

1 Uzoma N. Nkwonta* (DC Bar No. 975323)
2 unkwonta@elias.law
3 Branden D. Lewiston* (DC Bar No. 252550)
4 blewiston@elias.law
5 Julianna D. Astarita* (DC Bar No. 90041368)
6 jastarita@elias.law
7 **ELIAS LAW GROUP LLP**
8 250 Massachusetts Ave. NW, Suite 400
9 Washington, DC 20001
10 T: (202) 948-1135

11 Tyler L. Bishop (CA Bar No. 337546)
12 tbishop@elias.law
13 **ELIAS LAW GROUP LLP**
14 1700 Seventh Avenue, Suite 2100
15 Seattle, WA 98101
16 T: (202) 948-1135

17 Omar Qureshi (CA Bar No. 323493)
18 omar@qureshi.law
19 Max Schoening (CA Bar No. 324643)
20 max@qureshi.law
21 **QURESHI LAW PC**
22 700 Flower Street, Suite 1000
23 Los Angeles, CA 90017
24 T: (213) 786-3478
25 F: (213) 277-8989

26 *Counsel for Proposed Intervenor-Defendants*
27 *Services, Immigrant Rights and Education*
28 *Network and Mi Familia en Acción*

* *Pro hac vice application forthcoming*

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,
Plaintiff,

v.

STATE OF CALIFORNIA;
SHIRLEY N. WEBER, in her
official capacity as Secretary of State
of California; and DEAN C.
LOGAN, in his official capacity as
the County of Los Angeles
Registrar-Recorder/County Clerk,

Defendants.

Case No: 2:26-cv-12025

**MOTION TO INTERVENE OF
SERVICES, IMMIGRANT
RIGHTS AND EDUCATION
NETWORK AND MI FAMILIA
EN ACCIÓN**

Hearing Date: TBD*

NOTICE OF MOTION AND MOTION TO INTERVENE

Services, Immigrant Rights and Education Network (“SIREN”), and Mi Familia en Acción (“MFA”) (together, “Proposed Intervenors”) respectfully request that this Court grant them leave to intervene as defendants in this case as of right under Federal Rule of Civil Procedure 24(a)(2). Alternatively, Proposed Intervenors request that the Court grant them permissive intervention under Rule 24(b).

In support of their Motion, Proposed Intervenors submit and incorporate the below Memorandum of Points and Authorities, declarations submitted by Proposed Intervenors (attached as Exhibits A and B), a Proposed Answer submitted pursuant to Rule 24(c) (attached as Exhibit C), the Declaration of Tyler L. Bishop (attached as Exhibit D), and a Proposed Order.

In view of the Department of Justice’s stated intent to seek emergency relief, and the nature of its claim, which seeks to enjoin ongoing mail voting procedures, compliance with Local Civil Rule 7-3’s seven-day waiting period is not practicable. Proposed Intervenors nonetheless contacted counsel for the parties in a good-faith effort to confer on their motion. *See* Bishop Decl. ¶ 3. Defendant Secretary of State Shirley Weber does not oppose the motion. *Id.* ¶ 4. Plaintiff was unavailable to confer prior to filing. *Id.* ¶ 5.

Dated: October 15, 2026

Respectfully submitted,

/s/ Max Schoening

Omar Qureshi (CA Bar No. 323493)

Max Schoening (CA Bar No. 324643)

QURESHI LAW PC

700 Flower Street, Suite 1000

Los Angeles, CA 90017

T: (213) 786-3478

omar@qureshi.law

max@qureshi.law

1 Uzoma N. Nkwonta*
2 Branden D. Lewiston*
3 Julianna D. Astarita*
4 **ELIAS LAW GROUP LLP**
5 250 Massachusetts Ave. NW, Suite 400
6 Washington, DC 20001
7 T: (202) 948-1135
8 F: (202) 968-4498
9 unkwonta@elias.law
10 blewiston@elias.law
11 jastarita@elias.law

12 Tyler L. Bishop (CA Bar No. 337546)
13 **ELIAS LAW GROUP LLP**
14 1700 Seventh Avenue, Suite 2100
15 Seattle, WA 98101
16 T: (202) 948-1135
17 tbishop@elias.law

18 *Counsel for Proposed Intervenor-Defendants*
19 *SIREN and MFA*

20 ** Pro hac vice application forthcoming*

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INTRODUCTION

Less than three weeks before Election Day, and with ballots already in the hands of California voters, the U.S. Department of Justice (“DOJ”) asks this Court to deny ballots to lawfully registered voters and set aside ballots already cast by others. The targeted voters—over 20,000 in total—were identified on a list derived through an error-prone matching process and delivered to local officials on a thumb drive, with a password on a sticky note, which DOJ gave officials only 48 hours to review before DOJ filed its lawsuit seeking to compel California to do its bidding.

No federal law authorizes DOJ’s extraordinary demand, which would upend California’s elections and would result in an unprecedented intrusion of the federal government into state-run election administration. The Constitution assigns States the authority to set and enforce voter qualifications and administer their elections, subject to certain safeguards enacted by Congress and designed to protect voters during federal elections. Among them, the National Voter Registration Act (“NVRA”) bars systematic programs to remove ineligible voters from the rolls in the 90 days before an election, because that is when mistakes based on flawed data are most likely to disenfranchise eligible voters. 52 U.S.C. § 20507(c)(2)(A). DOJ’s demand, which arrives well inside that window, seeks an end-run around that statutory protection and constitutional structure—all in pursuit of strong-arming California into aligning its election procedures with the preferences of the President. Put simply, DOJ seeks to enlist this Court in an effort to take over California’s elections and decide who gets to have their votes count. DOJ’s effort is lawless.

Proposed Intervenors—Services, Immigrant Rights and Education Network (“SIREN”), and Mi Familia en Acción (“MFA”)—are nonprofit organizations that represent and serve California voters. They move to intervene as Defendants under Federal Rule of Civil Procedure 24 to protect their interests and the interests of the

1 members and communities they represent from DOJ’s assault. DOJ’s requested
2 relief threatens to disenfranchise Proposed Intervenor’s members and constituents,
3 including naturalized citizens who are highly likely to get swept up in DOJ’s error-
4 prone citizenship verification campaign. It also threatens to undermine Proposed
5 Intervenor’s voter registration, voter education, and get-out-the-vote efforts
6 because naturalized citizens and other eligible voters in communities Proposed
7 Intervenor serve will likely be deterred from voting for fear of being misidentified
8 as noncitizen voters and having their ballots ultimately discarded.

9 Proposed Intervenor are no strangers to combatting voter suppression,
10 including from DOJ. MFA’s sister organization—Mi Familia Vota—brought
11 successful litigation challenging several discriminatory provisions of Arizona’s
12 voting laws that would have harmed naturalized citizens; the district court found
13 the organization had standing to challenge those laws to protect its constituents and
14 organizational mission. *See Mi Familia Vota v. Fontes*, 719 F. Supp. 3d 929, 984–
15 85 (D. Ariz. 2024), *aff’d in part, vacated in part*, 129 F.4th 691 (9th Cir. 2025),
16 *cert. granted sub nom. Republican Nat’l Comm. v. Mi Familia Vota*, 146 S. Ct.
17 2799 (2026). SIREN successfully intervened and prevailed in DOJ’s lawsuit
18 demanding California’s unredacted voter files over purported concerns with
19 ineligible voters. *United States v. Weber*, 816 F. Supp. 3d 1168, 1179 (C.D. Cal.
20 2026) (“*Weber*”), *appeal argued*, No. 26-1232 (9th Cir. May 19, 2026). SIREN
21 also successfully intervened in *Wagner v. Weber*, a private lawsuit (to which DOJ
22 now seeks to relate this action) seeking to compel voter purges under the NVRA.
23 Minutes of Motion Hearing, *Wagner v. Weber*, No. 8:26-cv-1263-MCS (C.D. Cal.
24 Sep. 28, 2026) (“*Wagner*”), ECF No. 35. In both cases, the courts recognized that
25 Secretary Weber does not adequately represent the interests of private civic
26 organizations: She is an election official who must “bear in mind broader public-
27 policy implications,” whereas Proposed Intervenor seek to vindicate their own

1 interests “full stop.” *Berger v. N.C. State Conf. of the NAACP*, 597 U.S. 179, 196
 2 (2022). And on DOJ’s compressed timeline, she and the other governmental
 3 defendants in this matter must weigh threats of federal retaliation if they do not
 4 compromise with DOJ. Proposed Intervenorors face no such countervailing
 5 considerations and will defend their interests with zeal.

6 For these reasons and those set forth below, the Court should grant Proposed
 7 Intervenorors’ motion to intervene as of right under Rule 24(a)(2). Alternatively, the
 8 Court should grant permissive intervention under Rule 24(b).

9 BACKGROUND

10 I. Federal law assigns election administration responsibilities to 11 States, consistent with the Constitution’s separation of powers.

12 The Constitution’s Elections Clause “invests the States with responsibility
 13 for the mechanics of congressional elections,” subject only to Congress’s power to
 14 “preempt state legislative choices.” *Foster v. Love*, 522 U.S. 67, 69 (1997). Even
 15 then, Congress’s power is strictly limited to preempting State laws on the “Times,
 16 Places and Manner of holding Elections.” U.S. Const. art. I, § 4, cl. 1. Nothing in
 17 that limited grant of authority empowers the federal government to decide *who* gets
 18 to vote; the Constitution commits the power to set and enforce voter qualifications
 19 to the *States*. See *Arizona v. Inter Tribal Council of Ariz., Inc.*, 570 U.S. 1, 16–17
 20 (2013). This structure is deliberate: since the founding, the Elections Clause “has
 21 constitutionally prevented the centralization of election management in the
 22 Executive.” *Weber*, 816 F. Supp. 3d at 1175.

23 Congress has enacted certain laws governing voter registration, but nothing
 24 in those laws empowers the federal government to create a list of registered voters
 25 whom it “believes” to be noncitizens and then demand that States deny them access
 26 to the ballot box. Compl. ¶ 45. To the contrary, the NVRA charges *States* with the
 27 “administration of voter registration for elections for Federal office.” 52 U.S.C.

§ 20507(a). The whole premise of that regulatory scheme is that if a voter is registered at the time of an election, they get to cast a ballot and have that ballot count. *See Mi Familia Vota v. Fontes*, 129 F.4th 691, 711 (9th Cir. 2025) (rejecting “narrow view” that the NVRA governs only “voter registration—not rules for casting a ballot by mail” as “contrary to the text of the NVRA which declares the right ‘to vote’ is a fundamental right and establishes purposes beyond registration”), *cert. granted sub nom. Republican Nat’l Comm. v. Mi Familia Vota*, 146 S. Ct. 2799 (2026).

The NVRA also imposes strict procedural safeguards on removing voters from the rolls, which DOJ seeks to circumvent here. Most notably, the NVRA requires States to “complete, not later than 90 days prior to the date of a primary or general election for Federal office, any program the purpose of which is to systematically remove the names of ineligible voters from the official lists of eligible voters.” 52 U.S.C. § 20507(c)(2)(A). The 90-day bar applies to removal programs targeting suspected noncitizens. *See Mi Familia Vota*, 129 F.4th at 715–17. Congress drew this line because the window before an election is when erroneous “maintenance” is most likely to disenfranchise entirely eligible voters, who might have little or no time to correct the error. *See Arcia v. Fla. Sec’y of State*, 772 F.3d 1335, 1346 (11th Cir. 2014). DOJ’s eleventh-hour demand here to have California refuse to send ballots to some voters and refuse to count ballots cast by others is a blatant attempt to make an end-run around this requirement.

II. DOJ’s prior efforts to meddle with California’s voter-list practices have been rejected by courts repeatedly.

This lawsuit is the latest chapter in a now-18-months-long federal campaign to intrude upon States’ election administration processes—a campaign courts have rejected at every turn. In March of 2025, the President directed the Attorney General to obtain States’ voter information and “prioritize enforcement” against

1 States that do not cooperate. *Common Cause v. U.S. Dep’t of Just.* No. 1:26-cv-
2 1352, 2026 WL 3033772, at *4 (D.D.C. Oct. 9, 2026) (discussing Exec. Order No.
3 14248, 90 Fed. Reg. 14005 (Mar. 25, 2025)). DOJ then demanded unredacted voter
4 lists from nearly every State, shared the data with the Department of Homeland
5 Security (“DHS”) to run it through the Systematic Alien Verification for
6 Entitlements (“SAVE”) database, and pressed States to remove voters flagged as
7 potentially ineligible. *Id.* at *4–6.

8 California refused to hand over voters’ sensitive data, and DOJ sued. *See*
9 Complaint, *Weber*, No. 2:25-cv-9149 (C.D. Cal. Sep. 25, 2025), ECF No. 1. SIREN
10 and other organizations intervened, and the court granted their motion to dismiss.
11 *Weber*, 816 F. Supp. 3d at 1196. Every federal district court to address DOJ’s
12 similar demands for unredacted voter lists has dismissed DOJ’s lawsuits. *See*
13 *Common Cause*, 2026 WL 3033772, at *65 n.3 (collecting cases); *see also United*
14 *States v. Benson*, 179 F.4th 470 (6th Cir.), *reh’g en banc denied*, 187 F.4th 462 (6th
15 Cir. 2026).

16 Just last week, a federal court in D.C. went further and vacated the policy at
17 the heart of DOJ’s unlawful campaign. In *Common Cause*, the court held DOJ’s
18 “Voter List Maintenance Policy”—collecting state voter lists, running them
19 through SAVE, and demanding that States remove the voters DOJ flagged—
20 unlawful several times over. *Common Cause*, 2026 WL 3033772, at *1, *8. The
21 court explained that “[b]ehind all the window dressing, the challenged policy
22 represents the federal government’s attempt to decide who gets to vote. But
23 Congress has left that authority where our Constitution has always placed it: with
24 the states.” *Id.* at *1. The court also held DOJ’s efforts were arbitrary and capricious
25 because DOJ “entirely failed to consider the risk that its use of citizenship records”
26 would lead to flawed demands to “remove U.S. citizens.” *Id.* at *8. It emphasized
27 that DOJ’s efforts to target purported noncitizens have already resulted in the

1 “remov[al of] citizens from the voter rolls in their home states and risks
2 disenfranchising many more.” *Id.* at *2.

3 **III. DOJ’s new lawsuit threatens disenfranchisement of lawful voters** 4 **and chaos weeks before the November 2026 election.**

5 On July 16, 2026, Secretary of Homeland Security Markwayne Mullin sent
6 Secretary Weber a letter alleging that there may be “as many as 190,832”
7 noncitizens registered to vote in California. Compl. Ex. A at 1 (July 16, 2026 Letter
8 from Markwayne Mullin, Sec’y of Dep’t of Homeland Sec.), ECF No. 1-1.
9 Secretary Weber responded on July 23, requesting “[a] detailed description of the
10 methodology utilized by DHS to identify these allegedly ineligible voters,”
11 including the “data sources, software, and matching criteria utilized in this
12 analysis.” Compl. Ex. B at 2 (July 23, 2026 Letter from Shirley N. Weber, Cal.
13 Sec’y of State), ECF No. 1-2.

14 DOJ’s only apparent response to that request for further information came
15 on October 13—just three weeks before the November 3 general election, and after
16 California had already begun mailing ballots to registered voters—in the form of a
17 48-hour ultimatum. *See* Compl. ¶ 47; Compl. Ex. C (Oct. 13, 2026 Letter from R.
18 Trent McCotter, Acting Deputy Att’y Gen.), ECF No. 1-3. DOJ sent a letter stating
19 that it delivered to Los Angeles County (but not, apparently, Secretary Weber) a
20 “password-protected thumb drive” of individuals the federal government “believes
21 are likely noncitizens” who were sent vote-by-mail ballots. Compl. Ex. C at 1. DOJ
22 then demanded that election officials (1) refuse to send ballots to anyone on the list
23 until their citizenship is confirmed; (2) “segregate[]” any ballots those voters
24 return; and (3) not tabulate ballots already returned “until citizenship can be
25 determined.” *Id.* at 3. If California does not comply, the letter warned, DOJ “will
26 have no choice but to seek emergency relief.” *Id.* DOJ did not answer any of
27
28

1 Secretary Weber’s questions regarding the methodology used to create the list or
2 the sources of data used to create it.

3 DOJ sent a similar letter directly to the Los Angeles County Registrar.
4 Compl. Ex. D (Oct. 13, 2026 Letter from R. Trent McCotter, Acting Deputy Att’y
5 Gen.), ECF No. 1-4. The Registrar confirmed that his office received DOJ’s letter
6 but said it had not opened the accompanying USB drive, which came with a
7 handwritten password, because doing so “would conflict with established data
8 privacy and information security protocols.”¹ He added that his office does not
9 consider the drive a secure medium, and that DOJ’s letter does not say how many
10 voters are on the list or what information the records contain.²

11 Everything known about how the federal government generates its lists of
12 purported “noncitizens” indicates that DOJ’s list likely sweeps in eligible voters,
13 particularly naturalized citizens. Just last week, a federal court stressed that DOJ
14 has “failed to consider the risk that its use of citizenship records known to be
15 unreliable would lead [it] to demand that states remove U.S. citizens from their
16 voter rolls.” *Common Cause*, 2026 WL 3033772, at *8. Earlier this year, DHS told
17 Nevada that federal records showed the State may have nearly 16,000 noncitizens
18 on its rolls—but when pressed, DHS then cut the number to 185, meaning over
19 15,000 citizens were falsely flagged as possible noncitizens.³ Even then, Nevada
20 election officials informed DHS that “[a]s for the 185 individuals, our records
21

22 ¹ Sarah N. Lynch, *Top U.S. DOJ Official Orders California to Review List of*
23 *Possible Noncitizens Who Received Mail Ballots*, CBS News (Oct. 14, 2026),
24 [https://www.cbsnews.com/news/justice-department-california-noncitizens-mail-](https://www.cbsnews.com/news/justice-department-california-noncitizens-mail-ballots/)
25 [ballots/](https://www.cbsnews.com/news/justice-department-california-noncitizens-mail-ballots/).

26 ² *See id.*

27 ³ Nick Corasaniti, *From 16,000 to 185 to Zero: Trump’s Claims of Illegal Voting in*
28 *Nevada Fizzle*, N.Y. Times (Sep. 24, 2026),
[https://www.nytimes.com/2026/09/24/us/politics/nevada-voters-homeland-security-](https://www.nytimes.com/2026/09/24/us/politics/nevada-voters-homeland-security-trump.html)
[trump.html](https://www.nytimes.com/2026/09/24/us/politics/nevada-voters-homeland-security-trump.html).

1 indicate that they were citizens,” and DHS provided no information to suggest
 2 otherwise.⁴ Similar examples abound. An independent review in Travis County,
 3 Texas, found that 25% of voters alleged by the federal government to be
 4 “noncitizens” had already proven their citizenship. *League of Women Voters v. U.S.*
 5 *Dep’t of Homeland Sec.*, 835 F. Supp. 3d 79, 115 (D.D.C. 2026). A separate manual
 6 audit conducted by Utah found that, of 8,917 individuals flagged as “potential
 7 noncitizens” by the federal government, nearly all were citizens.⁵

8 The government’s correspondence indicates that its data in California may
 9 be similarly inaccurate. Secretary Mullin’s initial letter to Secretary Weber
 10 indicated that there could be “as many as 190,832 non-citizens” registered to vote,
 11 *see* Compl. Ex. A (Letter from Secretary Mullin); that number has been revised
 12 downward significantly, though it remains indeterminate. *Compare* Compl. ¶ 46
 13 (identifying “nearly 20,000” suspected noncitizens registered to vote), *with* Compl.
 14 ¶ 47 (noting that the list provided to Defendants included “over 20,000 individuals”
 15 it believes are noncitizens).

16 Finally, a federal whistleblower has described deeply troubling processes
 17 that likely produced DOJ’s list. According to a September disclosure, officers
 18 working for DHS’s “Unlawful Voter Initiative” were given less than two hours of
 19 training, quotas of reviewing records for 40 voters a day (about 12 minutes each),
 20 and unreliable data that likely included naturalized citizens.⁶ Officials described
 21

22 ⁴ *See id.*

23 ⁵ Jack Friedman & Wren Orey, *Evaluating How the USCIS SAVE System Performs*
 24 *in Practice: Evidence from Election Offices*, MIT Election Lab (Oct. 1, 2026),
 25 [https://electionlab.mit.edu/articles/evaluating-how-uscis-save-system-performs-](https://electionlab.mit.edu/articles/evaluating-how-uscis-save-system-performs-practice)
 26 [practice](https://electionlab.mit.edu/articles/evaluating-how-uscis-save-system-performs-practice).

26 ⁶ *See* Letter from Anonymous Whistleblower to Alex Padilla, U.S. Senator (Sep. 8,
 27 2026), *available at* [https://www.padilla.senate.gov/wp-content/uploads/09.13.26-](https://www.padilla.senate.gov/wp-content/uploads/09.13.26-Senate-Whistleblower-Letter-DHS-USCIS_combined_signed.pdf)
 28 [Senate-Whistleblower-Letter-DHS-USCIS_combined_signed.pdf](https://www.padilla.senate.gov/wp-content/uploads/09.13.26-Senate-Whistleblower-Letter-DHS-USCIS_combined_signed.pdf).

1 the data as compiled with “supplemental magic.”⁷ The disclosure also reports that
 2 officers were directed to search California’s voter lookup system specifically using
 3 individuals’ personal information.⁸

4 DOJ has now filed suit seeking extraordinary relief from this Court: an
 5 injunction enjoining California from sending to or tabulating mail ballots from
 6 registered voters on DOJ’s list of suspected noncitizens. Compl. ¶ 63.

7 **IV. Proposed Intervenorors have strong interests in preventing DOJ’s**
 8 **demands.**

9 Proposed Intervenorors are dedicated to protecting the rights of California
 10 voters, many of whom are naturalized citizens most likely to be wrongly flagged
 11 by federal citizenship data. *See* Ex. A, Decl. of Huy Tran (“Tran Decl.”) ¶¶ 4–6;
 12 Ex. B, Decl. of Angelica Razo (“Razo Decl.”) ¶¶ 5–6, 9. Each organization works
 13 to register, educate, and turn out voters in communities historically excluded from
 14 the political process. Tran Decl. ¶¶ 4–5, 7; Razo Decl. ¶¶ 3–5. And each is in the
 15 middle of its get-out-the-vote program for an election in which ballots have already
 16 been sent out to voters. *See* Cal. Elec. Code § 3000.5(a).

17 If DOJ obtains the relief it seeks, members who are eligible citizens could
 18 have their ballots withheld, set aside, or left uncounted, with no notice of why they
 19 were flagged and no opportunity to clear their names before the results are certified.
 20 *See supra* Background § III. Proposed Intervenorors cannot ignore that kind of last-
 21 minute disruption. They would have to pull staff and volunteers from planned get-
 22 out-the-vote work to identify affected constituents, help them prove their
 23 citizenship, and make sure their ballots are counted. Tran Decl. ¶ 11; Razo Decl.
 24 ¶ 13.

25
 26
 27 ⁷ *Id.*
 28 ⁸ *Id.*

1 **SIREN.** SIREN is an advocacy and direct-services organization that
 2 empowers immigrants and refugees through community education, organizing,
 3 policy advocacy, civic engagement, and legal services. Tran Decl. ¶¶ 3–4. It has
 4 roughly 120 members throughout California, and it serves a broader constituency
 5 of immigrants, refugees, and naturalized citizens. *Id.* ¶ 4. A core part of SIREN’s
 6 work is helping recently naturalized citizens register and vote for the first time. *Id.*
 7 ¶ 6. Those voters face the greatest risk of being wrongly flagged as noncitizens,
 8 because federal records often fail to reflect naturalization. *Id.* ¶¶ 14–15; *supra*
 9 Background § III. Many already fear registering to vote will invite government
 10 scrutiny, and enforcement of a secret federal list of “likely noncitizens” whose
 11 ballots must be investigated and set aside would confirm those fears, undermining
 12 SIREN’s mission. Tran Decl. ¶¶ 9, 14.

13 **Mi Familia en Acción.** MFA is a national nonprofit civic engagement
 14 organization that works to build Latino political power by expanding the electorate
 15 through citizenship assistance, voter registration, voter education, and get-out-the-
 16 vote programs. Razo Decl. ¶ 3–4. MFA and its affiliate, Mi Familia Vota, have a
 17 long history of protecting the right to vote, including in litigation against the federal
 18 government and state governments to eliminate voting restrictions that place
 19 unlawful burdens on naturalized citizens. *See, e.g., Mi Familia Vota*, 719 F. Supp.
 20 3d 929.

21 MFA’s work in California includes encouraging Latino voters and allied
 22 communities to participate in the electoral process. Razo Decl. ¶¶ 4–5. In the next
 23 few weeks before Election Day, MFA intends to engage with approximately 50,000
 24 voters in California. *Id.* ¶ 7. As with SIREN, many of the individuals MFA serves
 25 are naturalized citizens, who are the voters most likely to appear on a list generated
 26 from outdated federal records. *Id.* ¶¶ 5–6. If DOJ’s demand succeeds, MFA would
 27 have to divert staff and volunteers from voter turnout work in the final weeks of
 28

1 the election to help those voters confirm their status and ensure their ballots are
 2 counted. *Id.* ¶¶ 10–11, 13. And DOJ’s misguided and highly error-prone quest to
 3 identify purported noncitizen voters deters eligible citizens that MFA seeks to bring
 4 into the electorate. *Id.* ¶ 12.

5 **LEGAL STANDARD**

6 A party seeking to intervene as of right must satisfy four requirements:

7 (1) the applicant must timely move to intervene; (2) the
 8 applicant must have a significantly protectable interest
 9 relating to the property or transaction that is the subject of the
 10 action; (3) the applicant must be situated such that the
 11 disposition of the action may impair or impede the party’s
 12 ability to protect that interest; and (4) the applicant’s interest
 13 must not be adequately represented by existing parties.

14 *Arakaki v. Cayetano*, 324 F.3d 1078, 1083 (9th Cir. 2003).

15 Rule 24(a)(2) “traditionally receives liberal construction in favor of
 16 applicants for intervention,” *id.*, and the Ninth Circuit requires “interpret[ing] these
 17 requirements broadly in favor of intervention,” guided by “practical considerations,
 18 not technical distinctions.” *W. Watersheds Project v. Haaland*, 22 F.4th 828, 835
 19 (9th Cir. 2022) (quoting *Citizens for Balanced Use v. Mont. Wilderness Ass’n*, 647
 20 F.3d 893, 897 (9th Cir. 2011)). Courts must “take all well-pleaded, nonconclusory
 21 allegations in the motion to intervene, the proposed complaint or answer in
 22 intervention, and declarations supporting the motion as true absent sham, frivolity
 23 or other objections.” *Sw. Ctr. for Biological Diversity v. Berg*, 268 F.3d 810, 820
 24 (9th Cir. 2001).

25 “A motion for permissive intervention pursuant to Rule 24(b) is directed to
 26 the sound discretion of the district court.” *San Jose Mercury News, Inc. v. U.S. Dist.*
 27 *Ct.*, 187 F.3d 1096, 1100 (9th Cir. 1999). Only two factors must be satisfied where,

as here, the intervening party does not intend to assert additional “new claims” for relief: (1) the motion must be timely and (2) the applicant’s claim or defense must have a question of law or fact in common with the main action. *Freedom from Religion Found. v. Geithner*, 644 F.3d 836, 841, 844 (9th Cir. 2011).⁹

ARGUMENT

I. Proposed Intervenors are entitled to intervene as of right.

A. This motion is timely.

Proposed Intervenors’ motion is indisputably timely. To make this determination, courts consider the totality of the circumstances, including “(1) the stage of the proceeding at which an applicant seeks to intervene; (2) the prejudice to other parties; and (3) the reason for and length of [any] delay.” *W. Watersheds Project*, 22 F.4th at 835–36. These factors are plainly satisfied as this motion comes merely hours after Plaintiff’s filing. *See Issa v. Newsom*, No. 2:20-cv-1044, 2020 WL 3074351, at *2 (E.D. Cal. June 10, 2020) (concluding motion to intervene was timely when filed before any “substantive proceedings have occurred”).

B. Proposed Intervenors’ interests are threatened by this action.

Proposed Intervenors also have several “significantly protectable interest[s]” at stake in this suit, all of which are at risk of being “impair[ed] or impede[d]” by the “disposition of the action.” *Arakaki*, 324 F.3d at 1083.

Each of Proposed Intervenors has a strong interest in ensuring that the members of the communities they serve can exercise their right to vote. Further, each of Proposed Intervenors has a distinct interest in preserving their own voter engagement efforts, which will be hampered by DOJ’s attempts to prevent lawfully

⁹ Rule 24(c) requires intervention motions to be “accompanied by a pleading.” Fed. R. Civ. P. 24(c). Proposed Intervenors attach a proposed Answer to ensure compliance with Rule 24(c), *see* Ex. C, though they also reserve the right to move to dismiss under Rule 12(b) at the appropriate juncture.

1 registered voters—and naturalized citizens in particular—from receiving and
2 voting mail ballots. The risk this suit poses to any of these interests supports
3 intervention as of right. *See Berg*, 268 F.3d at 822 (emphasizing these elements are
4 satisfied where a proposed intervenor is “substantially affected in a practical sense
5 by the determination made in an action”).

6 **1. The requested relief threatens Proposed Intervenor’s**
7 **voter engagement efforts and deters the voters they**
8 **serve.**

9 Proposed Intervenor has an interest in ensuring that their members and
10 constituents can participate in the upcoming election, free of unfounded threats or
11 unlawful restrictions. Promoting voter turnout and civic engagement is at the core
12 of each organization’s mission. Tran Decl. ¶ 5; Razo Decl. ¶ 3. DOJ’s attempt to
13 force California to deny these voters access to mail ballots—or impose
14 supplemental barriers to their participation in the voting process—based on
15 erroneous data is antithetical to those interests.

16 Courts routinely grant intervention as of right to civic organizations like
17 Proposed Intervenor that seek to protect their members and communities from
18 potential disenfranchisement or unlawful interference with their right to vote,
19 recognizing that they have “significant protectable organizational and associational
20 interests in protecting their own constituents’ voting rights.” *1789 Found. Inc. v.*
21 *Fontes*, No. CV-24-02987, 2025 WL 834919, at *3 (D. Ariz. Mar. 17, 2025); *see*
22 *also Jud. Watch, Inc. v. Ill. State Bd. of Elections*, No. 24 C 1867, 2024 WL
23 3454706, at *6 (N.D. Ill. July 18, 2024) (similar); *Bellitto v. Snipes*, No. 16-cv-
24 61474, 2016 WL 5118568, at *2 (S.D. Fla. Sep. 21, 2016) (similar). In *Judicial*
25 *Watch*, for example, the court found that two organizations representing voters had
26 “an associational interest in protecting their members from unlawful removal from
27 the voter rolls should Plaintiffs succeed in obtaining their requested relief.” 2024

1 WL 3454706, at *3. Likewise, in *Bellitto*, the court found that an organization
2 representing tens of thousands of healthcare workers and retirees in Florida had a
3 protectable interest in avoiding “the court ordered ‘voter list maintenance’ sought
4 by Plaintiffs.” 2016 WL 5118568, at *1–2. Here, DOJ seeks an order requiring
5 California to refuse to send ballots to or tabulate ballots cast by lawfully registered
6 voters—but the threat to Proposed Intervenor’s members and constituents is the
7 same as if DOJ sought to remove them from the rolls: either way, eligible voters
8 would be denied the ability to cast a vote that counts.

9 In fact, harm to this particular interest—preserving the voting rights of
10 members and constituents—has often been found to satisfy Article III’s more
11 onerous standing requirements. *E.g.*, *Mi Familia Vota*, 719 F. Supp. 3d at 983–88
12 (finding organizations had standing to protect members’ voting rights); *March for*
13 *Our Lives Idaho v. McGrane*, 697 F. Supp. 3d 1029, 1041–42 (D. Idaho 2023)
14 (similar), *appeal argued*, 24-6376 (9th Cir. Sep. 19, 2025). That this interest meets
15 the “more stringent” requirement of Article III “compels the conclusion that
16 [Proposed Intervenor] have an adequate interest” for purposes of Rule 24. *Yniguez*
17 *v. Arizona*, 939 F.2d 727, 735 (9th Cir. 1991).

18 Proposed Intervenor also have an acute interest in this action because the
19 relief DOJ seeks would deter the voters that Proposed Intervenor serve from
20 participating in the political process. Naturalized citizens in particular already vote
21 at much lower rates than other voters and are likely to be deterred from voting if
22 DOJ prevails—either because they are concerned that exercising their
23 constitutional right to vote will subject them and their families to false accusations
24 and inappropriate scrutiny, or because they believe their votes may not count and
25 so conclude voting is not worth it. Tran Decl. ¶ 15; Razo Decl. ¶ 12. This directly
26 threatens Proposed Intervenor’s mission-critical work of encouraging naturalized
27 citizens and others to register to vote and then vote. Tran Decl. ¶¶ 11–12, 16; Razo

Decl. ¶¶ 5–6. This, too, supports intervention. *See United States v. Oregon*, No. 6:25-cv-1666, 2025 WL 3496571, at *1 (D. Or. Dec. 5, 2025) (finding protectable interest that supports intervention when organization alleged DOJ’s requested relief would “deter qualified voters in marginalized communities from registering to vote in Oregon and engaging in the political process more broadly”).

2. The requested relief would make it more difficult for Proposed Intervenors to carry out their missions.

Each of the Proposed Intervenors expends significant organizational resources to promote voter registration and voting among their members and communities. Razo Decl. ¶¶ 3–7; Tran Decl. ¶¶ 5–6. SIREN, for example, trains its members and other volunteers to support its GOTV efforts through direct canvassing; this year’s training is tomorrow (October 16), and days of action are scheduled throughout the coming weeks. Tran Decl. ¶ 6. MFA similarly mobilizes voters through direct outreach and intends to engage with approximately 50,000 voters in California in the lead-up to the November election. Razo Decl. ¶ 7. The relief DOJ seeks would undercut these efforts, requiring Proposed Intervenors to divert time and resources towards staunching harm to these core activities, including with new and revised programs that account for the need to aid voters who are swept into DOJ’s unlawful eleventh-hour demand, and provide support to new voters, including naturalized citizens, who are deterred by DOJ’s continuous threats and accusations of unlawful voting. *See* Tran Decl. ¶ 15; Razo Decl. ¶ 12.

Courts have recognized that such threats to core organizational efforts constitute an impairment of a protectable interest under Rule 24. For example, the Fifth Circuit recognized impairment of a significant protectable interest where litigation “may change what” an organization “must do to prepare for upcoming elections.” *La Union del Pueblo Entero v. Abbott*, 29 F.4th 299, 307 (5th Cir. 2022) (reversing denial of intervention in election-related lawsuit). As there, Proposed

Intervenors here “will have to expend resources to educate their members on the shifting situation in the lead-up” to future elections if this suit is successful. *Id.* And the Ninth Circuit’s case law confirms that Rule 24 facilitates intervention precisely to avoid such “practical . . . impair[ments].” *Berg*, 268 F.3d at 818–22; *see also* *1789 Found.*, 2025 WL 834919, at *3–4 (granting intervention in part because of organizations’ interest in “preserving their financial resources”); *Jud. Watch, Inc.*, 2024 WL 3454706, at *3 (finding labor unions had “organizational interest in avoiding adverse reallocation of resources to protect the voting rights of their members”); *Issa*, 2020 WL 3074351, at *3 (finding significant protectable interest in organizations “diverting their limited resources to educate their members on the election procedures”); *Paher v. Cegavske*, No. 3:20-cv-243, 2020 WL 2042365, at *2 (D. Nev. Apr. 28, 2020) (finding “significant protectable interest” in “organizational intervenors’ efforts to promote the franchise”). Indeed, this too would satisfy even the more stringent requirement of Article III standing, and so necessarily supports finding a protectable interest in support of a Rule 24 motion. *See Mi Familia Vota*, 719 F. Supp. 3d at 985 (finding MFA’s affiliate had standing to challenge Arizona voting law that would “frustrate[] Mi Familia Vota’s mission and w[ould] require it to divert resources to counteract its effects”).

C. The existing parties do not adequately represent Proposed Intervenors’ interests.

Proposed Intervenors cannot be assured their interests will be represented absent intervention. “[T]he requirement of inadequacy of representation is satisfied if the applicant shows that representation of its interests ‘may be’ inadequate,” and therefore “the burden of making this showing is minimal.” *W. Expl. LLC v. U.S. Dep’t of Interior*, No. 3:15-cv-00491, 2016 WL 355122, at *3 (D. Nev. Jan. 28, 2016) (quoting *Sagebrush Rebellion, Inc. v. Watt*, 713 F.2d 525, 528 (9th Cir. 1983)) (emphasis added); *see also Trbovich v. United Mine Workers of Am.*, 404

1 U.S. 528, 538 n.10 (1972) (describing the burden of showing inadequate
2 representation as “minimal”). Accordingly, courts are “liberal in finding” this
3 requirement to be met because “there is good reason in most cases to suppose that
4 the applicant is the best judge of the representation of the applicant’s own
5 interests.” 7C *Wright & Miller’s Federal Practice & Procedure* § 1909 (3d ed.).
6 And the Ninth Circuit “stress[es] that intervention of right does not require an
7 absolute certainty . . . that existing parties will not adequately represent [an
8 intervenor’s] interests.” *Citizens for Balanced Use*, 647 F.3d at 900. Proposed
9 Intervenors readily surpass this low hurdle.

10 DOJ, of course, does not adequately represent Proposed Intervenors’
11 interests—its push to upend California elections and disenfranchise voters poses
12 the threat to Proposed Intervenors’ interest that they seek to defend against. Nor
13 can the government Defendants adequately represent Proposed Intervenors’
14 interests. As public officials, their decisions are “necessarily colored by [their] view
15 of the public welfare rather than the more parochial views of a proposed intervenor
16 whose interest is personal to it.” *Kleissler v. U.S. Forest Serv.*, 157 F.3d 964, 972
17 (3d Cir. 1998). Recognizing the competing interests faced by public officials,
18 courts have “often concluded that governmental entities do not adequately
19 represent the interests of aspiring intervenors,” *Fund for Animals, Inc. v. Norton*,
20 322 F.3d 728, 736 (D.C. Cir. 2003)—even when they seek the same ultimate
21 outcome in litigation. *See GHP Mgmt. Corp. v. City of Los Angeles*, 339 F.R.D.
22 621, 624 (C.D. Cal. 2021) (explaining courts “have permitted intervention on the
23 government’s side in recognition that the intervenors’ interests are narrower than
24 that of the government and therefore may not be adequately represented” (quoting
25 *Arakaki*, 324 F.3d at 1087)); *Barke v. Banks*, No. 8:20-cv-358, 2020 WL 2315857,
26 at *3 (C.D. Cal. May 7, 2020) (collecting cases); *see also, e.g., Citizens for*
27 *Balanced Use*, 647 F.3d at 899 (similar).

1 In fact, the Supreme Court recently emphasized this point, explaining that
 2 public officials must “bear in mind broader public-policy implications,” whereas
 3 private litigants—like Proposed Intervenors—seek to vindicate their own rights
 4 “full stop.” *Berger*, 597 U.S. at 195–96 (citing *Trbovich*, 404 U.S. at 538–39). The
 5 Supreme Court thus instructed courts not to conduct the adequacy of representation
 6 analysis at too “high [a] level of abstraction,” and reaffirmed that, even where the
 7 parties’ interests “seem[] closely aligned,” the burden to demonstrate inadequate
 8 representation remains “minimal” unless those interests are “identical.” *Id.* at 196
 9 (citation omitted). Nor may interests be deemed “identical” merely because they
 10 are “related.” *Id.* (quoting *Trbovich*, 404 U.S. at 538–39). Rather, “[w]here ‘the
 11 absentee’s interest is similar to, but not identical with, that of one of the parties,’
 12 that normally is not enough to trigger a presumption of adequate representation.”
 13 *Id.* at 197 (quoting 7C *Wright & Miller’s Federal Practice & Procedure* § 1909).
 14 In other words, even if the government Defendants also oppose the relief that DOJ
 15 seeks at a high level of abstraction, it does not follow that they share “identical”
 16 interests with Proposed Intervenors. *Id.* at 196–97.

17 Here, the interests of the government Defendants and Proposed Intervenors
 18 diverge widely; they are plainly not “identical.” *Id.* Unlike Proposed Intervenors,
 19 the government Defendants are charged with “easing barriers to registration and
 20 voting, while at the same time protecting electoral integrity and the maintenance of
 21 accurate voter rolls.” *Bellitto v. Snipes*, 935 F.3d. 1192, 1198 (11th Cir. 2019).
 22 These competing goals “naturally create some tension.” *Id.* In contrast, as other
 23 courts have recognized, organizations like Proposed Intervenors have “[t]he
 24 mission and interest” to pursue only one of these interests, *Pub. Int. Legal Found.,*
 25 *Inc. v. Winfrey*, 463 F. Supp. 3d. 795, 801 (E.D. Mich. 2020)—that is, to eliminate
 26 “barriers to registration and voting,” *Bellitto*, 935 F.3d at 1198; *see also Oregon*,
 27 2025 WL 3496571, at *2 (finding election officials “do not share” proposed

1 intervenors’ interest in “increasing voter participation by marginalized
 2 communities”). As a result of these diverging interests, the government
 3 Defendants’ representation of Proposed Intervenor cannot be presumed to be
 4 adequate. *See United Guar. Residential Ins. Co. v. Phila. Sav. Fund Soc’y*, 819 F.2d
 5 473, 475 (4th Cir. 1987) (explaining that, under *Trbovich*, “when a party to an
 6 existing suit is obligated to serve two distinct interests, which, although related, are
 7 not identical, another with one of those interests should be entitled to intervene”).

8 What’s more, the government Defendants are “elected officials, and like all
 9 elected officials they have an interest in remaining politically popular and effective
 10 leaders,” even if it means “compromising the proposed intervenors” interests.
 11 *Clark v. Putnam Cnty.*, 168 F.3d 458, 462 (11th Cir. 1999) (citation modified). That
 12 concern is particularly strong here because the federal government has threatened
 13 to withhold grants, issue fines, and even pursue criminal prosecution against
 14 election officials, like the government Defendants here, if they do not meet the
 15 administration’s demands—considerations which “may incentivize them to make
 16 compromises that Proposed Intervenor would not make.”¹⁰ *Oregon*, 2025 WL
 17 3496571, at *2; *see also United States v. Benson*, No. 1:25-CV-1148, 2025 WL
 18 3520406, at *6 (W.D. Mich. Dec. 9, 2025) (finding election officials’ incentive to
 19 “comply with federal law” and “preserve comity with the federal government”
 20 demonstrates they do not adequately represent private intervenors). Proposed
 21 Intervenor, by contrast, will defend their interests with zeal, undeterred by the
 22 federal government’s threats.

25 ¹⁰ Rebecca Shabad, *Homeland Security Secretary Markwayne Mullin Threatens*
 26 *States Over Elections*, NBC News (July 17, 2026),
 27 [https://www.nbcnews.com/politics/elections/homeland-security-secretary-](https://www.nbcnews.com/politics/elections/homeland-security-secretary-markwayne-mullin-threatens-states-election-rcna588002)
 28 [markwayne-mullin-threatens-states-election-rcna588002](https://www.nbcnews.com/politics/elections/homeland-security-secretary-markwayne-mullin-threatens-states-election-rcna588002).

1 In sum, the government Defendants’ competing obligations mean that they
 2 are unlikely to adequately represent Proposed Intervenor’s unburdened interest in
 3 protecting and advancing the voting rights of their members and the communities
 4 they represent, “full stop.” *Berger*, 597 U.S. at 195–96.

5 **II. The Court should alternatively grant permissive intervention.**

6 In the alternative, the Court should exercise its discretion to grant permissive
 7 intervention. Proposed Intervenor’s assert a “defense that shares with the main
 8 action a common question of law or fact,” and granting intervention would not
 9 “unduly delay or prejudice the adjudication” of the matter. Fed. R. Civ. P. 24(b)(1),
 10 (3). Proposed Intervenor’s have also moved promptly, *see supra* Argument § I.A,
 11 and agree to abide by any schedule set by the Court. And Proposed Intervenor’s
 12 defense requires resolution of the same factual and legal issues raised in the
 13 underlying lawsuit. *See* Ex. C (Proposed Answer).

14 Courts regularly grant permissive intervention to civic organizations to
 15 ensure that a pro-voter perspective is offered—rather than only the views of a
 16 plaintiff who seeks to deny voters access to mail ballots, and government officials
 17 who are tasked with neutrally administering voting laws. *E.g.*, *Republican Nat’l*
 18 *Comm. v. Aguilar*, No. 2:24-cv-518, 2024 WL 3409860, at *3 (D. Nev. July 12,
 19 2024) (granting permissive intervention in NVRA case); *Winfrey*, 463 F. Supp. 3d
 20 at 799 (same); Order at 1, *Jud. Watch, Inc. v. Pennsylvania*, No. 1:20-cv-708 (M.D.
 21 Pa. Nov. 19, 2020), ECF No. 50 (same); Order at 2, *Daunt v. Benson*, No. 1:20-cv-
 22 522 (W.D. Mich. Sep. 28, 2020), ECF No. 30 (same); Order at 4–5, *Voter Integrity*
 23 *Project NC, Inc. v. Wake Cnty. Bd. of Elections*, No. 5:16-cv-683 (E.D.N.C. Dec.
 24 1, 2016), ECF No. 26 (same); *League of Women Voters of N.C. v. North Carolina*,
 25 No. 1:13-cv-660, 2014 WL 12770081, at *3 (M.D.N.C. Jan 27, 2014) (same as to
 26 individual voters).

1 The Ninth Circuit has also identified additional considerations the Court may
2 consider in weighing permissive intervention requests. *See Callahan v. Brookdale*
3 *Senior Living Cmtys., Inc.*, 42 F.4th 1013, 1022 (9th Cir. 2022). Those
4 considerations—including Proposed Intervenors’ interests, the inadequacy of the
5 representation of those interests, and the intervenors’ contribution to the factual and
6 legal issues, *see id.*—buttress the case for intervention here. Proposed Intervenors
7 have significant interests at stake, *see supra* Argument § I.B, and their involvement
8 will center the rights of voters who are most likely to be impacted by DOJ’s attempt
9 to interfere with California’s voting procedures. *See, e.g., In re Exch. Union Co.*,
10 No. 24-mc-91645, 2025 WL 894652, at *3 (D. Mass. Mar. 24, 2025) (granting
11 permissive intervention to protect “privacy interest”).

12 In sum, because Rule 24 is read “broadly in favor of intervention,” *W.*
13 *Watersheds Project*, 22 F.4th at 835, and because Proposed Intervenors’
14 participation will assist rather than prejudice efficient development and resolution
15 of this matter, the Court should grant permissive intervention in the event it does
16 not grant intervention as of right.

17 CONCLUSION

18 Proposed Intervenors respectfully request that this Court grant intervention
19 as of right, or, in the alternative, grant permissive intervention.
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Respectfully submitted,

2 /s/ Max Schoening

3 Omar Qureshi (CA Bar No. 323493)

4 omar@qureshi.law

Max Schoening (CA Bar No. 324643)

5 max@qureshi.law

6 **QURESHI LAW PC**

7 700 Flower Street, Suite 1000

8 Los Angeles, CA 90017

T: (213) 786-3478

9 Uzoma N. Nkwonta* (DC Bar No. 975323)

10 Branden D. Lewiston* (DC Bar No. 252550)

11 Julianna D. Astarita* (DC Bar No. 90041368)

ELIAS LAW GROUP LLP

12 250 Massachusetts Ave. NW, Suite 400

13 Washington, DC 20001

T: (202) 948-1135

14 F: (202) 968-4498

15 unkwonta@elias.law

16 blewiston@elias.law

jastarita@elias.law

17 Tyler L. Bishop (CA Bar No. 337546)

18 **ELIAS LAW GROUP LLP**

19 1700 Seventh Avenue, Suite 2100

20 Seattle, WA 98101

T: (206) 656-0177

21 tbishop@elias.law

22 *Counsel for Proposed Intervenor-Defendants*
23 *SIREN and MFA*

24 ** Pro hac vice application forthcoming*

CERTIFICATE OF COMPLIANCE

The undersigned, counsel of record for Proposed Intervenor-Defendants SIREN and MFA certifies that this brief contains 6,342 words, which complies with the word limit of Local Rule 11-6.1.

Dated: October 15, 2026

/s/ Max Schoening
Max Schoening