

IN THE SUPREME COURT OF THE STATE OF OREGON
MANDAMUS PROCEEDING

STATE EX REL MARY LEE NELSON, MICHAEL NELSON, JUDY HUFF,
SAMUEL JOHNSON, and CHAD SULLIVAN, electors of Oregon,
Petitioner, Petitioner on Review

v.

LAVONNE GRIFFIN-VALADE, Secretary of State of Oregon,
Respondent, Respondent on Review.

and

Donald J. Trump and Donald J. Trump for President 2024, Inc.
Intervenors-Respondent

S070658

**INTERVENOR-RESPONDENTS'
SUPPLEMENTAL BRIEF IN OPPOSITION TO MANDAMUS**

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January 2024

**INTERVENOR-RESPONDENTS'
SUPPLEMENTAL BRIEF IN OPPOSITION TO MANDAMUS**

In Response to the Court's Order Requesting Supplemental Briefing, and for the convenience of the Court, Intervenor-Respondents offer specific and direct answers to the Court's questions and provide citation to the portions of Intervenor-Respondent's Memorandum in Opposition to Mandamus as we believe those questions were fully addressed therein.

A. No, relators do not have standing to bring this mandamus action.

Intervenor-Respondents directly addressed this issue on pages 1, and 3-7 in argument II A.

B. No, Oregon law does not confer upon the Oregon Secretary of State either discretionary authority, or an obligation, to either:

- 1) Determine if a candidate for a major political party's nomination for President would qualify for the office of President of the United States if ultimately elected; or**
- 2) Remove such a candidate from the ballot if such a determination was made.**

Intervenor-Respondents directly address these issues on pages 1, 3, and 7-43. Intervenor-Respondents; also address the rationale for those arguments, including federal statutes and case law, along the relevant statutes and their legislative history, in Intervenor-Respondent's Memorandum in Opposition to Mandamus. Intervenor-Respondents diligently searched for additional relevant

Oregon specific legislative history that was not contained in our opening brief, and conferred with Respondent on the same but did not uncover any additional pertinent materials believed to be an aid to this court.

Intervenor-Respondents would welcome the opportunity to answer in-writing any other additional or specific questions by the court and note that some or all of these relevant legal questions may soon be addressed by the United States Supreme Court in the case of *Trump, Donald J., v. Anderson, Norma, et al.*, No. 23-719, 2024, 2024 U.S. Lexis 4 (US Jan. 5, 2024).

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CERTIFICATE OF COMPLIANCE WITH TYPE SIZE REQUIREMENTS

Type size

I certify that the size of the type in this brief is not smaller than 14 points for both the text of the brief and footnotes.

Dated: January 9, 2024.

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PROOF OF SERVICE

Certificate of Filing

I certify that on January 9, 2024, I filed the original of this INTERVENOR-RESPONDENTS' SUPPLEMENTAL BRIEF IN OPPOSITION TO MANDAMUS e-filing with the Supreme Court Administrator at this address or via the electronic filing system:

Oregon Supreme Court
1163 State Street
Salem, Oregon 97301-2563

Certificate of Service

I certify that on January 9, 2024, I served a copy of this INTERVENOR-RESPONDENTS' SUPPLEMENTAL BRIEF IN OPPOSITION TO MANDAMUS by e-filing to the following attorneys:

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