

Nos. 19-465, 19-518

*In The*  
**Supreme Court Of The United States**

---

Bret Chiafalo, Levi Jennet Guerra, and Esther Virginia John,  
*Petitioners,*

v.

State of Washington,  
*Respondent.*

---

Colorado Department of State,  
*Petitioner,*

v.

Micheal Baca, Polly Baca, and Robert Nemanich  
*Respondents.*

---

**PRESIDENTIAL ELECTORS' APPLICATION FOR LEAVE  
TO EXCEED WORD LIMITS  
IN OPENING BRIEF ON THE MERITS**

---

**Directed to the Honorable Sonia Sotomayor as  
Circuit Justice**

---

L. Lawrence Lessig  
*Counsel of Record*  
Jason Harrow  
EQUAL CITIZENS  
12 Eliot Street  
Cambridge, MA 02138  
lessig@law.harvard.edu  
(617) 496-1124

*Additional counsel listed  
following signature block*

Dated: February 11, 2020

**TO THE HONORABLE SONIA SOTOMAYOR:**

**APPLICATION FOR LEAVE TO EXCEED WORD LIMITS**

For the reasons stated below, Petitioners in *Chiafalo v. Washington*, 19-465, and Respondents in *Colorado Department of State v. Colorado*, 19-518 (collectively, “Presidential Electors”) respectfully request leave to file a brief on the merits in excess of the word limit set forth in Supreme Court Rule 33.1(g)(v), not to exceed 16,000 words.

1. On January 17, 2020, the Court granted the petitions for writ of certiorari in *Chiafalo*, 19-465, and *Baca*, 19-518, consolidated the two cases, and allotted a total of one hour for oral argument.

2. On January 27, 2020, the Court ordered the Presidential Electors to file an opening brief on the merits and a reply brief on the merits under the schedule set forth in Rules 25.1 and 25.3.

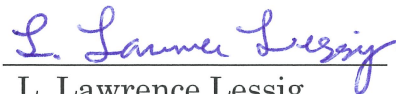
3. The Presidential Electors intend to file a single brief on the merits and a single reply brief on the merits in these consolidated appeals.

4. Although the two appeals present overlapping legal issues, they arise out of separate legal proceedings and each

involve particularized factual backgrounds and legal claims. To adequately address these differences, the Presidential Electors respectfully request leave to file a brief on the merits in excess of the 13,000-word limit imposed by Supreme Court Rule 33.1(g)(v). The Presidential Electors seek leave to file a consolidated opening brief not to exceed 16,000 words.

5. Counsel for the Presidential Electors has conferred with counsel for respondent Washington State in *Chiafalo* and with counsel for petitioner Colorado Department of State in *Baca*. All opposing counsel consent to the Presidential Electors' request to file a consolidated opening brief not to exceed 16,000 words.

Dated: February 11, 2020



L. Lawrence Lessig  
*Counsel of Record*

Jason Harrow  
EQUAL CITIZENS  
12 Eliot Street  
Cambridge, MA 02138  
lessig@law.harvard.edu  
(617) 496-1124

*Counsel for all Presidential Electors*

DAVID H. FRY  
J. MAX ROSEN  
MUNGER, TOLLES & OLSON LLP  
560 Mission St., 27<sup>th</sup> Fl.  
San Francisco, CA 94105  
*Counsel for all Presidential  
Electors*

SUMEER SINGLA  
DANIEL A. BROWN  
HUNTER M. ABELL  
WILLIAMS KASTNER & GIBBS, PLLC  
601 Union St.  
Suite 4100  
Seattle, WA 98101  
(206) 628-6600  
*Counsel for Petitioners in Chiafalo*

JASON B. WESOKY  
1331 17th St., Suite 800  
Denver, CO 80202  
*Counsel for Respondents in Baca*

JONAH O. HARRISON  
ARÊTE LAW GROUP PLLC  
1218 Third Ave.  
Suite 2100  
Seattle, WA 98101  
(206) 428-3250  
*Counsel for Petitioners in Chiafalo*

Nos. 19-465, 19-518

*In The*  
**Supreme Court Of The United States**

---

Bret Chiafalo, Levi Jenet Guerra, and Esther Virginia John,  
*Petitioners,*

v.

State of Washington,  
*Respondent.*

---

Colorado Department of State,  
*Petitioner,*

v.

Micheal Baca, Polly Baca, and Robert Nemanich  
*Respondents.*

---

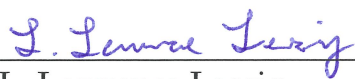
**CERTIFICATE OF SERVICE**

---

I, L. Lawrence Lessig, counsel for Presidential Electors, hereby certify that on February 11, 2020, I caused one copy of the Application To Exceed Word Limits to be served by first-class mail and email on the counsel below. I further certify that all parties required to be served have been served.

Noah Purcell  
Office of the Attorney General  
1125 Washington Street, SE  
P.O. Box 40100  
Olympia, WA 98504-0100  
noahp@atg.wa.gov  
(360) 753-2536  
*Attorney for Respondent in Chiafalo*

Eric Olson  
Office of the Attorney General  
1300 Broadway  
10th Floor  
Denver, CO 80203  
eric.olson@coag.gov  
(720) 508-6548  
*Attorney for Petitioner in Baca*

  
L. Lawrence Lessig  
*Counsel of Record*  
EQUAL CITIZENS  
12 Eliot Street  
Cambridge, MA 02138  
lessig@law.harvard.edu  
(617) 496-1124