UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

REPRESENTATIVE RONNY JACKSON, Plaintiff, v. SHIRLEY N. WEBER, in her official capacity as California Secretary of State and GAVIN NEWSOM, in his official capacity as Governor of California, Defendants.	Case 2:25-cv-00197-Z Hon. Matthew J. Kacsmaryk

PLAINTIFF'S BRIEF IN SUPPORT OF MOTION FOR RESTRAINING ORDER AND PRELIMINARY INJUNCTION

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I. INTRODUCTION

Plaintiff Representative Ronny Jackson seeks a temporary restraining order and a preliminary injunction to prevent the enforcement of California's blatantly unconstitutional "Election Rigging Response Act" (the "ERRA"). On November 4, 2025, pursuant to the ERRA, California will conduct a Statewide Special Election in which voters will decide on Proposition 50, a legislatively referred constitutional amendment (Assembly Constitutional Amendment 8) to the California Constitution. But under the California Constitution, the Citizens Redistricting Commission, not the Legislature, is tasked with adjusting the boundaries of congressional, Senate, Assembly, and State Board of Equalization districts once every decade, in the year following the national census. Proposition 50 would temporarily override the Commission's authority regarding congressional districts. Specifically, it would require California to use the district boundaries adopted in Assembly Bill 604 of the 2025–26 Session for all congressional elections until the Commission redraws distinct boundaries in 2031.

By its design and intent, the ERRA strikes at the heart of the Constitution's framework for federal elections and republican governance.

First, it violates the Elections Clause (Article I, § 4) by usurping power that the California Legislature does not lawfully possess under its own state constitution. Complaint ¶¶ 25–26.

Second, the ERRA violates the Guarantee Clause (Article IV, § 4) by sabotaging fundamental principles of republican government. California's scheme, carried out in defiance of checks imposed by the state's own constitution and aimed at disenfranchising sister-state voters, subverts democratic principles and eliminates checks on its power, thereby straying from a republican form of governance. Complaint ¶ 31.

By diluting Plaintiff's legislative power and the voice of Texas voters, the law would cause injury that could not be later undone. As set forth below, the standards for preliminary injunctive relief are fully satisfied here. Accordingly, Plaintiff asks this Court to preliminarily enjoin Defendants from placing Proposition 50 on the ballot and otherwise implementing the ERRA.

II. FACTUAL BACKGROUND

A. The ERRA's Enactment and Purpose

The ERRA incorporates a new congressional district map drawn by the Legislature in Assembly Bill 604, thereby replacing the map created earlier in the decade by California's Independent Redistricting Commission. The stated aim of this extraordinary measure is to counteract Texas's alleged redistricting strategy. The ERRA's text proclaims that "in response to the congressional redistricting in Texas in 2025," California will temporarily use new districts designed "to neutralize" the partisan gains Republicans seek in other states. Complaint ¶¶ 17–18. California is thus unilaterally eschewing its own legal procedures to boost its partisan allies in Congress and "engineer a Democratic majority in Congress." *Id.* ¶¶ 19, 25–26. Indeed, the Legislature left no doubt about the aim of the ERRA, which itself states provocatively, *inter alia*: "The State of Texas has convened a special session of its Legislature to redraw congressional district maps to unfairly advantage Republicans" and "President Trump and Republicans are attempting to gain enough seats through redistricting to rig the outcome of the 2026 United States midterm elections regardless of how the people vote." *Id.* ¶ 14. The statement of purpose continues with further exposition of the Legislature's true intent: "President Trump's election-rigging scheme is an emergency for our democracy" and "[t]he 2026 United States midterm elections are voters' only chance to provide an essential check and balance against President Trump's dangerous agenda." *Id.* ¶ 15.

B. The ERRA Violates California Law

California's rush to place Proposition 50 on the November ballot runs roughshod over the state's own constitutional constraints. Under Article XXI, § 2(e) of the California Constitution, congressional redistricting is entrusted to an independent Citizens Redistricting Commission, and "explicitly forbids drawing districts to favor or discriminate against a political party." Complaint ¶ 26. That provision—adopted by California voters to curb gerrymandering—unequivocally removed from the Legislature the power to redraw congressional lines for partisan purposes. *Id.* Yet the California Legislature "did precisely what the California Constitution prohibits – it secretly drew a partisan map to favor Democrats, when it had no authority to redraw lines." *Id.* The Legislature also ignored procedural requirements such as the state constitutional waiting period for enacting new laws. *Id.* ¶ 25. While ultimately unsuccessful and irrelevant to this dispute, California Senator Tony Strickland and other co-plaintiffs challenged the ERRA and AB 604 in the California Supreme Court, describing these laws as an "unlawful attempt in several respects to exercise authority that the Legislature does not possess." *Id.*

That state court petition underscores that the ERRA is *ultra vires* under California law, as the Legislature's actions blatantly violated the California Constitution's allocation of redistricting power. Consistent with principles of federalism, the Elections Clause permits this Court to assess whether California acted contrary to the national interest of predictability and regularity in election procedures by snubbing its own legislative and constitutional mandates. *Compare United States v. Morrison*, 529 U.S. 598, 617–18 (2000) ("The Constitution requires a distinction between what is truly national and what is truly local.") *with* Robert A. Schapiro, *Toward a Theory of Interactive Federalism*, 91 Iowa L. Rev. 243, 285-88 (2005) (recognizing the division between states and the national government as part of American federalism but identifying contemporary jurisprudence

recognizing the role the federal courts have in ensuring state law does not encroach upon national interests).

C. Harm to Plaintiff and Texas Voters

Plaintiff Ronny Jackson is a U.S. Representative from Texas's 13th Congressional District and currently serves as Chairman of two House subcommittees. *Id.* ¶¶ 4, 20. If not enjoined, the ERRA will cause the U.S. House of Representatives to shift from its Republican majority to a Democrat majority by the term beginning in 2027 (after the November 2026 elections). California holds the largest number of House seats; by illegally gerrymandering those seats, Defendants aim to flip several House seats in California from Republican to Democrat in 2026, likely determining the majority in 2027.

The consequences for Plaintiff are direct and personal. Losing the House majority means Plaintiff immediately loses his subcommittee chairmanships and the attendant legislative authority. He and other Texas representatives would be relegated to the minority on their committees, which entails reduced staff and resources available to serve their constituents and perform oversight. Jackson Decl. ¶ 7. The loss of committee leadership posts not only diminishes Plaintiff's influence and opportunities to advance legislation important to his Texas constituents but also impairs his ability to obtain full and frank advice (since majority and minority committee staff numbers differ markedly). These harms to Plaintiff's effectiveness as an elected official are tangible and cannot be recompensed after an election outcome.

Moreover, the ERRA will dilute the representation and policy voice of Texas voters who elected Plaintiff and other Republican members of Congress. *Id.* ¶ 8. Texas's delegation is a key component of the current House majority. By illegitimately flipping multiple California seats to Democrats, the ERRA would negate the electoral choices of Texas voters by stripping their

representatives of power in Congress. This sort of interstate retaliation—California targeting Texans' political representation—is unprecedented and strikes at the collective rights of the people of Texas to equal participation in national governance.

These harms could not materialize but for California's ignoring of the legal strictures on its redistricting and legislative process. The 2026 midterms hinge on judicial review of California's illegal acts, without consideration of the politics underlying any such decisions. Such judicial review is necessary when state legislatures, acting in an *ultra vires* manner, affect the national interest. In sum, absent judicial intervention, Plaintiff and his constituents will suffer irreparable injury through the loss of political representation, disruption of the constitutional balance of power, and the setting of an unlawful precedent that one state may, for partisan ends, manipulate the national legislature despite a clear state constitutional mandate that such acts cannot be countenanced.

III. LEGAL STANDARD

A preliminary injunction is an extraordinary remedy that may be granted only upon a clear showing by the movant of four factors. The plaintiff must establish: (1) a substantial likelihood of success on the merits; (2) a substantial threat of irreparable injury if the injunction is not granted; (3) that the threatened injury to the plaintiff outweighs any harm the proposed injunction may cause the defendants; and (4) that granting the injunction will not disserve (and indeed will serve) the public interest. *See, e.g.*, *Byrum v. Landreth*, 566 F.3d 442, 445 (5th Cir. 2009). In this Circuit, the movant must clearly carry the burden of persuasion on all four elements. *Bluefield Water Ass'n v. City of Starkville*, 577 F.3d 250, 252–53 (5th Cir. 2009).

However, where, as here, the party opposing the injunction is a governmental entity or official, the third and fourth factors (harm to the opposing party and the public interest) merge.

Nken v. Holder, 556 U.S. 418 (2009). The public's interest in the enforcement of laws must be weighed against the public's interest in preventing constitutional violations. However, "it is always in the public interest to prevent the violation of a party's constitutional rights." *Jackson Women's Health Org. v. Currier*, 760 F.3d 448, 458 n.9 (5th Cir. 2014) (citing *Awad v. Ziriax*, 670 F.3d 1111, 1132 (10th Cir. 2012)). Thus, if a constitutional violation is likely to occur where, such as here, the "harm" to the defendant is the burden of having to comply with California's legislative and constitutional requirements, that conclusion supports a finding that the burden has been met with respect to the last two prongs.

IV. ARGUMENT

A. This Court Has Personal Jurisdiction Over Defendants

In analyzing personal jurisdiction under the allegations present in the Complaint, this Court must determine whether specific jurisdiction exists. This requires examining Defendants' forum-related contacts and whether exercising jurisdiction "does not offend traditional notions of fair play and substantial justice." *International Shoe Co. v. Washington*, 326 U.S. 310, 316 (1945). Of course, the language of *International Shoe* parallels the standards associated with due process under the Fourteenth Amendment. In fact, *Pennoyer v. Neff*, which established the modern federal concept of personal jurisdiction, specifically relied on the Fourteenth Amendment as a basis for conditioning a finding of personal jurisdiction upon a satisfaction of due process of law. *Pennoyer v. Neff*, 95 U.S. 714, 733 (1877). The sum of doctrinal principles governing this Court's assessment of specific personal jurisdiction is wholly contingent upon whether haling Defendants into this forum violates their due process rights. Defendants would suffer no such rights deprivation.

Doctrinally speaking, this Court must determine (1) that Defendants have established minimum contacts with Texas by purposefully directing activities or effects here, (2) that the claim

arises out of or relates to those Texas contacts, *Helicopteros Nacionales de Colombia, S.A. v. Hall*, 466 U.S. 408, 414 (1984), and that, if so, (3) exercising jurisdiction is reasonable and comports with traditional notions of fair play and substantial justice (i.e., due process). *International Shoe*, 326 U.S. at 316.

1. Defendants Have Minimum Contacts in Texas

a) Defendants' electoral scheme was purposefully directed toward Texas.

This Court may find that Defendants had minimum contacts with the forum whenever they purposefully avail themselves of Texas's benefits or purposefully direct their conduct toward Texas. See e.g., *Calder v. Jones*, 465 U.S. 783, 789 (1984). Defendants might argue that the present case more readily parallels *Walden v. Fiore*, a case involving an unlawful search in Georgia by a Georgia police officer against individuals whose home forum was Nevada. 571 U.S. 277, 279 (2014). Upon filing a suit in their home forum, the Supreme Court ultimately held that Nevada lacked personal jurisdiction over a Georgia police officer. *Id.* at 279. But this case is, in fact, more like *Calder*, which found purposeful availment whenever a defendant "expressly aimed" "their intentional, and allegedly tortious, actions" toward the forum. *Walden*, 571 U.S. at 288 n. 7 (citing *Calder*, 465 U.S. at 789–790).

In *Calder*, Florida journalists wrote a libelous article about a California plaintiff, relying on California sources and knowing the brunt of harm would be felt in California. The Supreme Court held California could exercise jurisdiction because the Florida defendants' intentional conduct was "expressly aimed" at California, *Calder*, 465 U.S. at 789, and they "knew that the brunt of that injury would be felt" in the state to which their purposeful conduct was directed, *id.* at 784.

Here, Defendants specifically aimed the ERRA at Texas and knew—and, in fact, intended—that Texas representatives would feel an injury there. As such, the California defendants could reasonably anticipate being haled into a Texas court. Proposition 50, California's proposed constitutional amendment, titled the ERRA, was an explicit response to Texas's redistricting. Its key provision "temporarily adopts new California congressional districts" for use through 2030, Complaint ¶ 18, but "preserves [California's] current congressional maps if Texas or other states also keep their original maps," Governor Newsom launches statewide response to Trump rigging Texas' elections, https://www.gov.ca.gov/2025/08/14/governor-newsom-launches-statewide-response-to-trump-rigging-texas-elections (last visited Sept. 3, 2025). Defendants showed purposeful availment by openly tying its law to Texas's conduct: if Texas Republicans proceed with a mid-cycle redraw of Texas's districts, California will "fight back" by redrawing its own districts to nullify Texas's gains.

Directly targeting a forum is purposeful availment. Texas is singled out by name in California's legislative plan. Complaint ¶ 18. Indeed, by seeking to enforce legislation conditioned upon Texas's conduct, Defendants created contacts with Texas – they are enforcing a California law specifically in response to, and to influence, Texas's political landscape. Defendants' acts – proposing and advancing a law explicitly conditioned on Texas's conduct and loudly broadcasting their intent to thwart Texas's political "gains," Jackson Decl. ¶ 13, constitutes purposeful direction at Texas. Here, Texas itself was the focal point of Defendants' conduct.

b) Plaintiff's claims arise out of and relate to Defendants' Texas-directed Contacts

Plaintiff's claims arise directly from Defendants' Texas-directed contacts. Specific jurisdiction exists when the suit arises out of or relates to the defendant's contacts with the forum. *Helicopteros*, 466 U.S. at 414. Plaintiff, Representative Ronny Jackson, alleges that California's

enactment of the ERRA and related actions injure his rights and interests as a Texas officeholder, Jackson Decl. ¶¶ 7–11, and does so because those actions aimed to offset Texas's redistricting. But for Defendants' Texas-focused conduct, there would be no dispute; their contacts with Texas are the subject matter of the suit. The causal nexus is direct: California's plan is triggered only if Texas redistricts but does not go into effect if "Texas or other states also keep their original maps," *See* Governor Newsom launches statewide response to Trump rigging Texas' elections, *supra*. Plaintiff's grievance is that this plan, in targeting Texas, dilutes his influence as a Texas Congressman.

2. Exercising Personal Jurisdiction Over Defendants Comports with Due Process

Hornbook civil procedure law examines due process under the following balancing principles: 1) the burden on the defendant of litigating in the forum, 2) the forum state's interest in adjudicating the dispute, 3) the plaintiff's interest in obtaining convenient and effective relief in the forum, 4) the interstate judicial system's interest in the efficient resolution of the controversy, and 5) the national interest at stake here. *World-Wide Volkswagen Corp. v. Woodson*, 444 U.S. 286, 292 (1980). The *World-Wide Volkswagen* Court describes this last principle as the "shared interest of the several States in furthering fundamental substantive social policies" but because that principle is vague, it is more cleanly articulated in terms of the national interest or interstate comity.

Requiring Defendants Governor Newsom and Secretary Weber to defend this suit in Texas does impose some burden, as they reside and work in California. However, this burden is far from extraordinary. They are high-ranking state officials, sued in that capacity, with access to legal resources and the ability to travel. Importantly, they should have reasonably anticipated being haled into court because they purposefully directed intentional acts at Texas. Additionally, Texas has a clear interest in providing a forum to redress injuries to Plaintiff, Representative Jackson, a

resident and elected official of this forum. Texas's interest is especially acute given the nature of this dispute: Plaintiff alleges that California officials' actions undermine the representation and political power of Texas voters in Congress, and particularly with respect to the voters of the voters in this district. Texas has a sovereign interest in protecting the integrity of its political processes from external meddling. Adjudicating this dispute in Texas aligns with Texas's interest in vindicating the rights of its officials and the choices of its electorate. By contrast, California's interest in this specific lawsuit (as opposed to the underlying policy) is minimal – California officials are not being sued to account for California's general conduct, only for the targeted impact on Texas.

Further, Plaintiff resides in Texas and represents Texas constituents. For him, litigating at home in the Northern District of Texas is far more convenient and effective than trying to sue in California. Forcing a Texas official to file suit nationwide would undermine his ability to obtain prompt relief. Texas is where Plaintiff's harm is felt and where he serves his office; it is the natural forum for him to seek relief. And holding this case in Texas promotes an efficient resolution. The key factual issues – the effect of California's ERRA on Texas's redistricting and on a Texas officeholder – are centered in Texas. Evidence about Plaintiff's role, Texas's redistricting, and the harm to Texas's political influence will be located here. Moreover, a Texas forum avoids fragmenting litigation. If Plaintiff had to sue in California, that court would apply federal constitutional principles to almost exclusively Texas-centric facts, requiring testimony from Texas officials and experts. The Northern District of Texas is well-situated to handle efficiently all aspects of this action through trial. There is no parallel litigation elsewhere; concentrating the controversy in Texas courts advances judicial economy. Lastly, policy interests support resolving this dispute in this Court. Texas and the Defendants are interested in a lawful, orderly process for

redistricting and interstate political competition. Texas's providing a forum for this challenge does not undermine California's policy; Defendants remain free to assert their legal defenses here. To the extent that California might prefer a home forum for its officials, that preference does not outweigh the above factors, especially given the Defendants' deliberate targeting of Texas.

In balancing these factors, none gives the California Defendants any meaningful due process deprivation. As such, this Court may properly exercise specific personal jurisdiction over the Defendants. They purposely directed their official conduct at Texas, seeking to counteract Texas's redistricting, thereby causing targeted harm to a Texas resident, Plaintiff Jackson. The claims in this case arise directly out of those forum-directed contacts. Finally, requiring these Defendants to defend in Texas does not violate principles of fair play and substantial justice.

B. Plaintiff Presents a Justiciable Controversy for which he has Article III Standing

Plaintiff Ronny Jackson has a concrete, particularized, and individualized injury to satisfy the requirements of Article III. Defendants' illegal and unconstitutional scheme stands to deprive Plaintiff of his two subcommittee chairmanships. Worse, during the prior Democrat-controlled Congress, the Democrats created the January 6 select committee, which sought testimony from Congressman Jackson. *See* Andrew Solender, *Jan. 6 panel seeks info from three GOP House members*, AXIOS, https://www.axios.com/2022/05/02/jan-6-panel-seeks-info-from-three-gop-house-members (last visited Sept. 3, 2025). A future Democrat-controlled House will likely subject Plaintiff to political probes, especially because of his significant political support of President Trump. These harms do not affect all members of Congress equally. *Contra Raines v. Byrd*, 521 U.S. 811, 819 (1997). Unlike the appellees in *Raines*, Plaintiff has "been singled out for specially unfavorable treatment as opposed to other Members of [Congress]." *Raines*, 521 U.S. at 821.

Like Congressman Adam Clayton Powell in *Powell v. McCormack*, 395 U.S. 486, 493 (1969), Plaintiff Ronny Jackson will be personally deprived of his current legislative powers as chair of two subcommittees and personal access to a larger staff of advisors. Jackson Decl. ¶ 7. Further, Plaintiff was named Co-Chair of the Congressional Israel Allies Caucus. *Id.* ¶ 3. Because of his current subcommittee chairmanships, his ability to move President Trump's priorities legislatively, and his influence over the congressional majority, Plaintiff has been sought out as a co-plaintiff with President Trump and as a plaintiff against federal support for Palestinian terrorism. See e.g., *id.* ¶ 7, Matthew Watkins, *U.S. Rep. Ronny Jackson sues Biden administration for alleged violations of Taylor Force Act*, ABC7 AMARILLO, https://abc7amarillo.com/news/local/us-rep-ronny-jackson-sues-biden-administration-for-alleged-violations-of-taylor-force-act (last visited Sept. 3, 2025); Kevin Welch, *Ronny Jackson joins President Trump's lawsuit against CBS and Paramount*, KFDA, https://www.newschannel10.com/2025/02/10/ronny-jackson-joins-president-trumps-lawsuit-against-cbs-paramount/ (last visited Sept. 3, 2025). These opportunities would be lost once Plaintiff becomes a minority member of Congress, meaning the loss of his influence and of opportunities to enhance his media visibility.

Plaintiff's claims are neither indirect nor speculative because he has shown that he has a personal stake in the outcome of this dispute. *Contra Chenoweth v. Clinton*, 997 F. Supp. 36, 38 (D.D.C. 1998), *aff'd*, 181 F.3d 112 (D.C. Cir. 1999). Nor does Plaintiff plead a generalized grievance, for his is unique among members of Congress given his prominence as a plaintiff in public interest actions, his subcommittee chairmanships, and his outspoken advocacy for Israel, which has gained him public prominence.

This dispute is also ripe for resolution right now. No state remedies exist, making the idea of Plaintiff exhausting any state procedures futile. Further, waiting until the 120th Congress is formed to see if California's scheme led to an electoral change would already moot Plaintiff's available claims and the urgency of this Court's providing a remedy now. Lastly, there is no need for this Court to abstain from adjudicating this dispute. There is no ongoing state proceeding involving similar questions of law or fact – and indeed, the dispute upon which Plaintiff relies for several of his allegations–*Strickland et al.*, Complaint ¶ 25–was denied relief. Nor is there present in this dispute an unclear question of state law requiring expertise of the California courts. This Court need only resolve federal constitutional questions which uniquely bear upon this present dispute and no other.

C. Plaintiff is Likely to Succeed Because California's Retaliatory Redistricting is an Egregious Violation of the U.S. Constitution.

California's Constitution prohibits redistricting that discriminates against a particular political party. That same Constitution entrusts redistricting to an independent Citizens Commission, not the Legislature. Further, the California Constitution requires that bill text be publicly available for 30 days, giving time for public review, before it can be acted on. Plaintiff will likely prevail on his claims that the ERRA violates the Elections Clause and the Guarantee Clause.

1. The Elections Clause Permits this Court to Review California's Actions That Violate Clearly Established Law.

Article I, § 4 of the U.S. Constitution, the Elections Clause, provides that "The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations[.]" U.S. Const. art. I, § 4, cl. 1. The text of the Elections Clause instructs that a state

"Legislature" "shall . . . prescribe[ ]" "Regulations" that may be made or altered by Congress. Congress can create or amend state-binding regulations, which means those state rules are both germane to the national interest and subservient to it. *See e.g., Moore v. Harper*, 600 U.S. 1, 143 (2023) ("The Elections Clause does not vest exclusive and independent authority in state legislatures to set the rules regarding federal elections"). The text also clarifies that those regulations must be "prescribed" by the state legislature – implying a principle of transparency and predictability. If the state regulated federal elections outside of clearly stated and lawful rules, then Congress would be deprived of its ability to overturn or supersede a regulation it believed was inconsistent with the federal Constitution or national interests. Irregular electoral policies (like Proposition 50) open the door to states intentionally establishing election schemes designed to evade the congressional checks over such schemes. Certainly, if the State of California – whose rules are subject to supersession or amendment by Congress – acts outside its own laws in crafting an electoral scheme, it is tantamount to evading congressional review. "[T]he Constitution's delegations of authority to state legislatures concern important federal interests: the election of federal officials . . . these are all issues for which the Framers wanted to establish 'smooth, orderly, and uncontroversial' ways to determine the 'validity and legitimacy' of states' actions." Michael T. Morley, *The Independent State Legislature Doctrine, Federal Elections, and State Constitutions*, 55 GA. L. REV. 1, 36 (2020) (citation modified).

When state legislatures exercise their authority under the Elections Clause of the U.S. Constitution to regulate the "Times, Places and Manner" of federal elections, they act in a dual capacity: as lawmaking bodies created and bound by their state constitutions and as entities assigned specific authority by the federal Constitution. Both state and federal constitutions impose constraints on legislative actions. *Moore v. Harper*, 600 U.S. *supra* at 27. "The legislature acts

both as a lawmaking body created and bound by its state constitution, and as the entity assigned particular authority by the Federal Constitution. Both constitutions restrain the legislature's exercise of power." *Id*. This overlapping, or "intersystemic," federalism doctrine in the context of federal elections would be meaningless unless federal courts could substantively review state actions affecting the federal election process. Robert A. Schapiro, *Federalism As Intersystemic Governance: Legitimacy in A Post-Westphalian World*, 57 EMORY L.J. 115, 116 (2007) ("citizens of one state may be subject to laws that are made or enforced by other states or by the federal government"). Here, state legislatures must be held subject to the limitations of their constitutions whenever those state actors seek to regulate, even if only effectually, federal elections.

The U.S. Supreme Court has long held that a state legislature's authority under the Elections Clause "must be in accordance with the method which the state has prescribed for legislative enactments." *Smiley v. Holm*, 285 U.S. 355, 367–68 (1932). Nothing in the Elections Clause suggests that a state legislature may ignore state-imposed limits on its lawmaking power when prescribing rules for Congressional elections. The Clause does not "endow the Legislature of the state with power to enact laws in any manner other than that in which the Constitution of the state has provided that laws shall be enacted." *Id*. at 368.

The enforcement of the Elections Clause's governing principles demands judicial review whenever that principle is allegedly violated. Kevin Wender, *The "Whip Hand": Congress's Elections Clause Power As the Last Hope for Redistricting Reform After Rucho*, 88 FORDHAM L. REV. 2085, 2102 (2020) ("Records from the debates during the Constitutional Convention support the proposition that the framers intended the Elections Clause to protect federal elections from instances of state impropriety or inaction, which may include partisan gerrymandering") (citing 2 THE RECORDS OF THE FEDERAL CONVENTION OF 1787, at 240-41 (Max Farrand ed., rev. ed. 1966)

at 240-41; Jamal Greene, *Judging Partisan Gerrymanders Under the Elections Clause*, 114 YALE L.J. 1021, 1061-62 (2005) (arguing that the framers intended the Elections Clause to be a limitation on the ability of state legislatures to manipulate the outcomes of congressional elections)).

The Supreme Court has upheld this principle unabated for nearly a century. In 1944, the Supreme Court had occasion to review a Texas resolution stating the following: "[b]e it resolved that all white citizens of the State of Texas who are qualified to vote under the Constitution and laws of the State shall be eligible to membership in the Democratic party and, as such, entitled to participate in its deliberations." *Smith v. Allwright*, 321 U.S. 649, 656–57 (1944). When this resolution became a basis for denying an individual the ability to vote, the Supreme Court struck it down, holding "Texas is free to conduct her elections and limit her electorate as she may deem wise, save only as her action may be affected by the prohibitions of the United States Constitution or in conflict with powers delegated to and exercised by the National Government." *Id*. at 657; *accord*. *California Democratic Party v. Jones*, 530 U.S. 567, 572–73 (2000) ("[W]e have continually stressed that when States regulate parties' internal processes they must act within limits imposed by the Constitution").

Here, California's Legislature had no legitimate authority under its state constitution to redraw congressional districts in 2025, especially not to favor a political party. Article XXI of the California Constitution stripped that power from the Legislature and gave it to the independent Citizens Redistricting Commission. Complaint ¶ 26. Not only did the Commission complete California's decennial redistricting after the 2020 census, but the California Constitution explicitly forbids the drawing of districts to favor or discriminate against a political party. *Id.* The ERRA flouts both commands. California's Legislature convened a "special session" in 2025 solely to re-gerrymander districts mid-decade for the explicit purpose of partisan political advantage, a course

of action forbidden by state law. *Id.* By secretly drawing a partisan map to favor Democrats, when it had no authority to redraw lines, the Legislature acted outside the law and was not acting as a legitimate Legislature under the Elections Clause. The ERRA is therefore the product of a lawmaking body that exceeded the limits of its mandate and engaged in an unlawful, *ultra vires* attempt to wield authority that said legislature did not possess. *Id.* ¶¶ 25–26.

Because the ERRA was not "prescribed … by the Legislature" in the constitutional sense (since a legislature acting *ultra vires* is legislatively invalid), it contravenes the Elections Clause. The Framers' design – allowing state legislatures to regulate congressional elections, but subject to oversight by Congress – did not countenance a scheme where a state legislature could unilaterally ignore its own foundational laws to manipulate federal election outcomes. Indeed, Congress itself anticipated that state legislatures must follow state law in redistricting; for example, in the Reapportionment Act of 1911, Congress required that post-census redistricting occur "in the manner provided by the laws [of the state]" expressly recognizing the role of state constitutional processes. An Act for the apportionment of Representatives in Congress among the several States under the Thirteenth Census, P. L. 62-5, § 4 (Aug. 8, 1911) ("Representative or Representatives shall be elected by the State at large and the other Representatives by the districts now prescribed by law until such State shall be redistricted in the manner provided by the laws thereof and in accordance with the rules enumerated in section three of this Act"). *Accord. State of Ohio ex rel. Davis v. Hildebrant*, 241 U.S. 565, 569 (1916) (interpreting the 1911 Apportionment Act as interpreting "Legislature thereof" as to require state compliance with its own laws"); *cf. Lance v. Coffman,* 549 U.S. 437, 442 (2007) (holding that *Baker v. Carr* overturned *Davis v. Hildebrant's* holding of non-review of state apportionment schemes). California's Legislature cannot bypass the structural provisions of its constitution that reserve redistricting authority to an independent

commission and prohibit partisan gerrymandering. Such action is a nullity under state law, Complaint ¶ 26, and invalid under the Elections Clause.

Plaintiff is likely to succeed in showing that California's enactment of the ERRA is not a lawful exercise of power "by the Legislature" within the meaning of the Elections Clause, because it was undertaken in clear violation of the California Constitution and outside the scope of authority that the people of California have conferred on their state legislature. Defendants sought and obtained an extra-constitutional redistricting for partisan ends. Defendants' devious acts are precisely the kind of factional manipulation of congressional elections that the federal Constitution does not permit a state to undertake on its own. This Court can and should find that the ERRA's enactment violates the Elections Clause, rendering the law void and unenforceable.

2. This Court May Also Review Defendant's Unlawful Actions in Violation of the Guarantee Clause.

Article IV, § 4 of the Constitution provides that "The United States shall guarantee to every State in this Union a Republican Form of Government[.]" The Guarantee Clause is aimed at ensuring that each state's governance remains republican in character – that is, representative and consistent with the consent of the governed, as opposed to autocratic or otherwise dictated by unaccountable power. California's egregious redistricting scheme violates the Guarantee Clause by betraying core republican principles.

Over several decades, the federal courts have concluded that Guarantee Clause cases are political questions beyond their ken. *See Luther v. Borden*, 48 U.S. 1, 39 (1849); *Pacific States Tel. & Tel. Co. v. Oregon*, 223 U.S. 118 (1912)*; State of Ohio ex rel. Bryant v. Akron Metro. Park Dist. for Summit Cnty*., 281 U.S. 74, 80 (1930); *Arizona State Legislature v. Arizona Indep. Redistricting Comm'n*, 997 F. Supp. 2d 1047, 1050 (D. Ariz. 2014), *aff'd*, 576 U.S. 787, 792 (2015); *Rucho v. Common Cause*, 588 U.S. 684, 696 (2019). The federal courts have relied on *Luther v. Borden* and

its progeny to determine that courts cannot review Guarantee Clause harms to individuals. *A.C. by Waithe v. McKee*, 23 F.4th 37, 47 (1st Cir. 2022) (citing *Largess v. Supreme Jud. Ct. for State of Mass*., 373 F.3d 219, 224 n.5 (1st Cir. 2004)) ("[Guarantee Clause] makes the guarantee of a republican form of government to the states; the bare language of the Clause does not directly confer any rights on individuals vis-á-vis the states"); *but cf.* Akhil Reed Amar, *The Central Meaning of Republican Government: Popular Sovereignty, Majority Rule, and the Denominator Problem*, 65 U. COLO. L. REV. 749, 753 (1994) ("As we shall see, the hoary case said to establish the general nonjusticiability of the Clause, *Luther v. Borden*, in fact establishes no such thing; and the events giving rise to *Luther* show that the concept of Republican Government does have a central meaning, intimately connected with popular sovereignty and majority rule").

However, *Luther v. Borden* was decided before the Fourteenth Amendment (and its equal protection guarantees to individuals were established). Outside of plaintiffs composing political parties or government entities, when it comes to individual plaintiffs, the Supreme Court has viewed the "State" under the Guarantee Clause not merely as an official state government but "a political community of free citizens, as distinguished from the government." *Texas v. White*, 74 U.S. 700 (1868) (overruled on other grounds by *Morgan v. United States*, 113 U.S. 476 (1885)); *accord Duncan v. McCall*, 139 U.S. 449 (Individuals have the power to "set bounds . . . against the sudden impulses of mere majorities"). Defendants' retaliation against the equal rights of the people of Texas violates the Guarantee Clause. *Butler v. Thompson*, 97 F. Supp. 17 (E.D.Va.1951) (affirmed 71 S. Ct. 1002, 341 U.S. 937). In that context, and especially where individuals suffer equal protection violations, the Guarantee Clause claim is justiciable. *Baker v. Carr*, 369 U.S. 186, 209–10 (1962) ("We hold that the claim pleaded here neither rests upon nor implicates the Guaranty Clause and that its justiciability is therefore not foreclosed by our decisions of cases

involving that clause. . . . Appellants' claim that they are being denied equal protection is justiciable, and if 'discrimination is sufficiently shown, the right to relief under the equal protection clause is not diminished by the fact that the discrimination relates to political rights'") (citing *Snowden v. Hughes*, 321 U.S. 1, 11 (1944)); *Reynolds v. Sims*, 377 U.S. 533, 567 (1964) ("To the extent that a citizen's right to vote is debased, he is that much less a citizen").

Former Justice Sandra O'Connor wrote in her majority in *New York v. United States*:

> The view that the Guarantee Clause implicates only nonjusticiable political questions has its origin in *Luther v. Borden* . . . . This view has not always been accepted. In a group of cases decided before the holding of Luther was elevated into a general rule of nonjusticiability, the Court addressed the merits of claims founded on the Guarantee Clause without any suggestion that the claims were nonjusticiable. . . . More recently, the Court has suggested that perhaps not all claims under the Guarantee Clause present nonjusticiable political questions . . . . Contemporary commentators have likewise suggested that courts should address the merits of such claims, at least in some circumstances.

New York v. United States, 505, U.S. 144, 184 (1992). If "[r]epublicanism imposes some systemic limits on statewide initiatives, regardless of content," Hans A. Linde, *Who Is Responsible for Republican Government?*, 65 U. COLO. L. REV. 709, 729 (1994) ("Linde"), then there are clearly judicially manageable standards in enforcing those systemic limits. *Accord*. Amar, *supra* at *id*.

Defendants' actions here are antithetical to a republican form of government in several respects. By overriding the checks and balances of its own state constitution to impose a partisan outcome, California abandoned the rule-of-law constraints that help make a government republican. Complaint ¶ 31; Linde, *supra* at 729. Defendants ignored California's own constitution to effectuate political change that benefits those in power. Complaint ¶¶ 14, 16, 19. In doing so, California's government concentrated power in the hands of partisan lawmakers, eliminating the safeguard of the independent redistricting commission and even the normal legislative process, all

in the name of entrenching one party's power. *Id*. ¶¶ 25-26. Such behavior eliminates checks on its power and manipulates election outcomes, thus straying from a republican form of governance.

Furthermore, California's scheme effectively disenfranchises the people of other states (like Texas) by nullifying their electoral choices at the federal level. *Id*. ¶¶ 22. A foundational element of republicanism, under the gloss of the Fourteenth Amendment, is that each state's people have a fair and meaningful representation in Congress. Defendants have undercut the principle of equal state standing in the federal union by intentionally diluting Texas's representation in the House through an extralegal manipulation of California's districts. If one state can pervert its processes to hobble the influence of voters in another state, the federal system ceases to function as a union of equal, self-governing polities – instead, it permits domination by the caprice of one state's faction. This outcome is irreconcilable with the notion of a "Republican Form of Government" guaranteed to every state. In effect, California's ruling party attempted to seize a degree of control over federal governance that is not rightfully theirs, at the expense of the citizens of a sister state, its representatives, and its people.

Defendants' actions, as alleged, nullify the will of their own people (who chose to enact an independent commission on redistricting and specific rules against gerrymandering) and are aimed at nullifying the will of another state's people by rigging congressional outcomes. If the Guarantee Clause has any practical meaning, it surely forbids a state from deliberately corrupting the national political process and overriding the republican safeguards in its own law for partisan gain. At a minimum, Plaintiff's Guarantee Clause theory bolsters the equitable case for relief: it highlights the gravity of Defendants' constitutional offense and the broader danger it poses to democracy. Accordingly, Plaintiff has at least a reasonable likelihood of success on Count II, and this Court should not shy away from enforcing the Guarantee Clause in these extraordinary circumstances.

Even if the Court were to find the Guarantee Clause claim nonjusticiable, it can and should still grant relief on the Elections Clause count, as discussed *supra*. Thus, Plaintiff has demonstrated a strong likelihood of prevailing on the merits of his constitutional challenge to the ERRA.

D. Defendants' Actions Irreparably Harm Plaintiff

Plaintiff will suffer irreparable injury absent a preliminary injunction. Irreparable harm means an injury that cannot be adequately remedied by monetary damages or later relief; it must be both imminent and impossible to repair once inflicted. *Valley v. Rapides Par. Sch. Bd.*, 118 F.3d 1047, 1056 (5th Cir. 1997). Several independent irreparable harms are present here.

First and foremost, the implementation of an unconstitutional law inherently causes irreparable harm. Courts recognize that the violation of constitutional rights "for even minimal periods of time, unquestionably constitutes irreparable injury." *Elrod v. Burns*, 427 U.S. 347, 373 (1976); *see also BST Holdings, L.L.C. v. Occupational Safety & Health Admin., United States Dep't of Lab.*, 17 F.4th 604, 618 (5th Cir. 2021); *Tandon v. Newsom*, 593 U.S. 61, 64 (2021). Here, enforcement of the ERRA would violate Plaintiff's rights and the structural constitutional principles that protect all citizens.

The deprivation of Texans' rights through Defendants' retaliation is a quintessential irreparable harm, as elections tainted by unconstitutional rules cannot be rerun once the results are in. If the ERRA is allowed to govern the 2026 House elections, the composition of the House will be altered in a manner that is impossible to fully unwind even if Plaintiff ultimately prevails on the merits. The loss of a lawful House majority for a term can never be compensated or rectified after the fact. As the North Carolina superior court explained in *Harper v. Lewis* while explaining their reasoning for enjoining a partisan gerrymander before the 2020 elections, "[t]he loss to Plaintiffs' fundamental rights . . . will undoubtedly be irreparable if congressional elections are allowed to

proceed under [unconstitutional] districts." No. 19 CVS 012667, slip op. at 19 (N.C. Super. Ct. Oct. 28, 2019). The same is true here: if the ERRA, not gerrymandering itself but which creates a process for illegal mid-decade gerrymandering to occur, governs the 2026 House elections, the composition of the House will be unlawfully altered in a manner impossible to unwind, and the loss of a lawful majority for a term can never be rectified.

The harm to Representative Jackson is concrete, particularized, and cannot be compensated by damages. As detailed above, Plaintiff will lose his subcommittee chairmanships and the accompanying influence and resources if the House majority changes. This loss of political status and efficacy is not something a court can remediate later; once lost for a congressional term (or more), the opportunity to wield that authority is gone forever and can reverberate thereafter for the remainder of a political career. Courts have recognized that being deprived of a political office or leadership position by unlawful means can constitute irreparable harm, because such positions often confer intangible benefits that cannot be assigned a dollar value. *Kupau v. Yamamoto*, 455 F. Supp. 1084, 1090 (D. Haw. 1978), *aff'd*, 622 F.2d 449 (9th Cir. 1980); *Murray v. Cuomo*, 460 F. Supp. 3d 430, 443 (S.D.N.Y. 2020) (candidate suffered irreparable injury under allegations that the defendant failed to ensure the fair functioning of an election). Moreover, Plaintiff's diminished ability to serve his constituents – through reduced committee staff and minority-party limitations – means that the constituents of Texas's 13th District will effectively be under-represented relative to the representation they would have enjoyed had Defendants acted lawfully. This dilution of representational rights for hundreds of thousands of Texans is a harm that cannot be repaired after an election. Each day that an unconstitutionally constituted Congress sits, the injury accrues anew. This factor strongly favors immediate injunctive relief.

E. Balance of Equities

The balance of equities weighs decisively in favor of issuing the injunction. On Plaintiff's side of the scale is the prospect of grave constitutional injury: the loss of his rightful role in Congress and the dilution of his and his constituents' representational interests. Defendants' Proposition 50, which would change the electoral map, has not yet been presented to voters and thus creates no burdens to election officials now. *Contra League of United Latin American Citizens v. Abbott*, 601 F. Supp. 3d 147, 183 (W.D. Tex. 2022). These injuries are irreparable and implicate the fundamental integrity of democratic governance. On Defendants' side of the scale, by contrast, an injunction would merely require California to follow the status quo– that is, to conduct its congressional elections under the map drawn by its independent Commission (and in place since 2022). Enjoining the ERRA simply preserves the district lines that were lawfully enacted according to California's Constitution, at least until this case is resolved on the merits. Defendants cannot claim any legitimate harm from being prevented from enforcing an unconstitutional law. An injunction maintains continuity and fairness in the electoral process, whereas denying an injunction would allow a radical and unlawful change with nationwide ramifications.

The equities also favor an injunction because it will avoid voter confusion and the potential chaos of implementing the ERRA only for it to be struck down later. It is more equitable to put the new scheme on hold now, before candidates file and campaigns are run in new districts, than to allow an unconstitutional process to go forward and try to unwind it later.

F. Public Interest

Preventing the enforcement or implementation of unconstitutional laws always serves the public interest. Here, the public interest factor overlaps substantially with the balance of equities. The people of the United States—and particularly of Texas and California—have a profound interest in fair and lawful elections to Congress. They also have an interest in the federal structure

that the Constitution established, which does not allow one state to unilaterally interfere with the political representation of another. Granting the preliminary injunction will uphold public confidence in the rule of law and the integrity of federal elections. It will send a message that extreme partisan retaliation between states has no place in our Union. Conversely, denying the injunction and allowing the ERRA to proceed would reward a blatant attempt at election-rigging (the law's own title acknowledges as much) and invite escalation, potentially encouraging other states to pass tit-for-tat laws. The resulting "race to the bottom" would severely erode the public's trust in our electoral and constitutional order. The public interest strongly favors avoiding such a constitutional crisis.

Moreover, an injunction preserves the status quo, which is itself a public interest in election cases. The Supreme Court has repeatedly emphasized the importance of stability in election rules, especially as an election approaches. *See* Part I.A., *infra*. Here, the status quo (the existing district map and established election procedures) is known to voters, candidates, and administrators in California and Texas. Keeping that status quo while the courts sort out the legality of the ERRA serves the public's interest in an orderly election process. There is ample time to adjudicate this matter before the next election cycle intensifies, and an injunction ensures that no potentially illegitimate election outcomes occur in the interim.

Finally, it bears noting that California's own public interest is not harmed by an injunction. Californians enacted the constitutional provisions that the ERRA violated – in other words, the public interest in California itself favors adhering to the lawful redistricting system the citizens of California put in place.

V. CONCLUSION

For the foregoing reasons, Plaintiff's motion should be granted in its entirety.

DATED: September 4, 2025.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on September 4, 2025, a true and correct copy of the foregoing document was transmitted via the CM/ECF system, which automatically sends notice and a copy of the filing to all counsel of record, and further, that a true and correct copy of the foregoing document was then sent by electronic mail to Defendants at Secretary.Weber@sos.ca.gov with copy to rob.bonta@doj.ca.gov.

/s/Edward Andrew Paltzik
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Representative Ronny Jackson

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

REPRESENTATIVE RONNY JACKSON, Plaintiff, v. SHIRLEY N. WEBER, in her official capacity as California Secretary of State, and GAVIN NEWSOM, in his official capacity as Governor of California, Defendants.	Case 2:25-cv-00197-Z Hon. Matthew J. Kacsmaryk

DECLARATION OF PLAINTIFF REPRESENTATIVE RONNY JACKSON IN SUPPORT OF MOTION FOR A TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

I, Representative Ronny Jackson, declare pursuant to 28 U.S.C. § 1746:

1. I am over the age of eighteen and competent to make this declaration.

2. I am the duly elected Representative of Texas's 13th Congressional District in the United States House of Representatives.

3. I currently serve as Chairman of the Subcommittee on Oversight and Investigations of the House Permanent Select Committee on Intelligence, and as Chairman of the Subcommittee on Intelligence and Special Operations of the House Armed Services Committee. I am poised to serve as a full Committee Chairman in the next Congress. I also serve as Co-Chair of the Congressional Israel Allies Caucus.

4. Earlier this month, California state officials embarked on an "emergency" mid-cycle redistricting plan explicitly retaliating against Texas and its elected representatives, including

myself. California's Legislature passed Assembly Constitutional Amendment No. 8 – tellingly titled the "Election Rigging Response Act" (the "ERRA") – and Defendant Governor Newsom signed it into law on August 21, 2025.

5. The ERRA is an unprecedented attempt by California's government to unilaterally reconfigure its congressional districts mid-decade for the express purpose of engineering a partisan advantage in the House of Representatives.

6. The ERRA openly declares its aim to "neutralize the partisan gerrymandering being threatened by Republican-led states"—in other words, to counteract Texas's political influence by manipulating California's representation in Congress.

7. As set forth in my Complaint, the ERRA is expressly aimed at Texas and its congressional delegation, including myself.

8. The ERRA alters congressional representation in a way designed to engineer a Democratic majority in the House of Representatives.

9. If implemented, this scheme would likely cause me to lose my subcommittee chairmanships, reduce my staff resources, and diminish my legislative influence. That influence over the congressional majority also has positioned me as an ally of the President and as a plaintiff regarding violations of the Taylor Force Act, roles which I would stand to lose should my influence as a legislator be improperly taken from me.

10. The ERRA would also likely dilute the representational voice of my constituents in Texas's 13th District because it directly threatens the existing House majority that reflects their votes and policy preferences.

11. If congressional elections proceed under the ERRA, these injuries will be immediate and irreparable, as once the House majority is changed, my committee leadership and my constituents' influence cannot be restored for that term of Congress.

12. This anticipated impact on my legislative influence and subcommittee roles was a foreseeable consequence of California's retaliation plan.

13. My loss of subcommittee chairmanships is not a collateral issue; it is the precise harm caused by Defendants' Texas-directed strategy, and it gives rise to my claims for relief.

14. I have reviewed the ERRA and understand:

a. Texas redistricting is the trigger for it.

b. The injury alleged in this dispute is felt by me in Texas.

c. No Attenuation: There are no intervening events breaking the link between Defendants' Texas-focused conduct and the claims. This is not a case where Defendants had contacts with Texas years ago, and Plaintiff's claim is about something unrelated. The timeline is tight and the connection linear: Texas announced a mid-decade map; Defendants responded with the ERRA to counter Texas; Me, as a target of that countermeasure, sued immediately to halt it. The forum contacts and the cause of action are intertwined.

15. I read this press release: Governor Newsom launches statewide response to Trump rigging Texas' elections, https://www.gov.ca.gov/2025/08/14/governor-newsom-launches-statewide-response-to-trump-rigging-texas-elections (last visited Sept. 3, 2025). It said in relevant part:

a. Governor Newsom was leading "a statewide effort that will enable Californians to fight back against President Trump's attempts to rig Texas' elections . . . . "

b. Governor Newsom said that "California will not sit idle as Trump and his Republican lapdogs shred our country's democracy before our very eyes."

c. Governor Newsom promised to give his voters "the chance to nullify any gains [President Trump] seeks from Texas" if Texas proceeded with redistricting.

16. On July 25, 2025, Governor Newsom hosted Texas state legislators in Sacramento to discuss Texas's redistricting. *See* Owen Dahlkamp, *Newsom will move to redraw California map if Texas redistricts, teeing up national fight*, THE TEXAS TRIBUNE, https://www.texastribune.org/2025/07/30/texas-redistricting-california-newsom-retaliatory-congressional-maps (last visited Sept. 3, 2025).

17. Governor Newsom then held a press conference "with Texas state representatives" about countering Texas's Republican redistricting efforts.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on September 4, 2025, in Washington, D.C.

Representative Ronny Jackson