C A L I F O R N I A
DEPARTMENT OF JUSTICE

Rob Bonta
Attorney General

455 GOLDEN GATE AVENUE, SUITE 11000
SAN FRANCISCO, CA 94102-7004

Public: (415) 510-4400
Telephone: (415) 510-3847
Facsimile: (415) 703-5480
E-Mail: Anne.Bellows@doj.ca.gov

May 7, 2026

Molly C. Dwyer
Clerk of Court
U.S. Court of Appeals
for the Ninth Circuit
P.O. Box 193939
San Francisco, CA 94119

RE: Response to Notice of Supplemental Authority
Richards v. Newsom, Case No. 25-693
Argued and submitted on February 2, 2026 – Circuit Judges Lee, Koh, and De Alba

Dear Ms. Dwyer:

Appellee Rob Bonta writes in response to the Rule 28(j) letter submitted by Appellants regarding *First Choice Women's Resource Centers, Inc. v. Davenport*, No. 24-781 ("*First Choice*"). In that case, the Supreme Court held that a nonprofit had adequately pleaded standing to bring a federal challenge to a subpoena issued by the New Jersey Attorney General "demanding the identities of [the organization's] financial supporters." Op. at 1. The Court did not address the merits of the organization's claim that the subpoena chilled its associational rights in violation of the First Amendment. *Id.* at 5–6.

The facts in *First Choice* bear little resemblance to this case. There, a specific nonprofit organization was served with a subpoena that demanded documents disclosing the name, address, and additional personal information (phone number, employment) for each donor. *Id.* at 10. Here, the California statute at issue requires licensed firearms dealers to install audiovisual

security systems on their business premises while strictly limiting government access to the system and its recordings. Cal. Pen. Code § 26806.

The Supreme Court's holding in *First Choice* that the subpoena caused a cognizable injury even before it became enforceable was driven by the subpoena's demand for "a charity's private member or donor information," a category of information falling in the heartland of chilled association cases. Op. at 12 (citing *NAACP v. Alabama*, 357 U.S. 449, 460–463 (1958) and *Shelton v. Tucker*, 364 U.S. 479, 485–487 (1960)). California Penal Code section 26806, in contrast, does not require disclosure of membership in any organization to the government. *See* A.A.B. at 53–54. Any subjective chill experienced by Appellants in response to the common-sense security measure implemented by the statute is inadequate to make out a constitutional claim. *See Clapper v. Amnesty Int'l USA*, 568 U.S. 398, 417–418 (2013), *Laird v. Tatum*, 408 U.S. 1, 10–11, 13–14 (1972). This Court should affirm the dismissal of Appellants' claims.

Sincerely,

ANNE P. BELLOWS
Deputy Attorney General

cc: All counsel of record (via ACMS)