

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

KRIS W. KOBACH, *et al.*,

Plaintiffs,

v.

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

Defendants.

CIVIL ACTION NO.

5:13-CV-4095-EFM-DJW

**DEFENDANTS' RESPONSE TO MOTIONS TO INTERVENE BY
INTER TRIBAL COUNCIL ET AL. AND PROJECT VOTE**

Defendants United States Election Assistance Commission and Alice Miller, Acting Executive Director of the Election Assistance Commission, respectfully respond to the motions to intervene as defendants filed by 1) the Inter Tribal Council of Arizona, Arizona Advocacy Network, League of United Latin American Citizens Arizona, and Steve Gallardo, and 2) Project Vote (collectively, "Movant-Intervenors"). Movant-Intervenors seek permissive intervention under Rule 24(b)(1) and intervention as of right under Rule 24(a)(2) of the Federal Rules of Civil Procedure. Movant-Intervenors filed their motions to intervene on November 13, 2013 (ECF Doc. Nos. 33, 36).

In cases in which the United States is a defendant, courts often have allowed intervention by movants similarly situated to the Movant-Intervenors here. See, e.g., *Georgia v. Ashcroft*, 539 U.S. 461, 476-77 (2003); *Bossier Parish School Bd. v. Reno*, 157 F.R.D. 133, 134-35 (D.D.C. 1994); *County Council of Sumter County v. United States*, 555 F. Supp. 694, 696 (D.D.C. 1983). Accordingly, Defendants do not oppose Movant-Intervenors' request for

permissive intervention under Rule 24(b)(1). Because permissive intervention is available, the Court need not reach the question of whether Movant-Intervenors are entitled to intervene as of right under Rule 24(a)(2).

Respectfully submitted this 20th day of November, 2013.

BARRY R. GRISSOM
United States Attorney
District of Kansas

JOCELYN SAMUELS
Acting Assistant Attorney General
Civil Rights Division

JON FLEENOR
Assistant United States Attorney
500 State Avenue, Suite 360
Kansas City, Kansas 66101
Telephone: (913) 551-6531
Fax: (913) 551-6541
Email: Jon.Fleenor@usdoj.gov

STUART F. DELERY
Assistant Attorney General
Civil Division

s/ David G. Cooper
T. CHRISTIAN HERREN, JR.
RICHARD A. DELLHEIM
BRADLEY E. HEARD
DAVID G. COOPER
Attorneys, Voting Section
Civil Rights Division
U.S. DEPARTMENT OF JUSTICE
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
Telephone: (202) 305-4196
Fax: (202) 307-3961
E-mail: Bradley.Heard@usdoj.gov
E-mail: David.Cooper@usdoj.gov

s/ Felicia L. Chambers
JOHN R. GRIFFITHS
FELICIA L. CHAMBERS
Attorneys, Federal Programs Branch
Civil Division
U.S. DEPARTMENT OF JUSTICE
20 Massachusetts Avenue, N.W., Room 7728
Washington, D.C. 20530
Telephone: (202) 514-3259
Fax: (202) 616-8470
Email: Felicia.Chambers@usdoj.gov

CERTIFICATE OF SERVICE

This certifies that I have this day filed the within and foregoing **Response to Motions to Intervene** electronically using the CM/ECF system, which automatically sends notice and a copy of the filing to all counsel of record through the Court's electronic filing system.

This 20th day of November, 2013.

s/ David G. Cooper
DAVID G. COOPER
Civil Rights Division
U.S. Department of Justice
Voting Section - NWB
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
Telephone: (202) 305-4733
Facsimile: (202) 307-3961
E-mail: David.Cooper@usdoj.gov