

No. 25A608

In The
Supreme Court of the United States

GREG ABBOTT,
IN HIS OFFICIAL CAPACITY AS GOVERNOR OF THE STATE OF TEXAS, ET AL.,
Applicants,

v.

LEAGUE OF UNITED LATIN AMERICAN CITIZENS, ET AL.,
Respondents.

ON EMERGENCY APPLICATION FOR STAY

BRIEF OF NON-INCUMBENT CANDIDATES FOR U.S. REPRESENTATIVE FROM THE STATE
OF TEXAS AS *AMICI CURIAE* IN SUPPORT OF APPLICANTS

LEE E. GOODMAN
Counsel of Record
DOMENIC P. AULISI
DHILLON LAW GROUP, INC.
2121 Eisenhower Ave, Suite 608
Alexandria, VA 22314
lgoodman@dhillonlaw.com
(415) 433-1700

Counsel for Amici Curiae

TABLE OF CONTENTS

	Page
TABLE OF AUTHORITIES	ii
STATEMENT OF INTEREST	1
SUMMARY OF ARGUMENT	2
BACKGROUND	3
ARGUMENT.....	17
I. THE DISTRICT COURT’S BELATED INJUNCTION WILL SEVERELY DISRUPT THE ELECTION UNDERWAY AND CONFUSE VOTERS.	17
II. THE SUPREME COURT SHOULD STAY THE DISTRICT COURT’S INJUNCTION THROUGH THE 2026 ELECTION.	20
CONCLUSION	25

TABLE OF AUTHORITIES

Cases	Page(s)
<i>Democratic Nat’l Comm. v. Wisconsin State Legislature</i> , 141 S. Ct. 28 (2020)	20
<i>League of United Latin Am. Citizens v. Abbott</i> , No. EP-21-CV-00259-DCG-JES-JVB [Lead Case], 2025 WL 3215715 (W.D. Tex. Nov. 18, 2025).....	22, 23, 24
<i>Merrill v. Milligan</i> , 142 S. Ct. 879 (2022)	3, 21, 22, 24
<i>Purcell v. Gonzalez</i> , 549 U.S. 1 (2006)	20
<i>Republican Nat’l Comm. v. Democratic Nat’l Comm.</i> , 589 U.S. 423 (2020)	20, 24
<i>Riley v. Kennedy</i> , 553 U. S. 406 (2008)	22
Statutes	
2 U.S.C. § 7.....	5
Tex. Elec. Code § 141.031(a)(4)(C)	4
Tex. Elec. Code § 172.003	5
Tex. Elec. Code § 172.004	5
Tex. Elec. Code § 172.021(b).....	4
Tex. Elec. Code § 172.023(a).....	4
Tex. Elec. Code § 172.024(a)(1)	4, 18
Tex. Elec. Code § 172.025	18
Tex. Elec. Code § 172.054	18
Tex. Elec. Code § 41.002	5
Tex. Elec. Code § 41.007(a).....	5
Tex. Elec. Code § 42.001	19
Tex. Elec. Code § 42.006(a).....	19
Tex. Elec. Code § 42.033	19

Tex. Elec. Code § 85.001(a).....	5
Other Authorities	
Alex Mealer (@AlexMealerTX), X (Aug. 25, 2025, at 10:36 ET), https://x.com/AlexMealerTX/status/1959988173750128898?s=20	9
<i>Application for a Place on the Primary Ballot</i> , Tex. Bd. of Elections, https://www.sos.state.tx.us/elections/forms/pol-sub/2-4f.pdf (last visited Nov. 23, 2025)	4
<i>Candidate Tracker</i> , Tex. Democrats, https://docs.google.com/spreadsheets/d/1_UE9SkChcWfBeZc5jKxIAu- Zr_oPQPxed82oDsOJOmI/edit?gid=0#gid=0 (last visited Nov. 23, 2025)	6
Election Advisory No. 2025-13, Tex. Sec’y of State, https://www.sos.state.tx.us/elections/laws/advisory2025-13.shtml (Sept. 15, 2025).....	19
<i>Endorsements</i> , Alex Mealer for Congress, https://alexandramealer.com/endorsements/ (last visited Nov. 23, 2025)	9
<i>Important Dates for the Party Conventions, Primary Elections, and General Election</i> , Tex. Sec’y of State, https://www.sos.state.tx.us/elections/candidates/guide/2026/dates2026.shtml (last visited Nov. 23, 2025)	4, 5
<i>PLANC2193</i> (Texas Congressional Districts, 2023–2026), Capitol Data Portal, https://dvr.capitol.texas.gov/Congress/2/PLANC2193 (last visited Nov. 23, 2025)	6
<i>PLANC2333</i> (Districts Enacted by 89th Legislature, 2nd C.S., 2025), Capitol Data Portal, https://dvr.capitol.texas.gov/Congress/94/PLANC2333 (last visited Nov. 23, 2025)	6
<i>Primary Filing Information: List of Filing Applications Received</i> , Republican Party of Tex., https://texasgop.org/primary-filing-information/ (last visited Nov. 23, 2025)	6, 9, 10, 12

<i>Statement of Candidacy (FEC-1903953)</i> , Fed. Election Comm’n, https://docquery.fec.gov/cgi-bin/forms/H6TX34080/1903953/ (July 16, 2025)	14
<i>Statement of Candidacy (FEC-1912979)</i> , Fed. Election Comm’n, https://docquery.fec.gov/cgi-bin/forms/H6TX09140/1912979/ (Aug. 25, 2025).....	9
<i>Statement of Candidacy (FEC-1913205)</i> , Fed. Election Comm’n, https://docquery.fec.gov/cgi-bin/forms/H6TX35053/1913205/ (Aug. 27, 2025).....	16
<i>Statement of Candidacy (FEC-1914641)</i> , Fed. Election Comm’n, https://docquery.fec.gov/cgi-bin/forms/H6TX08209/1914641/ (Sept. 12, 2025).....	7
<i>Statement of Candidacy (FEC-1917372)</i> , Fed. Election Comm’n, https://docquery.fec.gov/cgi-bin/forms/H6TX10221/1917372/ (Oct. 3, 2025)	10
<i>Statement of Candidacy (FEC-1917642)</i> , Fed. Election Comm’n, https://docquery.fec.gov/cgi-bin/forms/H6TX21376/1917642/ (Oct. 6, 2025)	12
<i>Statement of Organization (FEC-1917641)</i> , Fed. Election Comm’n, https://docquery.fec.gov/cgi-bin/forms/C00922344/1917641/ (Oct. 6, 2025)	12
<i>Steinmann, Jessica Hart: Financial Summary (2026)</i> , Fed. Election Comm’n, https://www.fec.gov/data/candidate/H6TX08209/ (last visited Nov. 23, 2025)	7
<i>Tonnage of Top 50 U.S. Water Ports, Ranked by Total Tons</i> , Bureau of Transp. Statistics, https://www.bts.gov/content/tonnage-top-50-us-water-ports-ranked-total-tons (last visited Nov. 23, 2025)	14

STATEMENT OF INTEREST¹

The *amici* are Jessica Hart Steinmann, Alexandra Mealer, Chris Gober, James “Trey” Trainor III, Eric Flores, and Texas State Representative John Lujan, each of whom is a declared non-incumbent candidate for Congress in Texas. Each of the *amici* is currently a candidate in a district affected by the lower court’s ruling. They have filed papers with their party chair, registered candidacies with the Federal Election Commission, or done both to qualify as candidates in the congressional seats drawn by the Texas Legislature in 2025. They have been campaigning for support in those districts since the State adopted the district plan on August 29, 2025.

The primary election for these seats is scheduled for March 3, 2026, and early voting begins two weeks before that date, on February 17, 2026, less than three months from now. Accounting for intervening holidays, these candidates have little time remaining to marshal necessary support. Their primary elections are highly competitive and require substantial campaign effort and resource expenditure. *Amici* have already devoted hundreds of thousands of dollars to advocate for their candidacies—funds and advocacy that can never be recouped. They, and the voters who will be called upon shortly to select the sole federal representative from their district until 2028, need to know the district boundaries immediately.

For these reasons, *amici* have a significant interest in this Court’s prompt resolution of the questions presented, in preservation of the districts where they have

¹ In compliance with Rule 37.6, no counsel for a party authored this brief in whole or part; no counsel or party contributed money intended to fund the preparation of submission of this brief; and the Republican National Committee funded preparation of this brief but no other contributor earmarked funding.

qualified as candidates and campaigned for months, and they file this brief pursuant to Rule 37.4 in support of Applicants' Emergency Application for Stay and Administrative Stay Pending Appeal.

SUMMARY OF ARGUMENT

The panel decision below has thrown ongoing campaigns for Congress into chaos less than three months before voting begins. The panel decision has sown great confusion in the electoral plans and strategies of *amici* in elections well underway. The districts prescribed by the 2021 map—the map preferred by the lower court—are dramatically different than the districts—drawn by the Texas Legislature—where *amici* have qualified and campaigned for months. Thus, campaign efforts and resources spent in the districts prescribed by the 2025 map—currently enjoined by the lower court—may be wasted.

Compounding this electoral disruption, the 2021 redistricting map preferred by the court below is itself the subject of a pending legal challenge. Thus, *amici* cannot be sure of the precise boundaries of their districts going forward. Candidates throughout Texas do not know where to knock on doors this week. Some *amici* and similarly situated candidates are currently directing advocacy to voters they are certain will not be in their ultimate district—but at this time, they do not know which voters those voters are. The candidates are simply contacting voters in both the 2025 and 2021 districts in an abundance of caution.

In some cases, qualified candidates are not even sure if they will reside in the districts in which they ultimately will stand for election. Some declared candidates in this election face dramatic geographical shifts in their districts, leaving them with

the dilemma of starting over in a new district or dropping out entirely. Other candidates face shifts from winnable districts under the 2025 map to districts wholly unwinnable under the lower court's preferred 2021 map.

These problems for candidates extend to voters. Voters will necessarily be confused by the geographical rearrangement of their districts, an entirely new cast of candidates, and advocacy from a shifting corps of candidates. Some of these primaries feature five or more candidates. So, voters shifted from one district to another district by the lower court will have heard advocacy regarding over a dozen candidates—some of whom will appear on their ballot, and some who will not.

The electoral disruption and consequential voter confusion resulting from the lower court's belated ruling compel the application of the *Purcell* Principle in this case. The *Purcell* Principle protects voters, election administrators, and candidates from federal court orders changing the rules of an election very late in the election process. Here, the lower court delayed a ruling during critical weeks when voters were learning about the candidates and candidates were qualifying, campaigning, and spending limited resources on voter education and advocacy. That delay severely prejudices voters, election administrators, and candidates. For the same reasons Justice Kavanaugh articulated in *Merrill v. Milligan*, 142 S. Ct. 879, 880 (2022) (Kavanaugh, J., concurring), this election should proceed under the Legislature's 2025 district map.

BACKGROUND

The Texas Legislature adopted the congressional districting plan currently before the Court on August 29, 2025 (2025 Map). The 2025 Map included several new

districts that, for the first time, favored Republicans. These districts were attractive to several *amici* who, in reliance on that plan, decided to run for seats in Congress, many for the first time. Ever since the 2025 Map was adopted, Texas election officials have been administering the 2026 election in accordance with Texas Election Code Chapter 172 (governing primary elections) and Chapter 41 (governing election dates) and have been implementing the 2025 Map in all aspects of election administration from accepting candidate registrations to preparing ballots to assigning voters to their respective congressional districts and precincts. Nearly one hundred candidates—both Democrats and Republicans—have been actively campaigning under the 2025 Map. Texas law sets the following schedule for elections, which is well underway at this time.

Candidate Filing Period November 8 – December 8, 2025

Applications for a place on the Republican Party primary ballot opened on November 8, 2025—the 30th day before the regular filing deadline—and will close at 6:00 p.m. on December 8, 2025 (the second Monday in December of the odd-numbered year). Tex. Elec. Code § 172.023(a).² Each candidate must designate the specific office she is seeking. Tex. Elec. Code § 141.031(a)(4)(C). If congressional candidates wish to submit a petition signed by qualified voters in lieu of the \$3,125 filing fee, they must submit such a petition concurrently with their applications. Tex. Elec. Code §§ 172.021(b); 172.024(a)(1).

² See also *Important Dates for the Party Conventions, Primary Elections, and General Election*, Tex. Sec’y of State, <https://www.sos.state.tx.us/elections/candidates/guide/2026/dates2026.shtml> (last visited Nov. 23, 2025); *Application for a Place on the Primary Ballot*, Tex. Bd. of Elections, <https://www.sos.state.tx.us/elections/forms/pol-sub/2-4f.pdf> (last visited Nov. 23, 2025).

Early Voting Begins February 17, 2026

Early voting for the primary election will begin on February 17, 2026, and end on February 27, 2026. Tex. Elec. Code § 85.001(a) (early voting period commences 17th day before election day and ends 4th day before).³

Primary Election Day on March 3, 2026

The primary election itself will occur on Tuesday, March 3, 2026, nominating candidates for the November general election. Tex. Elec. Code § 41.007(a) (uniform primary date as the first Tuesday in March of an even-numbered year).

Run-Off Primary Elections on May 26, 2026

One reason Texas holds its primaries in the early Spring is that Texas law requires candidates to win nominations by absolute majorities. Tex. Elec. Code § 172.003 (majority vote required). Accordingly, the Texas election calendar must afford time for run-off primary elections following the initial March 3 primary. Run-off primary elections will be held on May 26, 2026. Tex. Elec. Code § 172.004 (runoff scheduling).⁴

General Election on November 3, 2026

The general election for federal, state, and local offices, including congressional seats, is fixed by statute for November 3, 2026. *See* 2 U.S.C. § 7 (federal offices); Tex. Elec. Code § 41.002 (state and local offices).

³ *See Important Dates for the Party Conventions, Primary Elections, and General Election*, Tex. Sec'y of State, <https://www.sos.state.tx.us/elections/candidates/guide/2026/dates2026.shtml> (last visited Nov. 23, 2025).

⁴ *See id.*

Under this schedule, the Texas election process for 2026 is well underway. At least 79 candidates, including *amici* here, have filed the proper paperwork with their party chairs to qualify as candidates for districts established by the 2025 Map.⁵ Others may have been preparing to file their candidacies but have delayed doing so in light of the lower court’s ruling and are waiting to see how the districts are resolved.

The Texas election timeline also intensifies the impact of the lower court’s substitution of a new redistricting map for candidates who have relied upon the 2025 Map for every aspect of their candidacies, from decisions to run to advertising strategies to the very voters in those districts to whom the candidates’ campaigns are directed. The electoral situations of *amici* are representative of the variety of profound—indeed, in some cases, outcome-determinative—changes in the Texas electoral map and highlight the burdens imposed upon candidates and voters by the lower court’s last-minute shift in districts. Specific examples follow.

District 8⁶

Congressional District 8 is made up of 3 split counties (Walker, Harris, and Montgomery) and one whole county (Waller) under the Legislature’s 2025 Map. If

⁵ See *Primary Filing Information: List of Filing Applications Received*, Republican Party of Tex., <https://texasgop.org/primary-filing-information/> (last visited Nov. 23, 2025); *Candidate Tracker*, Tex. Democrats, https://docs.google.com/spreadsheets/d/1_UE9SkChcWfBeZc5jKxIAu-Zr_oPQPxed82oDsOJOmI/edit?gid=0#gid=0 (last visited Nov. 23, 2025).

⁶ Compare *PLANC2193* (Texas Congressional Districts, 2023–2026), Capitol Data Portal, <https://dvr.capitol.texas.gov/Congress/2/PLANC2193> (last visited Nov. 23, 2025), with *PLANC2333* (Districts Enacted by 89th Legislature, 2nd C.S., 2025), Capitol Data Portal, <https://dvr.capitol.texas.gov/Congress/94/PLANC2333> (last visited Nov. 23, 2025) (showing CD 8 both before and after Texas’s 2025 redistricting).

CD-8 were to revert to the 2021 Map's footprint, the District would lose Waller County (population 56,794) to CD-10 (see below); 20,595 residents of Huntsville in Walker County to CD-17; 18,024 residents in Montgomery County to CD-2; 23,867 residents in Harris County to CD-38; and 143,298 residents in Harris County to TX-7. Only 504,409 residents of CD-8's 766,987 population (65.8% of the District) would remain in TX-8 under the lower court's injunction. Under the 2021 Map, candidates would need to allocate resources to reach 262,578 new residents currently in San Jacinto, Polk, Walker, Montgomery, and Harris Counties who reside in four other congressional districts (CD-2, CD-8, CD-10, CD-22) under the 2025 Map.

Jessica Hart Steinmann formally filed her papers to stand as a candidate in CD-8. She publicly declared her candidacy months ago and subsequently registered with the Texas Republican Party and the Federal Election Commission (FEC).⁷ Within the first three weeks of her candidacy, Ms. Steinmann raised more than \$625,000 in campaign contributions.⁸ As of the time of the lower court's ruling, she has spent resources to marshal support in her primary through communications to voters throughout the District. She has earned over 100 national, state, and local endorsements, some of which are in Waller, a county in which she would not be campaigning but for the Texas Legislature's new districting plan. As a result of the lower court's redraw of the District, Ms. Steinmann would forfeit advocacy previously

⁷ *Statement of Candidacy (FEC-1914641)*, Fed. Election Comm'n, <https://docquery.fec.gov/cgi-bin/forms/H6TX08209/1914641/> (Sept. 12, 2025).

⁸ *Steinmann, Jessica Hart: Financial Summary (2026)*, Fed. Election Comm'n, <https://www.fec.gov/data/candidate/H6TX08209/> (last visited Nov. 23, 2025).

directed to tens of thousands of voters and be required to target and campaign for support among tens of thousands of all-new voters added by the court.

District 9⁹

There is barely any overlap between the 2025 Map's Congressional District 9 (CD-9) and the lower court's preferred CD-9 under the 2021 Map. CD-9, under the 2025 Map, is a compact district comprised of eastern Harris County and all of Liberty County. The wholesale change in the geography of the two districts is readily apparent in the comparison of the two maps. There is only a small sliver of geographical overlap between the two districts.

Of particular significance to the election underway and to the field of candidates who have spent hundreds of thousands of dollars on campaign efforts thus far, the 2025 Map's CD-9 supported Trump in 2024 by a margin of almost 20%, underscoring the electoral impacts of the lower court's order. The lower court's preferred configurations would disperse Republican voters to other districts that either favor Democratic candidates or that are currently represented by safe Republican incumbents. For that reason, any reasonable Republican candidate in CD-9 would have to consider whether a campaign is viable under the lower court's injunction.

Alexandra Mealer publicly announced her campaign for the newly redrawn CD-9 on August 25, 2025. The online video she posted announcing her candidacy is

⁹ See *supra* n.6 (showing CD-9 both before and after Texas's 2025 redistricting).

widely available on the internet and has been viewed over 276,000 times.¹⁰ The video features the endorsement of Houston icon and hometown hero Jim "Mattress Mack" McIngvale. That video cannot be eliminated from additional voter views on the internet at this time because it has been reposted and shared by many viewers and remains in circulation.

Ms. Mealer filed her statement of candidacy with the FEC also on August 25¹¹ and submitted her application to appear on the Republican primary ballot in CD-9 on November 8.¹² As of September 30, Ms. Mealer had raised over \$615,000 in campaign contributions, and as of November 17, she had incurred \$176,000 in campaign expenditures. She has been endorsed by numerous elected officials, community leaders, and law enforcement associations.¹³ Since launching the campaign, she has conducted extensive voter contacts in the newly redrawn CD-9. These activities include TV interviews, op-eds, radio interviews, podcasts, text messages, social media ads, receptions, large sign deployments, and presentations at civic clubs and organizations throughout CD-9 and particularly the Houston area. Her advertisements have reached a cumulative audience of 421,500 voting-age adults

¹⁰ Alex Mealer (@AlexMealerTX), X (Aug. 25, 2025, at 10:36 ET), <https://x.com/AlexMealerTX/status/1959988173750128898?s=20>.

¹¹ *Statement of Candidacy (FEC-1912979)*, Fed. Election Comm'n, <https://docquery.fec.gov/cgi-bin/forms/H6TX09140/1912979/> (Aug. 25, 2025).

¹² *Primary Filing Information: List of Filing Applications Received*, Republican Party of Tex., <https://texasgop.org/primary-filing-information/> (last visited Nov. 23, 2025).

¹³ *Endorsements*, Alex Mealer for Congress, <https://alexandramealer.com/endorsements/> (last visited Nov. 23, 2025).

each week. Her campaign has spent thousands of dollars on voter contact via text messages and digital advertising targeting voters by zip code.

Under the map preferred by the lower court, almost all voters contacted by Ms. Mealer's campaign heretofore would be removed. So would the zip codes used by Ms. Mealer's campaign to target advertisements. The wasted political advocacy and confusion of voters is obvious and inescapable.

District 10¹⁴

Under the Texas Legislature's 2025 Map, Congressional District 10 (CD-10) spans 13 whole or split counties. The District retains only 55.8% (427,746 residents) of old CD-10 under the 2021 Map. If CD-10 were to revert to the 2021 Map's footprint, it would shed six of its counties (Leon, Houston, Trinity, Polk, San Jacinto, and Walker) and gain five new counties (Fayette, Washington, Austin, Colorado, and Waller). CD-10 would lose 176,471 residents in East Texas within the six removed counties and another 162,812 within Travis County outside of Austin. Its political character would change in significant respects.

Chris Gober has qualified as a candidate in CD-10 in filings with the Texas Republican Party and the FEC.¹⁵ He has devoted substantial time and financial resources to cultivating political support in counties (especially Walker, Polk, and San Jacinto) that would be wholly removed from CD-10 if the election were held under

¹⁴ See *supra* n.6 (showing CD-10 both before and after Texas's 2025 redistricting).

¹⁵ *Primary Filing Information: List of Filing Applications Received*, Republican Party of Tex., <https://texasgop.org/primary-filing-information/> (last visited Nov. 23, 2025); *Statement of Candidacy (FEC-1917372)*, Fed. Election Comm'n, <https://docquery.fec.gov/cgi-bin/forms/H6TX10221/1917372/> (Oct. 3, 2025).

the 2021 Map preferred by the lower court. To date, he has solicited and secured significant endorsements and financial pledges from people in these counties, and he was in the process of finalizing the date for a Walker County fundraising event when the lower court issued its injunction, putting that event under a cloud. Cultivating electoral and financial support in those counties was a critical part of Mr. Gober's political strategy for winning CD-10. Naturally, as of this time, Mr. Gober has done nothing to campaign in Washington County, which the lower court would add to CD-10, or other new precincts. Because Washington County is an important addition to the District, Mr. Gober would have to start introducing himself to voters there with little time remaining before voting begins. He would have cultivated support there much sooner if he had known Washington County would be in the district. Meanwhile, voter contacts in precincts the lower court would remove from CD-10 would be for naught.

District 21¹⁶

Congressional District 21 (CD-21) under the 2025 Map retains only 536,010 (69.9%) of the 2021 Map's CD-21. If the district were to change back to its 2021 iteration, it would be forced to reincorporate 23,202 residents in Travis County, 153,571 residents in Bexar County, and 49,855 residents in Hays County. More specifically, under the 2025 Map, CD-21 encompasses nine counties—Bandera, Blanco, Comal, Gillespie, Kerr, Kendall, Real, and portions of Hays and Bexar. The only major metro is northern San Antonio in Bexar County. However, under the 2021

¹⁶ See *supra* n.6 (showing CD-21 both before and after Texas's 2025 redistricting).

Map, CD-21 would add a large portion of Austin in Travis County and the rest of Hays County, creating a long, sprawling district with two large urban centers (San Antonio and Austin) rather than just one under the 2025 Map. Further, the 2021 Map would diminish the rural character of CD-21 and introduce competing water interests. Under the 2025 Map, CD-21 encompasses the Edwards Aquifer recharge zone and the Guadalupe and San Antonio River basins, tying the Hill Country counties to Bexar. But the addition of Austin in Travis County under the 2021 Map introduces a wholly different set of voter priorities, since its citizens disagree with those of other counties on water policy. The July 2025 Hill Country flooding underscored shared communities of interest in the recharge-zone counties—interests very different from Austin’s urban priorities. Austin also introduces different voter priorities on issues such as taxes, gun rights, and education.

Trey Trainor is a candidate for Congress in CD-21. He officially became a candidate in early October and filed Form 1 (Statement of Organization) and Form 2 (Statement of Candidacy) with the FEC.¹⁷ On November 14, 2025, he completed the formal Texas Republican Party application process by submitting the required application, swearing to the affidavit in front of a notary, and paying the \$3,125 filing fee to the Republican Party of Texas.¹⁸ Mr. Trainor has spent thousands of dollars

¹⁷ *Statement of Organization (FEC-1917641)*, Fed. Election Comm’n, <https://docquery.fec.gov/cgi-bin/forms/C00922344/1917641/> (Oct. 6, 2025); *Statement of Candidacy (FEC-1917642)*, Fed. Election Comm’n, <https://docquery.fec.gov/cgi-bin/forms/H6TX21376/1917642/> (Oct. 6, 2025).

¹⁸ *Primary Filing Information: List of Filing Applications Received*, Republican Party of Tex., <https://texasgop.org/primary-filing-information/> (last visited Nov. 23, 2025).

traveling to all nine counties in the 2025 Map district. He has spoken to Republican clubs, county party meetings, and other political events throughout the current district. He has also produced and distributed written and digital advertising to voters in all areas of the District.

If the Court reverts to the 2021 Map, Mr. Trainor would still run in CD-21, but the district would change dramatically. After nearly two months of campaigning, Mr. Trainor would be required to adapt to an entirely new set of voter interests and devote resources to reaching new voters. This would require a fundamental transformation of a campaign that has been active for nearly two months and would cost significant resources.

District 34¹⁹

Congressional District 34 (CD-34) is a five-county district in both the 2025 Map and 2021 Map. Both iterations include the 51,554 residents of Kleberg, Kenedy, and Willacy Counties, as well as the 421,017 residents in Cameron County. The 2025 Map includes 294,416 people in Nueces County, but the 2021 Map removes the Nueces voters and instead replaces them with 294,416 people in Hidalgo County. Thus, the geographic and electoral character of the District will be significantly changed should the map revert to the 2021 Map's footprint. Significantly, the 2025 Map's CD-34 runs directly up the coast of the Gulf of America from the Port of Brownsville to the Port

¹⁹ *Supra* n.6 (showing CD-34 both before and after Texas's 2025 redistricting).

of Corpus Christi, uniting two of America's 50 busiest ports.²⁰ The old CD-34 under the 2021 Map had an extensive coastline, but 715,433 of 766,987 residents resided in border counties.

Eric Flores is a candidate for Congress in CD-34. He became a candidate in late July when he filed his Form 2 (Statement of Candidacy) with the FEC.²¹ Eric Flores formally launched his campaign on July 21, 2025. On August 21, 2025, he held his first campaign event in Harlingen, Texas, before a crowd of more than 300 supporters. Both the launch and his event received broad media coverage. Since the Governor signed the new maps, Mr. Flores has campaigned exclusively within the boundaries of the 2025 Map, which adds a significant portion of Nueces County to the district and places approximately fifty-two percent of the Republican primary electorate there.

In reliance on this map, Mr. Flores has invested more than \$250,000 of his own funds, raised more than \$700,000 in contributions, and spent more than \$200,000 on voter outreach specific to the district as currently drawn. He has placed billboards in the Nueces County portion of CD-34, conducted several dozen district-wide text-messaging programs, and produced targeted written and digital advertising aimed at voters across the 2025 district. He has also traveled throughout the district's five counties, holding more than two hundred in-person meetings with voters, local

²⁰ *Tonnage of Top 50 U.S. Water Ports, Ranked by Total Tons*, Bureau of Transp. Statistics, <https://www.bts.gov/content/tonnage-top-50-us-water-ports-ranked-total-tons> (last visited Nov. 23, 2025).

²¹ *Statement of Candidacy (FEC-1903953)*, Fed. Election Comm'n, <https://docquery.fec.gov/cgi-bin/forms/H6TX34080/1903953/> (July 16, 2025).

leaders, and community organizations in both the traditional South Texas counties and the newly central parts of Nueces County. Finally, Mr. Flores has begun aggressive advertising on broadcast and cable television in the Corpus media market.

If the Court reverts to the 2021 Map, Mr. Flores would still run in CD-34, but the district would change dramatically. Removing Nueces County—where a majority of the district’s primary voters now reside—and replacing those voters with Hidalgo County residents would sever much of the voter contact and community engagement his campaign has already developed. After months of campaigning tailored to the 2025 configuration, he would be required to adapt to a fundamentally different electorate and devote significant new resources to reaching voters who are not part of the district under the 2025 map. This would require a substantial redirection of time, effort, and funding for a campaign that is already fully underway.

District 35²²

Congressional District 35 (CD-35) presents the most drastic example of judicial interference: CD-35 would change completely in the shift from the Legislature’s 2025 Map to the District Court’s preferred 2021 Map. The current CD-35 is compact and comprises four counties, three of which are whole (Guadalupe, Wilson, Karnes) and part of the fourth (Bexar), which makes up almost 70% of the district. By contrast, under the 2021 Map, the District looks like a barbell stretching from San Antonio to Austin using a very thin corridor of population through Comal and Hays Counties to connect the two ends of the barbell in Travis and Bexar counties. The two iterations

²² See *supra* n.6 (showing CD-35 both before and after Texas’s 2025 redistricting).

of CD-35 are wholly different in terms of geography and electorates. Significantly, the 2025 Map's CD-35 encompasses all of the current Texas House District 118, while the 2021 Map wholly removes that state legislative district from CD-35.

John Lujan is a Hispanic state legislator who, for two terms, has represented the people of Texas House District 118 in the Texas Legislature. Mr. Lujan declared his candidacy in CD-35 on September 3 and promptly filed his paperwork with the FEC.²³ His goal in running for the CD-35 seat has been to represent his state legislative constituents in Congress. He has raised over \$200,000 and spent over \$65,000 on campaign materials, outreach, and staffing. He has disseminated push cards, social media and digital ads, direct mail, and he has posted over 200 large outdoor signs in CD-35. He has also paid for District-specific polling and deployed a field team in CD-35.

Mr. Lujan resides in the 2025 Map's CD-35, but he does not reside in the 2021 Map's CD-35. Indeed, the change in geography and electorate is so drastic that Mr. Lujan would necessarily consider withdrawing his candidacy altogether under the District Court's injunction—because he could not continue to represent his current state legislative constituents in Congress.

²³ *Statement of Candidacy (FEC-1913205)*, Fed. Election Comm'n, <https://docquery.fec.gov/cgi-bin/forms/H6TX35053/1913205/> (Aug. 27, 2025).

ARGUMENT

I. THE DISTRICT COURT'S BELATED INJUNCTION WILL SEVERELY DISRUPT THE ELECTION UNDERWAY AND CONFUSE VOTERS.

The distressed political circumstances for candidates and voters threatened by the lower court's injunction make clear the degree of disruption that would result as a consequence of the lower court's substitution of the entire statewide district plan of the 2021 Map for the 2025 Map at this late date—even in those districts not implicated by the lower court's substantive conclusions about racial motivations. The 2025 Map has been the framework for candidate filings since November 8, and the Republican Party accepted candidate applications based on those district boundaries. Mandating a restart under a different map at this juncture—months after candidates announced their candidacies and over two weeks after the Texas filing window opened—would disrupt the entire election.

First, as explained above, changing districts at this late date would render useless hundreds of thousands of dollars of political communications previously disseminated, as well as the substantial campaign efforts devoted by hundreds of candidates under the 2025 Map. Meanwhile, some campaign advocacy has been posted on the internet and re-shared so many times that it will continue to circulate and be heard by voters, even if a candidate's congressional district or political message must change to adapt to new district lines.

Second, the districts ordered by the lower court are so dramatically different that some declared candidates would need to refile their candidacies under new district configurations that make wholesale changes in their current districts. It

would only be fair to offer candidates who relied on the 2025 Map the right to refile in different districts. This might require extensions of the December 8 filing deadline. By the same token, extending deadlines for current candidates shifting to new districts would require that all-new candidates be afforded the same opportunity to file for the first time after considering the political effects of the lower court's injunction. If candidates shift districts, the petition signatures gathered thus far in their former districts and the substantial fees already submitted would likely be invalidated. *See* Tex. Elec. Code § 172.024 (filing fees); § 172.025 (petition signatures). All of these events, in turn, would require time extensions. Time extensions for candidates would compress the timeline for ballot preparation, voter education, and party certifications, risking delays in early voting or the March 3 primary date. Moreover, the statutory runoff provision assumes fixed primary outcomes; altering maps mid-process could trigger cascading vacancies or extended filing deadlines under Tex. Elec. Code § 172.054, further compressing intervals leading up to the May 26 runoff and November 3 general election. Such disruptions would impose extraordinary administrative burdens on the State and political parties, contravening the Code's intent for orderly, predictable elections.

Third, some candidates might withdraw from the election altogether. At least one amicus here, Mr. Lujan, might be forced to resign because his goal has been to represent in Congress his current constituents residing in his state legislative district. He might be forced to withdraw his candidacy to the detriment of thousands of constituents, supportive voters, and his campaign committee.

Fourth, all of Texas's 254 counties have already redrawn their voting precinct lines to align with the 2025 Map and to comply with statutory size requirements. Under Tex. Elec. Code § 42.006(a), each county election precinct must contain at least 100 but not more than 5,000 registered voters (with limited exceptions for smaller counties).²⁴ These adjustments ensure compact, contiguous precincts that facilitate efficient polling and voter access. Tex. Elec. Code §§ 42.001 (precinct division requirements), 42.033 (effective date of boundary changes). Requiring precinct redraws under an alternative map would necessitate a second round of county-level revisions, potentially violating the Code's even-year effective date rule and delaying ballot preparation and poll worker training. This statewide effort—already complete in many counties—is yet another disruption that would arise under the lower court's injunction.

Fifth, voters have received hundreds of political messages regarding the candidates and political issues since last Summer and throughout the intervening months. They have been introduced to one corps of candidates vying for their support. Voters also have received information regarding their new congressional districts and precincts from local election officials who were required to conform precincts to the new congressional districts. Under the lower court's injunction, voters will be faced with new congressional districts, new precincts, and in many districts an all-new

²⁴ Election Advisory No. 2025-13, Tex. Sec'y of State, <https://www.sos.state.tx.us/elections/laws/advisory2025-13.shtml> (Sept. 15, 2025) (on precinct adjustments post-redistricting).

corps of candidates. They will have electoral whiplash under the lower court's injunction.

In sum, the inescapable consequence of the lower court's substitution of a completely different map at this date is a set of cascading disruptions for candidates and mass confusion among voters. In sum, the 2026 election machinery is irrevocably in motion under the 2025 Map, and any judicially imposed restart, including a reversion to a previous map, which itself is the subject of legal challenge, would disrupt election administration and statutory deadlines, prejudice candidates, and ultimately confuse voters and undermine voter confidence in the election.

II. THE SUPREME COURT SHOULD STAY THE DISTRICT COURT'S INJUNCTION THROUGH THE 2026 ELECTION.

This Court has warned repeatedly of the dangers of last-minute changes to election procedures: “Court orders affecting elections, especially conflicting orders, can themselves result in voter confusion and consequent incentive to remain away from the polls. As an election draws closer, that risk will increase.” *Purcell v. Gonzalez*, 549 U.S. 1, 4-5 (2006) (per curiam). This principle is known as the *Purcell* Principle. It requires federal courts to refrain from altering or interfering with a state's election administration rules and procedures in the period close to an election. *See Republican Nat'l Comm. v. Democratic Nat'l Comm.*, 589 U.S. 423, 424 (2020) (per curiam). The reasons for this judicial restraint include avoiding voter confusion and disruption of election administration while an election is underway. *See Democratic Nat'l Comm. v. Wisconsin State Legislature*, 141 S. Ct. 28, 30–31 (2020) (Kavanaugh, J., concurring).

The *Purcell* Principle “reflects a bedrock tenet of election law: When an election is close at hand, the rules of the road must be clear and settled. Late judicial tinkering with election laws can lead to disruption and to unanticipated and unfair consequences for candidates, political parties, and voters, among others.” *Milligan*, 142 S. Ct. 879, 880–81 (Kavanaugh, J., concurring).

The *Purcell* Principle applies to court orders prescribing new district lines. Precisely the same circumstances that justified a stay of the lower court’s substitution of new congressional districts in *Milligan* are present here. As observed by Justice Kavanaugh (joined by Justice Alito):

With respect to the request for a stay of the District Court’s injunction for the 2022 elections, the State argues that the District Court’s injunction is a prescription for chaos for candidates, campaign organizations, independent groups, political parties, and voters, among others. The State says that those individuals and entities now do not know who will be running against whom in the primaries next month. Filing deadlines need to be met, but candidates cannot be sure what district they need to file for. Indeed, at this point, some potential candidates do not even know which district they live in. Nor do incumbents know if they now might be running against other incumbents in the upcoming primaries.

142 S. Ct. at 880 (Kavanaugh, J., concurring).

Indeed, “[l]ate judicial tinkering with election laws can lead to disruption and to unanticipated and unfair consequences for candidates, political parties, and voters, among others.” *Id.* at 881. Nothing could be more confusing or disruptive than making wholesale changes in district lines and electorates less than three months before voting begins. In these circumstances, the concurring Justices concluded, an ongoing election must be allowed “to proceed despite pending legal challenges.” *Id.* at 882

(quoting *Riley v. Kennedy*, 553 U. S. 406, 426 (2008)). “And if the District Court’s judgment is eventually affirmed after appellate review, the injunction can take effect for congressional elections that occur after [the present year].” *Id.*

The Supreme Court’s stay in *Milligan* was issued some nine months before Alabama’s election and several months before Alabama’s election deadlines were to take effect. In Texas, by comparison, candidates have already registered, and voting begins on February 17, less than three months from now. The 2026 election is well underway. Campaigning in congressional districts started months ago, hundreds of thousands of dollars have been spent contacting voters in 2025 Map districts, and the entire election machinery has been put in place in reliance on the 2025 Map. Thus, the *Purcell* Principle has even more compelling application to this case.

Furthermore, as explained by the dissenting opinion below, the lower court here delayed issuing a decision for **39 days**. *League of United Latin Am. Citizens v. Abbott*, No. EP-21-CV-00259-DCG-JES-JVB [Lead Case], 2025 WL 3215715, at *69–70 (W.D. Tex. Nov. 18, 2025) (Smith, J., dissenting) (“*LULAC*”). The candidate application window opened (on November 8) during the period that the lower court dithered. The preliminary injunction hearing concluded on October 10. Thirty-nine days later, on November 18, the District Court issued a 160-page opinion. Understanding that any decision would be appealed to the Supreme Court, if the majority below was concerned about prejudice to candidates and voters, it could have issued a concise opinion **before** the candidate registration window opened on November 8. Since the majority apparently was, in any event, unwilling to wait for

Judge Smith’s dissent, the majority could have moved even faster. The District Court’s delay prejudiced nearly a hundred candidates and millions of voters. The District Court’s delay visited serious disruptions upon the democratic process that cannot now be undone, and this is a sound reason for the Court to stay the lower court ruling.

The panel majority’s justification for avoiding *Purcell* is not convincing by comparison to the extreme prejudice and confusion sown by its delay. As an initial matter, the majority was plainly aware of the above-described consequences would ensue following its injunction. *LULAC*, 2025 WL 3215715 at *62 (“Candidates have also started relying on the 2025 Map, including determining which district to run in, collecting signatures, and campaigning.”). Despite recognizing that fact (among others indicating that confusion would be the foreseeable result of an injunction), the majority concluded that *Purcell* could not, “as both a legal and practical matter, apply to this case.” *Id.* at *65 (cleaned up). In a remarkable display of deflection, the majority asserted that “any disruption that would happen here is attributable to the Legislature, not the Court.” *Id.* at *63. Although acknowledging that it is “certainly” the “prerogative” of the Legislature to revise its election laws close to the 2026 congressional election, *id.*, the majority took the position that any consequent confusion or ill-administration in the 2026 congressional election could be fairly placed at the feet of the Legislature—all while offering nothing to suggest that, absent the majority’s action, the 2026 congressional election would have suffered from any administrative issues, *id.* (“The Legislature—not the Court—opened th[e]

door” to “disruption and to unanticipated and unfair consequences for candidates, political parties, and voters.”). And of course, the lower court’s blithe dismissal of *Purcell* ignores the teaching of *Milligan*, which insisted that the judiciary stay its hand nine months before an election. *See generally* 142 S. Ct. 879.

The majority’s explanation for its contorted view fares no better under scrutiny than does the position itself. Under its view, *Purcell* cannot apply, because “[a]pplying *Purcell* to this case would . . . incentivize legislatures to redistrict as close to elections as possible.” *LULAC*, 2025 WL 3215715 at *66. Putting aside the realities of election administration that would counsel against that approach, Judge Smith identifies the essential flaw in that reasoning: “[L]egislatures being able to intervene later in the election cycle than the judiciary is a feature, not a bug of the *Purcell* principle and reflects the different roles played by the courts as distinguished from the legislature.” *Id.* at *122 (Smith, J., dissenting). And to the extent that the majority believes honoring that structural distinction would risk denying meritorious motions for preliminary relief, it elides the fundamental notion that *Purcell* exists to limit court action in those very circumstances. *Id.* (“If injunctive relief were not merited, the court would deny such relief.”).

At bottom, the lower court’s decision to enjoin the 2025 Map rests on ill-conceived notions of the limited role the judiciary should play in regulating election procedures “on the eve of an election.” *Republican Nat’l Comm.*, 589 U.S. at 424. Accordingly, this Court should stay the lower court’s order.

CONCLUSION

For the reasons set forth above, this Court should stay the lower court's injunction and require the 2026 congressional elections in Texas to proceed under the Texas Legislature's 2025 Map.

Dated: November 24, 2025

Respectfully submitted,

LEE E. GOODMAN

Counsel of Record

DOMENIC P. AULISI

DHILLON LAW GROUP, INC.

2121 Eisenhower Ave, Suite 608

Alexandria, VA 22314

lgoodman@dhillonlaw.com

(415) 433-1700

Counsel for Amici Curiae