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IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

NO. 12-0899

STATE OF WEST VIRGINIA ex rel.  
ALLEN H. LOUGHRY II, candidate for the  
Supreme Court of Appeals of West Virginia,

*Petitioner,*

v.

NATALIE E. TENNANT, in her official capacity  
as West Virginia Secretary of State;  
GARY A. COLLIAS, WILLIAM N. RENZELLI and  
ROBERT RUPP, in their official capacities  
as members of the West Virginia State Election Commission;  
GLEN B. GAINER III, in his official capacity  
as West Virginia State Auditor; and  
JOHN PERDUE, in his official capacity  
as West Virginia State Treasurer,

*Respondents.*

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MOTION OF DARRELL V. McGRAW, JR.,  
WEST VIRGINIA ATTORNEY GENERAL,  
TO INTERVENE

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DARRELL V. McGRAW, JR.  
ATTORNEY GENERAL

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Comes now Darrell V. McGraw, Jr., West Virginia Attorney General, by his Managing Deputy, Barbara H. Allen, and moves the Court pursuant to *State ex rel. McGraw v. Burton*, 212 W. Va. 23, 569 S.E.2d 99 (2002) to intervene in this case. As grounds for this motion, the Attorney General says:

1. That pursuant to this Court's Order, he has filed an *Amicus Curiae* Brief arguing the position set forth in his July 28, 2011 Opinion of the Attorney General, to wit: that the matching funds provisions of the West Virginia Supreme Court of Appeals Public Campaign Financing Pilot Program, W. Va. Code § 3-12-1(e)-(i), violate the First Amendment to the United States Constitution.

2. The Petitioner in this case, as well as Respondents Tennant, Collias, Renzelli and Rupp, all argue that the matching funds provisions are constitutional, while Respondents Gainer and Perdue take no position on the issue.

3. Thus, the case is in an unusual procedural posture: the only individual or entity taking a position adversarial to the Petitioner's position is not a party to the litigation.

4. In the event this Court rules in favor of the Petitioner, there will no party with standing to seek review in the United States Supreme Court; and in the event this Court rules against the Petitioner, there will be no adversarial party in certiorari proceedings (should the Petitioner elect to file such proceedings).

5. The Attorney General's only interest in this litigation, and his only purpose for filing this motion, is to ensure that the arguments in this case may be tested at every level through adversarial proceedings, the foundation of our system of justice.

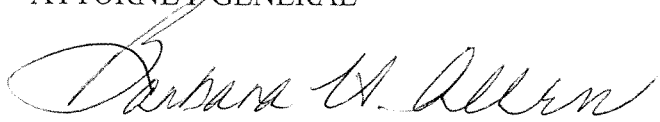
WHEREFORE, the Attorney General respectfully requests that the Court grant the relief herein sought, and grant him leave to intervene in this case.

Respectfully submitted,

DARRELL V. MCGRAW, JR.,  
WEST VIRGINIA ATTORNEY GENERAL,  
*Amicus Curiae*,

By counsel

DARRELL V. MCGRAW, JR.  
ATTORNEY GENERAL

A handwritten signature in cursive script, reading "Barbara H. Allen". The signature is written in black ink and is positioned above a horizontal line.

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**CERTIFICATE OF SERVICE**

I, Barbara H. Allen, do hereby certify that on the 24th day of August, 2012, copies of the within "Motion of Darrell V. McGraw, Jr., West Virginia Attorney General, to Intervene" were served upon the following by United States mail, first-class postage, addressed as follows:

Marc E. Williams, Esq.  
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and by hand delivery upon the following:

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BARBARA H. ALLEN