

The Honorable Tiffany M. Cartwright  
United States District Judge

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

WASHINGTON STATE ALLIANCE FOR  
RETIRED AMERICANS,

Plaintiff,

v.

STEVE HOBBS, in his official capacity as  
Washington State Secretary of State, MARY  
HALL, in her official capacity as Thurston County  
Auditor, and JULIE WISE, in her official capacity  
as King County Elections Director,

Defendants.

Case No. 3:23-cv-06014

JOINT MOTION FOR ENTRY OF  
CONSENT JUDGMENT AND  
DECREE

NOTE ON MOTION CALENDAR:  
March 15, 2024.

The parties to this action—Plaintiff Washington State Alliance for Retired Americans and Defendants Steve Hobbs, in his official capacity as Washington State Secretary of State, Mary Hall, in her official capacity as Thurston County Auditor, and Julie Wise, in her official capacity as the King County Elections Director (collectively, the “Parties”)—through their undersigned counsel, respectfully request that the Court enter the Consent Judgment and Decree attached hereto as Exhibit A (“the Decree”). The Parties, through counsel, have conferred and agreed that it is in the best interest of the Parties that this lawsuit be resolved according to the terms set forth in the

1 proposed Decree. In support of this motion, the Parties stipulate as follows:

2 1. This Court has original jurisdiction over this action under 28 U.S.C. §§ 1331, 1343.

3 2. Plaintiff challenges Washington State’s requirement that a registrant or voter must  
4 reside at their Washington state address for at least 30-days before election day, as codified at  
5 RCW 29A.08.230, RCW 29A.08.210, RCW 29A.08.420, RCW 29A.40.091(2), and WAC 434-  
6 230-015(3)(c) (collectively, the “Durational Residency Requirement”) as a violation of Section  
7 202(c) of the Voting Rights Act Amendments of 1970 (“VRA”), 52 U.S.C. § 10502(c), and the  
8 First and Fourteenth Amendments to the U.S. Constitution, U.S. Const. amends. I, XIV. *See Am.*  
9 *Compl.*, ECF No. 16 ¶¶ 24–29 (setting out statutory and regulatory provisions imposing a 30-day  
10 pre-election durational residency requirement).

11 3. Under Washington law, Defendants are the designated election officials with the  
12 power to administer and conduct federal, state, and local elections in their relevant jurisdiction.  
13 *See* RCW 43.07.310, RCW 29A.04.230, RCW 29A.04.025. For Secretary Hobbs, this includes  
14 producing voter registration applications and furnishing them to the county auditors and county  
15 election officials, RCW 29A.08.260(1), and promulgating election rules, including rules governing  
16 “voter registration applications and records,” “[t]he use of voter registration information in the  
17 conduct of elections,” and “the format of all voter registration applications,” RCW  
18 29A.04.611(15), (16); RCW 29A.08.220(1). At the county level, Ms. Hall and Ms. Wise also  
19 provide all the supplies and materials necessary for the conduct of elections in Thurston County  
20 and King County, respectively, RCW 29A.04.216, including distributing voter registration forms  
21 to the public, RCW 29A.08.260(2), and sending ballots, with ballot security envelopes, to voters,  
22 RCW 29A.40.091. *See also* King County Charter § 350.20.50. All Defendants are sued in their  
23 official capacities.

1           4.       The Parties agreed to resolve this matter through the entry of the proposed Consent  
2 Judgment and Decree.

3           5.       Pursuant to the Decree, the Parties agree that Washington’s Durational Residency  
4 Requirement violates Section 202(c) of the Voting Rights Act, 52 U.S.C. § 10502(c), as applied  
5 to voting for the Offices of President and Vice President, and the Fourteenth Amendment of the  
6 U.S. Constitution, U.S. Const. amend. XIV, because it prohibits any voter who has moved into or  
7 within the state within 30 days of an election from registering and voting at their address despite  
8 the fact that the State does not currently impose a durational registration requirement on voters.

9           6.       The Decree sets forth a method for Washington voters to register in a manner that  
10 complies with Section 202(c) of the Voting Rights Act and the Fourteenth Amendment to the U.S.  
11 Constitution. Under the Decree, registrants will no longer be required to attest, under penalty of  
12 perjury, that they have resided at their Washington address for at least 30 days immediately before  
13 the next election.

14           7.       This Consent Judgment and Decree satisfies the requirement that a consent decree  
15 is “fundamentally fair, adequate and reasonable,” and “conform[s] to applicable laws.” *United*  
16 *States v. Oregon*, 913 F.2d 576, 580 (9th Cir. 1990). Because the Consent Judgment and Decree  
17 results in voter registration and voting that complies with Section 202 of the VRA and U.S.  
18 Constitution, approval is also “in the public interest.” *S.E.C. v. Randolph*, 736 F.2d 525, 528–29  
19 (9th Cir. 1984); *see also United States v. City of Miami*, 664 F.2d 435, 441 (5th Cir. 1981) (en  
20 banc) (Rubin, J., concurring) (noting that “[i]f the suit seeks to enforce a statute, the decree must  
21 be consistent with the public objectives sought to be attained by Congress”); *cf. S.E.C.*, 736 F.2d  
22 at 529 (“[C]ourts should pay deference to the judgment of the government agency which has  
23 negotiated and submitted the proposed judgment.”).

1           8.       Upon entry of the proposed Consent Judgment and Decree, Defendants must  
2 thereafter administer and implement any necessary changes to the voting process. As spelled out  
3 in the Consent Judgment and Decree, the Parties seek to ensure that such changes are made in time  
4 for the November 2024 elections. The Parties therefore respectfully request that the Consent  
5 Judgment and Decree be entered as promptly as possible, and no later than August 1, 2024.

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1 WHEREFORE, the Parties respectfully request that this motion be granted.

2 **The Washington State Alliance for Retired**  
3 **Americans**

4 Dated: March 8, 2024

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**STEVE HOBBS, Washington State Secretary  
of State**

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Dated: March 8, 2024

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**JULIE WISE, King County Elections Director**

LEESA MANION (she/her)  
King County Prosecuting Attorney

Dated: March 8, 2024

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