IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

CRG NETWORK,

Plaintiff,

-vs- Case No. 14-CV-719

THOMAS BARLAND, et al.

Defendants.

PLAINTIFF'S BRIEF IN SUPPORT OF ITS MOTION FOR A PRELIMINARY INJUNCTION

INTRODUCTION

> *There is no right more basic in our democracy than the right to participate in electing our political leaders. Citizens can exercise that right in a variety of ways: They can run for office themselves, vote, urge others to vote for a particular candidate, volunteer to work on a campaign, and contribute to a candidate's campaign. This case is about the last of those options.*

McCutcheon v. FEC, 134 S. Ct. 1434, 1440-41 (2014). This case raises the question of whether a state can lawfully prohibit a political committee from making an otherwise lawful campaign contribution, simply because *other* committees have already made contributions to the same candidate. Wisconsin Stat. § 11.26(9) does just that. The statute prohibits groups like CRG Network from exercising their First Amendment rights to participate in electing our political leaders by contributing to a candidate's campaign if they were not among the first group of political committees to make a donation to that candidate. This type of "first in time" regulation infringes on core First Amendment rights while doing nothing to further the government's interest in preventing *quid pro quo* corruption and, as a result, is unconstitutional.

The Plaintiff, CRG Network, asks this court to enjoin the enforcement of § 11.26(9) so that it may make lawful campaign contributions to candidates whom it would like to support in advance of the November 2014 elections.

STATEMENT OF FACTS

CRG Network is an organization whose mission is to help citizens elect fiscally conservative candidates, assert property rights, and remove corrupt and/or fiscally irresponsible politicians from office. (Kliesmet Aff., ¶3.) CRG Network is a "committee" as that term is defined in Wis. Stat. §11.01(4) and is subject to the filing requirement of Wis. Stat. §11.05. (*Id.*, ¶4.)

CRG Network has historically made donations to candidates for state office in Wisconsin. (*Id.*, ¶5.) CRG Network believes that Dan Knodl, Robyn Vos, John Nygren and Dale Kooyenga are excellent candidates for the Wisconsin Assembly, because they share the same fundamental beliefs as CRG Network with respect to fiscal conservatism, limited government, property rights, individual liberty, and clean and ethical government. (*Id.*) CRG Network desires to associate with these candidates by giving each of them a $250 donation for their campaigns. (*Id.*, ¶8.)

CRG believes that in order to achieve its goals, conservative representatives must retain control of the Assembly in the 2014 election. (Kliesmet Aff., ¶11.) Because 2014 is a very important election year, CRG Network wants to make campaign donations now, when they will have an impact on this year's election. (*Id.*, ¶¶11-12.) This year's general election is scheduled to take place on November 4, 2014. Wisconsin Government Accountability Board, *Fall 2014 General Election*, http://gab.wi.gov/elections-voting/2014/fall (last visited July 30, 2014).

CRG Network sent $250 campaign donation to each of Dan Knodl, Robyn Vos, John Nygren and Dale Kooyenga for their campaigns for State Assembly. (*Id.*, ¶6.) Mr. Knodl accepted the donation. Messrs. Vos, Nygren and Kooyenga, however, each returned the donation, in whole or in part, to CRG Network because each had reached the $7,763 limit on donations from committees like CRG Network as set forth in Wis. Stat. § 11.26(9). (*Id.*; Kliesmet Aff., Ex. A.) Messrs. Vos and Nygren returned the donation in full, while Mr. Kooyenga returned $86. (*Id.*, ¶7.)

ARGUMENT

I) Summary of Relevant Campaign Finance Law

Wis. Stat. § 11.01(4) defines "committee" and "political committee" as "any person other than an individual and any combination of 2 or more persons, permanent or temporary, which makes or accepts contributions or make disbursements, whether or not engaged in activities which are exclusively political, except that a 'committee' does not include a political 'group'[1] under this chapter." Generally speaking, such "contributions" and "distributions" are those made for a "political purpose."[2] Wis. Stat. § 11.01(6), (7). CRG Network is a "committee" under this law. (Kliesmet Aff., ¶4.)

Forming and maintaining a committee is no simple matter. Committees must comply with extensive regulations, including registering with the Wisconsin Government Accountability Board, § 11.05(1), having an official treasurer and a separate campaign depository account, § 11.05(3), paying an annual "filing fee" of $100, § 11.055, and filing extensive disclosure reports twice per year, § 11.06. Those reports must include:

[1] Such "groups" are those organizations that seek to influence referenda. Wis. Stat. § 11.01(10).
[2] "Political purpose" is further defined in Wis. Stat. § 11.01(16), but that complex definition is irrelevant to this matter.

(a) An itemized statement giving the date, full name and street address of each contributor who has made a contribution in excess of $20, or whose contribution if $20 or less aggregates more than $20 for the calendar year, together with the amount of the contribution and the cumulative total contributions made by that contributor for the calendar year.

(b) The occupation and name and address of the principal place of employment, if any, of each individual contributor, whose cumulative contributions for the calendar year are in excess of $100.

(c) The name and address of each registrant from which a transfer of funds was received or to which a transfer of funds was made, together with the date and amount of such transfer, and the cumulative total for the calendar year.

(d) An itemized statement of other income in excess of $20, including interest, returns on investments, rebates and refunds received.

(e) An itemized statement of contributions over $20 from a single source donated to a charitable organization or to the common school fund, with the full name and mailing address of the donee.

(f) An itemized statement of each loan of money made to the registrant for a political purpose in an aggregate amount or value in excess of $20, together with the full name and mailing address of the lender; a statement of whether the lender is a commercial lending institution; the date and amount of the loan; the full name and mailing address of each guarantor, if any; the original amount guaranteed by each guarantor; and the balance of the amount guaranteed by each guarantor at the end of the reporting period.

(g) An itemized statement of every disbursement exceeding $20 in amount or value, together with the name and address of the person to whom the disbursement was made, and the date and specific purpose for which the disbursement was made.

(h) An itemized statement of every obligation exceeding $20 in amount or value, together with the name of the person or business with whom the obligation was incurred, and the date and the specific purpose for which each such obligation was incurred.

(i) A statement of totals during the reporting period of contributions received and disbursements made, including transfers made to and received from other registrants, other income, loans, and contributions donated as provided in par. (e).

(j) In the case of a committee or individual filing an oath under [s. 11.06(7)], a separate schedule showing for each disbursement which is made

> independently of a candidate, other than a contribution made to that candidate, the name of the candidate or candidates on whose behalf or in opposition to whom the disbursement is made, indicating whether the purpose is support or opposition.
>
> (k) A copy of any separate schedule prepared or received pursuant to an escrow agreement under s. 11.16(5). A candidate or personal campaign committee receiving contributions under such an agreement and attaching a separate schedule under this paragraph may indicate the percentage of the total contributions received and disbursements made without itemization, except that amounts received from any contributor pursuant to the agreement who makes any separate contribution to the candidate or personal campaign committee during the calendar year of receipt as indicated in the schedule shall be aggregated and itemized if required under par. (a) or (b).
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> (l) A statement of the balance of obligations incurred as of the end of the reporting period.
>
> (m) A statement of cumulative totals for the calendar year of contributions made, contributions received, and disbursements made, including transfers of funds made to or received from other registrants.
>
> (n) A statement of the cash balance on hand at the beginning and end of the reporting period.

Wis. Stat. § 11.06(1). A committee is prohibited from donating more than $500 to any one candidate for the State Assembly, § 11.26(2)(c), as is an individual, § 11.26(1)(c).

Subsection 11.26(9) places additional limits on donations. It prohibits candidates from receiving "more than 45 percent of the total disbursement level determined under s. 11.31 . . . combined from all committees other than political party and legislative campaign committees subject to a filing requirement." § 11.26(9)(b). Contributions received in excess of those limits must be returned to the donor. § 11.26(11).[3] The "total disbursement level" for State Assembly candidates is $17,250. § 11.31(1)(f). Forty-five percent of that amount is $7,763. (*See* Kliesmet Aff., ¶6, Ex. A.) Therefore, once a candidate for State Assembly receives $7,763 in donations

[3] Anonymous contributions in excess of $10 must be donated to the common school fund (which provides funding for school libraries around the state) or to a charity of the treasurer's choice. Wis. Stat. § 11.12(2).

from committees, that candidate must return any further donations from committees – of any amount – to the donor.

II) Preliminary Injunction Standard

"To obtain a preliminary injunction, the moving party must show that it has '(1) no adequate remedy at law and will suffer irreparable harm if a preliminary injunction is denied and (2) some likelihood of success on the merits.'" *Wisconsin Right to Life, Inc. v. Barland*, 751 F.3d 804, 830 (7th Cir. 2014) (quoting *Ezell v. City of Chicago*, 651 F.3d 684, 694 (7th Cir. 2011)). "If this showing is made, 'the court weighs the competing harms to the parties if an injunction is granted or denied and also considers the public interest.'" *Id.* (quoting *Korte v. Sebelius*, 735 F.3d 654, 665 (7th Cir. 2013)). "The 'equitable balancing proceeds on a sliding-scale analysis; the greater the likelihood of success on the merits, the less heavily the balance of harms must tip in the moving party's favor.'" *Id.* (quoting *Korte*, 735 F.3d at 665).

"In First Amendment cases, however, the likelihood of success on the merits is usually the decisive factor." *Id.* The loss of First Amendment freedoms "unquestionably" constitutes an irreparable injury, and an injunction to halt that deprivation is "always in the public interest." *Id.* Therefore, when an ongoing deprivation of First Amendment rights is demonstrated, a preliminary injunction is appropriate. *See ACLU v. Alvarez*, 679 F.3d 583 (7th Cir. 2012) ("[I]f the moving party establishes a likelihood of success on the merits [of a First Amendment claim], the balance of harms normally favors granting preliminary injunctive relief because the public interest is not harmed by preliminarily enjoining the enforcement of a statute that is probably unconstitutional.").

Here, CRG Network can satisfy the standard for granting a preliminary injunction. Given the recent U.S. Supreme Court decision in *McCutcheon v. FEC*, 134 S. Ct. 1434 (2014), CRG

Network has more than a reasonable likelihood of success on the merits, and can demonstrate clear and irreparable harm to its First Amendment rights should injunctive relief be denied. Furthermore, on the scale of equities, the balance of equities tips heavily in CRG Network's favor.

III) CRG Network Has a Strong Likelihood of Success on the Merits

The First Amendment to the United States Constitution provides that "Congress shall make no law . . . abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." Through the Due Process Clause of the Fourteenth Amendment, the First Amendment has been "incorporated" against the States, meaning that its prohibitions apply with equal force to the States as they do to the federal government. *NAACP v. Button*, 371 U.S. 415 (1963) (striking down a Virginia law violating the plaintiffs' rights of "expression and association protected by the First and Fourteenth Amendments").

"[T]he First Amendment safeguards an individual's right to participate in the public debate through political expression and political association." *McCutcheon*, 134 S. Ct. at 1448. Campaign contributions are an exercise of both of these rights, because a contribution "'serves as a general expression of support for the candidate and his views" and "serves to affiliate a person with a candidate.'" *Id.* (quoting *Buckley v. Valeo*, 424 U.S. 1, 21-22 (1976)). The First Amendment "is designed and intended to remove governmental restraints from the arena of public discussion, putting the decision as to what views shall be voiced largely into the hands of each of us, . . . in the belief that no other approach would comport with the premise of individual dignity and choice upon which our political system rests." *Cohen v. California*, 403 U.S. 15, 24 (1971).

The government's ability to limit campaign contributions is severely circumscribed. Among other things, this prevents entrenched politicians from hamstringing their political competition. "[T]hose who govern should be the *last* people to help decide who *should* govern." *McCutcheon*, 134 S. Ct. at 1441-42 (emphasis in original). In order to defend a law restricting contributions directly to candidates, the government must "'demonstrate[] a sufficiently important interest and employ[] means closely drawn to avoid unnecessary abridgement of associational freedoms.'" *Id.* at 1444 (quoting *Buckley*, 424 U.S. at 25). This level of review is less heightened than the "exacting standard" applied to independent political expenditures, but is nonetheless still "rigorous." *Id.* Where there is a "substantial mismatch between the [g]overnment's stated objective and the means selected to achieve it, [a regulation] fails even under the 'closely drawn' test." *Id.* at 1446. "[I]f a law that restricts political speech does not 'avoid unnecessary abridgement' of First Amendment rights, it cannot survive 'rigorous' review." *Id.* (citation to *Buckley*, 424 U.S. at 25, omitted).

The United States Supreme Court recognizes **only one** government interest that is sufficiently important to justify a restriction on campaign contributions: preventing *quid pro quo* corruption, the "direct exchange of an official act for money," or the appearance of such corruption. *Id.* at 1441; *FEC v. Nat'l Conservative PAC*, 470 U.S. 480, 496-97 (1985) ("[P]reventing corruption or the appearance of corruption [is] the only legitimate and compelling government interest[s] thus far identified for restricting campaign finances."). "Campaign finance restrictions that pursue other objectives, [the Court has] explained, impermissibly inject the Government 'into the debate over who should govern.'" *McCutcheon*, 134 S. Ct. at 1441 (quoting *Arizona Free Enterprise Club's Freedom Club PAC v. Bennett*, 131 S. Ct. 2806, 2826 (2011)). "[G]overnment regulation may not target the general gratitude a candidate may feel

toward those who support him or his allies, or the political access such support may afford." *Id.* Government "may not regulate contributions simply to reduce the amount of money in politics, or to restrict the political participation of some in order to enhance the relative influence of others." *Id.*

Subsection 11.26(9) does not serve the government interest in preventing *quid pro quo* corruption or the appearance of *quid pro quo* corruption. To begin with, Wisconsin has already determined that a donation of up to $500 to a candidate for State Assembly is non-corrupting. Wis. Stat. § 11.26(2)(c). CRG Network's attempted donations were well below that, yet they were prohibited by state law. In fact, if CRG Network had tried to give as little as $10 or even $1, it still would have been prohibited. Other committees were permitted to give up to $500 to the candidate, but CRG Network cannot give so much as a dollar.

Furthermore, CRG Network's First Amendment right to associate with and express its support of its preferred candidates has been eliminated entirely by the actions of other people. CRG Network is not prohibited from donating because *it* has contributed too much money, but because *other people* have contributed what the state apparently has decided is "too much" money. CRG Network has no control over these other committees, yet is punished with a deprivation of constitutional rights for *their* actions. Punishing one committee for the actions of others does nothing to prevent corruption, either by the committees who "made it in time" or the ones who try and donate later.

The lack of rationality in the law is further highlighted by the donations CRG Network *was* able to successfully make. CRG Network was able to donate $250 to Mr. Knodl and $164 to Mr. Kooyenga. It could make those donations without regard to any other donations it made. Yet if CRG Network tried to donate as little as $1 to Messrs. Vos or Nygren – *even if that was*

the only contribution it wanted to make this entire election cycle – it could not do so. Such a rule is irrational and arbitrary, and serves no anti-corruptive purpose.

This conclusion is compelled by the Supreme Court's decision in *McCutcheon v. FEC*. In *McCutcheon*, the Supreme Court declared aggregate limits on campaign contributions to be unconstitutional because they violated the expressive and associational rights of those trying to make donations. 134 S. Ct. at 1442. The aggregate limits prohibited an individual from giving more than $48,600 to all candidates for a federal election, meaning that if a person made nine maximum individual contributions of $5,200 and one of $1,800, that person could not give even $1 more to any other candidate. *Id.* at 1442-43. The Supreme Court noted that if a single contribution of $5,200 was non-corrupting, one more donation of far less money to a completely different candidate could not logically be deemed corrupting. "If there is no corruption concern in giving nine candidates up to $5,200 each, it is difficult to understand how a tenth candidate can be regarded as corruptible if given $1,801, and all others corruptible if given a dime." *Id.* at 1452. Therefore, the limitation on the number of otherwise legal contributions one could make could not serve an anti-corruption purpose. *Id.*

Similarly here, if another committee's single donation to a particular candidate of up to $500 is non-corrupting, how can CRG Network's $250 donation to the same candidate be corrupting? If CRG Network's single donation of $250 to Mr. Knodl is non-corrupting, how can its other donations of that amount (or less) to other candidates be corrupting? If CRG had tried to make a $250 donation the first day a candidate's campaign was announced it would have been allowed. If that donation would be non-corrupting, how can an identical $250 donation, made several months later after a candidate had reached his or her committee limit, be corrupting? It

cannot. In none of these situations is there a risk of corruption or the appearance of corruption, and the law must therefore fail.

Another district court recently addressed and enjoined a statute similar to Wisconsin's. *Seaton v. Wiener*, Civ. Case No. 14-1016 (D. Minn., May 19, 2014) (Kamenick Dec., Ex. A.) Under Minnesota Statute § 10A.27(11), a candidate could not accept a contribution from a "large contributor" (defined as an individual who contributes an amount greater than half of the individual contribution limit) once that candidate had received a predefined amount (20% of the total expenditure limit) from other "large contributors. The net effect of this law was to limit "late" donors to contributions of $500, while "early" donors could contribute up to $1,000. *Id.*, *9-10. The district court concluded that *McCutcheon* required enjoining the Minnesota statute because "limiting one donor to a contribution of only $500 while others who contributed before him were permitted to donate $1,000 would similarly constitute a penalty for the 'robust exercise' of his First Amendment rights." *Id.*, *10. *A fortiori*, limiting one donor to no contribution at all while others who contributed before him were permitted to donate $500 penalizes "late" donors like CRG Network.

The limitations in Wis. Stat. §11.26(9) were previously considered by the Wisconsin Supreme Court in *Gard v. Wisconsin State Elections Bd.*, 156 Wis. 2d 28, 456 N.W.2d 809 (1990). *Gard* upheld the limitations, but *Gard* was decided before the U.S. Supreme Court's decisions in *Citizens United* and *McCutcheon*. In *Gard* the Wisconsin Supreme Court concluded "that sec. 11.26(9)(a), Stats., is necessary as part of Wisconsin's Campaign Financing Law, in order to prevent the domination of any individual candidate's campaign by narrow special interest contributions." *Gard*, 156 Wis. 2d at 65. That rationale cannot survive post *Citizens*

United and *McCutcheon*. In fact, that rationale was expressly rejected in *McCutcheon*. 134 S. Ct. at 1441-42.

In particular, *Gard* analogized the committee caps of § 11.26(9) to the aggregate limits on individual contributions that had been summarily upheld in *Buckley*. *Id.* at 58-59. Yet when the Supreme Court revisited those aggregate individual limits in *McCutcheon* and gave them full consideration, the Court found them unconstitutional, adopting the same arguments rejected by the Wisconsin Supreme Court in *Gard*. *Compare McCutcheon*, 134 S. Ct. at 1452 (accepting the argument that other campaign finance limitations made the aggregate limit unnecessary) *with Gard*, 156 Wis. 2d at 59 (rejecting the same argument); *McCutcheon*, 134 S. Ct. at 1452 (accepting the argument that if a specific-dollar amount has already been deemed non-corrupting, banning the "next" donation of the same amount to a different candidate cannot be corrupting) *with Gard*, 156 Wis. 2d at 62-63 (rejecting the same argument). The Supreme Court has already rejected the arguments found persuasive 24 years ago by the Wisconsin Supreme Court.

Nor can the restrictions in Wis. Stat. §11.26(9) be justified to prevent an evasion of the individual contribution limits under Wis. Stat. §11.26(1). *See McCutcheon*, 134 S. Ct. at 1452-56 (rejecting the argument that the federal aggregate limits could be justified as necessary to prevent circumvention). For example, they cannot be justified as a way to prevent a person from making the maximum individual donation possible under Wis. Stat. §11.26(1), and then creating numerous committees and having each of them also give the maximum donation possible under §11.26(2).

First, any such circumvention scheme would be impractical. Each such committee would need to be registered under Wis. Stat. §11.05(3), have a treasurer and a campaign depository

account, and file disclosure reports twice per year under Wis. Stat. §11.06. The disclosure reports would reveal the source of the committee's funds and the identity of the treasurer. So if the committee was an alter ego for a particular person, that fact would be obvious.[4] Further, each such committee would have to pay a $100 filing fee under Wis. Stat. §11.055 and comply with all of the other requirements listed at pps. 4-5, *supra*. Then, even after the expense and effort of setting up such a committee, the committee would still be limited to only making a donation of $500 to a candidate for the Wisconsin State Assembly. Thus, such an evasion of the individual limit would be so expensive and difficult as to be impractical.

Second, and more importantly, such an argument was specifically addressed and rejected in *McCutcheon*. The Supreme Court noted that a federal anti-proliferation rule exists, prohibiting donors from creating or controlling multiple affiliated political committees. *See* 2 U. S. C. §441a(a)(5). The rule provides that for the designated purposes, "all contributions made by political committees established or financed or maintained or controlled by any corporation, labor organization, or any other person … shall be considered to have been made by a single political committee." 134 S. Ct. 1446-1447. As noted by the Supreme Court, "the rule eliminates a donor's ability to create and use his own political committees to direct funds in excess of the individual base limits. 134 S. Ct. at 1447. Based on the existence of the rule, the Court found a substantial mismatch between the Government's stated objective for the aggregate limit (to prevent circumvention of the individual limit) and the means selected to achieve it (the aggregate

[4] There is a legitimate constitutional question as to whether the disclosure requirements of Wis. Stat. §11.06 are overbroad when applied to certain committees such as those that make independent expenditures and those whose major purpose is not to make campaign donations, but that issue is not presented in this case. If a committee was established for the purpose of circumventing the individual limit then it would certainly be the case that its major purpose was to make campaign donations and the statute would be constitutional with respect to such a committee.

limit), and, as a result, the aggregate limits were unconstitutional under the "closely drawn" test." 134 S. Ct. at 1446.

The same is true here. Even though Wisconsin does not currently have an anti-proliferation rule similar to the federal rule described in *McCutcheo*n, it can adopt one, and such a rule is a far closer "match" to anti-corruptive goals than an aggregate and arbitrary committee limit. If it did so, it would have a much more narrowly drawn rule than the dragnet that now exists in Wis. Stat. §11.26(9) which on its face prohibits contributions which are admittedly non-corruptive. Moreover, in *McCutcheon*, the Supreme Court described other federal rules that prevented circumvention of the individual donation limits including an anti-earmarking rule (which, as discussed below, Wisconsin already has in §11.16(4)). Thus, the State of Wisconsin has access to legitimate tools to prevent circumvention of the individual limits, rather than the heavy handed and unconstitutional limitations in Wis. Stat. §11.26(9) which prevent contributions that the State, itself, acknowledges have no corruptive effect.

In that regard, Wisconsin already has regulations that reduce the possibility and appearance of corruption (through circumvention) without infringing on First Amendment freedoms. As noted by the court in *Gard*, "both 'earmarking' contributions to a party for a specific candidate and 'laundering' contributions for a candidate through a party are prohibited by secs. 11.16(4) and 11.30(1), Stats., respectively." 156 Wis. 2d at 59. Committees are also subject to the types of disclosure requirements that expose exactly from whom contributions directly to candidates come from, regardless of how many hands they have passed through. *See* Wis. Stat. § 11.06(1). If these are deemed insufficient Wisconsin could easily adopt an anti-proliferation rule as well.

The restrictions in Wis. Stat. §11.26(9) unnecessarily chill speech and infringe upon associational rights through a means that is not appropriately tailored. Thus, that limit is unconstitutionally overbroad.

IV) CRG Network Has Been Irreparably Harmed by Wis. Stat. § 11.26(9)

As noted above, a harm to First Amendment freedoms is *always* an irreparable harm for which there is no adequate remedy at law. *ACLU v. Alvarez*, 679 F.3d 583, 589 (2012). Therefore, if § 11.26(9) unconstitutionally interferes with CRG Network's First Amendment speech and associational rights, CRG Network has been irreparably harmed, satisfying that prong of the preliminary injunction test.

The harm to CRG Network is particularly acute here, because the actions it desires to take are time sensitive. To be effective in furthering its goals, CRG Network's donations must be made in time to be used for this Fall's elections. If § 11.26(9) is not enjoined in sufficient time, that action becomes impossible and the harm caused irreparable.

V) The Public Interest Favors Granting an Injunction

Likewise, "injunctions protecting First Amendment freedoms are always in the public interest" because "the public interest is not harmed by preliminarily enjoining the enforcement of a statute that is probably unconstitutional." *Id.* Therefore, if § 11.26(9) unconstitutionally interferes with CRG Network's First Amendment speech and associational rights, the public interest favors enjoining § 11.26(9), satisfying that prong of the preliminary injunction test.

CONCLUSION

The limitations § 11.26(9) places on contributions that may be made by disparate committees to a single candidate violate the First Amendment's rights to speech and association. The application of § 11.26(9) directly harms CRG Network's rights, those harms are irreparable,

and the public interest weighs in favor of enjoining the statute. Therefore, this court should issue a preliminary order enjoining the Defendants from enforcing § 11.26(9).

Submitted this 30th day of July, 2014.

Respectfully submitted,
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