

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION**

The Hispanic Leadership Fund, Inc.,)	
)	
Plaintiff,)	Civil Case No. 4:12-cv-00339-JAJ-TJS
)	
v.)	POST HEARING REPLY
)	
Federal Election Commission,)	
)	
Defendant.)	

At oral argument today, the Court asked Counsel for Plaintiff The Hispanic Leadership Fund, Inc. (“HLF”) for information about the actions of the Defendants at issue in accordance with *Woodke v. Dahm*, 70 F.3d 983 (8th Cir. 1995). Plaintiffs wish to submit this additional authority to the Court about the actions of the Defendant that are relevant, and why HLF faces fear of prosecution by the Defendants in the Southern District of Iowa if it airs its planned advertising in Des Moines, Iowa. In analyzing standing to sue the Federal Election Commission, another court found:

The VSHL notes that the FEC is empowered to "institute a civil action ... in the district court of the United States for the district in which the person against whom such action is brought is found, resides, or transacts business." 2 U.S.C. § 437g(a)(6)(A) (emphasis added). As observed by the VSHL, the FEC has chosen to bring enforcement actions in the districts where potential violators have transacted business on numerous occasions, rather than in the districts where those parties were found or resided. (Pl.'s Resp. § II(A)). The VSHL therefore reasonably fears prosecution by the FEC in the District of Columbia, both for its radio advertisements and for any advertising collaborations between the VSHL and D.C.-based organizations, such as the National Right to Life Committee. (Id.). While the FEC argues that any fear of prosecution in the District of Columbia is too

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CERTIFICATE OF SERVICE

I hereby certify that on August 8-9, 2012, I sent copies of the foregoing Post Hearing Reply by electronic service and U.S. first class mail on the following parties:

VIA ELECTRONIC SERVICE

Federal Election Commission
999 E Street, NW
Washington, DC 20463

And

VIA U.S. FIRST CLASS MAIL

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/s/ Jason Torchinsky
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