

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA**

Tallahassee Division

FLORIDA DEMOCRATIC PARTY,

Plaintiff,

v.

Case No. 4:16-cv-626-MW-CAS

RICHARD SCOTT, in his official capacity
As Governor of the State of Florida, and
KEN DETZNER, in his official
Capacity as Secretary of State of the
State of Florida.

Defendants.

**MOTION BY MI FAMILIA VOTA EDUCATION FUND AND
THE NEW FLORIDA MAJORITY TO INTERVENE AS OF RIGHT
OR, IN THE ALTERNATIVE, BY PERMISSION**

Proposed Intervenors, Mi Familia Vota Education Fund (MFVEF) and the New Florida Majority (NewFM), by and through counsel, hereby file this motion, pursuant to Fed. R. Civ. P. 24(a) to intervene in this action as of right or, in the alternative, by permission under Fed. R. Civ. P. 24(b). In support of this motion, MFVEF and NewFM, state as follows:

1. Proposed Intervenors are non-profit, non-partisan organizations whose core mission includes increasing voter registration and voting by eligible citizens, especially within minority communities. MFVEF and NewFM achieve this goal through voter education campaigns, distribution of voter-registration literature, conducting voter registration drives, and voter mobilization efforts.

2. Plaintiff Florida Democratic Party filed the instant lawsuit on Sunday, October 9, 2016, asking this Court to extend the voter registration deadline in light of the State of Emergency Governor Richard Scott issued as Hurricane Matthew approached the State of Florida. Plaintiffs sued State Defendants Governor Scott and the Secretary of State Ken Detzner.

3. As non-profit, non-partisan voter registration organizations, Proposed Intervenors do not align themselves with any political party. Instead, they seek to intervene in this case to protect the voting rights of all citizens, regardless of political affiliation. Also, as organizations on the front lines when it comes to registering voters, MFVEF and NewFM are uniquely positioned to share the experiences of their canvassers and constituents who represent the spectrum of voters of all political persuasions. As stated in their declarations attached to this motion, Proposed Intervenors' experiences are that a significant number of voters tend to register the week before the voter registration deadline, resulting in a hike in voter registration applications during this period. Ex. A (Declaration of Esteban Garces, Florida State Director for Mi Familia Voter Education Fund), and Ex. B (Declaration of Gihan Perera, Executive Director of the New Florida Majority). In further support of this motion, Proposed Intervenors include a report from Political Scientist and University of Florida Professor Dan Smith showing that: (a) at least 116,000 people registered on the last 6 days before the voter registration deadline in 2012; (b) almost half of those registrants were under the age of 30; (c) more than half (64%) resided in one of the 25 counties subject to mandatory or voluntary evacuation; and (4) a decision not to extend the voter registration deadline will disproportionately impact Black and Hispanic voters. *See* Ex. C (Expert Report and CV of Prof. Dan Smith).

4. MVVEF and NewFM's voter registration efforts were halted by the State of Emergency. For example, in Jacksonville, NewFM had 10 active voter registration canvassers who were unable to conduct registration for three consecutive days due to the hurricane.

5. MFVEF and NewFM meet all requirements for intervention as of right, having a recognized interest in the subject matter of the litigation that would be impaired by an adverse ruling, and their interests are not protected by the existing parties. Alternatively, MFVEF and NewFM meet all of the requirements for permissive intervention. This timely motion and the memorandum of law in support of this motion, filed simultaneously herewith, show that MFVEF and NEWFM also seek to extend the voter registration deadline, which claim and defense shares common factual and legal questions with the main action.

WHEREFORE, for good cause shown, MFVEF and NewFM respectfully request that this Court grant their motion for leave to intervene as of right, or alternatively, by permission, and that the Court provide all other further relief to which MFVEF and NewFM may be entitled.

Respectfully submitted,

/s/Nancy G. Abudu
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**Motion for Admission pro hac vice forthcoming*

CERTIFICATION OF CONFERRAL

Pursuant to N.D. Fla. Local Rule 7.1(B), I certify that, prior to filing this motion, I conferred with counsel for all served parties in a good faith attempt to resolve the matters raised herein, with the following results:

1. Counsel for the Plaintiff has indicated that Plaintiff does not oppose this motion.
2. Counsel for the State of Florida Defendants (Rick Scott and Ken Detzner) have not entered an appearance as of the filing of this Motion.

/s/Nancy G. Abudu

CERTIFICATE OF SERVICE

I hereby certify that on October 11, 2016, I electronically filed the foregoing document with the Clerk of Court by using CM/ECF, which automatically serves all counsel of record for the parties.

/s/Nancy G. Abudu