

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

THE GASPEE PROJECT, and	:	
ILLINOIS OPPORTUNITY PROJECT,	:	
<i>Plaintiffs,</i>	:	
	:	
v.	:	C.A. 1:19-cv-00609-MSM-LDA
	:	
DIANE C. MEDEROS, STEPHEN P.	:	
ERICKSON, JENNIFER L. JOHNSON,	:	
RICHARD H. PIERCE, DR. ISADORE	:	
S. RAMOS, DAVID H. SHOLES, and	:	
WILLIAM E. WEST, in their official	:	
capacities only as members of the	:	
Rhode Island State Board of Elections,	:	
<i>Defendants.</i>	:	

**DEFENDANTS’ RESPONSE TO PLAINTIFFS’ NOTICE OF SUPPLEMENTAL
AUTHORITY**

Defendants respectfully submit the following brief response to Plaintiffs’ “Notice of Supplemental Authority.”¹ In addition to providing citations to cases Plaintiffs represent were referenced during oral argument at the July 21, 2020 hearing, Plaintiffs’ Notice characterizes those cases as “recent federal cases finding that compelled disclosure leads to harassment.”² Because this language from Plaintiffs’ notice contains a substantive argument regarding the import of the cited cases, Defendants feel compelled to very briefly express their disagreement with Plaintiffs’ description of the listed cases, none of which are binding precedent on this Court.

As Plaintiffs’ acknowledge, *Ams. for Prosperity v. Grewal*, No. 3:19-cv-14228-BRM, 2019 U.S. Dist. LEXIS 170793 (D.N.J. Oct. 2, 2019) involved an as-applied challenge where the plaintiff submitted declarations regarding actual threats and harm experienced by its members.

¹ As all three cited cases were already cited in Plaintiffs’ brief, it is unclear how these cases qualify as “supplemental authority.”
² Although there is of course no transcript yet available of the hearing, Defendants do not recall the Court’s question being phrased as Plaintiffs indicate.

Plaintiffs do not allege that any of their members have experienced actual threats or harm and more importantly, this case lends no support to Plaintiffs' facial challenge or to the general proposition that "compelled disclosure leads to harassment."

Citizens Union of N.Y. v. AG of N.Y., 408 F. Supp. 3d 478 (S.D.N.Y. 2019) was primarily decided based on the Court's determination that the asserted governmental interests did not apply to the law at issue in that case, which did not pertain to electioneering communications.

NRA of America v. City of Los Angeles, No. 2:19-cv-03212-SVW-GJS, 2019 U.S. Dist. LEXIS 231511 (C.D. Cal. Dec. 11, 2019) pertained to a law that expressly targeted the NRA, which provides important context to Plaintiffs' characterization of this lawsuit by the NRA as a "facial" challenge. *See id.* at *8 ("because the Ordinance facially requires disclosure of 'any and all contracts of sponsorship of the NRA,' . . . Plaintiffs cannot raise an as-applied challenge without challenging the facial validity of the Ordinance"). This case did not pertain to election disclosure laws or hold that such laws lead to harassment.

Respectfully submitted,

DEFENDANTS,

By:

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ATTORNEY GENERAL

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CERTIFICATE OF SERVICE

I hereby certify that I filed the within document via the ECF filing system on this 24th day of July, 2020 and that a copy is available for viewing and downloading.

/s/ Katherine Connolly Sadeck