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July 2, 2026

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VIA CM/ECF

Molly Dwyer, Clerk of the Court
Office of the Clerk
U.S. Court of Appeals for the Ninth Circuit
P.O. Box 193939
San Francisco, California 94119-3939

Re: *Republican National Committee v. McDonald*,^{*}
Case No. 24-5071

Dear Ms. Dwyer:

Pursuant to the Court's order of June 29, 2026, *see* Dkt. 90.1, the Democratic National Committee files this letter brief discussing the effect of the U.S. Supreme Court's opinion in *Watson v. Republican National Committee*, No. 24-1260, 2026 WL 1855462 (June 29, 2026), on the issues in this case.

As this Court recognized in January, the Supreme Court granted certiorari in *Watson* to address “[w]hether the federal election-day statutes . . . preempt a state law that allows ballots that are cast by federal election day to be received by election officials after that day.” Dkt. 78.1 at 1 (citation modified). That is the same legal question underlying Plaintiffs’ complaint in this

^{*} Pursuant to Federal Rule of Appellate Procedure 43(c)(2), Cari-Ann Burgess’s successor as the Washoe County Registrar of Voters, Andrew McDonald, is automatically substituted as a party in his official capacity.

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case. *See* ER-20–21 (“Congress has established a uniform, national day to elect members of Congress and to appoint presidential electors Nevada contravenes those federal laws by counting mail ballots that are received up to four business days after Election Day[.]”). *Watson* has resolved this question in no uncertain terms: “[T]he [federal] election-day statutes do not set a deadline for ballot receipt, so they do not prevent [States] from counting ballots postmarked before election day yet received afterward.” 2026 WL 1855462, at *7. Thus, *Watson* disposes of this case.

Watson also forecloses Plaintiffs’ earlier suggestion that “a remand could be warranted to address Nevada’s different ballot-receipt procedures like acceptance of a ballot even if it lacks a postmark in certain circumstances.” Dkt. 81.1 at 8 (citation modified). *Watson* emphasized that “state law is preempted by the federal election-day statutes only so far as the conflict extends.” 2026 WL 1855462, at *12 (citation modified). Because the federal election-day statutes are silent as to *how* a State ascertains that a voter’s “choice [was] made on election day,” *id.* at *7, any idiosyncrasies or evidentiary presumptions in Nevada’s post-election ballot-receipt rules are immaterial, *see* Nev. Rev. Stat. § 293.269921(2); *cf.* *Watson*, 2026 WL 1855462, at *12 (“[E]ven if plaintiffs are right about Mississippi law, they would still lose

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the challenge they have pressed in this litigation: that post-election-day ballot receipt is itself unlawful.”).

Because *Watson* resolves the merits of this case, there is no need for further briefing or argument. The Court may “affirm the [District Court’s] dismissal on any basis fairly supported by the record,” *Ochoa v. Pub. Consulting Grp., Inc.*, 48 F.4th 1102, 1106 (9th Cir. 2022), and expeditious affirmance is particularly appropriate here in light of the impending election, *see, e.g., Purcell v. Gonzalez*, 549 U.S. 1, 5 (2006) (per curiam) (recognizing value of “clear guidance”).

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Respectfully submitted this 2nd day of July, 2026.

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CERTIFICATE OF COMPLIANCE

I hereby certify that this letter brief complies with the page limit set forth in the Court's order of June 29, 2026. *See* Dkt. 90.1.

s/ Kevin J. Hamilton

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the attached document with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system on July 2, 2026.

s/ Kevin J. Hamilton