

10-239 McCOMISH V. BENNETT

DECISION BELOW: 611 F.3d 510

LOWER COURT CASE NUMBER: 10-15165, 10-15166

QUESTION PRESENTED:

1. Whether *Citizens United v. Federal Election Comm'n*, 130 S. Ct. 876 (2010), and *Davis v. Federal Election Comm'n*, 128 S. Ct. 2759 (2008), require this Court to strike down Arizona's matching funds trigger under the First and Fourteenth Amendments because it penalizes and deters free speech by forcing privately-financed candidates and their supporters to finance the dissemination of hostile political speech whenever they raise or spend private money, or when independent expenditures are made, above a "spending limit."

2. Whether *Citizens United* and *Davis* require this Court to strike down Arizona's matching funds trigger under the First and Fourteenth Amendments because it regulates campaign financing in order to equalize "influence" and financial resources among competing candidates and interest groups, rather than to advance directly a compelling state interest in the least restrictive manner.

CONSOLIDATED WITH 10-238 FOR ONE HOUR ORAL ARGUMENT.

CERT. GRANTED 11/29/2010