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16 **UNITED STATES DISTRICT COURT**
17 **CENTRAL DISTRICT OF CALIFORNIA**

18 UNITED STATES OF AMERICA,

19 Plaintiff,

20 vs.

21 SHIRLEY N. WEBER, in her official
22 capacity as Secretary of State of
23 California, and the STATE OF
24 CALIFORNIA

25 Defendants.

Case No.: 2:25-cv-09149-DOC (ADSx)

**LEAGUE OF WOMEN VOTERS
OF CALIFORNIA’S REPLY IN
SUPPORT OF MOTION TO
INTERVENE (Dkt. 24)**

DATE: November 17, 2025

TIME: 9:30 a.m.

COURTROOM: 10A, 10th Floor

JUDGE: David O. Carter

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**Application for admission pro hac vice forthcoming*

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1 **INTRODUCTION**

2 Federal Rule of Civil Procedure 24(a)(2) makes plain that the League’s
3 intervention is required. It is undisputed that the League’s motion is timely. The
4 League has strong interests in this matter: (1) advancing its core mission, (2)
5 protecting legislation it has supported and other advocacy, and (3) protecting its
6 members’ sensitive information. Each of these interests will be substantially
7 impacted by this action, which seeks disclosure of unredacted, sensitive voter data
8 in violation of state and federal law. The League’s interests will not be represented
9 if intervention is denied because its ultimate objectives and interests are distinct
10 from Defendant Weber’s. Accordingly, Rule 24(a)(2) intervention is warranted.

11 Defendant Weber does not oppose intervention and, while Plaintiff objects, Dkt.
12 27 (“Opp’n”), Plaintiff’s opposition fails to justify denial. Plaintiff’s unsupported
13 and contradictory assertions that the League has no protectable interests and that
14 the League’s interests are represented by the State fall apart under binding
15 precedent and the facts before this Court. Because the League meets all the criteria
16 for both mandatory and permissive intervention, the Court should grant the
17 League’s motion. Dkt. 24 (“LWV MTI”).

18 **ARGUMENT**

19 **I. The League is Entitled to Intervention as of Right under Rule 24(a)**

20 Plaintiff does not dispute that the League’s motion is timely. The League
21 also meets the other Rule 24(a) requirements for mandatory intervention, and
22 Plaintiff’s opposition does not, and cannot, show otherwise.

23 **A. The League has Significantly Protectable Interests in this Case**

24 In its opening brief, the League identified at least three separate protectable
25 interests supporting mandatory intervention. *See* LWV MTI at 9-11. Plaintiff does
26 not address or challenge the League’s interest in advancing its non-partisan
27 advocacy efforts, including involvement in the Motor Voter Task Force and other
28 legislative advocacy, *see* Dkt. 24-1, Decl. of Helen Hutchison (“Hutchison Decl.”)

1 ¶¶ 10-11, 19, nor does Plaintiff address the League’s interest in avoiding diversion
2 of its limited resources to educate members about increased privacy concerns, *id.*
3 ¶¶ 24-25, both of which are legally protectable interests, *see, e.g., Sagebrush*
4 *Rebellion, Inc. v. Watt*, 713 F.2d 525, 526-28 (9th Cir. 1983) (holding that a public
5 interest organization had a protectable interest in defending the legality of an
6 administrative action it supported); *Issa v. Newsom*, 2020 WL 3074351, at *3 (E.D.
7 Cal. June 10, 2023) (in granting intervention, noting that “asserting the rights of
8 members to vote safely” and “diverting . . . limited resources to educate” them “are
9 routinely found to constitute significant protectable interests”). Plaintiff’s blanket
10 arguments that the League has no interest in this matter are therefore unpersuasive.

11 **i. The League’s Significant Interests are Legally Protectable**

12 Plaintiff asserts that the League lacks a protectable interest because neither
13 the Help America Vote Act (“HAVA”) nor the Civil Rights Act of 1960 (“CRA”)
14 creates a private right of action. Opp’n at 12-18. But under Ninth Circuit precedent,
15 the “legally protected interest need not be protected under the statute under which
16 the litigation is brought.” *Cooper v. Newsom*, 26 F.4th 1104, 1106 (9th Cir. 2022)
17 (citations omitted). In fact, no “specific legal or equitable interest need be
18 established” for intervention as of right. *Sw. Ctr. for Biological Diversity v. Berg*,
19 268 F. 3d 810, 818 (9th Cir. 2001); *see also Cal. ex rel. Lockyer v. United States*,
20 450 F. 3d 436, 441 (9th Cir. 2006) (same). The League seeks to intervene to defend
21 *its* protectable interests; that the League does not hold the same voter list
22 maintenance or document disclosure responsibilities as Defendant Weber is not
23 consequential to the Rule 24(a)(2) analysis.¹ *Wilderness Soc’y v. U.S. Forest Serv.*,
24 630 F.3d 1173, 1178-79 (9th Cir. 2011) (holding that Rule 24 does not “engraft[] a
25 limitation on intervention of right to parties liable to the plaintiffs on the same
26 grounds as the defendants.”).

27 _____
28 ¹ It highlights how the League’s interests diverge from Defendant Weber’s,
demonstrating Defendant Weber’s inability to adequately represent their interests.

1 League members unambiguously have an interest in protecting their
2 sensitive personal information, which they submitted for the purpose of registering
3 to vote, and in ensuring that their information is used *only* for that purpose, *see*
4 Hutchison Decl. ¶¶ 7, 23, a right that is protected by law, *see, e.g.*, Cal. Elec. Code
5 §§ 2265(b)(4)(c), (f) (Motor Voter Law data usage and sharing limits); *see also*
6 *Kalbers v. U.S. Dep’t of Just.*, 22 F.4th 816, 827 (9th Cir. 2021) (holding that non-
7 disclosure of proposed intervenor’s confidential documents was a
8 “straightforward” protectable interest under Rule 24). As noted above, the
9 League’s other stated interests are also legally protectable. *Sagebrush Rebellion*,
10 713 F.2d 525; *Issa v. Newsom*, 2020 WL 3074351, at *3.

11 Plaintiff’s citations to *United States v. Alabama*, 2006 WL 2290726, at *1
12 (M.D. Ala. Aug. 8, 2006), and *United States v. New York State Board of Elections*,
13 312 Fed.App’x 353 (2d Cir. 2008), Opp’n at 17, are not binding and are off base.
14 The League has an interest in updating accurate voter guidance, safeguarding
15 members’ sensitive personal data from unlawful disclosure, and defending
16 legislation and policies it has supported, Hutchison Decl. ¶¶ 7, 19-24—these are
17 not the speculative “perception” of partisan politics that was at issue in *Alabama*.
18 2006 WL 2290726, at *4. Plaintiff’s reliance on *New York State Board of Elections*
19 is similarly unhelpful, as it is likely no longer good law following *Berger v. North*
20 *Carolina State Conference of the NAACP*, 597 U.S. 179 (2022) (holding
21 intervention for state legislators was proper because their interests were not
22 adequately represented by state board of elections). However, were it still good
23 law, that case was decided based on the proposed intervenor county having its
24 interests adequately represented by the state—not because the county lacked a
25 protectable interest or was an improper defendant under HAVA. *See N.Y. State Bd.*
26 *of Elections*, 312 Fed.App’x at 355.

27 Even if Plaintiff was right that intervention is appropriate only when the
28 statutes at issue provide a private right of action—it is not—Plaintiff fails to address

1 that it also brought a claim under the National Voter Registration Act (“NVRA”),
2 *see* Compl. ¶ 50-56, which has a private right of action, 52 U.S.C. § 20510(b); *see*
3 *also Project Vote v. Long*, 682 F.3d 331, 332-34 (4th Cir. 2012) (in an action by a
4 private plaintiff, affirming holding that state violated NVRA).

5 **ii. The League Has a Significantly Protectable Interest in**
6 **Safeguarding its Members’ Sensitive Data**

7 Plaintiff next makes arguments premised on a requirement for Article III
8 standing, *see* Opp’n at 18-21, even though intervenors do not need to establish such
9 standing for Rule 24(a)(2) intervention in the Ninth Circuit, *Cal. Dep’t of Toxic*
10 *Substances Control v. Jim Dobbas, Inc.*, 54 F.4th 1078, 1085 (9th Cir. 2022)
11 (holding that “intervenors that seek the same relief sought by at least one existing
12 party to the case” need not establish constitutional standing). But we address
13 Plaintiff’s arguments in turn.

14 Plaintiff first argues, without support, that the League’s interest in protecting
15 its members’ privacy is speculative and unfounded. Opp’n at 18-20. Plaintiff
16 asserts that its Complaint seeks only information that is required to be disclosed by
17 the CRA, NVRA, and HAVA. *Id.* at 18. This is untrue. Plaintiff seeks California’s
18 complete and **unredacted** voter registration list with all fields. *Id.* at 9-10. Such
19 disclosure is unprecedented and goes beyond what is required by the law.² Despite
20 Plaintiff’s assumption otherwise, courts have consistently held that redactions or
21 other exemptions from disclosure are necessary to protect sensitive personal
22 information like social security numbers or confidential voter categories. *Project*
23

24 ² Contrary to Plaintiff’s insinuation that the League’s counsel recently requested
25 and obtained a “complete voter registration list” from New Hampshire, Opp’n at
26 9 n.3, in the matter referenced the voter data was **redacted** and excluded sensitive
27 information like social security numbers, was secured by a comprehensive
28 protective order, and was sought in a different context unrelated to list
maintenance. *See Coal. for Open Democracy v. Scanlan*, Case No. 1:24-cv-
00312-SE-TSM (D.N.H Jun. 18, 2025), ECF Nos. 87, 87-1.

1 *Vote*, 682 F.3d at 339 (the NVRA grants access to registration records with voters’
2 “uniquely sensitive information” redacted); *Pub. Int. Legal Found., Inc. v. N.C.*
3 *State Bd. of Elections*, 996 F.3d 257, 267 (4th Cir. 2021) (same). The League
4 intends to protect its members’ privacy interests by preventing disclosures that are
5 *not* required by any law. *See* Hutchison Decl. ¶¶ 21-23. This includes preventing
6 members’ data from disclosures which would conflict with legislation the League
7 has supported, and its members rely upon, such as California’s Motor Voter Law.
8 *Id.* ¶¶ 19, 22; *see also*, Cal. Elec. Code §§ 2265(b)(4)(c), (f) (Motor Voter Law data
9 use and sharing limits). Protecting members’ sensitive or confidential data from
10 disclosure where the lawfulness of disclosure is the central issue of the case is
11 precisely the type of interest that is sufficient to establish a right to intervene. *See*
12 *Kalbers*, 22 F.4th at 827 (“there is a direct, antagonistic relationship between
13 [proposed intervenor]’s interest in confidentiality and [plaintiff’s] interest in
14 obtaining the documents at issue”).

15 Indeed, courts have consistently recognized the mere “disclosure of private
16 information” as an injury “traditionally recognized as providing a basis for lawsuits
17 in American courts.” *TransUnion LLC v. Ramirez*, 594 U.S. 413, 425 (2021).
18 Moreover, the League’s members have legitimate concerns about their sensitive
19 personal information being handed over by California to the federal government.
20 *See* Hutchison Decl. ¶¶ 7, 22-23. The Department of Justice (“DOJ”) recently
21 targeted political opponents,³ and the prospective voter data misuse has been
22 publicly reported.⁴ This public targeting of political opponents and unexplained
23 collection of sensitive data creates fear and distrust and threatens voter engagement.

25 ³ Alan Feur & Lily Boyce, *How Trump Is Using the Justice Department to Target*
26 *His Enemies*, N.Y. Times (Oct. 17, 2025), <https://bit.ly/43acHPi>.

27 ⁴ Devlin Barret & Nick Corasantini, *Trump Administration Quietly Seeks to Build*
28 *a National Voter Roll*, N.Y. Times (Sept. 9, 2025), <https://bit.ly/4qCzHAs>; *see also* Kaylie Martinez-Ochoa, et al., *Tracker of Justice Department Requests for*
Voter Information, Brennan Center (Oct. 28, 2025), <https://bit.ly/3Lk4h1J>.

1 *See id.* ¶ 23. The League’s intervention protects against this, allowing it to take
2 legal positions that will safeguard its members’ sensitive data and advocate for
3 transparency in the process to enhance voter engagement. *See id.* ¶¶ 21-23.

4 Plaintiff’s next argument is even less credible. Plaintiff points to a consent
5 judgment and order in a recent North Carolina district court case and claims that it
6 shows a proposed intervenor’s privacy interests were “objectively proved to be
7 unfounded.” Opp’n at 19. **The cited order shows no such thing.** Instead, it reflects
8 only that a state defendant settled a lawsuit with the DOJ and agreed to provide
9 sensitive voter data and comply with various sections of HAVA, and the motions
10 to intervene were moot because the case was resolved. Dkt. 27-1. Plaintiff
11 acknowledges in a footnote that the proposed intervenors in that case are seeking
12 reconsideration. Opp’n at 19. Arguing that this order “proved” anything at issue,
13 or that it somehow undermines the League’s motion to intervene (which is
14 obviously not moot), is absurd.

15 Plaintiff’s tenuous promise that it will protect voter information consistent
16 with the Privacy Act, the CRA, and other federal law (glaringly omitting state law),
17 Opp’n at 19, is unconvincing and conflicts with the demands it has made in its
18 Complaint. Finally, Plaintiff relies on nonbinding cases to argue that the League’s
19 injury is speculative. Opp’n at 19-20. Those cases are easily distinguishable, as the
20 League’s interest in preventing unlawful disclosure of its members’ sensitive data
21 goes to the very heart of the transaction that is the subject of the proceeding; in the
22 cases cited by Plaintiff, the interests were merely tangential.

23 **iii. The League’s Interests are Distinct and Particularized**

24 The League has identified specific interests in this case. LWV MTI at p. 9-
25 12 (describing interests); Hutchison Decl. ¶¶ 21-25 (same).

26 The League’s interests are plainly distinguishable from the generalized
27 interests shared by every voter in California. In fact, the League itself is not a voter
28 and that alone distinguishes this matter from *League of Women Voters v. Virginia*

1 *State Bd. of Elections*, 458 F. Supp. 3d 460 (W.D. Va. 2020) and its collected cases.
2 Those cases involved generalized interests by individual voters that are materially
3 different from the League’s interests. *Id.* at 464. The League’s core mission—its
4 reason for existing—is implicated in this lawsuit. Further, as a practical matter, if
5 the DOJ is successful in this lawsuit, the League will be forced to divert its limited
6 resources to revise its voter guidance materials, retrain volunteers, and forfeit
7 legislative advocacy that it has supported. Hutchison Decl. ¶¶ 24-25. For all these
8 reasons, the League has protectable interests in this action.

9 **B. The League’s Interests Will be Impaired if the Plaintiff Prevails**

10 Gutting a policy the League fought to establish and expand, exposing the
11 League’s thousands of members to the risk of unwarranted disclosure of sensitive
12 data, and forcing the League to revise its voluminous training materials and upend
13 its voter engagement strategies are all direct and foreseeable results if Plaintiff
14 prevails. This would obviously impair the League’s interests. *E.g.*, *Wilderness*
15 *Soc’y*, 630 F.3d at 1179. Plaintiff’s recycled argument that there can be no harm
16 because there is no interest, Opp’n at 22, falls flat. Further, the League lacks any
17 other forum in which to protect its interests. *See Lockyer*, 450 F.3d at 443 (granting
18 intervention where the proposed intervenors had no enforceable rights under the
19 challenged measure, so they had no alternative forum to protect their interests). The
20 law is clear that where “an absentee would be substantially affected in a practical
21 sense by the determination made in an action,” as is the case here, “he should, as a
22 general rule, be entitled to intervene” *Citizens for Balanced Use v. Mont.*
23 *Wilderness Ass’n*, 647 F.3d 893, 898 (9th Cir. 2011) (citing Fed. R. Civ. P. 24
24 advisory committee’s note).

25 **C. The League’s Interests are Not Adequately Represented**

26 The League cannot rely on the existing parties to adequately represent its
27 interests. *See LWV MTI*. at 12-14. The League’s objectives are broader than
28 Defendant Weber’s, as it seeks to enhance protection of sensitive voter data,

1 advance its advocacy goals, and effectively encourage and educate voters.
2 Hutchison Decl. ¶¶ 21-25. Without intervention, the League will have no way to
3 ensure these objectives are pursued. As was illustrated by the North Carolina
4 settlement cited by Plaintiff, Dkt. 27-1, a state defendant like Defendant Weber
5 might take positions diametrically opposed to League’s interests simply to avoid
6 “protracted and costly litigation.”

7 After *Berger*, the Ninth Circuit reconsidered the “same ultimate objective”
8 test and shifted to finding adequate representation only where intervenor’s “interest
9 is *identical* to that of an existing party.” See *Callahan v. Brookdale Senior Living*
10 *Cmtys., Inc.*, 42 F.4th 1013, 1021 n.5 (9th Cir. 2022) (emphasis added). While the
11 Circuit has not yet provided guidance on whether *Berger* abrogates the presumption
12 of adequate representation by government parties, any presumption here is
13 overcome because the League’s ultimate objectives are broader than Defendant
14 Weber’s. See *Citizens for Balanced Use*, 647 F.3d at 899 (where intervenor sought
15 “to secure the broadest possible restrictions on recreational uses” of a wilderness
16 area and [defendant government agency] simply sought to comply with its statutory
17 mandate, the parties’ “differing points of view . . . on the litigation as a whole”
18 defeated any presumption).

19 Further, the League also has strong interest in government transparency,
20 while Defendant Weber has taken the position that voter data need only be provided
21 in-person at her office during business hours. Compare Hutchison Decl. ¶ 21 with
22 Compl. ¶ 37. Courts have held that such differing constructions of law between
23 intervenors and government entities are a compelling showing that representation
24 is inadequate. See, e.g., *Lockyer*, 450 F.3d at 444 (finding that the government’s
25 construction of a law, conflicting with the proposed intervenor’s, helped overcome
26 presumption of government’s adequacy). Because it is likely that Defendant Weber
27 will take legal positions the League finds undesirable, see Hutchison Decl. ¶ 21,
28 cases cited by Plaintiff, Opp’n at 23, are distinguishable, see *Mussi v. Fontes*, No.

1 CV-24-01310-PHX-DWL, 2024 WL 3396109 at *3 (D. Ariz. July 12, 2024)
2 (proposed intervenors failed to demonstrate the state defendants would “stake out
3 an undesirable legal position”) (citation omitted); *Oakland Bulk & Oversized*
4 *Terminal, LLC v. City of Oakland*, 960 F.3d 603, 620 (9th Cir. 2020) (same).
5 Additionally, Defendant Weber’s decision not to oppose intervention supports the
6 finding of inadequate representation. *Boot Barn, Inc. v. Bonta*, No. 2:22-cv-02105-
7 KJM-CKD, 2023 WL 5155878, at *3 (E.D. Cal. Aug. 10, 2023) (holding
8 intervenors would not be adequately represented by state defendants that elected
9 not to oppose intervention). The League, a pro-voter advocacy organization, cannot
10 be adequately represented by Defendant Weber. *See Issa*, 2020 WL 3074351, at *3
11 (in case against Secretary of State, granting intervention where intervenors sought
12 to ensure “the voters they represent have the opportunity to vote” and “allocating
13 their limited resources to inform voters about the election”).

14 **II. Alternatively, the League Should be Granted Permissive Intervention**
15 **Under Rule 24(b).**

16 The League also meets each of the three necessary elements for permissive
17 intervention: its motion is timely, it does not assert any new claims, and it shares
18 common questions of law and fact with the main action. LWV MTI at 14-17.

19 The League has stated specific interests and perspectives that will add value
20 to this litigation. *See* LWV MTI at 10-12. The League’s involvement in this
21 litigation will add critical nuance to interpreting relevant laws as well as bringing
22 the important perspective of a large, non-partisan pro-voter advocacy organization
23 with deep expertise. Such a “unique perspective and expertise” weighs in favor of
24 allowing permissive intervention. *See Washington v. U.S. Dep’t of Trans.*, No.
25 2:25-cv-00848-TL, 2025 WL 3023041, at *13 (W.D. Wash. Oct. 29, 2025)
26 (granting permissive intervention to nonprofit organization with hundreds of
27 thousands of members and a long history of relevant advocacy); *Republican Nat’l*
28

1 *Comm. v. Aguilar*, No. 2:24-cv-00518-CDS-MDC, 2024 WL 3409860, at *1, *3
2 (D. Nev. July 12, 2024) (finding intervenor’s participation would contribute to the
3 just and equitable resolution of challenge to a state’s NVRA compliance).

4 The League’s intervention will not unduly delay or prejudice the
5 adjudication of the original parties’ rights. The League will be bound by the same
6 deadlines and briefing schedules as the original parties and will work cooperatively
7 with Defendant Weber and any other intervenors to avoid any unnecessary
8 duplication of briefing. *Protect Lake Pleasant, LLC v. Johnson*, No. CIV 07–454
9 PHX RCB, 2007 WL 1108916, at *5 (D. Ariz. Apr. 13, 2007) (granting permissive
10 intervention where intervenor agreed to be bound by the same deadlines and
11 briefing schedules as the original parties). The fact that Defendant Weber does not
12 oppose the League’s Motion is additional evidence that cooperation is anticipated.
13 There is nothing in the record that would suggest that the League’s intervention
14 will cause any delay or prejudice either of the original parties.

15 Finally, the League will be without sufficient recourse if intervention is
16 denied here. Without intervention, the League cannot ensure that Defendant Weber
17 would be willing to consult with the League about how to proceed in this litigation.
18 This would result in the League’s interests, and the interests of its thousands of
19 members, to be powerless in pushing for the legal positions and perspectives that
20 are crucial to protecting the League’s interests. Serving as an amici curae simply
21 would not suffice to defend the League’s critical interests at stake in this litigation.

22 **CONCLUSION**

23 For the foregoing reasons, Proposed Intervenor the League of Women Voters
24 of California respectfully requests the Court GRANT its Motion to Intervene, Dkt.
25 24, pursuant to Rule 24(a)(2), or, in the alternative, pursuant to Rule 24(b).

1 Dated: November 3, 2025

Respectfully submitted,

2 /s/ Grayce Zelphin
3 Grayce Zelphin

4 Counsel for Proposed Intervenor-
5 Defendant

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