

WASHINGTON, Petitioner

v.

UNITED STATES, et al.

No. 17-269.

June 11, 2018.

Robert W. Ferguson, Attorney General, Noah G. Purcell, Solicitor General, Fronda C. Woods, Assistant Attorney General, Jay D. Geck, Anne E. Egeler, Deputy Solicitors General, Olympia, WA, for Petitioner.

Kevin P. Martin, Tucker DeVoe, Goodwin Procter LLP, Boston, MA, William M. Jay, Brian T. Burgess, Jaime A. Santos, Goodwin Procter LLP, Washington, DC, for Tribal Respondents.

Riyaz A. Kanji, Kanji & Katzen, PLLC, Ann Arbor, MI, John C. Sledd, Jane G. Steadman, Kanji & Katzen, PLLC, Seattle, WA, for Respondents the Hoh Tribe, the Jamestown, S'Klallam Tribe, the Lower Elwha Klallam Tribe, the Nisqually Tribe, the Port Gamble S'Klallam, Tribe, the Sauk-Suiattle Tribe, the Squaxin Island Tribe, the Stillaguamish Tribe, and the Suquamish Tribe.

Mary Neil, Office of The Reservation Attorney, Lummi Nation, Bellingham, WA, James R. Sigel, Morrison & Foerster LLP, San Francisco, CA, Deanne E. Maynard, Brian R. Matsui, Morrison & Foerster LLP, Washington, DC, for Respondent the Lummi Nation.

Thomas Zeilman, Law Offices of Thomas Zeilman, Yakima, WA, for Respondent the Confederated Tribes, and Bands of the Yakama Nation.

Craig Dorsay, Lea Ann Easton, Dorsay & Easton, LLP, Portland, OR, for Respondent the Hoh Tribe.

Brian Gruber, Ziontz Chestnut, Seattle, WA, for Respondent the Makah Tribe.

Alan C. Stay, Ann E. Tweedy, Muckleshoot Indian Tribe, Office of The Tribal Attorney, Auburn, WA, for Respondent the Muckleshoot Tribe.

Maryanne Mohan, Office of The Tribal Attorney, Nisqually Indian Tribe, Olympia, WA, for Respondent the Nisqually Tribe.

Lauren Rasmussen, Law Offices of Lauren P. Rasmussen, PLLC, Seattle, WA, for Respondents the Jamestown S'Klallam Tribe and the Port Gamble, S'Klallam Tribe.

Steve Suagee, Sam Hough, Tribal Attorneys' Office, Lower Elwha, Klallam Tribe, Port Angeles, WA, for Respondent the Lower Elwha, Klallam Tribe.

Connie Sue Martin, Schwabe, Williamson & Wyatt, Seattle, WA, for Respondent the Nooksack Tribe.

Eric Nielsen, Nielsen, Broman & Koch, PLLC, Seattle, WA, for Respondent the Quinault Indian Nation.

Earle David Lees, Tribal Attorney, Skokomish Indian Tribe, Skokomish Nation, WA, for Respondent the Skokomish Tribe.

Kevin R. Lyon, Squaxin Island, Legal Department, Shelton, WA, for Respondent the Squaxin Island Tribe.

Samuel J. Stiltner, John Howard Bell, Tribal Attorneys, Puyallup Indian Tribe, Tacoma, WA, Harry R. Sachse, Sonosky, Chambers, Sachse, Endreson & Perry LLP, Washington, DC, for Respondent the Puyallup Tribe.

Timothy J. Filer, Foster Pepper PLLC, Seattle, WA, for Respondent the Quileute Tribe.

Scott Owen Mannakee, Tribal Attorney, Stillaguamish Tribe of Indians, Arlington, WA, for Respondent the Stillaguamish Tribe of Indians.

David Hawkins, Office of The Tribal Attorney, Upper Skagit Indian Tribe, Sedro

Wooley, WA, for respondent the Upper Skagit Indian Tribe.

Arthur W. Harrigan, Jr., Tyler L. Farmer, Kristin Ballinger, Danielson Harrigan, Leyh & Tollefson, LLP, Seattle, WA, for respondent the Upper Skagit Tribe.

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Emily Hutchinson Haley, Tribal Attorney, Swinomish Indian Tribal Community, La Conner, WA, for Respondent the Swinomish Indian Tribal Community.

Mason D. Morisset, Morisset, Schlosser, Jozwiak & Somerville, Seattle, WA, for Respondent the Tulalip Tribes.

Noel J. Francisco, Solicitor General, Jeffrey H. Wood, Acting Assistant Attorney General, Edwin S. Kneedler, Deputy Assistant Attorney General, Allon Kedem, Assistant to the Solicitor General, William B. Lazarus, Vanessa Boyd Willard, Evelyn S. Ying, Attorneys, Department of Justice, Washington, DC, for the United States.

For U.S. Supreme Court briefs, see:

2018 WL 1738815 (Reply.Brief)

2018 WL 1557066 (Resp.Brief)

2018 WL 1083741 (Pet.Brief)

2018 WL 1479470 (Resp.Brief)

PER CURIAM.

The judgment is affirmed by an equally divided Court.

Justice KENNEDY took no part in the decision of this case.



Jon HUSTED, Ohio Secretary
of State, Petitioner

v.

A. PHILIP RANDOLPH
INSTITUTE, et al.

No. 16–980.

Argued Jan. 10, 2018.

Decided June 11, 2018.

Background: Advocacy groups and a resident of Ohio brought action for declaratory and injunctive relief against Ohio Secretary of State, alleging violations of National Voter Registration Act (NVRA) and Help America Vote Act (HAVA), relating to state’s process for removing inactive registrants from state’s registered voter rolls and state’s return-card notice for registrants whose residence had changed. The United States District Court for the Southern District of Ohio, George C. Smith, J., 2016 WL 3542450, denied plaintiffs’ request for permanent injunction and entered judgment for Secretary. Plaintiffs appealed. The United States Court of Appeals for the Sixth Circuit, Clay, Circuit Judge, 838 F.3d 699, reversed and remanded, and on remand, the District Court, George C. Smith, J., 2016 WL 6093371, granted in part and denied in part both Secretary’s motion to implement remedy and plaintiffs’ motion for temporary restraining order (TRO). Certiorari was granted.

Holding: The Supreme Court, Justice Alito, held that failure-to-vote clause in NVRA does not prohibit Ohio’s supplemental process for identifying and removing from registered voter rolls those voters who have lost their residency qualification.

Reversed.

Justice Thomas filed a concurring opinion.