

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**OHIO RIGHT TO LIFE
SOCIETY, INC.**

Plaintiff,

v.

**OHIO ELECTIONS
COMMISSION, et al.**

Defendants.

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Case No. 2:08 CV 492

Judge Smith

Magistrate Judge King

**UNOPPOSED MOTION OF THE CAMPAIGN LEGAL CENTER AND OHIO CITIZEN
ACTION FOR LEAVE TO FILE MEMORANDUM AS *AMICI CURIAE***

The Campaign Legal Center and Ohio Citizen Action respectfully move for leave to file the attached Memorandum As *Amici Curiae* in opposition to Plaintiff's Motion For Temporary Restraining Order And Preliminary Injunction. Pursuant to L.R. 7.3, the Campaign Legal Center and Ohio Citizen Action consulted with counsel to Plaintiff and Defendants to request consent to the filing of the attached Memorandum As *Amici Curiae*. Both have consented to this motion; this motion is unopposed.

s/ Jennifer L. Branch
Alphonse A. Gerhardstein (0032053)
Trial Attorney for *Amici Curiae*
Jennifer L. Branch (0038893)
Attorney for *Amici Curiae*
Gerhardstein & Branch Co. LPA
617 Vine Street #1409
Cincinnati, Ohio 45202
(513) 621-9100
agerhardstein@gbfirm.com
jbranch@gbfirm.com

J. Gerald Hebert (DC Bar No. 447676)
Paul S. Ryan (DC Bar No. 502514)
Tara Malloy (NY Bar No. 4251005)
The Campaign Legal Center
1640 Rhode Island Ave., N.W.
Suite 650
Washington, DC 20036
(202) 736-2200
ghebert@campaignlegalcenter.org
pryan@campaignlegalcenter.org
tmalloy@campaignlegalcenter.org

***Counsel for Amici Curiae
Campaign Legal Center and
Ohio Citizen Action***

**MEMORANDUM IN SUPPORT OF MOTION FOR LEAVE TO FILE
MEMORANDUM AS *AMICI CURIAE***

In support of this motion, *amici curiae* movants state:

1. This case seeks to have the Court temporarily restrain and enjoin on a preliminary and permanent basis certain provisions of the Ohio Revised Code which regulate “electioneering communication,” including disclosure requirements pertaining to “electioneering communication.” O.R.C. §§ 3517.01 and 3517.1011.
2. Plaintiff’s claims are based largely on the Supreme Court’s recent decision in *Federal Election Commission (FEC) v. Wisconsin Right to Life*, 127 S. Ct. 2652 (2007) (“*WRTL*”), a decision regarding the federal statute prohibiting corporations from using treasury funds to pay for “electioneering communication.” *See* 2 U.S.C. § 441b(b)(2).
3. The Campaign Legal Center (CLC) is a non-profit, non-partisan organization created to represent the public perspective in administrative and legal proceedings throughout the nation interpreting and enforcing election laws. The CLC has participated in numerous campaign finance cases, and participated in the *WRTL* litigation as co-counsel to Appellants Sen. John McCain and Reps. Tammy Baldwin, Christopher Shays and Martin Meehan. Further, CLC is participating as *amicus curiae* in *Citizens United v. FEC*, 530 F. Supp. 2d 274 (D.D.C. 2008) (memorandum opinion denying motion for preliminary injunction), a pending legal challenge to federal “electioneering communication” disclosure requirements similar to those at issue in this case. *See* 2 U.S.C. § 434(f).
4. The Campaign Legal Center (CLC) is a non-profit, non-partisan organization created to represent the public perspective in administrative and legal proceedings

throughout the nation interpreting and enforcing election laws. The CLC participated in the *WRTL* litigation as co-counsel to Appellants Sen. McCain and Reps. Baldwin, Shays and Meehan. Further, CLC is participating as *amicus* in *Citizens United v. FEC*, 530 F. Supp. 2d 274 (D.D.C. 2008) (memorandum opinion denying motion for preliminary injunction), an ongoing legal challenge to federal “electioneering communication” disclosure requirements similar to those at issue in this case. *See* 2 U.S.C. § 434(f).

5. Founded in 1975, Ohio Citizen Action (OCA) is a non-profit, non-partisan organization with 80,000 members. OCA’s “Money in Politics Project” has been following the money in Ohio politics since 1994 and has a strong commitment to disclosure in Ohio elections.
6. *Amici curiae* movants CLC and OCA have substantial experience and expertise with regard to the issues raised in this case. The CLC and OCA have a longstanding, demonstrated interest in campaign finance disclosure and this interest is directly implicated here and can materially contribute to the Court’s consideration of Plaintiff’s claims.
7. *Amici curiae* movants submit that the attached Memorandum in opposition to Plaintiff’s Motion For Temporary Restraining Order and Preliminary Injunction will assist the Court in considering the issues presented by Plaintiff’s motion.
8. This filing is timely because this motion and the attached memorandum are being filed on the date that the principal brief of Defendants Ohio Election Commission *et al.* is due.

9. Wherefore, movants respectfully request that the Court grant leave to file the attached Memorandum Of *Amici Curiae* Campaign Legal Center and Ohio Citizen Action In Opposition To Plaintiff's Motion For Temporary Restraining Order And Preliminary Injunction.

Respectfully submitted,

s/ Jennifer L. Branch
Alphonse A. Gerhardstein (0032053)
Trial Attorney for *Amici Curiae*
Jennifer L. Branch (0038893)
Attorney for *Amici Curiae*
Gerhardstein & Branch Co. LPA
617 Vine Street #1409
Cincinnati, Ohio 45202
(513) 621-9100
agerhardstein@gbfirm.com
jbranch@gbfirm.com

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1640 Rhode Island Ave., N.W.
Suite 650
Washington, DC 20036
(202) 736-2200
ghebert@campaignlegalcenter.org
pryan@campaignlegalcenter.org
tmalloy@campaignlegalcenter.org

*Counsel for Amici Curiae
Campaign Legal Center and
Ohio Citizen Action*

CERTIFICATE OF SERVICE

I hereby certify that on July 18, 2008, a copy of the foregoing motion and memorandum was filed electronically. Notice of this filing will be sent to all parties for whom counsel has entered an appearance by operation of the Court's electronic filing system. Parties may access this filing through the Court's system. I further certify that a copy of the foregoing motion and memorandum and the Notice of Electronic Filing has been served by first-class mail, postage prepaid, upon all parties for whom counsel has not yet entered an appearance electronically.

s/ Jennifer L. Branch
Attorney for *Amici Curiae*