

No. 24-621

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**In the  
Supreme Court of the United States**

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NATIONAL REPUBLICAN SENATORIAL COMMITTEE,  
ET AL.,

*Petitioners,*

v.

FEDERAL ELECTION COMMISSION, ET AL.,

*Respondents.*

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

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**REPLY IN SUPPORT OF MOTION FOR LEAVE  
TO FILE SUPPLEMENTAL BRIEF ON  
JURISDICTION**

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LEAVE TO FILE SUPPLEMENTAL BRIEF ON  
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Petitioners correctly note (Mot. i) that this Court’s rules authorize “part[ies]” to file supplemental briefs *as of right* under certain conditions, *see* Sup. Ct. R. 25.6, and make no provision for *amici* to file supplemental briefs. But nothing in the rules bars an *amicus* from seeking leave to file a supplemental brief when necessary. And, of course, this is no ordinary *amicus* posture. At the FEC’s suggestion, the Court itself appointed *amicus* to defend the Sixth Circuit’s judgment below. Consistent with that role, *amicus* identified in his response brief serious jurisdictional problems that were never aired at the non-adversarial certiorari stage—prompting petitioners and the FEC to offer defenses of jurisdiction for the very first time in reply. A supplemental brief is the only vehicle for *amicus* to provide the Court with a written response to those newly raised defenses of jurisdiction.

In *amicus*’s view, the entire purpose for his appointment was to ensure that the Court receives full, adversarial briefing on all the major issues in this case. A full hearing is especially important given the weighty separation-of-powers principles at stake here, where the Executive Branch has decided not to defend an Act of Congress and there are real reasons to question this Court’s authority to reach the merits under Article III. Petitioners’ effort to block this Court from even considering *amicus*’s responses to their first-ever defense of jurisdiction is surprising—and telling. Petitioners’ apparent defensiveness ultimately just reinforces the need for the Court to

carefully scrutinize the jurisdictional defects *amicus* has identified.

As for petitioners' own supplemental brief, much of it is a transparent attempt at a do-over. Petitioners could have—and should have—made most of the arguments that brief contains in their initial reply. Petitioners' need to reconceptualize their textual theories, invoke new authority, and even propose a new potential plaintiff underscores the threshold messiness that makes this case a poor vehicle for review of the question presented. Despite all this, *amicus* has no objection to the Court treating petitioners' supplemental brief as properly filed and fully considering their latest attempt to establish jurisdiction.

*Amicus* looks forward to more fully addressing petitioners' new jurisdictional points at oral argument next week.

Respectfully submitted,  
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