

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

SENATE MAJORITY PAC

Plaintiff,

v.

FEDERAL ELECTION COMMISSION

Defendant,

NRSC

Intervenor-Defendant.

Civil Action No. 1:26-cv-336 (BAH)

**NATIONAL REPUBLICAN SENATORIAL COMMITTEE’S
MOTION TO INTERVENE**

The National Republican Senatorial Committee (“NRSC”) files this motion, pursuant to Federal Rule of Civil Procedure 24(a) and (b), for leave to intervene as a defendant, and to file the attached motion to dismiss the complaint brought by Senate Majority PAC. Pursuant to Local Civil Rule 7(m), the undersigned counsel has attempted to confer with all counsel of record. Plaintiff Senate Majority PAC does not oppose NRSC’s motion; defendant Federal Election Commission has not responded.

FACTUAL BACKGROUND

The Federal Election Campaign Act of 1971, as amended (“FECA”), statutorily authorizes national party committees, in partnership with individual candidates, to create joint fundraising committees (“JFCs”). 52 U.S.C. § 30102(e)(3)(A)(ii). These JFCs allow candidates and national party organizations to work together to solicit funds and benefit from the returns, with proceeds

being allocated according to a mandatory formula. 11 C.F.R. § 102.17. The NRSC, like its counterpart the Democratic Senatorial Campaign Committee (DSCC), operates numerous JFCs in partnership with the senatorial candidates it backs.

Senate Majority PAC filed an administrative complaint with the FEC in August 2025 challenging long-since-completed fundraising solicitations by JFCs established between the NRSC and three 2024 Senate campaigns. This case concerns Plaintiff Senate Majority PAC's federal court Complaint, which asserts that the FEC's alleged failure to act on that administrative complaint— notwithstanding that the FEC has been without a quorum the entire time that complaint has been pending—is “contrary to law” under 52 U.S.C. § 30109(a)(8)(A). Compl. ¶ 46.

The NRSC has a strong and legally protected interest in defending the legitimacy of its fundraising practices. Given that the NRSC is the ultimate and intended target of this proceeding, no other party to this litigation can adequately represent the NRSC's interests. This motion is timely and satisfies the standards for intervention. It should be granted.

STANDARD

Federal Rule of Civil Procedure 24 outlines two grounds for intervention in existing legal actions: intervention as of right and permissive intervention. Rule 24(a), governing intervention as of right, provides for intervention where the proposed intervenor has standing and “claims an interest relating to the property or transaction that is the subject of the action, and is so situated that disposing of the action may as a practical matter impair or impede the movant's ability to protect its interest, unless existing parties adequately represent that interest.” Fed. R. Civ. P. 24(a)(2). For its part, Rule 24(b) provides that a court *may* permit intervention where the proposed intervenor “has a claim or defense that shares with the main action a common question of law or fact,” Fed.

R. Civ. P. 24(b)(1)(B), and where such intervention would not “unduly delay or prejudice the adjudication of the original parties’ rights.” Fed. R. Civ. P. 24(b)(3).

Broadly, a motion for intervention must “state the grounds for intervention and be accompanied by a pleading that sets out the claim or defense for which intervention is sought.” Fed. R. Civ. P. 24(c). Courts in this Circuit have allowed a motion to dismiss to satisfy this pleading requirement. *See MGM Glob. Resorts Dev., LLC v. United States Dep’t of the Interior*, No. CV 19-2377 (RC), 2020 WL 5545496, at *6 (D.D.C. Sept. 16, 2020); *see also Washington All. of Tech. Workers v. DHS*, 395 F. Supp. 3d 1, 21 n.4 (D.D.C. 2019).

ARGUMENT

I. THE NRSC HAS STANDING TO INTERVENE.

The NRSC plainly meets the threshold for intervenor standing in this action. As a rule, intervenor defendants seeking relief different from that sought by existing parties must show injury-in-fact, causation, and redressability. *Town of Chester, N.Y. v. Laroe Ests., Inc.*, 581 U.S. 433, 438-40 (2017). Here, the relief sought by the NRSC—preservation of its ability to effectively fundraise according to law—is wholly distinct from the relief pursued by Senate Majority PAC. Senate Majority PAC’s Complaint is directly adverse to the NRSC’s interests. Its requested ultimate relief—restriction of the NRSC’s lawful ability to raise funds through JFCs, in connection with contested elections in the upcoming midterm cycle—would injure the NRSC if granted by the FEC. That injury, which is directly attributable to Senate Majority PAC’s prosecution of this case, would be fully redressed by a favorable outcome.

II. THE NRSC SHOULD BE GRANTED INTERVENTION AS OF RIGHT.

The NRSC meets the requirements for intervention as of right and should be permitted to join this action. Pursuant to Federal Rule of Civil Procedure 24(a)(2), intervention as of right requires that the putative intervenor satisfy a 4-part test: (1) establish timeliness of intervention; (2) demonstrate the existence of a legally protected interest; (3) show that the action, as a practical matter, impairs or impedes the proposed intervenor's interest; and (4) demonstrate that no existing party to the action can represent the intervenor's interest. *See Deutsche Bank Nat'l Trust Co. v. FDIC*, 717 F.3d 189, 192 (D.C. Cir. 2013). The NRSC easily satisfies these prerequisites.

First, this intervention is timely. *See, e.g., Fund for Animals, Inc. v. Norton*, 322 F.3d 728, 735 (D.C. Cir. 2003) (intervention "timely" if filed within two months of filing of initial complaint); *Wildearth Guardians v. Salazar*, 272 F.R.D. 4, 14 (D.D.C. 2010) (intervention timely when filed in advance of federal defendants' filing of answer).

Second, this intervention implicates the NRSC's legally protected interest. Because the NRSC has standing, it thereby has an interest relating to the outcome of the action. *Crossroads Grassroots Pol'y Strategies v. Fed Election Comm'n*, 788 F.3d 312, 320 (2015); *Fund for Animals*, 322 F.3d at 735.

Third, this action stands to impair the NRSC's interest, specifically regarding the NRSC's current and planned fundraising efforts. Were the Court to compel the FEC to act on SMP's complaint and hold the NRSC's fundraising practices prospectively or retrospectively unlawful, the NRSC would suffer a concrete injury-in-fact, logically traceable to that disposition. *See, e.g., Fed. Election Comm'n v. Craig for U.S. Senate*, 816 F.3d 829, 847 (D.C. Cir. 2016) ("FECA grants district courts broad authority to fashion remedies for violations of the statute."). Prospective relief alone would cripple the NRSC's ability to fundraise effectively through the lawful practices that

have proven successful (and been used by both sides of the aisle) in past election cycles. *See Wildearth*, 272 F.R.D. at 15.

Fourth, the NRSC's interest is not adequately represented by the FEC because the NRSC, not the FEC, is the intended target of this action. Accordingly, the FEC's interests and those of the NRSC do not coincide, justifying the NRSC's intervention to defend its rights. *Cf. Fund for Animals*, 322 F.3d at 736 (generally, "governmental entities do not adequately represent the interests of aspiring intervenors"); *Nat. Res. Def. Council v. Costle*, 561 F.2d 904, 912 (D.C. Cir. 1977) (internal citation omitted) (interest of intervenors and government entities "may not coincide"). This is especially true here where the FEC lacks a quorum and is therefore incapable of taking substantive action. In light of all these considerations, the NRSC should be permitted to intervene as of right.

III. ALTERNATIVELY, NRSC SHOULD BE GRANTED PERMISSIVE INTERVENTION.

Should the Court decline to grant the NRSC intervention as of right, the Court should nevertheless exercise its discretion under Rule 24 to permit the NRSC to intervene. NRSC squarely satisfies the conditions for permissive intervention.

Rule 24(b)(2) provides that a court "may" grant a timely motion to intervene if an intervenor applicant's claim, and the main action in question, share a common question of law or fact. *Cook v. Boorstin*, 763 F.2d 1462, 1464 (D.C. Cir. 1985). Further, Rule 24(b) provides that permissive intervention should be granted where it would not "unduly delay or prejudice" the Court's adjudication of the rights of the original parties.

Here, as previously noted, the NRSC's motion to intervene is timely filed, and the NRSC's intervention is unlikely to delay the resolution of this case. *E.g., Fund for Animals*, 322 F.3d at 735. And there is clearly a common question of law or fact at issue here: the lawfulness of the

NRSC's past and ongoing fundraising solicitations, which SMP is attempting to proscribe through its suit against the FEC. Under these circumstances, the Court should permit the NRSC to intervene and to defend its valid interests.

CONCLUSION

For the foregoing reasons, NRSC respectfully requests that the Court grant its motion to intervene as of right or, in the alternative, for permissive intervention.

Dated: April 7, 2026

Respectfully submitted,

/s/ Dennis W. Polio

Dennis W. Polio

D.C. Bar No. 198054

Erin Morrow Hawley

D.C. Bar No. 500782

Pro hac vice motion pending

John S. Ehrett

D.C. Bar No. 1657026

Pro hac vice motion pending

LEX POLITICA PLLC

700 Pennsylvania Avenue SE, Ste 440

Washington, D.C. 20003

(512) 354-1783

dpolio@lexpolitica.com

ehawley@lexpolitica.com

jehrett@lexpolitica.com

*Counsel for Proposed Intervenor-Defendant
NRSC*

CERTIFICATE OF SERVICE

I hereby certify that, on April 7, 2026, the foregoing Motion to Intervene was electronically served upon all counsel of record via the Court's CM/ECF system.

/s/ Dennis W. Polio
Dennis W. Polio
Counsel for Proposed Intervenor-Defendant
NRSC