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17 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

18 **IN THE COUNTY OF MARICOPA**

19 LEGACY FOUNDATION ACTION
20 FUND, an Iowa non-profit corporation,
21
22 Plaintiff/Appellant,
23
24 vs.
25
26 CITIZENS CLEAN ELECTIONS
27 COMMISSION;
28
29 Defendant/Appellee.

No.

**NOTICE OF CLAIM OF
UNCONSTITUTIONALITY
PURSUANT TO A.R.S. § 12-1841**

30 Plaintiff/Appellant Legacy Foundation Action Fund (“Plaintiff”), by and through
31 undersigned counsel, hereby submits this Notice of Claim of Unconstitutionality regarding
32 A.R.S. §§ 16-901(14), 16-901.01 and Ariz. Admin. Code R2-20-109(F)(3) to the Attorney
33

1 General, the Speaker of the House of Representatives and the President of the Senate. As
2 required by A.R.S. § 12-1841, Plaintiff provides the following information:

3 1. Plaintiff is represented by the following attorneys:

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18 2. The case name, caption and case number are set forth above.

19 3. Plaintiff asserts that the definition of express advocacy, on its face as set forth
20 in A.R.S. § 16-901.01 and as interpreted and applied by the Citizens Clean Elections
21 Commission (the "CCEC") to certain issue advocacy television advertisements produced
22 and disseminated by Plaintiff (the "Arizona Advertisement"), is:

- 23 • Facially unconstitutional and unconstitutional as applied to Plaintiff under the
24 First Amendment of the United States Constitution and Article 2, § 6 of the
25 Arizona Constitution.
- Substantially overbroad because it infringes upon speech protected by the
First Amendment of the United States Constitution and Article 2, § 6 of the
Arizona Constitution.

- Void for vagueness under the First Amendment of the United States Constitution and Article 2, § 6 of the Arizona Constitution because it fails to give persons of ordinary intelligence a reasonable opportunity to learn what speech is regulated and which is not, nor do they provide explicit standards for the CCEC to apply them.

4. A Complaint for Judicial Review of Administrative Decision is being filed concurrently with this notice.

5. As of the date of this Notice, no hearings have been scheduled.

DATED this 14th day of April, 2015.

Bergin, Frakes, Smalley & Oberholtzer, PLLC



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COPY of the foregoing served on:

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Andy Biggs
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3 By: Rachell Chinazzi

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