No. 26A274

In the Supreme Court of the United States

NATIONAL REPUBLICAN CONGRESSIONAL COMMITTEE
AND NATIONAL REPUBLICAN SENATORIAL COMMITTEE,
APPLICANTS,

v.

SHERROD BROWN, JON OSSOFF, ROY COOPER,
AND KRISTEN MCDONALD RIVET,
RESPONDENTS.

REPLY IN SUPPORT OF EMERGENCY APPLICATION FOR STAY

To the Honorable John G. Roberts, Jr.,
Chief Justice of the Supreme Court of the United States and
Circuit Justice for the Fourth Circuit

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INTRODUCTION

Lacking jurisdiction, the Fourth Circuit stripped Applicants of a statutory guarantee when it matters most. Broadcasting stations have already begun rescinding those once-guaranteed rates. *See infra* Section I. If the Fourth Circuit's order remains in effect, contracts, campaigns, and tens of millions of dollars budgeted for ad buys will be flushed. The result not only damages Applicants' campaigns severely, but also restricts their "First Amendment right to spend money as they see fit on political advertising and other campaign activities—and to do so in coordination with the parties' candidates." *NRSC v. FEC*, 146 S. Ct. 2404, 2414 (2026). All this on the eve of "the crucial phase of 60 days before the general election." *Citizens United v. FEC*, 558 U.S. 310, 337 (2010).

Weighed against these irreparable injuries, Respondents' alleged injury of "'competition intensified'" doesn't even tip the scales. Opp. 12. The United States argues that Respondents' injury isn't cognizable, let alone irreparable. U.S. Br. 9-13. On that score, Respondents concede that the LUC statute 'directly regulates broadcasters' conduct," not their own. Opp. 11. No broadcaster is before this Court—nor were any before the Fourth Circuit—because the Public Notice's interpretive guidance did nothing to change the status quo. Even granting the premise that Respondents are injured by a Republican "'deluge' of party-funded, candidate-rate advertising," Opp. 7, balancing that injury against Applicants' direct, substantial, and ongoing injuries is no contest. Add to that the public interest in settled election rules, and the equities favor staying the Fourth Circuit's rushed universal vacatur.

These harms should never have begun to materialize, since the Fourth Circuit lacked jurisdiction. Its decision splits with "[o]ther courts" who "have uniformly recognized the necessity of Commissioner review of FCC staff decisions." App. 67 (Wilkinson, J., dissenting). "Lest there be any misunderstanding" about the circuit split here, the D.C. Circuit "expressly [held] that a petition for review filed after a bureau decision but before resolution by the full Commission is subject to dismissal as incurably premature." *Int'l Telecard Ass'n v. FCC*, 166 F.3d 387, 388 (D.C. Cir. 1999). On the Fourth Circuit's constructive-denial holding, Respondents try to avoid the circuit split by the novelty of that holding. *See* Opp. 24-25. That's not the defense Respondents think it is. Driving a truck through settled finality precedent breaks sharply with the Third, Ninth, Eleventh, and D.C. Circuit, all of which bar judicial review—with no exceptions—while an application for review is pending. The Fourth Circuit stands alone, which boosts the "probability that four Justices will consider the issue sufficiently meritorious to grant certiorari," and the "prospect that a majority of the Court will vote to reverse the judgment below." *See Hollingsworth v. Perry*, 558 U.S. 183, 190 (2010) (per curiam).

On the merits, the Fourth Circuit barely explained its interpretation that a candidate's "use of" a broadcasting station is nullified by a committee paying for the ad spot. 47 U.S.C. §315(b)(1). The court's view doesn't accord with common usage. Just as a college education is no less the student's "use of" the school even if the federal government pays for it, an ad is no less the candidate's "use of" a broadcasting station because a candidate's joint fundraising committee pays for it. "Use" does not mean "exclusive funding," and neither the Fourth Circuit nor Respondents have been able to explain their arbitrary conclusion that it does. So long as the candidate authorizes the ad, appears in the ad, and identifies herself in the ad, she's making "use of" the broadcasting station. *Id.* §315(b)(2)(A), (C), (D).

The Court should thus grant the application for a stay pending a petition for writ of certiorari.

ARGUMENT

I. Broadcasting stations are inflicting irreparable harm by rescinding favorable rates they had previously extended to Applicants.

Each day that passes, broadcasting stations are rescinding and refusing LUC rates that they had previously offered Applicants and similar committees. Broadcasters in multiple States have already rescinded the LUC rate for orders Applicants placed for candidate-party coordinated and joint fundraising committee ads for candidate use. More broadcasters have threatened to do so and will soon further disrupt political advertising for candidates coordinating with their respective party or joint fundraising committees. That disruption hinders opportunities for campaign and party committees "to participate more freely and compete more fully in the political process." *NRSC*, 146 S. Ct. at 2428. Tens of millions of dollars in ad buys—including pending orders that Applicants have already placed through their coordinated committees—sit in limbo as the LUC rule kicks into effect tomorrow, September 4, for the general election.

Of course, the LUC rule guarantees favorable rates to qualifying advertisements during more than just the runup to the general election. Congress also requires broadcasters to offer the favorable LUC rate during the 45 days preceding a primary election. 47 U.S.C. §315(b)(1)(A). Because primary elections are still ongoing in some States, the Fourth Circuit's decision is changing the rules midway through the game. *E.g.*, N.H. Rev. Stat. §653:8; R.I. Gen. Laws §17-15-1; 15 Del. Code §3101(3) (all setting September primary election dates). So not only did the Fourth Circuit unsettle historical practice 60 days before the general election, *e.g.*, App. 97-97, but it also upends the election rules that governed campaign advertising during 2026 primary elections around the country.

This is far from a hypothetical issue, as FCC records show. For instance, before the Fourth Circuit released its opinion, a U.S. Senate candidate's party-coordinated advertisement in New Hampshire received the same LUC rate as an identical ad buy for another candidate's campaign committee.[1] That coordinated ad buy, which ran just two weeks before the Fourth Circuit issued its decision, received the LUC rate by obtaining an identical ad slot at the same rate as a campaign committee ad. Today, a broadcaster airing ads for the same primary election may treat them differently on the eve of the same primary election. Indeed, broadcasting companies are rescinding or threatening to rescind those rates day by day.

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[1] *Compare* FCC Political File, NRSC/Sununu/R/US Senate (Aug. 10, 2026), perma.cc/E5RY-3B8W, *with* FCC Political File, Pappas/D/US Senate (Aug. 10, 2026), perma.cc/K6TT-DHWX (first entry of each record shows identical orders at $600 for 30-second pre-emptible with notice ads during WMUR's 5 a.m. Daybreak show during the week of August 11 for a party-coordinated ad run by John Sununu and a campaign committee ad run by Chris Pappas ahead of New Hampshire's September 8 primary).

To be sure, examples from around the country demonstrate that candidate-party coordinated ads and joint fundraising committee ads received the LUC rate this year. From Alaska[2] to South Carolina[3] to Pennsylvania[4] to Michigan,[5] broadcasters extended the LUC rate as they always have. Respondents know this as well. The United States highlighted public records indicating that then-Senator Sherrod Brown and the Democratic Senatorial Campaign Committee received the LUC rate for coordinated advertisements during his last campaign. U.S. Br. at 25-26; *see also* App. 39. This week, Respondent Roy Cooper received the same rate (the LUC) for coordinated

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[2] *Compare* FCC Political File, Put Alaska First (Aug. 10, 2026), perma.cc/4M5C-9RU8, *with* FCC Political File, Alaskans for Dan Sullivan (July 24, 2026), perma.cc/5S28-KNGK (third entry of each record shows overlapping orders at $500 for ads during broadcast of the NBC Today Show during the week of August 11 for Put Alaska First—a joint fundraising committee including the NRSC and Dan Sullivan's campaign—and Dan Sullivan's campaign committee ahead of Alaska's August 18 primary).

[3] *Compare* FCC Political File, NRSC/Darline Graham/US Senate (Aug. 7, 2026), perma.cc/ZR92-6PPL, *with* FCC Political File, Mark Sanford/US Senate (Aug. 6, 2026), perma.cc/AH5Z-K725 (multiple entries of each record show overlapping orders at $400 for ads during local news airing between August 8 and 11 for a party-coordinated ad run by Darline Graham and a campaign committee ad run by Mark Sanford ahead of South Carolina's August 11 special Republican primary).

[4] *Compare* FCC Political File, Robert Bresnahan/NRCC/Congress (Aug. 11, 2026), perma.cc/YT6K-XS6V, *with* FCC Political File, Robert Bresnahan/Congress (Jul. 29, 2026), perma.cc/6SVQ-R6LU (multiple entries of each record show identical orders for Robert Bresnahan's party-coordinated and campaign committee ads, including the first entry of each record at $240 for ads during Newswatch program beginning on August 12).

[5] *Compare* FCC Political File, NRSC/Rogers (Aug. 17, 2026), perma.cc/3RA4-2RE8, *with* FCC Political File, El-Sayed/US Senate (Aug. 17, 2026), perma.cc/35Z2-2PGQ (second and third entries of each record show identical orders at $1,250 for ads during Good Morning America broadcast from August 18-24 for party-coordinated ads run by Mike Rogers and campaign committee ads run by Abdul El-Sayed).

ads with the North Carolina Democratic Party and campaign committee ads in support of his Senate campaign.[6] Even the Fourth Circuit credited Applicants' argument that Respondents "benefitted from the very interpretation of the LUC requirement that [each Respondent] now opposes." App. 39. But the court overlooked the legal implications of Respondents "advancing positions that are contrary to those they have previously taken." App. 39. That Respondents profited from the LUC practice they challenge is proof that the FCC never "reversed course," *contra* Opp. 1, and that the Media Bureau's public notice did not "'adop[t] a new position inconsistent with existing regulations, or otherwise effect[t] a substantive change in existing law or policy,'" *Children's Hosp. of the King's Daughters v. Azar*, 896 F.3d 615, 620 (4th Cir. 2018) (citation omitted). And Respondents' *continued* profit from that established practice undermines their claims of irreparable harm. *Cf.* Opp. 38.

By overreaching its jurisdiction, the Fourth Circuit injected uncertainty and upset election rules that govern political advertising beginning tomorrow. The issuance of a stay restores the status quo and ensures the rules that have governed political advertising over the last several election cycles continue to apply.

[6] *Compare* FCC Political File, NCDP – Cooper (Aug. 31, 2026), perma.cc/EVT2-P9T9, *with* FCC Political File, Roy Cooper for North Carolina (Sept. 1, 2026), perma.cc/AYQ8-B39Z (fourth entry of each record shows identical orders at $375 for ads during morning news program during the week of September 1 for party-coordinated ads and campaign committee ads run by Senate candidate Roy Cooper).

II. There's at least a fair prospect that this Court will resolve the circuit splits in Applicants' favor.

The Fourth Circuit lacked jurisdiction twice over. Agency finality matters. *See Trump v. California*, No. 26A124, 609 U.S. __, slip op. at 7-8 (Aug. 24, 2026) (per curiam). Respondents insist that *Trump v. California* is different because the public notice here has the "full force and effect as a Commission order." Opp. 22. But that fainthearted attempt to distinguish *Trump v. California* assumes the premise. The *reason* the "internal directive" does not have the force and effect of a final order is that its enforcement rests on a "string of speculations" about how it will apply in individual cases. No. 26A124, slip op. at 7-8. Respondents insist that "the Public Notice plainly 'marks the consummation of the agency's decisionmaking process.'" Opp. 21-22 (cleaned up) (quoting *Bennett v. Spear*, 520 U.S. 154, 177-78 (1997)). But calling it "plain" doesn't make it so. When the Commission is poised to apply the statute to the innumerable variations of advertising contracts over the coming weeks, that application may very well play out differently than how the Commission—or the Fourth Circuit—sees it. Respondents continue to whistle past the core problem: the public notice they challenge "imposes no legal requirements on [Respondents]." *Trump v. California*, No. 26A124, slip op. at 7-8.

A. Respondents insist that the staff-level public notice is "agency action." Opp. 14-18. The D.C. Circuit has held that when a "Bureau" of the Federal Communications Commission "acted pursuant to delegated authority under 47 U.S.C. §155(c)(1)," the Communications Act "requires complaining parties who seek to challenge any such action taken by the Bureau to first seek review with the Commission as 'a condition precedent to judicial review.'" *NTCH, Inc. v. FCC*, 877 F.3d 408, 409 (D.C. Cir. 2017) (quoting 47 U.S.C. §155(c)(7)). Respondents refuse to engage with the D.C. Circuit's reasoning. They dismiss it out of hand, arguing that judicial review in *NTCH* was "governed by 47 U.S.C. §208" instead of §155. Opp. 15. They confuse the petitioner's argument for the court's holding. NTCH *argued* that its review was governed by §208 and thus a "final order." *NTCH*, 877 F.3d at 409. The D.C. Circuit rejected that argument. *Id.* And "[e]ven if NTCH's claim [fell] within the compass of §208(b)," the court held that it "still does not have jurisdiction to address it." *Id.*

Respondents don't take on the D.C. Circuit's reasoning because it undermines them at every turn. In both cases, "the disputed order" was "issued" by a "Bureau … acting pursuant to delegated authority." *Id.* at 410. That didn't excuse review by the Commission. *Contra* Opp. 15-16. In both cases, the disputed order "was a staff-level order that was subject to review by the Commission." *NTCH*, 877 F.3d at 410. That didn't excuse review by the Commission. *Contra* Opp. 15-16. In both cases, petitioners argued that the disputed order was *really* a Commission order because it was essentially "final." Opp. 18-20. That didn't excuse review by the Commission: "[w]hen Congress says 'the Commission,' it means the Commission." *NTCH*, 877 F.3d at 413. Both cases concerned review "under 47 U.S.C. §155(c)(7)," and the D.C. Circuit reiterated what was already "well established," that "'*resolution* by the full Commission'" is a prerequisite to judicial review. *Id.* at 412-13 (emphasis added) (quoting *Int'l Telecard*, 166 F.3d at 388). Respondents' bogus distinction can't save the Fourth Circuit's irreconcilable holding that "the Public Notice is, and always has been, a 'final' order" merely because the Media Bureau acted under delegated authority. App. 33.

Respondents also contend that the Media Bureau's guidance departs from the Commission's prior positions. Applicants have explained why Respondents' own profit from that position shows that the premise is false. But even if an interpretative rule changed an agency interpretation, that change is still an interpretive rule and thus not agency action. *See* Stay App. 10; App. 45 n.2 (Wilkinson, J., dissenting). Respondents make the same argument this Court rejected in *Perez v. Mortgage Bankers Association*, 575 U.S. 92, 102 (2015) ("Congress decided to adopt standards that permit agencies to promulgate freely such rules—whether or not they are consistent with earlier interpretations.").

Finally, that Applicants are harmed by the Fourth Circuit's order doesn't transform the public notice into a final order. *Contra* Opp. 18-19. The panel majority changed the LUC rules in the midst of election season. But it could not and did not change the Bureau's interpretive guidance into final agency action. Suggesting that the Fourth Circuit's decision is an advisory opinion that "lacks legal effect" is hardly a defense. *See* Opp. 18-19.

B. Respondents likewise continue to defend their appeal of a Commission order that doesn't exist. Opp. 27-28. They don't dispute the novelty of the Fourth Circuit's constructive-denial rule. Opp. 24. But they try to hide behind constructive denial to say that the panel majority's ruling doesn't break from precedent in other circuits.

Opp. 24-25. As Judge Wilkinson made clear, "judicial review is unavailable until the FCC renders a final order." App. 64. Respondents concede that has not yet occurred, so they attempt to get around the statutory requirement that the Commission issue a "final order" prior to judicial review with a novel theory, and wish away this finality requirement as prudential. 28 U.S.C. §2342(1). But as Judge Wilkinson recognized, at least three circuits bar judicial review—with no exceptions—while an application for review is pending with the Commission. App. 67; Stay App. 13 (collecting cases). This decision reaching the merits before the Commission rules on Respondents' application for review directly conflicts with those other circuits.

Respondents' concerns about never obtaining review are unfounded. Opp. 26-27. The FCC advised that its Chairman had circulated a proposed order on Respondents' application for review to the Commission. Stay App. 29. Instead of allowing the administrative process to run its course, Respondents seek to shirk the agency-review requirement as "prudential." Opp. 22-23. The Fourth Circuit did not even address this argument that exhaustion is merely prudential, *see* App. 33-34, let alone find that the equitable factors cut in Respondents' favor. Yet for the agency to function as Congress intended, it must be able to first complete its adjudication of the application. 47 U.S.C. §155(c)(3). Respondents' prudential argument is inconsistent with Congress's intent as expressed in the exhaustion statute. It's nothing more than an end run around the mandamus standard (which they know they do not meet). But as Applicants explained, mandamus provides the remedy for any harm Respondents suffer through agency inaction. Stay App. 14; *accord Cf. NTCH*, 877 F.3d at 414 (dismissing complaint that "the Bureau's disputed order … was delayed far beyond §208(b)(1)'s five-month deadline" and noting that the petitioner never filed a claim "to 'compel agency action unlawfully withheld or unreasonably delayed'").

The All Writs Act empowers courts to issue writs of mandamus to the FCC even in the absence of a final order. *See TRAC v. FCC*, 750 F.2d 70, 75-77 (D.C. Cir. 1984). And under the APA, courts can award mandamus to "compel agency action unlawfully withheld or unreasonably delayed." 5 U.S.C. §706(1). That's the proper procedure for holding tardy agencies accountable. But a two-month wait here is hardly action "unreasonably delayed." *Id.* Respondents cite no authority that suggestions the agency has exceeded the bounds of reasonableness here.

III. Even if the Fourth Circuit had jurisdiction, there's a fair prospect this Court will reverse on the merits.

Respondents don't defend the Fourth Circuit's tautology that "the term 'candidate' means 'candidate.'" App. 39. That truism explains nothing, since the primary word in dispute is "use." Respondents try to backfill the Fourth Circuit's reasoning by explaining how "the use of any broadcasting station" really means "the exclusive funding of an ad." Their arguments expose the dearth of textual support for their position.

Respondents' chief argument claims support not from the text, but from their aggressive misunderstanding of a sentence in the United States' brief in a different case. Opp. 1 (quoting U.S. Reply Br., *NRSC v. FEC*, No. 24-621, 2025 WL 3068193, at *23 (U.S. Oct. 1, 2025)). Even the Fourth Circuit didn't credit that argument, finding it "hold[s] no weight" in determining the statute's meaning. App. 40. And the Solicitor General's brief in this case leaves no room to misappropriate the United States' position: "'candidate-party coordinated ads' that satisfy the 'other applicable requirements' of the statute and regulations, involve the 'use of any broadcasting station by [a] candidate.'" U.S. Br. 24 (citations omitted).

Respondents next rebut a strawman. No one suggests that a "candidate's mere appearance" entitles a committee to the LUC rate. *Contra* Opp. 30. A candidate's "use" of a broadcasting station must be "in connection with his campaign" and requires that the candidate approve and certify the broadcast. 47 U.S.C. §315(b)(2)(A). For a television broadcast, the ad must include "a clearly identifiable photographic or similar image of the candidate" and a statement "identifying the candidate and stating that the candidate has approved the broadcast and that the candidate's authorized committee paid for the broadcast." *Id.* §315(b)(2)(C). And in the case of a radio broadcast, the ad must include a "statement by the candidate that identifies the candidate, the office the candidate is seeking, and indicates that the candidate has approved the broadcast." *Id.* §315(b)(2)(D).

Respondents continue to confuse the object of "use" in the statute. The statute governs "use of any broadcasting station," not the use of funds. *Id.* §315(b)(1). Respondents muse at length about "[p]arty expenditures" and when joint fundraising committees "act 'on behalf of' participating candidates." Opp. 29-35. Those red herrings miss the text: the object of "use" is a "broadcasting station." The rest of the provision is concerned about the "[c]ontent of broadcasts," not who pays for them. 47 U.S.C. §315(b)(2). It is that "content" that most naturally informs what it means to "use" a "broadcasting station." Had Congress wanted to peg the LUC rate based on who pays for the ad rather than who uses the station, it would have said so. The more sensible reading is that "a party-coordinated advertisement that features a candidate's image and speech and message, and is authorized by the candidate, does seem like 'use' by the candidate, even if it is 'use' by the party, too." App. 79 (Wilkinson, J., dissenting).

As for the First Amendment, Applicants "can no more waive or forfeit the canons for appellate purposes than [they] can waive or forfeit the existence of a precedent or the words of a statute." *ECB USA v. Chubb Ins. Co. of N.J.*, 113 F.4th 1312, 1321 (11th Cir. 2024), *cert. denied*, 145 S. Ct. 1431 (2025). Applicants did not introduce a First Amendment *claim* in this case. They simply echo what Judge Wilkinson observed: if you take the majority's incorrect interpretation to its conclusion, it poses serious First Amendment problems. App. 79-89. Contrary to Respondents' argument, Opp. 35-36, "[a] party may always rely on a canon of construction to support the same interpretation" it advanced below, *ECB*, 113 F.4th at 1321. At a minimum, the Court can and should consider First Amendment concerns on the equities, where Applicants raised them at the first opportunity and they "unquestionably" show "irreparable injury." *Elrod v. Burns*, 427 U.S. 347, 373 (1976).

IV. The public interest and equities favor staying the Fourth Circuit's universal vacatur.

The Fourth Circuit never explained how its decision balances the equities or is in the public interest. It simply expedited the case "given the impending November general election," universally "set aside" the Media Bureau's public notice, and expedited issuance of the mandate of its own prerogative. App. 2, 27, 31, 51. It offered no explanation why any of those decisions is appropriate in light of the upcoming election.

Start with the public interest, which is acutely affected by the universal nature of the remedy and the impending election. Even if "'vacatur is the normal remedy'" in cases like this one, *see Bridgeport Hosp. v. Becerra*, 108 F.4th 882, 890 (D.C. Cir. 2024), courts "should 'think twice—and perhaps twice again—before granting' such sweeping relief," *United States v. Texas*, 599 U.S. 670, 702 (2023) (Gorsuch, J., concurring in the judgment). And here, the precipice of the election demands more care in doling out that automatic, universal relief—or at least in *expediting* that relief.

On the equities of late-breaking election-rule changes, *Purcell* is about more than "voters who might be confused." *Contra* Opp. 39. It holds that the equities favor "candidates, election officials, and voters [who] have relied on the rules in place at that time." *Malliotakis v. Williams*, 146 S. Ct. 809, 811 (2026) (Alito, J., concurring in grant of a stay) (citing *Purcell v. Gonzalez*, 549 U.S. 1 (2006)). Regardless, the Court need not apply *Purcell* to recognize that "the wisdom of the *Purcell* principle … seeks to avoid this kind of judicially created confusion." *RNC v. DNC*, 589 U.S. 423, 425 (2020) (per curiam). "Campaign finance rules are key to the legal landscape that shapes our political contests," which is why that wisdom "should" apply "in the campaign finance context." *OPAWL - Bldg. AAPI Feminist Leadership v. Yost*, 118 F.4th 770, 774 (6th Cir. 2024). Applicants and broadcasting stations are scrambling to budget and renegotiate contracts just before "the crucial phase of 60 days before the general election." *Citizens United*, 558 U.S. at 337. Call it *Purcell*, call it "a sensible refinement of ordinary stay principles for the election context," or call it common sense. *Merrill v. Milligan*, 142 S. Ct. 879, 881 (2022) (Kavanaugh, J., concurring in grant of applications for stays). The final equitable analysis is the same: "federal courts should ordinarily not alter the election rules on the eve of an election." *RNC v. DNC*, 589 U.S. at 424.

When balancing the equities, the parties' injuries aren't remotely comparable. Stay or no stay, Respondents will continue to enjoy the favorable LUC rates as individual candidates. Respondents don't dispute that "the Public Notice does not regulate" them, and that the "third parties" it does regulate have never been present in this litigation. Opp. 11. Rather, Respondents argue that immediately stripping *Applicants* of that same privilege is necessary to ease the "'competition intensified'" by the LUC rules. Opp. 12. Compare those "increased competition" injuries to Applicants' direct injuries: Broadcasting stations have already begun rescinding those once-guaranteed rates. Campaigns have been scrapped. Contracts nullified. Ads pulled. And campaign speech curtailed. All because Respondents fear Applicants will out-spend and out-perform them in the advertising game.

Respondents' indirect competitive injuries cannot outweigh the "individualized nature of irreparable harm" suffered by "candidates in the current election have formed their campaign strategies and expectations" around the longstanding rules that were in place until last week. *Lair v. Bullock*, 697 F.3d 1200, 1214 (9th Cir. 2012). Indeed, if the Court were to grant a stay, Respondents could continue to benefit from the very LUC rule they challenge through committee-coordinated and JFC ads. *See supra* Section I. Equity does not permit stripping one party's reliance interests to ease another party's perceived competition.

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The Fourth Circuit blew through at least two jurisdictional bars to reach a novel yet barely explained interpretation of campaign-finance law. All to relieve Democratic candidates of an alleged disadvantage before the upcoming election. Its rushed decision should be stayed pending disposition of a petition for writ of certiorari.

CONCLUSION

The Court should grant the emergency application for a stay.

Respectfully submitted,

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