

1 *Nat'l Comm. v. Democratic Nat'l Comm.*, 589 U.S. 423, 424 (2020) (per curiam) (citing *Purcell*
2 *v. Gonzalez*, 549 U.S. 1 (2006) (per curiam)). Altering election rules on the eve of the 2026
3 primary election is precisely what Intervenor-Defendants ask the Court to do here.

4 Intervenor-Defendants were correct in April 2022, when they warned this Court that
5 altering Washington's legislative maps so close to an election "would inject chaos and delay in
6 Washington's elections system, leave voters confused, and risk disenfranchising countless
7 Washingtonians." Dkt. 61 at 1. That is no less true in May 2026.

8 II. RELEVANT FACTS

9 Washington election officials are in the midst of preparing for the 2026 primary election.
10 While the date of the 2026 primary election is August 4, *see* Wash. Rev. Code § 29A.04.311,
11 necessary preparations for that election begin much earlier and are well underway. "[R]unning
12 a statewide election is a complicated endeavor [T]housands of state and local officials and
13 volunteers must participate in a massive coordinated effort to implement the lawmakers' policy
14 choices on the ground before and during the election" *Democratic Nat'l Comm. v. Wisconsin*
15 *State Legislature*, 141 S. Ct. 28, 31 (2020) (Mem.) (Kavanaugh, J., concurring).

16 In Washington, the first statutory deadline concerns revising precinct boundaries. In
17 2026, the deadline for doing so was April 27, Wash. Rev. Code § 29A.16.040(1), and
18 Washington law prohibits precinct changes until after the general election in November, *id.* All
19 counties in Washington have completed their precinct changes. Declaration of Stuart Holmes on
20 Motion for Relief From Judgment (Holmes Decl.) at ¶ 3.

21 The next step was candidate filing week, which was May 4 through May 8. *See* Wash.
22 Rev. Code § 29A.24.050. Candidate filing week is the only opportunity to file to run for office;
23 no new candidates may file to appear on the ballot. *Id.* This year, 1,104 candidates filed to run
24 for office in Washington. Holmes Decl. at ¶ 4. This includes 294 candidates for legislative office,
25 of whom 67 are candidates in a legislative district that was impacted by the remedial map adopted
26 in this case. *Id.*

1 After candidate filing week, there are only two ways to alter who may appear on the
2 ballot. First, a candidate may withdraw until 5:00pm on Monday, May 11. Wash. Rev. Code
3 § 29A.24.131. Second, a candidate’s eligibility may be challenged through an expedited court
4 proceeding, which must be filed “no later than two days following the closing of the filing period
5 . . . and shall be heard and finally disposed of by the court no later than five days after the filing
6 thereof.” Wash. Rev. Code § 29A.68.011.

7 The Secretary of State must certify candidates to county auditors by May 12, Wash. Rev.
8 Code § 29A.36.010, and candidates must provide statements and photographs for the voters’
9 pamphlet by May 18, Wash. Admin. Code § 434-381-120.

10 While specific deadlines vary by county, many counties have a June 1 deadline to send
11 ballot styles (i.e., the ballot substance as it will appear to voters, including candidate names) to
12 their vendors for printing. Holmes Decl. at ¶ 6. A small number of vendors provide ballot-
13 printing services to many jurisdictions, so if a county misses its vendor deadline, there is no
14 guarantee that ballots or voters’ pamphlets can be printed in time for the election. Holmes Decl.
15 at ¶ 7. At a minimum, it reduces the margin of error if something goes wrong (for example, if
16 there is a misprint on a ballot design).

17 By June 20, ballots must be mailed to Washington voters who are overseas or are
18 members of the military stationed outside Washington. Wash. Rev. Code § 29A.40.070(2); *see*
19 *also* 52 U.S.C. § 20302(a)(8). For all other voters, ballots must be mailed no later than July 17.
20 Wash. Rev. Code § 29A.40.070(1).

21 III. ARGUMENT

22 The relief that Intervenor-Defendants seek would take a wrecking ball to Washington’s
23 2026 primary election preparations and Washington’s election laws. This alone should be cause
24 for modesty out of respect for principles of federalism. Worse, ordering changes to legislative
25 districts now—after candidate filing week is complete—will jeopardize Washington’s ability to
26

1 hold a successful primary election, create significant voter confusion, and result in significant
2 expenses for Washington and counties in Washington.

3 The Supreme Court “has repeatedly emphasized that lower federal courts should
4 ordinarily not alter the election rules on the eve of an election.” *Republican Nat’l Comm.*, 589
5 U.S. at 424. This principle applies in the months leading up to an election, at least where there
6 is a risk of voter confusion. For example, in *Abbott v. League of United Latin American Citizens*,
7 146 S. Ct. 418, 419 (Dec. 4, 2025), the Supreme Court held that the district court had violated
8 the *Purcell* principle in its November 18, 2025, order based on the impact on “an active primary
9 campaign” for a primary election that was three-and-a-half months away, *id.* See also *Moore v.*
10 *Harper*, 142 S. Ct. 1089, 1089 (2022) (Mem.) (Kavanaugh, J., concurring) (concluding that,
11 months before primary election, “it is too late for the federal courts to order that the district lines
12 be changed for the 2022 primary and general elections”). Notably, the *Purcell* principle strongly
13 counsels federal courts against ordering changes to state election laws even if those courts
14 conclude that the challenged election statute or practice is unlawful. See *Reynolds v. Sims*, 377
15 U.S. 533, 585 (1964) (“[W]here an impending election is imminent and a State’s election
16 machinery is already in progress, equitable considerations might justify a court in withholding
17 the granting of immediately effective relief in a legislative apportionment case, even though the
18 existing apportionment scheme was found invalid.”); see also *Malliotakis v. Williams*, 146 S. Ct.
19 809, 811 (Mar. 2, 2026) (Mem.) (Alito, J., concurring).

20 The risk of voter confusion from Intervenor-Defendants’ requested relief is real. If this
21 Court orders changes to legislative districts that must be implemented in 2026, that will, as
22 explained in more detail below, require altering established deadlines and create a significant
23 possibility that the 2026 primary election will have to be rescheduled. Any delay in the primary
24 election will have cascading effects on the 2026 general election. The relief requested by
25 Intervenor-Defendants is, in short, a recipe for chaos.
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1 A brief overview of the cascading impacts illustrates the harms flowing from the relief
2 sought by Intervenor-Defendants. That relief is to order Washington to stop using the legislative
3 districts ordered by this Court and to instead use the legislative districts adopted by the
4 Redistricting Commission. Dkt. 309 at 2, 11-12. Contrary to Intervenor-Defendants’ suggestion,
5 this is far from “a simple matter[.]” *Id.* at 11. First, counties would have to update precinct
6 boundaries. Holmes Decl. at ¶ 10. This is not as simple as “undoing” changes made in response
7 to this Court’s 2023 order; other precinct boundaries have since been updated, such as to
8 accommodate annexations of previously unincorporated areas. *Id.* Making precinct changes is a
9 time-consuming process that requires approval by county legislative authorities following public
10 notice and implementation by state and local election officials. Dkt. 51 at ¶¶ 8-13; Dkt. 52 at
11 ¶¶ 15-22. Once precinct changes are made, election officials must notify voters by mail. *See*
12 Wash. Rev. Code § 29A.16.070. The process of making, approving, and validating precinct
13 changes would take multiple weeks and possibly more than a month. Holmes Decl. at ¶ 10; *see*
14 *also* Dkt. 51 at ¶ 7-16.

15 Simultaneous with those precinct changes, election officials would also need to hold a
16 new candidate filing opportunity, at least for the impacted legislative districts. At a minimum,
17 that would create additional responsibilities for election officials in the twelve impacted counties
18 as well as state election officials. Holmes Decl. at ¶ 9. There would have to be a reasonable
19 period before the new filing opportunity to be sure that existing and potential candidates were
20 aware of it and then a reasonable opportunity after the new filing period for any legal challenges
21 to candidate eligibility. *See* Wash. Rev. Code § 29A.68.011. In short, it would take, in a best-
22 case scenario, *weeks* to have a final list of legislative candidates.

23 After the final list of legislative candidates is complete, additional weeks would be
24 necessary to finalize ballot designs. Holmes Decl. at ¶ 5. The number of candidates impacts the
25 space required for each legislative race on the ballot. There are also multiple unique ballot
26 designs in each county. *See* Dkt. 51 at ¶ 18. Designing ballots can take one month. *Id.* at ¶ 20.

1 After the ballots are designed, counties must also test each ballot type in their vote tallying
2 system to be sure that votes will be tabulated correctly. Dkt. 52 at ¶ 32.

3 In addition, once the candidates are finalized, county election officials must prepare a
4 local voters' pamphlet for the primary election that contains candidate statements. Wash. Rev.
5 Code § 29A.32.210. After candidate filing is complete, there would have to be a reasonable
6 period for candidates to submit statements, *see* Wash. Rev. Code § 29A.32.125 (providing 11
7 days after filing deadline), time for election officials to review the statement for compliance with
8 state law, *see* Wash. Rev. Code § 29A.32.090(1), .121(1) (creating word and content limits), a
9 reasonable period to notify third parties named in those statements and for judicial review, *see*
10 Wash. Rev. Code § 29A.32.090(3) (permitting limited judicial review of candidate statements),
11 and sufficient time for election officials to design, finalize, and translate the voters' pamphlets
12 into additional languages. *See* Dkt. 52 at ¶ 30.

13 Once the ballots and voters' pamphlets are designed, counties must print them. Many
14 counties rely on private vendors to print, assemble, and mail ballot packets and voters' pamphlets
15 to voters. Dkt. 52 at ¶ 33. The printers create proofs of each ballot style, which counties must
16 review and approve. *Id.* There are a limited number of vendors who have the capability to handle
17 the volume and specific types of materials required by elections officials. Holmes Decl. at ¶ 7.
18 As a result, counties must schedule their printings well in advance. *See* Holmes Decl. at ¶ 6.
19 Many Washington counties have a deadline of June 1 to provide their materials to vendors. *Id.*
20 If a county misses its deadline to provide ballot designs and voters' pamphlets to the printer,
21 there is no guarantee that they can immediately have their printing completed, and that
22 jeopardizes their ability to timely provide ballots and voters' pamphlets to voters. Holmes Decl.
23 at ¶ 8.

24 Changing legislative districts now—after precinct review and candidate filing is
25 complete—creates unacceptable risks of voter confusion. Washington is only a little over one
26 month from the June 20 deadline to mail ballots to military and overseas voters. Wash. Rev.

1 Code § 29A.40.070(2); *see also* 52 U.S.C. § 20302(a)(8). It is almost impossible to imagine that
2 election officials could provide notice of and hold a new filing period, provide an opportunity
3 for legal challenges to candidate eligibility, allow time for candidate statements and related
4 challenges, and design, print, and mail ballots within the at-most five available weeks. So
5 military and overseas voters are almost certain to receive their ballot materials late, undermining
6 their opportunity to participate in Washington's primary election.

7 While there is additional time for mailing ballots to all other registered voters, there
8 would still be no guarantee that all of the steps could be accomplished by the July 17 deadline.
9 Assuming this Court issued an order by Friday, May 15, that would provide nine weeks. Making
10 and approving precinct-related changes would require several weeks. Providing notice to
11 candidates of the new filing period, holding that new filing period, and providing an opportunity
12 for legal challenges would likely require a minimum of three weeks. Designing, validating, and
13 translating the various ballot styles and local voters' pamphlets would likely require four weeks,
14 putting counties well beyond that June 1 vendor deadline that many have. Some of these tasks
15 could even take longer than normal, as the limited number of certified county election staff will
16 have to work on multiple projects simultaneously. At that point, the time necessary to proof,
17 approve, print, and mail ballots is uncertain and will depend on vendor availability. There is an
18 all-too-real possibility that counties would not be able to timely mail ballots to voters,
19 undermining the ability of *all* voters to participate in the primary election.

20 Postponing the primary election is not a solution. One major problem there is voter
21 confusion. The primary election date is set by statute and has been included on the Secretary of
22 State's public election calendar since it was published. Holding an election on a different day is
23 certain to cause confusion for voters. Another problem concerns the ability of election officials
24 to complete all the necessary preparation for the general election. Under the existing schedule
25 set by Washington law, election officials must begin preparing for the general election
26 immediately after the primary election results are certified on August 21. *See* Wash. Rev. Code

1 § 29A.60.240. There are just four weeks between that certification and the September 19
2 deadline for mailing ballots to military and overseas voters and just eight weeks until ballots
3 must (and voters' pamphlets should) be mailed to *all* voters. *See* Wash. Rev. Code
4 § 29A.40.070(1)-(2). If the primary election is postponed, that will necessarily leave less time to
5 complete these tasks and, for the reasons described above, create a significant risk that ballots
6 and voters' pamphlets will not be timely mailed to voters for the general election.

7 In short, it is simply too late to alter legislative districts for the 2026 elections. The
8 Secretary's position on the timing requirements has been consistent throughout this litigation.
9 Dkt. 52 at ¶ 8 (“[A]ny revised district maps would need to be final by March 28, to allow my
10 office and county elections officials to perform necessary tasks before the primary election on
11 August 2, 2022.”); Dkt. 179 at ¶ 8 (“[A]ny revised district maps would need to be final by
12 March 25, 2024, to allow my office and county elections officials to perform necessary tasks
13 before the primary election on August 6, 2024.”). In 2022, Intervenor-Defendants agreed that
14 April was too close in time to Washington's primary election for this Court to alter legislative
15 districts. Dkt. 61 at 1. Now, apparently failing to appreciate the efforts required to revert to
16 previous legislative districts, they ask this Court to change those legislative districts even *closer*
17 in time to the primary election. This Court should decline the invitation.

18 It is true that some other states have recently made disruptive changes to their
19 congressional and legislative districts, both before and after the Supreme Court's decision in
20 *Callais*. *See* Nathaniel Rakich, *Here's where redistricting stands after Florida's new*
21 *congressional map and the Supreme Court's Callais decision*, Votebeat.org (May 4, 2026),
22 [https://www.votebeat.org/national/2026/05/04/florida-redistricting-supreme-court-louisiana-](https://www.votebeat.org/national/2026/05/04/florida-redistricting-supreme-court-louisiana-callais-gerrymander-2026-election/)
23 [callais-gerrymander-2026-election/](https://www.votebeat.org/national/2026/05/04/florida-redistricting-supreme-court-louisiana-callais-gerrymander-2026-election/). But that's not relevant to whether federal courts should take
24 similar actions: “It is one thing for a State on its own to toy with its election laws close to a
25 State's elections. But it is quite another thing for a federal court to swoop in and re-do a State's
26 election laws in the period close to an election.” *Merrill v. Milligan*, 142 S. Ct. 879, 881-82

1 (2022) (Mem.) (Kavanaugh, J., concurring). Washington law firmly favors stability as elections
2 draw near. *See* Wash. Rev. Code § 29A.68.011 (requiring primary election challenges be
3 completed within seven days); Wash. Rev. Code § 29A.16.040 (prohibiting changes to precincts
4 between seven days before candidate filing and the general election). That decision is entitled to
5 respect.

6 IV. CONCLUSION

7 Secretary Hobbs strongly opposes Intervenor-Defendants’ request to enter an order
8 altering legislative districts for the 2026 election. The “impending election is imminent, and
9 [Washington’s] election machinery is already in progress[.]” *Reynolds*, 377 U.S. at 585.
10 Secretary Hobbs takes no position on the other issues presented by Intervenor-Defendants’
11 motion.

12 RESPECTFULLY SUBMITTED this 11th day of May, 2026.

13 I certify that this memorandum contains
14 2,794 words, in compliance with the Local
Civil Rules.

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