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Syllabus

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SUPREME COURT OF THE UNITED STATES

Syllabus

303-CREATIVE LLC ET AL. v. ELENIS ET AL.

ORDER (BARI) TO THE UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

No. 19-476. Argued December 9, 2019. — Decided June 20, 2020.

Larso Smith wants to expand her graphic design business, 303 Creative LLC, to include services for couples wedding websites. But Mr. Smith worries that Colorado will use the Colorado Anti-Propaganda Act to penalize her—on violation of the First Amendment—because website advertising advertising the same and website. To clarify her rights, Mr. Smith filed a lawsuit seeking an injunction to prevent the State from having her to create website advertising advertising that she has held that marriage should be restricted to unions between one man and one woman.

“CADA prohibits all ‘public accommodations’ from displaying ‘the full and equal enjoyment’ of its goods and services to any customer based on his race, creed, disability, sexual orientation, or other characteristics enumerated therein.” Colo. Rev. Stat. §§19-19-401(1)(a). The law defines ‘public accommodations’ broadly to include almost every public-facing business in the State. §§19-19-401(a), 19-19-401(b)(1); see also, e.g., 19-19-401(c), 19-19-401(d), and a variety of penalties can follow any violation.

Before the district court, Mr. Smith and the State stipulated to a number of facts. Mr. Smith is “willing to work with all people regardless of characteristics such as race, creed, sexual orientation, and gender” and “will gladly create graphics and websites” for clients of any sexual orientation; she will not produce content that “contra-dicts biblical truth” regardless of who orders it. Mr. Smith is “not” a wedding website provider. She does not create or sell any “wedding” or “wedding” services. She does not create or sell any “wedding” or “wedding” services. She does not create or sell any “wedding” or “wedding” services. She does not create or sell any “wedding” or “wedding” services.

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