

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE**

**Rep. Andre E. Cushing III, Respect Maine
PAC, and Harold A. Clough,**

Plaintiffs,

v.

**Walter F. McKee, Andre G. Duchette,
Margaret E. Matheson, and Edward M.
Youngblood,** all in their official capacity as
members of the Commission on Governmental
Ethics and Election Practices; **Mark Lawrence,
Stephanie Anderson, Norman Croteau, Evert
Fowle, R. Christopher Almy, Geoffrey
Rushlau, Michael E. Povich, and Neal T.
Adams,** all in their official capacity as District
Attorneys of the State of Maine; and **Janet T.
Mills,** in her official capacity as Attorney
General of the State of Maine,

Defendants.

Civil Action No. _____

**VERIFIED COMPLAINT FOR
INJUNCTIVE AND DECLARATORY
RELIEF**

Plaintiffs Rep. Andre E. Cushing III, Respect Maine PAC, and Harold A. Clough, for their
Complaint against the Defendants, state the following:

Introduction

1. This is a civil action for declaratory and injunctive relief arising under the Constitution of the United States. Plaintiffs claim that 21-A Maine Revised Statutes (“M.R.S.”) §§ 1015(1), 1019-B(1)(B) and (3), and 1125(9), which regulate elections and election campaigns in the State of Maine, violates the First and Fourteenth Amendments to the United States Constitution by unduly impinging upon protected political speech and association as set forth in *Buckley v. Valeo*, 424 U.S. 1 (1976), *Davis v. FEC*, 128 S. Ct. 2759 (2008), and their progeny and by burdening free expression and association without any compelling justification for doing so, without being narrowly tailored in doing so, and for being overbroad by sweeping within their strictures constitutionally protected advocacy. *See Day v. Holahan*, 34 F.3d 1356 (8th Cir. 1994), *Randell v. Sorrell*, 548 U.S. 230, 262 (2006).

More specifically, Plaintiffs claim that 21-A M.R.S. §§ 1015(1), 1019-B(1)(B) and (3), and 1125(9) reduce the ability of Plaintiffs to participate in Maine elections by mandating significant reporting of independent expenditures, causing the receipt of independent expenditures and candidate expenditures above a certain threshold in support of a traditionally funded candidate to trigger matching funds to their publicly funded opponents, and establishing too low contributions limits of \$750.

2. Plaintiffs seek to have 21-A M.R.S. §§ 1015(1), 1019-B(1)(B) and (3), and 1125(9) declared unconstitutional in violation of the First and Fourteenth Amendments. Plaintiffs also seek to have enforcement of 21-A M.R.S. §§ 1015(1), 1019-B(1)(B) and (3), and 1125(9) permanently enjoined. This issue should be resolved promptly so that Plaintiffs and those similarly situated will not be chilled in their free expression and association or risk being unlawfully enjoined or found in

violation of Maine election laws as a result of having engaged in constitutionally-protected political expression in the upcoming 2010 election.

Jurisdiction and Venue

3. This action arises under Section 1 of the Civil Rights Act of 1871, 17 Stat. 13, 42 U.S.C. § 1983, and the First and Fourteenth Amendments to the Constitution of the United States.

4. The jurisdiction of this Court over the claims arising under 42 U.S.C. § 1983 is founded upon 28 U.S.C. § 1343(a). The jurisdiction over the claims arising under the First and Fourteenth Amendments is founded upon 28 U.S.C. §§ 1331 and 1343(a).

5. Venue in this district is proper pursuant to 28 U.S.C. § 1391(b).

Parties

6. Plaintiff Respect Maine PAC is a non-profit political action committee organized in the State of Maine. Andre E. Cushing III is the Chairman of Respect Maine PAC.

7. Plaintiff Rep. Andre E. Cushing III is state representative for District 39 in the Maine House of Representatives and is a traditionally funded candidate for state representative for District 39 in the 2010 election.

8. Plaintiff Harold A. Clough is an individual residing in Scarborough, Maine.

9. Defendants Walter F. McKee, Andre G. Duchette, Margaret E. Matheson, and Edward M. Youngblood are all residents of Maine and are members of the Commission on Governmental Ethics and Election Practices (the "Commission"). The Commission is charged under 21-A M.R.S. §§ 1003 and 1127 with the enforcement of the provisions of Chapters 13 and 14, respectively, of Title 21-A. The Defendants are sued in their official capacity and are subject to the jurisdiction of this Court.

10. Defendant Janet T. Mills is a resident of the State of Maine and serves as Attorney General. The Attorney General is charged with enforcing Maine’s election laws pursuant to 21-A M.R.S. §§ 33, 1003, and 1062-A. She is sued in her official capacity.

11. Defendants Mark Lawrence, Stephanie Anderson, Norman Croteau, Evert Fowle, R. Christopher Almy, Geoffrey Rushlau, Michael E. Povich, and Neal T. Adams are residents of the State of Maine and serve as District Attorneys throughout the State. District Attorneys are charged with enforcing Maine’s election laws pursuant to 21-A M.R.S. § 33, 30-A M.R.S. §§ 282 and 283. Each is sued in his or her official capacity.

Facts

12. Title 21-A of the Maine statutes titled “Elections” governs campaign finance law for Maine elections. Chapter 14, also known as the “Maine Clean Election Act,” which became law in 1995, creates a public funding scheme for Maine gubernatorial, state senate, and state house candidates. 21-A M.R.S. §§ 1121 and 1124.

13. The purpose of the Maine Clean Election Act is to provide “an alternative campaign financing option available to candidates running for Governor, State Senator and State Representative.” 21-A M.R.S. § 1124.

14. 21-A M.R.S. § 1125(9) (“matching funds provision”) states:

When any report required under this chapter or chapter 13 shows that the sum of a candidate’s expenditures or obligations, contributions and loans, or fund revenues received, whichever is greater, in conjunction with independent expenditures reported under section 1019-B, exceeds the sum of an opposing certified candidate’s fund revenues, in conjunction with independent expenditures, the commission shall issue immediately to the opposing certified candidate an additional amount equivalent to the difference. Matching funds for certified candidates for the Legislature are limited to 2 times the amount originally distributed under subsection 8-A. Matching funds for certified gubernatorial candidates in

a primary election are limited to half the amount originally distributed under subsection 8-A. Matching funds for certified gubernatorial candidates in a general election are limited to the amount originally distributed under subsection 8-A.

15. Pursuant to 21-A M.R.S. § 1127, “a person who violates any provision of this chapter or rules of the commission adopted pursuant to section 1126 is subject to a fine not to exceed \$10,000 per violation payable to the fund.” Additionally, “[a] person who willfully or knowingly violates this chapter or rules of the commission or who willfully or knowingly makes a false statement in any report required by this chapter commits a Class E crime.” *Id.*

16. In 2008, \$20,508.73 in matching funds were distributed to publicly funded candidates in the primary and \$463,483.52 in matching funds were distributed to publicly funded candidates in the general election. *Maine Clean Election Act Overview of Participation Rates and Payments 2000-2008*, attached as Exhibit 1. Three hundred and three (303) Maine legislative candidates participated in the public funding scheme, or roughly 81% of the total. *Id.* Of these, one hundred fourteen (114) received matching funds. *Id.*

17. For 2010, the initial disbursements for publicly funded candidates under Maine’s public funding scheme are \$1,504 for the primary and \$4,144 for the general election in contested state representative races, \$7,746 for the primary and \$19,078 for the general election in contested state senate races, and \$400,000 for the primary and \$600,000 for the general election in gubernatorial races. *Maine Commission on Governmental Ethics & Election Practices, 2010 Initial Distributions, available at <http://www.maine.gov/ethics/mcea/initialdist.htm>*. Under 21-A M.R.S. § 1125(9), the minimum trigger amounts for matching funds are the same as the amount of the initial disbursement.

18. Plaintiff Rep. Andre E. Cushing III is state representative for District 39 in the Maine House of Representatives and is a candidate for state representative for District 39 in the 2010 election.

19. In 2008, Rep. Cushing ran as a traditionally funded candidate for District 39. Rep. Cushing was opposed by publicly funded candidates in both the primary and general election in 2008. In both cases, spending by Rep. Cushing triggered matching funds to his opponent.

20. Rep. Cushing is running in 2010 as a traditionally funded candidate. He is opposed in the 2010 general election by a publicly funded candidate.

21. During the 2010 general election campaign, Rep. Cushing intends to spend money in support of his campaign in excess of the trigger amount. However, because such expenditures will trigger funds to his opponent, Rep. Cushing is forced to curtail his spending so as to avoid triggering matching funds to his opponent. Therefore, the matching funds provision irreparably harms Rep. Cushing by chilling the exercise of his First Amendment right to make expenditures in support of his own campaign.

22. Plaintiff Respect Maine PAC is a non-profit political action committee organized in the State of Maine. Respect Maine PAC was formed on May 1, 2010, for the purpose of making independent expenditures in support of or in opposition to Maine state legislative candidates. Respect Maine PAC intends to raise and spend approximately \$30,000 to \$40,000 on independent expenditures in support of state legislative candidates in Maine in 2010 because it believes it is the clearest way to communicate with the voters. Respect Maine PAC intends to make such expenditures in support of both traditionally funded candidates and publicly funded candidates who face a publicly funded opponent.

23. Based on the rates of participation and disbursement of matching funds in prior elections, it is certain that at least some of the independent expenditures Respect Maine PAC intends to make will trigger matching funds to an opposing candidate. Because such an expenditure will trigger funds to an opponent, Respect Maine PAC will be forced to curtail its spending on independent expenditures supporting a traditionally funded candidate or opposing a publicly funded candidate in the 2010 election where the trigger amount has been or will be reached. Therefore, the matching funds provision irreparably harms Respect Maine PAC by chilling the exercise of its First Amendment right to make independent expenditures to further the campaigns of the candidates it supports.

24. 21-A M.R.S. § 1019-B(3) (“the reporting requirement”) states:

A person, party committee, political committee or political action committee that makes independent expenditures aggregating in excess of \$100 during any one candidate’s election shall file a report with the commission. In the case of a municipal election, a copy of the same information must be filed with the municipal clerk.

25. An “independent expenditure”: . . . [i]s presumed in races involving a candidate who is certified as a Maine Clean Election Act candidate . . . to be any expenditure made to design, produce or disseminate a communication that names or depicts a clearly identified candidate and is disseminated during . . . the 35 days, including election day, before a general election.” 21-A M.R.S. § 1019-B(1)(B). This presumption may be rebutted by “filing a signed written statement with the commission within 48 hours of making the expenditure stating that the cost was not incurred with the intent to influence the nomination, election or defeat of a candidate, supported by any additional evidence the person chooses to submit. The commission may gather any additional evidence it deems relevant and material and must determine by a preponderance of the evidence whether the cost was incurred with intent to influence the nomination, election or defeat of a candidate.” 21-A M.R.S. § 1019-B(2).

26. The resulting reporting requirement substantially burdens Respect Maine PAC's right to engage in protected forms of political expression in this and in future elections by requiring substantial reporting of its expenditures. Respect Maine PAC is irreparably harmed by engaging in such protected expression, and because their reports will trigger the matching funds provision, Respect Maine PAC will in fact not so exercise its First Amendment rights in future elections.

27. 21-A M.R.S. § 1015(1) (the "contribution limit") provides that

An individual may not make contributions to a candidate in support of the candidacy of one person aggregating more than \$750 in any election for a gubernatorial candidate or more than \$350 in any election for any other candidate. This limitation does not apply to contributions in support of a candidate by that candidate or that candidate's spouse or domestic partner. Beginning December 1, 2010, contribution limits in accordance with this subsection are adjusted every 2 years based on the Consumer Price Index as reported by the United States Department of Labor, Bureau of Labor Statistics and rounded to the nearest amount divisible by \$25.

28. Plaintiff Harold A. Clough has made contributions in the past to support political candidates. Mr. Clough has already made contributions of \$750 to Paul LePage for Governor during the 2010 general election, and wishes to make additional contributions to Paul LePage for Governor during the 2010 general election above the \$750 limit, and wishes to make contributions above \$750 to gubernatorial candidates in future elections.

29. Because the contribution limit is set at \$750, Mr. Clough will not contribute more than that amount to any gubernatorial race.

30. Plaintiffs have no adequate remedy at law.

COUNT I

THE INDEPENDENT EXPENDITURE REPORTING REQUIREMENT FAILS STRICT SCRUTINY.

31. Plaintiffs reallege the preceding paragraphs.

32. 21-A M.R.S. § 1019-B(3) states:

A person, party committee, political committee or political action committee that makes independent expenditures aggregating in excess of \$100 during any one candidate's election shall file a report with the commission. In the case of a municipal election, a copy of the same information must be filed with the municipal clerk.

An “‘independent expenditure’: . . . [i]s presumed in races involving a candidate who is certified as a Maine Clean Election Act candidate . . . to be any expenditure made to design, produce or disseminate a communication that names or depicts a clearly identified candidate and is disseminated during . . . the 35 days, including election day, before a general election.” 21-A M.R.S. § 1019-B(1)(B).

33. Under the First Amendment to the U.S. Constitution and *Buckley v. Valeo*, 424 U.S. 1 (1976), *Davis v. FEC*, 128 S. Ct. 2759 (2008), and their progeny, a state public funding scheme violates the right to free political speech where it goes beyond mere promotion of the voluntary use of public funding and improperly injects the state into the political process by attempting to equalize the relative financial resources of candidates—thereby coercing involuntary participation in public campaign financing by punishing and burdening those entities like Respect Maine PAC, who intend to make independent expenditures over \$100 supporting a traditionally funded candidate or opposing a publicly funded candidate. *Scott v. Roberts*, 2010 WL 2977614 (11th Cir. July 30, 2010); *Green Party of Conn. v. Garfield*, 2010 WL 2737134 (2d. Cir. July 13, 2010); *Day v. Holahan*, 34 F.3d 1356 (8th Cir. 1994).

34. The corruption-related interest cited by the *Buckley* Court remains “the only legitimate and compelling government interest [] thus far identified for restricting campaign finances.” *FEC v. National Conservative Political Action Committee*, 470 U.S. 480, 496-97 (1985). The State unnecessarily imposes a substantial burden on Respect Maine PAC with its IE reporting requirement and is not narrowly tailored to serve an anticorruption interest. *Davis v. FEC*, 128 S. Ct. at 2775, and unconstitutionally includes issue advocacy. *Buckley*, 424 U.S. at 39-51, 74-81.

35. Further, the IE reporting requirement’s 48-hour rebuttal rule is “patently unreasonable” and is not narrowly tailored. *See Citizens for Responsible Gov’t v. Davidson*, 236 F.3d 1174, 1197 (10th Cir. 2000).

COUNT II

THE INDEPENDENT EXPENDITURE REPORTING REQUIREMENT IS OVERBROAD.

36. Plaintiffs reallege the preceding paragraphs.

37. 21-A M.R.S. § 1019-B(3) (“the IE reporting requirement”) states:

A person, party committee, political committee or political action committee that makes independent expenditures aggregating in excess of \$100 during any one candidate's election shall file a report with the commission. In the case of a municipal election, a copy of the same information must be filed with the municipal clerk.

38. An “‘independent expenditure’: . . . [i]s presumed in races involving a candidate who is certified as a Maine Clean Election Act candidate . . . to be any expenditure made to design, produce or disseminate a communication that names or depicts a clearly identified candidate and is disseminated during . . . the 35 days, including election day, before a general election.” 21-A M.R.S. § 1019-B(1)(B). This presumption may be rebutted by “filing a signed written statement with the commission

within 48 hours of making the expenditure stating that the cost was not incurred with the intent to influence the nomination, election or defeat of a candidate, supported by any additional evidence the person chooses to submit. The commission may gather any additional evidence it deems relevant and material and must determine by a preponderance of the evidence whether the cost was incurred with intent to influence the nomination, election or defeat of a candidate.” 21-A M.R.S. § 1019-B(2).

39. A statute will be facially invalidated as overbroad if “a substantial number of its applications are unconstitutional, judged in relation to the statute’s plainly legitimate sweep.” *McCullen v. Coakley*, 571 F.3d 167, 182 (1st Cir. 2009) (quoting *Washington State Grange v. Washington State Republican Party*, 128 S.Ct. 1184, 1191 n.6 (2008)).

40. The IE reporting requirement obliges nonprofit entities like Respect Maine PAC to report all political expenditures regardless of whether they advocate support for or against a candidate’s race, or to file within 48 hours a form demonstrating why it is not an independent expenditure and subject themselves to lengthy review.

41. By presuming that all expenditures made in a Maine Clean Election Act campaign are independent expenditures warranting disclosure, the IE reporting requirement is overbroad, unconstitutionally burdening the rights of free speech and free association in violation of the First Amendment.

COUNT III

THE RESCUE FUNDS PROVISION UNCONSTITUTIONALLY BURDENS AND PENALIZES SPEECH AND FAILS STRICT SCRUTINY.

42. Plaintiffs reallege the preceding paragraphs.

43. 21-A M.R.S. § 1125(9) (“matching funds provision”) states:

When any report required under this chapter or chapter 13 shows that the sum of a candidate's expenditures or obligations, contributions and loans, or fund revenues received, whichever is greater, in conjunction with independent expenditures reported under section 1019-B, exceeds the sum of an opposing certified candidate's fund revenues, in conjunction with independent expenditures, the commission shall issue immediately to the opposing certified candidate an additional amount equivalent to the difference.

44. The matching funds provision provides a direct, dollar-for-dollar public subsidy to publicly funded candidates whenever an expenditure is made by another candidate or independent group that either opposes the publicly funded candidate, or supports a traditionally funded candidate with a publicly funded opponent. Therefore, this statute amounts to an unconstitutional content-based regulation of political free speech, in that it treats speech differently depending on whether it opposes or favors a publicly funded candidate. *Davis v. FEC*, 128 S. Ct. at 2771; *Scott v. Roberts*, 2010 WL 2977614 (11th Cir. July 30, 2010); *Green Party of Conn. v. Garfield*, 2010 WL 2737134 (2d. Cir. July 13, 2010); *Day v. Holahan*, 34 F.3d 1356 (8th Cir. 1994).

45. Under the First Amendment to the U.S. Constitution and *Buckley v. Valeo*, 424 U.S. 1 (1976), *Davis v. FEC*, 128 S. Ct. 2759 (2008), and their progeny, a state public campaign financing scheme violates the right to free political speech where it goes beyond mere promotion of the voluntary use of public funding, and improperly injects the state into the political process by attempting to equalize the relative financial resources of candidates.

46. Rep. Cushing and Respect Maine PAC face imminent injury to their First Amendment rights to free political speech and free association as a direct result of this statutory scheme. The state's payment of matching funds—which, unlike an independent expenditure, are directly controlled by the publicly funded candidate—neutralizes the effect of any such expenditure. The knowledge that making an expenditure that opposes a publicly funded candidate or supports a traditionally funded one will

directly result in that publicly funded candidate receiving a dollar-for-dollar matching public subsidy (with no effect on that candidate's spending limit) creates a chilling effect on Rep Cushing and Respect Maine PAC's free exercise of protected speech, and imposes a climate of self-censorship that is inimical to our American heritage of unfettered political discourse. In so doing, the statute also encroaches upon the ability of like-minded persons to pool their resources in furtherance of common political goals in violation of Rep. Cushing and Respect Maine PAC's right to freedom of association. *See Green Party of Conn. v. Garfield*, 2010 WL 2737134 (2d. Cir. July 13, 2010); *Day v. Holahan*, 34 F.3d 1356, 1360 (8th Cir. 1994).

47. Additionally, the matching funds provision creates a content-based regulation of speech opposing a funded candidate that is not narrowly drawn to serve a compelling interest. *See Scott v. Roberts*, 2010 WL 2977614 (11th Cir. July 30, 2010); *Green Party of Conn. v. Garfield*, 2010 WL 2737134 (2d. Cir. July 13, 2010); *Day*, 34 F.3d at 1360-61. Therefore, the matching funds provision is an unconstitutional violation of the First and Fourteenth Amendments.

COUNT IV

THE PUBLIC FUNDING SCHEME'S CONTRIBUTION LIMITS FAIL INTERMEDIATE SCRUTINY.

48. Plaintiffs reallege the preceding paragraphs.

49. 21-A M.R.S. § 1015 (the "contribution limit") establishes contribution limits to candidates for gubernatorial races at \$750.

50. Contribution limits must be "closely drawn" to a "sufficiently important interest," or else they abridge First Amendment freedoms. *McConnell v. FEC*, 540 U.S. 93, 231 (2003); *Buckley* 424 U.S. at 25.

51. The only interest the Supreme Court has found sufficiently important to justify limits on contributions to candidates and their campaigns is the interest in preventing corruption and the appearance of corruption associated with large contributions. *McConnell*, 540 U.S. at 138; *Nixon v. Shrink Mo. Gov't. PAC*, 528 U.S. 377, 393 (2000) (“*Shrink PAC*”); *Federal Election Comm'n v. National Right to Work Comm.*, 459 U.S. 197, 198-199, and n. 1 (1982); *Buckley*, 424 U.S. at 26–27.

52. Maine’s contribution limits are not closely drawn to this interest in preventing corruption and the appearance of corruption, and therefore fail intermediate scrutiny.

COUNT VI

THE CONTRIBUTION LIMITS ARE UNCONSTITUTIONALLY LOW.

53. Plaintiffs reallege the previous paragraphs.

54. 21-A M.R.S. § 1015 (the “contribution limit”) establishes contribution limits to candidates for gubernatorial races at \$750.

55. Contribution limits “violate the First Amendment [when] they burden First Amendment interests in a manner that is disproportionate to the public purposes they were enacted to advance.” *Randall v. Sorrell*, 548 U.S. 230, 262 (2006).

56. The limits impede the ability of traditionally funded candidates to mount effective campaigns against publicly funded candidates. They hamper volunteer participation by individuals such as Harold A. Clough in Maine campaigns. And no legitimate statutory objective has been identified by the State to justify the special burdens of the limits. Therefore, the contributions are unconstitutionally low.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully prays the Court to:

- (1) Declare 21-A M.R.S. § 1015(1) unconstitutional;
- (2) Declare 21-A M.R.S. § 1019-B(1)(B) and (3) unconstitutional;
- (3) Declare 21-A M.R.S. § 1125(9) unconstitutional;
- (4) Enjoin Defendants, their agents, and successors, from acting pursuant to 21-A M.R.S. §§ 1015(1), 1019-B(3), and 1125(9);
- (5) Grant them their costs of this action, including reasonable attorney's fees, pursuant to 42 U.S.C. § 1988 and any other applicable authority; and
- (6) Grant them such other relief as may be just and equitable.

Dated: August 5, 2010

Respectfully submitted,

James Bopp Jr., Ind. #2838-84
Anita Y. Woudenberg, Ind. #25162-64
Josiah Neeley, Tx. #24046514
Sarah E. Troupis, Wis. #1061515
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Ph: 207-321-2550
Fax: 207-773-4385
Local Counsel for Plaintiffs

VERIFICATION

VERIFICATION

I SWEAR (OR AFFIRM) UNDER THE PENALTIES FOR PERJURY UNDER THE LAWS OF THE UNITED STATES THAT THE FOREGOING STATEMENTS MADE IN THE FOREGOING VERIFIED COMPLAINT CONCERNING ME AND MY ORGANIZATION ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND UNDERSTANDING.

Dated: August 3, 2010



Andre E. Cushing III
Chairman
Respect Maine PAC
PO Box 211
Hampden, ME 04444
207/449/1358

VERIFICATION

I SWEAR (OR AFFIRM) UNDER THE PENALTIES FOR PERJURY UNDER THE LAWS OF THE UNITED STATES THAT THE FOREGOING STATEMENTS MADE IN THE FOREGOING VERIFIED COMPLAINT CONCERNING ME AND MY ORGANIZATION ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND UNDERSTANDING.

Dated: August 3, 2010

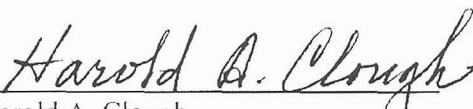


Andre E. Cushing III

VERIFICATION

ISWEAR (OR AFFIRM) UNDER THE PENALTIES FOR PERJURY UNDER THE LAWS OF THE UNITED STATES THAT THE FOREGOING STATEMENTS MADE IN THE FOREGOING VERIFIED COMPLAINT CONCERNING ME AND MY ORGANIZATION ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND UNDERSTANDING.

Dated: August 4, 2010


Harold A. Clough

VERIFIED COMPLAINT

Maine Clean Election Act Overview of Participation Rates and Payments 2000 - 2008

◆ PARTICIPATION BY LEGISLATIVE CANDIDATES

	MCEA Candidates in General Election	Total Candidates in General Election	Percentage of MCEA Candidates
2000	116	350	33%
2002	231	370	62%
2004	308	391	78%
2006	313	386	81%
2008	303	373	81%

◆ BREAKDOWN OF 2008 PARTICIPATION BY PARTY

	MCEA Candidates in General Election	Total Candidates in General Election	Percentage of MCEA Candidates
House (D)	140	149	94%
House (R)	92	131	70%
Senate (D)	29	36	81%
Senate (R)	27	36	75%
Green, Unenrolled	14	21	67%

◆ PARTICIPATION BY ELECTED LEGISLATORS

	Percentage of Legislators Who Participated in the MCEA
120 th Legislature	33%
121 st Legislature	60%
122 nd Legislature	78%
123 rd Legislature	84%
124 th Legislature	85%

◆ GENERAL ELECTION PARTICIPATION BY GUBERNATORIAL CANDIDATES

	MCEA Candidates in General Election	Privately Financed Candidates in General Election	Percentage of MCEA Candidates
2002 ¹	Jonathan Carter	John Baldacci Peter Cianchette John Michael	25%
2006 ²	Barbara Merrill Chandler Woodcock Pat LaMarche	John Baldacci Phillip Morris Napier	60%

1. James Libby qualified for MCEA funding in 2002 for the primary election only.

2. Peter Mills qualified for MCEA funding in 2006 for the primary election only.

◆ **TOTAL PAYMENTS TO MCEA CANDIDATES**

Election Year	Legislative	Gubernatorial	Total
2000	\$965,608	N/A	\$965,608
2002	\$2,088,899	\$1,216,669	\$3,305,568
2004	\$2,799,617	N/A	\$2,799,617
2006	\$3,347,775	\$3,534,615	\$6,882,390
2008	\$2,953,332	N/A	\$2,953,332

◆ **TOTAL PAYMENTS 2008 MCEA CANDIDATES**

Primary Initial Distribution	\$348,347.29
Primary Matching Funds	\$20,508.73
Primary Total	\$368,856.02
General Initial Distribution	\$2,120,991.99
General Matching Funds	\$463,483.52
General Election Total	\$2,584,475.51
Total Payments for 2008 Election Cycle	\$2,953,331.53

◆ **GENERAL ELECTION MATCHING FUNDS PAID TO LEGISLATIVE CANDIDATES**

	Number of Candidates Receiving Matching Funds	Total Paid	Average Amount Paid
House			
2000	28	\$56,161	\$2,006
2002	62	\$95,626	\$1,542
2004	121	\$197,904	\$1,636
2006	129	\$381,923	\$2,960
2008	87	\$184,506	\$2,121
Senate			
2000	12	\$70,219	\$5,852
2002	23	\$76,406	\$3,322
2004	27	\$242,062	\$8,965
2006	22	\$236,988	\$10,772
2008	27	\$278,977	\$10,332