

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

JAN 21 2026

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

REPUBLICAN NATIONAL
COMMITTEE; et al.,

Plaintiffs - Appellants,

v.

CARI-ANN BURGESS, in her official
capacity as the Washoe County Registrar of
Voters; et al.,

Defendants - Appellees,

VET VOICE FOUNDATION; et al.,

Intervenor-Defendants - Appellees.

No. 24-5071

D.C. No.

3:24-cv-00198-MMD-CLB

District of Nevada,

Reno

ORDER

Submission of this case was deferred on September 25, 2025, pending a decision from the United States Supreme Court in Bost v. Illinois State Board of Elections, No. 24-568. The Court issued a decision in Bost on January 14, 2026. The Court also has granted certiorari in Watson v. Republican National Committee, No. 24-1260, with respect to the following issue: “Whether the federal election-day statutes[, 2 U.S.C. § 7, 2 U.S.C. § 1, and 3 U.S.C. § 1,] preempt a state law that allows ballots that are cast by federal election day to be received by election officials after that day.” The parties are directed to file simultaneous briefs on the following two questions:

(1) What is the effect, if any, of Bost on the issues in this case?

(2) Regardless of the answer to question (1), should this court continue to defer submission of this appeal pending a decision from the United States Supreme Court in Watson?

The briefs shall be filed by February 27, 2026, and shall not exceed 15 pages.

FOR THE COURT:

MOLLY C. DWYER
CLERK OF COURT

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