

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

STATE OF TEXAS,)
)
 Plaintiff,)
)
 v.)
)
 ERIC H. HOLDER, JR., Attorney General of)
 the United States of America,)
)
 Defendant,)
)
 and)
)
 VICTORIA RODRIGUEZ, NICOLE RODRIGUEZ,)
 SOUTHWEST VOTER REGISTRATION EDUCATION)
 PROJECT, and MI FAMILIA VOTA EDUCATION)
 FUND,)
)
 Proposed Defendant-Intervenors.)

No. 1:12-cv-00128
RMC-DST-RLW

**PROPOSED DEFENDANT-INTERVENORS’
MOTION TO INTERVENE AS DEFENDANTS**

Proposed Defendant-Intervenors Victoria Rodriguez, Nicole Rodriguez, Southwest Voter Registration Education Project (“Southwest Voter”) and Mi Familia Vota Education Fund (Mi Familia Vota) (collectively, “Proposed Defendant-Intervenors”), by their undersigned counsel, hereby respectfully move the Court for leave to intervene as of right pursuant to Fed. R. Civ. P. 24(a)(2) and submit the accompanying Memorandum of Law in Support of Motion to Intervene as Defendants and Answer to Plaintiff’s First Amended Expedited Complaint in accordance with Local Civil Rule 7(j). In the alternative, Proposed Defendant-Intervenors seek permissive intervention pursuant to Fed. R. Civ. P. 24(b)(1). Proposed Defendant-Intervenors seek to intervene in this action in order to oppose Plaintiff’s request for judicial preclearance of its

recently enacted Senate Bill 14 (the “voter ID law” or “S.B. 14”). Also, in Plaintiff’s First Amended Expedited Complaint, the State of Texas includes a claim challenging the constitutionality of section 5 of the Voting Rights Act (“VRA”). (Dkt. 25 at 26.) Consequently, Proposed Defendant-Intervenors also seek intervention to protect their rights under the VRA through the continued enforcement of section 5, which assures that any voting “qualification, prerequisite, standard, practice or procedure” that Plaintiff may propose must be reviewed by this Court or the U.S. Attorney General to assure that such changes have “neither the purpose nor [] the effect of denying or abridging the right to vote” of Latinos. 42 U.S.C. § 1973c(a).

Proposed Defendant-Intervenors recognize this Court’s interest in the efficient conduct of future proceedings in this matter. Thus, if intervention is granted, Proposed Defendant-Intervenors will (i) avoid unnecessary delays and duplication of efforts in areas satisfactorily addressed and represented by the existing Defendants; and (ii) coordinate all future proceedings in this action with the existing parties, to the extent possible consistent with their respective duties and ethical obligations to their respective clients.

Victoria and Nicole Rodriguez (“Proposed Individual Defendant-Intervenors”) are Latina residents of Bexar County, Texas who have registered to vote but possess none of the requisite forms of photo identification that would allow them to vote under S.B. 14.

Southwest Voter is the largest and oldest non-partisan Latino voter participation organization in the United States. It was founded by William C. Velasquez and other Mexican-American political activists to protect the voting rights of Mexican-Americans in the Southwest and empower Latinos and other minorities by increasing their participation in the American democratic process. Southwest Voter maintains an office in San Antonio, Texas and conducts its activities in Texas. Southwest Voter fulfills its organization mission by mobilizing Latinos to

register and vote, including in Texas, and is conducting a non-partisan campaign to raise Latino voting in Texas to 2 million in 2012. Southwest Voter's activities include sponsoring Get Out the Vote drives in Texas to register, educate, and promote voting in upcoming elections. Southwest Voter also organizes mass phone drives to remind people of upcoming election dates and assist them in locating their local voting station.

Mi Familia Vota is a national non-profit organization working to unite the Latino community and its allies to promote social and economic justice through increased civic participation. Mi Familia Vota maintains an office in Houston, Texas and conducts its activities in Texas. Mi Familia fulfills its organization mission by: expanding the electorate through direct, sustainable citizenship, voter registration, census education, and Get Out the Vote organizing in key states, including Texas; forming and supporting key alliances at national, state and local levels to increase civic engagement; and providing technical assistance and support to other organizations.

Southwest Voter and Mi Familia Vota are referred to herein as "Proposed Organizational Defendant-Intervenors."

Both the Proposed Individual and Organizational Defendant-Intervenors have a unique interest in the subject matter of this litigation that supports their intervention. First, if Texas's new voter ID law is precleared, Proposed Individual Defendant-Intervenors, who otherwise would be entitled to vote at the polls on Election Day, will be denied the opportunity to vote simply because they do not have one of SB 14's enumerated forms of government-issued photo identification. Preclearance of Texas's new voter ID law would also significantly impact the Proposed Organizational Defendant-Intervenors, which will be forced to expend additional resources educating and assisting voters who lack one of SB 14's enumerated forms of

government-issued photo identification. As a result, the efforts of Proposed Organizational Defendant-Intervenors to increase Latino voter turnout in Texas elections will be impaired.

Second, both the Proposed Individual and Organizational Defendant-Intervenors also have a strong interest in ensuring the continued enforcement of section 5 of the VRA. So long as section 5's preclearance requirement remains in force, Proposed Defendant-Intervenors have an assurance that any changes that Plaintiff may propose affecting voting must account for the possible impact on Latino voters, and must be reviewed by this Court or the Attorney General to assure that such changes will not have a negative impact upon protected voters, including Proposed Defendant-Intervenors and the voters with whom the Proposed Organizational Defendant-Intervenors work. However, if Plaintiff is no longer subject to section 5's preclearance requirement, then Proposed Defendant-Intervenors and others similarly situated within Texas must bear the burden of bringing litigation on their own to protect them from retrogressive or intentionally discriminatory voting measures. Proposed Defendant-Intervenors assert that their intervention in this case is necessary to ensure continued enforcement of section 5 of the VRA.

Finally, counsel for the Proposed Defendant-Intervenors has conferred with counsel for the parties in accordance with Local Civil Rule 7(m).

Proposed Defendant-Intervenors believe that the historical and continuing voting-related discrimination against Latinos in Texas means that it is essential to be vigilant in preserving and expanding Latinos' equal opportunity to participate in the electoral process, and that any effort to restrict Latino ability to participate in the electoral process through burdensome identification requirements will unquestionably impede their interests as voters and the organizations whose mission includes increasing Latino political participation. For all the reasons stated herein, and

CERTIFICATE OF SERVICE

I hereby certify that on March 23, 2012, I electronically filed the foregoing with the Clerk of court by using the CM/ECF system which will send a notice of electronic filing to counsel of record who are registered participants of the Courts CM/ECF system. I further certify that I mailed the foregoing document and the notice of electronic filing by first-class mail to counsel of record who are not CM/ECF participants as indicated in the notice of electronic filing.

By: s/Nina Perales