

1 DAVID R. FOX (NV Bar No. 16536)
ROBERT GOLAN-VILELLA (*pro hac vice* forthcoming)
2 **ELIAS LAW GROUP LLP**
250 Massachusetts Ave NW, Suite 400
3 Washington, DC 20001
Tel: (202) 968-4490
4 dfox@elias.law
rgolanvilella@elias.law

5 BRADLEY S. SCHRAGER (NV Bar No. 10217)
6 DANIEL BRAVO (NV Bar No. 13078)
BRAVO SCHRAGER LLP
7 6675 South Tenaya Way, Suite 200
Las Vegas, NV 89113
8 (702) 996-1724
bradley@bravoschrager.com
9 daniel@bravoschrager.com

10 *Attorneys for Proposed Intervenor-*
Respondents Rise Action Fund, Institute for a
11 *Progressive Nevada, and Nevada Alliance for*
Retired Americans

12
13 **EIGHTH JUDICIAL DISTRICT COURT**
14 **IN AND FOR CLARK COUNTY, STATE OF NEVADA**

15
16 FREDERICK H. KRAUS, JOEY PALEOS,
PUBLIC INTEREST LEGAL FOUNDATION,

17 Petitioners,

18 v.

19 LORENA S. PORTILLO, in her official
20 capacity as Clark County Registrar of Voters,

21 Respondent.

Case No.: A-24-896151-W
Dept. No.: 16

Hearing Requested

**MOTION TO INTERVENE AS
RESPONDENTS**

22
23 Pursuant to Nevada Rule of Civil Procedure 24, Proposed Intervenor-Respondents Rise
24 Action Fund, the Institute for a Progressive Nevada, and the Nevada Alliance for Retired
25 Americans move to intervene as respondents in the above-titled action.

26 This Motion is based on the Memorandum of Points and Authorities below, the
27 declarations and exhibits attached hereto, all papers and pleadings on file, and any oral argument
28

1 this Court sees fit to allow at the hearing on this matter.

2 DATED this 3rd day of July, 2024.

3
4 By: */s/ Daniel Bravo*

5 BRADLEY S. SCHRAGER (NV Bar No. 10217)
6 DANIEL BRAVO (NV Bar No. 13078)
7 **BRAVO SCHRAGER LLP**
8 6675 South Tenaya Way, Suite 200
9 Las Vegas, NV 89113

10 DAVID R. FOX (NV Bar No. 16536)
11 ROBERT GOLAN-VILELLA *
12 (*pro hac vice* forthcoming)
13 **ELIAS LAW GROUP LLP**
14 250 Massachusetts Ave NW, Suite 400
15 Washington, DC 20001

16 *Attorneys for Proposed Intervenor-Respondents*
17 *Rise Action Fund, the Institute for a Progressive*
18 *Nevada, and the Nevada Alliance for Retired*
19 *Americans*

20 *Pro hac vice application forthcoming
21
22
23
24
25
26
27
28

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 Proposed Intervenor-Respondents Rise Action Fund, the Institute for a Progressive
3 Nevada, and the Nevada Alliance for Retired Americans (“Proposed Intervenors”) move to
4 intervene as respondents in this lawsuit under Nevada Rule of Civil Procedure 24.

5 Petitioners seek a court-ordered end run around the detailed statutory procedures and
6 safeguards governing third-party challenges to voters’ eligibility. *See* NRS 293.535, 293.547.
7 Under those procedures, challenges must be made under oath, based on personal knowledge, and
8 on particular grounds or during particular time periods. *See* NRS 293.535, 293.547. Petitioners do
9 not cite and have not complied with those procedures. Yet they ask the Court to compel
10 Respondent Portillo to investigate their unsworn, unsourced allegations that certain unnamed
11 voters are improperly registered at addresses that Petitioners say are not traditional residences.

12 If the Court grants such relief, Respondent Portillo—and other clerks and registrars across
13 the state—will be flooded with third-party demands to investigate all manner of alleged
14 peculiarities in the voter rolls, based on unsourced, unverified, and unsworn information. Two of
15 the Petitioners have already made a materially identical demand of the Washoe County Registrar
16 of Voters. *See* Petition, *Kraus v. Burgess*, No. CV24-01051 (Nev. 2d Jud. Dist. Ct. May 10, 2024)
17 (“Washoe Pet.”). And Petitioners are not the only ones making such demands. Nevada is in the
18 midst of a storm of baseless efforts by third parties to force election officials to undertake a rushed
19 purge of registered voters before the November election, from Petitioners to the newly founded
20 “Pigpen Project”¹ to a U.S. Senate candidate² to one of the major political parties.³

21 Such relief would severely harm Proposed Intervenors by threatening their members’ and
22 constituents’ voting rights and requiring Proposed Intervenors to expend substantial resources to
23

24 _____
25 ¹ *See* Pigpen Project, <https://pigpenproject.com/> (last accessed July 2, 2024).

26 ² *See* @DrJeffGunter, X.com (May 20, 2024, 5:22 PM),
<https://x.com/DrJeffGunter/status/1792667306851774590>.

27 ³ *See generally* *RNC v. Aguilar*, No. 2:24-cv-00518 (D. Nev. filed Mar. 18, 2024).
28

1 educate voters and protect them from baseless attacks on their eligibility. No existing party
2 adequately protects Proposed Intervenors' interests in this case. Proposed Intervenors are
3 accordingly entitled to intervene in this case as a matter of right under Rule 24(a)(2). In the
4 alternative, the Court should grant Proposed Intervenors permissive intervention pursuant to Rule
5 24(b).⁴

6 BACKGROUND

7 I. Statutory Background

8 An overlapping set of state and federal statutes govern the maintenance of the voter rolls
9 and changes or cancellations to voters' registrations. Petitioners' claim relies primarily on one such
10 statute, NRS 293.530(1), which provides that county clerks "may use any reliable and reasonable
11 means available to correct the portions of the statewide voter registration list which are relevant to
12 the county clerks and to determine whether a registered voter's current residence is other than that
13 indicated on the voter's application to register to vote." NRS 293.530(1)(a) (emphasis added). That
14 provision goes on to explain that county clerks "may, with the consent of the board of county
15 commissioners, make investigations of registration in the county by census, by house-to-house
16 canvass or by any other method." NRS 293.530(1)(b) (emphasis added). Nothing in NRS
17 293.530(1)(a) or (b) *requires* county clerks to do anything, or even *permits* them to make an
18 investigation without authorization from their respective county boards. And the remainder of NRS
19 293.530 prescribes detailed procedures that county clerks must follow before canceling the
20 registration of voters under the provision, providing for cancellation only after: (1) the clerk mails
21 a written notice to the voter, along with a return postcard that has a place for the voter to write any
22 new address; (2) the voter does not respond; (3) the voter's registration information is not
23 otherwise updated by an automatic voter registration agency; and (4) the voter does not appear to

25
26 ⁴ If Proposed Intervenors' motion is granted, Proposed Intervenors intend to file a motion
27 to dismiss the Petition under Rule 12(b) for failure to state a claim and lack of subject matter
28 jurisdiction. Because Rule 24(c) requires putative intervenors to attach a proposed pleading to their
motion, however, Proposed Intervenors attach a proposed answer hereto as **Exhibit 1**.

1 vote in two successive general elections following the date of the notice. NRS 293.530(1)(c).

2 NRS 293.530(1) makes no mention of the involvement of any nongovernmental third
3 parties in this process. That is because two other Nevada statutes that Petitioners do not cite—NRS
4 293.535 and NRS 293.547—expressly govern third party challenges to voters’ registration. Under
5 NRS 293.535, “any elector or other reliable person” may file an affidavit with the county clerk,
6 which must be based on personal knowledge, stating that a voter is not a citizen or has moved
7 outside the county where he or she is registered to vote and established residence elsewhere. NRS
8 293.535(1). If the challenge is based on residence, the clerk must notify the registrant “in the
9 manner set forth in NRS 293.530,” and the same timeline and procedures apply for canceling the
10 registration based on lack of response. NRS 293.535(2). Similarly, NRS 293.547 allows a
11 registered voter to file a written challenge to another voter’s registration between 25 and 30 days
12 before an election. NRS 293.547(1). The challenger must be registered to vote in the same precinct
13 as the person challenged; the challenge must be based on personal knowledge; it must be signed
14 and verified; and it must target a single individual. NRS 293.547(2)–(4). The county clerk must
15 notify both the voter being challenged and the district attorney. NRS 293.547(5). If the person fails
16 to respond or appear to vote, the county clerk shall cancel the registration. NRS 293.547(5)(b).

17 Petitioners also rely on a different statute: NRS 293.675. That statute provides that “[t]he
18 Secretary of State shall establish and maintain a centralized, top-down database that collects and
19 stores information related to the preregistration of persons and the registration of electors.” NRS
20 293.675(1). It further states that the Secretary “shall use the voter registration information collected
21 in the database . . . to create the official statewide voter registration list, which may be maintained
22 on the Internet, in consultation with each county and city clerk,” and that this list must, in relevant
23 part, be “regularly maintained to ensure the integrity of the registration process and the election
24 process.” NRS 293.675(2), 3(i). NRS 293.675 goes on to specifically explain how the list is to be
25 maintained: via agreements with the Department of Motor Vehicles, the Social Security
26 Administration, and the State Registrar of Vital Statistics to allow verification of information on
27 voter registration applications. NRS 293.675(5)–(6), (8). The only duties NRS 293.675 imposes
28

1 on county and city clerks and registrars are to enter voter registration information into the database
2 when received, to provide the Secretary of State with any voter registration information he
3 reasonably requests, and, for county clerks, to “use the database . . . to collect and maintain all
4 records of preregistration and registration to vote.” NRS 293.675(1), (4). It imposes no further
5 requirements on how county clerks are to use the database, nor does it require the Secretary of
6 State or county clerks to accept or investigate any information from non-governmental third parties
7 like Petitioners. *See* NRS 293.675.

8 A state’s ability to make changes to its voter rolls is further circumscribed by the federal
9 National Voter Registration Act of 1993 (“NVRA”). The NVRA imposes strict restrictions on
10 whether, when, and how a state may remove a voter from its registration rolls. *See* 52 U.S.C. §
11 20507(a)(3)–(4), (b)–(d). For instance, in most situations, a registrant may be removed from the
12 rolls by reason of change of residence only after failing to respond to a notice and failing to appear
13 to vote for two general elections following that notice. *Id.* § 20507(d)(1). In addition, a state must
14 complete “any program the purpose of which is to systematically remove the names of ineligible
15 voters from the official lists of eligible voters” no “later than 90 days prior to the date of a primary
16 or general election for Federal office.” *Id.* § 20507(c)(2)(A).

17 **II. Recent Attempts by Nongovernmental Parties to Remove Nevada Voters from the** 18 **Rolls**

19 Election officials in this state are currently beset by unjustified, baseless efforts to impugn
20 the accuracy of Nevada’s voter rolls and force a rushed purge of voters before the 2024 general
21 election. Petitioners’ letter and lawsuit is one example, but it is not the only one. Indeed, Petitioners
22 Kraus and the Public Interest Legal Foundation (“PILF”) made a nearly identical demand and filed
23 a nearly identical lawsuit in Washoe County less than two months ago. *See* Washoe Pet. In January
24 2023, conservative activists in Nevada launched the so-called “Pigpen Project,” a project of Citizen
25 Outreach Foundation. *See About, Pigpen Project, <https://pigpenproject.com/about/>* (last accessed
26 July 2, 2024). Named after the Charlie Brown character, the project’s self-described mission is to
27 “clean[] up the voter rolls in Nevada by removing ineligible voters from the ‘Active’ voting list[.]”
28

1 *Id.* According to the group, it analyzes voter files to look for “red flags” of potentially invalid
2 registrations and conducts “boots on the ground” inspections to provide evidence of allegedly “bad
3 registrations” to election officials. *Id.* Since its creation, the Pigpen Project has “organized door-
4 to-door canvassing and enlisted landlords to compare voter rolls with their leasing records,”
5 including “escort[ing] landlords to the Clark County registrar’s office so that they can flag
6 registrations of former tenants.” Alexandra Berzon & Nick Corasaniti, *Trump’s Allies Ramp Up*
7 *Campaign Targeting Voter Rolls*, N.Y. Times (Mar. 3, 2024),
8 <https://www.nytimes.com/2024/03/03/us/politics/trump-voter-rolls.html>. And the Republican
9 National Committee and the Nevada Republican Party have sued state and county officials in
10 federal court, seeking to force a statewide voter purge, purportedly under the NVRA. *See generally*
11 *RNC v. Aguilar*, No. 2:24-cv-00518 (D. Nev. filed Mar. 18, 2024).

12 **III. Petitioners’ Current Lawsuit**

13 According to the Petition, on June 3, 2024, Petitioners “wrote to Respondent Portillo
14 requesting that she investigate the commercial addresses listed on the voter roll in [Clark] County,”
15 citing several addresses listed on voter registrations that Petitioners allege are commercial
16 addresses. Pet. ¶¶ 20–21. Respondent Portillo did not respond. *Id.* ¶ 22.

17 Instead of following the statutory process under NRS 293.535 and 293.547, Petitioners
18 then filed the present Petition on June 25, 2024. In it, Petitioners bring a single count for relief
19 based on Portillo’s alleged failure “to investigate and, if need, fix known commercial addresses
20 listed as residential addresses in violation of her duties to maintain the voter registration list.” *Id.*
21 ¶ 27. Petitioners thus seek both “a declaratory judgment that Respondent is not in compliance with
22 NRS 293.530 and 293.675” and “a writ of mandamus requiring Respondent to investigate known
23 commercial addresses.” *Id.* ¶¶ 30–31.

24 **IV. Petitioners’ Prior Lawsuit**

25 Petitioners’ lawsuit is a near carbon copy of a mandamus petition that two of the same
26 Petitioners—Kraus and PILF—filed in Washoe County on May 10, 2024. *See Washoe Pet.* In
27 Washoe County, PILF sent a letter to Cari-Ann Burgess, the Interim Registrar of Voters of Washoe
28

1 County, stating that PILF had conducted an “analysis of Nevada’s statewide voter list dated April
2 9, 2024” and “identified numerous addresses listed as residential that appeared to be commercial
3 buildings where no one resides,” along with a list of addresses and photographs. Washoe Pet. Ex.
4 A. The letter requested that Burgess “conduct [her] investigation and make any appropriate
5 corrections to the voter roll by May 1, 2024,” stating that “[a]ction is needed prior to mailing out
6 ballots for the June primary election.” *Id.* (emphasis omitted). An employee of the Washoe County
7 Registrar’s office responded, ultimately suggesting that PILF “bring[] [its] information to the
8 Secretary of State’s office.” *Id.* Ex. B. The employee explained that “we are within the 90 day list
9 maintenance window as described by the NVRA” and so “any action would have to be taken after
10 the June Primary. In the meantime, you may wish to pursue other options laid out in NRS 293.535
11 and NRS 293.547”—the statutes governing the voter challenge process by which third parties can
12 challenge voter eligibility. *Id.*

13 But rather than follow that statutory process, Petitioners Kraus and PILF filed a mandamus
14 petition against Burgess that is materially identical to the Petition they have filed here against
15 Portillo. *See generally* Washoe Pet. Proposed Interveners moved to intervene in that case as well
16 to protect the same interests at stake here, and their motion is currently pending. *See* Motion to
17 Intervene, *Kraus v. Burgess*, No. CV24-01051 (Nev. 2d Jud. Dist. Ct. May 28, 2024).

18 **V. Proposed Interveners**

19 **Rise.** Rise Action Fund (“Rise”) is a student-led 501(c)(4) nonprofit organization that runs
20 student-focused statewide advocacy and voter mobilization programs in Nevada, among other
21 states. It is committed to empowering and mobilizing students in the political process and has
22 recently focused its efforts on students in Nevada. *See* Decl. of Christian Solomon ¶¶ 5–6, 8–10
23 (“Solomon Decl.”) (attached as **Exhibit 2**). For example, Rise hired a State Director to build out
24 the organization’s operations in Nevada in 2023, focusing first on UNLV. *Id.* ¶¶ 6, 8. Rise’s
25 Nevada chapter strives to be responsive to the concerns of its student constituents within Nevada.
26 In light of the December 6, 2023, mass shooting on the UNLV campus, it has made organizing
27 students around gun safety issues a top goal, and it also organizes around the issues of student debt
28

1 relief and financial assistance. *See id.* ¶¶ 9–10. To build political support for these policy goals,
2 Rise plans to make organizing and educating its student constituents about the 2024 general
3 election a major priority. *Id.* ¶ 11. It is planning extensive efforts to register students on campus
4 and to ensure that students *stay* registered. Rise’s goal is to have its organizers and volunteers
5 reach each student at UNLV and UNR three to five times, whether through phone banking or direct
6 conversation, ahead of the 2024 general election. *Id.* This election-focused work is important to
7 Rise’s mission, which hinges on its ability to build political power within the student population.
8 *Id.*

9 Petitioners’ suit particularly threatens to harm the student population that Rise advocates
10 for and seeks to serve. *Id.* ¶¶ 12–13. Many college students live away from their family homes or
11 places of residence for long periods of time while at school, often changing temporary places of
12 residence repeatedly without abandoning their permanent residence—but without immediate
13 access to mailed notices sent to their permanent addresses that might advise them that their
14 registration is at risk of cancellation. *Id.* ¶ 13. Other college students establish permanent
15 residences in their new college communities but may move frequently—every year, or even every
16 semester—within the same small geographic area. *Id.* Students in both categories are at a
17 particularly high risk for disenfranchisement through the attempts of Petitioners and others to
18 abruptly remove voters from the rolls in the months ahead of a major general election. Petitioners’
19 suit is therefore a direct attack on the very voters Rise seeks to organize, empower, and advocate
20 for. And if Petitioners’ suit is successful, Rise will have to retool its efforts in Nevada to focus on
21 assisting students in determining their registration status. *Id.* ¶ 14. This will significantly disrupt
22 Rise’s pre-election planning and also come at the expense of work on its other mission-critical
23 goals. In particular, Rise expects that it will have to focus its volunteer phone banking efforts on
24 educating students and informing them how to confirm their registration status. *Id.* This volunteer-
25 intensive effort would come at the expense of Rise’s work in support of its other mission-critical
26 priorities. *Id.*

27 ***Institute for a Progressive Nevada.*** The Institute for a Progressive Nevada (“IPN”) is a
28

1 progressive, non-partisan, and non-profit organization that educates, empowers, and engages
2 Nevadans to build a state where everyone has a fair opportunity to succeed. Its core mission is to
3 ensure that every Nevadan knows how to vote and how to do so confidently and successfully. Decl.
4 of Shelby Swartz ¶ 4 (“Swartz Decl.”) (attached as **Exhibit 3**). Over the past fifteen years, IPN
5 has focused its work on civic education and voting rights, as well as on healthcare, public lands,
6 and gun violence issues.

7 As part of its work, IPN publishes a non-partisan voter guide every election cycle. *Id.* This
8 guide includes comprehensive instructions on how to register and vote in Nevada. *See id.* IPN also
9 hosts its own voter registration platform—RegisterNevada.org—that it promotes across the state
10 to encourage voter registration. *See id.* In addition, IPN works with All Voting is Local, Silver
11 State Voices, and the ACLU of Nevada in Clark County to conduct election protection work and
12 educate voters on their rights at the polling place. *Id.* IPN also engages in targeted advertising
13 campaigns to educate citizens about its core policy areas. *Id.* It presently has about a dozen
14 employees. *Id.* ¶ 3.

15 Petitioners’ suit is a direct affront to IPN’s mission to empower all Nevadans to vote. In
16 effect, Petitioners are seeking to enable any third party across the state to seek a rushed purge of
17 voters in advance of an election, threatening to remove ineligible voters from the rolls or have
18 them moved to inactive status. Should Petitioners succeed, IPN would need to take several major
19 steps in response. First, it would have to retool its voter guide to educate the public about the purge
20 and add material informing voters how to confirm their registration status. *See id.* ¶ 5. Second, it
21 would have to refocus its limited advertising to spread awareness about the need for voters to check
22 their registration. *Id.* Such a campaign would eat into IPN’s limited financial resources, likely
23 making it more difficult to meet payroll for existing employees. *Id.* And it would also reduce IPN’s
24 ability to advertise about other issues, including spreading awareness of different voting methods
25 within Nevada. *See id.* Nonetheless, given the centrality of voting to its mission, IPN strongly
26 believes it would have to commit these resources to such an advertising campaign, even at the
27 expense of other objectives. *See id.*

1 **The Alliance.** The Alliance for Retired Americans is a nonpartisan 501(c)(4) membership
2 organization. Decl. of Thomas Bird ¶ 3 (“Bird Decl.”) (attached as **Exhibit 4**). Its mission is to
3 ensure the social and economic justice and full civil rights that retirees have earned, with a
4 particular emphasis on safeguarding the right to vote. *Id.* ¶ 4. The Alliance’s Nevada chapter, the
5 Nevada Alliance for Retired Americans, has roughly 20,000 members in the state of Nevada,
6 including thousands in Clark County alone. *Id.* ¶ 3. It works with 20 affiliated chapters—
7 comprised of other union and community groups—across Nevada. *Id.* ¶ 9. A major focus of the
8 Alliance’s work is attending these chapter meetings to speak with members about key policy goals,
9 such as preserving Social Security and Medicare. *See id.* ¶¶ 9–10.

10 Alliance members are disproportionately vulnerable when voting rolls are purged. In
11 particular, retirees are disproportionately burdened by voter purges because many retirees move
12 within Nevada after retiring, and because retirees often travel out of state for long periods, during
13 which time they may forward their mail or miss and fail to return a mailed notice regarding their
14 registration status. *Id.* ¶¶ 5–6. As a consequence, if Petitioners succeed, those who move and travel
15 will be at an increased risk of wrongful deregistration. *Id.* A retiree who spends a lengthy period
16 of time caring for grandchildren at another family member’s home, or enjoying retirement at a
17 second home, may miss a crucial notice of cancellation if that notice is sent only to the retiree’s
18 home address. *See id.* Beyond that, the Alliance’s sheer size gives it a substantial stake in this case:
19 Given its roughly 20,000 members, it is all but certain that the rushed purges sought by Petitioners
20 and their allies would put many of those members’ voter registrations in jeopardy. *Id.* ¶ 3.

21 If Petitioners’ suit were to succeed, the Alliance would be forced to refocus its efforts on
22 educating its members about registration issues. *Id.* ¶ 7. Alliance leadership would need to devote
23 time and effort to preparing materials and presentations about the need for members to confirm
24 their registration status, and would have to use scarce presentation and organizing time at chapter
25 meetings to walk members through how to confirm their registrations, as well as to answer
26 members’ questions. *Id.* ¶¶ 7, 9. Alliance leadership and volunteers would also need to assist any
27 members who were deregistered. *Id.* ¶ 8. All this would frustrate the Alliance’s mission by
28

1 diverting its resources from other essential tasks, such as advocating to lower the cost of
2 prescription drugs, preserving Social Security and Medicare, and other voter education work. *Id.*
3 ¶ 10.

4 STANDARD OF LAW

5 Nevada Rule of Civil Procedure 24 governs intervention in Nevada state court actions.
6 Because Rule 24 and Federal Rule of Civil Procedure 24 are “equivalent,” *Lawler v. Ginocchio*, 94
7 Nev. 623, 626, 584 P.2d 667, 668 (1978) (per curiam), “[f]ederal cases interpreting [Rule 24] ‘are
8 strong persuasive authority.’” *Exec. Mgmt., Ltd. v. Ticor Title Ins. Co.*, 118 Nev. 46, 53, 38 P. 3d
9 872, 876 (2002) (quoting *Las Vegas Novelty, Inc. v. Fernandez*, 106 Nev. 113, 119, 787 P.2d 772,
10 776 (1990)).

11 To intervene as of right under Rule 24(a)(2),

12 an applicant must meet four requirements: (1) that it has a sufficient interest in
13 the litigation’s subject matter, (2) that it could suffer an impairment of its ability
14 to protect that interest if it does not intervene, (3) that its interest is not
15 adequately represented by existing parties, and (4) that the application is timely.

16 *Am. Home Assurance Co. v. Eighth Jud. Dist. Ct. ex rel. County of Clark*, 122 Nev. 1229, 1238,
17 147 P.3d 1120, 1126 (2006). “In evaluating whether Rule 24(a)(2)’s requirements are met,” courts
18 “construe the Rule broadly in favor of proposed intervenors . . . because a liberal policy in favor
19 of intervention serves both efficient resolution of issues and broadened access courts.” *Wilderness
20 Soc’y v. U.S. Forest Serv.*, 630 F.3d 1173, 1179 (9th Cir. 2011) (cleaned up) (quoting *United States
21 v. City of Los Angeles*, 288 F.3d 391, 397–98 (9th Cir. 2002)).

22 Under Rule 24(b), a movant may permissively intervene if the movant “has a claim or
23 defense that shares with the main action a common question of law or fact.” NRCP 24(b)(1)(B).
24 “In exercising its discretion, the court must consider whether the intervention will unduly delay or
25 prejudice the adjudication of the original parties’ rights.” NRCP 24(b)(3).
26
27
28

1 **ARGUMENT**

2 **I. Proposed Intervenors satisfy all of Rule 24(a)'s requirements for intervention as a**
3 **matter of right.**

4 Proposed Intervenors satisfy each of the four requirements of NRCP 24(a) and thus should
5 be allowed to intervene as a matter of right.

6 **A. The motion is timely.**

7 First, the motion is timely. Petitioners filed their Petition on June 25, 2024; this motion
8 follows just eight days later and before any substantive activity has occurred in the case. There has
9 therefore been no delay, and there is no possible risk of prejudice to the other parties. *See In re*
10 *Guardianship of A.M.*, No. 59116, 2013 WL 3278878, at *3 (Nev. May 24, 2013); *Lawler*, 94 Nev.
11 at 626, 584 P.2d at 669; *see also, e.g., Nevada v. United States*, No. 3:18-cv-569-MMD-CBC,
12 2019 WL 718825, at *2 (D. Nev. Jan. 14, 2019) (granting motion to intervene filed several weeks
13 after action commenced); *W. Expl. LLC v. U.S. Dep't of Interior*, No. 3:15-cv-00491-MMD-VPC,
14 2016 WL 355122, at *2 (D. Nev. Jan. 28, 2016) (granting motion to intervene filed nearly two
15 months after action commenced).

16 **B. Proposed Intervenors have significant protectable interests that may be**
17 **impaired by this lawsuit.**

18 Proposed Intervenors also satisfy the next two requirements for intervention as a matter of
19 right because they (1) have significantly protectable interests in this lawsuit (2) that may be
20 impaired by Petitioners' claims. "A 'significantly protectable interest' . . . [is] one that is protected
21 under the law and bears a relationship to the plaintiff's claims." *Am. Home Assurance Co.*, 122
22 Nev. at 1239, 147 P.3d at 1127 (quoting *S. Cal. Edison Co. v. Lynch*, 307 F.3d 794, 803 (9th Cir.
23 2002)). In the federal context, courts have made clear that if a would-be intervenor "would be
24 substantially affected in a practical sense by the determination made in an action, he should, as a
25 general rule, be entitled to intervene," *Sw. Ctr. for Biological Diversity v. Berg*, 268 F.3d 810, 822
26 (9th Cir. 2001) (quoting Fed. R. Civ. P. 24 advisory committee note to 1966 amendment)), and
27
28

1 that this interest requirement is less stringent than Article III’s standing requirement, *see Yniguez*
2 *v. Arizona*, 939 F.2d 727, 735 (9th Cir. 1991). !!

3 Proposed Intervenors have at least two significant interests in this lawsuit. *First*, they have
4 a compelling interest in ensuring that their members and constituents are able to register to vote,
5 remain registered to vote and in active status, and successfully participate in future elections.
6 Petitioners threaten these interests by seeking a writ of mandamus that would compel Portillo to
7 “investigate known commercial addresses” based on unsworn, unverified third-party information,
8 provided entirely outside the statutory challenge process and in the absence of any authorization
9 from the Clark County Board of County Commissioners for Portillo to conduct such an
10 investigation. Pet. ¶ 31. Such an interpretation of the law would seemingly impose a duty on any
11 Nevada county clerk to investigate any voter based on any report from any third party, without any
12 of the safeguards and limitations that Nevada’s voter challenge statutes expressly provide. And as
13 demonstrated by their identical petition in Washoe County—where Proposed Intervenors have also
14 moved to intervene—the Petition is part of a broader, state-wide effort to impose such a duty on
15 county clerks and registrars. *See generally* Washoe Pet. Petitioners have no intention of stopping
16 here. The rule of Nevada law that Petitioners advocate for and the relief that they request would
17 dramatically increase the probability that voters—including Proposed Intervenors’ members and
18 constituents—will be wrongfully removed from active status or deregistered.

19 In analogous cases, courts have recognized the interests that Proposed Intervenors seek to
20 intervene to represent here as a proper basis for intervention. *See Bellitto v. Snipes*, No. 16-cv-
21 61474, 2016 WL 5118568, at *2 (S.D. Fla. Sept. 21, 2016) (granting labor union intervention of
22 right in suit seeking court-ordered voter list maintenance under NVRA), *reconsideration denied*,
23 2016 WL 10518461 (S.D. Fla. Oct. 4, 2016); *see also, e.g., Pub. Int. Legal Found., Inc. v. Winfrey*,
24 463 F. Supp. 3d 795, 799 (E.D. Mich. 2020) (granting organization permissive intervention in
25 NVRA suit seeking to compel city to take more aggressive measures to purge allegedly ineligible
26 voters). In *Bellitto*, for instance, the court permitted a union with tens of thousands of members in
27 Florida to intervene because “the interests of its members would be threatened by [any] court-
28

1 ordered ‘voter list maintenance’ sought by Plaintiffs.” 2016 WL 5118568, at *2. That is the harm
2 that the Alliance seeks to protect here on behalf of its nearly 20,000 retiree members in Nevada,
3 Bird Decl. ¶¶ 3–4, and what Rise seeks to protect on behalf of its constituency of politically
4 marginalized students, Solomon Decl. ¶ 15; *cf. Am. Unites for Kids v. Rousseau*, 985 F.3d 1075,
5 1096–97 (9th Cir. 2021) (holding organizations may sue on behalf of non-member constituents
6 even under the more-demanding Article III test).

7 *Second*, should the Petition succeed in forcing Portillo to investigate voter eligibility based
8 on unsourced, unsworn third-party information offered outside the voter challenge process—and
9 in the process obtain an order endorsing the extra-textual duty they seek to impose on all county
10 clerks—each Proposed Intervenor would have to divert time and resources to educating voters
11 about the need to verify their registration to ensure that it has not been inactivated. This would take
12 resources away from Proposed Intervenors’ other essential priorities, harming their missions in the
13 process.

14 For instance, IPN would have to take several steps in response to Petitioners’ suit. It would
15 have to update its voter registration platform to help Nevada voters determine if they have been
16 removed. *See* Swartz Decl. ¶ 5. In addition, because empowering people to vote is at the core of
17 IPN’s mission, the organization would be forced to use its limited financial resources to educate
18 voters and instruct them on how to confirm their registration status. *See id.* This would restrict
19 IPN’s ability to conduct other voter education work, thus harming IPN’s mission. *Id.* Rise and the
20 Alliance would suffer similar harms. As explained, Rise plans to focus its efforts on educating
21 students about their various options for loan repayment assistance and other college aid plans.
22 Solomon Decl. ¶¶ 9, 14. If Petitioners prevail, however, Rise will have to redirect some of these
23 efforts towards educating students about how to confirm their registration status. *Id.* ¶ 14. That
24 would severely harm Rise’s mission, which includes fighting for free higher public education and
25 being responsive to local student concerns. *See id.* ¶ 5. Similarly, the Alliance will have to use its
26 limited volunteer resources to prepare materials educating its members about how to confirm their
27 registration status, and then distribute these materials to members through social media channels,
28

1 email, and at chapter meetings. *See* Bird Decl. ¶¶ 7–9. This effort will reduce the Alliance’s ability
2 to speak to its members about other key policy goals, including protecting Social Security and
3 Medicare. *See id.* ¶ 10.

4 “Once an applicant has established a significantly protectable interest in an action, courts
5 regularly find that disposition of the case may, as a practical matter, impair an applicant’s ability
6 to protect that interest.” *Venetian Casino Resort, LLC v. Envave Las Vegas, LLC*, No. 2:19-CV-
7 1197 JCM (DJA), 2020 WL 1539691, at *3 (D. Nev. Jan. 7, 2020) (citing *California ex rel.*
8 *Lockyer v. United States*, 450 F.3d 436, 442 (9th Cir. 2006)). Petitioners’ lawsuit seeks to make it
9 easier for third parties to challenge—in order to ultimately cancel—a voter’s registration and to
10 require clerks to take action to this effect on short notice. This threatens Proposed Intervenors’
11 interest in ensuring that their members and constituents are able to register to vote, remain
12 registered, and ultimately vote in future elections, and would require Proposed Intervenors to divert
13 resources to respond to this unwarranted attack on the rights of their members and constituents.
14 Accordingly, if Petitioners’ suit succeeds, Proposed Intervenors’ interests in their members’ and
15 constituents’ voting rights as well as their interests in their own resources will be impaired. This
16 criterion for intervention of right is accordingly satisfied.

17 **C. Respondent does not adequately represent Proposed Intervenors.**

18 Proposed Intervenors also satisfy the third requirement for intervention as of right because
19 they cannot rely on the parties in this case to adequately represent their interests. “[T]he burden on
20 proposed intervenors in showing inadequate representation is minimal, and would be satisfied if
21 they could demonstrate that representation of their interests ‘may be’ inadequate.” *Hairr v. First*
22 *Jud. Dist. Ct.*, 132 Nev. 180, 185, 368 P.3d 1198, 1201 (2016) (quoting *Arakaki v. Cayetano*, 324
23 F.3d 1078, 1086 (9th Cir. 2003)). Courts have “often concluded that governmental entities do not
24 adequately represent the interests of aspiring intervenors.” *Fund for Animals, Inc. v. Norton*, 322
25 F.3d 728, 736 (D.C. Cir. 2003); *see also Citizens for Balanced Use v. Mont. Wilderness Ass’n*, 647
26 F.3d 893, 899 (9th Cir. 2011) (“[T]he government’s representation of the public interest may not
27 be ‘identical to the individual parochial interest’ of a particular group just because ‘both entities
28

1 occupy the same posture in the litigation.” (quoting *WildEarth Guardians v. U.S. Forest Serv.*,
2 573 F.3d 992, 996 (10th Cir. 2009)).

3 While Respondent Portillo has an interest in administering the election laws generally,
4 Proposed Intervenors are focused on ensuring that their members and constituents remain
5 registered to vote. In similar cases, courts have concluded that the “interests of election officials
6 in voting roll maintenance are sufficiently distinct from those of elected officials and their
7 constituents to warrant intervention by those who could be impacted by the results of the
8 maintenance process.” *Pub. Int. Legal Found.*, 463 F. Supp. 3d at 799 (citing *League of Women
9 Voters of Mich. v. Johnson*, 902 F.3d 572, 579 (6th Cir. 2018)); see also *Bellitto*, 2016 WL
10 5118568, at *2 (holding, in allowing intervention as of right, that government defendant would not
11 adequately represent labor union in case seeking court-ordered “voter list maintenance”).
12 Moreover, Proposed Intervenors have specific interests and concerns—in particular, the proper
13 allocation of their limited resources to maximize voter turnout and promote civic engagement—
14 that neither Portillo nor any other party in this lawsuit shares. Should Petitioners be successful,
15 Proposed Intervenors will have to divert resources to help protect the process against Petitioners’
16 disruptive efforts, rendering those resources unavailable for Proposed Intervenors’ other mission-
17 critical work.

18 Accordingly, this is not a case where “there is an ‘assumption of adequacy [because] the
19 government is acting on behalf of a constituency it represents,’” since such an assumption only
20 arises “when the applicant shares the same interest.” *Hairr*, 132 Nev. at 185, 368 P.3d at 1201
21 (quoting *Arakaki*, 324 F.3d at 1086). Rather, this is an instance where, “[a]lthough [Portillo] and
22 the Proposed Intervenors fall on the same side of the dispute, [Portillo’s] interests . . . differ from
23 those of the Proposed Intervenors.” *Issa v. Newsom*, No. 2:20-cv-01044-MCE-CKD, 2020 WL
24 3074351, at *3 (E.D. Cal. June 10, 2020). While Portillo’s arguments are likely to “turn on . . .
25 [her] responsibility to properly administer election laws,” Proposed Intervenors are concerned with
26 ensuring that their members and constituents “have the opportunity to vote” and “allocating their
27 limited resources to inform voters about the election procedures.” *Id.* (granting motion to intervene
28

1 as a matter of right). Because these interests are not shared by the current parties to the litigation,
2 Proposed Intervenor cannot rely on Portillo or anyone else to provide adequate representation,
3 and the third requirement for intervention of right is satisfied.

4 **II. Alternatively, Proposed Intervenor satisfy Rule 24(b)'s requirements for**
5 **permissive intervention.**

6 Rule 24(b) grants courts broad discretion to permit intervention where an applicant's claim
7 or defense and the main action have a question of law or fact in common and intervention will not
8 unduly delay or prejudice the adjudication of the rights of the original parties. *See Hairr*, 132 Nev.
9 at 187, 368 P.3d at 1202.

10 For the reasons discussed *supra* Argument § I, Proposed Intervenor's motion is timely, and
11 Proposed Intervenor cannot rely on Portillo to adequately protect their interests. Proposed
12 Intervenor also have defenses to Petitioner's claims that share common questions of law and
13 fact—for example, whether Petitioner have pleaded facts allowing a court to conclude that they
14 have a clear legal right to the extraordinary remedy of mandamus; whether their claims are
15 preempted by the NVRA; and whether mandamus is unavailable because Petitioner have another
16 remedy through the challenge processes set forth in NRS 293.535 and NRS 293.547. *See* Exhibit
17 1 (Proposed Answer). Intervention will not result in any undue delay or prejudice, because
18 Proposed Intervenor have a strong interest in a swift resolution to this action to ensure that their
19 members' and constituents' voting rights are protected, while simultaneously avoiding any
20 unnecessary delay.

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28

1 **CONCLUSION**

2 For the reasons stated above, Proposed Intervenors respectfully request that the Court grant
3 their motion to intervene as a matter of right under Rule 24(a)(2) or, in the alternative, permit them
4 to intervene under Rule 24(b).⁵

5
6 DATED this 3rd day of July, 2024.

7
8 By: */s/ Daniel Bravo*

9 BRADLEY S. SCHRAGER (NV Bar No. 10217)
10 DANIEL BRAVO (NV Bar No. 13078)
11 **BRAVO SCHRAGER LLP**
12 6675 South Tenaya Way, Suite 200
13 Las Vegas, NV 89113

14 DAVID R. FOX (NV Bar No. 16536)
15 ROBERT GOLAN-VILELLA
16 (*pro hac vice* forthcoming)
17 **ELIAS LAW GROUP LLP**
18 250 Massachusetts Ave NW, Suite 400
19 Washington, DC 20001

20 *Attorneys for Proposed Intervenor-Respondents*
21 *Rise Action Fund, the Institute for a Progressive*
22 *Nevada, and the Nevada Alliance for Retired*
23 *Americans*
24 *Pro hac vice application forthcoming

25
26
27 ⁵ Alternatively, Proposed Intervenors request permission from the Court "to submit briefs
28 on determinative issues as amici curiae." *Hairr*, 132 Nev. at 188, 368 P.3d at 1203.

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on this 3rd day of July, 2024, a true and correct copy of **MOTION**
3 **TO INTERVENE AS RESPONDENTS** was served by electronically filing with the Clerk of the
4 Court using the Odyssey eFileNV system and serving all parties with an email-address on record,
5 pursuant to Administrative Order 14-2 and Rule 9 of the N.E.F.C.R.

6
7 Bv: /s/ Dannielle Fresquez
8 Dannielle Fresquez, an employee of
9 BRAVO SCHRAGER LLP
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

RETRIEVED FROM DEMOCRACYDOCKET.COM

EXHIBIT 1

RETRIEVED FROM DEMOCRACYDOCKET.COM

EXHIBIT 1

1 DAVID R. FOX (NV Bar No. 16536)
2 ROBERT GOLAN-VILELLA (*pro hac vice* forthcoming)
3 **ELIAS LAW GROUP LLP**
4 250 Massachusetts Ave NW, Suite 400
5 Washington, DC 20001
6 Tel: (202) 968-4490
7 dfox@elias.law
8 rgolanvilella@elias.law

9 BRADLEY S. SCHRAGER (NV Bar No. 10217)
10 DANIEL BRAVO (NV Bar No. 13078)
11 **BRAVO SCHRAGER LLP**
12 6675 South Tenaya Way, Suite 200
13 Las Vegas, NV 89113
14 (702) 996-1724
15 bradley@bravoschrager.com
16 daniel@bravoschrager.com

17 *Attorneys for Proposed Intervenor-*
18 *Respondents Rise Action Fund, Institute for a*
19 *Progressive Nevada, and Nevada Alliance for*
20 *Retired Americans*

21 **EIGHTH JUDICIAL DISTRICT COURT**
22 **IN AND FOR CLARK COUNTY, STATE OF NEVADA**

23 FREDERICK H. KRAUS, JOEY PAULOS,
24 PUBLIC INTEREST LEGAL FOUNDATION,
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
437
438
439
440
441
442
443
444
445
446
447
448
449
450
451
452
453
454
455
456
457
458
459
460
461
462
463
464
465
466
467
468
469
470
471
472
473
474
475
476
477
478
479
480
481
482
483
484
485
486
487
488
489
490
491
492
493
494
495
496
497
498
499
500
501
502
503
504
505
506
507
508
509
510
511
512
513
514
515
516
517
518
519
520
521
522
523
524
525
526
527
528
529
530
531
532
533
534
535
536
537
538
539
540
541
542
543
544
545
546
547
548
549
550
551
552
553
554
555
556
557
558
559
560
561
562
563
564
565
566
567
568
569
570
571
572
573
574
575
576
577
578
579
580
581
582
583
584
585
586
587
588
589
590
591
592
593
594
595
596
597
598
599
600
601
602
603
604
605
606
607
608
609
610
611
612
613
614
615
616
617
618
619
620
621
622
623
624
625
626
627
628
629
630
631
632
633
634
635
636
637
638
639
640
641
642
643
644
645
646
647
648
649
650
651
652
653
654
655
656
657
658
659
660
661
662
663
664
665
666
667
668
669
670
671
672
673
674
675
676
677
678
679
680
681
682
683
684
685
686
687
688
689
690
691
692
693
694
695
696
697
698
699
700
701
702
703
704
705
706
707
708
709
710
711
712
713
714
715
716
717
718
719
720
721
722
723
724
725
726
727
728
729
730
731
732
733
734
735
736
737
738
739
740
741
742
743
744
745
746
747
748
749
750
751
752
753
754
755
756
757
758
759
760
761
762
763
764
765
766
767
768
769
770
771
772
773
774
775
776
777
778
779
780
781
782
783
784
785
786
787
788
789
790
791
792
793
794
795
796
797
798
799
800
801
802
803
804
805
806
807
808
809
810
811
812
813
814
815
816
817
818
819
820
821
822
823
824
825
826
827
828
829
830
831
832
833
834
835
836
837
838
839
840
841
842
843
844
845
846
847
848
849
850
851
852
853
854
855
856
857
858
859
860
861
862
863
864
865
866
867
868
869
870
871
872
873
874
875
876
877
878
879
880
881
882
883
884
885
886
887
888
889
890
891
892
893
894
895
896
897
898
899
900
901
902
903
904
905
906
907
908
909
910
911
912
913
914
915
916
917
918
919
920
921
922
923
924
925
926
927
928
929
930
931
932
933
934
935
936
937
938
939
940
941
942
943
944
945
946
947
948
949
950
951
952
953
954
955
956
957
958
959
960
961
962
963
964
965
966
967
968
969
970
971
972
973
974
975
976
977
978
979
980
981
982
983
984
985
986
987
988
989
990
991
992
993
994
995
996
997
998
999
1000

Case No. A-24-896151-W
Dept. No.: 16

**[PROPOSED] ANSWER TO PETITION
FOR WRIT OF MANDAMUS**

v.

LORENA S. PORTILLO, in her official
capacity as Clark County Registrar of Voters,
Respondent,

Proposed Intervenor Rise Action Fund, Institute for a Progressive Nevada, and Nevada Alliance for Retired Americans (“Proposed Intervenor”), by and through their attorneys, submit the following Proposed Answer to Petitioners’ Petition for Writ of Mandamus (the “Petition”). Proposed Intervenor respond to the allegations in the Petition as follows:

1 **NATURE OF THE CASE**

2 1. Proposed Intervenors admit that Paragraph 1 accurately quotes from NRS 293.675.
3 The remainder of Paragraph 1 contains legal contentions, characterizations, conclusions, and
4 opinions to which no response is required. To the extent a response is required, Proposed
5 Intervenors deny the allegations in Paragraph 1.

6 2. Proposed Intervenors admit that Paragraph 2 accurately quotes from NRS
7 293.530(1)(a).

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

11 **PARTIES**

12 4. Proposed Intervenors lack knowledge and information sufficient to form a belief as
13 to the truth of the allegations in Paragraph 4 and therefore deny them.

14 5. Proposed Intervenors lack knowledge and information sufficient to form a belief as
15 to the truth of the allegations in Paragraph 5 and therefore deny them.

16 6. Proposed Intervenors admit that Petitioner Public Interest Legal Foundation, Inc.
17 (the "Foundation") is incorporated and based in Virginia. Proposed Intervenors lack knowledge
18 and information sufficient to form a belief as to the truth of the remaining allegations in Paragraph
19 6 and therefore deny them.

20 7. Proposed Intervenors lack knowledge and information sufficient to form a belief as
21 to the truth of the allegations in Paragraph 7 and therefore deny them.

22 8. Proposed Intervenors are without sufficient information or knowledge with which
23 to form a belief as to the truth or falsity of the allegations in Paragraph 8 and therefore deny them.

24 9. Admitted.

25 10. Paragraph 10 contains legal contentions, characterizations, conclusions, and
26 opinions to which no response is required. To the extent a response is required, Proposed
27 Intervenors deny the allegations.
28

1 11. Admitted.

2 **JURISDICTION AND VENUE**

3 12. Paragraph 12 contains legal contentions, characterizations, conclusions, and
4 opinions to which no response is required.

5 13. Admitted.

6 **GENERAL FACTUAL ALLEGATIONS**

7 14. Proposed Intervenors admit that Paragraph 14 accurately quotes the excerpted
8 portion of NRS 293.675.

9 15. Proposed Intervenors admit that Paragraph 15 accurately quotes the excerpted
10 portion of NRS 293.530.

11 16. Proposed Intervenors admit that Paragraph 16 accurately quotes the excerpted
12 portion of NRS 293.486.

13 17. Proposed Intervenors admit that Paragraph 17 accurately quotes the excerpted
14 portion of NRS 293.507(4).

15 18. Admitted.

16 19. Proposed Intervenors admit that Paragraph 19 accurately quotes the excerpted
17 portion of NRS 293.505(12)(b).

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

20 21. Proposed Intervenors lack knowledge and information sufficient to form a belief as
21 to the truth of the allegations in Paragraph 21 and the subparagraphs thereto, and therefore deny
22 them.

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

25 23. Proposed Intervenors lack knowledge and information sufficient to form a belief as
26 to the truth of the allegations in Paragraph 23 and therefore deny them.

27 24. Denied.

28

1 Petitioners fail to plead facts showing a clear legal right to the extraordinary remedy of
2 mandamus.

3 Petitioners are not entitled to a writ of mandamus because they have an alternate, adequate
4 legal remedy available to them.

5 Petitioners' claims are barred by the doctrine of laches.

6 Petitioners lack standing to pursue their claims.

7 Petitioners fail to state a claim on which relief can be granted.

8 **PRAYER FOR RELIEF**

9 WHEREFORE, Proposed Intervenors respectfully request that this Court:

- 10 A. Deny that Petitioners are entitled to any relief;
11 B. Dismiss the Petition in its entirety, with prejudice, and
12 C. Grant such other and further relief as the Court may deem just and proper.

13 DATED this 3rd day of July, 2024.

14 By: */s/ Daniel Bravo*

15 BRADLEY S. SCHRAGER (NV Bar No. 10217)
16 DANIEL BRAVO (NV Bar No. 13078)
17 **BRAVO SCHRAGER LLP**
6675 South Tenaya Way, Suite 200
Las Vegas, NV 89113

18 DAVID R. FOX (NV Bar No. 16536)
19 ROBERT GOLAN-VILELLA *
(*pro hac vice* forthcoming)
20 **ELIAS LAW GROUP LLP**
250 Massachusetts Ave NW, Suite 400
21 Washington, DC 20001

22 *Attorneys for Proposed Intervenor-Respondents*
23 *Rise Action Fund, the Institute for a Progressive*
Nevada, and the Nevada Alliance for Retired
24 *Americans*

25 *Pro hac vice application forthcoming
26
27
28

EXHIBIT 2

RETRIEVED FROM DEMOCRACYDOCKET.COM

EXHIBIT 2

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EIGHTH JUDICIAL DISTRICT COURT
IN AND FOR CLARK COUNTY, STATE OF NEVADA

FREDERICK H. KRAUS, JOEY PAULOS,
PUBLIC INTEREST LEGAL
FOUNDATION,

Petitioners,

v.

LORENA S. PORTILLO, in her official
capacity as Clark County Registrar of Voters,

Respondent.

Case No.: A-24-896151-W
Dept. No.: 16

**DECLARATION OF CHRISTIAN
SOLOMON IN SUPPORT OF RISE
ACTION FUND'S MOTION TO
INTERVENE**

I, CHRISTIAN SOLOMON, under penalty of perjury, hereby declare as follows:

1. I am over eighteen years of age. I have personal knowledge of the facts set forth herein. If called upon to testify before this Court, I would do so to the same effect.

2. I am a resident of Clark County, Nevada.

3. I am currently the Nevada State Director of Rise Action Fund ("Rise").

4. In my capacity as State Director, I am responsible for overseeing Rise's operations within the state of Nevada, including the training and recruiting of organizers, fellows, and volunteers, as well as the campaign work performed by our organizers, fellows, and volunteers.

5. Rise is a national student-led 501(c)(4) nonprofit organization that runs student-focused advocacy and vote mobilization programs in states across the country. Rise's mission is to fight for free higher public education and ending homelessness, housing insecurity, and food insecurity among college students. Rise also strives to be responsive to its student constituents, and accordingly each state organization often pursues goals based on local student concerns. To achieve that mission, Rise is committed to empowering and mobilizing students in the political process. It has trained thousands of students across the country in how to be civically engaged forces for change in their communities.

1 Foundation threatens Rise’s mission and the work described above.

2 13. In particular, the lawsuit threatens the ability of Rise’s constituency—students and
3 younger people—to vote in the 2024 general election. Student voters are disproportionately likely
4 to be wrongfully removed from the voter rolls. Many college students live away from their family
5 homes and voting residences for long periods of time while at school. They also frequently change
6 their temporary residence while at school, for example by moving between dorm rooms or off
7 campus apartments, while still maintaining a permanent residence with family. Due to this frequent
8 moving, and long stretches away from their voting residence, students often do not receive mailed
9 notices meant to advise them that their registration is at risk, and only learn later that they have
10 been removed. Similarly, many college students and young people establish new permanent
11 residences on or near campus but move frequently within a small area while in school or starting
12 their careers. These people remain eligible to vote in the same area, but also are likely to not receive
13 election-related mail concerning their registration status. Any student voter who is removed as a
14 result of the unreliable third-party information that this lawsuit seeks to allow to be used risks
15 never receiving a mail ballot, which is the most common and convenient method of voting in
16 Nevada, diminishing the voting power of Rise’s core constituency.

17 14. Furthermore, if this suit is successful, it will derail Rise’s planned campaign work
18 for the year. If thousands of voters are placed at increased risk of removal from Nevada’s rolls,
19 our immediate response would be to refocus our volunteer phone banking efforts towards
20 educating students about how to confirm their registration status. Given the centrality of voting to
21 our mission, this would be a key priority through the election. In view of our limited resources,
22 however, this effort would come at the expense of our work that is already planned around the
23 issues of college aid, student debt relief, and loan repayment assistance—key issues for our student
24 constituents. It would also reduce our ability to recruit and train new organizers at other schools in
25 Nevada, as our limited staff resources would be focused on first ensuring that student voters are
26 able to successfully cast their ballots.

27 15. Both of these impacts would severely harm Rise’s mission. We cannot successfully

1 realize our mission as an organization if our student constituents are not able to successfully cast
2 their ballots and make their voices heard. Similarly, our ability to expand our work and operations
3 in Nevada will be hampered if we have to respond to attempts at last-minute and rushed voter
4 purges that are likely to disproportionately harm student voters.

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

6
7 

Executed on: 7/2/2024

8 Christian Solomon

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
RETRIEVED FROM DEMOCRACYDOCKET.COM

EXHIBIT 3

RETRIEVED FROM DEMOCRACYDOCKET.COM

EXHIBIT 3

1 **EIGHTH JUDICIAL DISTRICT COURT**
2 **IN AND FOR CLARK COUNTY, STATE OF NEVADA**

3
4 **FREDERICK H. KRAUS, JOEY PAULOS,**
5 **PUBLIC INTEREST LEGAL**
6 **FOUNDATION,**

7 **Petitioners,**

8 **v.**

9 **LORENA S. PORTILLO, in her official**
10 **capacity as Clark County Registrar of Voters,**

11 **Respondent.**

Case No.: A-24-896151-W
Dept. No.: 16

DECLARATION OF SHELBY
SWARTZ IN SUPPORT OF
INSTITUTE FOR A PROGRESSIVE
NEVADA'S MOTION TO INTERVENE

12 I, SHELBY SWARTZ, under penalty of perjury, hereby declare as follows:

13 1. I am over eighteen years of age. I have personal knowledge of the facts set forth
14 herein. If called upon to testify before this Court, I would do so to the same effect.

15 2. I am a resident of Clark County, Nevada.

16 3. I am currently the Executive Director of the Institute for a Progressive Nevada
17 ("The Institute"), a non-partisan, 501(c)(3) civic engagement and voting rights organization that
18 serves the entire state of Nevada. In addition to an Executive Director, we currently have 11 other
19 employees on staff, including a Deputy Director, a Communications Director, and a Lead
20 Organizer with a focus on voter education. We also work with a limited number of volunteers, and
21 we work closely with our c3 table partners across the state.

22 4. The Institute's mission is to ensure that all Nevadans know how to vote and can do
23 so with confidence. To further our mission, we produce and distribute in-language voter materials
24 that we share with our c3 partners to ensure that all Nevadans can access critical information about
25 how and where to cast their ballots. For example, we publish a comprehensive, non-partisan voter
26 guide that includes candidate information, explains where and how to vote, and provides
27 information on universal vote-by-mail in Nevada. In coordination with our c3 partners, we also
28

1 host a website—RegisterNevada.org—that allows eligible voters to register to vote online and
2 educates them about upcoming election deadlines and eligibility requirements. In Clark County,
3 we work with All Voting is Local, Silver State Voices, and the ACLU of Nevada to conduct
4 election protection work and educate voters on their rights at the polling place. Finally, we pay for
5 targeted advertisements to ensure that the information and resources we produce reach Nevadans
6 who are most likely to be disenfranchised due to information and language barriers.

7 5. A lawsuit such as this one that would allow any third party to seek a rushed, pre-
8 election purge of Nevada's voter rolls would threaten our ability to fulfill our mission by increasing
9 the likelihood that the already at-risk voters we target would be unable to vote. To reduce this
10 threat, we would have to undertake a robust, paid advertising campaign encouraging all Nevadans
11 to check their voter registration status. We would also need to update all of our voter education
12 materials, including our comprehensive voter guide, and to have those materials translated into
13 several languages. Because we have limited financial resources, funding such an undertaking
14 would make it extremely difficult for us to fulfill our duty to the people of Nevada while still
15 making payroll. It would also severely limit our ability to do non-purge related voter education
16 work and to dedicate resources towards voter turnout efforts.

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

18 *Shelbie Swartz*

19 Executed on: 7/2/2024

20 Shelbie Swartz

EXHIBIT 4

RETRIEVED FROM DEMOCRACYDOCKET.COM

EXHIBIT 4

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EIGHTH JUDICIAL DISTRICT COURT
IN AND FOR CLARK COUNTY, STATE OF NEVADA

FREDERICK H. KRAUS, JOEY PAULOS,
PUBLIC INTEREST LEGAL
FOUNDATION,

Petitioners,

v.

LORENA S. PORTILLO, in her official
capacity as Clark County Registrar of Voters,

Respondent.

Case No.: A-24-896151-W
Dept. No: 16

**DECLARATION OF THOMAS BIRD
IN SUPPORT OF NEVADA
ALLIANCE FOR RETIRED
AMERICANS' MOTION TO
INTERVENE**

I, THOMAS BIRD, under penalty of perjury, hereby declare as follows:

1. I am over eighteen years of age. I have personal knowledge of the facts set forth herein. If called upon to testify before this Court, I would do so to the same effect.

2. I am a resident of Lyon County, Nevada.

3. I am currently the President of the Nevada Alliance for Retired Americans (the "Alliance"), a non-partisan 501(c)(4) membership organization with roughly 20,000 members across the state of Nevada. Thousands of those members reside in Clark County. Our members are diverse in terms of age and profession. We serve both older retirees who are farther into their retirement and new retirees, who have only recently stopped working. Similarly, our retirees come from many different AFL-CIO affiliated unions, and worked in many different industries before their retirement.

4. The Alliance's mission is to ensure the social and economic justice and full civil rights that retirees have earned after a lifetime of work, with a particular emphasis on protecting the right to vote. To further that mission, each election cycle, we travel across the state to bring a voter education campaign directly to our members. As part of our voter education work, we put together voter education materials, help our members confirm their voter registration status and

1 track the status of their submitted mail ballots, and answer any other questions they may have
2 about how to get their ballots cast and counted.

3 5. Because our members are retired, it is not uncommon for them to relocate to
4 assisted living facilities, to be closer to or to move in with family, or to transition into smaller
5 homes for financial reasons. Many of them also frequently travel out of state to visit family or for
6 personal travel. They are thus at particular risk of missing notifications by mail regarding their
7 voter registration status.

8 6. Retirees are particularly likely to not receive mailed notices related to their voter
9 registration status for the reasons outlined above. As a result, lawsuits such as this one, which aim
10 to allow any third party to seek a purge of Nevada's voter rolls in advance of a general election,
11 would undoubtedly and disproportionately impact the Alliance's members.

12 7. If this lawsuit were to succeed, ensuring that our members are registered and that
13 any previously registered members who had been removed get re-registered to vote would quickly
14 become a central priority for the Alliance. We would host a series of in-person town halls across
15 the state and—using the tools available to us on social media, via email and traditional mail, and
16 through phonebanking—attempt to reach any potentially impacted members. We would also need
17 to update—and likely create new—voter education materials.

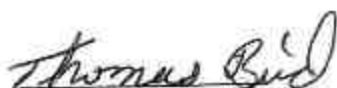
18 8. In our conversations with members, and through our materials, we would direct all
19 members to confirm their registration status and explain how to do so as well as outline the steps
20 they would need to take to get re-registered were they to discover they were removed.

21 9. Because Nevada is a large state, because many of our members do not own
22 computers or cell phones, and because, for the reasons articulated above, our members often
23 change mailing addresses and do not have regular access to their mail, focusing on an in-person
24 voter education campaign would be of particular importance to reach our members. Currently, our
25 practice is to visit each of our 20 affiliated union and community groups across Nevada twice a
26 year. If this suit were to succeed, we would have to double down on that to ensure we could make
27 contact with each group, in person, prior to the upcoming election. Our members are also a very

1 engaged group and are likely to have a lot of questions that would require time and resources to
2 address.

3 10. We are also a small team—the day-to-day activities of the Alliance are conducted
4 entirely by me and my wife and a small board of seniors—so time and resources are already quite
5 limited. Given our limited resources and the particular needs of our membership, the steps
6 necessary to respond here would almost certainly come at the expense of other mission-critical
7 priorities, such as advocating to lower the cost of prescription drugs, preserving social security and
8 Medicare, and other voter education work. Our ability to establish relationships with new members
9 and to focus on critical state legislative work which allows us to keep our members informed about
10 their elected officials' voting records would also be severely compromised, significantly
11 frustrating our mission.

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

13
14 

Executed on: 2-2-24

15 Thomas Bird
16
17
18
19
20
21
22
23
24
25
26
27
28