

*Appeal No. 06-4142*

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT**

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UTAH EDUCATION ASSOCIATION; UTAH STATE AFL-CIO; AMERICAN  
FEDERATION OF TEACHERS-UTAH; AMERICAN FEDERATION OF STATE,  
COUNTY, AND MUNICIPAL EMPLOYEES, LOCAL 1004; UTAH SCHOOL  
EMPLOYEES ASSOCIATION; and PROFESSIONAL FIREFIGHTERS OF UTAH,

Plaintiffs and Appellees,

vs.

MARK SHURTLEFF, in his official capacity as Attorney General for the State of Utah,

Defendant and Appellant.

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**On Appeal from the United States District Court  
for the District of Utah, Central Division  
The Honorable Tena Campbell  
Trial Court Case No. 2:03CV-1100**

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**BRIEF OF THE SUTHERLAND INSTITUTE, UTAH TAXPAYERS  
ASSOCIATION, EVERGREEN FREEDOM FOUNDATION, PARENTS FOR  
CHOICE IN EDUCATION, AND NATIONAL RIGHT TO WORK LEGAL  
DEFENSE FOUNDATION, INC. AS AMICI CURIAE IN SUPPORT OF  
APPELLANT AND REVERSAL OF THE DISTRICT COURT**

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Maxwell A. Miller  
Scott S. Bell  
Parsons Behle & Latimer  
One Utah Center  
201 South Main Street, Suite 1800  
Salt Lake City, UT 84111  
Telephone: (801) 532-1234  
Facsimile: (801) 536-6111  
*Attorneys of Amici Curiae*

**TABLE OF CONTENTS**

INTEREST OF AMICI CURIAE .....1  
CONSENT OF THE PARTIES .....2  
SUMMARY OF ARGUMENT .....2  
ARGUMENT .....4  
I. THE DISTINCTION BETWEEN POLITICAL SUBDIVISIONS OF THE  
STATE AND THE STATE ITSELF IS ARTIFICIAL .....5  
II. THE STATE IS NOT REQUIRED TO AID POLITICAL ACTIVITY .....10  
III. PAYROLL SYSTEMS OF GOVERNMENT ENTITIES ARE NON-  
PUBLIC FORUMS .....13  
IV. THE STATE’S DECISION NOT TO ASSIST PUBLIC EMPLOYEES IN  
THEIR POLITICAL ACTIVITIES CANNOT VIOLATE THE FIRST  
AMENDMENT SINCE THE STATE HAS THE RIGHT TO OUTRIGHT  
BAN PUBLIC EMPLOYEE POLITICS .....16  
CONCLUSION .....18

## TABLE OF AUTHORITIES

### FEDERAL CASES

<i>Broadrick v. Oklahoma</i> , 413 U.S. 601 (1973) .....	17
<i>Buckley v. Valeo</i> , 424 U.S. 1 (1976) .....	11
<i>Consolidated Edison Co. v. Public Serv. Comm'n of N.Y.</i> , 447 U.S. 530 (1980) .....	7, 8
<i>Cornelius v. NAACP Legal Def. &amp; Educ. Fund</i> , 473 U.S. 788 (1985) .....	9, 10
<i>Ex parte Curtis</i> , 106 U.S. 371 (1882) .....	16
<i>Greer v. Spock</i> , 424 U.S. 828 (1976) .....	10
<i>Hawkins v. City &amp; County of Denver</i> , 170 F.3d 1281 (10th Cir. 1999) .....	14
<i>Int'l Soc'y for Krishna Consciousness, Inc. v. Lee</i> , 505 U.S. 672 (1992) .....	14
<i>Perry Educ. Ass'n v. Perry Local Educ. Ass'n</i> , 460 U.S. 37 (1983) .....	14
<i>Pocatello Educ. Ass'n v. Heideman</i> , 2005 U.S. Dist. LEXIS 34494 (D.Idaho 2005) .....	7
<i>Regan v. Taxation With Representation of Washington</i> , 461 U.S. 540 (1983) .....	10, 11
<i>Smith v. Arkansas State Highway Employees</i> , 441 U.S. 463 (1979) .....	11
<i>South Carolina Educ. Ass'n v. Campbell</i> , 883 F.2d 1251 (4th Cir. 1989) .....	11, 12
<i>Toledo Area AFL-CIO Council v. Pizza</i> , 154 F.3d 307 (6th Cir. 1998) .....	11, 12
<i>U.S. Civil Serv. v. Nat'l Ass'n of Letter Carriers</i> , 413 U.S. 548 (1973) .....	17
<i>United Pub. Workers v. Mitchell</i> , 330 U.S. 75 (1947) .....	16, 17
<i>Utah Educ. Ass'n v. Shurtleff</i> , 2006 U.S. Dist. LEXIS 27007 (D.Utah 2006) .....	<i>passim</i>
<i>Utah Gospel Mission v. Salt Lake City</i> , 425 F.3d 1249 (10th Cir. 2006) .....	14
<i>Wisconsin Public Intervenor v. Mortier</i> , 501 U.S. 597 (1991) .....	6

**STATE CASES**

*Broadbent v. Bd. of Educ. of the Cache County Sch. Dist.*, 910 P.2d 1274 (Utah Ct. App. 1996).....9

*Cobia v. Roy City*, 366 P.2d 986 (Utah 1961).....9

*Johnson v. Sandy City Corp.*, 497 P.2d 644 (Utah 1972) .....6

*Salt Lake City v. Tax Comm’n of Utah*, 359 P.2d 397 (Utah 1961).....6, 8

*Utah Pub. Employees’ Ass’n v. Leavitt*, No. 010903293 (3d Jud. Dist. 2002).....12

**FEDERAL STATUTES**

Hatch Act, 5 U.S.C. § 7324(a)(2) .....17

**STATE CONSTITUTION**

Utah Const., art. XI, § 8 .....6

**STATE STATUTES**

Utah Code Ann. § 10-1-201 .....8

Utah Code Ann. § 53A-2-101 .....8

Utah Code Ann. § 53A-8-104 .....9

Utah Code Ann. § 63-30d-102 .....9

Utah Code Ann. § 63-30d-201 .....9

Utah Code Ann. § 34-32-1.1(2)(g).....5