

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

INDEPENDENCE INSTITUTE, a Colorado)	
nonprofit corporation,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:14-cv-02426-RBJ-MJW
)	
SCOTT GESSLER, in his official capacity as)	
Colorado Secretary of State,)	
)	
Defendant.)	
)	

MOTION FOR A PRELIMINARY INJUNCTION

Plaintiff Independence Institute, by and through undersigned counsel, moves this Court for a preliminary injunction. The Independence Institute asks that Scott Gessler—in his official capacity as Colorado Secretary of State (“the Secretary”)—be enjoined from enforcing provisions of Colorado’s Constitution, Fair Campaign Practices Act (“FCPA”), and the FCPA’s implementing regulations which, taken together, appear to require the Independence Institute to report and disclose its planned activity as an electioneering communication.

As set forth in the accompanying Memorandum of Law in Support of this Motion, if the Independence Institute is required to report and disclose its activity as electioneering communications, it will be subject to burdensome registration and reporting requirements. These requirements violate the Independence Institute’s First and Fourteenth Amendment rights to free speech and free association. Reasonably fearing that Secretary Gessler, or private litigants, will

enforce these provisions, the Independence Institute will not speak absent an injunction from this Court.

Pursuant to D.C.COLO.LCivR 7.1(a), Plaintiff conferred with opposing counsel by telephone, and the Secretary will oppose this motion.

Respectfully submitted this 4th day of September, 2014.

/s/ Allen Dickerson
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