No. 24-621

IN THE

Supreme Court of the United States

NATIONAL REPUBLICAN SENATORIAL COMMITTEE, ET AL.,

Petitioners,

v.

FEDERAL ELECTION COMMISSION, ET AL.,

Respondents,

AND

DEMOCRATIC NATIONAL COMMITTEE, ET AL.,

Intervenor-Respondents.

On Writ Of Certiorari To The United States Court Of Appeals For The Sixth Circuit

OPPOSITION TO AMICUS'S MOTION FOR LEAVE TO FILE A SUPPLEMENTAL BRIEF

Noel J. Francisco
Counsel of Record
Donald F. McGahn II
John M. Gore
E. Stewart Crosland
Brinton Lucas
David Wreesman
JONES DAY
51 Louisiana Ave., N.W.
Washington, D.C. 20001
(202) 879-3939
njfrancisco@jonesday.com

Counsel for Petitioners
(Additional Counsel Listed on Signature Page)

OPPOSITION TO AMICUS'S MOTION FOR LEAVE TO FILE A SUPPLEMENTAL BRIEF

This Court's rules are clear: "A party" may file a supplemental brief only to inform the Court of "late authorities, newly enacted legislation, or other intervening matter that was not available in time to be included in a brief." Sup. Ct. R. 25.6. Any supplemental brief must be "restricted to such new matter." *Id.*

Amicus's proposed supplemental brief fails this standard. Even assuming amicus could qualify as a "party" under the Court's rules,* he does not even try to explain how his proposed brief addresses any "new" or "intervening" matter (apart from the arguments in the replies). The only "new facts" he identifies are two "public statements" from Vance (Mot.ii), that amicus admits are "like his earlier statements," and thus add nothing to the analysis. Supp.Br.10; *see* Add.1a-2a; Amicus.Br.28; Reply.8. The rest are *old* facts that were "available in time to be included in" his original brief. Sup. Ct. R. 25.6; *see* Supp.Br.1-10, 11-13; Add.3a-9a.

Amicus's proposed filing is therefore improper on its face. This Court should deny it immediately and reaffirm that its tolerance for supplemental briefs is not to be misused as a vehicle for smuggling surreplies onto the docket. *See Shapiro* et al., Supreme Court Practice § 13.15 (11th ed. 2019) ("An improper supplemental brief will … be stricken."); *see, e.g.*, *Cyan Inc. v. Beaver*

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* That assumption is quite dubious. *See, e.g.*, *Pierce Cnty. v. Guillen*, 535 U.S. 1110, 1111 (2002) ("[T]he Whitmers are not parties under this Court's Rule 12.6, but they may file a brief as *amici curiae*."). For his part, amicus cites no example where this Court allowed any amicus—court-appointed or otherwise—to file a supplemental brief, and petitioners are unaware of one.

Emps. Ret. Fund, 583 U.S. 1049 (2018); *South Dakota v. Yankton Sioux Tribe*, 522 U.S. 1013 (1997).

Indeed, amicus previously understood that his latest filing would be appropriate only at this Court's invitation. In his brief filed on September 29, amicus offered to "submit a short supplemental brief addressing petitioners' and the FEC's arguments on jurisdiction, if the Court believes that would assist its review." Br.30 n.9. This Court has yet to take him up on the invitation. Yet on November 24—56 days after amicus filed his original brief, 26 days after petitioners and the FEC filed their replies, 15 days before oral argument, and 3 days before Thanksgiving—amicus submitted this uninvited surreply.

In the event that this Court wishes to consider this improper filing, however, petitioners attach a supplemental brief dispatching amicus's meritless arguments.

CONCLUSION

This Court should deny the motion.

December 1, 2025

Respectfully submitted,

Jessica Furst Johnson
LEX POLITICA PLLC
853 New Jersey Ave., S.E.
Suite 200-231
Washington, D.C. 20003

Counsel for Petitioners National Republican Senatorial Committee & National Republican Congressional Committee

Noel J. Francisco
Counsel of Record
Donald F. McGahn II
John M. Gore
E. Stewart Crosland
Brinton Lucas
David Wreesman
JONES DAY
51 Louisiana Ave., N.W.
Washington, D.C. 20001
(202) 879-3939
njfrancisco@jonesday.com

Counsel for Petitioners

ATTACHMENT