

The Honorable Kymberly K. Evanson

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

UNITED STATES OF AMERICA,

*Plaintiff,*

v.

STEVE HOBBS, in his official capacity as the  
Secretary of State of the State of Washington,

*Defendant.*

Case No. 3:25-cv-06078-KKE

PROPOSED INTERVENOR-DEFENDANTS  
COMMON CAUSE AND WASHINGTON  
CONSERVATION ACTION EDUCATION  
FUND'S MOTION TO INTERVENE

NOTE ON MOTION CALENDAR: April 20,  
2026

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## INTRODUCTION

1  
2 Plaintiff the United States is engaged in an unprecedented effort to collect voters' sensitive  
3 data. Washington is one of 29 states, plus the District of Columbia, that Plaintiff has sued for  
4 protecting their citizens' private information from the federal government's baseless demands for  
5 unredacted voter rolls.<sup>1</sup> Plaintiff cites the National Voter Registration Act (NVRA), the Help  
6 America Vote Act (HAVA), and Title III of the Civil Rights Act of 1960 (CRA) in support of its  
7 demand, but its sole claim is under the CRA. The CRA does not authorize Plaintiff to compel  
8 Washington to produce its unredacted voter file. The Attorney General did not satisfy the CRA's  
9 requirement to provide the basis and the purpose of her request, instead relying entirely on a  
10 purported desire to ensure Washington's compliance with the NVRA and HAVA. The Department  
11 of Justice (DOJ) is not investigating potential violations of these laws. Rather, these  
12 lawsuits represent an extraordinary effort to collect state voter data without adhering to protections  
13 for voters' privacy or respect for states' constitutional primacy in election administration.  
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16 Proposed Intervenor-Defendants Common Cause and Washington Conservation Action  
17 Education Fund (WCAEF) are nonprofit, nonpartisan, advocacy organizations with members in  
18 Washington. Both groups work to engage voters and represent thousands of members across  
19 Washington whose personal information may be unlawfully shared with the federal government,  
20 depending on the outcome of this litigation. Because Common Cause and WCAEF's interests are  
21 directly impacted by this litigation, they have a right to intervene pursuant to Federal Rule of Civil  
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25 <sup>1</sup> Kaylie Martinez-Ochoa, Eileen O'Connor, and Patrick Berry, *Tracker of Justice Department*  
26 *Requests for Voter Information*, Brennan Ctr. for Just. (Aug. 28, 2025) (last updated Mar. 25,  
2026), <https://www.brennancenter.org/our-work/research-reports/tracker-justice-department-requests-voter-information>.

1 Procedure 24(a)(2). In the alternative, Proposed Intervenor-Defendants seek permissive  
2 intervention under Rule 24(b)(1).

3 **BACKGROUND**

4 **I. Background and Procedural Posture**

5 This case, like others across the country, is about the federal government’s attempt to amass  
6 sensitive data on millions of Americans to build a national voter registration database to exert  
7 political control over elections.  
8

9 **A. Factual Background**

10 In the summer and fall of 2025, Plaintiff sent letters to state election officials demanding  
11 production of their statewide voter registration lists, including sensitive information that is not part  
12 of the public voter file.<sup>2</sup> DOJ wrote to Secretary Hobbs on September 8, 2025, demanding an  
13 electronic copy of Washington’s voter registration list containing “all fields, which includes [each]  
14 registrant’s full name, date of birth, residential address, his or her state driver’s license number, or  
15 the last four digits of the registrant’s social security number.” ECF No. 1 ¶¶ 18-20. The letter  
16 invoked the CRA, the NVRA, and HAVA. *Id.* ¶ 19. On September 23, 2025, Secretary Hobbs  
17 declined to provide the non-public statewide voter registration list because it contains confidential  
18 voter information. *Id.* ¶ 21.  
19

20 **B. Legal Background**

21 Plaintiff filed suit on December 2, 2025, alleging only that Defendant has violated the CRA.  
22 ECF No. 1. Plaintiff failed to timely serve Defendant with the Complaint, but the Court concluded  
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25 <sup>2</sup> See Devlin Barrett & Nick Corasaniti, *Trump Administration Quietly Seeks to Build National*  
26 *Voter Roll*, N.Y. Times, (Sep. 9, 2025), <https://www.nytimes.com/2025/09/09/us/politics/trump-voter-registration-data.html>.

1 that the case should not be dismissed despite untimely service. ECF No. 22. In its initial filing,  
2 Plaintiff attached a proposed motion seeking to compel Washington to provide its full voter  
3 registration list under the same statute, although its motion was procedurally defective. ECF No. 1-  
4 3.

5 The CRA permits the Attorney General to demand access to voter records only in writing  
6 with “a statement of the basis and the purpose therefor.” 52 U.S.C. § 20703. DOJ’s letter to  
7 Washington and its Complaint do not satisfy the “basis” or “purpose” requirements for the demand  
8 for highly sensitive voter data.

9 DOJ claims no basis for its request and vaguely argues that it requires access to this data “to  
10 ascertain Washington’s compliance with the list maintenance requirements of the NVRA and  
11 HAVA.” ECF No. 1 ¶ 22. The NVRA and HAVA charge states—not the federal government—  
12 with maintaining voter registration lists and removing ineligible voters from the rolls. *See* 52 U.S.C.  
13 §§ 20507(a), 21083(a)(1)-(2); H.R. Rep. No. 107-329, pt. 1, at 31-32 (2001) (emphasizing the  
14 importance of administering elections at the state and local level); *Husted v. A. Philip Randolph*  
15 *Inst.*, 584 U.S. 756, 761 (2018). Neither the NVRA nor HAVA makes the federal government  
16 responsible for compiling a national voter registration list or performing list maintenance.  
17 *Id.* Moreover, a snapshot of a voter registration list does not offer enough information for DOJ to  
18 assess a general program of list maintenance. As such, DOJ’s purported reasons for seeking  
19 sensitive data about millions of Washington voters fall short of the CRA’s requirements.  
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23 Plaintiff’s plans for this sensitive data appear nowhere in the Complaint, but have emerged  
24 from other sources, including a Memorandum of Understanding (MOU) DOJ signed with at least  
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26

1 two states.<sup>3</sup> This MOU describes DOJ’s attempted takeover of states’ exclusive authority to  
 2 maintain their voter rolls, explaining that DOJ will conduct an “analysis and assessment” of voter  
 3 rolls and instruct the state to remove voters DOJ identifies.<sup>4</sup>

4 DOJ’s public statements confirm its goal is not to review list maintenance procedures, but  
 5 to expand federal control over elections and target voters for removal. A recent press release stated:  
 6 “At this Department of Justice, we will not permit states to jeopardize the integrity and effectiveness  
 7 of elections by refusing to abide by our federal elections laws. If states will not fulfill their duty to  
 8 protect the integrity of the ballot, we will.”<sup>5</sup> This federal takeover of list maintenance would run  
 9 contrary to constitutional and statutory frameworks for elections, which provide that state and local  
 10 governments run elections, including registering voters and maintaining voter rolls.<sup>6</sup> According to  
 11 one DOJ lawyer, Civil Rights Division leadership demanded that DOJ obtain “states’ voter rolls,  
 12 by suing them if necessary” to “go through all the data and compare it to the Department of  
 13 Homeland Security data and Social Security data” and search for “immigrants that have registered  
 14  
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16 <sup>3</sup> See “Confidential Memorandum of Understanding” executed with Texas (Dec. 9, 2025),  
 17 [https://www.brennancenter.org/media/15082/download/texas\\_12.09.2025\\_executed-](https://www.brennancenter.org/media/15082/download/texas_12.09.2025_executed-mou.pdf?inline=1)  
 18 [mou.pdf?inline=1](https://www.brennancenter.org/media/15064/download/alaska_12.22.2025_executed-mou.pdf?inline=1); “Confidential Memorandum of Understanding” executed with Alaska (Dec. 22,  
 19 2025), [https://www.brennancenter.org/media/15064/download/alaska\\_12.22.2025\\_executed-](https://www.brennancenter.org/media/15064/download/alaska_12.22.2025_executed-mou.pdf?inline=1)  
 20 [mou.pdf?inline=1](https://www.documentcloud.org/documents/26330926-vrldata-sharing-agreement-doj-co/). DOJ has apparently asked other states to sign the same MOU. See Proposed  
 21 “Confidential Memorandum of Understanding” sent to Colorado,  
 22 <https://www.documentcloud.org/documents/26330926-vrldata-sharing-agreement-doj-co/>; see  
 23 also Jonathan Shorman, *Trumps’ DOJ Offers States Confidential Deal to Remove Voters Flagged*  
 24 *by Feds*, Stateline (Dec. 18, 2025), [https://stateline.org/2025/12/18/trumps-doj-offers-states-](https://stateline.org/2025/12/18/trumps-doj-offers-states-confidential-deal-to-wipe-voters-flagged-by-feds-as-ineligible/)  
 25 [confidential-deal-to-wipe-voters-flagged-by-feds-as-ineligible/](https://stateline.org/2025/12/18/trumps-doj-offers-states-confidential-deal-to-wipe-voters-flagged-by-feds-as-ineligible/).

26 <sup>4</sup> The MOU provides that removals must take place within 45 days of notification from DOJ, which  
 would violate Section 8(d) of the NVRA, 52 U.S.C. § 20507(d), for any voters flagged for removal  
 based on a change in residence.

<sup>5</sup> Press Release, U.S. Dep’t of Just., Justice Department Sues Four Additional States and One  
 Locality for Failure to Comply with Federal Elections Laws (Dec. 12, 2025),  
<https://perma.cc/2R3L-YZ5X>.

<sup>6</sup> Further, the proposed MOU does not limit DOJ’s ability to use states’ data and expressly permits  
 DOJ to provide the data to contractors. *Id.* at 6-7.

1 to vote” even though “[t]here was no pre-existing evidence” that unlawful immigrant voting is a  
2 problem.<sup>7</sup> Emily Bazelon & Rachel Poser, *The Unraveling of the Justice Department*, N.Y. Times  
3 Mag. (Nov. 16, 2025), <https://perma.cc/3FVP-LABM>. And the Department of Homeland Security  
4 confirmed that it is using information received from DOJ “to scrub aliens from voter rolls.”  
5 Jonathan Shorman, *DOJ is sharing state voter roll lists with Homeland Security*, Colorado  
6 Newline (Sep. 15, 2025), [https://coloradonewline.com/2025/09/15/repub/doj-voter-roll-](https://coloradonewline.com/2025/09/15/repub/doj-voter-roll-homeland-security/)  
7 [homeland-security/](https://coloradonewline.com/2025/09/15/repub/doj-voter-roll-homeland-security/). DOJ is executing this plan, despite reports that these efforts have resulted in  
8 erroneous voter removals. Jude Joffe-Block, *Trump’s SAVE tool is looking for noncitizen voters.*  
9 *But it’s flagging U.S. citizens too*, NPR (Dec. 10, 2025), <https://perma.cc/7DDE-T9ZV>.

11 Plaintiff’s efforts in this case, and similar cases, are part of a larger program to gather and  
12 use vast swaths of data, notwithstanding laws to the contrary. *See Ctr. for Taxpayer Rts. v. Internal*  
13 *Revenue Serv.*, No. 1:25-cv-00457-CKK, 2025 WL 3251044, at \*2 (D.D.C. Nov. 21, 2025) (staying  
14 IRS policy of data-sharing with Immigration and Customs Enforcement); *see also* Hamed Aleaziz,  
15 *Immigration Agents Are Using Air Passenger Data for Deportation Effort*, N.Y. Times (Dec. 12,  
16 2025), <https://www.nytimes.com/2025/12/12/us/politics/immigration-tsa-passenger-data.html>.

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25 <sup>7</sup> To the extent that DOJ is not engaging in an investigation and is instead engaging in data  
26 collection for any other purpose, DOJ must comply with the Paperwork Reduction Act, *see* 44  
U.S.C. §§ 3506(c), 3507(a), and the Privacy Act, *see* 5 U.S.C. § 552a.

1           **II. Proposed Intervenor-Defendants**

2           **A. Common Cause**

3           Proposed Intervenor-Defendant Common Cause is a nonpartisan organization committed to  
4 ensuring that all eligible voters, including their Washington members and other Washingtonians,  
5 register to vote and exercise their right to vote. *See* Ex. A, Decl. of Suzanne Almeida (Almeida  
6 Decl.) ¶¶ 4, 6-11; *see also* Ex. B, Decl. of Barbara Ewing (Ewing Decl.) ¶ 13. Common Cause  
7 expends significant resources conducting on-the-ground voter engagement and assistance efforts.  
8 *See* Almeida Decl. ¶¶ 9, 11. The success of these efforts depend on voters’ trust that, when they  
9 provide personal information to the State, that information will not be abused. *See* Almeida Decl. ¶  
10 9. Common Cause also has over 32,000 members and supporters in Washington, including  
11 Washington voters whose personal data will be provided to the federal government if Plaintiff  
12 prevails in this lawsuit. *See* Almeida Decl. ¶ 6; Ewing Decl. ¶¶ 12, 13.

13           **B. Washington Conservation Action Education Fund**

14           Washington Conservation Action Education Fund (WCAEF) is a nonpartisan, grassroots  
15 membership organization that advocates for environmental justice and a strong democracy in  
16 Washington. *See* Ex. C, Decl. of Christina Wong (Wong Decl.) ¶ 3. As part of WCAEF’s  
17 democracy mission, the organization believes that when more people participate in democracy,  
18 Washington has more hope for a healthier environment and communities. Wong Decl. ¶ 3.  
19 WCAEF’s mission is to motivate voters because WCAEF believes that civic participation is critical  
20 for advancing environmental protection, the health of communities statewide, and a thriving  
21 economy. Wong Decl. ¶ 3. WCAEF and its members pursue the shared goal of expanding political  
22 participation in Washington by conducting voter registration drives and voter engagement efforts.  
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1 Wong Decl. ¶ 5. WCAEF has around 3,500 members throughout Washington. Wong Decl. ¶ 8. The  
2 vast majority of these members are politically active and registered to vote. Wong Decl. ¶¶ 8, 9.

3 **LEGAL STANDARD**

4 A nonparty is entitled to intervene in an action as a matter of right when: (1) the motion to  
5 intervene is timely filed; (2) the proposed intervenors have “an interest relating to” the subject  
6 matter of the action; (3) the proposed intervenors are “so situated that disposing of the action may  
7 as a practical matter impair or impede [their] ability to protect [that] interest”; and (4) the proposed  
8 intervenors’ interests are inadequately represented by the existing parties to the suit. Fed. R. Civ.  
9 P. 24(a)(2); *see also Berger v. N.C. State Conf. of the NAACP*, 597 U.S. 179, 190 (2022).

11 “Rule 24(a) is construed broadly, in favor of the applicants for intervention.” *Scotts Valley*  
12 *Band of Pomo Indians of the Sugar Bowl Rancheria v. United States*, 921 F.2d 924, 926 (9th Cir.  
13 1990). A court must allow any party to intervene who meets the four criteria set forth by the Federal  
14 Rules. *Arakaki v. Cayetano*, 324 F.3d 1078, 1083 (9th Cir. 2003).

16 Even if a nonparty cannot intervene as a matter of right, the court may permit intervention  
17 when the movant has “a claim or defense that shares with the main action a common question of  
18 law or fact,” and intervention will not “unduly delay or prejudice the adjudication of the original  
19 parties’ rights.” Fed. R. Civ. P. 24(b). “A motion for permissive intervention pursuant to Rule 24(b)  
20 is directed to the sound discretion of the district court.” *San Jose Mercury News, Inc. v. U.S. Dist.*  
21 *Ct.-N. Dist. (San Jose)*, 187 F.3d 1096, 1100 (9th Cir. 1999).

23 In considering motions to intervene, courts “take all well-pleaded, nonconclusory  
24 allegations in the motion to intervene, the proposed complaint or answer in intervention, and  
25 declarations supporting the motion as true absent sham, frivolity or other objections.” *Sw. Ctr. for*  
26 *Biological Diversity v. Berg*, 268 F.3d 810, 820 (9th Cir. 2001).

**ARGUMENT**

**I. Proposed Intervenor-Defendants are entitled to intervene under Rule 24(a)(2).**

Proposed Intervenor-Defendants are entitled to intervene in this litigation because their motion is timely; the organizations and their members have significant interests in the case; those interests will be impacted by the outcome; and no existing party adequately represents those interests. The Court should grant the motion to intervene, just as federal courts have granted motions to intervene in parallel cases. *See United States v. DeMarinis*, No. 1:25-cv-03934-SAG (D. Md. Feb. 2, 2026), ECF No. 38; *United States v. Raffensperger*, No. 1:26-cv-00485-ELR (N.D. Ga. Jan. 30, 2026), ECF No. 14; *United States v. Copeland-Hanzas*, No. 2:25-cv-00903-MKL (D. Vt. Jan. 20, 2026), ECF No. 42; *United States v. Oregon*, No. 6:25-cv-01666-MTK, 2025 WL 3496571 (D. Or. Dec. 5, 2025), ECF No. 52; *United States v. Weber*, No. 2:25-cv-09149-DOC-ADS (C.D. Cal. Nov. 19, 2025), ECF No. 70; *United States v. Bellows*, No. 1:25-cv-00468-LEW (D. Me. Dec. 12, 2025), ECF No. 38.

**A. The motion is timely.**

Whether a motion to intervene is timely is within “the sound discretion of the trial court[.]” *Alaniz v. Tillie Lewis Foods*, 572 F.2d 657, 659 (9th Cir. 1978). Factors courts consider include “the stage of the proceeding;” “prejudice to other parties;” and “the reason for and the length of the delay.” *Id.* Proposed Intervenor-Defendants move to intervene within two business days of the Court’s decision not to dismiss the Complaint despite untimely service. *See* ECF No. 22; *Equal Emp. Opportunity Comm’n v. Fed. Express Corp.*, No. C94-790C, 1995 WL 569446, at \*5 (W.D. Wash. Aug. 8, 1995) (granting motion to intervene filed years into litigation at summary judgment stage despite “substantial[] delay[]”). As such, no prejudice in the form of delay will result to the existing parties if Proposed Intervenor-Defendants’ motion is granted. *See Washington v. U.S.*

1 *Dep't of Transp.*, No. 2:25-cv-00848-TL, 2025 WL 3023041, at \*8 (W.D. Wash. Oct. 29, 2025)  
 2 (granting motion to intervene where defendants had not answered and no dispositive motions had  
 3 been filed).

4 **B. Proposed Intervenor-Defendants have significantly protectable interests**  
 5 **related to this litigation.**

6 This litigation is closely tied to Proposed Intervenor-Defendants' organizational interests  
 7 and those of their members. Under Rule 24(a)(2), "a prospective intervenor 'has a sufficient interest  
 8 for intervention purposes if it will suffer a practical impairment of its interests as a result of the  
 9 pending litigation.'" *Wilderness Soc'y v. U.S. Forest Serv.*, 630 F.3d 1173, 1179 (9th Cir. 2011)  
 10 (quoting *California ex rel. Lockyer v. United States*, 450 F.3d 436, 441 (9th Cir. 2006)). "Rule  
 11 24(a)(2) does not require a specific legal or equitable interest," and "it is generally enough that the  
 12 interest is protectable under some law, and that there is a relationship between the legally protected  
 13 interest and the claims at issue." *Id.* (quoting *Sierra Club v. EPA*, 995 F.2d 1478, 1484 (9th Cir.  
 14 1993)). In a parallel case, the court recognized that the "protectable privacy interests" of voters  
 15 whose information is threatened with disclosure meets this prong of Rule 24(a)(2). *Oregon*, 2025  
 16 WL 3496571, at \*1.  
 17

18  
 19 Proposed Intervenor-Defendants have directly related organizational interests. Both  
 20 organizations have a long-standing interest in civic participation and in the appropriate and lawful  
 21 handling of election information because they encourage eligible Washington residents to register  
 22 to vote and participate in elections. Almeida Decl. ¶¶ 3-6; Wong Decl. ¶¶ 4-9. Proposed Intervenor-  
 23 Defendants are concerned that their efforts to encourage civic participation will be frustrated if  
 24 Washingtonians' sensitive private information is disclosed. Almeida Decl. ¶¶ 11-13; Wong Decl.  
 25 ¶¶ 11-12. They are concerned that Washington residents will be more hesitant to engage in the  
 26

1 political process for fear that their data will be misused for retaliation or harassment, and Plaintiff's  
2 aggressive demands for voters' data and lack of legitimate explanations for its proposed use amplify  
3 these fears. Almeida Decl. ¶¶ 11-13; Wong Decl. ¶¶ 11, 12.

4 Proposed Intervenor-Defendants' members also have interests that are directly related to the  
5 litigation, substantial, and legally protectable. *See Oregon*, 2025 WL 3496571, at \*1. Their  
6 members include registered Washington voters who risk having their sensitive personal data  
7 disclosed to Plaintiff. Almeida Decl. ¶ 6; Ewing Decl. ¶¶ 11-13; Wong Decl. ¶¶ 8, 12. Members  
8 were required to submit this sensitive personal data to Washington to exercise their right to vote.  
9 Almeida Decl. ¶ 6; Ewing Decl. ¶¶ 11-13; Wong Decl. ¶¶ 8, 12. Members have a privacy interest  
10 in preventing the disclosure of their sensitive personal data, which is protected by Washington law.  
11 *See RCW 29A.08.710 & .720*. Further, Proposed Intervenor-Defendants' members are deeply  
12 committed to civic engagement, and they fear Washingtonians will be less likely to register to vote  
13 if their data is shared. *See Almeida Decl. ¶ 6; Ewing Decl. ¶¶ 11-13; Wong Decl. ¶¶ 8-12*. As such,  
14 these members' interests are directly related to this litigation, which implicates the proper use of  
15 their data, Washingtonians' willingness and ability to register to vote, and the federal government's  
16 justification for seeking this data.  
17  
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19 **C. The litigation will impact Proposed Intervenor-Defendants' interests.**

20 This litigation directly impacts Proposed Intervenor-Defendants' organizational interests  
21 and the interests of their members. Once a court finds that an intervenor has a significantly  
22 protectable interest, the court should have "little difficulty concluding that the disposition of the  
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1 case may, as a practical matter, affect it.” *Citizens for Balanced Use v. Mont. Wilderness Ass’n*, 647  
2 F.3d 893, 898 (9th Cir. 2011) (citation omitted).

3 The disposition of this litigation will impact Proposed Intervenor-Defendants’ ability to  
4 protect their interests and those of their members. In Plaintiff’s lawsuit seeking  
5 Oregon’s unredacted voter rolls, the Court granted intervention under Rule 24(a)(2) to a nonprofit  
6 organization and voters because “the outcome of this litigation [would] directly affect the  
7 protectable privacy interests” they asserted. *Oregon*, 2025 WL 3496571, at \*1. So too here. Plaintiff  
8 seeks virtually unlimited access to Washingtonians’ voter data. If Plaintiff can use this Court to  
9 compel Washington to deliver this level of access, Proposed Intervenor-Defendants’ interest in  
10 civic participation will be impaired because citizens will be less likely to register to vote for fear  
11 that their data will be released or used inappropriately beyond applicable federal- and state-law  
12 protections. Almeida Decl. ¶ 6; Ewing Decl. ¶¶ 11-13; Wong Decl. ¶¶ 8-9, 12; RCW 29A.08.710  
13 & .720.  
14  
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16 This litigation will also impact Proposed Intervenor-Defendants’ members’ ability to protect  
17 their interests. Plaintiff seeks access to these members’ unredacted personal information, which  
18 they provided with the expectation that their privacy would be protected. Almeida Decl. ¶ 6; Ewing  
19 Decl. ¶ 4; Wong Decl. ¶ 9. Plaintiff’s access to the data will violate that privacy and stoke fear  
20 among members about how Plaintiff will use the data. Almeida Decl. ¶¶ 6, 11-13; Ewing Decl. ¶ 4;  
21 Wong Decl. ¶¶ 11-12.  
22

23 **D. Proposed Intervenor-Defendants’ interests are not adequately**  
24 **represented by the current parties.**

25 Proposed Intervenor-Defendants’ interests are not adequately represented by any existing  
26 party in this litigation. The burden of showing that an intervenor’s interests are not adequately

1 represented is generally “treated as minimal.” *Trbovich v. United Mine Workers of Am.*, 404 U.S.  
2 528, 538 n.10 (1972). If an intervenor has the same ultimate goal as an existing party, a rebuttable  
3 presumption of adequate representation arises, but “the government’s representation of the public  
4 interest may not be identical to the individual parochial interest of a particular group just because  
5 ‘both entities occupy the same posture in the litigation.’” *Citizens for Balanced Use*, 647 F.3d at  
6 899 (citation modified). And the presumption applies only in a limited class of cases, including  
7 “where a movant’s interests are identical to those of an existing party.” *Berger*, 597 U.S. at 196.  
8 Intervention is appropriate when the intervenor and the government “have distinct interests and  
9 objectives,” even if their ultimate goal in the litigation is the same. *Citizens for Balanced Use*, 647  
10 F.3d at 899.

11  
12 Defendant does not adequately represent Proposed Intervenor-Defendants’ interests. The  
13 Oregon and California district courts confirmed that state elections officials, like Defendant, do not  
14 adequately represent voters’ and pro-democracy groups’ interests and permitted private  
15 organizations representing voters to intervene alongside government defendants. *See Oregon*, 2025  
16 WL 3496571, at \*2 (granting intervention); Minute Order, *Weber*, No. 2:25-cv-09149-DOC-ADS  
17 (C.D. Cal. Nov. 19, 2025), ECF No. 70 (granting intervention). Defendant has not yet responded,  
18 so it is not yet known whether he and Proposed Intervenor-Defendants share the same ultimate  
19 objective. Even assuming that they do, Defendant does not have the same incentives to raise factual  
20 and legal arguments necessary for Proposed Intervenor-Defendants’ adequate representation for  
21 two reasons.  
22

23  
24 *First*, Proposed Intervenor-Defendants are organizations comprised of individual members  
25 whose sensitive data could be turned over to Plaintiff without consent because of this litigation.  
26 Therefore, Proposed Intervenor-Defendants and their members have a personal stake in the

1 litigation that Defendant, and the State more generally, does not. That is sufficient to justify  
2 intervention alongside Defendant because the State’s interest is qualitatively different.

3         *Second*, Defendant has statutorily imposed objectives and obligations that diverge from  
4 those of Proposed Intervenor-Defendants and their members. *See Berger*, 597 U.S. at 195. In this  
5 case, Defendant has an obligation to enforce HAVA and state laws governing list maintenance. And  
6 the NVRA instructs that Defendant must “balance competing objectives,” including maintaining  
7 accurate voter rolls by removing ineligible voters, subject to procedural safeguards. *Bellitto v.*  
8 *Snipes*, 935 F.3d 1192, 1201 (11th Cir. 2019). Proposed Intervenor-Defendants do not have to strike  
9 such a balance. Proposed Intervenor-Defendants instead seek to participate in this litigation to  
10 protect Washington voters’ personal data and their ability to encourage civic participation through  
11 voter registration. *See supra* Part I(B); *see also Oregon*, 2025 WL 3496571, at \*2 (finding  
12 Intervenor-Defendants’ interests not adequately represented). Because Proposed Intervenor-  
13 Defendants’ interests are not adequately represented by the existing parties, they should be  
14 permitted to intervene as of right so that they can protect the interests of themselves and their  
15 members.<sup>8</sup>  
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22 <sup>8</sup> Common Power, a national constituent-based nonprofit, sought to intervene as a defendant in  
23 this matter, ECF No. 6. Although the Court terminated that motion, ECF No. 7, the Court has  
24 granted Common Power the opportunity to re-file its motion to intervene. ECF No. 22. Proposed  
25 Intervenor-Defendants respectfully submit that if Common Power moves to intervene again, and  
26 the Court finds that intervention is warranted under either Rule 24(a) or (b) for Common Power,  
intervention is likewise appropriate for Proposed Intervenor-Defendants. Moreover, since  
Common Power is not yet a party, the Court should not alter its adequacy analysis under Rule  
24(a) even if Common Power’s intervention is granted. Fed. R. Civ. P. 24(a) (“unless *existing*  
*parties* adequately represent that interest”) (emphasis added).

1           **II. Proposed Intervenor-Defendants should be permitted to intervene under Rule**  
2           **24(b).**

3           Even if the Court finds that Proposed Intervenor-Defendants do not have a right to intervene  
4           under Rule 24(a), it should nonetheless permit intervention under Rule 24(b) because Proposed  
5           Intervenor-Defendants have “a claim or defense that shares with the main action a common question  
6           of law or fact,” and intervention will not “unduly delay or prejudice the adjudication of the original  
7           parties’ rights.” Fed. R. Civ. P. 24(b). In deciding whether to grant permissive intervention, courts  
8           consider the same factors for intervention as of right and can additionally consider “the nature and  
9           extent of the intervenors’ interest” and whether the presence of intervenors will “contribute to the  
10          just and equitable resolution of the issues.” *Brumback v. Ferguson*, 343 F.R.D. 335, 346 (E.D.  
11          Wash. 2022) (citation omitted). In the parallel litigation in Oregon, the court found that both  
12          mandatory and permissive intervention were appropriate. 2025 WL 3496571, at \*2.

14          Proposed Intervenor-Defendants have defenses that share common questions of law and  
15          facts with existing issues in this case. DOJ’s effort to gain sensitive data regarding millions of  
16          Washington voters should not prevail in light of federal and state law. Nor will Proposed Intervenor-  
17          Defendants’ participation delay or prejudice the adjudication of the existing parties’ rights, as  
18          demonstrated by the fact that no party has opposed intervention and the timeliness of this motion.  
19          And Proposed Intervenor-Defendants’ participation will not cause undue delay. Proposed  
20          Intervenor-Defendants will abide by any schedule or deadlines the Court establishes.

22          “The nature and extent of the intervenors’ interests” are also significant. *Brumback*, 343  
23          F.R.D. at 346; *see supra* Part I(B). And other parties fail to adequately represent those interests. *See*  
24          *supra* Part I(D). Moreover, Proposed Intervenor-Defendants will “contribute to the just and  
25          equitable resolution of the issues.” *Brumback*, 343 F.R.D. at 346. Through their decades of  
26

1 experience working to safeguard democracy, previous work concerning elections and data privacy,  
2 and connections to thousands of impacted members, Proposed Intervenor-Defendants will help  
3 develop the factual record in a way that is unlike any existing party or proposed intervenor.

4 **CONCLUSION**

5 This Court should grant Proposed Intervenor-Defendants' motion to intervene under Federal  
6 Rule of Civil Procedure 24(a) or, in the alternative, should grant permissive intervention under Rule  
7 24(b).<sup>9</sup>

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9 March 30, 2026

Respectfully submitted,

10 /s/ Amanda Beane

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<sup>9</sup> Should this Court determine intervention is not warranted, Proposed Intervenor-Defendants respectfully request permission to participate as nonparty *amicus curiae*.

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*\*Pro Hac Vice Applications Forthcoming*

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