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July 8, 2026

David J. Smith
Clerk of Court
U.S. Court of Appeals for the Eleventh Circuit
56 Forsyth Street NW
Atlanta, Georgia 30303

Re: Response to Appellant’s Notice of Supplemental Authority, *Safe Affordable Georgia v. Chairman of the State Ethics Commission, et al.*, No. 26-10312

Mr. Smith:

Appellees write in response to Appellant’s Rule 28(j) notice citing the Supreme Court’s decision in *National Republican Senatorial Committee v. Federal Election Commission*, No. 24-621, 609 U.S. ____ (June 30, 2026) (“NRSC”). That decision does not assist SAGA with mootness or remedy.

Mootness. SAGA invokes NRSC for the proposition that continued organizational existence and a general intent to coordinate with future candidates suffices to avoid mootness. But NRSC is inapplicable here. There, the Court’s mootness analysis turned on the fact that Vice President Vance “still maintain[ed] an active ‘Statement of Candidacy’ on file with the FEC indicating his intent to run for Senate in 2028, as well as a principal campaign committee . . . that has raised money for a Senate race.” Slip op. at 6.

SAGA, on the other hand, cannot point to *any* comparable documentation evidencing its concrete plan to coordinate with any identified candidate. On the contrary, SAGA expressly disclaimed at oral argument any intention to support any candidate other than Mr. Raffensperger. Unlike the Vice President’s active FEC filings, SAGA’s vague assertion of future coordination is precisely the “conjectural or hypothetical” threat this Court has held insufficient to sustain a live controversy. *See Bourgeois v. Peters*, 387 F.3d 1303, 1309 (11th Cir. 2004).

Remedy. NRSC is likewise inapposite on the merits. NRSC addressed limits on the coordinated expenditures of a political party—an entity that “select[s] slates of candidates,” serves as voters’ primary vehicle for identifying candidates, and shares a “special relationship and unity of interest” with its nominees. NRSC, slip op. at 24 (quoting *McConnell v. FEC*, 540 U.S. 93, 145 (2003)).

SAGA, however, is *not* a political party. Rather, SAGA is a hybrid PAC created to support one candidate in one race. And, notably, *NRSC* expressly declined to address “the statutory limits on coordinated expenditures by outside groups,” *id.* at 26 n.6, a carve-out that forecloses SAGA’s analogy. Accordingly, extending *NRSC* would disregard the very distinctions on which the Supreme Court’s holding rests.

As such, *NRSC* provides no basis to avoid dismissal or to grant SAGA the relief it seeks.

Respectfully,

/s/ David B. Dove
David B. Dove

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