

In the Supreme Court of the State of Nevada

REPUBLICAN NATIONAL
COMMITTEE; NEVADA
REPUBLICAN PARTY; DONALD
J. TRUMP FOR PRESIDENT
2024, INC.; and SCOTT
JOHNSTON,

Appellants,

vs.

FRANCISCO V. AGUILAR, in his
official capacity as NEVADA
SECRETARY OF STATE; STATE
OF NEVADA; CARI-ANN
BURGESS, in her official capacity
as the Washoe County Registrar
of Voters; JAN GALASSINI, in
her official capacity as the
Washoe County Clerk; LORENA
PORTILLO, in her official
capacity as the Clark County
Registrar of Voters; LYNN
MARIE GOYA, in her official
capacity as the Clark County
Clerk; VET VOICE
FOUNDATION; and the
NEVADA ALLIANCE FOR
RETIRED AMERICANS,

Respondents.

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Clerk of Supreme Court

Case No.: **89149**

First Judicial District Court
Case No.: 24 OC 00101 1B

INTERVENOR-RESPONDENTS' RESPONSE TO PLAINTIFFS' NOTICE OF SUPPLEMENTAL AUTHORITY

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*Attorneys for Intervenor-Respondents Vet Voice Foundation and the
Nevada Alliance for Retired Americans*

Respondents Vet Voice Foundation and the Nevada Alliance for Retired Americans submit this response to Plaintiffs' "Rule 31(e) Notice of Supplemental Authority" pursuant to Rule 28(j).

Plaintiffs' "supplemental authority" is not legal authority. It is a piece of factual evidence from outside the record that is offered to support a factual argument that Plaintiffs did not make in their brief or in the district court—that voters can take extraordinary steps to ensure their ballot is postmarked. The Notice cites page 43 of Plaintiffs' opening brief, which includes no argument that voters can ensure their ballots are postmarked by taking them to a post office. And while the USPS Notice was issued only recently, Plaintiffs admit that similar, older documents exist. The issue has been waived.

Regardless, Nevada law does not require voters to take their mail ballots in person to post offices, and nothing in the record suggests that any meaningful number of voters do so. The USPS Notice as a whole confirms Respondents' broader point: that the Postal Service seeks to postmark every mail ballot but through inadvertence sometimes fails to do so, so that NRS 293.269921(1) will usually govern whether mail

ballots are timely received, but NRS 293.269921(2) will govern for those rare mail ballots without a determinable postmark date.

Dated this 16th day of October, 2024.

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CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of October, 2024, a true and correct copy of **INTERVENOR-RESPONDENTS' RESPONSE TO PLAINTIFFS' NOTICE OF SUPPLEMENTAL AUTHORITY** was served upon all counsel of record by electronically filing the document using the Nevada Supreme Court's electronic filing system.

By: /s/ Dannielle Fresquez
Dannielle Fresquez, an Employee of
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