

2. On January 5, 2010, this Court issued an opinion in this case, reversing the district court's decision granting summary judgment to the defendants-appellees. The Court granted summary judgment to the plaintiffs-appellants, holding that Washington's laws requiring felon disenfranchisement violate the Voting Rights Act, 42 U.S.C. 1973(a).

3. The Attorney General of Washington has directed the Washington Solicitor General's Office to file a Petition For A Writ Of Certiorari to the United States Court of appeals for the Ninth Circuit within the time allowed by law.

4. The petition will present the Supreme Court with the issue of whether the Voting Rights Act, 42 U.S.C. 1973(a), applies to state felon disenfranchisement laws, and, if the Voting Rights Act does apply to state felon disenfranchisement laws, what is the proper standard to establish a violation.

5. The motion to stay the issuance of the mandate is not filed merely for delay. As the majority opinion acknowledges, there is a conflict between the decision in this case and the decisions of three other circuits that have held that the Voting Rights Act does not apply to state felon disenfranchisement laws. *Farrakhan v. Gregoire*, No. 06-35669, 2010 WL 10969, at *7 (9th Cir. Jan. 5, 2010); see *Hayden v. Pataki*, 449 F.3d 305 (2d Cir. 2006) (en banc); *Johnson v. Governor of the State of Florida*, 405 F.3d 1214 (11th Cir. 2005) (en banc), cert.

denied, 546 U.S. 1015, 126 S. Ct. 650, 163 L. Ed. 2d 526 (2005); *Simmons v. Galvin*, 575 F.3d 24 (1st Cir. 2009).

6. For the reasons stated above, and to preserve the status quo pending the resolution of the petition, I respectfully request that the Court stay the issuance of the mandate for ninety days to allow time to file the petition. Once the petition is filed, I will notify the Court and request that the Court extend the stay until the Supreme Court rules on the petition for writ of certiorari.

8. Counsel for the plaintiffs-appellants, Ryan Paul Haygood, has informed me by email dated January 7, 2010, that he does not oppose this request to stay the issuance of the mandate.

DATED this 12th day of January 2010.

s/Jeffrey T. Even

Jeffrey T. Even
Deputy Solicitor General

SUBSCRIBED AND SWORN to before me this 12th day of January 2010.

s/Wendy R. Scharber

Wendy R. Scharber
Notary Public in and for the State of Washington.
My Commission Expires: February 1, 2012