

UNITED STATES DISTRICT COURT

for the
Eastern District of Virginia
Alexandria Division

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2014 APR 17 PM 4:18

OFFICE OF GENERAL
COUNSEL

Stop Reckless Economic Instability Caused by
Democrats ("STOP REID"), Niger Innis, Niger Innis
for Congress, Tea Party Leadership Fund, and
Alexandria Republican City Committee,

Plaintiff(s)

v.

Federal Election Commission

Defendant(s)

Civil Action No. 1:14-CV-00397

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you
are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ.
P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of
the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney,
whose name and address are:

Dan Backer
DB CAPITOL STRATEGIES PLLC
717 King Street, Suite 300
Alexandria, VA 22314

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint.
You also must file your answer or motion with the court.

CLERK OF COURT

Date: 4/14/14

Signature of Clerk or Deputy Clerk

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

FILED

<p>I. (a) PLAINTIFFS Stop Reckless Economic Instability Caused by Democrats ("STOP REID"), Niger Innis, Niger Innis for Congress, Tea Party Leadership Fund, and Alexandria Republican City Committee</p> <p>(b) County of Residence of First Listed Plaintiff <u>Fairfax County</u> (EXCEPT IN U.S. PLAINTIFF CASES)</p> <p>(c) Attorneys (Firm Name, Address, and Telephone Number) Michael Morley, Esq. Dan Backer, Esq. COOLIDGE-REAGAN FOUNDATION DB CAPITOL STRATEGIES PLLC 1629 K Street, Suite 300 717 King Street, Suite 300 Washington, DC 20006 Alexandria, VA 22314 Phone: (202) 603-5397 Phone: (202) 210-5431</p>	<p>DEFENDANTS Federal Election Commission</p> <p>County of Residence of First Listed Defendant <u>Fairfax County</u> 2:28 (IN U.S. PLAINTIFF CASES ONLY)</p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED: <u>ALEXANDRIA, VIRGINIA</u></p> <p>Attorneys (If Known)</p> <p style="text-align: right; font-size: 1.2em;"><u>1:14-CV-003917</u></p>
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<p>II. BASIS OF JURISDICTION (Place an "X" in One Box Only)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input checked="" type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> <td style="width:33%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from Another District (specify) 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
First Amendment challenge to Fed. Election Campaign Act & Bipartisan Campaign Reform Act, 2 U.S.C. 441a(a)(1)(A), (a)(2)(B)-(C), (a)(4).

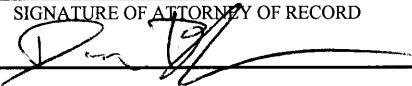
Brief description of cause:
First Amendment challenge to discriminatory contribution limits

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. **DEMAND \$** _____ CHECK YES only if demanded in complaint: **JURY DEMAND:** Yes No

VIII. RELATED CASE(S) IF ANY (See instructions):

JUDGE _____ DOCKET NUMBER _____

DATE 4/14/2014 SIGNATURE OF ATTORNEY OF RECORD 

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

FILED

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

2014 APR 14 P 2:28

CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA

STOP RECKLESS ECONOMIC)
INSTABILITY CAUSED BY DEMOCRATS)
("STOP REID"), NIGER INNIS, NIGER)
INNIS FOR CONGRESS, TEA PARTY)
LEADERSHIP FUND, and ALEXANDRIA)
REPUBLICAN CITY COMMITTEE,)

Plaintiffs,)

v.)

FEDERAL ELECTION COMMISSION,)

Defendant.)
_____)

Civil Action No. 14-CV-00397

(AJT/Jan)

COMPLAINT

The Federal Election Campaign Act ("FECA"), as amended by the Bipartisan Campaign Reform Act ("BCRA") allows certain political committees that have existed for more than six months to contribute up to \$5,000 per election to a candidate for federal office, for a total of up to \$10,000 per candidate each election cycle (including a primary election and general election). The statute places newly formed political committees that have existed for less than six months at a disadvantage, permitting them to contribute only \$2,600 per election to each candidate, for a total of \$5,200 per candidate each election cycle. These discriminatory restrictions impermissibly allow entrenched institutions and interests to engage in protected First Amendment activities to a greater extent than newly formed grassroots organizations that have spontaneously mobilized in response to emergent political issues and developments. They unconstitutionally allow some speakers to exercise their speech and associational rights in the political arena to a greater extent than others,

particularly penalizing the emergence of spontaneous, grassroots political expression when it is most vital—in the days leading up to an election.

Further underscoring the arbitrary and indefensible structure of the current system is that the ability of certain political committees to engage in *other* forms of political expression and association becomes limited *after* they have existed for more than six months. A newly formed political committee may, within the first six months of its existence, contribute an annual total of \$10,000 to a state political party committee and its affiliated local political party committees, as well as \$32,400 annually to a national political party committee. Once that political committee has existed for more than six months, however, those limits are *decreased* to a total of \$5,000 each year to a state party committee and its local affiliates, as well as \$15,000 annually to national political party committees. This impermissibly abrogates the associational rights of both those committees and their individual members.

This bizarre amalgamation of increasing and decreasing contribution limits based on the duration of an entity's existence cannot survive constitutional scrutiny.

Jurisdiction and Venue

1. This Court has subject-matter jurisdiction over this case pursuant to 28 U.S.C. § 1331, as it arises under the First Amendment to the U.S. Constitution and concerns the constitutionality of various provisions of federal law.

2. Venue is proper in this Court under 28 U.S.C. § 1391(e)(1)(B)-(C), because the defendant is an agency of the United States, a substantial part of the events and omissions giving rise to the claim occurred in this district, and Plaintiffs Stop the Reckless Economic Instability Caused by Democrats, Tea Party Leadership Fund, and Alexandria Republican City Committee reside here, *see id.* § 1391(c)(2).

Parties

3. Plaintiff STOP THE RECKLESS ECONOMIC INSTABILITY CAUSED BY DEMOCRATS (“STOP REID”) is a non-connected political committee that maintains its principal place of business in Alexandria, Virginia. It filed its registration with the Federal Election Commission (“FEC”) on February 24, 2014, and resubmitted its registration form on April 4, 2014, after the FEC failed to post the original one on its website.

4. Plaintiff NIGER INNIS is a resident of Las Vegas, Nevada. He is a candidate for the Republican nomination for the U.S. House of Representatives from Nevada’s fourth congressional district. He is interested in associating, to the full extent permitted by federal law, with individuals and groups that share his beliefs in limited government, lower taxes, and personal freedom.

5. Plaintiff NIGER INNIS FOR CONGRESS (“NFIC”) is the authorized principal campaign committee for Plaintiff Innis, in connection with his congressional campaign. Its principal place of business is in Las Vegas, Nevada.

6. Plaintiff TEA PARTY LEADERSHIP FUND (“Fund”) is a non-connected multicandidate political committee that is registered and maintains its principal place of business in Alexandria, Virginia. It filed its registration with the FEC on May 9, 2012.

7. Plaintiff ALEXANDRIA REPUBLICAN CITY COMMITTEE (“ARCC”) is a local political party committee and is affiliated with the Virginia Republican State Committee, a state political party committee. It maintains its principal place of business in Alexandria, Virginia.

8. Defendant FEDERAL ELECTION COMMISSION (“FEC”) is located in Washington, D.C. It is the federal agency charged with enforcing the FECA and BCRA.

The Discriminatory Contribution Limits

9. The FECA allows individuals to join together to form “political committees” to further their political goals, engage in expressive conduct, and support candidates who share their goals and values. 2 U.S.C. § 431(4).

10. In general, the FECA treats a political committee as a “person.” 2 U.S.C. § 431(11).

11. The FEC announced the inflation-adjusted limits for contributions for political committees and other related entities on February 6, 2013. *See* FEC, *Price Index Adjustments for Contribution and Expenditure Limitations and Lobbyist Bundling Disclosure Threshold*, 78 FED. REG. 8,530, 8,532 (Feb.6, 2013).

12. Taking into account the FEC’s adjustments for inflation, a political committee generally may contribute the following amounts in the current (2013-2014) election cycle:

a. \$2,600 per election to any candidate for federal office, for a maximum of \$5,200 per election cycle (including the primary and general elections), *see* 2 U.S.C. § 441a(a)(1)(A);

b. a total of \$10,000 per year to a state political party committee and its affiliated local political party committees, *see* 2 U.S.C. § 441a(a)(1)(D); and

c. \$32,400 per year to any national political party committee, *see* 2 U.S.C. § 441a(a)(1)(B), such as the Democratic National Committee, Republican National Committee, Democratic Senatorial Campaign Committee, National Republican Senatorial Committee, Democratic Congressional Campaign Committee, and National Republican Congressional Committee.

13. A political committee qualifies as a “multicandidate political committee,” and becomes subject to different contribution limits, if it has:

a. been registered with the FEC for six or more months;

- b. received contributions from more than 50 persons; and
- c. has contributed to five or more candidates for federal office. 2 U.S.C.

§ 441a(a)(4).

14. Taking into account the FEC’s adjustments for inflation, a “multicandidate political committee” generally may contribute:

- a. \$5,000 per election to any candidate for federal office, for a maximum of \$10,000 per election cycle (including the primary and general elections), *see* 2 U.S.C. § 441a(a)(2)(A);
- b. \$5,000 per year to any other political committee, including a total of \$5,000 to a state political party committee and its affiliated local political party committees, *see* 2 U.S.C. § 441a(a)(2)(C); and
- c. \$15,000 per year to any national political party committee, *see* 2 U.S.C. § 441a(a)(2)(B).

15. The following table summarizes the contribution limits that apply to political committees that have at least 50 contributors and have contributed to five or more candidates:

<i>Recipient of Contribution:</i>	Political Committee Making Contribution Has Existed for <i>Less</i> Than Six (6) Months	Political Committee Making Contribution Has Existed for <i>More</i> Than Six (6) Months
Candidate	\$2,600	\$5,000
State political party committee and local party committee affiliates	\$10,000	\$5,000
National political party committee	\$32,400	\$15,000

16. Even if a political committee has received contributions from more than 50 persons, and has contributed to five or more candidates for federal offices, it cannot be recognized as a “multicandidate political committee”—and become subject to the contribution limits that apply to multicandidate political committees—unless it has existed and been registered with the FEC for at least six months. 2 U.S.C. § 441a(a)(4).

17. Conversely, once a political committee has received contributions from more than 50 persons, contributed to five or more candidates for federal office, and existed and been registered with the FEC for at least six months, it must be designated a “multicandidate political committee” and cannot avoid being subject to the contribution limits that apply to such entities. *See* 11 C.F.R. § 110.2(a)(1).

18. Due to the discriminatory contribution limits that apply to political committees and “multicandidate political committees,” a political committee that has received more than 50 contributions and contributed to at least five candidates, but has existed and been registered with the FEC for *less* than six months, may contribute only \$2,600 per election to each candidate (for a maximum of \$5,200 per election cycle). 2 U.S.C. § 441a(a)(1)(A). An identically situated political committee that has received more than 50 contributions and contributed to at least five candidates, but has existed and been registered with the FEC for *more* than six months, however, qualifies as a multicandidate political committee, *id.* § 441a(a)(4), and may contribute \$5,000 per election to each candidate (for a maximum of \$10,000 per election cycle), *id.* § 441a(a)(2)(A).

19. A political committee that has received more than 50 contributions and contributed to at least five candidates, but has existed and been registered with the FEC for *less* than six months, may contribute a total of \$10,000 each year to a state political party committee and its affiliated local political party committees, as well as \$32,400 each year to a national political party

committee. 2 U.S.C. § 441a(a)(1)(B), (D). An identically situated political committee that has received more than 50 contributions and contributed to at least five candidates, but has existed and been registered with the FEC for *more* than six months, however, is designated a multicandidate political committee, 2 U.S.C. § 441a(a)(4), and may contribute a total of only \$5,000 each year to a state political party committee and its affiliated local political party committees, as well as \$15,000 each year to a national political party committee per year, 2 U.S.C. § 441a(a)(2)(B), (C).

**Federal Law Imposes Unconstitutional Discriminatory
Limits on STOP REID’s Ability to Associate With and
Demonstrate Its Support for the Candidates It Supports**

20. Plaintiff STOP REID filed with the FEC the paperwork necessary to register as a political committee on February 24, 2014, and is deemed to be registered as of that date. STOP REID has over 150 contributors and has made contributions to five candidates for federal office, including Plaintiff Innis (NIFC).

21. STOP REID meets all of the statutory qualifications for being recognized as a “multicandidate political committee,” except it has existed and been registered with the FEC for less than six months. Because STOP REID is unable to qualify as a “multicandidate political committee,” it may contribute only \$2,600 per election to each candidate, rather than \$5,000.

22. STOP REID has contributed the statutory maximum of \$2,600 to Plaintiff Innis, who is running for the Republican nomination for Congress in Nevada’s fourth congressional district.

23. Nevada’s congressional primary election is scheduled for June 10, 2014.

24. STOP REID has more than \$7,400 in available funds. It wishes to contribute *an additional* \$2,400 to Innis in connection with the primary election, which would bring its total contribution to Innis in connection with the primary to \$5,000.

25. Due to the FECA's six-month waiting period, however, STOP REID will not qualify as a multicandidate political committee until August 24, 2014—after the primary election is over—and therefore may not contribute more than a total of \$2,600 to Innis in connection with the primary. If STOP REID had existed and been registered with the FEC for more than six months, however, it would be able to contribute a total of \$5,000 to Innis in connection with the primary.

26. STOP REID wishes to contribute additional funds to Innis in the primary election as a way of further associating itself with him; expressing and demonstrating its strong approval of his political views and proposals concerning limited government, lower taxes, and personal freedom; subsidizing his political speech, with which it deeply agrees; and assisting his campaign.

27. Innis wishes to associate, to the full extent permitted by federal law, with individuals and groups such as STOP REID that share his beliefs in limited government, lower taxes, and personal freedom. He has accepted STOP REID's contribution of \$2,600, and wishes to accept an additional \$2,400 from STOP REID in connection with the upcoming primary election.

28. STOP REID also wishes to contribute \$5,000, immediately after the primary election is over, to Republican candidates for the U.S. House of Representatives from Nevada. STOP REID believes that associating itself with a candidate as early as possible in a general election race, and to the greatest extent legally possible, can have the greatest impact on the race by helping to define a candidate early in the voters' minds, engendering further support from like-minded individuals and groups that can increase exponentially as time progresses, and assisting the candidate in propagating his views more broadly, potentially defining the issues that will determine the course of the race.

29. Because STOP REID's contributors live throughout the country, and few of them live in or near Nevada, making a contribution through STOP REID is the most practical and realistic way in which they collectively can associate STOP REID with Innis (as well as with the Republican candidate in the general election) and further his campaign efforts as a group.

30. If STOP REID contributes more than \$2,600 to a candidate in connection with a single election, it will face a credible threat of prosecution.

31. Innis has refrained from soliciting more than \$2,600 from STOP REID in connection with the 2014 congressional primary election, because doing so would subject him to civil and criminal penalties under 2 U.S.C. § 437g(d).

**Federal Law Imposes Unconstitutional Discriminatory
Limits on the Fund's Ability to Associate With and
Demonstrate Its Support for Political Party Committees**

32. Plaintiff Fund registered as a political committee with the FEC on May 9, 2012, and has over 100,000 contributors. It has made, and continues to make, contributions to dozens of federal candidates.

33. Because the Fund has existed and been registered with the FEC for more than six months, it is registered and treated as a "multicandidate political committee." It therefore may contribute a total of only \$5,000 per year to a state political party committee and its affiliated local political party committees, as well as \$15,000 per year to a national political party committee.

34. On April 4, 2014, the Fund contributed the statutory maximum of \$5,000 to the ARCC.

35. The Fund has more than \$37,400 in available funds. It wishes to immediately contribute an additional \$5,000 to the ARCC, which would bring its total contributions to the

ARCC for the year 2014 to \$10,000. The Fund further wishes to immediately contribute \$32,400 to the National Republican Senatorial Committee (“NRSC”).

36. Due to the discriminatory limits on contributions from multicandidate political committees to political party committees, the Fund may not contribute as much to the ARCC and the NRSC as a political committee that is identical to it in all material respects, but has existed and been registered with the FEC for less than six months.

37. The Fund wishes to contribute additional funds to the ARCC and NRSC as a way of further associating itself with those entities; expressing and demonstrating its strong approval of their political platforms; subsidizing their political speech, with which it deeply agrees; and assisting the campaigns in which those entities are involved.

38. Because the Fund’s contributors live throughout the country, making a contribution through the Fund is the most practical and realistic way in which they can collectively associate the Fund with the ARCC and NRSC and further their efforts as a group.

CAUSES OF ACTION

COUNT I

Plaintiffs STOP REID’s and Niger Innis’ Fifth Amendment Equal Protection Challenge to 2 U.S.C. § 441a(a)(1)(A) As Applied to Certain New Political Committees

39. Plaintiffs STOP REID and Niger Innis hereby re-allege and incorporate by reference the allegations contained in Paragraphs 1-38.

40. Limits on contributions from political committees to candidates burden the fundamental First Amendment rights of freedom of association and speech of such committees and their members.

41. The FEC is subject to the Due Process Clause of the Fifth Amendment, which contains equal protection restrictions identical to those that the Fourteenth Amendment's Equal Protection Clause imposes on states. *See Bolling v. Sharpe*, 347 U.S. 497 (1954).

42. Under federal law, materially identical groups that have received contributions from at least 50 people and contributed to at least 5 federal candidates are unconstitutionally treated differently, depending on whether or not they have existed and been registered with the FEC for at least 6 months.

43. A group that has received contributions from at least 50 people and contributed to at least 5 federal candidates, but has not existed and been registered with the FEC for at least 6 months, is considered to be only a "political committee," is treated as a "person" for purposes of contribution limits, and may contribute no more than \$2,600 per election to each candidate. 2 U.S.C. § 441a(a)(1)(A).

44. A materially identical group that has received contributions from at least 50 people, contributed to at least 5 federal candidates, and has existed and been registered with the FEC for at least 6 months is considered to be a "multicandidate political committee" and may contribute up to \$5,000 per election to each candidate. 2 U.S.C. § 441a(a)(2)(A).

45. The differing limits on materially identical committees' contributions to candidates, depending on whether the committee has existed and been registered with the FEC for more than 6 months, is not closely tailored to furthering an important government interest, and fails any level of heightened constitutional scrutiny. Imposing the lower \$2,600 restriction on all new political committees is an impermissibly overbroad means of furthering any interest the Government may assert.

46. Section 441a(a)(1)(A)'s contribution limit of \$2,600 to each candidate per election is unconstitutional under the equal protection component of the Fifth Amendment's Due Process Clause, as applied to political committees that have received contributions from at least 50 people and contributed to at least 5 federal candidates, but have not existed and been registered with the FEC for at least 6 months.

COUNT II
Plaintiffs STOP REID's and Niger Innis' First Amendment
Challenge to 2 U.S.C. § 441a(a)(4)'s Six-Month Waiting Period
As Applied to Certain New Political Committees

47. Plaintiffs STOP REID and Niger Innis hereby re-allege and incorporate by reference the allegations contained in Paragraphs 1-46.

48. Political committees that have received contributions from at least 50 people and made contributions to at least 5 federal candidates, but that have existed and been registered with the FEC for less than six months, may contribute only \$2,600 per election to each candidate. 2 U.S.C. § 441a(a)(1)(A).

49. 2 U.S.C. § 441a(a)(4) imposes a six-month waiting period on such committees before they may qualify as "multicandidate political committees," and be permitted to contribute \$5,000 per election to each candidate under 2 U.S.C. § 441a(a)(2)(A).

50. This six-month waiting period is a substantial delay that interferes with new political committees' attempts to associate with and demonstrate their support for candidates in a timely manner. Such delay constitutes a substantial burden on First Amendment rights.

51. 2 U.S.C. § 441a(a)(4)'s six-month waiting period for being designated a "multicandidate political committee" and being permitted to contribute \$5,000 rather than \$2,600 per election to each candidate is comparable to a prior restraint and substantially burdens First Amendment rights of freedom of association and expression. 2 U.S.C. § 441a(a)(4) therefore is

unconstitutional as applied to political committees that have received contributions from at least 50 people and contributed to at least 5 federal candidates, but have not existed and been registered with the FEC for at least 6 months.

COUNT III
ARCC's and the Fund's Fifth Amendment Equal
Protection Challenge to 2 U.S.C. § 441a(a)(2)(B), (C)

52. Plaintiffs ARCC and the Fund hereby re-allege and incorporate by reference the allegations contained in Paragraphs 1-51.

53. Limits on contributions from multicandidate political committees to candidates burden the fundamental First Amendment rights of freedom of association and expression of such committees and their members.

54. The FEC is subject to the Due Process Clause of the Fifth Amendment, which contains equal protection restrictions identical to those that the Fourteenth Amendment's Equal Protection Clause imposes on states. *See Bolling v. Sharpe*, 347 U.S. 497 (1954).

55. Under federal law, materially identical groups that have received contributions from at least 50 people and contributed to at least 5 federal candidates are unconstitutionally treated differently, depending on whether they have existed and been registered with the FEC for at least 6 months.

56. A group that has received contributions from at least 50 people and contributed to at least 5 federal candidates, but has not existed and been registered with the FEC for at least 6 months, is considered to be only a "political committee," is treated as a "person" for purposes of contribution limits, and may contribute up to a total of \$10,000 annually to a state political party committee and its affiliated local political party committees, as well as \$32,400 annually to a national political party committee. 2 U.S.C. § 441a(a)(1)(B), (D).

57. A materially identical group that has received contributions from at least 50 people, contributed to at least 5 federal candidates, and has existed and been registered with the FEC for at least 6 months is considered to be a “multicandidate political committee” and may contribute a total of only \$5,000 annually to a state political party committee and its affiliated local political party committees, as well as \$15,000 annually to a national political party committee. 2 U.S.C. § 441a(a)(2)(B), (C).

58. The different limits on committees’ contributions to candidates, depending on whether the committee has existed and been registered with the FEC for more than 6 months, is not closely tailored to furthering an important government interest, and fails any form of heightened scrutiny.

59. Section 441a(a)(2)(B), (C)’s annual contribution limits of \$5,000 to state political party committees and their affiliated local political party committees, and \$15,000 to national political party committees, is unconstitutional under the equal protection component of the Fifth Amendment’s Due Process Clause.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for the following relief:

1. A declaratory judgment pursuant to 28 U.S.C. § 2201 that:
 - a. 2 U.S.C. § 441a(a)(1)(A)’s \$2,600 limit on contributions to candidates violates the equal protection component of the Fifth Amendment as applied to STOP REID and similarly situated groups;
 - b. 2 U.S.C. § 441a(a)(4)’s six-month waiting period on being designated a “multicandidate political committee” and the resulting restrictions on speech and

association violate the First Amendment as applied to STOP REID and similarly situated groups; and

c. 2 U.S.C. § 441a(a)(2)(C)'s \$5,000 limit on contributions from multicandidate political committees to state political party committees and affiliated local political party committees, as well as 2 U.S.C. § 441a(a)(2)(B)'s \$15,000 limit on contributions from multicandidate political committees to national political party committees, violate the equal protection component of the Fifth Amendment;

2. An injunction:

a. prohibiting the FEC from enforcing 2 U.S.C. § 441a(a)(1)(A)'s \$2,600 limit on contributions from political committees to candidates against political committees such as STOP REID that have received contributions from at least 50 people and made contributions to at least 5 federal candidates (and requiring the FEC to instead apply 2 U.S.C. § 441a(a)(2)(A)'s \$5,000 limit to such entities);

b. prohibiting the FEC from enforcing 2 U.S.C. § 441a(a)(2)(C)'s \$5,000 limit on contributions from multicandidate political committees such as the Fund to state political party committees and their affiliated local political party committees such as the ARCC (and requiring the FEC to instead apply 2 U.S.C. § 441(a)(1)(D)'s \$10,000 limit to such contributions); and

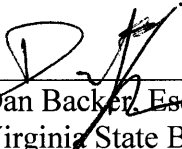
c. prohibiting the FEC from enforcing 2 U.S.C. § 441a(a)(2)(B)'s \$15,000 limit on contributions from multicandidate political committees such as the Fund to national political party committees (and requiring the FEC to instead apply 2 U.S.C. § 441(a)(1)(B)'s \$32,400 limit to such contributions);

3. Costs and attorneys' fees pursuant to any applicable statute or authority, including but not limited to the Equal Access to Justice Act, 28 U.S.C. § 2412; and
4. Such other relief as this Court deems just and appropriate.

Dated this 14th day of April 2014.

Respectfully submitted,

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