

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

KRIS W. KOBACH, KANSAS)
SECRETARY OF STATE, et al.,)

Plaintiffs,)

v.)

Case No. 13-4095-EFM-DJW

THE UNITED STATES ELECTION)
ASSISTANCE COMMISSION, *et al.*,)

Defendants,)

and)

VALLE DEL SOL, SOUTHWEST VOTER)
REGISTRATION EDUCATION PROJECT,)
COMMON CAUSE, CHICANOS POR LA)
CAUSA, INC., and DEBRA LOPEZ,)

Proposed Defendant–)
Intervenors)

**MOTION BY VALLE DEL SOL, THE SOUTHWEST VOTER REGISTRATION
EDUCATION PROJECT, COMMON CAUSE, CHICANOS POR LA CAUSA, INC.,
AND DEBRA LOPEZ FOR LEAVE TO INTERVENE AS DEFENDANTS**

Valle del Sol, the Southwest Voter Registration Education Project (“SVREP”), Common Cause, Chicanos Por La Causa, Inc. (“CPLC”), and Debra Lopez (hereinafter “Movants” or “Proposed Defendant–Intervenors”) move this Court for leave to intervene as Defendants in this action as of right pursuant to Federal Rule of Civil Procedure 24(a)(2) or, in the alternative, grant them permissive intervention pursuant to Federal Rule of Civil Procedure 24(b)(1)(B).

This motion is accompanied by Proposed Defendant–Intervenors’ Answer setting forth the claims and defenses for which intervention is sought. This Motion is also accompanied by a Proposed Motion to Dismiss for lack of subject matter jurisdiction, failure to state a claim, and

improper venue. Proposed Defendant–Intervenors intend to file, in the first instance, the Motion to Dismiss pursuant to Fed.R.Civ.P. 12(b). The Proposed Answer accompanies this Motion to Intervene to comply with Fed.R.Civ.P. 24(c).

Proposed Defendant–Intervenors are Valle del Sol, the Southwest Voter Registration Education Project (“SVREP”), Common Cause, Chicanos Por La Causa, Inc. (“CPLC”), and Debra Lopez.

Valle del Sol is one of Arizona’s largest nonprofit organizations, operating as a nonpartisan organization committed to the delivery of behavioral health, social services, and leadership development to both the Latino community and the community at large. Valle del Sol has conducted several voter registration campaigns in Arizona through the years at community-based sites such as school campuses and churches. It has also organized precinct walks to provide voter information and registration. It provided volunteers for precinct walks with a script and with voter registration forms. Requiring proof of citizenship for voter registration will greatly hinder Valle del Sol’s voter registration efforts by requiring all canvassers to bring along photocopy machines to places where voters gather, or to bring such a machine door to door in a neighborhood. Valle del Sol does not have the resources to equip canvassers with portable photocopy machines or scanners and printers in order to conduct voter registration campaigns in Arizona. Spending greater resources on voter registration campaigns would also impair Valle del Sol’s ability to conduct its core businesses of providing behavioral health, social services, and leadership development.

SVREP is the largest and oldest nonpartisan Latino voter participation organization in the United States. Its mission includes empowering Latinos and other minorities by increasing their participation in the American democratic process, which it accomplishes, in part, by mobilizing

Latino citizens to vote. SVREP sponsors voter registration and Get Out the Vote drives across the country, including in Arizona, to register, educate, and promote voting in upcoming elections. SVREP also organizes mass phone drives to remind people of upcoming election dates and assist them in locating their local voting station.

Common Cause is a nonpartisan, nonprofit advocacy organization that works to help citizens make their voices heard in the political process and hold their elected leaders accountable to the public interest. Common Cause is devoted to electoral reform, ethics in government, and the protection and preservation of the rights of all citizens to vote in national, state, and local elections, including the education of voters about voting rights and procedures. In fulfillment of its organizational activities, Common Cause conducts voter education, among other activities, and its membership includes voters registered in Arizona and Kansas.

Formed more than forty years ago, CPLC is an Arizona-based community development corporation dedicated to providing assistance to disadvantaged individuals regardless of ethnic origin in both urban and rural areas. CPLC's goals include increasing economic development (by providing business lending, commercial development, and neighborhood revitalization) and offering social services (by providing programs addressing, for example, behavioral health, domestic violence shelter and prevention, emergency assistance, elder services, legal immigration counseling, and drug and alcohol rehabilitation and prevention). Representation in the democratic process by CPLC's citizen-members and supporters is important to the advancement of CPLC's social agenda. In furtherance of its agenda, CPLC attempts to register its daily citizen-clientele at its different direct service sites. It also conducts voter registration drives for citizens. It has a staff person who is solely dedicated to voter education and voter registration efforts. CPLC initiated a statewide campaign to register new citizen voters and

counteract the new voter registration requirements of Arizona's Proposition 200 (requiring documentary proof of citizenship) that have burdened CPLC's voter registration efforts by increasing the cost of performing the actual registration of individual citizens desiring to vote. CPLC has found that Latino citizens often feel dejected when they truly want to register but do not possess the proper documents required and often do not return with proper documentation to complete registration.

Debra Lopez is a political consultant and manager of political campaigns. She has managed voter registration projects throughout the state, targeting areas in which there are large Latino citizen populations and low voter turnout. From February 2003 to December 2004, Ms. Lopez was state director of Latino Vote Project with Project Vote and has continued to be involved with Latino Vote Project since then, conducting volunteer registration. As part of her registration efforts, Ms. Lopez has many times conducted registration and Get Out the Vote drives and organized volunteers, both for voter registration events and for door-to-door registration drives. Ms. Lopez believes that documentary proof-of-citizenship requirements for voting will impede her ability to register citizens to vote by creating unnecessary obstacles which stunt voter registration efforts. Ms. Lopez used to be able to register individuals at times and places convenient to them, but now if a citizen does not have his or her Arizona driver's license or Arizona ID numbers available, she will not be able to register the citizen right away. And if a citizen does not have either of those items, then Ms. Lopez can only give the citizen the registration form and trust that the citizen will go to the county or take the steps necessary to register, including photocopying and mailing citizenship documents. Requiring documentary proof of citizenship will also impede her registration efforts by forcing her to bring a copy

machine to registration events, which is both a logistical obstacle and an expenditure of resources that some of the organizations she has worked for can ill afford.

If intervention is granted, Movants will participate in the action on the schedule that will be established for the existing parties and coordinate all future proceedings with the existing Defendants to the extent possible.

This motion is accompanied by Movants' Answer setting forth the claims and defenses for which intervention is sought.

Counsel for Plaintiffs have advised counsel for Movants that Plaintiffs oppose the motion to intervene. Counsel for Defendants has advised counsel for Movants that Defendants are likely not to oppose permissive intervention and take no position on intervention as of right.

WHEREFORE, Movants request that their Motion for Leave to Intervene as Defendants be granted.

Dated: November 21, 2013

Respectfully submitted,

HUSCH BLACKWELL LLP

By s/ Jeffrey J. Simon

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Intervenors **Valle del Sol, Southwest Voter
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Cause, Chicanos Por La Causa, Inc., and
Debra Lopez**

The following Attorneys for Defendant–Intervenors, whose motions for *pro hac vice* have been filed contemporaneously herewith, have assisted in the preparation of this filing:

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that, on the 21st day of November, 2013, I electronically filed the above and foregoing document using the CM/ECF system, which automatically sends notice and a copy of the filing to all counsel of record.

s/ Jeffrey J. Simon

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***Attorney for Proposed Defendant-
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