



SCOTUS to Decide State Legislature Lawsuit Intervention Case

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In [Berger v. North Carolina State Conference of the NAACP](#) the U.S. Supreme Court will decide whether the North Carolina legislature has a right to intervene in a lawsuit to defend North Carolina's voted ID law when the North Carolina Attorney General is already defending the law.

In December of 2018 North Carolina adopted a new voter ID law. The North Carolina NAACP sued members of the state elections board in federal court claiming the law discriminates against black and Latino votes in violation of Section 2 of the Voting Rights Act.

The North Carolina Attorney General represents state elections board members in the litigation. The President Pro Tempore of the North Carolina Senate and the Speaker of the North Carolina House of Representatives (Petitioners) sought to intervene in this lawsuit on behalf of the North Carolina General Assembly.

Federal Rule of Civil Procedure 24 allows intervention as a matter of right where, among other factors, a potential intervenor's interest is not adequately represented by the existing parties. The Fourth Circuit applies a presumption of adequate representation when "the party seeking intervention has the same ultimate objective as a party to the suit." The Fourth Circuit concluded that the district court didn't abuse its discretion in concluding that the Attorney General has adequately defended the law. In their [brief](#) asking the Court to decide this



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case the Petitioners argue a “presumption of adequate representation is inconsistent with the text of Rule 24.”

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