

On Friday September 23, 2011, United States District Judge G. Murray Snow ordered that Attorney General Horne is preliminarily enjoined from enforcing Senate Bill 1365.

## **SB 1365 Injunction FAQ's**

### **1. What is Senate Bill (SB) 1365?**

During the 2010 legislative session, Arizona passed SB 1365 to silence educators by placing substantial burdens on dues deductions for a few targeted unions. SB 1365 required AEA to estimate at the beginning of each year how much political speech and activity that it would engage in, and then, the law threatened to punish AEA and possibly its local affiliates with \$10,000 penalties for violations if it guessed incorrectly. Further, SB 1365 also excluded the Public Safety Unions, all charities, and several other entities from complying with these burdens, even though these entities also engage in political activity.

### **2. What did the court Order do?**

The court Order prevents AG Horne enforcing any part of SB 1365 for the time being.

### **3. Why did the Court enjoin SB 1365?**

The Court found that the plain language of SB 1365 constituted viewpoint discrimination in violation of the First Amendment of the U.S. Constitution. Specifically, by only burdening some unions, like AEA, and by not burdening the Public Safety Unions or all the other entities that use payroll deductions for political activity, SB 1365 discriminates against some entities based on their viewpoints. The court found that such viewpoint discrimination violates the First Amendment and irreparably harms AEA's members.

### **4. What is a Preliminary Injunction?**

It is a temporary order that prevents a party from doing something that can cause irreparable harm to another party while a lawsuit is being litigated.

### **5. How long will the Preliminary Injunction last?**

The Preliminary Injunction will last while the lawsuit is pending. It will be in effect until the Court *either* issues a permanent injunction forever stopping the State from enforcing SB 1365 *or* removes the order. AEA believes that the Court will eventually permanently stop the state from enforcing SB 1365.

### **6. Does the court ruling mean that AEA should stop pursuing a shift in how dues are collected?**

No. This is just a preliminary injunction. While this is an important initial victory, the lawsuit is still continuing, and we cannot know what will happen in the future of this case or the next legislative session, which could pass a more defensible prohibition against the use of payroll deduction for dues. Because of this uncertainty, AEA will continue to shift its dues payment away from payroll deduction.

### **7. What happens next?**

AEA will keep fighting against the legislature's attempts to silence the voices of our members. In doing so, AEA will work to obtain a permanent injunction against SB 1365 and will continue to defend quality public education for all children.