

No. 24-3051

**IN THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

NATIONAL REPUBLICAN SENATORIAL COMMITTEE, ET AL.

Plaintiffs-Appellants,

v.

FEDERAL ELECTION COMMISSION,

Defendant-Appellee.

On Certified Constitutional Question from the
United States District Court for the Southern District of Ohio

**UNOPPOSED MOTION OF CAMPAIGN LEGAL CENTER AND
CITIZENS FOR RESPONSIBILITY AND ETHICS IN WASHINGTON
FOR LEAVE TO FILE BRIEF AMICI CURIAE
SUPPORTING DEFENDANT-APPELLEE**

Campaign Legal Center (CLC) and Citizens for Responsibility and Ethics in Washington (CREW) respectfully move for leave to participate as amici curiae and to file the attached Brief Amici Curiae in this Court's en banc merits proceedings.

Counsel for both Plaintiffs-Appellants National Republican Senatorial Committee, et al., and Defendant-Appellee Federal Election Commission (FEC) do not oppose amici movants' participation.

In support of this motion, amici movants state the following:

1. Proposed amicus curiae CLC is a nonpartisan nonprofit organization working for a more transparent, inclusive, and accountable democracy at all levels of government. CLC's work includes representing the public perspective in administrative proceedings and litigation that concern the interpretation and enforcement of campaign finance and political disclosure laws. *See* <https://campaignlegal.org/about>.

2. CREW is a nonpartisan, nonprofit corporation recognized under section 501(c)(3) of the Internal Revenue Code. CREW is committed to protecting the rights of citizens to be informed about the activities of government officials, ensuring the integrity of those officials, protecting our political system against corruption, and reducing the influence of money in politics through a combined approach of research, advocacy, public education, and litigation.

3. Amici movants have a longstanding, demonstrated interest and expertise in the constitutionality and enforcement of campaign finance laws, including the federal party coordinated expenditure limits, 52 U.S.C. § 30116(d), at issue in this case.

4. Amici movants have participated in numerous cases addressing federal campaign finance laws, including *Citizens United v. FEC*, 558 U.S. 310 (2010), and *McCutcheon v. FEC*, 572 U.S. 185 (2014), which underlie the claims in this case. CLC also participated as an amicus curiae in a similar challenge to the party

coordinated spending limits in *Cao v. FEC*, 619 F.3d 410, *cert. denied*, 562 U.S. 1286 (2011), wherein the Fifth Circuit reaffirmed the constitutionality of these limits.

5. CLC and CREW believe their proposed *amicus* brief will benefit the Court by providing both an in-depth discussion of the relevant legal precedents and a broader, national perspective on campaign practices and fundraising techniques in the last two decades. In particular, amici movants explain how the enactment of the Consolidated and Further Continuing Appropriations Act (Dec. 16, 2014) and the rise of joint fundraising practices reinforce the Supreme Court's concern in *FEC v. Colorado Republican Federal Campaign Committee*, 533 U.S. 431 (2001) (*Colorado II*), that party fundraising and spending can facilitate circumvention of the base contribution limits.

6. For these reasons, CLC and CREW provide a distinct perspective to the Court that current parties do not provide.

7. Pursuant to Fed. R. App. P. 29(a)(6), this filing is timely because this motion and the attached memorandum are being filed within a week of the date that Defendant-Appellee filed its opening brief.

8. Pursuant to Fed. R. App. P. 29(a)(4), amici movants affirm that no party's counsel authored the brief in whole or in part, and no person—other than

CLC or CREW or their counsel—contributed money that was intended to fund the brief.

9. Counsel for the parties were contacted about their consent to the filing of the attached memorandum. Neither Plaintiffs-Appellants nor Defendant-Appellee oppose CLC's and CREW's amici participation.

Wherefore, amici movants CLC and CREW respectfully request that the Court grant leave to file the attached Brief Amici Curiae. CLC and CREW do not request the opportunity to participate in oral argument.

Dated: April 11, 2024

Respectfully submitted,

/s/ Tara Malloy

Tara Malloy*

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CERTIFICATE OF COMPLIANCE

I hereby certify, in accordance with Fed. R. App. P. 32(g), that this motion complies with the type-volume requirements and contains 550 words. *See* Fed. R. App. P. 27(d)(2)(A).

I further certify that this motion complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6) because it has been prepared in a proportionally spaced typeface using Microsoft Office Word in Times New Roman 14 point font.

/s/ Tara Malloy
Tara Malloy

CERTIFICATE OF SERVICE

I hereby certify that on April 11, 2024, I electronically filed a copy of the foregoing motion with attached Brief *Amicus Curiae* using the CM/ECF system, which will send notification of this filing to all counsel of record.

Dated: April 11, 2024

/s/ Tara Malloy
Tara Malloy