

19-255 THOMAS MORE LAW CENTER V. BONTA

DECISION BELOW: 903 F.3d 1000

LOWER COURT CASE NUMBER: 16-56855, 16-56902

QUESTION PRESENTED:

Petitioner Thomas More Law Center is a Michigan 501(c)(3) that defends religious freedom, family values, and the sanctity of life. To fundraise, the Law Center registered with the California Attorney General and made annual filings to his Register of Charitable Trusts. After a decade of accepting these filings without complaints, the Attorney General deemed them insufficient because, although they included the Law Center's IRS Form 990, they omitted Schedule B to that form, which identifies the Law Center's major donors. After the Attorney General threatened to suspend its nonprofit registration and personally fine its directors and tax preparer, the Law Center filed suit to protect donor anonymity.

The district court enjoined the Attorney General's donor-disclosure rule because his office had an extensive record of disclosing that confidential material, and donors were likely to face harassment and threats as a result. Because this disclosure rule arises outside the electoral context, six circuits would apply strict scrutiny. But the Ninth Circuit upheld the rule, joining the Second Circuit in holding that "there is only a single test—exacting scrutiny—that applies both within and without the electoral context." App.133a-34a. The questions presented are:

1. Whether exacting scrutiny or strict scrutiny applies to disclosure requirements that burden non-electoral, expressive association rights.

2. Whether California's disclosure requirement violates charities' and their donors' freedom of association and speech facially or as applied to the Law Center.

CONSOLIDATED WITH 19-251 FOR ONE HOUR ORAL ARGUMENT.

ORDER OF APRIL 5, 2021:

THE MOTION OF PETITIONERS FOR DIVIDED ARGUMENT IS DENIED. THE MOTION OF PETITIONERS FOR ENLARGEMENT OF TIME FOR ORAL ARGUMENT, AND THE MOTION OF THE ACTING SOLICITOR GENERAL FOR LEAVE TO PARTICIPATE IN ORAL ARGUMENT AS AMICUS CURIAE AND FOR DIVIDED ARGUMENT ARE GRANTED, AND THE TIME IS ALLOTTED AS FOLLOWS: 30 MINUTES FOR PETITIONERS, 10 MINUTES FOR THE ACTING SOLICITOR GENERAL, AND 30 MINUTES FOR RESPONDENT.

CERT. GRANTED 1/8/2021