

No. 09-1287

IN THE
Supreme Court of the United States

REPUBLICAN NATIONAL COMMITTEE, ET AL.,

Appellants,

v.

FEDERAL ELECTION COMMISSION, ET AL.,

Appellees.

On Appeal From The United States District Court
For The District Of Columbia

MOTION TO EXPEDITE

Appellants Republican National Committee, California Republican Party, Republican Party of San Diego County, and Michael Steele respectfully move to expedite consideration of this appeal. The government does not oppose this Motion to Expedite.

This case is an as-applied challenge to Sections 323(a) and 323(b) of the Federal Election Campaign Act (“FECA”), 2 U.S.C. § 441i(a), which restrict the right of political parties to raise and spend “nonfederal money” that is not subject to the contribution limits and source restrictions imposed by federal law. The case is governed by the judicial review provisions of Section 403 of the Bipartisan Campaign Reform Act of 2002 (“BCRA”), Pub. L. No. 107-155, 116 Stat. 81, 113-14. Under BCRA § 403(a)(4), “[i]t shall be the duty of the United States District Court for the District of Columbia and the Supreme Court of the

United States to advance on the docket and to expedite to the greatest possible extent the disposition of the action and appeal.” *Id.* at 114.

On November 13, 2008, appellants filed their complaint in the United States District Court for the District of Columbia. On March 26, 2010—nearly a year and a half later—the three-judge district court entered final judgment in favor of appellees. On April 2, 2010, appellants filed a notice of appeal from the judgment of the district court. On April 23, 2010, appellants filed a jurisdictional statement accompanied by this Motion to Expedite. Appellees’ responses are due thirty days after this case is docketed. S. Ct. R. 18.6. In the event the case is docketed on April 23, appellees’ responses will be due on May 24.

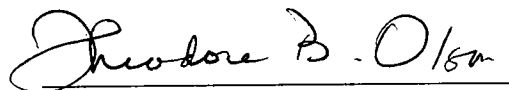
In light of the congressional mandate that this case be “expedite[d] to the greatest possible extent,” appellants respectfully request that the Court deny any requested extensions of time for appellees to file their responses to the jurisdictional statement. If the Court is inclined to grant an extension, the period for filing a response to the jurisdictional statement should not be extended beyond June 7, 2010, which is the last day on which a response could be filed in time for the case to be considered by the Court at a conference this Term. Moreover, if the Court notes probable jurisdiction, it should set the case for expedited briefing and argument.

Expedited consideration of this case will not prejudice any party. Indeed, this case was thoroughly briefed by the parties during the nearly year and a half of district court proceedings. The Federal Election Commission, for example, filed a motion to dismiss, a motion for summary judgment, an opposition to appellants’ motion for summary judgment, and a supplemental brief regarding this Court’s decision in *Citizens United v. FEC*, 130 S.

Ct. 876 (2010). The arguments in appellees' responses to the jurisdictional statement are likely to overlap, to a significant extent, with the arguments already extensively briefed below.

Furthermore, with each day that passes, appellants are continuing to suffer irreparable harm to their First Amendment rights as a result of BCRA's unconstitutional restrictions on their ability to raise and spend nonfederal money to, among things, support candidates in state elections, finance and assist state Republican parties' redistricting efforts, and engage in "grassroots lobbying" efforts to educate voters about legislative issues. Expedited consideration of this case is particularly appropriate in light of the upcoming November 2010 elections, the ongoing census and related redistricting preparations, and current debates about potentially far-reaching legislative measures, such as the present debate over financial services reform. In the absence of expedited review by this Court, appellants will be irreparably denied their First Amendment right to use nonfederal funds to participate in these exceptionally important political events.

Respectfully submitted.



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April 23, 2010

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CERTIFICATE OF SERVICE

I hereby certify that I am a member in good standing of the bar of this Court and that on this 23rd day of April, 2010, I caused a copy of the foregoing Motion To Expedite to be served by UPS Overnight Mail and e-mail on the counsel identified below, pursuant to Rule 29.5 of the Rules of this Court. All parties required to be served have been served.

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A handwritten signature in black ink, appearing to read "Amir C. Tayrani", written over a horizontal line.

Amir C. Tayrani