

24-621 NRSC V. FEC

DECISION BELOW: 117 F.4th 389

LOWER COURT CASE NUMBER: 24-3051

QUESTION PRESENTED:

A political party exists to get its candidates elected. Yet Congress has severely restricted how much parties can spend on their own campaign advertising if done in cooperation with those very candidates. 52 U.S.C.

§ 30116(d).

In an opinion by Chief Judge Sutton, a 10-judge majority of the en banc Sixth Circuit agreed that these so-called "coordinated party expenditure limits" stand in serious tension with recent First Amendment doctrine. App.10a-15a. It nevertheless upheld them as constitutional, both on their face and as applied to coordinated political advertising ("party coordinated communications"), believing the case to be controlled by *FEC v. Colorado Republican Federal Campaign Committee*, 533 U.S. 431 (2001) (*Colorado II*). In doing so, the majority acknowledged that in the 23 years since *Colorado II*, this Court "has tightened the free-speech restrictions on campaign finance regulation," that "tension has emerged between the reasoning of *Colorado II* and the reasoning of later decisions of the Court," and that relevant facts have "changed, most notably with 2014 amendments" to the limits and "the rise of unlimited spending by political action committees." App.3a-4a, 11a. But it thought "any new assessment of the validity of the limits" remained this Court's "province, not ours." App.14a-15a.

The question presented is:

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.

Order of July 1, 2025:

ROMAN MARTINEZ, ESQUIRE, OF WASHINGTON, D. C., IS INVITED TO BRIEF AND ARGUE THIS CASE, AS *AMICUS CURIAE*, IN SUPPORT OF THE JUDGMENT BELOW.

CERT. GRANTED 6/30/2025