UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

MINNESOTA RIGHT TO LIFE and MINNESOTA GUN RIGHTS,

Plaintiffs,

v.

FARIS RASHID, in his official capacity as Chair of the Minnesota Campaign Finance and Public Disclosure Board, *et al.*,

Defendants.

Case No: 25-cv-02476-JWB-DTS

Judge: Jerry W. Blackwell

MEMORANDUM IN SUPPORT OF MOTION FOR AN EX PARTE TEMPORARY RESTRAINING ORDER AND EMERGENCY PRELIMINARY INJUNCTION

EXPEDITED HANDLING REQUESTED

INTRODUCTION

The First Amendment restricts the government's ability to condition the right to speak about public policy on one's willingness to disclose private information. In today's climate of doxxing and cancelling anyone who might voice dissenting opinions, that protection is often the difference between speaking freely and not speaking at all. "The risks of public disclosure are heightened in the 21st century and seem to grow with each passing year, as anyone with access to a computer can compile a wealth of information about anyone else, including such sensitive details as a person's home address or the school attended by his children." *Dakotans for Health v. Noem*, 52 F.4th

381, 392 (8th Cir. 2022) (cleaned up). And that information can subject individuals to "harassment or even risk of personal harm." *Id.*

Minnesota's sweeping disclosure rules for any speech the state deems "lobbying" raise exactly those problems. The state requires that advocacy organizations publicly disclose their expenditures made for the purpose of urging supporters, donors, and members of the public to contact their representatives about legislative or other government activity. And for any advertising costs greater than $2,000, Minnesota requires organizations to publicly identify the name and address of their vendor. The state practically gift wraps for harassment the suppliers of goods and services to advocacy organizations that opponents wish to silence.

And that's so even though Minnesota lacks any interest in disclosing the names of these vendors. The fact that an advocacy organization relies on vendors to communicate with the public and encourage them to express their own opinions about government activity raises none of the concerns about *quid pro quo* corruption that typically justify disclosure rules. Nor is there any informational interest—other than mere "curiosity"—that gives the state the authority to condition protected speech on revealing information about this kind of advocacy. *Calzone v. Summers*, 942 F.3d 415, 424–25 (8th Cir. 2019) (en banc). The only purpose the disclosure law serves is to dissuade

controversial speakers from making their voices heard by reducing—if not eliminating—reliable vendors of necessary goods and services.

Plaintiffs need an immediate temporary restraining order and preliminary injunction to prevent Defendants from enforcing the unconstitutional disclosure law requiring Plaintiffs to identify the name and address of their vendors.

BACKGROUND

Minnesota imposes extensive disclosure rules on grassroots advocacy

Minnesota requires all "lobbyists" to report information about their lobbying activity several times each year. *See generally* Minn. Stat. § 10A.04. That includes those who one would naturally think of as a lobbyist—individuals paid by another to communicate with a public official to influence government activity.

But Minnesota's definition of lobbying also captures grassroots activists—individuals or organizations who do not talk to public officials, but who instead talk to other private parties to rally support for a specific cause. Minnesota's definition of "lobbying" includes any "attempt[] to influence legislative action, administrative action, or the official action of a political subdivision by communicating with or *urging others to communicate with* public officials or local officials." Minn. Admin. Code § 4511.0100 subp. 3 (emphasis added). It also includes "[a]ny activity that directly supports this

communication." *Id.* Thus, telling a friend or family member to call their local representative's office and urge him or her to vote against a bill pending in the legislature constitutes "lobbying" under Minnesota law.

The reporting requirements for lobbying break into two categories: lobbyists and principals. A lobbyist "means an individual" who is paid more than $3,000 annually to lobby, who spends more $3,000 annually of his or her own personal funds to lobby, or who offers consulting services for an organization that facilitates government relations and affairs. Minn. Stat. § 10A.01 subd. 21(a). A principal, on the other hand, "means an individual or association" who pays a lobbyist over $3,000 a year, or who "spends a total of at least $50,000 in any calendar year to influence legislative action, administrative action, or the official action of political subdivisions." *Id.* § 10A.01 subd. 33.

Principals must report the "total amount" spent on lobbying each year, divided into several categories (legislative, administrative, public utilities, and local government). *Id.* § 10A.04 subd. 6(b). The "total amount" spent on lobbying must be "rounded to the nearest $5,000," and includes virtually any expense tangentially related to influencing government activity. *Id.* § 10A.04 subd. 6(c).

Principals must also report itemized expenditures "that exceed $2,000 for paid advertising used for the purpose of urging members of the public to

contact public or local officials to influence official actions during the reporting period." *Id.* § 10A.04 subd. 6(d). "Paid advertising includes the cost to boost the distribution of an advertisement on social media." *Id.*

Notably, this itemized-expenditure report "must provide the date that the advertising was purchased, *the name and address of the vendor*, a description of the advertising purchased, and any specific subjects of interest addressed by the advertisement." *Id.* (emphasis added). This information is publicly available on the Campaign Finance and Public Disclosure Board's website. B. Dorr Decl. ¶22.

Not every organization that lobbies must follow these rules. Minnesota exempts public officials, expert witnesses, political parties, and others from reporting their lobbying activities or associated vendors. *Id.* § 10A.01 subd. 21(b).

One exemption applies to news organizations and their employees. Minnesota exempts from its lobbying laws "a news medium or its employees or agents while engaged in the publishing or broadcasting of news items, editorial comments, or paid advertisements, which directly or indirectly urge official action." *Id.* § 10A.01 subd. 21(b)(7). This exemption applies to both lobbyists and principals. Campaign Fin. & Pub. Disclosure Bd. Advisory Op. 463 (June 5, 2024), https://perma.cc/AG4G-B8U4.

The Campaign Finance and Public Disclosure Board interprets the news-medium exemption broadly. It applies to "any system or method through which a speaker or writer provides news to their audience." *Id.* at 2. That means "[e]ditorial commentary" published through a "news medium" does not qualify as lobbying, even if made by "a guest or host of a talk, television, radio or podcast show." *Id.* at 2–3. It also means that employees of a "news medium" are not required to report advocacy about government activity, "including a call to action for reform or a legislative fix," as well as "calling for listeners or readers to take action" related to "a current legislative proposal or future legislation." *Id.* at 3.

Principals who fail to timely file their disclosure report are subject to late fees and civil penalties up to $2,000. Minn. Stat. § 10A.04 subd. 5. Filing a false report, however, or a report that omits required information, carries a higher penalty—$3,000—and constitutes a criminal misdemeanor. Minn. Stat. § 10A.025 subd. 2(b), (d).

Plaintiffs engage in grassroots advocacy in Minnesota

Plaintiffs are non-profit advocacy organizations that often communicate with their members, donors, and the public about legislative and other government activity in Minnesota. B. Dorr Decl. ¶¶3–5.

How that communication works varies based on the circumstances. *Id.* ¶¶5–8. When Plaintiffs anticipate an issue in a future legislative session,

they engage in educational advocacy so their supporters will understand the issue before a bill is proposed. *Id.* ¶5. Plaintiffs also inform people about real-time legislative activity, urging them to take action by signing petitions and contacting their representatives. *Id.* ¶¶5–6. These communications take many forms—including social media ads, text messages, email blasts, direct mail, and even radio spots. *Id.* ¶¶7–8.

For example, if a bill related to gun rights is moving through the legislature, MGR might send a mass text message to supporters letting them know what the bill is about and asking them to contact their legislator before the vote. *Id.* ¶6. Other times, Plaintiffs have more notice about a bill, which gives time to coordinate a direct-mail advertising campaign. *Id.* ¶7. Each form of advocacy has benefits and drawbacks, and so Plaintiffs vary their approach as the circumstances demand. *Id.* ¶¶7–8.

Some advertising campaigns are expensive. Radio ads and direct mail can cost thousands of dollars to produce and distribute. *Id.* ¶8. Plaintiffs often rely on direct mail to reach supporters (or potential supporters), which requires paying vendors to create the ad and distribute it. *Id.* ¶¶8, 12. Other advertising has more variable costs. *Id.* ¶8. A social-media campaign, for example, might start small but then grow after Plaintiffs see success and decide to amplify it. *Id.* And email blasts or text message communications

cost less for each communication, but typically require paying for subscriptions as well. *Id.*

Activists frequently target Plaintiffs and their vendors.

Neither Plaintiff would voluntarily disclose their grassroots advocacy or vendor associations absent Minnesota law. *Id.* ¶16. That's because both MGR and MNRTL speak on controversial topics—abortion and gun rights—and doing so often draws pushback and counter-speech from those who disagree. *Id.* ¶9. While some of that is expected, Plaintiffs have experienced harassment beyond reasonable civic engagement. *Id.*

Throughout their years of operation, Plaintiffs have been subjected to harassment, doxxing, and other intimidation tactics aimed at driving them out of the public square. *Id.* ¶10. In one example, an individual emailed Ben Dorr (the executive director of MGR and MNRTL) several years ago after discovering his office address. *Id.* He asked whether that address was accurate (it was) and said he was going to kill Dorr. *Id.* In another example, someone posted Dorr's home address on Facebook along with a comment about going to his house to "f*ck him up." *Id.* That comment garnered over 150 "likes." *Id.* At the time, Dorr was out of state and his wife was at home and 9 months pregnant. *Id.* So he called the police department and asked them to send an officer over to make sure nobody showed up. *Id.*

This harassment often extends beyond Plaintiffs themselves as activists target Plaintiffs' vendors, hoping to coerce them into cutting off business with Plaintiffs, making it more difficult—or even impossible—for Plaintiffs to operate. *Id.* ¶11.

MNRTL experienced one example of this kind of harassment in early 2020, soon after it launched an outreach effort aimed at building support and collecting donations. *Id.* ¶12. The campaign relied heavily on direct mail—an expensive form of advertising that requires coordinating with multiple vendors to design and ship mailers to known or potential supporters. *Id.* The outreach effort was initially successful. MNRTL experienced a large response rate from recipients, collecting donations and building a list of supporters and donors for future advocacy efforts. *Id.*

Soon after the initial campaign, however, activists discovered MNRTL's mailbox vendor, and they launched a pressure campaign to have the vendor cut off MNRTL's service. *Id.* ¶13. Activists began calling the vendor and showing up at its store in person, demanding that the vendor stop doing business with MNRTL. *Id.* This harassment worked. *Id.* The vendor cancelled MNRTL's mailbox without warning. *Id.* It cut off MNRTL's access, preventing it from collecting mail in the middle of an outreach campaign during which MNRTL was receiving new names of supporters and donations daily. MNRTL eventually found a new vendor, but not before losing

thousands of dollars in the process. *Id.* It never recovered some of its mail, which doubtless included additional donations and contact information for new supporters responding to MNRTL's direct mail. *Id.*

MNRTL's experience in early 2020 was not an isolated incident. *Id.* ¶14. Both Plaintiffs have seen similar harassment and intimidation directed toward other vendors as well. *Id.* As a result of that harassment, Plaintiffs have been deplatformed by vendors providing a variety of services, including fundraising management and email distribution. *Id.* ¶15. In another example, people targeted one of Plaintiffs' vendors that provides member management and advocacy tools—services that allow Plaintiffs to easily contact supporters and analyze data to make their advocacy more effective. *Id.* ¶14. Activists tried to deplatform Plaintiffs by having the vendor cancel their service. *Id.* This caused a significant strain on their relationship, which eventually led to Plaintiffs finding a new vendor. *Id.* Not only does this disrupt Plaintiffs' operations, making it more difficult for Plaintiffs to engage in grassroots advocacy, but Plaintiffs have also lost valuable assets such as donor lists in the process. *Id.* ¶15.

Minnesota's disclosure law chills Plaintiffs' speech and raises the risk of harassment and intimidation

Plaintiffs' experience makes them value the privacy of their associations, including their relationships with vendors who make their grassroots

advocacy possible. *Id.* ¶16. Whenever the identity of a vendor is published, the risk that activists will target that vendor for harassment or intimidation increases. *Id.* So Plaintiffs work to keep their vendor relationships as private as possible to prevent future problems from arising. *Id.*

But Plaintiffs cannot do so under Minnesota law without changing how they communicate. Now, they must avoid advertising expenses that would require disclosing their vendors. *Id.* ¶17. That means engaging in less speech than they otherwise would to avoid the disclosure rules. *Id.* It also means choosing cheaper, but sometimes less effective advertising, for the same reason. *Id.* Plaintiffs must limit their advertising costs going forward to avoid triggering the disclosure rules. *Id.*

Yet Plaintiffs cannot always avoid the $2,000 threshold. *Id.* ¶18. In 2024—the most recent reporting period—MGR met the statutory trigger for disclosing vendors at least eight times. *Id.* It paid a third-party vendor thousands of dollars to produce and distribute several direct-mail advertisements urging people to contact their elected officials about pending legislation. *Id.* MNRTL did the same on a dozen or more occasions. *Id.* And Plaintiffs fear that disclosing the identity of those vendors will subject the vendors to harassment, potentially disrupting operations, costing Plaintiffs time and expense, and preventing them from fully engaging in their desired advocacy. *Id.*

The chilling effect on Plaintiffs from disclosure is amplified here by the law's vagueness, which makes it difficult for Plaintiffs to determine whether disclosure is even required. *Id.* ¶19. Plaintiffs do not know, for example, whether the law captures an advertising campaign that costs more than $2,000 but is paid in multiple increments smaller than $2,000. *Id.* Nor do Plaintiffs know whether the reporting requirement captures only advertisements that expressly urge action to influence government activity, or if indirect advocacy qualifies as well. *Id.* Nor can Plaintiffs discern whether a single invoice that pays a vendor for discrete services (*e.g.*, production and distribution), each of which is less than $2,000 but together exceeds the threshold, triggers the law. *Id.* This vagueness further chills Plaintiffs' speech, as they worry about liability for underreporting advertising that should have been disclosed. *Id.*

Plaintiffs thus face an impossible set of choices: limit their own protected speech to avoid disclosure, disclose private information that could subject themselves or their vendors to harassment, pay civil penalties for failing to file, or even face criminal penalties for filing a report that omits information about their vendors and grassroots advocacy. *Id.* ¶20.

Because of this, Plaintiffs have not yet filed their principal reports for 2024, as they worry about the ramifications of disclosing private vendor information but face criminal liability if they file with information omitted.

Id.; Minn. Stat. § 10A.025, subd. 2(b), (d). On April 1, 2025, however, Defendant Megan Engelhardt, the assistant executive director of the Campaign Finance and Public Disclosure Board, contacted Plaintiffs by mail and informed them that they must file their principal reports or else face civil penalties up to $1,000. B. Dorr. Decl. ¶21; Exh. 1. Engelhardt also threatened to bring a civil action against Plaintiffs if they fail to file the report or pay the fees and penalties. Exh. 1.

Plaintiffs thus need emergency injunctive relief to prevent Defendants from further attempting to enforce the vendor-disclosure rule.

ARGUMENT

To obtain a preliminary injunction, Plaintiffs must show (1) they are "likely to succeed on the merits," (3) they are "likely to suffer irreparable harm in the absence of preliminary relief," (3) "the balance of equities tips in their favor," and (4) "an injunction is in the public interest." *Dakotans for Health*, 52 F.4th at 388 (cleaned up).

I. PLAINTIFFS ARE LIKELY TO SUCCEED ON THE MERITS.

"A statute compelling disclosure of information to the government related to political activity is typically subject to exacting scrutiny." *Id.* at 389 (cleaned up). Exacting scrutiny "is just what its name says—exacting." *Id.* "It is just short of strict scrutiny." *Id.* It "requires a substantial relation between

the disclosure requirement and a sufficiently important interest." *Id.* (cleaned up). And it requires that the disclosure rule "be narrowly tailored to the government's asserted interest." *Id.* (cleaned up).

A. The vendor-disclosure law burdens Plaintiffs' protected speech.

Compelled disclosures burden free speech as a matter of law because of the "deterrent effect on the exercise of First Amendment rights that arises as an *inevitable* result of the government's conduct in requiring disclosure." *See Ams. for Prosp. Found. v. Bonta*, 594 U.S. 595, 607 (2021) ("*AFPF*") (cleaned up) (emphasis added). The evidence here bears out that inevitable result.

Both Plaintiffs have experienced harassment, doxxing, and other intimidation tactics directed not just toward themselves, but also against their vendors. B. Dorr Decl. ¶¶9–15. This makes it "much harder" and more expensive for Plaintiffs to engage in their desired grassroots advocacy. *See Dakotans for Health*, 52 F.4th at 386. Being forced to disclose the identity of their vendors increases the risk that activists will target those vendors, disrupt Plaintiffs' operations, and prevent Plaintiffs from speaking and associating with supporters. B. Dorr Decl. ¶¶15–16. Thus, "the ability of [Plaintiffs] to reach [their] audience . . . is directly impacted by [the vendor-disclosure rule]." *Dakotans for Health*, 52 F.4th at 387. This amounts to a significant burden on Plaintiffs' First Amendment right to engage in core political speech.

B. The vendor-disclosure law does not further a sufficiently important interest.

Minnesota does not have a sufficiently important interest in requiring grassroots activists to disclose their advertising vendors.

The Eighth Circuit has recognized some state interests in regulating grassroots advocacy within the umbrella of lobbying disclosures. *Minn. St. Ethical Practices Bd. v. NRA*, 761 F.2d 509, 511–12 (8th Cir. 1985). Under *NRA*, the government has an interest in identifying speakers behind grassroots advocacy because it allows members of the legislature to better evaluate "the myriad pressures to which they are regularly subjected." *Id.* at 512 (quoting *United States v. Harriss*, 347 U.S. 612, 625 (1954)). The Eighth Circuit has also recognized that for traditional lobbying (that is, direct communication by a lobbyist to a public official), the state has an interest in using disclosure laws to prevent *quid pro quo* corruption. *Calzone*, 942 F.3d at 424–25.

These interests do not apply to the vendor-disclosure rule. Even if members of the Minnesota legislature or other public officials have an important interest in identifying who is spending money to influence government activity, *see NRA*, 761 F.2d at 511–12, that interest does not extend to identifying third-party vendors. Most vendors are not speakers themselves. Rather, they provide a service to advocacy organizations like

Plaintiffs that allow those organizations to distribute their own message. A vendor's identity says nothing about who is organizing the "pressures" that public officials might face, *id.* (quoting *Harriss*, 347 U.S. at 625), and so the informational interest identified in *Harriss* and *NRA* does not apply.

Alternatively, should this Court conclude that *Harriss* and *NRA* do apply, Plaintiffs respectfully preserve the argument that those cases were wrongly decided and should be reconsidered or overruled given more recent precedent. The First Amendment does not permit the government to condition speech on one's willingness to disclose private information simply because doing so is more convenient for the state. *See AFPF*, 594 U.S. at 615. The rationale from *Harriss* (and by extension, *NRA*) has no place in modern First Amendment jurisprudence.

Nor does Minnesota's interest in preventing corruption justify the law. "The government may target only a specific type of corruption – '*quid pro quo*' corruption." *Calzone*, 942 F.3d at 424 (cleaned up). But there is no risk of *quid pro quo* corruption from one private organization paying another private organization for advertising services. Plaintiffs cannot seek government favors or special treatment from a private vendor, and a private vendor cannot perform public functions in return. Thus, "[t]here clearly is no 'quid'" that the government or public could ferret out from disclosure, *id.*, and there is no "quo" that the vendor could offer in return.

C. The vendor-disclosure rule is not narrowly tailored.

Even if Minnesota had a sufficiently important interest in requiring grassroots activists to disclose the identity of their third-party vendors, Minnesota's law "is not narrowly tailored to serve [that] interest." *Dakotans for Health*, 52 F.4th at 390. Narrow tailoring means "the statute must actually advance the government's interest, it must not be overinclusive, and it must not be underinclusive." *Minn. Chamber of Commerce v. Choi*, Case No. 23-cv-2015, 2025 U.S. Dist. LEXIS 22187, at *66 (D. Minn. Feb. 7, 2025). A law fails narrow tailoring when it "does not apply generally," but instead exempts a range of applications without the government proving that the former pose a greater threat to the state's interest than the latter. *Dakotans for Health*, 52 F.4th at 390.

The vendor-disclosure rule is fatally underinclusive. Minnesota exempts all sorts of individuals and associations from its lobbyist registration requirements. One such exemption applies to "news mediums," and it exempts anyone engaged in news distribution from registering or disclosing what the state otherwise considers lobbying. Minn. Stat. § 10A.01 subd. 21(b)(7). According to the Campaign Finance and Public Disclosure Board, a news organization need not register as a lobbyist or principal even when it publishes editorials or commentary "calling for listeners or readers to take action" related to "a current legislative proposal or future legislation."

Campaign Fin. & Pub. Disclosure Bd. Advisory Op. 463, at 3–4. But when Plaintiffs engage in the same kind of grassroots advocacy—informing supporters about pending legislation and calling on them to take action—they not only have to disclose their advocacy, but they must also identify the vendors who distributed the advertisement.

Consider a concrete example. Suppose the *Minnesota Star Tribune* launches a podcast during the legislative session to discuss what's happening each week. And suppose that as part of that podcast, it brings in guests who discuss specific bills—advocating for or against potential legislation and urging listeners to contact their legislators to do the same. If one of those guests is an employee of MGR who tells the audience to pick up the phone and call their state representative to stop a gun-control bill, the *Star Tribue* could spend as much money as it wanted promoting that episode on social media without disclosing its expenditures or vendors. But if MGR produced a podcast with the same employee sharing the same message and spent the same amount of money promoting it, MGR would have to report its expenses and publicly identify any vendors it paid more than $2,000 as part of its advertising campaign.

The same individual. The same message. Different rules.

Minnesota has no credible basis for requiring Plaintiffs to disclose their vendors while allowing those who work for a "news medium" to avoid doing

so. News organizations exercise considerable influence over both voters and elected officials. One recent study, for example, suggests that Fox News "has substantial effects up and down the ballot," and that over the past 20 years the network "has shifted Americans' partisanship and ideological preferences to the right." Elliott Ash, *et al.*, *From viewers to voters: Tracing Fox News' impact on American democracy*, 240 J. Pub. Econ. 105256, at *2 (2024). And the prevalence of partisan news organizations only continues to increase. *See, e.g.*, Sara Fischer, *Exclusive: Courier Newsroom plots expansion ahead of 2024 election*, Axios (Aug. 15, 2023), https://bit.ly/3FVrEw7. If Minnesota has any interest in disclosing the vendors of grassroots lobbyists like Plaintiffs (and it doesn't), that interest would extend just the same to news organizations and their employees. That Minnesota exempts this favored group makes the law "so woefully underinclusive as to render belief in [Minnesota's] purpose a challenge to the credulous." *Republican Party of Minn. v. White*, 536 U.S. 765, 780 (2002). It thus fails narrow tailoring.

II. PLAINTIFFS FACE IRREPARABLE HARM ABSENT AN INJUNCTION.

"To show irreparable harm, a party must show that the harm is certain and great and of such imminence that there is a clear and present need for equitable relief." *Dakotans for Health*, 52 F.4th at 392 (cleaned up). "There can be no question that the challenge [law], if enforced, will cause irreparable harm." *Roman Catholic Diocese v. Cuomo*, 141 S. Ct. 63, 67 (2020). "The loss

of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury." *Id.* And the Board made clear it intends to enforce the law against Plaintiffs by sending letters to Plaintiffs threatening civil penalties and other consequences. Exh. 1. Plaintiffs thus face imminent and irreparable harm to their First Amendment rights from being required to comply with Minn. Stat. § 10A.04 subd. 6(d) by disclosing their vendors.

III. THE EQUITIES FAVOR AN INJUNCTION.

"The third and fourth factors for a preliminary injunction—harm to the opposing party and the public interest—merge when the Government is the party opposing the preliminary injunction." *Morehouse Enters., LLC v. BATFE*, 78 F.4th 1011, 1018 (8th Cir. 2023). Minnesota "has no interest in enforcing overbroad restrictions that likely violate the Constitution." *Dakotans for Health*, 52 F.4th at 392. And "it is always in the public interest to protect constitutional rights." *Phelps-Roper v. Nixon*, 545 F.3rd 685, 690 (8th Cir. 2008). The third and fourth factors for a preliminary injunction thus favor Plaintiffs.

IV. THE COURT SHOULD WAIVE RULE 65(C)'S SECURITY REQUIREMENT.

Courts have discretion to waive Rule 65(c)'s security requirement when "the damages resulting from a wrongful issuance of an injunction have not

been shown" or where the public interest is served by not requiring a bond. *Richland/Wilkins Joint Powers Auth. v. U.S. Army Corps. of Eng'rs*, 826 F.3d 1030, 1043 (8th Cir. 2016). Defendants face no monetary harm from an injunction preventing them from enforcing the vendor-disclosure rule. And "[c]ourts have concluded that a bond is not required to obtain preliminary injunctive relief when a plaintiff is seeking to prevent a government entity from violating the First Amendment." *Goyette v. City of Minneapolis*, Case No. 20-cv-1302, 2021 U.S. Dist. LEXIS 208359, at *40 (D. Minn. Oct. 28, 2021). The Court should waive the security requirement here.

CONCLUSION

The Court should grant Plaintiffs an *ex parte* temporary restraining order and emergency preliminary injunction prohibiting Defendants from enforcing the vendor-disclosure rule in Minn. Stat. § 10A.04 subd. 6(d).

Dated: June 13, 2025

Respectfully submitted,

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LOCAL RULE 7.1(H)(2) CERTIFICATE OF COMPLIANCE

I certify that the above memorandum of law complies with Local Rule 7.1(f)(1) because it contains 4,432 words set in a 13-point proportional font, Century Schoolbook, not including the words excluded under Local Rule 7.1(f)(C), as determined by the word-count function of Microsoft Word for Microsoft 365, which is set to count all text, including headings, footnotes, and quotations.

/s/ Lee U. McGrath