No. 24-568

IN THE
Supreme Court of the United States

MICHAEL J. BOST, ET AL.,
Petitioners,
v.

ILLINOIS STATE BOARD OF ELECTIONS, ET AL.,
Respondents.

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

BRIEF OF CENTER FOR ELECTION CONFIDENCE, INC., AS *AMICUS CURIAE* IN SUPPORT OF PETITIONERS

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IDENTITY AND INTERESTS OF *AMICUS CURIAE*[1]

Center for Election Confidence, Inc. ("CEC") is a non-profit organization that promotes ethics, integrity, and professionalism in the electoral process. CEC works to ensure that all citizens can vote freely within an election system of reasonable procedures that promote election integrity, prevent vote dilution and disenfranchisement, and instill public confidence in election systems and outcomes. To accomplish this, CEC conducts, funds, and publishes research and analysis regarding the effectiveness of current and proposed election methods. CEC is a resource for lawyers, journalists, policymakers, courts, and others interested in the electoral process. CEC also periodically engages in public-interest litigation to uphold the rule of law and election integrity and files *amicus* briefs in cases where its background, expertise, and national perspective may illuminate the issues under consideration. For example, CEC (previously known as Lawyers Democracy Fund) participated as *amicus curiae* in the U.S. Supreme Court in *Moore v. Harper*, 600 U.S. 1 (2023), *Allen v.*

[1] No counsel for a party authored this brief in whole or in part, and no person other than the *amicus* and its counsel made any monetary contribution intended to fund the preparation or submission of this brief.

Pursuant to S. Ct. Rule 37(2), the parties have been notified of CEC's intent to file this *amicus* in support of petitioners.

Milligan, 599 U.S. 1 (2023), and *Ritter v. Migliori*, 143 S. Ct. 297 (2022).

CEC finds the Seventh Circuit's decision to dismiss Congressman Bost's complaint under a contrived doctrine of standing troubling. Until 2020, candidates enjoyed broad standing to challenge election laws that required them to allocate resources, such as money and time, differently.

Upholding the rule of law and election integrity requires courts, at the very least, to follow this Court's historic standing jurisprudence with respect to candidates. CEC's interest, therefore, is helping this Court to understand the gravity of the Seventh Circuit's decision in the context of broader election law challenges.

SUMMARY OF ARGUMENT

Election results come and election results go. The only thing constant, besides the litigation, is the unpredictable nature of the results. The unpredictable nature of the results, in turn, demands that candidates play an important role in ensuring public confidence in the results by observing the electoral process. When a court, such as the Seventh Circuit, declines to hear a case because the candidate lacks standing, according to its judgment, "it was Plaintiffs' choice to expend resources to avoid a hypothetical

future harm—an election defeat,”[2] it harms candidates’ opportunities to build that confidence.

Public confidence in the electoral process “encourages citizen participation in the democratic process.” *Crawford v. Mario Cnty. Election Bd.*, 553 U.S. 181, 197 (2008). When the electoral process seems unfair, is hidden behind an opaque veil, or is subject to *potential* fraud, public confidence is diminished. *E.g.*, *Brnovich v. Democratic Nat’l Comm.*, 594 U.S. 647, 672 (2021) (“Fraud can also undermine public confidence in the fairness of elections and the perceived legitimacy of the announced decision.”). In Illinois, the law authorizes candidates and political parties to appoint pollwatchers in order to build confidence in the electoral process. 10 Ill. Comp. Stat. 5/17-23(1)-(2) (authorizing parties and candidates to “appoint two pollwatchers per precinct”); *id.* 5/7-34(1)-(2) (same, for primary elections); *id.* 5/19-10 (same, for observing early voting procedures and vote by mail processing and counting); *id.* 5/19A-60 (same, for early in person voting). Where the office that a candidate seeks encompasses multiple counties, such candidates are entitled to appoint up to two pollwatchers per precinct throughout the entirety of the relevant district. *Id.* 5/17-23(5). The pollwatchers themselves are entitled to

> observe all proceedings and view all reasonably requested records relating to

[2] Pet. App. 11a.

> the conduct of the election . . . and to station themselves in a position in the voting room as will enable them to observe the judges making the signature comparison between the voter application and the voter registration record card . . . . Pollwatchers may challenge for cause the voting qualifications of a person offering to vote and may call to the attention of the judges of election any incorrect procedure or apparent violations of this Code.

Id.

The Seventh Circuit's discussion of standing widely misses this Court's jurisprudence by departing from this Court's jurisprudence and adding criteria. Because the Seventh Circuit departed from this Court's historic jurisprudence, this case provides an opportunity for the Court to reaffirm its nearly century-old candidate standing doctrine and warn District and Circuit Courts against "succumbing to the temptation to use the doctrine of Article III standing as a way of avoiding some particularly contentious constitutional questions" and to properly cabin *Clapper v. Amnesty International, USA*, 568 U.S. 398 (2013) to truly speculative injuries rather than as an excuse for lower courts to avoid the merits of a case. *Parents Protecting Our Child., UA v. Eau*

Claire Area Sch. Dist., 604 U.S. ___, 2 (2024) (Alito, J., dissental).[3]

Further, the Seventh Circuit's decision places candidates in the proverbial Catch-22: File too early and risk District and Circuit Courts dismissing perennial disputes on standing grounds or file too late and risk those same courts dismissing disputes as moot. *Republican Party of Pa. v. Degraffenreid*, ___ U.S. ___, 141 S. Ct. 732, 738-39 (2021) (Alito, J., dissental) (Questioning whether the case was truly moot and noting that the parties brought the challenge well before the election). When courts refuse to hear cases filed well in advance of an election, they invite the late challenges, which themselves are often properly dismissed due to the lack of a record, the pendency of an election, or the attempt to overturn an otherwise narrow electoral result. The Court should grant the Petition for Writ of Certiorari to clarify further that candidates have standing to challenge state election laws and practices they reasonably expect will be in place during the next election cycle and to encourage courts to hear the disputes, develop robust records, and provide detailed constitutional analysis without the looming pendency of an election. *See id*. at 737 (Thomas, J., dissental) ("Because the judicial system is not well suited to address these kinds of questions in the short time period available

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[3] In both cases, the underlying courts heavily relied on *Clapper* to establish the proposition that plaintiffs "cannot manufacturer standing merely by inflicting harm on themselves based on their fears of hypothetical future harm that is not certainly impending." *See*, *e.g.*, Pet. App. 10a-11a.

immediately after an election, we ought to use available cases outside that truncated context to address these admittedly important questions. Here, we have the opportunity to do so almost two years before the next federal election cycle.")

The Seventh Circuit altered criteria to the Court's traditional standing jurisprudence. When discussing standing, the Supreme Court has never distinguished between a candidate on the one hand or a typical, noncandidate plaintiff on the other. That is to say, the Court applies the same constitutional analysis to a plaintiff whether it be a private citizen, corporation, or candidate.

As Congressman Bost's Petition raises only the issue of standing, it will be unnecessary for this Court to opine on the substantive challenge. Despite that, the Court should be aware that challenges to substantive election law expanding the definition of election day are matriculating through the District and Circuit Courts. *Republican Nat'l Comm. v. Wetzel*, 120 F.4th 200 (5th Cir. 2024) and *Republican Nat'l Comm. v. Burgess*, No. 24-cv-198, 2024 WL 3445254 (D. Nev. July 17, 2024) (currently on appeal to the U.S. Court of Appeals for the Ninth Circuit, *see* Court of Appeals Docket No. 24-5071). This Court would, thus, benefit from the Seventh Circuit's record and reasoned opinion should one of these other challenges eventually ascend to this Court.

ARGUMENT

A. Review is Necessary to Correct the Seventh Circuit's Improper Standing Analysis

The Seventh Circuit is correct to say that courts must "consider the threshold issue of standing—'an essential and unchanging part of the case-or-controversy requirements of Article III.'" *Horne v. Flores*, 557 U.S. 433, 445 (2009) (quoting *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 560 (1992)); *see also* U.S. Const. art. III, § 2. For a plaintiff to have standing, he must have a "personal stake" in the case. *Raines v. Byrd*, 521 U.S. 811, 819 (1997). For a plaintiff to demonstrate standing, he must show that (1) he suffered an injury in fact, which is concrete and particularized, rather than conjectural or hypothetical; (2) the injury is fairly traceable to the challenged action of the defendant; and (3) the injury must be likely, as opposed to merely speculative, and redressable by a favorable decision. *See Lujan*, 504 U.S. at 560-561. The plaintiff bears the burden of establishing standing and maintaining it throughout the case. *Id.*, 504 U.S. at 561.

As with many of this Court's decisions, the primary concern in this case is that of "injury in fact." Citing *Clapper* and Congressman Bost's prior margin of victory, the Seventh Circuit determined that he lacked standing. *See* Pet. App. 10a-11a.[4] This both

[4] "[I]t was Plaintiffs' choice to expend resources to avoid a hypothetical future harm—an election defeat. But whether the counting of ballots received after Election Day would cause them

misstates the standard for "injury in fact" and misapplies *Clapper*.

Additionally, it is difficult to tell from the Circuit's analysis precisely what presumptions or standards it applied when determining Congressman Bost lacked standing. That is to say, the District and Circuit Courts appear to have applied the wrong analytical standard – applying the one required at the summary judgment stage rather than the one for the pleading stage. As noted in *Lujan*, courts should "presume that general allegations embrace those specific facts that are necessary to support the claim," while during summary judgment "the plaintiff can no longer rest on such mere allegations, but must set forth by affidavit or other evidence specific facts, which for purposes of the summary judgment motion will be taken to be true." *Lujan*, 504 U.S. at 561 (internal citations and quotations omitted); *see also Friends of the Earth, Inc. v. Laidlaw Env't Servs. (TOC), Inc.*, 528 U.S. 167, 198 (2000) (Scalia, J., dissenting) ("General allegations of injury may suffice at the pleading stage, but at summary judgment plaintiffs must set forth 'specific facts' to support their claims."). By substituting their own interpretation of the plaintiffs' injuries – namely electoral defeat – rather than relying on the injuries plaintiffs alleged – loss of money and time – the

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to lose the election is speculative at best. Indeed, Congressman Bost, for example, won the last election with seventy-five percent of the vote."

District and Circuit Courts clearly did not apply the presumptions required at the pleading stage.

An injury-in-fact is one that is concrete. For an injury to be concrete, in turn, it "must be *de facto*; that is, it must actually exist." *Spokeo v. Robins*, 578 U.S. 330, 340 (2016) (internal quotation marks omitted); *see also TransUnion LLC v. Ramirez*, 594 U.S. 413, 424 (2021). Concrete does not mean, by implication, that an injury is intangible. *Spokeo*, 578 U.S. at 340. Instead, the conception of concreteness is to avoid courts deciding "abstract, intellectual problems," *Coleman v. Miller*, 307 U.S. 433, 460 (1939) (Frankfurter, J., dissenting), focusing instead on an injury that "is certainly impending." *Clapper*, 568 U.S. at 409. When alleging both that federal law preempts a state statute and that the state statute *will cause* future pecuniary loss, the prospective and intangible harm is "real, immediate, and direct." *Davis v. FEC*, 554 U.S. 724, 734 (2008).

When determining whether a prospective, intangible injury is concrete, history plays a critical role. Because standing is part of the case-or-controversy requirement, which itself is "grounded in historical practice, it is instructive to consider whether an alleged intangible harm has a close relationship to a harm that has traditionally been regarded as providing a basis for a lawsuit in English or American courts." *Spokeo*, 578 U.S. at 340-341. Courts have long allowed parties to challenge the constitutionality of statutes, so long as the "prospective operation of a statute that presents a

realistic and impending threat of direct injury." *Davis*, 554 U.S. at 734 (citing *Babbitt v. Farm Workers*, 442 U.S. 289, 298 (1979)). Similarly, courts have recognized that the loss of money is a very tangible, and actionable, harm and differentiate between that and the loss of political power. *E.g.*, *Raines*, 521 U.S. at 820-821.

To the Seventh Circuit, though, the injury Congressman Bost is seeking to avoid is "an election defeat." This misstates the injuries alleged in the complaint and the opinion itself contradicts this assertion. The Complaint alleges that Illinois law permits officials to count "vote-by-mail ballots received up to 14 calendar days after the day of the election[and] shall be counted as if cast and received on or before Election Day," and that even "vote-by-mail ballots without postmarks shall be counted if received up to 14 calendar days after Election Day if the ballots are dated on or before election day."[5] This is despite the fact that Congress, exercising its constitutional authority, has established "the first Tuesday after the first Monday in November of every even-numbered year [as] election day for federal elections."[6] According to the Complaint, among other

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[5] Pet. App. 84a.

[6] *Id*. at 81a; *see also* U.S. Const. art. I, § 4. Indeed, naming a uniform election day for presidential elections is within the express purview of Congress. *See* U.S. Const. art. II, § 1, cl. 4. Further, naming a uniform election day for congressional elections is within the proper exercise of Congress' limited power under the Elections Clause. *See* U.S. Const. art. I, § 4, cl.

injuries alleged as a result of Illinois's attempts to extend Election Day, Congressman Bost must determine "resources allocated to the post-election certification process," which itself means that he must "spend money, devote time, and otherwise injuriously rely on unlawful provisions of state law in organizing, funding, and running [his] campaign[ ]."[7]

The decision, similarly, acknowledges "Plaintiffs also claim that the ballot receipt procedure forces them to spend additional time and money operating their campaign organizations beyond Election Day (for example, to oversee the counting of mail-in ballots)" and that the "challenged policy imposed tangible monetary harms by forcing them to use resources to contest ballots that arrived after Election Day."[8]

1; *See also 2022 Midterms Look Back Series: Successes in the 2022 Midterm Election: Hearing before Subcomm. on Elections of the H. Comm. on H. Admin.*, 118th Cong. 54-105 (2023) (Submission for the Record, Rpt.: The Elections Clause: States' Primary Constitutional Authority Over Elections, which describes as appropriate the congressional exercise of Elections Clause authority to ensure the Congress is populated properly with Representatives from the States); The Federalist 61 (Alexander Hamilton) (quoted in Robert G. Natelson, *The Original Scope of the Congressional Power to Regulate Elections*, 13 U. Pa. J. Const. L. 1 (Nov. 2010) (Natelson notes that Federalists and "[a]t least some Anti-Federalists" agreed that "the [Elections] Clause would enable Congress to fix nationally-uniform election days [for congressional elections.]" *Id*. at 33)).

[7] Pet. App. 87a-89a.

[8] Pet. App. 4a, 10a.

Only by altering the injuries alleged and misapplying *Clapper* did the Seventh Circuit reach the conclusion that the plaintiffs' injuries were speculative. *Clapper* itself is inapplicable here and has been recently overused by lower courts to dismiss disputes presenting difficult constitutional questions. *Clapper* was a challenge to Foreign Intelligence Surveillance Act (FISA) where the plaintiffs' alleged that their "communications will be acquired . . . at some point in the future." *Clapper*, 568 U.S. at 401. Such allegations were very speculative because, in part, the relevant law provided that "U.S. persons cannot be targeted for surveillance" and the plaintiffs "fail to offer any evidence that their communications have been monitored." *Id*. at 411. Further, FISA "*authorizes*—but does not *mandate* or *direct*—the surveillance that respondents fear, respondents' allegations are necessarily conjectural." *Id*. at 412 (emphasis original).

The injuries alleged, thus, were completely speculative. The intelligence or federal law enforcement apparatus *may* intercept calls. Those entities *may* violate the Fourth Amendment. And the plaintiffs *may* have their constitutional rights violated by such violations. None of that is present in this case. Illinois law, as described above, permits the plaintiffs to send pollwatchers into precincts and observe the electoral process to assist the state with enhancing public confidence in elections. State law also requires officials to receive and process ballots received up to two weeks after Election Day. Federal law establishes a single day for federal elections. The

plaintiffs allege they must spend additional resources—money and time—exercising their rights under state law to observe the electoral process during the additional time. The Complaint says little to nothing about electoral defeat. Instead, the plaintiffs' averments that they must spend additional resources is concrete and guaranteed to happen because of the law. And the diversion of resources has long been recognized as sufficiently concrete. *See Havens Realty Corp. v. Coleman*, 455 U.S. 363 (1982).

Because the Seventh Circuit misapplied this Court's jurisprudence on standing, misinterpreted *Clapper*, and added criteria to the standing analysis, this Court should grant the Petition.

B. Past Election Margins Are No Guarantee of Future Electoral Victory

The Seventh Circuit was wrong to change the nature of injury alleged to find that the plaintiffs lacked standing. Its decision to cite Congressman Bost's margin of victory is equally wrong. Several candidates this year alone lost reelection when, in previous years, they enjoyed comfortable margins of victory. By effectively adding previous margins of victory to the analysis for standing where a plaintiff is a candidate, the Circuit fails to account for how the electorate may change.

In 2018, for example, Senator Robert P. Casey, Jr., won reelection by 13.12 points, or 657,589 votes,[9] while in 2024, he lost reelection by just 0.22 percent or 15,115 votes.[10] Or, in a state with deadlines similar to Illinois such as California, candidates who win with clear margins one cycle may not in the next. For example, in 2022, Rep. Mike Garcia won re-election by 6.4 points or 12,732 votes, Rep. Michelle Steel won by 4.8 points or 10,494 votes.[11] Both Rep. Garcia and Rep. Steel lost their 2024 reelection bids.[12]

The prior margin of victory for these candidates, applying the Seventh Circuit's rationale, would have deprived all of them the opportunity to challenge state election laws, had they elected to do so.

Prospectively, the Seventh Circuit's decision makes it harder for candidates and political parties – as described below – to bring challenges to election

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[9] Commonwealth of Pennsylvania, Election Results, 2018 General Election (Official Returns), https://www.electionreturns.pa.gov/General/SummaryResults?ElectionID=63&ElectionType=G&IsActive=0 (last accessed Dec. 9, 2024).

[10] Commonwealth of Pennsylvania, Election Results, 2024 General Election (Official Returns), https://www.electionreturns.pa.gov/General/SummaryResults?ElectionID=63&ElectionType=G&IsActive=0 (last accessed Dec. 9, 2024).

[11] *Democrats Have Won 40 of California's 52 U.S. House Seats*, Politico (Nov. 26, 2022), https://www.politico.com/2022-election/results/california/house/.

[12] *California House Results 2024*, NBC News (Dec. 17, 2024), https://www.nbcnews.com/politics/2024-elections/california-house-results.

laws unless those challenges are brought in the immediate lead up to an election, which, in turn, places candidates in the proverbial Catch-22 of bringing such challenges too late under *Purcell*.[13]

C. The Seventh Circuit's Decision Places Candidates in a Catch-22, Challenge Too Early or Too Late

The Seventh Circuit altered or added criteria to the standing analysis: the margin of victory for candidates and the timing of the challenge. As to the first, this Court makes no distinction between a candidate, or "regular" plaintiffs on the other. *E.g.*, *Davis*, 554 U.S. at 724. As to the second, the decision places candidates and parties in an impossible situation – challenge too early and the case may be dismissed as too speculative or challenge too late and risk the courts finding the dispute moot.

Broadly, this Court has criticized circuits for altering the standing analysis. That standing analysis, as addressed earlier in these briefs, is best explained in cases like *TransUnion*, *Spokeo*, *Friends of the Earth, Inc.*, *Arizonans for Official English v. Arizona*,[14] and *Lujan*. *TransUnion* and *Spokeo* best represent times when a Circuit, in these cases the Ninth Circuit, altered this Court's standing jurisprudence apparently to achieve specific results. In both cases, the Ninth Circuit found prospective informational injuries were sufficiently concrete to

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[13] *Purcell v. Gonzalez*, 549 U.S. 1 (2006).
[14] 520 U.S. 43 (1997).

proceed. And in both cases, this Court either disagreed or partially disagreed.

The Court has also addressed standing for both candidates and members of Congress. Both categories have long enjoyed standing to challenge laws that negatively impact them. *E.g.*, *FEC v. Cruz*, 596 U.S. 289, 296-98 (2022); *Cook v. Gralike*, 531 U.S. 510 (2001); [15] *Anderson v. Celebrezze*, 460 U.S. 780 (1983);[16] *Powell v. McCormack*, 395 U.S. 486 (1969); *Coleman*, 307 U.S. at 438-43. The types of injuries they allege include monetary, with a potential loss of salary as exemplified in *Powell*, to a loss of institutional authority in *Coleman*. [17] The instant challenge is both one alleging a loss of time and money and challenging, under various provisions, the constitutionality of Illinois election law. As a candidate, Congressman Bost has suffered monetary loss because of a potentially preempted or otherwise unconstitutional law.

For the Seventh Circuit, the remoteness of the injury was another factor for dismissing based on a lack of standing. The Circuit noted that the 2024

[15] Permitting a candidate to challenge Missouri's constitutional amendment requiring candidates for Congress to "use all of his or her delegated powers to pass the Congressional Term Limits Amendment." *Cook*, 531 U.S. at 514.
[16] The Court assumed Anderson as a candidate for President had standing and the decision, in part, addressed the constitutionality of Ohio's ballot access laws.
[17] *See Powell*, 395 U.S. at 498 (salary); *Coleman*, 307 U.S. at 438 (loss of institutional authority due to an alleged unconstitutional action).

general election, at the time was "months away and the voting process [had] not even started, making any threat of an inaccurate vote tally" speculative, at least to "a certainly impending injury." Pet. App. 15a. Yet, as recognized by multiple Justices, courts should ensure that challenges to election law matriculate through the lower courts on something other than an expedited schedule. *Degraffenreid*, 141 S. Ct. at 737 (Thomas, J., dissental); *id.* at 738 (Alito, J., dissental).

Where a candidate challenges a state election law, especially arguing about the constitutionality of such a law, courts should recognize that a candidate has standing and welcome the opportunity to opine on the topic outside the immediacy of a pending election. In the case of Illinois law, the statutes requiring officials to receive and count absentee ballots received up to two weeks after an election will be applicable in the next primary and general elections for federal office. Congressman Bost's allocation of resources will still be an issue, regardless of his prior margins of victory.

D. The Seventh Circuit's Decision Threatens Political Party Organizational Standing

Though neither political party is a participant in this suit, this Court ought to review the Circuit Court's decision as it also threatens organizational standing. If allowed to stand, courts within the Seventh Circuit could dismiss suits brought by political parties challenging election laws under this case's standing analysis. First, as stated above, Illinois Law provides both candidates and parties the

right to appoint pollwatchers. Second, the law Congressman Bost is challenging also causes parties to expend additional resources to ensure confidence in the electoral process. When bringing suits, political parties can either allege the law injures them – that they have a personal stake in the electoral process – or that they represent their candidate members. The Seventh Circuit's decision threatens both types of standing.

When a political party alleges direct standing, the standing analysis as described throughout this brief applies. Political parties, when suing on behalf of themselves, have standing "to sue on their own behalf for injuries they have sustained." *FDA v. All. for Hippocratic Med.*, 602 U.S. 367, 369 (2024) (internal citations omitted). Similarly, political parties must allege "such a personal stake in the outcome of the controversy as to warrant [their] invocation of federal court jurisdiction." *Vill. of Arlington Heights v. Metro. Hous. Dev. Corp.*, 429 U.S. 252, 260-61 (1977) (cleaned up).

Political parties also have standing to represent their members. The standing derives from the concept that associations "may have standing" to represent their members even if those associations themselves have not been directly injured. *Warth v. Seldin*, 422 U.S. 490, 511 (1975). All associations need is a member who would "otherwise have standing to sue in [his or her] own right." *Hunt v. Washington State Apple Advert. Comm'n*, 432 U.S. 333, 343 (1977).

As to direct standing, if this Court does not grant the petition, political parties would lose the ability to challenge election laws impacting their allocation of resources. If the Seventh Circuit refused to recognize Congressman Bost's standing as a candidate, claiming any allocation of resources is speculative based on his prior margin of victory, the same aversions would apply to political parties. If a party is not competitive in a jurisdiction, like Illinois or Indiana, they would lack standing.

In Illinois, Democrats tend to win by large margins statewide and Republicans by wide margins in the south. Vice President Kamala Harris won the state by 11 percentage points, or over 611,000 votes.[18] The closest House race in the state was in the 6th Congressional District, where Democrat Sean Casten defeated Republican challenger Niki Conforti by over eight points, or nearly 30,000 votes or the 17th Congressional District where Democrat Eric Sorenson defeated Republican challenger Joe McGraw by similar margins.[19]

By the same token, Democrats would likely lose their ability to challenge election laws in Indiana, with President-elect Trump winning that state by 19 points, or 556,774 votes.[20] Senator-elect Banks won by

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[18] *Kamala Harris wins Illinois*, Politico (Dec. 17, 2024), https://www.politico.com/2024-election/results/illinois/.
[19] *Illinois House election results*, Politico (Dec. 17, 2024), https://www.politico.com/2024-election/results/illinois/house/.
[20] *Indiana Election 2024 Results*, CNN (Nov. 5, 2024), https://www.cnn.com/election/2024/results/indiana.

a similar margin and the closest House race, House District 1, where incumbent Frank Mrvan defeated the Republican challenger by 8.5 points or over 27,000 votes.[21]

The argument against associational standing is much clearer, if the Seventh Circuit's decision stands: If Congressman Bost, as a candidate and member of the Republican Party lacks standing, and associations can only assert the rights or injuries of members, the Republican Party also lacks standing.

The results for direct and associational standing are untenable. This Court should grant the Petition to correct the decision, ensuring that candidates and political parties have the opportunity to challenge election laws that lead to direct harm.

CONCLUSION

The Seventh Circuit's decision misstates and misapplies this Court's Art. III standing jurisprudence. Candidates who have suffered monetary loss and have been forced to allocate resources differently as a result of an allegedly unconstitutional or preempted law have, historically, had standing to sue. The Seventh Circuit, though, applied the wrong analytical challenge and, unilaterally, reframed Petitioners' injuries to avoid reaching the merits of the dispute.

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[21] *Id.*

Because of the departure from this Court's jurisprudence and the impact the Seventh Circuit's decision will have on political party organizational standing, this Court should grant the Petition for Writ of Certiorari.

Respectfully submitted,

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