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26 *Immigrant Rights and Education Network*

27 * *Pro hac vice application forthcoming*

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION**

DON WAGNER, and AMERICAN
INDEPENDENT PARTY OF
CALIFORNIA,

Plaintiffs,

v.

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

Defendant.

Case No: 8:26-cv-1263-MCS-PVC

**NAACP; NAACP CALIFORNIA-
HAWAII STATE CONFERENCE;
AND SERVICES, IMMIGRANT
RIGHTS AND EDUCATION
NETWORK NOTICE OF
MOTION AND MOTION TO
INTERVENE AS DEFENDANTS;
MEMORANDUM OF POINTS
AND AUTHORITIES**

Hearing Date: September 14, 2026

Time: 9:00 a.m.

Courtroom: 7C, 7th Floor

NOTICE OF MOTION AND MOTION TO INTERVENE

The National Association for the Advancement of Colored People (“NAACP”), the NAACP California-Hawaii State Conference (“NAACP-CA/HI”), and Services, Immigrant Rights and Education Network (“SIREN”) (together, “Proposed Intervenors”) respectfully request that this Court grant them leave to intervene as defendants in this case as of right under Federal Rule of Civil Procedure 24(a)(2) or, alternatively, grant permissive intervention under Rule 24(b).

In support of their Motion, Proposed Intervenors submit and incorporate the below Memorandum of Points and Authorities, declarations by Proposed Intervenors (attached as Exhibits A, B, and C), a Proposed Answer submitted pursuant to Rule 24(c) (attached as Exhibit D), a Proposed Motion to Dismiss (attached as Exhibit E), the Declaration of Lalitha D. Madduri (attached as Exhibit F) and a Proposed Order.

Pursuant to Local Rule 7-3, counsel for Proposed Intervenors conferred by videoconference on July 23 with counsel for the existing parties. Counsel for Plaintiffs stated that Plaintiffs oppose the Motion. Madduri Declaration ¶4. Counsel for Defendant, Secretary of State Weber, stated that Defendant does not oppose the Motion. *Id.* at ¶5.

Counsel for Plaintiffs has indicated that the briefing schedule for this Motion as prescribed by the Local Rules presents a conflict for them. Proposed Intervenors do not object to Plaintiffs being afforded more than seven days to file their opposition, so long as (1) Proposed Intervenors are afforded five business days for their reply, (2) this Motion can be heard on September 14 when the Court has set a Scheduling Conference, *see* ECF No. 14, and (3) the Court is amenable to such a briefing schedule.

1 Dated: August 17, 2026

Respectfully submitted,

2 /s/ Lalitha D. Madduri

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INTRODUCTION

Congress enacted the National Voter Registration Act of 1993 (“NVRA”) to make it *easier* for Americans to register to vote and *remain* registered. But this lawsuit weaponizes the NVRA *against* that purpose by seeking to compel California to more aggressively remove voters from the rolls. It is well established that aggressive list maintenance efforts often remove eligible voters from the rolls—indeed, it is this known risk that undergirds the NVRA’s strong protections against the removal of voters unless strict procedural requirements are met. Because cases like this one threaten direct harm to voters, courts regularly allow organizations that represent voters to intervene to defend against such efforts. The voters most at risk include those in minority communities, new voters, and those marginalized from the political process. Here, Proposed Intervenors—the National Association for the Advancement of Colored People (“NAACP”), the NAACP California-Hawaii State Conference (“NAACP-CA/HI”), and Services, Immigrant Rights and Education Network (“SIREN”)—represent such voters and move to intervene as Defendants. These organizations do so not only to protect their thousands of California members from the harm of potential disenfranchisement that this lawsuit threatens, but also to preserve their mission-driven work promoting voter registration and voter participation in California.

Proposed Intervenors NAACP, NAACP-CA/HI, and SIREN have a right to intervene here under Federal Rule 24(a)(2) to protect the rights of their members and to preserve their own organizational efforts to promote voter registration, which are directly threatened by the unnecessary voter purge Plaintiffs seek. Their motion, filed prior to any substantive proceedings in this case, is indisputably timely. And, as many courts have recognized in similar cases, Proposed Intervenors cannot rely upon governmental officials like the Secretary to adequately represent them. As the public official charged with carrying out California’s duties under the NVRA, the

1 Secretary must “bear in mind broader public-policy implications,” whereas private
2 litigants—like Proposed Intervenors—seek to vindicate their own rights “full stop.”
3 *Berger v. N.C. State Conf. of the NAACP*, 597 U.S. 179, 196 (2022). That is
4 particularly true because the NVRA tasks the Secretary with competing obligations
5 both to promote voter registration and to engage in list maintenance activities that
6 remove voters. Indeed, the Secretary has already parted from Proposed Intervenors
7 in a critical respect by choosing to answer Plaintiffs’ complaint, rather than seeking
8 its dismissal, as Proposed Intervenors intend to do. *See* Ex. E (Proposed Motion to
9 Dismiss).

10 In the alternative, while the requirements for intervention as of right are
11 satisfied, this Court also has ample basis to grant permissive intervention under Rule
12 24(b). The modest requirements of the rule are satisfied and Proposed Intervenors’
13 participation will aid the Court by ensuring that an unabashedly pro-voter
14 perspective is offered in this case.

15 **BACKGROUND**

16 **I. The NVRA was enacted to increase access to the franchise.**

17 The NVRA requires States to provide simplified, voter-friendly systems for
18 registering to vote. In enacting the NVRA, Congress aimed to increase access to the
19 franchise by establishing “procedures that will increase the number of eligible
20 citizens who register to vote in elections for Federal office” and by making it
21 “possible for Federal, State, and local governments to implement [the NVRA] in a
22 manner that enhances the participation of eligible citizens as voters in elections for
23 Federal office.” 52 U.S.C. §20501(b)(1)-(2). As Congress found in the NVRA,
24 “discriminatory and unfair registration laws and procedures can have a direct and
25 damaging effect on voter participation . . . and disproportionately harm voter
26 participation by various groups, including racial minorities.” *Id.* §20501(a)(3).

To protect against the harm that can follow from erroneous voter removals, the NVRA imposes strict restrictions on whether, when, and how a State may remove a voter from its registration rolls. *See id.* §20507(a)(3)(4), (b)-(d). A State may immediately remove a voter from the rolls only when a registrant requests to be deregistered or is convicted of a disenfranchising felony. *Id.* §20507(a)(3)(A)–(B). Otherwise, a State may not remove voters from the rolls without complying with prescribed procedural minimums that Congress has mandated to protect voters. *Id.* §20507(a)(3)(C), (c), (d). For instance, a registrant can usually be removed from the rolls by reason of change of residence only after failing to respond to a notice and failing to appear to vote for two general elections following that notice. *Id.* §20507(d)(1). Thus, by design “the NVRA does not require states to immediately remove every voter who may have become ineligible.” *Pub. Int. Legal Found. v. Benson*, 721 F. Supp. 3d 580, 596 (W.D. Mich. 2024), *aff’d*, 136 F.4th 613 (6th Cir. 2025), *cert. denied*, 146 S. Ct. 1772 (2026). Congress made the policy determination that some delay in removing voters is worthwhile to minimize the risk that qualified voters will be wrongly deregistered. Thus, a “snapshot” of a county’s voter rolls can “in no way be taken as a definitive picture of what a county’s registration rate is.” *Bellitto v. Snipes*, 935 F.3d 1192, 1208 (11th Cir. 2019); *see also RNC v. Benson*, 754 F. Supp. 3d 773, 791–93 (W.D. Mich. 2024) (similar), *aff’d*, No. 24-1985, 2025 WL 2731704 (6th Cir. Sep. 25, 2025).

II. This suit seeks to purge voters from California’s rolls based on scattered and conclusory allegations.

Plaintiffs’ suit asserts a single cause of action under Section 8 of the NVRA, alleging that California’s Secretary of State has failed “to conduct a general program that makes a reasonable effort” at removing voters “who have become ineligible by reason of a change of residence.” Compl. ¶103. As relief, Plaintiffs request a declaration that California is violating the NVRA and an injunction enjoining future

1 violations of the NVRA. *Id.*, Prayer for Relief at (a), (b). Plaintiffs also seek (in
2 vague and conclusory terms) an order compelling California to engage in more
3 aggressive voter removals. *See* Compl., Prayer for Relief at (c).

4 In support, Plaintiffs point to what they believe to be insufficiently robust rates
5 of voter removal by certain California counties during a certain window in time. *See*
6 Compl. ¶¶20-36. They also quarrel with how the Secretary carries out her
7 responsibilities under the NVRA, insisting the Secretary *could* be taking more
8 aggressive voter removal actions—though not that the NVRA *requires* it. *Id.* ¶¶37-
9 54. The complaint also relies upon a snapshot of California’s removal efforts at a
10 particular point in time to insinuate that the State *must* be violating the NVRA,
11 notwithstanding that—by congressional design—the NVRA requires only
12 reasonable list-maintenance efforts by States, not perfect ones, and *requires* states
13 to delay for years before removing many potentially ineligible voters, in order to
14 avoid the overzealous removal of eligible voters. *See* Proposed Motion to Dismiss
15 Argument §II.

16 **III. Proposed Intervenorors have strong interests in preventing the relief**
17 **requested.**

18 Proposed Intervenorors the NAACP, NAACP-CA/HI, and SIREN collectively
19 represent thousands of members in California, most of whom are registered
20 voters who would be at risk of removal from the voter rolls if this lawsuit succeeds.
21 *See* Ex. A, Decl. of Tyler Sterling (“Sterling Decl.”) ¶¶4-7, 10; Ex. B, Decl.
22 of Rick Callender (“Callender Decl.”) ¶4; Ex. C, Decl. of Huy Tran (“Tran Decl.”)
23 ¶¶4-8. Each organization also works to advance the fundamental civil rights of their
24 members and other voters in the communities they serve, including through
25 programming that promotes voter registration in communities that have historically
26 been excluded from the political process. Sterling Decl. ¶8; Callender Decl. ¶6;
27 Tran Decl. ¶¶5-6. If Plaintiffs’ suit succeeds, each of Proposed Intervenorors will need
28

1 to retool their voter engagement programming to ensure that their members and
2 communities are adequately apprised of their voter registration status and that de-
3 registered voters can mitigate any impact prior to an election. *See* Sterling Decl.
4 ¶11; Callender Decl. ¶8; Tran Decl. ¶10. Additionally, each of Proposed Intervenors
5 have an interest in preventing the improper or overbroad disclosure of their
6 members' sensitive personal information in this litigation. *See* Sterling Decl.
7 ¶13; Callender Decl. ¶10; Tran Decl. ¶12. The Proposed Intervenors have
8 successfully intervened to protect these same privacy interests in another NVRA
9 case filed in this district. Sterling Decl. ¶12; Callender Decl. ¶9; Tran Decl. ¶11; *see*
10 *also United States v. Weber*, No. 2:25-cv-09149 (C.D. Cal.), ECF Nos. 14, 70.

11 **NAACP.** The NAACP is the nation's oldest organization dedicated to the
12 advancement of civil rights in the United States. Sterling Decl. ¶4. Founded in 1909
13 by pioneers of racial justice, the NAACP's core mission has long been to ensure the
14 political, educational, social, and economic equality of all people. *Id.* The NAACP
15 is a formal membership organization, with more than 200,000 members nationwide
16 and 12,000 in California. *Id.* ¶5. In furtherance of its mission, the NAACP has
17 worked to protect the fundamental rights of its members and others through a slate
18 of programming that provides education and assistance to voters seeking to make
19 their voices heard. *Id.* ¶8. For example, the NAACP develops and executes programs
20 that encourage its members and other citizens—including in California—to
21 participate in the political process by registering them to vote and aiding voters in
22 casting their ballots. *Id.* The NAACP also mobilizes robust get-out-the-vote
23 ("GOTV") programs in advance of elections, which focus on turning out registered
24 voters through direct communications with community members. *Id.* When voters
25 and potential voters in the NAACP's membership and constituency face harmful
26 government actions (such as arbitrary voter removals from the registration rolls) that
27

1 make it harder to vote and discourage participation in the political process, the
2 NAACP's mission suffers. *Id.* ¶¶11, 13-17.

3 **NAACP-CA/HI.** With more than 12,000 members in roughly 60 local
4 branches and chapters across California, NAACP-CA/HI works with the NAACP to
5 ensure political, educational, and economic justice for Black Californians and other
6 marginalized groups. Callender Decl. ¶¶3-4. Originally established in 1914 in Los
7 Angeles, NAACP-CA/HI has a long history of fighting for and protecting
8 fundamental rights and voting rights of its members and constituents—including by
9 engaging in voter outreach, education, and activism. *Id.* ¶¶3, 6-7. NAACP-CA/HI
10 and its local branches and chapters operate and support programs that assist citizens
11 to register to vote and encourage members and other Californians to participate in
12 elections through its GOTV programming. *Id.* ¶6. Thus, as with NAACP, the
13 Plaintiffs' efforts to force California to undergo new voter removals threatens not
14 only the NAACP-CA/HI's mission-critical programs—which rely on members
15 being able to successfully register and maintain their registration to vote—but also
16 the fundamental voting rights of NAACP-CA/HI's members, who face a heightened
17 risk of being disenfranchised. *See id.* ¶¶7-8, 14.

18 **SIREN.** SIREN is an advocacy and direct-services organization based in San
19 Jose. Tran Decl. ¶3. SIREN's mission is to empower immigrants and refugees
20 through community education and leadership development, organizing, policy
21 advocacy, civic engagement, and legal services. *Id.* The group has roughly 120
22 members in the Bay Area and Central Valley, and its work serves a broader
23 constituency of refugees, immigrants—including naturalized citizens—and others
24 who share the vision of empowering and protecting citizen-immigrants. *Id.* ¶4.
25 SIREN's core activities focus on encouraging and helping citizen-immigrants to
26 participate in the political process. *Id.* ¶5. Voter-registration, voter-education, voter-
27 assistance, and GOTV programs are all critical components of achieving SIREN's

mission. *Id.* Because the communities SIREN serves include migrant workers and others who often temporarily relocate for work, its membership and programs are at a particular risk of harm from the removals sought by the Plaintiffs. *See id.* ¶9. SIREN’s core civic engagement efforts also include assisting recently naturalized citizens with the voter registration and voting process. *Id.* ¶16. Naturalized citizens face a greater risk of being wrongly accused of being ineligible to vote, often based on misguided and error-prone efforts to match personal information in different governmental databases. *Id.* ¶14. Members of these communities will be hesitant to participate politically and may forgo participating at all due to reasonable fears that their registration will ultimately be revoked or that they may be scrutinized or investigated simply for registering to vote—directly undermining SIREN’s mission and work. *Id.* ¶¶15-17.

LEGAL STANDARD

A party seeking to intervene as of right must satisfy four requirements:

(1) the applicant must timely move to intervene; (2) the applicant must have a significantly protectable interest relating to the property or transaction that is the subject of the action; (3) the applicant must be situated such that the disposition of the action may impair or impede the party’s ability to protect that interest; and (4) the applicant’s interest must not be adequately represented by existing parties.

Arakaki v. Cayetano, 324 F.3d 1078, 1083 (9th Cir. 2003).

Rule 24(a)(2) “traditionally receives liberal construction in favor of applicants for intervention,” *id.*, and the Ninth Circuit requires “interpret[ing] these requirements broadly in favor of intervention,” guided by “practical considerations, not technical distinctions.” *W. Watersheds Project v. Haaland*, 22 F.4th 828, 835 (9th Cir. 2022) (quoting *Citizens for Balanced Use v. Mont. Wilderness Ass’n*, 647 F.3d 893, 897 (9th Cir. 2011)). Courts must “take all well-pleaded, nonconclusory allegations in the motion to intervene, the proposed complaint or answer in

1 intervention, and declarations supporting the motion as true absent sham, frivolity
2 or other objections.” *Sw. Ctr. for Biological Diversity v. Berg*, 268 F.3d 810, 820
3 (9th Cir. 2001).

4 “A motion for permissive intervention pursuant to Rule 24(b) is directed to
5 the sound discretion of the district court.” *San Jose Mercury News, Inc. v. U.S. Dist.*
6 *Ct.*, 187 F.3d 1096, 1100 (9th Cir. 1999). Only two factors must be satisfied where,
7 as here, the intervening party does not intend to assert additional “new claims” for
8 relief: (1) the motion must be timely and (2) the applicant’s claim or defense must
9 have a question of law or fact in common with the main action. *Freedom from*
10 *Religion Found. v. Geithner*, 644 F.3d 836, 841, 844 (9th Cir. 2011).¹

11 **ARGUMENT**

12 **I. Proposed Intervenors are entitled to intervene as a matter of right.**

13 **A. This motion is timely.**

14 Proposed Intervenors’ motion is indisputably timely. To make this
15 determination, courts consider the totality of the circumstances, including “(1) the
16 stage of the proceeding at which an applicant seeks to intervene; (2) the prejudice to
17 other parties; and (3) the reason for and length of [any] delay.” *W. Watersheds*
18 *Project*, 22 F.4th at 835-36 (quoting *Smith v. L.A. Unified Sch. Dist.*, 830 F.3d 843,
19 854 (9th Cir. 2016)).

20 These factors are satisfied. This motion comes at the earliest stage of these
21 proceedings—not long after the Defendant appeared in the case and prior to any
22

23 ¹ Rule 24(c) requires intervention motions to be “accompanied by a pleading.” Fed.
24 R. Civ. P. 24(c). Proposed Intervenors wish to seek dismissal of the complaint
25 pursuant to Rule 12(b) in lieu of answering, and therefore attach a proposed motion
26 to dismiss to be docketed if their intervention is granted. *See* Ex. E. While most courts
27 treat a proposed motion to dismiss as satisfying Rule 24(c), Proposed Intervenors also
28 attach a proposed Answer to ensure compliance with Rule 24(c). *See* Ex. D.

1 substantive proceedings. *See Issa v. Newsom*, No. 2:20-cv-01044, 2020 WL
2 3074351, at *2 (E.D. Cal. June 10, 2020) (concluding motion to intervene was timely
3 when filed before any “substantive proceedings have occurred”); *W. States Trucking*
4 *Ass’n v. Becerra*, No. 5:19-cv-02447, 2020 WL 1032348, at *2 (C.D. Cal. Mar. 2,
5 2020) (similar). Proposed Intervenorors agree to abide by any schedule set by the
6 Court, meaning there is no risk of prejudice to existing parties. *See Or. Nat. Desert*
7 *Ass’n v. Shuford*, No. CIV 06–242–AA, 2006 WL 2601073, at *2 (D. Or. Sep. 8,
8 2006) (finding no prejudice where intervenors moved promptly and agreed “to
9 comply with the court’s discovery and pretrial scheduling order”), *aff’d sub nom.*
10 *Or. Nat. Desert Ass’n v. McDaniel*, 405 F. App’x 197 (9th Cir. 2010); *cf. Sable*
11 *Offshore Corp. v. Cnty. of Santa Barbara*, No. 25-4165, 2025 WL 2412147, at *3
12 (C.D. Cal. July 25, 2025) (finding no risk of prejudice to existing parties where
13 proposed intervenor “agree[d] to adhere to the existing briefing schedule”). Indeed,
14 Proposed Intervenorors have moved weeks prior to the Court’s initial scheduling
15 conference. *See* ECF No. 14. Thus, this motion is clearly timely.

16 **B. Proposed Intervenorors’ interests are threatened by this action.**

17 Proposed Intervenorors also have several “significantly protectable interest[s]”
18 at stake in this suit, all of which are at risk of being “impair[ed] or impede[d]” by
19 the “disposition of the action.” *Arakaki*, 324 F.3d at 1083. First, each of Proposed
20 Intervenorors has a strong interest in ensuring their members—and members of the
21 communities they serve—can register to vote, remain registered to vote, and avoid
22 having their sensitive voter registration data improperly disclosed. Further, each of
23 Proposed Intervenorors has a distinct interest in preserving their own organizational
24 voter registration efforts, which will be hampered by a litigation-imposed voter
25 purge. Finally, the Proposed Intervenorors have an interest in protecting the personal
26 voter registration data of their members and the communities they serve. The risk
27
28

1 this suit poses to any of these interests supports intervention as of right. *See Berg*,
2 268 F.3d at 822 (emphasizing these elements are satisfied where a proposed
3 intervenor is “substantially affected in a practical sense by the determination made
4 in an action”).

5 **1. The relief requested threatens the voter registrations of**
6 **Proposed Intervenor’s members and communities.**

7 Proposed Intervenor’s have an interest in ensuring that their members can
8 register to vote and remain registered. Promoting voter registration and civic
9 engagement is core to the mission of each organization. Sterling Decl. ¶¶8; Callender
10 Decl. ¶¶6; Tran Decl. ¶¶5-6. The complaint is antithetical to those interests, making
11 clear that the Plaintiffs believe California needs to be removing *more* people from
12 the rolls and at a faster pace. Compl. ¶¶20-36, 103.

13 Courts routinely grant intervention as of right to civic organizations like
14 Proposed Intervenor’s that seek to protect their members and communities from
15 potential voter removals, recognizing they have “significant protectable
16 organizational and associational interests in protecting their own constituents’ voting
17 rights.” *1789 Found. Inc. v. Fontes*, No. CV-24-02987, 2025 WL 834919, at *3 (D.
18 Ariz. Mar. 17, 2025); *see Jud. Watch, Inc. v. Ill. State Bd. of Elections*, No. 24 C
19 1867, 2024 WL 3454706, at *6 (N.D. Ill. July 18, 2024) (similar); *Bellitto v. Snipes*,
20 No. 16-cv-61474, 2016 WL 5118568, at *2 (S.D. Fla. Sep. 21, 2016) (similar). In
21 *Judicial Watch*, for example, two organizations representing thousands of workers
22 and teachers in Illinois had “an associational interest in protecting their members
23 from unlawful removal from the voter rolls should Plaintiffs succeed in obtaining
24 their requested relief.” 2024 WL 3454706, at *3. Likewise, in *Bellitto*, an
25 organization representing tens of thousands of healthcare workers and retirees in
26 Florida was found to have a protectable interest in avoiding “the court ordered ‘voter
27 list maintenance’ sought by Plaintiffs.” 2016 WL 5118568, at *1–2. The same risk

1 exists here. Sterling Decl. ¶10; Callender Decl. ¶11; Tran Decl. ¶10. Proposed
2 Intervenors have a particularly acute interest because—as unfortunate experience
3 has shown—voter purges disproportionately impact racial minorities and working-
4 class voters. See Lydia Hardy, *Voter Suppression Post-Shelby: Impacts and Issues*
5 *of Voter Purge and Voter ID Laws*, 71 Mercer L. Rev. 857, 866 (2020) (explaining
6 “voter purges have often had the effect of clearing eligible voters from state
7 registration lists and in a manner that tends to discriminate by race and nationality”);
8 see also 52 U.S.C. §20501(a)(3) (finding in the NVRA that discriminatory
9 registration practices have damaged voter participation and “disproportionately
10 harm voter participation by various groups, including racial minorities”); *United*
11 *States v. Weber*, 816 F. Supp. 3d 1168, 1175 (C.D. Cal. 2026), *appeal argued*, No.
12 26-1232 (9th Cir. May 19, 2026) (“Congress understood that unfair registration laws
13 have a ‘damaging effect on voter participation’ and ‘disproportionately harm voter
14 participation by various groups, including racial minorities.’” (quoting *Project*
15 *Vote/Voting for Am., Inc. v. Long*, 682 F.3d 331, 334 (4th Cir. 2012))). Those risks
16 are further heightened with “maximum effort[s] at purging voter lists,”—exactly
17 what Plaintiffs seek here—which increase the risk of “remov[ing] eligible voters.”
18 *Pub. Int. Legal Found. v. Winfrey*, 463 F. Supp. 3d 795, 801 (E.D. Mich. 2020)
19 (quoting *Bellitto*, 935 F.3d at 1198). Thus, Proposed Intervenors’ members and
20 constituents face a significant risk of being swept up in the removals that Plaintiffs
21 seek, despite being lawful California voters.

22 Harm to this particular interest—preserving the voting rights of members—
23 has often been found to satisfy Article III’s more onerous standing requirements.
24 E.g., *Mi Familia Vota v. Fontes*, 719 F. Supp. 3d 929, 983-88 (D. Ariz. 2024)
25 (finding organizations had standing to protect members’ voting rights); *March for*
26 *Our Lives Idaho v. McGrane*, 697 F. Supp. 3d 1029, 1041-42 (D. Idaho 2023)
27 (similar). That this interest satisfies the “more stringent” requirement of Article III

1 “compels the conclusion that [Proposed Intervenor] have an adequate interest” for
2 purposes of Rule 24. *Yniguez v. Arizona*, 939 F.2d 727, 735 (9th Cir. 1991).

3 **2. The relief requested would make it more difficult for**
4 **Proposed Intervenor to carry out their missions.**

5 Each of the Proposed Intervenor expends significant organizational resources
6 to promote voter registration and voting among their members and communities to
7 advance their missions. Sterling Decl. ¶8; Callender Decl. ¶6; Tran Decl. ¶¶4-6. For
8 example, in advance of elections, NAACP mobilizes direct outreach from volunteers
9 to members about upcoming elections and how to vote. Sterling Decl. ¶8. The
10 removals sought by Plaintiffs would undercut these efforts, requiring Proposed
11 Intervenor to divert time and resources towards staunching the harm to these core-
12 activities, such as with revised programs that inform voters about the potential purge,
13 instruct them on how to check their registration status, and provide information on
14 how to re-register if they were removed. *See id.* ¶11; *see also* Callender Decl. ¶8
15 (similar); Tran Decl. ¶10 (similar).

16 Courts have recognized that these burdens on organizational efforts to
17 promote voting constitute a protectable interest under Rule 24. For example, the
18 Fifth Circuit recognized impairment of a significant protectable interest where
19 litigation “may change what” an organization “must do to prepare for upcoming
20 elections.” *La Union del Pueblo Entero v. Abbott*, 29 F.4th 299, 307 (5th Cir. 2022)
21 (reversing denial of intervention in election-related lawsuit). As there, Proposed
22 Intervenor here “will have to expend resources to educate their members on the
23 shifting situation in the lead-up” to future elections if this suit is successful. *Id.* And
24 the Ninth Circuit’s case law confirms that Rule 24 facilitates intervention precisely
25 to avoid such “practical . . . impair[ments].” *Berg*, 268 F.3d at 818-22; *see also 1789*
26 *Found.*, 2025 WL 834919, at *4 (granting intervention in part because of
27 organizations’ interest in “preserving their financial resources”); *Jud. Watch, Inc.*,

1 2024 WL 3454706, at *3 (finding labor unions had “organizational interest in
2 avoiding adverse reallocation of resources to protect the voting rights of their
3 members”); *Issa*, 2020 WL 3074351, at *3 (finding significant protectable interest
4 in organizations “diverting their limited resources to educate their members on the
5 election procedures”); *Paher v. Cegavske*, No. 3:20-cv-00243, 2020 WL 2042365,
6 at *2 (D. Nev. Apr. 28, 2020) (finding “significant protectable interest” in
7 “organizational intervenors’ efforts to promote the franchise”).

8 **3. The suit threatens the privacy interests of Proposed**
9 **Intervenors’ members and the communities they serve.**

10 Many of the Proposed Intervenors’ members and the broader communities
11 they serve are registered California voters, who have a significant protectable
12 interest in their personal voter registration data. Sterling Decl. ¶12; Callender Decl.
13 ¶10; Tran Decl. ¶12. This personal voter registration data is at risk of disclosure
14 during discovery in this action. Many of Proposed Intervenors’ members and the
15 communities they serve oppose unwarranted intrusions into their personal
16 information, and they have legitimate concerns about the ensuing consequences.
17 Sterling Decl. ¶¶13-15; Callender Decl. ¶¶11-13; Tran Decl. ¶12. Members and
18 associated communities fear retaliation or unwarranted scrutiny, including as a result
19 of their political activism and civic involvement. Sterling Decl. ¶¶14-15; Callender
20 Decl. ¶¶11-13; Tran Decl. ¶14. They also fear their data will not be properly
21 protected or will be misused. Sterling Decl. ¶13; Callender Decl. ¶10; Tran Decl.
22 ¶¶12-13. The fear and distrust sown by the potential disclosure of personal voter
23 information also threatens to discourage voter registration, directly frustrating the
24 NAACP’s, NAACP-CA/HI’s, and SIREN’s mission-critical work. Sterling Decl.
25 ¶¶16-17; Callender Decl. ¶¶14-15; Tran Decl. ¶¶15-17. A court in this district
26 recently recognized these same significant protectable interests in granting these
27 same Proposed Intervenors’ motion to intervene in a lawsuit brought by DOJ under

1 the NVRA against California. *United States v. Weber*, No. 2:25-cv-09149 (C.D.
2 Cal.), ECF Nos. 14, 70. The *Weber* court’s intervention order reinforces that
3 Proposed Intervenors are entitled to intervene in this similar case.

4 **C. The existing parties do not adequately represent Proposed**
5 **Intervenors’ interests.**

6 Proposed Intervenors will not be assured adequate representation in this
7 matter if they are denied intervention. “[T]he requirement of inadequacy of
8 representation is satisfied if the applicant shows that representation of its interests
9 ‘*may be*’ inadequate,” and therefore “the burden of making this showing is minimal.”
10 *W. Expl. LLC v. U.S. Dep’t of Interior*, No. 3:15-cv-00491, 2016 WL 355122, at *3
11 (D. Nev. Jan. 28, 2016) (quoting *Sagebrush Rebellion, Inc. v. Watt*, 713 F.2d 525,
12 528 (9th Cir. 1983)) (emphasis added); *see also Trbovich v. United Mine Workers*
13 *of Am.*, 404 U.S. 528, 538 n.10 (1972) (describing the burden of showing inadequate
14 representation as “minimal”). Accordingly, courts are “liberal in finding” this
15 requirement to be met because “there is good reason in most cases to suppose that
16 the applicant is the best judge of the representation of the applicant’s own interests.”
17 7C Charles Alan Wright & Arthur R. Miller, Fed. Prac. & Proc. Civ. § 1909 (3d ed.).
18 And the Ninth Circuit “stress[es] that intervention of right does not require an
19 absolute certainty . . . that existing parties will not adequately represent [an
20 intervenor’s] interests.” *Citizens for Balanced Use*, 647 F.3d at 900. Here, no
21 existing party can be sure to adequately represent Proposed Intervenors’ interests.

22 As to Plaintiffs, little needs to be said: their position is that California is not
23 removing enough voters from its rolls, a complaint that could only be remedied with
24 unwarranted and aggressive voter removals that Proposed Intervenors strenuously
25 oppose. Because a public official’s interests are “necessarily colored by [their] view
26 of the public welfare rather than the more parochial views of a proposed intervenor
27 whose interest is personal to it,” *Kleissler v. U.S. Forest Serv.*, 157 F.3d 964, 972

1 (3d Cir. 1998), courts have “often concluded that governmental entities do not
2 adequately represent the interests of aspiring intervenors,” *Fund for Animals, Inc. v.*
3 *Norton*, 322 F.3d 728, 736 (D.C. Cir. 2003)—even when they seek the same ultimate
4 outcome in litigation. *See GHP Mgmt. Corp. v. City of Los Angeles*, 339 F.R.D. 621,
5 624 (C.D. Cal. 2021) (explaining courts “have permitted intervention on the
6 government’s side in recognition that the intervenors’ interests are narrower than
7 that of the government and therefore may not be adequately represented” (quoting
8 *Arakaki*, 324 F.3d at 1087)); *Barke v. Banks*, No. 8:20-cv-00358, 2020 WL 2315857,
9 at *3 (C.D. Cal. May 7, 2020) (collecting cases); *see also, e.g., Citizens for Balanced*
10 *Use*, 647 F.3d at 899 (similar).

11 This divergence of interests is particularly acute in the context of NVRA
12 cases. Secretary Weber is charged by law with pursuing the NVRA’s “twin
13 objectives—easing barriers to registration and voting, while at the same time
14 protecting electoral integrity and the maintenance of accurate voter rolls.” *Bellitto*,
15 935 F.3d at 1198. These competing goals “naturally create some tension.” *Id.* In
16 contrast, as other courts have recognized, organizations like Proposed Intervenors
17 have “[t]he mission and interest . . . explicitly to pursue [only] the second of the
18 expressly recognized interests that motivated Congress to enact [the NVRA],”
19 *Winfrey*, 463 F. Supp. 3d at 801, to eliminate “barriers to registration and voting,”
20 *Bellitto*, 935 F.3d at 1198. As a result of these mismatched interests, the Secretary’s
21 representation of Proposed Intervenors cannot be presumed to be adequate. *See*
22 *United Guar. Residential Ins. Co. v. Phila. Sav. Fund Soc’y*, 819 F.2d 473, 475 (4th
23 Cir. 1987) (explaining that, under *Trbovich*, “when a party to an existing suit is
24 obligated to serve two distinct interests, which, although related, are not identical,
25 another with one of those interests should be entitled to intervene”).

26 While the Ninth Circuit has said there can be an “assumption of adequacy
27 when the government is acting on behalf of a constituency,” *Arakaki*, 324 F.3d at

1 1086, that presumption is rebutted when the court “cannot conclude that the
2 [government] will undoubtedly make all of Applicants’ arguments.” *Citizens for*
3 *Balanced Use*, 647 F.3d at 901.² This case already reflects significant divergences
4 between Proposed Intervenor and the Secretary in that regard—Proposed
5 Intervenor seeks to file a Rule 12(b) motion, *see* Ex. E, while the Secretary elected
6 to answer the complaint, *see* ECF No. 13; *see 1789 Found.*, 2025 WL 834919, at *3
7 (recognizing this exact divergence as a basis for intervention). Moreover, Proposed
8 Intervenor’s motion raises Rule 12(b)(6) arguments not previously asserted by the
9 Secretary in the related *Judicial Watch* case, namely that the Complaint fails to
10 plausibly allege any violation of the NVRA’s list-maintenance requirements. *See* Ex.
11 E, Proposed Motion to Dismiss Argument §II; *see also Judicial Watch, Inc. v.*
12 *Weber*, No. 2:24-cv-03750 (C.D. Cal.), ECF Nos. 16, 38 (moving to dismiss on
13 narrower grounds). That Proposed Intervenor will present “reasonable” arguments
14 that the existing party to the lawsuit “did not raise” reinforces that this element is
15 met and any presumption easily rebutted. *W. Watersheds Project*, 22 F.4th at 841
16 (quoting *Salt River Project Agric. Improvement & Power Dist. v. Lee*, 672 F.3d
17 1176, 1180 (9th Cir. 2012)).³

19 ² The Ninth Circuit has recognized that the Supreme Court’s decision in *Berger*, 597
20 U.S. at 195 (discussed further *infra* pg. 21-22) “calls into question whether the
21 application of such a presumption is appropriate.” *Callahan v. Brookdale Senior*
22 *Living Cmtys., Inc.*, 42 F.4th 1013, 1021 (9th Cir. 2022).

23 ³ Moreover, recent history has shown that state officials sometimes try to resolve
24 suits like this one through settlement. *See, e.g., Stipulation of Dismissal, Daunt v.*
25 *Benson*, No. 1:20-cv-522-RJJ-RSK (W.D. Mich. Feb. 16, 2021), ECF No. 58. That
26 potential conflict in litigation objectives further supports finding that the Secretary
27 cannot be presumed to adequately represent Proposed Intervenor. *See Citizens for*
28 *Balanced Use*, 647 F.3d at 900.

1 Finally, the Supreme Court itself recently emphasized the difference between
2 government and private defendants, explaining that public officials must “bear in
3 mind broader public-policy implications,” whereas private litigants—like Proposed
4 Intervenors—seek to vindicate their own rights “full stop.” *Berger*, 597 U.S. at 195–
5 96 (citing *Trbovich*, 404 U.S. at 538–39). Thus, the Supreme Court cautioned that
6 courts should not conduct the adequacy of representation analysis at too “high [a]
7 level of abstraction,” and reaffirmed that, even where the parties’ interests “seem[]
8 closely aligned,” the burden to demonstrate inadequate representation remains
9 “minimal” unless those interests are “identical.” *Id.* at 196 (citation omitted). Nor
10 may interests be deemed “identical” merely because they are “related.” *Id.* (quoting
11 *Trbovich*, 404 U.S. at 538–39). Rather, “[w]here ‘the absentee’s interest is similar
12 to, but not identical with, that of one of the parties,’ that normally is not enough to
13 trigger a presumption of adequate representation.” *Id.* (quoting 7C Wright & Miller,
14 Fed. Prac. & Proc. Civ. § 1909). And it is already clear that Proposed Intervenors
15 would “bring a perspective none of the other parties to the litigation have,” which is
16 a strong indication of inadequate representation. *Defs. of Wildlife v. Johanns*, No. C
17 04–4512 PJH, 2005 WL 3260986, at *8 (N.D. Cal. Dec. 1, 2005). In sum, the
18 Secretary’s competing NVRA obligations mean that she is unlikely to adequately
19 represent Proposed Intervenors’ unburdened interest in promoting voter registration
20 “full stop.” *Berger*, 597 U.S. at 195–96.

21 **II. The Court should alternatively grant permissive intervention.**

22 In the alternative, the Court should exercise its discretion to grant permissive
23 intervention. Rule 24(b) is satisfied: Proposed Intervenors assert a “defense that
24 shares with the main action a common question of law or fact,” and granting
25 intervention would not “unduly delay or prejudice the adjudication” of the matter.
26 Fed. R. Civ. P. 24(b). Proposed Intervenors have moved promptly, *see supra*
27 Argument §I.A, and agree to abide by any schedule set by the Court. And Proposed
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1 Intervenor’s defense requires resolution of the same factual and legal issues raised
2 in the underlying lawsuit. *See* Exs. D (Proposed Answer), E (Proposed Motion to
3 Dismiss).

4 Courts regularly grant permissive intervention to civic organizations to ensure
5 that a pro-voter perspective is offered, rather than only the views of Plaintiffs—who
6 seek to compel more aggressive voter removals—and government officials—who
7 are tasked with neutrally administering list maintenance laws. *E.g.*, *RNC v. Aguilar*,
8 No. 2:24-cv-00518, 2024 WL 3409860 (D. Nev. July 12, 2024) (granting permissive
9 intervention in NVRA case); *Winfrey*, 463 F. Supp. 3d at 799 (same); Order, *Jud.*
10 *Watch, Inc. v. Pennsylvania*, No. 1:20-cv-708 (M.D. Pa. Nov. 19, 2020), ECF No.
11 50 (same); Order, *Daunt v. Benson*, 1:20-cv-522 (W.D. Mich. Sep. 28, 2020), ECF
12 No. 30 (same); Order, *Voter Integrity Proj. NC, Inc. v. Wake Cnty. Bd. of Elections*,
13 No. 5:16-cv-683 (E.D.N.C. Dec. 1, 2016), ECF No. 26 (same); *League of Women*
14 *Voters of N.C. v. North Carolina*, No. 1:13-cv-660, 2014 WL 12770081, at *3
15 (M.D.N.C. Jan 27, 2014) (same as to individual voters).

16 The Ninth Circuit has also identified additional considerations the Court can
17 consider in weighing permissive intervention requests. *See Callahan*, 42 F.4th at
18 1022. Those considerations—including Proposed Intervenor’s interests, the
19 inadequacy of the representation of those interests, and the intervenors’ contribution
20 to the factual and legal issues, *see id.*—buttress the case for intervention here.
21 Proposed Intervenor has significant interests at stake here, *see supra* Argument
22 §I.B. They will also ensure that—if Plaintiffs manage to proceed to discovery—the
23 privacy interests of the public are zealously guarded. *See, e.g.*, *In re Exch. Union*
24 *Co.*, No. 24-mc-91645, 2025 WL 894652, at *3 (D. Mass. Mar. 24, 2025) (granting
25 permissive intervention to protect “privacy interest”). Moreover, by filing a motion
26 to dismiss, Proposed Intervenor will present the Court with an opportunity to test
27 the legal sufficiency of the complaint in a manner that may either resolve the case or

1 streamline future proceedings, including in discovery. *Cf. Patel v. City of Stanton*,
2 No. 8:24-cv-00780, 2024 WL 3952162, at *4 (C.D. Cal. Aug. 26, 2024) (noting that
3 Rule 12(b) motions can “promote judicial economy” by “consider[ing] whether any
4 possible claim for relief . . . exists” (quoting Wright & Miller, 5 Fed. Prac. & Proc. §
5 1217)).

6 Finally, as the many cases granting intervention to civic organizations in
7 NVRA cases show, courts often benefit from the added perspective of groups that
8 are intimately familiar with voter registration processes and committed to promoting
9 voter registration among the public. *E.g., Aguilar*, 2024 WL 3409860, at *3
10 (explaining involvement of civic organizations “will contribute to the just and
11 equitable resolution” of NVRA case); *cf. 335-7 LLC v. City of New York*, No. 20
12 Civ. 1053, 2020 WL 3100085, at *3 (S.D.N.Y. June 11, 2020) (explaining
13 participation of “grassroots organizations” that serve tenants is helpful in housing
14 dispute cases (collecting authority)). The Proposed Intervenors played a significant
15 role in obtaining dismissal of DOJ’s suit in *Weber*, which brought similar claims
16 under the NVRA (as well as the Help America Vote Act and the Civil Rights Act of
17 1960) against the Secretary. *See Weber*, 816 F. Supp. 3d at 1188-89 (“agree[ing]
18 with Intervenors’ analysis” of a key decision interpreting the scope of the NVRA)
19 (citing *Pub. Int. Legal Found. v. Bellows*, 92 F.4th 36, 56 (1st Cir. 2024)). Proposed
20 Intervenors will likewise offer a helpful perspective in defending against the NVRA
21 claims alleged in this suit.

22 In sum, because Rule 24 is read “broadly in favor of intervention,” *W.*
23 *Watersheds Project*, 22 F.4th at 835, and because Proposed Intervenors’
24 participation will assist rather than prejudice efficient development and resolution
25 of this matter, the Court should grant permissive intervention in the event it does not
26 find that Proposed Intervenors may intervene as a matter of right.

CONCLUSION

Proposed Intervenors respectfully request that this Court grant intervention as a matter of right, or, in the alternative, grant permissive intervention.

Dated: August 17, 2026

Respectfully submitted,

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* *Pro hac vice application forthcoming*

CERTIFICATE OF COMPLIANCE

The undersigned, counsel of record for Intervenor Defendants NAACP, NAACP-CA/HI, and SIREN, certifies that this brief contains 5,812 words, which complies with the word limit of Local Rule 11-6.1.

Dated: August 17, 2026

/s/ Lalitha D. Madduri
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