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13 *\*Pro Hac Vice Application Forthcoming*

14 **UNITED STATES DISTRICT COURT**  
15 **DISTRICT OF ARIZONA**

16 Scot Mussi, Gina Swoboda, in her capacity as  
Chair of the Republican Party of Arizona, and  
17 Steven Gaynor,

18 Plaintiffs,

19 v.

20 Adrian Fontes, in his official capacity as Arizona  
Secretary of State,

21 Defendant.

No. CV-24-01310-PHX-DWL

**ARIZONA ALLIANCE FOR  
RETIRED AMERICANS' AND  
VOTO LATINO'S MOTION TO  
INTERVENE AS  
DEFENDANTS**

Oral Argument Requested

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1 Pursuant to Federal Rule of Civil Procedure 24, the Arizona Alliance for Retired  
2 Americans (“Alliance”) and Voto Latino (collectively, “Proposed Intervenors”) move to  
3 intervene as defendants in this lawsuit. The Court should grant this motion because  
4 Proposed Intervenors satisfy all the requirements for intervention as of right under Rule  
5 24(a) and, alternatively, permissive intervention under Rule 24(b).

6 Counsel for Proposed Intervenors has conferred with the parties. Plaintiffs oppose  
7 intervention. Defendant does not object.

### 8 INTRODUCTION

9 The National Voter Registration Act (“NVRA”) was enacted to make it *easier* for  
10 qualified voters to register and stay registered to vote, but in recent months some litigants  
11 have attempted to weaponize that federal law to pressure states to remove more voters from  
12 rolls. This lawsuit follows on the heels of several similar lawsuits brought recently in other  
13 states and creates a serious risk of erroneous removals of lawful, qualified voters from  
14 Arizona’s voter rolls just before major elections are set to take place.<sup>1</sup> Arizona’s federal  
15 primary election is just weeks away, and the November general election is less than five  
16 months away. Yet Plaintiffs—the Chair of the Republican Party of Arizona, the President  
17 of the Arizona Free Enterprise Club, and another Arizona voter—seek to force the Secretary  
18 of State to implement an entirely new voter roll maintenance system immediately because,  
19 in Plaintiffs’ opinion, too many voters are registered in Arizona. Far from being required  
20 by the NVRA, the relief Plaintiffs seek would likely violate that federal law by compelling  
21 hasty purges of voter rolls just before upcoming federal elections and risking  
22 disenfranchisement of lawful voters who are improperly removed.

23 The Alliance and Voto Latino seek to intervene as Defendants to protect the  
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25 <sup>1</sup> Similar—and in some cases, nearly identical—claims have been filed in at least Illinois,  
26 Michigan, South Carolina, Nevada, and California in just the last three months. *See Judicial*  
27 *Watch, Inc. et al. v. Ill. St. Bd. of Elections*, No. 1:24-cv-01867 (N.D. Ill. filed March 5,  
28 2024); *Repub. Nat’l Comm. et al. v. Benson*, No. 1:24-cv-00262 (W.D. Mich. filed March  
13, 2024); *Public Interest Legal Foundation, Inc. v. Knapp*, No. 3:24-cv-01276 (D.S.C.  
filed March 14, 2024); *Repub. Nat’l Comm. et al. v. Aguilar*, No. 2-24-cv-00518 (D. Nev.  
filed March 18, 2024); *Judicial Watch, Inc. et al. v. Weber*, No. 2:24-cv-3750 (C.D. Cal.  
filed May 6, 2024).

1 significant—indeed, fundamental—voting rights of their members and constituents, who  
2 are among those most at risk from Plaintiffs’ requested purges, as well as Proposed  
3 Intervenors’ own organizational interests, which would be impeded if Plaintiffs succeed in  
4 forcing aggressive removals of voters from the rolls. They are entitled to intervene as of  
5 right under Federal Rule of Civil Procedure 24(a) because this suit threatens to impair those  
6 interests as a practical matter. Proposed Intervenors are organizations whose core missions  
7 include supporting their members’ and constituents’ ability to exercise their right to vote,  
8 and who invest significant resources in Arizona conducting programs that advance this  
9 mission. With more than 50,000 members and tens of thousands more constituents across  
10 all 15 of Arizona’s counties, it is a statistical certainty that at least one of Proposed  
11 Intervenors’ members or constituents will find themselves on the wrong end of Plaintiffs’  
12 purge efforts. Should Plaintiffs succeed, Proposed Intervenors would also be forced to  
13 divert scarce resources in the middle of a critical election cycle to educate voters about the  
14 risk to their voting rights and to attempt to combat the reality that their members,  
15 constituents, and other Arizonans could be improperly purged from the rolls and barred  
16 from voting.

17 Proposed Intervenors cannot rely on the Secretary to adequately represent their  
18 interests. As various courts have recognized, public-officer defendants like the Secretary  
19 have objectives that are necessarily distinct and at times contradictory to those of private  
20 parties seeking to intervene on the same side. Indeed, in voter purge cases in particular, state  
21 actors have often entered into consent decrees rather than litigate all the relevant issues.

22 Finally, because Proposed Intervenors seek to participate at the very outset of the  
23 litigation and intend to abide by any schedule the Court sets, their participation poses no  
24 risk of prejudice or delay. The Court should thus grant the motion to intervene.

## 25 **BACKGROUND**

### 26 **I. Arizona’s Obligations Under the NVRA**

27 The NVRA is federal remedial legislation that requires states to provide simplified,  
28 voter-friendly systems for registering to vote. In enacting the NVRA, Congress sought to

1 expand access to the franchise by establishing “procedures that will increase the number of  
2 eligible citizens who register to vote” and by making it “possible for Federal, State, and  
3 local governments to implement [the NVRA] in a manner that enhances the participation of  
4 eligible citizens as voters.” 52 U.S.C. § 20501(b)(1)–(2). Congress also made a finding that  
5 “discriminatory and unfair registration laws and procedures can have a direct and damaging  
6 effect on voter participation . . . and disproportionately harm voter participation by various  
7 groups, including racial minorities.” *Id.* § 20501(a)(3).

8 To further those pro-voter purposes, the NVRA imposes strict restrictions on  
9 whether, when, and how a state may remove a voter from its registration rolls. *See* 52 U.S.C.  
10 § 20507(a)(3)–(4), (b)–(d). A state may immediately remove a voter from the rolls in only  
11 rare circumstances, such as when a voter requests to be deregistered or is convicted of a  
12 disenfranchising felony. *See id.* § 20507(a)(3)(A)–(B). Otherwise, a state may not remove  
13 voters from the rolls without first complying with prescribed procedural minimums that  
14 Congress mandated to minimize risks of erroneous deregistration. *See id.* § 20507(a)(3)(C),  
15 (c), (d). For instance, a registrant may be removed from the rolls because of a change in  
16 residence only, in most cases, after failing to respond to a notice and failing to appear to  
17 vote for two general elections after that notice. *Id.* § 20507(d)(1).

18 The NVRA also prohibits systematic voters purges within 90 days of any federal  
19 election. States must complete “any program the purpose of which is to systematically  
20 remove the names of ineligible voters” from rolls “not later than 90 days prior to the date  
21 of a primary or general election for Federal office.” *Id.* § 20507(c)(2)(A). And any removal  
22 program must also be “uniform, nondiscriminatory, and in compliance with the Voting  
23 Rights Act of 1965.” *Id.* § 20507(b)(1).

24 Considering these safeguards, courts have recognized that the NVRA “does not  
25 require states to immediately remove every voter who may have become ineligible.” *Pub.*  
26 *Int. Legal Found. v. Benson*, No. 1:21-CV-929, 2024 WL 1128565, at \*11 (W.D. Mich.  
27 Mar. 1, 2024) (“*PILF*”). Rather, Congress has made the policy determination that some  
28 delay in the removal of voters is worthwhile because it helps to minimize the risk that

1 qualified voters will be wrongly deregistered. *See, e.g., Bellitto v. Snipes*, 935 F.3d 1192,  
2 1198–99 (11th Cir. 2019) (discussing the “balance” that Congress “crafted” in enacting the  
3 NVRA’s list maintenance provisions). For the same reason, a single “snapshot” of a  
4 county’s voter rolls at a particular moment in time simply cannot be reasonably understood  
5 as a “definitive picture of what a county’s registration rate is.” *Id.* at 1208.

6 Plaintiffs’ lawsuit ignores the NVRA’s spirit and safeguards against  
7 disenfranchisement and instead seeks to misuse it to micromanage states’ affirmative list-  
8 maintenance obligation. But the NVRA requires only that each state make “a reasonable  
9 effort to remove the names of ineligible voters from the official lists of eligible voters by  
10 reason of [] the death of the registrant; or [] a change in the residence of the registrant.” 52  
11 U.S.C. § 20507(a)(4)(A), (B). In other words, “Congress did not establish a specific  
12 program for states to follow for removing ineligible voters,” *PILF*, 2024 WL 1128565 at  
13 \*10, it required “reasonable” measures—and only with respect to voters who move or die.  
14 The NVRA also includes an optional safe-harbor procedure that Arizona counties may avail  
15 themselves to under state law: they may meet their list maintenance obligation if they use  
16 U.S. Postal Service data to identify voters who may have moved and then follow a specified  
17 notice procedure to confirm the change of residence and eventually remove the voter. *See*  
18 52 U.S.C. § 20507(c)(1); A.R.S. § 16-166(E).

## 19 **II. Plaintiffs’ Lawsuit**

20 Plaintiffs filed suit against the Secretary on June 3, 2024. *See* ECF No. 1 (“Compl.”).  
21 They bring a single claim alleging that the Secretary is violating his obligation to conduct  
22 “reasonable” voter roll maintenance under Section 8 of the NVRA. *See id.* ¶¶ 101–07 (citing  
23 52 U.S.C. §20507(a)(4)). Plaintiffs’ primary evidence in support of their claim is an  
24 allegedly high number of voters on the rolls when compared to various federal estimates of  
25 the number of purportedly eligible voters. *See id.* ¶¶ 71–107. Although Plaintiffs identify  
26 no specific deficiency in the state’s current list-maintenance protocols, they seek a  
27 declaration that the Secretary is violating Section 8, as well as an injunction compelling him  
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1 to “develop and implement additional reasonable and effective registration list-maintenance  
2 programs” to remove unspecified “ineligible registrants.” *Id.* at 19 (Prayer for Relief).

3 The gravamen of Plaintiffs’ claim is that the Secretary must be violating the NVRA  
4 and must be compelled to remove more names from voter rolls because Plaintiffs believe  
5 that some Arizona counties have high registration rates. *See id.* ¶¶ 1–18, 71–107. But  
6 nowhere do Plaintiffs identify any specific deficiency with the state’s current practices, nor  
7 do they identify any presently registered voters whose presence on the rolls violates the  
8 NVRA. *See generally id.* They instead allege that selectively chosen snapshots of voter  
9 registration data do not match federal county-population “estimates,” which they  
10 proclaim—in “because we said so” fashion—is “evidence” of “substandard voter list  
11 maintenance by the Secretary” and a failure “to implement a ‘uniform’ list maintenance  
12 program as required by the NVRA.” *Id.* ¶¶ 71–100.

13 Other federal courts have warned against reliance on Plaintiffs’ approach precisely  
14 because it is detached from the reality that the NVRA—by design—requires states to delay  
15 the removal of voters who may have become ineligible for years to avoid the risk of  
16 unwarranted removals. *Bellitto*, 935 F.3d at 1208. In other words, data “snapshots” are not  
17 a reliable way to determine “whether list maintenance is going on,” or whether the  
18 maintenance is “reasonable.” *Id.* at 1208 (affirming trial court’s ruling that Florida’s  
19 procedures were “reasonable” under the NVRA). Nonetheless, Plaintiffs offer little more  
20 than such “snapshots” to demand an overhaul of Arizona’s list maintenance procedures.

### 21 **III. Proposed Intervenor-Defendants**

22 Proposed Interveners are organizations that operate in Arizona, whose missions  
23 include ensuring their members’ and constituents’ ability to vote, and who invest significant  
24 resources conducting activities to advance that mission.

25 *The Alliance for Retired Americans.* The Alliance is a nonpartisan 501(c)(4)  
26 membership organization with over 4.4 million members nationwide. *See Ex. B*, Decl. of  
27 Dora Vasquez (“Vasquez Decl.”) ¶ 3. In Arizona, the Alliance’s membership includes  
28 nearly 51,000 retirees from public- and private-sector unions, community organizations,

1 and individual activists in every county in the state. *Id.* The Alliance’s mission is to ensure  
2 social and economic justice and protect the civil rights of retirees after a lifetime of work,  
3 including by ensuring that its members have access to the franchise and can meaningfully  
4 participate in Arizona’s elections. *Id.* ¶ 4. In support of that mission, the Alliance invests  
5 resources in conducting voter education programs throughout the state, including by  
6 distributing materials that educate voters on registering to vote, obtaining ballots, and  
7 navigating the state’s election procedures. *Id.* ¶ 5. The Alliance also provides direct  
8 assistance to individuals who have questions about how to vote or concerns about ensuring  
9 that their vote is counted. *Id.* ¶¶ 5, 9.

10 To protect the right to vote and its other organizational interests, the Alliance has  
11 been involved in litigation implicating a range of voting-rights issues—including voter roll  
12 maintenance under the NVRA. Last election cycle the Alliance successfully challenged  
13 (among other things) a newly enacted provision of Arizona law that conflicts with the  
14 NVRA’s list maintenance procedures by authorizing county recorders to cancel certain  
15 registrations without notice or authorization. *Ariz. All. for Retired Ams. v. Hobbs*, 630 F.  
16 Supp. 3d 1180, 1192–94 (D. Ariz. 2022) (granting motion for preliminary injunction against  
17 provisions of SB 1260).<sup>2</sup> As the Court there recognized, the Alliance has a significant  
18 interest in preventing unlawful purges that put voters at risk of removal. *See id.* & n.7. The  
19 Alliance has also successfully intervened as a defendant in multiple other challenges to  
20 election procedures in Arizona elections this election cycle.<sup>3</sup>

21 ***Voto Latino.*** Voto Latino is a nonprofit 501(c)(4) corporation dedicated to growing  
22 political engagement in historically underrepresented communities, specifically young and  
23 Latinx voters. *See Ex. C*, Decl. of Ameer Patel (“Patel Decl.”) ¶¶ 2, 3. Voto Latino has  
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25 <sup>2</sup> The Attorney General’s appeal of the district court’s preliminary injunction in favor of the  
Alliance remains pending before the Ninth Circuit.

26 <sup>3</sup> *See* Minute Order, *Repub. Nat’l Comm. et al. v. Fontes*, CV2024-050553 (Maricopa Cnty.  
27 Super. Ct. May 10, 2024) (noting the Alliance’s and Voto Latino’s intervention and granting  
28 motion to dismiss); Ruling and Order, *Ariz. Free Enter. Club v. Fontes*, No.  
S1300CV202300872 (Yavapai Cnty. Super. Ct. April 25, 2024) (same); *Ariz. Free Enter.  
Club v. Fontes*, No. S1300CV202300202 (Yavapai Cnty. Super. Ct. April 25, 2024) (noting  
the Alliance’s and Voto Latino’s intervention and granting motion for summary judgment).



1 made, and will continue to make, expenditures to educate, mobilize, and turn out voters in  
2 Arizona. *Id.* ¶ 4. Voto Latino employees and volunteers engage in voter registration drives  
3 and conduct email and social media campaigns to remind voters—particularly Voto  
4 Latino’s core constituency, young and Latinx voters—to vote and to keep their voter  
5 registrations up to date. *Id.* ¶¶ 3–4. Voto Latino also conducts get-out-the-vote efforts,  
6 including text banking and other communications efforts, to inform their constituents about  
7 their voting options, such as early in-person voting and voting by mail. *Id.*

8 Like the Alliance, Voto Latino has been involved in litigation implicating a range of  
9 voting-rights issues, including voter roll maintenance issues. Voto Latino sued alongside  
10 the Alliance to enjoin provisions of SB 1260, *Ariz. All. for Retired Ams.*, 630 F. Supp. 3d at  
11 1192–94, and have likewise been granted intervention to defend against lawsuits  
12 challenging Arizona’s election procedures that would harm their constituents and  
13 organizational interests, *see supra* n.3.

#### 14 LEGAL STANDARDS

15 The standard for intervention is “broadly construed” because “a liberal policy in  
16 favor of intervention serves both efficient resolution of issues and broadened access to the  
17 courts.” *Arizonans for Fair Elections v. Hobbs*, 335 F.R.D. 261, 265 (D. Ariz. 2020)  
18 (quoting *Wilderness Soc’y v. U.S. Forest Serv.*, 630 F.3d 1173, 1177 (9th Cir. 2011));  
19 *accord Arkaki v. Cayetano*, 324 F.3d 1078, 1083 (9th Cir. 2003) (“Rule 24 traditionally  
20 receives liberal construction in favor of applicants for intervention.”).

21 To determine whether an applicant has a right to intervene under Federal Rule of  
22 Civil Procedure 24(a)(2), the Ninth Circuit has established a “four-part test”:

23 (1) the motion must be timely; (2) the applicant must claim a “significantly  
24 protectable” interest relating to the property or transaction which is the  
25 subject of the action; (3) the applicant must be so situated that the disposition  
26 of the action may as a practical matter impair or impede its ability to protect  
that interest; and (4) the applicant’s interest must be inadequately represented  
by the parties to the action.

27 *United States v. Aerojet Gen. Corp.*, 606 F.3d 1142, 1148 (9th Cir. 2010) (quoting *Cal. ex*  
28 *rel. Lockyer v. United States*, 450 F.3d 436, 440 (9th Cir. 2006)).



1 Rule 24(b) permits the Court to allow anyone to intervene “where the applicant for  
2 intervention shows (1) independent grounds for jurisdiction; (2) the motion is timely; and  
3 (3) the applicant’s claim or defense, and the main action, have a question of law or a  
4 question of fact in common.” *Arizonans for Fair Elections*, 335 F.R.D. at 268 (quoting  
5 *United States v. City of Los Angeles*, 288 F.3d 391, 403 (9th Cir. 2002)).<sup>4</sup>

6 Proposed Intervenors satisfy the standards for intervention as of right under Rule  
7 24(a)(2), as well as permissive intervention under Rule 24(b).

## 8 ARGUMENT

### 9 **I. Proposed Intervenors have a right to intervene.**

10 The Court should grant Proposed Intervenors’ motion to intervene as of right under  
11 Rule 24(a)(2) because they have timely sought leave to participate, the disposition of this  
12 case could impair their ability to protect significant interests—protecting members’ and  
13 constituents’ right to vote and preserving mission-critical resources—and no existing party  
14 adequately represents their interests.

#### 15 **A. The motion to intervene is timely and does not prejudice the parties.**

16 The instant motion is indisputably timely. It comes just days after Plaintiffs initiated  
17 suit and before Defendant has appeared in the case or any substantive activity has occurred.

18 In determining whether a motion to intervene is “timely,” courts in this Circuit  
19 consider three factors: “(1) the stage of the proceeding at which an applicant seeks to  
20 intervene; (2) the prejudice to other parties; and (3) the reason for and length of the delay.”  
21 *League of United Latin Am. Citizens v. Wilson*, 131 F.3d 1297, 1302 (9th Cir. 1997). All  
22 three considerations support a finding of timeliness here.

23 Proposed Intervenors have moved to intervene at the earliest possible time, mere  
24 days after the Complaint was filed—at the “outset of the litigation”—when timeliness is

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25 <sup>4</sup> Rule 24(c) requires a motion to intervene to “be accompanied by a pleading that sets out  
26 the claim or defense for which intervention is sought.” Fed. R. Civ. P. 24(c). In compliance  
27 with this Rule, Proposed Intervenors attach a proposed Answer to this motion. **Ex. A.**  
28 Proposed Intervenors, however, believe that the Complaint should be dismissed under  
Federal Rule of Civil Procedure 12(b) and intend to move for dismissal under that Rule by  
no later than Defendant’s deadline to respond to the Complaint. Proposed Intervenors  
request that the Court treat that motion as filed before their proposed Answer.

1 plain. *See, e.g., Arizonans for Fair Elections*, 335 F.R.D. at 265–66 (quoting *Sierra Club v.*  
2 *EPA*, 995 F.2d 1478, 1481 (9th Cir. 1993)). Indeed, Defendant has not filed anything, “let  
3 alone answered” the Complaint. *Id.* at 266. And because there was no delay in seeking leave  
4 to intervene, Proposed Intervenors “need not explain the reason for and length of the delay.”  
5 *Id.*

6 Given the early stage of proceedings and because Proposed Intervenors will abide  
7 by all existing deadlines and any adopted by the Court, there is “no possible prejudice” to  
8 the other parties. *Id.*; *see also, e.g., Portfolio FB-Idaho v. Fed. Deposit Ins. Corp.*, No. 1:10-  
9 CV-377, 2010 WL 5391442, at \*4 (D. Idaho Dec. 17, 2010) (finding no risk of prejudice  
10 where “discovery has yet to commence, no original deadlines have expired, and [intervenor]  
11 represents that it can quickly file a responsive brief”); *W. States Trucking Ass’n v. Schoorl*,  
12 No. 2:18-CV-1989, 2018 WL 5920148, at \*1 (E.D. Cal. Nov. 13, 2018) (finding no  
13 prejudice where party “sought to intervene [at] the very outset of litigation”). Proposed  
14 Intervenors accordingly satisfy Rule 24’s timeliness requirement.

15 **B. Proposed Intervenors have substantial interests that are threatened by the**  
16 **disposition of this case.**

17 Proposed Intervenors have significant protectable interests that stand to be impaired  
18 by Plaintiffs’ suit, satisfying the intertwined second and third elements of Rule 24(a).

19 “[A] prospective intervenor ‘has a sufficient interest for intervention purposes if it  
20 will suffer a practical impairment of its interests as a result of the pending litigation.’”  
21 *Wilderness Soc’y*, 630 F.3d at 1179 (quoting *Lockyer*, 450 F.3d at 441). Consistent with its  
22 liberal standard, “Rule 24(a)(2) does not require a specific legal or equitable interest,” and  
23 “it is generally enough that the interest is protectable under some law, and that there is a  
24 relationship between the legally protected interest and the claims at issue.” *Id.* (quoting  
25 *Sierra Club*, 995 F.2d at 1484). “[T]he ‘interest’ test is primarily a practical guide to  
26 disposing of lawsuits by involving as many apparently concerned persons as is compatible  
27 with efficiency and due process.” *Id.* (cleaned up). As such, applicants need not show that  
28 impairment is a “certainty,” only that “disposition of the action ‘may’ practically impair a

1 party’s ability to protect their interest in the subject matter of the litigation.” *Citizens for*  
2 *Balanced Use v. Mont. Wilderness Ass’n*, 647 F.3d 893, 900 (9th Cir. 2011) (quoting Fed.  
3 R. Civ. P. 24(a)(2)). Once an applicant has shown some protectible interest, courts generally  
4 “have little difficulty concluding that the disposition of [a] case may, as a practical matter,  
5 affect” an intervenor’s interests. *Lockyer*, 450 F.3d at 442.<sup>5</sup>

6 Proposed Intervenors each have at least two significant, protectable interests that this  
7 action threatens to impair. *First*, Proposed Intervenors have an interest in ensuring that their  
8 members and constituents—many of whom are among those most likely to be affected by  
9 the kind of voter roll purges Plaintiffs seek—remain registered to vote and successfully  
10 participate in the upcoming elections. *Second*, any order compelling the purges sought by  
11 Plaintiffs would require Proposed Intervenors to divert time and resources away from other  
12 essential election-year activities and toward efforts to mitigate the impact of the purges—  
13 harming their organizations missions in the process.

14 **1. Plaintiffs’ lawsuit risks unlawful purging and disenfranchisement**  
15 **of Proposed Intervenors’ members and constituents.**

16 Proposed Intervenors each have an interest in ensuring that their members and  
17 constituents can access the franchise free from unnecessary obstacles—and in preventing  
18 purging of the voters they represent. Numerous courts have agreed that this is a sufficient  
19 basis to demonstrate a protectible interest for the purpose of intervening in a Section 8 case  
20 seeking to remove voters from the rolls. *See Bellitto v. Snipes*, No. 16-cv-61474, 2016 WL  
21 5118568, at \*2–3 (S.D. Fla. Sept. 21, 2016) (granting labor union intervention of right in  
22 Section 8 case); *see also, e.g., PILF v. Winfrey*, 463 F. Supp. 3d 795, 799–800, 802 (E.D.  
23 Mich. 2020) (granting organization permissive intervention in Section 8 case); Order, *Daunt*  
24 *v. Benson*, 1:20-cv-522 (W.D. Mich. Sept. 28, 2020), ECF No. 30 (same); Order, *Voter*  
25 *Integrity Proj. NC, Inc. v. Wake Cnty. Bd. of Elections*, No. 5:16-cv-683 (E.D.N.C. Dec. 1,

26 <sup>5</sup> Rule 24(a)’s interest requirement is less stringent than Article III’s standing requirements,  
27 so the threatened impairment of Proposed Intervenors’ practical interests in this case need  
28 not necessarily rise to the level of an injury-in-fact. *See, e.g., Yniguez v. Arizona*, 939 F.2d  
727, 735 (9th Cir. 1991); *cf. Bechtel v. Rose*, 150 Ariz. 68, 72 (1986) (observing that  
standing poses higher bar than intervention because an intervenor “does not even have to  
be a person who would have been a proper party at the beginning of the suit” (cleaned up)).

1 2016), ECF No. 26 (granting voters permissive intervention in Section 8 case). In *Bellitto*,  
2 for example, the district court permitted a union with tens of thousands of members in  
3 Florida to intervene because “the interests of its members would be threatened by [any]  
4 court-ordered ‘voter list maintenance’ sought by Plaintiffs,” a “potential harm” the court  
5 found “particularly great in light of the upcoming . . . General Election.” 2016 WL 5118568,  
6 at \*2. That is precisely what the Alliance seeks to do here on behalf of its tens of thousands  
7 of members in Arizona, most of whom are retired union workers, Vasquez Decl. ¶¶ 6–12,  
8 and what Voto Latino seeks to do on behalf the marginalized Latinx voters they serve, Patel  
9 Decl. ¶¶ 6–13; *cf. Am. Unites for Kids v. Rousseau*, 985 F.3d 1075, 1096–97 (9th Cir. 2021)  
10 (holding that organizations may sue on behalf of non-member constituents even under the  
11 more-demanding Article III test).

12 Courts have consistently held that an organization’s interest in protecting its  
13 members voting rights satisfies even the “more stringent” requirement of Article III, which  
14 “compels the conclusion that they have an adequate interest” for purposes of Rule 24. *See*  
15 *Yniguez*, 939 F.2d at 735; *see also Mi Familia Vota v. Fontes*, No. CV-22-00509, 2024 WL  
16 862406, at \*29–32 (D. Ariz. Feb. 29, 2024) (finding organizations had standing to protect  
17 members’ voting rights); *March for Our Lives Idaho v. McGrane*, No. 1:23-CV-00107,  
18 2023 WL 6623631, at \*7 (D. Idaho Oct. 11, 2023) (similar); *see also, e.g., Common*  
19 *Cause/N.Y. v. Brehm*, 344 F. Supp. 3d 542, 558–59 (S.D.N.Y. 2018) (holding that plaintiff  
20 adequately alleged as-applied NVRA Section 8 claim challenging state’s registration  
21 removal policy); *Common Cause Ind. v. Lawson*, 327 F. Supp. 3d 1139, 1156 (S.D. Ind.  
22 2018) (similar).

23 Proposed Intervenors’ interest in this case is particularly significant because they  
24 represent members and serve constituencies who face an acute risk from any systematic  
25 court-ordered voter roll purge using the notice procedures required by the NVRA. For  
26 example, because the Alliance’s members are retired, it is common for members to be in  
27 the process of relocating to assisted living facilities, moving closer to family members, or  
28 transitioning to smaller homes for financial reasons. They are, as a result, at a particular risk

1 of missing purge notices that are meant to advise them that their voter registration is at risk.  
2 Vasquez Decl. ¶¶ 6–7. Many of their members also live in rural or remote locations and  
3 lack access to meaningful assistance—and are thus less likely to be able to successfully  
4 complete and return such notices. *See id.* ¶¶ 3, 7. Meanwhile, many of Voto Latino’s  
5 constituents live on and around college campuses, change addresses frequently due to their  
6 age and financial circumstances, and rely on assistance to navigate the state’s registration  
7 and re-registration procedures. Patel Decl. ¶¶ 7–8. As a result of these circumstances,  
8 students and others in Voto Latino’s core constituency often do not receive removal notices,  
9 only to learn later that they have been purged from voter rolls. *Id.* Voto Latino’s  
10 constituency is also made up of voters who regularly experience language barriers, making  
11 it substantially more likely that these voters will face difficulty in successfully returning a  
12 purge notice or reregistering. *Id.* ¶ 10. Proposed Intervenor indisputably have a protectable  
13 interest in preventing their voters from being unlawfully removed from the rolls.

14 **2. Plaintiffs’ lawsuit also threatens Proposed Intervenor’s limited**  
15 **organizational resources.**

16 Should Plaintiffs obtain the relief they seek, each Proposed Intervenor would be  
17 forced to divert time and resources away from other essential election-year activities to deal  
18 with the fallout from voter purges, harming their missions in the process.

19 The Alliance—whose mission is to ensure social and economic justice and protect  
20 the civil rights of retirees—would need to redirect time and resources away from other  
21 programs to educate its members on the new purges that Plaintiffs demand. This year, the  
22 Alliance is preparing and distributing voter education and assistance materials to voters  
23 across the state to inform them about ways to vote and candidates’ positions on issues of  
24 importance to members, in addition to hosting town halls addressing similar issues. Vasquez  
25 Decl. ¶¶ 5, 10. If the purges that Plaintiffs seek are granted, the organization would divert  
26 resources away from those critical efforts to create new voter education materials, such as  
27 “fact sheets” for voters, and would further prepare additional programming to ensure voters  
28 are away of the risks. *Id.* ¶ 8. The Alliance would also need to divert time and resources

1 from other priorities to provide resources and support to members who seek assistance in  
2 response to purge notices to ensure that they are not disenfranchised. *Id.* ¶ 9. Similarly, Voto  
3 Latino, a grassroots organization focused on educating and empowering Latino voters,  
4 would be forced to redirect volunteer phone banking and door-knocking efforts aimed at  
5 increasing participation among students and others in its core constituency toward educating  
6 constituents about the purges and how to confirm their registration status. Patel Decl. ¶ 11–  
7 12.

8 Like their interest in protecting their members and constituents’ right to vote,  
9 Proposed Intervenors’ interest in protecting their own organizational missions and resources  
10 can suffice to meet even Article III’s more demanding standard for standing. *See, e.g., E.*  
11 *Bay Sanctuary Covenant v. Biden*, 993 F.3d 640, 663 (9th Cir. 2021) (“[A]n organization  
12 has direct standing to sue where it establishes that the defendant’s behavior has frustrated  
13 its mission and caused it to divert resources in response to that frustration of purpose.”); *Mi*  
14 *Familia Vota v. Fontes*, No. CV-22-00509, 2023 WL 8183070, at \*10 (D. Ariz. Feb. 16,  
15 2023) (organizational plaintiffs had standing when voting laws would require them to divert  
16 resources from other activities to assist their supporters who might be disproportionately  
17 disenfranchised or discouraged from voting). Indeed, when the Alliance and Voto Latino  
18 challenged an Arizona law imposing additional voter roll maintenance requirements as  
19 violative of the NVRA, the court found they satisfied Article III’s injury-in fact requirement  
20 based on a “diver[sion of] resources” toward efforts to “roll[] back the effects of the bill.”  
21 *Ariz. All. for Retired Americans*, 630 F. Supp. 3d at 1194 n.7 (quoting *Common Cause*  
22 *Indiana v. Lawson*, 937 F.3d 944, 951 (7th Cir. 2019)). This second interest therefore  
23 supplies a more than sufficient and independent basis for granting intervention under Rule  
24 24. *See Yniguez*, 939 F.2d at 735.

25 **C. The parties do not adequately represent Proposed Intervenors’ interests.**

26 Proposed Intervenors will not be assured adequate representation in this matter if  
27 they are denied intervention. “[T]he burden of making this showing is minimal” and is  
28 “satisfied if the applicant shows that representation of its interests *may* be inadequate.”



1 *Hoopa Valley Tribe v. United States Bureau of Reclamation*, 648 F. Supp. 3d 1196, 1204  
2 (E.D. Cal. 2022) (quoting *Sagebrush Rebellion Inc. v. Watt*, 713 F.2d 525, 528 (9th Cir.  
3 1983)) (emphasis added); accord *Berger v. N.C. State Conf. of the NAACP*, 597 U.S. 179,  
4 196 (2022) (citing *Trbovich v. United Mine Workers of Am.*, 404 U.S. 528, 538 n.10 (1972)).  
5 Accordingly, courts are “liberal in finding” this requirement to be met because “there is  
6 good reason in most cases to suppose that the applicant is the best judge of the representation  
7 of the applicant’s own interests.” 7C Charles Alan Wright & Arthur R. Miller, *Federal*  
8 *Practice & Procedure* § 1909 (3d ed. 2024).<sup>6</sup> Neither Plaintiffs nor Defendant adequately  
9 represent Proposed Intervenors’ interests here. Of course, Plaintiffs’ and Proposed  
10 Intervenors’ interests are diametrically opposed as Proposed Intervenors strongly oppose  
11 the purges Plaintiffs seek.

12 While the Secretary may oppose the relief Plaintiffs seek, it does not follow that he  
13 will necessarily represent Proposed Intervenors adequately. Courts have “often concluded  
14 that governmental entities do not adequately represent the interests of aspiring intervenors.”  
15 *Fund for Animals, Inc. v. Norton*, 322 F.3d 728, 736 (D.C. Cir. 2003); accord *Citizens for*  
16 *Balanced Use*, 647 F.3d at 899 (“[T]he government’s representation of the public interest  
17 may not be ‘identical to the individual parochial interest’ of a particular group just because  
18 ‘both entities occupy the same posture in the litigation.’” (quoting *WildEarth Guardians v.*  
19 *U.S. Forest Serv.*, 573 F.3d 992, 996 (10th Cir. 2009))). This is because Arizona officials  
20 “must represent the interests of all people” in their jurisdictions, such that they cannot give  
21 Proposed Intervenors’ interests “the kind of primacy” they would themselves provide.  
22 *Planned Parenthood Ariz., Inc. v. Am. Ass’n of Pro-Life Obstetricians & Gynecologists*,  
23 227 Ariz. 262, 279 (Ct. App. 2011); see also, e.g., *Kleissler v. U.S. Forest Serv.*, 157 F.3d

24  
25 <sup>6</sup> The Ninth Circuit has in the past applied a “presumption” of adequate representation where  
26 the parties share the same “ultimate” objective. E.g., *Arakaki*, 324 F.3d at 1086. However,  
27 that Court recently acknowledged that the Supreme Court’s decision in *Berger* “calls into  
28 question” the practice and stated that such a presumption only applies if the parties share  
“identical interests.” *Callahan v. Brookdale Senior Living Comms.*, 42 F.4th 1013, 1021 n.5  
(9th Cir. 2022) (emphasis in original). Because the Secretary and Proposed Intervenors do  
not share identical interests, the burden to demonstrate inadequate representation remains  
“minimal.” *Berger*, 597 U.S. at 196 (quoting *Trbovich*, 404 U.S. at 538 n.10).



1 964, 972 (3d Cir. 1998) (noting that government-official defendants’ objectives are  
2 “necessarily colored by [their] view of the public welfare rather than the more parochial  
3 views of a proposed intervenor whose interest is personal to it,” and that the burden of  
4 establishing inadequacy of representation in such circumstances is “comparatively light”).  
5 In other words, Proposed Intervenors plainly “seek to give voice to a different perspective.”  
6 *Berger*, 597 U.S. at 198.

7 This divergence of interests is particularly acute in the context of NVRA claims like  
8 this one. The Secretary is expressly charged with pursuing the NVRA’s “twin objectives—  
9 easing barriers to registration and voting, while at the same time protecting electoral  
10 integrity and the maintenance of accurate voter rolls.” *Bellitto*, 935 F.3d at 1198. These  
11 competing goals “naturally create some tension.” *Id.* In contrast, as another district court  
12 recognized in a similar context, groups like Proposed Intervenors have “[t]he mission and  
13 interest . . . explicitly to pursue the second of the expressly recognized interests that  
14 motivated Congress to enact [the NVRA]”—*i.e.*, eliminating barriers to registration and  
15 voting. *Winfrey*, 463 F. Supp. 3d at 801; *see also Bellitto*, 935 F.3d at 1198. As a result, it  
16 is entirely possible that the Secretary may take positions contrary to Proposed Intervenors’  
17 interests. In fact, recent history demonstrates that state officials sometimes try to resolve  
18 suits like this one through settlement. *See, e.g., Stipulation of Dismissal, Daunt v. Benson*,  
19 No. 1:20-cv-522, ECF No. 58 (W.D. Mich. Feb. 16, 2021).

20 The potential for these kinds of conflicts among litigation objectives suffices to show  
21 that the Secretary will not adequately represent Proposed Intervenors’ distinct interests. *See,*  
22 *e.g., Trbovich*, 404 U.S. at 538 (union was not adequately represented by Secretary of Labor  
23 where its interests in litigation were “related, but not identical”); *Ctr. for Biological*  
24 *Diversity v. U.S. Bureau of Land Mgmt.*, 266 F.R.D. 369, 374 (D. Ariz. 2010) (granting  
25 intervention as of right to NRA, whose interest “focused on the hunting aspect and  
26 protecting its members’ rights and all hunters’ rights to hunt with lead ammunition,” which  
27 was “not the objective of the current Defendants”); *Ariz. All. for Retired Ams. v. Hobbs*, No.  
28 CV-22-01374, 2022 WL 4448320, at \*3 (D. Ariz. Sept. 23, 2022) (allowing Yuma County

1 Republican Committee to intervene alongside state and county election officials); *Donald*  
2 *J. Trump for President, Inc. v. Cegavske*, No. 2:20-CV-1445, 2020 WL 5229116, at \*1 (D.  
3 Nev. Aug. 21, 2020) (granting intervention as of right because Secretary of State did not  
4 adequately represent partisan organization’s interests, despite both wishing to defend  
5 against suit); *Paher v. Cegavske*, No. 3:20-cv-00243, 2020 WL 2042365, at \*1 (D. Nev.  
6 Apr. 28, 2020) (similar). The same result should follow here.

## 7 **II. Proposed Intervenors should alternatively be granted permissive intervention.**

8 In the alternative, the Court should grant Proposed Intervenors permissive  
9 intervention because they have “defense[s] that share[] with the main action a common  
10 question of law or fact” and their intervention will not “unduly delay or prejudice the  
11 adjudication of the original parties’ rights.” *Ariz. Democratic Party v. Hobbs*, No. CV-20-  
12 01143, 2020 WL 6559160, at \*1 (D. Ariz. June 26, 2020) (quoting Fed. R. Civ. P. 24(b)).  
13 The motion is timely and risks no prejudice to the existing parties for the reasons already  
14 explained. *Supra* Part I-A. And Proposed Intervenors’ defenses depend on resolution of  
15 many of the same questions of fact and law as Plaintiffs’ claim—including but not limited  
16 to, whether the facts as alleged by Plaintiffs suffice to demonstrate a cognizable injury that  
17 can be redressed by this Court, whether the facts alleged by Plaintiffs state a plausible claim  
18 that the Secretary’s list maintenance activities are not “reasonable,” and whether Plaintiffs’  
19 requests for relief would themselves constitute violations of the NVRA.<sup>7</sup>

20 The Court also has good reason to exercise its discretion to grant Proposed  
21 Intervenors’ motion because they will “significantly contribute to full development of the  
22 underlying factual issues in the suit and to the just and equitable adjudication of the legal  
23 questions presented.” *Ariz. All. for Retired Ams.*, 2022 WL 4448320, at \*2. While Plaintiffs  
24 seek judicial intervention to compel the removal of large numbers of voters from the rolls  
25 and the Defendant must balance the State’s dual obligations under the NVRA, there is no  
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27 <sup>7</sup> Courts often state that a proposed intervenor must also supply “independent grounds for  
28 jurisdiction,” but the Ninth Circuit has “clarif[ied] that [this] requirement does not apply”  
where, as here, “proposed intervenors in federal-question cases [are] not raising new  
claims.” *Freedom from Religion Found., Inc. v. Geithner*, 644 F.3d 836, 844 (9th Cir. 2011).

1 party dedicated solely to the protection of the rights of the voters who are at risk of being  
2 purged. Thus, by granting intervention, the Court will benefit from hearing from voters who  
3 are among the most directly affected by the requested relief. On this point, the court’s  
4 analysis in *Winfrey*, 463 F. Supp. 3d at 799–802, is instructive. There, the plaintiff sought  
5 an aggressive voter purge, and pro-voting organizations moved to intervene “for the purpose  
6 of challenging the plaintiff’s claims with a view toward ensuring that no unreasonable  
7 measures are adopted that could pose an elevated risk of removal of legitimate  
8 registrations.” *Id.* at 799. The court noted that the plaintiff’s goal was to remove names from  
9 the rolls, and that the government defendants had an obligation to balance the NVRA’s twin  
10 aims—but that no party was exclusively advocating to ensure that qualified voters are  
11 retained or restored on the rolls. *See id.* at 801. The voting rights groups’ intervention  
12 motion was thus warranted to ensure “a fulsome consideration of both competing interests,  
13 vigorously advocated by appropriately interested parties concerned with each side of the  
14 balancing test,” which would “unquestionably . . . be helpful to the Court when . . . called  
15 upon to strike the required balance and decide whether the defendants’ program of list  
16 maintenance is ‘reasonable’ within the meaning of the statute.” *Id.* This Court will similarly  
17 benefit from hearing from voters and pro-voting organizations who will be most directly  
18 affected by this case’s resolution.

### 19 CONCLUSION

20 For the foregoing reasons, Proposed Intervenor’s motion to intervene as defendants  
21 should be granted.  
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RESPECTFULLY SUBMITTED this 12th day of June, 2024.

**COPPERSMITH BROCKELMAN PLC**

By: /s/ D. Andrew Gaona

D. Andrew Gaona

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*\*Pro Hac Vice Application Forthcoming*

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# **EXHIBIT A**

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13 *\*Pro Hac Vice Application Forthcoming*

14 **UNITED STATES DISTRICT COURT**  
15 **DISTRICT OF ARIZONA**

16 Scot Mussi, Gina Swoboda, in her capacity as  
Chair of the Republican Party of Arizona, and  
17 Steven Gaynor,

18 Plaintiffs,

19 v.

20 Adrian Fontes, in his official capacity as Arizona  
Secretary of State,

21 Defendant.

No. CV-24-01310-PHX-DWL

**[PROPOSED] ANSWER IN  
INTERVENTION TO  
PLAINTIFFS' COMPLAINT**

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1 Proposed Intervenor-Defendants Arizona Alliance for Retired Americans and Voto  
2 Latino (“Proposed Intervenors”) answer Plaintiffs’ Complaint (“Complaint”) as follows:

3 **INTRODUCTION**

4 1. Paragraph 1 contains legal contentions, characterizations, and conclusions,  
5 and opinions to which no response is required. To the extent a response is required,  
6 Proposed Intervenors admit the allegations in Paragraph 1.

7 2. Deny.

8 3. Deny.

9 4. Proposed Intervenors lack sufficient knowledge or information to form a  
10 belief as to the truth or falsity of the allegations in Paragraph 4 and therefore deny them.

11 5. Proposed Intervenors lack sufficient knowledge or information to form a  
12 belief as to the truth or falsity of the allegations in Paragraph 5 and therefore deny them.

13 6. Proposed Intervenors lack sufficient knowledge or information to form a  
14 belief as to the truth or falsity of the allegations in Paragraph 6 and therefore deny them.

15 7. Proposed Intervenors deny the characterization that registration “rates are  
16 implausibly high” and “evidence a high rate of likely ineligible voter names.” Proposed  
17 Intervenors lack sufficient knowledge or information to form a belief as to the truth or falsity  
18 of the remaining allegations in Paragraph 7 and therefore deny them.

19 8. The first sentence of Paragraph 8 contains legal contentions,  
20 characterizations, and conclusions, and opinions to which no response is required. To the  
21 extent a response is required, Proposed Intervenors lack sufficient knowledge or  
22 information to form a belief as to the truth or falsity of the allegations and therefore deny  
23 them. Proposed Intervenors lack sufficient knowledge or information to form a belief as to  
24 the truth or falsity of the allegations in the second sentence of Paragraph 8 and therefore  
25 deny them.

26 9. Proposed Intervenors lack sufficient knowledge or information to form a  
27 belief as to the truth or falsity of the allegations in Paragraph 9 and therefore deny them.

28 10. Paragraph 10 contains legal contentions, characterizations, and conclusions,



1 and opinions to which no response is required. To the extent a response is required,  
2 Proposed Intervenor lack sufficient knowledge or information to form a belief as to the  
3 truth or falsity of the allegations in Paragraph 10 and therefore deny them.

4 11. Paragraph 11 contains legal contentions, characterizations, and conclusions,  
5 and opinions to which no response is required. To the extent a response is required,  
6 Proposed Intervenor deny the allegations in Paragraph 11.

7 12. Proposed Intervenor lack sufficient knowledge or information to form a  
8 belief as to the truth or falsity of the allegations in Paragraph 12 and therefore deny them.

9 13. Proposed Intervenor lack sufficient knowledge or information to form a  
10 belief as to the truth or falsity of the allegations in Paragraph 13 and therefore deny them.

11 14. Proposed Intervenor lack sufficient knowledge or information to form a  
12 belief as to the truth or falsity of the allegations in Paragraph 14 and therefore deny them.

13 15. Proposed Intervenor lack sufficient knowledge or information to form a  
14 belief as to the truth or falsity of the allegations in Paragraph 15 and therefore deny them.

15 16. Proposed Intervenor lack sufficient knowledge or information to form a  
16 belief as to the truth or falsity of the allegations in Paragraph 16 and therefore deny them.

17 17. Exhibit 2 speaks for itself and does not require a response. Proposed  
18 Intervenor otherwise lack sufficient knowledge or information to form a belief as to the  
19 truth or falsity of the allegations in Paragraph 17 and therefore deny them.

20 18. Deny.

21 **JURISDICTION AND VENUE**

22 19. Paragraph 19 contains legal contentions, characterizations, and conclusions,  
23 and opinions to which no response is required. To the extent a response is required,  
24 Proposed Intervenor admit that Plaintiffs bring a claim under the NVRA, but deny that this  
25 Court has subject-matter jurisdiction.

26 20. Paragraph 20 contains legal contentions, characterizations, and conclusions,  
27 and opinions to which no response is required. To the extent a response is required Proposed  
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1 Intervenor admit that the Secretary “resides in Maricopa.” Proposed Intervenor deny the  
2 remaining allegations.

3 **PARTIES**

4 21. Proposed Intervenor lack sufficient knowledge or information to form a  
5 belief as to the truth or falsity of the allegations in Paragraph 21 and therefore deny them.

6 22. Deny.

7 23. Admit.

8 24. Admit.

9 25. Proposed Intervenor lack sufficient knowledge or information to form a  
10 belief as to the truth or falsity of the allegations in Paragraph 25 and therefore deny them.

11 26. Deny.

12 27. Proposed Intervenor lack sufficient knowledge or information to form a  
13 belief as to the truth or falsity of the allegations in Paragraph 27 and therefore deny them.

14 28. Deny.

15 29. Deny.

16 30. Whether Plaintiffs’ “right to vote” is “burden[ed]” is a legal conclusion to  
17 which no response is required. To the extent a response is required, Proposed Intervenor  
18 deny the allegations. Proposed Intervenor lack sufficient knowledge or information to form  
19 a belief as to the truth or falsity of the remaining allegations in Paragraph 30 and therefore  
20 deny them.

21 31. Deny.

22 32. Deny.

23 33. Deny the allegations in the first sentence of Paragraph 33. Proposed  
24 Intervenor lack sufficient knowledge or information to form a belief as to the truth or falsity  
25 of the second sentence in Paragraph 33 and therefore deny them.

26 34. Admit that Defendant, Adrian Fontes, is the Arizona Secretary of State and is  
27 sued in his official capacity. Paragraph 34 otherwise contains legal contentions,  
28

1 characterizations, and conclusions, and opinions to which no response is required. To the  
2 extent a response is required, Proposed Intervenor deny the allegations in Paragraph 34.

3 **BACKGROUND**

4 **I. Statutory Background**

5 35. Paragraph 35 contains legal contentions, characterizations, and conclusions,  
6 and opinions to which no response is required. To the extent a response is required,  
7 Proposed Intervenor admit that the cited statute contains the quoted text and deny the  
8 remaining allegations in Paragraph 35.

9 36. Deny.

10 37. Paragraph 37 contains legal contentions, characterizations, and conclusions,  
11 and opinions to which no response is required. To the extent a response is required,  
12 Proposed Intervenor admit that the cited statute contains the quoted text and deny the  
13 remaining allegations in Paragraph 37.

14 38. Admit.

15 39. Paragraph 39 contains legal contentions, characterizations, and conclusions,  
16 and opinions to which no response is required. To the extent a response is required,  
17 Proposed Intervenor admit that the cited statute contains the quoted text and deny the  
18 remaining allegations in Paragraph 39.

19 40. Paragraph 40 contains legal contentions, characterizations, and conclusions,  
20 and opinions to which no response is required. To the extent a response is required,  
21 Proposed Intervenor admit that the cited statute contains the quoted text and deny the  
22 remaining allegations in Paragraph 40.

23 41. Paragraph 41 contains legal contentions, characterizations, and conclusions,  
24 and opinions to which no response is required. To the extent a response is required,  
25 Proposed Intervenor admit that the cited statute contains the quoted text and deny the  
26 remaining allegations in Paragraph 41.

27 42. Paragraph 42 contains legal contentions, characterizations, and conclusions,  
28 and opinions to which no response is required. To the extent a response is required,

1 Proposed Intervenor admits that the cited statute contains the quoted text and deny the  
2 remaining allegations in Paragraph 42.

3 43. The cited document speaks for itself. To the extent a response is required,  
4 Proposed Intervenor admits that the cited document contains the quoted text and deny the  
5 remaining allegations in Paragraph 43.

6 44. Proposed Intervenor lacks sufficient knowledge or information to form a  
7 belief as to the truth or falsity of the allegations in Paragraph 44 and therefore deny them.

8 45. Proposed Intervenor lacks sufficient knowledge or information to form a  
9 belief as to the truth or falsity of the allegations in Paragraph 45 and therefore deny them.

10 46. Paragraph 46 contains legal contentions, characterizations, and conclusions,  
11 and opinions to which no response is required. To the extent a response is required,  
12 Proposed Intervenor admits that the cited statute contains the quoted text and deny the  
13 remaining allegations.

## 14 **II. The Secretary's Statutory Duty**

15 47. Paragraph 47 contains legal contentions, characterizations, and conclusions,  
16 and opinions to which no response is required. To the extent a response is required,  
17 Proposed Intervenor denies the allegations.

18 48. Admit.

19 49. Admit.

20 50. Paragraph 50 contains legal contentions, characterizations, and conclusions,  
21 and opinions to which no response is required. To the extent a response is required,  
22 Proposed Intervenor admits that the cited case contains the quoted text and deny the  
23 remaining allegations in Paragraph 50.

24 51. Paragraph 51 contains legal contentions, characterizations, and conclusions,  
25 and opinions to which no response is required. To the extent a response is required,  
26 Proposed Intervenor admits that the cited cases contain the quoted text and deny the  
27 remaining allegations in Paragraph 51.

28 52. Paragraph 52 contains legal contentions, characterizations, and conclusions,

1 and opinions to which no response is required. To the extent a response is required,  
2 Proposed Intervenors deny the allegations in Paragraph 52.

3 **III. Plaintiffs' Statutory Notice**

4 53. Paragraph 53 contains legal contentions, characterizations, and conclusions,  
5 and opinions to which no response is required. To the extent a response is required,  
6 Proposed Intervenors admit that the cited statute contains the quoted text and deny the  
7 remaining allegations in Paragraph 53.

8 54. Paragraph 54 contains legal contentions, characterizations, and conclusions,  
9 and opinions to which no response is required. To the extent a response is required,  
10 Proposed Intervenors deny the allegations Paragraph 54.

11 55. Proposed Intervenors lack sufficient knowledge or information to form a  
12 belief as to the truth or falsity of the allegations in Paragraph 55 and therefore deny them.

13 56. Exhibit 1 speaks for itself and does not require a response. Proposed  
14 Intervenors deny that "all 15 Arizona counties are in violation of Section 8." Proposed  
15 Intervenors otherwise lack sufficient knowledge or information to form a belief as to the  
16 truth or falsity of the allegations in Paragraph 56 and therefore deny them.

17 57. Exhibit 3 speaks for itself and does not require a response. To the extent a  
18 response is required, Proposed Intervenors admit that Exhibit 3 contains the quoted text and  
19 deny the remaining allegations in Paragraph 57.

20 58. Exhibit 3 speaks for itself and does not require a response. To the extent a  
21 response is required, Proposed Intervenors admit that Exhibit 3 contains the quoted text and  
22 deny the remaining allegations in Paragraph 58.

23 59. Exhibit 3 speaks for itself and does not require a response. To the extent a  
24 response is required, Proposed Intervenors admit that Exhibit 3 contains the quoted text and  
25 deny the remaining allegations in Paragraph 59.

26 60. Exhibit 3 speaks for itself and does not require a response. To the extent a  
27 response is required, Proposed Intervenors admit that Exhibit 3 contains the quoted text and  
28 deny the remaining allegations in Paragraph 60.

1           61. Exhibit 3 speaks for itself and does not require a response. To the extent a  
2 response is required, Proposed Intervenors admit the allegations in Paragraph 61.

3           62. Exhibit 3 speaks for itself and does not require a response. To the extent a  
4 response is required, Proposed Intervenors lack sufficient knowledge or information to form  
5 a belief as to the truth or falsity of the allegations in Paragraph 62 and therefore deny them.

6           63. Exhibit 3 speaks for itself and does not require a response. To the extent a  
7 response is required, Proposed Intervenors admit that Exhibit 3 contains the quoted text and  
8 deny the remaining allegations in Paragraph 63.

9           64. Exhibit 3 speaks for itself and does not require a response. To the extent a  
10 response is required, Proposed Intervenors lack sufficient knowledge or information to form  
11 a belief as to the truth or falsity of the allegations in Paragraph 64 and therefore deny them.

12           65. Exhibit 3 speaks for itself and does not require a response. To the extent a  
13 response is required, Proposed Intervenors lack sufficient knowledge or information to form  
14 a belief as to the truth or falsity of the allegations in Paragraph 65 and therefore deny them.

15           66. Exhibit 3 speaks for itself and does not require a response. To the extent a  
16 response is required, Proposed Intervenors admit that Exhibit 3 contains the quoted text and  
17 deny the remaining allegations in Paragraph 66.

18           67. Exhibit 3 speaks for itself and does not require a response. Admit that  
19 Paragraph 67 correctly reports the number of registered voters for 2020 and 2022. Proposed  
20 Intervenors otherwise lack sufficient knowledge or information to form a belief as to the  
21 truth or falsity of the allegations in Paragraph 67 and therefore deny them.

22           68. Exhibit 3 speaks for itself and does not require a response. To the extent a  
23 response is required, Proposed Intervenors lack sufficient knowledge or information to form  
24 a belief as to the truth or falsity of the allegations in Paragraph 68.

25           69. Exhibit 3 speaks for itself and does not require a response. To the extent a  
26 response is required, Proposed Intervenors admit that Exhibit 3 contains the quoted text and  
27 deny the remaining allegations in Paragraph 69.

28

1           70. Proposed Intervenors lack sufficient knowledge or information to form a  
2 belief as to the truth or falsity of the allegations in Paragraph 70 and therefore deny them.

3           **IV. The Secretary Has Failed to Perform His Mandatory List Maintenance Duty**  
4           **Under the NVRA.<sup>1</sup>**

5           71. Deny.

6           72. Paragraph 72 contains legal contentions, characterizations, and conclusions,  
7 and opinions to which no response is required. To the extent a response is required,  
8 Proposed Intervenors deny the allegations in Paragraph 72.

9           73. Paragraph 73 contains legal contentions, characterizations, and conclusions,  
10 and opinions to which no response is required. To the extent a response is required,  
11 Proposed Intervenors deny the allegations in Paragraph 73.

12           74. Deny.

13           75. Proposed Intervenors lack sufficient knowledge or information to form a  
14 belief as to the truth or falsity of the allegations in Paragraph 75 and therefore deny them.

15           76. Proposed Intervenors lack sufficient knowledge or information to form a  
16 belief as to the truth or falsity of the allegations in Paragraph 76 and therefore deny them.

17           77. Proposed Intervenors deny the allegation that Arizona's state-wide CVAP is  
18 5,000,102, as the 2017-2021 ACS reports that it is 5,000,100. Proposed Intervenors further  
19 deny the allegation that Arizona's state-wide CVAP is 5,118,553, as the 2018-2022 ACS  
20 reports that it is 5,118,555. Proposed intervenors otherwise admit the allegations in  
21 Paragraph 77.

22           78. Proposed Intervenors lack sufficient knowledge or information to form a  
23 belief as to the truth or falsity of the allegations in Paragraph 78 and therefore deny them.

24           79. Proposed Intervenors lack sufficient knowledge or information to form a  
25 belief as to the truth or falsity of the allegations in Paragraph 79 and therefore deny them.

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28           <sup>1</sup> Proposed Intervenors include the same headers as Plaintiffs' Complaint for clarity.  
To the extent a response is required, Proposed Intervenors deny the allegations in all  
headers.



1           80. Admit that the number of registered voters in Arizona is 4,833,160 based on  
2 the state data and 3,560,000 based on the 2022 CPS data. Proposed Intervenors lack  
3 sufficient knowledge or information to form a belief as to the truth or falsity of the  
4 remaining allegations in Paragraph 80 and therefore deny them.

5           81. Proposed Intervenors lack sufficient knowledge or information to form a  
6 belief as to the truth or falsity of the allegations in Paragraph 81 and therefore deny them.

7           82. Proposed Intervenors admit that the cited document contains the quoted  
8 language in Paragraph 82. Proposed Intervenors admit that the 2022 CPS shows a 69.9%  
9 voter registration rate in Arizona. Proposed Intervenors lack sufficient knowledge or  
10 information to form a belief as to the truth or falsity of the remaining allegations in  
11 Paragraph 82 and therefore deny them.

12           83. Admit.

13           84. Proposed Intervenors lack sufficient knowledge or information to form a  
14 belief as to the truth or falsity of the allegations in Paragraph 84 and therefore deny them.

15           85. Proposed Intervenors lack sufficient knowledge or information to form a  
16 belief as to the truth or falsity of the allegations in Paragraph 85 and therefore deny them.

17           86. Proposed Intervenors lack sufficient knowledge or information to form a  
18 belief as to the truth or falsity of the allegations in Paragraph 86 and therefore deny them.

19           87. Proposed Intervenors lack sufficient knowledge or information to form a  
20 belief as to the truth or falsity of the allegations in Paragraph 87 and therefore deny them.

21           88. Proposed Intervenors lack sufficient knowledge or information to form a  
22 belief as to the truth or falsity of the allegations in Paragraph 88 and therefore deny them.

23           89. Deny.

24           90. Deny.

25           91. Proposed Intervenors lack sufficient knowledge or information to form a  
26 belief as to the truth or falsity of the allegations in Paragraph 91 and therefore deny them.

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1           92. Paragraph 92 contains legal contentions, characterizations, and conclusions,  
2 and opinions to which no response is required. To the extent a response is required,  
3 Proposed Intervenors deny the allegations in Paragraph 92.

4           93. Deny.

5           94. Proposed Intervenors lack sufficient knowledge or information to form a  
6 belief as to the truth or falsity of the allegations in Paragraph 94 and therefore deny them.

7           95. Proposed Intervenors lack sufficient knowledge or information to form a  
8 belief as to the truth or falsity of the allegations in Paragraph 95 and therefore deny them.

9           96. Proposed Intervenors lack sufficient knowledge or information to form a  
10 belief as to the truth or falsity of the allegations in Paragraph 96 and therefore deny them.

11           97. Exhibit 2 speaks for itself and does not require a response. Paragraph 97  
12 otherwise contains legal contentions, characterizations, and conclusions, and opinions to  
13 which no response is required. To the extent a response is required, Proposed Intervenors  
14 admit that the quoted text appears in Exhibit 2 and deny the remaining allegations in  
15 Paragraph 97.

16           98. The first sentence of Paragraph 98 contains legal contentions,  
17 characterizations, and conclusions, and opinions to which no response is required. To the  
18 extent a response is required, Proposed Intervenors deny the allegations. Proposed  
19 Intervenors lack sufficient knowledge or information to form a belief as to the truth or falsity  
20 of the allegations the second sentence of Paragraph 98 and therefore deny them. Proposed  
21 Intervenors deny the allegations in the third sentence of Paragraph 98.

22           99. The first sentence of Paragraph 99 contains legal contentions,  
23 characterizations, and conclusions, and opinions to which no response is required. To the  
24 extent a response is required, Proposed Intervenors admit that the cited statute contains the  
25 word “uniform” and deny the remaining allegations in Paragraph 99.

26           100. Deny.

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1 **CLAIM**

2 101. Proposed Intervenors incorporate by reference each of their preceding  
3 admissions, denials, and statements as if fully set forth herein.

4 102. Paragraph 102 contains legal contentions, characterizations, and conclusions,  
5 and opinions to which no response is required. To the extent a response is required,  
6 Proposed Intervenors admit that the cited statute contains the quoted text and deny the  
7 remaining allegations.

8 103. Deny.

9 104. Deny.

10 105. Deny.

11 106. Deny.

12 107. Deny.

13 **PRAYER FOR RELIEF**

14 Proposed Intervenors deny that Plaintiffs are entitled to any relief.

15 **GENERAL DENIAL**

16 Proposed Intervenors deny every allegation in Plaintiffs' Complaint that is not  
17 expressly admitted herein.

18 **AFFIRMATIVE DEFENSES**

19 1. Plaintiffs' claims are barred in whole or in part for failure to state a claim  
20 upon which relief can be granted.

21 2. Plaintiffs' claims are barred because Plaintiffs lack Article III standing.

22 3. Plaintiffs' claims are barred because they seek relief inconsistent with federal  
23 and state law.

24 4. Plaintiffs' claims are equitably barred.

25 WHEREFORE, having fully answered Plaintiffs' Complaint, Proposed Intervenors  
26 pray for judgment as follows:

27 A. That the Court dismiss Plaintiffs' Complaint;

28

1 B. That judgment be entered in favor of Proposed Intervenors and against  
2 Plaintiffs on Plaintiffs' Complaint and that Plaintiffs take nothing thereby;

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

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

6 RESPECTFULLY SUBMITTED this 12th day of June, 2024.

7 **COPPERSMITH BROCKELMAN PLC**

8 By: */s/ D. Andrew Gaona* \_\_\_\_\_

9 D. Andrew Gaona  
Austin C. Yost

10 **ELIAS LAW GROUP LLP**

11 Lalitha D. Madduri\*  
12 Melinda Johnson\*  
13 Tyler L. Bishop\*  
14 Renata O'Donnell\*

*Attorneys for Proposed Intervenor-Defendants*

*\*Pro Hac Vice Application Forthcoming*

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# **EXHIBIT B**

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*Arizona Alliance for Retired Americans and Voto Latino*

13 *\*Pro Hac Vice Application Forthcoming*

14 **UNITED STATES DISTRICT COURT**  
15 **DISTRICT OF ARIZONA**

16 Scot Mussi, Gina Swoboda, in her capacity as  
Chair of the Republican Party of Arizona, and  
17 Steven Gaynor,

18 Plaintiffs,

19 v.

20 Adrian Fontes, in his official capacity as Arizona  
Secretary of State,

21 Defendant.  
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No. CV-24-1310-PHX-DWL

**DECLARATION OF DORA  
VASQUEZ IN SUPPORT OF  
THE ARIZONA ALLIANCE  
FOR RETIRED AMERICANS'  
MOTION TO INTERVENE AS  
DEFENDANT**

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1 I, Dora Vasquez, hereby declare and state the following:

2 1. I am over 18 years of age and competent to testify, and the following facts are  
3 based on my personal knowledge.

4 2. I am currently the Executive Director of the Arizona Alliance for Retired  
5 Americans (the "Alliance"), a non-partisan 501(c)(4) nonprofit, social welfare organization  
6 incorporated in Arizona. I have held this position since 2019.

7 3. The Alliance is a chartered state affiliate of the Alliance for Retired  
8 Americans, a nationwide grassroots organization with more than 4.4 million members. In  
9 Arizona, the Alliance has just shy of 51,000 retiree members throughout the state's 15  
10 counties, including more than 26,128 in Maricopa County. Our members, who come from  
11 various AFL-CIO affiliated unions, or are community members at large and not affiliated  
12 with a union, have worked in several different industries before retirement.

13 4. The Alliance's mission is to ensure social and economic justice and to protect  
14 the civil rights of retirees after a lifetime of work. To further its mission, the Alliance works  
15 to protect the rights of its members to vote and to have their votes counted.

16 5. The Alliance invests significant resources conducting voter education  
17 programs in Arizona. This work includes, but is not limited to, working with our partners  
18 at AFL-CIO to put together and distribute materials that educate voters on issues of  
19 importance to our members such as the protection of Social Security, Medicare, and  
20 Medicaid benefits and the price of prescription drugs; hosting town halls on such issues;  
21 helping our members confirm their voter registration status and track the status of their  
22 submitted mail ballots; and answering any questions our members may have about how to  
23 cast their ballots and make sure that they are counted.

24 6. The Alliance's members are 55 or older, and often have disabilities, illness,  
25 or mobility challenges that present barriers to voting. Because of these and other  
26 circumstances, it is common for our members to be in the process of relocating to assisted  
27 living facilities, moving to be closer to or to move in with family, or transitioning into  
28



1 smaller homes for financial reasons. Many of our members also frequently travel out of  
2 state to visit family or for personal travel.

3 7. For the reasons just described, our members and other retirees are at a  
4 particularly acute risk of failing to receive a notice that is mailed by election officials to  
5 inform them that their voter registration is subject to cancellation. As a result, any related  
6 purging of Arizona's voter rolls would disproportionately impact the Alliance's members.  
7 Such purges could mean that one of our members will be purged without their knowledge  
8 only to find out they cannot vote when they try to cast a ballot, when it is too late to re-  
9 register.

10 8. If new purges of the voter rolls in Arizona were to occur, taking steps to  
11 ensure that our members are and remain registered to vote in their jurisdictions and that any  
12 previously registered, eligible members are able to re-register would become a priority for  
13 the Alliance. We would be forced to develop new materials during this critical election year,  
14 including creating entirely new fact sheets, and to use tools such as social media, email,  
15 traditional mail, phone banking and other means to ensure that our members are aware of  
16 the changes and associated risks.

17 9. If voter purges were to occur, the Alliance would also provide direct  
18 assistance to our members who will come to us seeking assistance in understanding how to  
19 respond to a purge notice, and/or navigating the re-registration process.

20 10. Having to take these steps would seriously undercut our mission, especially  
21 given that it is a critical election year. The Alliance has very limited resources and is staffed  
22 by only a handful of volunteers, so undertaking such actions to mitigate the impact of any  
23 voter purges would necessarily come at a cost to the critical activities that we have planned  
24 this year, as described above.

25 11. Additionally, when the Alliance's members face obstacles to casting a ballot  
26 and having their votes counted, it is more difficult for the Alliance and its members to  
27 associate and effectively further their shared policy goals in Arizona.

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12. Removal of our members from the voter rolls, as well as redirecting our limited resources to respond to such removals, will diminish both our members’ ability to vote for their preferred candidates and policies and frustrate the Alliance’s ability to further our organizational mission.

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

EXECUTED this 12th day of June, 2024.

By: Dora Vasquez  
Dora Vasquez  
Executive Director  
Alliance for Retired Americans

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# EXHIBIT C

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13 *\*Pro Hac Vice Application Forthcoming*

14 **UNITED STATES DISTRICT COURT**  
15 **DISTRICT OF ARIZONA**

16 Scot Mussi, Gina Swoboda, in her capacity as  
Chair of the Republican Party of Arizona, and  
17 Steven Gaynor,

18 Plaintiffs,

19 v.

20 Adrian Fontes, in his official capacity as Arizona  
Secretary of State,

21 Defendant.

No. CV-24-1310-PHX-DWL

**DECLARATION OF AMEER  
PATEL IN SUPPORT OF VOTO  
LATINO'S MOTION TO  
INTERVENE AS DEFENDANT**

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1 I, Ameer Patel, hereby declare and state the following:

2 1. I am over 18 years of age and competent to testify, and the following facts are  
3 based on my personal knowledge.

4 2. I am currently employed as the Chief Programs Officer of Voto Latino, a  
5 nonpartisan, nonprofit corporation organized under section 501(c)(4) of the Internal  
6 Revenue Code. I have been in this position since 2022, and I oversee all the organization's  
7 operations and programs. Prior to becoming Chief Programs Officer, I served as Voto  
8 Latino's Vice President of Programs. In that role, I focused on designing programming  
9 aimed at increasing Latino registration and turnout rates. Through these positions, I am  
10 personally knowledgeable about Voto Latino's voting-related activities and resource-  
11 allocation decisions.

12 3. Voto Latino is the largest Latinx advocacy organization in the nation. Its  
13 mission is to grow political engagement in historically underrepresented communities,  
14 especially among its core constituency: young Latinx voters. To further its mission, Voto  
15 Latino spends significant resources on voter education and mobilization initiatives,  
16 including efforts to encourage voters to turn out to vote, remind them to update their voter  
17 registrations to ensure that they are current and remain active, and inform them about  
18 available means of exercising their right to vote. Voto Latino employees and volunteers  
19 further these initiatives through email, text banking, door-knocking, and social media  
20 campaigns in Arizona. This programming is critical for Voto Latino's get-out-the-vote  
21 efforts, especially during this important presidential election year.

22 4. Arizona is one of Voto Latino's highest priority states. Since 2012, Voto  
23 Latino has registered more than 60,000 voters in Arizona. Between 2022 and 2023, Voto  
24 Latino spent approximately \$2.4 million on voter registration, voter turnout, and voter  
25 persuasion and advocacy initiatives in Arizona. Voto Latino currently has over 100  
26 volunteers active in the state.

27 5. The Latinx community in Arizona includes a considerably large population  
28 of young voters. The largest bloc of Latinx voters in Arizona is comprised of voters between

1 the ages of 18 and 29. Many of these individuals are college students who live on or around  
2 college campuses. It is critical to Voto Latino's effectiveness as an organization to harness  
3 the political power of these young people and students in Arizona. In fact, organizing and  
4 educating students ahead of the 2024 general election is one of our major priorities for the  
5 year. Our employees and volunteers are therefore planning extensive outreach toward this  
6 community specifically this year.

7         6. This lawsuit threatens Voto Latino's constituents, mission, and all the work  
8 described above. Young voters and student voters are particularly vulnerable to being  
9 wrongfully removed from the voter registration rolls as a result of more aggressive purging.  
10 And, of course, if they are removed from the rolls, they may find themselves completely  
11 unable to vote in the 2024 general election, regardless of voter mobilization efforts, posing  
12 a direct threat to Voto Latino's mission and requiring it to divert resources to attempt to  
13 ameliorate this harm.

14         7. Young and student voters are disproportionately likely to be purged from the  
15 voter rolls for several reasons. College students often live away from their family homes  
16 and voting residences for long periods of time while at school. They also frequently change  
17 their temporary address while at school—for example, by moving between dorm rooms or  
18 to off-campus apartments, while still maintaining their permanent residence with family.  
19 As a result, students often do not receive mailed notices meant to advise them that their  
20 voter registration is subject to cancellation, and only learn later—sometimes after it is too  
21 late to re-register—that they have been purged from the voter registration rolls.

22         8. Similarly, many college students and young people establish new permanent  
23 residences on or near campus but move addresses frequently while in school or while  
24 starting their careers. These individuals remain eligible to vote, but are likely to not receive  
25 election-related mail concerning their registration status. These student voters who are  
26 disproportionately likely to be swept up in a voter purge and may never receive their mail  
27 ballot, diminishing the voting power of Voto Latino's core constituency.

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1           9.       Further, almost half of Arizona’s Latino households live in impoverished or  
2 low-income conditions. As a result, many Latinx voters in Arizona lack access to regular,  
3 reliable transportation, and also work multiple jobs with demanding schedules. These voters  
4 are more likely to move around more frequently a result of these conditions as well, and  
5 thus more likely to fail to receive the kinds of notices meant to inform them that their voter  
6 registration is at risk of cancellation.

7           10.       Some of Voter Latino’s constituents, moreover, have limited English-  
8 proficiency and require assistance to navigate the state’s voter registration and re-  
9 registration system. These voters, too, are substantially more likely to face difficulty in  
10 successfully returning a purge notice or in re-registering to vote after a purge takes place.

11           11.       In addition to harms to its core constituency, if new systematic voter purges  
12 were to occur, Voto Latino would need to expend resources and staff time to educate  
13 constituents about the risks of voter purges, how to check whether a voter has been removed  
14 from the rolls, and navigate re-registering. These resources would be diverted directly from  
15 other work in service of our mission to increase the Latinx voting share in Arizona as  
16 described above, threatening Voto Latino’s other programs at a particularly critical time as  
17 we enter the final months before a presidential election year.


18           12.       Because Voto Latino has limited resources, these efforts would necessarily  
19 come at the expense of our already planned phone banking, door-knocking, voter-  
20 registration efforts, and campaigning around issues of importance for our young and Latinx  
21 constituents including healthcare, gun violence prevention, immigration, the environment,  
22 reproductive justice, and voting rights. Our ability to recruit and train new organizers and  
23 volunteers at schools and other locations throughout the state would also be diminished, as  
24 a significant portion of our limited staff resources would need to be redirected toward  
25 ensuring that voters are able to remain registered or navigate the re-registration system over  
26 the next few months and beyond.

27           13.       For all these reasons, Plaintiffs’ requested relief would harm Voto Latino and  
28 the communities of voters we serve. We simply cannot realize our mission as an

1 organization if our constituents are subjected to voter purges and are unable to obtain and  
2 cast their ballots and thereby make their voices heard. And we as an organization will  
3 struggle to realize our goals and grow and expand our work in Arizona if we are forced to  
4 respond to last-minute, rushed voter purges that will disproportionately affect our  
5 constituents.

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

7 EXECUTED this 12th day of June, 2024.

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10 By:   
11 Ameer Patel  
12 Chief Programs Officer  
13 Voto Latino

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**UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA**

Scot Mussi, Gina Swoboda, in her capacity as  
Chair of the Republican Party of Arizona, and  
Steven Gaynor,

Plaintiffs,

v.

Adrian Fontes, in his official capacity as Arizona  
Secretary of State,

Defendant.

No. CV-24-01310-PHX-DWL

**[PROPOSED] ORDER  
GRANTING THE ARIZONA  
ALLIANCE FOR RETIRED  
AMERICANS' AND VOTO  
LATINO'S MOTION TO  
INTERVENE AS  
DEFENDANTS**

Proposed Intervenors the Alliance for Retired Americans and Voto Latino moved to  
intervene as defendants in the above captioned matter. Having considered the parties'  
motion, the Court finds that the Alliance for Retired Americans and Voto Latino have  
demonstrated a right to intervene under Federal Rule of Civil Procedure 24(a)(2). Good  
cause thus appearing, the Court hereby **GRANTS** the motion and orders as follows:

It is **HEREBY ORDERED** that the Alliance for Retired Americans' and Voto  
Latino's Motion to Intervene is **GRANTED**.

**IT IS SO ORDERED.**