

Agenda Item # 3  
Additional Materials

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From: Ben Grant [<mailto:bgrant@mcteaguehigbee.com>]  
Sent: Friday, January 23, 2015 8:47 AM  
To: Wayne, Jonathan  
Subject: Agenda Item #3

Dear Members of the Maine Ethics Commission,

My name is Ben Grant and I am an attorney in private practice at McTeague Higbee in Topsham. As you know, I was the Chair of the Maine Democratic Party from January 2011 to November 2014. In that capacity I was heavily involved in the Gubernatorial campaign that generated the current issue you are facing regarding contribution limits. I have read and considered the material before you, including the MCCE comments. Please accept the following as my recommendation for moving forward and addressing the Woodhouse decision.

I urge you in the strongest possible terms not to adopt "Option 1" as presented in the Agenda Item #3. The "cons" of this approach are, in fact, articulated - but I write to put a finer point on them. In sum, adopting an "election cycle" limit will severely disadvantage a candidate who (a) must run in a competitive primary election and (b) faces a well-funded Unenrolled candidate. In this scenario, the Party candidate would be forced to spend funds for the primary from the "election cycle" amount s/he has raised, while the non-Party candidate would continue saving cash for the general election. This rule would ALWAYS result in the serious non-Party candidate holding a significant financial advantage over a Party candidate who won a competitive primary.

As a matter of basic fairness, running two elections with X dollars is harder than running one election with X dollars.

My recommendation is to simply prohibit the carryover from primary to general election accounts. That way, all candidates running in the general election will have the same capacity to raise money, and at the same time the unfairness of the pre-Woodhouse system is eliminated.

I would be happy to provide further comment or work with you and your staff on the smaller details.

Thanks,  
Ben

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