

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

**THE STATE OF LOUISIANA, By and
through its Attorney General, Elizabeth B.
Murrill;
THE STATE OF KANSAS, By and through
its Attorney General, Kris W. Kobach;
THE STATE OF OHIO, By and through its
Attorney General, Dave Yost; and
THE STATE OF WEST VIRGINIA, By and
through its Attorney General, John B.
McCuskey**

Plaintiffs,

vs.

**UNITED STATES DEPARTMENT OF
COMMERCE; JEREMY PELTER, in his
official capacity as Acting Secretary of
Commerce;
BUREAU OF THE CENSUS, an agency
within the United States Department of
Commerce; and
ROBERT L. SANTOS, in his official
capacity as Director of the U.S. Census
Bureau**

Defendants.

Case No.: 6:25-cv-0076-DCJ-DJA

**Judge David C. Joseph
Magistrate Judge David J. Ayo**

**MOTION TO INTERVENE OF THE LEAGUE OF WOMEN VOTERS,
THE LEAGUE OF WOMEN VOTERS OF FLORIDA, AND
THE LEAGUE OF WOMEN VOTERS OF NEW YORK STATE**

The League of Women Voters of the United States (“LWV”)¹, the League of Women Voters of Florida (“LWVFL”), and the League of Women Voters of New York State (“LWVNYS”) (collectively, “the League”), by and through their undersigned counsel, respectfully move to intervene as Defendants in this matter as of right pursuant to Federal Rule of Civil Procedure (“Rule”) 24(a) or in, the alternative, move for permissive intervention pursuant to Rule 24(b). Pursuant to Rule 24(c), Proposed Intervenors’ Memorandum in Support of this Motion and Answer is attached hereto as Attachments 1 and 5, respectively.²

Complying with Local Rule 7.6, on April 8, 2025, counsel for LWV, LWVFL, and LWVNYS informed all parties of their proposed intervention and presented their proposed Answer to all parties who have an interest to oppose. Plaintiffs oppose the proposed intervention; proposed Defendant-Intervenors Hannah Victoria Morgan, et. al., and proposed Defendant-Intervenor County of Santa Clara do not oppose the proposed intervention; and as of the time of writing, Defendants have not stated their position.

Dated: April 10, 2025

Respectfully submitted by,

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¹ The League comprises two branches: the League of Women Voters of the United States (“LWVUS”) and the League of Women Voters Education Fund (“LWVEF”). LWVUS “encourages informed and active participation in government, works to increase understanding of major public policy issues, and influences public policy through education, and advocacy.” LWVUS is a 501(c)(4) social welfare organization. *See* LWV, Ways to Give, <https://perma.cc/U3VP-HETC>. LWVEF “works to register and provide voters with election information through its election resource VOTE411.org, candidate forums, and debates.”

² Proposed Intervenors recognize that this matter has been stayed indefinitely and are filing this motion in an abundance of caution to ensure that, if the case goes forward, their application for intervention is considered along with the other applicants.

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**MEMORANDUM IN SUPPORT OF MOTION TO INTERVENE OF THE LEAGUE OF
WOMEN VOTERS, THE LEAGUE OF WOMEN VOTERS OF FLORIDA,
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INTRODUCTION

Advancing allegations of constitutional violations, Plaintiffs ask this Court to order the federal government to abandon its longstanding and legally mandated practice of basing apportionment of congressional seats and Electoral College votes on total population in favor of an apportionment count that excludes undocumented persons¹ and nonimmigrant visa holders. To bring about this radical change to deep-rooted practice, Plaintiffs also seek to have this Court order the Census Bureau to include citizenship and immigration related questions on all future censuses.

Proposed Intervenor—the League of Women Voters (“LWV”),² the League of Women Voters of Florida (“LWVFL”), and the League of Women Voters of New York State (“LWVNYS”) (collectively, “the League”)—are nonprofit, nonpartisan, grassroots, community-based membership organizations. Founded in 1920, the League now has over a million members and supporters organized in nearly 800 communities and in every state and the District of Columbia. These Leagues promote political responsibility, voting rights, and democratic practices through education, advocacy, mobilization, and litigation.

¹ Proposed Intervenor uses the term “undocumented persons” instead of the term, “illegal aliens,” which is the term used by Plaintiffs. For purposes of this memorandum, we will presume that when Plaintiffs use the term “illegal aliens,” they are referring to noncitizens whose presence is unauthorized under law. However, because Plaintiffs have not defined the term using population categories defined by immigration law, their complaint is ambiguous on its face as to whether they are also referring to noncitizens whose immigration status is pending individual adjudication under Immigration and Nationality Act (“INA”) provisions such as, but not limited to, cancellation of removal (INA § 240A), asylum (INA § 208 *et. seq.*), withholding of removal (INA § 241(b)(3)), special immigrant juvenile status (INA § 101(a)(27)(J)); or subject to renewals pursuant to, e.g., Deferred Action for Childhood Arrivals or Temporary Protected Status (INA § 244). We are using the term undocumented persons because it more accurately describes non-citizens in the United States who may have entered without inspection or have a visa that is out of status and do not have a pending individual adjudication as to the lawfulness of their immigration status.

² LWV consists of two branches: the League of Women Voters of the United States (“LWVUS”) and the League of Women Voters Education Fund (“LWVEF”). LWVUS “encourages informed and active participation in government, works to increase understanding of major public policy issues and influences public policy through education, and advocacy.” LWVUS is a 501(c)(4) social welfare organization. *See* LWV, Ways to Give, <https://perma.cc/U3VP-HETC>. LWVEF “works to register and provide voters with election information through its election resource VOTE411.org, candidate forums, and debates.”

All three Proposed Intervenors are membership organizations that accomplish their mission through the power of their members and volunteers. LWVFL and LWVNYS are state affiliates of LWV but are separately incorporated. Members of each state League are also members of LWV. Every state and local League is led by a group of members who serve as president and a board of directors, as well as other positions within each League to help carry out the League's critical mission of empowering voters and defending democracy. Members are the life force of the League.

As part of its mission, the League seeks to encourage voter engagement and participation in the democratic process through its members and volunteers. Core to the League's mission is ensuring that all Americans can participate in our democratic process and all residents are represented in our democracy. The League believes that congressional districts and government legislative bodies should be apportioned on the basis of total population. LWV has opposed efforts to allow apportionment to be based on factors other than total population. Since 1988, LWV has worked with state and local Leagues to encourage full participation in the Census and ensure that subsequent reapportionment and redistricting complies with one person, one vote requirements and the *Voting Rights Act of 1965*. LWV submitted an amicus brief in *Evenwel v. Abbott*, a case in which plaintiffs sought to require states to use a metric other than total population apportionment. 578 U.S. 54, 57 (2016). LWV's brief supported the current practice and policy of using total population when drawing district lines, and the Supreme Court agreed with LWV's position. *Id.* at 74-75.

Ahead of the 2020 Census, LWV encouraged member participation in and provided guidance for state and local Leagues to participate in Complete Count Committees. The League also engaged in efforts to remove a citizenship question from the 2020 Census. LWV, LWVFL, and LWVNYS were each active in opposing the citizenship question by filing amicus briefs at

various stages of litigation, seeking to block the question. LWV also lobbied Congress, engaged the LWVUS Lobby Corps, and activated its grassroots network in a successful engagement campaign in 2018 to raise awareness of the damaging effects the question would have on communities across the country.

Proposed Intervenors seek to intervene in this matter for at least three reasons. First, they seek to protect the interests of their members and their constituents who stand to lose representation in the U.S. Congress and the Electoral College if Plaintiffs prevail in their suit. Second, preserving a reapportionment count based on total population is consistent with Proposed Intervenors' core objective of protecting and promoting democratic practices in the United States, which necessarily involves including all the country's inhabitants in the reapportionment count to ensure that representation and the funds tied to reapportionment reflect the true population of the country without excluding marginalized groups. Third, Proposed Intervenors have an interest in not adding citizenship and immigration questions to the Census because such questions will have the effect of significantly increasing the Census undercount, especially of non-citizens. As organizations committed to safeguarding American democracy, Proposed Intervenors have a strong interest in protecting the accuracy of the Census to ensure federal and state governments fairly reapportion representation and allocate funds between and within States.

Proposed Intervenors satisfy each requirement for intervention as a matter of right under Rule 24(a)(2), and the Court should grant their motion to intervene. Alternatively, the motion should be granted on a permissive basis under Rule 24(b)(1).

ARGUMENT

I. Proposed Intervenors are entitled to intervene as of right.

Proposed intervenors are entitled to intervene in this matter. Under Rule 24(a)(2), for a party to intervene as of right, the following four requirements must be satisfied: (1) the application for intervention must be timely; (2) the applicant must have an interest relating to the property or transaction which is the subject of the action; (3) the applicant must be so situated that the disposition of the action may, as a practical matter, impair or impede his ability to protect that interest; [and] (4) the applicant's interest must be inadequately represented by the existing parties to the suit. *La Union del Pueblo Entero v. Abbott*, 29 F.4th 299, 305 (5th Cir. 2022) (“La Union”) (quoting *Texas v. United States*, 805 F.3d 653, 657 (5th Cir. 2015)).

Although the movant has the burden of establishing the right to intervene, Rule 24(a)'s requirements for intervention are to be “liberally construed,” with “doubts resolved in favor of the proposed intervenor.” *In re Lease Oil Antitrust Litig.*, 570 F.3d 244, 248 (5th Cir. 2009). Federal courts should allow intervention “where no one would be hurt and greater justice could be attained.” *Sierra Club v. Espy*, 18 F.3d 1202, 1205 (5th Cir. 1994) (quoting *McDonald v. E.J. Lavino Co.*, 430 F.2d 1065, 1074 (5th Cir. 1970)). Here, Proposed Intervenors satisfy all four intervention requirements.

A. This motion is timely.

Courts consider four factors when evaluating the timeliness of a motion to intervene: “(1) the length of time during which the would-be intervenor actually or reasonably should have known of his interest in the case before he petitioned for leave to intervene; (2) the extent of prejudice that the existing parties to the litigation may suffer as a result of the would-be intervenor's failure to apply for intervention as soon as he actually knew or reasonably should have known of his interest

in the case; (3) the extent of the prejudice that the would-be intervenor may suffer if his petition for leave to intervene is denied; and (4) the existence of unusual circumstances militating either for or against a determination that the application is timely.” *Ross v. Marshall*, 426 F.3d 745, 754 (5th Cir. 2005) (quoting *Stallworth v. Monsanto Co.*, 558 F.2d 257, 264-66 (5th Cir. 1977)). The timeliness inquiry is “concerned only with the prejudice caused by the applicants’ delay, not that prejudice which may result if intervention is allowed.” *Edwards v. City of Houston*, 78 F.3d 983, 1002 (5th Cir. 1996).

The four timeliness factors weigh in favor of Proposed Intervenors. This motion has been filed less than three months after the filing of the Complaint and well before Defendants intend to or are required to provide their Answer. ECF No. 47 (Defendants’ Motion to Stay Proceedings); ECF No. 48 (this Court’s March 6, 2025, Order indefinitely staying proceeding, scheduling a status conference for May 2, 2025, and striking deadlines for any responsive briefings until after the lifting of the stay). Further, Proposed Intervenors are seeking to intervene prior to the commencement of discovery, any hearings, or even a scheduling order. Under these circumstances, no existing party to the litigation can credibly suggest that they would be harmed by the timing of the Proposed Intervention. *Compare Wal-Mart*, 834 F.3d at 565 (“Because [movant] sought intervention before discovery progressed and because it did not seek to delay or reconsider phases of the litigation that had already concluded, the [movants] motion was timely.”); *Ass’n of Prof’l Flight Attendants v. Gibbs*, 804 F.2d 318 (5th Cir. 1986) (finding motion to intervene timely where five months passed between interest learned and intervention). Further, there are no unusual circumstances that bear on timeliness of intervention. For these reasons, Proposed Intervenors’ Motion is timely.

B. Proposed Intervenorors have a legally protectable interest.

“Although ‘there is not any clear definition of the nature of the interest that is required for intervention of right [under Rule 24(a)(2)],’ the key inquiry is whether the interest alleged is ‘legally protectable.’” *Students for Fair Admissions, Inc. v. Univ. of Texas at Austin*, 338 F.R.D. 364 (W.D. Texas 2021) (*quoting New Orleans Pub. Serv, Inc. v. United Gas Pipe Line Co.*, 732 F.2d 452, 464 (5th Cir. 1984)). The interest requirement is met if the interest “is of the type that the law deems worthy of protection, even if the intervenor does not have an enforceable legal entitlement or would not have standing to pursue [their] own claim.” *Texas v. United States*, 805 F.3d 653, 659 (5th Cir. 2015). “A movant has a legally protectable interest if it is the beneficiary of the regulations at issue.” *Students for Fair Admissions, Inc. v. Univ. of Texas at Austin*, 338 F.R.D. 364, 369 (W.D. Tex. 2021) (*citing Wal-Mart*, 834 F.3d at 568–69).

Here, all three Proposed Intervenorors easily meet Rule 24(a)(2)’s interest requirement. First, two of the organizations have a significant interest in maintaining the effectiveness of the votes of their state’s members. LWVFL and LWVNYS are membership organizations that are run and operated by their members, which include thousands of voters in Florida and New York. Exs. B and C. If Plaintiffs prevail in this suit, LWVFL and LWVNYS members (who are also members of LWV) may have the efficacy of their votes diluted. That is because Florida and New York have been and remain two of the states with the largest numbers of undocumented persons. *See*, www.Pewresearch.org/short-reads/2024/07/22/what-we-know-about-unauthorized-immigrants-living-in-the-us (reporting Pew studies showing that Florida and New York are consistently among the six states with the largest immigrant populations); *see also* Compl. ¶ 66 (alleging that, “The total illegal alien population is at least 4% of the total state population in . . . Florida”). Consequently, if Plaintiffs are correct and prevail on their claims, both these states risk losing one

congressional seat and one Electoral College vote. See www.thirdway.org/memo/is-illegal-immigration-really-a-democratic-plot-to-sway-congressional-apportionment (reporting that before the 2020 Census, the Center for Immigration Studies estimated that New York would lose one congressional representative if undocumented immigrants were excluded from the apportionment count, and that the Pew Research Center estimated that exclusion of undocumented immigrants would result in Florida losing a congressional seat).

There is no doubt that diluting the efficacy of the votes of Proposed Intervenor’s members implicates a Rule 24(a)(2) interest because this type of harm satisfies the much more stringent requirement for Article III standing. In the context of apportionment, the Supreme Court has consistently held that “voters have standing to challenge an apportionment statute because they are asserting a plain, direct and adequate interest in maintaining the effectiveness of their votes.” *Dep’t of Com. v. U.S. House of Representatives*, 525 U.S. 316, 331–32, 119 S. Ct. 765, 774, 142 L. Ed. 2d 797 (1999), citing *Baker v. Carr*, 369 U.S. 186, 208, 82 S. Ct. 691, 7 L.Ed.2d 663 (1962) (cleaned up). The Court has also stated that the expected loss of a Representative to the United States Congress because of a change to reapportionment “undoubtedly satisfies the injury-in-fact requirement of Article III standing.” *Id.* Consistent with Supreme Court precedent recognizing that voters have standing to challenge reapportionment laws, federal courts have concluded that voters have standing when alleging that “the exclusion of undocumented immigrants from the apportionment base will lead to an undercount of persons in their respective States relative to other states such that their States are highly likely to lose a seat in Congress, thus depriving them of their fair share of representation in the United States House of Representatives.” *City of San Jose v. Trump*, 497 F.Supp.3d 680, 700-01 (2020); see also *Useche*, 2020 WL 6545886, at *4-*7 (“When

a state anticipates losing a seat in Congress, that diminishment of political representation is a concrete injury suffered by both the state itself and its citizens.”) (cleaned up).

Second, this case implicates Proposed Intervenor’s Rule 24(a)(2) interest because it relates to core objectives of each of Proposed Intervenor. All three Proposed Intervenor are organizations committed to promoting and defending voting rights and democracy through advocacy, education, mobilization, and litigation. LWVFL and LWVNYS do so in their respective states while LWV does so throughout the United States. This lawsuit—which will have a significant impact on the apportioning of representation in the U.S. House of Representatives and the Electoral College—unambiguously implicates these important organizational interests. Exs. A, B, and C.

Third, as pro-democracy organizations, all three Proposed Intervenor have a strong interest in preserving the accuracy of the Census count. *Id.* This interest is threatened by how Plaintiffs propose to remedy their alleged constitutional violations. Plaintiffs’ relief involves compelling the government to include citizenship and immigration questions on the Census. Compl. ¶ 115(d). These questions will likely result in a significant undercount, *see, e.g., Federation of Am. Immigration Reform v. Klutznick*, 486 F.Supp. 564, 568 (D.D.C. 1980) (“[A]ccording to the Bureau[,] any effort to ascertain citizenship will inevitably jeopardize the overall accuracy of the population count”); Brief for Former Directors of the U. S. Census Bureau as *Amici Curiae* in *Evenwel v. Abbott*, O. T. 2014, No. 14–940, p. 25 (inquiring about citizenship would “invariably lead to a lower response rate”), which, in turn, will harm representational rights in local, state, and federal elections. *See Dep’t of Commerce. v. New York*, 588 U.S. 752, 773, 139 S. Ct. 2551, 2569, 204 L. Ed. 2d 978 (2019).

C. The disposition of this case may impair Proposed Intervenor's interests.

To satisfy the third requirement for intervention, Proposed Intervenor's "need only show that if they cannot intervene, there is a *possibility* that their interest could be impaired or impeded." *La Union*, 29 F.4th at 307 (emphasis added). As discussed above, if Plaintiffs prevail, there is certainly a possibility that Proposed Intervenor's interests would be impaired. Not only will their members likely have the effectiveness of their votes diluted, their ability to advance their core objectives of promoting voting rights and representational democracy in the United States may also be impaired and impeded.

D. Proposed Intervenor's interests are not adequately protected.

While Proposed Intervenor's have the burden of demonstrating inadequate representation, the burden is "minimal." *See Brumfield v. Dodd*, 749 F.3d 339, 345 (5th Cir. 2014) (quoting *Sierra Club v. Espy*, 18 F.3d 1202, 1207 (5th Cir. 1994)). An applicant for intervention satisfies this minimal burden simply by showing that representation of their interest by existing parties "*may be inadequate.*" *Sierra Club*, 18 F.3d at 1207 (citing *Trbovich v. United Mine Workers*, 404 U.S. 528, 538 n. 10 (1972) (emphasis added)).

Despite the minimal burden of demonstrating inadequacy, in the Fifth Circuit there are two presumptions of adequate representation. *Brumfield*, 749 F.3d at 345. "The first presumption arises when the intervenor has the same ultimate objective as a party to the lawsuit." *La Union*, 29 F.4th at 308 (cleaned up). To overcome this presumption, "the applicant for intervention must show adversity of interest, collusion, or nonfeasance on the part of the existing party." *Id.* (cleaned up). The second presumption "arises when the existing party is a governmental body or officer charged by law with representing the interests of the intervenor." *Id.* This presumption can be overcome

“by showing that the intervenor’s interest is in fact different from that of the governmental party and that the interest will not be represented by the existing governmental party.” *Id.* (cleaned up).

In this case, even assuming both presumptions apply, both are overcome because Proposed Intervenor has divergent interests from the existing parties. *See Edwards*, 78 F.3d at 1005 (holding that a prospective intervenor can establish an adversity of interest if “its interests diverge from the putative representative’s interest in a manner germane to the case.”). Proposed Intervenor not only directly oppose Plaintiffs’ claims, their interests almost certainly diverge from those of Defendants.

On March 3, 2025, Defendants requested a stay in this matter after acknowledging that the current Trump administration may decide against vigorously opposing Plaintiffs’ suit, which would mean that Defendants’ interests no longer converge with those of Proposed Intervenor. *See* ECF No. 46. In their motion, Defendants note that under the previous Trump administration, “President Trump issued a memorandum directing the Secretary of Commerce to take steps ‘to exclude from the apportionment base aliens who are not in a lawful immigration status.’” *Id.* (quoting *Presidential Actions: Memorandum on Excluding Illegal Aliens From the Apportionment Base Following the 2020 Census*, Memo for the Sec’y of Commerce (July 21, 2020), <https://trumpwhitehouse.archives.gov/presidential-actions/memorandum-excluding-illegal-aliens-apportionment-base-following-2020-census/>). Defendants go on to explain that while the Biden administration issued an executive order revoking President Trump’s July 2020 memorandum, on January 20, 2025, the newly re-elected President Trump issued Executive Order 14148, rescinding Biden’s revocation. *Id.* Defendants also stated that “New leadership at the Department of Commerce is in the process of onboarding and has not yet had time to determine its approach to . . . this litigation following the issuance of Executive Order 14148.” *Id.* The statements in

Defendants’ Motion for Stay makes it abundantly clear that Defendants’ interests are diverging from those of the Proposed Intervenors who are committed to robustly and vigorously opposing Plaintiffs’ suit for the reasons discussed above.

In addition to the existing parties, this case also involves other proposed intervenors—two California and three Texas voters and the County of Santa Clara, California (“Other Proposed Intervenors”). Though these Other Proposed Intervenors moved to intervene before Proposed Intervenors, they are in a similar position to Proposed Intervenors because the Court has struck their pending motions to intervene, stating that their motions would be refiled by the Court upon the lifting of the stay. ECF No. 46.

To the extent that the Court must weigh whether Proposed Intervenors’ interests diverge from those of the Other Proposed Intervenors, they do in at least two ways. First, the Other Proposed Intervenors have interests that directly relate to harms that would be caused to them in California and Texas if Plaintiffs prevail in this case, while Proposed Intervenors are concerned with protecting against potential harms to voters in Florida and New York and harms that could befall voters in any of the states that stand to lose representation if Plaintiffs prevail.

Second, Proposed Intervenors are seeking to participate in this case to advance broad concerns that relate directly to the goals of their organizations and their organizations’ unique history. *Compare In re Franklin Nat’l Bank Securities Litig.*, 92 F.R.D. 468, 472 (E.D.N.Y., 1981) (denying prospective intervenors motion to intervene after a settlement had already been consummated but noting that under other circumstances, allowing intervention by public interest groups might be useful in cases of “great public importance.”). The three Proposed Intervenors are connected to each other: they are all the League of Women Voters. The League’s history traces back to the women’s suffrage movement and the decades long struggle to secure equal political

rights for women. Even when women could not vote, it was recognized that they – just like all this country’s inhabitants – counted for purposes of representation. That recognition paved the way toward including women in the body politic and creating a more equal and democratic society.

Now, Plaintiffs seek to reverse our country’s march toward a more representative democracy by requiring the government to do something it has never done before, which is to exclude entire classes of taxed residents from the census count. Instead of working toward enacting sensible immigration laws to reduce the country’s undocumented population, Plaintiffs have chosen to file a lawsuit geared toward creating a permanent underclass of inhabitants who work in our country’s fields and factories but are not counted or in any way represented. Proposed Intervenor is concerned that this dangerous precedent may open the door to efforts to exclude or dilute the representational rights of other historically marginalized groups.

To conclude, Proposed Intervenor’s strong interest in opposing Plaintiffs’ anti-democratic reimagining of how to apportion representation in Congress and the Electoral College would not be adequately represented by either Defendants or the Other Proposed Intervenor. Defendants cannot be counted on to vigorously oppose Plaintiffs’ suit and the interests of the Other Proposed Intervenor also diverge because they have suffered different harms and none of them share Proposed Intervenor’s unique history and perspective on these issues.

II. In the alternative, the Court should grant permissive intervention.

Even if the Court determines that Proposed Intervenor is not entitled to intervene as a matter of right, the Court should exercise its broad discretion to grant permissive intervention. Rule 24(b) provides that a court may permit intervention if (1) the intervenor has a claim or defense that shares with the main action a common question of law or fact, and (2) granting intervention will not unduly delay or prejudice the adjudication of the original parties’ rights. Fed. R. Civ. P.

24(b). When considering whether to grant permissive intervention, another factor a court should consider is whether Proposed Intervenor “are likely to contribute significantly to the development of the underlying factual issues.” *League of United Latin Am. Citizens, Council No. 4434 v. Clements*, 884 F.2d 185, 189 (5th Cir. 1989). Further, “the idea of ‘streamlining’ the litigation . . . should not be accomplished at the risk of marginalizing those . . . who have some of the strongest interests in the outcome.” *U.S. v. City of Los Angeles, Cal.*, 288 F.3d 391, 404 (9th Cir. 2022). “Permissive intervention is wholly discretionary.” *Turner v. Cincinnati Ins. Co.*, 9 F.4th 300, 317 (5th Cir. 2021) (cleaned up)

Here, Proposed Intervenor satisfies the two requirements for permissive intervention. As discussed above, Proposed Intervenor has a defense that shares with the main action a common question of law and fact, and the granting of the intervention will in no way prejudice the adjudication of the original parties’ rights. *Supra* Section I(B).

Moreover, Proposed Intervenor is also well placed to contribute significantly toward developing defenses that squarely address the factual and legal premises of Plaintiffs’ claims, including but not limited to: (1) the history behind the adoption of Section 2 of the Fourteenth Amendment to the United States Constitution; (2) the history behind the adoption of relevant statutes such as the Reapportionment Act of 1929, a statute that provides, in relevant part, that the President must transmit for purposes of reapportionment “a statement showing the whole number of persons in each State, excluding Indians not taxed, as ascertained under the seventeenth and each subsequent decennial census of the population;” 2 U.S.C. § 2a; (3) the history of democratic practices in liberal democracies and why Plaintiffs’ lawsuit proposes a departure from those practices; (4) evidence related to the economic harm Plaintiffs’ proposed remedy would cause to the country’s inhabitants, especially to those in Florida and New York; and (5) evidence related to

how the inclusion of citizenship and immigration questions on the Census will result in an undercount, that, in turn, will have the effect of impairing representational rights in local, state, and federal elections.

CONCLUSION

For the reasons stated above, the Court should grant Proposed Intervenor's Motion to Intervene, and upon the granting of this Motion, deem as filed Proposed Intervenor's Answer, attached to this Motion as Attachment 5.

Dated: April 10, 2025

Respectfully submitted by,

/s/ Avner M. Shapiro

Avner M. Shapiro*

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Attorneys for Proposed Defendant-Intervenor the National League of Women Voters ("LWV"), the Florida League of Women Voters ("LWVFL"), and the New York League of Women Voters ("LWVNYS")

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

**THE STATE OF LOUISIANA, By and through its Attorney General, Elizabeth B. Murrill;
THE STATE OF KANSAS, By and through its Attorney General, Kris W. Kobach;
THE STATE OF OHIO, By and through its Attorney General, Dave Yost; and
THE STATE OF WEST VIRGINIA, By and through its Attorney General, John B. McCuskey**

Plaintiffs,

vs.

**UNITED STATES DEPARTMENT OF COMMERCE; JEREMY PELTER, in his official capacity As Acting Secretary of Commerce;
BUREAU OF THE CENSUS, an agency Within the United States Department of Commerce; and
ROBERT L. SANTOS, in his official Capacity as Director of the U.S. Census Bureau**

Defendants.

Case No.: 6:25-cv-0076-DCJ-DJA

Judge David C. Joseph

Magistrate Judge David J. Ayo

**Declaration of Celina Stewart
(Pursuant to 28 U.S.C. § 1746)**

My name is Celina Stewart, and I am over the age of 18 and fully competent to make this declaration. I am submitting this declaration in support of the Motion to Intervene submitted by the League of Women Voters, the League of Women Voters of Florida, and the League of Women Voters of New York State. Under penalty of perjury, I declare the following:

Personal Background

1. I am the Chief Executive Officer of the League of Women Voters. I took this position starting in August 2024. I have been employed by the League of Women Voters since 2018.

League of Women Voters

2. The League of Women Voters (“LWV” or “the League”) is a nonprofit, nonpartisan, grassroots, community-based membership organization headquartered in Washington, D.C., working to protect and expand voting rights and ensure everyone is represented in our democracy. LWV empowers voters and defends democracy through advocacy, education, mobilization, and litigation at the local, state, and national levels. Founded in 1920 as an outgrowth of the struggle to win voting rights for women, the League now has more than a million members and supporters and is organized in nearly 800 communities and in every state and the District of Columbia. This encompasses the importance of counting every person, even if the person is not a citizen, when conducting the Census and apportionment process.

3. The League is made of two entities: the League of Women Voters of the United States (“LWVUS”) and the League of Women Voters Education Fund (“LWVEF”) (collectively, “LWV” or “the League”). LWVUS encourages informed and active participation in government, works to increase understanding of major public policy issues, and influences public policy through education, mobilization, and advocacy. LWVUS is a 501(c)(4) social welfare organization. LWVEF, a 501(c)(3) nonprofit, works to register voters and provide voters with election information through its election resource VOTE411.org, candidate forums, and debates.

4. The League accomplishes our mission through the power of our members and

volunteers. Members of each local and state League are also members of LWV. Every state and local League is led by a group of members who serve as president and a board of directors, as well as other positions within each League to help carry out the League's critical mission of empowering voters and defending democracy. Members are the life force of the League.

5. As part of our mission, the League encourages voter engagement and participation in the democratic process through our members and volunteers. Core to our mission is ensuring all Americans can participate in our democratic process and all residents are represented in our democracy. The League believes that congressional districts and legislative bodies should be apportioned substantially on population.

6. LWV has opposed efforts to allow apportionment to be based on factors other than population. The position is based on a conviction that a population standard is the most equitable way of assuring each vote is of equal value in our representative form of government. League bi-annual conventions have reaffirmed our commitment to conducting the census based on total population. After the 1980 Census, state and local Leagues used the position to work toward equitable apportionment of state and local representative bodies.

7. After the Supreme Court brought apportionment of election districts into the national arena in the early 1960s, the League engaged in advocacy and lobbying at the national and state levels to defeat efforts to circumvent the Court's rulings. This included lobbying against the Dirksen Amendment which would have allowed apportionment of one legislative house based on factors other than total population. Leading up to the 2000 Census, the League lobbied Congress to fully fund and support scientific sampling to ensure the most accurate count of the Census.

8. The League has utilized public education and organizing to promote accurate counting in the US Census. Since 1988, LWVEF has worked with Leagues to encourage full

participation in the census. During the 1990 Census, the League conducted projects to encourage the widest possible participation to ensure the most accurate population count for apportionment and redistricting. In 2009, LWWEF was an official partner of the US Census. We collaborated closely with national partners and provided information to support state and local Leagues in their efforts to minimize an undercount.

9. The League has also fought for equal representation in the courts. In 2016, the League submitted an amicus brief in *Evenwel v. Abbott*, which addressed the question of whether states are required to use metrics other than total population, like registered voters or citizen voting age population, when apportioning state legislative districts. Our brief supported the current practice of drawing lines based on population counts and the Supreme Court upheld that practice.

10. More recently, the League engaged in efforts to remove a citizenship question from the 2020 Census. LWV of New York State (LWVNYS) joined an amicus brief challenging the question's inclusion at the district court level and the U.S. Supreme Court. LWVUS and LWVNYS joined separate amici once the case reached the U.S. Supreme Court as well. Along with litigation, LWVUS lobbied Congress, engaged the LWVUS Lobby Corps, and activated our grassroots network in a successful engagement campaign in 2018 to raise awareness about the damaging effects a citizenship question would have on communities across the country. The Supreme Court agreed that there was no rational basis to include a citizenship question and removed it from the 2020 Census.

11. During the 2020 Census process, the League joined two cases related to an accurate count. The League successfully advocated to extend the timeline for completing the census due to the COVID-19 pandemic to ensure as many people participated as possible. In the second suit, the League filed an amicus brief in three district courts challenging the Executive

Order excluding undocumented immigrants from the census. All three courts ruled that the census required a count of every person in the country, regardless of citizenship or ability to vote.

12. Last year, LWFVUS opposed the Equal Representation Act, which would have included a citizenship question on the census to exclude noncitizens from the county. We argued doing so would undermine the accuracy of the count, decrease response rates overall, and chill immigrant and minority communities.

The Importance of Apportionment Based on Total Population

13. Continued protection and implementation of a total population count for apportionment of Congressional seats and electoral college votes—including through the Residence Rule as it implements constitutional and statutory law—is crucial to the work of the League. Apportionment must be based on the total population of all residents to ensure a representative democracy. The courts have never held that citizenship or permanent residency is a requirement for being counted in the Census.

14. League members will also be harmed if apportionment is not based on total population. With members in every state and the District of Columbia, we have many members and voters who could lose critical representation in Congress.

I declare under penalty of perjury that the foregoing is true and correct.



Dated: April 10, 2025:

Celina W. Stewart, Esq.
Chief Executive Office
League of Women Voters

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

THE STATE OF LOUISIANA, By and
through its Attorney General, Elizabeth B.
Murrill;
THE STATE OF KANSAS, By and through
its Attorney General, Kris W. Kobach;
THE STATE OF OHIO, By and through its
Attorney General, Dave Yost; and
THE STATE OF WEST VIRGINIA, By and
through its Attorney General, John B.
McCuskey

Plaintiffs,

vs.

UNITED STATES DEPARTMENT OF
COMMERCE; JEREMY PELTER, in his
official capacity As Acting Secretary of
Commerce;
BUREAU OF THE CENSUS, an agency
Within the United States Department of
Commerce; and
ROBERT L. SANTOS, in his official
Capacity as Director of the U.S. Census
Bureau

Defendants.

Case No.: 6:25-cv-0076-DCJ-DJA

Judge David C. Joseph
Magistrate Judge David J Ayo

DECLARATION OF CECILE SCOON

My name is Cecile Scoon. I am over the age of 18 and fully competent to make this declaration. I am submitting this declaration in support of the Motion to Intervene submitted by the League of Women Voters ("LWV"), League of Women Voters of Florida ("LWVFL"), and the League of Women Voters of New York State. Under penalty of perjury, I declare the following:

Personal Background

1. I am a current member and Co-President of LWVFL.
2. I reside in Panama City, Florida. I have lived there for approximately the last forty years. I have been registered to vote in Florida for approximately the last forty years. I routinely vote in Florida elections.
3. I have been a member of LWVFL for approximately 20 years. I served as President of LWVFL from 2021 to 2023 and have been the organization's Co-President since 2023. As the Co-President of LWVFL, I – along with my co-president – oversee and coordinate the activities of the League on a statewide level. I work for LWVFL as an unpaid volunteer.

League of Women Voters of the State of Florida

4. LWVFL is the Florida state affiliate of the League of Women Voters, a national organization founded in 1920.
5. LWVFL is a nonpartisan, nonprofit, grassroots, community-based, membership organization. LWVFL has 29 local chapters throughout the state of Florida, more than a thousand dues-paying members, and an even greater number of supporters and volunteers, all of whom receive regular communications from the LWVFL. LWVFL is powered by our members and volunteers. In total, LWVFL has only three full-time paid staff members and a part-time bookkeeper.
6. Over the decades, LWVFL has consistently stood for safeguarding and enhancing our democracy and for fair and equitable representation for the people of Florida. The LWVFL has worked toward achieving these goals through a combination of education, advocacy, mobilization and litigation.

7. For years, LWVFL has worked toward achieving a more representative democracy through efforts that have included, but are by no means limited to, campaigning and advocating for the voting rights of classes of voters traditionally discriminated against in voting; working to eliminate barriers to voting for all of the state's registered voters; participating in voter registration efforts; and participating in campaigns and advocacy geared toward achieving fairly redistricted legislative and congressional districts using a total population count.
8. LWVFL has sought to register marginalized voters and has a commitment to assisting all voters and potential voters, regardless of party, economic status, or race. For instance, the League has sought to educate and assist newly naturalized American citizens who have never participated in Florida elections and, when possible, LWVFL conducts voter registration events at naturalization ceremonies. Additionally, LWVFL also advocated for and helped secure the passage of Amendment 4 on behalf of Floridians formerly unable to vote because of criminal convictions.
9. LWVFL's efforts to maintain and strengthen representative democracy in both Florida and the country have also included working toward maintaining and improving the accuracy of the census count. LWVFL has long believed that an accurate census count ensures fair representation within the state of Florida, adequate representation in Congress, and a fair share of federal resources for the State of Florida.
10. Following the positions set by our membership, LWVFL believes that congressional districts and legislative bodies should be apportioned substantially on population. LWVFL has opposed efforts to allow apportionment to be based on factors other than population.

11. LWFL has a well-established interest in ensuring that all residents are counted in the Census to establish apportionment and provision of Federal resources to Florida and has previously engaged in efforts to prevent the first Trump Administration from excluding non-citizens from the 2020 Census. Specifically, LWVFL joined an amicus (along with LWV and two other state Leagues) in the U.S. Supreme Court in *New York v. Trump*.


Defending an Apportionment Count Based on Total Population

12. LWVFL and its members will be harmed if Plaintiffs prevail in their challenge to the longstanding, well-established practice of conducting an apportionment count based on total population. As studies have shown, Florida has a disproportionately high number of undocumented persons and non-immigrant visa holders, and our members together with all of Florida's voters would lose representation and a significant amount of federal funding if Plaintiffs prevail in their suit.
13. The implementation of an apportionment count based on total population is crucial to the work of LWVFL, which involves protecting and strengthening Florida's and this country's representative democracy. The courts have never held that citizenship, permanent residence, or authorized residence is a requirement for being counted in the Census. LWVFL posits that protecting our representative democracy requires ensuring that apportionment continues to be based on the total population of all residents.
14. Including immigration related questions on the Census, including a citizenship question, which is part of the remedy the Plaintiffs seek in this case, will have the effect of undermining the accuracy of the Census. This is particularly true, in states like Florida, where there are many immigrants and citizens who live with family members who are non-citizens who are understandably concerned about sharing information about their

immigration status or the immigration status of their family members, who will choose not to answer the Census to avoid revealing their immigration status or the immigration status of family members. For this reason, including immigration related questions on the Census will impede the mission of LWVFL by interfering with our ability to ensure that Florida receives correct apportionment and representation at Congress which is one of the ways that we empower Florida's voters and defend our shared democracy, a goal which can only be achieved through complete counts and equitable representation in legislative bodies.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: April 8, 2025


Cecile Scoon (Apr 8, 2025 19:04 EDT)

Cecile Scoon
Co-President
League of Women Voters of Florida

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

THE STATE OF LOUISIANA, By and
through its Attorney General, Elizabeth B.
Murrill;
THE STATE OF KANSAS, By and through
its Attorney General, Kris W. Kobach;
THE STATE OF OHIO, By and through its
Attorney General, Dave Yost; and
THE STATE OF WEST VIRGINIA, By and
through its Attorney General, John B.
McCuskey

Plaintiffs,

vs.

UNITED STATES DEPARTMENT OF
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official capacity As Acting Secretary of
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BUREAU OF THE CENSUS, an agency
Within the United States Department of
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ROBERT L. SANTOS, in his official
Capacity as Director of the U.S. Census
Bureau

Defendants.

Case No.: 6:25-cv-0076-DCJ-DJA

Judge David C. Joseph
Magistrate Judge David J Ayo

DECLARATION OF ERICA SMITKA

My name is Erica Smitka. I am over the age of 18 and fully competent to make this declaration. I am submitting this affidavit in support of the Motion to Intervene submitted by the League of Women Voters ("LWV"), the League of Women Voters of New York State ("LWVNYS"), and the League of Women Voters of Florida. Under penalty of perjury, I declare the following:

Personal Background

1. I am both a member and the current Executive Director of the League of Women Voters of New York State (“LWVNYS”). I have served as the Executive Director of LWVNY since 2024 and have been a member since 2022. As the Executive Director of LWVNYS, I oversee and coordinate the activities of LWVNYS on a statewide level.
2. I reside in Albany, New York. I have lived there for eight years. I have been registered to vote in New York since 2008. I have voted in every election since returning to the State of New York in August 2016.

League of Women Voters of the State of New York

3. LWVNYS is a nonpartisan, nonprofit, grassroots, community based, membership organization. LWVNYS is a state affiliate of the League of Women Voters, a national organization founded in 1920. LWVNYS has several thousand dues-paying members and 42 local chapters throughout the State of New York, and an even greater number of supporters, all of whom receive regular communications from the LWVNYS. LWVNYS is powered by our members and volunteers. In total, LWVNYS has only three full-time paid staff members and one part-time staff member.
4. In LWVNYS’s approximately 105 years of existence, it has stood for safeguarding and enhancing our democracy and for fair and equitable representation for the people of New York. Over the years, LWVNYS has worked toward achieving these goals through a combination of education, advocacy, mobilization and litigation.
5. Over the years, we have furthered our mission through efforts that have included campaigning and advocating for the voting rights of classes of voters traditionally discriminated against in voting; eliminating barriers to voting for all of the state’s registered voters;

fairly apportioning districts on the basis of total population; redistricting districts in New York without the taint of racial or partisan gerrymanders; and ensuring that disenfranchised incarcerated people are fairly and appropriately counted and reapportioned.

6. As part of LWNYS's ongoing effort to ensure all of New York's residents have fair representation, along with partner organizations, LWNYS filed amicus briefs challenging the inclusion of a citizenship question on the 2020 Census. The briefs were filed at both the district court level and at the U.S. Supreme Court. Along with this litigation, LWNYS participated in the League's national effort to activate our grassroots network in a successful engagement campaign in 2018 to raise awareness about the damaging effects a citizenship question would have in New York and across the country.

Defending an Apportionment Count Based on Total Population

7. LWNYS and its members will be harmed if Plaintiffs prevail in their challenge to the longstanding, well-established practice of conducting an apportionment count based on total population. As various studies have shown, the State of New York has a disproportionately high number of undocumented persons and non-immigrant visa holders. Consequently, there is a significant risk that our members will have less representation in Congress and the Electoral College if Plaintiffs prevail in their suit.
8. Preserving an apportionment count based on total population is crucial to the LWNYS's work of protecting and strengthening the country's representative democracy. The courts have never held that citizenship, permanent residence, or authorized residence is a requirement for being counted in the Census, and it is the position of LWNYS that apportionment must continue to be based on the total population to protect our representative democracy.

9. Including a citizenship question on the Census, which is part of the remedy the Plaintiffs seek in this case, will have the effect of undermining the accuracy of the Census in New York, where many immigrants are understandably concerned about having to share information about their immigration status. For this reason, including immigration related questions on the Census will impede the mission of LWVNYS by interfering with our ability to empower the State's voters and defend our shared democracy, a goal which can only be achieved through complete counts and equitable representation in legislative bodies.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: April 8, 2025:



Erica Smitka
Executive Director
League of Women Voters of New York State

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

**THE STATE OF LOUISIANA, By and
through its Attorney General, Elizabeth B.
Murrill;
THE STATE OF KANSAS, By and through
its Attorney General, Kris W. Kobach;
THE STATE OF OHIO, By and through its
Attorney General, Dave Yost; and
THE STATE OF WEST VIRGINIA, By and
through its Attorney General, John B.
McCuskey**

Plaintiffs,

vs.

**UNITED STATES DEPARTMENT OF
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BUREAU OF THE CENSUS, an agency
within the United States Department of
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ROBERT L. SANTOS, in his official
capacity as Director of the U.S. Census
Bureau**

Defendants.

Case No.: 6:25-cv-0076-DCJ-DJA

**Judge David C. Joseph
Magistrate Judge David J. Ayo**

**PROPOSED ANSWER AND AFFIRMATIVE DEFENSES OF THE LEAGUE OF
WOMEN VOTERS, THE LEAGUE OF WOMEN VOTERS OF FLORIDA,
AND THE LEAGUE OF WOMEN VOTERS OF NEW YORK STATE**

Proposed Intervenor the League of Women Voters, the League of Women Voters of Florida, and the League of Women Voters of New York State submit this Answer to Plaintiffs' Complaint. Pursuant to Federal Rule of Civil Procedure 8(b), Proposed Intervenor respond to the allegations in each corresponding paragraph of the Complaint as follows:

INTRODUCTION

The unnumbered, introductory paragraphs in Plaintiffs' Complaint contain characterizations of the Complaint that speak for themselves, and to which no response is required. To the extent that the unnumbered, introductory paragraphs require a response, Proposed Intervenor deny the allegations.

THE PARTIES

1. Paragraph 1 contains legal conclusions to which no response is required. To the extent that a response is required, Proposed Intervenor admit that Kansas is a State of the United States of America, and that Kansas brings this suit through its attorney general, Kris W. Kobach, but otherwise deny the allegations.

2. Paragraph 2 contains legal conclusions to which no response is required. To the extent that a response is required, Proposed Intervenor admit that Louisiana is a State of the United States of America, and that Louisiana brings this suit through its attorney general, Liz Murrill, but otherwise deny the allegations.

3. Paragraph 3 contains legal conclusions to which no response is required. To the extent that a response is required, Proposed Intervenor admit that Ohio is a State of the United States of America, and that Dave Yost is Ohio's attorney general, but otherwise deny the allegations.

4. Paragraph 4 contains legal conclusions to which no response is required. To the extent that a response is required, Proposed Intervenor admit that West Virginia is a State of the United States of America, and that J. B. McCuskey is West Virginia's attorney general, but otherwise deny the allegations.

5. Admitted.

6. Paragraph 6 contains legal conclusions to which no response is required. To the extent a response is required, Proposed Intervenor deny the allegations.

7. Denied.

8. Admitted.

9. Admitted.

JURISDICTION AND VENUE

10. Paragraph 10 contains allegations concerning jurisdiction, which are legal conclusions, to which no response is required. To the extent a response is required, Proposed Intervenor deny the allegations.

11. Paragraph 11 contains allegations concerning jurisdiction, which are legal conclusions, to which no response is required. To the extent a response is required, Proposed Intervenor deny the allegations.

12. Paragraph 12 contains allegations concerning declaratory relief, which are legal conclusions, to which no response is required. To the extent a response is required, Proposed Intervenor admit that Plaintiffs seek declaratory relief but deny that Plaintiffs are entitled to such relief.

13. Paragraph 13 contains legal conclusions, including legal conclusions concerning venue, to which no response is required. To the extent a response is required, Proposed Intervenor deny the allegations.

BACKGROUND

14. Admitted.

15. Admitted.

16. Admitted.

17. Admitted.

18. Admitted.

19. Proposed Intervenor's admit that the Census Bureau sends a questionnaire to households in the United States as part of the census process, and that the Census Bureau uses responses to the questionnaire when determining the population of each state. To the extent that other assertions and allegations in Paragraph 19 require a response, they are denied.

20. Admitted.

21. Admitted.

22. Paragraph 22 contains legal conclusions to which no response is required. To the extent that a response is required, Proposed Intervenor's admit that Plaintiffs have quoted snippets of language contained in a federal regulation but deny that Plaintiffs have accurately quoted or characterized the full text of the footnote.

23. Paragraph 23 contains legal conclusions to which no response is required. To the extent a response is required, Proposed Intervenor's admit that, under the Residence Rule, the Complaint quotes language from a federal regulation but deny that it is a complete quotation.

24. Admitted.

25. Admitted.

26. Admitted.

27. Paragraph 27 contains legal conclusions to which no response is required. To the extent that a response is required, Proposed Intervenor's admit that the Plaintiffs have accurately quoted part of a federal regulation referred to as the Residence Rule but otherwise deny the allegations.

28. Paragraph 28 contains a legal conclusion to which no response is required. To the extent a response is required, Proposed Intervenor admits that citizens of foreign countries are counted in the census tally used for apportionment purposes but otherwise deny the allegations.

29. Paragraph 29 contains a legal conclusion to which no response is required. To the extent a response is required, Proposed Intervenor admits that Census Bureau estimates of the total number of persons in each state are used to prepare a tabulation of total population by States as required for the apportionment of Representatives in Congress among the several States but otherwise deny the allegations.

30. Paragraph 30 contains a legal conclusion to which no response is required. To the extent a response is required, Proposed Intervenor lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 30 and therefore deny them.

31. Paragraph 31 contains one or more legal conclusions to which no response is required. To the extent a response is required, Proposed Intervenor admits the first sentence and otherwise deny the remaining allegations.

32. Paragraph 32 contains a legal conclusion to which no response is required. To the extent a response is required, Proposed Intervenor denies the allegation.

33. Lacking sufficient knowledge or information to form a belief as to the truth or falsity of the allegations in Paragraph 33, Proposed Intervenor denies them.

34. Lacking sufficient knowledge or information to form a belief as to the truth or falsity of the allegations in Paragraph 34, Proposed Intervenor denies them.

35. Lacking sufficient knowledge or information to form a belief as to the truth or falsity of the allegations in Paragraph 35, Proposed Intervenor denies them.

36. Lacking sufficient knowledge or information to form a belief as to the truth or falsity of the allegations in Paragraph 36, Proposed Intervenor deny them.

37. Admitted.

38. Denied.

39. Lacking sufficient knowledge or information to form a belief as to the truth or falsity of the allegations in Paragraph 39, Proposed Intervenor deny them.

40. Denied.

41. Lacking sufficient knowledge or information to form a belief as to the truth or falsity of the allegations in Paragraph 41, Proposed Intervenor deny them.

42. Lacking sufficient knowledge or information to form a belief as to the truth or falsity of the allegations in Paragraph 42, Proposed Intervenor deny them.

43. Lacking sufficient knowledge or information to form a belief as to the truth or falsity of the allegations in Paragraph 43, Proposed Intervenor deny them.

44. Lacking sufficient knowledge or information to form a belief as to the truth or falsity of the allegations in Paragraph 44, Proposed Intervenor deny them.

45. Paragraph 45 contains legal conclusions to which no response is required. To the extent a response is required, Proposed Intervenor deny the allegations.

46. Denied.

47. Lacking sufficient knowledge or information to form a belief as to the truth or falsity of the allegations in Paragraph 47, Proposed Intervenor deny them.

48. The first sentence of Paragraph 48 is denied. As to the second and third sentences, Proposed Intervenor admit that Plaintiffs have selectively quoted language from a 1964 Supreme Court case called *Wesberry v. Sanders* but otherwise deny the allegations.

49. Denied.

50. Denied.

51. Admitted.

52. Admitted.

53. Admitted.

54. Admitted.

55. Lacking sufficient knowledge or information to form a belief as to the truth or falsity of the allegations in Paragraph 55, Proposed Intervenor deny them.

56. Lacking sufficient knowledge or information to form a belief as to the truth or falsity of the allegations in Paragraph 56, Proposed Intervenor deny them.

57. Denied.

58. Admitted.

59. Lacking sufficient knowledge or information to form a belief as to the truth or falsity of the allegations in Paragraph 59, Proposed Intervenor deny them.

60. Lacking sufficient knowledge or information to form a belief as to the truth or falsity of the allegations in Paragraph 60, Proposed Intervenor deny them.

61. Lacking sufficient knowledge or information to form a belief as to the truth or falsity of the allegations in Paragraph 61, Proposed Intervenor deny them.

62. Lacking sufficient knowledge or information to form a belief as to the truth or falsity of the allegations in Paragraph 62, Proposed Intervenor deny them.

63. Paragraph 63 contains a legal conclusion to which no response is required. To the extent a response is required, Proposed Intervenor deny the allegations.

64. Lacking sufficient knowledge or information to form a belief as to the truth or falsity of the allegations in Paragraph 64, Proposed Intervenor deny them.

65. Lacking sufficient knowledge or information to form a belief as to the truth or falsity of the allegations in Paragraph 65, Proposed Intervenor deny them.

66. Lacking sufficient knowledge or information to form a belief as to the truth or falsity of the allegations in Paragraph 66, Proposed Intervenor deny them.

67. Lacking sufficient knowledge or information to form a belief as to the truth or falsity of the allegations in Paragraph 67, Proposed Intervenor deny them.

68. Denied.

69. Denied.

70. Admitted.

71. Paragraph 71 includes language quoted from the U.S. Constitution, which speaks for itself, and no response is required. To the extent that a response is required, Proposed Intervenor deny the allegations.

72. Admitted.

73. Paragraph 73 includes language quoted from the *Franklin v. Massachusetts* case and asserts legal conclusions to which no response is required. To the extent that a response is required to the remaining language in the paragraph, Proposed Intervenor deny the allegations.

74. Denied.

75. Denied.

76. Denied.

77. Denied.

78. Denied.

79. Denied.

80. Denied.

81. Admitted.

82. Admitted.

83. Denied.

84. Lacking sufficient knowledge or information to form a belief as to the truth or falsity of the allegations in Paragraph 84, Proposed Intervenor deny them.

85. Paragraph 85 contains legal conclusions to which no response is required. To the extent a response is required, Proposed Intervenor deny the allegations.

86. Denied.

87. Denied.

88. Paragraph 88 contains legal conclusions to which no response is required. To the extent a response is required, Proposed Intervenor deny the allegations.

89. Denied.

90. Denied.

91. Denied.

92. Admitted.

93. Denied.

94. Denied.

95. Denied.

96. Paragraph 96 quotes language from a Supreme Court case and contains legal conclusions to which no response is required. To the extent a response is required, Proposed Intervenor deny the allegations.

97. Paragraph 97 quotes language from a Supreme Court case and contains legal conclusions to which no response is required. To the extent a response is required, Proposed Intervenor deny the allegations.

98. Paragraphs 98 contains legal conclusions to which no response is required. To the extent a response is required, Proposed Intervenor deny the allegations.

99. Denied.

100. Denied.

101. Denied.

102. Denied.

103. Denied

104. Denied.

CLAIMS FOR RELIEF

COUNT I

105. Proposed Intervenor incorporate by reference each of the admissions, denials, averments, and statements of the preceding paragraphs.

106. Paragraph 106 contains legal conclusions to which no response is required. To the extent a response is required. Proposed Intervenor deny the allegations.

107. In the first sentence of Paragraph 107, Plaintiffs quote language from Section 2 of the Fourteenth Amendment, which speaks for itself and to which no response is required. Proposed Intervenor deny the allegations in the second sentence of the Paragraph 107.

108. Denied.

COUNT II

109. Proposed Intervenor incorporate by reference each of the admissions, denials, averments, and statements of the preceding paragraphs.

110. Admitted.

111. Paragraph 111 contains legal conclusions to which no response is required. To the extent a response is required, Proposed Intervenor deny the allegations.

COUNT III

112. Proposed Intervenor incorporate by reference each of the admissions, denials, averments, and statements of the preceding paragraphs.

113. Paragraph 113 quotes portions of the U.S. Constitution and includes conclusions of law to which no response is required. To the extent a response is required, Proposed Intervenor admit the allegations.

114. Denied.

PRAYER FOR RELIEF

115. Proposed Intervenor deny that Plaintiffs are entitled to relief.

AFFIRMATIVE DEFENSES

1. The Complaint fails to state a claim upon which relief may be granted.
2. The Court lacks subject matter jurisdiction.
3. This Court is not a proper venue.
4. Plaintiffs' claims are moot and/or time-barred as to prior censuses, and Plaintiffs' claims are not ripe as to the 2030 census or any subsequent census.

5. Plaintiffs lack standing to assert their claims.

RESERVATION OF DEFENSES

Proposed Intervenor reserve the right to amend the Answer and/or assert additional defenses and/or counterclaims.

REQUESTED RELIEF

WHEREFORE, having fully answered the Complaint, Proposed Intervenor pray that the Court:

1. Dismisses Plaintiffs' claims with prejudice;
2. Enters a judgment in favor of Proposed Intervenor, and that Plaintiffs take nothing thereby; and
3. Awards Proposed Intervenor costs and attorneys' fees and such other further relief as the Court deems appropriate.

Dated: April 10, 2025

Respectfully submitted,

/s/ Avner M. Shapiro

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* Applications for admission *pro hac vice* pending

Attorneys for Proposed Defendant-Intervenors the League of Women Voters ("LWV"), the League of Women Voters of Florida ("LWVFL"), and the League of Women Voters of New York State ("LWVNYS")

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

**THE STATE OF LOUISIANA, By and
through its Attorney General, Elizabeth B.
Murrill;
THE STATE OF KANSAS, By and through
its Attorney General, Kris W. Kobach;
THE STATE OF OHIO, By and through its
Attorney General, Dave Yost; and
THE STATE OF WEST VIRGINIA, By and
through its Attorney General, John B.
McCuskey**

Plaintiffs,

vs.

**UNITED STATES DEPARTMENT OF
COMMERCE; JEREMY PELTER, in his
official capacity as Acting Secretary of
Commerce;
BUREAU OF THE CENSUS, an agency
within the United States Department of
Commerce; and
ROBERT L. SANTOS, in his official
capacity as Director of the U.S. Census
Bureau**

Defendants.

Case No.: 6:25-cv-0076-DCJ-DJA

**Judge David C. Joseph
Magistrate Judge David J. Ayo**

**[PROPOSED] ORDER GRANTING MOTION TO INTERVENE OF
THE LEAGUE OF WOMEN VOTERS, THE LEAGUE OF WOMEN VOTERS OF
FLORIDA, AND THE LEAGUE OF WOMEN VOTERS OF NEW YORK STATE**

Upon consideration of the Motion to Intervene and Memorandum in Support thereof submitted by the League of Women Voters (“LWV”), the League of Women Voters of Florida (“LWVFL”), and the League of Women Voters of New York State (“LWVNYS”), the Court finds

that LWV, LWVFL, and LWVNYS are entitled to intervene in this action pursuant to Federal Rule of Civil Procedure 24 and, therefore, **IT IS HEREBY ORDERED** that:

- (1) LWV, LWVFL, and LWVNYS's Motion to Intervene is **GRANTED**;
- (2) LWV, LWVFL, and LWVNYS be entered as a Defendant-Intervenors; and
- (3) the Clerk of Court shall docket LWV, LWVFL, and LWVNYS's Answer to Plaintiffs'

Complaint, which was attached to their Motion to Intervene.

IT IS SO ORDERED on this _____ day of _____, 2025.

Hon. David C. Joseph
UNITED STATES DISTRICT JUDGE