

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

SENATE MAJORITY PAC  
1032 13th St NW, Suite 247  
Washington, DC 20005,

Plaintiff,

v.

FEDERAL ELECTION COMMISSION  
1050 First Street NE  
Washington, DC 20463,

Defendant,

NRSC  
425 Second Street NE  
Washington, DC 20002,

Proposed Intervenor-  
Defendant.

Civil Action No. 1:26-cv-337 (RJL)

**NRSC’S MOTION TO INTERVENE AND MEMORANDUM IN SUPPORT**

The NRSC respectfully moves for leave to intervene as a defendant in this case under Federal Rule of Civil Procedure 24(a) and (b), and to file the attached motion to dismiss the complaint.<sup>1</sup> A proposed order is attached.

**INTRODUCTION AND BACKGROUND**

The NRSC’s interest in this litigation is clear. Senate Majority PAC’s judicial Complaint and its administrative complaint each wrongly accuse the NRSC of violating

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<sup>1</sup> Pursuant to Local Civil Rule 7(m), NRSC conferred with counsel for the above-captioned parties. Senate Majority PAC does not oppose NRSC’s intervention. The Federal Election Commission informed NRSC that it is unable to take a position on the motion because it currently lacks a quorum to authorize defensive litigation.

the Federal Election Campaign Act. Furthermore, the Complaint admits that Senate Majority PAC is suing the FEC in hope of obtaining authorization to file a citizen suit against the NRSC. Compl., ECF No. 1 (“Compl.”) ¶ 6; *see also Campaign Legal Ctr. v. 45Committee, Inc.*, 118 F.4th 378, 383 (D.C. Cir. 2024) (explaining “preconditions” for a citizen suit). All while the FEC currently lacks the statutorily required quorum and thus is incapable of defending itself in court or of taking further action in response to a court order. *See* FEC Notice of Lack of Quorum (April 6, 2026), Dkt. No. 8.

Senate Majority PAC founders from the start. As the proposed motion to dismiss explains, Senate Majority PAC lacks Article III standing to bring its claim. Its claim is also meritless, because the FEC has already taken a cognizable enforcement step and because Senate Majority PAC has not plausibly alleged that any FEC inaction was contrary to law. Indeed, the FEC cannot take the next enforcement step because it currently lacks a quorum—as it has for the entire pendency of Senate Majority PAC’s administrative complaint.

The Court should allow the NRSC to intervene and to file the attached proposed motion to dismiss.

### **STANDARD**

Federal Rule of Civil Procedure 24(a) requires the Court to allow intervention by anyone with standing who “claims an interest relating to the . . . 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).

Federal Rule of Civil Procedure 24(b) permits the Court to grant intervention on a timely motion where the proposed intervenor with standing “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); *see Cook v. Boorstin*, 763 F.2d 1462, 1464 (D.C. Cir. 1985). In permitting intervention under Rule 24(b), the Court “must consider whether the intervention will unduly delay or prejudice the adjudication of the original parties’ rights.” Fed. R. Civ. P. 24(b)(3). Courts have “wide latitude” in exercising their discretion over permissive intervention. *EEOC v. Nat’l Child. ’s Ctr., Inc.*, 146 F.3d 1042, 1046 (D.C. Cir. 1998).

In either case, “[t]he motion 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). A motion to dismiss satisfies the Rule 24 pleading requirement. *See, e.g., Campaign Legal Ctr. v. FEC*, 31 F.4th 781, 787 (D.C. Cir. 2022) (“At the start of the proceedings in District Court, the Intervenors filed a motion to dismiss.”); *MGM Glob. Resorts Dev., LLC v. U.S. Dep’t of Interior*, No. 19-cv-2377 (RC), 2020 WL 5545496, at \*1 (D.D.C. Sept. 16, 2020) (“[T]he Court grants Movants’ motion to intervene and will allow the filing of the Movants’ proposed Motion to Dismiss.”).

### **ARGUMENT**

The Court should grant intervention as of right because the NRSC has standing and satisfies the elements of Federal Rule of Civil Procedure 24(a). Alternatively, the Court should permit the NRSC to intervene because it easily meets the permissive-intervention standard under Federal Rule of Civil Procedure 24(b).

## I. THE NRSC HAS STANDING TO INTERVENE

An intervening defendant “must show injury in fact, causation, and redressability.” *Crossroads Grassroots Pol’y Strategies v. FEC*, 788 F.3d 312, 316 (D.C. Cir. 2015); see *Fund for Animals, Inc. v. Norton*, 322 F.3d 728, 732–33 (D.C. Cir. 2003). “For standing purposes, it is enough that a plaintiff seeks relief, which, if granted, would injure the prospective intervenor.” *Crossroads*, 788 F.3d at 318.

Senate Majority PAC alleges the FEC failed to act on an administrative complaint, which names NRSC as a respondent. Compl. ¶¶ 1–6; see also Compl., Ex. 1 (administrative complaint). NRSC is thus “an object of the action (or forgone action) at issue,” so there is “little question that the action or inaction has caused [the NRSC] injury, and that a judgment preventing or requiring the action will redress it.” See *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 561–62 (1992).

Indeed, NRSC’s injury-in-fact is evident on the face of Senate Majority PAC’s judicial Complaint. The Complaint seeks a declaration that the FEC’s alleged inaction was “contrary to law,” and an order directing the FEC “to conform with this declaration within 30 days.” Compl. at 9. It states that if the FEC does not conform, Senate Majority PAC will commence a citizen suit directly against the NRSC. *Id.* ¶ 6; see *45Committee, Inc.*, 118 F.4th at 383 (“Unlike the predicate contrary-to-law action, a citizen suit is brought against the subject of the complaint, not the Commission, and it resolves the merits of the complaint’s allegations, not the lawfulness of the Commission’s failure to act on ... the complaint.”). The FEC currently has only two confirmed commissioners and, therefore, lacks the four-commissioner quorum necessary to defend itself in court or to take further

enforcement steps in response to a court order. *See* FEC’s Notice of Lack of Quorum ¶ 2. NRSC therefore “has a significant and direct interest in the favorable” resolution of this action, which would “shield[ ] it from further litigation and liability” in a potential citizen suit brought by Senate Majority PAC. *Crossroads*, 788 F.3d at 318; *see also Kimberly-Clark Corp. v. Dist. of Columbia*, 286 F. Supp. 3d 128, 136–37 (D.D.C. 2017) (concluding that a “‘credible threat’ of civil liability suffices to establish standing” (quoting *Susan B. Anthony List v. Driehaus*, 573 U.S. 149, 159 (2014))).

The NRSC is also suffering reputational injury from the Senate Majority PAC’s allegations. *See McBryde v. Comm. to Rev. Cir. Council Conduct & Disability Ords. of Jud. Conf. of U.S.*, 264 F.3d 52, 57 (D.C. Cir. 2001) (“injury to reputation can . . . suffice for purposes of constitutional standing”); *Meese v. Keene*, 481 U.S. 465, 468 (1987) (“the risk of damage to Keene’s reputation established his standing”). Through this lawsuit Senate Majority PAC is attempting to wrongly brand NRSC a lawbreaker. That also injures the NRSC.

## II. THE COURT SHOULD GRANT INTERVENTION AS OF RIGHT

The NRSC satisfies all four elements to intervene as of right under Rule 24(a)(2). “In deciding whether a party may intervene as of right, [this Court] employ[s] a four-factor test requiring: 1) timeliness of the application to intervene; 2) a legally protected interest; 3) that the action, as a practical matter, impairs or impedes that interest; and 4) that no party to the action can adequately represent the potential intervenor’s interest.” *Crossroads*, 788 F.3d at 320 (citing *Deutsche Bank Nat’l Tr. v. FDIC*, 717 F.3d 189, 192 (D.C. Cir. 2013)).

*First*, the NRSC’s intervention is timely because it is filed the same day that the FEC’s responsive pleading is due. *See Fund for Animals*, 322 F.3d at 735 (intervention timely “two months after the plaintiffs filed their complaint”); *Crossroads*, 788 F.3d at 320 (intervention timely “because Crossroads filed an intervention motion before the FEC had even entered an appearance”); *Virginia v. Ferriero*, 466 F. Supp. 3d 253, 256 (D.D.C. 2020) (intervention timely “approximately three weeks after the complaint was filed and prior to any meaningful developments in the case”); *MGM Glob. Resorts Dev.*, 2020 WL 5545496, at \*4 (intervention timely “two weeks after the Government Defendants filed their motion to dismiss”). Senate Majority PAC does not oppose the NRSC’s intervention. The NRSC’s intervention, therefore, would not delay this litigation or prejudice the parties. *See Farmer v. EPA*, 759 F. Supp. 3d 101, 110 (D.D.C. 2024) (“because the motion was filed before this Court issued any merits decision, intervention would not unduly disrupt this litigation.”).

*Second*, the NRSC has a direct and legally protected interest in this action. Indeed, “since [the NRSC] has constitutional standing, it *a fortiori* has ‘an interest relating to the property or transaction which is the subject of the action.’” *Crossroads*, 788 F.3d at 320 (quoting *Fund for Animals*, 322 F.3d at 735); *see also Roeder v. Islamic Republic of Iran*, 333 F.3d 228, 233 (D.C. Cir. 2003) (“any person who satisfies Rule 24(a) will also meet Article III’s standing requirement” (citation omitted)).

Furthermore, because the relevant “transaction,” *see* Fed. R. Civ. P. 24(a)(2), involves Senate Majority PAC’s administrative complaint alleging the NRSC violated FECA, “there can be no question that the [NRSC] has the requisite interest[s],” *see Fund*

*for Animals*, 322 F.3d at 735. Courts in this District frequently allow intervention by the respondent to an FEC administrative complaint. *See, e.g.*, Minute Order, *CREW v. FEC*, No. 1:22-cv-3281 (D.D.C. Jan. 9, 2023) (granting intervention to respondent named in administrative complaint); Order, *CREW v. FEC*, No. 1:16-cv-2255 (D.D.C. May 1, 2017), ECF No. 16; *cf.* Minute Order, *DCCC v. FEC*, No. 1:24-cv-2935 (D.D.C. Oct. 23, 2024) (granting NRSC intervention as of right where it was the subject of plaintiff’s advisory opinion request).

*Third*, this action may impair or impede the NRSC’s legally protected interests. This action is the first step in Senate Majority PAC’s apparent attempt to bring a meritless and constitutionally improper citizen suit against the NRSC. A ruling that the FEC acted contrary to law would bring Senate Majority PAC one step closer to that improper goal. *See 45Committee*, 118 F.4th at 383 (describing a contrary-to-law suit as necessary “precondition” for a citizen suit). NRSC is therefore “so situated that the disposition of the action may as a practical matter impair or impede [its] ability to protect its interest.” Fed. R. Civ. P. 24(a)(2); *cf. Crossroads*, 788 F.3d at 320 (“An adverse judgment in the district court would impair Crossroads’ defense in a new proceeding because a judicial pronouncement that the FEC’s dismissal was contrary to law would make the ‘task of reestablishing the status quo . . . [more] difficult and burdensome.’” (alterations in original) (quoting *Fund for Animals*, 322 F.3d at 735)); *Campaign Legal Ctr. v. FEC*, 334 F.R.D. 1, 6 (D.D.C. 2019) (explaining that the “second and third elements have largely been proven in the standing discussion above”).

*Fourth*, NRSC's interests are not adequately represented by the FEC. As a general matter, Circuit precedent establishes that "governmental entities do not adequately represent the interests of aspiring intervenors." *Fund for Animals*, 322 F.3d at 736 (reversing denial of intervention despite agreement between federal agency and prospective intervenor that the agency's conduct was lawful); see *Crossroads*, 788 F.3d at 321 ("we look skeptically on government entities serving as adequate advocates for private parties."). And the FEC, in particular, may be "a doubtful friend" because the agency "could seek to regulate [the NRSC] directly and immediately" if plaintiff succeeds. *Crossroads*, 788 F.3d at 321.

That is doubly true here where the FEC has indicated that it is currently unable to defend this litigation. See FEC Notice of Lack of Quorum, ¶ 4. FECA provides that "the affirmative vote of 4 members of the Commission shall be required," 52 U.S.C. § 30106(c), for the Commission "to initiate," "defend," "or appeal any civil action," *id.* § 30107(a)(6). Again, the FEC currently has only two members, so it cannot vote to defend this litigation. President Trump has nominated two additional commissioners, see FEC Notice of Lack of Quorum, ¶ 3; The White House, *Nominations Sent to the Senate* (Feb. 11, 2026), <https://tinyurl.com/ydcsf4z3>, but they have not yet been confirmed. Thus, the FEC currently is incapable of representing NRSC's interests for this reason too.

Under these circumstances especially, NRSC therefore easily meets the "not onerous," *Fund for Animals*, 322 F.3d at 735, "minimal burden of showing inadequacy of representation," *Crossroads*, 788 F.3d at 321. It "should be allowed to intervene as of right." *Id.*

### III. THE COURT SHOULD GRANT PERMISSIVE INTERVENTION

The NRSC also qualifies for permissive intervention under Rule 24(b)(2). “That subsection states that a court ‘may’ grant a timely motion to intervene if ‘an applicant’s claim or defense and the main action have a question of law or fact in common.’” *Cook*, 763 F.2d at 1464; *see also, e.g., Peters v. Dist. of Columbia*, 873 F. Supp. 2d 158, 211–12 (D.D.C. 2012). The district court should grant permissive intervention if intervention would not “unduly delay or prejudice the adjudication of the original parties’ rights.” Fed. R. Civ. P. 24(b)(3).

The NRSC easily satisfies the standard. As explained above, NRSC’s motion is timely and cannot prejudice the existing parties because it is being filed on the same day that the Commission’s response to the Complaint is due. *See supra* p. 6; *Fund for Animals*, 322 F.3d at 735.

Moreover, NRSC’s attached motion to dismiss demonstrates that its defenses share common questions of law and fact with the main case. Indeed, the motion to dismiss refutes not only Senate Majority PAC’s standing to bring this suit, but also Senate Majority PAC’s allegations that the FEC has failed to act in a manner contrary to law. *See Campaign Legal Ctr.*, 334 F.R.D. at 6 (“Clearly, Intervenor’s defense here shares a common question of law with the main action: the legality of the FEC’s [alleged failure to act].”); *see also, e.g., Sierra Club v. Van Antwerp*, 523 F. Supp. 2d 5, 9–10 (D.D.C. 2007) (granting permissive intervention when the intervenors, among other things, “present[ed] defenses to the precise claims brought by plaintiffs”).

## CONCLUSION

For these reasons, the NRSC should be granted leave to intervene as a party defendant and to file the attached proposed motion to dismiss.

Respectfully submitted,

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Dated: April 7, 2026

*Counsel for NRSC*

**CERTIFICATE OF SERVICE**

I hereby certify that on April 7, 2026, I caused a true and correct copy of the foregoing document and its attachments to be served upon all counsel of record registered with the Court's ECF system, by electronic service via the Court's ECF transmission facilities. Additionally, I caused a true and correct copy of the foregoing document and its attachments to be served via email upon counsel for the FEC, who consented in writing to service via electronic means in accordance with Federal Rules of Civil Procedure 5(b)(2)(E) and 24(c).

/s/ Jeremy J. Broggi  
Jeremy J. Broggi