

DISTRICT COURT, CITY AND COUNTY OF DENVER, STATE OF COLORADO 1437 Bannock Street, Room 256 Denver, Colorado 80202	DATE FILED: May 31, 2023 9:15 AM CASE NUMBER: 2022CV33456
VET VOICE FOUNDATION, et al., Plaintiffs, v. JENA GRISWOLD, Defendant.	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
	Case No.: 2022CV33456 Courtroom: 215
ORDER ON MOTION TO INTERVENE	

THIS MATTER comes before the Court on putative intervenors Vera Ortegon and Wayne Williams’ (“Intervenors”) “Colorado Electors’ Motion to Intervene” (“Motion”). The Motion is opposed and fully briefed. Having considered the parties’ briefs, relevant case law, the submitted evidence, and the file, the Court finds and orders as follows.

I. INTRODUCTION

Plaintiffs are a veterans’ advocacy organization and five individuals. The instant action alleges that Defendant (who is sued in her official capacity as the Colorado Secretary of State) has implemented certain signature verification procedures which have deprived the individuals of their ability to cast ballots in past elections and may do so in the future. Intervenors are a former Colorado Secretary of State (Mr. Williams) and the Colorado GOP National Committeewoman (Ms. Ortegon). Intervenors seek to join this case claiming that their interests are not adequately represented. Plaintiffs oppose the intervention and Defendant takes no position.

II. STANDARD OF REVIEW

Under C.R.C.P. 24, a party may intervene as of right, C.R.C.P. 24(a), or permissively, C.R.C.P. 24(b). The Court may permit intervention under Rule 24(b) when “an applicant’s claim

or defense and the main action have a question of law or fact in common” and intervention would not unduly delay the matter. C.R.C.P. 24(b).

III. ANALYSIS

Mr. Williams is a former Colorado Secretary of State who was instrumental in passing the law requiring signature verification. Ms. Ortegon, as GOP National Committeewoman, advocates on behalf of Colorado Republicans and encourages Republican voter turnout. Both Intervenors claim to have an interest in ensuring “robust and secure voting procedures” and in promoting “voters’ confidence in the security of Colorado’s elections.” Mot. p. 2. The Intervenors satisfy all of the requirements for permissive intervention.

First, the Intervenors’ interest in this action is in fully defending the signature verification procedures challenged by Plaintiffs. To be sure, Defendant shares an interest with Intervenors in defending the verification procedures, but, as Intervenors point out, possibly only to a point. *See* Mot. pp. 6-7.¹ While Intervenors’ interests have questions of law and fact in common with the current parties, their interests are not adequately represented by the current litigants.


Second, intervention will not delay this matter. Counsel for the Intervenors attended the case management conference and agreed to the trial date as well as the associated deadlines in the Case Management Order. Intervenors have committed to complying with their disclosure obligations under the rules within 48 hours of the issuance of an order allowing them to intervene. So there will be no delay in the progress of this case.

IV. CONCLUSION

For the reasons set forth above, the Intervenor’s Motion to Intervene is GRANTED.

ENTERED this 31st day of May, 2023.

BY THE COURT:



J. Eric Elliff
District Court Judge

¹ Although the Court only analyzes the Motion under the permissive intervention standard, it is likely that Intervenors satisfy the requirements of C.R.C.P. 24(a), and as such have the right to intervene.