UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

LEAGUE OF WOMEN VOTERS OF FLORIDA, INC., et al., Plaintiffs, v. LAUREL M. LEE, in her official capacity as Florida Secretary of State, et al., Defendants.	Case No. 4:21-cv-186-MW-MJF

PLAINTIFFS' RESPONSE IN OPPOSITION TO REPUBLICAN COMMITTEES' MOTION TO INTERVENE AS DEFENDANTS

I. INTRODUCTION

There are 69 Defendants in this action challenging Florida's S.B. 90 ("Voter Suppression Law"). Two more will add nothing except more papers for this Court's review, more discovery for the parties, more motions to respond to, and more time spent in trial, in hearings, and in conferences rehashing points other Defendants have already made. The Republican National Committee and the National Republican Senatorial Committee ("Republicans") seek to protect generic interests in maintaining election administration that are already well-represented in this case by dozens of other Defendants. Their intervention will lead to delays and prejudice the existing parties while bringing nothing of substance to this litigation. They fail to

identify any particular interest in this litigation beyond a generalized wish to weigh in on election rules and an economic desire to save resources. They also fail to show how any of the generic interests they *do* identify would be impaired if Plaintiffs prevail. And, critically, they fail to demonstrate that the existing 69 Defendants are inadequate defenders of the Republicans' claimed interest of "demanding adherence" to the Voter Suppression Law, as is required to establish intervention as of right under Federal Rule of Civil Procedure 24(a)(2). Mem. of Law ISO Republicans' Mot. to Intervene ("Republicans' Br."), ECF No. 26 at 8 (cleaned up).

This Court's decision in *League of Women Voters of Florida v. Detzner*, 283 F.R.D. 687 (N.D. Fla. 2012), supports denial of the Republicans' motion to intervene in this case. There, in a case involving one of same plaintiffs as here, would-be intervenors sought permissive intervention in a challenge to Florida laws regulating voter-registration drives. This Court denied their motion, in part, because the intervenors sought "to advocate for a statute and rule they had no right to have enacted in the first place, and they seek to do so based only on what they say—without record support—will be the secondary effects of not upholding the statute and rule." *Id*. at 689. So too here. The Republicans provide no record support to overcome the presumption of adequate representation. And they express only vague concern over what they claim will be the secondary effects (i.e. hypothetical voter

confusion and decreased confidence in the electoral process), Republicans' Br., ECF No. 26 at 8, of not upholding the Voter Suppression Law.

The existing Defendants are dozens of state and county officers charged with defending Florida's election laws. They have consistently zealously discharged that duty in several prior cases. There is no reason to believe that the Republicans would bring anything further to the litigation, other than to multiply these proceedings, needlessly burdening the Plaintiffs and this Court. The public, too, will suffer, as more parties will almost certainly translate into more disputes in the course of the litigation, which could easily result in a more extended decision timeline, in turn risking that Floridians remain subject to suppressive voting legislation by default. For these reasons, the Republicans' motion should be denied. If they wish to participate, an amicus brief is the appropriate vehicle to offer their perspectives.

II. BACKGROUND

Plaintiffs are nonpartisan organizations and individual voters challenging provisions of Florida's omnibus Voter Suppression Law that individually and collectively burden the right to vote and discriminate against Florida voters, including among Plaintiffs' members and individual Plaintiffs. Specifically, Plaintiffs are challenging the Law's (1) severe restrictions on vote-by-mail drop boxes; (2) almost-total ban on allowing volunteers to help voters return their vote-by-mail ballots; (3) unnecessary requirement that voters more frequently re-request

vote-by-mail ballots; (4) impermissibly vague apparent prohibition, with criminal penalties, threatening anyone except election workers from giving food or drink, including water, to voters waiting in line to vote; and (5) mandate on voter-registration organizations that will require them to recite a misleading and false "warning" that will discourage Floridians from registering to vote through third-party voter-registration drives, such as those regularly conducted by the League of Women Voters.

Minutes after Governor Ron DeSantis signed the Voter Suppression Law in a ceremony that was closed to all press except *Fox and Friends*, Plaintiffs filed this lawsuit against the Secretary of State, the Attorney General, and all Supervisors of Elections.[1] Plaintiffs allege that the provisions they are challenging, individually and collectively burden the right to vote in violation of the First and Fourteenth Amendments to the U.S. Constitution. Plaintiffs allege that the provisions they are challenging individually and collectively burden the right to vote in violation of the First and Fourteenth Amendments to the U.S. Constitution. Plaintiffs also raise First Amendment claims based on the Voter Suppression Law's infringement on free speech and associational rights, as well as compulsion of misleading speech imposed

[1] Two additional lawsuits have also been filed that challenge the Law. *See Fla. State Conf. of the NAACP v. Lee*, 4:21-cv-187-MW-MAF (N.D. Fla. 2021); *Florida Rising Together v. Lee*, 4:21-cv-201-AW-MAF (N.D. Fla. 2021).

on voter-registration organizations. Two weeks after Plaintiffs filed their complaint, the Republicans filed their motion to intervene with the stated goal of preventing Plaintiffs from "upending Florida's duly enacted rules," *id.* at 2—a goal that is necessarily shared by each of the several dozen original Defendants to the litigation, who themselves have statutory duties to uphold the law. The Republicans' motion should be denied.

III. LEGAL STANDARD

A non-party seeking to intervene as of right must satisfy four required elements: (1) their application must be timely; (2) they must have an "interest relating to the property or transaction which is the subject of the action"; (3) they must be "so situated that disposition of the action, as a practical matter, may impede or impair [their] ability to protect that interest"; and (4) their interests must be "represented inadequately by the existing parties to the suit." *Stone v. First Union Corp.*, 371 F.3d 1305, 1308–09 (11th Cir. 2004) (quoting *Worlds v. Dep't of Health & Rehab. Servs.*, 929 F.2d 591, 593 (11th Cir. 1991)); *see also Chiles v. Thornburgh*, 865 F.2d 1197, 1213 (11th Cir. 1989); *United States v. City of Miami*, 278 F.3d 1174, 1178 (11th Cir. 2002). Failing to establish even one of the necessary requirements necessitates a denial of the motion to intervene as of right.

While courts have discretion to grant or deny motions for permissive intervention, "[i]n exercising its discretion, the court must consider whether the

intervention will unduly delay or prejudice the adjudication of the original parties' rights." Fed. R. Civ. P. 24(b)(1), (3). Even if a movant's intervention is timely and shares a claim or defense in common with the main action, requirements under Rule 24(b)(2), the Court nonetheless "has the discretion to deny intervention," *Chiles*, 865 F.2d at 1213, and may consider "almost any factor rationally relevant," *Bake House SB, LLC v. City of Miami Beach*, No. 17-20217-CV-LENARD/GOODMAN, 2017 WL 2645760, at *6 (S.D. Fla. June 20, 2017) (citation omitted). These factors include "'the nature and extent of the intervenors' interest' and 'whether the intervenors' interests are adequately represented by other parties.'" *Perry v. Proposition 8 Off. Proponents*, 587 F.3d 947, 955 (9th Cir. 2009) (citation omitted). The movant "must demonstrate an actual claim or defense—more than a general interest in the subject matter of the litigation—before permissive intervention is allowed." *First Nat'l Bank of Tenn. v. Pinnacle Props. V, LLC*, NO. 1:11-CV-2087-ODE, 2011 WL 13221046, at *3 (N.D. Ga. Nov. 1, 2011).

IV. ARGUMENT

A. The Republicans are not entitled to intervene as of right.

The Republicans' motion fails to satisfy three of the four required elements for intervention as of right: they have not identified any legally-protectable interests warranting intervention; the generic interests they actually advance will not be impeded or impaired if Plaintiffs prevail; and, in any event, their asserted interests

are adequately represented by existing Defendants who will also "argue that the law is valid." Republicans' Br., ECF 26 at 14. For each of these reasons, this Court should deny the Republicans' motion to intervene as of right.

1. The Republicans articulate only vague and generic interests that do not entitle them to intervention.

The Republicans advance a haphazard list of generic interests, none of which automatically entitle them to intervention as of right. This is because a right to intervene is "obviously meant" to encompass only "significantly protectable interest[s]," *Donaldson v. United States*, 400 U.S. 517, 531 (1971), which the Eleventh Circuit has recognized must be "direct, substantial, [and] legally protectable." *Huff v. Comm'r of IRS*, 743 F.3d 790, 796 (11th Cir. 2014) (quotation omitted). "What is required is that the interest be one which the *substantive* law recognizes as belonging to or being owned by the applicant." *United States v. S. Fla. Water Mgmt. Dist.*, 922 F.2d 704, 710 (11th Cir. 1991).

The most frequently stated interest that the Republicans articulate is a desire to "protect[] their resources." Republicans' Br. ECF No. 26 at 2. They claim they should be allowed to intervene as of right because they want "Republican resources to be spent wisely" and not "wasted" on unspecified "diversions." *Id*. at 5. But the Republicans' stated interests are precisely the sort of economic interests that the Eleventh Circuit has made "plain" is insufficient for intervention as a matter of right, *Georgia v. U.S. Army Corps of Eng'rs*, 302 F.3d 1242, 1251 (11th Cir. 2002)

(recognizing that intervention as of right requires "something more than an economic interest"). Accordingly, the Republicans' arguments about their resource limitations are "insufficient to establish [they] ha[ve] a legally protectable interest that would justify intervention." *Id*.

The Republicans' other asserted interests are similarly unavailing. Their desire for "fair and orderly" elections and their hopes of preventing an order that "could undermine the integrity of Florida's elections" fall far short of the direct and substantial interests required to intervene as of right. Republicans' Br., ECF No. 26 at 2, 5. Their concerns are generalized interests shared by *all* Floridians, especially the Secretary of State, the Attorney General, and all 67 Supervisors of Elections who are already defending the Voter Suppression Law—as well as the Plaintiffs who brought this case and the other related cases challenging the Voter Suppression Law. Asserting interests shared by all citizens is insufficient to establish intervention as of right. *Athens Lumber Co., Inc. v. Fed. Election Comm'n*, 690 F.2d 1364, 1366 (11th Cir. 1982) (finding movant asserting interests "shared with . . . all citizens" is "so generalized it will not support a claim for intervention of right").

That the Republicans' candidates will "actively seek election or reelection in contests governed by the challenged rules" and the Republicans want their "voters to vote" is likewise unpersuasive. Republicans' Br., ECF No. 26 at 5, 7. Under this theory of intervention, *any* organization or even *any* person in Florida with *any*

interest in participating in the democratic process would be entitled to intervene as of right in any lawsuit so long as the case involves an election law. This limitless interpretation of interests requiring intervention would render Rule 24(a)'s requirements meaningless. In short, Republicans do not identify any direct, substantial, and legally protectable interests that are sufficient to support intervention as of right. For this reason alone, their motion to intervene as of right should be denied.

2. The Republicans' generic interests will not be impeded or impaired absent intervention.

Even as the Republicans assert only the most generic interests in maintaining a functioning election administration, which are insufficient to support intervention as of right, they fail to convey how a ruling in Plaintiffs' favor will impede even those generalized interests. Instead, the Republicans advance three speculative theories of impairment: they claim that they will "suffer" because an adverse decision will "undercut democratically enacted laws;" that an adverse ruling will "change the structure of the competitive environment" for Republican candidates; and that they will have to spend resources educating their voters on any changes to Florida election law resulting from this suit. Republicans' Br., ECF No. 26 at 8–10 (cleaned up).

These supposed impairments are far too generalized and speculative to demonstrate "*practical* impairment" entitling the Republicans to intervene. *Stone*,

371 F.3d at 1310 (emphasis added); *see also United States v. City of Jackson*, 519 F.2d 1147, 1153 (5th Cir. 1975) (explaining how the interests that "must be impaired or impeded" must be "the substantive one" proposed intervenors assert); *Johnson v. Mortham*, 915 F. Supp. 1529, 1538 (N.D. Fla. 1995) (denying intervention when movants had "no more than a generalized interest" in the case and the alleged impairment of their interest was "no more than speculative").

Plaintiffs are challenging newly-enacted voting restrictions that individually and cumulatively inflict burdens on voters. The Republicans do not explain how enjoining these new, burdensome, and discriminatory laws will "confuse voters" or "undermine confidence in the electoral process." Republicans' Br., ECF No. 26 at 8. If anything, it is the Voter Suppression Law and its introduction of novel hurdles to voting—which, for reasons they have not adequately explained, the Republicans seek to defend and demand adherence to—that create confusion for Floridians. In short, the Republicans' generalized speculation is not enough to show a "practical disadvantage which warrants intervention of right." *Chiles*, 865 F.2d at 1214. This by itself is sufficient grounds to deny the motion to intervene as of right.

3. The 69 existing Defendants more than adequately represent the Republicans' interests.

Adequate representation by existing defendants is presumed when they and the proposed intervenors share the same goals. *Stone*, 371 F.3d at 1311 (citing *Clark v. Putnam County*, 168 F.3d 458, 461 (11th Cir. 1999)). To overcome the

presumption, the Republicans must "present some evidence to the contrary." *Id*.; *see also Clark*, 168 F.3d at 461. Even if they do, a court will then "return[] to the general rule that adequate representation exists '[1] if no collusion is shown between the representative and an opposing party, [2] if the representative does not have or represent an interest adverse to the proposed intervener, and [3] if the representative does not fail in fulfillment of his duty.'" *Stone*, 371 F.3d at 1311 (quoting *Clark*, 168 F.3d at 461).

That the existing Defendants share the exact same goal as the Republicans—to defend or "demand adherence" to the Voter Suppression Law—is yet another reason to deny their motion to intervene. The Eleventh Circuit presumes that a proposed intervenor's interest is adequately represented when, as here, "an existing party pursues the same ultimate objective as the party seeking intervention." *Fed. Sav. & Loan Ins. Corp. v. Falls Chase Special Taxing Dist.*, 983 F.2d 211, 215 (11th Cir. 1993). And when the existing parties are government entities, the Eleventh Circuit presumes "that the government entity adequately represents the public, and . . . require[s] the party seeking to intervene to make a strong showing of inadequate representation." *Burke v. Ocwen Fin. Corp.*, 833 F. App'x 288, 293 (11th Cir. 2020) (quotation and citation omitted); *see also Stuart v. Huff*, 706 F.3d 345, 351 (4th Cir. 2013) ("[W]hen a statute comes under attack, it is difficult to conceive of an entity better situated to defend it than the government.").

The Republicans make anything but the necessary "strong showing." *Burke*, 833 F. App'x at 293. By their own admission, they admit to sharing the exact same goals as the existing Defendants. They seek to prevent "Plaintiffs' attempt to upend Florida's duly enacted rules" and have an interest in "demanding adherence" to the Voter Suppression Law. Republicans' Br., ECF No. 26 at 2, 7. And they intend to argue that the Law is "valid." *Id.* at 10. But defending enacted laws as "valid" is precisely what Defendants are required to do under the Florida Constitution and Florida statutes. State officers are sworn to "defend the . . . Government of . . . the State of Florida." Fla. Const. art. II § 5(b). The Secretary has a statutory duty to "[o]btain and maintain uniformity in the interpretation and implementation of the election laws." Fla. Stat. § 97.012(1). And the Attorney General has a statutory duty to "investigate and prosecute . . . any crime involving voter registration, voting, or candidate or issue petition activities." Fla. Stat. § 16.56(1)(a), (12). She has given no indication that she will not zealously defend any of the challenged provisions. The Republicans' desire to "demand adherence" to the Voter Suppression Law is unnecessary when Defendants already must do this in the exercise of their duties.

To the extent the Republicans have any other vague interests in this action, they are insufficient to overcome the presumption of adequate representation that 69 Defendants already provide. *Stone*, 371 F.3d at 1311. For instance, the Republicans cite *Purcell v. Gonzalez*, 549 U.S. 1 (2006), contending it stands for their supposed

interest in preventing "confus[ing] voters and undermin[ing] confidence in the electoral process." Republicans' Br., ECF No. 26, at 8. But, again, these are interests that existing Defendants are adequately representing. After all, *Purcell* itself was an appeal from government officials seeking relief from a change to an election law before Election Day. 549 U.S. at 2. It is almost certain that the existing Defendants who actually oversee Florida's election administration infrastructure will assert this interest, as they have in past cases before this Court. *See, e.g.*, *Dream Defenders v. Lee*, 4:20-cv-00485-MW-MAF, ECF No. 24 at 9–10 (N.D. Fla. Oct. 7, 2020); *Democratic Exec. Comm. v. Detzner*, 4:18-cv-520-MW-MAF, ECF No. 22 at 18–19 (N.D. Fla. Nov. 10, 2018); *League of Women Voters of Fla. v. Detzner*, 4:18-cv-251-MW-CAS, ECF No. 43 at 27–28 (N.D. Fla. July 5, 2018).

Because "an existing party seeks the same objectives as the would-be interveners," the Republicans shoulder the "burden of coming forward with some evidence to the contrary." *Clark*, 168 F.3d at 461. They have not. Aside from a brief filled with admissions that the Republicans' objectives wholly overlap with those of the existing Defendants, they fail to provide *any* evidence to suggest that the Secretary of State, the Attorney General, or any of the 67 Supervisors of Elections will inadequately represent their interests or the interests of Republican voters.

Instead, the Republicans make blanket characterizations of the existing Defendants that only underscore the adequacy of the Defendants' representation. For

example, the Republicans explain that "Defendants necessarily represent the public interest," Republicans' Br., ECF No. 26 at 11, which necessarily includes the interests of Republican voters, while simultaneously asserting their own interests in "ensur[ing]" the existence of "fair and orderly elections," *id*. at 2, which is shared by every member of the public. At best, the Republicans seek to provide a forum to "air their views," *id*. at 10, but that is insufficient to overcome the presumption of adequate representation, which can be accomplished through an amicus brief. *See id*. at 10; *see also One Wis. Inst., Inc. v. Nichol*, 310 F.R.D. 394, 398–99 (W.D. Wis. 2015) (denying Republican officeholders and candidates intervention because they "ha[ve] the same goal" as the Government Accountability Board in defending the voter ID law) (citation omitted); *Am. Ass'n of People with Disabilities v. Herrera*, 257 F.R.D. 236, 258–59 (D.N.M. 2008) (denying Republican entities' motions to intervene in voting rights case because party "does not assert any protectable interest that the [Secretary of State] is not already adequately protecting").

The Republicans advance other arguments to show supposedly unique interests—for example, "protecting their resources and the rights of their candidates and voters," Republicans' Br., ECF No. 26 at 11—but these too have been rejected as inadequate to support intervention. *See, e.g., Common Cause R.I. v. Gorbea*, No. 1:20-cv-00318-MSM-LDA, 2020 WL 4365608, at *3 n.5 (D.R.I. July 30, 2020) (rejecting state Republican Party's rationale "to see that existing laws remained

enforced" because "[t]hat is the same interest the defendant agencies are statutorily required to protect")[2]; *Democracy N.C. v. N.C. State Bd. of Elections*, No. 20-CV457-WO-JLW, ECF No. 59 at 4 (M.D.N.C. June 30, 2020) (denying reconsideration motion after denying Republicans committees' intervention because their alleged interest in "preserv[ing] North Carolina's voting laws" is "being adequately represented" by government defendants); *Chambers v. North Carolina*, No. 20-CVS-500124 (N.C. Sup. Ct. Sept. 3, 2020) (order denying Republican committees' motion to intervene); *Mich. All. For Retired Ams. v. Benson*, 20-000108-MM (Mich. Court of Claims, July 14, 2020) (denying Republican entities intervention).

The Republicans have failed to put forth any evidence suggesting that the representation of the Secretary's able attorneys—and the dozens of other Defendants and their attorneys—will be inadequate. The existing parties are pursuing the "same ultimate objective" as the Republicans—defending the Voter Suppression Law. *Fed.*

[2] The Republicans point out that the denial of intervention in *Gorbea* was reversed on appeal, ECF No. 26 at 26, but this characterization only recounts part of that case's procedural history. There, the Republican National Committee and the Republican Party of Rhode Island, who had been denied intervention in the district court, sought a stay of a consent judgment and decree from the First Circuit. The court narrowly "reverse[d] the denial of the motion to intervene *for the purposes of appeal only*" and "otherwise refrain[ed] from deciding the full scope of intervention." *Common Cause R.I. v. Gorbea*, 970 F.3d 11, 14 (1st Cir. 2020) (emphasis added). The First Circuit ultimately denied their motion to stay and the consent decree went into effect. *Id*. at 17.

Sav. & Loan Ins. Corp., 983 F.3d at 215. Put simply, the Republicans have failed to overcome the presumption of adequate representation and they are not entitled to intervene as a matter of right. *Clark*, 168 F.3d at 461.

B. The Republicans' request for permissive intervention should be denied because intervention will unduly delay resolution of this case, which will prejudice Plaintiffs.

While this Court has the discretion to grant permissive intervention when the movant has a defense "that shares with the main action a common question of law or fact," Fed. R. Civ. P. 24(b)(1)(B), the Republicans' intervention in this case—which already has 69 Defendants—will inevitably duplicate the existing Defendants' arguments and delay adjudication of the original parties' rights. Even more, the Republicans fail to advance any interest that will assist this Court in efficiently resolving this case. Rule 24(b)(3) requires courts to consider whether intervention will "unduly delay or prejudice the adjudication of the original parties' rights" before granting permissive intervention, and here, the Republicans' motion makes clear that their participation in this case will only prolong and multiply litigation proceedings. *Id*. at 24(b)(3).

Courts have repeatedly denied permissive intervention when proposed intervenors offer little for a court's benefit aside from duplicative briefs, arguments, and testimony, as is the case here. *See, e.g.*, *Gumm v. Jacobs*, 812 F. App'x 944, 948 (11th Cir. 2020) (holding district court properly exercised discretion in denying

permissive intervention when movant was adequately represented by existing parties); *Perry*, 587 F.3d at 955 (same); *Wollschlaeger v. Farmer*, No. 11-22026-Civ-COOKE/TURNOFF, 2011 WL 13100241, at *3 (S.D. Fla. July 11, 2011) (denying permissive intervention because intervenors' inclusion would be "duplicative" and "unlikely to shed any new light on the constitutional issues in this case"); *Smith v. Cobb Cnty. Bd. of Elections & Registrations*, 314 F. Supp. 2d 1274, 1313 (N.D. Ga. 2002) (denying intervention motion when movants "failed to demonstrate that their interests are not being adequately represented" and failed to show any "compelling reason" for permissive intervention).

That the Republicans seek to intervene to defend the Voter Suppression Law when dozens of Defendants are already charged with this very duty weighs heavily against their request for permissive intervention. Time and again, courts have denied permissive intervention when would-be intervenors' interests are already represented by parties and who bring little to the litigation except a greater likelihood for delaying the adjudication of these critical election issues. *See, e.g.*, *Lacasa v. Townsley*, No. 12-22432-CIV-ZLOCH, 2012 WL 13069998, at *2 (S.D. Fla. July 6, 2012) (denying permissive intervention where proposed intervenor's interest "will be adequately represented by the existing Defendant" and permitting intervention "will only present a risk of delaying the adjudication of the case"); *League of Women Voters of Fla.*, 283 F.R.D. at 689 (denying permissive intervention where the

proposed intervenors sought only to defend "a statute and rule they had no right to have enacted in the first place" and "ha[d] no right to prevent others from conducting voter-registration drives" or "to make it harder for other qualified applicants to register to vote"); *Wollschlaeger*, 2011 WL 13100241, at *3.

Adding even more parties to this litigation will contribute nothing except "more issues to decide [and] more discovery requests." *South Carolina v. North Carolina*, 558 U.S. 256, 287 (2010) (Roberts, C.J., concurring in part and dissenting in part); *see also ManaSota-88, Inc. v. Tidwell*, 896 F.2d 1318, 1323 (11th Cir. 1990) (affirming denial of permissive intervention when intervention "would severely protract the litigation"). The Republicans do not bother to identify any unique perspectives they would bring to the case that are different from those Defendants will raise besides generic ones like defending "the integrity" of Florida's elections. Republicans' Br., ECF No. 26 at 5. Their only assertions, then, reveal simply "a general interest in the subject matter of the litigation"—not enough for permissive intervention. *Pinnacle Props. V, LLC*, 2011 13221046, at *3.

Nor do the Republicans have any interest in seeking expeditious resolution of the weighty issues before this Court; they will argue the Voter Suppression Law is "valid" despite its constitutional deficiencies and seek to maintain the status quo for as long as possible. Republicans' Br., ECF No. 26 at 14. As a result, it is entirely within this Court's discretion to avoid the inevitable delays that will flow from

intervention, as courts have done in the past and the Court should do here. *See, e.g.*, *Democracy N.C. v. N.C. State Bd. of Elections*, No. 20-CV457-WO-JLW, ECF No. 48 at 6 (M.D.N.C. June 24, 2020) (denying intervention of Republican Party entities and finding that "allowing [them] to intervene will result in undue prejudice on the parties and will result in 'accumulating . . . arguments without assisting the court.'" (quoting *Allen Calculators, Inc. v. Nat'l Cash Register Co.*, 322 U.S. 137, 141–42 (1944)); *Ansley v. Warren*, No. 1:16cv54, 2016 WL 3647979, at *3 (W.D.N.C. July 7, 2016) (denying timely intervention motions by Republican state legislators because "allowing the Movants to intervene . . . would needlessly prolong and complicate this litigation, including discovery, and delay the final resolution of this case"); *One Wis. Inst. Inc.*, 310 F.R.D. at 399 (denying permissive intervention to Republican officials and voters because "the nature of this case requires a higher-than-usual commitment to a swift resolution"); *Herrera*, 257 F.R.D. at 259 (denying timely intervention motions by Republican entities seeking to defend restrictive election law because "intervention is likely to lead to delays that could prejudice the Plaintiff's case and the Defendant" by increasing pleadings and discovery). Delays resulting from intervention are important factors for courts to consider, especially for time-sensitive voting rights cases. *See Georgia*, 302 F.3d at 1250 (recognizing permissive intervention is inappropriate when it "will not unduly prejudice or delay the adjudication of the rights of the original parties" (citing *Walker v. Jim Dandy*

Co., 747 F.2d 1360, 1365 (11th Cir. 1984)); *see also ManaSota-88, Inc.*, 896 F.2d at 1323 (affirming denial of permissive intervention when intervention "would severely protract the litigation").

The Republicans themselves do not deny the need for a swift resolution of this litigation, as they already assert an affirmative defense on *Purcell* grounds in their Proposed Answer, *see* ECF No. 27, essentially arguing that they think this case will *already* be decided too close in time to the next election even though Plaintiffs filed suit nine minutes after the voter suppression legislation was signed into law. Allowing the Republicans to intervene would only add to the delay, prejudicing the Plaintiffs at the outset of this litigation. For these reasons, this Court should deny the Republicans' request for permissive intervention.

V. CONCLUSION

For these reasons, the Republicans' motion to intervene as of right under Rule 24(a) should be denied. Plaintiffs also request that the Court exercise its discretion to deny permissive intervention under Rule 24(b).

LOCAL RULES CERTIFICATION

Undersigned counsel certifies that this motion contains 4,683 words, excluding the case style, conferral certification, and certificate of service.

CERTIFICATE OF SERVICE

I hereby certify that on June 3, 2021 I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to all counsel of record.

/s/ Frederick S. Wermuth
Frederick S. Wermuth
Florida Bar No. 0184111
Thomas A. Zehnder
Florida Bar No. 0063274
King, Blackwell, Zehnder & Wermuth, P.A.
P.O. Box 1631
Orlando, FL 32802-1631
Telephone: (407) 422-2472
Facsimile: (407) 648-0161
fwermuth@kbzwlaw.com
tzehnder@kbzwlaw.com

Marc E. Elias
Aria C. Branch*
Lalitha D. Madduri*
Christina A. Ford
Perkins Coie, LLP
700 Thirteenth Street, N.W., Suite 800
Washington, D.C. 20005-3960
Telephone: (202) 654-6200
Facsimile: (202) 654-9959
melias@perkinscoie.com
abranch@perkinscoie.com
lmadduri@perkinscoie.com
christinaford@perkinscoie.com

**Admitted pro hac vice*

Counsel for Plaintiffs