



INSTITUTE FOR FREE SPEECH

July 1, 2026

The Hon. David J. Smith
Clerk of Court
U.S. Court of Appeals for the Eleventh Circuit
56 Forsyth Street, N.W.
Atlanta, GA 30303

Re: *Safe Affordable Georgia v. Chairman of the State Ethics
Comm., et al.*, No. 26-10312
Rule 28(j) Notice of Supplemental Authority

Dear Mr. Smith:

The Supreme Court's recent decision in *National Republican Senatorial Committee v. FEC*, No. 24-621, 609 U.S. ____ (June 30, 2026) (“*NRSC*”) further demonstrates that this case is not moot and that Plaintiff seeks the correct remedy.

Mootness

The Court waived away an argument that *NRSC* was moot because Vice President J.D. Vance, a Senate candidate at the case's outset, no longer has “definite plans to run for any specific federal office” in the future.” Op. 5. That Vance maintains a statement of candidacy with the FEC and a campaign committee sufficed to avoid mootness. *Id.* at 6. Here, Plaintiff Safe Affordable Georgia still exists and intends to coordinate with candidates in the future. Thus, the controversy remains live.

Remedy

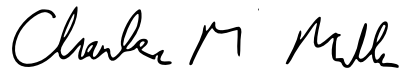
NRSC struck a federal restriction on political-party coordination with candidates, *id.* at 2, and noted the recent abandonment of the “watered-down scrutiny that allowed ‘unskillful tailoring’ of campaign-finance restrictions for “a stricter form of scrutiny,” *id.* at 23.

When a restriction isn't appropriately tailored, "the First Amendment requires [courts] to err on the side of protecting political speech rather than suppressing it." *Id.* at 12. Because Georgia allows the governor and lieutenant governor to receive unlimited contributions to use towards primary races, erring on the side of protecting political speech "requires" courts to lift the unskillfully-tailored coordination limits placed on Plaintiff.

Courts must be vigilant in restoring free-speech rights. "[I]n light of the First Amendment and free-speech rights at stake, courts must be particularly vigilant. Courts cannot simply say, 'what's the harm in allowing just one more regulation' when that regulation would limit the freedom of speech." *Id.* at 20. Rather, "courts must preserve and protect the freedom of speech guaranteed by the Framers." *Id.* The Court trumpeted striking the coordination limits in *NRSC* as allowing all political parties "to participate more freely and compete more fully in the political process, and to coordinate more closely with their candidates." *Id.* at 29.

A court certainly shouldn't *impose* such a limit. Applying *NRSC* here, the challenged limits should be lifted for Plaintiff so it may more closely coordinate with candidates.

Sincerely,



Charles Miller
Senior Attorney
Institute for Free Speech
Counsel for Plaintiff-Appellant

Cc: All Counsel of Record

Certificate of Type-Volume Limit

I hereby certify on this 1st day of July, 2026 that this letter complies with the length limit of Fed. R. App. P. 28(j), because the body of the letter contains 348 words.

/s/ Charles Miller
Charles M. Miller