

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
CINCINNATI DIVISION**

NATIONAL REPUBLICAN SENATORIAL
COMMITTEE, *et al.*,

Plaintiffs,

v.

FEDERAL ELECTION COMMISSION, *et al.*,

Defendant.

No. 1:22-cv-639

Hon. Douglas R. Cole

**PLAINTIFFS' MOTION TO CERTIFY QUESTION
TO THE EN BANC COURT OF APPEALS**

Pursuant to 52 U.S.C. § 30110, Plaintiffs the National Republican Senatorial Committee, National Republican Congressional Committee, Senator J.D. Vance, and former Congressman Steve Chabot respectfully move this Court to adopt the proposed undisputed facts and certify the following question to the en banc U.S. Court of Appeals for the Sixth Circuit:

Whether the limits on coordinated party expenditures in 52 U.S.C. § 30116 violate the First Amendment, either on their face or as applied to party spending in connection with “party coordinated communications” as defined in 11 C.F.R. § 109.37.

This motion is based upon the attached memorandum of law in support of the motion, attached declarations and exhibits, matters of which the Court may take judicial notice, and any argument the Court may wish to schedule.

Plaintiffs reserve the right to submit additional proposed facts as may be warranted in response to any response to this motion, including proposed facts, by the Defendants.

Plaintiffs respectfully request that the motion be granted.

May 17, 2023

Respectfully submitted,

/s/ Thomas Conerty

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CERTIFICATE OF SERVICE

I hereby certify that on May 17, 2023, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of this filing to all counsel of record.

/s/ Thomas Conerty
Thomas Conerty

Counsel for Plaintiffs