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13  
14 **FIRST JUDICIAL DISTRICT COURT**  
**IN AND FOR CARSON CITY, STATE OF NEVADA**

15  
16 REPUBLICAN NATIONAL COMMITTEE;  
NEVADA REPUBLICAN PARTY; DONALD  
17 J. TRUMP FOR PRESIDENT 2024, INC.;

Plaintiffs,

18  
19 v.

20 FRANCISCO AGUILAR, in his official capacity  
as Nevada Secretary of State; State of  
21 NEVADA; CARI-ANN BURGESS, in her  
official capacity as the Washoe County Registrar  
of Voters; JAN GALASSINI, in her official  
22 capacity as the Washoe County Clerk; LORENA  
PORTILLO, in her official capacity as the Clark  
23 County Registrar of Voters; LYNN MARIE  
GOYA, in her official capacity as the Clark  
24 County Clerk,

Defendants.

Case No.: 24 OC 00101 B  
Dept. No.: 1

**[PROPOSED] ORDER GRANTING  
MOTION TO INTERVENE**

1 This matter comes before the Court pursuant to the motion of Proposed Intervenor-  
2 Defendants Vet Voice Foundation (“Vet Voice”), and the Nevada Alliance for Retired Americans  
3 (“Alliance”) (collectively “Proposed Intervenor”) to intervene as defendants in this lawsuit under  
4 Nevada Rule of Civil Procedure 24, along with their Memorandum of Points and Authorities in  
5 support of the motion and the exhibits attached thereto.

6 Having considered the parties’ filings and the arguments of counsel, the Court rules as  
7 follows: Proposed Intervenor are entitled to intervene in this case as a matter of right under  
8 Nevada Rule of Civil Procedure 24(a)(2). In the alternative, the Court grants Proposed Intervenor  
9 permissive intervention pursuant to Rule 24(b).

#### 10 LEGAL AND PROCEDURAL BACKGROUND

11 Voting by mail is extremely popular in Nevada. In the most recent full federal election  
12 cycle, over half of Nevada voters cast mail ballots in both the primary and general elections.<sup>1</sup> In  
13 the recent February 6 primary election, nearly eighty percent of Nevada voters cast mail ballots.<sup>2</sup>

14 To return a mail ballot by mail, it must be “[m]ailed to the county clerk, and: (1)  
15 [p]ostmarked on or before the day of the election; and (2) [r]eceived by the clerk not later than 5  
16 p.m. on the fourth day following the election.” NRS 293.269921(1)(b). Nevada law also accounts,  
17 however, for the possibility that “the date of the postmark cannot be determined.” NRS  
18 293.269921(2). In such cases, “[i]f a mail ballot is received by mail not later than 5 p.m. on the  
19 third day following the election, . . . the mail ballot shall be deemed to have been postmarked on  
20 or before the day of the election.” *Id.*

21 The no-postmark-date provision is the focus of this case. Plaintiffs object to public  
22

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24  
25 <sup>1</sup> See *Voter Turnout*, Nev. Sec’y of State, <https://silverstateelection.nv.gov/vote-turnout/> (last  
26 accessed June 7, 2024) (showing 56.7% of primary voters cast mail ballots and 51.21% of general  
27 election voters in 2022).

28 <sup>2</sup> See *supra* n.2.

1 testimony by Deputy Secretary of State Mark Wlaschin more than a month ago on April 23, 2024,  
2 in which he explained that the no-postmark-date provision applies to ballots received by mail that  
3 lack any visible postmark, as well as those with a visible postmark but no legible date. Compl. ¶  
4 2. Plaintiffs seek a permanent injunction prohibiting election officials from counting ballots  
5 received after election day with no visible postmark at all. *Id.* at ¶¶ 62–78.

### 6 FINDINGS OF FACT<sup>3</sup>

7 Proposed Intervenor-Defendants Vet Voice and the Nevada Alliance for Retired  
8 Americans are non-profit, non-partisan organizations dedicated to supporting the voting rights of  
9 their members and constituents. Both groups have significant organizational and associational  
10 interests at stake in this litigation and they represent members and constituents who will be acutely  
11 harmed by Plaintiffs’ efforts to artificially narrow the no-postmark-date provision in this case.  
12 Both Vet Voice and the Nevada Alliance were recently granted intervention in a related federal-  
13 court challenge. *See Order, RNC v. Burgess*, No. 3:24-cv-00198-MMD-CLB (D. Nev. June 6,  
14 2024), ECF No. 70 (“*Burgess Order*”). And Vet Voice and the Alliance’s sister organization in  
15 Mississippi were also granted intervention in a similar challenge to Mississippi’s mail ballot  
16 receipt deadline that was also brought by the RNC and its state affiliate. *See Republican Nat’l*  
17 *Comm. v. Wetzel*, No. 1:24-cv-25-LG-RPM, 2024 WL 988383, at \*1 (S.D. Miss. Mar. 7, 2024)  
18 (noting Vet Voice and the Mississippi Alliance for Retired Americans were granted intervention  
19 on March 4, 2024).

20 **Vet Voice.** Vet Voice is a national non-profit, non-partisan organization dedicated to  
21 empowering veterans across the country to become civic leaders and policy advocates. *See*  
22 Declaration of Janessa Goldbeck ¶¶ 3, 5 (“*Goldbeck Decl.*”). It has over 1.5 million subscribers  
23

24 \_\_\_\_\_  
25  
26 <sup>3</sup> Any findings of fact which are more appropriately considered conclusions of law shall be treated  
27 as such, and any conclusions of law which are more appropriately considered findings of fact shall  
28 be treated as such.

1 who receive Vet Voice communications, including thousands here in Nevada. *Id.* ¶ 4. Beyond  
2 those who affirmatively subscribe to its communications, Vet Voice’s constituency broadly  
3 includes active servicemembers, including those deployed away from home, as well as military  
4 veterans, many of whom are older or have physical disabilities (oftentimes attributable to their  
5 time in service) that make voting in person difficult. *Id.* ¶¶ 8–9. Increasing voter turnout among  
6 military and veteran voters, as well as their families, is critical to Vet Voice’s mission. *Id.* ¶ 5. Vet  
7 Voice strongly believes that turning out the “veteran vote” benefits all Americans by engaging in  
8 the civic process people who have served their country, and aims to promote turnout among all  
9 veterans, regardless of their political beliefs. *Id.* ¶¶ 5–6, 13.

10 Military voters and veterans often face challenges in exercising their right to vote. For  
11 example, active-duty servicemembers and their families are oftentimes deployed away from home,  
12 making it physically impossible for them to appear in person at their local polling sites on election  
13 day. *Id.* ¶ 8. Such servicemembers are highly reliant on mail voting to exercise the franchise. *Id.*  
14 Vet Voice’s CEO, Janessa Goldbeck, has firsthand knowledge of these challenges. During her  
15 seven years in the U.S. Marine Corps, she personally had to rely on mail voting to cast her ballot  
16 on several occasions, including in 2012 when she was not able to leave officer training school at  
17 Marine Corps Base Quantico. *Id.* ¶¶ 7, 11. Veteran voters also often face obstacles voting in person,  
18 either due to age or disability. *Id.* ¶ 9.

19 Roughly three-quarters of America’s 1.4 million active servicemembers are eligible to vote  
20 by mail. *Id.* ¶ 8. Despite this right, active servicemembers vote at significantly lower rates than the  
21 national population. *Id.* ¶ 10. These voters depend heavily on mail ballot voting, *id.*, which they  
22 are permitted to use under Nevada law, *see* NRS 293.269911(1). As the Department of Justice has  
23 repeatedly noted, mail voting laws with extended receipt deadlines are particularly important to  
24 guard against the systemic disenfranchisement of military voters and their families due to obstacles  
25 such as long mail transit times. *See* U.S. Amicus Curiae Br. at 23–28, *Bost v. Ill. State Bd. of*  
26 *Elections*, No. 23-2644 (7th Cir. Dec. 6, 2023), ECF No. 21 (discussing challenges faced by  
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