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**Motions for Admission Pro Hac Vice Forthcoming*

Attorney for Proposed Intervenor-Defendant DNC Services Corp. / Democratic National Committee

IN THE COURT OF COMMON PLEAS OF BUCKS COUNTY

DONALD J. TRUMP FOR PRESIDENT, INC. et
al.,

Petitioners,

v.

BUCKS COUNTY BOARD OF ELECTIONS,

No. 2020-05786

Defendant,

DNC SERVICES CORP. / DEMOCRATIC
NATIONAL COMMITTEE,

Proposed Intervenor-Defendant

**UNOPPOSED PETITION TO INTERVENE BY THE
DEMOCRATIC NATIONAL COMMITTEE**

Proposed Intervenor-Defendant Democratic National Committee (“DNC”), by and through its undersigned counsel, hereby petitions to intervene as a Defendant in the above-captioned proceeding pursuant to Rule 2327 of the Pennsylvania Rules of Civil Procedure.

In support of this Petition to Intervene, the Democratic National Committee submits the accompanying Memorandum of Law and Proposed Answer In Opposition to Petitioners’ Petition for Review. Counsel for the Democratic National Committee has conferred with Counsel for Donald J. Trump for President, Inc. and Counsel for the Bucks County Board of Elections. No party opposes this petition to intervene.

WHEREFORE, Applicants respectfully requests that the Court GRANT this Unopposed Petition to Intervene and allow the DNC to intervene as a Defendant in this action.

Dated: November 11, 2020

Respectfully submitted,

PERKINS COIE, LLP

By: /s/ Matthew I. Vahey

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Certificate of Service

I, Matthew I. Vahey, hereby certify that on November 11, 2020 I caused a true and correct copy of the foregoing Petition to Intervene to be served via the Court's electronic filing system on all counsel of record.

/s/ Matthew I. Vahey

Matthew I. Vahey

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al,

Petitioners,

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BUCKS COUNTY BOARD OF ELECTIONS,

No. 2020-05786

Defendant,

DNC SERVICES CORP. / DEMOCRATIC
NATIONAL COMMITTEE,

Proposed Intervenor-Defendant

**MEMORANDUM OF LAW IN SUPPORT OF THE UNOPPOSED PETITION TO
INTERVENE**

Proposed Intervenor-Defendant DNC Services Corp./Democratic National Committee (“DNC”), by and through its undersigned counsel, respectfully submits this memorandum of law in support of its unopposed petition to intervene as Defendant in the above-captioned proceeding pursuant to Rule 2327 of the Pennsylvania Rules of Civil Procedure.

In addition to this Petition and Memorandum of Law in support of intervention, the DNC submits its Proposed Answer to Petitioners’ Petition for Review.

REASONS FOR PROPOSED INTERVENORS’ APPLICATION

1. Pursuant to Pennsylvania Rule of Procedure 2327, a non-party may seek leave to intervene by filing an application with the court.

2. The DNC seeks to intervene pursuant to Pennsylvania Rule of Civil Procedure 2327(4), which states, in pertinent part:

At any time during the pendency of an action, a person not a party thereto shall be permitted to intervene therein, subject to these rules if . . .

(4) the determination of such action may affect any legally enforceable interest of such person whether or not such person may be bound by a judgment in the action.

Pa.R.C.P. 2327.

3. The DNC meets the requirements for intervention under Pennsylvania Rule of Civil Procedure 2327(4).

4. The DNC is a national committee, as that term is defined by and used in 52 U.S.C. § 30101, dedicated to electing local, state, and national candidates of the Democratic Party to public office throughout the United States, including in Pennsylvania. The DNC has members and constituents across the Commonwealth, including eligible voters who submitted absentee and mail-in ballots in the November 3 election in Bucks County. As such, the DNC has a particular and distinct interest in Pennsylvania's election processes, and specifically in the adjudication of mail-in and absentee ballots in Bucks County.

5. Petitioners ask this Court to throw out more than 2,175 lawfully cast mail-in and absentee ballots. Many of those ballots were undoubtedly cast by DNC's member voters and were cast in favor of DNC's member candidates.

6. The DNC has a concrete and protectible interest in protecting its voters from having their ballots rejected. If granted, the relief requested by Petitioners would result in Democratic voters being disenfranchised and could harm the electoral prospects of Democratic candidates. As such, the DNC and its members maintain a powerful and legally enforceable interest in Pennsylvania's election processes that is implicated by this lawsuit.

7. The named Defendant, Bucks County Board of Elections (the "County Board"), does not adequately represent the DNC's interests. The County Board's stake in this lawsuit is defined solely by its statutory duties to conduct elections, but the DNC's interest in this litigation is defined by its interest in protecting its voters and its candidates' electoral prospects. Intervention is appropriate where, as here, one of the original parties to the suit is a government entity like the County Board, whose positions "are necessarily colored by its view of the public welfare rather than the more parochial views of a proposed intervenor whose interest is personal to it." *Kleissler v. U.S. Forrest Serv.*, 157 F.3d 964, 972 (3d Cir. 1998) (citing *Conservation Law Found. of New*

England v. Mosbacher, 966 F.2d 39, 44 (1st Cir. 1992) and *Mausolf v. Babbitt*, 85 F.3d 1295, 1303 (8th Cir. 1996)).

8. For these reasons, courts routinely find that political party committees like the DNC should be granted intervention in cases where plaintiffs seek to make it harder to vote or harder to have that vote counted. *E.g. Parnell v. Allegheny Board of Elections*, No. 20-cv-01570 (W.D. Pa. Oct. 22, 2020), ECF No. 34 (granting intervention to Democratic Congressional Campaign Committee in lawsuit regarding processing of ballots); *Donald J. Trump for President v. Bullock*, No. 20-cv-66 (D. Mon. Sept. 08, 2020), ECF No. 35 (granting Democratic Congressional Campaign Committee, Democratic Senatorial Campaign Committee, and Montana Democratic Party intervention in lawsuit by four Republican party entities); *Donald J. Trump for President, Inc.*, No. 20-cv-10753, 2020 WL 5229209, at *1 (D. N.J. Sept. 01, 2020) (granting Democratic Congressional Campaign Committee intervention in lawsuit by Republican candidate and party entities); *Cook County Republican Party v. Pritzker*, No. 20-cv-4676 (N.D. Ill. Aug. 28, 2020) (granting Democratic Congressional Campaign Committee intervention in lawsuit by Republican party entity); *Issa v. Newsom*, No. 20-cv-01044, 2020 WL 3074351, at *3 (E.D. Cal. June 10, 2020) (granting Democratic Congressional Campaign Committee and California Democratic Party intervention in lawsuit by Republican congressional candidate); *Paher v. Cegavske*, No. 20-cv-00243, 2020 WL 2042365, at *4 (D. Nev. April 28, 2020) (granting Democratic National Committee and other Democratic Party entities intervention in election law case brought by conservative interest group). Indeed, just this week the DNC was admitted into a substantially similar action in the Montgomery Court of Common Pleas. *See Oral Order, Donald J. Trump for President, Inc. v. Montgomery County Board of Elections*, No. 2020-18680 (Pa. Com. Pl. Nov. 10, 2020).

9. The DNC has promptly filed its petition to intervene, and its intervention will neither delay the resolution of this matter nor prejudice any party.

10. Counsel for the Democratic National Committee has conferred with Counsel for Donald J. Trump for President, Inc. and Counsel for the Bucks County Board of Elections. No party opposes this petition to intervene.

11. Attached to the petition is Proposed Intervenors' Answer to Petitioner's Petition for Review.

Dated: November 11, 2020

Respectfully submitted,

PERKINS COIE, LLP

By: /s/ Matthew I. Vahey

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Petitioners,

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BUCKS COUNTY BOARD OF ELECTIONS,

No. 2020-05786

Proposed Answer

Defendant,

DNC SERVICES CORP. / DEMOCRATIC
NATIONAL COMMITTEE,

Proposed Intervenor-Defendant

Intervenor-Defendant DNC Services Corp./Democratic National Committee (“Intervenor”), by and through its attorneys, submits the following Answer to Petitioners’ Petition for Review of Decision by the Bucks County Board of Elections. Intervenor responds to the allegations in the Petition as follows:

1. Paragraph 1 contains legal conclusions to which no response is required.
2. Intervenor admits that Petitioner Donald J. Trump for President, Inc. is the principal committee for the reelection campaign of Donald J. Trump, and that President Trump is the Republican candidate for office of the President of the United States in the November 3, 2020 general election. All other assertions in paragraph 2 are legal conclusions to which no response is required. To the extent a response is required, Intervenor denies the allegations.
3. Intervenor admits that Petitioner Republican National Committee is a national political committee that leads the Republican Party of the United States, and that the Republican National Committee works to elect Republican candidates throughout the United States. Intervenor is without sufficient information or knowledge with which to form a belief as to the truth or falsity of the allegations in Paragraph 3 regarding the number of nationally registered Republicans and therefore denies that allegation. All other assertions in paragraph 3 are legal conclusions to which no response is required. To the extent a response is required, Intervenor denies the allegations.
4. Intervenor admits that Heather Heidelbaugh is the Republican Candidate for the office of Attorney General of Pennsylvania. All other assertions in paragraph 4 are legal

conclusions to which no response is required. To the extent a response is required, Intervenor denies the allegations.

5. Intervenor admits that Stacey L. Garrity is the Republican candidate for the office of Treasurer of Pennsylvania. All other assertions in paragraph 5 are legal conclusions to which no response is required. To the extent a response is required, Intervenor denies the allegations.

6. Intervenor admits the allegations in paragraph 6.

7. Paragraph 7 contains legal conclusions to which no response is required.

8. Paragraph 8 contains legal conclusions to which no response is required.

9. Paragraph 9 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Intervenor denies the allegations.

10. Paragraph 10 contains mere characterizations, legal contentions, and conclusions to which no response is required.

11. Paragraph 11 contains mere characterizations, legal contentions, and conclusions to which no response is required.

12. Intervenor admits the allegations in paragraph 12.

13. Intervenor admits that a general election was held on November 3, 2020.

Intervenor denies that Petitioners were candidates or registered voters in that election.

14. Paragraph 14 contains mere characterizations, legal contentions, and conclusions to which no response is required.

15. Paragraph 15 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Intervenor denies the allegations.

16. Paragraph 16 purports to quote from the cited statute, which speaks for itself, and no response is required.

17. Paragraph 17 purports to quote from the cited statute, which speaks for itself, and no response is required.

18. Paragraph 18 contains mere characterizations, legal contentions, and conclusions to which no response is required.

19. Paragraph 19 contains mere characterizations, legal contentions, and conclusions to which no response is required.

20. Intervenor is without sufficient information or knowledge with which to form a belief as to the truth or falsity of the allegations in Paragraph 20 and therefore denies the allegations.

21. Intervenor is without sufficient information or knowledge with which to form a belief as to the truth or falsity of the allegations in Paragraph 21 and therefore denies the allegations.

22. Intervenor is without sufficient information or knowledge with which to form a belief as to the truth or falsity of the allegations in Paragraph 22 and therefore denies the allegations.

23. Intervenor is without sufficient information or knowledge with which to form a belief as to the truth or falsity of the allegations in Paragraph 23 and therefore denies the allegations.

24. Paragraph 24 contains mere characterizations of Petitioners' cause of action and legal contentions and conclusions, to which no response is required. To the extent a response is required, Intervenor denies the allegations.

25. Intervenor is without sufficient information or knowledge with which to form a belief as to the truth or falsity of the allegations in Paragraph 25 and therefore denies the allegations.

26. Intervenor is without sufficient information or knowledge with which to form a belief as to the truth or falsity of the allegations in Paragraph 26 and therefore denies the allegations.

27. Intervenor is without sufficient information or knowledge with which to form a belief as to the truth or falsity of the allegations in Paragraph 27 and therefore denies the allegations.

28. Intervenor is without sufficient information or knowledge with which to form a belief as to the truth or falsity of the allegations in Paragraph 28 and therefore denies the allegations.

29. Paragraph 29 contains mere characterizations of Petitioners' cause of action and legal contentions and conclusions, to which no response is required. To the extent a response is required, Intervenor denies the allegations.

30. Paragraph 30 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Intervenor denies the allegations.

31. Paragraph 31 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Intervenor denies the allegations.

32. Paragraph 32 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Intervenor denies the allegations.

33. Paragraph 33 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Intervenor denies the allegations.

34. Intervenor is without sufficient information or knowledge with which to form a belief as to the truth or falsity of the allegations in Paragraph 34 and therefore denies the allegations.

35. Intervenor is without sufficient information or knowledge with which to form a belief as to the truth or falsity of the allegations in Paragraph 35 and therefore denies the allegations.

36. Intervenor is without sufficient information or knowledge with which to form a belief as to the truth or falsity of the allegations in Paragraph 36 and therefore denies the allegations.

37. Intervenor is without sufficient information or knowledge with which to form a belief as to the truth or falsity of the allegations in Paragraph 37 and therefore denies the allegations.

38. Paragraph 38 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Intervenor denies the allegations.

39. Paragraph 39 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Intervenor denies the allegations.

40. Paragraph 40 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Intervenor denies the allegations.

41. Intervenor is without sufficient information or knowledge with which to form a belief as to the truth or falsity of the allegations in Paragraph 41 and therefore denies the allegations.

42. Paragraph 42 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Intervenor denies the allegations.

43. Paragraph 43 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Intervenor denies the allegations.

Intervenor denies that Petitioners are entitled to any relief.

Dated: November 11, 2020

Respectfully submitted,

PERKINS COIE, LLP

By: /s/ Matthew I. Vahey

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