

No. 24-621

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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**

**MOTION FOR LEAVE TO FILE AND  
SUPPLEMENTAL BRIEF FOR INTERVENOR-  
RESPONDENTS DNC, DSCC, AND DCCC**

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**RULE 29.6 DISCLOSURE STATEMENT**

I, Marc E. Elias, counsel for DNC, DSCC, and DCCC and a member of the Bar of this Court, certify that DNC, DSCC, and DCCC have no parent corporation, and that no publicly held company owns 10% or more of their stock.

**MOTION OF INTERVENOR-RESPONDENTS  
DNC, DSCC, AND DCCC FOR LEAVE TO FILE  
SUPPLEMENTAL BRIEF**

Pursuant to Rule 25.7, Intervenor-Defendants DNC, DSCC, and DCCC request leave to file the attached supplemental brief to notify the Court of guidance issued by the Federal Communications Commission on March 30, 2026, that contradicts representations made by the Federal Respondents in their October 29, 2025 Reply Brief. Good cause for this motion exists because the Public Notice post-dates briefing and oral argument in this case and Intervenor-Defendants have moved promptly to bring this issue to the Court's attention.

Respectfully submitted,

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**ATTACHMENT**

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On March 30, 2026, the Federal Communications Commission (FCC) issued guidance to “remind broadcasters and the public” that lowest unit charge (LUC) requirements are applicable to “advertisements that qualify as coordinated expenditures of political parties.” DA 26-300 at 1.<sup>1</sup> This guidance contradicts the Federal Respondents’ representation in their reply brief that LUC rules “require broadcasters to charge low rates for candidate spending, *but not for party spending—whether coordinated or independent.*” FEC Reply Br. at 23 (emphasis added).

To be clear, the Democratic Committees believe that Federal Respondents were correct in their reply, and that the new FCC guidance is contrary to the statute. But the FCC’s contrary position confirms the Democratic Committee’s warning that overruling *Colorado II* could destabilize the LUC system for political advertising that has been in place for decades, and that “[b]roadcasters across the country will face significant increases in advertisements that purport to qualify for lowest unit rates, thereby inflicting a substantial financial strain upon them.” Intervenor-Respondents’ Br. at 48. Under the FCC’s recent guidance, a decision removing limits on coordinated spending would upset reliance interests by substantially disrupting the market for broadcast advertising during election seasons.

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<sup>1</sup> Available at <https://www.fcc.gov/document/bureau-issues-guidance-concerning-lowest-unit-charge-requirements>.

Respectfully submitted,

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