

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

**RESPONSE TO JOINT MOTION BY RESPONDENTS FOR
DIVIDED ARGUMENT AND TO MOTION OF THE UNITED
STATES FOR LEAVE TO PARTICIPATE IN ORAL ARGUMENT
AS AMICUS CURIAE AND FOR DIVIDED ARGUMENT**

Petitioner respectfully addresses the two pending motions for divided respondent-side oral argument in this case—the motion filed by the Republican respondents and respondent Libertarian Party of Mississippi, and the motion filed by the United States.

1. This case presents the question whether the federal election-day statutes, which set the Tuesday after the first Monday in November in certain years as the “election” day for federal offices, preempt a state law that allows ballots that are cast by federal election day to be received by election officials after that day. The case

arises from two lawsuits challenging Mississippi’s law allowing timely cast mail-in absentee ballots to be counted if election officials receive them within 5 business days after election day. Miss. Code Ann. § 23-15-637(1)(a). The Republican respondents and the Libertarian Party sued the Mississippi Secretary of State (petitioner) and several county election officials, because of their roles in administering election laws enacted by the Legislature. The district court consolidated the lawsuits and allowed Vet Voice Foundation and Mississippi Alliance for Retired Americans to intervene as defendants. The district court ruled that Mississippi’s law is not preempted. The Fifth Circuit reversed, holding that Mississippi’s law is preempted. Petitioner—but not the intervenors—filed a petition for certiorari. This Court granted that petition. The case is almost fully briefed, with argument set for March 23, 2026.

Pending before this Court are (a) a motion by the intervenors asking this Court to allow them to participate in oral argument and to give them half of petitioner’s argument time, and (b) the motions described above, seeking to divide the argument time on respondents’ side. Petitioner previously filed a response opposing the intervenors’ motion. *See* Response 3-5 (Feb. 6, 2026).

2. The Republican respondents, the Libertarian Party, and the United States propose dividing the 30 minutes of respondent-side oral-argument time evenly—10 minutes apiece. RNC/LP Mot. 1 & n.*; U.S. Mot. 1. Petitioner questions the need for both sets of respondents to participate in oral argument. Those respondents press materially identical claims and are not, in any material way, differently situated. However this Court rules on these requests to divide time, petitioner agrees that

enlargement of the oral-argument time is not warranted and that any division of respondent-side argument time should fall within the standard 30-minute allotment. RNC/LP Mot. 1; U.S. Mot. 1.

That said, petitioner reaffirms his opposition to the intervenors' request to participate in oral argument and to take half of petitioner's time. Petitioner has explained why this Court should deny that request. Response 3-5. And if this Court allows multiple attorneys to argue on respondents' side, then it is all the more critical that petitioner have a full allotment of argument time, to allow affirmative and rebuttal presentations that account for the presentation of multiple opposing advocates.

Respectfully submitted.

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