

**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 No. 25-197

COMPLAINT

JURY TRIAL DEMANDED

Plaintiff, REPRESENTATIVE RONNY JACKSON (“Representative Jackson” or “Plaintiff”), by and through undersigned counsel, brings this action against Defendants SHIRLEY N. WEBER, in her official capacity as California Secretary of State (“Secretary Weber”) and GAVIN NEWSOM, in his official capacity as Governor of California (“Governor Newsom”) and alleges as follows:

INTRODUCTION

1. This is an action for declaratory and injunctive relief, arising out of Defendants’ violations of the Elections Clause (U.S. Const. Art. I, § 4) and the Guarantee Clause (U.S. Const. Art. IV, § 4).

2. Defendants, as described below, are unlawfully conspiring to diminish Republican representation in the U.S. House of Representatives, and in so doing, dilute Representative Jackson’s capacity as a Republican member of Congress, which manifests in Texas and in this District particularly.

3. Specifically, California Assembly Constitutional Amendment (“ACA”) No. 8, known and cited as the “Election Rigging Response Act” (the “ERRA”),¹ and passed into law on August 21, 2025, is a plainly unconstitutional and retaliatory piece of legislation targeted against Texas, its citizens, and its congressional delegation including Representative Jackson, and Defendants must be enjoined from enforcing the ERRA’s provisions.

THE PARTIES

4. Plaintiff, Representative Jackson, is a citizen of the United States and the State of Texas and represents Texas’s 13th Congressional District in the House of Representatives. As alleged further herein, Representative Jackson, as a Republican member of Congress, is directly harmed by the ERRA, by which Defendants intend to dilute and reduce his representative capacity.

5. Defendant Secretary Weber, sued in her official capacity, is the Secretary of State of California, and is charged with enforcing the ERRA.

6. Defendant Governor Newsom, sued in his official capacity, is the Governor of California, and has relentlessly championed and promoted the ERRA, and has specifically targeted Texas with these efforts.

JURISDICTION AND VENUE

7. This Court has subject matter jurisdiction over this action under 28 U.S.C. §1331, as this action arises under the U.S. Constitution.

8. Plaintiff Representative Jackson resides in the Northern District of Texas. Because the ERRA is aimed at substantially affecting Texas, and Representative Jackson in particular, this

¹ Election Rigging Response Act, (filed with Secretary of State on August 21, 2025), available at <https://legiscan.com/CA/text/ACA8/2025>.

Court has jurisdiction over the Defendants, who seek to dilute his representative capacity in Congress directly, which arises out of this District.

9. By intentionally targeting Texas's political power, Defendants purposefully directed their actions in Texas, causing foreseeable harm there. By intentionally targeting the political composition of Congress (and thus Texas's representation), Secretary Weber and Governor Newsom are enforcing a plan expressly aimed at Texas with the knowledge that Texans would be directly injured through the loss of a Republican House majority.

10. Further, in 2022, Defendant Governor Newsom ran ads in Texas targeting Republican Governor Greg Abbott. Tom Tapp, *Newsom Trolls Texas Gov. Greg Abbott On Guns And Abortion With Full Page Ads In Lone Star State Newspapers*, Deadline (July 22, 2022), <https://deadline.com/2022/07/newsom-texas-newspaper-ads-greg-abbott-1235075159/> (last visited Aug. 29, 2025). In fact, Governor Newsom "bought space . . . in the Austin-American Statesman, Houston Chronicle and El Paso Times."

11. Venue is proper in this District under 28 U.S.C. §1391(b)(2) and (b)(3) because a substantial part of the events or omissions giving rise to Plaintiff's claims occurred in this District. Representative Jackson's congressional district includes Amarillo and the Texas Panhandle, and the harm caused to him by the ERRA will be incurred in this District.

THE ERRA AND ITS IMPACT ON PLAINTIFF

12. The ERRA relies on California's total population numbers as stated in the recently enacted Assembly Bill 604 ("AB 604") to redistrict California's House seats.

13. Through the ERRA, California seeks to have its voters engineer a Democrat victory by impugning President Donald J. Trump and Texas Republicans like Representative Jackson.

14. Defendants, and their Democrat allies in the California State Legislature, give up the game in the text of the ERRA itself, which 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.*

15. Indeed, if nothing else, Defendants and their allies at least say the quiet part out loud—“President Trump’s election-rigging scheme is an emergency for our democracy.” *Id.* “The 2026 United States midterm elections are voters’ only chance to provide an essential check and balance against President Trump’s dangerous agenda.” *Id.*

16. Notwithstanding President Trump’s landslide victory in the 2024 Presidential Election and sweeping mandate to fix the numerous calamities caused by his predecessor, California’s Democrats continue to demonstrate that they will try any measures to reverse the plummeting fortunes of their failed movement.

17. Beyond describing the President as engaged in an “election-rigging scheme” the ERRA directs its legal effects toward Texas, and Plaintiff in particular: “[i]t is the intent of the people that California’s temporary maps be designed to neutralize the partisan gerrymandering being threatened by Republican-led states without eroding fair representation for all communities.” *Id.*

18. Further, the ERRA, in relevant part, states “[i]n response to the congressional redistricting in Texas in 2025 . . . the single-member districts for Congress reflected in Assembly Bill 604 of the 2025–26 Regular Session . . . shall temporarily be used for every congressional

election for a term of office commencing on or after the date this subdivision becomes operative[.]”
Id.

19. California has the most seats in the House of Representatives. AB 604, signed by Defendant Newsom on August 21, 2025, and as carried out through the ERRRA, gerrymanders districts to engineer a Democratic majority in Congress.

20. Plaintiff Representative Jackson is the current Chairman of the Subcommittee on Oversight and Investigations of the House Permanent Select Committee on Intelligence. <https://jackson.house.gov/news/documentsingle.aspx?DocumentID=2269> (last visited Aug. 29, 2025). Plaintiff is also Chairman of the Subcommittee on Intelligence and Special Operations of the House Armed Services Committee. Michael Cuvieello, *Congressman Ronny Jackson appointed chairman of House Armed Services subcommittee*, Amarillo Globe-News, (Jan. 8, 2025), <https://www.amarillo.com/story/news/2025/01/08/ronny-jackson-appointed-chairman-of-house-armed-services-subcommittee/77547168007/> (last visited Aug. 29, 2025).

21. If the House of Representatives flips to a Democrat majority due to California’s unlawful districting, Plaintiff will lose his subcommittee chairmanships. This loss of a position is a concrete personal interest, for not only will Plaintiff lose investigative authority, but the Republican staff on the House Permanent Select Committee on Intelligence and the Armed Services Committee will be reduced as the minority staff is smaller than the majority staff. Losing staff would harm his ability to obtain full and frank advice as a legislator.

22. California’s scheme alters Congress’s power dynamics in a way that harms the citizens of Texas. If California’s plan succeeds, Democrats could net several additional House seats from California in 2026, potentially determining the majority in 2027. That directly harms Republican voters in TX-13, where Plaintiff is a Representative. Texas’s congressional delegation

is a key component of the current House majority. If California illegitimately flips seats, Republican members from Texas like Plaintiff will lose committee chairmanships and legislative influence, diluting the representation and policy voice Texas's voters currently enjoy.

CLAIMS FOR RELIEF

COUNT I

Violation of the Elections Clause

U.S. Const. Art. I, § 4

23. Plaintiff realleges his allegations contained in paragraphs 1 through 22 as if set fully forth herein.

24. Article I, Section 4 of the U.S. Constitution states, “[t]he 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, except as to the Places of chusing Senators.”

25. However, the ERRA and its adoption of AB 604 exceed California's own constitutional limits, “representing an unlawful attempt in several respects to exercise authority that the Legislature does not possess.” Emergency Petition for Writ of Mandate or Other Extraordinary or Immediate Relief, *Senator Tony Strickland et al. v. California Secretary of State Shirley N. Weber and the California Legislature*, Case No. S292490 (Cal. Sup. Ct. Aug. 25, 2025) at *3 (the “California Complaint”). As such, and as argued by Senator Tony Strickland and his co-plaintiffs, AB 604 and the ERRA are *ultra vires*. Additionally, the California Legislature failed to adhere to the constitutionally required waiting period for new legislation, further evidencing its *ultra vires* acts. California Complaint at *28.

26. Legislative action by California is not “prescribed . . . by the Legislature” for purposes of the Elections Clause when conduct is *ultra vires*. The Elections Clause gives state

legislatures the authority to prescribe the rules for congressional elections, but only within the bounds of the U.S. Constitution and within the bounds of their state's constitution. California enacted a congressional redistricting in a manner forbidden by California's Constitution. Article XXI, § 2 of the California Constitution entrusts redistricting to the independent Citizens Commission and explicitly forbids drawing districts to favor or discriminate against a political party. *See* California Complaint at *8, 23. 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.* By doing so, California's legislature was not acting as a legitimate "Legislature" under Article I, Section 4; it was acting outside the law, attempting to exercise a power that its people had removed from it.

27. By reason of the foregoing, Plaintiff is entitled to a preliminary injunction and ultimately a permanent injunction, enjoining Defendants' implementation of the ERRA.

28. Plaintiff is also entitled to a declaratory judgment that California's enactment of a mid-decade partisan redistricting, the ERRA, and Defendants' implementation of the ERRA, violate the Elections Clause.

COUNT II

Violation of the Guarantee Clause, U.S. Const. Art. IV, § 4

29. Plaintiff realleges his allegations contained in all prior paragraphs as if set fully forth herein.

30. Article IV, Section 4 of the United States Constitution states, "[t]he United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence."

31. California's redistricting scheme, by targeting the Plaintiff, subverts democratic principles and violates the Guarantee Clause. When California ignores its Constitution to effectuate political change that injured Representative Jackson, a Texas congressman, it eliminates checks on its power and manipulates election outcomes, thus straying from a republican form of governance.

32. By reason of the foregoing, Plaintiff is entitled to a preliminary injunction and ultimately a permanent injunction, enjoining Defendants' implementation of the ERA.

33. Plaintiff is also entitled to a declaratory judgment that California's enactment of a mid-decade partisan redistricting, the ERA, and Defendants' implementation of the ERA, violate the Elections Clause.

DEMAND FOR JURY TRIAL

Plaintiff demands a jury trial as to all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff REPRESENTATIVE RONNY JACKSON demands judgment against Defendants SHIRLEY N. WEBER AND GAVIN NEWSOM as follows:

- (a) On Counts One and Two, a preliminary injunction enjoining implementation of the ERA;
- (b) On Counts One and Two, a permanent injunction enjoining implementation of the ERA;
- (c) On Count One, a declaratory judgment that California's enactment of a mid-decade partisan redistricting, the ERA, and Defendants' implementation of the ERA, violates the Elections Clause.

(d) On Count Two, a declaratory judgment that California's enactment of a mid-decade partisan redistricting, the ERRA, and Defendants' implementation of the ERRA, violates the Guarantee Clause.

(e) The attorneys' fees and costs of this action;

(f) Punitive damages as authorized by law; and

(g) Such other relief as the Court deems just and proper.

Date: August 29, 2025

Respectfully submitted,

/s/Daniel Zachary Epstein

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(pro hac vice admission forthcoming)

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