No. 24-3051

IN THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

NATIONAL REPUBLICAN SENATORIAL COMMITTEE, ET AL., Plaintiffs-Appellants, v. FEDERAL ELECTION COMMISSION, ET AL., Defendants-Appellees.	: : : : : : : : :	Certified Question from the United States District Court Southern District of Ohio District Court Case No. 1:22-cv-639

BRIEF OF *AMICI CURIAE* STATE OF OHIO AND 12 OTHER STATES IN SUPPORT OF APPELLANTS

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STATEMENT OF *AMICI* INTEREST AND SUMMARY OF ARGUMENT

The amici States—Ohio, Alaska, Arkansas, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Nebraska, South Carolina, Texas, and Utah—have strong interests not only in how our citizens select our federal representatives, but also in protecting the associations of those citizens to promote their candidates through political parties. Indeed, "[o]ur form of government is built on the premise that every citizen shall have the right to engage in political expression and association," and the "[e]xercise of these basic freedoms in America has traditionally been through the media of political associations." *Sweezy v. New Hampshire*, 354 U.S. 234, 250 (1957). Thus, the amici States recognize, "[a]ny interference with the freedom of a party is simultaneously an interference with the freedom of its adherents," *id*.

Amici States' interests are thus implicated by the federal laws at issue here, which limit so-called "coordinated party expenditures." As the name suggests, that term restricts spending by a political party, and in particular, it restricts a party's spending to promote a candidate when the party *coordinates* that spending with the candidate's own campaign committee.

These limits are unconstitutional under the First Amendment. They infringe the free speech rights of citizens who associate together for the purpose of

political speech in a political party, but they do not operate to prevent "quid pro quo" corruption or its appearance—the only allowable justification to limit such speech at the "core of our electoral process." *Buckley v. Valeo*, 424 U.S. 1, 39 (1976) (per curiam).

Indeed, the coordinated-expenditure laws do not promote any permissible goal. Previously, the Supreme Court had allowed for some limits on speech about the electoral process to be upheld based on a broader concern with "undue influence," but it has now clarified that such interests are not enough. But without resort to such fuzzy notions of restricting "influence," Congress's limits on party coordinated expenditures cannot stand. That is because limiting a party's support of its own candidate makes no sense as a quid-pro-quo matter—a candidate's loyalty to party is not a harm to be prevented, but a channel of accountability to the voters. Nor does such a limit prevent corruption by the underlying donors *to* a party because other measures—earmarking limits and disclosure rules—already do that. For this reason, it is unsurprising that most amici States and many other States have no analogous limits on state parties' support of state-level candidates, and our experience shows that the absence of such limits does not invite corruption through the parties in the States.

Further, even if such a valid anticorruption concern were at play, the restrictions here are not closely drawn, let alone narrowly tailored, to meet that purpose. They do not serve such an anticorruption purpose at all, in the light of the other restrictions in place. At best, they are a token prophylaxis upon prophylaxis, which the Supreme Court has often reiterated is not a good enough interest.

The statute, legal framework, and practical reality have all changed since the Supreme Court upheld limits like these over two decades ago. *FEC v. Colo. Republican Fed. Campaign Comm.*, 533 U.S. 431 (2001) ("*Colorado II*"). The statutory scheme has now allowed other forms of coordinated party expenditures, undercutting both the purported interest and the tailoring. The legal issue in sharp focus now—preventing quid pro quo corruption—differs from what was asked and answered in *Colorado II.* And as a practical matter, parties' influence continues to wane, while non-party "super PACs" dominate the landscape—showing that the speech chokehold on parties does no good, and in fact shifts influence from parties, which report to democratically-elected structures, to entities that do not.

STATEMENT OF FACTS

Amici States will keep the facts short in this almost pure case of law. We note only these basics. Political parties are regulated by federal campaign-finance laws on both sides—how they bring money in, and how they use it. (The "parties"

include their national committees, their senate campaign committees, and their house campaign committees, as well as state parties. Plaintiffs here are the National Republican Senatorial Committee (NRSC) and National Republican Congressional Committee (NRCC), joined by U.S. Senator J.D. Vance and former U.S. Congressman Steve Chabot, both of Ohio.) Every dollar the parties raise is subject to contribution limits and to reporting requirements. 52 U.S.C. §30101(8)(A)(i), (9)(A)(i); *id.* §30116(a)(8). All such dollars are called "hard money" in campaign parlance, as Congress barred the parties from receiving so-called "soft money" as part of the Bipartisan Campaign Reform Act of 2002 (BCRA). 52 U.S.C. §30125(a). In other words, all party dollars must follow federal "limitations, prohibitions, and reporting requirements." *Id.* Further, state (or local) party entities may not use money raised outside the federal limits for any "Federal election activity." *Id.* §30125(b).

One key restriction, the "earmark" rule, straddles both sides of regulation, namely, the contribution-to-party side and spending-by-party side. The earmark rule says that if a donor contributes to the party and "earmarks" the funds to be used for a particular candidate, that earmarking shall be disclosed, *id.* §30116(a)(8). 11 C.F.R. §110.6(c), and the contribution shall be treated as if it were a direct contribution from the donor to the candidate, 52 U.S.C. §30116(a)(8). That ensures

that a donor may not use a party as a conduit to evade the regular contribution limits governing donor-to-campaign funds.

On the other side of the regulations, parties may spend on campaigns in three different ways.

First, parties may contribute directly to a candidate's campaign, and those contributions are limited by a formula depending on a particular State's population.

Second, parties may spend by "coordinated party expenditures," meaning that they purchase goods or services to benefit the campaign, and they do so in "coordination" with the campaign to decide how best to spend the money. That spending may be treated as if it were a contribution to the campaign, subject to the same limits, or it may count against a separate coordinated party expenditure limit. However, amendments enacted in 2014 allow certain categories of coordinated party expenditures to be exempt from the limits. Those exempt categories include funding of volunteer-involved activities, building of physical offices, and spending on post-election activities such as costs of recounts, contests, and litigation. *See* 52 U.S.C. §§30101(8)(B)(ix), (xi), (9)(B)(viii), (ix).

Third, parties may spend on "independent expenditures," meaning that they purchase goods or services to benefit the campaign but do *not* coordinate the spending choices with the campaign. Such independent spending was limited by statute,

but the Supreme Court invalidated that limit in *Colorado Republican Federal Campaign Comm. v. FEC*, 518 U.S. 604, 618 (1996) (*Colorado I*) (plurality op.), so such spending is unlimited. However, to maintain "independent" status, the staff and office resources devoted to such efforts must be segregated from those spent on coordinated activity.

In this case, Plaintiffs challenge the limits on the second form of spending—the limits on "coordinated party expenditures."

ARGUMENT

I. The limits on coordinated party expenditures violate the First Amendment.

While all protected speech is valuable, speech regarding campaigns and elections stands at the apex. Such speech is part of the "[c]ompetition in ideas and governmental policies," which is "at the core of our electoral process and of the First Amendment freedoms." *Williams v. Rhodes*, 393 U.S. 23, 32 (1968); *Eu v. S.F. Cnty. Democratic Cent. Comm.*, 489 U.S. 214, 222–23 (1989). Thus, when it comes to coordinated party expenditure limits, "there is no doubt that the law does burden First Amendment electoral speech." *FEC v. Cruz*, 596 U.S. 289, 305 (2022). Therefore, "any such law must at least be justified by a permissible interest." *Id.* (citing *McCutcheon v. FEC*, 572 U.S. 185, 210 (2014) (plurality op.)).

Ever since *Buckley*, the Supreme Court has applied the strictest scrutiny to *spending* limits, while subjecting *contribution* limits to lesser scrutiny. 424 U.S. 1. Spending limits, because they regulate the quantity of speech itself, must survive "the exacting scrutiny applicable to limitations on core First Amendment rights of political expression." *Id.* at 44–45. Contribution limits, though, the Court said, impose a lesser burden on a donor's right to speak, and thus may be upheld if the government "demonstrates a sufficiently important interest and employs means closely drawn to avoid unnecessary abridgment of associational freedoms." *Id.* at 25.

Over the half-century since *Buckley,* however, the Supreme Court has recalibrated which interests count as "sufficiently important," and has explained what types of means are allowed to advance them. As a result, the Court has invalidated many limits that do not meet the test. At the same time, Congress has repeatedly revised campaign-finance law, too. As shown below, these developments point in the same direction: the coordinated party expenditure limits fail the test and must be enjoined as a violation of free speech.

A. The only valid justification for campaign spending limits is preventing quid pro quo corruption.

No one doubts that the Congresses that enacted the Federal Election Campaign Act of 1971, 52 U.S.C. §30101 *et seq.*, and its 1974 Amendments, sought to

limit both campaign contributions and campaign spending for multiple reasons. A core purpose was to prevent corruption, perceived as the notion that donors had undue influence over elected officials. Other purposes strayed into the idea that contribution limits "serve to mute the voices of affluent persons and groups in the election process and thereby to equalize the relative ability of all citizens to affect the outcome of elections." *Buckley*, 424 U.S. at 25–26. Another wayward idea behind spending limits was to reduce total campaign spending, to "act as a brake on the skyrocketing cost of political campaigns and thereby serve to open the political system more widely to candidates without access to sources of large amounts of money." *Id.* at 26.

Buckley immediately rejected the idea of limiting total campaign spending, and thus total campaign speech. But *Buckley* and other cases over subsequent decades accepted as legitimate some wandering interests beyond preventing "quid pro quo" corruption. For example, *Buckley* noted the legitimacy of preventing an "appearance" of such corruption, *id.* at 27, as well as the need to block workarounds or conduits that would let donors evade contribution limits. And later, the Court described the anticorruption rationale as broader than stopping just bribery, noting that it spoke "of 'improper influence' and 'opportunities for abuse' in addition to '*quid pro quo* arrangements.'" *Nixon v. Shrink Missouri Gov't PAC*, 528 U.S. 377,

389 (2000). Significant here, when the Court upheld limits on coordinated party expenditures, it pointed not to quid-pro-quo corruption or to its appearance, but to the broader notion of "undue influence on an officeholder's judgment, and the appearance of such influence." *Colorado II*, 533 U.S. at 441.

In more recent cases, however, the Court has tightened the reins on congressional restrictions of campaign speech. It has categorically rejected the broader notion of undue influence as a concern justifying limits on citizens' speech, and instead "recognized only one permissible ground for restricting political speech: the prevention of '*quid pro quo*' corruption or its appearance." *Cruz*, 596 U.S. at 305. That decision reiterated that the First Amendment forbids laws that aim "to reduce the amount of money in politics," "to level electoral opportunities by equalizing candidate resources," "and to limit the general influence a contributor may have over an elected official." *Id.* (citations omitted). Thus, "limit[ing] the general influence a contributor may have," *id.*, or more diffusely, reducing "undue influence on an officeholder's judgment," *Colorado II*, 533 U.S. at 441, are not even *permissible* grounds to restrict expenditures—let alone important ones.

B. The coordinated party expenditure limits cannot be justified as preventing quid pro quo corruption.

Viewed from any angle, coordinated party expenditure limits fail as an avenue to prevent quid pro quo corruption (or its appearance). Consider the party it-

self as the donor that might "corrupt" a candidate. That notion makes no sense. An officeholder might be corrupted by becoming beholden to some particular private entity, individual, or interest, but the same concern does not arise regarding a candidate "answering to" her party. Indeed, in most people's estimation, the political party is a salutary channel of accountability between the voters and those charged with representing them. After all, such parties are associations created to amplify the views of individual voters in the electoral process. In sum, elected officials are supposed to be influenced by their parties.

Political parties, including the Senate and House campaign committees, are accountable to voters in several ways. *First*, the campaign committees are led and run by senators and congressional representatives—that is, democratically elected officials. *See* R.49-1, Findings of Adjudicative Fact, ¶¶4–7, ¶¶13–17; *Following Historic Victories, Sen. Gary Peters to Return As DSCC Chair for 2024 Cycle*, Democratic Senatorial Campaign Committee (Jan. 9, 2023), perma.cc/X27K-5L2J (last visited 3/11/24). *Second*, the national committees are governed by committee members who are primarily selected by elections, whether directly or indirectly. For example, the Democratic National Committee sets aside some committee seats for elected officials, while both parties' national committees include members selected by convention delegates, who are themselves primarily chosen in party primaries or

at caucuses or conventions in which the grassroots participate. *See* The Charter and Bylaws of the Democratic Party of the United States, art. 3. Secs. 2–3, available at perma.cc/M85S-AGM7 (last visited 3/11/24); The Rules of the Republican Party, Rules 1–2, available at gop.com/rules-and-resolutions. Likewise, state and local party committees, which can also come under the sweep of these federal limits, are also typically elected by voters. *See*, *e.g.*, Ohio Rev. Code §3517.02.

All that matters because, unlike other political action committees or independent expenditure groups, which might answer to a narrow interest or solely to donors, the parties are accountable to their voters, which represent broader swaths of citizens. So the "problem" of a candidate being "beholden" to such interests is not a corruption concern to be combatted—it is democracy in action, and should be celebrated. America has "a constitutional tradition of political parties and their candidates engaging in joint First Amendment activity" that follows from the "practical identity of interests between the two entities during an election." *Colorado Republican Fed. Campaign Comm. v. FEC*, 518 U.S. 604, 630 (1996) (Kennedy, J., concurring in part). That is why "[p]arty spending 'in cooperation, consultation, or concert with' a candidate therefore is indistinguishable in substance from expenditures by the candidate or his campaign committee." *Id.*

That party accountability also matters because those accountable party actors are the ones deciding *where* and *how* to spend, not the underlying donors themselves.

In that light, consider next any purported concern with the underlying donors *to* the party, *i.e.,* that those party donors, by giving through the party to the candidate, will secure leverage over the candidate. (Recall, such leverage must rise to the level of a true quid pro quo concern to survive First Amendment scrutiny, not the mere "undue influence" that had previously been allowed to serve as a basis for limits.)

The problem with this "pass-through" theory of corruption is that the earmark rules already do the work of preventing a donor from using the party as a mere conduit for a direct contribution to candidate. If the donor insists on earmarking, that contribution is treated as a direct contribution. But if the amounts are not earmarked—if donations to the party might go to any candidate that the party determines needs or deserves support, regardless of the party-donors' preferences—that breaks the "pro" link of quid-pro-quo arrangements. And, as detailed further below (at 19–20), anyone seeking an intermediary for such schemes is far more likely to use a "superPAC" or other entity, not a party, to do so. *See McCutcheon,* 572 U.S. at 214 n.9.

These concerns aside, is there any residual anticorruption interest in stacking the coordinated-party-expenditure limits *on top of* the existing earmark rules? The answer is no. Even if adding an additional layer had some marginal "just in case" justification, the Court has explained that such a "prophylaxis-upon-prophylaxis approach" is "a significant indicator that the regulation may not be necessary for the interest it seeks to protect." *Cruz*, 596 U.S. at 306 (citing *McCutcheon*, 572 U.S. at 221). "[I]t is hard to imagine what marginal corruption deterrence could be generated by" the extra layer. *Ariz. Free Enter. Club's Freedom Club PAC v. Bennett*, 564 U.S. 721, 752 (2011).

On top of all that, the coordinated-party-expenditure limits are selective, as the scheme expressly allows several other forms of coordinated party support, including several enacted through statutory amendments in 2014 that have never been before the Supreme Court. Parties may spend for party mailers, presidential-campaign phone banks, many activities with sufficient volunteer involvement, spending for building headquarters, §30101(8)(B)(ix), (9)(B)(viii), and election recounts and legal proceedings. 52 U.S.C. §30116(a)(9). The allowance for all of those coordinated expenditures undercuts any claim that other coordinated party spending corrupts candidates, as Congress itself did not consider these other subsidies to be corrupting. Indeed, it seems most likely that the coordinated party ex-

penditure limits were never adopted in the first place to fight corruption but were instead aimed at the banal but discredited idea of reducing total campaign spending. *Colorado I*, 518 U.S. at 618.

Finally, the States' own experience with campaign finance further undermines any anticorruption rationale. Ohio, for example, like most other States, does *not* limit their state parties' ability to spend on behalf of non-federal candidates. *See, e.g.,* Ohio Rev. Code §3517.102(B), Ind. Code §3-9-2-1 *et seq*, Iowa Code §68A.101 *et seq.*, Kan. Stat. §25-4153(a), Ky. Rev. Stat. §121.150, La. Stat. §18:1505.2(H)(1), Miss. Code §23-15-807, Neb. Rev. Stat. ch. 32, art. 16 (repealed), Utah Code §20A-11-101 *et seq.*, and the rest below.[1] Nothing suggests that the political parties in those States are conduits for corruption, or that those States are more corrupt than sister States with restrictions akin to the federal ones.

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[1] A majority of States have laws that expressly or implicitly allow unlimited coordinated party expenditures for some or all state offices, with no further regulations or regulations other than amounts. *See* Ala. Code §17-5-15; Ariz. Rev. Stat. §§16-911(B)(4)(b), 16-912, 16-915; Cal. Gov't Code §§85301, 85400(c); 10 Ill. Comp. Stat. 5/9-8.5(b); 970 Mass. Code Regs. 1.04(12); N.J. Stat. §19:44A-29; N.J. Admin. Code §19:25-11.2; N.M. Stat. §1-19-34.7; N.Y. Elec. Law §14-114(1), (3); N.C. Gen. Stat. §163-278.13(h); N.D. Cent. Code §16.1-08.1-01 *et seq.*; Or. Rev. Stat. §260.005 *et seq.*; 25 Pa. Stat. §3241 *et seq.*; S.D. Codified Laws §12-27-7; Tex. Elec. Code §253.001 *et seq.*; Vt. Stat. tit. 17, §2941(a); Va. Code §24.2-945; W. Va. Code §3-8-5c; Wis. Stat. §§11.1101(1), 11.1104(5); Wyo. Stat. §22-25-102.

That is not to say that the amici States have no political corruption. Indeed, Ohio's Attorney General recently announced more indictments regarding a campaign-finance scheme that amounted to bribery. *See* Julie Carr Smyth & Samantha Hendrickson, *Fired FirstEnergy execs indicted in $60 million Ohio bribery scheme; regulator faces new charges*, AP News (Feb. 12, 2024), perma.cc/TYK6-ATVD (last visited 3/11/24). But importantly, that scheme did not commandeer any *party entities* as vectors for corruption. This State experience is notable, as recent precedent has looked to State laws as a benchmark in this area. *See McCutcheon,* 572 U.S. at 209 n.7 (citing several State laws and noting that "[t]he [federal] Government presents no evidence concerning the circumvention of base limits from the 30 States with base limits but no aggregate limits.").

C. Even if these limits serve a valid interest, they are not "closely drawn" or narrowly tailored to achieve that interest.

The coordinated party expenditures are not "closely drawn" or narrowly tailored. That is shown by several of the same features that undercut the showing of a valid interest.

For starters, while the original formulation of the "closely drawn" test may have been perceived as less than "narrow tailoring," the Court's more recent cases have described the test in terms closer to classic narrow tailoring. For example, the plurality in *McCutcheon* explained that "[e]ven when the Court is not applying

strict scrutiny, [it] still require[s] a fit that" uses "not necessarily the least restrictive means but a means narrowly tailored to achieve the desired objective." *McCutcheon*, 572 U.S. at 218 (quotation and ellipses omitted). And the Court has also, in performing the "narrowly tailored" inquiry, asked if the government "demonstrate[d] its need" for the challenged restriction "in light of any less intrusive alternatives." *Ams. for Prosperity Found. v. Bonta*, 141 S. Ct. 2373, 2385–86 (2021).

The coordinated-expenditure limits here cannot pass that test. As noted above, the limits do not even add any anti-corruptive protection. But even if they did, it is hard to see how blunt population-adjusted caps could be "closely drawn." Again, that is because the limits apply in addition to the earmark rule, operate as part of a swiss-cheese mix of limits and loopholes, and leave room for anyone to use superPACs to do much of what they cannot do through a party.

II. *Colorado II* does not control, so this Court can and should find the limits unconstitutional.

The best argument for upholding the coordinated-party-expenditure limits is, of course, that the U.S. Supreme Court has upheld coordinated party expenditure limits before. At first blush, that might seem to end the matter, but a closer look shows that *Colorado II* does not control here, for three primary reasons.

A. The statutory scheme has changed.

Most important, the limits are now part of a different statutory scheme from the one the Court reviewed in *Colorado II* in at least two respects.

First, as noted above, Congress enacted several exemptions that allow party expenditures beyond the former limits for all kinds of line items as disparate as party "headquarters buildings," a "presidential nominating convention," and "election recounts and contests and other legal proceedings." 52 U.S.C. §30116(a)(9). If the purpose of party coordinated expenditure limits is to avoid corrupt conduit donations, then allowing such potential conduits through those multiple routes undercuts any claim that that is the goal.

Second, in enacting the Bipartisan Campaign Reform Act in 2002—a year after *Colorado II*—Congress also barred state parties from receiving and spending "soft money." That matters because that structural change accelerated the movement away from party influence and toward the domination of electoral politics by PACs or other independent groups. *See* Ian Vandewalker & Daniel I. Weiner, *Stronger Parties, Stronger Democracy: Rethinking Reform*, Brennan Center for Justice (Sept. 16, 2015) ("*Stronger Parties*"), 5–6 (citing BCRA's soft-money elimination and asking whether such "changes to campaign finance law in the last decade will topple the party committees entirely from their place as the main vehi-

cle for election spending other than candidates"); Raymond J. La Raja, *Why Super PACs: How the American Party System Outgrew the Campaign Finance System*, 10 The Forum 91, 93 (Feb. 2013) ("The severe constraints on party organizational fund-raising . . . has led to a surge in campaign ads by non-party" entities such as "super PACs").

Together, these statutory changes mean that the limits at issue are not part of the same system that the Court reviewed in *Colorado II.* Indeed, the Court has already explained how statutory changes in this campaign-finance field—even when the changes are to adjacent statutes, and not the one being challenged—can create a new case for new review. In *McCutcheon*, the Court re-assessed the same aggregate contribution limit that it had upheld in *Buckley,* where the plurality explained that *other* regulatory changes undercut the allegedly justified role of the challenged limit in the overall scheme, leaving the Court "confronted with a different statute" from that in *Buckley. McCutcheon*, 572 U.S. at 203. As the first federal court of appeals to review the coordinated party expenditure regime as it stands today, the en banc Court is thus free to apply precedent to a different statutory landscape.

B. Both the legal landscape and the question presented differ from those in *Colorado II*.

As explained above, the Court has disciplined the scope of valid interests, limiting the anticorruption interest to preventing quid pro quos rather than curtailing ambient "undue influence." And it has also applied a "narrowly tailored" test to that focused objective. Together, these clarifications mean that the question *here* is quite different from the one asked in *Colorado II*: whether the coordinated-party-expenditure limits are justified by the need to prevent quid-pro-quo corruption or its appearance. But in *Colorado II,* the federal government did not even attempt to show quid pro quo concerns, as it could win—and did—on the now-rejected notion of "undue influence."

C. Practical reality shows that parties are declining in importance to campaigns and do not threaten to corrupt the process, especially relative to other entities.

As the *McCutcheon* plurality and multiple observers have noted, parties have become increasingly weaker, while other entities like PACs and SuperPACs have become the largest players in campaign finance. *See McCutcheon,* 572 U.S. at 214 n.9; *Stronger Parties* at 5–6, 17 (noting how limits to party fundraising contributed "to the benefit of shadow-party super PACs and 501(c) entities"); La Raja at 93 (citing "severe constraints on party organizational fundraising" as driving shift to super PACs).

That means that those seeking to maximize their support to gain influence over a candidate for whatever reason are near-certain to contribute primarily to super PACs or other entities, rather than to the political parties. That might be because, as a representative of the U.S. Department of Justice told Congress, such donations do not carry the risk of prosecution for an illegal conduit donation. *McCutcheon,* 572 U.S. at 214 n.9. Or it may be to donate unlimited amounts, or to maintain anonymity. Whatever the reason, such entities stand in sharp contrast to parties, which are heavily regulated on two sides and would remain so even if they could coordinate their spending with their own candidates. That leaves the parties highly unlikely to be anyone's vehicle for quid pro quo corruption. So limiting those parties' speech serves even less justification now than it did when the Supreme Court last reviewed them.

CONCLUSION

The Court should hold that the challenged limits on coordinated party expenditures violate the First Amendment, and it should thus enjoin their enforcement.

Respectfully submitted,

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I hereby certify, in accordance with Rule 32(g) of the Federal Rules of Appellate Procedure, that this brief complies with the type-volume requirements and contains 4,237 words. *See* Fed. R. App. P. 29(a)(5), 32(a)(7).

I further certify that this brief complies with the typeface requirements of Federal Rule 32(a)(5) and the type-style requirements of Federal Rule 32(a)(6) because it has been prepared in a proportionally spaced typeface using Microsoft Word in 14-point Equity font.

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I hereby certify that on March 11, 2024, this brief was filed electronically. Notice of this filing will be sent to all parties for whom counsel has entered an appearance by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

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