

No. 24-1260

IN THE
Supreme Court of the United States

MICHAEL WATSON, MISSISSIPPI SECRETARY OF STATE.,
Petitioner,

v.

REPUBLICAN NATIONAL COMMITTEE, ET AL,
Respondents.

On Writ of Certiorari to the
United States Court of Appeals for the
Fifth Circuit

**Brief of the Public Interest Legal Foundation
and The American Constitutional Rights Union
as *Amici Curiae* in Support of Respondents**

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- Vote-by-Mail, Florida Division of Elections,
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- Public Interest Legal Foundation, *Worst to First: The Transformation of American Election Integrity* 8-9, (Apr 2023),
[https://publicinterestlegal.org/wp-content/uploads/2023/04/Report-Worst to First-Web.pdf](https://publicinterestlegal.org/wp-content/uploads/2023/04/Report-Worst-to-First-Web.pdf) (last accessed Feb 11, 2026) 4-5
- Douglas Mackinnion, *Counting votes once made Florida a laughingstock. Now it's the gold standard*, The Hill,
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INTERESTS OF *AMICI CURIAE*¹

The Public Interest Legal Foundation, Inc. (“Foundation”) is a non-partisan, public interest 501(c)(3) organization whose mission includes working to protect the fundamental right of citizens to vote and preserving election integrity across the country. The Foundation has sought to advance the public’s interest by protecting the federalist arrangement in the Constitution regarding elections, including in a case involving the same central issue as here.

The American Constitutional Rights Union (ACRU) is a non-partisan, non-profit 501(c)(3) organization that supports the constitutional structure of election administration and promotes compliance with federal and state election laws. The ACRU seeks to advance civil rights because it believes civil rights are fundamental liberties available to all. As part of its mission, it seeks to defend constitutionally protected civil rights, with a strong emphasis on preserving free and fair elections. A central tenet of its mission is to honor the constitutional authority vested in states to regulate the “times, places and manner” of elections, ensuring that all citizen votes are protected from unconstitutional burdens. The ACRU has a particular focus on protecting the rights of military voters.

¹ No counsel for a party authored this brief in whole or in part, nor did any person or entity, other than *amici curiae* and their counsel, make a monetary contribution intended to fund the preparation or submission of this brief.

SUMMARY OF ARGUMENT

Federal law establishes a uniform Election Day for federal offices in order to promote finality, public confidence, and administrable election rules. *See* 2 U.S.C. §§1, 7; 3 U.S.C. §1. That uniformity is undermined when States extend ballot receipt beyond Election Day, effectively prolonging federal elections after voting has concluded.

Florida's experience illustrates how an Election Day ballot-receipt deadline can operate effectively in practice. After years of administrative uncertainty and delayed outcomes, Florida adopted a clear rule requiring that all mail ballots be received by Election Day. Fla. Stat. § 101.67(2) (2025). That reform has contributed to timely tabulation, accurate results, and public confidence in election administration, demonstrating the practical benefits of Congress's chosen framework.

Contrary to Petitioner's assertions, enforcing the federal Election Day statutes does not threaten military or overseas voting. Congress has expressly protected those voters through the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) and the Military and Overseas Voter Empowerment (MOVE) Act. Those statutes mandate early ballot transmission, provide enforcement mechanisms, and operate alongside, not in derogation of, the federal Election Day statutes. Petitioner's contrary theory would render Congress's carefully crafted protections superfluous.

This Court should affirm the judgment below and preserve the uniform, final Election Day Congress enacted. This brief does not attempt to repeat

Respondents’ textual and historical analysis demonstrating that the federal election-day statutes require ballots to be received by Election Day. Instead, amici attempt to address the practical operation of those statutes, explaining how a uniform receipt deadline promotes administrability, finality, and public confidence while fully protecting voting rights for military and overseas voters.

ARGUMENT

I. Historical Context Preceding Florida’s Changes.

Florida’s election management practices have historically been the subject of scrutiny and criticism. The state’s challenges became especially prominent during the 2000 presidential election, when issues with ballot design, voter intent, and ballot counting processes highlighted systemic inefficiencies. *See generally Bush v. Gore*, 531 U.S. 98 (2000). The controversy over the “hanging chads” and recount procedures drew national attention, underscoring the need for substantial reform to restore confidence in Florida’s electoral system. *Id.*

The problems experienced during the 2000 election were symptomatic of broader issues within Florida’s election management. Delays in ballot processing, concerns about the handling of mail ballots, and a lack of clear procedural guidelines contributed to widespread skepticism about the accuracy and fairness of elections. These challenges emphasized the necessity for comprehensive reforms to enhance the efficiency and reliability of Florida’s voting processes.

II. Florida's 2024 Election Day Policy.

A. Florida Ballots Must be Returned by Election Day.

As Respondents explain, the federal election-day statutes establish not merely a date on the calendar but a deadline by which the ballot box must close nationwide. *See* 2 U.S.C. §§1, 7; 3 U.S.C. §1 *see also*, *Foster v. Love*, 522 U.S. 67, 70 (1997). A federal election is not complete until election officials have received the ballots that will determine the result. Florida's experience illustrates how that closing principle operates in practice. In Florida, Election Day is the end of voting in the state. Florida has a straightforward system that requires the receipt of all mail ballots by Election Day. Fla. Stat. § 101.67(2) (2025). Florida's statute requires that mail ballots must be received by the supervisor of elections' office by 7:00 p.m. on Election Day in order to be counted. *Id.* To facilitate returning these ballots, Florida allows them to be returned by mail, in person, or in a secured drop box. Vote-by-Mail, Florida Division of Elections, (Feb 11, 2026), <https://dos.fl.gov/elections/for-voters/voting/vote-by-mail/>. Both military and civilian voters living overseas are given an additional 10 days under federal law. Fla. Stat. § 101.6952(5) (2025). This straightforward requirement helps keep elections running smoothly and efficiently.

In addition to being in alignment with federal law, implementing an Election Day deadline for mail ballot receipt has streamlined Florida's election administration. By eliminating the potential for late-arriving ballots to complicate vote counting, the policy

has reduced processing delays compared to other states. See Public Interest Legal Foundation, *Worst to First: The Transformation of American Election Integrity* 8-9, (Apr 2023), https://publicinterestlegal.org/wp-content/uploads/2023/04/Report-Worst_to_First-Web.pdf (last accessed Feb 11, 2026). This approach also enhances the accuracy of vote counts and ensures that election results are reported in a timely manner. *Id.*

B. Effective Counting on Election Night.

The effectiveness of Florida's policy against late ballots was particularly evident in the 2022 election. The policy allowed for a swift counting of all the ballots on election night. Consequently, on election night 2022, Florida had one of the fastest turnaround times for reporting results. *Id.* The strict deadline for mail ballots, along with many other reforms, ensured that all ballots were processed and counted without delays. See generally *Id.* The Associated Press was so confident in Florida's election night returns that it was able to call the House, Senate, and Gubernatorial races within two hours of the polls closing. The latest race was called at 8:52 p.m. on election night. *Id.* at 8-9.

The same is true of the 2024 election. Very few states cast more ballots than Florida. However, over 93 percent of the Florida votes were publicly reported by 9:30 p.m. Eastern time on election night — a mere 90 minutes after polls had closed across the state. Douglas Mackinnion, *Counting votes once made Florida a laughingstock. Now it's the gold standard*,

The Hill, <https://thehill.com/opinion/campaign/4971473-counting-votes-once-made-florida-a-laughingstock-now-its-the-gold-standard/>. By contrast, Pennsylvania still had 25 percent of its ballots left to count at 9 a.m. the next morning. *Id.*

III. Broader Implications and Lessons for Other States

Florida's experience offers valuable lessons for other jurisdictions seeking to improve their election systems. The state's success in enhancing its electoral process through the adoption of a no-late-ballots policy provides a compelling case for the implementation of clear deadlines in election administration across the nation.

Congress established a uniform national Election Day to prevent elections from unfolding over multiple days or weeks, which historically created opportunities for strategic behavior, uncertainty, and diminished public confidence. Allowing ballots to arrive after Election Day recreates the very problem Congress sought to eliminate by leaving the electorate unsettled after the national voting deadline has passed.

The broader implications of Florida's approach extend beyond the state's borders and illustrate the importance of balancing accessibility with efficiency to achieve a reliable and transparent electoral system. Other states considering reforms should draw on Florida's experience to guide their efforts in strengthening election integrity and improving the efficiency of their voting processes.

Florida's reforms also highlight the significance of addressing both procedural and operational aspects of election management. By focusing on clear deadlines and streamlined processes, states can achieve a more effective and trustworthy electoral system. Florida's success serves as a model for other jurisdictions striving to enhance their own election administration practices.

As the briefs for the Respondents correctly argue, Congress preempted state laws that count ballots beyond the date of the election. The legislative history suggests that Congress intended for a uniform national Election Day to act as a check to election fraud, double voting, and voters moving from one state to another. See *Vote Integrity Project, Inc. v. Keisling*, 259 F.3d 1169, 1174 (9th Cir. 2001) (citing Cong. Globe, 42 Cong., 2d Sess. 618 (1872)). Using Florida as an example, one can see that Congress was correct in the benefits of a uniform Election Day. The growing number of States that have experimented with post-Election-Day receipt deadlines does not alter Congress's command. Recent state practices cannot override the federal election-day statutes, and congressional silence in the face of such experimentation does not constitute acquiescence, particularly where Congress has repeatedly legislated in the election arena without modifying the uniform Election Day requirement. Having a uniform Election Day by which ballots have to be collected and counted increases the efficiency and security of elections. The Respondents' briefs correctly state that statutes allowing ballots to be received after Election Day are preempted by federal law and the amici proposes that

looking to Florida provides a good case study for why Congress passed such laws in the first place.

IV. Enforcing Federal Election Day Statutes Does Not Affect Military or Overseas Voting Because Congress Has Expressly Protected Those Voters Through UOCAVA and the MOVE Act

Petitioner and supporting amici repeatedly warn that enforcing the federal Election Day statutes would imperil military and overseas voters. That claim is incorrect as a matter of law. Congress has already enacted a comprehensive, express statutory framework protecting those voters. And this framework that operates independently of, and in harmony with, the federal Election Day statute.

A. Congress Specifically Addressed Military and Overseas Voting Through UOCAVA.

In 1986, Congress enacted the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) to ensure that members of the uniformed services and overseas citizens could participate in federal elections notwithstanding logistical challenges inherent in military service and international residence. 52 U.S.C. §§ 20301–20311.

UOCAVA does not merely encourage accommodation; it mandates it, requiring states to provide absentee ballots and voting mechanisms tailored to the unique circumstances of covered voters. *Id.* Critically, Congress enacted UOCAVA against the backdrop of longstanding federal Election

Day statutes. Yet Congress did not repeal, amend, or weaken those statutes. Instead, it legislated around them, creating targeted protections for a discrete class of voters.

That choice matters. When Congress intends to carve out exceptions to federal election rules, it does so expressly. When Congress determines that particular voters require special accommodation, it enacts targeted statutory provisions rather than authorizing States to extend federal elections generally. UOCAVA reflects precisely such a limited, congressionally defined exception. UOCAVA is such an exception, not an implicit license for States to extend elections generally.

**B. The MOVE Act Confirms Congress's
Intent to Protect Military Voters
Without Extending Election Day.**

Congress reinforced this framework in the Military and Overseas Voter Empowerment (MOVE) Act of 2009, enacted as part of the National Defense Authorization Act for Fiscal Year 2010. The MOVE Act strengthened UOCAVA by imposing concrete deadlines, most notably the requirement that States transmit absentee ballots to military and overseas voters at least 45 days before federal elections. 52 U.S.C. §§ 20302(a).

That requirement reflects Congress's considered judgment: the proper solution to military voting challenges is earlier ballot transmission, not post-Election-Day voting. Congress thus ensured that military voters would have sufficient time to receive, mark, and return ballots before Election Day, preserving both access and finality.

Importantly, nothing in the MOVE Act authorizes States to keep federal elections open after Election Day for the general electorate. On the contrary, the Act presupposes that elections conclude on Election Day, and it adjusts upstream procedures to accommodate that endpoint.

**C. Petitioner’s Argument Would
Render UOCAVA and MOVE Act
Superfluous.**

If States already possessed inherent authority to extend ballot receipt deadlines beyond election day for federal elections, UOCAVA and the MOVE Act would be largely unnecessary. Congress would not have needed to mandate early transmission, create federal enforcement mechanisms, or authorize the Department of Justice to bring civil actions against noncompliant States. 52 U.S.C. §§ 20301–20311.

Statutory interpretation disfavors such redundancy. Congress’s enactment of detailed protections for military voters confirms that post-Election-Day ballot receipt is the exception, not the rule, and that any such exception must come from Congress, not from unilateral state action.

Far from endangering military voters, enforcing the federal Election Day statutes preserves the statutory bargain Congress struck: robust protections for military and overseas voters alongside a uniform, final Election Day for federal elections.

States remain fully empowered, and obligated, to comply with UOCAVA and the MOVE Act. What they may not do is invoke military voting as a justification for extending federal elections for all voters in ways Congress never authorized.

This Court should reject Petitioner's attempt to leverage congressionally protected military voters to justify a broader departure from federal election law.

CONCLUSION

For these reasons, *amici* respectfully requests that this Court affirm the judgment of the United States Court of Appeals for the Fifth Circuit.

Respectfully submitted,

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