

United States District Court
for the Western District of Virginia
Lynchburg Division

League of Women Voters of Virginia; Katherine D. Crowley; Erikka Goff; and Seijra Toogood,,

Plaintiffs,

v.

Virginia State Board of Elections; Robert H. Brink, John O’Bannon, and Jamilah D. Lecruise, in their official capacities as Chairman, Vice-Chair, and Secretary of the Virginia State Board of Elections, respectively; and **Christopher E. Piper,** in his official capacity as Commissioner of the Virginia Department Of Elections,

Defendants.

Civ. No. 6:20-cv-00024

Motion to Intervene

MOTION TO INTERVENE

Pursuant to Fed. R. Civ. P. 24, Sheila DeLappe Ferguson, Sandy Burchett, and Diane Crickenberger (collectively “the Voters”) move to intervene as Defendants to Plaintiffs’ *Complaint for Injunctive and Declaratory Relief*:

Virginia law requires that absentee voters, *inter alia*, open and mark their ballots in the presence of a witness. Va. Code § 24.2-707(A). And that voters enclose their ballots in the provided envelope, seal the envelope, and “fill in and sign the statement printed on the back of the envelope in the presence of a witness, who shall sign the same envelope[.]” *Id.* Plaintiffs seek to eliminate these witness requirements.

The requested relief violates Voters’ fundamental right to vote. Specifically, the requested relief violates: (1) controlling legislation and strips vital safeguards against voting fraud, (2) the right to vote under the *Purcell* principle, and (3) the Voters’ right to have, and to

vote in, federal elections with the manner of election is chosen by the legislature (U.S. Const. art I, § 4, cl. 1). Accordingly, Voters seek intervention to defend that right.

This Motion is made in a timely manner, less than one week after the filing of Plaintiffs' Complaint. Fed. R. Civ. P. 24(a)-(b). It is accompanied by an Answer to Plaintiffs' Complaint. *Id.* at (c). And this Motion, and the accompanying *Brief in Support of Motion to Intervene*, state the grounds for intervention. *Id.*

For the reason listed in this Motion and the Voters' Brief in Support of Motion to Intervene, the Voters respectfully request that this Court grant their request to intervene as Defendants in this action.

Date: April 23, 2020

Respectfully Submitted,

/s/

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Certificate of Service

I hereby certify that the foregoing document was served electronically on April 23, 2020, upon the following counsel via the United States District Court for the Western District of Virginia, electronic filing system:

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