

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-6078-KKE

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

NOTE ON MOTION CALENDAR:
April 20, 2026

1 Common Cause and Washington Conservation Action Education Fund (“Proposed
2 Intervenors”) have interests in protecting voters that are not adequately represented, and their
3 participation will not prejudice Plaintiff or delay this case. As such, Proposed Intervenors
4 respectfully request that this Court grant intervention and join the twenty other courts that have
5 permitted entities representing voters’ interests to intervene in parallel litigation.

6 ARGUMENT

7 I. Proposed Intervenors meet Rule 24(a)’s intervention standard.

8 Proposed Intervenors’ members’ interests and their own organizational interests related to
9 civic participation are significantly impacted by this litigation, and they have a right to intervene.
10 *See infra* Part II. Plaintiff misstates the intervention standard in two ways. *First*, Plaintiff confuses
11 the significantly protectable interest standard with Article III standing. ECF No. 47 (Br.) at 3, 5-7.
12 But should Defendant seek dismissal, Proposed Intervenors will not need to establish standing to
13 intervene, even though Proposed Intervenors seek to vindicate different interests. *See Cal. Dep’t*
14 *of Toxic Substances Control v. Jim Dobbas, Inc.*, 54 F.4th 1078, 1085 (9th Cir. 2022) (holding
15 intervenor-defendant must demonstrate standing only if intervenors seek different relief from
16 parties).

17 *Second*, Plaintiff argues that Proposed Intervenors lack a protectable interest because they
18 have no duties under relevant federal statutes, but Plaintiff points to no persuasive authority to
19 support the proposition that HAVA and the CRA limit who may intervene. Under Plaintiff’s logic,
20 private litigants could never intervene in a case requiring a government entity’s involvement. But
21 twenty federal courts, including courts in this Circuit, have granted such motions in nearly identical
22 litigation.¹

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24 ¹ *See* Motion for Intervention, *United States v. Weber*, 2:25-cv-09149 (C.D. Cal. Oct. 20, 2025),
25 Dkt. No. 24; Order, *United States v. Thomas*, 3:26-cv-0021 (D. Conn. Jan. 13, 2026), Dkt. No. 40;
26 Order, *United States v. Albence*, 1:25-cv-01453 (D. Del. Jan. 15, 2026), Dkt. No. 22; Minute Order,
United States v. Evans, 1:25-cv-04403 (D.D.C. Mar. 16, 2026); Order, *United States v.*
Raffensperger, 1:26-cv-00485 (N.D. Ga. Jan. 30, 2026) Dkt. Nos. 13, 14; Text Order, *United States*

1 Plaintiff tellingly omits the NVRA from its argument, although it is addressed in Plaintiff's
 2 complaint and motion to compel. ECF Nos. 1, 5. Although the NVRA also contemplates
 3 enforcement against government entities, courts frequently permit private litigants to intervene in
 4 NVRA cases. *See, e.g., 1789 Found. Inc. v. Fontes*, No. 24-cv-02987, 2025 WL 834919 (D. Ariz.
 5 Mar. 17, 2025). Like HAVA and the CRA, the NVRA does not create mandates for private parties
 6 and applies only to states. *See* 52 U.S.C. § 20503(a). Just as intervention is appropriate in NVRA
 7 suits, however, so too is it appropriate here. *See United States v. Oregon*, No. 6:25-cv-01666-MTK,
 8 2025 WL 3496571, at *2 (D. Or. Dec. 5, 2025).

9 **II. Proposed Intervenors have established protectable interests.**

10 Both Proposed Intervenors and their members have particularized and protectable interests
 11 at stake in this case. Although Plaintiff attempts to dismiss them as “speculative” and
 12 “generalized,” Br. 3, 7-8, these interests are concrete, and the harms are immediate.

13 **A. Proposed Intervenors have protectable interests in the confidentiality of their**
 14 **members’ personal information and civic participation.**

15 Preventing the improper disclosure of sensitive personal data, including partial social
 16 security numbers and driver’s license numbers, is a clear, protectable interest. *See Oregon*, 2025
 17 WL 3496571, at *1. State and common law protects sensitive information about voters, RCW

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 19 *v. Matthews*, 3:25-cv-03398 (C.D. Ill. Mar. 2, 2026); Order, *United States v. Bellows*, 1:25-cv-
 20 00468 (D. Me. Dec. 12, 2025), Dkt. No. 51; Order, *United States v. DeMarinis*, 1:25-cv-3934 (D.
 21 Md. Feb. 2, 2026), Dkt. No. 38; Order, *United States v. Galvin*, 1:25-cv-13816 (D. Mass. Jan. 6,
 22 2026), Dkt. No. 30; Order, *United States v. Benson*, 1:25-cv-1148 (W.D. Mich. Dec. 9, 2025)
 23 (*Benson Order*), Dkt. No. 46; Order, *United States v. Simon*, 0:25-cv-03761 (D. Minn. Jan. 6,
 24 2026), Dkt. No. 90; Order, *United States v. Aguilar*, 3:25-cv-00728 (D. Nev. Mar. 20, 2026), Dkt.
 25 No. 63; Order, *United States v. Scanlan*, 1:25-cv-00371 (D.N.H. Jan. 5, 2026), Dkt. No. 23; Order,
 26 *United States v. Oliver*, 1:25-cv-01193 (D.N.M. Dec. 19, 2025), Dkt. No. 25; Order, *United States*
v. Oregon, 6:25-cv-1666, 2025 WL 3496571 (D. Or. Dec. 5, 2025), Dkt. 52; Text Order, *United*
States v. Amore, 1:25-cv-00639 (D.R.I. Jan. 6, 2025); Order, *United States v. Henderson*, 2:26-cv-
 00166 (D. Utah Mar. 23, 2026), Dkt. No. 33; Order, *United States v. Copeland Hanzas*, 2:25-cv-
 00903 (D. Vt. Jan. 20, 2026), Dkt. No. 42; Order, *United States v. Wis. Elections Comm’n*, 3:25-
 cv-1036 (W.D. Wis. Jan. 22, 2026), Dkt. No. 53; Order, *United States v. Pennsylvania*, 2:25-cv-
 1481 (W.D. Pa. Jan. 16, 2026), Dkt. 105.

1 29A.08.710 & .720; *Patel v. Facebook, Inc.*, 932 F.3d 1264, 1274 (9th Cir. 2019) (“intrusion into
2 privacy rights by itself makes a defendant subject to liability”). Proposed Intervenors’ members
3 provided their data when registering to vote with the expectation that it would be safely stored and
4 accessed only legally. ECF No. 28-1, Almeida Decl. ¶ 6; ECF No. 28-2, Ewing Decl. ¶ 4; ECF No.
5 28-3, Wong Decl. ¶ 9; *see also United States v. Oregon*, No. 6:25-cv-01666-MTK, 2026 WL
6 318402, at *1-3 (D. Or. Feb. 5, 2026) (“*Oregon Order*”) (“[T]he individual Proposed Intervenors
7 provided declarations supporting their concerns about the disclosure of the private information
8 contained in their voter registration history to the Federal government.”). This confidentiality
9 interest is sufficient for intervention. *Kalbers v. U.S. Dep’t of Just.*, 22 F.4th 816, 827 (9th Cir.
10 2021) (intervenor had “interest in the non-disclosure of its documents” that were potentially
11 protected by FOIA exemption, “[a]nd there is a direct, antagonistic relationship between [the
12 proposed intervenor]’s interest in confidentiality and [plaintiffs]’ interest in obtaining the
13 documents at issue”); *Benson Order* at 4, 6 (same).

14 Proposed Intervenors, like the *Oregon* intervenors, also have an organizational interest in
15 in the appropriate and lawful handling of election information. As part of their work, Proposed
16 Intervenors spend resources on development and distribution of voter registration and education
17 materials and encourage Washingtonians to register and to vote. Almeida Decl. ¶¶ 3-6; Wong Decl.
18 ¶¶ 4-9. Proposed Intervenors are concerned that their missions will be frustrated if their members’
19 sensitive information is disclosed. Almeida Decl. ¶¶ 11-13; Wong Decl. ¶¶ 11-12. This, too, is a
20 sufficient protectable interest for purposes of intervention. *Oregon Order*, at *3.

21 Plaintiff cannot wish away these protectable interests by asserting that there is no risk of
22 improper disclosure in this action because federal law prohibits sharing the data. Br. 7. This
23 improperly assumes that Plaintiff is entitled to the information it seeks, and that it will use it
24 appropriately. Moreover, context suggests that there is a considerable risk of improper disclosure.
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1 See *infra* Part II(B). Because Proposed Intervenors have shown that they have an interest in
2 preventing unnecessary disclosure of their members' data, they have a right to intervene.

3 **B. Proposed Intervenors' interests are neither generalized nor speculative.**

4 Proposed Intervenors face "direct, ascertainable impacts" of having their members'
5 personal data disclosed, misused, and unlawfully shared with others in violation of law because of
6 this litigation, *Alaska R.R. Corp. v. Flying Crown Subdivision Addition No. 1 & Addition No. 2*
7 *Prop. Owners Ass'n*, No. 3:20-cv-00232-JMK, 2021 WL 4860757, at *2 (D. Alaska June 9, 2021),
8 and "proposed intervenors' advocacy work would be impacted if Plaintiff[] succeed[s]." *Riviera v.*
9 *Anderson*, No. C2-0677-KKE, 2024 WL 3744245, at *1 (W.D. Wash. July 23, 2024). Proposed
10 Intervenors' declarations describe "particularized harm that does not become 'general' merely
11 because [Plaintiff] label[s] it as such." *Washington v. U.S. Dep't of Transp.*, No. 2:25-cv-00848-
12 TL, 2025 WL 3023041, at *3 (W.D. Wash. Oct. 29, 2025). Those interests are specific to the
13 organizations and their members. *Oregon Order*, at *2-3. Plaintiff's decision to seek data about
14 every Washington voter does not make Proposed Intervenors' specific interests generalized.

15 Nor are Proposed Intervenors' concerns about Plaintiff's use of the data speculative. Br. 6-
16 8. The Memorandum of Understanding that DOJ has signed with at least two states describes
17 DOJ's attempted takeover of states' exclusive list-maintenance authority.² It provides that DOJ
18 will conduct an "analysis and assessment" of states' voter rolls and instruct states to remove voters
19 DOJ identifies. President Trump's March 31, 2026 Executive Order, titled "Ensuring Citizenship
20 Verification and Integrity in Federal Elections," "prohibit[s] non-citizens from registering to vote
21 or voting in Federal elections" and directs the creation of a "State Citizenship List" and instructing
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24 ² See "Confidential Memorandum of Understanding" executed with Texas, [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)
25 [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, [mou.pdf?inline=1](https://www.brennancenter.org/media/15064/download/alaska_12.22.2025_executed-
26 <a href=) ("MOUs").

1 USPS not to deliver ballots to those not on the List.³ This federal takeover of list maintenance
 2 would run contrary to the constitutional and the statutory safeguards that entrust states with list
 3 maintenance and prevent the federal government from unlawfully sharing data without abiding by
 4 proper procedures. 52 U.S.C. § 20507(a)(4) (requiring states to implement a general program of
 5 list maintenance); 52 U.S.C. § 21085 (empowering states to determine methods to comply with
 6 list maintenance statutes).⁴ And in parallel litigation in Rhode Island, Plaintiff admitted that it
 7 planned to share this data with the Department of Homeland Security to search for non-citizens on
 8 the voter rolls, MTD Hearing Tr. at 65:1-11, *United States v. Amore*, No. 25-CV-639-MSM (D.R.I.
 9 Mar. 26, 2026). Far from speculative, Proposed Intervenors’ interests are based on ongoing events.

10 **C. Proposed Intervenors’ interests are distinct from other parties.**

11 Defendant’s interests diverge from those of Proposed Intervenors such that their interests
 12 are not adequately represented by existing parties. As Plaintiff emphasizes, the State alone bears a
 13 statutory duty to protect voters’ confidential information. Br. 6-7. Proposed Intervenors, on the
 14 other hand, are focused entirely on maintaining the security of their members’ information and
 15 ensuring that Washingtonians are not dissuaded from civic participation. This is a significant
 16 difference and creates “sufficient doubt about the adequacy of representation to warrant
 17 intervention.” *Sw. Ctr. for Biological Diversity v. Berg*, 268 F.3d 810, 824 (9th Cir. 2001) (citation
 18 omitted). The *Oregon* Court came to the same conclusion in its recent decision. *Oregon*, 2025 WL
 19 3496571, at *2 (“Proposed Intervenors have specific interests in protecting their privacy . . . and
 20 in increasing voter participation . . . that existing Defendants do not share.”).

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 24 ³ Exec. Order No. 14399, 91 Fed. Reg. 17125 (Mar. 31, 2026).

25 ⁴ Further, the proposed MOU does not limit DOJ’s ability to use states’ data and expressly permits
 26 DOJ to provide the data to contractors. MOUs at 6-7; *but see* 52 U.S.C. § 20704 (allowing disclosure of records obtained through the CRA to certain other governmental entities, but not an outside contractor).

1 Plaintiff's arguments rest on three recent cases in which it sued Arizona, North Carolina,
2 and Hawaii. Br. 11-12.⁵ The substantial weight, however, is on the other side, where twenty other
3 courts have granted intervention. *See supra* n.1.

4 **III. Proposed Intervenors are entitled to permissive intervention.**

5 Plaintiff does not contest that Proposed Intervenors' motion was timely and that there is at
6 least one common question of law or fact, instead rehashing its arguments regarding mandatory
7 intervention, and further arguing that Proposed Intervenors will not contribute to the development
8 of the case. Br. 13-14. These arguments fail, and courts in parallel cases have granted permissive
9 intervention, including in the past several weeks. *See United States v. Adams*, No. 3:26-cv-19-
10 GFVT, 2026 WL 1008141, at *3 (E.D. Ky. Apr. 14, 2026) (granting permissive intervention in
11 parallel Kentucky litigation); Text Order, *United States v. Matthews*, No. 3:25-cv-03398 (C.D. Ill.
12 Mar. 16, 2026), ECF No. 59 (granting Common Cause permissive intervention in parallel Illinois
13 litigation).

14 Proposed Intervenors have protectable interests in this litigation, and their interests are not
15 adequately represented. *See supra* Part II(A), (C). Proposed Intervenors will assist in the full
16 factual development of this litigation because they represent the interest of thousands of
17 Washingtonians whose interests are currently not represented in the litigation and who can
18 meaningfully contribute to the impact of this litigation in a way that no other party can. And
19 Plaintiff does not argue it will be prejudiced. As such, permissive intervention is appropriate. *See*
20 *1789 Found. Inc. v. Fontes*, No. CV-24-2987-PHX-SPL, 2025 WL 834919, at *4 (D. Ariz. Mar.
21 17, 2025) ("Plaintiffs have not shown that prejudice or undue delay would result from granting the
22 Motion to Intervene."). Therefore, permissive intervention is appropriate.

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25 ⁵ Plaintiff also quotes from the district court's decision on the motion to dismiss in *United States*
26 *v. Galvin*, No. 1:25-cv-13816-LTS (D. Mass. Apr. 9, 2026), ECF No. 92. Br. 13. In *Galvin*, the
court granted intervention. No. 1:25-cv-13816-LTS (D. Mass. Jan. 6, 2026), ECF No. 30.

1 **CONCLUSION**

2 Proposed Intervenors respectfully request that the Court grant their motion to intervene
3 under Rule 24(a) or, in the alternative, permissive intervention under Rule 24(b).

4
5 April 20, 2026

Respectfully submitted,

6 /s/ Amanda Beane

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