

Danielle Lang*
Jonathan Diaz*
Patrick Llewellyn*
Simone Leeper*
Hayden Johnson*
CAMPAIGN LEGAL CENTER
1101 14th Street NW, Ste. 400
Washington, DC 20005

Curt Drake (MT Bar # 2558)
Patricia Klanke (MT Bar # 13182)
Michael Kauffman (MT Bar #9593)
DRAKE LAW FIRM P.C.
111 North Last Chance Gulch, Ste. 3J
Helena, Montana 59601
406-495-8080(o)
406-495-1616(f)
Curt@drakemt.com
Patricia@drakemt.com
Michael@drakemt.com

* *Motion for admission pro hac vice pending*

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

DONALD J. TRUMP FOR
PRESIDENT, INC., REPUBLICAN
NATIONAL COMMITTEE,
NATIONAL REPUBLICAN
SENATORIAL COMMITTEE;
MONTANA REPUBLICAN STATE
CENTRAL COMMITTEE,

Plaintiffs,

Case No: 6:20-cv-00066-H-DLC

And

GREG HERTZ, in his official capacity
as Speaker of the House of
Representatives of Montana; SCOTT

SALES, in his official capacity as
President of the Montana State Senate
on behalf of the Majorities of the
Montana House and Senate (the
Legislative Majority),
Intervenor-Plaintiffs,

v.

STEPHEN BULLOCK, in his official
capacity as Governor of Montana;
COREY STAPLETON, in his official
capacity as Secretary of State of
Montana,

Defendants,

And

DEMOCRATIC SENATORIAL
CAMPAIGN COMMITTEE;
DEMOCRATIC CONGRESSIONAL
CAMPAIGN COMMITTEE;
MONTANA DEMOCRATIC PARTY,

Intervenor-Defendants

And

LEAGUE OF WOMEN VOTERS OF
MONTANA,

Proposed Intervenor-Defendants

**BRIEF IN SUPPORT OF LEAGUE
OF WOMEN VOTERS OF
MONTANA'S MOTION TO
INTERVENE AS DEFENDANTS
PURSUANT TO RULE 24**

Pursuant to Federal Rule of Civil Procedure 24 and Local Rule 24.1, the League of Women Voters of Montana ("LWVMT") submits this brief in support of its Motion to Intervene as a Defendant in the above-captioned action. For the reasons stated below, the Court should grant LWVMT's Motion.

FACTUAL BACKGROUND

LWVMT is a membership organization that has been dedicated to promoting civic engagement and protecting democracy through advocacy and voter education, assistance, and engagement for nearly one hundred years. LWVMT is an affiliate of the League of Women Voters of the United States (“The League”), founded as an outgrowth of the movement that secured women the right to vote to help new voters engage with their government. Today, the League empowers all voters to improve their local, state and national government. Part of LWVMT’s mission is to expand access to voting and to ensure its members and the members of the broader communities it serves have access to safe and effective means of casting a ballot. LWVMT’s work includes promoting voter registration and assisting members and others to register to vote; hosting community forums to inform voters about upcoming elections and voting options; distributing voter guides to help empower voters to make effective voting plans, and encouraging its members and other eligible voters to participate in the democratic process.

LWVMT has about 237 members in the State of Montana, many of whom intend to cast their ballots by mail in the November 3, 2020 general election. Since the beginning of the COVID-19 pandemic, LWVMT has engaged in consistent voter education efforts to encourage its members and the larger Montana electorate to make plans to vote in a safe and effective manner. LWVMT has specifically

engaged in public education efforts to explain to voters the impact of the Governor's Directives and what methods of casting a ballot are available to them in the November 3, 2020 general election.

In response to the COVID-19 global pandemic, Governor Bullock declared a State of Emergency on March 12, 2020. *See* Mont. Office of the Gov., Exec. Order No. 2-2020 (Mar. 12, 2020),

https://governor.mt.gov/Portals/16/docs/2020EOs/EO-02-2020_COVID-19%20Emergency%20Declaration.pdf?ver=2020-03-13-103433-047. On August

6, 2020, Governor Bullock issued a Directive allowing counties to conduct the November 3, 2020 general election primarily by mail if they so choose. *See* Mont.

Office of the Gov., *Directive Implementing Executive Orders 2-2020 and 3-2020 and Providing for Measures to Implement the 2020 November General Election*

Safely (Aug. 6, 2020), <https://bit.ly/30VJuId> (the "General Election Directive").

This Election Directive mirrored an earlier Directive issued by the Governor allowing counties to conduct the June 2, 2020 primary election by mail. *See* Mont.

Office of the Gov., *Directive Implementing Executive Orders 2-2020 and 3-2020 and providing for measures to implement the 2020 June primary election safely*

(Mar. 25, 2020),

[http://governor.mt.gov/Portals/16/Directive%20on%20Elections.pdf?ver=2020-03-](http://governor.mt.gov/Portals/16/Directive%20on%20Elections.pdf?ver=2020-03-26-102626-610)

[26-102626-610](http://governor.mt.gov/Portals/16/Directive%20on%20Elections.pdf?ver=2020-03-26-102626-610) (the "Primary Election Directive," and together with the General

Election Directive, the “Directives”). In light of the Primary Election Directive, all 56 Montana counties conducted their elections in the June 2, 2020 primary by mail.¹

LWVMT supported the Governor’s issuance of both the Primary Election Directive and the General Election Directive, and has already begun educating Montana voters about the Directives by explaining to members that mail voting may be the default method of casting a ballot in their county, and that in-person voting options still exist for those for whom mail voting is not a reliable option. Because several counties did not opt-in to conducting all-mail elections (unlike in the June 2020 primary, where all fifty-six counties chose to conduct mail elections), LWVMT chapters have already had to adjust their education materials and messaging to make sure they are providing voters with accurate information.

On September 2, 2020, Plaintiffs filed the present action against the Governor and the Secretary of State of Montana, alleging that the Governor’s General Election Directive violates the United States Constitution and federal law. ECF 1. Plaintiffs concurrently filed a Motion for Preliminary Injunction seeking to enjoin enforcement of the General Election Directive, which threatens to curtail

¹ As indicated by the Primary Election Directive and the General Election Directive, the counties’ decision to conduct their elections by mail still allows voters to cast their ballots in-person if they so choose; however, the default method of casting ballots for voters in counties that opt in to this process is by mail.

LWVMT members' access to mail voting during the COVID-19 pandemic, confuse members that believe they will receive their ballot automatically, undermine LWVMT's voter education efforts thus far, and require LWVMT to divert substantial resources to attempt to alleviate voter confusion.

LWVMT seeks to intervene as a Defendant in this litigation. Two other sets of entities have already sought and been granted intervention—the Democratic Senatorial Campaign Committee (“DSCC”), Democratic Congressional Campaign Committee (“DCCC”), and the Montana Democratic Party (“MDP”) (collectively, “Intervenor Defendants”); and Greg Hertz, Speaker of the House of Montana, and Scott Sales, President of the Montana State Senate (collectively, “Intervenor Plaintiffs”). LWVMT sought the parties' position on this motion on Wednesday, September 9, 2020. Defendants and Intervenor Defendants do not oppose the Motion. Plaintiffs and Intervenor Plaintiffs oppose LWVMT's intervention, but have consented to LWVMT's participation as amicus.

LWVMT is entitled to intervene as of right under Rule 24(a) as the present litigation poses a significant threat to its interests and those interests are not adequately represented by the existing Defendants and Intervenor Defendants in this case. In the alternative, LWVMT requests that this Court grant permissive intervention under Rule 24(b).

ARGUMENT

I. LWVMT is Entitled to Intervene as of Right Pursuant to Rule 24(a).

Pursuant to Rule 24(a) of the Federal Rules of Civil Procedure, LWVMT is entitled to intervene as of right. Rule 24 entitles a party to intervene as of right if: (1) the application is timely; (2) the applicant has a sufficient interest in the litigation; (3) the interest may be affected or impaired, as a practical matter, by the disposition of the action; and (4) the interest is not adequately represented by an existing party in the litigation. *Wilderness Socy. v. U.S. Forest Serv.*, 630 F.3d 1173, 1177 (9th Cir. 2011). In the Ninth Circuit, these factors are liberally construed. *S.W. Ctr. for Biological Diversity v. Berg*, 268 F.3d 810, 818 (9th Cir. 2001).

A. LWVMT's Motion to Intervene is Timely.

LWVMT's Motion to Intervene is timely. The timeliness of a motion to intervene depends on three criteria: (1) the stage of the proceeding at which an applicant seeks to intervene; (2) the prejudice to other parties; and (3) the reason for the length of delay. *United States v. Carpenter*, 298 F.3d 1122, 1125 (9th Cir. 2002). "Timeliness is a flexible concept; its determination is left to the district court's discretion." *United States v. Alisal Water Corp.*, 370 F.3d 915, 921 (9th Cir. 2004).

Here, LWVMT did not delay in seeking to intervene. First, this proceeding is in the beginning stages. The Complaint and accompanying Preliminary Injunction motion were filed just over one week ago on September 2, 2020. ECF 1; ECF 8. Plaintiffs' Motion for Preliminary Injunction remains pending. Just three days ago on September 8, 2020, the Court granted intervention for the Intervenor Plaintiffs and Intervenor Defendants, and set a briefing schedule for Plaintiffs' Motion for Preliminary Injunction. ECF 35. The Court has set a deadline for Defendants to respond to Plaintiffs Motion for Preliminary Injunction on or before September 17, 2020, and a hearing on the Motion has been set for September 22, 2020. *Id.* LWVMT filed this motion on Friday, September 11, 2020, just nine days after this case commenced, and prior to any of the Defendants' response deadlines.

Second, no prejudice would result to the other parties if LWVMT is granted intervention. First, LWVMT will abide by the Court's existing scheduling order for responses to Plaintiffs' Motion for Preliminary Injunction, and its participation will not cause any delay in these proceedings. The original Defendants and Intervenor Defendants are not harmed by LWVMT's intervention because they have not yet responded to Plaintiffs' Motion for Preliminary Injunction, and Defendants Governor Bullock and Secretary Stapleton have also yet to file an Answer to Plaintiffs' Complaint. Likewise, the Intervenor Plaintiffs and Intervenor Defendants filed their Motions for Intervention less than one week before

LWVMT filed their own, and therefore will not be harmed by LWVMT's prompt intervention.

Finally, LWVMT filed its motion promptly after becoming aware of the litigation. Upon realizing that the existing parties could not adequately represent its interests nor the interests of its members, LWVMT decided to intervene, retained counsel, and filed this motion as expeditiously as possible. LWVMT did not delay in filing this motion to intervene; therefore, the motion is timely.

B. LWVMT's Interests Will Be Substantially Impaired if Plaintiffs Prevail.

In order for intervention to be appropriate, a putative intervenor must claim a "significantly protectable" interest, meaning that that interest "is protected under some law, and . . . there is a 'relationship' between [the] legally protected interest and the plaintiff's claims." *California ex rel. Lockyer v. United States*, 450 F.3d 436, 440–41 (9th Cir. 2006); *see also Wilderness Soc.*, 630 F.3d at 1180. "A putative intervenor's ability to protect that interest is impaired or impeded 'if it will suffer a practical impairment of its interests as a result of the pending litigation.'" *Ten Lakes Snowmobile Club v. U.S. Forest Serv.*, No. CV 15-148-M-DLC, 2016 WL 11220850, at *1 (D. Mont. Jan. 26, 2016) (quoting *California ex rel. Lockyer*, 450 F.3d at 441).

LWVMT's interests in defending the General Election Directive in this litigation are protected by both the First and Fourteenth Amendments, which

protect the voting rights of LWVMT's members, and separately by the First Amendment, which protects LWVMT's right to promote civic engagement and engage in voter education efforts. LWVMT will suffer a practical impairment to both of these interests if Plaintiffs are successful in this litigation.

First, LWVMT's has a legally protected interest in its members' right to vote, "a fundamental political right, because [it is] preservative of all rights." *Yick Wo v. Hopkins*, 118 U.S. 356, 370 (1886). Many of LWVMT's 237 members are active voters who have already made plans to vote by mail under the General Election Directive. LWVMT has undertaken significant education efforts to inform its members about the procedures established by the General Election Directive and how they affect LWVMT members' ability to vote. LWVMT agrees that the General Election Directive represents the safest way to conduct an election during the pandemic—especially because it addresses the need for in-person voting by certain communities, including Native American voters. LWVMT has an interest in protecting its members' access to those ballots.

Additionally, many of LWVMT's members are immunocompromised, elderly, caretakers, or otherwise considered at high-risk of severe illness or death from COVID-19. LWVMT members that are in these groups are acutely affected by the potential changes to Montana's election rules should Plaintiffs prevail because they will be forced to change their plans last minute, and some members

may decide not to vote at all if they must request an absentee ballot or cast their vote in person and risk exposure to COVID-19. Finally, other voters and LWVMT members who planned to vote by mail, and are expecting to receive their ballots in the mail, likewise risk being disenfranchised entirely if that option is eliminated. As such, the outcome of this litigation directly affects the ability of LWVMT's members to exercise their legally protected right to vote.

Second, LWVMT has a First Amendment right to engage in voter education and promote civic engagement by, *inter alia*, encouraging voters to vote by mail if they do not want to expose themselves to COVID-19 by voting in person.

LWVMT has protectable interests in safeguarding the General Election Directive—which makes voting by mail easier for their members and communities—as well as avoiding voter confusion and protecting the integrity of their voter education efforts thus far. If Plaintiffs prevail, not only may LWVMT members be forced to choose between protecting their health and exercising their right to vote,² but LWVMT's voter education efforts will have been counterproductive. And they will have little time to inform voters that the rules for

² Contrary to Plaintiffs' callous misrepresentations in the Complaint, the health and safety of all Montanans is *still* at risk from the COVID-19 pandemic—especially that of the immunocompromised and the elderly—many of whom are members of LWVMT. *See 196 new cases of COVID-19 in Montana*, NBC MONTANA (Sept. 10, 2020), <https://www.ktvq.com/news/coronavirus/montana-reports-3-additional-deaths-90-new-covid-19-cases-wednesday-sept-9>.

voting have changed, and to ensure that they are not disenfranchised because of the changes effected by the litigation. If Plaintiffs prevail, LWVMT will be forced to divert scarce resources away from its ongoing voter registration and engagement efforts towards combating the confusion that is sure to arise among voters who expect to receive their ballot in the mail, as they did in the June 2020 primary election.

Plaintiffs' requested relief would harm LWVMT's members' right to vote by curtailing access to their mail-in ballots, going so far as to completely disenfranchise some. Additionally, it would impede LWVMT's First Amendment rights not just by reversing the fruits of its advocacy and undermining its voter education efforts thus far, but also by requiring the diversion of more resources to address voter confusion. Therefore, the proposed intervenor's interests will be impaired or impeded by the pending litigation.

C. No Existing Defendant or Intervenor Defendant Adequately Represents LWVMT's Interests in Its Absence.

LWVMT's interests diverge from those of all existing Defendants and Intervenor Defendants, and their interests are inadequately represented as a result. LWVMT's "burden is minimal" to show that its interests diverge from existing parties, "and is satisfied if the applicant can demonstrate that representation of its interests 'may be' inadequate." *Helena Hunters & Anglers Ass'n v. Marten*, No. CV 19-106-M-DLC, 2019 WL 3973707, at *2 (D. Mont. Aug. 22, 2019) (quoting

Arakaki v. Cayetano, 324 F.3d 1078, 1086 (9th Cir. 2003)); *see also Trbovich v. United Mine Workers*, 404 U.S. 528, 538 n.10 (1972) (“The requirement . . . is satisfied if the applicant shows that representation of his interest ‘may be’ inadequate; and the burden of making that showing should be treated as minimal.” (citation omitted)). “The most important factor in determining the adequacy of representation is how the [applicant’s] interest compares with the interests of existing parties.” *Arakaki*, 324 F.3d at 1086 (citation omitted). In making this comparison, the court considers:

- (1) whether the interest of a present party is such that it will undoubtedly make all of a proposed intervenor’s arguments;
- (2) whether the present party is capable and willing to make such arguments;
- and (3) whether a proposed intervenor would offer any necessary elements to the proceeding that other parties would neglect.

Citizens for Balanced Use v. Montana Wilderness Ass’n, 647 F.3d 893, 898 (9th Cir. 2011) (quoting *Arakaki*, 324 F.3d at 1086). Under these considerations, if “the applicant’s interest is identical to that of one of the present parties,” then “a compelling showing should be required to demonstrate inadequate representation.” *Arakaki*, 324 F.3d at 1086 (citation omitted).

Here, LWVMT has exceeded its minimal burden to show that no existing Defendants or Intervenor Defendants will adequately represent LWVMT’s distinct interests. Addressing the first and second considerations, while LWVMT shares some of the same interests as Defendants and Intervenor Defendants in upholding

the General Election Directive, their interests are far from identical such that those parties would “undoubtedly make all of [LWVMT’s] arguments” or be “capable and willing” to do so. *See Citizens for Balanced Use*, 647 F.3d at 898 (citation omitted).

First, an existing party cannot make all of a putative intervenor’s arguments when the “intervenor offers a perspective which differs materially from that of the present parties to this litigation.” *Sagebrush Rebellion, Inc. v. Watt*, 713 F.2d 525, 528 (9th Cir. 1983). LWVMT would offer a materially differing perspective as the only nonpartisan entity in this case. LWVMT seeks to advance the rights of voters from all political perspectives and affiliations.³ LWVMT’s membership spans both major political parties as well as voters affiliated with neither political party, and its organizational mission includes the expansion of ballot access for all Montana voters irrespective of the outcome of any given election. Accordingly, LWVMT’s sole nonpartisan motivation in expanding safe measures for exercising the right to vote for all voters is distinct, and partisan motivations by other parties to this litigation casts doubt on whether they will make all of LWVMT’s arguments or be capable or willing to do so. Thus, LWVMT’s interests and arguments from a

³ *See* About, Montana League of Women Voters, <https://my.lwv.org/montana-league-women-voters/about>.

nonpartisan perspective will not be adequately represented absent LWVMT's participation as intervenors in this litigation.

Second, concerning the government Defendants specifically, LWVMT has distinct interests such that the government Defendants cannot be expected to make all of LWVMT's arguments. The Ninth Circuit has recognized that "the government's representation of the public interest may not be 'identical to the individual parochial interest' of a particular group just because 'both entities occupy the same posture in the litigation.'" *Citizens for Balanced Use*, 647 F.3d at 899 (quoting *WildEarth Guardians v. U.S. Forest Serv.*, 573 F.3d 992, 996 (10th Cir. 2009)). Here, LWVMT's interests are not identical to the government Defendants' interests because LWVMT solely seeks to ensure that its members and the members of the communities it serves have access to safe and effective means of casting a ballot.⁴ Related to this interest, LWVMT, as an organization devoted to civic engagement, would also have to divert substantial resources to renewed voter education efforts to prevent voter confusion if Plaintiffs prevail.

Governor Bullock and Secretary Stapleton, by contrast, must balance this common interest in defending the voter access substance of the General Election Directive with myriad additional complementary or competing interests that LWVMT does not share. These additional interests include litigating the

⁴ See Voting, Montana League of Women Voters, <https://my.lwv.org/montana/voting>.

boundaries of the governor's executive authority, positioning election management within the State's overall pandemic response, navigating state and county government relations, weighing political considerations, and conserving government resources. Thus, there is no guarantee that the government Defendants will focus their litigation strategy on LWVMT's sole interests in expanding safe and effective ballot access while, for example, simultaneously defending the executive branch's right to promulgate directives pursuant to its powers during a pandemic. *See, e.g., Issa v. Newsom*, No. 2:20-cv-01044-MCE-CKD, 2020 WL 3074351, at *3 (E.D. Cal. June 10, 2020) (making a similar distinction between proposed intervenors and the government's interests in an election law matter); *Paher v. Cegavske*, No. 3:20-cv-00243-MMD-WGC, 2020 WL 2042365, at *3 (D. Nev. Apr. 28, 2020) (same). Therefore, Governor Bullock and Secretary Stapleton's interests are not identical to LWVMT's interest such that the government Defendants "will undoubtedly make all of a proposed intervenor's arguments" or be "capable and willing to make such arguments." *See Arakaki*, 324 F.3d at 1086 (citation omitted).

Third, Intervenor Defendants DSCC, DCCC, and MDP also have starkly different interests than those of LWVMT. As a nonpartisan, nonprofit organization with membership spanning diverse political perspectives and affiliations, LWVMT's sole interest is expanding safe and effective access to the ballot box for

all voters. LWVMT pursues this interest regardless of the outcome of any given election. The Intervenor Defendants, on the other hand, are partisan organizations, whose mission is primarily to advance the interests of the Democratic Party. While the Intervenor Defendants' stated objective is "ensuring that every Democratic voter in Montana has a meaningful opportunity to cast a ballot," *see* ECF 29 at 12, LWVMT pursues that goal on behalf of voters from all parties or no party at all. "This represents more than a mere difference in litigation strategy, which might not normally justify intervention, but rather demonstrates the fundamentally differing points of view between [LWVMT] and the [Intervenor Defendants] on the litigation as a whole." *See Citizens for Balanced Use*, 647 F.3d at 899. Indeed, several other courts have recognized that nonpartisan civil rights organizations and political party groups do not share the same interests and have permitted both to participate as parties in voting rights litigation simultaneously. *See, e.g., Stringer v. Pablos*, No. SA-16-cv-257-OG, Doc. 136 at 1 (W.D. Tex. Jan. 21, 2020) (granting mandatory intervention under similar circumstances); *Donald J. Trump for President, Inc. v. Boockvar*, No. 2:20-cv-966-NR, Doc. 309 at 4 (W.D. Pa. Aug. 3, 2020) (granting permissive intervention under similar circumstances). Thus, LWVMT's nonpartisan interests are far from identical to those of the Intervenor Defendants, and the Intervenor Defendants cannot be expected to make all of LWVMT's arguments or be capable and willing to do so.

Turning to the third adequate representation consideration, LWVMT “would offer . . . necessary elements to the proceeding that other parties would neglect.” *See Arakaki*, 324 F.3d at 1086 (citation omitted). As emphasized above, LWVMT’s nonpartisan focus solely on advancing the safe and effective access to the ballot box for all eligible Montana voters offers a unique and necessary element to the proceedings that other parties with partisan interests would neglect.

In sum, LWVMT must merely carry the “minimal burden” of showing distinct interests from existing parties that “is satisfied if the applicant can demonstrate that representation of its interests ‘may be’ inadequate.” *Helena Hunters & Anglers Ass’n*, 2019 WL 3973707, at *2 (quoting *Arakaki*, 324 F.3d at 1086). LWVMT has met this burden because its sole, nonpartisan interest in expanding access to safe and effective means for eligible Montanans to vote offers a distinct and necessary element to the proceedings, and existing parties will not make all of LWVMT’s arguments or be capable and willing to do so.

II. In the Alternative, LWVMT Requests That This Court Grant Permissive Intervention Pursuant to Rule 24(b).

Rule 24(b) allows permissive intervention for any party who has a defense that shares a common question of law or fact with the main action. Fed. R. Civ. P. 24(b)(1)(B). “The decision to grant or deny this type of intervention is discretionary, subject to considerations of equity and judicial economy.” *Garza v. County of Los Angeles*, 918 F.2d 763, 777 (9th Cir. 1990). When exercising this

discretion, courts must consider “whether the intervention will unduly delay or prejudice the adjudication of the rights of the original parties.” Fed. R. Civ. P. 24(b)(1)(B).

Permissive intervention is appropriate here and has been granted in substantially similar circumstances. *See Donald J. Trump for President v. Boockvar*, 2:20-cv-00966, Doc. 309 (W.D. Pa. Aug. 3, 2020) (finding permissive intervention by state chapter of League of Women Voters under similar circumstances where intervention was filed within a few weeks of the initial complaint and intervenors sought to defend the constitutionality of the state’s election practices).

This motion to intervene is timely, and intervention would not unduly delay the present litigation. As discussed above, LWVMT sought intervention before the original Defendants filed their answer, before any responses to Plaintiffs’ Motion for Preliminary Injunction have been filed, and only days after the other Intervenors moved. As a result, LWVMT’s intervention will not delay the ongoing litigation in any way. Intervention will not prejudice the rights of the original parties, because the litigation is in the beginning stages and LWVMT does not seek to disrupt the existing briefing schedule for the Motion for Preliminary Injunction.

Finally, LWVMT’s intended defense of the General Election Directive shares a common question or law or fact with the main action, namely that the

General Election Directive does not violate the United States Constitution.

Therefore, permissive intervention is appropriate, even if the Court determines that LWVMT is not entitled to intervention as of right (it is).

CONCLUSION

This litigation directly affects LWVMT and its members' interests in ensuring that Montana voters can vote in a safe and effective manner in the upcoming general election. Because they cannot be adequately represented by any of the existing defendants in this litigation, LWVMT respectfully requests that the Court grant LWVMT's intervention as of right pursuant to Rule 24(a), or, in the alternative, permissive intervention pursuant to Rule 24(b).

Respectfully submitted,

Dated: September 11, 2020

DRAKE LAW FIRM, PC

By 

Curt Drake

Patricia Klanke

Michael Kauffman

DRAKE LAW FIRM P.C.

111 North Last Chance Gulch, Ste. 3J

Helena, Montana 59601

CAMPAIGN LEGAL CENTER
1101 14th Street NW, Ste. 400
Washington, DC 20005
Danielle Lang*
Jonathan Diaz*
Patrick Llewellyn*
Simone Leeper*(Licensed to practice in Florida only;
supervised by a member of the D.C. Bar)
Hayden Johnson*

* *Motion for admission pro hac vice pending*

CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing brief complies with the requirements of Local Rule 7.1. It contains 3,994 words as determined by the word-processing system used to prepare this brief.


