

In the
Supreme Court of the United States

MICHAEL WATSON, MISSISSIPPI SECRETARY OF STATE,

Petitioner,

v.

REPUBLICAN NATIONAL COMMITTEE, ET AL.,

Respondents.

**On Writ of Certiorari to the
United States Court of Appeals for the Fifth Circuit**

**BRIEF OF AMICI CURIAE
CITIZENS FOR NEW JERSEY ELECTION INTEGRITY
AND PROJECT CIVICA, INC.
IN SUPPORT OF RESPONDENTS**

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INTEREST OF THE AMICI CURIAE¹

CITIZENS FOR NJ ELECTION INTEGRITY (C4NJEI) is a nonpartisan civic organization dedicated to promoting the soundness, security, and transparency of election systems and procedures. Its mission focuses on safeguarding lawful voter participation, protecting the integrity of ballot tabulation, and reinforcing public confidence in the electoral process through adherence to constitutional and statutory safeguards.

C4NJEI conducts research, public education, and advocacy related to election administration, including voter registration systems, ballot handling and tabulation procedures, chain-of-custody protections, and election technology. The organization trains citizen observers, studies election processes in practice, and engages constructively with election officials to promote clarity, compliance, and accountability. Through this work, C4NJEI has developed institutional knowledge concerning how election procedures operate in real-world settings, particularly during close or contested elections where administrative precision and procedural transparency are essential to maintaining public trust.

This case presents legal questions directly bearing on the administration and oversight of election processes in circumstances involving disputed ballot review and

¹ Per Rule 37.6, Amici states that no counsel for any party authored this brief in whole or in part, and no entity or person made any monetary contribution toward the preparation or submission of this brief.

extended adjudication in New Jersey. Such situations implicate procedural safeguards, chain-of-custody integrity, and the timely and transparent resolution of election disputes, matters central to C4NJEI’s mission and experience. The Court’s resolution will influence how election officials implement contested-election procedures in New Jersey and how New Jersey voters perceive the legitimacy of those processes. C4NJEI therefore has a strong institutional interest in assisting the Court by providing perspective on the practical and systemic implications of the legal issues presented.

C4NJEI submits this brief solely to offer analysis relevant to election administration and voter confidence. As a nonpartisan organization, it does not support or oppose any political party or candidate and participates only to advance its commitment to timely, lawful, transparent, and accurate elections.

PROJECT CIVICA, INC. is a New York-based, nonpartisan, tax-exempt social welfare organization dedicated to promoting civic engagement, citizen oversight of government, and public confidence in lawful and verifiable elections. Consistent with its articles of incorporation, the organization educates, supports, and develops citizen participation in the oversight of governmental processes, including the election system through legislative, legal, educational, and advocacy efforts. Its work includes promoting responsible governance, encouraging competitive elections that provide meaningful voter choice, and supporting citizen involvement in ensuring that election procedures are transparent, lawful, and reliable.

Project Civica conducts research, public education, and civic engagement initiatives focused on election administration, ballot handling, voter access, and

procedural safeguards designed to preserve the integrity and accuracy of electoral outcomes. The organization works with community members, grassroots volunteers, and institutional partners to study election processes in practice, promote compliance with governing law, and foster informed public participation in election oversight.

This case presents legal questions directly affecting the administration and interpretation of election procedures—issues central to Project Civica’s mission and ongoing work. Judicial clarification in this area has practical consequences for how election safeguards are implemented, how disputes are resolved, and how public trust in electoral systems is maintained. Project Civica therefore has a substantial institutional interest in assisting the Court by providing perspective on the civic and systemic implications of the issues presented.

Project Civica submits this brief solely to aid the Court’s consideration of matters affecting election administration and citizen oversight. As a nonpartisan organization, it does not support or oppose any political party or candidate and participates only to advance its commitment to lawful, transparent, and accountable governance.

Because laws like Mississippi’s that enable return of ballots after Election Day threaten election integrity and accuracy, amici have a significant interest in this case.



SUMMARY OF THE ARGUMENT

New Jersey and New York have laws that are similar to the Mississippi statute presently before this Court and which will be impacted by the Court's decision. New Jersey law requires the counting of unpostmarked ballots received by USPS up to six days after the election. N.J. Stat. § 19:63-22. New York law requires ballots received seven days after Election Day to be counted. New York Election Law § 8-412. Both New York and New Jersey have experienced delayed election results and public controversy over uncertain deadlines and election finality since implementing these laws. This in turn has impacted public confidence and trust in elections. This amici brief is submitted to bring to this Court's attention real-world implications of straying from Congress's mandate that Election Day take place on a single day.



ARGUMENT

The 2020 New York 22nd Congressional District contest between Claudia Tenney and Anthony Brindisi remained unresolved for months after Election Day due to absentee ballot adjudication and litigation. At the time of that election, under New York Election Law § 8-412, an absentee ballot was timely if it was either received by the Board of Elections by the close of polls on Election Day or postmarked no later than Election Day and received within seven days after Election Day. The statute also provided safeguards for ballots lacking a postmark if received and timestamped the day after Election Day. New York's framework explicitly anticipated post-Election Day ballot receipt and canvass.

At the close of the November 3, 2020 Election Day, approximately 50,000 absentee ballots remained to be counted district-wide.² Affidavit (provisional) ballots also remained to be counted. Judicial proceedings involved the adjudication of approximately 2,500 challenged ballots.³ The 117th Congress convened while

² NY Central., (2020, November 10). *Nearly 50,000 absentee ballots still need to be counted in NY-22.* <https://cnycentral.com/news/local/nearly-50000-absentee-ballots-still-need-to-be-counted-in-ny-22>; WRVO Public Media., (2020, November 18). *Brindisi continues to close in on Tenney's election night lead.* <https://www.wrvo.org/elections/2020-11-18/brindisi-continues-to-close-in-on-tenneys-election-night-lead>

³ Spectrum News 1., (2021, January 4). *Judge weighing disputed ballots in undecided NY-22 race.* <https://spectrumnews1.com/>

the race was still being adjudicated and New Yorkers living in the 22nd Congressional District were left unrepresented in Congress. The election remained uncertified, delaying legal election challenges. Tenney was not sworn into office until February 11, 2021, three months after the election.⁴

Since extending the acceptance of ballots beyond Election Day, New Jersey has routinely experienced delays in election tabulation, reporting, and even certification. In 2024, Atlantic County was unable to certify its election results on time and the Board of Elections was still counting ballots at 5pm on November 26th, twenty-one days after the election.⁵ As reported by the New York Times, provisional ballots cannot be counted “until all mail ballots are tallied, to ensure no one voted twice.”⁶ Because provisional ballots are not tabulated until after the vote by mail period has ended, a minimum reporting delay of six days is inevitable for both these types of ballots, meaning high profile races remain uncalled with candidates and the public in limbo.

[politics/2021/01/04/judge-weighing-disputed-ballots-in-undecided-new-york-22nd-race](https://www.politico.com/article/politics/2021/01/04/judge-weighing-disputed-ballots-in-undecided-new-york-22nd-race)

⁴ Ballotpedia. (n.d.)., *New York's 22nd Congressional District election, 2020*. https://ballotpedia.org/New_York%27s_22nd_Congressional_District_election,_2020

⁵ Wildstein, D. (2024, November 27). *Atlantic County hasn't certified election results*. *The New Jersey Globe*. <https://newjerseyglobe.com/local/atlantic-county-hasnt-certified-election-results/>

⁶ Tully, T., (2021, November 8). *Why the Republican candidate for New Jersey governor hasn't conceded*. THE NEW YORK TIMES. <https://www.nytimes.com/2021/11/08/nyregion/jack-ciattarelli-phil-murphy.html>

For example, in 2020, New Jersey’s Seventh Congressional District’s outcome remained unknown for more than a week after the election. As a result of the delays and uncertainty, Tom Kean Jr. did not concede the election to Malinowski until November 19, 2020, sixteen days after the election had been held.⁷ The state was again held in limbo during the 2021 gubernatorial election between Phil Murphy and Jack Ciattarelli, when the election results were again delayed due primarily to vote-by-mail volume and the subsequent acceptance grace period. The New York Times reported that an estimated 550,000 people voted by mail, nearly twice as many as in 2019, and that an additional 70,000 emergency provisional ballots were cast, all of which awaited adjudication until the extended vote-by-mail acceptance period was completed, causing delays and rumors of potential election fraud.⁸

According to researchers at the Yale Institution for Social and Policy Studies and University of San Diego, this distrust is a predictable human response to election delay, even in the absence of rhetoric and misinformation. A study by researchers at the Yale Institution for Social and Policy Studies and University of San Diego concluded that “delays in the counting and reporting of election results do increase the distrust of voters in elections, even without misinformation or other elite rhetoric amplifying concerns.”⁹

⁷ Wildstein, D. (2020, November 19). *Kean concedes Malinowski’s win*. THE NEW JERSEY GLOBE. <https://newjerseyglobe.com/congress/kean-concedes-malinowskis-win>

⁸ Tully (2021).

⁹ Lockhart, M., Gaudette, J., Hill, S. J., Kousser, T., Romero, M., & Uribe, L. (2024). *Voters distrust delayed election results, but a*

These delays are now routine in New Jersey elections. New Jersey's most recent high-profile election at the time of writing is New Jersey's 11th Congressional District's primary, which was held on February 5, 2026 to fill the seat vacated by now-Governor Mikie Sherrill. The Democratic Party's primary results remained in limbo until February 10, 2026 when Tom Malinowski conceded the race to Analilia Mejia.¹⁰ New Jersey Spotlight reported that as of February 11, 2026, votes were still being counted.¹¹

prebunking message inoculates against distrust. PNAS NEXUS, 3 (10), 414. <https://doi.org/10.1093/pnasnexus/page414>

¹⁰ Associated Press. (2026, February 10). *Malinowski concedes to Mejia in House special primary in New Jersey.* AP NEWS. <https://apnews.com/article/new-jersey-house-democrat-congress-malinowski-mejia-b258179c8aa924e2cf415f1e45a9e129>

¹¹ New Jersey Spotlight News. (2026, February 11). *Progressive Democrat Analilia Mejia wins special CD-11 primary.* <https://www.njspotlightnews.org/2026/02/progressive-democrat-analilia-mejia-wins-special-cd-11-primary/>



CONCLUSION

In practice, state laws extending the time to receive ballots for federal elections beyond the Congressionally-designated Election Day contribute to delays in vote tabulation and election certification, degrade voter confidence in elections, and undermine the finality of a single Election Day.

Respectfully submitted,

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