UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Minnesota Chamber of Commerce, a Minnesota nonprofit corporation, Plaintiff, v. John Choi, in his official capacity as County Attorney for Ramsey County, Minnesota; George Soule, in his official capacity as Chair of the Minnesota Campaign Finance and Public Disclosure Board; David Asp, in his official capacity as Vice Chair of the Minnesota Campaign Finance and Public Disclosure Board; Carol Flynn, in her official capacity as Member of the Minnesota Campaign Finance and Public Disclosure Board; Margaret Leppik, in her official capacity as Member of the Minnesota Campaign Finance and Public Disclosure Board; Stephen Swanson, in his official capacity as Member of the Minnesota Campaign Finance and Public Disclosure Board; and Faris Rashid, in his official capacity as Member of the Minnesota Campaign Finance and Public Disclosure Board, Defendants.	Civil No. 0:23-cv-02015 (ECT/JFD) Hon. Eric C. Tostrud

MEMORANDUM OF LAW IN SUPPORT OF MOTION TO INTERVENE OF CLEAN ELECTIONS MINNESOTA

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Clean Elections Minnesota ("Clean Elections MN") submits this memorandum in support of its Motion to Intervene as a Defendant in the above-captioned matter. Clean Elections MN, founded in 2017, is a non-partisan, non-profit organization that seeks an inclusive and healthy democracy for the state of Minnesota. Declaration of Ken Peterson ("Peterson Decl.") at ¶ 2, filed herewith. The organization is dedicated to maintaining and enhancing the democratic power of ordinary citizens. *Id.* ¶ 3. To that end, its primary activities include educating voters, the public, and legislators, regarding issues such as expanded voter access, transparency in state and federal elections, and reforms that limit the power of wealthy donors and special interests in the political process. *Id.* Recently, Clean Elections MN became a leading advocate for changes to state law that would restrict the ability of foreign nationals to funnel money into our election system. *Id.* ¶ 4.

On May 5, 2023, Minnesota Governor Tim Walz signed the Democracy for the People Act into law. *See* 2023 Minn. Sess. Laws ch. 34. Among other important provisions intended to make elections more accessible and inclusive, the Act restricts certain forms of direct and indirect spending in Minnesota elections by (1) any company in which multiple foreign entities or individuals have an aggregate ownership stake of five percent; (2) any company in which a single foreign entity or individual has an ownership stake of one percent, and (3) any company in which a foreign investor participates directly or indirectly in the corporation's decision-making process with respect to the corporation's political activities in the United States. *See* Minn. Stat. § 211B.15, subds. 1, 4a. Clean Elections MN seeks permissive intervention as a Defendant in this litigation to defend the constitutionality of this critical legislation.

I. FACTUAL AND LEGAL BACKGROUND

A. Legal Background

Under current federal law, it is illegal for a foreign government or individual to spend money to influence elections. *See* 52 U.S.C. § 30121 (recodified from 2 U.S.C. § 441e). This law was upheld by a three-judge panel of the United States District Court for the District of Columbia, in an opinion written by now-Justice Kavanaugh, and summarily affirmed by the Supreme Court. *See Bluman v. Fed. Election Comm'n*, 800 F. Supp. 2d 281, 288 (D.D.C. 2011) (Kavanaugh, J.), *aff'd*, 565 U.S. 1104 (2012); *see also United States v. Singh*, 979 F.3d 697, 710-11 (9th Cir. 2020). But the law left a loophole: If a corporation is registered in the United States, but has foreign investors, it can still spend money through a super PAC or other entities, for purposes of influencing elections. The Democracy for the People Act partially closes that loophole by prohibiting companies over a certain threshold of foreign ownership from spending directly or indirectly to influence Minnesota elections, *see* Minn. Stat. § 211B.15, subds. 1(d), 4a, and by requiring a company that spends money to influence elections to certify to the Campaign Finance and Public Disclosure Board ("CFB") that it is not a foreign-influenced corporation as of the date of a defined contribution or expenditure, *see id.* § 211B.15, subd. 4b. The Act is scheduled to take effect on January 1, 2024.

B. Clean Elections Minnesota

Since its founding in 2017, Clean Elections MN has worked to improve and protect democracy in the State of Minnesota. Peterson Decl. ¶¶ 2-3. Clean Elections MN's primary mission is to fight voter suppression and protect our democracy. *Id.* ¶ 5. Over the

years, it has advocated for automatic voter registration, allowing 16-year-olds to register, supporting efforts to enhance voter turnout, and increasing access to the ballot by restoring the rights of felons on parole to vote. *Id.* ¶ 6. As part of its mission to promote and restore trust in our democracy, and to engage average citizens in the political process, Clean Elections MN has also backed initiatives that would increase transparency in election spending, improve public financing to limit candidates' dependence on large contributions and PAC money, and strengthen the Minnesota Campaign Finance Board. *Id.* ¶ 7. In the wake of the shocking revelations about the "sweeping and systematic" interference by Russia in the 2016 Presidential election,[1] Clean Elections MN was one of the first local non-governmental organizations to advocate closing the dangerous loophole in campaign finance law that allowed foreign-influenced corporations to funnel money into our elections and campaigns. *Id.* ¶ 8. When legislation was introduced in the Minnesota House of Representatives that would prohibit certain foreign-influenced corporations from contributing directly or indirectly to elections, the Board of Clean Elections MN voted to make this issue one of its top legislative priorities, and ultimately was one of the only local non-governmental organizations to testify in support of the provision. *Id.* ¶ 9. Clean Elections MN was on the front line of the legislation, at the expense of its other work battling voter suppression, because of its understood need to protect Minnesota elections from undue foreign influence. *Id.* ¶ 12.

[1] *See* Special Counsel Robert S. Mueller, III, *Report on the Investigation into Russian Interference in the 2016 Presidential Election*, U.S. Dep't of Justice (Mar. 2019), https://www.justice.gov/archives/sco/file/1373816/download.

Ultimately, due in part to the work done by Clean Elections MN, Minnesota became the first state in the country to pass legislation aimed at limiting the influence of foreign actors in our elections. *Id.* ¶ 11.

II. CLEAN ELECTIONS MN MEETS THE LIBERAL STANDARD FOR PERMISSIVE INTERVENTION.

Rule 24(b) allows the court to permit *anyone* to intervene, "[o]n timely motion," if they "ha[ve] a claim or defense that shares with the main action a common question of law or fact." The criteria the court considers are: "(1) whether the motion to intervene is timely; (2) whether the movant's claim shares a question of law or fact in common with the main action; and (3) whether intervention will unduly delay or prejudice adjudication of the original parties' rights." *See Franconia Minerals (US) LLC v. United States*, 319 F.R.D. 261, 266 (D. Minn. 2017). In addition, although only a "minor variable," courts will also consider the "adequacy of protection afforded to the prospective intervenors by the existing defendants." *Id.* Courts in this Circuit construe Rule 24 "liberally" and "with all doubts resolved in favor of the proposed intervenor." *Nat'l Parks Conservation Ass'n v. U.S. EPA*, 759 F.3d 969, 975 (8th Cir. 2014) (internal quotation marks and citation omitted).

First, Clean Election MN's motion to intervene is timely. The Eighth Circuit has articulated factors the district court should consider with respect to timeliness: (1) the extent the litigation has progressed at the time of the motion to intervene; (2) the prospective intervenor's knowledge of the litigation; (3) the reason for the delay in seeking intervention; and (4) whether the delay in seeking intervention may prejudice the existing parties. *ACLU of Minn. v. Tarek Ibn Ziyad Acad.*, 643 F.3d 1088, 1092 (8th Cir. 2011). In

this case, litigation was commenced on June 30, 2023, and the case is in its earliest stages. The State Defendants filed their Answer to the Complaint on July 24, 2023, and the Ramsey County Defendants filed their Answer to the Complaint on August 10, 2023. ECF Nos. 18, 24. The initial scheduling order sets a Rule 16 conference for September 13, but no other dates have been set nor has discovery commenced. Accordingly, Clean Election MN's motion is timely.

Second, as demonstrated by the Proposed Answer filed herewith, Clean Elections MN has defenses to the litigation that share common questions of law with the main action. *See* Ex. A to the Declaration of Charles Nauen, filed herewith. Specifically, Clean Elections MN intends to vigorously defend the constitutionality of the law as a valid exercise of state power to protect our system of democratic self-government and limit the influence of foreign actors in our elections, like the law upheld by the Supreme Court in *Bluman*. Clean Elections MN will also argue that the law is not preempted, and instead fills a gap left in federal law. Clean Elections MN believes that its expertise and knowledge regarding these issues, given its advocacy and education efforts, will greatly aid the Court in its evaluation of the constitutionality of the Minnesota law.

Third, related to the timeliness question, Clean Elections MN's intervention in this matter will not delay or prejudice the existing parties. Clean Elections MN intends to work closely with the other Defendants to coordinate regarding discovery issues and motion practice, in order to avoid duplication. Peterson Decl. ¶ 14. Accordingly, the parties will not be prejudiced by Clean Elections MN's involvement in the litigation.

Finally, although it is mentioned nowhere in the text of Rule 24(b), courts consider as a "minor variable" whether the proposed intervenor's interests are adequately represented by existing parties. It is true that as a general matter, when the State is charged with defending litigation, a proposed intervenor has a higher burden of proving that the government does not represent its interests, since the government is presumed to represent the interest of all its citizens. *See Mausolf v. Babbitt*, 85 F.3d 1295, 1303 (8th Cir. 1996). However, courts have recognized that the state must balance a range of priorities and constituencies that may conflict with the specific priorities of an individual litigant or organization. *See id.*; *see also South Dakota v. Ubbelohde*, 330 F.3d 1014, 1025 (8th Cir. 2003).

Here, the State Defendants' decision to oppose Clean Elections MN's intervention demonstrates in-and-of-itself that there may be a divergence between the interests of the State and Clean Elections MN. *See* Peterson Decl. ¶ 13. Courts have also recognized that an intervenor cannot be assured that the government's position "will remain static or unaffected by unanticipated policy shifts." *See Nat'l Park Conservation Ass'n v. U.S. E.P.A.*, 759 F.3d 969, 977 (8th Cir. 2014). Recent history also provides examples of the State consenting with private parties to forgo enforcement of election laws. *See, e.g.*, *League of Women Voters of Minn. Educ. Fund v. Simon*, No. 02-cv-01205-ECT, at ECF No. 52 (D. Minn.) (permitting intervention of Donald J. Trump for President and the Republican National Committee and Republican Party of Minnesota to oppose a consent decree between Plaintiff and Defendant, wherein Defendant agreed the laws at issue were unconstitutional and agreed to forego enforcement of the laws, and ultimately granting in

part the Intervenor's motion to dismiss the Plaintiff's claims). A state may also choose to settle litigation, or decline to pursue appeals, in its discretion, which would pose serious risk to the mission of Clean Elections MN, which is to protect Minnesota elections from undue foreign influence. Peterson Decl. ¶ 12; *see Mausolf*, 85 F.3d at 1302-03 (noting that prospective intervenor "might suffer if the Government were to lose this case or to settle it against [the intervenor's] interests"). Clean Elections MN has been on the front line since the law was a bill—at the expense of its other work battling voter suppression—and is equipped with the expertise on how the challenged law fits within the greater context of the integrity of Minnesota elections. Peterson Decl. ¶ 12. For these reasons, and resolving all doubts in favor of the intervenor, the Court should find this "minor variable" does not weigh against intervention in this case, particularly given Clean Election MN's history of involvement and advocacy on these issues, and the knowledge and expertise that it can bring as a Party to this matter.

III. CLEAN ELECTIONS MN HAS STANDING TO INTERVENE IN THIS MATTER, BUT THE COURT NEED NOT REACH THE ISSUE BECAUSE STANDING IS NOT A PREREQUISITE FOR INTERVENTION UNDER SUPREME COURT PRECEDENT.

A. Clean Elections MN Has Standing to Intervene.

Although Rule 24 says nothing about standing, many District Court decisions address standing as a prerequisite to intervention. If this Court also chooses to do so, it should find that Clean Elections MN has standing to intervene. The familiar elements of *Lujan* govern the Court's analysis: a litigant must (1) have suffered an injury in fact; (2) establish a causal connection between the injury and the challenged action; and (3) show

that the injury would be redressed by a favorable decision. *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 560-61 (1992). An organization has direct standing if it can demonstrate a "personal stake" in the outcome of the controversy. *Havens Realty Corp. v. Coleman*, 455 U.S. 363, 378 (1982). This includes when an organization can show a "concrete and demonstrable injury to [its] activities which drains its resources and is more than simply a setback to its abstract social interests." *League of Women Voters of Minn. Educ. Fund v. Simon*, No. 20-cv-1205, 2021 WL 1175234, at *3 (D. Minn. Mar. 29, 2021) (citing *Nat'l Fed. of Blind of Mo. v. Cross*, 184 F.3d 973, 979 (8th Cir. 1999), and *Havens Realty Corp.*, 455 U.S. at 379). "A prospective intervening defendant may establish an imminent injury sufficient for the purpose of standing by demonstrating that the remedies sought by the plaintiff, if granted, would threaten the prospective intervenor's interests." *Craig v. Simon*, 493 F. Supp. 3d 773, 779 (D. Minn. 2020) (citing *Ubbelohde*, 330 F.3d at 1025).

Clean Elections MN meets the criteria for organizational standing. Clean Elections MN has expended significant resources educating the public and legislators about the influence of foreign contributions in elections and was a leading voice among local non-governmental organizations regarding the need to close the loophole that allows foreign nationals and entities to funnel money into our elections and campaigns through corporations. Peterson Decl. ¶ 10. In recognition of the dangerous influence of foreign money in our elections, particularly in the wake of the 2016 Presidential Election, Clean Elections MN chose to make this issue one of its top priorities during the last legislative session, and diverted significant resources away from its primary goals of educating voters about their rights and improving access to the polls. *Id.* ¶¶ 9-10, 12. *See League of Women*

Voters of Minn. Educ. Fund, 2021 WL 1175234, at *6 (holding that the League of Women Voters had standing to challenge the long-standing witness signature requirement for absentee ballots when it alleged that it had diverted resources from its core activities in order to educate voters about the witness requirement); *Pavek v. Simon*, 467 F. Supp. 3d 718, 739-42 (D. Minn. 2020) (finding various Democratic committees had standing to challenge the long-standing ballot order statute, on the grounds that it had to divert resources to counteract the negative effects of the statute on its candidates' electoral prospects); *Pavek v. Simon*, No. 19-cv-3000, 2020 WL 3960252, at *2-3 (D. Minn. July 12, 2020) (permitting Republican committees to intervene to defend the constitutionality of the ballot order statute); *see also Grand Portage Band of Lake Superior Chippewa v. U.S. EPA*, No. 22-cv-1783, 2022 WL 20305844, at *3-5 (D. Minn. 2022) (permitting the Chamber of Commerce and other advocacy organizations to intervene to defend new water quality regulations).

The problem of foreign influence in our elections, which Clean Elections MN has worked to address particularly in these past few years, and at which this bill is directed, is anything but "abstract." The 2016 Election demonstrated that foreign investment in elections has already had a detrimental effect on election integrity and our system of democratic self-government, and has weakened the trust of the people in the sanctity of their vote. Current data shows that approximately 40 percent of all stock in American

companies is owned by foreigners.[2] And due to the Supreme Court's decision in *Citizens United*, these companies are permitted to pour unlimited amounts of money into PACs and other entities to influence our elections. Plaintiffs in this litigation themselves claim that at least 100 of their corporate members, located in Minnesota, meet the definition of a foreign-influenced corporation, and wish to continue to exert influence in our elections.

Clean Elections MN will take the position that the Minnesota legislature was squarely within its authority to bar such activities. As now-Justice Kavanaugh wrote in *Bluman v. Federal Election Commission*:

> It is fundamental to the definition of our national political community that foreign citizens do not have a constitutional right to participate in, and thus may be excluded from, activities of democratic self-government. It follows, therefore, that the United States has a compelling interest for purposes of First Amendment analysis in limiting the participation of foreign citizens in activities of American democratic self-government, and in thereby preventing foreign influence over the U.S. political process.

800 F. Supp. 2d at 288. As a defendant-intervenor, Clean Elections MN intends to draw on its expertise and study of this issue, to vigorously defend the constitutionality of Minnesota's law. Clean Elections MN has demonstrated that it has diverted resources to address this issue, *see* Peterson Decl. ¶¶ 10, 12, and, therefore, has satisfied the injury-in-fact requirement.

[2] *See* Steve Rosenthal and Theo Burke, *Who's Left to Tax? US Taxation of Corporations and Their Shareholders*, Urban-Brookings Tax Policy Ctr., paper presented at NYU School of Law (Oct. 27, 2020), *available at* https://bit.ly/3uLjVqE.

Turning to causation, a proposed intervenor-defendant satisfies the traceability requirement if a win for the plaintiff would compel the defendant to cause the alleged injury to the intervenor. *ACLU of Minn.*, 643 F.3d at 1093. Here, if the court were to conclude that the Minnesota statute is unconstitutional and/or preempted, the State and County Defendants would be compelled to refrain from enforcing the statute, and Clean Elections MN would be required to continue diverting resources to combat the disruptive power of foreign money in our elections, instead of their primary activities, such as educating voters about their individual right to participate in elections. Peterson Decl. ¶¶ 10, 12; *see Craig*, 493 F. Supp. 3d at 780.

With respect to redressability, "an alleged injury that includes enforcement of certain policies may be redressable by a judicial determination that the challenged policies are permitted." *Craig*, 493 F. Supp. 3d at 780. Thus, if the Court determines that the foreign-influenced corporations statute survives, Clean Elections MN will not have to continue diverting resources to address this issue, and the redressability element is satisfied.

For these reasons, Clean Elections MN has demonstrated organizational standing for purposes of intervening as a defendant in this litigation.

B. <u>Standing is Not a Prerequisite to Intervention.</u>

Although Clean Elections MN has demonstrated standing, the Court does not need to reach this question because neither the U.S. Supreme Court nor the Eighth Circuit have ever required plaintiffs to demonstrate standing for *permissive* intervention.

1. Under U.S. Supreme court precedent, standing is no longer required even for intervention as of right.

Before addressing the question of whether parties seeking permissive intervention must demonstrate standing, it is helpful to briefly summarize the law regarding intervention as of right because the standard for intervention as of right is *more* stringent than that for permissive intervention. In *McConnell v. FEC*, the United States Supreme Court directly addressed a challenge to the intervenor-defendants by one of the Plaintiffs on the grounds that the intervenor-defendants lacked Article III standing. The Court rejected that argument, holding: "[i]t is clear. . . that the Federal Election Commission (FEC) has standing, and therefore we need not address the standing of the intervenor-defendants, whose position here is identical to the FEC's." 540 U.S. 93, 233 (2003), *overruled on other grounds by Citizens United v. FEC*, 558 U.S. 310 (2010). *McConnell* demonstrates that standing is generally not a prerequisite to intervention. The only exceptions to this rule are when an intervenor seeks to litigate issues or claim relief beyond those raised by the original parties, or if the case or controversy between the original parties ceases to exist, neither of which exist here. *See Town of Chester v. Laroe Estates, Inc.*, 581 U.S. 433, 440 (2017) ("In sum, an intervenor of right must have Article III standing in order to pursue relief that is different from that which is sought by a party with standing."); *Diamond v. Charles*, 476 U.S. 54, 68 (1986) ("[A]n intervenor's right to continue a suit in the absence of the party on whose side intervention was permitted is contingent upon a showing by the intervenor that he fulfills the requirements of Art. III."); *see also Virginia House of Delegates v. Bethune-Hill*, 139 S. Ct. 1945, 1952 (2019) (denying Intervenor-Defendant's

right to appeal absent the original Defendant, but noting that the "[Intervenor-Defendant's] did not need to establish standing" to participate in "earlier phases of the case" as a defendant).

In *Town of Chester*, the Court illustrated the narrowness of the exceptions. The Court carefully scrutinized the record to determine whether the intervenor *really* sought relief distinct from the primary plaintiff. Because the record was unclear, the Court vacated and remanded, explaining, "*If* [the intervenor] wants only a money judgment of its own running directly against the Town, *then* it seeks damages different from those sought by [the plaintiff] and must establish its own Article III standing in order to intervene." *Town of Chester*, 581 U.S. at 442 (emphases added); *see also Little Sisters of the Poor Saints Peter & Paul Home v. Pennsylvania*, 140 S. Ct. 2367, 2379 n.6 (2020) (citing *Town of Chester*, and reaffirming that "under our precedents, at least one party must demonstrate Article III standing for each claim for relief. An intervenor of right must independently demonstrate Article III standing if it pursues relief that is broader than or different from the party invoking a court's jurisdiction. Here, the Federal Government clearly had standing to invoke the Third Circuit's appellate jurisdiction, and both the Federal Government and the Little Sisters asked the court to dissolve the injunction…The Third Circuit accordingly erred by inquiring into the Little Sisters' independent Article III standing.").

The *McConnell* and *Town of Chester* decisions resolved a circuit split between the majority of the circuit courts, which had held that an intervenor of right need not establish

standing as long as a case or controversy exists among the parties to the lawsuit,[3] and a minority of outliers,[4] including the Eighth Circuit, which had held the opposite. Despite the rulings in *McConnell*, and *Town of Chester*, the Eighth Circuit has continued to require intervenors seeking to intervene as a matter of right under Rule 24(a) to demonstrate standing, and has never confronted the Supreme Court's decision in these cases directly. *See, e.g.*, *United States v. Reilly Tar & Chem. Corp.*, 43 F.4th 849, 855 (8th Cir. 2022); *ACLU of Minn.*, 643 F.3d at 1092.[5] However, the Court need not grapple directly with these precedents, because Clean Elections MN seeks only permissive intervention in this case.

2. No precedent requires standing for permissive intervention.

As at least two Minnesota district court cases have acknowledged, the Eighth Circuit has never specifically ruled on the question of whether an intervenor seeking only *permissive* intervention needs to demonstrate standing. *See Franconia Minerals (US) LLC*, 319 F.R.D. at 266; *Privacy Matters v. U.S. Dep't of Educ. Doe*, No. 16-cv-3015, 2016 WL 6436658, at *2 (D. Minn. Oct. 27, 2016). Nonetheless, many cases in this District do

[3] *See, e.g.*, *U.S. Postal Serv. v. Brennan*, 579 F.2d 188, 190 (2d Cir. 1978); *Ruiz v. Estelle*, 161 F.3d 814, 832 (5th Cir. 1998); *Associated Builders & Contractors v. Perry*, 16 F.3d 688, 690 (6th Cir. 1994); *Yniguez v. Arizona*, 939 F.2d 727, 731 (9th Cir. 1991); *City of Colorado Springs v. Climax Molybdenum Co.*, 587 F.3d 1071, 1079 (10th Cir. 2009); *Chiles v. Thornburgh*, 865 F.2d 1197, 1213 (11th Cir. 1989).

[4] *See, e.g.*, *City of Cleveland v. Nuclear Regulatory Comm'n*, 17 F.3d 1515, 1517 (D.C. Cir. 1994); *Mausolf*, 85 F.3d at 1300.

[5] The Eighth Circuit cited *Town of Chester* in *Liddell v. Special Admin. Bd. of Transitional Sch. Dist. of City of St. Louis*, 894 F.3d 959 (8th Cir. 2018), but did so in an immediate appeal from a denial to intervene as a matter of right, and did not grapple with the actual holding in the case.

address permissive intervenors' standing. *See, e.g.*, *Franconia Minerals (US) LLC*, 319 F.R.D. at 266; *but see In re Baycol Prods. Litig.,* 214 F.R.D. 542, 544 (D. Minn. 2003) (declining to require standing as prerequisite to Rule 24(b) intervention); *League of Women Voters of Minn. Educ. Fund v. Simon*, No. 02-cv-01205-ECT, at ECF Nos. 38, 52 (D. Minn.) (permitting intervention of Donald J. Trump for President and the Republican National Committee and Republican Party of Minnesota to oppose a consent decree between Plaintiff and Defendant, even though the proposed intervenors did not discuss standing in their motion). This requirement typically is grounded in the no-longer-correct Eighth Circuit precedent regarding standing for intervenors *as of right*. *See, e.g.*, *North Dakota v. Heydinger,* 288 F.R.D. 423, 427 (D. Minn. 2012) (relying on pre-*McConnell* Eighth Circuit cases).

Neither the Supreme Court nor the Eighth Circuit have ever held that standing is required for intervention under Rule 24(b). This is unsurprising in light of the U.S. Supreme Court's holdings in *McConnell* and *Town of Chester* that proposed intervenors who do not seek to add new issues to the litigation do not need to separately establish Article III standing to intervene as of right, notwithstanding the language of Rule 24(a), which specifically requires "an interest relating to the property or transaction that is the subject of the action" (an inquiry that closely mirrors the standing requirement). Clean Elections MN seeks no affirmative relief in this matter, other than for the Court to uphold the constitutionality of the statute, the same relief sought by the other Defendants. Accordingly, consistent with controlling United States Supreme Court precedent, this

Court may allow Clean Elections MN to intervene pursuant to Rule 24(b) without requiring a demonstration of Article III standing.

IV. CONCLUSION

As a leading proponent of the legislation at issue in this case, Clean Elections MN is committed to vigorously defending the constitutionality of each aspect of the law, which takes a crucial step toward improving transparency in our elections, closing a dangerous loophole in our campaign finance system, and ensuring the preservation of our system of democratic self-government by limiting the influence of foreign interests in our elections. Clean Elections MN respectfully requests that the Court grants its motion to intervene as a Defendant in this matter.

Date: August 25, 2023

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