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**Application for Admission Pro Hac
Vice to be Filed*

Attorneys for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

DINA GALASSINI,

Plaintiff,

v.

TOWN OF FOUNTAIN HILLS,
ARIZONA; BEVELYN BENDER in
her official capacity as Town Clerk of
Fountain Hills, Arizona; and
ANDREW MCGUIRE in his official
capacity as Town Attorney of Fountain
Hills, Arizona,

Defendants.

Civil Action No. _____-PHX-____

**VERIFIED COMPLAINT FOR
DECLARATORY & INJUNCTIVE
RELIEF**

Assigned to the Honorable _____

INTRODUCTION

1. This is a First Amendment challenge to campaign-finance laws that impose a prior restraint on the exercise of core political speech—in this case, grass-roots

1 advocacy opposing a municipal bond issuance in Fountain Hills, Arizona. The Plaintiff,
2 Dina Galassini, is a resident of Fountain Hills. She wishes to join with others to speak
3 out in opposition to the bond issuance, which is the subject of a special election on
4 November 8, 2011. However, the voting for the bond issue is entirely by mail-in ballot,
5 meaning residents may submit their ballots anytime between now and November 8th.
6

7 2. In early October, Ms. Galassini emailed 23 friends and neighbors asking
8 them to speak out in opposition to the bond issuance by, among other things, writing
9 letters and joining her in two peaceful protests on October 19 and 22.
10

11 3. Unfortunately, under Arizona law, this sort of grassroots activity triggers
12 the campaign-finance laws, threatening even small groups of citizens who simply wish
13 to speak with fines up to \$1,000 unless they first register with the government and
14 submit to a host of burdensome regulations. Consistent with these laws, the Fountain
15 Hills Town Clerk has notified Ms. Galassini in writing that her efforts to get her friends
16 and neighbors to meet to speak out against the bond issue will violate the law unless she
17 first registers as a political committee. The letter informed Ms. Galassini that she must
18 comply with these laws before “distributing literature,” among other things, and it
19 “strongly encouraged [her] to cease any campaign related activities until the
20 requirements of the law have been met.” The letter did not explain these requirements,
21 but simply instructed Ms. Galassini to make an appointment to meet with staff at the
22 clerk’s office so they could give her the necessary forms she would need to fill out prior
23 to engaging in further efforts to oppose the bond issuance.
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1 4. This action challenges the provisions of Arizona's campaign-finance laws
2 that require Ms. Galassini and her friends and neighbors to register with the government
3 and to comply with other onerous political-committee requirements in order to speak.
4 Those laws unconstitutionally burden First Amendment rights and constitute an
5 unconstitutional prior restraint.
6

7 **JURISDICTION**
8

9 5. Plaintiff brings this civil-rights lawsuit pursuant to the First and Fourteenth
10 Amendments to the United States Constitution; the Civil Rights Act of 1871, 42 U.S.C.
11 § 1983; and the Declaratory Judgments Act, 28 U.S.C. § 2201. Plaintiff seeks injunctive
12 and declaratory relief prohibiting the enforcement of the State's campaign-finance laws,
13 Ariz. Rev. Stat. § 16-901 *et seq.* against herself and all similarly situated groups and
14 individuals who want to advocate for or against Arizona ballot initiatives.
15

16 6. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331
17 and 1343.
18

19 **VENUE**

20 7. Venue lies in this Court pursuant to 28 U.S.C. § 1391(b).
21

22 **PARTIES**

23 8. Plaintiff Dina Galassini is a resident of Fountain Hills, Arizona, who
24 wishes to associate with others in order to publicly oppose the passage of a municipal
25 bond issuance and other ballot issues in the future.
26

27 9. Defendant Town of Fountain Hills, Arizona, is a municipality and political
28 subdivision of the state of Arizona. Under Ariz. Rev. Stat. § 16-902.01, the Fountain

1 Hills Town Clerk, which is a department of the town, is the “filing officer” with whom
2 campaign-finance reports and other documentation must be filed for all town ballot
3 issues. Under Section 16-924, the Town Clerk is directed to notify the Town Attorney
4 of violations of the campaign-finance laws. At all times relevant to Plaintiff’s
5 allegations, the Town of Fountain Hills was acting under color of state law.

7 10. Defendant Bevelyn Bender is the Town Clerk for the Town of Fountain
8 Hills, Arizona. Under Ariz. Rev. Stat. §§ 16-916, -924, Ms. Bender is the filing officer
9 who monitors compliance with Arizona’s campaign-finance laws with respect to local
10 ballot measures and who forwards alleged violations to the Town Attorney. She is sued
11 in her official capacity. At all times relevant to Plaintiff’s allegations, Ms. Bender was
12 acting under color of state law.

13 14 11. Defendant Andrew McGuire is the Town Attorney for the Town of
15 Fountain Hills, Arizona. Under Ariz. Rev. Stat. § 16-924, Mr. McGuire has authority to
16 serve orders of violation on those who violate the campaign-finance laws with respect to
17 local ballot measures and to assess civil penalties for such violations of not more than
18 \$1000. He is sued in his official capacity. At all times relevant to Plaintiff’s allegations,
19 Mr. McGuire was acting under color of state law.
20
21

22 **STATEMENT OF FACTS**

23 24 12. Plaintiff Dina Galassini is a political activist and outspoken opponent of
25 government waste, high taxes, and increased public debt. Ms. Galassini wishes to
26 associate with others to speak in opposition to and hold public protests advocating the
27 defeat of a proposed municipal bond in Fountain Hills, Arizona.
28

1 13. The vote on the bond issuance is being conducted solely by mail. Mail-in
2 voting has already begun and will continue through November 8, 2011.

3
4 14. In an effort to defeat the bond, Ms. Galassini sent an e-mail on October 6,
5 2011, to 23 people in her community, expressing her reasons for opposing the bond,
6 urging recipients to vote against the bond, and asking recipients to both write letters to
7 the editor of the local newspaper and to others and to join her in two political protests.
8 The e-mail also invited recipients to forward the message on to others who might be
9 interested in opposing the bond. Attached Exhibit A at 3-4.

11 15. The e-mail urged recipients to attend a political protest at the corner of
12 Palisades Blvd. and Palomino Blvd. in Fountain Hills on October 19th from 4:00 p.m. to
13 6:00 p.m. The e-mail also urged recipients to attend a second protest at the corner of
14 Saguaro Blvd. and Avenue of the Fountains in Fountain Hills on October 22nd from
15 noon to 3:00 p.m. The e-mail encouraged attendees to bring homemade signs opposing
16 the bond, and suggested slogans including “Bonds are BONDAGE,” “Keep Property
17 Taxes Low,” “No to the Ball and Chain Bond,” “Vote NO on the Bond,” and “Vote No
18 on Nov 8.”

21 16. On October 13, 2011, Ms. Galassini received a letter from Bevelyn J.
22 Bender, the Town Clerk of Fountain Hills. The letter informed Ms. Galassini that “A
23 recent email [had been] brought to [the clerk’s] attention that called for organized action
24 by numerous individuals regarding the November 8, 2011 Bond Election.” Attached to
25 the letter was a copy of the e-mail Ms. Galassini had sent on October 6th. Exhibit A at
26 1-2.
27
28

1 17. The letter informed Ms. Galassini that, “if any additional person or persons
2 joined[ed] [her] effort . . . the association of persons [would] become a ‘political
3 committee’ under Arizona law, and must file a statement of organization before
4 accepting contributions, making expenditures, distributing literature or circulating
5 petitions.”

6
7 18. The letter went on to state that “one or more persons working to impact the
8 results of an election are considered to be a Political Action Committee (PAC) subject to
9 all of the requirements associated with a PAC. In order to comply with the law a
10 Statement of Organization must be filed in the office of the Town Clerk prior to **any**
11 electioneering taking place.” (emphasis in original).

12
13 19. The letter also “strongly encourage[d]” Ms. Galassini “to cease any
14 campaign related activities until the requirements of the law have been met.” The letter
15 concluded by instructing Ms. Galassini to contact the Town Clerk’s office “as soon as
16 possible . . . to schedule an appointment to meet with staff” in order to receive the
17 required paperwork and related informational material.

18
19 20. Upon receiving the letter, Ms. Galassini was confused and frightened that
20 she might have accidentally broken the law. She immediately e-mailed the clerk and
21 informed her that she had no idea her proposed protest would be illegal. *See* Attached
22 Exhibit B. She informed the clerk that she would stop all emails and not hold a rally.
23 She also asked if it would be okay for her to send a follow-up email letting people know
24 that the rallies were canceled. The clerk did not respond to this question.
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1 21. A few days later, on October 17, Ms. Galassini sent another e-mail to the
2 Town Clerk expressing her confusion about the campaign-finance laws and asking for
3 clarification about whether or how they might apply to her rally. *See* Attached Exhibit
4 C.
5

6 22. The clerk responded to this email by asking Ms. Galassini to call her
7 office. Exhibit C. Ms. Galassini responded that she would feel more comfortable if she
8 got a response in writing because she did not want to get into trouble and was relying on
9 the clerk to explain her legal obligations under the campaign-finance laws. *Id.*
10

11 23. The clerk responded that she was “not sure what more information [she
12 could] provide other than the statute in the previous e-mail. I’m not an attorney and
13 therefore, cannot provide legal advice.” Exhibit C.
14

15 24. Not wanting to risk violating campaign-finance laws that she did not
16 understand, Ms. Galassini canceled the protests she had scheduled for October 19 and
17 22. She also ceased her attempts to organize any other individuals to join her in
18 speaking out and/or protesting the bond issuance. *See* Attached Exhibit D.
19

20 25. Ms. Galassini still wishes to join with others to speak out publicly against
21 the bond issue and to hold one or more protests before November 8, 2011. However,
22 she is concerned that she will violate the laws if she engages in these efforts. Moreover,
23 she is a busy individual and businesswoman who conducts her political activities in her
24 spare time. As a result, she lacks the time to visit the clerk’s office and fill out forms or
25 to operate a formal political committee in order to speak out against and associate with
26 others to oppose the bond issue.
27
28

1 26. If Ms. Galassini secures a temporary restraining order or preliminary
 2 injunction against the Town of Fountain Hills, so that she is permitted to associate with
 3 others and speak out against the proposed bond without having to comply with the
 4 political-committee registration requirements or visit the Town Clerk and register with
 5 the town, Ms. Galassini will immediately schedule one or more protests to be held
 6 before November 8.
 7

8
 9 27. Ms. Galassini already has signs that she printed for her previously
 10 cancelled protests, which she will use at future protests if she secures a temporary
 11 restraining order or preliminary injunction.
 12

13 28. Ms. Galassini knows of at least one other resident of Fountain Hills, Linda
 14 Claffey, who had planned to join Ms. Galassini’s efforts to oppose the bond issue and
 15 attend her protests. Schedule permitting, Ms. Claffey will attend one or more protests
 16 Ms. Galassini organizes between now and the November 8th deadline.
 17

18 **Arizona’s Campaign-Finance Laws**

19 29. Under Arizona’s extremely broad campaign-finance laws, Ms. Galassini
 20 must register with the town of Fountain Hills and navigate the laws and other
 21 requirements that apply to political committees simply to speak and associate with others
 22 and join with them to exercise her First Amendment rights to oppose the bond issuance.
 23

24 30. “Political committee” is defined, in relevant part, as “any association or
 25 combination of persons that is organized, conducted or combined for the purpose of
 26 influencing the result of any election,” and includes, specifically, “A committee acting in
 27 support of or opposition to the qualification, passage or defeat of a ballot measure,
 28

1 question or proposition.” Ariz. Rev. Stat. § 16-901(19)(c). The Fountain Hills bond
2 issuance qualifies as a “ballot measure, question or proposition.”

3
4 31. “Contribution” is defined, in relevant part, as “any gift, subscription, loan,
5 advance or deposit of money or anything of value made for the purpose of influencing
6 an election.” Ariz. Rev. Stat. § 16-901(5). “Contribution” includes “in-kind
7 contributions,” defined as any “contribution of goods or services or anything of value
8 and not a monetary contribution.” Ariz. Rev. Stat. § 16-901(15).

9
10 32. “Expenditure” is defined, in relevant part, as “any purchase, payment,
11 distribution, loan, advance, deposit or gift of money or anything of value made by a
12 person for the purpose of influencing an election in this state.” Ariz. Rev. Stat. § 16-
13 901(8).

14
15 33. Emails, signs, the materials used to make signs, letters, flyers, postage and
16 other materials Ms. Galassini and others wish to use to communicate their opposition to
17 the bond issue meet the definition of both “contributions” and “expenditures” because
18 they are something of value made for the purpose of influencing an election.

19
20 34. Under the foregoing provisions, if Ms. Galassini were to hold her protest
21 or undertake efforts with even one other person to oppose the bond issuance, they would
22 constitute a “political committee” because they would have combined for the purpose of
23 influencing the outcome of an election on a ballot proposition. Ariz. Rev. Stat. § 16-
24 901(19)(c). Moreover, because they intend to contribute something of value to that
25 effort—namely, signs, emails, and any other “campaign materials” they may use to
26 disseminate their views—they would be required to register as a “political committee” or
27
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1 file an exemption form prior to engaging in any collective efforts. *See* Ariz. Rev. Stat. §
2 16-902.01(A).

3
4 **Legal Requirements for Political Committees**

5 35. Political committees are the most heavily regulated entities under
6 Arizona’s campaign-finance laws. The Arizona Court of Appeals has described the
7 statutes and forms governing political committees in Arizona as “so confusing that they
8 set a trap for those who are trying to exercise their right to seek a referendum.” *Van*
9 *Riper v. Threadgill*, 905 P.2d 589, 591 (Ariz. App. 1995).

11 36. All political committees are required to register with the relevant filing
12 office—here, the Town Clerk—and file other paperwork “before making any
13 expenditures, accepting any contributions, distributing any campaign literature or
14 circulating petitions.” Ariz. Rev. Stat. § 16-902.01(A).

16 37. Although the Fountain Hills Town Clerk did not inform Ms. Galassini of
17 her options under the laws governing political committees, those who meet the definition
18 of political committees must register with the Town Clerk in one of two ways, either of
19 which must be done *before* undertaking any activities. If they intend to “accept
20 contributions or make expenditures” amounting to more than \$500 they must file a
21 statement of organization and then comply with the other requirements for political
22 committees. Ariz. Rev. Stat. § 16-902.01(A). If they intend to “accept contributions or
23 make expenditures” amounting to \$500 or less they must file a statement of exemption
24 certifying their intent not to exceed the \$500 threshold. *Id.*

1 38. All political committees, regardless of the amount they intend to raise or
2 spend, must have both a chairman and a treasurer, and those positions may not be held
3 by the same person. Ariz. Rev. Stat. § 16-902(A). The treasurer is legally obligated,
4 among other things, to authorize all expenditures on the committee's behalf, be the
5 custodian of all books and records of the committee and preserve them for three years,
6 keep an account of all contributions and expenditures along with the names and
7 addresses of all contributors and those to whom expenditures have been made. Ariz.
8 Rev. Stat. § 16-904. A treasurer who violates these requirements is subject to a penalty
9 of three times the amount of any money that has been received or spent in violation of
10 these provisions. Ariz. Rev. Stat. § 16-904(J).

11 39. On its face, Ariz. Rev. Stat. § 16-902(C) seems to require all political
12 committees, regardless of the amount they intend to accept or spend, to open a separate
13 bank account prior to undertaking any activities. It requires that political committees
14 "designate one or more" banks at which they will open a bank account for all committee
15 activities before engaging in such activities. This is not clear from the face of the law,
16 however, and the Town Clerk refused to answer Ms. Galassini's questions concerning
17 the specifics of the law.

18 40. Political committees that spend \$500 or less must still file a statement of
19 termination within 90 days after the election for which they were formed. Ariz. Rev.
20 Stat. § 16-904(F)(2).

1 41. Any signs produced by a political committee must contain the statement
2 “paid for by,” followed by the name of the committee that appears on its statement of
3 organization or exemption statement. Ariz. Rev. Stat. § 16-912.01(A), (J).
4

5 42. Political committees that intend to raise or spend more than \$500 must file
6 a statement of organization. For groups supporting or opposing ballot measures, the
7 statement of organization must include: the name, address and type of committee; the
8 name, address, relationship and type of any sponsoring organization; the names,
9 addresses, telephone numbers, occupations and employers of the chairman and treasurer
10 of the committee; a listing of all banks, safety deposit boxes or other depositories used
11 by the committee; a statement that the chairman and treasurer have read all of the
12 applicable laws relating to campaign finance and reporting; the official serial number for
13 the petition, if assigned, that the committee intends to speak about; and a statements as
14 to whether the committee supports or opposes the measure. Ariz. Rev. Stat. § 16-
15 902.01(B), (F).
16
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19 43. All political committees, including those that have filed an exemption
20 statement, must keep detailed records of contributions (including in-kind contributions)
21 and expenditures. Ariz. Rev. Stat. § 16-904(E), (F).
22

23 44. A group is not required to comply with the laws described above if the
24 group “is a religious assembly or institution that does not spend a substantial amount of
25 time or assets, within the meaning of section 501(c)(3) of the internal revenue code, on
26 influencing any federal, state or local legislation, referendum, initiative or constitutional
27 amendment.” Ariz. Rev. Stat. § 16-922.
28

Enforcement and Penalties for Violations

1
2 45. For all local elections, Arizona’s campaign-finance laws vest enforcement
3 authority in local municipal officials—in this case, the Fountain Hills Town Clerk and
4 Town Attorney. Ariz. Rev. Stat. § 16-924(A), (B).
5

6 46. All violations of Arizona’s campaign-finance laws that do not have some
7 other specified penalty—including the failure to file a statement of organization or
8 exemption statement—can result in a civil penalty of up to \$1,000. Ariz. Rev. Stat.
9 § 16-924(B).
10

11 47. The failure to keep records as required by Ariz. Rev. Stat. § 16-904(E) &
12 (F) is subject to a civil penalty of three times the amount raised or spent in violation of
13 the record-keeping requirement. Ariz. Rev. Stat. § 16-904(K).
14

15 48. The failure to include the required “paid for by” statement on any
16 advertisement, including signs, is subject to a civil penalty of three times the cost of the
17 advertisement. Ariz. Rev. Stat. § 16-912.01(I).
18

19 49. The failure to file a timely statement of termination as required by Ariz.
20 Rev. Stat. § 16-904(F)(2) is punishable by a \$100 civil penalty. Ariz. Rev. Stat. § 16-
21 904(F)(3).
22

Injury to Plaintiff

23
24 50. Plaintiff Dina Galassini wishes to join with other residents of Fountain
25 Hills to speak out against and publicly protest the proposed bond. However, the Town
26 Clerk has advised her to “cease” any such activities because they would violate the laws
27 pertaining to political committees and instead to schedule an appointment with the Town
28

1 Clerk, meet with staff, fill out forms and comply with other requirements for political
2 committees.

3
4 51. Ms. Galassini has already canceled two protests and has stopped
5 attempting to urge and organize others to speak out against the bond issue for fear of
6 violating the laws outlined in the Town Clerk's letter of October 12, 2011.

7
8 52. Ms. Galassini is ready, willing, and able to hold one or more public
9 protests that at a place where it is legal to do so in the Town. She and others will make
10 use of signs, flyers, and other written materials opposing the bond. She wishes to speak
11 out against the bond in other ways in concert with others. However, to undertake any of
12 these activities, or otherwise to organize others to speak out against the bond, Ms.
13 Galassini would have to formally organize as a "political committee" under Arizona law
14 and register with the town, among other legal requirements.

15
16 53. Ms. Galassini is not an experienced campaign organizer and she lacks any
17 experience complying with campaign-finance laws. She is a busy individual and
18 businesswoman who conducts her political activities in her spare time. She lacks the
19 time and resources to formally organize and operate a political committee under Arizona
20 law or to schedule appointments at the Town Clerk's convenience to meet with staff of
21 the Clerk's office and fill out forms. The Clerk's office is open only from 7:00 a.m. to
22 6:00 p.m., Monday through Thursday and the political-committee forms cannot be filled
23 out online.
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1 54. To organize and operate a formal political committee, Ms. Galassini would
2 have to review laws and forms that the Arizona Court of Appeals has described as “so
3 confusing that they set a trap” for individuals like Ms. Galassini.
4

5 55. Ms. Galassini cannot afford to hire a lawyer to advise her about the
6 campaign-finance laws simply to engage in collective, grassroots efforts with her friends
7 and neighbors to speak out against the bond issue.
8

9 56. Even to comply with the exemption requirement of Ariz. Rev. Stat. § 16-
10 902.01(A), Ms. Galassini would be required to certify that her “group” will not spend
11 more than \$500. She cannot do so, because she is not attempting to organize a formal
12 group whose “members” report all of their activities to Ms. Galassini.
13

14 57. Even to comply with the exemption requirement of Ariz. Rev. Stat. § 16-
15 902.01(A), Ms. Galassini would also have to comply with Ariz. Rev. Stat. § 16-902(A)
16 and find another person to act as either chairman or treasurer. She knows no such
17 person who would be willing to undertake either of these obligations simply to engage in
18 informal efforts with her to speak out about the bond issuance. Moreover, she does not
19 wish to undertake the obligations of chairman or treasurer simply to engage in such
20 efforts.
21

22 58. Even to comply with the exemption requirement of Ariz. Rev. Stat. § 16-
23 902.01(A), Ms. Galassini would have to file a termination statement when her “group’s”
24 activities in connection with the bond issuance were completed. This would be
25 impossible, as she has no formal “group” with which she is operating. She simply has a
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27
28

1 group of friends and neighbors with whom she has attempted to associate to speak out
2 against the bond issuance.

3
4 59. Ms. Galassini also objects to the necessity of disclosing the amount raised
5 and spent by her “political committee” on its public protest. The government has no
6 legitimate interest in requiring disclosure of contributions and expenditures as small as
7 those she would be required to report under Arizona’s law. Ms. Galassini is not aware
8 of the exact amount she has spent on signs, emails, and letters in connection with the
9 bond issue, but she estimates it is less than \$500. She does not know how much others
10 with whom she has communicated about the bond issue have spent on their speech,
11 although she assumes it is less than \$500 as well.

12
13
14 60. Ms. Galassini fears punishment for speaking if she accidentally violates
15 Arizona’s complex campaign-finance laws.

16
17 61. But for the aforementioned registration and other legal requirements for
18 political committees contained in Ariz. Rev. Stat. § 16-901 *et seq.*, Ms. Galassini would
19 hold at least one public gathering with others to oppose the bond issuance and she would
20 continue speaking in concert with others against the proposed bond before the deadline
21 for mail-in ballots on November 8. She would like to engage in these activities as soon
22 as possible, and every day that goes by in the interim likely means she has lost the
23 opportunity to appeal to some voters to voter against the bond forever.

24
25 62. While Ms. Galassini wishes to associate with others to speak about ballot
26 issues in the future, the burden and cost of complying with the requirements for political
27

28

1 committees as described herein and the risk of violation has made her—and will
2 continue to make her—avoid doing so.

3
4 63. In sum, and as described above, Arizona’s campaign-finance laws
5 contained in Ariz. Rev. Stat. § 16-901 *et seq.*, as well as the actions of the Defendant in
6 implementing and enforcing those provisions, substantially burden and chill Ms.
7 Galassini’s and others’ rights to free speech and association under the First and
8 Fourteenth Amendments to the United States Constitution.
9

10 **CONSTITUTIONAL VIOLATIONS**

11 **First Amendment**

12 64. Plaintiff incorporates and realleges the allegations in the preceding
13 paragraphs of this complaint as though set forth in this section.
14

15 65. Arizona’s campaign-finance laws impose onerous registration and other
16 requirements on individuals who associate “for the purpose of influencing the result of
17 any election,” including elections for ballot measures, such as the Town of Fountain
18 Hills municipal bond issue. These burdensome requirements include, but are not limited
19 to, the obligation of registering with the town and filing a political-committee exemption
20 form certifying to the town that individuals associating with one another will not spend
21 more than \$500 on their own speech for or against a ballot measure.
22

23
24 66. Further, individuals who are required to register with the town and fill out
25 exemption forms in order to speak and associate for or against ballot measures must
26 appoint a treasurer and a chairman of their “committee” or “group” who cannot be the
27 same person. The treasurer is legally liable to comply with Arizona’s campaign-finance
28

1 laws for such groups. The practical effect of these laws is to require individuals, such as
2 the Plaintiff here, to have to track all activities of those with whom she is associating to
3 ensure that they do not amount to more than \$500 in value, to maintain all records for a
4 period of three years, to determine when the “group’s” activities are finished and file a
5 termination statement with the town. The laws appear to require the treasurer to open a
6 separate bank account prior to engaging in any activities as well.
7

8
9 67. In addition, groups whose speech and activities are valued at more than
10 \$500 must file a statement of organization with the town and comply with additional
11 onerous requirements, including the obligation of tracking and reporting all of the
12 activities undertaken “for the purpose of influencing the result of any election” of those
13 with whom they are associating and reporting their identities and addresses, along with
14 other information, to the town.
15

16 68. The registration, exemption, reporting, and disclosure requirements
17 described above impose substantial compliance costs for groups that merely advocate
18 the passage or defeat of a ballot issue. These costs are excessive in relation to any
19 purported state interest.
20

21 69. Both on their face and as applied to Plaintiff, the registration, exemption,
22 reporting, and disclosure requirements for political committees impose a prior restraint
23 on political speech and association and unconstitutionally burden and chill rights to free
24 speech and association in violation of the First and Fourteenth Amendments to the
25 United States Constitution.
26
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1 70. Both on their face and as applied to Plaintiff, the registration, exemption,
2 reporting, and disclosure requirements for political committees are vague and overbroad
3 in violation of the First and Fourteenth Amendments to the United States Constitution.
4

5 71. As a direct and proximate result of the registration, exemption, reporting,
6 and disclosure requirements for political committees, Plaintiff and others similarly
7 situated have suffered and will continue to suffer irreparable harm to their constitutional
8 rights. Plaintiff has no adequate legal, administrative, or other remedy by which to
9 prevent or minimize this harm. Unless Defendant is enjoined from implementing and
10 enforcing the political-committee provisions of Ariz. Rev. Stat. § 16-901 *et. seq.* against
11 Plaintiffs and others similarly situated, Plaintiff and others similarly situated will
12 continue to suffer great and irreparable harm.
13
14

15 **REQUEST FOR RELIEF**

16 **WHEREFORE**, Plaintiff respectfully requests relief as follows:

17 1. For entry of judgment declaring that the registration, exemption, reporting,
18 and disclosure requirements for political committees contained in Ariz. Rev. Stat. § 16-
19 901 *et seq.* are unconstitutional on their face and as applied to the Plaintiff and others
20 similarly situated;
21

22 2. For entry of a temporary restraining order, a preliminary injunction, and a
23 permanent injunction against the Defendants prohibiting the enforcement of these
24 regulations, laws, rules, and policies;
25

26 3. For an award of nominal damages in the amount of one dollar;
27
28

1 4. For an award of attorneys' fees, costs, and expenses in this action pursuant
2 to 42 U.S.C. § 1988; and

3
4 5. For such further legal and equitable relief as the Court may deem just and
5 proper.

6 Respectfully submitted this 26th day of October, 2011.

7
8 **INSTITUTE FOR JUSTICE**

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26
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