

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF CONNECTICUT

|  |   |                                   |
|--|---|-----------------------------------|
| <b>GREEN PARTY of Connecticut,</b>           | : |                                   |
| <b>S. Michael DEROSA,</b>                    | : |                                   |
| <b>The LIBERTARIAN PARTY</b>                 | : |                                   |
| <b>of Connecticut,</b>                       | : |                                   |
| <b>Elizabeth GALLO,</b>                      | : |                                   |
| <b>Joanne P. PHILIPS,</b>                    | : |                                   |
| <b>Ann C. ROBINSON,</b>                      | : |                                   |
| <b>Roger C. VANN</b>                         | : |                                   |
|  | : |                                   |
| <b>Plaintiffs,</b>                           | : |                                   |
|  | : |                                   |
| <b>v.</b>                                    | : | <b>Civil No. 3:06-01030 (SRU)</b> |
|  | : |                                   |
| <b>Jeffrey GARFIELD</b>                      | : |                                   |
| <b>in his official capacity as</b>           | : |                                   |
| <b>Executive Director and General</b>        | : |                                   |
| <b>Counsel of the State</b>                  | : |                                   |
| <b>Election Enforcement Commission,</b>      | : |                                   |
| <b>Richard BLUMENTHAL, in his</b>            | : |                                   |
| <b>official capacity as Attorney General</b> | : |                                   |
| <b>of the State of Connecticut</b>           | : |                                   |
|  | : |                                   |
| <b>Defendants.</b>                           | : | <b>July 25, 2010</b>              |

**MOTION TO INTERVENE BY PROPOSED INTERVENORS-DEFENDANTS  
DANNEL MALLOY AND DAN MALLOY FOR GOVERNOR**

Dannel Malloy (“Malloy”) and Dan Malloy for Governor (“Committee”) respectfully moves, pursuant to Federal Rule of Civil Procedure 24, to intervene as defendants in the above-captioned action. As demonstrated in the memorandum of law and supporting affidavit

submitted herewith, Malloy and the Committee satisfy the standard for both intervention as of right and permissive intervention. Should the Court grant the motion to intervene, Malloy and the Committee respectfully request permission to file an answer.

Malloy is the Democratic nominee for governor of the State of Connecticut. Malloy qualified through the Committee for and received base funding for the Democratic primary election under Connecticut's Citizen Election Program ("CEP"), Conn. Gen. Stat. § 9-702 *et seq.* The Committee qualifies for and expects to receive a CEP grant for the 2010 general election.

The recent ruling of the United States Court of Appeals for the Second Circuit held that the "trigger provisions" of the CEP violate the First Amendment and remanded the cause to the United States District Court for the District of Connecticut to: (1) determine whether the trigger provisions are severable from the remainder of the CEP and CFRA; and (2) reconsider the scope of injunctive relief necessary. If the Court determines that the trigger provisions are not severable or that the State Elections Enforcement Commission ("SEEC") should be enjoined from distributing grants through the CEP, Malloy's ability to campaign will be directly and substantially affected. For those reasons, and the reasons set forth more fully in the accompanying memorandum of law and affidavit of Daniel P. Kelly filed herewith, Malloy and the Committee seek to intervene in this action.

DANNEL MALLOY AND  
DAN MALLOY FOR GOVERNOR

By: \_\_\_\_\_ /s/

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**CERTIFICATION OF SERVICE**

I hereby certify that this document was filed electronically on this 25<sup>th</sup> day of July 2010.

Notice will be sent to all counsel of record through the Court's electronic notification system.

\_\_\_\_\_/s/  
Nuala E. Droney