



Legal Challenges to State & Federal Disclosure Laws Post-*Citizens United*

Case Name	Description of Disclosure-Related Claim(s)	Disposition of Disclosure Claim(s)	Notable Counsel Challenging Disclosure	Participating Campaign Finance Reform Groups
<p><i>Center for Individual Freedom (CIF) v. Madigan</i> No. 10-cv-04383 (N.D. Ill.), on appeal No. 11-3693 (7th Cir.)</p>	<p>CIF challenged several aspects of IL disclosure law, including provisions requiring groups to register as political committees and to file regular disclosure reports if they accept contributions or make expenditures over \$3,000 on behalf of or in opposition to candidates or ballot measures.</p>	<p>Disclosure challenge rejected. On September 10, 2012, the Seventh Circuit affirmed the district court’s decision, upholding the state disclosure law. 697 F.3d 464 (7th Cir. 2012), <i>petition for reh’g en banc denied</i> (7th Cir. Nov. 6, 2012).</p>	<p>CENTER FOR INDIVIDUAL FREEDOM, <i>Plaintiff-Appellant</i> (Thomas Kirby)</p>	<p align="center">---</p>
<p><i>Chula Vista Citizens for Jobs and Fair Competition v. Norris</i> No. 09-cv-0897 (S.D. Cal.), on appeal No. 12-55726 (9th Cir.)</p>	<p>Plaintiffs challenged a CA law mandating disclosure of the names of official proponents on the text of a proposition used to solicit voter signatures as violating the First Amendment right to “speak anonymously.”</p>	<p>Disclosure challenge rejected. The district court held that CA statute did not violate the First Amendment either facially or as applied, and the challenged statutory language was not unconstitutionally vague. 2012 WL 987294 (S.D. Cal. Mar. 22, 2012)</p>	<p>BOPP, COLESON & BOSTROM, <i>for Plaintiffs</i></p>	<p align="center">---</p>

Case Name	Description of Disclosure-Related Claim(s)	Disposition of Disclosure Claim(s)	Notable Counsel Challenging Disclosure	Participating Campaign Finance Reform Groups
<p><i>Doe v. Reed</i> No. 09-559 (U.S. Sup. Ct.), on remand No. 3:09-cv-05456 (W.D. Wash.), on appeal No. 11-35854 (9th Cir.)</p>	<p>Doe plaintiffs filed suit to enjoin WA from disclosing petitions connected to a state ballot measure under the state Public Records Act. Plaintiffs argued: (a) the state records law was <u>facially</u> unconstitutional in connection to ballot measure petitions, and (b) the law was unconstitutional <u>as applied</u> because supporters were entitled to a harassment exemption.</p>	<p>Disclosure challenge rejected.</p> <p>(a) The facial challenge was rejected 8-1 by the U.S. Supreme Court, and remanded for consideration of plaintiffs' as-applied claim. 130 S. Ct. 2811 (2010).</p> <p>(b) On remand, the district court found that plaintiffs failed to show that disclosure would cause signers to face a reasonable probability of threats, harassment or reprisals, so they were not entitled to an as-applied exemption. 823 F. Supp. 2d 1195 (W.D. Wash. Oct. 17, 2011). On Oct. 23, 2012, the Ninth Circuit dismissed the appeal as moot. 697 F.3d 1235 (9th Cir. 2012).</p>	<p>BOPP, COLESON & BOSTROM, <i>for Plaintiffs-Appellants</i></p>	<p><u>Supreme Court</u></p> <p>Numerous organizations participated as <i>amici</i>, including: NCSL, Brennan Center, Center for Responsive Politics, Sunlight Foundation, Lambda Legal Defense and Education Fund</p> <p><u>9th Circuit</u> (2011-12)</p> <p>CAMPAIGN LEGAL CENTER, <i>amicus curiae</i></p>
<p><i>Fair Political Practices Commission (FPPC) v. Americans for Responsible Leadership</i> No. 34-2012-0031550-CU-PT-GDS (Super. Ct. Sacramento Cnty), on appeal S206407 (Cal. Sup. Ct.).</p>	<p>FPPC filed an application for preliminary injunction in Sacramento Superior Court to compel Americans for Responsible Leadership to produce documents the Commission sought in connection with its audit of an \$11 million donation made shortly before the 2012 general election to a ballot issue advocacy PAC.</p>	<p>Disclosure challenge rejected.</p> <p>On Oct. 31, 2012, a state Superior Court judge ruled in favor of the FPPC to find that a nonprofit must immediately produce all records concerning contributions made to a registered committee so regulators could ensure that donors were properly disclosed before the election. The decision was temporarily stayed on Nov. 4, 2012 by an appellate court but upheld by the California Supreme Court the Sunday before the election.</p>	<p>HOLTZMAN VOGEL JOSEFIAK.</p>	<p>---</p>

Case Name	Description of Disclosure-Related Claim(s)	Disposition of Disclosure Claim(s)	Notable Counsel Challenging Disclosure	Participating Campaign Finance Reform Groups
<p><i>Family PAC v. Reed</i> 3:09-cv-05662 (W.D. Wash.), on appeal No. 10-35832, 10-35893 (9th Cir.)</p>	<p>Family PAC challenged a WA disclosure law requiring ballot measure committees to disclose the names and addresses of donors giving more than \$25, and disclose employer information of donors giving more than \$100.</p>	<p>Disclosure challenge rejected. On December 29, 2011, the Ninth Circuit affirmed the district court’s decision with respect to the ballot measure disclosure provisions. 685 F.3d 800 (9th Cir. 2012).</p>	<p>BOPP, COLESON & BOSTROM, <i>for Plaintiff</i> INSTITUTE FOR JUSTICE, <i>amicus curiae</i> (William R. Maurer <i>et al.</i>)</p>	<p>---</p>
<p><i>Free Speech v. FEC</i> 2:12-cv-00127-SWS (D. Wyo.), on appeal No. 12-8078 (10th Cir.)</p>	<p>Free Speech initiated this challenge to the constitutionality of FEC rules and policies defining which communications constitute “express advocacy” or a “solicitation,” and that determine whether a group qualifies as a political committee.</p>	<p>Disclosure challenge rejected.¹ On October 3, 2012, the district court denied plaintiff’s motion for preliminary injunction.</p>	<p>WYOMING LIBERTY GROUP, <i>for plaintiff</i> (Benjamin T. Barr, Stephen R. Klein)</p>	<p>CAMPAIGN LEGAL CENTER, <i>amicus curiae</i> DEMOCRACY 21, <i>amicus curiae</i></p>
<p><i>Human Life of Washington, Inc. v. Brumsickle</i> No. 09-35128 (9th Cir.)</p>	<p>Human Life challenged the constitutionality of several components of WA’s political committee disclosure regime, including state definitions of “political committee,” “IE,” and “political advertising.”</p>	<p>Disclosure challenge rejected. The district court rejected HLW’s challenges to these disclosure provisions in January 2009, and plaintiff appealed to the Ninth Circuit Court of Appeals. On October 12, 2010, the Ninth Circuit affirmed the district court decision, and rejected all claims asserted by HLW. 624 F.3d 990 (9th Cir. 2010).</p>	<p>BOPP, COLESON & BOSTROM, <i>for Plaintiff-Appellant</i></p>	<p>CAMPAIGN LEGAL CENTER, <i>amicus curiae</i></p>

Case Name	Description of Disclosure-Related Claim(s)	Disposition of Disclosure Claim(s)	Notable Counsel Challenging Disclosure	Participating Campaign Finance Reform Groups
<p><i>Iowa Right to Life (IRTL) v. Tooker (f/k/a Iowa Right to Life v. Smithson)</i> No. 10-cv-00416 (S.D. Iowa), on appeal No. 12-1605 (8th Cir.)</p>	<p>IRTL challenged several aspects of Iowa’s campaign finance law, including the “political committee” definition and IE disclosure requirements.</p>	<p>Disclosure challenge rejected.</p> <p>On June 29, 2011, the district court granted summary judgment in favor of the state on the IE disclosure requirements. On Feb. 7, 2012, after the state Supreme Court returned its decision clarifying Iowa’s “political committee” definition, the federal district court entered summary judgment for the state on this claim as well.</p> <p>844 F. Supp. 2d 946 (S.D. Iowa 2012), <i>appeal filed</i> No. 12-1605 (8th Cir.).</p>	<p>BOPP, COLESON & BOSTROM, <i>for Plaintiffs-Appellants</i></p>	<p>---</p>
<p><i>Koerber v. FEC</i> No. 2:08-cv-00039 (E.D.N.C.)</p>	<p>Plaintiffs challenged the constitutionality of the federal disclosure requirements for ECs and the FEC’s policy for determining federal “political committee” status.</p>	<p>Disclosure challenge rejected at preliminary injunction stage.</p> <p>On October 29, 2008, the district court denied plaintiffs’ request for preliminary relief.</p> <p>Plaintiffs filed an amended complaint in the district court on May 21, 2010. On June 3, 2010, the district court stayed the proceedings pending the resolution of a different case, <i>RTAO v. FEC</i>. the parties are currently negotiating settlement.</p>	<p>BOPP, COLESON & BOSTROM, <i>for Plaintiff-Appellant</i></p>	<p>CAMPAIGN LEGAL CENTER, <i>amicus curiae</i> DEMOCRACY 21, <i>amicus curiae</i></p>
<p><i>Montana Shrugged v. Unsworth</i> No. 10-cv-00135 (D. Mont.)</p>	<p>Plaintiffs challenged to the constitutionality of multiple provisions of MT campaign finance law, including: statutory definitions of “expenditure” and “political committee”; disclosure requirements applicable to “incidental political committees”; and disclaimer requirements for “communications advocating the success or defeat of a candidate.”</p>	<p>Disclosure challenge rejected.</p> <p>On May 11, 2012, the district court granted the state’s motion to dismiss on standing grounds.</p>	<p>JAMES MADISON CENTER FOR FREE SPEECH, <i>for Plaintiffs-Appellants</i> (James Bopp, Jr. Randy Elf, <i>et al.</i>)</p>	<p>---</p>

Case Name	Description of Disclosure-Related Claim(s)	Disposition of Disclosure Claim(s)	Notable Counsel Challenging Disclosure	Participating Campaign Finance Reform Groups
<p>National Organization for Marriage, Inc. (NOM) v. Daluz No. 1:10-cv-00392 (D.R.I.), on appeal No. 10-2304 (1st Cir.)</p>	<p>NOM challenged several aspects of RI campaign finance law, including (a) the state “political committee” definition and attendant regulations, and (b) the state definition of IE and the related IE disclosure requirements.</p>	<p>Disclosure challenge rejected.</p> <p>On August 11, 2011, the First Circuit affirmed the lower court’s decision to deny the motion for preliminary injunction. 654 F.3d 115 (1st Cir. 2011).</p>	<p>JAMES MADISON CENTER FOR FREE SPEECH, for <i>Plaintiffs-Appellants</i> (James Bopp, Jr., Randy Elf <i>et al.</i>)</p>	<p>COMMON CAUSE/RI, <i>amicus curiae</i></p> <p>GAY & LESBIAN ADVOCATES & DEFENDERS, <i>amicus curiae</i></p>
<p>National Organization for Marriage, Inc. v. McKee No. 1:09-cv-538 (D. Maine), on appeal No. 10-2000 (campaign finance law), 11-1196 (ballot measure law) (1st Cir.)</p>	<p><i>I. Ballot Measure Claims.</i> NOM challenged Maine’s ballot question committee registration statute, which requires any person/entity that receives contributions or makes expenditures over \$5,000 “for the purpose of initiating, promoting, defeating or influencing in any way a ballot question” to register and file disclosure reports.</p> <p><i>II. Campaign Finance Claims.</i> NOM amended its initial complaint to challenge laws governing candidate elections, including Maine’s PAC definition, its regulation of IEs and its political disclaimer requirements.</p>	<p>Disclosure challenge rejected.</p> <p><i>I. Ballot Measure Claims.</i> On Jan. 31, 2012, the First Circuit affirmed the lower court decision, upholding all of the challenged provisions. On Feb. 22, 2012, the Court of Appeals denied plaintiffs-appellants’ motion for a rehearing <i>en banc</i>. On May 22, 2012, plaintiffs filed a petition for <i>certiorari</i> (No. 11-1426), which was denied on October 1, 2012.</p> <p><i>II. Campaign Finance Claims.</i> On Aug. 8, 2011, the First Circuit affirmed the district court decision, except it reversed the district court’s finding that the “influence” language was vague, and upheld the language after applying the state’s suggested narrowing construction. On Nov. 2, 2011, NOM filed a <i>cert.</i> petition with the Supreme Court, which was denied Feb. 27, 2012 (No. 11-599). 649 F.3d 34 (1st Cir.).</p>	<p>JAMES MADISON CENTER FOR FREE SPEECH, for <i>Plaintiffs-Appellants</i> (James Bopp, Jr., Randy Elf, Joseph A. Vanderhulst)</p>	<p>MAINE CITIZENS FOR CLEAN ELECTIONS, <i>amicus curiae</i></p>

Case Name	Description of Disclosure-Related Claim(s)	Disposition of Disclosure Claim(s)	Notable Counsel Challenging Disclosure	Participating Campaign Finance Reform Groups
<p><i>National Organization for Marriage, Inc. v. Roberts</i> No. 1:10-cv-00192 (N.D. Fla.), on appeal <i>NOM v. Sec. State of Florida</i>, No. 11-14193-BB (11th Cir.)</p>	<p>NOM challenged a FL statute requiring groups that are not registered as political committees to register and report if they make over \$5,000 of ECs in a calendar year. NOM argued that the state definition of “EC” is vague because it includes the “appeal to vote” test devised by the Supreme Court in <i>Wisconsin Right to Life v. FEC</i>, and that the disclosure requirements are overbroad insofar as they apply to “non-major-purpose” groups.</p>	<p>Disclosure challenge rejected.</p> <p>On May 17, 2012, the Court of Appeals affirmed the lower court decision and upheld the disclosure law.</p> <p>753 F. Supp. 2d 1217 (N.D. Fla. 2010), 2012 WL 1758607 (11th Cir. 2012) (per curiam).</p>	<p>JAMES MADISON CENTER FOR FREE SPEECH, for <i>Plaintiffs-Appellants</i> (James Bopp, Jr., Randy Elf)</p>	<p>CAMPAIGN LEGAL CENTER, <i>amicus curiae</i></p>
<p><i>National Organization for Marriage, Inc. v. Walsh</i> No. 1:10-cv-00751 (W.D.N.Y.), on appeal No. 10-4572 (2d Cir.)</p>	<p>NOM challenged NY statutory definition of “political committee” as vague and overbroad. NOM also argued that political committee status under New York law, which entailed disclosure requirements, could not be imposed on groups whose major purpose did not relate to campaign activity.</p>	<p>Disclosure challenge rejected.</p> <p>On October 25, 2010, the district court dismissed the challenge on jurisdictional grounds.</p>	<p>JAMES MADISON CENTER FOR FREE SPEECH, for <i>Plaintiffs-Appellants</i> (James Bopp, Jr.)</p>	<p>BRENNAN CENTER FOR JUSTICE, <i>amicus curiae</i></p> <p>COMMON CAUSE/NY, <i>amicus curiae</i></p> <p>CITIZENS UNION, <i>amicus curiae</i></p>
<p><i>Ohio Right to Life (ORTL) v. Ohio Election Comm’n</i> 08-cv-00492 (S.D. Ohio)</p>	<p>ORTL challenged multiple provisions of Ohio’s campaign finance law, including its EC corporate funding prohibition and related disclosure requirements.</p>	<p>Disclosure challenge rejected.</p> <p>District court found that it did not have jurisdiction to consider the statutory challenge to the state disclosure requirements. Plaintiffs then agreed to dismiss their remaining disclosure claims, and the court ordered dismissal with prejudice on July 20, 2011.</p>	<p>CENTER FOR COMPETITIVE POLITICS, <i>of counsel</i> (Stephen M. Hoersting)</p>	<p>CAMPAIGN LEGAL CENTER, <i>amicus curiae</i></p>

Case Name	Description of Disclosure-Related Claim(s)	Disposition of Disclosure Claim(s)	Notable Counsel Challenging Disclosure	Participating Campaign Finance Reform Groups
<p><i>Personal PAC v. McGuffage</i> No. 12-cv-1043</p>	<p>Plaintiffs challenged provisions of IL campaign finance law regulating IE-only groups, including related disclosure requirements.</p>	<p>Disclosure challenge rejected. On March 13, 2012, the district court upheld registration and disclosure requirements for IE-only PACs. 858 F. Supp. 2d 963 (N.D. Ill. 2012).</p>	<p>Personal PAC, Plaintiff (Grace Allen Newton, Marcena Love)</p>	<p>ILLINOIS CAMPAIGN FOR POLITICAL REFORM, <i>amicus curiae</i></p>
<p><i>ProtectMarriage.com v. Bowen</i> 2:09-cv-00058 (E.D. Calif.), on appeal No. 11-17884 (9th Cir.)</p>	<p>Plaintiffs challenged CA disclosure law relating to ballot measure committees and seeking as-applied exemption on the basis that compelled disclosure of contributors would result in threats, harassment, and reprisals against supporters of Proposition 8. Plaintiffs also contended that the law’s \$100 disclosure threshold is not narrowly tailored.</p>	<p>Disclosure challenge rejected.ⁱ The district court denied plaintiffs’ motion for a preliminary injunction on Jan. 30, 2009, and granted summary judgment in favor of the state on Oct. 20, 2011. 830 F. Supp. 2d 914 (E.D. Cal. 2011).</p>	<p>THE BOPP LAW FIRM, <i>for Plaintiffs-Appellants</i> ALLIANCE DEFENSE FUND, <i>for Plaintiffs-Appellants</i> (Benjamin Bull, David Hacker)</p>	<p>CAMPAIGN LEGAL CENTER, <i>amicus curiae</i></p>
<p><i>Real Truth About Abortion, Inc. v. FEC (f/k/a Real Truth About Obama, Inc. v. FEC)</i> No. 08-cv-00483 (E.D. Va.), on appeal No. 11-1760 (4th Cir.)</p>	<p>Plaintiffs filed suit to enjoin 11 C.F.R. § 100.22(b) (defining “express advocacy”) and the FEC’s policy for determining a group’s “major purpose,” which govern when independent groups must register as federal political committees and comply with applicable federal disclosure requirements.</p>	<p>Disclosure challenge rejected.ⁱⁱ On June 16, 2011, the district court granted summary judgment to the FEC. On June 12, 2012, the Fourth Circuit Court of Appeals affirmed the district court. 681 F.3d 544 (4th Cir. 2012).</p>	<p>BOPP, COLESON & BOSTROM, <i>for Plaintiff-Appellant</i></p>	<p>CAMPAIGN LEGAL CENTER, <i>amicus curiae</i> DEMOCRACY 21, <i>amicus curiae</i></p>

Case Name	Description of Disclosure-Related Claim(s)	Disposition of Disclosure Claim(s)	Notable Counsel Challenging Disclosure	Participating Campaign Finance Reform Groups
<p><i>Texas Democratic Party v. King Street Patriots</i> No. D-1-GN-11-002363 (D.Ct. Travis Co.), on appeal No. 03-12-00255-CV</p>	<p>The Texas Democratic Party filed suit in connection to several violations of state campaign finance law allegedly committed by nonprofit 501(c)(4) King Street Patriots. In response, KSP filed a counterclaim challenging the constitutionality of numerous provisions of TX campaign finance law, including the disclosure and organizational requirements applicable to political committees.</p>	<p>Disclosure challenge rejected.¹ On March 27, 2012, the state supreme court rejected KSP's counterclaim, and upheld the challenged provisions of Texas campaign finance law.</p>	<p>BOPP, COLESON & BOSTROM, <i>for Plaintiffs-Appellants</i> LIBERTY INSTITUTE, <i>for Plaintiffs-Appellants</i> (Jonathan Saenz, Kelly J. Shackelford, Jeffrey C. Mateer, Hiram S. Sasser, III, Justin E. Butterfield)</p>	<p>CAMPAIGN LEGAL CENTER, <i>amicus curiae</i></p>
<p><i>SpeechNow.org v. FEC</i> Nos. 08-5223, 09-5342 (D.C. Cir.)</p>	<p>Plaintiffs challenged federal disclosure requirements as applied to so-called "IE-only committees."</p>	<p>Disclosure challenge rejected. On March 26, 2010, the D.C. Circuit upheld the political committee disclosure requirements as applied to IE-only groups. Cert. denied Nov. 1, 2010. 599 F.3d 686 (D.C. Cir. 2010).</p>	<p>INSTITUTE FOR JUSTICE, <i>for plaintiffs-appellants</i> (William H. Mellor, <i>et al.</i>) CENTER FOR COMPETITIVE POLITICS, <i>for plaintiffs-appellants</i> (Stephen Hoersting, Bradley Smith)</p>	<p>CAMPAIGN LEGAL CENTER, <i>amicus curiae</i> DEMOCRACY 21, <i>amicus curiae</i> BRENNAN CENTER FOR JUSTICE, <i>amicus curiae</i> (with Prof. Richard Briffault)</p>
<p><i>Vermont Right to Life Committee, Inc.(VRTL) v. Sorrell</i> 09-cv-00188 (D.Vt.), on appeal No. 12-2904 (2d Cir.)</p>	<p>VRTL challenged several aspects of VT's campaign finance law, arguing that the law violates the First Amendment by regulating VRTL as a political committee, requiring disclaimers on electioneering communications, and requiring the reporting of "mass-media activities."</p>	<p>Disclosure challenge rejected.¹ On June 21, 2012, the district court granted the state's motion for summary judgment, upholding the disclosure law.</p>	<p>JAMES MADISON CENTER FOR FREE SPEECH, <i>for Plaintiffs-Appellants</i> (James Bopp, Jr., Randy Elf)</p>	<p>CAMPAIGN LEGAL CENTER, <i>amicus curiae</i> DEMOCRACY 21, <i>amicus curiae</i></p>

Case Name	Description of Disclosure-Related Claim(s)	Disposition of Disclosure Claim(s)	Notable Counsel Challenging Disclosure	Participating Campaign Finance Reform Groups
<p><i>Wisconsin Right to Life, Inc. (WRTL) v. Myse</i> No. 10-CV-0669 (E.D. Wis.), on appeal No. 12-3046 (7th Cir.)</p>	<p>WRTL challenged numerous state disclosure laws, including: the definition of political committee; disclosure requirements applicable to IE organizations; 24-hour reporting requirement; requirement to file oath attesting that IEs are in fact independent; administrative attribution and disclaimer requirements; and the \$20 and \$100 reporting thresholds.</p>	<p>Disclosure challenge rejected.ⁱ On Aug. 31, 2012, the district court granted summary judgment to the state, rejecting most of plaintiffs' disclosure claims but holding that the attribution disclaimer requirements were unconstitutional only with respect to ads less than 30 seconds in length.</p>	<p>JAMES MADISON CENTER FOR FREE SPEECH, for <i>Plaintiffs-Appellants</i> (James Bopp, Jr., Randy Elf)</p>	<p>CAMPAIGN LEGAL CENTER, <i>amicus curiae</i></p>
<p><i>Yamada v. Weaver</i> 10-cv-00497 (D. Haw.), on appeal No. 12-15913 (9th Cir.)</p>	<p>Plaintiffs challenged multiple aspects of Hawaii's campaign finance disclosure law, including: the statutory definitions of "political committee," "expenditure" and other terms; the EC reporting requirements; and the disclaimer requirement for "advertisements," as defined by state law.</p>	<p>Disclosure challenge rejected.ⁱ On March 21, 2011, the district court granted summary judgment to plaintiffs on their claim regarding independent expenditure committee contribution limits, and granted summary judgment to the state on all other claims. 2012 WL 983559 (D. Haw. Mar. 21, 2011).</p>	<p>JAMES MADISON CENTER FOR FREE SPEECH, for <i>Plaintiffs-Appellants</i> (James Bopp, Jr., Randy Elf)</p>	<p>CAMPAIGN LEGAL CENTER, <i>amicus curiae</i></p>
<p><i>Ysursa v. Education Voters of Idaho, Inc.</i> No. CV-OC-2012-19280 (D. Idaho Oct. 29, 2012.)</p>	<p>Idaho Secretary of State Ysursa filed suit to force disclosure of donors to EVI, a recently-formed 501(c)(4); EVI argued that compelled disclosure would have a "chilling effect" on its First Amendment rights.</p>	<p>Disclosure challenge rejected. On Oct. 29, 2012, the Idaho state court ruled in the state's favor, opining that "the voters have a right to the most full, most accurate information they can get in spite of the many obstacles placed in their way by those who would prefer to hide behind catchy, vague names."</p>	<p>Idaho Secretary of State.</p>	<p>---</p>

Case Name	Description of Disclosure-Related Claim(s)	Disposition of Disclosure Claim(s)	Notable Counsel Challenging Disclosure	Participating Campaign Finance Reform Groups
<p><i>Center for Individual Freedom v. Tennant</i> No. 1:08-cv-00190 (S.D.W. Vir.) (lead case) consolidated with</p> <p><i>West Virginians for Life (WVFL) v. Ireland</i> No. 1:08-cv-01133 (S.D.W. Vir.), on appeal Nos. 11-1952, 11-1993 (4th Cir.)</p>	<p>CIF challenged numerous provisions of WV campaign finance law, including the state’s EC¹ disclosure provisions.</p>	<p>Split decision as to disclosure challenge (only one claim sustained).</p> <p>On January 18, 2013, the Fourth Circuit upheld WV’s “PAC” and related definitions, as well as its definitions of “express advocacy” and its requirement that groups making ECs disclose <u>all</u> of their donors. The only element of the law invalidated was the inclusion of print media in the definition of EC.</p> <p>706 F.3d 270 (4th Cir. 2013)</p>	<p>CENTER FOR INDIVIDUAL FREEDOM, <i>Plaintiff-Appellant</i> (Thomas Kirby)</p> <p>THE BOPP LAW FIRM, <i>for Plaintiffs-Appellants</i> West Virginians for Life</p>	<p>WV CITIZENS FOR CLEAN ELECTIONS, <i>amicus curiae</i></p> <p>WV CITIZEN ACTION GROUP, <i>amicus curiae</i></p> <p>OHIO VALLEY ENVIRONMENTAL COALITION, <i>amicus curiae</i></p> <p>BRENNAN CENTER FOR JUSTICE, <i>amicus curiae</i></p> <p>LEAGUE OF WOMEN VOTERS OF WV, <i>amicus curiae</i></p>
<p><i>Hatchett v. Barland</i> No. 10-C-265 (E.D. Wis.)</p>	<p>Referendum opponent challenged constitutionality of state registration, record-keeping, reporting, and disclosure requirements.</p>	<p>Split decision as to disclosure claims.</p> <p>The district court rejected the facial constitutional challenge to the challenged requirements, but found them unconstitutional as applied to plaintiff.</p> <p>816 F. Supp. 2d 583 (E.D. Wis. 2011).</p>	<p>BOPP, COLESON & BOSTROM, <i>for Plaintiff</i></p>	<p>---</p>

¹ **Abbreviation Key:** EC = Electioneering Communication
IE = Independent Expenditure

Case Name	Description of Disclosure-Related Claim(s)	Disposition of Disclosure Claim(s)	Notable Counsel Challenging Disclosure	Participating Campaign Finance Reform Groups
<p><i>Hispanic Leadership Fund (HLF) v. FEC</i> 12-cv-00893 (E.D. Va.)</p>	<p>HLF challenged federal EC disclosure requirements on the grounds that HLF’s proposed ads, which would not mention President Obama by name but would use the terms “the White House” and “the Administration” or audio recordings of the President’s voice, do not refer to a “clearly identified candidate.”</p>	<p>Split decision as to disclosure claims.</p> <p>On Oct. 5, 2012, the district court partly granted and partly denied plaintiff’s motion for preliminary injunction, finding that the ads using the terms “the White House” and “the Administration” were “ECs” permissibly subject to disclosure, and the ads using only recordings of the President’s voice were not.</p> <p>--- F.Supp.2d ----, 2012 WL 4759238 (E.D. Va. Oct. 4, 2012)</p>	<p>HOLTZMAN VOGEL JOSEFIK, <i>for plaintiff</i> (Jason Torchinsky, Shawn Sheehy)</p>	<p>CAMPAIGN LEGAL CENTER, <i>amicus curiae</i></p>
<p><i>Minnesota Citizens Concerned for Life (MCCL) v. Swanson</i> 10-cv-2938 (D. Minn.), on appeal No. 10-3126 (8th Cir.)</p>	<p>MCCL challenged multiple provisions of Minnesota’s campaign finance law, including the state requirement that associations disclose their independent spending by creating a “political fund,” subject to ongoing registration, record-keeping and reporting requirements.</p>	<p>Split decision as to disclosure claims (only one claim sustained).</p> <p>On Sept. 5, 2012, in a split decision, the <i>en banc</i> 8th Circuit struck down the continuous reporting requirement of the “political fund” disclosure law, but left the law’s remaining disclosure requirements intact.</p> <p>692 F.3d 864 (8th Cir. 2012) (<i>en banc</i>). <i>See also</i> --- F.Supp.2d ----, 2012 WL 4856103 (D. Minn. 2012) (enjoining application of Minn.Stat. § 10A.20, subd. 7 to political funds)</p>	<p>THE BOPP LAW FIRM, <i>for Plaintiffs</i></p>	<p>CAMPAIGN LEGAL CENTER, <i>amicus curiae</i></p> <p>DEMOCRACY 21, <i>amicus curiae</i></p> <p>BRENNAN CENTER FOR JUSTICE, <i>amicus curiae</i></p>

Case Name	Description of Disclosure-Related Claim(s)	Disposition of Disclosure Claim(s)	Notable Counsel Challenging Disclosure	Participating Campaign Finance Reform Groups
<p><i>New Mexico Youth Organized v. Herrera</i> No. 09-2212 (10th Cir.)</p>	<p>Plaintiffs challenged NM statutory definition of “political committee” as unconstitutionally vague and overbroad.</p>	<p>Disclosure challenge sustained. On June 30, 2010, the 10th circuit ruled that the challenged disclosure provisions violated the First Amendment. 611 F.3d 669 (10th Cir. 2010).</p>	<p>Sara Berger, John W. Boyd, David H. Urias, <i>for Plaintiffs-Appellees</i> JAMES MADISON CENTER FOR FREE SPEECH, <i>amicus curiae</i> (James Bopp, Jr., Randy Elf)</p>	<p>---</p>
<p><i>Sampson v. Buescher</i> Nos. 08-1389 & 08-1415 (10th Cir.)</p>	<p>Plaintiffs challenged CO reporting and registration requirements for ballot issue committees, contending that, since ballot issue committees directly advocate for ballot issues, and not candidates, disclosure provisions related to these committees are not justified by an anti-corruption interest.</p>	<p>Disclosure challenge sustained. The Tenth Circuit found that, with respect to a ballot issue advocacy committee that had raised less than \$1000, the government’s interest in disclosure was too attenuated to justify application of CO reporting and disclosure requirements to satisfy First Amendment review. 625 F.3d 1247 (10th Cir. 2010).</p>	<p>INSTITUTE FOR JUSTICE, <i>amicus curiae</i> (William H. Mellor <i>et al.</i>) CENTER FOR COMPETITIVE POLITICS, <i>for amici curiae</i> (Stephen M. Hoersting <i>et al.</i>)</p>	<p>BRENNAN CENTER FOR JUSTICE, <i>amicus curiae</i> COLORADO COMMON CAUSE, <i>amicus curiae</i></p>
<p><i>South Carolina Citizens for Life v. Krawcheck</i> No. 4:06-cv-2773 (D.S.C.)</p>	<p>Plaintiffs challenged two provisions of the SC Ethics Act alleging that the term “committee” is unconstitutionally overbroad and the term “influence” is unconstitutionally vague and overbroad.</p>	<p>Disclosure challenge sustained. On Sept. 13, 2010, the district court found that the term “committee” was unconstitutionally overbroad, and granted summary judgment to plaintiff. However, the court found that the “influence” language was not unconstitutionally vague or overbroad. 759 F. Supp. 2d 708 (D.S.C. 2010).</p>	<p>BOPP, COLESON & BOSTROM, <i>for Plaintiff</i></p>	<p>---</p>

Summary: How Have Disclosure Laws Fared in the Courts Post-*Citizens United*?

	Win for Disclosure	Loss for Disclosure	Split Decision
Overall	24	3	4