IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

VOTO LATINO, THE WATAUGA COUNTY VOTING RIGHTS TASK FORCE, DOWN HOME NORTH CAROLINA, SOPHIE JAE MEAD, and CHRISTINA BARROW, Plaintiffs, v. ALAN HIRSCH, in his official capacity as Chair of the State Board of Elections, JEFF CARMON, in his official capacity as Secretary of the State Board of Elections, STACY EGGERS IV, in his official capacity as Member of the State Board of Elections, KEVIN N. LEWIS, in his official capacity as Member of the State Board of Elections, SIOBHAN O'DUFFY MILLEN, in her official capacity as Member of the State Board of Elections, KAREN BRINSON BELL, in her official capacity as Executive Director of the State Board of Elections, DAWN Y. BAXTON, in her official capacity as Chair of the Durham County Board of Elections, DAVID K. BOONE, in his official capacity as Secretary of the Durham County Board of Elections, DR. JAMES P. WEAVER, in his official capacity as Member of the Durham County Board of Elections, PAMELA A. OXENDINE, in her official capacity as Member of the Durham County Board of Elections, DONALD H. BESKIND, in his official capacity as Member of the Durham County Board of Elections, MICHAEL BEHRENT, in his official capacity as Chair of the Watauga County Board of Elections, ERIC ELLER, in his official capacity as Member of the	§ §	Case No. 1:23-CV-861-TDS-JEP

Watauga County Board of Elections, MATT WALPOLE, in his official capacity as Member of the Watauga County Board of Elections, LETA COUNCILL, in her official capacity as Member of the Watauga County Board of Elections, ELAINE ROTHENBERG, in her official capacity as Member of the Watauga County Board of Elections,	§ § § § § § § § §

Defendants.

MEMORANDUM IN SUPPORT OF MOTION TO INTERVENE

The way to inspire confidence in American elections—and their outcomes—is to apply rules that are clear and fair to all eligible voters, candidates, and political groups. Toward that end, the North Carolina General Assembly recently passed S.B. 747, which revises the State's election code to provide appropriate safeguards and transparency while still offering voters ample opportunities to cast a ballot. For example, North Carolina now joins the majority of states that require absentee ballots to be received by the close of polls on election day. S.B. 747 also fortifies North Carolina's generous same-day registration process with protections that are tailored to the unique potential for misconduct that arises where individuals can both register and vote at the same time. In addition, S.B. 747 codifies clear rules governing poll observers by specifying what they may do (such as take notes and move about the voting place) and what they may not do (such as impede or interfere with voting or look at marked ballots).

In ordinary political climates, this pedestrian "ACT TO MAKE VARIOUS CHANGES REGARDING ELECTIONS LAW," S.B. 747 (title), would be welcomed as

part of the "substantial regulation of elections" that is necessary "if they are to be fair and honest and if some sort of order, rather than chaos, is to accompany the democratic processes." *Anderson v. Celebrezze*, 460 U.S. 780, 788 (1983) (citation omitted). But as a sign of the times, S.B. 747 met immediate litigation, as eight Democratic Party-affiliated organizations and allies, represented by six law firms, filed three lawsuits in this Court, two of them the same day S.B. 747 passed.[1] Armed with hyperbole and mischaracterization, these Plaintiffs pose a long list of objections to various aspects of S.B. 747. These include far-reaching assertions, such as that an election-day ballot-receipt deadline violates the Constitution and that the Voting Rights Act forbids poll-observer participation at voting places. One set of Plaintiffs has already moved for provisional relief, and similar requests may follow from the others. *See N.C. Democratic Party v. N.C. State Bd. of Elections*, 1:23-cv-862, at D.E. 6-7.

The question before the Court today is not whether any of these challenges has merit, but whether this litigation of paramount public importance will proceed with or without the participation of one of the nation's two major political parties. Before the Court come the Republican National Committee, the North Carolina Republican Party, Brenda M. Eldridge, and Virginia Ann Wasserberg (collectively, "Movants"), seeking leave to intervene as defendants.[2] The entity Movants are political committees who support

[1] The cases are *N.C. Democratic Party v. N.C. State Bd. of Elections*, 1:23-cv-862, *Democracy N.C. v. Hirsch*, 1:23-cv-878, and *Voto Latino v. Hirsch*, 1:23-cv-861. Movants seek to intervene in all three cases.

[2] On the morning of October 20, 2023, counsel for Movants reached out to the named parties to ascertain whether they would be opposed to Movants' intervention. Both

Republican candidates in North Carolina. The Republican National Committee is a national committee, as defined by 52 U.S.C. §30101, that manages the Republican Party's business at the national level, supports Republican candidates for public office at all levels, coordinates fundraising and election strategy, and develops and promotes the national Republican platform. The North Carolina Republican Party is a state political party that works to promote Republican values and to assist Republican candidates in running for partisan federal, state, and local offices. The individual Movants are registered voters – some of the more than 2 million registered Republicans in the state – who typically vote for Republican candidates, have served as poll observers in the past, and intend to do so in the future. Movant Wasserberg's role in the election process goes one step further: she is a county Republican Party chairperson who appoints site-specific and county at-large election observers.

As shown below, Movants are entitled to intervene as of right, and they should in any event be permitted to intervene in this Court's discretion. There is good reason for the Court to grant this motion. The State's executive branch is unlikely to vigorously defend S.B. 747, which passed over the Governor's veto. And although the State's legislative leaders have moved to intervene (as is their right), this state of affairs will (at best) place eight entity Plaintiffs represented by six law firms against one set of institutional-capacity intervenors represented by one law firm. One need not doubt the superb skill of that latter firm to see that this case, as currently postured, lacks the parity necessary to ensure public

Plaintiffs and Defendants indicated that they take no position regarding Movants' intervention.

confidence in the outcome. As the Democratic Party itself observed, "political parties usually have good cause to intervene in disputes over election rules." *Issa v. Newsom*, No. 2:20-cv-1044, D.E. 23 at 2 (E.D. Cal. June 8, 2020). That is why, in numerous cases concerning election rules, political parties are virtually always allowed to intervene.[3] If intervention is appropriate in any election case, this is it.

[3] *See, e.g.*, *Alliance for Retired Americans v. Dunlap*, No. CV-20-95 (Me. Super. Ct. Aug. 21, 2020) (granting intervention to the RNC, NRSC, and Republican Party of Maine); *Mi Familia Vota v. Hobbs*, Doc. 25, No. 2:20-cv-1903 (D. Ariz. June 26, 2020) (granting intervention to the RNC and NRSC); *Ariz. Democratic Party v. Hobbs*, Doc. 60, No. 2:20-cv-1143-DLR (D. Ariz. June 26, 2020) (granting intervention to the RNC and Arizona Republican Party); *Swenson v. Bostelmann*, Doc. 38, No. 20-cv-459-wmc (W.D. Wis. June 23, 2020) (granting intervention to the RNC and Republican Party of Wisconsin); *Edwards v. Vos*, Doc. 27, No. 20-cv-340-wmc (W.D. Wis. June 23, 2020) (same); *League of Women Voters of Minn. Ed. Fund v. Simon*, Doc. 52, No. 20-cv-1205 ECT/TNL (D. Minn. June 23, 2020) (granting intervention to the RNC and Republican Party of Minnesota); *Issa v. Newsom*, 2020 WL 3074351, at *4 (E.D. Cal. June 10, 2020) (granting intervention to the DCCC and Democratic Party of California); *Nielsen v. DeSantis*, Doc. 101, No. 4:20-cv-236-RH (N.D. Fla. May 28, 2020) (granting intervention to the RNC, NRCC, and Republican Party of Florida); *Priorities USA v. Nessel*, 2020 WL 2615504, at *5 (E.D. Mich. May 22, 2020) (granting intervention to the RNC and Republican Party of Michigan); *Thomas v. Andino*, 2020 WL 2306615, at *4 (D.S.C. May 8, 2020) (granting intervention to the South Carolina Republican Party); *Corona v. Cegavske*, Order Granting Mot. to Intervene, No. CV 20-OC-644-1B (Nev. 1st Jud. Dist. Ct. Apr. 30, 2020) (granting intervention to the RNC and Nevada Republican Party); *League of Women Voters of Va. v. Va. State Bd. of Elections*, Doc. 57, No. 6:20-cv-24-NKM (W.D. Va. Apr. 29, 2020) (granting intervention to the Republican Party of Virginia); *Paher v. Cegavske*, 2020 WL 2042365, at *2 (D. Nev. Apr. 28, 2020) (granting intervention to four Democratic Party entities); *Democratic Nat'l Comm. v. Bostelmann*, 2020 WL 1505640, at *5 (W.D. Wis. Mar. 28, 2020) (granting intervention to the RNC and Republican Party of Wisconsin); *Gear v. Knudson*, Doc. 58, No. 3:20-cv-278 (W.D. Wis. Mar. 31, 2020) (same); *Lewis v. Knudson*, Doc. 63, No. 3:20-cv-284 (W.D. Wis. Mar. 31, 2020) (same); *see also Democratic Exec. Cmte. of Fla. v. Detzner*, No. 4:18-cv- 520-MW-MJF (N.D. Fla. Nov. 9, 2018) (granting intervention to the NRSC).

ARGUMENT

The Court should grant the motion. Movants are entitled to intervene as of right under Rule 24(a) and by the Court's permission under Rule 24(b). The Court should also allow Movants to appear at any hearings that may occur before the Court rules on the instant motion.

I. Movants are Entitled to Intervene as a Matter of Right.

Under Rule 24(a)(2), intervention as a matter of right is appropriate when, upon a "timely motion," a party:

> claims an interest relating to the property or transaction that is the subject of the action, and is so situated that disposing of the action may as a practical matter impair or impede the movant's ability to protect its interest, unless existing parties adequately represent that interest.

Fed. R. Civ. P. 24(a)(2). Circuit precedent requires that an applicant timely "demonstrate: (1) that [the applicant] ha[s] an interest in the subject matter of the action; (2) that the protection of this interest would be impaired because of the action; and (3) that the applicant's interest is not adequately represented by existing parties to the litigation." *Teague v. Bakker*, 931 F.2d 259, 260-61 (4th Cir. 1991). Movants meet these requirements.

A. The Motion is Timely.

The timeliness element is clearly met. In considering this element, courts look to three factors: (1) "how far the underlying suit has progressed"; (2) any "prejudice" that intervention would cause to the other parties; and (3) any justification for any delay in filing the motion by a proposed intervenor. *Alt v. U.S. E.P.A.*, 758 F.3d 588, 591 (4th Cir. 2014). Each factor favors intervention. First, these suits have not progressed, as the most

recent complaint was filed seven business days ago, and no named Defendants have responded with an answer or dispositive motion. "Where a case has not progressed beyond the initial pleading stage, a motion to intervene is timely." *United States v. Commonwealth of Virginia*, 282 F.R.D. 403, 405 (E.D. Va. 2012) (citing *Scardelletti v. Debarr*, 265 F.3d 195, 203 (4th Cir. 2001)); *see also S.C. Coastal Conservation League v. Pruitt*, No. 18-CV-330-DCN, 2018 WL 2184395, at *8, (D.S.C. May 11, 2018) ("[The] motions to intervene are timely, as they were filed within twenty-two days of the initial complaint.").

Next, "[t]he most important consideration is whether the delay has prejudiced the other parties." *Spring Constr. Co, Inc. v. Harris*, 614 F.2d 374 (4th Cir. 1980). No prejudice is possible here where the motion is brought without delay. *Marshall v. Meadows*, 921 F. Supp. 1490, 1492 (E.D. Va. 1996) (little prejudice can exist when defendants have not even filed an answer). Movants will not disrupt, delay, or draw out the litigation; they will provide timely and informed presentations that will benefit the Court's consideration of the numerous legal theories at issue.

Finally, because Movants did not delay in bringing this motion, no justification is required. The timeliness element presents no contest.

B. Movants Have Significant Interests in This Litigation that Would be Impaired Without Their Intervention.

As Republican Party organizations that represent members, candidates, and voters who participate in elections in North Carolina, the entity Movants have overriding interests in this action. *See La Union del Pueblo Entero v. Abbott*, 29 F.4th 299, 305 (5th Cir. 2022) ("[A]n interest is sufficient if it is of the type that the law deems worthy of protection, even

if the intervenor does not have an enforceable legal entitlement or would not have standing to pursue her own claim."). Every election cycle, the entity Movants "expend significant resources" on "conduct" that S.B. 747 "unquestionably regulat[es]" and on "educating, mobilizing, assisting, training, and turning out voters, volunteers, and poll [observers]." *Id.* at 304, 306. Indeed, the North Carolina Republican Party's designated poll observers are directly regulated by a challenged provision of S.B. 747. *See* § 7.(b). Because of these substantial investments of time and resources in elections, federal courts "routinely" find that political parties have interests supporting intervention in election litigation. *Issa v. Newsom*, 2020 WL 3074351, at *3 (E.D. Cal. June 10, 2020); *see, e.g.*, *Siegel v. LePore*, 234 F.3d 1163, 1169 n.1 (11th Cir. 2001). An injunction on the challenged provisions of SB 747 while the 2024 election cycle is underway will require entity Movants to divert their limited resources away from other activities in order to respond to the Court's ruling. Preventing such diversion of resources is a protectable interest for purposes of Rule 24(a)(2). *E.g.*, *La Union*, 29 F.4th at 306; *Issa*, 2020 WL 3074351, at *3; *Bldg. & Realty Inst. of Westchester & Putnam Ctys., Inc. v. New York*, 2020 WL 5658703, at *11 (S.D.N.Y. 2020).

Laws like S.B. 747 are designed to serve "the integrity of [the] election process," *Eu v. San Fran. Cty. Democratic Cent. Comm.*, 489 U.S. 214, 231 (1989). Here, Movants have direct and significant interests in election rules that are clear (so Movants can follow them), fair (so they may compete on an equal footing in honest campaigns), and transparent (so the public will have confidence in the outcomes). *See La Union*, 29 F.4th at 306 (recognizing interest in the "ability to participate in and maintain the integrity of the

election process"). S.B. 747 advances these interests in logical ways, like a uniform ballot-receipt deadline, clear dictates governing what poll observers may and may not do, and safeguards for North Carolina's generous same-day registration system. These rules decrease the risk of the worst-case scenario of election fraud, which dilutes lawfully cast votes, like those of the individual Movants and members of the entity Movants. Vote dilution impairs the fundamental right to vote just as much as outright vote denial. *See Reynolds v. Sims*, 377 U.S. 533, 554 (1964). In addition, S.B. 747 secures fairness and clarity for participants who *do* follow the rules and promotes confidence on the public's part, since fairness, transparency, and integrity are the best antidotes to suspicion and conspiracy theory. Movants seek to vindicate these interests on their own behalf and on behalf of candidates, members, and allies.

"In cases challenging . . . statutory schemes as unconstitutional . . . the interests of those who are governed by those schemes are sufficient to support intervention.'" *Chiles v. Thornburgh*, 865 F.2d 1197, 1214 (11th Cir. 1989). Movants have a substantial interest in any changes to S.B. 747's scheme that might result in this case, such as to same-day voting and absentee ballot rules, which would impact the "structure of th[e] competitive environment." *Shays v. F.E.C.*, 414 F.3d 76, 85 (D.C. Cir. 2005). If relief is granted in whole or in part, Movants will face "a broader range of competitive tactics than [state] law would otherwise allow," which would "fundamentally alter the environment in which [they] defend their concrete interests (e.g., […] winning reelection)." *Id.* at 86; *see also id.* at 87 (holding that political candidates have a legally cognizable interest in preventing electoral "competition [becoming] intensified by [statutorily]-banned practices"). Because

Movants' preferred candidates will "actively seek [election or] reelection in contests governed by the challenged rules," and Republican voters will vote in them, Movants have a significant, protectable interest in "demand[ing] adherence" to the State's legitimate rules. *Id.* at 88.

Given their obvious and substantial interests in elections, it is typical that "[n]o one disputes" that political parties "meet the impaired interest requirement for intervention as of right." *Citizens United v. Gessler*, 2014 WL 4549001, *2 (D. Col. Sept. 15, 2014). That is certainly true where, as here, any "changes in voting procedures could affect candidates running as Republicans and voters who [are] members of the . . . Republican Party." *Ohio Democratic Party v. Blackwell*, 2005 WL 8162665, *2 (S.D. Ohio Aug. 26, 2005); *see id.* (under such circumstances, "there [was] no dispute that the Ohio Republican Party had an interest in the subject matter of this case").[4] The individual Movants, likewise, have an interest in the rules that govern their participation in elections as active voters and poll observers. In that latter capacity, they are directly regulated by the provisions of S.B. 747 at issue in this case. In particular, their actions as election observers—and Movant Wasserberg's in appointing and overseeing observers—are governed by S.B 747, which among other things affords them leeway for "[m]oving about the voting place." S.B. 747

[4] Indeed, the Democratic Party has successfully made this same argument in other recent election cases. *See, e.g.*, *Mi Familia Vota*, 2021 WL 5217875 (Lanza, J.); *Wood v. Raffensperger*, Doc. 12 at 8-9, No. 1:20-cv-5018-ELR (N.D. Ga. Dec. 11, 2020); *Ga. Republican Party, Inc. v. Raffensperger*, Doc. 8 at 17-19, No. 1:20-cv-4651-SDG (N.D. Ga. Nov. 18, 2020).

§ 7.(b). The requested relief would deny them this prerogative that North Carolina now affords.

Likewise, there can be no serious question that Movants' interests will risk impairment if intervention is denied. This is true in the clearest sense as S.B. 747 deters fraud that would dilute the value of the individual Movants' votes and those of the entity Movants' members. And that is only the beginning. For rules to be fair, there must be a coherent scheme of interrelated provisions. But where one political party's interest groups can pick and choose election mechanisms to be enjoined and not enjoined, they can (if successful) rework a state's election code so that provisions they perceive as harmful to their strategic interests are eliminated and those they believe advantage them are maintained. Moreover, court intervention in elections can do more harm than good, such as by injecting confusion and uncertainty into the process. Here, where plaintiffs appear to ask the Court to take a blue pencil to the State elections code, it is very much a mystery what rules will govern poll observers, same-day registrants, and absentee ballots (among other things) if plaintiffs are successful or partially successful. If Movants are not permitted to intervene, they will lack the ability to inform the Court's consideration of these complex issues or defend *their* view of fair elections—even as the Democratic Party has *eight* entities and *six* law firms advancing *its* view on the subject.

C. Movants' Interests Not Adequately Represented by Existing Parties.

Movants' vital interests are not adequately represented by the existing parties to this action. There can be no dispute that they are not represented by Plaintiffs, who seek relief that Movants oppose.

Nor are Movants' interests adequately represented by the Defendants, all of whom are government officials unlikely to vigorously defend S.B. 747. The interests of private proposed intervenors are adequately represented by government officials only where "they share the same ultimate objective." *Stuart v. Huff*, 706 F.3d 345, 352 (4th Cir. 2013). But "where the existing party and proposed intervenor seek divergent objectives, there is less reason to presume that the party (government agency or otherwise) will adequately represent the intervenor." *Id.* The government of North Carolina is divided politically and is sharply divided over S.B. 747. The Democratic Governor vetoed S.B. 747 (which the Republican-controlled General Assembly overrode). The Democratic Attorney General whose office is responsible for representing the majority of Defendants (who are also mostly Democrats) has publicly opposed S.B. 747. *See* Exhibit A. It is unlikely that Democratic Party officials will vigorously defend laws they have publicly opposed from challenges by eight Democratic Party-affiliated (or allied) organizations.[5] This, then, is the case for the Fourth Circuit's ordinary rule that "the burden on the applicant of demonstrating a lack of adequate representation 'should be treated as minimal.'" *Teague*, 931 F.2d at 262 (citing *Trbovich v. United Mine Workers*, 404 U.S. 528, 538 n.10 (1972)). It is easily met on these facts. *See Utah Ass'n of Counties v. Clinton*, 255 F.3d 1246, 1255-56 (10th Cir. 2001) (explaining that "the government's representation of the public interest

[5] The various county-level Defendants are ultimately majority controlled by the Democratic Party, as well, and are therefore unlikely to defend S.B. 747, especially considering that the tie-breaking vote in each county board has been chosen by the same Democratic governor who vetoed S.B. 747.

generally cannot be assumed to be identical to the individual parochial interest of a [private movant] merely because both entities occupy the same posture in the litigation.").

Further, even if Defendants were to fully defend S.B. 747, that would not be adequate to represent *Movants'* interests because of clear differences between the interests of state officials and those of political groups such as Movants. Defendants must administer the State's election laws but should be neutral and *not* represent the political interests of Movants (or Plaintiffs, for that matter). Defendants must also consider a "range of interests likely to diverge from" Movants' interests. *Meek v. Metro. Dade Cty.*, 985 F.2d 1471, 1478 (11th Cir. 1993). Those interests include "the expense of defending the current [laws] out of [state] coffers," *Clark v. Putnam Cty.*, 168 F.3d 458, 461 (11th Cir. 1999); "the social and political divisiveness of the election issue," *Meek*, 985 F.2d at 1478; "their own desires to remain politically popular and effective leaders," *id.*; and even the interests of Plaintiffs, *In re Sierra Club*, 945 F.2d 776, 779-80 (4th Cir. 1991). Thus, this case is like *Trbovich*, in which the Secretary of Labor had to "serve two distinct interests," and intervenor only served one. 404 U.S. at 538. For these reasons, another court in this Circuit recently held that the interests of the Republican Party "are *not* the same as" those of officials like Defendants, as the goal of Republican-affiliated political groups is "to elect Republican candidates in local, county, state, and federal elections [], and to represent Republican voters across the [state]." *Democratic Party of Va. v. Brink*, 2022 WL 3301183, at *2 (E.D. Va. Feb. 3, 2022) (emphasis in original). So too here.

Finally, the potential representation of Proposed Legislative Intervenors does not change this analysis. For one thing, Proposed Legislative Intervenors have not yet been

granted intervention, and the standard looks to "the existing defendants" not potential intervenors (or even intervenors, generally). *See Stuart*, 706 F.3d at 349. For another thing, Proposed Legislative Intervenors are state officials, representing state interests, whose interests diverge from Movants' in the ways described above. For yet another thing, there is no reason to believe there will be a convergence of interests given the numerous provisions of S.B. 747 challenged and the types of challenges lodged. Movants' above-described interests are likely to result in more focus and development on some provisions of S.B. 747 than others, and similar choices seem likely on Proposed Legislative Intervenors' part, especially given the stark lack of parity in resources that will result if the Court denies the instant motion. There is no reason to believe Proposed Legislative Intervenors will make the same choice of defenses among challenged provisions—and no reason even to desire that result, given the difference of interests between state officials and Movants. Thus, even the defense of S.B. 747 by Proposed Legislative Intervenors is not adequate to represent Movants' unique interests. Accordingly, intervention is mandated as of right.

II. Permissive Intervention is Warranted.

In all events, the Court should grant permissive intervention. Under Rule 24(b), the Court "may permit anyone to intervene who" files a timely motion and who "has a claim or defense that shares with the main action a common question of law or fact." Fed. R. Civ. P. 24(b)(2)(B). The applicant need only show that (1) the intervention request is timely, (2) the applicant "has a claim or defense that shares with the main action a common question of law or fact," and (3) the intervention will not "unduly delay or prejudice the

adjudication of the original parties' rights." Fed. R. Civ. P. 24(b)(1)(B); *see also Democratic Party of Va.*, 2022 WL 331183, at * 1.

Each element is met. First, the motion is timely, for reasons explained (*supra* § I.A). Second, Movants' defense shares common questions of fact and law with the three main actions: Plaintiffs challenge S.B. 747 on numerous grounds, while Movants seek to intervene to defend S.B. 747. Finally, no undue delay or prejudice will result from allowing intervention at this early stage in litigation. *See, e.g.*, *id.* at *2 ("This litigation is still in its preliminary stages such that adding an intervenor would not be burdensome."); *Marshall,* 921 F. Supp. at 1492 (little prejudice can exist when defendants have not even filed an answer). Movants will meet whatever deadlines this Court imposes. *See e.g., Thomas*, 335 F.R.D. at 371.

There are good reasons for the Court to exercise its discretion in favor of intervention. One is to achieve parity in litigation brought by eight Democratic Party-affiliated and allied groups and six law firms. Another is to achieve parity in political interests with a voice in this case of paramount public importance. If the Democratic National Committee and North Carolina Democratic Party are on one side of an election case, it makes sense to permit the Republican National Committee and North Carolina Republican Party to intervene on the other, because "they are uniquely qualified to represent the 'mirror-image' interests of the plaintiffs, as direct counterparts to the DNC/[NCDP]." *Democratic Nat'l Comm. v. Bostelmann*, No. 20-CV-249-WMC, 2020 WL 1505640, at *5 (W.D. Wis. Mar. 28, 2020).

Another is that Movants "bring[] a unique perspective on the election laws being challenged and how those laws affect [their] candidates and voters," given their vast experience in campaigns, elections, and even election litigation. *Democratic Party of Va.*, 2022 WL 331183, at *2. Movants have retained counsel with extensive experience in election litigation. Whatever the outcome down the road, the beneficiary of Movants' participation will be the Court, which is faced with numerous, complex legal challenges to significant election legislation. More input (not less) is better in a case of such pronounced importance. Plaintiffs are entitled to try to prove that S.B. 747 "is a direct assault on the right to vote." Complaint, 1:23-cv-00862, ¶ 2. But they are not entitled to make their assertions free from challenge and scrutiny. Just as fair election procedures promote fair elections, so do fair election-litigation procedures.

CONCLUSION

The Court should grant the motion. It should also permit Movants to participate in any hearings scheduled by the Court prior to the ruling on this motion.

Respectfully submitted, this the 26th day of October, 2023.

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CERTIFICATE OF COMPLIANCE

Pursuant to Local Rule 7.3(d), I hereby certify that this brief contains 4812 words as counted by the word count feature of Microsoft Word.

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CERTIFICATE OF SERVICE

I hereby certify that I filed the forgoing document using the Court's CM/ECF System which will send notification to all counsel of record.

This 26th day of October, 2023.

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