



Additional Materials

Other Business
August 27, 2014

August 26, 2014

Jonathan Wayne
Executive Director
Commission on Governmental Ethics and Election Practices
135 State House Station
Augusta, ME 04333-0135

Re: Woodhouse v. Maine Commission on Governmental Ethics and Election Practices, Civil No. 1:14-CV-266-DBH (Decision and Order, August 22, 2014)

Dear Director Wayne:

Please accept these brief comments on behalf of Maine Citizens for Clean Elections ("MCCE") regarding the above-captioned federal court decision.

The issue in this case is whether four contributors who gave \$1,500 to Eliot Cutler's campaign prior to June 11, 2014 should now be allowed to give additional contributions. Prior to this litigation the Commission had allowed contributors to Mr. Cutler to give a total of no more than \$1,500 in the election cycle.

Judge Hornby, however, has ruled otherwise, allowing the plaintiffs to make additional contributions. Consistent with fundamental legal principles, that ruling may also be applied to other Cutler contributors who made contributions on or before June 10, 2014.

The cornerstone of Judge Hornby's ruling is the principle that "similarly situated" contributors must be given the same rights. Party candidates have two separate \$1,500 limits – one for the primary election and one for the general election. The Court ruled that Cutler contributors should therefore also have separate \$1,500 limits for the primary and general elections. Applying the Court's ruling, allowing Cutler contributors to give an additional \$1,500 gives them the same opportunity that was available to "similarly situated" contributors who are giving to the party candidates.

This ruling is limited in scope and based on virtually no factual analysis, leaving many unresolved issues. *See* fn 18 (no view expressed on whether party candidates must be given a \$3,000 limit.) Accordingly, we urge the Commission to support a solution that is similarly limited. We would like to see a simple rule allowing contributors who gave to Eliot Cutler during the primary season to give an additional \$1,500. This rule would only affect contributors who gave to Mr. Cutler during the primary season (i.e. on or before June 10, 2014). It would not change anything for Cutler contributors who did not make contributions prior to the primary election, nor would it affect the limits applicable to party candidates or the way they historically have been applied. Significantly, this is the approach followed across the country for federal candidates. *See* 11 CFR 110.1(b)(3).

MCCE has long supported low, voter-approved contribution limits to Maine gubernatorial candidates, but those amounts have been increased twice in recent years. Further eroding those limits will only release a new surge of money from the very wealthiest contributors, distorting Maine elections as never before.

Thank you for the opportunity to comment on this question.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Bossie". The signature is written in a cursive, flowing style.

Andrew Bossie
Executive Director
Maine Citizens for Clean Elections