

**IN THE
SUPREME COURT OF THE UNITED STATES**

No. ____

DAVID THOMPSON; AARON DOWNING; and JIM CRAWFORD,
Applicants,

v.

HEATHER HEBDON, in her Official Capacity as the Executive Director of the Alaska
Public Offices Commission; TOM TEMPLE; IRENE CATALONE; RON KING; ROBERT
CLIFT; ADAM SCHWEMLEY, in their official capacities as members of the Alaska
Public Offices Commission,
Respondents.

**APPLICATION TO THE HON. ELENA KAGAN
FOR AN EXTENSION OF TIME WITHIN WHICH TO FILE
A PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT**

Pursuant to Supreme Court Rule 13(5), David Thompson, Aaron Downing, and Jim Crawford (collectively, “Applicants”) hereby move for an extension of time of 30 days, to and including June 20, 2019, for the filing of a petition for a writ of certiorari. Unless an extension is granted, the deadline for filing the petition for certiorari will be May 21, 2019.

In support of this request, Applicant states as follows:

1. The United States Court of Appeals for the Ninth Circuit rendered its decision on November 27, 2018 (Exhibit 1), and a judge who had made a sua sponte request for a vote on whether to rehear the case en banc withdrew that request on February 20, 2019 (Exhibit 2). This Court has jurisdiction under 28 U.S.C. §1254(1).

2. This case involves exceptionally important legal questions relating to three of Alaska’s campaign finance contribution limits: (1) an annual \$500 individual-to-candidate contribution limit; (2) an annual \$500 individual-to-group contribution limit, and (3) an annual \$5,000 political-party-to-candidate aggregate contribution limit. This Court has long recognized that the First Amendment’s Free Speech and Freedom of Association Clauses—incorporated against the states by the Fourteenth Amendment—protect political expression and political speech, including campaign contributions. Indeed, contribution limits “operate in an area of the most fundamental First Amendment activities.” *Buckley v. Valeo*, 424 U.S. 1, 14 (1976); *see also, e.g., McCutcheon v. FEC*, 572 U.S. 185, 191 (2014) (“[T]he First Amendment has its fullest and most urgent application precisely to the conduct of campaigns for political office.” (quoting *Monitor Patriot Co. v. Roy*, 401 U.S. 265, 272 (1971))). Alaska’s challenged limits are among the lowest in the nation.

3. Applicants’ Counsel of Record, Paul D. Clement, was recently retained and did not represent Applicants in the proceedings below. Because counsel is new to the case, he requires additional time to research the factual record and complex legal issues presented in this case.

4. Between now and the current due date of the petition, counsel has substantial briefing obligations, including a reply brief in *Ret. Plans Comm. of IBM v. Jander*, No. 18-1165 (U.S.), an opening brief in *NY State Rifle & Pistol v. New York, NY*, No. 18-280 (U.S.), a reply brief in *Martoma v. United States*, No. 18-972 (U.S.), a petition for a writ of certiorari in *Archdiocese of Wash. v. Wash. Metro. Area Transit*

Auth., No. ___ (U.S.), an opening brief in *United States v. Chow*, No. 19-325 (2d Cir.), and a reply brief in *Pulse Network, L.L.C. v. Visa, Inc.*, No. 18-20669 (5th Cir.).

5. Applicants' counsel thus requests a modest extension to prepare a petition that fully addresses the important issues raised by the decision below and frames those issues in a manner that will be most helpful to the Court.

WHEREFORE, for the foregoing reasons, Applicants request that an extension of time to and including June 20, 2019, be granted within which Applicants may file a petition for a writ of certiorari.

Respectfully submitted,



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