

**NO. 17-11589**

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

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**CODE REVISION COMMISSION on behalf of and for the benefit of THE  
GENERAL ASSEMBLY OF GEORGIA, and THE STATE OF GEORGIA,**

*Plaintiffs/appellees,*

**v.**

**PUBLIC.RESOURCE.ORG, INC.,**

*Defendant/appellant.*

**On Appeal from the United States District Court  
for the Northern District of Georgia**

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**MOTION OF AMERICAN CIVIL LIBERTIES UNION FOUNDATION,  
AMERICAN CIVIL LIBERTIES UNION FOUNDATION OF GEORGIA,  
INC., SOUTHERN POVERTY LAW CENTER, CENTER FOR  
DEMOCRACY & TECHNOLOGY, AND GEORGIA COALITION FOR  
THE PEOPLE'S AGENDA FOR LEAVE TO FILE BRIEF OF *AMICI  
CURIAE* IN SUPPORT OF APPELLANT**

Esha Bhandari  
ebhandari@aclu.org  
Lee Rowland  
Vera Eidelman  
American Civil Liberties Union  
Foundation  
125 Broad Street, 18<sup>th</sup> Floor  
New York, NY 10004  
Tel: 212-549-2500  
Fax: 212-549-2654

**CERTIFICATE OF INTERESTED PERSONS  
AND CORPORATE DISCLOSURE STATEMENT**

**Code Revision Commission et al. v. Public.Resource.Org, Inc.  
No. 17-11589**

*Amici Curiae* file this Certificate of Interested Persons and Corporate Disclosure Statement, as required by Eleventh Circuit Rules 26.1-1, 28-1(b), and 29-2.

American Civil Liberties Union Foundation (*Amicus curiae*)

American Civil Liberties Union Foundation of Georgia, Inc. (*Amicus curiae*)

Bhandari, Esha (Counsel for *Amici curiae*)

Center for Democracy & Technology (*Amicus curiae*)

Eidelman, Vera (Counsel for *Amici curiae*)

Georgia Coalition for the People's Agenda (*Amicus curiae*)

Rowland, Lee (Counsel for *Amici curiae*)

Southern Poverty Law Center (*Amicus curiae*)

Pursuant to Eleventh Circuit Rule 26.1-2(b), this Certificate includes only persons and entities omitted from the Certificate contained in Appellants' Initial Brief.

*Amici Curiae* American Civil Liberties Union Foundation, American Civil Liberties Union Foundation of Georgia, Inc., Southern Poverty Law Center, Center for Democracy & Technology, and Georgia Coalition for the People's Agenda are

non-profit entities that do not have parent corporations. No publicly held corporation owns 10 percent or more of any stake or stock in *amici curiae*.

/s/ Esha Bhandari

Esha Bhandari  
ebhandari@aclu.org  
American Civil Liberties Union  
Foundation  
125 Broad Street, 18<sup>th</sup> Floor  
New York, NY 10004  
Tel: 212-549-2500  
Fax: 212-549-2654

**MOTION FOR LEAVE TO FILE AMICUS CURIAE BRIEF**

Pursuant to Eleventh Circuit Rule 29, American Civil Liberties Union Foundation (“ACLU”), American Civil Liberties Union Foundation of Georgia, Inc. (“ACLU of Georgia”), Southern Poverty Law Center (“SPLC”), the Center for Democracy & Technology (“CDT”), and Georgia Coalition for the People’s Agenda (“GCPA”) (together, “Movants”) respectfully move for leave to file the accompanying brief in support of Appellant.

The ACLU is a nationwide nonpartisan organization of more than 1.2 million members, dedicated to protecting the fundamental liberties and basic civil rights guaranteed by state and federal Constitutions. The ACLU of Georgia, a state affiliate of the national ACLU, is devoted to advocacy on behalf of more than 20,000 statewide members and supporters. Among the rights that the ACLU and ACLU of Georgia vigorously seek to protect are the First Amendment right to free speech and right of access and the Fourteenth Amendment right to due process and fair notice of the law. In addition to providing direct representation to protect these and other constitutional rights, the ACLU and ACLU of Georgia frequently file *amicus curiae* briefs in this Court, as well as other state and federal courts. *See, e.g., Wollschlaeger v. Governor, Florida*, 848 F.3d 1293 (11th Cir. 2017); *United States v. Davis*, 785 F.3d 498 (11th Cir. 2015); *Barnes v. Zaccari*, 592 F. App’x 859 (11th Cir. 2015); *Rich v. Sec’y, Florida Dep’t of Corr.*, 716 F.3d 525 (11th Cir.

2013); *Keeton v. Anderson-Wiley*, 664 F.3d 865 (11th Cir. 2011); *United States v. Ochoa-Vasquez*, 428 F.3d 1015, 1021 (11th Cir. 2005). Through such work, the ACLU and the ACLU of Georgia have been at the forefront of efforts to ensure that state governments remain accountable to and accessible by the people.

The Southern Poverty Law Center has provided *pro bono* civil rights representation to low income persons in the Southeast since 1971, with particular focus on combating unlawful discrimination. SPLC has litigated numerous cases to enforce equal access to essential services, including access to justice for people living in poverty, including litigating against debtors prisons in cases such as *Foster v. Alexander City*, No. 15-647 (M.D. Ala.); protecting access to Medicaid in *Wilson v. Gordon*, No. 14-1492 (M.D. Tenn.); and advocating for an end to discriminatory wealth-based bail practices in *Edwards v. Cofield*, No. 17-321 (M.D. Ala.). SPLC's commitment to fighting discrimination in Georgia has resulted in litigation challenging the racial profiling of immigrants in *GLAHR v. Deal*, No. 11-1804 (N.D. Ga.) and a challenge to the discriminatory denial of driver's licenses to certain immigrants in *Das v. Brantley*, No. 16-1367 (N.D. Ga.). SPLC has a strong interest in the defeat of state efforts to deny access to justice.

The Center for Democracy & Technology is a nonprofit public interest organization working to ensure that the human rights we enjoy in the physical world are realized online, and that technology serves as an empowering force for

people worldwide. Integral to this work is CDT's representation of the public interest in the creation of an open, innovative, and decentralized Internet that promotes the constitutional and democratic values of free expression, privacy, and individual liberty. CDT advocates in support of laws and policies to expand access to information and promote the vibrant exchange of ideas. Ensuring public access to information is fundamental to CDT's work and the preservation of constitutional principles.

Georgia Coalition for the People's Agenda ("GCPA") is dedicated to increasing civic engagement and voter participation in Black and underserved communities throughout the state of Georgia as part of a nationwide effort. The Coalition strives encourage full participation in a barrier-free democracy and envisions a nation in which all people, from youth to seniors, have the tools to participate fully in the democratic process. The Coalition seeks to promote greater social and economic justice to enhance the quality of African American life.

Movants are therefore well positioned to submit an *amicus* brief in this case. They have long been committed to defending individuals' constitutional rights of access, freedom of speech, and due process. Given their experience and long-term interest in defending these rights, Movants believe that their *amicus* brief will bring additional necessary arguments and perspectives to the attention of

the Court regarding the constitutional implications of recognizing a copyright in official state law.

WHEREFORE, Movants respectfully request that this Court enter an Order granting it leave to file the amicus curiae brief that accompanies this motion.

Respectfully Submitted,

Dated: May 24, 2017

By: Esha Bhandari

Esha Bhandari  
ebhandari@aclu.org  
Lee Rowland  
Vera Eidelman  
American Civil Liberties Union  
Foundation  
125 Broad Street, 18<sup>th</sup> Floor  
New York, NY 10004  
Tel: 212-549-2500  
Fax: 212-549-2654

## CERTIFICATE OF COMPLIANCE

1. This motion complies with the type-volume limitation of Federal Rule of Appellate Procedure 27(d) because it contains 728 words, excluding the parts of the brief exempted by Federal Rule of Appellate Procedure 32(a)(7)(B)(iii).
2. This brief complies with the typeface requirements of Federal Rules of Appellate Procedure 27(d) and 32(a)(5), and the type-style requirements of Federal Rules of Appellate Procedure 27(d) and 32(a)(6) because it has been prepared in a proportionally spaced typeface using Microsoft Word 2010 in 14-point Times New Roman.

*/s/ Esha Bhandari*

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Esha Bhandari  
ebhandari@aclu.org  
American Civil Liberties Union Foundation  
125 Broad Street, 18<sup>th</sup> Floor  
New York, NY 10004  
Tel: 212-549-2500  
Fax: 212-549-2654

May 24, 2017



## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24<sup>th</sup> day of May, 2017, the foregoing Amici Curiae Brief for the American Civil Liberties Union Foundation, American Civil Liberties Union Foundation of Georgia, Inc., Southern Poverty Law Center, Center for Democracy & Technology and Georgia Coalition for the People's Agenda was filed electronically through the Court's CM/ECF system. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system.

*/s/ Esha Bhandari*

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Esha Bhandari  
ebhandari@aclu.org  
American Civil Liberties Union Foundation  
125 Broad Street, 18<sup>th</sup> Floor  
New York, NY 10004  
Tel: 212-549-2500  
Fax: 212-549-2654