UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

CHIP HUNT; REPUBLICAN PARTY OF TEXAS,

Plaintiffs,

v.

STATE OF TEXAS; ROBERT S. HOWDEN, in his official capacity as Texas Secretary of State,

Defendants.

Civil Action No. 2:25-cv-200

NOTICE

On August 6, 2026, this Court ordered the Secretary of State to submit a notice addressing (1) "whether the Secretary of State is still represented by Erin E. Murphy, Christopher Jason Fenton, James Xi, Philip Hammersley, and Thomas C. Riney," (2) "whether the Secretary of State still opposes the relief sought by ECF No. 27 (Motion for Consent Judgment)," (3) "whether the Secretary of State still seeks the relief sought by ECF No. 30 (Motion to Dismiss)," and (4) "any other information relevant to the Secretary of State's position regarding the resolution of this case." Dkt.67 at 1.

The only thing that has changed in this case is the name of the defendant.[1] The Secretary would like to emphasize one point from the parties' Joint Brief filed last month (ECF No. 64 at 5):

> As indicated before, the Secretary "would gladly implement statutory changes to the State's primary election process." ECF No. 31 at 1. The Party's adoption of Rule 46 makes it likelier that the Legislature may adopt such changes in the upcoming legislative session beginning in just six months—which even Plaintiffs "strongly prefer." In recent days, the Governor, the Lieutenant Governor, and the Speaker of the House have all expressed support for legislative action closing the primaries. Accordingly, there remains "ample time for the Legislature to act before the 2028

[1] Under Federal Rule of Civil Procedure 25(d), Robert S. Howden—who was officially sworn into office as the Secretary of State on July 20, 2026—is "automatically substituted" as a defendant in this action.

election—without the need for collusive judgments incompatible with foundational justiciability rules." ECF No. 31 at 1.

In response to the Court's August 6, 2026 order, the Secretary provides the following statements:

1. Yes.
2. Yes, but the Secretary believes that this issue can and will be resolved by the Legislature in the coming months.
3. Yes, but the Secretary believes that this issue can and will be resolved by the Legislature in the coming months.
4. The Secretary continues to believe that the Legislature is the proper forum for adopting any closed primary system and thoughtfully crafting the detailed scheme that would govern it.

Dated: August 10, 2026

Respectfully submitted,

/s/ Erin E. Murphy

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CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing document was filed electronically (via CM/ECF) on August 10, 2026, and that all counsel of record were served by CM/ECF.

/s/ Erin E. Murphy

Erin E. Murphy