

MOTION BY SUPERVISOR HILDA L. SOLIS

December 16, 2025

Assisting in Developing and Joining an Amicus Brief in Support of the Appeal
Filed in Watson v. RNC, et al. Pending Before the United States Supreme Court

On October 25, 2024, the United States Court of Appeals for the Fifth Circuit ruled in a case filed against the State of Mississippi by the Republican National Committee (RNC). The case involves states' ballot receipt deadlines—the deadline by which an election official must receive a ballot for it to be legally counted. The ruling invalidated that state's law that permits vote by mail (absentee) ballots returned through the United States Postal Service with a post mark on or before Election Day and received by the election official within five days of the election to be processed and counted after Election Day. The ruling in the case only applied in states within the Fifth Circuit and on April 2025 the decision was stayed pending appeal to the United States Supreme Court.

Mississippi's Secretary of State filed an appeal (Watson v RNC, et al.) with the United States Supreme Court challenging the decision based on concerns of disenfranchisement of voters who rely on vote by mail, including overseas citizens and military voters. On November 10, 2025, the United States Supreme Court agreed to hear the case, and it is scheduled in the Spring of 2026. It is generally assumed that a Supreme Court ruling in the case will have national implications on state laws regarding

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vote by mail ballot return and counting.

California has a similar law to the one invalidated by the Fifth Circuit that extends receipt and counting of vote-by-mail ballots with valid post marks (vote-by-mail ballots postmarked by or before Election Day) up to seven days after Election Day. Several other states have similar laws. A Supreme Court decision upholding the Fifth Circuit ruling would have broad implications on voting access and election administration in Los Angeles County and in California, significantly truncating voting options and creating equity disparities among voting populations.

For example, in the November 2024 Presidential General Election, Los Angeles County received more than 129,000 Vote by Mail ballots during the seven days following Election Day with valid post marks as permitted under state law. An adverse decision in this case would not only prohibit counting those ballots, but it could also extend to mail ballots returned in ballot drop boxes or at Vote Centers on Election Day, as the court ruling has been interpreted as requiring all ballots to be processed and ready to count by midnight on Election Day.

Public Rights Project, a non-profit organization that helps local government officials work with communities, is preparing an amicus brief, on behalf of election officials, in support of the appeal focused on the impacts to the administration of elections, the adverse effect on voters, and states' rights to establish the manner of conducting elections.

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The decision pending before the United States Supreme Court will have serious implications for voters in Los Angeles County and California. Los Angeles County should take action to protect voter access, equity, and election integrity. Support of the appeal, through amicus briefs being prepared on behalf of election officials, is aligned with this Board's policies regarding elections, equity, and civic engagement.

I, THEREFORE, MOVE that the Board of Supervisors:

1. Instruct the Registrar-Recorder/County Clerk and County Counsel to collaborate and assist in the development and submission of amicus briefs and declarations in support of the appeal filed in Watson v. RNC pending before the United States Supreme Court.
2. Authorize the Registrar-Recorder/County Clerk to join amicus briefs and/or submit declarations prepared in support of the appeal filed in Watson v. RNC pending before the United States Supreme Court, in his capacity as the County's elections official.

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