UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Coalition for Open Democracy, League of Women Voters of New Hampshire, The Forward Foundation, McKenzie Nykamp Taylor, December Rust, Miles Borne, by his next friend Steven Borne, Alexander Muirhead, by his next friend Russell Muirhead, and Lila Muirhead, by her next friend Russell Muirhead, Plaintiffs, vs. David M. Scanlan, in his official capacity as New Hampshire Secretary of State, and John Formella, in his official capacity as New Hampshire Attorney General, Defendants.	Civil Action No. 1:24-cv-00312-SE-TSM

PLAINTIFFS' OBJECTION
TO MOTION TO INTERVENE

Plaintiffs hereby submit their objection to the Motion to Intervene, ECF No. 39, filed by Proposed Intervenor-Defendants Republican National Committee and New Hampshire Republican State Committee ("The Republican Party").

INTRODUCTION

Speedy resolution of this litigation is critical to protecting Plaintiffs' rights. The Republican Party's untimely intervention now threatens Plaintiffs' ability to obtain relief before elections in 2026—unless reasonable conditions are imposed on the intervention. This case involves constitutional challenges to HB 1569, which is the most severe restriction on voting rights in New Hampshire in decades. That law was not in effect for the 2024 elections, but it will govern

every subsequent voter registration and will threaten voting rights in 2026 elections unless this Court grants relief. Because federal courts are hesitant to enjoin state election rules on the eve of an election, Plaintiffs and Defendants have agreed to a schedule that would allow the Court to grant relief sufficiently in advance of elections in 2026 to avoid any risk that that relief may be stayed even after Plaintiffs prevail on the merits. *See, e.g.*, *Common Cause R.I. v. Gorbea*, 970 F.3d 11, 16–17 (1st Cir. 2020).

Despite the obvious need for this litigation to proceed expeditiously, the Republican Party inexplicably waited over two-and-a-half months to file its motion after originally notifying Plaintiffs of their intent to intervene on November 15, 2024. Since then, the parties have agreed to a case management plan, including a January 2026 trial date, and commenced discovery and briefing on a pending motion to dismiss. Notably, the Republican Party has failed to set forth its legal claims, defenses, and positions in a proposed pleading as required by Rule 24(c) of the Federal Rules of Civil Procedure, despite assuring Plaintiffs that it would do so on November 19, 2024. As a result, the Republican Party has not shown any possible divergence from the existing Defendants that could justify intervention as of right under Rule 24(a). Even if the Court grants permissive intervention under Rule 24(b), this omission and the Republican Party's unexplained delay in intervention—despite timely moving to intervene and filing a Rule 24(c) Answer in *New Hampshire Youth Movement v. Scanlan*, No. 1:24-cv-291—evince the risk of unnecessarily prolonging and complicating this important case in a manner that is inconsistent with Rule 24(b)(3). Courts routinely place conditions upon intervention to mitigate such prejudice to existing parties. Accordingly, any intervention—whether permissive or as of right—should be conditioned upon the Republican Party's adherence to the existing schedule; coordination of discovery with

the existing Defendants; avoidance of duplicative briefing, witness testimony, and other filings; and coordination of trial presentation with Defendants to mitigate prejudice to Plaintiffs.

BACKGROUND

The New Hampshire legislature enacted HB 1569 in May 2024, subjecting New Hampshire voters to onerous procedures and requirements despite broad skepticism about the law's utility and constitutionality. Compl. (ECF No. 1) ¶¶ 63–67. Representative Robert Lynn, the bill's sponsor, admitted that voter fraud is not a problem in New Hampshire. *Id.* ¶ 63. Then-Governor Chris Sununu recently stated that he has "never seen a bit of actual evidence" of widespread voter fraud. *Id.* ¶¶ 65, 91. Sununu nonetheless signed the bill into law on September 12, 2024. *Id.* ¶ 4. By its terms, HB 1569 took effect 60 days later, on November 11, 2024. *Id.* ¶ 5.

Plaintiffs, civic organizations and New Hampshire residents impacted by HB 1569, filed this action on September 30, 2024, before the law took effect and less than three weeks after the law was signed. *See id.* ¶¶ 21–53. A related matter, which involved a narrower challenge to HB 1569 on behalf of one organizational plaintiff, was previously filed on September 17, 2024. *See generally* Compl., *New Hampshire Youth Movement v. Scanlan*, No. 1:24-cv-291 (D.N.H. Sept. 17, 2024), ECF No. 1.

On November 15, 2024, counsel for the Republican Party informed Plaintiffs' counsel by email that "[t]he Republican National Committee and NH Republican State Committee will be moving to intervene as defendants" in this matter. Nov. 15, 2024 Emails (on file with recipient). The same day, Plaintiffs' counsel requested a copy of the "proposed intervention motion and accompanying 24(c) responsive pleading" before expressing a position on the motion. *Id.* Counsel for the Republican Party did not provide a copy of the filings but responded that they would file a

motion and proposed answer on November 19, 2024, and would indicate Plaintiffs' reservation of the right to object upon review of those papers. Nov. 19, 2024 Email (on file with recipient).

On November 19, 2024, the Republican Party filed a motion to intervene in the related matter, *New Hampshire Youth Movement*, but not in this case. Am. Mot. to Intervene, *New Hampshire Youth Movement*, No. 1:24-CV-291 (D. N. H. Nov. 19, 2024), ECF No. 15. No motion to intervene was filed in this case until months later.

On January 31, 2025, counsel for the Republican Party resumed contact with Plaintiffs' counsel, indicating that the Party would "also be filing a motion to intervene in the Open Democracy matter," likely the next day. Plaintiffs' counsel again requested (but did not receive) a copy of the motion and the alluded-to proposed answer. Jan. 31, 2025 Emails (on file with recipient). The Republican Party filed the pending motion to intervene on February 2, 2025. ECF No. 39. The motion does not contain a proposed answer or any other pleading, as required by Rule 24(c). *See id.*; Fed. R. Civ. P. 24(c). The motion is otherwise largely identical in substance to the one filed in *New Hampshire Youth Movement*. *See* ECF No. 39.

During the months that the Republican Party delayed intervention, the parties negotiated and filed a comprehensive joint discovery plan with the Court. ECF No. 33. In light of the need for a timely resolution of this case, the proposed plan, subject to this Court's approval, contemplates starting trial by January 19, 2026, with discovery starting on January 16, 2025. *Id.* at 3–4. Unlike the parties in the *New Hampshire Youth Movement* matter, the parties in this case have since commenced discovery. ECF No. 41 ¶¶ 8–9. Defendants have moved to dismiss, also in accordance with the parties' proposed schedule, ECF No. 36, and briefing on that motion is ongoing. The Republican Party's motion to intervene expresses an intent to join Defendants'

pending motion to dismiss but is not "accompanied by a pleading that sets out the claim or defense for which intervention is sought," as required by Rule 24(c). *See* ECF No. 39 ¶ 11.

LEGAL STANDARD

Rule 24 of the Federal Rules of Civil Procedure governs intervention, whether as of right under Rule 24(a) or permissively under Rule 24(b).[1] Regardless of the type of intervention, Rule 24(c) requires that the motion "be accompanied by a pleading that sets out the claim or defense for which intervention is sought." Fed. R. Civ. P. 24(c).

Timeliness is a requirement under both forms of intervention. *See* Fed. R. Civ. P. 24(a) ("On timely motion . . . ."); Fed. R. Civ. P. 24(b) (same). The timeliness element consists of several factors, including the movant's delay in intervening and the prejudice to the existing parties. *Banco Popular de Puerto Rico v. Greenblatt*, 964 F.2d 1227, 1232 (1st Cir. 1992) ("(1) the length of time the applicant knew or reasonably should have known that its interest was imperilled before it moved to intervene; (2) the foreseeable prejudice to existing parties if intervention is granted; (3) the foreseeable prejudice to the applicant if intervention is denied; and (4) idiocratic circumstances which, fairly viewed, militate for or against intervention").

Whether granted as permissive or as of right, courts have authority and discretion to impose reasonable conditions on the intervenor to mitigate prejudice and promote efficiency. Fed. R. Civ. P. 24(a), advisory committee note on 1966 amendment ("An intervention of right under the amended rule may be subject to appropriate conditions or restrictions responsive among other things to the requirements of efficient conduct of the proceedings."); *e.g.*, *United States v. Albert Inv. Co.*, 585 F.3d 1386, 1396 (10th Cir. 2009) (holding that even "intervention as of right may be

[1] Because the Court has already received multiple briefs on the legal standard for intervention in this case and in the related challenge to HB 1569, Plaintiffs do not recite the same.

subject to appropriate conditions or restrictions responsive among other things to the requirements of efficient conduct of the proceedings" (citation omitted)); *United States ex rel. Drennen v. Fresenius Med. Care Holdings, Inc.*, No. 09-CV-10179-GAO, 2018 WL 1557253, at *2 (D. Mass. Mar. 30, 2018) (collecting cases); *Wildearth Guardians v. Salazar*, 272 F.R.D. 4, 20 (D.D.C. 2010) (same).[2]

ARGUMENT

I. THE REPUBLICAN PARTY'S FAILURE TO COMPLY WITH RULE 24(C) OF THE FEDERAL RULES OF CIVIL PROCEDURE PREJUDICES PLAINTIFFS

Whether intervention is of right or permissive, an intervenor must set out its claims or defenses in a pleading accompanying the motion. Fed. R. Civ. P. 24(c); *R.I. Fed'n of Tchrs., AFL-CIO v. Norberg*, 630 F.2d 850, 854–55 (1st Cir. 1980) ("Whether of right or permissive, intervention under Rule 24 is conditioned by the Rule 24(c) requirement that the intervenor state a well-pleaded claim or defense to the action."). This rule ensures "that claims for intervention are handled in an orderly fashion." *Pub. Citizen v. Liggett Grp., Inc.*, 858 F.2d 775, 784 (1st Cir. 1988).

Courts in this Circuit have consistently reaffirmed Rule 24(c)'s requirement to file a pleading with a motion to intervene. *See, e.g., Pub. Serv. Co. of New Hampshire v. Patch*, 136 F.3d 197, 205 n.6 (1st Cir. 1998) (affirming the trial court's denial of motions to intervene on other grounds, but noting "these parties were derelict in their Rule 24(c) duties, and [] such dereliction ordinarily would warrant dismissal of their motions"); *R & G Mortg. Corp. v. Fed. Home Loan*

[2] In *Cotter v. Massachusetts Ass'n of Minority Law Enforcement Officers*, the First Circuit noted that the 1966 Amendment to Federal Rule of Civil Procedure 24(a) may have changed the traditional rule "that a court could not impose conditions on an intervention as of right," and it further observed that "courts have frequently imposed such conditions." 219 F.3d 31, 36 n.2 (1st Cir. 2000). The First Circuit, however, declined to address the full "extent to which such conditions may be imposed" on an intervenor as of right. *Id.* In this case, the Court need not decide that question either, because Plaintiffs' proposed conditions are reasonable and well-within the outer limit of the Court's authority; moreover, there is no question that such conditions may be imposed on a permissive intervenor.

Mortg. Corp., 584 F.3d 1, 11 (1st Cir. 2009) (describing how the Movant "did not file a proposed complaint when moving for intervention, though required to do so"); *In re Efron*, 746 F.3d 30, 33 (1st Cir. 2014) (affirming a lower court decision that "acknowledged that it could deny the motion [to intervene] on this procedural ground alone" but went further to decide the merits); *Costa v. Dreier, LLP*, No. Civ. 06-CV-412-JD, 2007 WL 817648, at *4 (D.N.H. Mar. 14, 2007) (affirming the Bankruptcy Court's denial of a motion to intervene for, *inter alia*, failing to file a pleading in accordance with Rule 24(c)).

Here, the Republican Party represented to Plaintiffs on November 19, 2024 that it would "be filing [its] answer today," but no answer has yet been filed in this case. More than two months later, it filed a motion to intervene without an answer or any other pleading. The Party is well familiar with Rule 24(c)'s pleading requirement. In addition to being reminded of Rule 24(c) by Plaintiffs' counsel, the Republican Party filed an answer "[p]ursuant to Fed. R. Civ. P. 24(c)" in *New Hampshire Youth Movement*. Motion to Intervene ¶ 11, *New Hampshire Youth Movement*, No. 1:24-cv-00291-SE-TSM (D.N.H. Nov. 19, 2024) (ECF No. 15). In this action, the Republican Party merely stated in its motion to intervene that it "joins the motion to dismiss filed by the defendants," ECF No. 39 ¶ 11. As a result, Plaintiffs are now forced to respond to the Republican Party's intervention motion without any further explanation of its claims or defenses, including any clear explanation of whether the Republican Party is—beyond merely defending the State's position—seeking any additional relief, which would require the Party to independently satisfy Article III standing requirements. *See Town of Chester v. Laroe Ests.*, 581 U.S. 433, 439–40 (2017) (holding that an intervenor as of right must establish independent standing to seek additional relief beyond that sought by a party with standing); *see also Melone v. Coit*, 100 F.4th 21, 29 (1st Cir. 2024) (same).

By declining to file a responsive pleading or provide any clarity on the scope of its claims in this case, the Republican Party has failed to set forth any claims or defenses that are distinct from the state's—frustrating the purposes of Rule 24(c). Nor has the Republican Party identified any divergent position or separate defense in its motion to intervene. *Cf. In re Fin. Oversight & Mgmt. Bd. for Puerto Rico*, 872 F.3d 57, 65 (1st Cir. 2017) ("In the unique circumstances of the present case, we find that UCC's interest in the litigation was sufficiently clear to excuse any non-technical compliance with Rule 24(c)."). The Republican Party's motion does not reveal any conflict between any of its objectives and those of existing Defendants, such that its interests are not already adequately represented. That showing is a required element for intervention as of right under Rule 24(a). *Victim Rts. L. Ctr. v. Rosenfelt*, 988 F.3d 556, 561 (1st Cir. 2021). Accordingly, the Republican Party has not carried its burden to intervene as of right. *See In re Thompson*, 965 F.2d 1136, 1142 (1st Cir. 1992).

The lack of a pleading also prevents Plaintiffs from fully assessing whether, for purposes of permissive intervention, the Republican Party "has a claim or defense that shares . . . a common question of law or fact" with the existing case. *See* Fed. R. Civ. P. 24(b)(1)(B); *see also* Moore's Federal Practice § 24.20 ("[A] district court will be unable to evaluate a motion to intervene, and the existing parties will be unable to make a meaningful response to the motion, unless they know exactly what the claims or defenses the movant proposed to bring to the lawsuit."). Thus, the Republican Party's failure to comply with Rule 24(c) has disrupted the orderly adjudication of its Motion and may further delay the intervention process if the Republican Party is required to re-file its motion in compliance with Rule 24(c). *See Liggett*, 858 F.2d at 784. That series of months-delayed filings could further interfere with the parties' agreed-upon case management schedule, particularly if the intervention were granted at an even later stage.

II. THE REPUBLICAN PARTY'S MOTION IS UNDULY DELAYED AND INDICATES THEIR PARTICIPATION WILL PREJUDICE PLAINTIFFS ABSENT REASONABLE CONDITIONS UPON THEIR INTERVENTION

The Republican Party's attempted intervention is untimely and prejudicial to Plaintiffs. That is particularly true here, given the nature of this litigation where prompt resolution before this Court is sought before the November 2026 election. In voting rights litigation, defendants often invoke what is known as the *Purcell* principle. *See Purcell v. Gonzalez*, 549 U.S. 1, 4–5 (2006). Under that principle, "lower federal courts should ordinarily not alter the election rules on the eve of an election" via an injunction. *Gorbea*, 970 F.3d at 16 (quoting *Republican Nat'l Comm. v. Democratic Nat'l Comm.*, 589 U.S. 423, 424 (2020)). When an election is imminent, such an injunction, even if ultimately correct on the merits, may be stayed for purposes of that election. *See, e.g.*, *Merrill v. Milligan*, 142 S. Ct. 879, 880 (2022) (Kavanaugh, J., concurring in grant of application for stay) (collecting cases). The Republican National Committee—one of the proposed intervenors—has repeatedly invoked the *Purcell* principle to block relief in other voting rights cases. *See, e.g.*, Emergency Motion for Stay Pending Appeal at *12–13, *Gorbea*, 970 F.3d 11 (1st Cir. Jul. 31, 2020) (No. 20-1753); Emergency Application for Stay at *8–11, *Republican Nat'l Comm. v. Democratic Nat'l Comm.*, 589 U.S. 423 (Apr. 4, 2020) (No. 1A1016). To avoid the possibility that future elections in New Hampshire are held in an unconstitutional manner simply because there is too little time to implement this Court's remedy, this case must proceed promptly to trial.

The Republican Party's motion raises several concerns about its ability to participate in this litigation in a timely manner. The First Circuit has "made it pellucidly clear that Rule 24's timeliness requirement is of great importance." *Greenblatt*, 964 F.2d at 1230. A key aspect of timeliness is "the length of time the applicant knew or reasonably should have known that its interest was imperilled before it moved to intervene." *Id.* at 1231. "[T]he law contemplates that

a party must move to protect its interest no later than when it gains some actual knowledge that a measurable risk exists," and "[o]nce a potential intervenor has acquired such knowledge, the tempo of the count accelerates." *Id.*

Here, the Republican Party was aware of this litigation since before November 15, 2024 (when its counsel first contacted Plaintiffs' counsel), and indeed, it filed an intervention motion in the related case, *New Hampshire Youth Movement*, on November 19, 2024. Yet it failed to seek intervention in this case for almost three months, waiting until *after* discovery had begun and a motion to dismiss was pending. *See Greenblatt*, 964 F.2d at 1231 ("We find the [proposed intervenor's] failure to act for over three months, though armed with full knowledge, to be inexpiable."); *id.* (collecting cases in which delays of "eighteen days" and "two months" were untimely for intervention purposes); *R & G Mortg. Corp.*, 584 F.3d at 8 (affirming determination that "a delay of two and one-half months . . . was inexcusable"). Its delay is wholly unexplained in the motion, which is substantively identical to the one filed months ago in the related case but omits the required Rule 24(c) pleading that the Republican Party assured Plaintiffs would be filed on November 19, 2024.

The Republican Party's conduct suggests its participation could be detrimental to "the full development of the underlying factual issues in the suit and to the just and equitable adjudication of the legal questions presented," which independently counsels against permissive intervention. *Travelers Indem. Co. v. Bastianelli*, 250 F.R.D. 82, 85 (D. Mass. 2008) (internal quotation marks omitted). Thus far, the Republican Party has failed to develop—or even note—any independent contributions to legal or factual issues; rather, it has merely cribbed Defendants' dismissal argument and waited to litigate intervention until the existing parties are occupied with dismissal briefing and ongoing discovery. *Greenblatt*, 964 F.2d. at 1232. Moreover, the Republican Party's

intervention in this case, for the stated purpose of "helping Republican candidates and voters," ECF No. 39-1 at 3, will undoubtedly invite other partisan actors to intervene and potentially cause further delay. *See Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll.*, 308 F.R.D. 39, 52 (D. Mass.), *aff'd*, 807 F.3d 472 (1st Cir. 2015) (denying permissive intervention and noting that "the 'delay or prejudice' standard referenced in Rule 24(b) captures 'all the possible drawbacks of piling on parties'" (quoting *Mass. Sch. of Law at Andover, Inc. v. United States*, 118 F.3d 776, 782 (D.C. Cir. 1997))).

If the Court determines that the prejudice caused by the Republican Party's untimeliness and noncompliance with the rules are not fatal to its motion, permissive intervention may be appropriate so long as the Court imposed reasonable conditions on the Republican Party's participation to mitigate prejudice to Plaintiffs and avoid further disruptions. "Multiplying the number of parties in a case will often lead to delay" as a general matter, but that risk is heightened here given the Republican Party's actions thus far and the possibility that other partisan actors may also intervene if the Republican Party's motion were granted. *See T-Mobile Ne. LLC v. Town of Barnstable*, 969 F.3d 33, 41 (1st Cir. 2020); *see also Algonquin Gas Transmission Co. v. Fed. Power Comm'n*, 201 F.2d 334, 342 (1st Cir. 1953) (denying intervention where arguments made by the movant "would be repetitious and cumulative"). Accordingly, courts routinely place such conditions on intervenors to prevent prejudice to existing parties and to avoid undue delay and duplication. *E.g.*, *Albert*, 585 F.3d at 1396 ("The district court has the ability to lessen any potential delay [related to intervention] by denying discovery . . . ."); *Strahan v. Sec'y, Mass. Exec. Off. of Energy & Env't Affs.*, No. 19-CV-10639-IT, 2021 WL 621202, at *1 (D. Mass. Feb. 17, 2021); *Waterkeeper All., Inc. v. Wheeler*, 330 F.R.D. 1, 10 (D.D.C. 2018); *see also Daggett v. Comm'n on Governmental Ethics Election Pracs.*, 172 F.3d 104, 113 (1st Cir. 1999) (holding that

"the district court's expertise and authority is at its zenith" when determining whether "the addition of still more parties would complicate a case").

The need for those conditions is heightened in this case, given the Republican Party's inexplicable, monthslong delay in this action, which seeks time-sensitive, injunctive relief to protect voting rights in advance of future elections. Unless ordered by this Court, the Republican Party, as an intervenor-defendant, could frustrate the timely resolution of this case by, among other things, requesting extensions of deadlines for discovery or motions, making discovery requests that overlap with the state's, submitting duplicative filings, or prolonging depositions and trial by conducting repetitive witness examinations. Such actions are likely to burden Plaintiffs, who may also be forced to seek extensions to respond to multiple sets of requests or motions from the opposing side. All of that could disturb the case management schedule that was negotiated during the Republican Party's unexplained absence.

The Court should therefore impose at least four reasonable conditions on the Republican Party's intervention, if granted, to prevent delay and mitigate prejudice. First, the Republican Party should be required to adhere to the parties' agreed-upon schedule, including the January 2026 trial date agreed to by the parties, and it should be precluded from seeking any extensions that may result in a postponement of the trial date. The Republican Party has already conceded this condition in its briefing, subject to this Court's order. ECF No. 39 at 13 ("Movants also commit to submitting all filings in accordance with whatever briefing schedule the Court imposes, 'which is a promise' that undermines claims of undue delay.").

Second, the Court should deny the Republican Party the ability to serve its own discovery and conduct its own depositions. *E.g.*, *Strahan*, 2021 WL 621202, at *7 ("The Fund is precluded from serving its own written discovery . . . ."); *see also Stringfellow v. Concerned Neighbors in*

Action, 480 U.S. 370, 373, 378 (1987) (denying appeal of order preventing intervenor from "fil[ing] any motions or conduct[ing] its own discovery unless it first conferred with all the original parties, and then obtained permission to go forward from at least one of these litigants"). The Republican Party should instead be required to coordinate its discovery requests with the existing Defendants to minimize duplication, and such requests should be issued jointly with these Defendants, such that Plaintiffs need only respond to one set of requests. This condition does not prejudice the interests of the Republican Party, as it has declined to articulate any claims or defenses not already shared by the state.

Third, the Court should require the Republican Party to confer and coordinate with existing Defendants regarding all motions and other filings and to file joint submissions representing the defense's position, absent a specific need to do otherwise. This is necessary to prevent the submission of cumulative arguments to the Court, including potentially duplicative motions for summary judgment. *See, e.g.*, *Wildearth Guardians*, 272 F.R.D. at 21 ("The Intervenors shall meet and confer prior to the filing of any motion, responsive filing, or brief to determine whether their positions may be set forth in a consolidated fashion—separate filings by the Intervenors shall include a certificate of compliance with this requirement and briefly describe the need for separate filings."); *Earthworks v. U.S. Dep't of Interior*, No. 09-CV-01972 HHK, 2010 WL 3063143, at *2 (D.D.C. Aug. 3, 2010) ("Alaska shall consult with the federal defendants and intervenor-defendants as this case proceeds and may only present to the Court arguments that those other parties do not advance."); *see also Stringfellow*, 480 U.S. at 378; *Melone*, 100 F.4th at 28 (affirming the district court's grant of permissive intervention where the movant "agreed to work with existing parties to avoid unnecessary delays in the proceedings"). Again, because the Republican Party's claims and defenses appear to be closely, if not completely, aligned with the

state's, this requirement to confer and consolidate where possible is workable. Indeed, the Republican Party has opted to join the State's pending motion to dismiss instead of filing their own.

Finally, for the same reasons, if this case proceeds to trial or an evidentiary hearing, the Republican Party should be required to coordinate their presentation and witness examinations with Defendants. That would streamline the trial or hearing process and obviate witnesses undergoing lengthy and duplicative examinations from multiple parties with the same claims and interests.

CONCLUSION

For the foregoing reasons, Plaintiffs respectfully request that the Court deny intervention as of right and permissively. To the extent that the Court finds that permissive intervention is warranted despite the Republican Party's unexplained delay and the prejudice to Plaintiffs, Plaintiffs respectfully request that the Court impose Plaintiffs' proposed conditions as set forth above to mitigate those harms.

Date: February 14, 2025

Respectfully submitted,

COALITION FOR OPEN DEMOCRACY, LEAGUE OF WOMEN VOTERS OF NEW HAMPSHIRE, THE FORWARD FOUNDATION, MCKENZIE NYKAMP TAYLOR, DECEMBER RUST, STEVEN BORNE (as father and next friend of MILES BORNE), and RUSSELL MUIRHEAD (as father and next friend of ALEXANDER MUIRHEAD and LILA MUIRHEAD)

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CERTIFICATE OF SERVICE

I certify that on today's date, I served all counsel who have appeared by filing the foregoing through the Court's ECF/Case Management system.

/s/ Henry Klementowicz
Henry Klementowicz