

FILED  
SUPREME COURT  
STATE OF WASHINGTON  
3/26/2025 3:42 PM  
BY SARAH R. PENDLETON  
CLERK

No. 103748-1

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SUPREME COURT OF THE STATE OF  
WASHINGTON

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STATE OF WASHINGTON,

Respondent,

v.

META PLATFORMS, INC., formerly doing  
business as FACEBOOK, INC.,

Petitioner.

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MOTION FOR LEAVE TO FILE MEMORANDUM OF  
AMICUS CURIAE INSTITUTE FOR FREE SPEECH

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*Attorneys for Amicus Curiae  
Institute for Free Speech*

The Institute for Free Speech (IFS) respectfully moves, under RAP 13.4(h), 10.4, and 10.6, to file a memorandum as amicus curiae on the issue of whether the Fair Campaign Practices Act and implementing regulations violate the First Amendment.

### **I. IDENTITY AND INTEREST OF AMICUS**

IFS is a nonpartisan, nonprofit organization dedicated to the protection of the First Amendment rights of speech, assembly, petition, and press. Along with scholarly and educational work, IFS represents individuals and organizations in litigation securing their First Amendment liberties and files amicus briefs in cases raising important First Amendment questions. IFS has an interest here because the decision of the Washington Court of Appeals undermines the core First Amendment rights of millions of Americans.

### **II. FAMILIARITY WITH ISSUES**

IFS has obtained copies of, and is familiar with, the briefing submitted to this Court by the parties as well as other relevant portions of the record. IFS is also familiar

with the scope of the arguments presented by the parties and other amici and will not repeat those arguments. IFS has addressed the constitutional issues raised in this case in other, unrelated proceedings.

### **III. ISSUES TO BE ADDRESSED BY AMICUS**

Whether the Fair Campaign Practices Act and implementing regulations violate the First Amendment because they impose unjustifiable burdens on digital communications platforms and fail to further the State's purported interest in educating its electorate about political ad purchasers and their expenditures through narrowly tailored means.

### **IV. WHY AMICUS BRIEFING WILL ASSIST THE COURT**

This impact of this case extends far beyond the parties to implicate the First Amendment rights of every Washington voter. As a nonprofit organization dedicated to preserving First Amendment political speech rights, IFS is uniquely positioned to shed light on how the Fair Campaign Practices Act's recordkeeping and disclosure

requirements for online platforms result in the downstream censorship of core political speech. IFS's expertise in analyzing collateral censorship effects will help the Court understand how these burdens disproportionately harm grassroots campaigns, lower-budget candidates, and outsider groups who rely most heavily on cost-effective digital advertising. This contribution will assist the Court in reaching a fully informed decision on the important constitutional question presented here. *See* RAP 10.6(a).

## V. CONCLUSION

IFS respectfully requests that the Court grant it leave to file a memorandum as amicus curiae.

I certify that this document contains 380 words, excluding the parts of the document exempted from the word count by RAP 18.17.

RESPECTFULLY SUBMITTED this 26th day of  
March, 2025.

DAVIS WRIGHT TREMAINE LLP

*s/ Ambika Kumar*

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**DECLARATION OF SERVICE**

I hereby certify that I caused the foregoing to be served on counsel of record for the parties in this matter via the Court's e-filing platform.

Dated: March 26, 2025

*s/ Ambika Kumar*  
Ambika Kumar

**DAVIS WRIGHT TREMAINE LLP**

**March 26, 2025 - 3:42 PM**

**Transmittal Information**

**Filed with Court:** Supreme Court  
**Appellate Court Case Number:** 103,748-1  
**Appellate Court Case Title:** State of Washington v. Meta Platforms, Inc.

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**Comments:**

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