UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

REPUBLICAN NATIONAL COMMITTEE, et al.,

Plaintiffs,

v.

JUSTIN WETZEL, *in his official capacity as the clerk and registrar of the Circuit Court of Harrison County*, et al.,

Defendants,

and

VET VOICE FOUNDATION and MISSISSIPPI ALLIANCE FOR RETIRED AMERICANS,

Intervenor-Defendants.

No. 1:24-cv-00025-LG-RPM

consolidated with

LIBERTARIAN PARTY OF MISSISSIPPI,

Plaintiff,

v.

JUSTIN WETZEL, *in his official capacity as the clerk and registrar of the Circuit Court of Harrison County*; et al.,

Defendants,

and

VET VOICE FOUNDATION and MISSISSIPPI ALLIANCE FOR RETIRED AMERICANS,

Intervenor-Defendants.

No. 1:24-cv-00037-LG-RPM

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NOTICE OF SUPPLEMENTAL AUTHORITY

Intervenor-Defendants alert the Court to a recent decision in *RNC v. Burgess*, No. 3:24-cv-198, ECF No. 88 (D. Nev. July 17, 2024), dismissing that case for lack of standing. *See* **Attachment A ("Order").** It supports granting summary judgment to Defendants here.

Burgess is identical to this case in all material respects. There, Republican-aligned plaintiffs—including the RNC—raised the same claims asserted here against Nevada's analogous ballot receipt deadline. The complaints in both matters are nearly indistinguishable and, most notably, contain effectively the same standing allegations. *Compare* ECF 1 ¶¶13-17, 48, 56-61 *with Burgess*, ECF 1 ¶¶13-20, 48-51, 56-60.

The court dismissed for lack of standing. It first rejected any claim of competitive standing. *See* Order at 3-7. The court found that any "causal link" between counting ballots after election day and the plaintiffs "alleged electoral injuries" was "too speculative to support standing" because it required the court to assume too much about the independent choices of voters. *Id.* at 3-4. The court also found that the law did not impose a "state-imposed disadvantaged" on plaintiffs. *Id.* at 5-7. "Any 'advantage' that Democrats may gain from the four-day grace period is one that appears to be equally available to, but simply less often employed by, Republicans." *Id.* at 7.

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The court next rejected plaintiffs' claimed diversion of resources injury. Order at 7-10. It found their alleged expenditures to be no more than "business as usual" that failed to allege a "concrete harm." *Id.* at 8. Because plaintiffs "made no allegations that the Nevada mail ballot receipt deadline harms the integrity of the mail ballot counting process," they also could not rely on diverting resources to post-election monitoring activities as an injury. *Id.* at 9-10.

Finally, the court rejected vote dilution as a basis for standing, recognizing that theory "has been repeatedly rejected by federal courts." *Id.* at 10-14. Framing such dilution in partisan terms

did not change matters: the deadline "neither undermines [Republicans'] access to the polls nor disproportionately diminishes the weight of their votes relative to other Nevada voters." *Id.* at 13.

Dated: July 22, 2024

Respectfully submitted,

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