

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION**

THE STATE OF LOUISIANA,
by and through its Attorney General,
LIZ MURRILL; and NANCY LANDRY,
Louisiana Secretary of State,

Plaintiffs,

v.

THE UNITED STATES ELECTION
ASSISTANCE COMMISSION; and
BRIANNA SCHLETZ, in her official
capacity as the Executive Director of the
United States Election Assistance
Commission,

Defendants.

Civil Action No. 3:26-cv-01191

**LEAGUE INTERVENORS' REPLY IN SUPPORT OF
MOTION TO INTERVENE AS DEFENDANTS**

The League Intervenors filed their Motion to Intervene five months ago, only three days after Plaintiffs initiated this action, to defend the Election Assistance Commission's ("EAC") decision declining to revise Louisiana's instructions on the Federal Form. Since then, all remaining EAC commissioners have been terminated and the Department of Justice raised concerns about its ability to confer with the EAC about the defense of this action. Dkt. No. 57 ¶¶ 5–6. These circumstances only underscore the need for the League's intervention as defendants in this case. The League Intervenors (collectively League of Women Voters of Louisiana, League of Women Voters of Louisiana Education Fund, National Association for the Advancement of Colored People Louisiana State Conference, Voice of the Experienced, Power Coalition for Equity and Justice, League of Women Voters of the United States and the League of Women Voters Education Fund) respectfully submit the foregoing Reply in support of their Motion to Intervene, Dkt. No. 3.

I. League Intervenors Are Entitled to Intervene as of Right.

Plaintiffs’ opposition confirms that intervention as of right is warranted under Rule 24(a). Plaintiffs do not dispute that the motion was timely, and their lone argument—that League Intervenors allegedly lack a cognizable interest that would be impaired by this litigation¹—contradicts settled precedent, ignores the League Intervenors’ actual reasons for seeking to join this litigation, and defies common sense.

A. League Intervenors Have Substantial Legal Interests in the Litigation.

Plaintiffs do not address the relevant interest test for intervention as of right and raise arguments incompatible with Rule 24. “[T]he ‘interest’ test” is “primarily a practical guide to disposing of lawsuits by involving as many apparently concerned persons as is compatible with efficiency and due process” and “[f]ederal courts should allow intervention ‘where no one would be hurt and greater justice could be attained.’” *Sierra Club v. Espy*, 18 F.3d 1202, 1205, 1207 (5th Cir. 1994).

Initially, Plaintiffs attack a strawman when they wrongly and repeatedly characterize League Intervenors’ interest as an intent to litigate the lawfulness of Act 500 in this action. *See* Dkt. No. 65 at 7–9 (“Opp’n”). League Intervenors do not seek to litigate that question here. Rather, they seek to defend against Plaintiffs’ attempt to change the Federal Form on the grounds that those changes would violate federal law. The fact that Plaintiffs seek to implement Act 500 through changes to the Federal Form does not make the challenges the same. It makes them related—something that Plaintiffs themselves concede. *See League of Women Voters of La. v. Landry*, No. 3:25-CV-00413 (M.D. La.).² The relief Plaintiffs seek here bears directly on the EAC’s authority

¹ Plaintiffs have taken no position on the proposed intervention of Public Interest Legal Foundation, Republican National Committee, and Republican Party of Louisiana as Intervenor-Plaintiffs, despite opposing League Intervenors’ Motion. Dkt. Nos. 21, 46.

² Proposed Intervenor-Defendant League of Women Voters of the United States is not a party to *League of Women Voters of Louisiana v. Landry*. *See id.*

to reject Louisiana’s request to make changes to the Federal Form and on the constitutionality of the NVRA. These issues are related to but are not the same arguments League Intervenors make about the legality of Act 500. Plaintiffs cannot concede the cases are related and then insist League Intervenors have no protectable interest in the outcome of this action. Nor does the existence of related litigation negate that interest. To the contrary, courts recognize that being “involved in a separate suit in a matter related to the issues in controversy” weighs in favor of finding an interest sufficient to satisfy the interest analysis. *See Mich. State AFL-CIO v. Miller*, 103 F.3d 1240, 1246 (6th Cir. 1997) (discussing *Idaho Farm Bureau Fed’n v. Babbitt*, 58 F.3d 1392, 1397 (9th Cir. 1995)).

Plaintiffs then mischaracterize League Intervenors’ long-standing interest in civic participation as a “generalized preference of an outcome,” Opp’n at 8, ignoring the instruction from *Brumfield v. Dodd* that “public interest group[s]” like the League Intervenors be held to a more lenient standard under Rule 24(a). 749 F.3d 339, 344 (5th Cir. 2014); *see also La Union del Pueblo Entero v. Abbott*, 29 F.4th 299, 305–06 (5th Cir. 2022). And, on top of mischaracterizing the League Intervenors’ activities, Plaintiffs ignore that courts have noted that a “persistent record of advocacy” can reflect a direct and substantial interest that goes beyond a generalized preference. *Coal. of Ariz./N.M. Ctys. for Stable Econ. Growth v. Dep’t of Interior*, 100 F.3d 837, 841 (10th Cir. 1996).³ Plaintiffs try to distinguish *La Union del Pueblo Entero* by arguing that their requested relief would not “regulate[]” League Intervenors’ conduct, Opp’n at 8, but that is incorrect. Changes to the Federal Form will indeed impact League Intervenors’ voter-registration efforts, *see* Dkt. No. 3-1 at 15–16 (“Mot.”); Dkt. No. 3-6 (“Green Decl.”). And as such, the reasoning in *La Union del Pueblo Entero*’s, which turned on the fact that “changes [to] the legal landscape” would

³ Notably, Plaintiffs do not dispute League Intervenors’ expertise or record of commitment in this area of law or in voter registration generally, *see* Dkt. No. 3-1 at 10–11, 15 n.2.

impact how the intervenor Committees would “expend resources regarding the recruitment, training, and appointment of poll watchers,” *see La Union del Pueblo Entero*, 29 F.4th at 306, actually *supports* intervention because the impact here would be very similar—*i.e.*, it interferes with League Intervenors’ voter-education efforts and requires the organizations to adjust their voter-information practices. *See* Green Decl. ¶ 10.

Courts routinely grant intervention in similar cases. In *Issa v. Newsom*, No. 2:20-cv-2044, 2020 WL 3074351 (E.D. Cal. June 10, 2020), the court observed that interests like “diverting [intervenors’] limited resources to educate their members on the election procedures” were “routinely found to constitute significant protectable interests.” *Id.* at *3. And in *Paher v. Cegavske*, No. 3:20-cv-243, 2020 WL 2042365 (D. Nev. Apr. 28, 2020), the court held that “[p]roposed Intervenors have sufficiently shown that they maintain significant protectable interests” because they asserted that “Plaintiffs’ success on their claims would disrupt the organizational intervenors’ efforts to promote the franchise.” *Id.* at *2.

B. League Intervenors’ Interests Will Be Impaired Absent Intervention

Plaintiffs’ arguments as to impairment fare no better. Here too, Plaintiffs do not dispute that League Intervenors bear only a “minimal” burden to show that this litigation “‘may’ impair or impede their ability to protect” those interests. Mot. at 16 (citing *Brumfield*, 749 F.3d at 344 & n.2). Instead, they offer two unpersuasive arguments.

First, the risk that League Intervenors’ interests will be impaired is not speculative or based on an “attenuated causal chain of events,” as Plaintiffs suggest. Opp’n at 1, 2, 8–9, 12. Plaintiffs rely mainly on inapposite standing caselaw, but Article III does not govern the Rule 24(a) framework. For example, Plaintiffs cite *Louisiana v. Haaland*, 86 F.4th 663, 666 (5th Cir. 2023), but there the court held that the intervenors had to “independently demonstrate standing” because they intervened solely to challenge a preliminary injunction that was not being challenged by either

party. *Id.* at 666. The court thus found that intervenors lacked standing to intervene on appeal, *not* that they had failed to demonstrate impairment for Rule 24 purposes. *Id.* Indeed, in *Haaland*, the intervenor organizations *had* been granted intervention before the district court. *Id.* at 665. The same is true of Plaintiffs’ “chilling” cases, which concern Article III and not Rule 24. *See, e.g., Johnson v. State of Mo.*, 142 F.3d 1087 (8th Cir. 1998) (cited at Opp’n at 9).

The risk is not speculative—it is certain. Plaintiffs admit that their lawsuit seeks to force changes to the Federal Form’s instructions, and League Intervenors have shown that they are already facing increased burdens because of Plaintiffs’ other efforts to do so. *See* Green Decl. ¶¶ 5–10. Moreover, Plaintiffs assert that their lawsuit “challenges as unconstitutional the provisions in the NVRA” that give the EAC authority to review states’ requests to require additional proof-of-citizenship information from registrants, *see* Dkt. No. 1 at 1–2, and League Intervenors have shown that their organizational missions center around registering voters and ensuring that all eligible voters can vote, Mot. at 11, and that those efforts will be hampered by the legal changes Plaintiffs seek, *see* Green Decl. ¶¶ 5–10. In similar circumstances, courts have found sufficient impairment. *See La Union del Pueblo Entero*, 29 F.4th at 306. In *Paher v. Cegavske*, the court similarly found that intervenors’ interests would be impaired by “Plaintiffs’ challenge to” a state law’s “all-mail election provisions.” 2020 WL 2042365, at *2. Other cases have likewise found that potential additional burdens on voter registration are sufficient to satisfy Rule 24. *See, e.g., Bellitto v. Snipes*, 2016 WL 5118568, at *2 (S.D. Fla. Sep. 21, 2016) (granting motion to intervene in NVRA case based on assertion that intervenor defendant’s “interest and the interests of its members would be threatened by the court-ordered ‘voter list maintenance’ sought by Plaintiffs”); *Jud. Watch, Inc. v. Ill. State Bd. of Elections*, No. 24 C 1867, 2024 WL 3454706, at *4 (N.D. Ill.

July 18, 2024) (granting intervention where plaintiffs’ requested relief would force intervenors “to reallocate resources to maintain their members’ voter eligibility”).

Second, Plaintiffs are wrong that the Court should deny intervention based on the League Intervenors’ separate challenge to Act 500. Courts have rejected arguments similar to Plaintiffs’, finding that proposed intervenors’ “opportunity in the future to litigate [their] claim [is not] an automatic bar to intervention.” *City of Chi. v. Fed. Emergency Mgmt. Agency*, 660 F.3d 980, 985 (7th Cir. 2011); *see also Jud. Watch, Inc.*, 2024 WL 3454706, at *4 (similar). The cases Plaintiffs cite are inapposite. Both involved relief that went well beyond what was at issue in those cases. In *Akina v. Hawaii*, 835 F.3d 1003 (9th Cir. 2016), plaintiffs brought claims challenging the state’s intertwinement with an election open only to Native Hawaiian voters, and the court found that the proposed intervenors’ desired relief of—to narrow Hawaii’s definition of the term “Native Hawaiian” and to recover state funds used in the challenged election—was unrelated to the original dispute and would “expand the suit well beyond the scope of the current action.” *Id.* at 1009, 1012 (internal citations omitted). In *Deus v. Allstate Ins. Co.*, 15 F.3d 506 (5th Cir. 1994), the proposed intervenor sought intervention solely “to gain access to documents and testimony” for parallel litigation that the court determined could be obtained by filing a discovery request in their existing case. *Id.* at 525. There is no similar gap between what is at issue in this case (the lawfulness of EAC’s rejection of Louisiana’s proposed changes to the Federal Form) and what League Intervenors seek (a rejection of Plaintiffs’ claims).

Plaintiffs ignore League Intervenors’ other arguments (*see* Mot. at 16–18). The issue is straightforward: Plaintiffs seek relief that would make voter registration harder and change the legal landscape so it (and other states) can impose additional burdens in the future. League Intervenors are dedicated to advocating on behalf of voters and devote their organizational

resources to making voter registration easier. If Plaintiffs prevail, League Intervenors (and the voters they fight for) will suffer significant harms. As cases like *La Union del Pueblo Entero* and others show, that is sufficient to satisfy Rule 24(a).

II. Alternatively, This Court Should Grant Permissive Intervention.

Plaintiffs have forfeited any argument in opposition to permissive intervention. While Plaintiffs articulate some of the factors that courts consider for permissive intervention, they never argue that the League Intervenors fail to satisfy them. Opp’n at 11–12. Their failure to respond to League Intervenors’ arguments constitutes forfeiture. *See Padgett v. Fieldwood Energy, LLC*, No. 6:18-cv-00632-TAD, 2020 WL 524868, at *5 (W.D. La. Jan. 31, 2020)

The Court should exercise its broad discretion to grant permissive intervention to League Intervenors because their motion was timely, their defenses share common questions of law and fact with Plaintiffs’ action, and their intervention would not unduly prejudice any party. *See Mot.* at 24–25. While Plaintiffs misleadingly recast the relevance of Act 500 to this case as League Intervenors’ attempt to litigate Act 500 itself, Opp’n at 12, it is not only League Intervenors’ work registering voters in Louisiana, but also their challenge to Act 500, that enables them to bring familiarity with the underlying issues that will aid in the court’s resolution of this case, which likewise weighs in favor of permissive intervention. Tellingly, Plaintiffs do not even try to distinguish *Kobach v. United States Election Assistance Commission*, No. 13-cv-4095-EFM-DJW, 2013 WL 6511874 (D. Kan. Dec. 12, 2013), which is on point and in which the court granted permissive intervention under similar factual and legal circumstances, *see id.* at *4.

Additionally, recent statements by Defendants demonstrate that intervention is necessary to ensure that this Court is presented with a case or controversy. Defendants asserted in their third motion to extend the deadline for their responsive pleadings that they lack a quorum to make

decisions about this litigation. Dkt. No. 57 ¶ 6.⁴ Specifically, “the recent leadership change has substantially complicated the ability of the Department of Justice to confer with the EAC about an appropriate defense of this litigation, and an appropriate response to the concerns raised by Louisiana in its prior submissions to the agency.” Dkt. No. 57 ¶ 6. But, Defendants also stated that “Plaintiffs [made] recent representations, on or about July 23, 2026, to Defendants that they . . . intended [to] seek further administrative review of their petition with the Executive Director of the EAC” which “could have had the effect of moot[ing] or at least significantly altering this litigation.” *Id.* ¶ 7.

But League Intervenors aver that the relief that Plaintiffs seek is not available to them *at all*, with or without a quorum, because it is unlawful, a very different position from Defendants’ representations that an additional request could “moot[] . . . this litigation.” *Id.* The divergent interests with respect to the appropriateness of the relief Plaintiffs seek is more than sufficient to show “a sharp disalignment between the parties to the litigation” for League Intervenors to intervene in this matter. *Edwards v. City of Houston*, 78 F.3d 983, 1005 (5th Cir. 1996). Plaintiffs are therefore entitled to permissive intervention under Rule 24(b).

III. League Intervenors Have Standing to Intervene.

Plaintiffs’ Article III standing arguments fail because League Intervenors do not need to establish standing. Even if it were necessary to do so, the League Intervenors would easily satisfy Article III.⁵

⁴ See Election Assistance Comm’n, Organizational Management Policy Statement (Feb. 24, 2015), <https://perma.cc/6E8A-CAF4> (only authorizing the EAC director to implement policies already made absent a quorum of the commission).

⁵ Plaintiffs’ arguments regarding League Intervenors’ standing mischaracterizes the procedural history of these matters. While Plaintiffs lament that League Intervenors simply “care deeply about the collateral litigation in the Middle District,” Opp’n at 13, it is Plaintiffs who have chosen to litigate issues that they admit bear directly on Act 500 in a different forum. Plaintiffs do not mention why they did not choose to challenge the federal government’s

First, the Fifth Circuit has stated repeatedly that “Article III does not require intervenors to have standing as a matter of constitutional law,” *Ruiz v. Estelle*, 161 F.3d 814, 832 n.26 (5th Cir. 1998), *abrogated on other grounds by Camp v. McGill*, 789 F. App’x 449 (5th Cir. 2020), and that “there is no Article III requirement that intervenors have standing in a *pending* case,” *Newby v. Enron Corp.*, 443 F.3d 416, 422 (5th Cir. 2006). The Supreme Court has similarly held that when intervention does not “entail[] invoking a court’s jurisdiction”—*e.g.*, when a party seeks to intervene as a defendant—intervenors do not have “to demonstrate [their] standing.” *Va. House of Delegates v. Bethune-Hill*, 587 U.S. 658, 663 (2019). Plaintiffs do not contend that the League Intervenors seek to invoke the Court’s jurisdiction, and cannot show that this case is in any way distinguishable from *Ruiz*, *Newby*, or *Bethune-Hill*. As a result, League Intervenors do not need to separately establish standing to intervene as defendants.

Plaintiffs also misapply the cases they rely on. Those regard *appellate* standing to intervene, not standing to intervene at the pleading stage in the district court. *See Little Sisters of the Poor Saints Peter & Paul Home v. Pennsylvania*, 591 U.S. 657, 674, n.6 (2020). This distinction is important: only where the parties have not appealed on their own—and therefore the court lacks a case or controversy—must an appealing intervenor “independently demonstrate Article III standing” for the “broader” relief that it seeks. *See id.* This does not apply to League Intervenors, who seek to intervene as defendants, and who therefore “do not ‘seek relief’ and . . . do not need to demonstrate standing in this case.” *Franciscan All., Inc. v. Azar*, 414 F. Supp. 3d 928, 938 n.3 (N.D. Tex. 2019). To the extent the League Intervenors seek any “relief,” it is

decision in the admittedly related case. In other words, Plaintiffs’ actions gave rise to League Intervenors’ interest in this Matter, as they seek to end-run around League Intervenors’ related challenge to Plaintiffs’ unlawful attempt to change the Federal Form.

dismissal of the action—just like Defendants. *See* Dkt. No. 59 at 11 (“Defendants . . . request that this Court dismiss Plaintiffs’ complaint with prejudice or enter judgment in Defendants’ favor”).

Even if intervenor standing were required, Plaintiffs’ arguments still fail because League Intervenors have an Article III injury. As League Intervenors explained in their Motion, Plaintiff Landry’s Plaintiff Landry’s haphazard implementation of Act 500 has harmed League Intervenors, and Plaintiffs have made plain that clarity with respect to Act 500 will not be provided until their efforts to change the Federal Form are resolved. *See* Mot. at 16 (citing Opp’n to Mot. to Dismiss at 7–11, *League of Women Voters of La. v. Landry*, No. 3:25-cv-00413 (M.D. La. Mar. 20, 2026), Dkt. No. 91). Because Plaintiffs have failed to adequately inform the public,⁶ League Intervenors cannot inform voters about how Act 500 will be implemented. League Intervenors thus have been injured “not because [they] voluntarily changed [their] programming or activities in response to the defendants’ actions,” but because “those actions directly affected and interfered with [their] core business activities.” *Deep S. Ctr. for Env’t Just. v. U.S. Env’t Prot. Agency*, 138 F.4th 310, 319 (5th Cir. 2025) (citation modified). Plaintiffs’ assertions that League Intervenors’ “claims are not ripe” similarly miss the mark because League Intervenors do not bring claims in this matter. Opp’n at 17-18; Dkt. No. 3-2.

CONCLUSION

League Intervenors respectfully request that this Court grant their Motion to Intervene.

Respectfully submitted this 15th day of September, 2026.

/s/ Sophia Lin Lakin
Sophia Lin Lakin*

/s/ Valencia Richardson
Valencia Richardson (LSBA # 39312)

⁶ While Plaintiffs claim that “Proposed Intervenor-Defendants are aware that . . . guidance has been provided” to the registrars, League Intervenors have made *Plaintiffs* aware that their “guidance”—a brief email to the registrars sent nearly a year ago—has not sufficed to alleviate the confusion of the registrars themselves, much less the public. Opp’n at 12; *see also* Opp’n to Mot. to Dismiss at 7–11, *League of Women Voters of La. v. Landry*, No. 3:25-cv-413 (M.D. La. Mar. 20, 2026), Dkt. No. 91.

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CERTIFICATE OF SERVICE

I hereby certify that on this date, September 15, 2026, I electronically filed the foregoing Motion with the Clerk of the Court using the Court's CM/ECF system, which will send a notice of electronic filing to counsel of record who are registered with the Court's CM/ECF system.

/s/ Valencia Richardson

Valencia Richardson

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