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.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Sixth Circuit

MOTION FOR LEAVE TO INTERVENE OF THE DNC, DSCC, AND DCCC

MARC E. ELIAS
Counsel of Record
DAVID R. FOX
JACOB D. SHELLY
OMEED ALERASOOL
JULIANNA D. ASTARITA
ELIAS LAW GROUP LLP
250 Massachusetts Ave. NW,
Suite 400
Washington, DC 20001
(202) 968-4490
eliasm@elias.law

Counsel for the DNC, DSCC, and DCCC

RULE 29.6 DISCLOSURE STATEMENT

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

/s/ Marc E. Elias
Marc E. Elias
Counsel of Record
ELIAS LAW GROUP LLP
250 Massachusetts Ave. NW,
Suite 400
Washington, DC 20001
(202) 968-4490
eliasm@elias.law

Counsel for the DNC, DSCC and DCCC

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INTRODUCTION

The Republican Party has spent decades trying to eliminate statutory limits on political party expenditures that are coordinated with candidates' campaigns. *See Colo. Republican Fed. Campaign Comm. v. FEC*, 518 U.S. 604, 623 (1996) ("*Colorado I*"); *FEC v. Colo. Republican Fed. Campaign Comm.*, 533 U.S. 431 (2001) ("*Colorado II*"); *In re Cao*, 619 F.3d 410 (5th Cir. 2010) (en banc); *Nat'l Republican Senatorial Comm. v. FEC*, 117 F.4th 389 (6th Cir. 2024) (en banc) ("*NRSC*"). To date, those efforts have failed at every turn, thanks to this Court's careful analysis of the First Amendment in *Colorado II*, the courts of appeals' faithful application of that precedent, and the FEC's steadfast defense of Congress's regulatory prerogatives. Since this Court first recognized the constitutionality of coordinated expenditure limits in *Buckley v. Valeo*, 424 U.S. 1, 46–47 (1976) (per curiam), settled law has been respected as settled law, ensuring a stable, predictable campaign finance regime for party committees and political candidates across the country.

Two weeks ago, that equilibrium was severely disrupted. With the FEC lacking a quorum, the Solicitor General's May 19 response to the Petition for Writ of Certiorari ("Resp. Br.") abandoned the U.S. Government's heretofore consistent defense of the challenged statute and took the side of Petitioners in urging the Court to blow open the cap on the amount of money that donors can funnel to candidates through party committees' coordinated expenditures.

That extraordinary departure has resulted in an extraordinary situation: every brief on this Court's docket—from Petitioners, Respondents, and six amici curiae—echoes the same mistaken attack on the judgment below. No one has defended the handiwork of Congress or this Court, stifling the "lively conflict between antagonistic demands" that is essential to our system of justice. *Poe v. Ullman*, 367 U.S. 497, 503 (1961). This total lack of adversity requires correction, as Respondents concede in requesting a Court-appointed amicus curiae to defend the judgment below. *See* Resp. Br. 20.

But this Court has better options. For one, the Court can and should deny certiorari, rather than grant review in the absence of adversity. This case was already a poor candidate for review before the Solicitor General's decision to change position. The Court resolved the precise issues raised here in *Colorado II*, and stare decisis principles apply in full force. The First Amendment has not changed since 2001, the anti-circumvention and corruption concerns justifying the statute remain the same, and both en banc courts of appeals presented with Petitioners' arguments have rejected them. Candidates, political parties, and Congress in amending campaign finance law have all relied on *Colorado II* in the two-and-a-half decades since that case was decided. And there has certainly been no lack of robust campaign speech in that time. There is no need or reason for the Court to revisit *Colorado II* now.

If this Court does grant certiorari, however, it should not appoint a disinterested amicus with no stake in the matter. Instead, it should grant intervention to Movants Democratic National Committee, DSCC, and DCCC (collectively, the "Democratic Party Committees"). The Democratic Party Committees are subject-matter experts, include the mirror-image entities of two Petitioners, and possess a direct stake in vindicating their reliance interests in the existing regulatory regime. As Intervenor-Respondents, they will cure the lack of adversity and provide a vigorous and informed defense of the coordinated expenditure limits now under attack.

Alternatively, if the Court grants certiorari and denies intervention, the Democratic Party Committees request leave to participate in any oral argument as amici curiae.

BACKGROUND

I. This Court upheld FECA's limits on coordinated campaign expenditures.

The Federal Election Campaign Act (the "Act" or "FECA"), first enacted in 1971 and substantially amended in 1974, regulates election-related fundraising and spending with the aim of preventing corruption. FECA's "canonical regulation is the base contribution limit, which limits the amount an individual may donate directly to a candidate [and which] has checked actual and apparent 'quid pro quo' corruption in U.S. federal elections for the last fifty

years." *NRSC*, 117 F.4th at 421 (Stranch, J., concurring in the judgment) (citing *Buckley*, 424 U.S. at 26–29). And this Court has long held that limits on contributions are "generally constitutional," in contrast to limitations on total expenditures, which are not. *Colorado II*, 533 U.S. at 437.

In applying that distinction between contributions and expenditures, however, both FECA and this Court have, for decades, treated one category of expenditures as *de facto* contributions: "coordinated expenditures" that are made "in cooperation, consultation, or concert with, or at the request or suggestion of" a candidate, 52 U.S.C. § 30116(a)(7)(B)(ii); *Buckley*, 424 U.S. at 46. This Court accepted that treatment in *Buckley*, 424 U.S. at 46, and it has never cast doubt on it since. More than 20 years ago, the Court described the treatment of coordinated expenditures as contributions as "settled." *McConnell v. FEC*, 540 U.S. 93, 219 (2003).

The consistent treatment of coordinated expenditures as *de facto* contributions makes good sense. As the Court observed in *Buckley*, "expenditures controlled by or coordinated with the candidate and his campaign might well have virtually the same value to the candidate as a contribution and would pose similar dangers of abuse." *Buckley*, 424 U.S. at 46. There is little practical difference between a contributor giving money to a candidate, on the one hand, and a contributor spending that money in a way that the candidate and the contributor have discussed, on the other. Treating coordinated

expenditures as contributions is therefore necessary to "prevent attempts to circumvent the Act through prearranged or coordinated expenditures amounting to disguised contributions." *Id.* at 47.

Twenty-four years ago in *Colorado II*, the Court applied that straightforward reasoning to coordinated expenditures by political parties, holding that "the First Amendment allows coordinated election expenditures by parties to be treated functionally as contributions, the way coordinated expenditures by other entities are treated." 533 U.S. at 444. The Court therefore upheld FECA's limitation on coordinated spending by a political party in support of a political candidate. *Id.* at 440; *see* 52 U.S.C. § 30116(d). The Court explained that to rule otherwise would be to allow contributors to circumvent candidate contribution limits by giving to parties that could then engage in unlimited coordinated spending with those candidates. *Colorado II*, 553 U.S. at 456. "[A]ll Members of the Court agree[d] that circumvention is a valid theory of corruption . . . ." *Id.* at 456.

Having concluded that coordinated spending is properly treated as a contribution, *Colorado II* applied the familiar level of scrutiny for contribution and coordinated expenditure limits, asking whether the regulation was "'closely drawn' to match what [the Court] ha[s] recognized as the 'sufficiently important' government interest in combatting political corruption." *Id.* at 456. The Court observed that "substantial evidence demonstrates how candidates, donors, and parties test the limits of the current law,"

which "shows beyond serious doubt how contribution limits would be eroded if inducement to circumvent them were enhanced by declaring parties' coordinated spending wide open." *Id.* at 457.

The Court also rejected the argument that Congress is limited to alternative methods of countering the threat of circumvention. *Id.* at 462–64. Relying solely on the prohibition against "earmarking" party contributions to support a particular candidate, for example, would "ignore[] the practical difficulty" of monitoring compliance under "actual political conditions," where only the "most clumsy" donors would leave evidence of their illegal aims. *Id.* at 462. And any perceived advantage in tightening the limits on contributions to parties in lieu of limiting coordinated expenditures, the Court explained, turns on a formal distinction between contributions and expenditures that is inapplicable in the context of coordinated spending. *Id.* at 463–64.

As the Court concluded, "There is no significant functional difference between a party's coordinated expenditure and a direct party contribution to the candidate, and there is good reason to expect that a party's right of unlimited coordinated spending would attract increased contributions to parties to finance exactly that kind of spending." *Id.* at 464. Thus, "[c]oordinated expenditures of money donated to a party are tailor-made to undermine contribution limits." *Id.* "Congress," the Court said, is "entitled to its choice" in "limiting expenditures whose special value as expenditures is also the source of their power

to corrupt." *Id.* at 465. And the Court emphasized that parties had functioned without issue for "almost three decades" under the coordinated-spending limits. *Id.* at 449.

Just one year after *Colorado II* upheld FECA's limits on coordinated spending between parties and candidates, Congress enacted the Bipartisan Campaign Reform Act of 2002 (BCRA), which substantially amended federal campaign finance law. Pub. L. No. 107-155, 116 Stat. 81 (2002). In enacting BCRA, Congress relied on *Colorado II*'s acceptance of the treatment of coordinated expenditures as contributions to enact a new regime regulating coordinated electioneering communications more broadly. *See McConnell*, 540 U.S. at 202–03. And the Court in *McConnell* upheld that regime, explaining that "there is no reason why Congress may not treat coordinated disbursements for electioneering communications in the same way it treats all other coordinated expenditures." *Id.* at 203.

II. Republican committees continue seeking to overturn these limits.

It has now been more than fifty years since FECA established coordinated-spending limits for political parties, and nearly twenty-five years since *Colorado II* upheld them. But the Republican Party has never made peace with those limits. In the years since *Colorado II* was decided, Republican Party committees have repeatedly returned to the courts to argue for its reversal. And until just this month, the

FEC and the Department of Justice had consistently defended the challenged limits.

1. The Republican Party's first effort to reverse *Colorado II* came just seven years after it was issued, when the Republican National Committee and other plaintiffs filed suit in Louisiana challenging various coordinated spending limitations. *See In re Cao*, 619 F.3d at 414. The FEC provided a full-throated defense of those limitations, explaining that *Colorado II* remained good law and squarely foreclosed plaintiffs' claims.[1] In 2010, the en banc Fifth Circuit agreed with the FEC, holding that the plaintiffs' "exceedingly broad [First Amendment] argument" invited "a conclusion inconsistent with the *Colorado II* Court's teaching that coordinated expenditures may be restricted." *In re Cao*, 619 F.3d at 428. The Fifth Circuit emphasized that "the *Colorado II* Court's concern with corruption [was] particularly important since, in the present case, the [Republican National Committee and Republican congressional candidate] admit that they themselves have already taken steps to circumvent the Act's individual donor contribution limits." *Id.* at 429. These facts, the court concluded, "demonstrate the potential corruption and abuse that concerned *Colorado II*." *Id.*

The Fifth Circuit also highlighted the district court's finding that Republican Party committees

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[1] *See* Br. for the FEC at 14–25, *Cao v. FEC*, Nos. 10-30080 & 10-30146 (5th Cir. Apr. 12, 2010), available at https://www.fec.gov/resources/legal-resources/litigation/cao_ac_fec_brief.pdf.

"rarely reach their legal limit for coordinated expenditures in a particular House or Senate race." *Id.* at 431. Thus, contrary to plaintiffs' histrionic rhetoric about the "'suppression' of their speech," the court appreciated that "the Act's cap on coordinated expenditures seems a small price to pay to preserve 'the integrity of our system of representative democracy.'" *Id.* (quoting *Buckley*, 424 U.S. at 26).

2. The case below represents the Republican Party's most recent effort to take on *Colorado II*. In 2022, Petitioners—the National Republican Senatorial Committee ("NRSC"), National Republican Congressional Committee ("NRCC"), and two Republican candidates—initiated the underlying action to relitigate the same issues resolved by *Colorado II* and *In re Cao*. Pursuant to 52 U.S.C. § 30110, the Southern District of Ohio certified to the Sixth Circuit, sitting en banc, the question whether FECA's limits on political parties' coordinated expenditures are consistent with the First Amendment. *Nat'l Republican Senatorial Comm. v. FEC*, 712 F. Supp. 3d 1017, 1033 (S.D. Ohio 2024). Again, the FEC provided a comprehensive defense of FECA's limitations at every stage in the lower courts, defending *Colorado II*'s reasoning and arguing for its straightforward application.

Fifteen of the 16 judges on the Sixth Circuit en banc panel agreed that *Colorado II* controls and requires affirming the constitutionality of FECA's coordinated expenditure limits. *See NRSC*, 117 F.4th at 391 (opinion of Chief Judge Sutton, joined by

Judges Gibbons, Griffin, Kethledge, Thapar, Bush, Larsen, Nalbandian, Murphy, and Mathis); *id.* at 421 (concurring opinion of Judge Stranch, joined in full by Judges Moore and Clay and in part by Judges Davis and Bloomekatz); *id.* at 443 (concurring opinion of Judge Bloomekatz). Only Judge Readler dissented, faulting the FEC for relying principally on *Colorado II*, which he described as a "lone" precedent from this Court that he considered "largely obsolete." *Id.* at 445.

Because Chief Judge Sutton's opinion for the court, as well as concurring opinions by Judges Thapar and Bush, also expressed reservations about *Colorado II*'s enduring value, Judge Stranch's concurring opinion explained at length the sound logic apparent in *Colorado II*'s reasoning and its consistency with campaign finance precedent before and after its 2001 publication.

Judge Stranch began by recognizing—as the en banc majority did—that Petitioners' facial challenge is an exact replica of the claim in *Colorado II*, challenging the same regulation on the same grounds and seeking the same relief. *Id.* at 423. And like the majority, Judge Stranch recognized that Petitioners' fallback as-applied challenge is effectively indistinguishable from their facial challenge. *Id.* at 427–29.

Judge Stranch further explained the ways in which *Colorado II* faithfully applied the "closely drawn" scrutiny that this Court has regularly employed in analogous cases. *Id.* at 424. Turning first

to the government interest, she identified *Colorado II*'s focus on "quid pro quo" corruption, which remains "consistent with current doctrine." *Id.* *Colorado II*, she explained, eschewed a requirement of narrow or "perfect" tailoring, just like this Court's more recent precedents. *Id.* at 425 (citing *McCutcheon v. FEC*, 572 U.S. 185, 218 (2014)). *Colorado II* also identified substantial record evidence corroborating the need for anticorruption measures. *Id.*

Judge Stranch rejected arguments that 2014 amendments to FECA creating exceptions to the coordinated expenditure limits rendered those limits fatally underinclusive because this Court has rejected the notion that a law can violate the First Amendment "by abridging *too little* speech." *Id.* at 426 (quoting *Williams-Yulee v. Fla. Bar*, 575 U.S. 433, 448–49 (2015). Because FECA's exceptions for general party-building activities like conventions, headquarters, and legal proceedings carry a lighter risk of quid pro quo corruption, Judge Stranch observed that the carve-outs "tighten the limits' fit with their anti-corruption goals." *Id.* She was further unpersuaded that any of the factual developments Petitioners identified related to Super PACs, soft money, and the internet "undermine *Colorado II*'s premise that political parties are dominant players in federal elections and the corresponding corruption risks that attended that assumption." *Id.*

Judge Stranch then conducted a plenary review of Petitioners' facial challenge on the merits and concluded that—even absent *Colorado II*'s

precedential force—FECA's coordinated expenditure limits would necessarily survive First Amendment review. They remain properly tailored to preventing quid pro quo corruption, which has proved a live and recurring risk in our political system *Id.* at 429–37. Judge Stranch closed her concurrence by warning that any importation of a "history and tradition" test into First Amendment jurisprudence would exceed the judicial institutional competence and hurl lower courts into chaos. *Id.* at 438–43.

3. Petitioners petitioned for certiorari on December 4, 2024. Respondents successfully moved to postpone the deadline for their response on January 2, again on January 27, again on February 26, again on March 27, and again on April 30. Together, the five extensions delayed Respondents' due date from January 6 to May 19, 2025. Over the course of these 19 weeks, the FEC—by statute, a six-member body—lost its ability to achieve a four-member quorum because of two resignations and one removal.[2] On May 19, with the FEC unable to take a position, the Solicitor General responded to the petition on behalf of Respondents and reversed the FEC's decades-long defense of FECA's coordinated-spending limitation. Resp. Br. 18.

The Solicitor General's reversal leaves the 50-year-old limitation on coordinated spending by political parties, and this Court's 24-year-old precedent

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[2] *See* Jessica Piper, *Departure on FEC hobbles the election enforcement agency*, POLITICO (Apr. 30, 2025), www.politico.com/news/2025/04/30/fec-quorum-00318077.

upholding it, entirely undefended before the Court. With this motion, the Democratic Party Committees request that if the Court grants the Petition, the Court also allow them to intervene to defend the judgment below, rather than appoint an amicus who lacks the Democratic Party Committees' direct and substantial interests in the matter.

MOVANTS

The Democratic National Committee ("DNC"), the oldest continuing party committee in the United States, is the Democratic Party's national committee as defined by 52 U.S.C. § 30101(14). The DNC is dedicated to electing Democratic candidates in federal, state, and local elections across the country. DSCC, also known as the Democratic Senatorial Campaign Committee, is the Democratic Party's national senatorial committee, as defined by 52 U.S.C. § 30101(14). Its mission is to elect candidates of the Democratic Party to the U.S. Senate. DCCC, also known as the Democratic Congressional Campaign Committee, is the Democratic Party's national congressional committee as defined by 52 U.S.C. § 30101(14). Its mission is to elect candidates of the Democratic Party to the U.S. House of Representatives. Together, these Democratic Party Committees constitute the national Democratic Party for purposes of federal campaign finance law.

In support of their respective missions, the Democratic Party Committees solicit contributions, including through joint fundraising committees formed with Democratic candidates. They also make

expenditures—both independently of and in coordination with individual candidates—to support Democratic campaigns. In the 2024 election cycle, for example, the DNC raised and spent over $650 million dollars; DSCC raised and spent over $250 million, and DCCC raised and spent over $300 million. These fundraising, expenditure, and coordination activities have all been fine-tuned to comply with FECA's existing regulatory landscape. *Cf. Nat'l Republican Senatorial Comm.*, 712 F. Supp. 3d at 1025 (recognizing myriad means by which Petitioner NRSC has organized its activities to comply with coordinated expenditure limit). Because the Democratic Party Committees have long relied upon FECA's coordinated campaign expenditure limit to structure their mission-critical activities across the country, Petitioners' requested elimination of that limit would require the Democratic Party Committees to substantially reshape their operations and forfeit carefully developed tactical efficiencies.

ARGUMENT

I. Intervention in these circumstances is consistent with precedent.

The Democratic Party Committees should be permitted to intervene pursuant to this Court's "general equity powers." *United States v. Louisiana*, 354 U.S. 515, 516 (1957) (per curiam). This Court has deemed intervention appropriate where, like here, a party to lower court proceedings abandons its litigation position. *See, e.g.*, *Banks v. Chi. Grain*

Trimmers Ass'n, Inc., 389 U.S. 813 (1967) (granting intervention), 390 U.S. 459 (1968) (adjudicating merits); *Hunter v. Ohio ex rel. Miller*, 396 U.S. 879 (1969); *cf. Bryant v. Yellen*, 447 U.S. 352, 366 (1980) (agreeing private-party intervention was appropriate below where governmental defendant abandoned position). This Court has also granted intervention where the proposed intervenor sought to advance an interest not shared by other parties. *See, e.g.*, *Gonzales v. Oregon*, 546 U.S. 807 (2005); *NLRB v. Acme Indus. Co.*, 384 U.S. 925 (1966), *opinion published* 385 U.S. 432 (1967); *United States v. Terminal R.R. Ass'n of St. Louis*, 236 U.S. 194, 199 (1915). Because the Solicitor General refuses to defend the coordinated campaign expenditure limits—and there is no other party to fill that void—intervention is appropriate to restore full adversity to these proceedings.

Adversity, this Court has emphasized, is essential to our system of justice, which "is premised on the well-tested principle that truth—as well as fairness—is 'best discovered by powerful statements on both sides of the question.'" *Penson v. Ohio*, 488 U.S. 75, 84 (1988) (quoting Irving R. Kaufman, *Does the Judge Have a Right to Qualified Counsel?*, 61 A.B.A.J. 569, 569 (1975)). This Court is best served by "a clash of adversary argument exploring every aspect of a multifaceted situation embracing conflicting and demanding interests." *United States v. Fruehauf*, 365 U.S. 146, 157 (1961). Thus, in previous cases where the Executive Branch refused to defend a challenged statute, this Court has permitted an intervenor to do

so in its stead. *See, e.g.*, *United States v. Windsor*, 570 U.S. 744, 761 (2013) (recognizing intervenor's "sharp adversarial presentation of the issues satisfies the prudential concerns that otherwise might counsel against hearing an appeal from a decision with which the principal parties agree"); *INS v. Chadha*, 462 U.S. 919, 939 (1983).

To be sure, *Windsor* and *Chadha* each involved intervention in the lower courts by a congressional body. In those cases, however, the Executive Branch had refused to defend the challenged statutes in the lower courts, rendering intervention necessary in the cases' early stages. Here, in contrast, there was no reason for intervention below—the FEC was defending the law, as it had for decades, and Movants had every reason to expect it to continue to do so. *Cf. Athens Lumber Co., Inc. v. FEC*, 690 F.2d 1364, 1366 (11th Cir. 1982) (affirming denial of intervention where FEC adequately represented movant's interests). Intervention became necessary only when the Solicitor General abandoned that longstanding defense just two weeks ago. And the Court should not count on congressional intervention to oppose Petitioners here, given that both the House of Representatives and the Senate are currently controlled by members affiliated with Petitioners NRCC and NRSC, respectively.

In this unusual situation, permitting intervention in this Court by the Democratic Party Committees will best vindicate the judicial interest in "that concrete adverseness which sharpens the

presentation of issues upon which the court so largely depends" for the illumination of constitutional questions. *Baker v. Carr*, 369 U.S. 186, 204 (1962).

II. The Democratic Party Committees are ideal intervenors.

The Democratic Party Committees are well suited to fill the void created by the Solicitor General's refusal to defend longstanding federal law and this Court's precedent. *First*, unlike an appointed amicus, the Democratic Party Committees have a direct stake in the matter. Indeed, the reliance interests relevant to the stare decisis analysis are held *by them*. *See Moragne v. States Marine Lines, Inc.*, 398 U.S. 375, 403 (1970) (observing that "the desirability that the law furnish a clear guide for the conduct of individuals" is "often considered the mainstay of stare decisis"); *Bendix Autolite Corp. v. Midwesco Enters.*, 486 U.S. 888, 897–98 (1988) (Scalia, J., concurring in the judgment) (indicating that "the ultimate objective of the rule of stare decisis" is enabling and protecting "confident expectations"); Amy Coney Barrett, *Originalism and Stare Decisis*, 92 Notre Dame L. Rev. 1921, 1921 (2017) ("Stare decisis is a sensible rule because, among other things, it protects the reliance interests of those who have structured their affairs in accordance with the Court's existing cases.")

Politics is too expensive—and too important—for the Democratic Party Committees' approach to raising and spending money to be improvised from scratch each cycle. Fundraising strategies are perfected over time, and spending priorities are

adopted to maximize the value of every dollar. These decisions are necessarily structured to comply with the limits—and implicitly, the incentives—set by FECA. The limits on coordinated campaign expenditures advantage parties that field candidates who are capable of attracting support from a broad sweep of donors relative to candidates who depend on a small number of maxed-out supporters to funnel additional funds through party committees. And the current rules help shield party committees from the invitation to corruption. The Democratic Party Committees have tailored their campaign finance approach to rules that have existed for over half a century, and they have a vested interest in preventing the legal upheaval that Petitioners (and now Respondents) hope to achieve.

Second, the Democratic Party Committees are appropriate intervenors here because DSCC and DCCC are mirror-image entities to Petitioners NRSC and NRCC, respectively, with mirror-image interests. *See Democratic Nat'l Comm. v. Bostelmann*, No. 20-CV-249-WMC, 2020 WL 1505640, at *5 (W.D. Wis. Mar. 28, 2020) (granting permissive intervention because Republican Party intervenors were "uniquely qualified to represent the 'mirror-image' interests" of Democratic Party plaintiffs) (citing *Builders Ass'n of Greater Chi. v. Chicago*, 170 F.R.D. 435, 441 (N.D. Ill. 1996)). In our two-party system, elections are zero-sum, such that any advantage gained by NRSC and NRCC necessarily comes at the expense of their Democratic counterparts. Allowing the Democratic Party Committees to intervene here will benefit the

Court's consideration of this case by providing the necessary second half of the equation. *See Democratic Party of Va. v. Brink*, No. 3:21-CV-756-HEH, 2022 WL 330183, at *2 (E.D. Va. Feb. 3, 2022) (allowing Republican Party of Virginia to intervene in action by Democratic counterpart because "it brings a unique perspective on the election laws being challenged").

Third, the Democratic Party Committees have extensive experience litigating complex campaign finance cases. *See, e.g.*, *Democratic Nat'l Comm. v. Trump*, No. 25-cv-587-AHA (D.D.C.); *DCCC v. FEC*, No. 24-cv-2935-RDM (D.D.C.); *DSCC v. NRSC*, No. 97-cv-1493-JHG (D.D.C.); *DSCC v. FEC*, 139 F.3d 951 (D.C. Cir. 1998); Br. of Amicus Curiae on Behalf of Democratic Nat'l Comm. et al., *Colorado I*, 1996 WL 72347 (Feb. 16, 1996); *FEC v. DSCC*, 454 U.S. 27 (1981). That intimate familiarity with the regulatory landscape would guarantee informed, expert-level advocacy on both sides of the case.

III. Alternatively, the Democratic Party Committees request leave to participate in any oral argument as amici curiae.

If the Court is inclined to grant certiorari but to deny intervention, the Democratic Party Committees respectfully request in the alternative that the Court permit them to participate in oral argument as amici curiae. Allowing the Democratic Party Committees to join any appointed amicus in argument would be consistent with this Court's practice to ensure enacted statutes receive a full and complete defense. *See Seila L. LLC v. CFPB*, 591 U.S. 197, 201 (2020) (granting

special leave for interested amicus to join appointed amicus in arguing in defense of statute disclaimed by Solicitor General).

CONCLUSION

If the Court grants the Petition for Writ of Certiorari, it should also grant intervention to the Democratic National Committee, DSCC, and DCCC to defend the decision below.

Respectfully submitted,

/s/ *Marc E. Elias*
Marc E. Elias
Counsel of Record
David R. Fox
Jacob D. Shelly
Omeed Alerasool
Julianna D. Astarita
ELIAS LAW GROUP LLP
250 Massachusetts Ave. NW,
Suite 400
Washington, DC 20001
(202) 968-4490
eliasm@elias.law

Counsel for the DNC, DSCC, and DCCC