

IN THE SUPREME COURT OF THE UNITED STATES

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No. 24-1260

MICHAEL WATSON,  
MISSISSIPPI SECRETARY OF STATE, PETITIONER

v.

REPUBLICAN NATIONAL COMMITTEE, ET AL.

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ON WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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MOTION OF THE UNITED STATES FOR LEAVE TO  
PARTICIPATE IN ORAL ARGUMENT AS AMICUS CURIAE  
AND FOR DIVIDED ARGUMENT

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Pursuant to Rules 28.4 and 28.7 of the Rules of this Court, the Solicitor General, on behalf of the United States, respectfully moves for leave to participate in the oral argument in this case as amicus curiae supporting respondents and requests that the United States be allowed ten minutes of argument time. Republican Respondents and Respondent Libertarian Party of Mississippi both consent to this motion and have agreed to cede ten minutes of their argument time to the United States. Accordingly, if this motion is granted, the argument time would be divided as follows: 30 minutes for petitioner, 20 minutes for respondents, and 10 minutes for the United States.

This case concerns whether the federal election-day statutes generally bar States from counting ballots in federal elections that are received after the federal election day. The United States has filed a brief as amicus curiae supporting respondents, contending that the answer is yes, because “election day” is the day when the ballot box must close, and when election officials thus must be in receipt of every timely ballot.

The United States has a direct interest in ensuring that the election-day laws are followed in contests for federal office, and that States thus do not count ballots received after that day. The United States also enforces a number of the other laws implicated by this case. See, e.g., 52 U.S.C. 20307(a) (Uniformed and Overseas Citizens Absentee Voting Act). And the United States has a broader interest in safeguarding the integrity of federal elections, which is undermined by state laws that continue to count mail-in ballots even if received days or weeks after election day. Exec. Order 14,248, 90 Fed. Reg. 14005 (Mar. 25, 2025).

The United States has previously presented oral argument as amicus curiae in cases concerning the federal election laws, see, e.g., Bost v. Illinois State Board of Elections, 607 U.S. -- (2026), and the proper interpretation of federal statutes in general, see, e.g., Stanley v. City of Sanford, 606 U.S. 46 (2025). We therefore believe participation by the United States in oral argument in this case would be of material assistance to the Court.

Respectfully submitted.

D. JOHN SAUER  
Solicitor General  
Counsel of Record

FEBRUARY 2026