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Counsel for Defendant Lt. Governor Henderson

**IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF UTAH**

COMMISSIONERS AMELIA POWERS
GARDNER, a registered Utah voter and
elected official, et al.,

Plaintiffs,

v.

LIEUTENANT GOVERNOR DEIDRE
HENDERSON, in her official capacity,

Defendant.

**DEFENDANT LIEUTENANT
GOVERNOR DEIDRE
HENDERSON’S RESPONSE TO
PLAINTIFFS’ MOTION FOR
PRELIMINARY INJUNCTION**

Case No. 2:26-cv-00084-RJS-JCB

Circuit Judge Timothy M. Tymkovich
District Judge Robert J. Shelby
District Judge Holly L. Teeter

Magistrate Judge Jared C. Bennett

Defendant Lieutenant Governor Deidre Henderson submits this response to Plaintiffs’ Motion for Preliminary Injunction (“Motion”). The Lieutenant Governor takes no position on the underlying merits of the Motion but draws the Court’s attention to 1) her role in administering the election and 2) the importance of knowing which map to use to administer the election by February 23, 2026.

FACTUAL AND LEGAL BACKGROUND

The Lieutenant Governor's Duties

Defendant Lieutenant Governor Deidre Henderson has been sued in her official capacity. This lawsuit relates specifically to her role in the 2026 Congressional elections.¹ It is the Lieutenant Governor's statutory duty to administer the Congressional election as the State's chief election officer. *See* Utah Code §§ 20A-1-105, 67-1a-2(2). In this role, she oversees all elections, and functions relating to elections in Utah. Utah Code § 67-1a-2 (2)(b)(i); *see also id.* § 67-1a-2(a)(i)-(xi) (listing the Lieutenant Governor's election duties with cross-references to the election code for further requirements). Relevant here, the Lieutenant Governor's duties include disseminating a map with the Congressional district boundaries to the county clerk of each of Utah's 29 counties. *Id.* § 20A-13-102.2. Each county clerk must establish voting precincts and polling places within the Congressional districts and submit a map with the precinct boundaries to the Lieutenant Governor and the UGRC for review. *Id.* § 20A-13-102.2(4)(a), (b). The Lieutenant Governor then must notify each county clerk whether the precinct map is correct based on the UGRC's review. *Id.* § 20A-13-102.2(4)(c), (d). If the precinct map is incorrect, the county clerk must make the necessary corrections and resubmit the map for the review described above. *Id.* § 20A-13-102.2(4)(e).

The Lieutenant Governor has no role in selecting the map she is to disseminate to the 29 counties and then coordinate with the UGRC and the counties to ensure correctness of the precinct maps. The Lieutenant Governor and county clerks are statutorily obligated to conduct

¹ *See generally* Pls.' Mot. for Prelim. Inj. (seeking to enjoin the Lieutenant Governor from implementing Map 1 in administering the 2026 Congressional election).

elections pursuant to a map enacted by the Legislature, unless otherwise ordered by a court of competent jurisdiction. *Id.* §§ 20A-13-102(2), 102.2.

The Lieutenant Governor has been ordered to implement what is known as “Map 1.” *See* Ruling & Order at 89, *League of Women Voters of Utah v. Utah State Legislature*, No. 220901712 (Utah 3d Dist. Ct. Nov. 10, 2025) (“Order”) (“The Court ORDERS the Lieutenant Governor, as Utah’s chief elections officer, to implement and administer all future congressional elections in Utah in accordance with Map 1 as the judicially approved congressional plan, until another validly enacted legislative plan takes effect or as otherwise ordered by an appellate court.”), attached as Exhibit 1. The Order has been in place since November 10, 2025. *See id.* Public officials have a duty to adhere to judicial orders. *See Valdez v. City & Cnty. Of Denver*, 878 F.2d 1285, 1289 (10th Cir. 1989).

The Timing of the 2026 Congressional Election²

In a special session of the Utah Legislature after the Order was issued, the Legislature enacted S.B. 2001, which moved the candidate filing period for the 2026 Congressional election to March 9-13, 2026. *See* Utah Code § 20A-9-201.5(2). The Lieutenant Governor and her team are currently prepared to administer the 2026 Congressional election based on Map 1. Declaration of Daniel Wade, ¶ 3, attached as Exhibit 2.

To change the map from Map 1 to the 2021 Map—the Congressional map used for the 2022 and 2024 election cycles and the last map to have been implemented by the Utah Legislature—would take, at a minimum, nine business days. *Id.* ¶ 4. The Lieutenant Governor

² The timeline set forth in this section of the Factual and Legal Background is also set forth in Defendant Lieutenant Governor Deidre Henderson’s Notice of 2026 Congressional Election Timeline, ECF No. 44.

and her office would have to first notify the Utah Geospatial Resource Center (“UGRC”) of the change. *Id.* ¶ 5. The UGRC would then have to reinstate the 2021 Map into their database. *Id.* ¶ 6. That reinstatement involves reinstating the map used for each of Utah’s 29 counties within the larger 2021 Map. *Id.* ¶ 7. Each county’s map would be uploaded into an election management system. *Id.* ¶ 8. Due to file size limitations, the 29 county maps cannot be uploaded at the same time. *Id.* ¶ 9. The uploading time for larger counties can take many hours to complete. *Id.* In total, this uploading process requires days to complete. *Id.* Once the maps are uploaded to the election management system, each county then reassigns their precincts to the appropriate Congressional district. *Id.* ¶ 10. This process is manual and involves thousands of precincts statewide. *Id.* These assignments then must be proofread to ensure that all voters have been moved to the appropriate districts. *Id.* ¶ 11. In total, these tasks will take nine business days and must be completed before the Congressional filing period begins on March 9, 2026 at 8:00 a.m. *See id.* ¶ 12. To implement any map other than Map 1 or the 2021 Map by the beginning of the Congressional filing period would not be feasible. *Id.* ¶ 13. **February 23, 2026** is the last possible day by which the Lieutenant Governor must know which map to use to administer the 2026 Congressional election.

ARGUMENT

The Lt. Governor takes no position on the underlying merits of Plaintiffs’ Motion. The Lieutenant Governor submits this response to clarify 1) her role in administering the election and 2) the importance of knowing which map to use to administer the election by February 23rd, 2026.

First, the Lieutenant Governor is adhering to her statutory duties as chief election officer

and has prepared to administer the 2026 Congressional election using Map 1, pursuant to the Order. If the 2026 Congressional elections are to be administered using a different map—the only possible alternative map being the 2021 Map because it is the only map that can be feasibly implemented within the statutory timeframe—the Lieutenant Governor will adhere to her statutory duties and administer the 2026 Congressional elections using the 2021 Map.

Second, the Lieutenant Governor must know which map to use to fulfill those duties by **February 23, 2026**. If the operative map for the 2026 Congressional elections is to be the 2021 Map, then the Lieutenant Governor and her team need, at a minimum, 9 business days to complete the administrative tasks required to reimplement the 2021 Map. These administrative tasks require the Lieutenant Governor to coordinate with the UGRC for the reinstatement of the 2021 Map, including the map of each county. Once each county receives the map with the Congressional district boundaries, each county must map out their precincts, which the UGRC then checks for compliance with Congressional district boundaries. If there is an error, the process begins anew. And that is all for the 2021 Map, which was used in the 2022 and 2024 election cycles and thus has been previously implemented and administered. Any other map would have no history with the UGRC or the 29 counties and would not be feasible to implement prior to the March 9, 2026 opening of the candidate filing period. Thus **February 23, 2026** is the date the Lieutenant Governor must know which map to use to administer the 2026 Congressional election.

DATED: February 12, 2026

OFFICE OF THE UTAH ATTORNEY GENERAL

/s/ Anikka Hoidal _____

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CERTIFICATE OF SERVICE

I hereby certify that on February 11th, 2026, I served the foregoing, *Defendant Lt. Gov Deidre Henderson's Response to Plaintiffs' Motion for Preliminary Injunction*, using the Court's electronic filing system, which gave notice to the following:

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