

IN THE
Supreme Court of the United States

REPUBLICAN NATIONAL COMMITTEE,

Petitioner,

v.

MI FAMILIA VOTA, *et al.*,

Respondents.

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

**MOTION FOR DIVIDED ARGUMENT OF RESPONDENTS DEFENDING THE
JUDGMENT BELOW**

Pursuant to this Court’s Rules 21 and 28.4, the respondents defending the judgment below respectfully move for divided argument. Those respondents (collectively, “movants”) are (1) the Democratic National Committee (“DNC”) and the Arizona Democratic Party (“ADP,” and together with the DNC, the “partisan respondents”); and (2) Mi Familia Vota, Voto Latino, Living United for Change in Arizona (“LUCHA”), the League of United Latin American Citizens, the Arizona Students’ Association, ADRC Action, the Inter Tribal Council of Arizona, Inc., the San Carlos Apache Tribe, the Arizona Coalition for Change, the Arizona Asian American Native Hawaiian and Pacific Islanders for Equity (“AZ AANHPI Equity”), Promise Arizona, and the Southwest Voter Registration Education Project (collectively, the “nonpartisan respondents”).

Movants propose that the argument time allotted to their side be divided between one advocate (Danielle Lang) arguing for the nonpartisan respondents for twenty minutes and the other (Seth Waxman) arguing for the partisan respondents for ten minutes. Movants seek no enlargement of the total argument time. All respondents defending the judgment below in this Court join this motion. The Republican National Committee (“RNC”) and the United States take no position on this request, while Arizona, its attorney general, and the legislator intervenors do not object to the request.

1. The first question presented here is whether the National Voter Registration Act (“NVRA”) or a federal consent decree prohibits Arizona from requiring voter-registration applicants to produce “satisfactory evidence” of U.S. citizenship to register for federal elections when registering with a state registration form or at a public assistance agency. The second question is whether the NVRA bars Arizona from conducting a program of systematic removals of alleged noncitizens from the voting rolls less than 90 days before a federal election. The DNC and the ADP have briefed only the second question in this Court.

2. Divided argument is warranted because the partisan and nonpartisan movants are differently situated and bring distinct perspectives on the questions presented.

The partisan respondents are political party committees. Their interest is that of a national and a state political party in the rules governing the federal elections in which they and their candidates compete. They are also petitioner’s direct adversaries in

electoral competition, and the Court's resolution of the 90-day question will shape how they and petitioner operate under the NVRA in Arizona and beyond.

The nonpartisan respondents are tribes and civic, community, student, and immigrant-rights organizations. Several of the nonpartisan respondents register voters in Arizona as a core part of their mission, without regard to party. Their interest is not in a specific electoral outcome but rather in whether the eligible Arizonans in the communities they serve can register (and stay registered) under the terms Congress prescribed.

These interests are not interchangeable, and neither set of respondents can fairly speak for the other. The nonpartisan respondents, for example, cannot speak to a political party's institutional interests in the rules under which it and its candidates compete. And the nonpartisan respondents—which include nonprofit organizations and sovereign tribes—are not affiliated with and not appropriately represented by the partisan interests of the DNC and the ADP.

3. As noted, movants seek no additional time; they ask only that the time already allotted to their side be divided. And as also noted, every respondent defending the judgment below supports this motion, and no party opposes it. Indeed, petitioner and the RNC have themselves moved to divide the argument time allotted to their side. This Court granted divided argument in comparable circumstances last Term in *National Republican Senatorial Committee v. FEC*, No. 24-621. The same course is warranted here.

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CERTIFICATE OF SERVICE

I, Seth P. Waxman, a member of the bar of this Court, certify that on October 20, 2026, all parties required to be served were served copies of the foregoing via first-class U.S. mail and by email at the addresses listed below.

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