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Vet Voice Foundation and California
Alliance for Retired Americans

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DARRELL ISSA,

Plaintiff,

v.

SHIRLEY N. WEBER, in her official
capacity as Secretary of State of
California,

Defendant.

Case No.: 25-cv-598-AGS-JLB

**VET VOICE FOUNDATION AND
THE CALIFORNIA ALLIANCE FOR
RETIRED AMERICANS' MOTION
TO INTERVENE AS DEFENDANTS**

DATE: May 16, 2025

TIME: 2:00 P.M.

COURTROOM: 5C

JUDGE: Hon. Andrew G. Schopler

1 Pursuant to Federal Rule of Civil Procedure 24, Vet Voice Foundation (“Vet Voice”)
2 and the California Alliance for Retired Americans (“CARA”) respectfully move to
3 intervene as a matter of right in the above-captioned matter as Defendants. Vet Voice and
4 CARA are entitled to intervene as of right because their motion is timely, they have direct
5 and legally protectable interests in this action, disposition of this case could impair their
6 ability to protect such interests, and they are not adequately represented by the existing
7 parties.

8 Alternatively, pursuant to Rule 24(b), Vet Voice and CARA respectfully move for
9 permissive intervention as, again, their motion is timely, intervention will not unduly delay
10 or prejudice the existing parties, and Vet Voice and CARA’s defenses and the main action
11 have questions of law and fact in common. Furthermore, allowing Vet Voice and CARA
12 to intervene in this matter will assist the Court in adjudicating this matter, where Vet Voice
13 and CARA would be the only parties specifically representing the types of voters most
14 likely to be disenfranchised if Plaintiff succeeds. These are military and veteran voters and
15 older voters, many of whom have disabilities that make it impossible for them to vote in
16 person, even in districts where that is an option. Vet Voice in particular has been a party in
17 several prior cases in which plaintiffs brought challenges to other states’ ballot receipt
18 deadlines under identical theories. As a result, Proposed Intervenors bring a critical and
19 unique perspective to this litigation that will otherwise be unrepresented, absent their
20 intervention.

21 In support of this motion, Vet Voice and CARA attach a memorandum brief of points
22 and authorities setting forth the reasons warranting their intervention under Rule 24, along
23 with declarations from Janessa Goldbeck, Chief Executive Officer of Vet Voice, and
24 Robert England, Executive Director of CARA, as exhibits to this motion. In compliance
25 with Rule 24(c), Vet Voice and CARA also attach to this motion a proposed Answer but
26 reserve the right to file a motion to dismiss Plaintiff’s complaint if intervention is granted.

1 Plaintiff objects to Vet Voice and CARA's motion to intervene, and Defendant
2 takes no position.

3 Dated: April 4, 2025

Respectfully submitted,

4 s/ Max Schoening

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21 *Counsel for Proposed Intervenors*

22 *Vet Voice Foundation and California*

23 *Alliance for Retired Americans*

Certificate of Compliance

Per Civil Chamber Rule 5(a), counsel for Vet Voice and CARA met and conferred by videoconference with counsel for Plaintiff on Thursday, April 3, 2025. Counsel for Vet Voice and CARA met and conferred by videoconference with counsel for Defendant on Wednesday, April 2, 2025. Defendant informed Vet Voice and CARA's counsel of their position on Thursday, April 3, 2025.

s/ Max Schoening
Max A. Schoening

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Defendant.

Case No: 25-cv-598-AGS-JLB

**VET VOICE FOUNDATION AND
CALIFORNIA ALLIANCE FOR
RETIRED AMERICANS’
MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF
MOTION TO INTERVENE AS
DEFENDANTS**

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Pursuant to Rule 24(a), Vet Voice Foundation (“Vet Voice”) and the California Alliance for Retired Americans (“CARA”) (together, “Proposed Intervenor”) move to intervene as a matter of right. Alternatively, the Proposed Intervenor move to intervene permissively under Rule 24(b). Their motion should be granted for the reasons below.

INTRODUCTION¹

In the 2024 general election, nearly 10 million Californians—*over 80%* of the voters who participated—cast their ballots by mail.² In accordance with California law, those ballots were counted so long as they were postmarked on or before election day and received no later than seven days after. Cal. Elec. Code § 3020 (the “Ballot Receipt Deadline”). Nearly two dozen other states and U.S. territories have similar laws on the books—many of which have been in place for decades. These laws are commonsense measures that protect lawful, qualified voters from disenfranchisement due to mail delays that are both increasingly common and often entirely out of the voters’ control. These types of ballot receipt deadlines are particularly critical in states like California, where the vast majority of voters cast their ballots by mail. Indeed, granting the relief that Plaintiff Congressman Darrell Issa seeks here and requiring California to reject all mail ballots received after election day—regardless of whether they were cast on or well before that day—would likely require a wholesale revamping of California’s election system to ensure that voters across the state would have free and fair access to the franchise.

In states without similar deadlines, qualified voters who timely complete and cast their ballots are routinely disenfranchised. Most at risk are voters who must rely on mail voting to vote, including many active and former members of the Armed Services and their

¹ Prior to filing this motion, counsel for Vet Voice and CARA conferred with counsel for both Plaintiff and Defendant. Plaintiff objects to the motion, and Defendant takes no position on the motion.

² See Cal. Sec’y of State, *Vote-By-Mail Ballot Rejection Reason Reports – Statewide Elections* (2024), <https://admin.cdn.sos.ca.gov/elections/statewide-elections/2024-general/november-general-2024.pdf>.

1 families, disabled voters, and voters who are 65 years old or older—precisely the voters
2 who Proposed Intervenor Vet Voice and CARA represent and work to enfranchise as part
3 of their core organizational missions. While these voters have always been particularly
4 vulnerable to disenfranchisement due to mail delays, that risk is only becoming more acute.
5 With growing stresses on the U.S. Postal Service, staffing shortages, and increased and
6 often unpredictable mail delays, voters face a lack of both certainty and control over how
7 quickly their mailed ballots are returned to election officials.³ What’s more, the USPS just
8 announced tens of thousands of staff cuts and billions of dollars in funding cuts—which
9 will only exacerbate delivery delays in future elections.⁴

10 After a decade of California counting mail ballots received after election day without
11 issue, Congressman Issa filed this lawsuit seeking to use the judiciary to force California
12 to reverse this sensible policy decision. He claims that the Ballot Receipt Deadline is
13 preempted by the federal election day statutes, 2 U.S.C. §§ 1, 7 and 3 U.S.C. § 1, and violates
14 his constitutional right to vote and stand for office, and seeks an order forbidding
15 Defendant, the California Secretary of State, from counting *any* mail ballots received after
16 election day, even if postmarked on or before. *See* Compl. ¶¶ 10, 33–66, Prayer for Relief,
17 ECF No. 1. Not only would the results be devastating to California voters, Congressman
18 Issa’s legal theories have been tried again and again in federal courts across the country
19 and repeatedly rejected.⁵ In the solitary opinion to endorse Congressman Issa’s position,
20

21 ³ See Suzanne Potter, *Postal Workers Speak out about Short Staffing, Mail Delays*, Pub.
22 News Serv. (Feb. 9, 2024), <https://www.publicnewsservice.org/2024-02-09/livable-wages-working-families/postal-workers-speak-out-about-short-staffing-mail-delays/a88788-1>.

23 ⁴ Associated Press, *USPS agrees to work with DOGE on reform, planning to cut 10,000*
24 *workers*, (Mar. 14, 2025), [https://apnews.com/article/us-postal-service-doge-agreement-daf3bf54fa0718908791fcb368b4d9d8#:~:text=WASHINGTON%20\(AP\)%20%E2%80%94%20Postmaster%20General,members%20of%20Congress%20on%20Thursday](https://apnews.com/article/us-postal-service-doge-agreement-daf3bf54fa0718908791fcb368b4d9d8#:~:text=WASHINGTON%20(AP)%20%E2%80%94%20Postmaster%20General,members%20of%20Congress%20on%20Thursday).

25 ⁵ See, e.g., *Bognet v. Sec’y Commonwealth of Pa.*, 980 F.3d 336 (3d Cir. 2020), *cert.*
26 *granted, judgment vacated sub nom. Bognet v. Degraffenreid*, 141 S. Ct. 2508 (2021); *Bost*
27

1 *Republican National Committee v. Wetzel*, 120 F.4th 200 (5th Cir. 2024), the court reversed
2 a careful, thoughtful opinion by the district court that—like all the other courts to consider
3 the matter before it—thoroughly rejected the claim, in favor of rationale that ignored the
4 facts and long-standing precedent interpreting the U.S. Constitution’s Election Clause to
5 read in an unspoken limitation on state power that has no grounding in text or history.

6 Given their unique interest in the matter, federal courts have granted Vet Voice and
7 CARA’s sister organizations, the Mississippi and Nevada chapters of the Alliance for
8 Retired Americans, intervention in substantively identical federal lawsuits challenging
9 those states’ ballot receipt deadlines—including the case upon which Congressman Issa
10 now relies. *See* Text Order, *Republican Nat’l Comm. v. Wetzel*, No. 1:24-cv-00025-LG-
11 RPM (S.D. Miss. Mar. 4, 2024); Order, *Republican Nat’l Comm. v. Burgess*, No. 3:24-cv-
12 00198-MMD-CLB (D. Nev. June 6, 2024), ECF No. 70. Here too, they should be granted
13 intervention as of right under Federal Rule of Civil Procedure 24(a)(2) or, in the alternative,
14 permissive intervention under Rule 24(b).

15 All the requirements for intervention as of right are met. *First*, the motion is timely:
16 Congressman Issa filed this action a mere three weeks ago, and no substantive proceedings
17 have occurred. *Second*, both Proposed Intervenors have an interest in the subject of the
18 action and their ability to protect that interest will be impaired if Congressman Issa obtains
19 the relief he seeks. Vet Voice’s mission focuses on increasing turnout among veterans,
20 active servicemembers, and military families, including in California. Laws like the one at
21 issue here play a critical role in enfranchising those voters. *See, e.g., Splonskowski v. White*,
22 No. 1:23-CV-00123, 2024 WL 402629, at *4 n.3 (D.N.D. Feb. 2, 2024) (in dismissing

23 _____
24 *v. Ill. State Bd. of Elections*, No. 22-CV-02754, 2023 WL 4817073 (N.D. Ill. July 26,
25 2023); *Bost v. Ill. State Bd. of Elections*, 114 F.4th 634, 644 (7th Cir. 2024); *Splonskowski*
26 *v. White*, No. 1:23-CV-00123, 2024 WL 402629, at *4 (D.N.D. Feb. 2, 2024); *Donald J.*
27 *Trump for President, Inc. v. Way*, 492 F. Supp. 3d 354, 366 (D.N.J. 2020); *see also Donald*
28 *J. Trump for President, Inc. v. Way*, No. 20-10753 (MAS) (ZNQ), 2020 WL 6204477, at
*11 (D.N.J. Oct. 22, 2020).

1 similar challenge, observing that plaintiffs’ requested relief—the same sought here—is
2 likely to “impinge upon the voting rights of members of the United States military”); *see*
3 *also* Br. for U.S. as Am. Curiae at 6, *Bost v. Ill. State Bd. Of Elections*, No. 23-2644 (7th
4 Cir. Dec. 12, 2023), ECF No. 21 (explaining that late “ballot receipt deadlines . . . protect
5 military and overseas voters’ right to vote”) (“Br. for U.S. As Am. Curiae”). Furthermore,
6 many of Vet Voice’s constituents are veterans who contend with service-related disabilities
7 that may cause them to struggle to access in-person voting and rely on mail voting as a
8 result. The same is true of CARA whose membership is made up of retirees, many of whom
9 face challenges in getting to the polls to vote in person. *Finally*, neither organization’s
10 interests are adequately represented in this suit. Congressman Issa actively seeks to
11 undermine those interests, and Defendant Weber does not have the same focus on
12 protecting the rights of the specific voter populations Vet Voice and CARA serve.

13 The motion to intervene should be granted.⁶

14 BACKGROUND

15 I. California’s mail voting laws.

16 In California, mail ballots are available to “any registered voter.” Cal. Elec. Code
17 § 3003. Over the years, voters in California have become increasingly reliant on voting by
18 mail to participate in the franchise. In 2000, around 25% of all ballots cast in the general
19 election, about 2.7 million votes, came from mail ballots. In 2010, that figure grew to
20 almost 50%, or 5 million votes, and in every statewide election since 2020, including a
21 special statewide election in 2021, the mid-term general election in 2022, and the
22 presidential general election in 2024, more than 80% of Californians—around 10 million
23

25 ⁶ In compliance with Rule 24(c), Vet Voice and CARA accompany this motion with a
26 proposed a proposed Answer. *See* Ex. 4. If granted intervention, Vet Voice and CARA
27 reserve their rights as Defendants to move to dismiss Congressman Issa’s complaint prior
28 to filing their Answer.

1 people—voted by mail.⁷

2 Under existing state law, a mail ballot received on or before election day is timely
3 cast. *Id.* § 3020. In addition, a mail ballot is “timely cast if it is received by the voter’s
4 elections official via the United States Postal Service or a bona fide private mail delivery
5 company no later than seven days after election day” and contains one of two marks
6 identifying when the ballot was sent: either (1) a postmark by USPS or stamp by a private
7 mail delivery service on or before election day, or (2) if there is no valid postmark and
8 there is no other information from the delivery service indicating when the ballot was
9 mailed, a date stamp by election officials upon receipt of the ballot as well as the voter’s
10 signature and a date on the ballot on or before election day. *Id.* § 3020(b).

11 Before 2014, California required mail ballots to be received by election day. That
12 year, the State Assembly changed the receipt deadline to three days after election day. *See*
13 2014 Cal. Legis. Serv. Ch. 618 (S.B. 29). During the COVID-19 pandemic, the State
14 Assembly allowed for mail ballots cast in the 2020 general election to be counted if
15 received within 17 days of election day. *See* 2020 Cal. Legis. Serv. Ch. 4 (A.B. 860). In
16 2021, the State Assembly made it the default rule that ballots would count if received seven
17 days after election day—the current Ballot Receipt Deadline. 2021 Cal. Legis. Serv. Ch.
18 312 (A.B. 37). Through all of these points in time, mail ballots would only count if they
19 were postmarked or otherwise stamped as having been sent on or before election day. The
20 existing Ballot Receipt Deadline has now been in place for both the 2022 and 2024 election
21 cycles in California.

22 California is one of nearly two-dozen U.S. states and territories that have similar
23 laws that allow ballots *cast* on or before election day to be *received* after election day.⁸ As

24 ⁷ Cal. Sec’y of State Shirley N. Weber, *Historical Vote-By-Mail (Absentee) Ballot Use in*
25 *California*, <https://www.sos.ca.gov/elections/historical-absentee> (last accessed Apr. 4,
26 2025).

27 ⁸ *See* Nat’l Conf. of State Legs., *Tbl. 11: Receipt & Postmark Deadlines for Absentee/Mail*

1 the U.S. Department of Justice has repeatedly noted, these types of laws are particularly
2 important to guard against the systemic disenfranchisement of military voters and their
3 families who, due to obstacles such as long mail transit times, have historically voted at
4 significantly lower rates than the national population. *See* Br. for U.S. as Am. Curiae at
5 23-28 (discussing challenges faced by military and overseas voters and the importance of
6 extended ballot receipt deadlines to such voters); Statement of Interest of the United States
7 at 1, 10–15, *Splonskowski v. White*, No. 1:23-cv-00123-DMT-CRH (D.N.D. Sept. 11,
8 2023), ECF No. 19 (explaining such laws “can be vital in ensuring that military and
9 overseas voters are able to exercise their right to vote”); Ex. 2, Decl. of Janessa Goldbeck
10 (“Goldbeck Decl.”) ¶¶ 10–12.

11 These laws have only become more essential as election officials across the country
12 have sounded the alarm about “serious” problems with USPS processing facility
13 operations, lost or delayed election mail, and front-line training deficiencies that risk
14 impacting the USPS’s ability to deliver election mail on time.⁹ And in a state like
15 California, where the entire elections apparatus is now premised on the assumption that
16 voters will continue to cast their ballots primarily by mail, eliminating the seven-day grace
17 period would all but guarantee the disenfranchisement of tens of thousands and maybe even
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19 *Ballots* (last updated March 24, 2025), [https://www.ncsl.org/elections-and-](https://www.ncsl.org/elections-and-campaigns/table-11-receipt-and-postmark-deadlines-for-absentee-mail-ballots)
20 [campaigns/table-11-receipt-and-postmark-deadlines-for-absentee-mail-ballots](https://www.ncsl.org/elections-and-campaigns/table-11-receipt-and-postmark-deadlines-for-absentee-mail-ballots); Alaska
21 Stat. § 15.20.081(e), (h); 10 Ill. Comp. Stat. § 5/19-8(c); Kan. Stat. § 25-1132; Md. Code,
22 Elec. Law § 9-309; Md. State Bd. of Elections, “Canvassing,” [https://perma.cc/RZ8M-](https://perma.cc/RZ8M-W6JK)
23 [W6JK](https://perma.cc/RZ8M-W6JK) (last visited April 4, 2025); Mass. Gen. Laws ch. 54, § 93; Nev. Rev. Stat.
24 § 293.269921; N.J. Stat. § 19:63-22; N.Y. Elec. Law § 8-412; N.D. Cent. Code §§ 16.1-
25 07-09, 16.1-15-25; Ohio Rev. Code § 3509.05; Or. Rev. Stat. § 253.070; Tex. Elec. Code
26 § 86.007; Utah Code § 20A-3a-204; Va. Code § 24.2-709; Wash. Rev. Code § 29A.40.091;
27 W. Va. Code §§ 3-3-5, 3-5-17; D.C. Code § 1-1001.05(a)(10A); 25 Pa. C.S. § 3146.8; P.R.
28 Code Ann. tit. 16, § 4735; V.I. Code tit. 18, § 665.

⁹ Letter from Na’l Ass’n of Sec’ys of State to Postmaster Gen. (Sept. 11, 2024),
[https://www.nass.org/sites/default/files/NASS%20Letters/9.11.24%20NASS_](https://www.nass.org/sites/default/files/NASS%20Letters/9.11.24%20NASS_NASED%20Letter%20to%20US%20Postmaster%20DeJoy.pdf)
[NASED%20Letter%20to%20US%20Postmaster%20DeJoy.pdf](https://www.nass.org/sites/default/files/NASS%20Letters/9.11.24%20NASS_NASED%20Letter%20to%20US%20Postmaster%20DeJoy.pdf).

1 hundreds of thousands of lawful, qualified voters.

2 Nevertheless, on March 13, 2025, Congressman Issa filed this litigation, in which he
3 argues that California’s Ballot Receipt Deadline violates federal law and his constitutional
4 right to run for office and asks this Court to enjoin it and require California election officials
5 to toss out all ballots received after election day, even if postmarked on or before that day.
6 *See* Compl. at 9–10 (Prayer for Relief seeking to enjoin Cal Elec. Code § 3020).

7 **II. Proposed Intervenor-Defendants.**

8 **Vet Voice.** Vet Voice is a national non-profit, non-partisan organization dedicated
9 to empowering veterans across the country to become civic leaders and policy advocates.
10 *See* Goldbeck Decl. ¶¶ 3, 5. It has over 1.5 million subscribers who receive Vet Voice
11 communications, including thousands here in California. *Id.* ¶ 4. Beyond those who
12 affirmatively subscribe to its communications, Vet Voice’s constituency includes active
13 servicemembers, including those deployed away from home, as well as military veterans,
14 many of whom are over the age of 65 or have physical disabilities (oftentimes attributable
15 to their time in service). *Id.* ¶¶ 8–9. Increasing voter turnout among military and veteran
16 voters, as well as their families, is critical to Vet Voice’s mission. *Id.* ¶ 5. Furthermore, Vet
17 Voice believes that turning out the “veteran vote” benefits all Americans by engaging
18 people who have served their country in the civic process, and aims to promote turnout
19 among all veterans, regardless of their political beliefs. *Id.* ¶¶ 5–6, 13.

20 Military voters and veterans often face challenges in exercising their right to vote.
21 Active-duty servicemembers and their families are frequently deployed away from home,
22 making it physically impossible for them to appear in person at their local polling sites on
23 election day and making them entirely reliant on mail voting to exercise the franchise. *Id.*
24 ¶ 8. Vet Voice’s CEO, Janessa Goldbeck, has firsthand knowledge of these challenges.
25 During her seven years in the U.S. Marine Corps, she personally relied on mail voting to
26 cast her ballot on several occasions, including in 2012 when she was not able to leave
27 officer training school at Marine Corps Base Quantico. *Id.* ¶¶ 7, 11. Veteran voters also

1 often face obstacles to voting in person, either due to age or disabilities caused by military
2 service. *Id.* ¶¶ 8–9. These voters similarly depend heavily on mail voting. *Id.*

3 Vet Voice dedicates significant resources, including money, personnel time, and
4 volunteer effort, to improving military and veteran voter turnout rates. *Id.* ¶ 14. Roughly
5 three-quarters of America’s 1.4 million active servicemembers are eligible to vote by mail,
6 including many members from California. *Id.* ¶ 8. Active servicemembers vote at
7 significantly lower rates than the national population. *Id.* ¶ 10. To combat this issue, Vet
8 Voice has developed a first-of-its kind military voter file containing approximately 32
9 million records of veterans and military family members, including records for thousands
10 of voters in California. *Id.* ¶ 6. Vet Voice uses its voter file to directly reach out to military
11 voters, often through veteran-to-veteran communications. *Id.* ¶ 15. In the 2020 general
12 election, Vet Voice sent over 2.5 million texts to 1.5 million military voters, and in 2024,
13 Vet Voice sent 600,000 veterans and military-affiliated voters texts nationwide to
14 encourage voting participation. *Id.* In each election, Vet Voice saw a substantial increase
15 in turnout among the voters they contacted as compared to non-contacted voters. *Id.* On
16 top of this, Vet Voice also engages in more traditional forms of voter engagement,
17 including direct mailers, phone banking, rural radio advertising, and digital advertising. *Id.*
18 ¶ 17. Given the importance of mail voting to Vet Voice’s constituencies, these contacts
19 often focus on educating military voters about how to vote by mail, including by providing
20 information about eligibility requirements, application deadlines, and deadlines for
21 submitting ballots. *Id.* ¶ 19.

22 Vet Voice is extremely concerned that Congressman Issa’s challenge, if successful,
23 will make it harder for its supporters and constituents—active-duty servicemembers,
24 veterans, and their families—to successfully cast a mail ballot in California. *Id.* ¶ 20. Mail
25 voters—and in particular active-duty servicemembers deployed overseas, in combat zones,
26 or on ships and submarines—lack control over the mail, which is oftentimes unreliable for
27 deployed members. *Id.* ¶¶ 12, 21. In addition to threatening Vet Voice’s supporters and
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1 constituents, Congressman Issa’s challenge also frustrates Vet Voice’s effort to realize its
2 mission. To effectively plan voter engagement and mobilization efforts in California ahead
3 of the 2025 municipal elections and 2026 general election, Vet Voice must understand the
4 relevant legal landscape before preparing its voter education efforts. *Id.* ¶ 19. This lawsuit,
5 however, hinders those engagement and mobilization efforts because it seeks to wholly
6 rewrite the state’s laws around mail voting, which in turn makes it more difficult for the
7 organization to properly educate voters about the law and how to avoid issues that could
8 lead to ballots being thrown out. *Id.* ¶ 20. Vet Voice thus seeks to intervene in this case to
9 protect the voting rights of its supporters and constituencies, settle the legal landscape for
10 its voter education efforts ahead of upcoming elections, and protect its own significant
11 expenditure of resources in promoting mail voting. *Id.* ¶¶ 19–22.

12 Because of Vet Voice’s unique and important interests in maintaining ballot receipt
13 deadlines so its constituents can successfully vote, Vet Voice has previously intervened to
14 defend against challenges to Nevada and Mississippi’s ballot receipt deadlines that raised
15 nearly identical theories as those asserted by Congressman Issa here. *Id.* ¶ 22; *see*
16 *Republican National Committee v. Wetzel*, No. 1:24-cv-00025-LG-RPM (S.D. Miss.
17 2024); *Republican National Committee v. Burgess*, No. 3:24-cv-00198 (D. Nev. 2024).

18 **CARA**. CARA is the California chapter of the national Alliance for Retired
19 Americans, a non-profit and non-partisan organization that has millions of members across
20 the country. *See* Ex. 3, Decl. of Rob England (“England Decl.”) ¶¶ 3–4. CARA has 900
21 members who pay dues directly to the organization, as well as a total of 950,000 members
22 who it represents through formal affiliations with other organizations, including labor
23 unions. *Id.* ¶ 4. Under these agreements, affiliated members are considered full members
24 of CARA. *Id.* CARA’s membership is overwhelmingly comprised of senior retirees, and
25 its mission is to ensure that its members, and all retirees, enjoy their retirement after a
26 lifetime of work. *Id.* ¶¶ 5–6. To that end, its efforts are often focused on issues of particular
27 concern to retirees, including Medicare and Medicaid, Social Security, and the cost of
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1 medicine. *Id.* ¶ 5.

2 Ensuring access to the franchise is a critical piece of CARA's mission, and
3 accordingly it dedicates significant effort to voter registration and voter education. *Id.* ¶ 11.
4 CARA, its members, and other volunteers register and educate voters, including by
5 sponsoring and facilitating programs and campaigns to encourage members and
6 constituents to vote and ensure their vote will be counted. *Id.* CARA also runs a senior vote
7 program focused on outreach to older voters through postcards and other forms of
8 communication to educate these voters about how to cast their ballots. *Id.* Through this
9 program, volunteers provide voters with information on how to return their mail ballots.
10 *Id.* This program requires significant dedication of resources from CARA's already limited
11 budgetary resources and members' time. *Id.* CARA's members and volunteers also educate
12 family, friends, and neighbors about registering to vote. *Id.* ¶ 12. And they oftentimes assist
13 friends or family members in completing mail ballots, due to their familiarity with
14 California voting rules. *Id.*

15 CARA's members are themselves highly reliant on mail voting. *Id.* ¶ 6. Rob
16 England, the Executive Director of CARA, estimates that approximately 75% of the
17 group's membership votes by mail. *Id.* ¶ 7. These members must vote by mail for many
18 reasons, including because of their age and other physical conditions, lack of
19 transportation, and inability to stand in lines at polling places. *Id.* ¶ 6.

20 If Congressman Issa's suit is successful, CARA's members will face a heightened
21 risk of having their mail ballots rejected. *Id.* ¶¶ 8–10, 14. Like Vet Voice, CARA is
22 extremely concerned about the impact such an outcome would have on its members and
23 constituents who depend on mail voting because of inaccessibility to in-person voting due
24 to age, mobility problems, and health issues. *Id.* ¶ 14. CARA therefore seeks to intervene
25 in this case to protect its members' rights to cast mail ballots under California law, as well
26 as their right to vote generally. *Id.* ¶¶ 14, 17. It also seeks to protect its own resources and
27 mission, including its existing voter education efforts and activities that ensure older
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Americans have access to social security, Medicare, and affordable medicines. *Id.* ¶¶ 15–16. If the ballot receipt deadline is now seven days earlier, CARA will have to change the timing of all of its programing so that it is able to engage voters early enough to get them the information they need to vote. *Id.* ¶ 15. CARA’s senior vote program will also have to spend additional time and resources planning how to change its communication plan with voters to best advise them of how to vote and return their ballot with sufficient buffer time in advance of election day. *Id.*

Because of the importance of ballot receipt deadlines to the Alliance for Retired Americans’ members and constituency nationwide, federal courts granted the Nevada and Mississippi sister chapters of CARA motions to intervene to defend against challenges to those states’ ballot receipt deadlines. *Id.* ¶ 18; *see generally Wetzel*, No. 1:24-cv-00025-LG-RPM; *Burgess*, No. 3:24-cv-00198. These efforts reflect Proposed Intervenor’s commitment to ensuring that any qualified voter can access the franchise through fair voting rules, especially rules for voting by mail. England Decl. ¶ 18.

ARGUMENT

I. Vet Voice and CARA are entitled to intervene as of right under Rule 24(a).

Rule 24(a)(2) permits a party to intervene as a matter of right if the following four elements are met: the intervening party “(i) timely moves to intervene; (ii) has a significantly protectable interest related to the subject of the action; (iii) may have that interest impaired by the disposition of the action; and (iv) will not be adequately represented by existing parties.” *W. Watersheds Project v. Haaland*, 22 F.4th 828, 835 (9th Cir. 2022) (quoting *Oakland Bulk & Oversized Terminal, LLC v. City of Oakland*, 960 F.3d 603, 620 (9th Cir. 2020)); *see also* Fed. R. Civ. P. 24(a)(2). The Ninth Circuit has adopted a policy of “interpret[ing] these requirements broadly in favor of intervention.” *Id.* (quoting *Citizens for Balanced Use v. Mont. Wilderness Ass’n*, 647 F.3d 893, 897 (9th Cir. 2011)). And “[i]n addition to mandating broad construction, [] review is guided primarily by practical considerations, not technical distinctions.” *Id.* Vet Voice and CARA readily meet

1 the requirements of Rule 24(a)(2). They should accordingly be granted intervention as of
2 right.

3 **A. The motion is timely.**

4 The motion to intervene is clearly timely. Congressman Issa filed his Complaint on
5 March 13, 2025. On March 28, 2025, this Court granted the parties' joint motion to extend
6 the deadline for responsive pleadings until May 19, 2025. This motion follows a week later,
7 before any substantive activity in the case.

8 In determining whether a motion to intervene is "timely," courts in this Circuit
9 consider the stage of the proceeding at which an applicant seeks to intervene, prejudice to
10 other parties, and the reason for and length of any delay. *See League of United Latin Am.*
11 *Citizens v. Wilson*, 131 F.3d 1297, 1302 (9th Cir. 1997). All three considerations support a
12 finding of timeliness here.

13 Proposed Intervenors have moved to intervene just a few weeks after the Complaint
14 was filed—at the "outset of the litigation," when timeliness is plain. *See Sierra Club v.*
15 *EPA*, 995 F.2d 1478, 1481 (9th Cir. 1993). Secretary Weber's response to the complaint is
16 not due until May 19—over six weeks from the filing of this motion. *See* ECF No. 5. One
17 other party has moved to intervene as a defendant in this case, but no responses from the
18 existing parties have been filed, and the motion is set for hearing on the same date as this
19 motion in mid-May. No other deadlines exist as of now and, if granted intervention,
20 Proposed Intervenors will abide by any schedule adopted by the Court. Thus, granting Vet
21 Voice and CARA intervention poses no possible prejudice to the other parties. *See W.*
22 *States Trucking Ass'n v. Schoorl*, No. 2:18-CV-1989, 2018 WL 5920148, at *1 (E.D. Cal.
23 Nov. 13, 2018) (finding no prejudice where party "sought to intervene [at] the very outset
24 of litigation"). Proposed Intervenors accordingly satisfy Rule 24's timeliness requirement.
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B. The disposition of this case will impair Vet Voice’s and CARA’s significant interest in promoting and protecting their members’ and constituents’ voting rights.

Vet Voice and CARA also satisfy the second and third requirements for intervention because they have significant protectable interests in this lawsuit, and the action threatens to impair their ability to protect those interests. Under Rule 24(a)(2), “[w]hether an applicant for intervention demonstrates sufficient interest in an action is a practical, threshold inquiry,” and “[n]o specific legal or equitable interest need be established.” *Sw. Ctr. for Biological Diversity v. Berg*, 268 F.3d 810, 818 (9th Cir. 2001) (quoting *Greene v. United States*, 996 F.2d 973, 976 (9th Cir. 1993)); see also *Perry v. Schwarzenegger*, 630 F.3d 898, 906 (9th Cir. 2011) (intervenors “need not establish Article III standing to intervene”). “[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.” *Wilderness Soc’y v. U.S. Forest Serv.*, 630 F.3d 1173, 1177 (9th Cir. 2011) (cleaned up). As such, applicants need not show that impairment is a “certainty,” only that “disposition of the action ‘may’ practically impair a party’s ability to protect their interest in the subject matter of the litigation.” *Citizens for Balanced Use*, 647 F.3d at 900 (quoting Fed. R. Civ. P. 24(a)(2)). Once an applicant has shown some protectible interest, courts generally “have little difficulty concluding that the disposition of [a] case may, as a practical matter, affect” an intervenor’s interests. *Cal. ex rel. Lockyer v. United States*, 450 F.3d 436, 442 (9th Cir. 2006). Furthermore, “[t]he interest requirement may be judged by a more lenient standard if the case involves a public interest question or is brought by a public interest group.” *Brumfield v. Dodd*, 749 F.3d 339, 344 (5th Cir. 2014) (quoting 6 James W. Moore, *et al.*, *Moore’s Federal Practice* § 24.03[2][c] (3d ed. 2008)).

Vet Voice and CARA easily satisfy these requirements. Congressman Issa’s challenge to California’s Ballot Receipt Deadline seeks to restrict the ability of Vet Voice’s and CARA’s members, supporters, and constituents to successfully cast a mail ballot in

1 California's elections. *See* Compl. at 9–10 (seeking to enjoin Cal. Elec. Code § 3020). Both
2 Vet Voice and CARA serve communities that rely heavily on mail ballots to vote. Vet
3 Voice, for example, spends significant resources to promote voting among veterans, active
4 service members, and military family members. Goldbeck Decl. ¶ 14. Because active
5 service members and their families are often stationed away from their homes, they depend
6 on mail voting to participate in elections. *Id.* ¶ 18. Similarly, many veterans in California
7 rely on mail voting as well, *id.* ¶ 9, often because of age or physical disability (often caused
8 by military service). Vet Voice's military voter file includes thousands of California
9 servicemembers, veterans, and military family members who are eligible to vote by mail,
10 *id.* ¶ 7, along with thousands of subscribers in the state whom the group seeks to mobilize
11 in furtherance of its mission, *id.* ¶ 5. Vet Voice's mission is to ensure each of these people
12 has full access to the ballot box and that military voters are heard at the polls. *Id.* ¶¶ 6–7.

13 Similarly, CARA has many members in California who must vote by mail due to the
14 greater obstacles they face voting in person, whether due to age or disability. England Decl.
15 ¶¶ 6, 10. In fact, roughly 75% of the group's members vote by mail because, among other
16 reasons, their age or physical disabilities limit their ability to vote in person. *Id.* ¶¶ 7, 10.
17 Other members lack transportation or are not able to stand in long lines at polling places.
18 *Id.* ¶ 10. If Congressman Issa succeeds, CARA's members will face heightened risks of
19 having their ballots rejected. *Id.* ¶¶ 10, 14. Like Vet Voice, ensuring access to the ballot is
20 a critical piece of CARA's mission. *Id.* ¶ 7.

21 Congressman Issa expressly seeks a federal judicial order that would prohibit
22 California from counting any mail ballots that are received after election day, even if they
23 were timely cast—as evidenced by a postmark on or before election day—and even where
24 events outside of the voter's control delay arrival of their ballots. If successful, this suit
25 will directly threaten the voting rights of the communities Vet Voice and CARA serve, as
26 well as CARA's individual members. *Id.* ¶¶ 20–22; England Decl. ¶¶ 6–10. And the risk
27 of disenfranchisement for the voters Vet Voice and CARA represent is only increasing as
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1 USPS delivery performance degrades. Indeed, USPS itself recently reported that only about
2 80% of first-class mail is delivered on-time.¹⁰ Accordingly, Proposed Intervenor have an
3 important protectable interest that they may assert on behalf of their members, supporters,
4 and constituents where, as here, litigation threatens to burden their constitutional right to
5 vote. *See generally Mi Familia Vota v. Fontes*, 129 F.4th 691, 709 (9th Cir. 2025); *see also*
6 *Sw. Ctr. for Biological Diversity*, 268 F.3d at 821 (reversing denial of intervention and
7 concluding a threatened injury to their members was sufficient). Vet Voice and CARA
8 likewise, as organizations, have important interests in protecting their members',
9 supporters', and constituents' ability to vote by mail.

10 Proposed Intervenor also have additional significant protectable interests in this
11 lawsuit independent from their members and constituents because the relief Congressman
12 Issa seeks will impact how Vet Voice and CARA allocate their resources, including
13 financial resources and volunteer and staff time, as they prepare to educate and turn out
14 their members and constituents for the 2025 municipal elections and 2026 general
15 elections. *Cf. E. Bay Sanctuary Covenant v. Biden*, 993 F.3d 640, 663 (9th Cir. 2021)
16 (“[A]n organization has direct standing to sue where it establishes that the defendant’s
17 behavior has frustrated its mission and caused it to divert resources in response to that
18 frustration of purpose.”); *Mi Familia Vota*, 129 F.4th at 709 (concluding organization
19 representing naturalized citizens had standing to challenge lawsuit that would threaten the
20 voting rights of the public and the organization’s members). Both Vet Voice and CARA
21 are in the process of preparing their voter engagement and get-out-the-vote campaigns for
22 upcoming elections, and plan to devote significant resources to encourage their members
23 and supporters in California to apply for mail ballots, and to assist them in successfully
24 casting those ballots. Goldbeck Decl. ¶ 19; England Decl. ¶¶ 11–12.

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26 ¹⁰ U.S. Postal Serv., “Quarterly Performance for Single-Piece First-Class Mail,” (FY2025,
27 Q1), [https://about.usps.com/what/performance/service-performance/fy2025-q1-single-](https://about.usps.com/what/performance/service-performance/fy2025-q1-single-piece-first-class-mail-quarterly-performance.pdf)
28 [piece-first-class-mail-quarterly-performance.pdf](https://about.usps.com/what/performance/service-performance/fy2025-q1-single-piece-first-class-mail-quarterly-performance.pdf).

1 These kinds of interests are “routinely found to constitute significant protectable
2 interests” for purposes of intervention. *Issa v. Newsom*, No. 20-CV-01044-MCE-CKD,
3 2020 WL 3074351, at *3 (E.D. Cal. June 10, 2020) (granting intervention as a matter of
4 right). Indeed, another state chapter of the Alliance for Retired Americans was granted
5 intervention as of right precisely because “protecting their own constituents’ voting rights”
6 is a “significant protectable” interest under Rule 24. *1789 Found. Inc., v. Fontes*, No. CV-
7 24-02987-PHX-SPL, 2025 WL 834919, at *3 (D. Ariz. Mar. 17, 2025). Congressman
8 Issa’s suit seeks to rewrite the deadline for mail ballots, meaning Vet Voice and CARA
9 “would have to devote their limited resources to educating their members on California’s
10 [altered] voting-by-mail system.” *Id.*; see Goldbeck Decl. ¶¶ 19–22; England Decl. ¶¶ 15–
11 16. They seek to intervene in this case, in part, to avoid the disruption that Congressman
12 Issa’s requested relief would cause to their voter education and engagement plans for the
13 upcoming elections, as well as other organizational priorities like educating retirees about
14 policies affecting Medicare and Medicaid, Social Security, and the cost of medicine,
15 England Decl. ¶ 16, and empowering veterans to become advocates about policy issues
16 they will face at home such as the environment, health care, and employment, Goldbeck
17 Decl. ¶ 6. See *County of San Miguel v. MacDonald*, 244 F.R.D. 36, 47 (D.D.C. 2007)
18 (granting intervention where plaintiffs’ requested relief would require “the expenditure of
19 additional time and resources” by intervenors and their members (internal citation
20 omitted)); cf. *Democratic Nat’l Comm. v. Reagan*, 329 F. Supp. 3d 824, 841 (D. Ariz. 2018)
21 (finding standing where law required organization “to retool [its] [get-out-the-vote]
22 strategies and divert [] resources”), *rev’d on other grounds sub nom. Democratic Nat’l*
23 *Comm. v. Hobbs*, 948 F.3d 989 (9th Cir. 2020) (en banc).

24 Vet Voice and CARA’s ability to protect their interests, as well as the interests of
25 their members and constituents, will be significantly impaired if they are not permitted to
26 intervene. Congressman Issa does not seek relief impacting himself alone. Rather, he seeks
27 injunctive and declaratory relief that, if granted, will determine the rules for the millions of
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1 Californians who vote by mail. Many of Vet Voice’s and CARA’s members and
2 constituents plan to vote by mail in the 2025 municipal elections and 2026 general election,
3 and both organizations are currently preparing their voter outreach and get-out-the-vote
4 strategies for that election in California. Goldbeck Decl. ¶¶ 16, 19; England Decl. ¶¶ 7, 15.
5 This case will likely set the rules of the road for those efforts, and Vet Voice, CARA, and
6 the communities they serve in California will have no other opportunity to prevent
7 Congressman Issa’s unilateral attempt to rewrite state election law. Simply put, the law
8 Congressman Issa seeks to overturn—Cal. Elec. Code § 3020—“grants rights to [the
9 Proposed Intervenors] and their members that could be taken away if the plaintiffs prevail.”
10 *La Union del Pueblo Entero v. Abbott*, 29 F.4th 299, 307 (5th Cir. 2022) (“*LUPE*”)
11 (holding political committees “established that their interest may be impaired” where
12 litigation impacted “election landscape”). Given the possibility of the direct alteration of
13 their members’ rights, Vet Voice and CARA have readily shown that Congressman Issa’s
14 claims, if successful, “may practically impair [their] ability to protect their interest in the
15 subject matter of the litigation.” *1789 Found. Inc.*, No. CV-24-02987-PHX-SPL, 2025 WL
16 834919, at *2 (quoting *Citizens for Balanced Use*, 647 F.3d at 900) (granting intervention
17 as of right to Arizona Alliance for Retired Americans in a voting rights case).

18 **C. Vet Voice’s and CARA’s interests are not adequately represented by the**
19 **existing parties in this case.**

20 Finally, Vet Voice and CARA will not be assured adequate representation in this
21 matter if they are denied intervention. “[The] requirement . . . is satisfied if the applicant
22 shows that representation of his interest ‘*may be*’ inadequate.” *Trbovich v. United Mine*
23 *Workers of Am.*, 404 U.S. 528, 538 n.10 (1972) (citation omitted) (emphasis added). This
24 burden is minimal, *Sagebrush Rebellion Inc. v. Watt*, 713 F.2d 525, 528 (9th Cir. 1983),
25 and is “satisfied if the applicant shows that representation of its interests may be
26 inadequate,” *Hoopa Valley Tribe v. U.S. Bureau of Reclamation*, 648 F. Supp. 3d 1196,
27 1204 (E.D. Cal. 2022). Courts are typically “liberal in finding” this requirement is met
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1 because “there is good reason in most cases to suppose that the applicant is the best judge
2 of the representation of the applicant’s own interests.” 7C Charles Alan Wright & Arthur
3 R. Miller, *Fed. Prac. & Proc. Civ.* § 1909 (3d ed.). The Ninth Circuit has repeatedly
4 stressed that the burden is minimal when reversing orders denying intervention. *See e.g.*,
5 *Sw. Ctr. for Biological Diversity*, 268 F.3d at 819 (reversing denial of intervention because
6 the “interests of government and the private sector may diverge”); *Citizens for Balanced*
7 *Use*, 647 F.3d at 900 (reversing denial of intervention and emphasizing that intervention
8 does not require “absolute certainty . . . that existing parties will not adequately represent
9 its interests.”). Vet Voice and CARA satisfy that requirement here.

10 The existing Defendant in this action, Secretary of State Weber, is a California public
11 official. As such, she represents the broader public interest, and not the acute concerns that
12 organizations like Vet Voice and CARA have in protecting mail voting for their members
13 and specific constituencies. *See Trbovich*, 404 U.S. at 538–39 (observing government
14 defendant had “an obligation to protect the vital public interest” in contrast to the “narrower
15 interest” of a private party (cleaned up)).¹¹ Indeed, other state chapters of the Alliance for
16 Retired Americans have been granted intervention as of right in federal cases where they
17 similarly sought to protect their members voting rights and their organizational interests
18 precisely because they uniquely represent “their organizational and associational interests
19 in protecting the voting rights of their constituents.” *1789 Found. Inc.*, 2025 WL 834919,
20 at *2; *see* Text Order, *Wetzel*, No. 1:24-cv-00025-LG-RPM (Mar. 4, 2024); *Burgess*, No.
21 3:24-cv-00198-MMD-CLB, ECF No. 70.

22 While the Secretary of State may oppose the relief Congressman Issa requests, it
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26 ¹¹ As to Congressman Issa, little needs to be said—he seeks to shorten the period of time
27 in which a mail ballot may be received by election officials. Vet Voice and CARA strongly
28 oppose that result.

does not follow that she will adequately represent Proposed Intervenor’s interests.¹² Courts have “often concluded that governmental entities do not adequately represent the interests of aspiring intervenors.” *Fund for Animals, Inc. v. Norton*, 322 F.3d 728, 736 (D.C. Cir. 2003); accord *Citizens for Balanced Use*, 647 F.3d at 899 (“[T]he government’s representation of the public interest may not be ‘identical to the individual parochial interest’ of a particular group just because ‘both entities occupy the same posture in the litigation.’” (quoting *WildEarth Guardians v. U.S. Forest Serv.*, 573 F.3d 992, 996 (10th Cir. 2009))). Courts within this Circuit regularly reach the same conclusion in election cases. See, e.g., *Donald J. Trump for President, Inc. v. Cegavske*, No. 2:20-CV-1445 JCM (VCF), 2020 WL 5229116, at *1 (D. Nev. Aug. 21, 2020) (granting intervention as of right because Secretary did not adequately represent organization’s interests, despite both wishing to defend against suit); *Paher v. Cegavske*, No. 3:20-CV-00243-MMDWGC, 2020 WL 2042365, at *3 (D. Nev. Apr. 28, 2020) (similar, even where intervenors and named defendant “presumably share[d] the goal of protecting the all-mail election provisions. . . being challenged”); *Issa*, 2020 WL 3074351, at *3 (granting intervention as of right even though “Defendants and the Proposed Intervenor fall on the same side of [mail voting] dispute”).

The Supreme Court has recently emphasized that executive officials will not often be adequate representatives for partisan or private actors who seek to intervene under Rule 24. See *Berger v. N.C. State Conf. of the NAACP*, 597 U.S. 179, 194–97 (2022). In *Berger*, the Supreme Court reiterated its longstanding instruction that even when state agents pursue “related” interests to proposed intervenors, those interests are not properly

¹² There is also no reason to expect that Proposed Intervenor Curtis Morrison will adequately represent the interests of Vet Voice or CARA. See ECF No. 6. Morrison seeks to intervene to defend *his* particular interests as a voter and potential candidate. *Id.* at 6. This does not come close to encompassing or representing the interests of Vet Voice and CARA in protecting their members’ voting rights, which face heightened risk of rejection for being received after election day.

1 considered “identical.” *Id.* at 197 (quoting *Trbovich*, 404 U.S. at 538–39). The Court then
2 explained that, “[w]here ‘the absentee’s interest is similar to, but not identical with, that of
3 one of the parties,’ that normally is not enough to trigger a presumption of adequate
4 representation.” *Id.* (quoting *Wright & Miller, supra*, § 1909). In particular, the Court
5 stressed that whereas actors like the named Defendant must “bear in mind broader public-
6 policy implications,” *id.* at 196, proposed intervenors’ sole interest—like Vet Voice and
7 CARA here—rests in protecting the ability of their members and constituents to vote,
8 Goldbeck Decl. ¶¶ 16–19; England Decl. ¶ 13. Vet Voice and CARA and the named
9 Defendant thus do not “share the same ultimate objective.” *Citizens for Balanced Use*, 647
10 F.3d at 898.

11 It is therefore immaterial that Vet Voice and CARA would “fall on the same side of
12 the dispute” as the existing Defendant—which is always the case with intervention. *Issa*,
13 2020 WL 3074351, at *3 (“While Defendant[’s] arguments turn on [its] inherent authority
14 as [a] state executive[] and [her] responsibility to properly administer election laws, the
15 Proposed Intervenors are concerned with ensuring their . . . members [and supporters] . . .
16 have the opportunity to vote” by mail and in “allocating their limited resources to inform
17 voters about the election procedures.”); *cf. Democratic Party of Va. v. Brink*, No. 3:21-cv-
18 756-HEH, 2022 WL 330183, at *2 (E.D. Va. Feb. 3, 2022) (observing that the “[state’s]
19 interests are to defend [the state’s] voting laws no matter the political repercussions while
20 [intervenor’s] interest is to defend the voting laws when doing so would benefit” its
21 supporters).

22 Moreover, Vet Voice and CARA will bring a different perspective to the litigation
23 than the existing Defendant. Proposed Intervenors’ missions include promoting access to
24 mail voting in California to the maximum extent possible in order to enfranchise the
25 communities they serve. Goldbeck Decl. ¶¶ 4–7, 19–20; England Decl. ¶ 5. In contrast,
26 Defendant Weber—California’s chief election officer, Compl. ¶ 24—has supported laws
27 restricting mail voting. For example, in a prior challenge brought by CARA seeking to
28

1 overturn California’s signature matching requirement—which disenfranchises tens of
2 thousands of mail voters in each election—Defendant Weber defended the law despite its
3 risk to CARA’s members. *See generally Cal. All. for Retired Ams. v. Weber*, No.
4 24STCP02062 (Cal. Super. 2024); *see also e.g.*, Goldbeck Decl. ¶¶ 5–7; England Decl. ¶ 7.
5 Accordingly, Vet Voice and CARA “may present arguments about the need to safeguard
6 [Californians’] right to vote that are distinct from Defendants’ arguments.” *Paher*, 2020
7 WL 2042365, at *3.

8 Because these distinct perspectives and interests are sufficient to meet the minimal
9 burden of demonstrating that the existing parties’ representation of Vet Voice’s and
10 CARA’s interests are inadequate, the final requirement of Rule 24(a)(2) is met. *See*
11 *Trbovich*, 404 U.S. at 538 n.10 (emphasis added); *Sagebrush Rebellion Inc.*, 713 F.2d at
12 528.

13 **II. Alternatively, Vet Voice and CARA should be granted permissive intervention**
14 **under Rule 24(b).**

15 Vet Voice and CARA also satisfy the requirements for permissive intervention. Rule
16 24(b) permits intervention upon timely application “‘when an applicant’s claim or defense
17 and the main action have a question of law or fact in common.’” *Beckman Indus., Inc. v.*
18 *Int’l Ins. Co.*, 966 F.2d 470, 472 (9th Cir. 1992) (quoting Fed. R. Civ. P. 24(b)(2)). In
19 exercising their discretion to permit intervention, courts “must consider whether the
20 intervention will unduly delay or prejudice the adjudication of the original parties’ rights.”
21 Fed. R. Civ. P. 24(b)(3).

22 Courts routinely grant permissive intervention to voting rights and other advocacy
23 organizations in actions involving burdens on voting rights. In fact, both Vet Voice and
24 other state chapters of the Alliance for Retired Americans have been granted intervention
25 in other states to defend substantively identical lawsuits challenging state ballot receipt
26 deadlines. *See* Text Order, *Wetzel*, No. 1:24-cv-00025-LG-RPM (S.D. Miss. Mar. 4, 2024)
27 (permitting Vet Voice and the Mississippi Alliance for Retired Americans to intervene to
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1 defend Mississippi’s ballot receipt deadline); Order, *Burgess*, No. 3:24-cv-00198-MMD-
2 CLB (D. Nev. June 6, 2024), ECF No. 70 (permitting Vet Voice and the Nevada Alliance
3 for Retired Americans to intervene to defend Mississippi’s ballot receipt deadline). That
4 history alone gives these Proposed Intervenors a unique perspective that is currently
5 missing from this litigation: they are the only parties that have also participated in prior
6 challenges to similar laws and can provide the Court with a unique perspective on that
7 precedent. Moreover, granting their intervention here is consistent with the regular practice
8 of federal courts that routinely recognize that organizations such as these bring a valuable
9 perspective to cases that threaten to make it harder for such organizations’ members and
10 constituents to successfully vote. *See also, e.g., Pub. Int. Legal Found., Inc. v. Winfrey*,
11 463 F. Supp. 3d 795, 802 (E.D. Mich. 2020) (permitting voting rights organization to
12 intervene in an action brought to compel local election officials to purge the voter rolls of
13 ineligible voters); *Kobach v. U.S. Election Assistance Comm’n*, No. 13-CV-4095-EFM-
14 DJW, 2013 WL 6511874, at *4 (D. Kan. Dec. 12, 2013) (allowing voting rights, civil
15 rights, and other advocacy organizations to intervene in an action brought to compel voter
16 registration applications to submit proof-of-citizenship documents); *see also League of*
17 *Women Voters of N.C. v. North Carolina*, No. 1:13CV660, 2014 WL 12770081, at *3
18 (M.D.N.C. Jan. 27, 2014) (permitting individual voters to intervene in action challenging
19 a series of restrictions on voting). And other district courts have granted permissive
20 intervention to organizations that, like Vet Voice and CARA, “engage in voter advocacy
21 and education to increase voting participation in elections” in a case raising substantially
22 similar legal questions about the meaning of the federal election day statutes. *Donald J.*
23 *Trump for President, Inc. v. Murphy*, No. CV-20-10753 (MAS) (ZNQ), 2020 WL 6573382,
24 at *2 (D.N.J. Sept. 23, 2020).

25 As discussed above, Congressman Issa’s challenge to California law threatens
26 significant harm to Vet Voice’s and CARA’s legally protected interests, and the motion to
27 intervene is indisputably timely. Vet Voice and CARA raise arguments against
28

1 Congressman Issa's claims that are likely to share common questions of law and fact with
2 the main action, including with respect to Congressman Issa's flawed standing theories and
3 his widely rejected reading of federal law upon which he bases his entire suit. *See generally*
4 Ex. 4, Proposed Intervenor's Proposed Answer. Most importantly, intervention will result
5 in neither prejudice nor undue delay. As shown by their prompt effort to intervene, Vet
6 Voice and CARA have an interest in swift resolution of this action to ensure that their
7 voters are able to cast a mail ballot and have that ballot counted.

8 **CONCLUSION**

9 For the reasons stated above, Vet Voice and CARA respectfully request that the
10 Court grant their motion to intervene as a matter of right under Rule 24(a)(2) or, in the
11 alternative, permit them to intervene under Rule 24(b).

1 Dated: April 4, 2025

Respectfully submitted,

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24 ***Application for admission forthcoming*

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DARRELL ISSA,
Plaintiff,
v.

SHIRLEY N. WEBER, in her official
capacity as Secretary of State of
California,
Defendant.

Case No.: 25-cv-598-AGS-JLB

**DECLARATION OF JANESEA
GOLDBECK**

1 I, Janessa Goldbeck, hereby declare as follows:

2 1. I am over the age of 18, have personal knowledge of the facts below,
3 and can competently testify to their truth.

4 2. My name is Janessa Goldbeck and I am the Chief Executive Officer
5 (“CEO”) at Vet Voice Foundation (“Vet Voice”) where I have worked for over three
6 years. I am currently a California resident and registered voter, and was recently
7 appointed to California Governor’s Veterans Board.

8 3. Vet Voice is a national non-profit, non-partisan organization, founded
9 in 2009 that is organized under Section 501(c)(3) of the Internal Revenue Code of
10 1986, as amended, for charitable and educational purposes.

11 4. Prior to my time as CEO of Vet Voice, I served for seven years as a
12 commissioned combat engineer officer in the U.S. Marine Corps. I left the Marines
13 in 2019 with the rank of captain. During my time in military service, I deployed to
14 military installations throughout the United States as well as to various countries in
15 Europe in support of NATO operations. I also performed many collateral duties
16 while serving, including acting as my unit’s Voting Assistance Officer at one point
17 in my career.

18 5. As CEO of Vet Voice, my responsibilities include managing and
19 overseeing personnel, as well as the operations and funding of programs, dedicated
20 to serving over 1.5 million subscribers across the country, composed mainly of
21 active-duty military members, veterans, and their families. These subscribers are
22 individuals who have taken affirmative steps to become a recipient of
23 communications from Vet Voice. Vet Voice has thousands of subscribers in
24 California.

25 6. In addition to its affirmative subscribers, Vet Voice is dedicated to
26 empowering veterans across the country to become civic leaders and policy
27 advocates by providing the support, training, and tools they need to face public-
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1 policy issues at home, such as voting rights and combating disinformation, as well
2 as other policy areas like environment, health care, jobs, and more. Increasing
3 turnout among veterans and military voters—and ensuring that their ballots are
4 counted when they do turn out—is critical to this mission.

5 7. Vet Voice works to increase turnout of not just its affirmative
6 subscribers but the broader veteran and military community, and it does so
7 regardless of any individual voter's political beliefs or party membership. To
8 advance this goal, Vet Voice has built a first-of-its-kind military voter file containing
9 approximately 32 million records of veterans and military family members,
10 including thousands of records for voters in California, to help the organization focus
11 its mobilization, education, and turnout efforts. These voters comprise the other
12 component of Vet Voice's constituency.

13 8. Vet Voice's subscribers and constituents include active-duty
14 servicemembers and their families who are oftentimes stationed away from their
15 home state. It is typically physically impossible for these voters to appear at the polls
16 in their home state on election day, and thus they are highly reliant on voting by
17 mail, or absentee voting, to exercise their right to vote. According to the Federal
18 Voting Assistance Program, approximately three-quarters of the nation's 1.4 million
19 active-duty military members are eligible to vote absentee because they are stationed
20 away from their home state.¹

21 9. Vet Voice's subscribers and constituents also include veterans, many
22 of whom are over the age of 65 or suffer from physical disabilities, often resulting
23 from their military service. According to the Bureau of Labor Statistics reported in
24 March 2025, 31% of all veterans have a service-connected disability, including 48%

26 ¹ State of the Military Voter (Federal Voting Assistance Program),
27 <https://www.fvap.gov/info/reports-surveys/StateoftheMilitaryVoter>.

1 of veterans who have served since September 2001.² Older veterans and disabled
2 veterans are also highly reliant on mail voting to exercise the franchise, given the
3 obstacles they face with appearing in person to vote at their polling location.

4 10. Federal data shows that active military members are registered to vote,
5 and actually successfully cast a ballot, at significantly lower rates than civilians. In
6 the 2020 presidential election, only 47% of active military members voted,
7 compared to the national rate of 74%.³ And in the 2022 election, just 26% percent
8 of active military members voted, compared to the national rate of 48%.⁴ The gap is
9 typically even starker when it comes to military members deployed overseas. These
10 disparate rates in registration and turnout have been traced to unique obstacles that
11 active military members face in accessing the voting system, including the
12 difficulties these voters face in receiving mail ballots in time to vote them, and
13 getting them returned to election officials in time for them to be counted.

14 11. I have both personal and professional familiarity with the difficulties
15 that arise with voting as an active military member. For example, during the 2012
16 election cycle, I participated in an officer candidate school for ten weeks at Marine
17 Corps Base Quantico, during which time we were not allowed to leave the premises.
18 My only option for participating in the election was to vote absentee. However, I did
19 not have access to a phone or the internet and thus could not confirm if or when my
20 ballot had been mailed out or received by my state election officials; I had to take it
21 on faith that it was delivered on time through the mail. My experience is a common
22 one in the military.

23
24 ² Employment Situation of Veterans – 2024, <https://www.bls.gov/news.release/pdf/vet.pdf>.

25 ³ State of the Military Voter: The Military Voter in 2020: 35 Years of UOCAVA (Federal Voting
Assistance Program), <https://web.archive.org/web/20240118175103/https://www.fvap.gov/info/reports-surveys/StateoftheMilitaryVoter>.

26 ⁴ State of the Military Voter: The Military Voter in 2022 (Federal Voting Assistance Program),
27 <https://web.archive.org/web/20250211144813/https://www.fvap.gov/info/reports-surveys/StateoftheMilitaryVoter>.

1 12. I also know that many deployed military members may not have direct
2 or consistent access to postal services or be able to receive mail addressed to them
3 on a daily basis, such as when they are deployed to combat zones or on ships or
4 submarines. This means that military voters may only have limited opportunities to
5 mail their ballots back and will oftentimes have limited opportunities, or no
6 opportunity at all, to cure deficiencies or other issues with their ballots to ensure
7 their vote will be counted in time. For all of these reasons, California's receipt
8 deadline is particularly important for service members.

9 13. Vet Voice is committed to improving military and veteran voter turnout
10 and believes that growing the "veteran vote" benefits all Americans by engaging
11 those who have served their country in the civic process.

12 14. Accordingly, a key part of Vet Voice's mission is to mobilize its
13 subscribers and constituency of military voters and their families generally by giving
14 them the knowledge and tools to successfully participate in elections, especially
15 when they face unique challenges due to being deployed away from home. Vet Voice
16 dedicates significant resources, including money, personnel time, and volunteers, to
17 these voter education and mobilization efforts.

18 15. Vet Voice's military voter file is critical to the organization's activities
19 in specifically targeting and reaching military voters at an unprecedented scale. For
20 example, in the 2020 election, Vet Voice volunteers used the file to send 2.5 million
21 texts to approximately 1.5 million veterans and military families, resulting in a
22 significant increase in voter participation among those contacted. In 2024, Vet Voice
23 sent 600,000 veterans and military-affiliated voters texts nationwide to encourage
24 voting participation. When engaged by a Vet Voice volunteer, voters with lower
25 turnout propensity were much more likely to vote early or by mail than peers who
26 were not contacted.

1 16. Vet Voice is continuing to expand this military voter file as part of its
2 growing efforts to mobilize the military and veteran community, including in
3 California. We are currently in the process of planning our voter engagement and
4 education efforts for the 2026 election and expect to significantly build upon our
5 success from past election cycles.

6 17. Vet Voice also engages in more traditional forms of voter engagement
7 to educate voters. This includes direct mailing efforts to inform voters about
8 important voting deadlines, including deadlines to return mail ballots. Vet Voice
9 volunteers also conduct phone banking operations to transmit information about
10 voting to other military voters. Vet Voice also places digital advertising on social
11 media and video platforms to further promote its message and mission. Finally, Vet
12 Voice advertises on rural radio stations to reach active-duty and military constituents
13 on issues of importance.

14 18. Because the constituents and subscribers we serve are so dependent on
15 voting by mail, a large part of Vet Voice's voter education mission and programming
16 efforts—whether through our voter file or more traditional means—focus on mail
17 voting. This is true in California as well as in other states across the country.

18 19. Vet Voice is currently planning its outreach strategy in California for
19 future elections. A key component of that strategy is understanding the legal
20 landscape to ensure voters have the correct information to vote. This includes giving
21 California-registered military constituents information about how to ensure they will
22 receive their mail ballot; how to properly complete a mail ballot; as well as educating
23 voters about the state's deadlines for receiving and counting mail ballots, including
24 the current requirement set forth in California law that ballots be post-marked by
25 election day and received by their local election office no later than seven days after
26 election day. Laws like these, which give timely-voted ballots more time to make
27 their way back to election officials to be counted, help enfranchise Vet Voice's
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1 constituents, who are uniquely vulnerable to and more likely to be disenfranchised
2 by strict election-day receipt cut-offs for mail ballots. Understanding and being able
3 to properly educate our constituents on the specific legal landscape in which their
4 ballots will be cast and counted is critical to our mission, particularly in states like
5 California where so many voters are able to, and do in fact, vote by mail.

6 20. Vet Voice believes the claims that Plaintiff makes in this lawsuit and
7 the request for relief—specifically, to require California to reject all mail ballots
8 received in the mail after election day, even if postmarked by or even before election
9 day—are a severe threat to the ability of Vet Voice’s subscribers and constituents to
10 vote in California, as well as to Vet Voice’s ability to carry out an effective voter
11 engagement and mobilization effort in the state. Plaintiff’s claims seek to toss out
12 lawfully and timely cast ballots because they happen to arrive shortly after election
13 day. This threatens to disenfranchise, in particular, several different groups within
14 Vet Voice’s core constituencies, including: actively deployed military voters, who
15 heavily rely on mail voting and often must return their ballots from distant and
16 inaccessible locations with unreliable mail service; active military and their family
17 members currently living outside of their home state, whose ballots often take longer
18 to reach them and to get back to their home state to be counted; as well as veterans
19 over the age of 65 and physically disabled veterans, many of whom rely on mail
20 voting to vote in California, but whose ballots are at risk of being thrown out because
21 of mail delays. In all of these ways, this lawsuit directly threatens Vet Voice’s
22 mission of ensuring that military and veteran voters, including in California, have
23 the best prospect of successfully voting under their states’ laws, and having their
24 ballots counted—and not rejected for reasons largely out of their control.

25 21. Vet Voice thus has a strong interest in defending California’s current
26 mail ballot receipt deadline, which allows ballots returned by mail voters a few days
27 of leeway in case there are unforeseen and unpreventable mail delays—a common
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1 occurrence for military voters, who have no control over how long it will take for
2 their ballots to be transmitted back to election officials in California.

3 22. Given the importance of mail voting to its subscribers and constituents,
4 Vet Voice has participated in litigation to protect their constituencies' abilities to
5 successfully cast a ballot by mail, including specifically to defend ballot receipt
6 deadlines like California's, which are critical to enfranchising members of the
7 military, their families and veterans. Because of Vet Voice's unique and important
8 interests in maintaining ballot receipt deadlines so its constituents can successfully
9 vote, Vet Voice was granted intervention to defend against challenges to Nevada and
10 Mississippi's ballot receipt deadlines that raised nearly identical theories as those
11 asserted by Plaintiff here. *See Republican National Committee v. Wetzel*, No. 1:24-
12 cv-00025-LG-RPM (S.D. Miss. 2024); *Republican National Committee v. Burgess*,
13 No. 3:24-cv-00198 (D. Nev. 2024). These efforts reflect Vet Voice's commitment
14 to ensuring that all military voters across the country can access the franchise
15 through fair mail balloting rules.

16
17 I certify under penalty of perjury that the foregoing is true and correct.

18
19 Executed on 4/3/2025

20 By: Janessa Goldbeck

21 Janessa Goldbeck
22 Chief Executive Officer
23 Vet Voice Foundation
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Alliance for Retired Americans

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DARRELL ISSA,
Plaintiff,
v.

SHIRLEY N. WEBER, in her official
capacity as Secretary of State of
California,
Defendant.

Case No.: 25-cv-598-AGS-JLB

**DECLARATION OF ROB
ENGLAND**

1 I, Rob England, hereby declare as follows:

2 1. I am over the age of 18, have personal knowledge of the facts below, and can
3 competently testify to their truth.

4 2. My name is Rob England. I am the Executive Director of the California
5 Alliance for Retired Americans ("CARA"). CARA is the chartered California state
6 affiliate of the national Alliance for Retired Americans. As President of CARA, I am
7 responsible for supervising our Executive Board and overseeing all Alliance activities in
8 California.

9 3. CARA is a non-profit, non-partisan organization, organized as a Section
10 501(c)(4) nonprofit, social welfare organization in California.

11 4. CARA has approximately 400 members in California who pay dues directly
12 to the organization. CARA also represents approximately 950,000 total Californians
13 through formal agreements with affiliated organizations, primarily public and private
14 sector unions labor unions. These affiliated members include retirees of affiliated unions
15 living in the state of California, as well as members of other unions and organizations
16 directly affiliated with CARA. Affiliated members are considered full members of CARA.
17 Our national organization, the Alliance for Retired Americans, has over 4.4 million
18 members across the country.

19 5. CARA's mission is to ensure the social and economic justice and full civil
20 rights that retirees have earned after a lifetime of work. Many of our activities are focused
21 on issues of concern to retirees, including policies affecting Medicare and Medicaid,
22 Social Security, and the cost of medicine. CARA also actively supports expanding voting
23 rights to make it easier to vote for all Californians, and particularly for seniors.

24 6. Because CARA's members are seniors and in many cases have physical
25 disabilities and limitations attributable to age, they often face greater barriers in casting a
26 ballot and having their votes counted. CARA's members are therefore disproportionately
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1 likely to vote by mail, which they are permitted to do under California law. Our members'
2 dependency on mail voting is in part because it is far more accessible for these voters than
3 having to travel to a polling place and wait in line to vote. Additionally, some of our
4 members no longer drive and have to rely on others for transportation.

5 7. Ensuring that CARA members can vote via mail ballot and have their votes
6 counted is of paramount importance to CARA's mission. In my experience, about 75% or
7 more of CARA's members in California vote by absentee ballot. Our members depend on
8 the mail to transmit their ballots back to California election officials for them to be
9 counted. Based on prior practice of our members, I believe the majority of CARA's
10 members plan to vote by mail in future elections, including in the 2025 municipal elections
11 and the 2026 midterm elections.

12 8. Rejecting timely cast absentee ballots that are delivered to election officials
13 within seven days of election day would endanger the voting rights of CARA's members
14 who rely on voting by mail to participate in the state's elections. For instance, Kern
15 County, one of the last districts in the country to finish counting ballots during the 2024
16 election, is an expansive county spanning over 8,000 square miles with voters that live in
17 the Tehachapi Mountains stretching east to the Mojave Desert. Given the span of Kern
18 County, many voters, including CARA members who reside there, live far from a polling
19 place and rely heavily on voting by mail to participate in the franchise. Because of the
20 dependence on the mail to cast ballots and the distance mail must travel to reach election
21 officials, many voters in Kern County benefit from the state's existing ballot receipt
22 deadline, which accounts for the time mail takes to travel across the county and
23 unexpected mail delays.

24 9. The same is true for CARA's constituents that live in counties that administer
25 all-mailed ballot elections, where there are relatively fewer in-person voting locations and
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1 voting by mail is the predominant method of participating in the franchise. Voters in these
2 counties are particularly reliant on the mail to transmit their ballot.

3 10. CARA's members have no control over how long it will take for their ballot
4 to be transmitted to election officials through the mail. In particular, mail delays across
5 the country and specifically in California are quite acute, with reports that there have been
6 crates of undelivered mail sitting in post offices, massive delays in mail-sorting facilities,
7 and automated mail sorting machines found padlocked and disabled. These problems
8 became so troublesome that in September 2024, several election officials across the
9 country, on behalf of all 50 states, districts, and territories, sent a letter to the Postmaster
10 General expressing concerns about the United States Postal Service's performance ahead
11 of the 2024 general election.¹ The issues could be traced back to serious problems with
12 processing facility operations and training deficiencies impacting USPS's ability to
13 deliver election mail in a timely and accurate manner. USPS itself reported that less than
14 83% of first-class mail is delivered on time.²

15 11. Moreover, for many of the reasons that senior voters rely on mail voting in
16 the first place, they also face greater challenges in even getting their ballot in the mail,
17 whether due to lack of transportation, limited mobility, or physical disability. This, in turn,
18 gives them less control over when they are able to mail their ballots and less control over
19 when their ballots are received by election officials, as they may not be able to put the
20 ballot in the mail until closer to election day. Many senior voters also prefer to complete
21 their ballots closer to election day, to make sure that they can vote with full knowledge of
22

23
24 ¹ Letter from State Election Officials to Postmaster General DeJoy (Sept. 11, 2024),
25 https://www.nass.org/sites/default/files/NASS%20Letters/9.11.24%20NASS_NASED%20Letter%20to%20US%20Postmaster%20DeJoy.pdf.

26 ² Press Release, United States Postal Service, Average Delivery Time Across Postal Service Network
27 Remains Stable (Feb. 5, 2024), <https://about.usps.com/newsroom/national-releases/2024/0205-average-delivery-time-across-postal-service-network-remains-stable.htm>.

1 candidates and issues. For all these reasons, CARA's members are uniquely at risk of
2 disenfranchisement if California's seven-day ballot receipt deadline is invalidated for
3 future elections.

4 12. CARA works to protect the rights of its members to vote and to have their
5 votes counted and to increase voter participation among retirees. To that end, CARA
6 sponsors and facilitates different programs and campaigns to encourage our members and
7 constituents to vote and to ensure that they understand how best to make sure their vote is
8 counted. These campaigns include candidate forums and questionnaires, which help
9 educate our voters on different candidates' stances. CARA also runs a senior vote
10 program, which involves calling older voters, writing them postcards, and conducting
11 other forms of outreach to educate California voters about how to cast their ballots. As
12 part of this program, volunteers provide voters with reminders to mail their ballots in on
13 time. Running this program requires significant dedication of resources, including from
14 our limited budgetary resources and our members' time.

15 13. CARA members (including myself) also volunteer our time to speak with
16 family, friends, and neighbors about voter registration and voting. Members also
17 frequently assist their friends, families, and neighbors in completing mail ballots, in part
18 because they are more familiar with mail ballot rules.

19 14. CARA is currently in the process of planning many of its voter engagement
20 and education events for the year, including our senior vote program. As explained, these
21 activities involve providing voters with, among other things, instructions on how to
22 successfully cast a mail ballot. Changing California's mail ballot receipt deadline would
23 be very disruptive to CARA's efforts and planning, making it more difficult for the
24 organization to accurately inform California voters about the rules and expectations for
25 properly casting a ballot.

15. CARA believes that Plaintiff's claims in this lawsuit and the request for relief—which would require California to reject *all* mail ballots received in the mail after election day, even if postmarked by or even before election day—pose a grave threat to both CARA's members and constituents who seek to participate in the franchise, as well as to CARA's ability to carry out effective voter engagement and mobilization efforts across the state. Plaintiff's claim seeks to toss out lawfully and timely cast ballots because they happen to arrive shortly after election day. This threatens to disenfranchise different groups within CARA's membership and core constituencies, including elderly voters who rely heavily on mail voting because of inaccessibility to in-person voting due to age, mobility problems, and health issues, as described above. Voters who choose to vote by mail are now at risk of having their ballots thrown out because of mail delays outside of their control. In all of these ways, this lawsuit directly threatens CARA's mission of ensuring that retired voters have maximal opportunities to vote and have their ballots counted—and not rejected for reasons largely out of their control.

16. If Plaintiff is successful, CARA would have to reallocate volunteer time towards educating its members and other Californians about the changes to the ballot receipt deadline and the risks of voting by mail—especially if they are experiencing mail delivery delays or may be unable to mail their ballots until closer to election day. In particular, if the ballot receipt deadline is now seven days earlier, CARA will have to change the timing of all of its programing so that it is able to engage voters early enough to get them the information they need to vote. For instance, for CARA’s senior vote program, the organization will have to spend additional staff time and resources to plan ways to communicate and follow up with voters about the ballot receipt deadline changes. This includes developing strategies around advising members and constituents on creating a plan to send their ballots in with significant buffer time in advance of election day, which is a significant change from what Californians are accustomed to.

1 17. Given our limited resources and limited volunteer time, this reprogramming
2 would take away from CARA's other efforts to educate its members and constituents
3 about other issues of particular concern to retirees, including policies affecting Medicare
4 and Medicaid, Social Security, and the cost of medicine.

5 18. Given the importance of mail voting to CARA's members and constituents,
6 our organization has previously participated in litigation to protect the ability to effectively
7 cast a ballot by mail. Specifically, CARA filed a lawsuit challenging the state's signature
8 matching requirement for mail-in ballot envelopes. *California Alliance for Retired*
9 *Americans v. Shirley Weber*, Case No. 24STCP02062 (Los Angeles Cnty. Super. Ct.
10 2024). Other sister chapters of CARA in Nevada and Mississippi have also intervened to
11 defend against nearly identical challenges to state's ballot receipt deadlines. *See*
12 *Republican National Committee v. Wetzel*, No. 1:24-cv-00025-LG-RPM (S.D. Miss.
13 2024); *Republican National Committee v. Burgess*, No. 3:24-cv-00198 (D. Nev. 2024).
14 These efforts reflect the Alliance for Retired Americans' commitment to ensuring that any
15 qualified voter can access the franchise through fair voting rules, especially rules for
16 voting by mail.

17
18 I certify under penalty of perjury that the foregoing is true and correct.

19
20 Executed on 4/4/2025

By: Rob England
Rob England
Executive Director
California Alliance for Retired Americans

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**Application for admission pending*
***Application for admission forthcoming*
****Pro hac vice application forthcoming*

Counsel for Proposed Intervenors
Vet Voice Foundation and California
Alliance for Retired Americans

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DARRELL ISSA,

Plaintiff,

v.

SHIRLEY N. WEBER, in her official
capacity as Secretary of State of
California,

Defendant,

Case No.: 25-cv-598-AGS-JLB

**VET VOICE FOUNDATION AND
THE CALIFORNIA ALLIANCE FOR
RETIRED AMERICANS’
PROPOSED ANSWER**

1
2 Proposed Intervenor Vet Voice Foundation and the California Alliance for Retired
3 Americans, by and through its attorneys, submits the following Answer to Plaintiff's
4 Complaint. Proposed Intervenor respond to the allegations in the Complaint as follows:

5 1. Proposed Intervenor admit that Plaintiff is a U.S. representative for
6 California's 48th congressional district and that the Complaint seeks declaratory and
7 injunctive relief. Proposed Intervenor are without sufficient information to admit or deny
8 the allegation that Plaintiff is a future congressional candidate for the same seat.

9 2. Paragraph 2 contains legal characterizations, contentions, and conclusions, to
10 which no response is required. To the extent a response is required, Proposed Intervenor
11 deny the allegations.

12 3. Paragraph 3 contains legal characterizations, contentions, and conclusions, to
13 which no response is required. To the extent a response is required, Proposed Intervenor
14 deny the allegations.

15 4. Paragraph 4 contains legal characterizations, contentions, and conclusions, to
16 which no response is required. To the extent a response is required, Proposed Intervenor
17 deny the allegations.

18 5. Paragraph 5 contains legal characterizations, contentions, and conclusions, to
19 which no response is required. To the extent a response is required, Proposed Intervenor
20 deny the allegations.

21 6. Admit that Plaintiff's allegations speak for themselves. Paragraph 6 otherwise
22 contains legal characterizations, contentions, and conclusions, to which no response is
23 required. To the extent a response is required, Proposed Intervenor deny the allegations.

24 7. Admit that Plaintiff's requested relief speaks for itself. Paragraph 7 otherwise
25 contains legal characterizations, contentions, and conclusions, to which no response is
26 required. To the extent a response is required, Proposed Intervenor deny the allegations.
27
28

JURISDICTION AND VENUE

8. Paragraph 8 contains legal characterizations, contentions, and conclusions, to which no response is required. To the extent a response is required, Proposed Intervenor deny the allegations.

9. Paragraph 9 contains legal characterizations, contentions, and conclusions, to which no response is required. To the extent a response is required, Proposed Intervenor deny the allegations.

PARTIES

10. Proposed Intervenor admit the third and fourth sentences of Paragraph 10. Proposed Intervenor are without sufficient information to admit or deny the remaining allegations in Paragraph 10, and on that basis, Proposed Intervenor deny the remaining allegations.

11. Proposed Intervenor admit Shirley N. Weber is California's Secretary of State. The remaining allegations in Paragraph 11 are legal characterizations, contentions, and conclusions, to which no response is required. To the extent a response is required, Proposed Intervenor deny the remaining allegations.

STATEMENT OF FACTS

12. Paragraph 12 contains legal characterizations, contentions, and conclusions, to which no response is required. To the extent a response is required, Proposed Intervenor deny the allegations.

13. Paragraph 13 contains legal characterizations, contentions, and conclusions, to which no response is required. To the extent a response is required, Proposed Intervenor admit that Plaintiff accurately quotes the cited text and otherwise deny the allegations.

14. Paragraph 14 contains legal characterizations, contentions, and conclusions, to which no response is required. To the extent a response is required, Proposed Intervenor deny the allegations.

1 15. Paragraph 15 contains legal characterizations, contentions, and conclusions,
2 to which no response is required. To the extent a response is required, Proposed Intervenor
3 admit that Plaintiff accurately quotes the cited text and otherwise deny the allegations.
4 Proposed Intervenor

5 16. Paragraph 16 contains legal characterizations, contentions, and conclusions,
6 to which no response is required. To the extent a response is required, Proposed Intervenor
7 deny the allegations.

8 17. Admit that prior to January 1, 2015, California's ballot receipt deadline fell
9 on election day. Paragraph 17 otherwise contains legal characterizations, contentions, and
10 conclusions, to which no response is required. To the extent a response is required,
11 Proposed Intervenor deny the remaining allegations.

12 18. Admit that on January 1, 2015, California's ballot receipt deadline became
13 three days after election day. Proposed Intervenor otherwise deny the allegations in
14 Paragraph 18.

15 19. Admit that on January 1, 2022, California's ballot receipt deadline became
16 seven days after election day. Paragraph 19 otherwise contains legal characterizations,
17 contentions, and conclusions, to which no response is required. To the extent a response is
18 required, Proposed Intervenor deny remaining the allegations.

19 20. Proposed Intervenor admit the allegations in Paragraph 20.

20 21. Proposed Intervenor admit that the federal electoral results certified by
21 Defendant Weber include ballots post-marked by election day and received by election
22 officials up to seven days after election day. The remaining allegations in Paragraph 21
23 contain legal characterizations, contentions, and conclusions, to which no response is
24 required. To the extent a response is required, Proposed Intervenor deny the remaining
25 allegations.

26 22. Proposed Intervenor admit the allegations in Paragraph 22.

23. Proposed Intervenors admit the allegations in Paragraph 23.

24. Proposed Intervenors admit the allegations in Paragraph 24.

25. Proposed Intervenors admit the allegations in Paragraph 25.

26. Proposed Intervenors admit the allegations in Paragraph 26.

27. Proposed Intervenors admit the allegations in Paragraph 27.

28. Proposed Intervenors deny the allegations in Paragraph 28.

29. Paragraph 29 purports to characterize a press release, which speaks for itself.

To the extent a response is required, Proposed Intervenors deny the allegations.

30. Proposed Intervenors admit that during the 2024 federal election, candidates that defeated Republican incumbents relied on lawfully cast ballots to do so. Proposed Intervenors deny the remaining allegations in Paragraph 30.

31. Proposed Intervenors are without sufficient information to admit or deny the allegations in Paragraph 31, and on that basis, Proposed Intervenors deny the allegations.

32. Proposed Intervenors are without sufficient information to admit or deny the allegations in Paragraph 32, and on that basis, Proposed Intervenors deny the allegations.

33. Proposed Intervenors are without sufficient information to admit or deny whether timely cast VBM ballots received after election day tend to favor Democratic candidates, and on that basis, Proposed Intervenors deny the allegation. Proposed Intervenors deny the remaining allegations in Paragraph 33.

34. Proposed Intervenors are without sufficient information to admit or deny the allegations in Paragraph 34, and on that basis, Proposed Intervenors deny the allegations.

35. Proposed Intervenors admit that during 2024 federal election, Plaintiff's election included timely-cast ballots that were received after election day. Otherwise denied.

1 48. Proposed Intervenor deny the allegations in Paragraph 48.

2 49. Proposed Intervenor deny the allegations in Paragraph 49.

3 50. Proposed Intervenor are without sufficient information to admit or deny the
4 allegations in Paragraph 50, and on that basis, Proposed Intervenor deny the allegations.

5 51. Proposed Intervenor are without sufficient information to admit or deny the
6 allegations in Paragraph 51, and on that basis, Proposed Intervenor deny the allegations.

7 52. Proposed Intervenor are without sufficient information to admit or deny the
8 allegations in Paragraph 52, and on that basis, Proposed Intervenor deny the allegations.

9 53. Proposed Intervenor deny the allegations in Paragraph 53.

10 54. Proposed Intervenor deny the allegations in Paragraph 54.

11 55. Proposed Intervenor deny the allegations in Paragraph 55.

12 56. Proposed Intervenor deny the allegations in Paragraph 56.

13 57. Proposed Intervenor deny the allegations in Paragraph 57.

14 58. Proposed Intervenor deny the allegations in Paragraph 58.

15 59. Admit that Plaintiff participates in elections. Paragraph 59 otherwise contains
16 legal characterizations, contentions, and conclusions, to which no response is required. To
17 the extent a response is required, Proposed Intervenor deny the allegations.

18 60. Paragraph 60 contains legal characterizations, contentions, and conclusions,
19 to which no response is required. To the extent a response is required, Proposed Intervenor
20 deny the allegations.

21 61. Paragraph 61 contains legal characterizations, contentions, and conclusions,
22 to which no response is required. To the extent a response is required, Proposed Intervenor
23 deny the allegation that “late-arriving VBM ballots” are “unlawful.” Proposed Intervenor
24 are otherwise without sufficient information to admit or deny the allegations in Paragraph
25 61, and on that basis, Proposed Intervenor deny the remaining allegations.

26 62. Proposed Intervenor deny the allegations in Paragraph 62.

63. Proposed Intervenorors are without sufficient information to admit or deny the allegations in Paragraph 63, and on that basis, Proposed Intervenorors deny the allegations.

64. Proposed Intervenorors are without sufficient information to admit or deny the allegations in Paragraph 64, and on that basis, Proposed Intervenorors deny the allegations.

65. Proposed Intervenorors deny the allegations in Paragraph 65.

66. Proposed Intervenorors deny the allegations in Paragraph 66.

67. Proposed Intervenorors deny the allegations in Paragraph 67.

68. Proposed Intervenorors deny the allegations in Paragraph 68.

69. Proposed Intervenorors deny the allegations in Paragraph 69.

70. Proposed Intervenorors deny the allegations in Paragraph 70.

71. Proposed Intervenorors deny the allegations in Paragraph 71.

COUNT I

72. Proposed Intervenorors incorporate their responses to all prior allegations.

73. Paragraph 73 contains legal characterizations, contentions, and conclusions, to which no response is required. To the extent a response is required, Proposed Intervenorors deny the allegations.

74. Proposed Intervenorors deny the allegations of Paragraph 74.

75. Proposed Intervenorors deny the allegations of Paragraph 75.

76. Proposed Intervenorors deny the allegations of Paragraph 76.

77. Proposed Intervenorors deny the allegations of Paragraph 77.

PRAYER FOR RELIEF

The remaining Paragraphs of the Complaint consist of Plaintiff's request for relief, to which no response is required. To the extent a response is required, Proposed Intervenorors deny that Plaintiff is entitled to any of the requested relief or any other relief.

AFFIRMATIVE DEFENSES

Proposed Intervenor assert the following affirmative defenses without accepting any burdens regarding them.

FIRST AFFIRMATIVE DEFENSE

Plaintiff lacks Article III standing.

SECOND AFFIRMATIVE DEFENSE

Plaintiff's allegations fail to state facts sufficient to constitute a claim upon which could be granted.

PROPOSED INTERVENORS' REQUEST FOR RELIEF

Having answered Plaintiff's Complaint, Proposed Intervenor request that this Court:

1. Deny Plaintiff is entitled to any relief;
2. Dismiss Plaintiff's complaint with prejudice;
3. Award Proposed Intervenor their costs and attorneys' fees incurred in defending against Plaintiff's claims; and
4. Grant such other relief as this Court deems just and proper.

1 Dated: April 4, 2025

Respectfully submitted,

2 *s/ Max Schoening*

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25 ****Pro hac vice application forthcoming*

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27 *Voice Foundation and California*

28 *Alliance for Retired Americans*