several arguments the state defendants in that matter did not make, which the court credited as the basis for its decision to dismiss the action. *See Benson*, 2026 WL 362789, at \*8 (“[T]he Court rejects Michigan’s arguments but finds persuasive Defendant-Intervenors’ argument as to the scope of documents requestable under the CRA.”). Accordingly, in *Benson*, the participation of the Michigan Alliance as intervenor was essential to the protection of its members’ privacy interests. The Court should grant Proposed Intervenor intervention for the same reason here.

## **II. Alternatively, the Court should grant permissive intervention.**

In the alternative, the Court should grant Proposed Intervenor permissive intervention, which only requires that a proposed intervenor has a claim that “shares with the main action a

common question of law or fact” and a determination that “intervention will not ‘unduly delay or prejudice the adjudication of the original parties’ rights.” *Johnson v. Corr. Corp. of Am.*, No. 3:12-CV-00246-H, 2014 WL 3970115, at \*1 (W.D. Ky. Aug. 13, 2014) (quoting Fed. R. Civ. P. 24(b)). The motion is timely and Proposed Intervenor commits to adhering to any case schedule the Court imposes, so there is no risk of prejudice to existing parties. *See supra* Argument § I.A. Finally, Proposed Intervenor’s defenses depend on the resolution of many of the same questions of fact and law—including the strength of DOJ’s evidence and the proper application of Section 303. *See* Ex. A.

Courts routinely grant permissive intervention to ensure that voters (or organizations representing voters’ interests) have a say in litigation concerning their rights.<sup>9</sup> That rationale applies with force here. Proposed Intervenor’s members indisputably have “confidentiality and/or privacy interest[s]” at stake, which alone “warrants an opportunity to permissively intervene to protect that interest.” *In re Exch. Union Co.*, No. 24-MC-91645-ADB, 2025 WL 894652, at \*3 (D. Mass. Mar. 24, 2025). And because Proposed Intervenor would be the *only* party that represents voters “whose personal information would be distributed to the Department of Justice were the United States to prevail in this action,” their “presence would assist the court in deciding the issues before it.” Ex. C at 5, Order, *Scanlan*, No. 25-cv-371 (D.N.H. Jan. 5, 2026), ECF No. 23 (granting permissive intervention to individual voters to defend against DOJ’s claim). This perspective,

---

<sup>9</sup> *See, e.g., League of Women Voters of N.C. v. North Carolina*, No. 1:13CV660, 2014 WL 12770081, at \*3 (M.D.N.C. Jan 27, 2014) (permitting individual voters to intervene); *Moore v. Circosta*, No. 1:20CV911, 2020 WL 6597291, at \*2 (M.D.N.C. Oct. 8, 2020) (permitting civic organization to intervene in voting rights litigation); *cf. Am. Humanist Ass’n v. Md.-Nat’l Cap. Park & Plan. Comm’n*, 303 F.R.D. 266, 270 (D. Md. 2014) (permitting veteran organization to intervene in litigation challenging the constitutionality of a local World War I memorial); *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).

unencumbered by Defendant's duties as an election official, will indisputably contribute to the just and equitable adjudication of this lawsuit. *Id.* at 6 ("Even assuming that the proposed intervenors' interest is adequately represented by defendants, their presence in this suit will assist the court in the just and equitable adjudication of this matter.").

Courts also routinely grant permissive intervention to civic organizations to ensure their voices and the voices of their members are heard when litigation implicates the rights and privacy of all voters, notwithstanding the presence of governmental defendants ostensibly charged with upholding broader conceptions of the public interest. *See, e.g., 1789 Found. Inc. v. Fontes*, No. CV-24-02987-PHX-SPL, 2025 WL 834919, at \*4 (D. Ariz. Mar. 17, 2025) (permitting membership organization and other advocacy organizations to intervene as defendants); *Winfrey*, 463 F. Supp. 3d at 802 (permitting voting rights organizations to intervene as defendants). Thus, in keeping with the "liberal" standard in favor of intervention, *Feller v. Brock*, 802 F.2d 722, 729 (4th Cir. 1986), which ensures that all interested parties have the opportunity to protect their rights and interests, the Court should follow several other courts in granting permissive intervention to Proposed Intervenors.<sup>10</sup> *See* Mins. of Mot. Hr'g, *Weber*, No. 25-cv-09149, ECF No. 70; Minute Order, *Nago*, No. 1:25-cv-00522-LEK-RT, ECF No. 20; *see also* Order, *Galvin*, No. 25-cv-13816,

---

<sup>10</sup> In addition to all previously cited cases, courts have further granted permissive intervention, or intervention without indicating whether it is permissive or by right, to similarly situated organizations in five more parallel cases. *See* Order, *Bellows*, No. 25-cv-468 (D. Me. Dec. 12, 2025), ECF No. 49 (granting permissive intervention to individual voters); Order, *Simon*, No. 25-cv-3761 (D. Minn. Jan. 6, 2026), ECF No. 90 (granting permissive intervention to membership organization); Order, *Oliver*, No. 25-cv-1193 (D.N.M. Dec. 15, 2025), ECF No. 9 (granting intervention to membership organization); Order, *Albence*, No. 25-cv-1453 (D. Del. Jan. 15, 2026), ECF No. 22 (granting intervention to individual voters); Order, *Copeland Hanzas*, No. 2:25-cv-00903 (D. Vt. Jan. 16, 2026), ECF No. 41 (granting intervention to membership organization and individual voters).

ECF No. 30 (granting intervention without stating if it was by right or by permission); Order, *Pennsylvania*, No. 2:25-cv-1481, ECF No. 105 (same).

**CONCLUSION**

Proposed Intervenor respectfully requests that the Court grant its motion to intervene.

Dated: March 2, 2026,

Respectfully submitted,

**TRUE GUARNIERI AYER, LLP**

/s/ J. Guthrie True

J. Guthrie True  
124 West Clinton Street  
Frankfort, KY 40601  
Telephone: (502) 605-9900  
Facsimile: (502) 605-9901  
E-mail: gtrue@truelawky.com

**ELIAS LAW GROUP LLP**

Elisabeth Frost\*  
Lucas Lallinger\*  
Tina Meng Morrison\*  
250 Massachusetts Ave. NW, Suite 400  
Washington, DC 20001  
T: (202) 968-4490  
F: (202) 968-4498  
efrost@elias.law  
llallinger@elias.law  
tmengmorrison@elias.law

*\* Pro Hac Vice Applications Forthcoming  
Counsel for Proposed Intervenors*

**CERTIFICATE OF SERVICE**

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served this 2nd 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/ J. Guthrie True

J. Guthrie True

124 West Clinton Street

Frankfort, KY 40601 Telephone:

(502) 605-9900 Facsimile: (502)

605-9901

E-mail: gtrue@truelawky.com

*Counsel for Proposed Intervenors*

RETRIEVED FROM DEMOCRACYDOCK.COM

# Exhibit A

RETRIEVED FROM DEMOCRACYDOCKET.COM

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF KENTUCKY**

UNITED STATES OF AMERICA,

*Plaintiff,*

v.

MICHAEL ADAMS, in his Official Capacity as KENTUCKY SECRETARY OF STATE and as CHIEF ELECTION OFFICIAL for the KENTUCKY STATE BOARD OF ELECTIONS; ROSS OWENS, III in his Official Capacity as KENTUCKY STATE BOARD OF ELECTIONS MEMBER; ERIC FARRIS in his Official Capacity as KENTUCKY STATE BOARD OF ELECTIONS MEMBER; JOHN BROWN, III in his Official Capacity as KENTUCKY STATE BOARD OF ELECTIONS MEMBER; SUE PERRY in her Official Capacity as KENTUCKY STATE BOARD OF ELECTIONS MEMBER; DEANNA BRANGERS in her Official Capacity as KENTUCKY STATE BOARD OF ELECTIONS MEMBER; CORY SKOLNICK in his Official Capacity as KENTUCKY STATE BOARD OF ELECTIONS MEMBER; DWIGHT SEARS in his Official Capacity as KENTUCKY STATE BOARD OF ELECTIONS MEMBER; JULIE GRIGGS in her Official Capacity as KENTUCKY STATE BOARD OF ELECTIONS MEMBER,

*Defendants.*

Case No. 3:26-cv-00019-GFVT

**KENTUCKY ALLIANCE FOR RETIRED AMERICANS' PROPOSED ANSWER TO  
PLAINTIFF'S COMPLAINT**

Proposed Intervenor-Defendant the Kentucky Alliance for Retired Americans (the "Alliance") answers Plaintiff's Complaint as follows:

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

1. Paragraph 1 contains legal contentions, characterizations, conclusions, and opinions to which no response is required. To the extent a response is required, Proposed Intervenor admits that the statute and opinion cited contain the quoted text. Proposed Intervenor otherwise denies the allegations.

2. Paragraph 2 contains legal contentions, characterizations, conclusions, and opinions to which no response is required. To the extent a response is required, Proposed Intervenor admits that the statute cited contains language similar to the quoted text. Proposed Intervenor otherwise denies the allegations.

3. Paragraph 3 contains legal contentions, characterizations, conclusions, and opinions to which no response is required. To the extent a response is required, Proposed Intervenor admits that the opinion cited contains the quoted text. Proposed Intervenor otherwise denies the allegations.

4. Paragraph 4 contains legal contentions, characterizations, conclusions, and opinions to which no response is required. To the extent a response is required, Proposed Intervenor admits that the opinions cited contain the quoted text. Proposed Intervenor otherwise denies the allegations.

## **I. JURISDICTION AND VENUE**

5. Paragraph 5 contains legal contentions, characterizations, conclusions, and opinions to which no response is required. To the extent a response is required, Proposed Intervenor

---

<sup>1</sup> These headings are included because they appear in the Plaintiff's Complaint and are duplicated to aid and assist in ease of comparison between the Plaintiff's Complaint and the Proposed Intervenor's answer. They are not factual assertions in and of themselves and accordingly do not require a response. Their reproduction in this answer should not be understood otherwise, nor should they be understood to make any admission on behalf of the Proposed Intervenor.

admits that this action arises under federal law and that it is brought by the United States as a Plaintiff. Proposed Intervenor otherwise denies the allegations.

6. Paragraph 6 contains legal contentions, characterizations, conclusions, and opinions to which no response is required. To the extent a response is required, on information and belief, Proposed Intervenor admits that Plaintiff requested federal election records from Defendant Kentucky Secretary of State Adams (“Secretary Adams”) and Defendant Kentucky State Board of Elections members Owens, Farris, Brown, Perry, Brangers, Skolnick, Sears, and Griggs (“KSBE Members”), but Proposed Intervenor lacks sufficient knowledge to form a belief to the truth or falsity of the remaining allegations in Paragraph 6 and therefore denies them.

## **II. PARTIES**

7. Paragraph 7 contains legal contentions, characterizations, conclusions, and opinions to which no response is required. To the extent a response is required, Proposed Intervenor admits that this case is brought by the United States but otherwise denies the allegations.

8. Paragraph 8 contains legal contentions, characterizations, conclusions, and opinions to which no response is required. To the extent a response is required, Proposed Intervenor admits that the named Defendants conduct election administration activities in Kentucky.

9. Paragraph 9 contains legal contentions, characterizations, conclusions, and opinions to which no response is required. To the extent a response is required, Proposed Intervenor admits that Defendant Secretary Adams and KSBE Members are being sued in their official capacities only, and that they are responsible for coordinating and maintaining Kentucky’s compliance under the Civil Rights Act of 1960 (“CRA”), the National Voter Registration Act (“NVRA”), 52 U.S.C. § 20510(a), and Title III of the Help America Vote Act (“HAVA”), 52 U.S.C. § 21111.

### **III. BACKGROUND**

10. Proposed Intervenor denies the allegations in Paragraph 10.

11. Paragraph 11 contains legal contentions, characterizations, conclusions, and opinions to which no response is required. To the extent a response is required, Proposed Intervenor admits that the CRA, NVRA, and HAVA impose certain obligations on states with respect to voter registration lists and that the NVRA requires states to preserve certain records. Proposed Intervenor otherwise denies the allegations.

#### **The National Voter Registration Act**

12. Paragraph 12 contains legal contentions, characterizations, conclusions, or opinions to which no response is required. To the extent a response is required, Proposed Intervenor admits that the statute cited contains the quoted text. The statute otherwise speaks for itself.

13. Paragraph 13 contains legal contentions, characterizations, conclusions, or opinions to which no response is required. To the extent a response is required, Proposed Intervenor admits that the statute cited contains the quoted text. The statute otherwise speaks for itself.

14. Paragraph 14 contains legal contentions, characterizations, conclusions, or opinions to which no response is required. To the extent a response is required, Proposed Intervenor admits that the statute cited contains the quoted text. The statute otherwise speaks for itself.

#### **The Help America Vote Act**

15. Paragraph 15 contains legal contentions, characterizations, conclusions, and opinions to which no response is required. To the extent a response is required, Proposed Intervenor admits that the statute cited contains the quoted text. The statute otherwise speaks for itself.

16. Paragraph 16 contains legal contentions, characterizations, conclusions, and opinions to which no response is required. To the extent a response is required, Proposed Intervenor admits that the statute cited contains the quoted text. The statute otherwise speaks for itself.

#### **The Civil Rights Act of 1960**

17. Paragraph 17 contains legal contentions, characterizations, conclusions, or opinions to which no response is required. To the extent a response is required, Proposed Intervenor admits that the CRA grants the Attorney General certain authority to request some records in certain circumstances.

18. Paragraph 18 contains legal contentions, characterizations, conclusions, or opinions to which no response is required. To the extent a response is required, Proposed Intervenor admits that the statute cited requires election officials to preserve certain records for a period of twenty-two months after a federal election.

19. Paragraph 19 contains legal contentions, characterizations, conclusions, or opinions to which no response is required. To the extent a response is required, Proposed Intervenor admits that the statute cited contains the quoted text. The statute otherwise speaks for itself.

#### **IV. FACTUAL ALLEGATIONS**

20. Proposed Intervenor lacks sufficient knowledge to form a belief as to the truth or falsity of the allegations in Paragraph 20 and therefore denies them.<sup>2</sup>

---

<sup>2</sup> Plaintiff's factual allegations refer to certain letter and email correspondence between Plaintiff and Defendants which Plaintiff failed to attach to the Complaint, including correspondence or communications dated July 17, July 23, August 8, August 14, August 22, December 2, and December 16, 2025; as well as a meeting of the KSBE on January 5, 2026. *See* ECF No. 1 ¶¶ 20–32. Because Plaintiff failed to attach the communications to the Complaint, Proposed Intervenor lacks sufficient knowledge to form a belief as to the truth or falsity of the allegations concerning this correspondence and therefore deny these allegations.

21. Proposed Intervenor lacks sufficient knowledge to form a belief as to the truth or falsity of the allegations in Paragraph 21 and therefore denies them.

22. Proposed Intervenor lacks sufficient knowledge to form a belief as to the truth or falsity of the allegations in Paragraph 22 and therefore denies them.

23. Proposed Intervenor lacks sufficient knowledge to form a belief as to the truth or falsity of the allegations in Paragraph 23 and therefore denies them. Proposed Intervenor denies that Defendants are required to provide Kentucky's state voter registration list ("SVRL") to Plaintiff.

24. Proposed Intervenor lacks sufficient knowledge to form a belief as to the truth or falsity of the allegations related to Plaintiff's correspondence in Paragraph 24 and therefore denies them. To the extent that Paragraph 24 contains legal contentions, characterizations, conclusions, or opinions, no response is required. Proposed Intervenor otherwise denies that Plaintiff is entitled to demand the statewide voter registration list with all fields, including sensitive personal voter information, in order to ascertain compliance with the list maintenance requirements of the NVRA and HAVA.

25. Proposed Intervenor lacks sufficient knowledge to form a belief as to the truth or falsity of the allegations in Paragraph 25 and therefore denies them. To the extent that Paragraph 25 contains legal contentions, characterizations, conclusions, or opinions, no response is required. Proposed Intervenor otherwise denies that Plaintiff's request for motor vehicle records is exempt from the disclosure prohibition in the Driver's Privacy Protection Act.

26. Proposed Intervenor lacks sufficient knowledge to form a belief as to the truth or falsity of the allegations in Paragraph 26 and therefore denies them.

27. Proposed Intervenor lacks sufficient knowledge to form a belief as to the truth or falsity of the allegations in Paragraph 27 and therefore denies them.

28. Proposed Intervenor lacks sufficient knowledge to form a belief as to the truth or falsity of the allegations in Paragraph 28 and therefore denies them.

29. Proposed Intervenor lacks sufficient knowledge to form a belief as to the truth or falsity of the allegations in Paragraph 29 and therefore denies them.

30. Proposed Intervenor lacks sufficient knowledge to form a belief as to the truth or falsity of the allegations in Paragraph 30 and therefore denies them.

31. Proposed Intervenor lacks sufficient knowledge to form a belief as to the truth or falsity of the allegations in Paragraph 31 and therefore denies them.

32. Proposed Intervenor lacks sufficient knowledge to form a belief as to the truth or falsity of the allegations in Paragraph 32 and therefore deny them.

33. On information and belief, Proposed Intervenor admits that Defendants have not provided Kentucky's SVRL to the United States, but Proposed Intervenor otherwise denies the allegations in Paragraph 33.

**COUNT ONE**

34. Proposed Intervenor incorporates by reference each of its preceding admissions, denials, and statements as if fully set forth herein.

35. Proposed Intervenor lacks sufficient knowledge to form a belief as to the truth or falsity of the allegations in Paragraph 35 and therefore denies them.

36. Proposed Intervenor lacks sufficient knowledge to form a belief as to the truth or falsity of the allegations in Paragraph 36 and therefore denies them.

37. Admitted.

38. Paragraph 38 contains legal contentions, characterizations, conclusions, and opinions to which no response is required. To the extent a response is required, on information and belief, Proposed Intervenor admits that Defendants have not provided Kentucky's SVRL to the United States, but denies that Plaintiff was entitled to any of the requested records.

Proposed Intervenor denies that Plaintiff is entitled to any relief in this action, including the relief demanded in sub-paragraphs (A)–(D).

#### **GENERAL DENIAL**

Proposed Intervenor denies every allegation in Plaintiff's Complaint that is not expressly admitted herein.

#### **AFFIRMATIVE DEFENSES**

1. Plaintiff has failed to state a claim upon which relief can be granted.
2. Plaintiff's claims are barred in whole or in part by equity, including on the basis of laches and unclean hands.
3. Plaintiff has failed to establish entitlement to injunctive relief.
4. The relief sought by Plaintiff is inconsistent with the U.S. Constitution and federal law.
5. Plaintiff lacks authority to bring a cause of action.

#### **PROPOSED INTERVENOR'S PRAYER FOR RELIEF**

WHEREFORE, having fully answered Plaintiff's Complaint, Proposed Intervenor prays for judgment as follows:

- A. That the Court dismiss the Complaint;

B. That judgment be entered in favor of Proposed Intervenor and against Plaintiff on Plaintiff's Complaint and that Plaintiff takes nothing thereby;

C. That Proposed Intervenor be awarded reasonable attorneys' fees and costs under any applicable statute or equitable doctrine; and

D. For such other and further relief as the Court deems appropriate.

Dated: March 2, 2026,

Respectfully submitted,

**TRUE GUARNIERI AYER, LLP**

/s/ J. Guthrie True

J. Guthrie True  
124 West Clinton Street  
Frankfort, KY 40601  
Telephone: (502) 605-9900  
Facsimile: (502) 605-9901  
E-mail: gtrue@truelawky.com

**ELIAS LAW GROUP LLP**

Elisabeth Frost\*  
Lucas Lallinger\*  
Tina Meng Morrison\*  
250 Massachusetts Ave. NW, Suite 400  
Washington, DC 20001  
T: (202) 968-4490  
F: (202) 968-4498  
efrost@elias.law  
llallinger@elias.law  
tmengmorrison@elias.law

*\* Pro Hac Vice Applications Pending  
Counsel for Proposed Intervenor*

# Exhibit B

RETRIEVED FROM DEMOCRACYDOCKET.COM

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF KENTUCKY**

UNITED STATES OF AMERICA,

*Plaintiff,*

v.

MICHAEL ADAMS, in his Official Capacity as KENTUCKY SECRETARY OF STATE and as CHIEF ELECTION OFFICIAL for the KENTUCKY STATE BOARD OF ELECTIONS; ROSS OWENS, III in his Official Capacity as KENTUCKY STATE BOARD OF ELECTIONS MEMBER; ERIC FARRIS in his Official Capacity as KENTUCKY STATE BOARD OF ELECTIONS MEMBER; JOHN BROWN, III in his Official Capacity as KENTUCKY STATE BOARD OF ELECTIONS MEMBER; SUE PERRY in her Official Capacity as KENTUCKY STATE BOARD OF ELECTIONS MEMBER; DEANNA BRANGERS in her Official Capacity as KENTUCKY STATE BOARD OF ELECTIONS MEMBER; CORY SKOLNICK in his Official Capacity as KENTUCKY STATE BOARD OF ELECTIONS MEMBER; DWIGHT SEARS in his Official Capacity as KENTUCKY STATE BOARD OF ELECTIONS MEMBER; JULIE GRIGGS in her Official Capacity as KENTUCKY STATE BOARD OF ELECTIONS MEMBER,

*Defendants.*

Case No. 3:26-cv-00019-GFVT

**DECLARATION OF KIRK GILLENWATERS**

I, Kirk Gillenwaters, declare as follows:

1. I am a U.S. citizen, over the age of 18, am competent to testify, and have personal

knowledge of the facts and information set forth in this declaration.

2. I am the current President of the Kentucky Alliance for Retired Americans (the “Alliance”). I also serve on the State Board of the American Federation of Labor and Congress of Industrial Organizations and on the Greater Louisville Central Labor Council Executive Board. I worked as an auto worker for 31 years prior to my retirement and am currently 73 years old. I have been a registered Kentucky voter for approximately 55 years.

3. The Alliance is a nonpartisan organization incorporated in Kentucky under Chapter 273 of the Kentucky Revised Statutes and is a 501(c)(4) nonprofit, social welfare organization under the Internal Revenue Code. It is a chartered state affiliate of the Alliance for Retired Americans.

4. The Alliance has approximately 62,658 members across Kentucky. Its members include retirees from public and private sector unions, community organizations, and individual activists. Most of our members are over 60 years old.

5. The Alliance’s mission is to ensure social and economic justice and full civil rights that retirees have earned after a lifetime of work. It achieves its mission by dedicating significant resources to grassroots advocacy, contributions to state and federal labor and electoral campaigns, and the creation of educational materials, presentations, letter writing campaigns, and email and outreach activities. This work allows the Alliance to promote key issues such as voter turnout efforts, advocating for affordable prescription drug pricing, and the expansion of Medicare and Medicaid benefits on behalf of our members.

6. The Alliance also advances its mission by ensuring that its members actively participate in and vote in Kentucky’s elections. To this end, we organize and participate in “get out the vote” campaigns, including retiree phone banks and door-to-door campaigning. During

these “get out the vote” activities, we have many conversations with our members and encourage them to vote and try to assist them in navigating the voting process if they need help. These activities are central to achieving the Alliance’s core mission—by turning out our members to vote, the Alliance builds its constituency’s political power and ability to achieve our legislative goals.

7. I understand that the Department of Justice’s lawsuit seeks to compel Secretary Adams and the members of the Kentucky State Board of Elections to turn over the State’s complete, unredacted voter file, which includes driver’s license numbers, partial social security numbers, and birthdates.

8. If the Department of Justice is successful in obtaining this information, I am concerned it will frustrate the Alliance’s civic engagement and voter turnout work in Kentucky. I also fear it will harm me personally as a Kentucky voter whose privacy rights will be invaded.

9. To begin, the privacy and security of Alliance members’ information is of great importance to the Alliance as an organization. The senior community is deeply concerned about the risks of social security fraud, identity theft, and other types of financial fraud, which are oftentimes targeted at older citizens. In my experience, seniors are wary of conducting their lives or engaging in activities that will increase the chance that their private data will be turned over to third parties without knowledge or authorization. In fact, in response to the increasing number of fraudulent schemes targeting the elderly, including our members, we have employed different outreach strategies to educate and warn our members about the various ways in which scams and fraud campaigns can manifest.

10. But the federal government’s lawsuit undermines this program by exacerbating the very risks that the Alliance is trying to mitigate. It seeks the kinds of unique identifiers and other personalized information that are common points of access for hackers, identity thieves, and other

malicious actors.

11. This concerns me because I have personally been the victim of identity theft and financial fraud. Within the last few years, a false tax return was filed in my name, which resulted in my bank account being frozen for more than three months. Through this experience I am aware of the havoc that financial fraud, including social security fraud, identity theft, and other types of fraud, can wreak on a person's life. I am also aware of many other individual Alliance members who have been the victims of similar fraudulent schemes. So, like other Alliance members, I take great care in ensuring my personal information does not fall into the hands of other individuals. But I am extremely concerned that the disclosure of sensitive personal information to the Department of Justice will only make it easier for such campaigns to be waged against me and those in my community.

12. Additionally, if the Department of Justice's lawsuit is successful, it will directly undermine our members' confidence in our electoral process. I fear that the disclosure of Kentucky's entire database of voter information to the Department of Justice could be used in unpredictable ways that pose a threat to free and fair elections in the future.

13. Indeed, given the Trump Administration's carelessness regarding personal data—as shown, for example, by the Department of Government Efficiency's poor track record of preventing data breaches—neither I, nor many of the Alliance's members, trust that the federal government will take diligent care to safeguard the confidentiality of our personal data.

14. Finally, through my civic and community engagement work, I am aware that Kentucky law provides strong protection for sensitive information contained in voter registration records. As a voter, Kentucky's longstanding commitment to the security and privacy of this information gives me confidence that my personal information is secure. This has become

increasingly important to me both as a voter and a community activist in the current national climate, where persons in and aligned with the federal government have increasingly called for and even moved to punish persons they see as political enemies.

15. But the actions that the Department of Justice has taken to compel the production of sensitive personal information of Kentucky voters do not give me confidence that the Department will respect federal or state privacy laws. Neither I, nor the Alliance's members, trust that the federal government will take diligent care and commit to safeguard the confidentiality of our personal data. Instead, I fear the federal government may use this information in unpredictable and nefarious ways that neither I nor the Alliance's members more broadly have any control over. Once this information is released, the harm is done—there is no effective way to claw that information back and neutralize the threat disclosure poses to us.

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

3-2-2026  
Executed on:

D. Kirk Gillenwaters  
Kirk Gillenwaters

# Exhibit C

RETRIEVED FROM DEMOCRACYDOCKET.COM

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE

United States of America

v.

Case No. 25-cv-371-AJ

David Scanlan, in his official  
capacity as Secretary of State  
for the State of New  
Hampshire, and the State of  
New Hampshire

**ORDER**

David Scanlan, the New Hampshire Secretary of State, refused the United States Department of Justice's demands for New Hampshire's current statewide voter registration list including active and inactive voters' full name, residential address, and either their state driver's license number or the last four digits of their social security number. The United States brought this suit pursuant to the Civil Rights Act of 1960, 52 U.S.C. § 20703, and the Help America Vote Act ("HAVA"), 52 U.S.C. § 21083, to compel New Hampshire's disclosure of the list. See Compl. (Doc. No. 1).

Invoking Federal Rule of Civil Procedure 24, four New Hampshire voters, Neal Kurk, Robert "Bob" Perry, Louise Spencer, and Christopher Cole, move to intervene to assert their privacy rights. See Mot. to Int. (Doc. No. 6). As New Hampshire registered voters, their personal information is contained

within the list sought by the United States. The United States filed a memorandum in opposition to the proposed intervenors' motion, (Doc. No. 19), before filing a notice of no position, (Doc. No. 21). The proposed intervenors filed a reply. See Reply (Doc. No. 22).

For the following reasons, the motion to intervene is granted.

**I. Background**

In June 2025, the United States sent Secretary Scanlan a letter seeking information regarding New Hampshire's compliance with Section 303 of HAVA. Doc. No. 1 ¶ 32. The letter made 15 requests. Id. ¶ 33. One of those requests sought New Hampshire's current statewide voter registration list including active and inactive voters. Id. ¶ 38. Secretary Scanlan responded and, in part, explained that state law did not allow him to provide the statewide voter registration list to the United States but that the United States could seek public data from each municipality directly. Id. ¶ 44. The United States and Secretary Scanlan exchanged further letters disputing the legal authority for the United States' request and Secretary Scanlan's refusal to provide the list. See id. ¶¶ 45-52.

On September 25, 2025, the United States initiated this action seeking to compel the statewide voter registration list.

See generally id. On September 30, 2025, the proposed intervenors moved to intervene. See Doc. No. 6.

## II. Discussion

Federal Rule of Civil Procedure 24 permits intervention as a matter of right and permissively. The proposed intervenors argue that they meet both standards. Because the court finds that permissive intervention is warranted, it does not determine whether the proposed intervenors are also entitled to intervene as of right.

Rule 24(b) provides that, “[o]n a timely motion, the court may permit anyone to intervene who . . . has a claim or defense that shares with the main action a common question of law or fact.” Fed. R. Civ. P. 24(b)(1). This is a “low threshold.” Mass. Food Ass’n v. Mass. Alcoholic Beverages Control Comm’n, 197 F.3d 560, 568 (1st Cir. 1999). After the threshold is met, whether to allow intervention is left to the court’s discretion. The rule, however, expressly requires the court to “consider whether the intervention will unduly delay or prejudice the adjudication of the original parties’ rights.” Fed. R. Civ. P. 24(b)(3). In sum, the court must first determine whether the proposed intervenors’ motion was timely, and whether their defenses share a common question of law or fact with the main action. The court must then exercise its discretion and,

factoring in the risk of undue delay or prejudice, determine whether intervention is appropriate.

There is no dispute that the proposed intervenors' motion was timely—filed five days after the United States filed its complaint. See [Geiger v. Foley Hoag LLP Retirement Plan](#), 521 F.3d 60, 64 (1st Cir. 2008) (affirming district court's grant of motion to intervene where it was filed before the case progressed beyond the initial stages).

The court thus turns to whether the proposed intervenors' defenses share a common question of law or fact with the underlying action. Here, intervention would inject no new questions of law or fact. The parties' and proposed intervenors' interests in this action are the same: the legality of the United States' request seeking New Hampshire's production of its statewide voter registration list. The proposed intervenors' defenses are not tangential to the underlying action but rather directly responsive to the United States' claims. The court notes that the proposed intervenors' stated interest in the action—the protection of their personal information—does not warrant particular inspection under Rule 24(b). See [7C Kane & Stein, Fed. Prac. & Proc. Civ. § 1911 \(3d ed.\)](#) (“Close scrutiny of the kind of interest the intervenor is

thought to have seems especially inappropriate under Rule 24 since it makes no mention of interest.”).

The proposed intervenors have, therefore, satisfied the “low threshold” of timeliness and commonality required by Rule 24(b) (1). It is then left to the court’s discretion whether to permit intervention. The court’s discretion is “very broad” and “the district court can consider almost any factor.” [Daggett v. Comm’n on Gov’t Ethics & Election Pracs.](#), 172 F.3d 104, 113 (1st Cir. 1999). One factor the court may consider in exercising its discretion is whether the proposed intervenors “may be helpful in fully developing the case.” [T-Mobile Ne. LLC v. Town of Barnstable](#), 969 F.3d 33, 41 (1st Cir. 2020) (quoting [Daggett](#), 172 F.3d at 113). Here, the proposed intervenors’ presence would assist the court in deciding the issues before it. The proposed intervenors are registered New Hampshire voters whose personal information would be distributed to the Department of Justice were the United States to prevail in this action.

Prior to taking no position, the United States argued that permissive intervention should be denied because defendants are capable of adequately representing the proposed intervenors’ interests and objectives. “However, inadequate representation of the proposed intervenor[s’] interests by the existing parties is a precondition to obtaining intervention of right, not permissive intervention.” [Tirrell v. Edelblut](#), No. 24-cv-251-

LM-TSM, 2025 WL 1939965, at \*4 (D.N.H. July 15, 2025) (citing Victims Rts. L. Ctr. v. Rosenfelt, 988 F.3d 556, 560-61 (1st Cir. 2021)). While courts exercising their discretion “should ordinarily” consider adequate representation, T-Mobile, 969 F.3d at 41, intervention may still be appropriate where adequate representation exists “if the addition of the intervenors will assist in the just and equitable adjudication of any of the issues between the parties.” Tirrell, 2025 WL 1939965, at \*4 (citing Allco Fin. Ltd. v. Etsy, 300 F.R.D. 83, 88 (D. Conn. 2014)); see also South Dakota ex rel. Barnett v. U.S. Dep’t of Interior, 317 F.3d 783, 787 (8th Cir. 2003) (characterizing adequacy of representation as “a minor variable in the Rule 24(b) decision calculus”); United States v. Columbia Pictures Ind., Inc., 88 F.R.D. 186, 189 (S.D.N.Y. 1980) (same). Even assuming that the proposed intervenors’ interest is adequately represented by defendants, their presence in this suit will assist the court in the just and equitable adjudication of this matter.

Finally, permitting intervention here will not “unduly delay or prejudice the adjudication of the original parties’ rights.” Fed. R. Civ. P. 24(b)(3). This case is in its earliest stages. Defendants have yet to respond to the complaint. Given this procedural posture, intervention will cause no significant delay and will not prejudice the other

parties' rights. While true, the addition of more parties "always take[s] additional time," Kane & Stein, supra § 1913, inclusion of the proposed intervenors would not unduly delay litigation.

In light of these circumstances, the court exercises its discretion to allow permissive intervention. See Fed. R. Civ. P. 24(b).

### **III. Conclusion**

Kurk, Perry, Spencer, and Cole's motion to intervene (Doc. No. 6) is granted. The court will treat them as defendants going forward.

SO ORDERED.



Andrea K. Johnstone  
United States Magistrate Judge

January 5, 2026

cc: Counsel of Record

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF KENTUCKY**

UNITED STATES OF AMERICA,

*Plaintiff,*

v.

MICHAEL ADAMS, in his Official Capacity as KENTUCKY SECRETARY OF STATE and as CHIEF ELECTION OFFICIAL for the KENTUCKY STATE BOARD OF ELECTIONS; ROSS OWENS, III in his Official Capacity as KENTUCKY STATE BOARD OF ELECTIONS MEMBER; ERIC FARRIS in his Official Capacity as KENTUCKY STATE BOARD OF ELECTIONS MEMBER; JOHN BROWN, III in his Official Capacity as KENTUCKY STATE BOARD OF ELECTIONS MEMBER; SUE PERRY in her Official Capacity as KENTUCKY STATE BOARD OF ELECTIONS MEMBER; DEANNA BRANGERS in her Official Capacity as KENTUCKY STATE BOARD OF ELECTIONS MEMBER; CORY SKOLNICK in his Official Capacity as KENTUCKY STATE BOARD OF ELECTIONS MEMBER; DWIGHT SEARS in his Official Capacity as KENTUCKY STATE BOARD OF ELECTIONS MEMBER; JULIE GRIGGS in her Official Capacity as KENTUCKY STATE BOARD OF ELECTIONS MEMBER,

*Defendants.*

Case No. 3:26-cv-00019-GFVT

**[PROPOSED] ORDER GRANTING KENTUCKY ALLIANCE FOR RETIRED  
AMERICANS' MOTION TO INTERVENE AS DEFENDANT**

Upon consideration of the Motion to Intervene as Defendant filed by the Kentucky Alliance for Retired Americans, alongside the materials filed in support thereof, as well as any opposition thereto, the Court finds good cause, and it is hereby **ORDERED** that the Motion is **GRANTED**.

It is further **ORDERED** that Proposed Intervenor may file a Rule 12(b) motion within the time period prescribed by the Federal Rules of Civil Procedure or pursuant to any schedule set by this Court.

IT IS SO ORDERED on this \_\_\_\_\_ day of \_\_\_\_\_, 202\_.

\_\_\_\_\_  
Hon. Judge Gregory F. VanTatenhove  
U.S. District Court for the Eastern District of  
Kentucky

RETRIEVED FROM DEMOCRACYDOCKET.COM