

March 20, 2023

BY ELECTRONIC FILING

Clerk of the Court
Supreme Court of the United States
One First Street, N.E.
Washington, D.C. 20543

Re: *Moore v. Harper*, No. 21-1271

To the Clerk of the Court:

In response to the Court’s March 2, 2023, request for supplemental letter briefs in the above-captioned case, we write on behalf of the *Harper* Respondents.

On May 20, 2022, *Harper* Respondents submitted their brief in opposition to the petition for a writ of certiorari arguing that this Court lacked jurisdiction under 28 U.S.C. § 1257(a) because the case under review was not final and no exceptions applied under *Cox Broadcasting Corporation v. Cohn*, 420 U.S. 469 (1975). See Br. for *Harper* Resps. in Opp’n to Pet. for Certiorari at 11–15. The February 3, 2023 order from the North Carolina Supreme Court and subsequent proceedings to date do not change this conclusion.

To the extent the Court is concerned that Elections Clause disputes will “keep arising until the Court definitively resolves” the issue, *Moore v. Harper*, 142 S. Ct. 1089, 1089 (2022) (Kavanaugh, J., concurring), such that it is inclined to issue a decision here, it should do so only to conclusively—and finally—reject fully the independent state legislature theory.

Sincerely,



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cc: See attached service list

CERTIFICATE OF SERVICE

I, Abha Khanna, hereby certify that I emailed the foregoing Letter Brief for Harper Respondents in 21-1271, *Timothy K. Moore, in his official capacity as Speaker of the North Carolina House of Representatives, et al. v. Rebecca Harper, et al.*, this 20th day of March, 2023 to:

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