

# **Bond Case Briefs**

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## **BALLOT INITIATIVE - CALIFORNIA**

### **No on E, San Franciscans Opposing the Affordable Housing Production Act v. Chiu**

**United States Court of Appeals, Ninth Circuit - March 8, 2023 - F.4th - 2023 WL 2397500 - 2023 Daily Journal D.A.R. 1843**

Political committee, its treasurer, and contributor brought action alleging that municipality's ordinance requiring it to disclose identities of major donors to its top contributors violated First Amendment.

The United States District Court for the Northern District of California denied plaintiffs' motion for preliminary injunction, and they appealed.

The Court of Appeals held that:

- Appeal fell within scope of mootness exception for controversies capable of repetition, yet evading review;
- District court did not abuse its discretion by concluding that disclosure requirement was substantially related to municipality's strong governmental interest in informing voters about who funded political advertisements;
- Plaintiffs were not likely to succeed on merits of their argument that ordinance was impermissible burden on speech as applied to longer advertisements;
- District court did not abuse its discretion by concluding that disclosure requirement did not impose impermissible burden on speech as applied to shorter advertisements;
- District court did not abuse its discretion in concluding that plaintiffs failed to demonstrate that disclosure requirement actually and meaningfully deterred contributors;
- District court did not abuse its discretion by concluding that disclosure requirement was narrowly tailored to municipality's strong interest in informing voters about who funded political advertisements; and
- Public interest and balance of hardships weighed in favor of denying preliminary injunction.