



INSTITUTE FOR FREE SPEECH

June 7, 2023

The Honorable Joe Lombardo
Governor of Nevada
101 N. Carson Street
Carson City, NV 89701

Dear Governor Lombardo:

The Institute for Free Speech is a nonpartisan, nonprofit organization that works to promote and defend the political rights to free speech, press, assembly, and petition guaranteed by the First Amendment. Americans' ability to join groups and advocate on issues important to them without fear of government intrusion is fundamental to these rights. A.B. 258 includes important protections for Nevadans' freedom of assembly.

In 1958, the U.S. Supreme Court ruled:

It is hardly a novel perception that compelled disclosure of affiliation with groups engaged in advocacy may constitute [an] effective [] restraint on freedom of association.... Inviolability of privacy in group association may in many circumstances be indispensable to preservation of freedom of association... (*NAACP v. Alabama*)

Still, nonprofits are too often faced with government demands to expose the names and home addresses of their members and supporters. In 2021, after nearly a decade of litigation from three nonprofits, including the Institute for Free Speech, the U.S. Supreme Court held that a rule that charities must disclose their major donors to the California Attorney General prior to soliciting funds was unconstitutional (*Americans for Prosperity Foundation v. Bonta*).

Unfortunately, government officials are not always concerned with the constitutionality of their actions. As noted above, the Supreme Court had already ruled against the state of Alabama for making similar demands in the 1950s. Furthermore, as we've seen through our work, most nonprofits can't afford to engage in lengthy and expensive litigation to defeat unconstitutional government mandates that infringe on the First Amendment.

A.B. 258 would safeguard Nevadans' freedoms of speech and assembly by:

- requiring that state and local governments keep confidential information that “identifies a person as a donor, member or volunteer of a nonprofit;”
- prohibiting state or local governments from requiring “any person or nonprofit organization to provide ... personal information that identifies a person as a donor, member or volunteer of a nonprofit” or releasing such information in its possession; or
- prohibiting state or local governments from asking or mandating that “a current or prospective contractor or grantee” provide a list of organizations they support.

It provides sensible exceptions for requirements and disclosures related to campaign finance, gaming, securities, and insurance laws, among others.

Enactment of this legislation would provide significant protections for the First Amendment rights of all Nevadans. Please let us know if you have any questions or if we can be of assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read 'D. Keating', written in a cursive style.

David Keating
President