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*Attorneys for Proposed Intervenor –
Defendants Republican National
Committee and Nevada Republican Party*

**IN THE FIRST JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA IN AND FOR CARSON CITY**

DANIEL CORONA, DARIN MAINS, BRIAN
MELENDEZ, TERESA MELENDEZ,
NEVADA STATE DEMOCRATIC PARTY,
DNC SERVICES
CORPORATION/DEMOCRATIC NATIONAL
COMMITTEE, DCCC, and PRIORITIES USA,

Plaintiff,

vs.

BARBARA CEGAVSKE, in her official
capacity as Nevada Secretary of State, JOSEPH
P. GLORIA, in his official capacity as Registrar
of Voters for Clark County, Nevada, DEANNA
SPIKULA, in her official capacity as Registrar of
Voters for Washoe County, Nevada, KRISTINE
JAKEMAN, in her official capacity as the Elko
County Clerk, and AARON FORD, in his official
capacity as the Attorney General of the State of
Nevada,

Defendant.

Case No. CV 20-OC-000644-1B
Dept No. 2

**REPUBLICAN NATIONAL
COMMITTEE'S AND NEVADA
REPUBLICAN PARTY'S MOTION TO
INTERVENE AS DEFENDANTS**

**REPUBLICAN NATIONAL COMMITTEE'S AND NEVADA
REPUBLICAN PARTY'S MOTION TO INTERVENE AS DEFENDANTS**

Proposed Intervenor-Defendants, the Republican National Committee and the Republican Party of Nevada, by and through its attorneys, hereby seek to intervene as defendants in this case under Rule 24(a)(2) and Rule 24(b). Pursuant to FJDC Rule 3.7(b), the Proposed Intervenor-Defendants made a good faith effort to resolve the issue of intervention short of filing the instant motion by reaching out to counsel for the Plaintiffs on April 21, 2020 both telephonically and via email. Proposed Intervenor-Defendants requested that Plaintiffs¹ stipulate to allow them to intervene. Unfortunately, the Plaintiffs declined the request of the Proposed Intervenor-Defendants which necessitated the instant motion. This Motion is made and based upon all the pleadings and papers on file herein, the attached Memorandum of Points and Authorities, and any oral argument, testimony, and evidence that may be presented upon the hearing of this Motion.

Dated this 22nd day of April, 2020.

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By 

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**Pro hac vice applications forthcoming*

¹ To date, the Proposed Intervenor-Defendants are unaware of any named defendant making an appearance in this matter and, given the refusal of the Plaintiffs, the consent of any such defendant would not have eliminated the need to file the instant motion.

MEMORANDUM OF POINTS AND AUTHORITIES**I. INTRODUCTION**

This Court should allow Movants, the Republican National Committee and Nevada Republican Party, to intervene as defendants in this matter. The Democratic Party asks this Court to change the rules governing Nevada elections, citing the COVID-19 pandemic as a justification (but seeking relief that sweeps much more broadly). The Democratic Party filed a similar suit last month in Wisconsin. There, the court allowed the Republican National Committee and the state Republican party to intervene as defendants, noting “they are uniquely qualified to represent the ‘mirror-image’ interests of the plaintiffs, as direct counterparts to the [national and state Democratic parties].” *Democratic Nat’l Comm. v. Bostelmann*, 2020 WL 1505640, at *5 (W.D. Wis. Mar. 28, 2020) (*quoting Builders Ass’n of Greater Chicago v. Chicago*, 170 F.R.D. 435, 441 (N.D. Ill. 1996)). So too here.

The Court should allow Movants to intervene as of right. Movants filed their motion rapidly, they have equal and opposite interests to Plaintiffs in this lawsuit, and none of the governmental defendants represents their unique interests. Indeed, when the Democratic Party filed a similar lawsuit in Arizona (represented by the same counsel), it did not object to the state Republican party’s intervention, which the Court promptly granted. *See* Doc. 44, *Feldman v. Ariz. Sec’y of State’s Office*, No. 2:16-cv-1065 (D. Ariz. May 10, 2016). There is no good reason for this case to come out differently. Alternatively, the Court should allow Movants to permissively intervene as defendants, just as the federal district court did in Wisconsin.

II. ARGUMENT

“NRCP 24 governs intervention.” *Matter of Dep’t of Corr.*, 2019 WL 1324530, at *1 n.2 (Nev. 2019). Because Nevada Rule 24 and Federal Rule 24 are word-for-word “equivalent,” “[f]ederal cases ... ‘are strong persuasive authority’” in this Court. *Lawler v. Ginocchio*, 94 Nev. 623, 626 (1978); *Exec. Mgmt., Ltd. v. Ticor Title Ins. Co.*, 118 Nev. 46, 53 (2002). Rule 24 recognizes two types of intervention: intervention of right under Rule 24(a), and permissive intervention under Rule 24(b). Movants qualify for both types.

1 **A. MOVANTS ARE ENTITLED TO INTERVENTION OF RIGHT.**

2 To intervene as of right under Rule 24(a)(2), a movant “must meet four requirements”:

- 3 1. A “timely” application.
- 4 2. A “sufficient interest in the litigation’s subject matter.”
- 5 3. A possible “impairment of its ability to protect that interest.”
- 6 4. And an interest that is “not adequately represented by existing parties.”

7 *In re Guardianship of A.M.*, 2013 WL 3278878, at *2 (Nev. 2013). “In evaluating
8 whether Rule 24(a)(2)’s requirements are met,” courts “construe the Rule broadly in favor of
9 proposed intervenors ... because a liberal policy in favor of intervention serves both efficient
10 resolution of issues and broadened access to the courts.” *Wilderness Soc. v. U.S. Forest Serv.*,
11 630 F.3d 1173, 1179 (9th Cir. 2011). Movants satisfy all four requirements of this “liberal”
12 standard. *Id.*

13 **1. Movants filed a timely motion.**

14 Movants filed a “timely motion” to intervene. Nev. R. Civ. P. 24(a). They moved to
15 intervene as quickly as they could—just a few business days after Plaintiffs filed their complaint.
16 Such a rapid turnaround is “certainly timely.” *Democratic Nat’l Comm.*, 2020 WL 1505640, at
17 *5; *see also*, e.g., *Dangberg Holdings Nevada, LLC v. Douglas Cty. & Its Bd. of Cty. Comm’rs*,
18 115 Nev. 129, 141 (1999) (motion filed two months after complaint was timely); *Lawler v.*
19 *Ginocchio*, 94 Nev. 623, 625 (1978) (motion filed nine months after complaint was timely).
20 “Timeliness,” moreover, is a “flexibl[e]” concept. *Lawler*, 94 Nev. at 626. The “most
21 important question” is “not the length of the delay ... but the extent of prejudice to the rights of
22 existing parties resulting from the delay.” *Dangberg Holdings*, 115 Nev. at 141. No prejudice
23 could possibly result here because no merits briefing has occurred yet. *See Estate of Lomastro ex*
24 *rel. Lomastro v. Am. Family Ins. Grp.*, 124 Nev. 1060, 1071 n.29 (2008) (“Our cases generally
25 reflect that intervention is timely if the procedural posture of the action allows the intervenor to
26 protect its interest.”).

27

28

1 2. **Movants have sufficient interests in this action.**

2 Movants also have a “sufficient interest in the litigation’s subject matter.” *Guardianship*
3 *of A.M.*, 2013 WL 3278878, at *2 (*citing* Nev. R. Civ. P. 24(a)(2)). Movants need only “a
4 practical interest in the outcome of [the] case.” *United States v. City of L.A.*, 288 F.3d 391, 398
5 (9th Cir. 2002). It is easy to satisfy because liberally granting intervention will “often prevent or
6 simplify future litigation involving related issues” and “allow an additional interested party to
7 express its views before the court.” *Id.*

8 At a minimum, Movants’ interests in this action are equal to Plaintiffs’. *See Baldus v.*
9 *Members of Wis. Gov’t Accountability Bd.*, 2011 WL 5834275, *1 (E.D. Wis. Nov. 21, 2011)
10 (explaining that Democrats and Republicans were “identically situated” in their interests).
11 Movants are Plaintiffs’ direct counterparts with mirror interests in this litigation. Like Plaintiffs,
12 Movants also have an upcoming primary election and will have candidates on the ballot in the
13 general election. If Plaintiffs have standing to assert the rights of their voters and candidates and
14 to protect their scarce resources, then Movants do too. And if Plaintiffs have an interest in
15 protecting the integrity of elections, then Movants do too—especially where, as here, Plaintiffs
16 aim to eliminate many of the laws enacted to maintain that integrity. *See* Compl. 22-29.

17 Even considered in isolation, Movants have “direct” and “significant” interests in the
18 continued enforcement of the challenged policies, as they are designed to serve “the integrity of
19 [the] election process,” *Eu v. San Francisco Cty. Democratic Cent. Comm.*, 489 U.S. 214, 231,
20 109 S. Ct. 1013, 1024 (1989), and the “orderly administration” of elections, *Crawford v. Marion*
21 *Cty. Election Bd.*, 553 U.S. 181, 196, 128 S. Ct. 1610, 1619 (2008) (op. of Stevens, J.). Courts
22 routinely recognize that political parties have important interests warranting intervention in
23 litigation over election procedures. *E.g.*, *Siegel v. LePore*, 234 F.3d 1163, 1169 n.1 (11th Cir.
24 2001); *Trinsey v. Pennsylvania*, 941 F.2d 224, 226 (3d Cir. 1991); *Anderson v. Babb*, 632 F.2d
25 300, 304 (4th Cir. 1980); *Hastert v. State Bd. of Elections*, 777 F. Supp. 634, 639 (N.D. Ill.
26 1991); *Radogno v. Ill. State Bd. of Elections*, 2011 WL 5868225, *1 (N.D. Ill. Nov. 22, 2011). In
27 fact, usually “[n]o one disputes” that a political party “meet[s] the impaired interest requirement
28 for intervention as of right” in election-procedure disputes. *Citizens United v. Gessler*, 2014 WL

1 4549001, *2 (D. Col. Sept. 15, 2014). That is certainly true where, as here, “changes in voting
2 procedures could affect candidates running as Republicans and voters who [are] members of the
3 ... Republican Party.” *Ohio Democratic Party v. Blackwell*, 2005 WL 8162665, *2 (S.D. Ohio
4 Aug. 26, 2005).

5 In short, because Movants’ candidates “actively seek [election or] reelection in contests
6 governed by the challenged rules,” and because their members’ ability to participate in those
7 elections is governed by the challenged rules, Movants have an interest in “demand[ing]
8 adherence” to those requirements. *Shays v. FEC*, 414 F.3d 76, 88 (D.C. Cir. 2005).

9 **3. Movants’ interests could be impaired by this action.**

10 Movants are “so situated that disposing of [this] action may as a practical matter impair
11 or impede [their] ability to protect [their] interest.” Nev. R. Civ. P. 24(a)(2). Movants “do not
12 need to establish that their interests will be impaired,” “only that the disposition of the action
13 ‘may’ impair or impede their ability to protect their interests.” *Brumfield v. Dodd*, 749 F.3d 339,
14 344 (5th Cir. 2014). The language of Rule 24 was “obviously designed to liberalize the right to
15 intervene in federal actions.” *Nuesse v. Camp*, 385 F.2d 694, 701 (D.C. Cir. 1967). Here, the
16 risks to Movants’ interests are plain.

17 If Plaintiffs’ action succeeds, the rules governing the voting process will be upended
18 shortly before the June 9 election. Not only would this relief undercut democratically enacted
19 laws that protect voters and candidates (including Movants’ members), *Frank v. Walker*, 768
20 F.3d 744, 751 (7th Cir. 2014), it would change the “structur[e] of th[e] competitive environment”
21 and “fundamentally alter the environment in which [Movants] defend their concrete interests
22 (e.g. their interest in ... winning [election or] reelection).” *Shays*, 414 F.3d at 85-86. These late
23 changes threaten to confuse voters and undermine confidence in the electoral process. *See*
24 *Purcell v. Gonzalez*, 549 U.S. 1, 4-5, 127 S. Ct. 5, 7 (2006) (“Court orders affecting elections ...
25 can themselves result in voter confusion and consequent incentive to remain away from the polls.
26 As an election draws closer, that risk will increase.”). In addition to that independent harm,
27 Movants will be forced to spend substantial resources informing Republican voters of changes in
28 the law, fighting inevitable confusion, and galvanizing participation in the wake of the

1 “consequent incentive to remain away from the polls.” *Id.*; *Crawford v. Marion Cty. Election*
2 *Bd.*, 472 F.3d 949, 951 (7th Cir. 2007); *One Wis. Inst., Inc. v. Thomsen*, 198 F. Supp. 3d 896,
3 909 (W.D. Wis. 2016). All of this easily satisfies the liberal test for impairment. *See*
4 *Guardianship of A.M.*, 2013 WL 3278878, at *2.

5 **4. Movants’ interests are not adequately represented.**

6 Finally, no “existing parties adequately represent [Movants’] interest.” Nev. R. Civ. P.
7 24(a)(2). This requirement is a “minimal burden.” *Guardianship of A.M.*, 2013 WL 3278878, at
8 *2; *accord Trbovich v. United Mine Workers of Am.*, 404 U.S. 528, 538 n.10, 92 S. Ct. 630, 636
9 n.10 (1972). The “most important factor in assessing the adequacy of representation is how the
10 [movant’s] interest compares with the interests of existing parties.” *Citizens for Balanced Use v.*
11 *Montana Wilderness Ass’n*, 647 F.3d 893, 898 (9th Cir. 2011) (cleaned up).

12 Here, Movants’ interests are not shared by any party, including Defendants. As Judge
13 Merrick Garland has explained, courts “often conclude[] that governmental entities do not
14 adequately represent the interests of aspiring intervenors.” *Fund for Animals, Inc. v. Norton*, 322
15 F.3d 728, 736 (D.C. Cir. 2003). “[T]he government’s representation of the public interest
16 generally cannot be assumed to be identical to the individual parochial interest of a [private
17 movant] merely because both entities occupy the same posture in the litigation.” *Utah Ass’n of*
18 *Counties v. Clinton*, 255 F.3d 1246, 1255-56 (10th Cir. 2001); *accord Citizens for Balanced Use*
19 *v. Montana Wilderness Ass’n*, 647 F.3d 893, 899 (9th Cir. 2011) (same). Here, too, Defendants
20 necessarily represent “the broad public interest,” rather than Movants’ “individual interests”
21 in protecting their resources and the rights of their candidates and voters. *Forest Conservation*
22 *Council v. U.S. Forest Serv.*, 66 F.3d 1489, 1499 (9th Cir. 1995); *accord Nw. Env’tl. Advocates v.*
23 *United States Dep’t of Commerce*, 769 F. App’x 511, 512 (9th Cir. 2019) (similar); *Pershing Cty.*
24 *v. Jewell*, 2015 WL 3658074, at *6 (D. Nev. June 12, 2015) (similar). While all political parties
25 want what’s best for the public, the reality is that they have very different ideas of what that
26 looks like and how best to accomplish it. As the Ohio Democratic Party argued in a similar
27 context, “a political organization dedicated to the election of Democratic candidates for office[]
28 plainly has separate interests ... that are not adequately represented” by “the elected ... official

1 responsible for the administration of the State's election laws." Doc. 148, Ne. Ohio Coalition for
2 the *Homeless v. Brunner*, No. 2:06-cv-00896 (S.D. Ohio).

3 This divergence of interests is stark in the context of elections. Defendants have no
4 interest in the election of particular candidates, the mobilization of particular voters, or the
5 budgets of particular parties. Nor should they. Instead, state officials, acting on behalf of all
6 Nevada citizens and the state itself, must consider "a range of interests likely to diverge from
7 those of the intervenors." *Meek v. Metro. Dade Cty.*, 985 F.2d 1471, 1478 (11th Cir. 1993).
8 Those interests include "the expense of defending the current [laws] out of [state] coffers," *Clark*
9 *v. Putnam Cty.*, 168 F.3d 458, 461 (11th Cir. 1999), "the social and political divisiveness of the
10 election issue," *Meek*, 985 F.2d at 1478, "their own desires to remain politically popular and
11 effective leaders," *id.*, and even the interests of opposing parties, *In re Sierra Club*, 945 F.2d
12 776, 779-80 (4th Cir. 1991). While Movants have a long-term interest in the rules governing
13 elections, Defendants' overriding concern is knowing what the rules are with enough time to
14 prepare for the next election. Defendants' and Movants' interests will thus diverge throughout
15 this litigation—particularly on any decision to seek appellate review. That is precisely what
16 happened recently in Wisconsin. After initially opposing intervention on the ground that they
17 "are defending all of the laws being challenged," the state defendants took a neutral position on
18 many of the Democratic Party's challenges and filed no appeal from the district court's
19 injunction. *See* Doc. 51 at 4; Doc. 107, *Democratic Nat'l Comm.*, No. 3:20-cv-249 (W.D. Wis.).

20 No "presumption" of adequate representation applies here (or any presumption has been
21 rebutted). Movants do not have "the same ultimate objective" as Defendants because, as just
22 explained, Movants' "interest" is not "identical to" Defendants'. *Ranchers Cattlemen Action*
23 *Legal Fund United Stockgrowers of Am. v. U.S. Dep't of Agric.*, 143 F. App'x 751, 754 (9th Cir.
24 2005). And Defendants are not "charged by law with representing the interests of the
25 absentee"—i.e., the Republican Party. *Forest Conservation Council*, 66 F.3d at 1499 (emphasis
26 added). The notion that state election officials, who are supposed to be neutral and nonpartisan in
27 carrying out their duties, are charged by law with protecting the interests of the Republican Party
28 in a lawsuit against the Democratic Party is self-refuting. *See Club v. Jackson*, 2012 WL

1 12995296, at *1 (W.D. Wis. Feb. 6, 2012) (holding that the EPA, “as a governmental agency
2 seeking to protect the interests of [the] public” writ large, did not “adequately represent” the
3 interests of one private party over another in a permitting dispute); *Associated Gen. Contractors*
4 *of Am. v. Calif. Dep’t of Transp.*, 2009 WL 5206722, at *2–3 (E.D. Cal. Dec. 23, 2009) (holding
5 that a state agency broadly charged with “ensuring safe public roads” was an inadequate
6 representative because it “is not charged by law with advocating on behalf of” the specific
7 “constituency” of “minority business owners”). While the federal court in Wisconsin held
8 otherwise, see *Democratic Nat’l Comm.*, 2020 WL 1505640, at *2-3, its decision was effectively
9 reversed on appeal, see Docs. 189, 191, *Democratic Nat’l Comm.*, No. 3:20-cv-249 (W.D. Wis.).

10 In short, no party sufficiently represents Movants’ unique interests. Because Rule
11 24(a)(2) “is satisfied if there is a serious possibility that the representation may be inadequate, all
12 reasonable doubts should be resolved in favor of allowing ... interven[tion] so that the absentee
13 may be heard in his own behalf.” Wright & Miller, 7C Fed. Prac. & Proc. Civ. §1909 (3d ed.).

14 **B. AT THE VERY LEAST, MOVANTS ARE ENTITLED TO PERMISSIVE**
15 **INTERVENTION.**

16 Even if Movants were not entitled to intervene as of right under Rule 24(a)(2), the Court
17 should grant them permissive intervention under Rule 24(b). Exercising broad judicial discretion,
18 courts grant permissive intervention when the movant has “a claim or defense that shares with
19 the main action a common question of law or fact.” Nev. R. Civ. P. 24(b). The court also must
20 consider “whether the intervention will unduly delay or prejudice the adjudication of the original
21 parties’ rights.” Nev. R. Civ. P. 24(b)(3). Permissive intervention should not be denied based on
22 the natural delays inherent in adding parties—the likely additional delay must be “undue.”
23 *Nuesse*, 385 F.2d at 704 & n.13.

24 Movants meet all requirements of Rule 24(b). As explained, Movants filed a timely
25 motion. And Movants will raise defenses that share many common questions with the parties’
26 claims and defenses—including whether Nevada’s election procedures create an unconstitutional
27 burden on the right to vote. See *Pac for Middle America v. State Bd. of Elections*, 1995 WL
28

1 571893, *4 (N.D. Ill. Sept. 22, 1995) (opposing views on the constitutionality of a redistricting
2 plan raise “a common question of law or fact”).

3 Nor will Movants’ intervention unduly delay this litigation or prejudice anyone. Movants
4 swiftly moved to intervene while the case was “at ... a nascent stage,” *100Reporters LLC v.*
5 *DOJ*, 307 F.R.D. 269, 286 (D.D.C. 2014), and their participation will add no delay beyond the
6 norm for multiparty litigation. Movants commit to submitting all filings in accordance with
7 whatever briefing schedule the Court imposes, “which is a promise” that undermines claims of
8 undue delay. *Emerson Hall Assocs., LP v. Travelers Casualty Ins. Co. of Am.*, 2016 WL 223794,
9 *2 (W.D. Wis. Jan. 19, 2016). And Movants’ intervention will decrease overall delay and
10 prejudice by “bringing all of the parties together in one proceeding,” *Dangberg Holdings*, 115
11 Nev. at 141-42, and by avoiding interlocutory proceedings in the Nevada Supreme Court, *see*
12 *State Indus. Ins. Sys. v. Eighth Judicial Dist. Court ex rel. Cty. of Clark*, 111 Nev. 28, 30 (1995)
13 (denials of intervention are reviewed via mandamus petitions to the Supreme Court). That an
14 “election-related dispute” is “time-sensitiv[e]” is a reason to grant political parties’ intervention,
15 not deny it. *Jacobson v. Detzner*, 2018 WL 10509488, at *1 (N.D. Fla.); *see id.* (granting
16 permissive intervention to Republican Party organizations because “denying [it] opens the door
17 to [an interlocutory appeal and thus] delaying the adjudication of this case’s merits for months—
18 if not longer”).

19 Basic principles of fairness, neutrality, and adversarial presentation counsel strongly in
20 favor of allowing Movants to permissively intervene in this case. As the court explained in
21 Wisconsin, Movants are Plaintiffs’ “direct counterparts” and thus “are uniquely qualified to
22 represent the ‘mirror-image’ interests of the plaintiffs.” *Democratic Nat’l Comm.*, 2020 WL
23 1505640, at *5. Movants’ participation in this case will, at the very least, “serve as a vigorous
24 and helpful supplement” to Defendants and “contribute to the informed resolutions of these
25 questions.” *NRDC v. Costle*, 561 F.2d 904, 912-13 (D.C. Cir. 1977); *see also Nw. Envtl.*
26 *Advocates*, 769 F. App’x at 512 (stressing movants’ “special expertise” as a reason to grant
27 intervention alongside governmental defendants); *Sagebrush Rebellion, Inc. v. Watt*, 713 F.2d
28 525, 528 (9th Cir. 1983) (same).

1 More likely, Movants' participation will be indispensable to adversarial presentation of
2 the issues in this case. Whatever else might be said about the Plaintiffs' and Defendants' political
3 affiliations or alliances, it would be unseemly to force the Republican Party to watch from the
4 sidelines while the plaintiff Democratic Party negotiates the terms of Nevada elections with the
5 defendant Democratic Attorney General. *Cf. Sec. Ins. Co. of Hartford v. Schipporeit, Inc.*, 69
6 F.3d 1377, 1381 (7th Cir. 1995) ("[Plaintiff] wanted to play the Washington Generals and get out
7 of town with a quick win. The district court wisely allowed a more worthy opponent to get into
8 and onto the court."). Because Rule 24(b) does not require proof of inadequate representation,
9 *Ohio Democratic Party*, 2005 WL 8162665, at *2, and because courts have "broad discretion" to
10 grant permissive intervention for any number of reasons, *Jacobson*, 2018 WL 10509488, at *1,
11 "the most prudent and efficient course of action" here is to allow Movants to permissively
12 intervene. *Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin v. United*
13 *States*, 2002 WL 32350046, *3 (W.D. Wis. Nov. 20, 2002).

14 ///

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16 ///

1 **III. CONCLUSION**

2 Based upon the foregoing, this Court should grant Movants' motion and let them
3 intervene as defendants.

4 Dated this 22nd day of April, 2020.

6 MARQUIS AURBACH COFFING

7 By 

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17 *Attorneys for Proposed Intervenor-*
18 *Defendants Republican National*
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20 *Party*

21 **Pro hac vice applications forthcoming*

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IN THE FIRST JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA IN AND FOR CARSON CITY


AFFIRMATION

The undersigned does hereby affirm that the preceding document, **REPUBLICAN NATIONAL COMMITTEE'S AND NEVADA REPUBLICAN PARTY'S MOTION TO INTERVENE AS DEFENDANTS**, does not contain the Social Security number of any person.

Dated this 20th day of April, 2020.

MARQUIS AURBACH COFFING

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing **REPUBLICAN NATIONAL COMMITTEE'S AND NEVADA REPUBLICAN PARTY'S MOTION TO INTERVENE AS DEFENDANTS** was submitted for filing and/or service with the First Judicial District Court on the **21st** day of April, 2020. Service of the foregoing document was made by mailing a true and correct copy thereof, postage prepaid, addressed to:

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/s/ Michelle Monkarsh
an employee of Marquis Aurbach Coffing

INDEX OF EXHIBITS

EXHIBIT	DESCRIPTION
A	Proposed Order Granting Motion to Intervene
B	Proposed Answer to Complaint by Intervenor-Defendants the Republican National Committee and Nevada Republican Party

EXHIBIT A

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Plaintiff,

vs.

BARBARA CEGAVSKE, in her official
capacity as Nevada Secretary of State, JOSEPH
P. GLORIA, in his official capacity as Registrar
of Voters for Clark County, Nevada, DEANNA
SPIKULA, in her official capacity as Registrar of
Voters for Washoe County, Nevada, KRISTINE
JAKEMAN, in her official capacity as the Elko
County Clerk, and AARON FORD, in his official
capacity as the Attorney General of the State of
Nevada,

Defendant.

Case No. CV 20-OC-000644-1B
Dept No. 2

[PROPOSED]
ORDER GRANTING MOTION TO
INTERVENE

[PROPOSED]
ORDER GRANTING MOTION TO INTERVENE

Having reviewed the Proposed Intervenor-Defendants' motion to intervene as defendants and the accompanying memorandum of points and authorities, it is **ORDERED** that the motion to intervene is hereby **GRANTED**.

DISTRICT COURT JUDGE

MARQUIS AURBACH COFFING

Consovoy McCarthy PLLC
Tyler R. Green, UT Bar #10660*
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1600 Wilson Blvd., Ste. 700
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**Pro hac vice applications forthcoming*

EXHIBIT B

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*Attorneys for Proposed Intervenor –
Defendants Republican National
Committee and Nevada Republican Party*

**IN THE FIRST JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA IN AND FOR CARSON CITY**

DANIEL CORONA, DARIN MAINS, BRIAN
MELENDEZ, TERESA MELENDEZ,
NEVADA STATE DEMOCRATIC PARTY,
DNC SERVICES
CORPORATION/DEMOCRATIC NATIONAL
COMMITTEE, DCCC, and PRIORITIES USA,

Plaintiff,

vs.

BARBARA CEGAVSKE, in her official
capacity as Nevada Secretary of State, JOSEPH
P. GLORIA, in his official capacity as Registrar
of Voters for Clark County, Nevada, DEANNA
SPIKULA, in her official capacity as Registrar of
Voters for Washoe County, Nevada, KRISTINE
JAKEMAN, in her official capacity as the Elko
County Clerk, and AARON FORD, in his official
capacity as the Attorney General of the State of
Nevada,

Defendant.

Case No. CV 20-OC-000644-1B
Dept No. 2

[PROPOSED]
ANSWER TO COMPLAINT BY
INTERVENOR-DEFENDANTS THE
REPUBLICAN NATIONAL COMMITTEE
AND NEVADA REPUBLICAN PARTY

[PROPOSED]
ANSWER TO COMPLAINT BY INTERVENOR-DEFENDANTS THE REPUBLICAN
NATIONAL COMMITTEE AND NEVADA REPUBLICAN PARTY

Proposed Intervenor-Defendants, the Republican National Committee and the Republican Party of Nevada, submit the following Answer to Plaintiffs' Complaint for Declaratory and Injunctive Relief. Unless expressly admitted below, Proposed Intervenor-Defendants deny everything in the complaint. Intervenor-Defendants respond to the numbered allegations in the complaint as follows:

1. Defendants' statements, policies, and plans speak for themselves. Proposed Intervenor-Defendants lack sufficient information to admit or deny the remaining allegations of this paragraph.

2. Plaintiffs' contention that mailing ballots to active-status voters cannot be countenanced under Nevada or federal law is a legal conclusion to which no response is required. Proposed Intervenor-Defendants lack sufficient information to admit or deny the remaining allegations of this paragraph.

3. Denied.

4. The text of the statutes cited by Plaintiffs in this paragraph speak for themselves. Their constitutionality is a legal conclusion to which no response is required. Proposed Intervenor-Defendants deny the remaining allegations of this paragraph.

5. The text of the statutes cited by Plaintiffs in this paragraph speak for themselves. Proposed Intervenor-Defendants deny the remaining allegations of this paragraph.

6. Proposed Intervenor-Defendants lack sufficient information to admit or deny Plaintiffs' beliefs and intentions.

7. This paragraph consists of legal conclusions to which no response is required.

8. This paragraph consists of legal conclusions to which no response is required.

9. This paragraph consists of legal conclusions to which no response is required.

10. This paragraph consists of legal conclusions to which no response is required.

11. Proposed Intervenor-Defendants admit the allegations in the fifth sentence, deny the allegations in the second to last sentence, and lack sufficient information to admit or deny the remaining allegations.

12. Proposed Intervenor-Defendants lack sufficient information to admit or deny the allegations of this paragraph, except for the allegations in the last sentence, which is denied.

13. Proposed Intervenor-Defendants lack sufficient information to admit or deny the allegations of this paragraph, except for the Plaintiffs' allegations about the effect of the challenged laws and policies, which are denied.

14. Admitted, except for the Plaintiffs' allegations about the effect of the challenged laws and policies, which are denied.

15. Admitted, except for the last sentence, which is denied.

16. Admitted, except the last two sentences, which are denied.

17. Admitted, except the last sentence, which is denied.

18. The cited statutes speak for themselves. The other allegations in this paragraph are admitted.

19. The cited statutes speak for themselves. The other allegations in this paragraph are admitted.

20. The cited statutes speak for themselves. The other allegations in this paragraph are admitted.

21. The cited statutes speak for themselves. The other allegations in this paragraph are admitted.

22. The cited statutes speak for themselves. The other allegations in this paragraph are admitted.

23. Proposed Intervenor-Defendants admit that the coronavirus has caused widespread disruption. The remaining allegations are denied.

24. The contents of Secretary Cegavske's press release speak for themselves.

25. The contents of Secretary Cegavske's press release speak for themselves.

- 1 26. The contents of Clark County's notice speak for themselves.
- 2 27. The contents of Washoe County's notice speak for themselves.
- 3 28. The contents of Elko County materials speak for themselves.
- 4 29. Admitted, except the contents of the statutes, which speak for themselves.
- 5 30. The contents of the statutes speak for themselves. Proposed Intervenor-
- 6 Defendants lack sufficient information to admit or deny the remaining allegations of the
- 7 paragraph.
- 8 31. The contents of the statutes speak for themselves.
- 9 32. The contents of the statutes speak for themselves.
- 10 33. Defendants' stated intentions speak for themselves.
- 11 34. The press release speaks for itself.
- 12 35. The contents of the cited laws speak for themselves.
- 13 36. Proposed Intervenor-Defendants lack sufficient information to admit or deny this
- 14 paragraph.
- 15 37. Denied.
- 16 38. Defendants' announcements speak for themselves.
- 17 39. Proposed Intervenor-Defendants lack sufficient information to admit or deny this
- 18 paragraph.
- 19 40. Proposed Intervenor-Defendants lack sufficient information to admit or deny this
- 20 paragraph.
- 21 41. Proposed Intervenor-Defendants lack sufficient information to admit or deny this
- 22 paragraph.
- 23 42. Proposed Intervenor-Defendants admit that a primarily by-mail election departs
- 24 from prior practice in Nevada. The remaining allegations are denied.
- 25 43. Defendants' stated intentions speak for themselves.
- 26 44. Proposed Intervenor-Defendants lack sufficient information to admit or deny this
- 27 paragraph.

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45. Denied.

46. Denied.

47. Proposed Intervenor-Defendants admit that the coronavirus has had negative effects such as increasing unemployment. The remaining allegations are denied.

48. Proposed Intervenor-Defendants lack sufficient information to admit or deny the allegations of this paragraph.

49. Proposed Intervenor-Defendants lack sufficient information to admit or deny the allegations of this paragraph.

50. Proposed Intervenor-Defendants lack sufficient information to admit or deny the allegations of this paragraph, but deny the allegation that Nevada's proposed voting scheme is inadequate.

51. Denied.

52. Plaintiffs' cited sources speak for themselves. Proposed Intervenor-Defendants lack sufficient information to admit or deny the remaining allegations of this paragraph, other than the allegation that Wisconsin voters were disenfranchised, which they deny.

53. Milwaukee's policies and data speak for themselves.

54. Plaintiffs' cited source speaks for itself.

55. Denied.

56. Denied.

57. Denied, other than the representations of voting percentages in 2016, which proposed Intervenor-Defendants lack sufficient information to admit or deny.

58. The statutes speak for themselves.

59. The statute speaks for itself. The remaining allegations are denied.

60. Denied.

61. Denied.

62. Denied.

63. Denied.

- 1 64. The statutes speak for themselves.
- 2 65. The statutes speak for themselves
- 3 66. The statutes speak for themselves
- 4 67. The statutes speak for themselves
- 5 68. The statutes speak for themselves .
- 6 69. The statutes speak for themselves.
- 7 70. Proposed Intervenor-Defendants lack sufficient information to admit or deny the
- 8 allegations of this paragraph.
- 9 71. Proposed Intervenor-Defendants lack sufficient information to admit or deny the
- 10 allegations of this paragraph.
- 11 72. Proposed Intervenor-Defendants lack sufficient information to admit or deny the
- 12 allegations of this paragraph.
- 13 73. Nevada law speaks for itself.
- 14 74. The statutes speak for themselves. The remaining allegations are denied.
- 15 75. Denied.
- 16 76. The statutes speak for themselves.
- 17 77. Proposed Intervenor-Defendants lack sufficient information to admit or deny the
- 18 allegations of this paragraph.
- 19 78. The statute speaks for itself.
- 20 79. Proposed Intervenor-Defendants lack sufficient information to admit or deny the
- 21 allegations of this paragraph.
- 22 80. Denied.
- 23 81. Denied.
- 24 82. This paragraph consists of legal conclusions that do not require a response.
- 25 83. The statute speaks for itself.
- 26 84. The statute speaks for itself.
- 27 85. The statute speaks for itself.

- 1 86. The statute speaks for itself.
- 2 87. The cited policies speak for themselves.
- 3 88. Denied.
- 4 89. Proposed Intervenor-Defendants reallege and incorporate by reference all prior
- 5 paragraphs of this Answer and the paragraphs in the counts below as though fully set forth
- 6 herein.
- 7 90. Defendants' proposals speak for themselves.
- 8 91. Denied.
- 9 92. This paragraph consists of legal conclusions that do not require a response.
- 10 93. This paragraph consists of legal conclusions that do not require a response.
- 11 94. This paragraph consists of legal conclusions that do not require a response.
- 12 95. Denied.
- 13 96. Denied.
- 14 97. Proposed Intervenor-Defendants lack sufficient information to admit or deny the
- 15 allegations in this paragraph.
- 16 98. Proposed Intervenor-Defendants lack sufficient information to admit or deny the
- 17 allegations in this paragraph.
- 18 99. Proposed Intervenor-Defendants lack sufficient information to admit or deny
- 19 these allegations, except the last sentence, which is denied.
- 20 100. Denied.
- 21 101. Denied.
- 22 102. Proposed Intervenor-Defendants reallege and incorporate by reference all prior
- 23 paragraphs of this Answer and the paragraphs in the counts below as though fully set forth
- 24 herein.
- 25 103. This paragraph consists of legal conclusions to which no response is required.
- 26 104. This paragraph consists of legal conclusions to which no response is required.
- 27 105. This paragraph consists of legal conclusions to which no response is required.

- 1 106. This paragraph consists of legal conclusions to which no response is required.
- 2 107. The contents of the cited case speaks for itself.
- 3 108. Denied.
- 4 109. Denied.
- 5 110. Denied.
- 6 111. Denied.
- 7 112. Denied.
- 8 113. Denied.
- 9 114. Proposed Intervenor-Defendants reallege and incorporate by reference all prior
- 10 paragraphs of this Answer and the paragraphs in the counts below as though fully set forth
- 11 herein.
- 12 115. Denied.
- 13 116. This paragraph consists of legal conclusions that require no response.
- 14 117. This paragraph consists of legal conclusions that require no response.
- 15 118. The cited authorities speak for themselves.
- 16 119. Denied.
- 17 120. Denied.
- 18 121. Proposed Intervenor-Defendants reallege and incorporate by reference all prior
- 19 paragraphs of this Answer and the paragraphs in the counts below as though fully set forth
- 20 herein.
- 21 122. Denied.
- 22 123. This paragraph consists of legal conclusions that do not require a response. To the
- 23 extent this paragraph contains allegations deemed to be factual, proposed Intervenor-Defendants
- 24 deny them.
- 25 124. Denied.
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1 143. This paragraph contains legal conclusions that require no response or cited laws
2 that speak for themselves.

3 144. Denied.

4 145. Denied.

5 146. Denied.

6 147. Proposed Intervenor-Defendants reallege and incorporate by reference all prior
7 paragraphs of this Answer and the paragraphs in the counts below as though fully set forth
8 herein.

9 148. Denied.

10 149. Denied.

11 150. Denied.

12 151. Proposed Intervenor-Defendants reallege and incorporate by reference all prior
13 paragraphs of this Answer and the paragraphs in the counts below as though fully set forth
14 herein.

15 152. The cited case and statute speak for themselves.

16 153. Denied.

17 154. The contents of this paragraph are legal conclusions which require no response.
18 To the extent this paragraph contains allegations deemed to be factual, proposed Intervenor-
19 Defendants deny them.

20 155. The contents of this paragraph are legal conclusions which require no response.

21 156. Denied.

22 157. Denied.

23 158. Proposed Intervenor-Defendants reallege and incorporate by reference all prior
24 paragraphs of this Answer and the paragraphs in the counts below as though fully set forth
25 herein.

26 159. The cited constitutional provision speaks for itself.

27 160. Denied.

173. Denied.

Proposed Intervenor-Defendants deny that Plaintiffs are entitled to any relief.

2. Count VI is not justiciable because there is no reasonable likelihood that plaintiffs would enforce a rule that conflicts with a superior statute.

1 3. Pursuant to NRCP 11, as amended, all possible affirmative defenses may not have
2 been alleged herein, in so far as sufficient facts were not available after a reasonable inquiry
3 upon the filing of this Answer; therefore, the Proposed Intervenor-Defendants reserve the right to
4 amend their answer to allege additional affirmative defenses if subsequent investigations so
5 warrant.

6 Dated this 21st day of April, 2020.

MARQUIS AURBACH COFFING

By 

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing [PROPOSED] ANSWER TO COMPLAINT BY INTERVENOR-DEFENDANTS THE REPUBLICAN NATIONAL COMMITTEE AND NEVADA REPUBLICAN PARTY was submitted for filing and/or service with the First Judicial District Court on the ~~21st~~ day of April, 2020. Service of the foregoing document was made by mailing a true and correct copy thereof, postage prepaid, addressed to:

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