

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

ADAM KISSEL,

Plaintiff,

v.

MICHELLE H. SEAGULL, in her
official capacity as Commissioner of the
Connecticut Department of Consumer
Protection,

Defendant.

Civil Action No. 21-120

January 28, 2021

**COMPLAINT FOR
DECLARATORY JUDGMENT AND
PERMANENT AND PRELIMINARY INJUNCTIVE RELIEF
INTRODUCTION**

1. Urging others to support charitable causes by making financial contributions is a time-honored tradition that is fully protected by the First Amendment to the United States Constitution. That is true whether or not the fundraiser receives compensation for his advocacy.

2. But the State of Connecticut imposes a series of barriers which restrict both the ability of paid charitable fundraisers to speak freely and the ability of individual donors to give to these organizations anonymously.

3. For individuals like Plaintiff Adam Kissel, who wishes to raise money for organizations that he admires, Connecticut law imposes significant costs and substantially chills his speech.

4. This chilling effect begins from the very beginning with the threshold issue that the law governing charitable fundraising is so vague and overbroad it is unclear what speech is covered by the law in the first place.

5. The unconstitutional chill on speech continues with a requirement that a fundraiser provide the state with 20-day advance notice before being allowed to speak—which kills the opportunity for spontaneous expression or outreach based on topical events. A fundraiser is furthermore required to not only tell the state that he plans to speak but also submit to the state his script and any promotional material he plans to use.

6. Fundraisers are not only restricted from speaking freely, the state also compels them to speak and to communicate to each prospective donor the exact nature of their compensation agreement with a charity. This requirement is directly contrary to Supreme Court precedent and yet remains the law of the State of Connecticut.

7. And if a fundraiser gets through all of these hurdles, a further requirement harms the effectiveness of his advocacy. A fundraiser must maintain the names and addresses of all donors for three years—regardless of the amount of the donation or the donor's desire to give anonymously—and make this information available to the Department of Consumer Protection on demand.

8. Individually and collectively these requirements put significant and unjustifiable impediments in the way of a fundraiser's advocacy and speech.

JURISDICTION AND VENUE

9. The claims in this action arise under the First and Fourteenth Amendments to the United States Constitution pursuant to 42 U.S.C. § 1983. The Court has jurisdiction over this federal claim under 28 U.S.C. § 1331 (federal question) and § 1343(a) (redress for deprivation of civil rights). The Court also has

diversity jurisdiction since Plaintiff is a resident of West Virginia and Defendant is a resident of Connecticut and an officer of the state of Connecticut. 28 U.S.C. § 1332.

10. Declaratory relief is authorized by the Declaratory Judgment Act, 28 U.S.C. § 2201.

11. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b)(1)–(2), because this lawsuit concerns enforcement of a Connecticut law by the executive officer of the Connecticut Department of Consumer Protection whose executive office is within this District. 28 U.S.C. § 103(3).

PARTIES

12. Plaintiff Adam Kissel is an individual citizen of the United States who lives in Charleston, West Virginia.

13. Michelle H. Seagull is the Commissioner of the Connecticut Department of Consumer Protection and is responsible for the enforcement of Connecticut’s laws regarding charitable registration and paid solicitation. She is sued solely in her official capacity as an officer of the State of Connecticut.

FACTUAL ALLEGATIONS

Mr. Kissel’s Background

14. Mr. Kissel has extensive experience in higher education policy and philanthropy. From 2017 to 2018 Mr. Kissel served as the Deputy Assistant Secretary for Higher Education Programs at the U.S. Department of Education.

15. Prior to his time at the Department of Education, Mr. Kissel worked at a variety of charitable organizations including Foundation for Individual Rights in Education, the Institute for Humane Studies, the Charles Koch Foundation, and The Philanthropy Roundtable.

16. Mr. Kissel is now a Senior Fellow at the Cardinal Institute for West Virginia Policy, a 501(c)(3) that researches, develops, and communicates free-market economic public policies for West Virginia.

Mr. Kissel and the Jack Miller Center

17. Because of his experience in higher education policy and philanthropy, the Jack Miller Center (“JMC”), a Philadelphia-based 501(c)(3) that works with professors and educators to teach students about America’s founding principles and history, reached out to Mr. Kissel to request his assistance in charitable fundraising related to JMC’s education projects.

18. JMC is registered to fundraise in Connecticut and many other states.

19. Mr. Kissel is eager to assist JMC, an organization that he greatly admires and supports, and JMC plans to compensate him for his efforts.

20. JMC has agreed to pay Mr. Kissel as an independent contractor to engage in charitable fundraising at an hourly rate for an average of 40 hours per month.

21. Under the current contract between Mr. Kissel and JMC, Mr. Kissel is responsible for identifying individuals interested in JMC’s mission who could become major donors. Mr. Kissel is also responsible for identifying foundations that have given to similar programs. Mr. Kissel will provide introductions to both prospective individual and foundation donors and will also help JMC with the development of its fundraising strategy. Some of these prospective donors and foundations are located in Connecticut.

22. Mr. Kissel would also be responsible for fundraising directly from his contacts and engaging in other donor-focused communications if such speech were allowed by law in a manner consistent with his First Amendment rights. JMC would also employ Mr. Kissel to engage in direct donor outreach and fundraising if it could

do so in a manner consistent with its ability to avoid disclosure of confidential information and to secure the privacy of its donors and prospective donors.

23. This intention to engage in direct fundraising is expressed in the current contract between JMC and Mr. Kissel, which reads: “The Parties acknowledge a mutual desire that Kissel engage in direct solicitation and other donor-focused communications toward supporting the teaching of America’s founding principles and history, but the Parties recognize that various states prohibit this speech, so such speech is not contemplated under this agreement.”

24. But for the laws complained of in this action, Mr. Kissel and JMC would contract to engage in direct solicitation and other donor-focused communications.

25. Mr. Kissel’s personal connections and experience will allow him to be uniquely effective in his fundraising endeavors. He desires to personally communicate the importance of JMC’s work to these people with whom he has long term relationships.

26. Connecticut is a high priority state for Mr. Kissel to be able to engage in direct outreach to prospective donors. Mr. Kissel has identified several large donors who live in Connecticut and have an interest in civic education. But for the laws complained of in this action, Mr. Kissel would reach out to them to educate them about JMC’s programs and encourage them to donate to JMC.

27. But Mr. Kissel is not currently engaging in any of these activities in Connecticut on behalf of JMC because he recognizes that most of his proposed activities would require registration as a paid solicitor in Connecticut, which would subject him to the unconstitutional conditions complained of in this action.

28. Mr. Kissel has been volunteering to raise money in Connecticut for another non-profit. But the unconstitutional conditions complained of in this action prevent Mr. Kissel from being paid to raise money for this organization in Connecticut as a registered paid solicitor.

29. There is at least one additional non-profit that would hire Mr. Kissel to engage in charitable fundraising in Connecticut if Mr. Kissel were registered as a paid solicitor. Because of the unconstitutional conditions complained of in this action, Mr. Kissel has not worked for this organization in Connecticut.

Connecticut's Burdensome Requirements for Paid Solicitors

30. Connecticut has two classifications of paid fundraisers.

31. First, a fund-raising counsel who “for compensation plans, manages, advises or consults with respect to the solicitation in this state of contributions by a charitable organization, but who does not solicit contributions and who does not directly or indirectly employ, procure or engage any person compensated to solicit contributions.” Conn. Gen. Stat. Ann. § 21a-190a(6).

32. Second, a paid solicitor who “performs for a charitable organization any service in connection with which contributions are solicited.” Conn. Gen. Stat. Ann. § 21a-190a(7).

33. Solicit or solicitation is defined as “any request directly or indirectly for money, credit, property, financial assistance or other thing of any kind or value on the plea or representation that such money, credit, property, financial assistance or other thing of any kind or value is to be used for a charitable purpose or benefit a charitable organization.” Conn. Gen. Stat. Ann. § 21a-190a(3).

34. Registration as a paid solicitor in Connecticut subjects Mr. Kissel to a host of burdensome requirements that would not apply to him if he were a fund-raising counsel.

35. In Connecticut, a paid solicitor must:

- a. Register annually with the department and pay a \$500 fee;
- b. Post a \$20,000 surety bond;
- c. Provide the state with advance notice 20 days before the start of a solicitation campaign. This notice must include

- i. A copy of the fundraising contract with the organization which is then made publicly available,
- ii. A solicitation notice which includes a description of the event and is also made publicly available, and
- iii. The submission of “copies of campaign solicitation literature including the text of any solicitation to be made orally.”
- d. Disclose a variety of information every time he speaks to a prospective donor including information regarding “the percentage of the gross revenue that the charitable organization shall receive.” A written confirmation of this information must also be sent to each contact that he has spoken to orally.
- e. File a report at the end of any solicitation campaign (or annually for longer campaigns) detailing the results of his campaign.
- f. Maintain records of all contributors including their names and addresses, and open up these records to the Department of Consumer Protection on demand.

36. By contrast, because Mr. Kissel does not plan to have custody or control of contributions, if he were merely a fund-raising counsel Mr. Kissel would only be required to file his contract with JMC fifteen days before beginning to work with them.

37. Violations of the requirements for paid solicitors are punishable with a fine of up to \$5,000 and up to one year in prison.

Letter Seeking Clarification

38. On November 17, 2020, Mr. Kissel sent Commissioner Seagull and other officials at the Department of Consumer Protection a letter outlining some of his concerns with these requirements and requesting clarification as to how the requirements would apply to his speech on behalf of JMC.

39. Mr. Kissel explained that he was uncertain whether the following actions he planned to engage in would qualify as “solicitation” under Connecticut law:

a. Hosting a presentation for a small group of 5-10 donors where he discusses several organizations in the education sphere that are worthy of donations including the Jack Miller Center and mentions that these are all 501(c)(3) organizations that are happy to accept contributions

b. Participating in conversations between a prospective donor and a representative of the Jack Miller Center—either with or without a direct request for a contribution

c. Reaching out to prospective donors via email to discuss the Jack Miller Center and to offer to make an introduction to the officers of the organization to discuss a donation

d. Calling a prospective donor to tell him that he should donate to the Jack Miller Center directing him to the organization’s website to make a donation.

40. Mr. Kissel explained that the requirement that he provide the Department with a 20-day notice before beginning a fundraising campaign was deeply burdensome because he will engage in fundraising outreach in direct response to current events which bring education issues to the forefront of prospective donors’ minds and that the requirement that he wait 20 days before speaking would severely constrain his constitutionally protected right to speak spontaneously about pressing matters of public concern without prior government restraint.

41. Mr. Kissel also explained that the requirement that he provide copies of campaign solicitation literature was unconstitutional because he will present to prospective donors documents and information that are intended to be private. For instance, in order to persuade a prospective donor of the breadth or seriousness of support, he will discuss other donors who have already given to the organization. The

identities of donors are often not appropriate for public disclosure. Mr. Kissel also will explain to prospective donors plans that JMC has not yet made public.

42. Mr. Kissel further explained that he did not wish to disclose his compensation agreement to each prospective donor that he spoke to.

43. Finally, Mr. Kissel noted that the requirement to maintain records with the names and addresses of contributors would be unduly burdensome because donors often wish to give anonymously or confidentially for a variety of reasons. Such reasons range from simple privacy concerns to religious convictions against publicizing charitable giving.

44. Mr. Kissel noted that because failure to properly comply could result in a fine of \$5,000 and up to one year in prison that he needed urgent clarification from the Department. He requested a response within thirty days.

45. The Department responded via email on November 17, acknowledging receipt of Mr. Kissel's letter and stating that it would "endeavor to respond to [his] inquiry in a timely fashion."

46. Mr. Kissel sent an email on January 6, 2020, 52 days after his initial request, to inquire about the status of the Department's response. The Department responded that same day and promised a response the following week.

47. On January 11, 2021, the Department responded to Mr. Kissel's letter. The Department acknowledged that if Mr. Kissel were to "directly or indirectly make a request for contribution" he would be required to register as a paid solicitor.

48. The Department stated that the first and fourth scenarios that Mr. Kissel put forward in his letter would require registration and that additional (unstated) facts would be required to determine whether the second and third scenarios would qualify as solicitation.

49. The Department defended its authority to "require professional fundraisers to register and file regular reports on activities," asserting that "the

courts have repeatedly recognized the legitimacy of government efforts to inform the public and prevent fraud through such registration and disclosure requirements.”

50. The Department acknowledged that paid solicitors must “file a Solicitation Notice prior to the Commencement of each solicitation campaign.” The Department did not dispute that this notice must be filed 20 days before the start of a campaign or that the solicitor was required to submit campaign literature. But the Department asserted (without appeal to any source of authority) that “the Department does not require confidential materials to be submitted with the campaign solicitation literature.”

51. The Department did not dispute that Connecticut law requires a paid solicitor to disclose “at the point of solicitation the percentage of the gross revenue which the charitable organization will receive,” but stated that it has “not historically” enforced this requirement and that it “does not intend to make this an enforcement priority going forward.”

52. The Department noted that it “enforced the record retention requirement” but asserted that it “has not historically required disclosure of the names and addresses of donors who wish to remain anonymous.” The Department asserted that it did “not anticipate that the department would compel production of anonymous donor records” without “a compelling enforcement reason.” But it did not deny that Mr. Kissel would nevertheless be required to take down and retain these names and addresses in case the Department did demand the information from him.

53. Finally, the Department declared that “[i]n deciding whether to take enforcement actions” it “takes many factors into consideration” such as the “purpose of the legal provision it seeks to enforce” and whether the solicitor “has made reasonable and best efforts to comply with Connecticut laws.”

54. Connecticut’s laws regarding paid fundraising regulations impose significant burdens on Mr. Kissel’s ability to engage in fundraising on behalf of JMC.

55. Connecticut's paid fundraising registration and regulation regime interferes with Mr. Kissel's rights in violation of the United States Constitution.

56. Because of Connecticut's burdensome requirements for paid fundraisers Mr. Kissel has also been unable to accept additional opportunities to engage in paid fundraising in Connecticut.

57. An actual and substantial controversy exists between Plaintiff and Defendant as to the parties' respective rights and responsibilities.

58. A judicial determination of the parties' rights and the constitutionality of Connecticut's paid fundraising registration and regulation regime will give Mr. Kissel relief by establishing that Connecticut is not entitled to enforce unconstitutional conditions on his speech and allowing him to speak without abiding by these unconstitutional conditions.

59. Mr. Kissel has no plain, speedy, and adequate remedy at law to address the violations of his constitutional rights under color of state law. Absent judicial intervention, Mr. Kissel will suffer irreparable injury as a result of the burden on his right to speak. Monetary damages are unavailable and would not provide an adequate remedy.

60. An injunction restraining Defendant from enforcing the unconstitutional paid fundraising requirements challenged in this action will remedy Mr. Kissel's injury. But for the requirements being challenged in this lawsuit, Mr. Kissel would currently be engaged in paid fundraising on behalf of JMC and other organizations in the State of Connecticut.

61. An injunction restraining Defendant from unconstitutionally enforcing the challenged paid fundraising requirements will serve the public interest. The State of Connecticut has no interest in violating Mr. Kissel's First Amendment freedoms, and an injunction will further freedom of speech in Connecticut.

62. Mr. Kissel will continue to suffer substantial and irreparable harm unless the burdens on his First Amendment rights imposed by the challenged statutes are declared unlawful and enjoined by this Court.

LEGAL CLAIMS
COUNT 1
(Conn. Gen. Stat. Ann. § 21a-190a(3))
(Definition of “Indirect” Solicitation is Unconstitutionally Vague and Overbroad)

63. Plaintiff incorporates the allegations in the preceding paragraphs.

64. The First Amendment of the United States Constitution guarantees the right of “the freedom of speech.”

65. The United States Supreme Court has repeatedly held that fundraising is a constitutionally protected activity and that laws which burden the ability of individuals to raise money on behalf of worthwhile causes are constitutionally suspect.

66. Under Supreme Court precedent, fundraising is fully protected even when the fundraiser receives compensation. *Riley v. Nat’l Fed’n of the Blind of N. Carolina, Inc.*, 487 U.S. 781 (1988).

67. Connecticut’s requirements for paid solicitors apply to individuals who “solicit” or engage in “solicitation”—in other words, to individuals who engage in constitutionally protected speech.

68. Connecticut includes in the definition of solicitation not only a direct request for money, but also speech that is an “indirect” request for money.

69. As a result of the broad definition of solicitation, the Department claims the authority to apply Connecticut’s paid solicitation laws to conversations that take place outside of the realm of fundraising calls. In its response to Mr. Kissel’s letter, the Department conceded that the paid solicitation requirements might apply to a conversation between Mr. Kissel, a prospective donor, and a representative of JMC

(even if Mr. Kissel makes no request for a donation), or even if Mr. Kissel just makes an offer to introduce a prospective donor to a representative of JMC. The Department acknowledged that whether or not these qualify as an “indirect” solicitation would depend on additional unspecified facts.

70. The application of charitable fundraising restrictions to these types of conversations is overbroad and far exceeds any interest that the State of Connecticut has in regulating professional fundraising or preventing fraud.

71. This requirement is also unconstitutionally vague because it fails to provide a reasonable person with fair notice as to whether his speech qualifies as an “indirect” act of solicitation.

72. This vagueness chills speech as individuals are uncertain precisely what they can or cannot say without triggering burdensome registration and disclosure requirements.

73. The vague definition of solicitation invites arbitrary decision making as officers in the Department determine whether someone is required to register or not without any discernable standards or guidance.

74. Because of Connecticut’s overly broad and vague definition of “indirect” solicitation, Mr. Kissel has refrained from discussing JMC at all with any of his acquaintances in Connecticut, even informally, for fear of running afoul of the law.

75. Mr. Kissel has accordingly suffered and will continue to suffer substantial and irreparable harm unless the Court declares that Conn. Gen. Stat. Ann. § 21a-190a(3), violates the First Amendment both on its face and as applied to speech of the sort contemplated by Mr. Kissel.

COUNT 2
(Conn. Gen. Stat. Ann. § 21a-190f(c))
(The 20-Day Waiting Period violates the Free Speech Clause)

76. Plaintiff incorporates the allegations in the preceding paragraphs.

77. Connecticut law requires that paid solicitors file a notice with the Department 20 days before beginning a fundraising campaign and that this notice “shall include a description of the solicitation event or campaign.” Conn. Gen. Stat. Ann. § 21a-190f(c).

78. The First Amendment protects the right to engage in spontaneous speech, and laws that burden “a significant amount of spontaneous speech” violate that right. *Watchtower Bible & Tract Soc’y of New York, Inc. v. Vill. of Stratton*, 536 U.S. 150, 167 (2002).

79. Connecticut’s requirement that a paid solicitor provide the state with notice 20 days before initiating a fundraising campaign significantly restrains the ability of fundraisers to engage in spontaneous speech on matters of public concern. Conn. Gen. Stat. Ann. § 21a-190f(c).

80. Lengthy advance notice periods of longer than a week have almost always been found to be unconstitutional. *See Sullivan v. City of Augusta*, 511 F.3d 16, 38 (1st Cir. 2007).

81. The state does not review the substance of the proposed solicitation campaign. Nor does it need to take any action to facilitate the planned campaign, unlike, for example, a municipality reviewing a permit application for a large expressive gathering like a parade or a march.

82. Mr. Kissel wishes to engage in fundraising outreach in direct response to current events that bring education issues to the forefront of prospective donors’ minds. For instance, last fall the death of Supreme Court Justice Ruth Bader Ginsburg and the ensuing debate revealed that many Americans lack a basic civic understanding of the role of the Supreme Court and the importance of life-time tenure

on the Court. This is an example of a prime opportunity to reach out to prospective donors to discuss why this event showed the need for a greater commitment to civic education. Connecticut's 20-day waiting period stifles any opportunity to discuss current events with prospective donors to illustrate the importance of civic education.

83. Mr. Kissel has accordingly suffered and will continue to suffer substantial and irreparable harm unless the Court declares that the 20-day notice requirement of Conn. Gen. Stat. Ann. § 21a-190f(c) violates the First Amendment both on its face and as applied to Mr. Kissel's speech.

COUNT 3

(Conn. Gen. Stat. Ann. § 21a-190f(c))

(The Requirement to Submit Campaign Literature and Scripts Violates the Free Speech Clause)

84. Plaintiff incorporates the allegations in the preceding paragraphs.

85. The Requirement that a fundraiser provide the Department copies of campaign solicitation literature is a prior restraint that burdens the ability of fundraisers to speak freely to donors.

86. Prior restraints on speech are presumptively unconstitutional. Indeed, the Supreme Court has never upheld a prior restraint on speech.

87. This requirement also significantly burdens the right of fundraisers to communicate with donors without first revealing to the government exactly what they plan to say.

88. Because a fundraiser would violate the law if he deviates from the material that is submitted to the state, this requirement also chills spontaneous speech.

89. But for the submission requirement, Mr. Kissel would provide donors with confidential information that he does not wish to disclose to the State of Connecticut, including information regarding the future plans of the Jack Miller

Center which have not yet been made public, and the identities of current donors who wish to remain anonymous.

90. Because he is required to disclose this information to the State of Connecticut before speaking to a donor, Mr. Kissel faces three unpalatable options: 1) modify his speech to exclude this information; 2) betray the confidences of the Jack Miller Center; or 3) knowingly and willingly violate the law, which could subject him to civil and even criminal liability.

91. Mr. Kissel also engages in spontaneous conversations with donors based on each donor's interests rather than sticking to a particular script. But if he does so then Mr. Kissel will be in violation of Section 21a-190f (c).

92. Connecticut has no compelling interest in requiring the disclosure of what fundraisers wish to communicate and, in any event, there are many less burdensome alternatives to a requirement to submit scripts to the Government.

93. Mr. Kissel has accordingly suffered and will continue to suffer substantial and irreparable harm unless the Court declares that the requirement that paid solicitors submit their scripts and promotional material in Conn. Gen. Stat. Ann. § 21a-190f(c), violates the First Amendment both on its face and as applied to Mr. Kissel's speech.

COUNT 4
(Conn. Gen. Stat. Ann. § 21a-190f(e))
(The Requirement to Disclose Compensation
Agreement Violates the Free Speech Clause)

94. Plaintiff incorporates the allegations in the preceding paragraphs.

95. Under Connecticut law, a paid solicitor must "prior to orally requesting a contribution" and with each written request "clearly and conspicuously disclose at the point of solicitation such solicitor's name as on file with the department, the fact that such solicitor is a paid solicitor and the percentage of the gross revenue which the charitable organization shall receive." Conn. Gen. Stat. Ann. § 21a-190f(e).

96. Mr. Kissel does not wish to disclose his private compensation agreement each time he speaks to a prospective donor, as this would be disruptive and alienating.

97. In *Riley v. Nat'l Fed'n of the Blind of N. Carolina, Inc.*, 487 U.S. 781 (1988), the United States Supreme Court held that a North Carolina law that required professional fundraisers to disclose the percentage of gross receipts turned over to charities at the start of each call was unlawful.

98. In *Riley*, the Supreme Court explained that “mandating speech that a speaker would not otherwise make necessarily alters the content of the speech” and therefore such a requirement is a content-based speech restriction and subject to strict scrutiny.

99. Connecticut’s law is substantively identical to the law which the Supreme Court invalidated in *Riley*.

100. Connecticut lacks a compelling interest in mandating the disclosure of this information. And in any event, there exist far less burdensome alternatives to compelled speech such as making this information available on a state website.

101. Mr. Kissel has accordingly suffered and will continue to suffer substantial and irreparable harm unless the Court declares that the requirement that paid solicitors disclose their compensation agreements during each solicitation in Conn. Gen. Stat. Ann. § 21a-190f(e), violates the First Amendment both on its face and as applied to Mr. Kissel’s speech.

COUNT 5
(Conn. Gen. Stat. Ann. § 21a-190f(k))
(The Requirement to Retain the Names of Donors
Violates the Free Speech Clause)

102. Plaintiff incorporates the allegations in the preceding paragraphs.

103. Under Connecticut law a paid solicitor must maintain the name and address of each donor “during each solicitation campaign and for not less than three

years after the completion of such campaign” and such information must be made available to the Department on demand. Conn. Gen. Stat. Ann. § 21a-190f(k).

104. This requirement effectively means that a paid solicitor cannot solicit or receive an anonymous donation of any amount.

105. The right to give anonymously is constitutionally protected. *McIntyre v. Ohio Elections Comm’n*, 514 U.S. 334 (1995). Restrictions on the right to give anonymously are subject to “exacting scrutiny.” *Id.* at 347.

106. Some of Mr. Kissel’s contacts wish to donate anonymously for a variety of reasons including a religiously motivated desire to remain anonymous or a wish not to come under scrutiny by either the State of Connecticut or established educational organizations who may feel threatened by the Jack Miller Center’s proactive approach to civic education. Because Mr. Kissel is required to maintain a log with the contact information of these donors that is subject to disclosure to the state at any time, he is not able to accept these anonymous donations.

107. Mr. Kissel is also not able to assure his donors that their information will remain confidential because Connecticut law requires the information to be made available on demand to the Department of Consumer Protection. Although the law says that this information will generally not be disclosed to the public, Mr. Kissel knows that prospective donors will not be assuaged by this guarantee. The Department is given the discretion to disclose information “to the extent necessary for investigative or law enforcement purposes.” Furthermore, there have been high profile leaks of donor information in other states, which undermines the confidence of prospective donors in Connecticut’s assurance that the information will not be disclosed to the public.

108. Connecticut does not have a compelling interest in requiring donors who wish to remain anonymous to provide their name and address to a paid solicitor.

109. Connecticut's disclosure requirement is not narrowly tailored to prevent the infringement of Mr. Kissel's First Amendment rights.

110. Mr. Kissel has accordingly suffered and will continue to suffer substantial and irreparable harm unless the Court declares that the requirement that paid solicitors disclose their compensation agreements during each solicitation in Conn. Gen. Stat. Ann. § 21a-190f(k) violates the First Amendment as applied to anonymous donations.

RELIEF SOUGHT

Wherefore, Plaintiff respectfully requests the Court to enter judgment against Defendant as follows:

1. Declaring that the definition of solicitation, found in Conn. Gen. Stat. Ann. § 21a-190a(3), is unconstitutionally overbroad and void for vagueness;

2. Declaring that the 20-day advance notice requirement, found in Conn. Gen. Stat. Ann. § 21a-190f(c), violates the First Amendment both on its face and as applied to Mr. Kissel;

3. Declaring that the requirement that a paid solicitor provide his campaign solicitation literature and the text of any solicitation to the Department in advance of fundraising, found in Conn. Gen. Stat. Ann. § 21a-190f(c), violates the First Amendment both on its face and as applied to Mr. Kissel;

4. Declaring that the requirement that a paid solicitor disclose his compensation arrangement at the start of each solicitation, found in Conn. Gen. Stat. Ann. § 21a-190f(e), violates the First Amendment both on its face and as applied to Mr. Kissel;

5. Declaring that the requirement that a paid solicitor maintain a record of the names and addresses of those who have donated, found in Conn. Gen. Stat. Ann. § 21a-190f(k), violates the First Amendment both on its face and as applied to Mr. Kissel;

6. Granting an order preliminarily, and thereafter, permanently enjoining Defendant and Defendant's officers, agents, affiliates, servants, successors, employees, and other persons from enforcing the aforementioned requirements against Plaintiff without requiring Plaintiff to pay a bond;

7. Entering judgment for Plaintiff and against Defendant for deprivation of rights;

8. Awarding Plaintiff nominal damages of one dollar;

9. Awarding Plaintiff's costs and attorneys' fees under 42 U.S.C. § 1988;

10. Awarding such further relief as the Court deems just and proper.

DATED: January 28, 2021.

Respectfully submitted,

ALEXANDER T. TAUBES



ALEXANDER T. TAUBES

alextt@gmail.com
470 James Street, Suite 007
New Haven, CT 06513
(203) 909-0048 Telephone

DANIEL M. ORTNER, Cal. Bar No. 329866*
E-Mail: dortner@pacificlegal.org
Pacific Legal Foundation
930 G Street
Sacramento, California 95814
Telephone: (916) 419-7111
Facsimile: (916) 419-7747

JAMES M. MANLEY, Ariz. Bar No. 031820*
E-Mail: jmanley@pacificlegal.org
Pacific Legal Foundation
3241 E. Shea Blvd., #108
Phoenix, AZ 85028
Telephone: (916) 419-7111
Facsimile: (916) 419-7747

Attorneys for Plaintiff
Adam Kissel

**motion for pro hac vice to be filed*