No. 25A839

In the Supreme Court of the United States

DAVID TANGIPA, CALIFORNIA REPUBLICAN PARTY, *et al.*,
Applicants,

v.

GAVIN NEWSOM, *et al.*,
Respondents.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

STATE RESPONDENTS' OPPOSITION TO APPLICATION

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January 29, 2026

PARTIES TO THE PROCEEDING

The parties before the district court were:

Plaintiffs:

California Republican Party
Saul Ayon
Doug Buchanan
Eric Ching
Vernon Costa
Alex Galicia
Joel Guiterrez Campos
Rachel Gunther
Kristi Hays
Peter Hernandez
Roxanne Hoge
Sayrs Morris
Mike Netter
Jane Ortiz-Wilson
Paul Ramirez
Christina Raughton
James Reid
David Tangipa
Michael Tardif
Solomon Verduzco

Intervenor-Plaintiff:

United States of America

Defendants:

Gavin Newsom, in his official capacity as the Governor of California
Shirley Weber, in her official capacity as California Secretary of State

Intervenor-Defendants:

Democratic Congressional Campaign Committee (DCCC)
League of United Latin American Citizens (LULAC)

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INTRODUCTION

"[S]everal States have in recent months redrawn their congressional districts in ways that are predicted to favor the State's dominant political party." *Abbott v. League of United Latin Am. Citizens*, 607 U.S. __, __, 2025 WL 3484863, at *1 (U.S. Dec. 4, 2025). "Texas adopted the first new map, then California responded with its own map for the stated purpose of counteracting what Texas had done." *Id.* California's leaders made clear that the new map—placed on the ballot as a voter initiative called Proposition 50—was designed as a direct response to Texas. Governor Gavin Newsom, for example, pitched the map as an "opportunity to fight back against Trump's . . . power grab in Texas." App'x 6. The California Republican Party denounced it as an attempt to "paint California blue." *Id.* at 8. U.S. Attorney General Pam Bondi called it a "power grab" for "political gain." *Id.* at 3, 32. And several members of this Court found it "indisputable . . . that the impetus" for the new "map . . . in California[] was partisan advantage pure and simple." *Abbott*, 607 U.S. at __, 2025 WL 3484863, at *1 (Alito, J., concurring). Ultimately, California voters overwhelmingly approved the measure, with 64% voting in support.

Resisting the "mountain of evidence . . . that the voters intended to enact a partisan gerrymander" favoring Democrats, App'x 29, the California Republican Party and several others brought suit challenging the measure as a racial gerrymander with the predominant purpose of favoring Latino voters. Plaintiffs sought an order enjoining the new map in its entirety, and they now seek the same relief here. What is immediately apparent from plaintiffs' application,

however, is the extraordinary mismatch between the sweeping nature of that relief and the narrow focus of their claims. Plaintiffs have all but abandoned any theory that Proposition 50 *as a whole* was adopted to benefit Latino voters.

That decision is understandable: Before Proposition 50, there were 16 Latino-majority districts. After Proposition 50, there is the same number. The average Latino share of the voting-age population also declined in those 16 districts. It would be passing strange for California to undertake a mid-decade restricting effort with the predominant purpose of benefitting Latino voters and then enact a new map that contains an *identical number* of Latino-majority districts. None of the stray statements invoked by plaintiffs—including statements from various state legislators, as well as Paul Mitchell, the consultant who drew the first version of the new map—reveals any race-based motive, let alone a racial motivation that predominates over all others. Nor is there any evidence that the most relevant state actors—the 7.4 million Californians who voted for Proposition 50—harbored any race-based intent whatsoever.

Plaintiffs' application focuses on a single district: District 13. But in that district too, the Latino voting-age population *decreased* after Proposition 50's enactment. Plaintiffs ask the Court to scrutinize, not District 13's racial makeup and boundaries as a whole, but instead the particular lines drawn in a small part of the district around the city of Stockton. In plaintiffs' view, the lines could have been drawn to capture more Democratic voters, but fewer Latino voters. But there are myriad ways to draw congressional lines; courts do

not nitpick States' choices in this area. And here, the district court's extensive, record-based findings following a three-day evidentiary hearing show that the lines around Stockton helped to shore up support for vulnerable Democratic incumbents while keeping communities of interest intact. There is no basis in the record to hold that race was the predominant motivation for any lines drawn in District 13. And there is certainly no basis to grant plaintiffs' far-reaching request to enjoin Proposition 50 *in toto* based on a purported defect in a tiny part of just one of 52 districts.

The weaknesses in plaintiffs' claims are also apparent from the federal government's litigation choices in this case. Although it intervened in support of plaintiffs below, it has not joined them in appealing the district court's denial of preliminary injunctive relief or seeking an emergency injunction. Instead, it has filed the equivalent of an amicus brief, which it styles as a brief of "respondent in support of the application." U.S. Br. 1. Whatever the explanation for that unusual decision, the Court should be wary of granting an injunction in the first instance, on a hurried timetable with limited briefing, where the requested relief would nullify the choice of millions of voters and displace state election laws in the middle of an active primary campaign.

* * *

This Court is "'not required to exhibit a naiveté from which ordinary citizens are free.'" *Dep't of Com. v. New York*, 588 U.S. 752, 785 (2019). The obvious reason that the Republican Party is a plaintiff here, and the reason that

the current federal administration intervened to *challenge* California's new map while *supporting* Texas's defense of its new map, *see* Br. for the United States as Amicus Curiae in Support of Applicants, *Abbott*, 607 U.S. at __ (No. 25A608), is that Republicans want to retain their House majority for the remainder of President Trump's term. That is a natural political objective, just as it was natural for Governor Newsom and California Democrats to want to counteract Republicans' strategy. But what is deeply unnatural—indeed, contrary to fundamental principles of democracy and judicial impartiality—is plaintiffs' request for this Court to step into the political fray, granting one political party a sizeable advantage by enjoining California's partisan gerrymander after having allowed Texas's to take effect. This Court's role is to "say what the law is," not to "allocate political power and influence." *Rucho v. Common Cause*, 588 U.S. 684, 721 (2019). The application should be denied.

STATEMENT

1. "Partisan gerrymandering is nothing new. Nor is frustration with it." *Rucho*, 588 U.S. at 696. "The practice was known in the Colonies prior to Independence, and the Framers were familiar with it." *Id.* Yet nothing in the Constitution expressly forbids the States from engaging in that practice. *See id.* at 700-701. Instead, the Constitution empowers States to draw congressional districts, largely as they see fit. *See* U.S. Const. art. I, § 4, cl. 1.

Consistent with the States' broad latitude in this area, the Court has held that partisan-gerrymandering challenges "present political questions beyond the reach of the federal courts." *Rucho*, 588 U.S. at 718. Such claims "ask the

courts to make their own political judgment about how much representation particular political parties *deserve*." *Id.* at 705. "But federal courts are not equipped to apportion political power as a matter of fairness." *Id.* And tasking federal courts with that responsibility would thrust the judiciary "into one of the most intensely partisan aspects of American political life." *Id.* at 718-719.

Because political-gerrymandering claims are nonjusticiable, and "race and partisan preference are highly correlated," plaintiffs raising racial-gerrymandering claims face an "especially stringent" burden. *Alexander v. S.C. State Conf. of the NAACP*, 602 U.S. 1, 6, 11 (2024). Plaintiffs must overcome a "presumption that the legislature acted in good faith." *Id.* at 6. They "must disentangle race and politics" to show that the State "was motivated by race as opposed to partisanship." *Id.* And they must prove that "race was the predominant factor" motivating the State. *Id.* at 7 (quoting *Miller v. Johnson*, 515 U.S. 900, 916 (1995)). Plaintiffs are also subject to a "dispositive or near-dispositive" adverse inference, *Abbott*, 607 U.S. at __, 2025 WL 3484863, at *1, if they fail to produce alternative maps showing that the State could have achieved its political objectives "while producing 'significantly greater racial balance,'" *Alexander*, 602 U.S. at 34.[1]

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[1] Justice Thomas has voiced support for treating all gerrymandering claims, including those alleging racial gerrymandering, as nonjusticiable. *Alexander*, 602 U.S. at 40 (Thomas, J., concurring in part); *see id.* ("[t]here are no judicially manageable standards for resolving claims about districting, and, regardless, the Constitution commits those issues exclusively to the political branches").

2. The recent wave of partisan-motivated redistricting in Texas, California, and several other States began last year when President Trump called on Texas to provide "five more seats" to Republicans. App'x 4; *see Abbott*, 607 U.S. at __, 2025 WL 3484863, at *1. Texas Governor Greg Abbott convened a legislative session to redraw the State's congressional district map to accomplish that objective, and Texas adopted the new map in August 2025. App'x 2, 4-5.

Governor Gavin Newsom responded by suggesting that California could "nullify what happens in Texas" by "pick[ing] up five seats." App'x 5. The California Legislature, however, lacks plenary authority over redistricting; that power is reserved under the state constitution to an independent, nonpartisan Citizens Redistricting Commission. *Id.* at 15. So, despite holding the governorship and majorities in both houses of the Legislature, California Democrats could not directly enact a new map. *Id.* Instead, their redistricting plan required the Legislature to propose a new map and then ask voters to amend the state constitution to adopt it. *Id.* at 5.

The new map was initially drafted by an independent consultant named Paul Mitchell. App'x 5. Mitchell started with the existing Commission map and made "[a]djustments" to "flip[] five [Republican-held] districts," while "bolstering" the ten most vulnerable Democratic incumbents. *Id.* at 39, 565. Mitchell made "[n]o changes . . . that were not consistent with [this] goal[ ]." *Id.* at 40. The Democratic Congressional Campaign Committee (DCCC) suggested "revisions" to the map to "improve Democratic performance, including

in . . . the Central Valley." Dkt. 112-3 at 329.[2] The DCCC purchased the revised map, *id.* at 330, and submitted it to the California Legislature, *id.*; App'x 466. After Democratic leaders made changes, App'x 5, the Legislature passed a bill codifying the map and Governor Newsom signed it into law, *id.* at 7. The bill specified that it would "become operative only if" a constitutional amendment allowing its use was "approved by the voters." Cal. Elec. Code § 21454.

The Legislature set a November 4, 2025, special election for the amendment—designated Proposition 50—by which voters would decide whether to adopt the new map. App'x 5-6. If adopted, the map promised to reduce the number of "[l]ean" or "[s]afe" Republican districts from nine to four. *Id.* at 571. Demographically, however, the changes were negligible. As relevant here, both the old and new maps included 16 districts with a Latino majority of the citizen voting-age population (CVAP). *See id.* at 46-47.[3] In District 13—plaintiffs' focus here—the measure's changes to Latino CVAP were de minimis, reducing it from 54.0% to 53.8%. *Id.* at 63.

Throughout the campaign cycle, supporters and opponents of the new map repeatedly characterized it as a partisan gerrymander. App'x 5-6. Opponents in the Legislature "vilified" the map's "naked partisan purpose." *Id.* at

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[2] All docket citations in this brief refer (by ECF page number) to filings on the district court docket in this case. All evidentiary submissions cited by docket number were also submitted as hearing exhibits. *See* Dkt. 176, 188-190.

[3] Districts are apportioned based on total population, but CVAP approximates the population that is eligible to vote. CVAP is the metric used to determine minority population in redistricting cases. *See, e.g.*, *Alexander*, 602 U.S. at 18.

6. For example, Assemblymember David Tangipa, a plaintiff here, criticized a colleague for "brazenly admit[ing] that this entire thing was about partisan gerrymandering." *Id.* Far from resisting that characterization, supporters embraced it: one Assemblymember, for example, stated that the new map "is before you today because President Trump and Republicans in Texas and other states . . . are attempting to redraw congressional districts mid-decade in an effort to rig the upcoming election." *Id.* at 6. Governor Newsom made similar comments. *See, e.g.*, *id.* And the measure was widely understood by voters and the news media as a partisan gerrymander. *See, e.g.*, Rector et al., *California's Lightning-Fast Push for Partisan Redistricting Reflects Trump's New America*, L.A. Times (Aug. 24, 2025), https://tinyurl.com/nfnswy5c.

The text of Proposition 50 confirms that understanding. It provides that "President Trump and Republicans are attempting to gain enough seats through redistricting to rig the outcome of the 2026 United States midterm elections" and that the new map aimed "to neutralize [such] partisan gerrymandering." Assemb. Const. Amend. 8, Cal. Stat. 2025, ch. 156, § 2(f), (n). The official title on every voter's ballot summarized Proposition 50 as "authorizing temporary changes to congressional district maps in response to Texas' partisan redistricting." App'x 33 (capitalization and alteration omitted).

Over 7.4 million people voted for Proposition 50, and it passed with 64.4% of the vote. App'x 3, 10. With the new map in place, California's 2026 election season is underway. Many congressional races are already in full swing ahead

of the June primary, with candidates declaring their campaigns, fundraising, and introducing themselves and their platforms to voters. *See, e.g.,* Regardie, *Crowded Field Challenges Jimmy Gomez in California's 34th Congressional District*, The Eastsider (Jan. 20, 2026), https://tinyurl.com/e3kn476b; Nguyen, *West Sacramento Mayor Jumps into 2026 House Fight*, Hoodline (Jan. 8, 2026), https://tinyurl.com/5bu3c58e. Since December 19, candidates have been collecting voter signatures, which may be submitted in lieu of a filing fee and counted toward the signature requirement for declaring a candidacy. *Id.* at 296. Forty-nine candidates are currently collecting signatures through this process. Supp. Southard Decl. ¶ 9 (attached as Addendum). Because signatures must be from voters eligible to vote in a candidate's district, these candidates have needed to know for weeks which district they will run in and what its boundaries will be. Dkt. 113-2 ¶ 12 (Southard Decl.). And the signature-gathering window is closing soon: candidates using this process must submit 1,714 signatures by February 4, 2026. App'x 113 (Lee, J., dissenting).[4]

3. On November 5, 2025—one day after the special election and more than two months after the Legislature finalized the new map—the California Republican Party, a Republican member of the State Assembly, a Republican

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[4] Candidates must declare their candidacies between February 9 and March 6. App'x 300, 303. The Secretary of State must distribute a list of candidates to county officials by March 26. *Id.* at 306. Military and overseas ballots must be mailed by April 18, *id.* at 307, and mail ballots to all other voters must be sent beginning no later than May 4, *id.* at 309. County officials will begin processing mail ballots on May 4. *Id.*

candidate for Congress, and 17 voters filed the instant suit. App'x 10; Dkt. 1 ¶¶ 6-25. They allege that all 16 Latino-majority districts in the new map are unconstitutional racial gerrymanders. *Id.* at 10. Defendants are Governor Newsom and California Secretary of State Shirley Weber (collectively "the State"). The DCCC and the League of United Latin American Citizens intervened as defendants, and the federal government intervened as a plaintiff. *Id.*

Plaintiffs and the federal government filed separate motions seeking a preliminary injunction blocking the entirety of Proposition 50 from taking effect. App'x 10. While no plaintiff sought discovery in connection with those motions, the State and the DCCC requested that the district court authorize limited discovery. Dkt. 71. The district court granted that request in part, Dkt. 81, and held a three-day hearing, at which it heard legal argument and testimony from each side's experts and fact witnesses. Dkt. 179, 180, 183. Plaintiffs and the federal government sought relief by December 19 on the ground that "congressional election candidates must know the district lines by December 19." App'x 142; *see also id.* at 163; Dkt. 75 at 3.

On January 14, 2026, the district court denied the preliminary injunction motions. App'x 1-117. The majority found that "the evidence of any racial motivation driving redistricting is exceptionally weak, while the evidence of partisan motivations is overwhelming." App'x 11. As the court recognized, "[t]he failure to provide a viable alternative map . . . result[s] in a 'dispositive

or near-dispositive adverse inference.'" *Id.* at 61. Plaintiffs provided alternatives for just one district: District 13. *Id.* at 48, 61. Based on the reports and testimony of defendants' experts, the majority concluded that there were "problems with each of [the] alternative maps." *Id.* at 61. For these reasons, and because plaintiffs furnished no other persuasive direct or circumstantial evidence of racial gerrymandering, the majority concluded that the new map "was exactly what it was billed as: a political gerrymander." *Id.* at 67.

In reaching that conclusion, the majority focused on the intent "of the voters." App'x 14. "California law," the majority explained, "subordinates the legislature to the electorate when amending the constitution." *Id.* at 15. And "the voters enacted a particularly-drawn map that everyone had the opportunity to review, debate, and critique." *Id.* At the same time, the majority made clear that its approach "does not mean that legislative statements are irrelevant." *Id.* at 18. Because "[s]tatements made while debating proposals to be submitted to the electorate often speak directly to voters," they can sometimes provide probative evidence of voter intent. *Id.* In the alternative, the majority set aside voter intent and "evaluated [plaintiffs'] claims using the traditional approach—focusing on legislative intent." *Id.* at 38. Plaintiffs' evidence, the majority concluded, "remains insufficient." *Id.*

Judge Lee dissented. App'x 71-117. He acknowledged Proposition 50's "larger partisan goal." *Id.* at 73. And he agreed with the majority that there was insufficient evidence of racial gerrymandering as to 15 of 16 Latino-

majority districts. *Id.* at 78. He argued, however, that District 13 "was racially gerrymandered." *Id.* He pointed to statements made by Paul Mitchell, the consultant who initially drafted the new map. *Id.* at 81-90. He also heavily relied on "[i]ndirect evidence" submitted by plaintiffs' expert witness. *Id.* at 95; *see id.* at 95-112. Based on the defect he identified in District 13, Judge Lee would have "enjoin[ed] the Proposition 50 map entirely." *Id.* at 116. He acknowledged that "might seem like a blunt remedy." *Id.* But he thought that any other approach would require the court to "draw[] district lines." *Id.*

ARGUMENT

The California Republican Party and several other plaintiffs ask this Court to issue an injunction in the first instance—on a rushed schedule with limited briefing—to require California to make immediate, statewide changes to its 52-district congressional map. This Court recently stayed a similar injunction issued in response to Texas's partisan gerrymander, and plaintiffs' requested injunction here suffers from the same fundamental flaws. Plaintiffs have not overcome the "presumption of legislative good faith" necessary to show that the predominant motive for any of California's new districts was race, rather than politics. *Abbott*, 607 U.S. at __, 2025 WL 3484863, at *1. Plaintiffs have "not produce[d] a viable alternative map" for any district. *Id.* And granting relief would require the Court to "insert[] itself into an active primary campaign, causing much confusion and upsetting the delicate federal-state balance in elections." *Id.* Indeed, granting plaintiffs' requested relief would nullify the choice of over 64% of California voters and thrust the Court

into a hotly contested, ongoing partisan dispute among multiple States, the current federal administration, and our Nation's two major political parties.

I. OVERWHELMING EVIDENCE SHOWS THAT EACH OF CALIFORNIA'S NEW DISTRICTS WAS MOTIVATED BY PARTISANSHIP, NOT RACE

Any time that litigants seek an emergency injunction from this Court, they face the difficult burden of demonstrating that "the legal rights at issue are 'indisputably clear.'" *E.g.*, *Lux v. Rodrigues*, 561 U.S. 1306, 1307 (2010) (Roberts, C.J., in chambers). In the context of a racial-gerrymandering claim seeking immediate changes to state election laws, that standard is especially difficult to satisfy. Applicants must indisputably rebut the "presumption of legislative good faith," *Alexander*, 602 U.S. at 10; demonstrate that race, not politics, was "*the* predominant factor" for the challenged map, *Alabama Legislative Black Caucus v. Alabama*, 575 U.S. 254, 267 (2015) (emphasis added); and show that the district court committed "clear error" in applying the predominance standard, *Cooper v. Harris*, 581 U.S. 285, 293 (2017). Plaintiffs cannot show any of those things. In *Abbott*, there was at least *some* arguable evidence that race played a role in redistricting. *Cf.* 607 U.S. at __, 2025 WL 3484863, at *1 ("ambiguous direct and circumstantial evidence"). Here, there is nothing remotely close to direct or circumstantial evidence that race was the predominant motivation for any of Proposition 50's districts. And there is certainly no sensible basis to enjoin California's new map in its entirety.

A. Plaintiffs Have All But Abandoned Any Challenge to 51 of California's 52 Congressional Districts

Before the district court, plaintiffs challenged all 16 Latino-majority districts in California's new congressional map. *E.g.*, App'x 148-151. In their application before this Court, plaintiffs focus almost exclusively on a single district, arguing that "race rather than politics predominated in the drawing of the District 13 lines." Appl. 2. Plaintiffs' narrow focus is understandable. Most of plaintiffs' evidence is not specific to any one district, and it is well-settled that "[p]laintiffs who complain of racial gerrymandering in their State cannot sue to invalidate the whole State's legislative districting map; such complaints must proceed 'district by district.'" *Gill v. Whitford*, 585 U.S. 48, 66-67 (2018). Plaintiffs' only district-specific alternative maps relate to District 13, requiring "a dispositive or near-dispositive adverse inference" against their challenges to other districts. *Abbott*, 607 U.S. at __, 2025 WL 3484863, at *1. Even the dissent below agreed that plaintiffs "have not provided sufficient evidence for other districts at the preliminary injunction stage." App'x 78.

No decisionmaker could plausibly reach a different conclusion. As the district court found, "the evidence of any racial motivation driving redistricting is exceptionally weak, while the evidence of partisan motivations is overwhelming." App'x 11. "[L]egislators discussed Proposition 50 as a purely partisan effort." *Id.* at 44. So did the new map's "opponents, including the United States and many of the Plaintiffs in this case, [who] vocally criticized the measure as a partisan gerrymander." *Id.* at 30. The "materials presented to voters"

depicted "the measure as a partisan gerrymander," *id.* at 33, and the measure's text "is clear and unambiguous" that it was crafted "to respond to *partisan* redistricting in Texas," *id.* at 30. Even now, plaintiffs continue to acknowledge the map's "statewide partisan goal." Appl. 12. And plaintiffs' "own expert witness" agreed that the map "was drawn with partisan objectives in mind . . . to improve Democratic prospects." App'x 40 (emphases omitted).

In the face of that "mountain of evidence," App'x 29, plaintiffs provide no credible basis for concluding that race was the predominant, "overriding reason" for adopting Proposition 50. *Bethune-Hill v. Va. State Bd. of Ed.*, 580 U.S. 178, 190 (2017). Initially, plaintiffs' theory was that the new map impermissibly *increased* Latino voting power. They alleged in their complaint that the map "increased the number of districts favoring Hispanic voters . . . from fourteen to sixteen." Dkt. 1 ¶ 98. The dissent below offered a similar theory, positing that Democrats pursued Proposition 50 as part of a "racial spoils system" that would "reward Latino groups and voters with several Latino majority and Latino-influenced seats." App'x 84. But contrary to those assertions, the new map does not increase the number of Latino-majority districts. Statewide, both the new map and the one it replaced include 16 districts in which the majority of the citizen voting-age population (CVAP) is Latino. Dkt. 113-1 at 11-12, 21 (Grofman Expert Rpt.). And within these districts, the Latino vote share on average *decreased*, from about 55.5% before to 54.7% in the new map. *See id.*

at 21. If Proposition 50 enacted a "racial spoils system," App'x 84, where are the "spoils"? Plaintiffs and the dissent offer no persuasive answer.[5]

Confronted with these realities, plaintiffs changed tack in their reply brief below and at the preliminary injunction hearing. Their new theory was that the Proposition 50-enacted map is a racial gerrymander, not because it *changed* Latino voting power, but because it kept it the *same*. Plaintiffs argued that the new map's "preservation" of the old map's "Hispanic districts . . . constituted redistricting pursuant to racial targets." Dkt. 143 at 9-10. But "minimizing change" is a legitimate, "traditional districting objective[]." *Alabama*, 575 U.S. at 259. And "minimize change" is exactly what Paul Mitchell, the consultant who drew the first version of the new map, did: he used the Commission's nonpartisan map as his starting point and made necessary "[a]djustments," App'x 565, to "push[] back on the mid-decade redistricting plans from Texas," *id.* at 566. Plaintiffs have never argued that there is a constitutional problem with the old map. To the contrary, plaintiffs refer to it as "lawful," Appl. 3, and the federal government has called it "perfectly lawful," Hearing

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[5] Judge Lee did not specify what he meant by "reward[ing] Latino groups" with "Latino-influenced seats." App'x 84. Generally, an "influence" district is one "in which a minority group can influence the outcome . . . even if its preferred candidate cannot be elected." *Bartlett v. Strickland*, 556 U.S. 1, 13 (2009). Judge Lee appeared to be alluding to District 42—a district that plaintiffs have sometimes viewed as an "influence" district. App'x 83-84; *see infra* pp. 24-25. But in District 42, the Latino CVAP decreased from 55% to 25%—hardly a "reward[]" for Latino voters. *See* Dkt. 113-1 at 21 (Grofman Expert Rpt.).

Tr. 528:4-11 (Dec. 17, 2025). Plaintiffs thus cannot show any problem with starting with the old map and maintaining many of its features.

Plaintiffs also fail to offer any direct or circumstantial evidence of racial motive. They collect and selectively edit several statements made by Mitchell, as well as remarks by several state legislators. *See* Appl. 8-10. But as the district court persuasively explained, the millions of voters who enacted Proposition 50, not Mitchell or legislators, are "the most relevant state actors." App'x 15; *see id.* at 14-22. "California law subordinates the legislature to the electorate when amending the constitution." *Id.* at 15. And "the very nature of the [relevant constitutional] inquiry," which asks whether "the State has used race as a basis for separating voters into districts," "demands that [courts] focus . . . on why the relevant decisionmaker chose to enact [the challenged] congressional district maps." *Id.* (citing *Miller*, 515 U.S. at 911); *see generally* Br. of Professor Richard L. Hasen in Support of Respondents.

In any case, the district court did not look "only [to] the voters' intent." Appl. 14. Nor did it suggest that "a State may launder a mapmaker's unconstitutional line-drawing through a legislative or popular vote." *Id.* at 2. The district court instead refused plaintiffs' request to "ignore entirely the intent of the voters who overwhelmingly supported Proposition 50." App'x 14. In treating voter intent as "paramount," *id.* at 15, the court did "not mean [to suggest] that legislative statements are irrelevant," *id.* at 18. As the court

explained, it is appropriate to consider statements of legislators and other actors to the extent that they inform the court's understanding of voter intent. *See id.* And out of an abundance of caution, the court set aside all evidence of voter intent and assessed plaintiffs' claims on the alternative understanding that "legislative intent" is the relevant consideration. *Id.* at 38.

In undertaking that alternative inquiry, the district court rightly concluded—and certainly committed no clear error in finding, *see Cooper*, 581 U.S. at 293—that plaintiffs' "evidence remains insufficient," "even when [their] claims are evaluated . . . focusing on legislative intent." App'x 38. For the reasons detailed below, none of Mitchell's statements show that "racial considerations predominated in drawing district lines." *Cooper*, 581 U.S. at 293; *see infra* pp. 21-25. Nor do any of the legislator statements invoked by plaintiffs.

One category of statements mentioned by plaintiffs includes comments expressing the view that Proposition 50 "was meant to counteract racial gerrymandering . . . perceived [by legislators]" elsewhere. Appl. 7. But accusing Texas of enacting a racial gerrymander does not suggest that California did the same. What these lawmakers plainly meant was that the best way to counteract the effects of Texas's gerrymander would be to neutralize the political payoff for Texas Republicans with a "Democratic *partisan* gerrymander." App'x 26. That common-sense conclusion follows naturally from the map that California enacted, which adds five Democratic seats but *does not change* the number of Latino-majority districts. *Supra* pp. 7, 15.

In a second category of statements, several legislators referred to the new maps as VRA compliant. Appl. 7-8 (collecting statements). Plaintiffs argue that "references" to the VRA suggest that lawmakers had racial "objectives," because "nothing in the legislative record demonstrated" that the VRA "demanded" that California's districts be redrawn. *Id.* at 8. But California lawmakers never asserted that new maps were *required* under the VRA, or that that compliance with federal law was the *predominant reason*—or even one of multiple reasons—for their mid-cycle redistricting plan. The Court addressed a similar issue in *Alexander*, 602 U.S. at 22, in which "several legislative staffers" "considered . . . racial data" after the relevant maps were drawn "to check that the maps . . . complied with [the] Voting Rights Act." The Court had no trouble treating that VRA-compliance check as "lawful" in light of clear evidence that "politics drove the mapmaking process." *Id.* The evidence of partisan motivation here is even clearer. *Supra* pp. 6-8, 14-15.

It is also unexceptional that legislators had access to an "atlas of district maps" with data on each "district's racial composition." App'x 93 (Lee, J., dissenting); *see* Appl. 20. The dissent below "placed too much weight on [that] fact"; the reality is legislators often "view[] racial data." *Alexander*, 602 U.S. at 22. It is common practice for district maps to be presented with CVAP data broken down by demographics. For example, California's Redistricting Commission published race-based CVAP data when adopting the State's pre-Proposition 50 map—the same map that plaintiffs and the federal government view

as lawful. *Supra* p. 16; *see* Dkt. 188-11 at 124. And Texas legislators recently considered similar data before voting on that State's new map. *See* Texas Legislative Council, Congressional District CVAP Special Tabulation, Plan C2333 (Aug. 18, 2025), https://perma.cc/KHN6-CP8G. It is simply not a constitutional problem for lawmakers to be "*aware* of race," *Bethune-Hill*, 580 U.S. at 187, so long as race is not the predominant factor driving redistricting efforts.

B. There Is No Evidence of Impermissible Racial Motive with Respect to District 13

Plaintiffs' challenge to District 13 fares no better. District 13 is a Central Valley swing district currently represented by Congressman Adam Gray, a Democrat identified by Mitchell as a vulnerable incumbent that the new map needed to "bolster." App'x 568, 570, 572. In 2024, Gray narrowly prevailed in one of the country's closest races, decided by only 187 votes. Dkt. 116-3 at 26. The new map improves his prospects, with Mitchell predicting that it would convert District 13 from "Lean Republican" to "Safe Democratic." App'x 572. At the same time, it *decreases* the district's Latino CVAP, from 54.0% to 53.8%. Dkt. 113-1 at 21 (Grofman Expert Rpt.). Yet plaintiffs ask the Court to hold that "race rather than politics predominated in the drawing of the District 13 lines." Appl. 2. Plaintiffs fail to substantiate that theory with direct or circumstantial evidence of voter intent or any other actor's motivation. In fact, they disregard the most relevant evidence: the State's undisputed "statewide partisan goal," *id.* at 12, which is "of course" probative of whether "racial gerrymandering [exists] in a particular district," *Alabama*, 575 U.S. at 263.

1. Plaintiffs first point to what they call "direct evidence of Mitchell's racial admissions" "[a]s to District 13 in particular." Appl. 10. The only statement from Mitchell identified by plaintiffs that arguably relates to District 13 is his statement that the new maps "will be great for the Latino community" because "they ensure that the Latino districts that are the VRA seats are bolstered in order to make them most effective, particularly in the Central Valley." App'x 245.[6] Mitchell was speaking on a Zoom call in October 2025, months after his work on Proposition 50's map was complete, *supra* pp. 6-7, to a nonpartisan advocacy group called Hispanas Organized for Political Equality (HOPE). App'x 233. Although he briefly referred to the *effect* of the new map on Latino-majority districts in the Central Valley, he never suggested that he had any race-based *intent*. His "statement communicates that certain Central Valley districts which are majority-Latino, like District 13, have been 'bolstered' to be 'most effective' in some unspecified way." *Id.* at 41.

The most logical explanation for the remark is that "Mitchell was referring to bolstering . . . *political* effectiveness" by increasing the likelihood that the districts would elect Democrats. App'x 42. As discussed, the new version of District 13 expands the district's Democratic vote share while *decreasing* Latino vote share. *See* Dkt. 113-1 at 21 (Grofman Expert Rpt.). And during the same call with HOPE, Mitchell made his partisan motivations clear: he

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[6] In referring to "VRA seats," Mitchell was likely using a shorthand for the congressional districts drawn by the Redistricting Commission in 2021 to satisfy VRA obligations. *See* Dkt. 188-11 at 3 (2021 Report on Final Maps).

said that he "made small, modest changes" to the Commission map "to create . . . an opportunity for Democrats to pick up five seats, and to counterbalance the five Republican seats in Texas." App'x 241. Mitchell undoubtedly would have made his partisan motivations even clearer if he had not been instructed by the moderator to "keep it nonpartisan." *Id.* at 243. Mitchell's post-hoc Zoom-call comment "should not be taken out of context and given the most sinister possible meaning." *Cooper*, 581 U.S. at 346 (Alito, J., concurring).[7]

Plaintiffs and the federal government now suggest that Mitchell's reference to "bolster[ing]" "Latino districts" could be construed to mean, not *increasing* the district's Latino composition, but *maintaining* it within "the 52 to 54 percent [Latino CVAP] range." U.S. Br. 15; *see* Appl. 9-10, 23. But that argument was not preserved below. App'x 47 n.19; *see* Br. of Pub. Int. Legal Found. in Support of Applicants 8. It relies on an anomalous understanding of the word "bolster," which generally means "give additional strength to." Webster's New Int'l Dictionary p. 249 (3d. ed. 2002). And it is implausible in context.

According to plaintiffs and the federal government, HOPE "proposed a target range of 'between 52% and 54% Latino CVAP'" for Latino-majority districts across the State in a 2021 letter, U.S. Br. 10, and Mitchell incorporated that proposal into his 2025 revisions, including his revisions to District 13, *id.*

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[7] Another speaker on the October HOPE call criticized Mitchell's map for *failing to take race into account* when crafting District 13. *See* Dkt. 42-3 at 40 ("now we have a district, CD13, which has more Democrat voters and so it will be safer for a Democrat candidate, rather than allowing the Latinos in that district to really elect the candidate they would like").

at 11, 15-16; *see, e.g.*, Appl. 23. But HOPE proposed no such thing: an analysis attached to the letter suggested that the Redistricting Commission reduce the Latino population in several "overpacked" Los Angeles-area districts to "between 52% and 54% Latino CVAP" to allow for the creation of a new majority-Latino district. App'x 256. District 13 is nowhere near Los Angeles. And as discussed above, *supra* p. 15, the new map reduces the average Latino composition of the State's 16 Latino-majority districts *without* increasing the total number of majority-Latino districts. Moreover, Mitchell's work on the new map as a whole shows that he was not using a 52-54% target: some Latino-majority districts stayed within that range (*e.g.*, District 13); others fell into it (*e.g.*, District 35); some moved beyond it (*e.g.*, District 44); and others dropped below it (*e.g.*, District 52). *See* Dkt. 113-1 at 21 (Grofman Expert Rpt.).

Plaintiffs also point to Mitchell's statements on the same Zoom call with HOPE about changes he made to two districts in southern California: Districts 41 and 42. Appl. 9-10, 19. Although plaintiffs never explain the connection they wish for the Court to draw between these statements and their challenge to District 13, their theory appears to be that a racial motivation with respect to other districts corroborates their assertions regarding District 13. *Cf. id.* at 10. But Mitchell's statements do not show any impermissible racial motivation.

The relevant context is that California lost a seat after the 2020 Census, and the Redistricting Commission eliminated a Latino-majority district in Los

Angeles. *See* Dkt. 188-11 at 50. Before this decision, HOPE wrote to the Commission with two requests: First, HOPE urged the Commission to "[c]reate" an additional "Latino Majority" district in Los Angeles. App'x 252-253. Second, HOPE lobbied for a new "Latino influence seat," with a "35-40% Latino [CVAP]." *Id.* at 253. In his meeting with HOPE four years later, Mitchell referenced this letter and said that HOPE's "two bullet points was [sic] the first thing we did in drawing the new map." *Id.* at 240.

But Mitchell's reference to the HOPE proposal was vague and off-the-cuff; he never said he actually implemented HOPE's specific requests. And the map adopted by Proposition 50 unambiguously shows that he did not—a point that Mitchell stressed during his deposition in this case. *See* Dkt. 210-2 at 137-138 ("if you actually look at the map it is different than [HOPE's] bullet points"). Mitchell at most "kind of undid" the Commission's 2021 decision to eliminate a Latino-majority district in Los Angeles. Dkt. 16-3 at 10. He increased District 41's Democratic vote share in a way that had the effect of increasing its Latino CVAP from 22% to 55%. Dkt. 113-1 at 21 (Grofman Expert Rpt.). But he adjusted the Democratic vote share in neighboring District 42 in a way that decreased its Latino CVAP from 55% to 25%. *Id.* As a result, he did not fulfill HOPE's goal of creating an additional Latino majority district. Nor did he create a new "Latino influenced district" with a Latino CVAP of 35%. By contrast, the new map *did* achieve the relevant political objective: it flipped District 41

(bringing Democratic vote share from 46% to 56%) while keeping District 42 safe for Democrats (decreasing Democratic vote share from 65% to 55%). *Id.*[8]

Plaintiffs fault Mitchell for failing to provide "any testimony . . . explaining, contextualizing, or disavowing" the statements discussed above. Appl. 21. As plaintiffs note, Mitchell invoked legislative privilege in response to certain deposition questions and discovery requests. *Id.* at 3, 11. But given the limited relevance of the statements in question, *supra* pp. 21-25, there was little for Mitchell to explain, contextualize, or disavow. And if the proceedings had developed as plaintiffs requested, there would not have been *any* discovery to begin with. Plaintiffs opposed defendants' request for limited discovery. Dkt. 75. When the district court granted that request in part, Mitchell sat for a deposition and produced "substantial evidence" about his work. App'x 38.

In these circumstances, plaintiffs cannot provide any reason to infer "nefarious" motive from Mitchell's reliance on legislative privilege. App'x 38 n.14. The privilege is "frequently invoked in redistricting cases," *id.* (collecting ex-

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[8] The final Mitchell statement invoked by plaintiffs (Appl. 19) is a post on X that merely quotes from several commentators who analyzed the new map. App'x 261. For example, it quotes a statement that the new map "adds one more Latino influence district but otherwise replicates the status quo." *Id.* The author of the statement did not say which district he had in mind, though given that he used "30% as the threshold for influence," Dkt. 116-3 at 76, one possibility is District 48. The new map increased the Latino CVAP there from 24% to 32%. Dkt. 113-1 at 19 (Grofman Expert Rpt.). But because this district's Democratic vote share also rose from 41% to 50%, *id.*, California's "stated partisan goal can easily explain" the change, *Alexander*, 602 U.S. at 22.

amples), including by third parties who have shared "documents . . . and communications" with state legislators, *La Union del Pueblo Entero v. Abbott*, 93 F.4th 310, 325 (5th Cir. 2024). And consistent with ordinary practices at this preliminary stage of litigation, *see, e.g.*, *Cano v. Davis*, 211 F. Supp. 2d 1208, 1214 (C.D. Cal. 2002) (privilege dispute resolved several months after denial of motion for preliminary relief), *aff'd*, 537 U.S. 1100 (2003), the district court "has not [yet] ruled on the merits of [Mitchell's reliance on] legislative privilege," App'x 38 n.14. Mitchell and the parties can continue to litigate that question in the district court, and if plaintiffs believe any eventual decision from the district court is erroneous, they can seek appellate review.

2. Because this Court has "never invalidated an electoral map in a case in which the plaintiff failed to adduce any direct evidence [of racial intent]," plaintiffs face a difficult—virtually insurmountable—burden in attempting to prove racial gerrymandering with "circumstantial evidence alone." *Alexander*, 602 U.S. at 8.[9] None of plaintiffs' circumstantial evidence is persuasive. Plaintiffs principally rely on the expert report and testimony of Dr. Sean Trende. *See, e.g.*, Appl. 10. The federal government does the same. *See, e.g.*, U.S. Br. 13-15. But the district court carefully reviewed the competing reports and testimony provided by the parties' experts and found Trende's analysis "significantly less persuasive than the contrary testimony of the other experts." App'x

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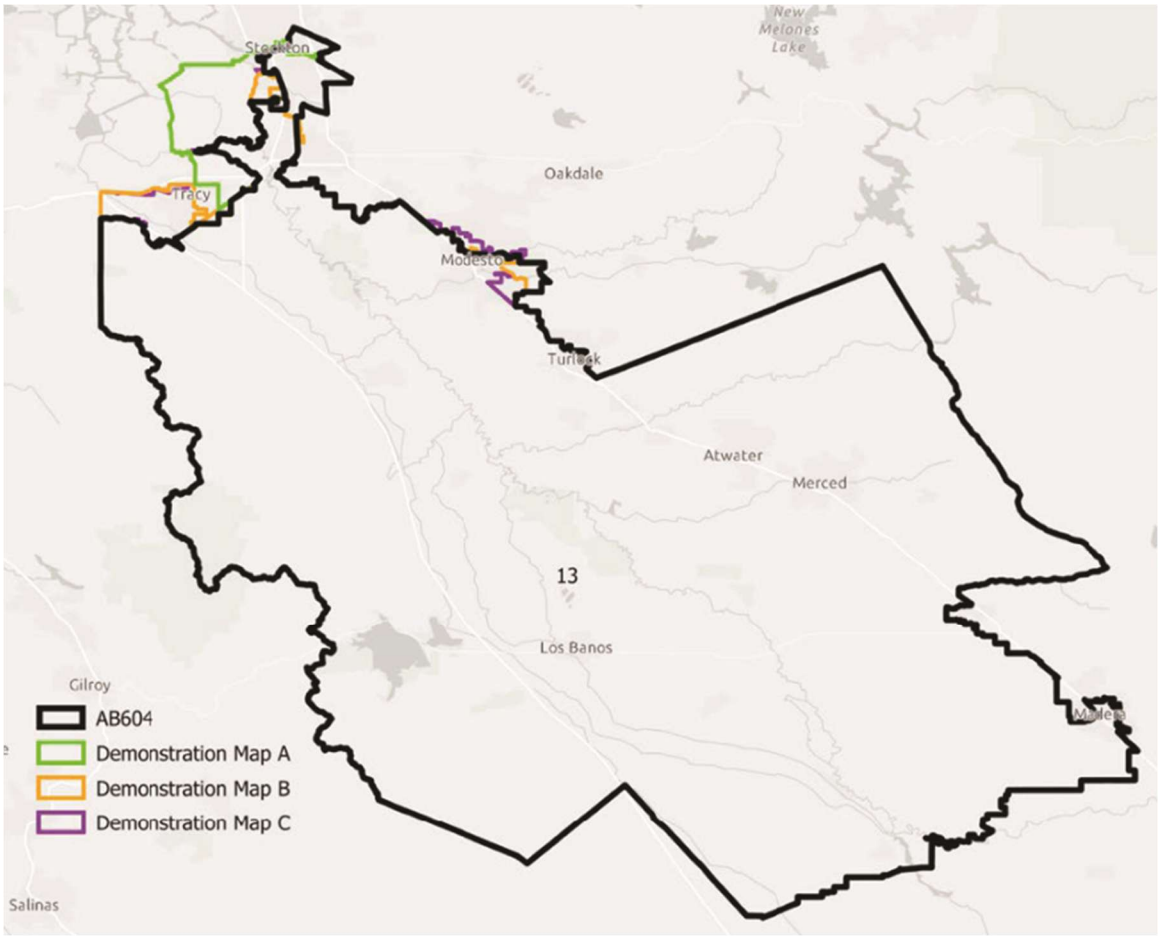
[9] The federal government heavily relies on *Cooper*, 581 U.S. at 299-301. U.S. Br. 2, 9-11. But *Cooper* turned on powerful "direct evidence" of racial gerrymandering. *Id.* at 322. There is no such evidence here. *Supra* pp. 17-25.

63; *see id.* at 48-67. The district court was right—and certainly did not clearly err in reaching that conclusion.

Plaintiffs first emphasize that District 13 has "twisted shapes." Appl. 22. The dissent raised similar concerns, observing that District 13 "has the hallmarks" of a gerrymandered district. App'x 71. But that is because District 13 *is* a gerrymandered district. The problem for plaintiffs is that the gerrymander here is *partisan*, not *racial*. *See Cooper*, 581 U.S. at 308 ("bizarre shape[s] . . . can arise from a 'political motivation' as well as a racial one"). The reason that the district has a distinctive "plume" (U.S. Br. 2) or "protrusion" (Appl. 22) into the city of Stockton is that capturing voters in Stockton was "one of the easiest ways" to ensure that District 13 had enough Democrats to bolster Representative Gray's chances of retaining his district. Hearing Tr. 83:16-20 (Dec. 15, 2025) (Trende testimony); *see* Dkt. 112-3 at 271 (Rodden Expert Rpt.). As discussed above, *supra* p. 6, that was one of Paul Mitchell's principal goals.

Plaintiffs confirmed that it was necessary for District 13 to reach into Stockton in this fashion by submitting three alternative maps that have a very similar shape. While the Stockton "plume" or "protrusion" is not identical in each map, it plainly appears in each in some form. The following map shows plaintiffs' three alternatives (with colored borders) alongside the enacted version of District 13 (black borders):



Dkt. 112-3 at 290 (Rodden Expert Rpt.).[10]

What is also apparent from the figure above is *just how similar* plaintiffs' three alternatives are to the enacted map more generally. The alternatives make small changes to the Proposition 50 lines in a handful of relatively tiny areas around Stockton, Tracy, and Modesto. App'x 59-60. Plaintiffs provide no example in which this Court (or any other) has flyspecked legislative choices

[10] Below, plaintiffs presented arguments about the district lines in both the Stockton and Modesto areas. *See, e.g.*, App'x 151-152; *see also id.* at 101-104 (Lee, J., dissenting). Before this Court, plaintiffs discuss only the former. Their application makes no reference to lines around the Modesto area.

to the degree that plaintiffs seek. The "ultimate object" of the Court's inquiry is the "predominant motive for the design of the district as a whole," not "particular portions in isolation." *Bethune-Hill*, 580 U.S. at 192. And alternative maps provide circumstantial evidence of racial intent only if they demonstrate that "the State 'could have achieved its legitimate political objectives' . . . while producing '*significantly* greater racial balance.'" *Alexander*, 602 U.S. at 34 (quoting *Easley v. Cromartie*, 532 U.S. 234, 258 (2001) (emphasis added)). Plaintiffs' alternatives do not do so. For example, their leading alternative, Map A, was drawn without "paying attention to race" to be a "good Democratic gerrymander." Hearing Tr. 109:5-6 (Dec. 15, 2025). Yet it produced a Latino CVAP of 51.3%—very similar to the enacted map's 53.8%. *See* App'x 61, 63.

Plaintiffs' alternatives also fail to show that "a rational [decisionmaker] sincerely driven by its professed partisan goals would have drawn a different map." *Alexander*, 602 U.S. at 10. At most, the three alternatives would "achieve roughly the same partisan outcomes for District 13 as the Proposition 50 Map," App'x 61, and one expert concluded that the alternatives would *decrease* Democratic performance, Dkt. 112-3 at 292-293 (Rodden Export Rpt.). Even on the assumption that the alternatives would marginally improve Democratic performance in District 13, they would do so only at the expense of Democratic performance in neighboring District 9. That is a problem because District 13 does not exist in a vacuum. Democrats' goal was to protect the

party's incumbents in *both districts*; the only way to gain five seats for Democrats was to flip five Republican seats *without* giving up any vulnerable seats won in 2024. *See, e.g.*, App'x 41. Both Adam Gray (District 13's representative) and Josh Harder (District 9's representative) are "frontline Democrats"; they narrowly won in 2024 in "seats that Trump won." *Id.* at 570.

Alternative Map A improves Democratic performance in District 13, but only by "mak[ing] District 9 more Republican," as plaintiffs' expert recognized. App'x 544; *see id.* at 57-58. Alternative Maps B and C are similarly untenable: each removes most of Tracy from District 9, even though Tracy is the city where Congressman Harder resides. *See id.* at 62-63; Dkt. 111-1 at 538, 711 (Fairfax Expert Rpt.). As the district court observed, "Democrats may rely on Representative Harder's local constituency for re-election," so the partial removal of Tracy in Maps B and C is a "significant flaw." App'x 62; *see Alabama*, 575 U.S. at 259 ("protecting incumbents" is a "traditional districting objective[]").

Plaintiffs' response is to assert that Mitchell "disclaimed any interest in protecting incumbents." Appl. 24; *see* U.S. Br. 19. But Mitchell never said that. Mitchell made abundantly clear in a presentation about his strategy that one of his primary goals was to protect *vulnerable* Democratic incumbents, including those in Districts 9 and 13. App'x 40, 570. In a slide captioned "Team Effort," he explained that while no incumbents would be "placed at risk," it would be necessary for some safer incumbents to accept changes that would shift their "Home Base" territory, thereby protecting vulnerable incumbents

like Harder and Gray. *Id.* at 573. That Mitchell did not bolster *every* incumbent does not mean he considered it acceptable to weaken those most at risk.[11]

In dissent, Judge Lee asserted that District 9 "doesn't need" any additional Democrats, beyond those provided in plaintiffs' alternatives, because each alternative would make District 9 "more Democratic than it was in the Commission Map." App'x 107. But courts should not be "so quick to assume expertise over which redistricting decisions will maximize Democratic success in various future elections" or most appropriately balance the competing interests of incumbents and other candidates across the State. *Id.* at 62 (majority). The relevant question is whether an alternative would allow the State to "achieve[] *its* legitimate political objectives." *Alexander*, 602 U.S. at 34 (emphasis added and internal quotation marks omitted).

Here, the State's objective was not merely to ensure that Harder could conceivably win. It was to provide sufficient protection for a vulnerable incumbent. *Supra* pp. 29-30. A common method for doing so is to pack more of a party's voters in one district (here, District 9), relative to another (here, District 13), to protect against the risk of losing both in a future "wave" election. *Cf. Abbott*, 607 U.S. at __, 2025 WL 3484863 at *2 (Kagan, J., dissenting) (de-

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[11] Below, the dissent asserted that Mitchell's purported disclaimer of any intent to protect incumbents "conforms to [his] usual practice." App'x 109. But in the cited interview, Mitchell explained that he had previously "only done nonpartisan redistricting." *Id.* at 231. Mitchell emphasized that his partisan work on Proposition 50 was a *departure* from that previous practice.

scribing risk of "dummymandering"). In second-guessing that concern, the dissent committed the same mistake that the Court cautioned against in *Rucho*: it tried to answer questions that are "political, not legal." 588 U.S. at 707.

Alternative Map A has additional problems. As the district court concluded based on testimony from a "credible fact witness with an in-depth knowledge of the community," App'x 58, Alternative A "splits communities of interest," *id.* at 61. It separates the areas of Garden Acres and August from south Stockton—areas that are similar because they "contain working-class families who share resources with and are . . . connected to south Stockton." *Id.* at 58. One of defendants' experts "corroborated [that witness's] testimony." *Id.* And this "'communities-of-interest' testimony went unrebutted." *Id.* at 59. Plaintiffs make no attempt to challenge the district court's findings on this score. *Cf.* Appl. 23-24. While the federal government briefly questions the district court's findings, U.S. Br. 17, it makes no serious effort to explain how this Court could set aside—on clear-error review—fact-intensive findings that turned on the district court's credibility determinations.

Judge Lee argued in dissent that "there is no evidence that Mitchell considered these communities of interest" when drawing District 13. App'x 108. But that reveals a fundamental error in his understanding of the applicable legal standard. The State does not have the burden to produce evidence showing that it considered any particular race-neutral objectives. *See Alexander*, 602 U.S. at 9-10. Rather, the burden rests with the challengers to "rul[e] out

. . . competing explanation[s]." *Id.* at 9. Because plaintiffs have not ruled out the possibility that Proposition 50's lines were based on communities of interest—or the partisan objectives discussed above—plaintiffs have not satisfied their "especially stringent" burden. *Id.* at 11.[12]

C. The Alleged Defect in District 13 Could Not Justify Enjoining Proposition 50 *In Toto*

After spending most of their brief focusing on a purported defect in a tiny portion of District 13, plaintiffs ask the Court to enjoin Proposition 50 in its entirety. Appl. 3, 26. They repeatedly characterize that as a "narrow" injunction. *E.g.*, *id.* at 3. But there is nothing "narrow" about it. It would nullify the votes of millions of Californians, who overwhelmingly chose to respond to Texas's partisan gerrymander by increasing the number of likely Democratic seats in California's delegation. If California returned to the old Commission-drawn map, Republicans would gain a material advantage in this fall's election and the central purpose of enacting Proposition 50 would be compromised.

Such a sweeping remedy would defy the settled rule that courts "tailor the scope of the remedy to fit the nature and extent of the constitutional viola-

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[12] Judge Lee also misapplied the predominance standard. He repeatedly asserted that the State cannot rely "on race as *a* predominant factor." App'x 72 (emphasis added); *see also, e.g.*, *id.* at 71, 78, 80, 81, 82, 84 n.12, 90, 93, 95. But the test asks if race was "*the* predominant factor." *E.g.*, *Miller*, 515 U.S. at 916 (emphasis added). Here, there is no persuasive evidence that race played any role, let alone that it was "*the* predominant" factor in drawing any of the new map's lines. *Supra* pp. 17-25.

tion." *Dayton Bd. of Ed. v. Brinkman*, 433 U.S. 406, 420 (1977) (internal quotation marks omitted); *see North Carolina v. Covington*, 581 U.S. 486, 488 (2017). "In no circumstance can a court award relief beyond that necessary to redress the plaintiffs' injuries." *Trump v. CASA, Inc.*, 606 U.S. 831, 862-863 (2025) (Thomas, J., concurring). Here, even on the assumption that plaintiffs have shown impermissible racial gerrymandering with respect to District 13, any remedy would need to be district-specific. Plaintiffs "who complain of racial gerrymandering . . . cannot sue to invalidate the whole State's legislative districting map." *Gill*, 585 U.S. at 66. And as the federal government rightly acknowledged below, the adoption of any one of plaintiffs' alternative maps would cure whatever harms would exist from racial gerrymandering in District 13. Hearing Tr. 527:8-14 (Dec. 17, 2025).[13]

In dissent, Judge Lee asserted that any remedy other than reverting to the old statewide map would require judges to "draw[] district lines." App'x 116. Although there is nothing inherently problematic about a court "draw[ing] up an alternative remedial map," *North Carolina v. Covington*, 585 U.S. 969, 977 (2018), there would have been no need to do so here if plaintiffs had somehow proven that District 13's lines were invalid. In that event, the district

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[13] Proposition 50 also has an expansive severability clause. *See* Assemb. Const. Amend. 8, Cal. Stat. 2025, ch. 156, § 4; 2025 Cal. Stat., ch. 96, § 2. This Court normally gives effect to those clauses. *See, e.g.*, *Brockett v. Spokane Arcades, Inc.*, 472 U.S. 491, 506 (1985); *see also Barr v. Am. Ass'n of Pol. Consultants*, 591 U.S. 610, 624 (2020) ("courts today zero in on the precise statutory text and, as a result, courts hew closely to the text of severability . . . clauses").

court could have ordered the State to adopt Alternative Map A. *See* Hearing Tr. 525:18-529:19 (Dec. 17, 2025) (questioning by the district court about this potential remedy). Of the three alternatives, Map A comes the closest to Proposition 50's lines, *see* App'x 290, and would have merely required the use of lines that *plaintiffs have already drawn*. Map A would have also changed the boundaries of only two districts, *id.* at 290-291, making it considerably less disruptive than the sweeping statewide remedy requested by plaintiffs.

To be clear, *any* changes to the district boundaries at this late stage—even changes to two districts—would be quite burdensome for state and local officials and would threaten interference with the orderly administration of the upcoming election. *Infra* pp. 39-41. For that reason, and because plaintiffs have not established any entitlement to relief, the only appropriate remedy is to deny relief altogether. Only that approach would "reflect[] the Federal Judiciary's due respect" for the States, *Alexander*, 602 U.S. at 11, in a "traditional domain of state legislative authority," *id.* at 7. And only that approach would prevent plaintiffs from "transform[ing] federal courts into 'weapons of political warfare.'" *Id.* at 11; *accord Abbott*, 607 U.S. at __, 2025 WL 3484863, at *1.

II. *PURCELL* CONCERNS AND OTHER EQUITABLE CONSIDERATIONS WEIGH STRONGLY AGAINST INJUNCTIVE RELIEF

Plaintiffs' failure to demonstrate an "indisputably clear" right to relief on the merits, *see Wis. Right to Life, Inc. v. F.E.C.*, 542 U.S. 1305, 1306 (2004) (Rehnquist, C.J., in chambers), is reason enough to deny the application. But plaintiffs have also failed to show that "the balance of equities tips in [their]

favor, and that an injunction is in the public interest." *Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008). Indeed, the weighty public interest in avoiding "late-breaking, court-ordered rule changes"—changes that threaten to "undermine the '[c]onfidence in the integrity of our electoral processes'"—counsels strongly against issuing the extraordinary injunction that plaintiffs seek. *Bost v. Ill. State Bd. of Elections*, 607 U.S. __, __ 2026 WL 96707, at *4 (Jan. 14, 2026) (quoting *Purcell v. Gonzalez*, 549 U.S. 1, 4-5 (2006)).

1. States may change their own election laws through the democratic process—as California did with Proposition 50—but "it is quite another thing for a federal court to swoop in and re-do a State's election laws in the period close to an election." *Merrill v. Milligan*, 142 S. Ct. 879, 881 (2022) (Kavanaugh, J., concurring). "Such late-breaking, court-ordered rule changes can 'result in voter confusion and consequent incentive to remain away from the polls.'" *Bost*, 607 U.S. at __, 2026 WL 96707, at *4. About two months ago, this Court applied *Purcell* to allow Texas to use its recently enacted, partisan-gerrymandered map for the 2026 elections. *Abbott*, 607 U.S. at __, 2025 WL 3484863, at *1. At that point, the general election was eleven months away, and Texas's primary election was four months off. The Court has also applied *Purcell* in similar circumstances in other cases. *See, e.g.*, *Robinson v. Callais*, 144 S. Ct. 1171 (2024) (invoking *Purcell* about four months before election); *Merrill*, 142 S. Ct. at 888 (Kagan, J., dissenting) (discussing decision to stay an injunction when the relevant primary was "about four months from now").

As in Texas at the time it recently sought relief, California is now about four months away from its primary election on June 2, 2026. *See* App'x 313. In fact, because California starts processing mail ballots on May 4, *see* App'x 309, the effective start of the primary election is even sooner. And as in Texas, California is already in the midst of an "active primary campaign." *Abbott*, 607 U.S. at __, 2025 WL 3484863, at *1. Many candidates have "started relying on the [new map], including determining which district to run in, collecting signatures, and campaigning." *LULAC v. Abbott*, 2025 WL 3215715, at *62 (W.D. Tex. Nov. 18, 2025). They have also started fundraising in earnest and introducing themselves and their platforms to voters—all on the assumption that they will be running in the new districts. *See, e.g.,* Levikow, *Democrats Line Up to Unseat Incumbent Rep. Darrell Issa*, East County Magazine (Jan. 13, 2026), https://tinyurl.com/yc6mkz34. Forcing California to abandon its new map would wreak havoc on these campaigns, guaranteeing "disruption and . . . unanticipated and unfair consequences for candidates, political parties, and voters, among others." *Merrill*, 142 S. Ct. at 881 (Kavanaugh, J., concurring).

In District 13, for example, an order enjoining Proposition 50 would upend the race for Congress. Proposition 50 changed District 13's boundaries to help its Democratic incumbent, Representative Gray, without undermining Democratic strength in the adjacent district, District 9. *Supra* pp. 29-30. In 2024, Kevin Lincoln—the Republican former mayor of Stockton—narrowly lost

to Democratic Representative Harder in District 9.[14] Lincoln had been planning a rematch against Harder in 2026. Ventura, *Former Stockton, California Mayor Announces Bid to Unseat Josh Harder*, Politico (July 22, 2025), https://tinyurl.com/ypcmh3rr. But after Proposition 50 passed, Lincoln switched districts to run against Gray in District 13. Nixon, *Republican Kevin Lincoln to Face Rep. Adam Gray After Prop. 50 Redraw*, Sacramento Bee (Nov. 6, 2025), https://tinyurl.com/yytyxwvm. District 13 is "more competitive," and District 13 now includes part of Stockton, "Lincoln's home city." *Id.*

Lincoln's switch transformed the race in District 13 and prompted one prominent Republican rival to consider dropping out. Stapley, *Former Stockton Mayor Kevin Lincoln 'Honored' by President Trump's Endorsement in Race Against Rep. Adam Gray*, Stocktonia (Dec. 20, 2025), https://tinyurl.com/bdztbytc. If this Court were to enjoin Proposition 50, the race would be transformed yet again: Lincoln would have to switch back to District 9 or remain in District 13 and face Gray in the old version of the district, which does not include Stockton. Either way, the late-breaking change would disrupt active campaigns in both districts, where candidates have been campaigning for weeks on the assumption that Lincoln is running in District 13. Other officials and candidates would also be affected: there is a "trickle-down effect among elections because a candidate's decision to run for Congress means that

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[14] *Statement of Vote: U.S. Rep. in Congress by District*, at 27, Cal. Sec'y of State, https://elections.cdn.sos.ca.gov/sov/2024-general/sov/25-us-rep-congress.pdf.

candidate cannot run for another elected position." *LULAC*, 2025 WL 3215715, at *62; *see also Merrill*, 142 S. Ct. at 880 (Kavanaugh, J., concurring) (candidates must know "who will be running against whom").[15]

Plaintiffs acknowledge, and the dissent below agreed, that a "significant *Purcell* deadline" looms just days away on February 9, 2026. App'x 114; *see* Appl. 2-3, 33. Starting on February 9, candidates will have a window of less than a month in which to file their declaration of candidacy for a particular district. App'x 300, 303-304. In requesting relief from this Court by February 9, *see* Appl. 33, plaintiffs appear to concede that this Court cannot order a change to California's maps *after* that date without violating *Purcell*.

Plaintiffs are wrong to suggest, however, that injunctive relief could issue *before* February 9 "without implicating *Purcell* concerns." Appl. 30. Not only are campaigns across the State already underway, *supra* pp. 37-39, an important election-related milestone has "already passed." App'x 113 (Lee, J., dissenting). Since December 19, *see* App'x 296, candidates have been authorized to collect voter signatures, which may be submitted in lieu of the candidate filing fee. *See Lubin v. Panish*, 415 U.S. 709, 718 (1974) (holding that States must provide an alternative to filing fees). Because signatures must be from

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[15] In arguing that *Purcell* "does not prohibit injunctive relief here," U.S. Br. 24, the federal government ignores all of the ways that an injunction would interfere with active, ongoing campaigns. Formal election deadlines are not the only relevant consideration. *Contra id.* at 24-25. The *Purcell* inquiry also examines whether there is an "active primary campaign," *Abbott*, 607 U.S. at __, 2025 WL 3484863, at *1, and here, there indisputably is.

voters eligible to vote in the candidate's district, candidates have needed to know for weeks which district they are running in and what its boundaries will be. *See* Cal. Elec. Code § 8106(b)(1); Dkt. 113-2 ¶ 12 (Southard Decl.). And state and county elections officials have already created signature-in-lieu forms that reflect the map adopted by Proposition 50. *Id.* ¶ 13. That is presumably why plaintiffs and the federal government repeatedly told the district court that "congressional election candidates must know the district lines *by December 19*." App'x 142 (emphasis added); *see, e.g.*, *id.* at 163; Dkt. 75 at 3.

The federal government mistakenly implies that no "candidate is collecting signatures." U.S. Br. 24. In fact, 49 congressional candidates are currently collecting signatures under the signature-in-lieu process. Supp. Southard Decl. ¶ 9. And while plaintiffs minimize the importance of signature-gathering window, *see* Appl. 30-31, they offer no plan by which the State could redo the signature-gathering process without "significant cost, confusion, or hardship." *Merrill*, 142 S. Ct. at 881 (Kavanaugh, J., concurring). Given the many steps already taken by state and local officials to implement Proposition 50 and prepare for the upcoming June primary, *see, e.g.*, Dkt. 113-2 ¶ 13 (Southard Decl.) (detailing steps taken as of December 18), it is simply not credible for the federal government to suggest that "return[ing] to the 2021 commission maps would be *less* disruptive," U.S. Br. 25; *see* Supp. Southard Decl. ¶¶ 10-11.

"[S]pecial elections"—for example, elections called "[u]pon the death of a Member of Congress," Appl. 31—do not provide a model for reverting to the

pre-Proposition 50 map at this late point. A "compressed timeframe," *id.*, is feasible for special elections because they are limited to single districts or ballot initiatives. By contrast, administering a regular primary and general election across the State of California is a massive undertaking subject to numerous statutory deadlines. As in Texas, statewide elections in California "are unusually large and complex." Reply in Support of Appl. for Stay 2, *Abbott*, No. 25A608 (Nov. 25, 2025) (*Abbott* Reply). Like Texas, California has a "decentralized system—in which the Secretary of State advises and assists local officials." *Id.* That system involves coordination with numerous local officials across 58 counties in the Nation's most populous State. *See generally* App'x 296-319; Dkt. 113-2 ¶¶ 3-4 (Southard Decl.). Los Angeles County alone has over 5.8 million voters and 33,000 precincts. *Id.* ¶ 13. "Changes to this system necessarily require more preparation (and last-minute changes cause greater disruption) than [in] other States." *Abbott* Reply 2. For example, a last-minute change here would require county officials "to determine which voters and precincts are affected by the change in district boundaries, ensure that each precinct aligns with the new congressional district, ensure that each precinct is associated with only one district of each type, and associate each of the county's voters to their proper election precincts." Supp. Southard Decl. ¶ 11.

2. Plaintiffs have also failed to show that other equitable factors weigh in their favor. As to irreparable harm, plaintiffs rely on the abstract assertion that a likelihood of success on the merits of a constitutional claim "usually"

suffices to show irreparable injury. Appl. 27. Even if plaintiffs were right about that abstract principle, *but cf. NetChoice, LLC v. Fitch*, 145 S. Ct. 2658 (2025) (Kavanaugh, J. concurring) (concurring in denial of interim relief because applicant had "not sufficiently demonstrated that the balance of harms and equities favors it," even though challenged law "likely violate[d] [the] First Amendment"), that principle has little relevance here because plaintiffs have no serious chance of success on the merits. *Supra* pp. 13-33.

Plaintiffs also overstate the alleged harms they would suffer. Although plaintiffs include a total of 19 individuals, only two reside in District 13. Dkt. 1 ¶¶ 11, 17. Because plaintiffs have effectively abandoned any challenges to other districts at this preliminary stage of the case, *see* App'x 78 (Lee, J., dissenting), the only injuries relevant here are those allegedly suffered by the two people who live in District 13. The harms from unconstitutional gerrymandering "are personal" and "district-specific." *Alabama*, 575 U.S. at 263; *see id.* (harms are suffered by those who "live[] in the district attacked," not those who "live[] elsewhere"); *North Carolina*, 585 U.S. at 978-979 (similar).

The State, by contrast, would suffer substantial irreparable harm—harm that would greatly outweigh any conceivable injury to the two plaintiffs who live in District 13. "Any time a State is enjoined by a court from effectuating statutes . . . it suffers a form of irreparable injury." *Maryland v. King*, 567 U.S. 1301, 1303 (2012) (Roberts, C.J., in chambers) (alteration omitted). In the re-

districting context, "the inability to enforce . . . duly enacted plans *clearly* inflicts irreparable harm." *Abbott v. Perez*, 585 U.S. 579, 602 n.17 (2018) (emphasis added). "Redistricting constitutes a traditional domain of state legislative authority," and judicial intervention to undo a State's map is "a serious intrusion on the most vital of local functions." *Alexander*, 602 U.S. at 7. It also requires a court to declare that a State "engaged in 'offensive and demeaning' conduct . . . that 'bears an uncomfortable resemblance to political apartheid.'" *Id.* at 11. Courts "should not be quick to hurl such accusations" at a State. *Id.*

The context that gave rise to Proposition 50 underscores just how severe the harm to California would be here. California voters did not just adopt a new district map; they did so specifically to "nullify what happen[ed] in Texas" and "fight back against [President Trump's] redistricting power grab." App'x 5. Plaintiffs acknowledge that reality. *See, e.g.*, Appl. 5-6. Yet they seek an injunction forcing the State to revert to the 2021 map—a map that is likely to result in five more Republican-held seats than the Proposition 50 map. Far from being a "narrow injunction," Appl. 3, that would thwart the clear intent of over 7.4 million voters to "negate the five Republican seats" gained in Texas and "level the playing field" in time for the 2026 midterm elections, App'x 7-8. *See* Dkt. 113-2 ¶ 15 (Southard Decl.) (explaining that "changing course" back to the old map would threaten "voter trust in the State's electoral system").

For related reasons, the public interest weighs heavily against granting the requested injunction. One of the main lessons of this Court's decision in

Rucho is that partisan-gerrymandering claims threaten to force judges to intervene in "one of the most intensely partisan aspects of American political life," 588 U.S. at 718-719, and "assum[e] political, not legal, responsibility for a process that often produces ill will and distrust," *id.* at 704. This Court is rightly wary of those who attempt to "sidestep . . . *Rucho*" by "repackag[ing] a partisan-gerrymandering claim as a racial-gerrymandering claim." *Alexander*, 602 U.S. at 21. Granting relief to such litigants threatens to "transform federal courts into 'weapons of political warfare.'" *Id.* at 11.

The threat of judicial entanglement in partisan politics is particularly acute here. Members of the public are well aware that Proposition 50 was a partisan response to Texas's recent redistricting efforts. Several plaintiffs are on record admitting as much. *See, e.g.*, *supra* pp. 1, 8. And this Court has recognized the same. *See Abbott*, 607 U.S. at __, 2025 WL 3484863, at *1; *see also id.* (Alito, J., concurring). Plaintiffs are asking the Court to treat California's map differently from how it treated Texas's map, thereby allowing a Republican-led State to engage in partisan gerrymandering while forbidding a Democratic-led State from responding in kind. Granting the application would have serious (and potentially outcome-determinative) implications for this year's hotly contested battle for control of Congress. It would embroil this Court in precisely the kind of partisan controversy it has long sought to avoid. And it would violate the fundamental "principle of treating similarly situated

[parties] the same," which is critical to "the integrity of judicial review." *Teague v. Lane*, 489 U.S. 288, 304 (1989) (plurality).

III. IF THE COURT NOTES PROBABLE JURISDICTION, IT SHOULD SUMMARILY AFFIRM

Plaintiffs ask the Court to treat their application as a jurisdictional statement and note probable jurisdiction. Appl. 32. The Court recently declined a similar request by Texas. *See Abbott*, 607 U.S. at __, 2025 WL 3484863, at *1. If the Court takes a different course in this case and notes probable jurisdiction, *see* Appl. 32-33, it should summarily affirm. The Court may do so where "the decision below is so obviously correct as to warrant no further review." Shapiro et. al., *Supreme Court Practice* § 7.11, p. 7-27 (11th ed. 2019); *see, e.g.*, *Republican Party of La. v. F.E.C.*, 581 U.S. 989 (2017).

That is the case here. As detailed above, plaintiffs have effectively abandoned any challenge to all but one of California's 52 congressional districts. With respect to District 13, plaintiffs have not furnished any persuasive direct or circumstantial evidence of racial gerrymandering. And plaintiffs seek a sweeping injunction—far broader than necessary to redress any problems with that single district—when an active primary campaign is already well underway. The Court needs no further briefing or argument to recognize that "the impetus for" Proposition 50 "was partisan advantage pure and simple," *Abbott*, 607 U.S. at __, 2025 WL 3484863, at *1 (Alito, J., concurring), and that plaintiffs have failed to meet the "especially stringent" test for establishing racial predominance in any congressional district, *Alexander*, 602 U.S. at 11.

CONCLUSION

The application for an injunction pending appeal should be denied.

Respectfully submitted,

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January 29, 2026

ADDENDUM

DECLARATION OF JOANNA SOUTHARD

I, Joanna Southard, declare:

1. I am a resident of the State of California, and I am over the age of 18. I have personal knowledge of all the facts stated in this declaration, except those matters stated upon information and belief. As to those matters, I believe them to be true. If called as a witness, I could and would testify competently to the matters set forth below.

2. I am employed by the Office of the California Secretary of State, where I have served as Assistant Chief of the Elections Division since 2008. Before assuming my current position, I served primarily as the Voter Information Guide coordinator from December 1999 to February 2008. I am familiar with all aspects of the Elections Division's work. I work for Secretary of State Shirley N. Weber, Ph.D., and support her in her official capacity as the Chief Elections Officer of the State of California. In my current role, I assist Secretary Weber and Jana Lean, Chief of the Elections Division, in the execution of state and federal laws relating to elections. To date, I have assisted in the oversight of 22 statewide elections and 89 special vacancy elections.

3. As California's Chief Elections Officer, the Secretary of State is responsible for executing all state and federal laws relating to elections within the State of California. *See* Cal. Gov't Code § 12172.5(a); Cal. Elec. Code § 10. The Elections Division is responsible for implementing the Secretary of State's duties with regard to elections, including enforcing laws, ensuring that elections are conducted efficiently, and providing technical information, advice, and assistance to county elections officials and the public. Elections are primarily administered at the county level in California.

4. In California, all candidates for the United States House of Representatives must pay a filing fee equal to 1% of the first year's salary for that position, unless they are running as a write-in candidate.[1] Currently, the filing fee is $1,740.00. In the alternative, a candidate may choose to collect signatures of voters within the district to either fully offset or reduce the required filing fee. The signatures are collected on Signature in Lieu (SIL) of Filing Fee petitions. For the June 2, 2026, Primary Election, a candidate for U.S. House of Representatives may submit a minimum of 1,714 valid signatures from registered voters who reside in the congressional district for which the candidate is running to fully offset the cost of qualifying for the ballot. If a candidate does not collect the total number of valid signatures, they must pay a prorated amount for the remainder of the filing fee. Valid signatures in lieu of the filing fee are counted toward the candidate nomination signature requirements.

5. A candidate for the U.S. House of Representatives must file a Declaration of Candidacy and Nomination Papers in order to appear on the ballot. Cal. Elec. Code § 8020(a). A congressional candidate must collect a minimum of 40 valid signatures from voters within the district for their Nomination Papers. Cal. Elec. Code § 8062(a)(2). If the candidate submits enough valid voter signatures on their SIL petitions, the valid signatures must also be counted towards their Nomination Paper signature requirements. If the candidate submits enough SIL signatures to meet the full requirements of the number of valid signatures for their Nomination Papers, the candidate does not need to circulate or file Nomination Papers. Cal. Elec. Code § 8061(a).

6. The Secretary of State's (SOS) office oversees the administration of all

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[1] Write-in candidates are not required to pay a filing fee.

statewide elections and special vacancy elections for legislative and congressional offices. Pursuant to Elections Code section 8042, the SOS is required to issue uniform candidate filing forms to all counties, including the SIL petitions. Counties are responsible for issuing SIL petitions to candidates, intaking and processing completed forms, and verifying all signatures submitted on SIL petitions. Counties must then transmit to the SOS a statement of all valid signatures received, within five business days. Cal. Elec. Code § 8082. Elections Code section 8061 requires that all valid signatures collected on SIL petitions also be applied toward a candidate's nomination signature requirements. Any original SIL signatures applied toward a candidate's nomination signature requirement also must be submitted to the SOS within five business days.

7. The SOS intakes and processes all candidate filing forms received from each of the 58 counties and enters the information into the statewide candidate filing database. The SOS tracks the number of candidates filing for each office and monitors the submission status of all required filing documents. Each evening, the SOS generates and distributes a confidential report to counties summarizing the following information for each candidate: candidate name; office sought; number of SIL signatures received from counties by the SOS; number of nomination signatures received from counties by the SOS; filing fee status; Declaration of Candidacy form received; Ballot Designation form received and approval status; Form 501 filing status form; and Character-Based Name form received (if any). These reports are provided to counties nightly until the SOS releases the Notice to Candidates. *See* Cal. Elec. Code § 8121.

8. For the March 5, 2024, Primary Election, 128 candidates for the U.S. House of Representatives participated in the signature-in-lieu process for which signatures were applied to their Nomination Paper requirements, and 96 of those candidates were not required to file Nomination Papers as they had

collected enough valid SIL signatures to apply to their Nomination Papers.

9. As of the date of this declaration, I am aware of 49 candidates for the U.S. House of Representatives who are utilizing the signature-in-lieu process for the June 2, 2026, Primary Election, and 36 have already collected enough valid voter signatures within the district to make the filing of Nomination Papers unnecessary. These candidates are collecting signatures for office based on the U.S. Congressional district lines in the Proposition 50 maps.

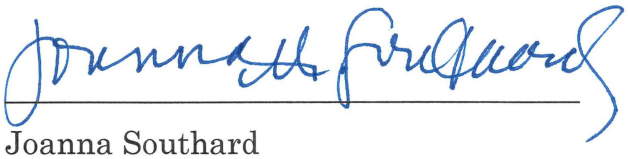
10. Should the Court enjoin the use of any of the Proposition 50 congressional district boundaries now, it would result in uncertainty and confusion for candidates and voters. For example, for any one of the 49 candidates who have begun collecting SIL signatures in one congressional district, if the applicable congressional district's lines change before the election, those candidates may have collected signatures that cannot be counted toward their filing fee or applied toward their nomination requirements, and this may impact those candidates' access to the ballot. If those signatures are invalidated, and the Court's order occurs after February 4 (the statutory closing date of the signature-in-lieu period), candidates vying for office under the new lines would be precluded from offsetting their filing fees and using those signatures toward their Nomination Papers. In addition, changes in district lines could result in significant confusion for voters who, among other things, have signed SIL petitions for candidates.

11. Likewise, enjoining the use of any Proposition 50 congressional district now would cause significant disruption for state and local elections officials. For example, county elections officials would have to determine which voters and precincts are affected by the change in district boundaries, ensure that each precinct aligns with the new congressional district, ensure that each precinct is associated with only one district of each type, and associate each of

the county's voters to their proper election precincts. Once this has occurred, the information must be proofed and verified for accuracy and reported to the Secretary of State. The Secretary's Office must then validate the updated county precincts and coordinate with counties to correct any discrepancies.

12. I am aware of allegations by the U.S. Department of Justice that the implementation of the Proposition 50 maps could not have been finalized by beginning of the December 19, 2025, signature-in-lieu period. (*See* USDOJ Br. at 25.) To the contrary, in preparation for the possibility of the passage of Proposition 50, State and county elections officials began contingency planning weeks before the November 4, 2025, Statewide Special Election. This preparation ensured the transition to the Proposition 50 congressional district boundaries was completed by December 19, 2025.

I declare under penalty of perjury that the statements in this declaration are true and correct. Executed on January 28, 2026, in Sacramento, California.



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California Secretary of State's Office