



STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
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**Policy Statement of Maine Commission on Governmental Ethics and Election Practices
on Enforceability of Contribution Limits in the 2014 Gubernatorial Election**

Adopted August 27, 2014

Maine Election Law provides that no individual, corporation, association, political action committee, or other organization may contribute more than \$1,500 to a gubernatorial candidate in any election. 21-A M.R.S. §1015(1) & (2). Election is defined to include a primary and a general election. *Id.* §1001(2). Under Chapter 1, Section 6(7)(C) of the Commission's Rules, all contributions given to a general election candidate after the primary are deemed to be for the general election.

In this election year, a total of four candidates for Governor are competing in the general election: Eliot Cutler, Paul LePage, Michael Michaud, and Lee Schulties. Candidates Cutler and Schulties are unenrolled and thus did not participate in a primary election. As party candidates, Governor LePage and Congressman Michaud each participated in a primary election to win their respective party's nomination for Governor, but neither one had an opponent in the primary election. Supporters of both party candidates have been allowed to give up to \$3,000 to their favored candidate – \$1,500 for the primary election and another \$1,500 for the general election – whereas supporters of the unenrolled candidates have been allowed to give up to a total of \$1,500 for the general election.

Amy Woodhouse and three other contributors to Eliot Cutler's campaign filed suit in federal court on July 7, 2014, challenging the constitutionality of Maine's contribution limits both facially and as applied to supporters of Mr. Cutler. *Woodhouse, et al. v. Maine Commission on Governmental Ethics and Election Practices, et al.*, Docket No. 1:14-cv-266-DBH. All four of the plaintiffs had given \$1,500 to Mr. Cutler's campaign prior to the June 10, 2014 primary election, and sought to give an additional \$1,500 for the election cycle. The plaintiffs filed a motion for preliminary injunction, asking the Court to enjoin the Commission from enforcing the existing contribution limits against any person who makes a contribution to an unenrolled candidate of up to \$3,000 in the 2014 election cycle, and against any unenrolled candidate who accepts contributions of up to that amount in this election cycle.

On August 22, 2014, Judge Hornby of the U.S. District Court for the District of Maine granted plaintiffs' motion for preliminary injunction on the sole grounds that, under the particular circumstances of this election year in which neither party candidate faced any opponent in his party primary election, the plaintiffs had shown a strong likelihood of success of demonstrating that the \$1,500 per donor per election limit as applied to them violated the Equal Protection

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Clause of the U.S. Constitution. *Woodhouse*, Decision and Order (Docket Entry 26). The Court left to the Commission the task of determining whether, in light of this grant of injunctive relief, the LePage and Michaud campaigns should be allowed to accept contributions aggregating up to \$3,000 per donor after the primary election. *Id.* at 17 n.18.

In response to the District Court's Decision and Order of August 22, 2014, and after consultation with its legal counsel, the Commission has determined that it will not enforce the contribution limits in 21-A M.R.S. § 1015(1) & (2) against any of the four candidates for Governor in 2014, provided the candidates receive no more than \$3,000 in the aggregate from any single donor in this election cycle. The Commission also will not enforce the contribution limits in section 1015(1) or (2) against any contributor to one of the four candidates for Governor in 2014, provided the contributor gives no more than \$3,000 to that candidate in this election cycle.