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** Pro hac vice application forthcoming*

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO
SOUTHERN DIVISION**

**IDAHO MAJORITY CLUB;
LIBERTARIAN PARTY OF IDAHO;
and TRAVIS CLYDE,**

Plaintiffs,

v.

PHIL McGRANE, in his official
capacity as Secretary of State of the
State of Idaho; **RAÚL LABRADOR**, in
his official capacity as Attorney General
of the State of Idaho,

Defendants.

Case No. 26-cv-00449

AMENDED COMPLAINT

COMPLAINT

The Idaho Majority Club, the Libertarian Party of Idaho, and Travis Clyde, by and through their attorneys, bring this civil action for declaratory and injunctive relief and allege as follows:

INTRODUCTION

1. In *National Republican Senatorial Committee, et al. v. Federal Election Commission, et al.* (NRSC v. FEC), No. 24–621 (U.S. June 30, 2026), the Supreme Court of the United States held that the Federal Election Campaign Act’s limits on political parties’ coordinated expenditures with their candidates violate the First Amendment, emphasizing that party-candidate coordination forms the “essence of our Nation’s party system of government.” *See id.*, slip op. at 8.

2. Section 67-6610A(2), Idaho Code, unconstitutionally restricts coordinated campaign expenditures between parties and their candidates in violation of the First Amendment. Section 67-6625, Idaho Code, further provides for both civil fines and criminal prosecution for knowing and willful violations of this unconstitutional restriction.

3. Plaintiffs each wish to exercise their First Amendment rights to coordinate, without limitation, campaign expenditures between official party organizations and their candidates. To that end, Plaintiffs seek declaratory and injunctive relief protecting them from enforcement of this unconstitutional statute.

JURISDICTION AND VENUE

4. This Court has jurisdiction over this action under 28 U.S.C. §§ 1331 and 1343. This is an action to enforce civil and constitutional rights pursuant to 42 U.S.C. § 1983 and the United States Constitution.

5. This Court has authority to award the requested declaratory and injunctive relief under 28 U.S.C. §§ 2201, 2202, 1343, Federal Rules of Civil Procedure 57 and 65, and the general legal and equitable powers of the court.

6. Venue is proper in this judicial district under 28 U.S.C. § 1391(b) because all Defendants reside within this judicial district and because a substantial part of the acts or omissions giving rise to this action arose from events occurring within this judicial district.

7. Pursuant to D. Idaho Civ. R. 3.1, venue is proper in the Southern Division because Defendants' offices are in Ada County, Idaho, and because that is where the claim for relief arose.

PARTIES

I. Plaintiffs

8. Plaintiff Libertarian Party of Idaho is an Idaho political committee, as defined in Idaho Code § 34-501, and the official party organization of Libertarians in Idaho. It wishes to coordinate without limitation campaign expenditures with its party candidates.

9. Plaintiff Travis Clyde wishes to make donations to official state, county, and local party organizations to give them adequate funds to coordinate without limitation campaign expenditures with their party candidates.

10. Plaintiff Idaho Majority Club wishes to make donations to official state, county, and local party organizations to give them adequate funds to coordinate without limitation campaign expenditures with their party candidates.

11. Plaintiffs have standing to sue to prevent enforcement of Idaho Code § 67-6610A(2) because each wishes to engage in conduct protected by the First Amendment but proscribed by that statute. *See Susan B. Anthony List v. Driehaus*, 573 U.S. 149, 159 (2014) (“a plaintiff satisfies the injury-in-fact requirement where he alleges an intention to engage in a course of conduct arguably affected with a constitutional interest, but proscribed by a statute, and there exists a credible threat of prosecution thereunder.” (internal quotes omitted)); *Culinary Workers Union, Loc. 226 v. Del Papa*, 200 F.3d 614, 618–19 (9th Cir. 1999) (“Moreover, we do not require, especially in the context of First Amendment cases, that the plaintiff risk prosecution by failing to comply with state law.”).

II. Defendants

12. Defendant Raúl Labrador is the Attorney General of the State of Idaho, named in his official capacity.

13. Section 67-6625(3), Idaho Code, authorizes the Attorney General to prosecute any violations of Idaho’s campaign finance statutes, including Idaho Code § 67-6610A(2). As such, the Attorney General bears primary responsibility for criminal enforcement of the challenged statute.

14. Defendant Phil McGrane serves as Secretary of State of Idaho and is named in his official capacity.

15. Section 34-201, Idaho Code, designates the Secretary of State as the “chief election officer” of the state of Idaho, responsible to “obtain and maintain uniformity in the application, operation and interpretation of the election laws.” The Secretary of State bears primary responsibility for civil enforcement of Idaho Code § 67-6610A(2).

REQUEST FOR A SPEEDY HEARING

16. This is a case of first impression for federal civil rights protections based on the recent decision of the Supreme Court of the United States in *NRSC v. FEC*.

17. Plaintiffs are threatened with immediate injury. Absentee voting begins on or about September 21, with early voting following in October for the November 3, 2026, election. Generally, political communications begin a week before absentee voting, and donations must be solicited, collected, cashed, and cleared by the bank before then. Every day Plaintiffs are prohibited from exercising their free speech rights recognized in *NRSC v. FEC*, they will lose valuable time in raising and spending money to influence voters. All Idaho political parties, party members, party candidates, and party donors, will likewise suffer this same harm.

18. Plaintiffs request a speedy hearing under Rule 57 because this is a declaratory judgment action under 28 U.S.C. § 2201. A declaratory judgment is appropriate here because it will terminate the controversy giving rise to this proceeding. Because this case involves only an issue of law on relatively undisputed facts, it should operate as a summary proceeding, justifying docketing the case for early hearing as a motion.

FACTUAL ALLEGATIONS

19. The Supreme Court of the United States recently ruled in *NRSC v. FEC* that limits on coordinated expenditures made by political parties to support their candidates (“Party Coordinated Expenditures”) are unconstitutional because these limits improperly restrict and damage the free speech rights of political parties. *NRSC v. FEC*, No. 24-621, slip op. at 6–21.

20. Party Coordinated Expenditures are made by a political party to support its endorsed candidates. Parties spend money to buy political advertising or services and coordinate these activities with their endorsed candidates. Such coordinated expenditure activities can range from something as simple as a party chairman asking a candidate to provide a photo and bio so the Party can promote that candidate to voters in their district, to something as complex as organizing a statewide joint fundraising operation for both the candidate and Party.

21. Idaho regulates the raising and spending of money by political parties under title 67, chapter 66 of the Idaho Code.

22. Party Coordinated Expenditures are *not* “independent expenditures.” An independent expenditure occurs when a person or entity spends money to support a candidate without any coordination or consultation between that person and the candidate. I.C. § 67-6602(9). There are no limits in either federal or Idaho law on independent expenditures.

23. Party Coordinated Expenditures are *not* “direct contributions.” A party makes a direct contribution to a candidate when it transfers money to a candidate’s

committee via cash, check, or electronic transfer. These funds are then under the exclusive control of the candidate's committee. *See* I.C. § 67-6610A. Plaintiffs are not asking for any change to the current limits for direct contributions.

24. There are three types of “Party” organizations in Idaho. There are State Central Committees which are active in state races, County Central Committees which are active in local races, and Legislative District organizations which are active in State House and Senate races. Each organization becomes a “political committee” after it spends at least \$5,000 in a calendar year. I.C. § 67-6602(14)(c).

25. In Idaho, a “contribution” includes any transfer of money or anything of value in support of or in opposition to any candidate. *See* I.C. §§ 67-6602(2) and 67-6610A(4).

26. In Idaho, Party Coordinated Expenditures are considered “in-kind” contributions of goods and services from a Party to a candidate. These goods or services must be reported as in-kind contributions at their fair market value. I.C. § 67-6610A(5). The dollar value of these in-kind contributions counts against the Party's contribution limit to its candidate. *See* I.C. § 67-6610A(2).

27. In Idaho, a political party can spend, either as a Party Coordinated Expenditure or as a direct contribution, no more than \$1,000 per election for a local candidate, \$2,000 per election for a State House or Senate candidate, and (for a state central committee) \$10,000 per election for a statewide candidate. I.C. § 67-6610A(2). These limits have not been updated since 1997.

28. These limits are unusually low and severely infringe on the free speech activities of Idaho political parties. To illustrate, the federal limitation found to be unconstitutionally restrictive in *NRSC v. FEC* allowed federal political parties to spend from \$65,300 to \$130,600, dependent on the state, per election cycle in coordination with a U.S. House candidate. *See NRSC v. FEC*, No. 24–621, slip op. at 3. Because Idaho has two House seats in Congress, that representative would only ever represent half of the state. Yet Idaho political parties are limited to \$10,000 per election cycle in coordination with a gubernatorial candidate who would represent all of Idaho.

29. Forty-one states have either no limits or reasonably healthy limits for Party Coordinated Expenditures. Idaho is in the minority of nine states who hold political parties to the same limits as individuals or set unreasonably low limits for parties. The other eight states that take this draconian approach are Arkansas, Georgia, Hawaii, Maine, Missouri, Nevada, New Hampshire, and West Virginia. *See* National Conference of State Legislatures: State Limits on Contributions to Candidates, available at <ncsl.org/elections-and-campaigns/state-limits-on-contributions-to-candidates> (updated Oct. 6, 2025).

30. In recent years, political parties’ relative power has substantially diminished in comparison to outside groups. This limit on Party Coordinated Expenditures imposes a stifling effect on the ability of parties to fulfill the purpose for which they exist. *See NRSC v. FEC*, No. 24–621, slip op. at 24–25. Meanwhile, donors send their funds to Super PACs and other outside groups that have a recognized First Amendment right to receive and spend unlimited money to support their independent political speech. *Id.* In the 2024

election cycle alone, PACs raised over \$15.7 billion, as compared to \$2.7 billion by political parties. *Id.*

31. Weakened political parties distort our political system; diminished parties have coincided with increased political polarization and fragmentation. *Id.* at 25. These restrictions on Party Coordinated Expenditures consign political parties to second-tier status as compared to outside groups, with attendant ills for our political process. *Id.* This is not healthy for the process. For that reason, many who generally support campaign finance restrictions have called for elimination of the limits on Party Coordinated Expenditures. *Id.* (citing R. Pildes & B. Bauer, Election Law Blog: The Supreme Court, the Political Parties, and the SuperPacs (June 24, 2025)).

CLAIMS FOR RELIEF

COUNT I

SECTION 67-6610A(2), IDAHO CODE, UNCONSTITUTIONALLY RESTRICTS SPEECH IN VIOLATION OF THE FIRST AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES

32. Plaintiffs bring this claim against all Defendants. Plaintiffs incorporate by reference all of the allegations set forth in the preceding paragraphs 1 through 31.

I. Restrictions on Party Coordinated Expenditures violate the First Amendment.

33. The First Amendment to the United States Constitution provides that “Congress shall make no law ... abridging the freedom of speech.” The First Amendment applies to state and local governments under the Fourteenth Amendment to the United States Constitution.

34. In *NRSC v. FEC*, the United States Supreme Court recognized that the text of the Constitution, American political history, and relevant legal precedents all establish that limits on Party Coordinated Expenditures violate the First Amendment. *NRSC v. FEC*, No. 24–621, slip op. at 28.

35. Limits on Party Coordinated Expenditures abridge a political party’s freedom of speech because “virtually every means of communicating ideas in today’s mass society requires the expenditure of money,” and a “restriction on the amount of money a group can spend on political communication during a campaign necessarily reduces the quantity of expression by restricting the number of issues discussed, the depth of their exploration, and the size of the audience reached.” *Id.* at 1 (citing *Buckley v. Valeo*, 424 U.S. 1, 19 (1976)).

36. Limits on Party Coordinated Expenditures further impair a party’s traditional forms of communication such as advertisements; preclude parties from amplifying the voice of their adherents; impose additional monetary costs and burdens on political parties; and inflict a stifling effect on the ability of the party to do what it exists to do. *NRSC v. FEC*, No. 24–621, slip op. at 8.

II. The only valid reason to limit Party Coordinated Expenditures identified by the Supreme Court is the prevention of quid pro quo corruption.

37. A campaign finance law that infringes on free speech is reviewed under “strict scrutiny” or “closely drawn scrutiny.” *Id.* at 9–10. In this context, there is no significant difference between the two tests because the outcome is the same. *Id.* To satisfy either test, Idaho’s regulation must not be “disproportionate” and must be “necessary” and “narrowly tailored” to its asserted goal. *Id.* Under either test, the analysis turns on the fit

between the stated governmental objective and the means selected to achieve that objective. *Id.* The Supreme Court determined that federal limits on Party Coordinated Expenditure failed either test. *Id.* at 9–10 (see also *McCutcheon v. Federal Election Comm’n*, 572 U.S. 185, 199 (2014)). The same must be true of Idaho’s more draconian limits.

38. In *NRSC v. FEC*, the Supreme Court recognized “only one legitimate governmental interest for restricting campaign finances:” To prevent quid pro quo corruption or the appearance of such corruption. *NRSC v. FEC*, No. 24–621, slip op. at 12.

39. “Quid pro quo corruption” involves the giving of campaign contributions in exchange for an official action. In short, trading dollars for political favors. *Id.* at 12–13.

40. In *Buckley*, the Supreme Court made clear that the risk of quid pro quo corruption arises when an individual makes large contributions directly to the candidate or officeholder. *See Buckley*, 424 U.S. at 26–27. This is not the same as giving money to a party that has the goal of spending money to help dozens or hundreds of candidates.

41. The United States Supreme Court rejected attempts to suppress campaign speech based on other legislative objectives. It considered and rejected the idea that Party Coordinated Expenditures could be limited to “reduce the amount of money in politics.” Congress may not dictate how much spending on speech is too much. *NRSC v. FEC*, No. 24–621, slip op. at 10.

42. The Supreme Court considered and rejected the idea that Party Coordinated Expenditures could be limited to reduce “wasteful and excessive campaign spending.” The court quickly dismissed this rationale as a “flatly impermissible basis for restricting speech.” *Id.*

43. The Supreme Court said it is not an acceptable governmental objective to try “level the electoral playing field” or otherwise attempt to “enhance or diminish the relative influence of certain groups or views.” *Id.* (citing *Federal Election Comm’n v. Ted Cruz for Senate*, 596 U.S. 289, 305 (2022)). The “concept that government may restrict the speech of some elements of our society in order to enhance the relative voice of others is wholly foreign to the First Amendment.” *NRSC v. FEC*, No. 24–621, slip op. at 10–11 (quoting *Buckley*, 424 U. S., at 48–49). The First Amendment prohibits such legislative attempts to fine-tune the electoral process, no matter how well intentioned.

44. The Supreme Court said it is not an acceptable governmental objective to try to restrict party donors who give multiple donations for multiple party candidates because such donors may earn general influence or access to multiple candidates. *See id.* at 12. The Court rejected this because general influence among party members or access to party candidates is not quid pro quo corruption or the appearance thereof. The line between quid pro quo corruption and general influence must be respected to safeguard basic First Amendment rights and the Court must “err on the side of protecting political speech rather than suppressing it.” *Id.* at 13 (quoting *McCutcheon*, 572 U.S. at 209).

45. The Supreme Court considered and rejected the idea that the government can restrict campaign contributions because contributions allow donors to ingratiate themselves with and gain access to candidates. *NRSC v. FEC*, No. 24–621, slip op. at 12–13. Ingratiation and access are not corruption; they embody a central feature of democracy—that constituents support candidates who share their beliefs and interests, and

candidates who are elected can be expected to be responsive to those concerns. *Id.* at 12 (citing *McCutcheon*, 572 U.S. at 192).

46. The Supreme Court considered and rejected the idea that the government can restrict campaign contributions based on the idea that parties will show “gratitude” to their big donors. *NRSC v. FEC*, No. 24–621, slip op. at 12. Such gratitude stems from the basic nature of the party system, in which party members join to further common political beliefs. Gratitude is not quid pro quo corruption. *Id.*

III. Idaho laws limiting Party Coordinated Expenditures make no sense.

47. Idaho’s current law allows Parties to make unlimited independent expenditures for candidates but drastically limits expenditures coordinated with their own candidates. Perhaps this limitation is based on a belief that the State needs to prevent party leaders from working with their party candidates. If so, the United States Supreme Court said that this type of argument “does not make any sense” based on the thoroughly intertwined relationship of parties and their candidates. *Id.* at 11. This is “not corruption—it is successful advocacy of ideas in the political marketplace and representative government in a party system.” *Id.* (internal quotation omitted).

48. Idaho’s current law makes no sense because it disregards the important and traditional role of political parties during campaigns. Political parties articulate policy positions and platforms; select candidates through a primary or caucus process; and then support the election of those candidates in general election campaigns. A political party’s success or failure depends in large part on whether its candidates get elected. It is natural

for a party and its candidates to work together and consult with one another during an election. *See id.* at 7.

49. Idaho's current law makes no sense because it would be impractical and imprudent for a party to support its own candidates without some form of cooperation or consultation. After all, candidates are necessary to make the party's message known and effective, and vice versa. *See id.*

50. Idaho's current law makes no sense because party leaders and party candidates have traditionally coordinated a wide range of political activities, such as: coordinating which policy positions the party and candidate should emphasize; when and where the party and candidate should run campaign ads; what content should be emphasized in party ads or candidate ads; what to emphasize in candidate and surrogate speeches; what voters should be targeted by the party or the candidate; how best to use social media; avoiding duplication of efforts between the party and candidate; and getting out the vote.

51. Functional parties and candidates coordinate during campaigns and, as the Supreme Court recognized:

That coordination has formed the essence of our Nation's party system of government. For nearly 200 years after the ratification of the First Amendment, parties could spend freely to support their candidates during campaigns and could do so in coordination with their candidates. Notably, no one suggests that these elections were not functional or that they were marred by corruption.

Id. at 8 (internal quotations omitted).

52. Idaho's current law makes no sense because Idaho's limits on Party Coordinated Expenditures restrict a political party's free speech. The limits impair the party's traditional forms of communication such as advertisements; preclude parties from amplifying the voice of their adherents; impose additional monetary costs and burdens on political parties; and inflict a stifling effect on the ability of the party to do what it exists to do. *See id.*

IV. Idaho laws limiting Party Coordinated Expenditures are not narrowly tailored.

53. Even if Idaho Code § 67-6610A articulated that its purpose was to prevent quid pro quo corruption, which it does not, Idaho's current law still would not survive scrutiny at the United States Supreme Court. In *NRSC v. FEC*, the Supreme Court held that even if a government's goal is to prevent quid pro quo corruption, and to accomplish that goal it limits Party Coordinated Expenditures to prevent donors from circumventing the candidate contribution limits, this scheme still fails because it is not narrowly tailored to avoid infringing on free speech. *NRSC v. FEC*, No. 24–621, slip op. at 19–21.

54. The Supreme Court explained that restricting Party Coordinated Expenditures is *not* the best way to prevent circumvention of candidate contribution limits; there are less restrictive ways to prevent this behavior. For example, by enforcing earmarking laws and disclosure laws, which solve this problem without infringing on anyone's free speech. *See id.* at 16–19.

55. Similar to federal law, Idaho's earmarking and disclosure laws prevent any circumvention of the candidate contribution limits. Earmarking and disclosure laws are a

targeted and constitutionally permissible way for the Government to prohibit circumvention of the base limits on contributions to candidates. *Id.* at 20.

56. An earmarked contribution is a donation to a party that is designated exclusively for one candidate; it is a “pass through” from the donor to the candidate. Idaho law does not allow these types of contributions to exceed the limits set forth in Idaho Code § 67-6610A(2). The requirements set forth in Idaho Code § 67-6614, which do not allow contributions to be made, directly or indirectly, in a fictitious name, anonymously, or by a person through an agent in such a manner as to conceal the identity of the source of the contribution, ensures disclosure of the identity of the donor. Thus, Idaho’s earmark laws, coupled with disclosure requirements, adequately serve to prevent circumvention of the candidate contribution limits.

57. Idaho’s disclosure laws further require parties and candidates to report the name and address of any donor who contributes \$50 or more. I.C. § 67-6607(1)(a). These reports are filed monthly. Contributions of \$1,000 or more must be reported within 48 hours. I.C. § 67-6607(3). These disclosures are filed online and easily made available to the public. I.C. § 67-6607(4). These disclosure laws also help prevent circumvention of the candidate contribution limits.

58. After finding that federal earmark laws and disclosures laws serve as meaningful prophylactic measures to combat circumvention of the candidate contribution limits, the Supreme Court concluded that restricting Party Coordinated Expenditures in addition to such measures was “disproportionate” and not “necessary” and not “narrowly tailored” to justify infringing on a party’s free speech. *NRSC v. FEC*, No. 24-621, slip op.

at 21. In light of Idaho’s earmark and disclosure laws, which also serve as meaningful prophylactic measures to combat circumvention of candidate contribution limits, there is no reason the Supreme Court would not reach the same conclusion here.

59. The combination of a base candidate contribution limit with earmarking rules and disclosure requirements adequately serves the Government’s anti-circumvention interests—without needing to further restrict core political party speech. *See id.* at 19. Because Idaho already has all of those same laws in place, it does not need to further restrict Party Coordinated Expenditures.

* * * * *

60. The plain language of Idaho Code § 67-6610A(2) unconstitutionally chills Plaintiffs’ speech and, without declaratory and injunctive relief, will continue to do so.

61. Accordingly, Plaintiffs are entitled to a declaratory judgment, judgment awarding them preliminary and permanent injunctive relief, attorneys’ fees, costs, and any other relief the Court deems just and appropriate.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for the following relief:

- 1) Enter a declaratory judgment ruling that Idaho Code § 67-6610A(2), as currently written, is unconstitutional under *NRSC v. FEC*, and therefore unenforceable.
- 2) Enter an Order temporarily, preliminarily, and permanently enjoining any Idaho state official from enforcing Idaho Code § 67-6610A(2) until the state legislature has corrected the statute’s constitutional defects.

- 3) Reasonable attorneys' fees and costs.
- 4) Any other relief that the Court deems just and proper.

Respectfully submitted,



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