Documents Supporting the Commission Staff's April 9, 2014 Investigative Report	
Public Documents	**Assigned Page Number (if any)**
Letter from NOM's counsel, Bopp, Coleson & Bostrom, dated 9/21/2009 responding to allegations by Fred Karger, with Donate page from NOM website attached	
Affidavit of Brian Brown dated 9/26/2009, with contribution response card attached	
Minutes of Ethics Commission's 10/1/2009 meeting	
Verified Complaint filed by NOM in U.S. District Court (without exhibits)	
Nat'l Org. for Marriage, Inc. v. McKee, 765 F. Supp. 2d 38 (D. Me. 2011) (upholding constitutionality of ballot question committee statute)	
Nat'l Org. for Marriage, Inc. v. McKee, 669 F.3d 34 (1st Cir. 2012) (affirming district court decision)	
Title 21-A, Chapter 13 (unofficial compilation of statutes in effect as of 9/12/2009)	
P.L. 2009, Chapter 190 (effective Sept. 12, 2009)	
NOM's Form 990 for FY 2009	
Form 990, Schedule B (donor names replaced with John Doe ##s)	191-94
Registration form for Stand for Marriage Maine PAC	
Chart of cash contributions from NOM to Stand for Marriage Maine, with selected pages from campaign finance reports filed by Stand for Marriage Maine	
NOM's email solicitations (page 14 and 15 of investigative report) Nov. 4 Nov. 6 Nov. 24	 1189-90 (Nov. 4) 1118-20 (Nov. 6) 1191-92 (Nov. 24)
8/11/2009 National Strategy for Winning the Marriage Battle, with detailed budgets attached	110-143B
NOM's email solicitations dated May 6 to Sept. 4, 2009, analyzed by U.S. Court of Appeals (pages 21-22 of investigative report) May 6 May 8 July 10 (also referenced on page 15 of report) July 31 (also referenced on page 15 of report) Aug. 28 Sept. 4	 877-78 (May 6) 879-81 (May 8) 959-63 (July 10) 992-1004 (July 31) 1041-47 (Aug. 28) 1166-68 (Sept. 4)
Other email solicitations discussing Maine referendum sent by NOM during period of May 6 to Sept. 4, 2009 (pages 22-23 of investigative report) May 15 May 22 June 12 July 8 July 17 Aug. 7	 886-88 (May 15) 893-97 (May 22) 926-30 (June 12) 967-68 (July 8) 969-73 (July 17) 1010-14 (Aug. 7)

NOM's email solications discussing Maine referendum after September 4, 2009 (pages 24-25 of investigative report) Sept. 11 Oct. 2 Oct. 9 (also referenced on page 15 of report) Oct. 15 (also referenced on page 15 of report) Oct. 22 Oct. 30	1058-62 (Sept. 11) 1169-73 (Oct. 2) 1174-79 (Oct. 9) 1180-81 (Oct. 15) 1182-83 (Oct. 22) 1184-88 (Oct. 30)
4/3/2013 letter from ActRight Legal Foundation, responding to investigative request by Commission (without attachments)	
4/12/2013 letter from ActRight Legal Foundation, responding to investigative request	
Marriage: $20 Million Strategy for Victory	97-109
2009 filing schedule for ballot question committees	

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KAYLAN L. PHILLIPS[7]
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[1]admitted in Ind.
[2]admitted in NY and Penn.
[3]admitted in Va.
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RECEIVED
SEP 22 2009
MAINE ETHICS COMMISSION

September 21, 2009

Jonathan Wayne
Executive Director
Commission on Governmental Ethics
135 State House Station
Augusta, ME 04333-0135
207-287-4179

Re: National Organization for Marriage, Inc.

Dear Mr. Wayne:

Please be advised that this firm represents the National Organization for Marriage, Inc. (NOM) and writes this letter on its behalf. NOM has become aware of your letter of August 27, 2009, advising StandforMarriageMaine.com PAC of the allegations being made by Fred Karger and Californians Against Hate, and giving StandforMarriageMaine an opportunity to respond prior to the Commissions meeting on October 1, 2009. We also have also received copies of the emails you provided on September 16, 2009, submitted by Mr. Karger. This is NOM's response to Mr. Karger's allegations.

"'Contribution' [under Maine law] includes, but is not limited to:

A. Funds that the contributor specified were given in connection with a ballot question;
B. Funds provided in response to a solicitation that would lead the contributor to believe that the funds would be used specifically for the purpose of initiating, promoting, defeating or influencing in any way a ballot question;
C. Funds that can reasonably be determined to have been provided by the contributor for the purpose of initiating, promoting, defeating or influencing in any way a ballot question when viewed in the context of the contribution and the recipient's activities regarding a

ballot question; and

D. Funds or transfers from the general treasury of an organization filing a ballot question report."

Section 1056-B.2.A. "Any person that is not a political committee who receives contributions or makes expenditures, other than by contribution to a political action committee, aggregating in excess of $5,000 for the purpose of initiating, promoting, defeating or influencing in any way a ballot question must [register as a Ballot Question Committee (BQC) within 7 days and] file reports with the Commission . . . ." Sec. 1056-B.

NOM is in Compliance with Maine Law

NOM is a Virginia nonprofit issue advocacy corporation, income tax exempt under IRC § 501(c)(4). It is conducting its Maine activities in good faith compliance with Maine law after requesting and receiving specific legal advice before it began activities. The allegations being made by Mr. Karger are false.

As you state in your letter, "Mr. Karger alleges that 'the four funders of Stand for Marriage Maine are merely conduits for those wishing to hide their contributions. These entities are laundering money to evade the disclosure of the actual contributors to Stand for Marriage Maine.'" Of course, use of the phrase "laundering money" is pejorative, and apparently intended to allege that NOM is not in compliance with Maine campaign finance law. He relies primarily on unfounded allegation and innuendo.

We respond to Mr. Karger's specific allegations/observations as follows: Mr. Karger notes large contributions from the National Organization for Marriage (NOM). NOM is a national organization that is active in several states across the country. Its projected budget for 2009 is $7 million. The vast majority of donations are not designated for activities in any particular state. NOM makes large contributions to various state ballot measure committees from its general treasury and, with a few exceptions discussed below, did not solicit or accept designated contributions for Maine.

Specific mention in your letter is made of the March 13, and March 31, 2009 email solicitations from NOM that mention Maine. They also mention Connecticut, New Hampshire, and Vermont. The emails do not request designated donations for activities in Maine or any other state. The hyperlink, provided in the March 31 email, linked to a NOM donation web page that did not permit designation of donations for any particular project. *See attached copy of the NOM donation page linked at www. nationformarriage.org*. Further, just as a simple matter of chronology, these emails were sent before same-sex marriage passed the Maine legislature and before NOM was involved in any way with a referendum effort in Maine. At the time, NOM was

only involved in grassroots lobbying efforts in Maine, which were not activities that required campaign disclosure of any kind.

Last week, Mr. Karger supplemented his complaint with copies of several NOM emails. We respond as follows: First, one email (7-24-09) doesn't mention Maine at all, thus, any contributions received from that email cannot be counted toward the BQC $5,000 registration threshold.

Second, three emails don't discuss Maine activities or events, but merely mention Maine in a list with other states, and do not specifically reference the Maine referendum. One email (5-15-09) was devoted to discussing events in New Hampshire, had a general solicitation, and mentioned one time without specific comment Maine, Iowa, New York, New Jersey, and D.C. Another email (5-22-09) focuses on New Hampshire and New York, and has a one sentence general solicitation for activities in Maine. A third email (8-28-09) discusses a Washington Post article and events in Iowa, with a general solicitation for "Iowa, Maine, and everywhere across this great land." Any contributions received from these three emails cannot be counted toward the BQC $5,000 registration threshold.

Third, three emails (7-8-09, 8-7-09, and 9-4-09) solicited contributions directly to StandforMarriageMaine.com. Two emails (7-24-09, 8-26-09) solicited contributions directly to the NOM NY PAC. And one email (8-26-09) solicited contributions to NOM for activities in New Jersey. Contributions, if any, that went directly to the ME PAC or NY PAC, cannot be counted toward the BQC registration threshold. Contributions solicited for activities in other states cannot be counted toward the BQC registration threshold.

Fourth, five emails (5-6-09, 5-8-09, 6-12-09, 7-10-09, and 8-7-09) solicited contributions for activities in Maine and other states. It is impossible to determine from the responses to these emails which state the contributor was desiring to contributing toward, if any. Since several states were discussed in these emails, the solicitation was not "specifically for the purpose of . . . influencing a [Maine] ballot question." 21-A M.R.S.A. 1056-B.2-A.B. Further, the donation page does not permit designation of contributions, so it is impossible to determine whether funds received were provided "for the purpose of . . . influencing in any way a [Maine] ballot question. 21-A M.R.S.A. 1056-B.2-A.C. For these reasons, any contributions received from these emails cannot be counted toward the BQC registration threshold.[1]

Fifth, only two emails (7-17-09 and 7-31-09) may be interpreted to solicit contributions to NOM for the Maine referendum, and any contributions received as a result may count toward the

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[1]Even if the Commission disagrees with this interpretation, the total contributions to NOM received from these emails is less that the BQC $5,000 threshold.

BQC registration threshold. According to NOM's records, only $295.00 in contributions were received in response to these two emails. No other solicitations were made for ballot measure activities in Maine by email, direct mail, or other means. *If and when the threshold is met, NOM will register as a BQC and file reports as required by Maine law.*

Mr. Karger calls the reporting of large contributions from these organizations "irregularities." But there is nothing irregular here, just unsupported accusations, assumptions, and guesses. Such baseless charges could be made against any referendum PAC that accepts corporate contributions and do not merit investigation. The Commission's Standards for Requests for Investigation detailed in your memo emailed to Fred Karger and dated August 14, 2009 require "setting forth *such facts with sufficient details as are necessary to specify the alleged violation . . . based on personal knowledge*" or other authoritative sources (emphasis added). This standard has not been met, thus, no investigation is justified by Mr. Karger's complaint.

Since Mr. Karger has not shown sufficient facts to justify the Commission's use of agency resources to investigate the National Organization for Marriage, no investigation is warranted.

Section 1056-B is Unconstitutional

In addition, Section 1056-B is unconstitutional because it burdens an association's First Amendment right of free speech by requiring such to register and report as if they were political action committees, when they are not political action committees, and when they do not have the major purpose of influencing a Maine ballot question. Organizations meeting the BQC definition must register with the Commission, appoint a treasurer, identify principal officers, primary fundraisers, and decisionmakers, keep itemized donor and expenditure records for at least four years, file campaign finance reports in the same manner as a PAC (including 24-hour Reports for some expenditures), and continue to file reports until they terminate in the same manner as a PAC. Failure to file a report is subject to a civil penalty of $10,000.

Section 1056-B is subject to "exacting scrutiny" to ensure that it is "narrowly tailored" to an "overriding state interest." *Volle v. Webster*, 69 F. Supp. 2d 171, 172 (D.C. Me. 1999) (finding Maine's registration statute violates First Amendment) (quoting *McIntyre v. Ohio Elections Comm'n*, 514 U.S. 334 (1995)). NOM has received less that $5,000 in contributions from solicitations for the Maine ballot question, and spent a minuscule amount for emails that solicit contributions for the Maine ballot question. Its projected budget of $7 million for 2009[2] demonstrates that it does not have the major purpose of influencing a Maine ballot question.

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[2]NOM's total expenditures for 2008 were approximately $3.5 million.

Thus, "Maine's registration statute goes considerably beyond what is permitted and is therefore unconstitutional" as it applies to NOM. 69 F. Supp. 2d at 176.

For the above reasons, no investigation is warranted. If I may be of further assistance in this matter, please contact me. Thank you.

Sincerely,

BOPP, COLESON & BOSTROM

Barry A. Bostrom

enc.

NATIONAL ORGANIZATION FOR MARRIAGE

DONATE!

Select Gift Frequency

(•) I would like to make a one-time gift for the following amount:

Enter Donation Amount Here:* $

( ) I would like to make a recurring gift.

Gift Amount*	Payment Frequency
$	Monthly

NOTE: This transaction will count as the first payment toward your total gift amount.

Donor Information

First Name:*

Last Name:*

Email:

Address Line 1:*

Address Line 2:

City:*

State:* -- please make a selection --

ZIP/Postal Code:*

Phone:

Payment Information

Payment Method Credit/Debit Cards

Cardholder's Name:*

Credit Card Number:*

CVV Number:* Explain

Credit Card Type:* American Express

Credit Card Expiration:* September 2009

Billing Information

☐ If the billing information is the same as the contact information check this box.
If not please fill out the information below:

Address Line 1:*	
Address Line 2:	
City:*	
State:	-- please make a selection --
Province:	
ZIP/Postal Code:*	
Country:*	United States

Contributions or gifts to the National Organization for Marriage, a 501(c)(4) organization with QNC status, are not tax-deductible. The National Organization for Marriage does not accept contributions from business corporations, labor unions, foreign nationals, or federal contractors; however, it may accept contributions from federally registered political action committees. Donations may be used for political purposes such as supporting or opposing candidates. No funds will be earmarked or reserved for any political purpose.

Submit

By clicking Submit,
your credit card will be processed

Advocacy Center!

DONATE

©2009 National Organization for Marriage

RECEIVED
SEP 30 2009
MAINE ETHICS COMMISSION

AFFIDAVIT

Brian S. Brown, being first duly sworn on his oath states:

1. I am over eighteen years of age and have personal knowledge of the facts stated herein.

2. I am the Executive Director of the National Organization for Marriage, Inc., a Virginia non-stock corporation.

3. Other than funds received from the e-mails that have been discussed in the September 16 and September 21 correspondence, NOM has received no funds in the following categories set forth in 21-A M.R.S.A. § 1056-B(2-A):

   a. Funds that the contributor specified were given in connection with the people's veto referendum in Maine to repeal the 2009 same-sex marriage law (P.L. 2009, Ch. 82);

   b. Funds provided in response to a solicitation that would lead the contributor to believe that the funds would be used specifically for the purpose of initiating or promoting the people's veto referendum in Maine;

   c. Funds that can reasonably be determined to have been provided by the contributor for the purpose of initiative or promoting the people's veto referendum in Maine.

   For purposes of this response, I assume these provisions should be interpreted in accordance with the decisions of the U.S. Supreme Court in *Buckley vs. Valeo*, 424 U.S. 1 (1976), and its progeny, protecting issue advocacy from unconstitutional burdens, i.e., I assume that 3.a. and 3.c. refer to funds received where a donor expressly designated the donation for support of the people's veto referendum in Maine; and that 3.b. refers to communications from NOM expressly soliciting funds for support of the people's veto referendum in Maine.

4. NOM's projected budget for 2009 is $7 million. It is a national organization with activities in all fifty states. NOM solicits and receives most of its funds as undesignated donations from major donors and national organizations. The remainder of its funds are received primarily as undesignated donations from direct mail solicitations. Except for the above mentioned email correspondence, NOM has not solicited donations specifically for the Maine referendum. Further, NOM does not accept donations designated for the Maine referendum. See sample response device and disclosure attached hereto.

5. NOM has not made expenditures exceeding $5,000 for the purpose of initiating or promoting the people's veto referendum in Maine, other than by contribution to Stand for Marriage Maine PAC.

Further affiant sayeth not.

Brian S. Brown

Brian Brown, Executive Director
National Organization for Marriage, Inc.

JEFFREY CATELLO
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES FEB 28, 2012
COMMISSION # 7161695

STATE OF Virginia)
: SS
COUNTY OF Fairfax)

Before me, Jeffrey Catello, a Notary Public in and for said County and State, personally appeared Brian S. Brown who acknowledged the execution of the foregoing instrument.

Witness my hand and notarial seal on the 26 day of September, 2009.

My Commission Expires:
Feb 28, 2012

Printed: Jeffrey Catello
Notary Public VA
Resident of Great Falls County, Fairfax

This instrument was prepared by Barry A. Bostrom, attorney at law, BOPP, COLESON & BOSTROM, 1 South Sixth Street, Terre Haute, Indiana 47807-3510.

NATIONAL ORGANIZATION FOR MARRIAGE

20 Nassau Street, Suite 242 | Princeton, NJ 08542
888.894.3604 | www.NationForMarriage.org

Contributions or gifts to the National Organization for Marriage, a 501(c)(4) organization with QNC status, are not tax-deductible. The National Organization for Marriage does not accept contributions from business corporations, labor unions, foreign nationals, or federal contractors; however, it may accept contributions from federally registered political action committees. Donations may be used for political purposes such as supporting or opposing candidates. No funds will be earmarked or reserved for any political purpose. The first $5.00 of your annual gift keeps your membership status active for an additional year.

Gift by Credit Card

Gift Amount $_____

Card Number ☐☐☐☐-☐☐☐☐-☐☐☐☐-☐☐☐☐

Expiration Date ☐☐-☐☐ (mm-yy)

Daytime Phone Number ☐☐☐-☐☐☐-☐☐☐☐

Cardholder's Name *(as it appears on the card)* _____

Cardholder's Signature _____ Date _____

The electronic payments are processed securely by the National Organization for Marriage partner Kintera. The name Kintera will appear alongside NOM on your credit card statement.

I'll Stop the Destruction of Marriage and Liberty

Yes, [redacted] I will stand with the National Organization for Marriage as you fight to preserve marriage, defend my religious freedom, and protect children from indoctrination into the radical same-sex marriage agenda.

NATIONAL ORGANIZATION FOR MARRIAGE

☐ I've enclosed my donation of $_____

☐ I want to donate monthly. I authorize NOM to auto-deduct $_____ from my credit card or checking account.

[MOTIV CODE] [DONOR ID]

[redacted]

☐ I would like to receive e-mail updates from the National Organization for Marriage.
My e-mail address is _____

Marriage & Liberty

Thank you! Please make your check payable to National Organization for Marriage. To give a donation by credit card, see reverse side.

STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
135 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0135

Minutes of the October 1, 2009, Meeting of the
Commission on Governmental Ethics and Election Practices
Held in the Burton M. Cross Office Building, Room 208,
111 Sewall Street, Augusta, Maine

Present: Michael Friedman, Esq., Chair; André Duchette, Esq.; Walter F. McKee, Esq.; Hon. Francis C. Marsano; Hon. Edward M. Youngblood. Staff: Executive Director Jonathan Wayne; Phyllis Gardiner, Counsel.

At 9:00 a.m., Chair Michael Friedman convened the meeting.

The Commission considered the following items:

Agenda Item #1. Ratification of Minutes of the July 30, 2009 and September 8, 2009 Meetings
Mr. Marsano moved to accept the minutes of July 30 and September 8 meetings as drafted. Mr. McKee seconded. Motion passed unanimously (5-0).

Agenda Item #2. Investigation of Maine Leads
Mr. Friedman explained that this agenda item was essentially the Commission's deliberation on the Maine Leads matter (whether Maine Leads was required to register and file campaign finance reports as a political action committee or as a ballot question committee). At its September 8, 2009 meeting, the Commission held a hearing on this matter and heard testimony from Roy Lenardson. Mr. Friedman said that both sides had provided the Commission with extensive submissions both before and after the hearing. In addition, the staff has provided a recommendation for the Commission. Mr. Friedman allowed counsel for both sides to provide brief statements.

Mr. Benjamin Grant, Esq., who represents Rep. Deborah Hutton, the complainant, thanked the Commission for allowing his client to remain a participant throughout the proceedings and thanked the staff for their excellent work. Mr. Grant said their belief remains that Maine Leads operated as a political action committee (PAC) from the end of 2007 to June 30, 2008. However, he stated that they do endorse the staff

recommendation that Maine Leads should have filed as a ballot question committee (BQC) since this result would at least provide public disclosure of Maine Leads' political activity. He said Maine has a history of good government, clean campaigns, and fair oversight of campaign finance laws. He encouraged the Commission to make a decision that would foster disclosure and ensure that all Maine voters receive the information they deserve before the vote in November.

Mr. Daniel I. Billings, Esq., who represents Maine Leads, thanked the staff for how they conducted this investigation. He said this matter comes down to an issue of statutory interpretation and possibly, depending how the Commission interprets the statute, a constitutional issue. He said the term "ballot question" is not defined in the statute and a "plain meaning" approach should be used in interpreting that term, which would lead a reasonable person to understand the term to mean a question on the ballot to be voted on. He said in 2007 there were no ballot questions. He said that the staff had provided a comprehensive review of the legislative history of the relevant statutes but that he disagreed with the staff's conclusion about how to interpret the term "ballot question." He said that most people looking at the current statute would not know the history of this statute and would take the simple words "ballot question" at their plain meaning. He said that because this statute deals with important First Amendment rights, it is very important that it not suffer from vagueness. He said the constitutional issue could be avoided by adopting a more narrow interpretation of the term "ballot question." He said that, although he questions the staff's legal analysis of the statute, if one accepts that legal analysis, the staff's factual analysis falls into place and is reasonable and correct under that interpretation. Mr. Billings reserved his client's right to appeal other issues depending on how this matter proceeds; however, he said if the Commission decides that Maine Leads is a BQC, his client is willing to file the BQC reports within the week.

Mr. Friedman thanked all the participants in this investigation for their cooperation, responsiveness, and the quality of their legal analysis. He said the initial issue before the Commission is to determine whether Maine Leads does qualify as a PAC.

Mr. Youngblood complimented the staff's excellent work in presenting the issues in a comprehensive and understandable manner. He said there may be constitutional issues; however, these are not for the Commission to determine. He said the Commission's determination as to whether Maine Leads qualifies as a PAC needs to focus on the statutes. He said he agreed with the staff's definition and analysis of how to

determine an organization's major purpose and that he concluded Maine Leads does not fit into the category of a major purpose organization.

Mr. McKee agreed. He said that his initial analysis was that an organization can become a PAC if they stray too far from their major purpose. He said that after reviewing the staff's analysis and recommendation, he believed that the Commission should exercise caution in coming to that conclusion. He said it may be that organizations sometimes take on significant roles on various issues but that will not convert them into a PAC. He said considering the large amount of money involved here, it looked as if Maine Leads was heading in that direction. However, given the policy considerations addressed by the staff, the balance should tip in favor of a finding that the major purpose of Maine Leads was not advocacy in support of the initiative and that it was not a PAC. He said that he would support the staff's recommendation that the Commission determine that Maine Leads is a ballot question committee.

Mr. Marsano commented on the excellent quality of the final written submissions and closing oral statements from both attorneys. He said he found Mr. Grant's suggestion compelling, *i.e.*, that the Commission first make a determination that Maine Leads is a ballot question committee, thus rendering the other question as to the nature of Maine Leads' major purpose moot. He said that addressing the policy issues regarding the definition of major purpose may be better left to the Legislature or the Commission under a different set of circumstances. He said that he hoped the Commission would decide in favor of Mr. Grant's position that Maine Leads is a ballot question committee.

Mr. Friedman said that it was possible for someone looking at Maine Leads' spending in 2007 and 2008 to conclude that it was a PAC. However, when a multi-purpose organization is formed, one cannot look at a snap shot of its activity. It is necessary to look at the activity over a period of time. He said that he was not prepared to find that Maine Leads' major purpose was the support or defeat of a ballot question.

The Commission members discussed whether a motion should be made that addressed the issue of whether Maine Leads' major purpose was to influence an election. Mr. Friedman and Mr. McKee thought that since the issue had been brought before the Commission in the complaint, the Commission should dispose of the question with a vote. Mr. Marsano said that he thought the better course would be to first address the

question of whether Maine Leads qualified as a ballot question committee, in which case, if the vote were in the affirmative, the issue of Maine Leads' major purpose would be moot.

Mr. McKee made a motion that the Commission determine that the major purpose of Maine Leads was not to advocate for the passage or defeat of a ballot question. Mr. Youngblood seconded the motion.

The motion passed (4-1). Mr. Marsano opposed the motion.

Mr. Friedman explained that the next determination was to find whether Maine Leads should be filing under § 1056-B as a ballot question committee.

Mr. McKee made a motion that the Commission determine that Maine Leads was required to file campaign finance reports as a ballot question committee. Mr. Marsano seconded.

Mr. Friedman said that this was a difficult issue for him because, on one hand, it would seem that a "ballot question" is a question that is to appear on a ballot. While on the other hand, it would seem that we should be able to look back earlier than that in order to apply the statute. For his purposes in deciding on this issue, he thought that a "ballot question" occurred later in the process than earlier.

Mr. Marsano said while there is some basis for the background constitutional issue, it is not of significance in the Commission's determination process. He said that in moving forward and taking a vote on this issue, the Commission should assume that the statute is constitutional and that the definition proposed in the staff's memorandum is sufficient for the purpose of voting on this issue.

Mr. Friedman agreed that for the Commission's determination, this statute should be considered constitutional.

The motion passed (4-1). Mr. Friedman opposed the motion.

Mr. Friedman said that Maine Leads would have two weeks to file its reports.

Agenda Item #3. Request to Investigate Stand for Marriage Maine PAC and Its Contributors (National Organization for Marriage)

The Commission received a request from Fred Karger of Californians Against Hate to investigate the Stand for Marriage Maine political action committee (PAC) and some of its contributors. The staff invited responses from the PAC and one of its major contributors, the National Organization for Marriage.

Mr. Fred Karger explained that his organization has been watching the finances of the National Organization for Marriage (NOM) for some time because it was very involved in California's Proposition 8 campaign (proposing an amendment to the California Constitution that would prohibit same-sex marriage). He said he got concerned when he looked at the first campaign report filed by Stand for Marriage Maine. He said that NOM raised the bulk of the money to support Proposition 8 in California and is now leading the fight against same-sex marriage across the country. He said NOM's finances have always been clouded in mystery and the organization has been reluctant to provide tax return information as required by federal law. He said he just learned prior to this meeting that NOM did provide 2007 and 2008 returns recently, to coincide with the Ethics Commission meeting. He said NOM claims it raised $3.5 million in 2008 and will spend $7 million in 2009. However its 2008 Form 990 shows less than the $3.5 million it claims. He also said NOM has not kept promises to release their 990 forms to journalists and other members of the public. He said NOM has sent out e-mail solicitations that mention Maine; however it claims that very few of the solicitations resulted in contributions that would count toward the $5,000 threshold amount to qualify as a ballot question committee. Mr. Karger said NOM claims that out of the hundreds of e-mail solicitations sent out to request contributions, only two were specifically related to the Maine election and only $295 was raised. He found that very unlikely. He said Brian Brown, the executive director of NOM, held a press release recently stating that NOM had passed a huge milestone because over 500,000 activists had joined his organization. Mr. Karger said with this many supporters joining NOM, the amount of the contributions that were reported does not seem realistic. He said NOM is trying to avoid Maine election law requirements. He said Mr. Bostrom, the counsel for NOM, claims that money being raised for the Maine election are not covered under Maine reporting requirements. Mr. Karger believes Mr. Bostrom's letter to the Commission in which he writes, "no other solicitations were made for ballot measure activities in Maine by email, direct mail or other means" is untrue. Mr. Karger said that in a newsletter put out by NOM, it states that in Maine, "your support for NOM is critical for the effort" which appears to be a direct solicitation to raise money in Maine. He said so far, NOM has donated $250,000 to Stand for Marriage

Maine. Mr. Karger also explained that the State of Iowa Ethics & Campaign Disclosure Board has also investigated financial irregularities in NOM's reporting in August. Mr. Karger said he has been involved in political campaigns for 30 years and has read and filed many campaign finance reports in many different states and has never seen such blatant disregard for election laws. He also said California's Fair Political Practices Commission has an ongoing investigation into NOM's activities as well.

Mr. Barry Bostrom, Esq., counsel for National Organization for Marriage and Stand for Marriage Maine PAC (SMM), said Mr. Karger's allegations boil down to one question which is whether NOM solicited and/or received designated contributions for PAC activities. He said with the exception of possibly two e-mails, it has not. He said it is the policy of NOM not to accept designated contributions. He said NOM is a national organization active in all 50 states on various issues relating to same-sex marriage and traditional marriage and has raised substantial funds for this issue. He said expenditures in Maine are minuscule and were for e-mails which act as newsletters to inform people of activities about this issue within Maine. He said the NOM contributions to the Stand for Marriage Maine PAC did not come from money raised through these e-mails but came from major donors and national organizations with an interest in this issue. He said NOM does not solicit in any particular state because it is active in many states. He said these national organizations provide contributions in significant amounts to defend traditional ideas of marriage and that is the reason why NOM is able to give large contributions to SMM. He said this policy of not accepting designated contributions is stated on the donation page of the NOM website. Mr. Bostrom said that since NOM has not solicited or received any contributions designated for the Maine referendum in excess of $5,000, it is not required to register and report as a BQC. He said NOM's goal is to comply with all state laws and if that threshold amount is met, they will register in Maine as a BQC. He said that the purpose of Mr. Brown's affidavit was to provide evidence that the threshold has not been met. He and his client agree with the staff's recommendation that there is no probable cause to initiate an investigation.

Mr. Bostrom said Mr. Karger is not as interested in the enforcement of campaign finance law as he is in identifying contributors to the people's veto effort. He said that California's Proposition 8 campaign reporting requirements resulted in publication of contributors' names, address, phone numbers and e-mail addresses. Because this information was publicly available, he said, some Prop 8 supporters reported experiencing negative backlash.

Brian Brown, Executive Director of NOM, said his organization contacted the Commission staff several months ago for clarification of Maine campaign finance law requirements. He said it has been months since the original complaint was filed in California against his organization and no activity has been determined to be in violation. He also said he has been in contact with the Iowa Ethics Commission and NOM has registered as a political corporation in that state. NOM was very careful not to accept designated contributions. He said the e-mails sent out in Maine were soliciting for the Stand for Marriage Maine PAC and when contributions were made, they were reported. He said his organization is not trying to avoid Maine campaign finance laws and the e-mails sent out encourage people to donate directly to Stand for Marriage Maine PAC and those names will be disclosed. He also said their 990's are available on the website and they have tried to comply with all state and federal reporting requirements. He said this complaint is baseless and full of unfounded allegations.

Danielle Truszkovsky, a political columnist for the Washington Blade, explained that she has visited the office of NOM to obtain its 990 forms. She said Californians Against Hate requested these records back in March and to her knowledge still has not received the requested information from NOM. She said she personally visited NOM's national headquarters office in Princeton, New Jersey three times to make a request in person and no one was ever available at that office which appeared to be a barren empty space. She said she spoke to Brian Brown at his Washington, D.C. office and was told that the documents were not available at that time. She said the IRS released a copy of NOM's amended 2007 tax return which she has reviewed. When she spoke with Mr. Brown, he indicated that there was an additional amendment. She said that the 2007 return, which covered a period of six months, had been amended three times. She said according to the National Center for Charitable Statistics, only 1% of foundations and charities amend their returns and usually those that do only amend their reports one time. However, NOM has amended its return three times, which is rare. Ms. Truszkovsky also provided some additional materials for the Commission, including an article she wrote entitled, "*Follow the Money, Federal government must investigate NOM's financial practices*," and read from an e-mail distributed by NOM and addressed to supporters with regard to Stand for Marriage Maine PAC. The e-mail outlines NOM's role in the successful effort to obtain the signatures for the people's veto and gave credit to NOM's supporters for their financial support of this effort. She questioned how is it possible that NOM is the largest contributor to Stand for Marriage Maine providing $160,000, but is the only organization not registered as a PAC or BQC in Maine.

Mr. Bostrom responded to Ms. Truszkovsky's comments. He said with regard to the IRS filing, Schedule B is confidential under IRS code and is not required to be provided by a non-profit when filing a 990 form. He said with regard to $160,000, this contribution was from the general treasury and is exempt from Maine law threshold amounts.

Mr. Brown said he has been in constant contact with the IRS. He said that he has discussed with the IRS the issue of being harassed for the 990's and requests taking up too much staff time. Mr. Brown said that was the reason NOM decided to post them on its website. He said that there is nothing that they are hiding. In fact, he said, that when journalists have asked, NOM has gotten the 990's out to them. He said some of the requests for the 2008 990 were made prior to the return being filed and so NOM could not have provided it.

Mr. McKee asked Mr. Brown why, despite repeated requests, NOM did not provide the 2007 990 that had been filed. He asked whether Mr. Brown's testimony is that this document has been provided every time it was requested. He said it appears there are two very different views as to whether the return was provided when requested.

Mr. Bostrom said he did not have personal knowledge regarding any requests since those would go directly to NOM's headquarters.

Mr. Brown said his office has been working directly with the IRS because some times it is not clear exactly what information needs to be provided. He said what needed to be provided was the redacted copies of the Schedule B and the entire 990. He said many requests included the 2008 tax return and once that was filed, NOM would get all of the documents to the person making the request. Some requests may have been responded to later than the 30 day window but that was due to the amount of processing. NOM's goal was transparency. Now the 990's are on the website.

Mr. McKee asked why, if some of the requested documents were ready, NOM would delay providing them even if some other documents requested were not yet ready to be released.

Mr. Brown said the 2007 documents have been provided to many journalists. He said NOM is not trying to hide anything and has complied with reporting obligations.

Mr. Duchette asked when the 990's were finally posted on the website.

Mr. Brown said they just went up but was not sure of the posting time. He said that NOM has been going back and forth with the IRS about what had to be provided in the redacted 2008 990, which was ready the previous week. He said that NOM would send the 990 in the mail when it was requested.

Mr. Bostrom said non-profits may receive a six-month extension from when the 990's are due.

Mr. Friedman said the Commission's task is to determine whether there are sufficient grounds for believing a violation may have occurred.

Mr. McKee said that, in other cases, when the Commission has had to determine whether there were sufficient grounds for an investigation, most Commission members approached the question using a probable cause standard. In this case, he had to ask himself whether the information that has been provided by both sides left him with more questions than answers. He said that he was left with more questions. He said the content of the newsletter that Mr. Karger handed out that relates to the Maine election in addition to the other information provided to the Commission satisfied the probable cause standard for him. He said there are very large amounts of money being put into this campaign here in Maine and the questions regarding NOM's activities need further investigation.

Mr. McKee moved that the Commission determine there are sufficient grounds for believing that a violation may have occurred. Mr. Marsano seconded.

Mr. Marsano agreed with Mr. McKee. He said lines from a novel come to mind, "discriminating indeed is that man who in the shadows can discern that all cats are not grey." He also said both sides as well as Ms. Truszkovsky made compelling arguments, however, agreed with Mr. McKee that an investigation should be initiated.

Mr. Youngblood said he saw no reason, even after listening to all the testimony and reviewing the staff's memo, to get involved in a lengthy investigation of this issue. He did not find anything in the testimony or the documents that pointed to a violation.

Mr. Duchette stated he would support an investigation. Ultimately, he said, it may prove that the statutes are not adequate to cover issues like this, however, he was troubled by entities that appear to circumvent the disclosure requirements of the state's campaign finance laws. He was also troubled by the language in the e-mails that assured people that their contributions would be confidential and would not be disclosed. Mr. Duchette said that he was concerned about creating a slippery slope that would allow for the formation of entities in the future to engage in fundraising and be the major contributor to a registered PAC but which would not be required to disclose its contributors.

Mr. Friedman agreed with Mr. Youngblood. He said requests for investigation made close to the elections are always suspect since it generates a great deal of publicity for both parties. He said the request is within the statutory framework but feels Mr. Karger has the burden to show there is evidence for believing a violation may have occurred. He said he does not see that evidence in the materials presented to the Commission. Mr. Friedman said during any election in Maine there are large amounts of national money coming in all the time. He said the Democratic and Republican Committees make $100,000 or more in contributions to PACs to support legislators or gubernatorial candidates and there is no identification of contributors and this is permitted under the current statute. He said he was swayed by NOM's evidence that it is a national organization that does accept large amounts of money from a variety of sources and distributes the money through appropriately registered PACs. He said he does not believe there are sufficient grounds for believing any violation of the campaign finance law may have occurred.

The motion passed 3-2. Mr. McKee, Mr. Marsano, and Mr. Duchette in favor of the motion. Mr. Friedman and Mr. Youngblood opposed.

Mr. Wayne requested further clarification and direction from the Commission regarding the scope of the investigation. He stated that NOM's fundraising is the subject of concern for some Commission members, and asked for more direction on the specific types of fundraising that the investigation should focus on. He

said it is likely that major donor fundraising has taken place through different means. In 2008, NOM's California political action committee received very large donations, some in the hundreds of thousands of dollars from individuals. He said that NOM most likely used a variety of fundraising activities such as face-to-face meetings, telephone calls, direct mail, etc. He asked whether the Commission would like the staff to take a broad approach or whether the Commission was more concerned about the e-mail solicitations and newsletters.

Mr. McKee said he would be interested in hearing what staff felt would be the appropriate scope of the investigation in order to undertake a fair inquiry.

Mr. Wayne explained he felt the scope should be broad in order to determine where the money NOM contributed to Stand for Marriage came from. He said NOM has contributed at least $250,000 and possibly more and it is likely that that amount did not come only from e-mail solicitations. He said under the Commission's rule, Chapter 1, section 5, "*once any matter is reached on the agenda of a Commission meeting the Commission will control any further investigation or proceedings on a case by case basis; the Commission may authorize its Chair, Director, or any ad hoc committee of its members to conduct further investigative proceedings on behalf of the Commission between Commission meetings.*" He said in the Maine Leads matter, the Commission requested the staff conduct the investigation within the staff's own discretion and asked whether this would be the case with this investigation as well.

Mr. Marsano said he would support a staff investigation using its own discretion as it did in the Maine Leads matter. He said that he would recommend that the staff get back to the Commission at the November meeting with its analysis of the issues in this case and the Commission could at that time determine the appropriate scope of the investigation. He said time is not of the essence in this case. He did not think that any material results would emanate from this investigation that would effect the outcome of the November election.

Mr. Wayne said staff could provide an analysis for the Commission at its next meeting in November or sooner.

Mr. Wayne also wondered if it would be appropriate, due Mr. Brown's national activities, for Mr. Bostrom, Mr. Brown's counsel, to accept a subpoena on Mr. Brown's behalf.

Mr. McKee confirmed this would be acceptable and Mr. Bostrom indicated he would do so.

Agenda Item #4. Request to Investigate Organizations Opposed to TABOR

David Crocker of TABOR NOW requests that the Commission investigate four organizations that have spent money to oppose the Taxpayer Bill of Rights initiative (Maine People's Alliance, Maine Can Do Better, Maine Center for Economic Policy, and the Center for Budget and Policy Priorities) to determine if they were required to register and file campaign finance reports as ballot question committees.

Mr. David Crocker, Esq., state chair for the TABOR NOW campaign, stated he had no further evidence to add to the proceedings. He accepts the representations and submissions of the four organizations complained against. He said the goal is not to make peccadilloes into a hanging offense nor to impugn the integrity of these organizations. He expressed his concern about the statute's clarity. He said that if these organizations, which are sophisticated, have difficulty complying with Section 1056-B, he is concerned about how smaller organizations or individuals would fare. He said election laws need to be clear and provide a bright line. He said he supported the staff's recommendation in this matter.

Ms. Kate Knox, Esq., of Bernstein Shur, counsel for the organizations named in this complaint, said they agreed with the staff recommendations as well. She said ballot question committee reports have been filed for those organizations that were in violation.

Mr. Friedman said the agenda item is worded as a request to investigate these organizations and the staff recommendation is to find two organizations in violation of registering as a ballot question committee. He asked Ms. Knox whether the Commission should come back another day for the 1056-B violation issue and decide only on the request for an investigation today. He said Mr. Crocker is willing to waive his request for an investigation and asked whether Ms. Knox was willing to do the same and go forward to the staff recommendation.

Ms. Knox stated they would since all organizations are in agreement with the staff recommendation.

Mr. Friedman asked about the penalty phase of the late filings and whether that should be held at a later date.

Ms. Knox said there would be no penalty assessed due to the statute that was in effect at the time of the violations.

Mr. Youngblood made a motion to accept the staff recommendation and find that Maine Peoples Resource Center and Center for Budget & Policy Priorities violated 21-A M.R.S.A. § 1056-B by not registering as a ballot question committee. Mr. McKee seconded.

The motion passed unanimously (5-0).

Mr. Friedman asked whether Ms. Knox had the correct interpretation of the penalty.

Mr. Wayne confirmed that there is no penalty to assess.

Agenda Item #5. Request for Waiver of Late-Filing Penalty/Lobbyist John Anton

Mr. Wayne said Mr. Anton's assistant was supposed to attend the meeting but was not here. John Anton became the registered lobbyist for the Maine Affordable Housing Coalition in 2009. His monthly lobbying report due September 15, 2009 was filed two days late. The preliminary penalty amount for the late filing is $100. Mr. Anton requested a waiver because "[t]he administrative support person who ensured the timely filing of these reports left [the] organization." Mr. Anton has filed all other reports on time since 2009.

Mr. McKee moved that the Commission assess a $100 penalty. Mr. Youngblood seconded.

Mr. Friedman said the person responsible was aware of the deadlines and should not get out of paying a penalty.

Motion passed unanimously (5-0).

Agenda Item #6. Questions from 2010 Gubernatorial Candidate Lynne Williams

Mr. David Bright, manager of Lynne Williams' gubernatorial campaign, had some questions for members of the Commission relating to qualifying for Maine Clean Election Act funding. He asked for some additional clarification regarding giving campaign paraphernalia to seed money contributors.

Mr. Wayne said the campaign could use seed money to make permanent improvements to a privately owned vehicle but not MCEA funds.

Mr. McKee expressed concern over the Commission's involvement with hypothetical discussions regarding guidance and advice to campaigns.

Mr. Friedman said the staff is available to provide assistance to the campaigns and they should make their own decisions in consultation with the Commission staff.

It was not necessary for the Commission to take any action on this agenda item.

Agenda Item #7. Presentation of Audit Reports

The Commission staff presented two audit reports of 2008 legislative candidates, Senator Lisa Marraché and Eric Lusk. The reports contain minor findings of violation.

Mr. Youngblood moved that the Commission accept the reports presented. Mr. McKee seconded.

The motion passed unanimously (5-0).

Other Business

New Chair

Mr. Friedman said that this was his last meeting as a member of the Commission and thanked the staff and counsel for their professional work during his tenure. He said he will remain for a few weeks to provide the Commission with a quorum before the election, should the need arise.

Mr. Youngblood nominated Mr. McKee as the next chair of the Commission. Mr. Marsano seconded.

The motion passed 4-0-1 with Mr. McKee abstaining.

Meeting Requirements

Mr. Marsano addressed the issue of meeting prior to the election.

Mr. Wayne read from the statute, "*the Commission shall meet in Augusta for the purpose of this chapter at least once per month in any year in which primary and general elections are held and every two weeks in the 60 days preceding an election.*"

Mr. Marsano said this statute could be read such that the requirement to meet every two weeks in the 60 days before an election would only apply in years in which there was a primary and general election. The two phrases could also be read independently.

Mr. Friedman said during an off-election year, meetings would be held with nothing on the agenda. He said closer to the election there may be reason to meet; however, it would not be practical to hold meetings unless an agenda warranted it.

Mr. Youngblood said that the Commission decided back at the beginning of the year that monthly meetings were not necessary due to the fact that this was a non-election year. He said it still is not an election year.

Legislative Resolve Regarding Executive Branch Ethics

Mr. Wayne updated the Commission with regard to the Executive Branch ethical standards issue and requested clarification from the Commission on the role of the Ethics Commission. He said his report to the Legislature would include a description of what statutes and personnel guidelines are currently in place in Maine, what other states have done and describe ideas on how the Legislature could proceed if they so chose.

Mr. McKee said the Commission should not be suggesting any specific legislation.

Mr. Wayne agreed and said he would provide a draft copy of the report for the Legislature to the Commission.

Mr. Marsano said he hoped this report would ultimately provide a useful response to the Legislature but at the same time, he did not believe that the Ethics Commission should tell the Legislature what it should do with respect to executive branch ethics.

Mr. McKee moved to adjourn. Mr. Duchette seconded. Meeting adjourned at 11:15 a.m.

Respectfully submitted,

Jonathan Wayne, Executive Director

Attachment: Handouts from Fred Karger & Danielle Truszkovsky

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE

The National Organization for Marriage, and **American Principles In Action** *Plaintiffs,* *v.* **Walter F. McKee, Andre G. Duchette, Michael P. Friedman, Francis C. Marsano,** and **Edward M. Youngblood,** all in their official capacity as members of the Commission on Governmental Ethics and Election Practices; **Matthew Dunlap,** in his official capacity as Secretary of State of the State of Maine; **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 Cause No.**_____

Verified Complaint for Declaratory and Injunctive Relief
(INJUNCTIVE RELIEF SOUGHT)

Come now Plaintiffs the National Organization for Marriage ("NOM"), and American Principles In Action ("APIA"), and for their Complaint against the Defendants, state the following:

1. This is a civil action for declaratory and injunctive relief arising under the First and Fourteenth Amendments to the Constitution of the United States. This case concerns the constitutionality of Maine's ballot question committee ("BQC") registration statute, codified in

Maine Revised Statutes Annotated ("M.R.S.A."), Title 21-A § 1056-B.

2. Plaintiffs complain that 21-A M.R.S.A. § 1056-B is unconstitutional in that it infringes protected First Amendment speech and freedom of association and is not narrowly tailored to serve a compelling state interest.

Jurisdiction

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 of 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). The defendants are officers, employees or agents of the State of Maine.

Parties

6. Plaintiff NOM is a nonprofit 26 U.S.C. § 501(c)(4) issue advocacy corporation incorporated in Virginia dedicated to preserving the traditional definition of marriage.

7. Plaintiff APIA is a nonprofit 26 U.S.C. § 501(c)(4) issue advocacy organization incorporated in the District of Columbia dedicated to promoting equality of opportunity and ordered liberty.

8. Defendants Walter F. McKee, Andre G. Duchette, Michael P. Friedman, Francis C. Marsano, 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.A. §§ 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.

9. Defendant Matthew Dunlap is a resident of Maine and serves as the Secretary of State. The Secretary of State is charged with enforcing Maine's election laws pursuant to 21-A M.R.S.A. §§ 1003 and 1062-A. He is sued in his official capacity.

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.A. §§ 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.A. § 33, 30-A M.R.S.A. §§ 282 and 283. Each is sued in his or her official capacity.

Regulatory Scheme

12. 21-A M.R.S.A. § 1056-B, which provides as follows:

> Any person not defined as a political action committee who solicits and receives contributions or makes expenditures, other than by contribution to a political action committee, aggregating in excess of $5,000 for the purpose of initiating, promoting, defeating or influencing in any way a ballot question must file reports with the commission in accordance with this section. Within 7 days of receiving contributions or making expenditures that exceed $5,000, the person shall register with the commission as a ballot question committee. For the purposes of this section, expenditures include paid staff time spent for the purpose of influencing in any way a ballot question. The commission must prescribe forms for the registration, and the forms must include specification of a treasurer for the committee, any other principal officers and all individuals who are the primary fund-raisers and decision makers for the committee. In

the case of municipal election, the registration and reports must be filed with the clerk of that municipality.

13. A "person" is defined by 21-A M.R.S.A. § 1001 as "an individual, committee, firm, partnership, corporation, association, group or organization."

14. For purposes of the $5,000 threshold requirement, "contribution" "includes, but is not limited to":

A. Funds that the contributor specified were given in connection with a ballot question;
B. Funds provided in response to a solicitation that would lead the contributor to believe that the funds would be used specifically for the purpose of initiating, promoting, defeating or influencing in any way a ballot question;
C. Funds that can reasonably be determined to have been provided by the contributor for the purpose of initiating, promoting, defeating or influencing in any way a ballot question when viewed in the context of the contribution and the recipient's activities regarding a ballot question; and
D. Funds or transfers from the general treasury of an organization filing a ballot question report.

21-A M.R.S.A. § 1056-B(2-A)

15. 21-A M.R.S.A. § 1056-B(1) further requires that "A report required by this section must be filed with the commission according to the reporting schedule in section 1059."

16. Reports required for BQCs:

must contain an itemized account of each expenditure made to and contribution received from a single source aggregating in excess of $100 in any election; the date of each contribution; the date and purpose of each expenditure; and the name and address of each contributor, payee or creditor; and the occupation and principal place of business, if any, for any person who has made contributions exceeding $100 in the aggregate. The filer is required to report only those contributions made to the filer for the purpose of initiating, promoting, defeating or influencing in any way a ballot question and only those expenditures made for those purposes.

21-A M.R.S.A. § 1056-B(2).

17. The BQC registration form makes clear that a report must be filed at registration, and that a BQC must report "all contributions and expenditures" including "expenditures such as those associated with the collection of signatures, paid staff time, travel reimbursement, and fundraising expenses." Commission on Governmental Ethics and Election Practices, *Registration: Ballot Question Committees: For Persons and Organizations Other Than PACs Involved in Ballot Question Elections* (Exhibit 7.) The registration form requires the personal information of a "Treasurer," "Principal Officer[s]," "Primary Fundraisers and Decision Makers," and requires a "Statement of Support or Opposition," indicating "whether the committee supports or opposes a candidate, political committee, referendum, initiated petition or campaign." (Exhibit 7.)

18. 21-A M.R.S.A. § 1056-B(4) provides that "[a] person filing a report required by this section shall keep records as required by this section for 4 years following the election to which the records pertain." BQCs must also "keep a detailed account of all contributions made to the filer for the purpose of initiating, promoting, defeating or influencing in any way a ballot question and all expenditures made for those purposes," and "retain a vendor invoice or receipt stating the particular goods or services purchased for every expenditure in excess of $50."

19. The failure to register as required under 21-A M.R.S.A. § 1056-B is punishable by a $250 fine. 21-A M.R.S.A. § 1062-A(1).

20. The failure to file reports as required by 21-A M.R.S.A. § 1056-B or 1059 is punishable by a maximum fine of $10,000. 21-A M.R.S.A. § 1062-A(4).

21. Further, "[a] person who fails to file a report as required by this subchapter within 30 days of the filing deadline is guilty of a Class E Crime." 21-A M.R.S.A. § 1062-A(8).

Facts

22. On May 6, 2009, Governor John Baldacci signed into law legislation recognizing same-sex marriage in Maine. On May 7, 2009, opponents of the measure submitted the required paperwork necessary to launch a "people's veto" campaign, which would leave the matter to be decided via statewide referendum.

23. Plaintiff NOM is a nonprofit 26 U.S.C. § 501(c)(4) issue advocacy corporation dedicated to preserving the traditional definition of marriage. NOM is a national organization active in all fifty states.

24. NOM solicits and receives most of its funds as undesignated donations from major donors and national organizations. The remainder of its funds are received primarily as undesignated donations from direct mail solicitations. NOM's projected budget for 2009 is $7 million.

25. NOM does not have as its major purpose the promotion or defeat of any Maine referendum or ballot question.

26. On May 6, 2009, NOM distributed an email update to subscribers focused on a proposed referendum in Maine that would overturn then pending legislation in Maine regarding same-sex marriage. The May 6th email stated: "Your support today will allow us to start the referendum process immediately when the law is signed, ensuring that the measure does not take effect before the people of Maine have had their say. Can you afford a gift of $35, $50 or $100 today to help stop same-sex marriage not just in Maine, but in New Hampshire, Iowa, and other states as well?" (Exhibit 5, at 2-3.) NOM estimates that it received approximately $2,469 in donations as a result of the May 6th email.

27. On May 8, 2009, NOM distributed an email update to subscribers describing efforts to enact same-sex marriage in the District of Columbia, Maine, and New Hampshire. After describing events in Maine, the email also stated: "You can fight back! Can you help defend marriage in Maine and across the country, by donating $5, $10, or even, if God has given you the means, $100 or $500?" (Exhibit 5, at 4) (Emphasis in original.) NOM estimates that it received approximately $1,055 in donations as a result of the May 8th email.

28. On May 15, 2009, NOM distributed an email update to subscribers. The email focused on events relating to same-sex marriage in New York and New Hampshire, but contained a sentence stating: "We will fight to be your voice in New Hampshire, Maine (more on that next week), Iowa, New York, New Jersey, D.C. and all across this great and God-blessed country of ours." (Exhibit 5, at 7.)

29. On May'22, 2009, NOM distributed an email update to subscribers. The email focused on events relating to same-sex marriage in New Hampshire, New York, and Massachusetts, but contained a sentence stating "I'm back in Maine today we'll keep you updated on progress in building the coalition to push back gay marriage in Maine. We will need your help all the help you can spare!" (Exhibit 5, at 8-9) (Emphasis in original.) NOM estimates that it received approximately $285 in donations as a result of the May 22nd email.

30. On June 12, 2009, NOM distributed an email update to subscribers focused on events relating to same-sex marriage in New York. The email also includes a paragraph regarding Maine, stating: "[i]n Maine, I've joined the board of the new coalition to fight to overturn the gay marriage law. It's called StandforMarriageMaine.com. If you live in Maine, go there right now and find out how you can sign a petition, or collect signatures to get marriage on the ballot this

November . . . I was up in Maine this week and the signature gathering effort is gathering great steam." (Exhibit 5, at 11.) The June 12th also asked "[t]o help us in Maine and all 50 states, can you make a monthly donation?" (Exhibit 5, at 11.)

31. On July 8, 2009, NOM distributed an email update to subscribers describing the efforts of Stand for Marriage Maine, a registered Maine PAC, to overturn recently enacted Maine same-sex marriage legislation via referendum. The email asked readers to "[m]ake an online donation at StandforMarriageMaine.com." (Exhibit 5, at 13.)

32. On July 10, 2009, NOM distributed an email update to subscribers describing efforts to overturn recently enacted Maine same-sex marriage legislation via referendum. The email also stated that "[t]he National Organization for Marriage worked hard with StandforMarriageMaine to make this happen. But it could not have happened without your help! You are the ones who made this happen... and we need you to help secure this victory: Can you help us with $10, 25, or $100 so that Maine and our country can recover the true meaning or marriage?" (Exhibit 5, at 14) (Emphasis in original.) NOM estimates that it received approximately $350 in donations as a result of the July 10th email.

33. On July 17, 2009, NOM distributed an email update to subscribers. The email focused mainly on events related to same-sex marriage in the District of Columbia, but with a brief description of recent events in Maine. NOM estimates that it received approximately $40 in donations as a result of the July 17th email.

34. On July 31, 2009, NOM distributed an email update to subscribers focused on events related to same-sex marriage in Maine, and mentioned that "StandforMarriageMaine.com has turned in an extraordinary 100,000 signatures to overturn gay marriage." (Exhibit 5, at 20.)

NOM estimates that it received approximately $255 in donations as a result of the July 31st email.

35. On August 7, 2009, NOM distributed an email update to subscribers describing the efforts to overturn recently enacted Maine same-sex marriage legislation via referendum. The email asked readers to "[v]isit StandforMarriageMaine.com today to make your contribution in the fight to protect marriage in Maine!" (Exhibit 5, at 23) (Emphasis in original.) The email also added that readers could "[u]se this hyperlink to help support NOM's work not only in Maine but around the country, wherever the need arises." (Exhibit 5, at 23) (Emphasis in original.) NOM estimates that it received approximately $60 in donations as a result of the August 7th email.

36. On August 26, 2009, NOM distributed an email update to subscribers focused on events related to same-sex marriage in New Jersey and New York. The email included one reference to a Maine resident, but otherwise did not discuss the Maine referendum.

37. On August 28, 2009, NOM distributed an email update to subscribers describing a recent article on NOM executive director Brian Brown and focusing on events related to same-sex marriage in Iowa. One sentence in the email stated "Help us fight to protect marriage in Iowa, Maine and everywhere across this great land donate today!" (Exhibit 5, at 28) (Emphasis in original.) NOM estimates that it received approximately $395 in donations as a result of the August 28th email.

38. On September 4, 2009, NOM distributed an email update to subscribers update. This email stated that "Marriage is now officially on the ballot in Maine this November" and twice urged readers to donate to Stand for Marriage Maine. (Exhibit 5, at 30.)

39. Each of the above listed emails contained a hyperlinked "Donate" button which

sent potential donors to the donations screen at http://www.nationformarriage.org. The donation screen at http://www.nationformarriage.org provides that "[n]o funds will be earmarked or reserved for any political purpose."

40. In July of 2009, NOM distributed newsletter to subscribers. One of the articles in this newsletter described NOM's participation in the Maine same-sex marriage referendum effort, and stated: "Your support of NOM is critical to the success of this effort." The newsletter also included a donation card and return envelope for donations to NOM. (Exhibit 6, at 4.)

41. On August 13, and 24, 2009, the Commission received email correspondence from Fred Karger of Californians Against Hate, alleging that NOM, as well as several other organizations, was engaged in "money laundering" by contributing to Stand for Marriage Maine PAC. (Exhibits 9, 10.)

42. On October 1, 2009, the Commission conducted a preliminary fact gathering regarding Mr. Karger's allegations. While the Commission took no action at this meeting regarding Mr. Karger's specific allegations, the Commission did decide to authorize its staff to conduct an investigation regarding whether NOM had violated Section 1056-B by failing to register as a BQC, with a suggested scope for the investigation to be outlined at a future meeting of the Commission. (Exhibit 11.)

43. Depending on which, if any, of the donations for the above listed emails and newsletters are considered "contributions" for purposes of section 1056-B, NOM is either near or has already exceeded the $5,000 threshold for ballot question committee status.

44. NOM intends to distribute further emails and newsletters mentioning Maine and soliciting donations, which will exceed $5,000, both during the current election cycle and in

future elections. However, NOM fears enforcement under section 1056-B based on any such future activities, as well as for activities already engaged in.

45. Plaintiff APIA is a nonprofit 26 U.S.C. § 501(c)(4) organization dedicated to promoting equality of opportunity and ordered liberty.

46. APIA does not have as its major purpose the promotion or defeat of any Maine referendum or ballot question.

47. APIA intends to produce a 30 second video entitled "Bigot" relating to same-sex marriage in Maine and place it on its website. The script for the ad is as follows:

Girl: Mommy, are you a bigot?

Mother: What?

Girl: At school, we learned that people who are against gay marriage are bigots.

Mother: No, dear. I believe that homosexuals should be treated fairly--but I also believe that marriage should be just for one man and one woman. That doesn't make me a bigot.

Girl: What about Reverend Jones and Father Diego? Are they bigots?

Mother: Did you learn that at school too?

Girl nods

VO: Think that gay marriage won't affect your family? Think again.

Vote Yes Graphic

48. APIA also intends to produce a 30 second video entitled "The New Curriculum" relating to same-sex marriage in Maine and place it on its website. The script for the ad is as follows:

School Administrator (*talking to an off-camera mic/reporter--as he talks, we see images*

of teachers in classrooms reading from blurred-out books, GLSEN-style posters, etc.):

No, we're very proud of the new curriculum. It's all about teaching kids to embrace different lifestyles and explore their own sexuality.

Switching from images of sex ed classrooms to little boy on a bench in a darkened school hallway. We can see an adult male (not his face, we're looking from the perspective of the child and the view never includes his head) come out of an office, take the boy's hand, lead him into the office, and close the door. Freeze on the closed door, which has a sign that says, "Counseling Session: Do Not Disturb"

Reporter (VO) : Yes, but is it appropriate for kindergartners to be receiving counseling about whether they might be gay?

School Admin (VO): Sure, we've had a few complaints, but there's not much parents can do. It's the law, after all.

VO: Think gay marriage won't affect your family? Think again.

Vote Yes Graphic

49. APIA estimates that the total cost of producing "Bigot" and "The New Curriculum" and placing them on its website is approximately $3,000.

50. APIA intends to buy television time in Maine to air "Bigot" and "The New Curriculum." APIA is chilled from doing so, however, by the prospect of having to register as a BQC and meet the reporting and other requirements of sections 1056-B and 1059.

51. Further, APIA intends to solicit donations in order to defray the cost of producing and airing "Bigot" and "The New Curriculum," as well as other expenses, both during the current election cycle and in future elections. However, APIA fears that in doing so it will be deemed a

BQC under Section 1056-B, and will be subject to the reporting and other requirements of sections 1056-B and 1059.

52. Immediate and irreparable injury, loss, and damage will result to Plaintiffs by reason of the regulation's chilling effect on Plaintiffs' free speech and associational rights and by the potential for enforcement of Section 1056-B against NOM and APIA.

53. Plaintiffs have no adequate remedy at law.

Count I

Section 1056-B is Unconstitutional Facially and As Applied to Plaintiffs, in That It Imposes Burdensome Registration and Reporting Requirements on Individuals and Organizations Based on Ballot Measure Advocacy.

54. Plaintiffs reallege the preceding paragraphs.

55. Section 1056-B imposes substantial organizational and conduct burdens on individuals and organizations which qualify as a BQC. Individuals and organizations falling under Section 1056-B must undergo registration, must appoint a treasurer, must use a designated account, must keep detailed records for four years, must report contributions and expenditures at prescribed intervals, and must disclose information about persons making contributions over $100.

56. "[C]ompelled disclosure, in itself, can seriously infringe on privacy of association and belief guaranteed by the First Amendment." *Buckley v. Valeo*, 424 U.S. 1, 25 (1976). In addition, "reporting and disclosure requirements are more burdensome for multi-purpose organizations . . . than for political action committees whose sole purpose is political advocacy." *Cal. Pro-Life Council, Inc. v. Getman*, 328 F.3d 1088, 1101 n.16 (9th Cir. 2003).

57. Because Section 1056-B imposes substantial burdens on political speech and

association, it is subject to strict scrutiny. *FEC v. Massachusetts Citizens for Life*, 479 U.S. 238, 256 (1986).

58. The Supreme Court has held that three governmental interests may justify campaign disclosure laws if the regulations are narrowly tailored to serve those interests. *See Buckley*, 424 U.S. at 66-68. First, "disclosure provides the electorate with information as to where the political campaign money comes from and how it is spent by the candidate." *Id.* at 66. This information alerts voters to the "interests to which a candidate is most likely to be responsive." *Id.* at 67. Second, disclosure can deter actual corruption and avoid the appearance thereof. *Id.* Lastly, disclosure requirements are an essential "means of gathering the data necessary to detect violations of [contribution limits]." *Id.* at 68.

59. However, *Buckley* involved candidate elections, and the Supreme Court has since clarified that the Corruption Interest is simply not present in the context of ballot measure elections. *First National Bank of Boston v. Bellotti*, 435 U.S. 765, 790 (1978) ("Referenda are held on issues, not candidates for public office. The risk of corruption perceived in cases involving candidate elections simply is not present in a popular vote on a public issue."); *see also Emily's List v. Federal Election Com'n*, 2009 WL 2972412 *12 (D.C. Cir. Sep. 18, 2009) ("Donations to and spending by a non-profit cannot corrupt a candidate or officeholder."); *Volle v. Webster*, 69 F. Supp.2d 171, 175 n.7 (D. Me. 1999).

60. The enforcement interest is likewise not applicable in the context of ballot measure elections because Maine lacks contribution limits with respect to ballot measures. *Canyon Ferry Road Baptist Church of East Helena, Inc. v. Unsworth*, 556 F.3d 1021, 1032 (9th Cir. 2009) (*citing McConnell v. FEC*, 540 U.S. 93, 196 (2003)).

61. The Supreme Court has held that one-time reporting of independent expenditures is a less restrictive means of achieving the state's legitimate informational interest than imposing the "full panoply of regulations that accompany status as a political committee." *Massachusetts Citizens for Life*, 479 U.S. at 262; *see also Volle v. Webster*, 69 F. Supp. 2d 171, 176 (holding that by imposing "the full panoply of registration and reporting requirements that *Buckley I* examined under the Federal Election Campaign Act . . . Maine's registration statute goes considerably beyond what is permitted and is therefore unconstitutional.")

62. Because Section 1056-B would subject NOM and APIA to the "full panoply of registration and reporting requirements" rather than the less restrictive means of one-time disclosure of expenditures, the provision is unconstitutional both facially and as applied to NOM and APIA.

Count II

Section 1056-B is Unconstitutional Facially and As Applied to Plaintiffs, in That It Imposes Burdensome Registration and Reporting Requirements on Individuals and Organizations That Do Not Have Ballot Measure Advocacy As Their Major Purpose.

63. Plaintiffs reallege the preceding paragraphs.

64. Section 1056-B imposes substantial organizational and conduct burdens on individuals and organizations which qualify as a BQC. Individuals and organizations falling under Section 1056-B must undergo registration, must appoint a treasurer, must use a designated account, must keep detailed records for four years, must report contributions and expenditures at prescribed intervals, and must disclose information about persons making contributions over $100.

65. The right of association is a "basic constitutional freedom" that is "closely allied

to freedom of speech and a right which, like free speech lies at the foundation of a free society." *Buckley v. Valeo*, 424 U.S. 1, 25 (1976).

66. To protect that right and to assure that registration requirements did not chill core First Amendment speech, the *Buckley* Court promulgated its "major purpose" to determine whether a particular group must suffer the burden of registering and reporting as a political committee under federal election law.

67. That test, in the context of political speech regarding candidates, provides that an organization is a political committee only if it is 'under the control of a candidate or the major purpose of which is the nomination or election of a candidate." *Id.* at 79.

68. Similarly, in the case of a political organization that does not have as its major purpose the initiation, promotion or defeat of a ballot measure, a registration requirement which ignores the "major purpose" of an organization unconstitutionally chills political speech. *See id.* at 75-80.

69. 21-A M.R.S.A. § 1056-B requires individuals and organizations to register as a BQC without regard to whether the major purpose of the individual or organization is the passage or defeat of a ballot measure.

70. Neither NOM nor APIA has as its major purpose the initiation, promotion or defeat of a ballot measure.

71. Because Section 1056-B would subject NOM and APIA to burdensome registration and reporting requirements without regard to whether they have as their major purpose the initiation, promotion or defeat of a ballot measure, the provision is unconstitutional

both facially and as applied to Plaintiffs.

Count III

Section 1056-B's Definition of "Contribution" is Unconstitutional Facially and As Applied to Plaintiffs, in That It is Unconstitutionally Vague and Overbroad.

72. Plaintiffs reallege the preceding paragraphs.

73. The definition of "contribution" in 21-A M.R.S.A. § 1056-B(2-A) includes: (1) "Funds provided in response to a solicitation that would lead the contributor to believe that the funds would be used specifically for the purpose of initiating, promoting, defeating or influencing in any way a ballot question"; and (2) "Funds that can reasonably be determined to have been provided by the contributor for the purpose of initiating, promoting, defeating or influencing in any way a ballot question when viewed in the context of the contribution and the recipient's activities regarding a ballot question."

74. The vagueness doctrine bars enforcement of a statute whose terms are "so vague that men of common intelligence must necessarily guess at its meaning and differ as to its application." *U.S. v. Councilman*, 418 F.3d 67, 84 (1st Cir. 2005) (*quoting U.S. v. Lanier*, 520 U.S. 259, 264 (1997).

75. NOM and APIA have and would like to solicit donations to support their activities. But neither can know whether those solicitations could be interpreted to result in "contributions" that trigger BQC status.

76. 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)).

77. A person's right to freedom of speech cannot be contingent on the reaction to, or interpretation of, that speech by third parties. As the Supreme Court noted in *Buckley*, making the legitimacy of speech turn on the interpretation of third parties is problematic, as it "puts the speaker . . . wholly at the mercy of the varied understanding of his hearers and consequently of whatever inference may be drawn as to his intent and meaning. [This] offers no security for free discussion. In these conditions it blankets with uncertainty whatever may be said. It compels the speaker to hedge and trim." *Buckley*, 424 U.S. at 43.

78. By counting towards the $5,000 threshold solicitations for donations that "lead the contributor to believe" donations will be used for ballot measure activity, Section 1056-B potentially imposes burdensome registration and reporting requirements on NOM and APIA based on how others interpret and/or react to their speech. For this reason, the definition of "contribution" in Section 1056-B is substantially overbroad.

Count IV

Section 1056-B is Unconstitutional Facially and As Applied to Plaintiffs, in That Its $100 Reporting Requirement Fails Strict Scrutiny.

79. Plaintiffs reallege the preceding paragraphs.

80. Reports required for BQC "must contain an itemized account of each expenditure made to and contribution received from a single source aggregating in excess of $100 in any election," as well as contributor information "for any person who has made contributions exceeding $100 in the aggregate." BQCs are required "to report only those contributions made to the filer for the purpose of initiating, promoting, defeating or influencing in any way a ballot question and only those expenditures made for those purposes." 21-A M.R.S.A. § 1056-B(2).

81. In *Buckley*, the Supreme Court held that any significant encroachment on First

Amendment rights must survive exacting scrutiny, which requires the government to craft a narrowly tailored law to serve a compelling government interest. *See Buckley*, 424 U.S. at 64.

82. The $100 threshold reporting requirement is not narrowly tailored to the state's interest in avoiding corruption, as this interest does not apply in the ballot measure context. *Bellotti*, 435 U.S. at 790.

83. Further, Section 1056-B is not narrowly tailored to the state's informational interest in disclosure, as it requires reporting for contributions and expenditures so low as to give no meaningful information to voters. *Canyon Ferry*, 556 F.3d at 1033. Voters gain little, if any, information from the disclosure of small donors. *Id.* at 1036 (Noonan, J., concurring) ("How do the names of small contributors affect anyone else's vote? Does any voter exclaim, 'Hank Jones gave $76 to this cause. I must be against it!'")

84. Since the $100 reporting threshold of Section 1056-B is not narrowly tailored to any compelling government interest, the provision is unconstitutional facially and as applied to NOM and APIA.

WHEREFORE, Plaintiffs pray this court to:

(1) Declare 21-A M.R.S.A. § 1056-B unconstitutional facially and as applied to Plaintiffs as a violation of the First Amendment right to engage in political speech;

(2) Prohibit, by way of permanent injunction, the Defendants, their agents, and successors from enforcing 21-A M.R.S.A. § 1056-B against NOM and APIA; and

(3) Grant NOM and APIA costs and attorney's fees under 42 U.S.C. § 1988 and any other applicable authority.

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VERIFICATION

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

Dated: this 19th day of October, 2009.

Brian S. Brown
Executive Director
National Organization for Marriage
20 Nassau Street, Suite 242
Princeton, NJ 08542
609/688/0450 telephone
609/688/0455 facsimile

VERIFICATION

I SWEAR (OR AFFIRM) UNDER THE PENALTIES FOR PERJURY UNDER THE LAWS OF THE UNITED STATES THAT THE FOREGOING STATEMENTS CONCERNING AMERICAN PRINCIPLES IN ACTION FOUND IN THIS COMPLAINT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND UNDERSTANDING.

Dated: this 26th day of October, 2009.

Andresen Blom
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765 F.Supp.2d 38
(Cite as: 765 F.Supp.2d 38)

M

United States District Court,
D. Maine.
NATIONAL ORGANIZATION FOR MARRIAGE and American Principles in Action, Plaintiffs
v.
Walter F. McKEE, in his official capacity as member of the Commission on Governmental Ethics and Election Practices, et al., Defendants.

Civil No. 09–538–B–H.
Feb. 18, 2011.

Background: Nonprofit issue advocacy corporations brought action against state officials, seeking a declaration that registration and reporting requirements of Maine's ballot question statute violated the First Amendment. Parties cross-moved for summary judgment.

Holdings: The District Court, D. Brock Hornby, J., held that:
(1) action was not rendered moot by passing of election;
(2) statute did not violate rights of free speech and association under First Amendment;
(3) statute was not overbroad;
(4) statute was not unconstitutionally vague; and
(5) statute was narrowly tailored to Maine's interest in providing voters with information about who supports a proposition.

Defendant's motion granted.

West Headnotes

[1] Constitutional Law 92 ⚿977

92 Constitutional Law
92VI Enforcement of Constitutional Provisions
92VI(C) Determination of Constitutional Questions
92VI(C)2 Necessity of Determination
92k977 k. Mootness. Most Cited Cases

Nonprofit organization's action challenging Maine's election statute, which required entities that solicited and received contributions or made expenditures over $5,000 for purposes of initiating, promoting, defeating, or influencing a ballot question to register and file reports with state election commission, was not rendered moot when primary election in which organization failed to register was held; organization asserted an abiding interest in ballot question issue regarding gay marriage, that issue was likely to recur and, it was difficult to reach the merits of such an issue before the election had come and gone. 21–A M.R.S.A. § 1056–B.

[2] Constitutional Law 92 ⚿1461

92 Constitutional Law
92XVII Political Rights and Discrimination
92k1461 k. Elections in general. Most Cited Cases

Exacting scrutiny is the appropriate standard for reviewing a constitutional challenge to election law reporting requirements.

[3] Constitutional Law 92 ⚿1469

92 Constitutional Law
92XVII Political Rights and Discrimination
92k1469 k. Campaign finance, contributions, and expenditures. Most Cited Cases

Constitutional Law 92 ⚿1701

92 Constitutional Law
92XVIII Freedom of Speech, Expression, and Press
92XVIII(F) Politics and Elections
92k1697 Contributions
92k1701 k. Reporting and disclosure. Most Cited Cases

Elections 144 ⚿311

144 Elections
144XI Violations of Election Laws

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144k311 k. Constitutional and statutory provisions. Most Cited Cases

Maine's election statute, which required entities that solicited and received contributions or made expenditures over $5,000 for purposes of initiating, promoting, defeating, or influencing a ballot question to register and file reports with state election commission, did not violate non-profit organizations' rights of free speech and association; requirements were narrowly tailored to Maine's compelling interest in providing voters with information about groups attempting to influence outcome of ballot questions and imposed only minimal burden on organizations. U.S.C.A. Const.Amend. 1; 21–A M.R.S.A. § 1056–B.

[4] Constitutional Law 92 ⚿1469

92 Constitutional Law
92XVII Political Rights and Discrimination
92k1469 k. Campaign finance, contributions, and expenditures. Most Cited Cases

Constitutional Law 92 ⚿1701

92 Constitutional Law
92XVIII Freedom of Speech, Expression, and Press
92XVIII(F) Politics and Elections
92k1697 Contributions
92k1701 k. Reporting and disclosure. Most Cited Cases

Elections 144 ⚿311

144 Elections
144XI Violations of Election Laws
144k311 k. Constitutional and statutory provisions. Most Cited Cases

Reporting requirements of Maine's election statute, which required entities that solicited and received contributions or made expenditures over $5,000 for purposes of initiating, promoting, defeating, or influencing a ballot question to register and file reports with state election commission, were not rendered overbroad in violation of the First Amendment's protection of free speech and association by their applicability to organizations whose major purpose was not the promotion or defeat of a ballot initiative in Maine. U.S.C.A. Const.Amend. 1; 21–A M.R.S.A. § 1056–B.

[5] Constitutional Law 92 ⚿1469

92 Constitutional Law
92XVII Political Rights and Discrimination
92k1469 k. Campaign finance, contributions, and expenditures. Most Cited Cases

Constitutional Law 92 ⚿1701

92 Constitutional Law
92XVIII Freedom of Speech, Expression, and Press
92XVIII(F) Politics and Elections
92k1697 Contributions
92k1701 k. Reporting and disclosure. Most Cited Cases

Elections 144 ⚿311

144 Elections
144XI Violations of Election Laws
144k311 k. Constitutional and statutory provisions. Most Cited Cases

Subsection of reporting and disclosure requirements of Maine's election statute defining a contribution as funds provided in response to a solicitation that would lead the contributor to believe that the funds would be used specifically for the purpose of initiating, promoting, defeating, or influencing in any way a ballot question was not unconstitutionally vague in violation of First Amendment's protections of free speech and association, notwithstanding that solicitors could not know what was in their contributors' minds; definition was an objective standard tied to what contributors said in obtaining funds, and contributors were in control of what they said. U.S.C.A. Const.Amend. 1; 21–A M.R.S.A. § 1056–B(2–A)(B).

[6] Constitutional Law 92 ⚿1130

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92 Constitutional Law
92VIII Vagueness in General
92k1130 k. In general. Most Cited Cases
(Formerly 361k47)

Statutes 361 ⚿1515

361 Statutes
361VIII Validity
361k1515 k. Impossibility of performance or enforcement; internal inconsistency. Most Cited Cases
(Formerly 361k49)

A statute is unconstitutionally vague if it fails to provide a person of ordinary intelligence fair notice of what is prohibited, or is so standardless that it authorizes or encourages seriously discriminatory enforcement. U.S.C.A. Const.Amend. 1.

[7] Constitutional Law 92 ⚿1469

92 Constitutional Law
92XVII Political Rights and Discrimination
92k1469 k. Campaign finance, contributions, and expenditures. Most Cited Cases

Constitutional Law 92 ⚿1701

92 Constitutional Law
92XVIII Freedom of Speech, Expression, and Press
92XVIII(F) Politics and Elections
92k1697 Contributions
92k1701 k. Reporting and disclosure. Most Cited Cases

Elections 144 ⚿311

144 Elections
144XI Violations of Election Laws
144k311 k. Constitutional and statutory provisions. Most Cited Cases

Subsection of reporting and disclosure requirements of Maine's election statute defining a contribution as funds that could reasonably be determined to have been provided for purpose of initiating, promoting, defeating, or influencing a ballot question, was not unconstitutionally vague in violation of First Amendment's protections of free speech and association; vagueness was evaluated only from perspective of entities required to report, and it was clear to tell them that if they reasonably knew a contribution was designed to influence a particular ballot, they should treat it as such, and exclusion of any "contribution to a political action committee" was clearly limited to expenditures. U.S.C.A. Const.Amend. 1; 21–A M.R.S.A. § 1056–B(2–A)(C).

[8] Constitutional Law 92 ⚿1469

92 Constitutional Law
92XVII Political Rights and Discrimination
92k1469 k. Campaign finance, contributions, and expenditures. Most Cited Cases

Constitutional Law 92 ⚿1701

92 Constitutional Law
92XVIII Freedom of Speech, Expression, and Press
92XVIII(F) Politics and Elections
92k1697 Contributions
92k1701 k. Reporting and disclosure. Most Cited Cases

Elections 144 ⚿311

144 Elections
144XI Violations of Election Laws
144k311 k. Constitutional and statutory provisions. Most Cited Cases

Section of Maine's election statute requiring ballot question committees to report, after a $5,000 threshold was reached, each expenditure to, and each contribution from, a single source if, in aggregate, they exceeded $100, was narrowly tailored to Maine's interest in providing voters with information about who supports a proposition, for purposes of First Amendment's protections of free speech and association; $100 threshold was not wholly without rationality, but was substantially related to Maine's compelling interest in informing

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voters and narrowly tailored to avoid unnecessary impositions on associational rights. U.S.C.A. Const.Amend. 1; 21–A M.R.S.A. § 1056–B.

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Phyllis Gardiner, Thomas A. Knowlton, Assistant Attorney Generals, Office of the Maine Attorney General, Augusta, ME, for Defendants.

DECISION AND ORDER ON CROSS–MOTIONS FOR SUMMARY JUDGMENT

D. BROCK HORNBY, District Judge.

INTRODUCTION

This portion of a two-pronged lawsuit challenges the constitutionality of Maine's *40 election law as it applies to registration and disclosure requirements for ballot question committees.[FN1] On October 28, 2009, I denied the plaintiffs' motion for a temporary restraining order.[FN2] That ruling required me to assess the likelihood of the plaintiffs succeeding on the merits of their First Amendment constitutional claims. As a result, I analyzed the relevant legal issues in some detail. I do not repeat that analysis. Instead, I incorporate that earlier analysis into this opinion, but modify it as appropriate in light of new cases or re-thinking provoked by the parties' new briefing and their oral argument on January 24, 2011. Now I conclude finally that this Maine law is constitutional, and I award summary judgment to the defendants.

FN1. The other prong dealt with candidate election law issues; it challenged the constitutionality of Maine's definition of "political action committee," its regulation of independent expenditures (expenditures made by speakers other than the candidate), and its attribution and disclaimer requirements for political messages. I ruled on that challenge in a bench trial ruling, *Nat'l Org. for Marriage v. McKee,* 723 F.Supp.2d 245 (D.Me.2010), a ruling now on appeal to the First Circuit.

FN2. *Nat'l Org. for Marriage v. McKee,* 666 F.Supp.2d 193, 198 (D.Me.2009).

BACKGROUND

A. Maine's Ballot Question Committee Law[FN3]

FN3. The Maine legislature amended the statute effective July 12, 2010. P.L. 2009, ch. 524 §§ 8–13 ("An Act To Improve Disclosure of Campaign Finance Information and the Operation of the Maine Clean Election Act") (codified at 21–A M.R.S.A. § 1056–B (Supp. 2010)). The amendment replaces the term "ballot question" with "campaign," but excludes candidate elections and retains the term "ballot question committee." *Id.* Although all parties quote the old version of the statute in their summary judgment papers, the amendment does not affect the outcome of this case and I use the new language.

Maine law defines a "ballot question committee" as "[a] person not defined as a political action committee who receives contributions or makes expenditures, other than by contribution to a political action committee, aggregating in excess of $5,000 for the purpose of initiating, promoting, defeating or influencing in any way a campaign...."[FN4] For these purposes, the term " 'campaign' does not include activities to promote or defeat or in any way influence the nomination or election of a candidate,"[FN5] but it does encompass a ballot "question," including the people's veto referendum process provided for in the Constitution of Maine.[FN6]

FN4. 21–A M.R.S.A. § 1056–B. A "person" is defined as "an individual, committee, firm, partnership, corporation, association or organization." 21–A M.R.S.A.

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§ 1001.

FN5. § 1056–B.

FN6. 21–A M.R.S.A. § 1052(1)(A). *See* Me. Const. art IV, pt. 3, § 17 ("Proceedings for people's veto"). For these purposes, a "campaign" also includes Maine's citizen initiative referendum procedure, an amendment to the Constitution of Maine, legislation expressly conditioned upon ratification by a referendum vote, the ratification of the issue of bonds by the State, and any county or municipal referendum. § 1052(1)(B)-(F).

The statute defines "contribution" as including, but not limited to:

A. Funds that the contributor specified were given in connection with a campaign;

B. Funds provided in response to a solicitation that would lead the contributor to believe that the funds would be used specifically for the purpose of initiating, promoting, defeating or influencing in any way a campaign;

C. Funds that can reasonably be determined to have been provided by the contributor for the purpose of initiating, promoting, defeating or influencing in any way a campaign when viewed in the context of the contribution and the recipient's activities regarding a campaign; and

D. Funds or transfers from the general treasury of an organization filing a ballot question report. FN7

FN7. § 1056–B(2–A).

A group's designation as a "ballot question committee" triggers various reporting requirements. It must name a treasurer FN8 and register with the Maine Commission on Governmental Ethics and Election Practices ("Commission") by filing a two-page registration form.FN9 The registration form requires the committee's name and address; the name and address of the treasurer of the committee, any principal officers, and any primary fundraisers and decision makers for the committee; the legal structure of the committee (*e.g.*, cooperative, corporation, voluntary association, partnership); and a statement "indicat[ing] whether the committee supports or opposes a candidate, political committee, referendum, initiated petition or campaign." FN10 The registration form also instructs committees to file an initial campaign finance report at the time of the registration.FN11

FN8. § 1056–B. At the time the plaintiffs filed their initial complaint, both had treasurers. Defs.' Statement of Additional Material Facts ("DSMF") ¶¶ 40, 85 (Docket Item 177); Pls.' Opposing Statement of Material Facts ("Pls.' Opposing SMF") ¶¶ 40, 85 (Docket Item 199).

FN9. § 1056–B; Registration: Ballot Question Committees: For Persons and Organizations Other Than PACs Involved in Ballot Question Elections (Ex. 7 to Second Am. Verified Compl. (Docket Item 114–4)).

FN10. *Id.*

FN11. *Id.*

Thereafter, ballot question committees must submit to the Commission quarterly reports according to the statute's regular schedule for reporting (January 15th, April 10th, July 15th, and October 10th), and election reports on certain dates relative to the election at issue (the eleventh day before an election and the forty-second day after the election).FN12 Each report must include an itemized account of "each expenditure made to and contribution received from a single source aggregating in excess of $100 in any election;" the date of each contribution and expenditure; the name and address of each contributor, payee or creditor; the occupation and principal place of business of any contrib-

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utor donating more than $100; and the purpose of each expenditure.[FN13] Ballot question committees need report only those contributions and expenditures made to promote, defeat, or influence the ballot question.[FN14] In the two weeks before the election, ballot question committees must report all expenditures of $500 or more within 24 hours of that expenditure.[FN15] In addition, they must "keep a detailed account of all contributions made to the filer for the purpose of initiating, promoting, defeating or influencing in any way a campaign and all expenditures made for those purposes" and "retain a vendor invoice or receipt stating the particular goods or services purchased for every expenditure in *42 excess of $50." [FN16] These records must be kept for four years.[FN17] Finally, ballot question committees must file termination reports when they cease financial activity.[FN18]

FN12. § 1056–B; 21–A M.R.S.A. § 1059. A committee that files an election report "is not required to file a quarterly report when the deadline for that quarterly report falls within ten days of the filing deadline" of the election report. § 1059(D).

FN13. § 1056–B(2).

FN14. *Id.*

FN15. § 1059(2)(E).

FN16. § 1056–B(4).

FN17. *Id.*

FN18. § 1056–B(1); 21–A M.R.S.A. § 1061.

The Commission is charged with administering Maine's campaign finance laws, including those governing ballot question committees.[FN19] The Commission provides a written explanation of the filing requirements on its website, and its staff is available to provide advice to ballot question committees.[FN20] Voters and the press can view the information contained in ballot question committees' registration and campaign finance reports on the Commission's website by clicking on the name of a ballot question committee.[FN21]

FN19. DSMF ¶ 91; Pls.' Opposing SMF ¶ 91.

FN20. DSMF ¶¶ 95–99; Pls.' Opposing SMF ¶¶ 95–99. In June 2008, the Commission adopted guidance that it posted on its website for ballot question committees concerning reporting requirements. DSMF ¶ 101; Pls.' Opposing SMF ¶ 101. *See* ME. COMM'N ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES, GUIDANCE ON REPORTING AS A BALLOT QUESTION COMMITTEE, , http:// www. maine. gov/ ethics/ bqcs/ guidance. htm (adopted on July 27, 2008) [hereinafter GUIDANCE ON REPORTING].

FN21. DSMF ¶¶ 129–130; Pls.' Opposing SMF ¶¶ 129–130.

The Commission also has an enforcement role.[FN22] Failure to register as a ballot question committee is punishable by a $250 fine.[FN23] The Commission may also assess a civil penalty for failure to file a required report.[FN24] The maximum penalty for failure to file a report required under section 1056–B or section 1059 is $10,000.[FN25] A person who fails to file a report as required within 30 days of the filing deadline is guilty of a Class E Crime.[FN26] The State may not, however, prosecute a violation of the filing requirements if the Commission has assessed and collected a civil penalty.[FN27]

FN22. DSMF ¶ 105; Pls.' Opposing SMF ¶ 105.

FN23. 21–A M.R.S.A. § 1062–A(1).

FN24. § 1062–A(8–A).

FN25. *Id.*

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FN26. § 1062–A(8).

FN27. *Id.*

B. NOM, APIA, and Ballot Question 1

In November 2009, Maine voters were asked to vote on a ballot question, Question 1, to overturn recent legislation authorizing same-sex marriage in Maine.[FN28] The plaintiffs National Organization for Marriage ("NOM") and American Principles in Action ("APIA") supported the ballot question. The defendants are the Maine officials who implement and enforce Maine's election laws. The case is presented on cross-motions for summary judgment. For the most part, there are no material factual disputes. In any situation where there appears to be a dispute, I have credited the plaintiffs' version of the facts.

FN28. Question 1: People's Veto (2009).

NOM is a non-profit corporation organized under Virginia law.[FN29] Its corporate purpose as stated in its articles of incorporation is "to promote the importance of preserving marriage as the union of one husband and one wife" and "to advocate for policies that will preserve the historic definition of marriage and the natural family*43 that springs therefrom." [FN30] Consistent with its purpose, NOM raises funds to fight gay marriage throughout the country.[FN31]

FN29. Pl.' Statement of Material Facts ("PSMF") ¶ 3 (Docket Item 139); Defs. Opposing Statement of Material Facts ("Defs.' Opposing SMF") ¶ 3 (Docket Item 177).

FN30. PSMF ¶ 5; Defs.' Opposing SMF ¶ 5.

FN31. DSMF ¶¶ 57–68; Pls.' Opposing SMF ¶¶ 57–68. For a description of NOM's activities outside of Maine, *see Nat'l Org. for Marriage v. McKee,* 723 F.Supp.2d 245, 250–51 (D.Me.2010).

In 2009, NOM contributed approximately $1.9 million (out of total 2009 expenditures of roughly $8 million), to Stand for Marriage Maine ("SMM"), a registered Political Action Committee promoting a "Yes" answer on Question 1. [FN32] According to a newsletter that NOM sent its members, NOM was "the largest contributor to the Yes on 1 effort in Maine." [FN33] NOM's Executive Director, Brian S. Brown, also served on the Executive Committee of SMM and helped raise funds for both NOM and SMM.[FN34]

FN32. DSMF ¶ 8; Pls.' Opposing SMF ¶ 8.

FN33. DSMF ¶ 16; Pls.' Opposing SMF ¶ 16; NOM Newsletter dated November 6, 2009 (Ex. 2 to Defs.' Third Mot. for Prelim. Inj. (Docket Item 127–2)).

FN34. DSMF ¶¶ 11, 13; Pls.' Opposing SMF ¶¶ 11, 13.

Between May 6, 2009 and November 3, 2009, NOM distributed e-mails to its subscribers providing news updates regarding same-sex marriage in Maine and other states.[FN35] These e-mails included solicitations for funds "to start the referendum process immediately when the law [authorizing same sex marriage] is signed, ensuring that the measure does not take effect before the people of Maine have had their say," to "defend marriage in Maine and across the country," to "fight to protect marriage in Iowa, Maine, and everywhere across this great land," and to "recover the true meaning [of] marriage" in "Maine and our country." [FN36] Each of the e-mails contained a hyperlinked "Donate" button which sent potential donors to the donations screen at a website.[FN37] The donations screen at the website stated that "[n]o funds will be earmarked or reserved for any political purpose." [FN38] NOM received approximately $4,284 in donations as a result of these e-mail solicitations.[FN39]

FN35. PSMF ¶ 9; Defs.' Opposing SMF ¶ 9.

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FN36. DSMF ¶¶ 57, 59, 63, 67; Pls.' Opposing SMF ¶¶ 57, 59, 63, 67.

FN37. PSMF ¶ 10; Defs.' Opposing SMF ¶ 10.

FN38. *Id.*

FN39. DSMF ¶¶ 57–68; Pls.' Opposing SMF ¶¶ 57–68.

NOM contributed approximately $1.2 million to SMM in October 2009.[FN40] In addition to the e-mail solicitations, NOM raised funds by telephone and in-person.[FN41] It also received recurring donations from major donors.[FN42] NOM mentioned the campaign in Maine in conversations with major donors.[FN43] NOM does not, however, solicit or accept designated contributions.[FN44]

FN40. Pls.' Opposing SMF ¶ 24; NOM Dep. at 211 (Docket Item 128).

FN41. NOM Dep. at 276–280.

FN42. *Id.*

FN43. *Id.*

FN44. *Id.*

On August 13 and 24, 2009, Fred Karger of Californians Against Hate sent e-mail correspondence to the Commission requesting that the Commission investigate whether NOM had violated Maine's campaign finance laws by contributing to SMM.[FN45] On August 27, 2009, the Commission *44 invited both SMM and NOM to respond and they did so.[FN46] The Commission considered the evidence and legal argument submitted by NOM and SMM, and, before the November 3, 2009 election, authorized its staff to conduct an investigation into whether NOM had violated Maine law by failing to register and file campaign finance reports as a ballot question committee.[FN47] At oral argument, the Assistant Attorney General told me that the investigation is ongoing.

FN45. PSMF ¶ 12; Defs.' Opposing SMF ¶ 12.

FN46. DSMF ¶¶ 163, 164; Pls.' Opposing SMF ¶¶ 163, 164.

FN47. DSMF ¶ 166 (citing Wayne Aff. ¶ 54 (Docket Item 19)); Pls.' Opposing SMF ¶ 166.

APIA is a non-profit corporation organized under District of Columbia law.[FN48] It is dedicated to promoting equality of opportunity and ordered liberty.[FN49] APIA does not have as its major purpose the initiation, promotion, defeat, or influencing of a Maine ballot question.[FN50] APIA intended to buy television time to broadcast advertisements prior to the November 3, 2009 election.[FN51] It developed two proposed scripts for thirty-second videos.[FN52] The first featured a conversation between a mother and her daughter, in which the girl would say, "Mommy, are you a bigot? ... At school, we learned that people who are against gay marriage are bigots." Her mother would reply, "No, dear. I believe that homosexuals should be treated fairly—but I also believe that marriage should be just for one man and one woman. That doesn't make me a bigot."[FN53] In another proposed video advertisement featuring a boy in kindergarten, a school administrator would say he is "very proud of the new curriculum" that "teach [es] kids to embrace different lifestyles and explore their own sexuality."[FN54] Both of the proposed advertisements would end with a "Vote Yes Graphic."[FN55]

FN48. DSMF ¶ 84; Pls.' Opposing SMF ¶ 84.

FN49. PSMF ¶ 16; Defs.' Opposing SMF ¶ 16.

FN50. PSMF ¶ 17; Defs.' Opposing SMF ¶ 17.

FN51. PSMF ¶ 18; Defs.' Opposing SMF ¶ 18; Second Am. Verified Compl. ¶ 50 (Docket Item 114).

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FN52. *Id.* APIA intended to broadcast the videos on its website and on television. Second Am. Verified Compl. ¶¶ 47, 50.

FN53. PSMF ¶ 19; Defs.' Opposing SMF ¶ 19.

FN54. PSMF ¶ 20; Defs.' Opposing SMF ¶ 20.

FN55. PSMF ¶¶ 19–20; Defs.' Opposing SMF ¶¶ 19–20.

As it turned out, APIA never filmed or aired the video advertisements, nor did it raise funds for the purpose of doing so, because it says it was "chilled from doing so ... by the prospect of having to register as a [ballot question committee] and meet the reporting and other requirements of sections 1056–B and 1059." FN56 But it intends to solicit funds to fight gay marriage "in future elections." FN57

FN56. Second Am. Verified Compl. ¶¶ 50–51; DSMF ¶¶ 89–90; Pls.' Opposing SMF ¶¶ 89–90.

FN57. Second Am. Verified Compl. ¶ 51.

Both plaintiffs contend that Maine's ballot question law violates their free speech and associational rights. FN58

FN58. *Id.* ¶ 52.

ANALYSIS

MOOTNESS AS TO AMERICAN PRINCIPLES IN ACTION ("APIA")

Now that the 2009 ballot is past and APIA ran no advertisements and raised no *45 money to do so, the defendants argue that APIA'S claims are moot. Although in its Second Amended Verified Complaint, APIA alleged that it intended to solicit funds for the cost of advertisements regarding the same-sex marriage question both on the November 2009 ballot "and in future elections," FN59 the defendants maintain that "there is no record evidence that a similar controversy will recur" in the future. FN60

FN59. *Id.* ¶ 51.

FN60. Defs.' Opp'n to Pls.' Mot. for Summ. J. and Cross–Motion for Summ. J. at 11 (Docket Item 176).

[1] In *New Hampshire Right to Life Political Action Committee v. Gardner,* FN61 the First Circuit stated:

FN61. 99 F.3d 8, 18 (1st Cir.1996).

> [C]ases challenging statutes that touch upon the electoral process are *sui generis.* There often is insufficient time to resolve even a promptly filed case before the election is actually held. Mindful of that pitfall, the Supreme Court has tended to treat such challenges as coming within the exception to the mootness doctrine for cases that, though capable of repetition, may evade review.

I conclude that the *New Hampshire Right to Life* principle applies here. APIA has asserted an abiding interest in the same-sex marriage issue, that issue is likely to recur (the 2009 ballot voted same sex marriage down) and, as this case demonstrates, it is difficult to reach the merits of such an issue before the election has come and gone. I conclude that the controversy is not moot as to APIA. FN62

FN62. The defendants do not raise mootness as to NOM, and I would therefore address the constitutional issues regardless.

CONSTITUTIONAL CHALLENGES TO MAINE'S REGISTRATION AND REPORTING REQUIREMENTS FOR BALLOT QUESTION COMMITTEES

A. Standard of Review

[2] Because the Maine ballot question committee registration statute imposes no limits on contributions or expenditures, but only registration and reporting requirements, I ruled in my decision on the plaintiffs' motion for a temporary restraining or-

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der that the "exacting scrutiny" standard applied to their constitutional challenges.[FN63] At the time of that ruling, the caselaw was not uniform, but thereafter in *Citizens United v. Federal Election Commission,* the Supreme Court confirmed that exacting scrutiny is the appropriate standard for reviewing a constitutional challenge to reporting requirements:

> FN63. *Nat'l Org. for Marriage v. McKee,* 666 F.Supp.2d 193, 203–04 (D.Me.2009).

> Disclaimer and disclosure requirements may burden the ability to speak, but they "impose no ceiling on campaign-related activities" and "do not prevent anyone from speaking." The Court has subjected these requirements to "exacting scrutiny," which requires a "substantial relation" between the disclosure requirement and a "sufficiently important" governmental interest.[FN64]

> FN64. *Citizens United v. FEC,* 558 U.S. 310, 130 S.Ct. 876, 914, 175 L.Ed.2d 753 (2010) (citations omitted); *accord Doe v. Reed,* ——U.S. ——, 130 S.Ct. 2811, 2814, 177 L.Ed.2d 493 (2010).

B. Treatment as Political Action Committees

The plaintiffs argue that Maine treats ballot question committees essentially like political action committees (PACs), and ***46** that such treatment is unconstitutional. I adopt here the reasoning that I used in rejecting that challenge in denying the TRO:

> Although the plaintiffs recognize that First Amendment cases consistently hold that states can require disclosure of the source of money spent on ballot questions, they say that Maine has gone too far. The plaintiffs argue that Maine treats them too much like PACs (registration, required treasurer, records maintenance, recurrent reporting), and say that a number of cases have said that states cannot treat issue-only organizations and individuals like PACs. They contend that Maine is entitled to demand only "one-time" disclosure of the contributions and expenditures.

It is true that a number of cases have criticized the PAC-style regulatory model that Maine seems to be approaching, when that regime is applied to those who do not support candidates, but simply take positions on issues, as here. Issue advocacy is the classic heart of First Amendment protection and should be burdened as little as possible. Regulation tends to grow and to develop requirements appropriate for large organizations (like these plaintiffs) and to ignore the burdensome effects on the speech of individuals and small organizations. I reached that very conclusion in *Volle,* a case involving an individual asserting his First Amendment rights. *Volle* provoked the initial version of this legislation in 2000. In response to *Voile,* Maine adopted financial reporting-requirement legislation and did not impose the other layers of regulation. They emerged in only the 2007 amendments.

Nevertheless, I conclude that the plaintiffs cannot show a likelihood of success on their claim.

The registration requirements here are much less burdensome and more narrowly tailored than those I confronted in *Voile.* The person or organization who exceeds the $5,000 threshold must register, identify a treasurer (these corporations already have one; an individual can identify himself), and identify other important actors (if any). All that can be done on a simple 2–page form, with help from the Commission staff. Bureaucratic perhaps, but burdensome not. This is unlike the regime I struck down in *Voile* where, once the monetary threshold was passed, the individual automatically became a political action committee with the attendant requirements to disclose the names, addresses and account numbers of the depositories in which committee funds were kept. Moreover, the State has identified its compelling reason for imposing the registration requirement—namely, to provide important information to Maine voters about the interest groups that are attempting to influence the outcome of a ballot

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question in a climate where the number of ballot questions Maine voters face is steadily increasing.

Recent cases support my conclusion that this is not constitutionally burdensome. In *Alaska Right to Life Committee v. Miles,* the Ninth Circuit considered provisions of Alaska's campaign laws requiring entities to register before spending money to support or oppose a candidate. Alaska's registration form was 2 pages and asked for basic information, including the entity's name and purpose, the names and contact information of its officers, its campaign plans, and banking information if the entity anticipated raising more than $5,000. The court concluded that such requirements were "not significantly burdensome in themselves." Similarly, in *Human Life of Wash., Inc. v. Brumsickle,* *47 registration requirements survived strict scrutiny because they were, in themselves, "not particularly onerous," and incorporated $5,000 contribution and expenditure threshold requirements that avoided "unduly burdening the smaller or less active organizations that might be more likely to self-censor their speech rather than comply with the state's requirements."

I also conclude that the plaintiffs cannot show a likelihood of success on their challenge to Maine's recurrent reporting requirement. Maine's compelling interest in ensuring that the electorate knows who is financially supporting the views expressed on a particular ballot question cannot be satisfied by one-time reporting. Instead, Maine is entitled to conclude that its electorate needs to know, *on an ongoing basis,* the source of financial support for those who are taking positions on a ballot initiative. It will not do to say that a one-time disclosure in the week before the election is sufficient. That would not give the opposing viewpoint the opportunity to point out the source of the financing and seek to persuade the electorate that the source of support discounts the message. Here, the Maine statute requires reports on the following schedule: (1) an initial report upon registration as a Ballot Question Committee; (2) quarterly reports on January 15th, April [10]th, July 15th, and October [10]th; (3) certain disclosures about expenditures made close to the election; and (4) a final report. That is an appropriate, not burdensome, schedule. Its predictability makes it easy for the news media to follow and to cover the story for the public, and for opponents to inquire and spread the word as they see patterns develop. The extra reporting requirement for the period immediately preceding the election ensures that people will not avoid disclosure by scheduling their contributions and expenditures late.

Recordkeeping is essential to enforcement. The pace of activities leading up to an election means that careful investigation must often be delayed (as here). The Commission may have a variety of people and organizations to investigate, which takes time. The four-year requirement certainly seems to be at the outer limit, however. It is hard to envision, given election frequency, that a Commission concerned with elections would still be seriously investigating four years after an election. But the plaintiffs have not made any credible argument that if records must be kept for two years, there is a measurable incremental burden in keeping them for four years.[FN65]

FN65. *Nat'l Org. for Marriage,* 666 F.Supp.2d at 206–08 (citations omitted; minor date corrections made in brackets).

[3] Although I performed that analysis in terms of likelihood of success (I found none) on the merits, I reach the same conclusion here on the merits themselves, and I find no overbreadth; the requirements are constitutional, no matter how small the organization. Moreover, the *Human Life of Washington* case that I cited has now been affirmed by the Court of Appeals for the Ninth Circuit.[FN66] I am *48 aware that the Court of Appeals for the Tenth Circuit struck down reporting requirements

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in connection with a non-candidate election in *Sampson v. Buescher*.[FN67] But that case involved a far more intrusive statute with complex requirements and many pages of rules and appendices.[FN68] Once a $200 threshold was reached, it applied to every $20 contribution made to groups of two or more people—in the case before the court, homeowners battling over an annexation proposal.[FN69] The court found "virtually no proper governmental interest in imposing disclosure requirements on ballot-initiative committees that raise and expend so little money."[FN70] This is not a *Sampson* case: here, $5000 is the threshold, and $100 is the reporting amount.[FN71]

FN66. *Human Life of Wash., Inc. v. Brumsickle*, 624 F.3d 990, 1005–06 (9th Cir.2010) ("by revealing information about the contributors to and participants in public discourse and debate, disclosure laws help ensure that voters have the facts they need to evaluate the various messages competing for their attention. This vital provision of information repeatedly has been recognized as a sufficiently important, if not compelling, governmental interest.")

FN67. 625 F.3d 1247, 1249 (10th Cir.2010).

FN68. *Id.* at 1250. There, the Secretary of State's office actually recommended the hiring of an attorney to deal with the complexity. *Id.* at 1260.

FN69. *Id.* at 1249.

FN70. *Id.*

FN71. 21–AM.R.S.A. § 1056–B.

The plaintiffs point to language in *Citizens United* that "PACs are burdensome alternatives; they are expensive to administer and subject to extensive regulations."[FN72] But it is important to remember that *Citizens United* was dealing with whether corporations have First Amendment rights in an election context (*Citizens United* concluded that they do) and to read the Court's immediately preceding language, namely:

FN72. 558 U.S. 310, 130 S.Ct. 876, 897, 175 L.Ed.2d 753 (2010).

> Section 441b is a ban on corporate speech notwithstanding the fact that a PAC created by a corporation can still speak. A PAC is a separate association from the corporation. So the PAC exemption from § 441b's expenditure ban, § 441b(b)(2), does not allow corporations to speak. Even if a PAC could somehow allow a corporation to speak—and it does not—the option to form PACs does not alleviate the First Amendment problems with § 441b.[FN73]

FN73. *Id.* (citations omitted).

In other words, the Supreme Court was explaining that prohibiting a corporation from speech while allowing it to establish a PAC as an alternative did not alter the fact that the statute prohibited corporations from speaking directly. That is not at all the situation here. I conclude that the plaintiffs' constitutional challenge on this aspect fails.

C. The Major Purpose Requirement

[4] With respect to the plaintiffs' argument that Maine's statute is unconstitutional because it is not limited to so-called "major purpose PACs," I repeat what I said in denying their request for a TRO:

> The plaintiffs assert that Section 1056–B is unconstitutional because it imposes PAC-style requirements on them even though neither organization has as its major purpose the initiation, promotion, or defeat of a ballot measure. They claim that "to protect [the right of freedom of association] and to assure that registration requirements do not chill core political speech, *Buckley v. Valeo* established the 'major purpose' test, which is used to determine whether a particular group must register as a political committee under fed-

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eral election law." They say that "[t]he purpose of the test is to reduce the burden on First Amendment speech by groups that are only incidentally involved in advocating the election or defeat of a candidate." They argue that the major *49 purpose test should apply to void the application of Maine's PAC-like registration requirements to them, because passage or defeat of the ballot measure is *not* their major purpose.

Buckley did hold that only entities "under the control of a candidate or the major purpose of which is the nomination or election of a candidate" could be regulated as political committees under the Federal Election Campaign Act of 1971. The Supreme Court thereby sought to reduce FECA's burden on First Amendment political speech by groups that are only incidentally involved in advocating the election or defeat of a candidate. The Court distinguished general political debate from expression directed at the election of candidates. But although the *Buckley* Court found that the major purpose test alleviated its overbreadth concerns in that context of federal regulation of candidate elections, the Supreme Court has never suggested that the major purpose test applies everywhere—as, for example, in this case involving state regulation of ballot questions only. Federal ballots, unlike state ballots, *only* have candidate elections, and that is all that the FECA could legitimately regulate. It made sense, therefore, for *Buckley* to distinguish general issue advocacy and to protect it, under the First Amendment, from regulation directed at candidate elections and, in doing so, to limit the federal regulation of political committees to committees that were candidate-controlled or whose major purpose was the nomination or election of a candidate. The plaintiffs urge me to import the major purpose test into this quite different area of state regulation of ballot questions where there are *no* candidates and where the entire focus is on disclosing who is behind the funding of a particular issue on which the electorate will be voting. They give me no reason for doing so. Instead, I observe that the Supreme Court has permitted certain kinds of state regulation in such cases ..., without referring to the major purpose test. Accordingly, I assess the state interest and the burdens on speech as to each of the challenged requirements, applying the level of scrutiny identified in *Davis,* without imposing a separate "major purpose" test. I do not find that the Maine statute's PAC-style reporting requirements are overbroad simply because they are imposed on organizations whose major purpose is not the promotion or defeat of a ballot initiative in Maine.[FN74]

FN74. *Nat'l Org. for Marriage v. McKee,* 666 F.Supp.2d 193, 208–210 (D.Me.2009) (citations omitted). In *Human Life of Washington, Inc. v. Brumsickle,* 624 F.3d 990, 1009 (9th Cir.2010), the Ninth Circuit ruled that there is no requirement that regulation be limited to organizations where political advocacy is "the" major purpose. In that case, the Ninth Circuit upheld a state law that required only that it be "a" major purpose, specifically stating that it was not deciding whether even that limitation ("a" major purpose) was constitutionally required. *Id.* at 1009–1010.

In my bench trial decision on NOM's challenge to the definition of when an organization becomes a "political action committee," I added that no Supreme Court case has applied the "major-purpose test" to state regulations, that "the Supreme Court has clarified that [this] part of *Buckley* ... involved an 'intermediate step of statutory construction on the way to its constitutional holding,' not 'a constitutional test,' " and that applying it to state regulations would yield "perverse results."[FN75] Those comments apply here as well.[FN76]

FN75. *Nat'l Org. for Marriage v. McKee,* 723 F.Supp.2d 245, 264 (D.Me.2010) (quoting *FEC v. Wis. Right to Life, Inc.* 551 U.S. 449, 474 n. 7, 127 S.Ct. 2652, 168 L.Ed.2d 329 (2007)).

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FN76. In their reply brief, the plaintiffs intimate that there is unconstitutional overbreadth because "[o]rganization-based reporting and registration ... affects the entire organization and its activities in all fifty states...." Resp./Reply in Support of Pls.' Mot. for Summ. J. and in Opp'n to Defs.' Cross–Mot. for Summ. J. [hereinafter Pls.' Reply] at 7 (Docket Item 198). I see no unconstitutional overbreadth, however. This is only a reporting requirement, and it is legitimate for the Commission to require organization-wide reporting so that it can assess the legitimacy of how the organization reports its information.

50** ***D. Vagueness and Overbreadth

At oral argument on January 24, 2011, the plaintiffs narrowed their vagueness and overbreadth challenge to subsections B and C of section 1056. Those subsections identify certain contributions that count for reporting requirements as follows:

> B. Funds provided in response to a solicitation that would lead the contributor to believe that the funds would be used specifically for the purpose of initiating, promoting, defeating or influencing in any way a campaign;
>
> C. Funds that can reasonably be determined to have been provided by the contributor for the purpose of initiating, promoting, defeating or influencing in any way a campaign when viewed in the context of the contribution and the recipient's activities regarding a campaign.[FN77]

FN77. 21–A M.R.S.A. § 1056–B(2–A). In my Order on the TRO, I declined to address the phrase "not limited to" in § 1056–B(2–A) because neither party addressed the phrase and the Commission had not tried to enlarge the definitions in its regulatory materials. *Nat'l Org. for Marriage,* 666 F.Supp.2d at 210 n. 99. That remains the case at this stage of the proceedings.

[5][6][7] A statute is unconstitutionally vague if it " 'fails to provide a person of ordinary intelligence fair notice of what is prohibited, or is so standardless that it authorizes or encourages seriously discriminatory enforcement.' " [FN78] I repeat what I said in my Order on the TRO explaining why there is no vagueness in subsection B:

FN78. *Holder v. Humanitarian Law Project,* —— U.S. ——, 130 S.Ct. 2705, 2718, 177 L.Ed.2d 355 (2010) (quoting *United States v. Williams,* 553 U.S. 285, 304, 128 S.Ct. 1830, 170 L.Ed.2d 650 (2008)). In my bench trial decision, I read *Holder* as identifying how to treat a vagueness challenge, even in the case of protected speech. *Nat'l Org. for Marriage,* 723 F.Supp.2d at 259 ("if the speech [of the plaintiff] is 'clearly proscribed,' then there is no successful *vagueness* claim") (citation omitted). The plaintiffs disagree with that reading of *Holder,* arguing that in *Holder* the plaintiffs had made only a Fifth Amendment due process challenge to vagueness, not a First Amendment vagueness challenge, and that *Holder* is not a precedent for a First Amendment vagueness challenge. Pls.' Reply at 11–12. The Second and Eleventh Circuits seem to read *Holder* the way I read it. *United States v. Farhane,* Nos. 07–1968, 07–5531, 634 F.3d 127, 181–83 n. 9, 2011 WL 338054, at *46 n. 9, 2011 U.S.App. LEXIS 2201, at *23 n. 9 (2d Cir. Feb. 4, 2011) (*Holder* "expressed a preference for as-applied review even where First Amendment rights are implicated."); *United States v. Di Pietro,* 615 F.3d 1369, 1372 (11th Cir.2010) (*Holder* clarified that vagueness claims must be evaluated as-applied, even for challenges that implicate the First Amendment). In any event, whether the analysis is under the First Amendment and

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> allows a facial challenge, or under Fourteenth Amendment due process, the outcome is the same.

The plaintiffs argue that they cannot know what was in their contributors' minds. But the definition here is an objective standard tied to what the *plaintiffs* said in obtaining the funds, and they are in control of what they say. If their solicitation "would lead the contributor to believe that the funds would be used specifically for the purpose of ***51** initiating, promoting, defeating or influencing in any way a ballot question," then it is proper to conclude that the resulting gift was for such a purpose. That is the ordinary way in which language and communication work. Any other answer would allow the solicitor to propose all the relevant limitations and conditions in the solicitation, then argue unfairly that the resulting gift that did not expressly repeat those limitations and conditions could not be characterized as to purpose.[FN79]

> FN79. *Nat'l Org. for Marriage v. McKee*, 666 F.Supp.2d at 211.

My analysis of vagueness for subsection C still applies as well:

> Identifying the meaning of subsection C is somewhat more difficult, and even the defendants' lawyer had trouble at the hearing specifying what contributions subsection C would cover that are not already within subsections A and B. Subsection A covers contributions that are "earmarked" specifically for a ballot purpose. Subsection B covers contributions that are not themselves "earmarked," but are in response to solicitations that make clear that the funds will be used for a ballot purpose, and thus are "earmarked" because the solicitor established that premise for the contribution. Subsection C seeks to cover still other contributions. Presumably the statute's drafters were concerned that those who solicit contributions might find devious ways to avoid coverage by keeping the language of both the solicitation and the donation clean of any suggestion of earmarking, even though everyone knew what was going on. The language that they chose to capture this category is clumsy. But as the plaintiffs agreed at the hearing, the vagueness question is evaluated only from the perspective of the person or organization required to report, and it is perfectly clear to tell them, as this subsection does, that if they reasonably should know from the entire context of what they are doing that a particular contribution is designed to influence a particular ballot, then they should treat it as such.[FN80]

> FN80. *Id.* at 212.

The plaintiffs do make a new vagueness argument. They assert that the exclusion of any "contribution to a political action committee"[FN81] is vague because it is not clear whether the exclusion "is limited to expenditures, or whether it applies also to any solicitation and contribution used to fund such an expenditure."[FN82] I disagree. There is nothing unclear in the phrase "contribution to a political action committee." It means what it says, and nothing in the wording suggests that the exclusion applies to solicitations and receipts to *fund* the contribution. The Commission's published Guidance confirms that interpretation.[FN83]

> FN81. The statute defines a ballot question committee in part as "[a] person not defined as a political action committee who receives contributions or makes expenditures, other than by contribution to a political action committee, aggregating in excess of $5,000 ...." § 1056–B.
>
> FN82. Pls.' Mot. for Summ. J. at 12–13 (Docket Item 138).
>
> FN83. *See* GUIDANCE ON REPORTING, *supra* note 20 ("If an organization solicits and receives contributions for the purpose of influencing a ballot question and gives

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those funds to a PAC, the contributions received by the organization count towards the $5,000 threshold.").

As for overbreadth, according to a recent First Circuit decision:

> ***52** "[T]he overbreadth doctrine permits the facial invalidation of laws that inhibit the exercise of First Amendment rights if the impermissible applications of the law are substantial when 'judged in relation to the statute's plainly legitimate sweep.' " Thus, "[i]n a facial challenge to the overbreadth ... of a law, a court's first task is to determine whether the enactment reaches a substantial amount of constitutionally protected conduct. If it does not, then the overbreadth challenge must fail." The Supreme Court has warned that "[t]he overbreadth doctrine is 'strong medicine' that is used 'sparingly and only as a last resort.' " FN84

> FN84. *URI Student Senate v. Town of Narragansett,* No. 10–1209, 631 F.3d 1, 8, 2011 WL 17610, at *8, 2011 U.S.App. LEXIS 141, at *22–23 (1st Cir. Jan. 5, 2011) (citations omitted).

There is nothing in B or C that falls under the overbreadth doctrine.

E. The $100 Reporting Threshold

[8] Nothing has changed since I concluded that the plaintiffs could not show even a likelihood of success on the merits of their challenge to the requirement that all contributions over $100 be reported. I therefore repeat what I said then:

> Once a person or entity reaches the $5,000 (more than) threshold, it must report each expenditure to, and each contribution, from a single source if, in aggregate, they exceed $100. The plaintiffs say that the $100 limit is not narrowly tailored to Maine's interest in providing voters with information about who supports a proposition. They contend that information about small, individual donors has "little, if any" value to voters and that, therefore, disclosure of small donors' names, addresses, occupations, and employers is a burden wholly out of proportion to the state's interest.

I disagree. *Buckley* held that disclosure of contributions to candidates can help "voters to define more of the candidates' constituencies." *Buckley*'s logic holds here. As the Ninth Circuit explained in *Getman,* "[k]nowing which interested parties back or oppose a ballot measure is critical, especially when one considers that ballot-measure language is typically confusing, and the long-term policy ramifications of the ballot measure are often unknown. At least by knowing who backs or opposes a given initiative, voters will have a pretty good idea of who stands to benefit from the legislation." The public has an interest in knowing, for example, that a ballot measure has been supported by a multitude of gifts, even small gifts, from a particular state or from a specific profession. Such information could be crucial in the context of ballot measures involving public works projects or regulatory reform. The issue is thus not whether voters clamor for information about each "Hank Jones" who gave $100 to support an initiative. Rather, the issue is whether the "cumulative effect of disclosure ensures that the electorate will have access to information regarding the driving forces backing and opposing each bill." Like the *Protectmarriage.com* court, I conclude that the state's interest to provide this information to voters is "not only compelling but critical" to the proper functioning of the system of direct democracy. The $100 threshold in § 1056–B is narrowly tailored to the state's interest. It protects from public disclosure those small donors who offer a campaign de minimis support, and focuses voters on those backers of a measure most likely to represent the referendum's constituency. Under *Buckley,* I cannot require the ***53** Maine legislature to show that it has chosen the "highest reasonable threshold." The precise threshold required to trigger disclos-

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ure "is necessarily a judgmental decision, best left in the context of this complex legislation" to the Maine legislature. It is not apparent to me that the $100 threshold is "wholly without rationality." Instead, the threshold is substantially related to Maine's compelling interest in informing voters and narrowly tailored to avoid unnecessary impositions on associational rights.[FN85]

FN85. *Nat'l Org. for Marriage v. McKee,* 666 F.Supp.2d 193, 212–13 (D.Me.2009) (citations omitted). Thus, as I said earlier in text, Maine's statute is unlike the statute struck down in *Sampson,* which applied to every $20 contribution after a $200 threshold was reached. *See Sampson v. Buescher,* 625 F.3d 1247, 1249 (10th Cir.2010).

In denying the TRO, I said that "the plaintiffs have not made a colorable claim that their First Amendment rights of free association are threatened by harassment that might follow disclosure." *Nat'l Org. for Marriage,* 666 F.Supp.2d at 206 n. 74. Now at summary judgment but only in their Reply Memorandum, they argue that technological developments making disclosure records easily searchable and capable of being combined with other identifying information "increase [ ] the potential for harassment, including 'economic or official retaliation [or] social ostracism,' that disclosure can bring." Pls.' Reply at 15–17 (citation omitted). That still is not enough.

CONCLUSION [FN86]

FN86. To the extent that the plaintiffs challenge the use of the verb "influence," *see* Pls.' Reply at 10–11, the concerns that troubled me in the bench trial decision, *Nat'l Org. for Marriage v. McKee,* 723 F.Supp.2d 245, 260–61 (D.Me.2010), are inapplicable here. There the concern was that the term "influence" in the context of candidate elections was vague and would unconstitutionally mix express advocacy for the election or defeat of a candidate with issue advocacy. *Id.* For state ballot question committees, however, only issue advocacy is involved, and there is no vagueness. Moreover, the Commission has interpreted the term to mean "communications and activities which expressly advocate for or against a ballot question or which clearly identify a ballot question by apparent and unambiguous reference and are susceptible of no reasonable interpretation other than to promote or oppose the ballot question." GUIDANCE ON REPORTING, *supra* note 20.

For the reasons stated, I conclude that summary judgment should be entered for the defendants and against the plaintiffs.

SO ORDERED.

D.Me.,2011.
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Analysis
As of: Sep 26, 2012

NATIONAL ORGANIZATION FOR MARRIAGE, INC., and AMERICAN PRINCIPLES IN ACTION, INC., Plaintiffs, Appellants, v. WALTER F. McKEE, et al., Defendants, Appellees.

No. 11-1196

UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT

669 F.3d 34; 2012 U.S. App. LEXIS 1770

January 31, 2012, Decided

PRIOR HISTORY: [**1]

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MAINE. Hon. D. Brock Hornby, U.S. District Judge.

Nat'l Org. for Marriage & Am. Principles in Action v. McKee, 765 F. Supp. 2d 38, 2011 U.S. Dist. LEXIS 16838 (D. Me., 2011)

CASE SUMMARY:

PROCEDURAL POSTURE: Appellants, advocacy organizations, challenged the constitutionality of Me. Rev. Stat. Ann. tit. 21-A, § 1056-B, a law regulating ballot question committees, claiming that it was vague and overbroad in violation of the First and Fourteenth Amendments. The U.S. District Court for the District of Maine granted summary judgment to defendant attorney general and others. Appellants timely appealed.

OVERVIEW: Section 1056-B was consistent with the First Amendment because its modest disclosure and reporting requirements were substantially related to Maine's interest in disseminating information about political funding to the electorate. The statute was not overbroad in violation of the First Amendment. Nor were the statute's definitions of "contribution" unconstitutionally vague in violation of due process. Organizations like appellants could be fairly required to determine whether a reasonable listener would understand their advocacy as an invitation to contribute to a specific ballot question campaign. Appellants demonstrated no circumstances in which § 1056-B(2-A)(B) failed to provide them fair warning of its reach. Appellants also failed to demonstrate that § 1056-B(2-A)(C) was unconstitutionally vague as applied to any of their actual or anticipated contributions. The court could see no constitutional problem with expecting entities like appellants to make pragmatic, objective judgments about the nature of the contributions they received where their own conduct and communications were the primary elements in the determination.

OUTCOME: The court affirmed the judgment of the district court.

COUNSEL: James Bopp, Jr., with whom Stephen C. Whiting, The Whiting Law Firm, Randy Elf, Jeffrey A. Gallant, Josiah S. Neeley, and James Madison Center for Free Speech were on brief, for appellants.

Thomas A. Knowlton, Assistant Attorney General, with whom Phyllis Gardiner, Assistant Attorney General, was on brief, for appellees.

Mary L. Bonauto, Catherine R. Connors, and Pierce Atwood LLP on brief for Amicus Gay & Lesbian Advocates & Defenders.

JUDGES: Before Boudin, Selya, and Lipez, Circuit Judges.

OPINION BY: LIPEZ

OPINION

[*36] LIPEZ, Circuit Judge. This appeal presents the second chapter of a lawsuit challenging the constitutionality **[*37]** of Maine laws imposing registration and disclosure requirements on entities that finance election-related advocacy. In a recent decision, we rejected claims made by one of the appellants here, the National Organization for Marriage ("NOM"), asserting that Maine's laws regulating political action committees ("PACs") are unconstitutionally vague and overbroad in violation of the First and Fourteenth Amendments. See NOM v. McKee, 649 F.3d 34 (1st Cir. 2011) ("NOM I"). We now consider **[**2]** similar contentions raised by NOM and co-appellant American Principles in Action, Inc. ("APIA") concerning the law applicable to ballot question committees ("BQCs"). See Me. Rev. Stat. Ann. tit. 21-A, § 1056-B. Our decision in NOM I effectively disposes of most of appellants' challenges to Maine's BQC requirements. On the only substantively distinct issue -- the constitutionality of the definition of "contribution" in section 1056-B -- we conclude that the BQC law, like the PAC laws, is constitutional. We thus affirm in its entirety the district court's grant of summary judgment for the defendants.

I.

A. The BQC Law: Section 1056-B

Maine's BQC law, section 1056-B, imposes disclosure and reporting requirements on certain individuals and organizations that "receive[] contributions or make[] expenditures," other than through PACs, "for the purpose of initiating or influencing a [ballot-measure] campaign." See Me. Rev. Stat. Ann. tit. 21-A, § 1056-B.[1] Individuals and groups who receive or make aggregate contributions or expenditures in excess of $5,000 for such a purpose are required to file periodic reports with the Commission on Governmental Ethics and Election Practices ("Commission"). Id. **[**3]** §§ 1001(1), 1056-B. They must register with the Commission as a BQC within seven days of reaching the $5,000 threshold, and the information provided on the registration form "must include specification of a treasurer for the committee, any other principal officers and all individuals who are the primary fund-raisers and decision makers for the committee." Id. § 1056-B. The statute requires BQCs to report contributions from, and expenditures to, "a single source aggregating in excess of $100 in any election." Id. § 1056-B(2).

1 The statute was amended in 2010 to substitute the word "campaign" for "ballot question," Me. Pub. Laws 2009, ch. 524, §§ 8-13, and the "purpose of" phrase was streamlined in 2011 by eliminating "promoting" and "defeating" as triggering activities in addition to "initiating" and "influencing," Me. Pub. Laws 2011, ch. 389, § 38. Under Maine law, pending proceedings are not affected by statutory amendments. See Me. Rev. Stat. Ann. tit. 1, § 302. The changes do not in any event affect the outcome of this case, and we follow the district court's lead in using the new language. See Nat'l Org. for Marriage v. McKee, 765 F. Supp. 2d 38, 40 n.3 (D. Me. 2011).

Under section 1056-B(2-A), **[**4]** a contribution is defined to include:

> A. Funds that the contributor specified were given in connection with a campaign;
>
> B. Funds provided in response to a solicitation that would lead the contributor to believe that the funds would be used specifically for the purpose of initiating or influencing a campaign;
>
> C. Funds that can reasonably be determined to have been provided by the contributor for the purpose of initiating or influencing a campaign when viewed in the context of the contribution and the

recipient's activities regarding a campaign; and

D. Funds or transfers from the general treasury of an organization filing a ballot question report.

[*38] Persons or organizations filing reports under section 1056-B must keep detailed records for four years following the election to which the records pertain, including "a detailed account of all contributions made to the filer for the purpose of initiating or influencing a campaign and all expenditures made for those purposes." Id. § 1056-B(4)(A).

B. Procedural Background

Section 1056-B was the original target of a complaint filed by NOM and APIA in October 2009, shortly before an election in which Maine voters were asked in a ballot question whether [**5] a recent law permitting same-sex marriage in Maine should be overturned. NOM is a national nonprofit advocacy organization "dedicated to providing 'organized opposition to same-sex marriage in state legislatures,'" NOM I, 649 F.3d at 48, and it played a substantial role in Maine's same-sex marriage referendum campaign, see Nat'l Org. for Marriage v. McKee, 765 F. Supp. 2d 38, 43 (D. Me. 2011).[2] APIA, also a nonprofit advocacy organization that operates nationwide, is "dedicated to promoting equality of opportunity and ordered liberty." Second Am. Compl. ("Compl."), ¶ 7. Their complaint asserted that section 1056-B should be found unconstitutional on multiple grounds: (1) it imposes substantial burdens on political speech and association without adequate justification, (2) it improperly requires entities to register as BQCs without regard to whether their major purpose is the passage or defeat of a ballot measure, (3) its definition of "contribution" is unconstitutionally vague and overbroad, and (4) the $100 reporting threshold is not narrowly tailored to satisfy any compelling government interest.

2 For clarity, we use NOM's full name in citations to the district court decisions in [**6] this case, reserving the acronym "NOM" for citations to our own opinion.

After the district court denied the plaintiffs' motion for a temporary restraining order, see Nat'l Org. for Marriage v. McKee, 666 F. Supp. 2d 193 (D. Me. 2009), NOM amended the complaint to add claims targeting the constitutionality of Maine's PAC registration, independent expenditure, and attribution and disclaimer laws, NOM I, 649 F.3d at 44. Those additional claims, pursued only by NOM, were resolved by the district court in August 2010, and we reviewed its PAC rulings in our decision in NOM I. Although we describe certain of our NOM I holdings in more detail below, it suffices to say for now that we rejected all of NOM's claims on appeal and upheld the constitutionality of the challenged PAC statutes.[3]

3 The district court had held unconstitutional a regulation governing the timing of disclosures. That ruling was not appealed. See NOM I, 649 F.3d at 41 n.2.

Meanwhile, the parties filed cross-motions for summary judgment on the original claims challenging the BQC law. While the ruling on the PAC claims was pending on appeal, the district court issued a thoughtful decision granting the defendants' motion for summary [**7] judgment on the BQC claims and denying the plaintiffs' parallel motion. See Nat'l Org. for Marriage, 765 F. Supp. 2d at 53.[4] It concluded that: (1) the BQC registration and reporting requirements are not unconstitutionally burdensome and are justified by the State's compelling interest in "provid[ing] important information to Maine voters [*39] about the interest groups that are attempting to influence the outcome of a ballot question," id. at 46; (2) the "major purpose test" adopted by the Supreme Court in the context of federal regulations is inapplicable in "this quite different area of state regulation of ballot questions," id. at 49; (3) the definition of "contribution" is neither vague nor overbroad, id. at 50-52; and (4) the $100 reporting threshold "is substantially related to Maine's compelling interest in informing voters and narrowly tailored to avoid unnecessary impositions on associational rights," id. at 53.

4 The district court had held unconstitutional a regulation governing the timing of disclosures. That ruling was not appealed. See NOM I, 649 F.3d at 41 n.2.

We decided NOM I in the interim between the district court's February ruling on the BQC provision and the parties' [**8] oral argument in this appeal. As we describe in Section II, with the exception of appellants' challenges to the statute's definition of "contribution," our

decision in NOM I largely disposes of appellants' contentions concerning the BQC statute. We thus address those issues only briefly before considering appellants' arguments concerning section 1056-B's definition of "contribution."

II.

A. First Amendment Overbreadth Challenge

Appellants argue that, under Supreme Court precedent, Maine may define an entity as a BQC ? thus triggering what they characterize as the "onerous" requirements of BQC status -- only if the entity is under the control of a candidate for state or local office or has as its "major purpose" the passage or defeat of a ballot measure in Maine.[5] They maintain that section 1056-B is unconstitutionally overbroad because it reaches entities outside that "limited zone of permissible regulation." NOM I, 649 F.3d at 58-59.

> 5 In its February 2011 opinion on the merits, the district court liberally incorporated the relevant analysis from its earlier decision on the motion for a temporary restraining order. See Nat'l Org. for Marriage, 765 F. Supp. 2d at 40. In quoting its merits **[**9]** decision, we choose not to distinguish between new text and portions reproduced verbatim from the earlier ruling and, hence, do not identify the latter with double quotation marks.

This thesis, embracing the first two claims addressed by the district court, is essentially the same argument we rejected in NOM I with respect to similar disclosure and reporting requirements for PACs.[6] As an initial matter in NOM I, we discredited NOM's assertion that its constitutional challenge did not arise from the reporting and disclosure requirements per se, but from the statutory definition of a PAC that determines whether a particular entity is subject to the requirements. We noted that "[i]t is not the designation as a PAC but rather the obligations that attend PAC designation that matter for purposes of First Amendment review." Id. at 56. Thus, we rejected "the claim that PAC status is somehow inherently burdensome apart from the specific requirements it entails." Id. at 58.

> 6 The "major purpose" test has its origins in Buckley v. Valeo, 424 U.S. 1, 96 S. Ct. 612, 46 L. Ed. 2d 659 (1976), where the Supreme Court narrowly read a federal statute defining political committees to encompass only "organizations that are under the control **[**10]** of a candidate or the major purpose of which is the nomination or election of a candidate," id. at 79. Appellants have attempted to adapt the test to apply to ballot question committees.

Turning to the obligations themselves, we concluded that the "exacting scrutiny" **[*40]** standard applied to our review of the statute, rather than the more rigorous strict scrutiny standard. That is so because the provision "do[es] not prohibit, limit, or impose any onerous burdens on speech, but merely require[s] the maintenance and disclosure of certain financial information." Id. at 56. We rejected the relevance of the Buckley "major purpose" test -- as it was merely "an artifact of the Court's construction of a federal statute," id. at 59 -- and concluded that the PAC statute survived exacting scrutiny based on the government's "compelling interest in identifying the speakers behind politically oriented messages," id. at 57, 59.

Our NOM I analysis applies with equal force to our review of the BQC provision. Here, as in NOM I, we reject appellants' attempt to frame their constitutional claim as a challenge to the BQC definition rather than to the reporting and disclosure requirements themselves. Like Maine's **[**11]** PAC laws, section 1056-B "imposes three simple obligations on an entity qualifying as a [BQC]: filing of a registration form disclosing basic information, quarterly reporting of election-related contributions and expenditures, and simple recordkeeping." Id. at 56. No less than in candidate elections, citizens evaluating ballot questions must "rely ever more on a message's source as a proxy for reliability and a barometer of political spin." Id. at 57; see also, e.g., Cal. Pro-Life Council, Inc. v. Getman, 328 F.3d 1088, 1105-06 (9th Cir. 2003) ("'Even more than candidate elections, initiative campaigns have become a money game, where average citizens are subjected to advertising blitzes of distortion and half-truths and are left to figure out for themselves which interest groups pose the greatest threats to their self-interest.'" (quoting David S. Broder, Democracy Derailed: Initiative Campaigns and the Power of Money 18 (2000))). The disclosure of information about the source of political-advocacy funds thus "'enables the electorate to make informed decisions.'" NOM I, 649 F.3d at 57 (quoting Citizens United v. FEC, 130 S. Ct. 876, 916, 175 L. Ed. 2d 753 (2010)).

We agree with the district court that [**12] such transparency is a compelling objective "in a climate where the number of ballot questions Maine voters face is steadily increasing." Nat'l Org. for Marriage, 765 F. Supp. 2d at 46; see also id. at 52 (noting that "'[k]nowing which interested parties back or oppose a ballot measure is critical, especially when one considers that ballot-measure language is typically confusing, and the long-term policy ramifications of the ballot measure are often unknown'" (quoting Getman, 328 F.3d at 1106)). Hence, like the non-major-purpose PAC provision we upheld in NOM I, section 1056-B is consistent with the First Amendment because its modest disclosure and reporting requirements are substantially related to "Maine's interest in disseminating information about political funding to the electorate." NOM I, 649 F.3d at 57.

In so concluding, we reject appellants' argument that our decision in NOM I does not govern this case because the BQC regulation is supported by only a single state interest -- informing the electorate -- while additional interests may justify the regulation of PACs. Our decision in NOM I rested solely on the State's interest in "disseminating information about political funding [**13] to the electorate," id. at 57-58 & n.34 -- an interest equally applicable to the BQC setting.

B. The $100 Reporting Threshold

Given the importance of transparency in the public dialogue about ballot measures, and our decision in NOM I upholding the $100 threshold in Maine's independent [*41] expenditure reporting provision, see id. at 59-61, we can easily reject appellants' challenge to section 1056-B's reporting requirement for contributions from a single source that, in the aggregate, exceed $100.

The applicable inquiry is whether the legislature's judgment to set a $100 reporting threshold is "wholly without rationality." Id. at 60. Our analysis in NOM I confirms that it is not, see id. at 59-61, and the district court's clear articulation reveals why the $100 threshold is narrowly tailored to meet Maine's compelling interest in informing voters:

> The public has an interest in knowing . . . that a ballot measure has been supported by a multitude of gifts, even small gifts, from a particular state or from a specific profession. Such information could be crucial in the context of ballot measures involving public works projects or regulatory reform. The issue is thus not whether voters clamor [**14] for information about each "Hank Jones" who gave $100 to support an initiative. Rather, the issue is whether the "cumulative effect of disclosure ensures that the electorate will have access to information regarding the driving forces backing and opposing each bill."

Nat'l Org. for Marriage, 765 F. Supp. 2d at 52 (quoting ProtectMarriage.com v. Bowen, 599 F. Supp. 2d 1197, 1211 (E.D. Cal. 2009)). Hence, the $100 threshold survives appellants' constitutional attack.[7]

> 7 The provisions governing "non-major-purpose" PACs are triggered when an entity receives contributions or makes expenditures of more than $5,000 annually "for the purpose of influencing" a candidate's nomination or election. Me. Rev. Stat. Ann. tit. 21-A, § 1052(5)(A)(5). Upon reaching that threshold, the entity must register with the Commission, maintain records of certain expenditures and donor contributions aggregating more than $50, and file quarterly and other reports. Id. §§ 1053, 1057, 1059-60. These requirements parallel those described above for BQCs. Indeed, the district court noted that "plaintiffs argue that Maine treats ballot question committees essentially like political action committees." Nat'l Org. for Marriage, 765 F. Supp. 2d at 45.

C. [15] Due Process Vagueness**

1. The Challenged Language

Appellants assert that two parts of Maine's definition of "contribution" are unconstitutionally vague and that, by extension, the BQC definition relying on that term also is flawed. Specifically, they challenge subsections B and C of section 1056-B's four-part definition of contribution:

> B. Funds provided in response to a solicitation that would lead the contributor to believe that the funds would be used specifically for the purpose of initiating or

influencing a campaign;

> C. Funds that can reasonably be determined to have been provided by the contributor for the purpose of initiating or influencing a campaign when viewed in the context of the contribution and the recipient's activities regarding a campaign . . . .

Me. Rev. Stat. Ann. tit. 21-A, § 1056-B(2-A)(B), (C). Appellants contend that the phrase "for the purpose of . . . influencing" that appears in both subsections is vague, and they also argue that each subsection is flawed by its reliance on a subjective factor (the contributor's belief in subsection B and the contributor's purpose in subsection C). They further challenge the invocation of context in subsection C.

2. Standing

As **[**16]** a threshold matter, defendants assert that NOM and APIA may not bring a Due Process vagueness challenge because they undertook activities clearly covered by the statute. They rely on the Supreme Court's recent decision in Holder v. Humanitarian Law Project, 130 S. Ct. 2705, 177 L. Ed. 2d 355 (2010), where the Court reaffirmed that "[a] plaintiff who engages in some conduct that is clearly proscribed cannot complain of the **[*42]** vagueness of the law as applied to the conduct of others." Id. at 2719 (quoting Hoffman Estates v. Flipside, Hoffman Estates, Inc., 455 U.S. 489, 495, 102 S. Ct. 1186, 71 L. Ed. 2d 362 (1982) (alteration in original)). The principle extends to the First Amendment context, even though "a heightened vagueness standard applies." Id.

It is undisputed that NOM received contributions clearly governed by section 1056-B and that APIA stated its intention to solicit such contributions. Appellants' complaint lists thirteen emails distributed by NOM between May and September 2009, most of which referenced the Maine referendum effort and some of which explicitly requested donations to help in the fight against same-sex marriage in Maine and elsewhere. See Compl., ¶¶ 26-38; see also Nat'l Org. for Marriage, 666 F. Supp. 2d at 211 [**17] (reproducing portions of seven of the emails).[8] The complaint also states that APIA intended to solicit donations to defray the cost of running two television ads opposing gay marriage "during the current election cycle and in future elections." Compl., ¶ 51; see also Nat'l Org. for Marriage, 765 F. Supp. 2d at 44 (describing the proposed APIA broadcast advertisements). Funds generated in response to explicit solicitations clearly would fall within the definitions of "contribution" articulated in subsections B and C of section 1056-B. Requests for donations to support the campaign against same-sex marriage in Maine could only reasonably lead a responding contributor to believe that the money would be used for that purpose (triggering subsection B) and also would reasonably lead the solicitor to conclude that they were given with that purpose in mind (triggering subsection C). Indeed, appellants acknowledge that the contribution definition is not vague as applied to all of their speech.

> 8 Contrary to appellants' assertion, the failure to index the threshold to inflation does not render it faulty. See NOM I, 649 F.3d at 61 (rejecting NOM's challenge to the $100 PAC threshold based on the **[**18]** failure to index and noting that "[n]either we nor the Supreme Court has ever second-guessed a legislative decision not to index a reporting requirement to inflation").

Given the statute's acknowledged clear application to "some" of appellants' activities, defendants are correct insofar as they insist that appellants may not bring a facial vagueness challenge to section 1056-B. See Humanitarian Law Project, 130 S. Ct. at 2719; Parker v. Levy, 417 U.S. 733, 756, 94 S. Ct. 2547, 41 L. Ed. 2d 439 (1974) ("One to whose conduct a statute clearly applies may not successfully challenge it for vagueness."). In this context, however, it does not necessarily follow that the statute's undisputed application to some of appellants' financial dealings means that they cannot succeed with an as-applied vagueness challenge focused on other activities. Section 1056-B's enforcement mechanism is not necessarily triggered when entities engage in one or more instances of financial activity within the scope of the statute. The disclosure and reporting obligations do not attach until contributions or expenditures reach the $5,000 threshold.

Appellants' complaint asserts the incremental importance of each individual contribution:

> 43. Depending **[**19]** on which, if any, of the donations for the above listed emails and newsletters are considered "contributions" for purposes of section

> 1056-B, NOM is either near or has already exceeded the $5,000 threshold for ballot question committee status.
>
> 44. NOM intends to distribute further emails and newsletters mentioning Maine and soliciting donations, which will exceed $5,000, both during the current [*43] election cycle and in future elections. However, NOM fears enforcement under section 1056-B based on any such future activities, as well as for activities already engaged in.

Compl., ¶¶ 43, 44. Hence, if contributions clearly within the statute's scope fall short of the $5,000 mark, appellants theoretically may succeed with as-applied vagueness challenges based on other donations that they fear may bring their covered funds up to $5,000.

Appellants, however, do not address in their brief the vagueness problem with respect to donations received following any specific communication they distributed or proposed. Rather, they assert in conclusory language that subsections B and C of section 1056-B "are unconstitutionally vague as applied to most of Plaintiffs' speech." They make glancing reference [**20] to the content of the emails, noting that "some of NOM's solicitations mentioned Maine," and query whether, as a result of those mentions, donors' knowledge of the Maine ballot measure would be enough to make their donations covered "contributions" and NOM a BQC. They do not explain why they were unable, or would be unable, to link particular contributions received to their advocacy efforts on the Maine referendum, focusing their arguments instead on the language of the statute generally.[9]

> 9 The complaint also lists an article in a NOM newsletter that described the organization's participation in the Maine ballot-measure campaign, and stated: "Your support [for] NOM is critical to the success of this effort." The newsletter included a donation card and a return envelope for donations. Compl., ¶ 40; see also Docket No. 114-4, at 4.

Thus, appellants are not only unable to bring a facial vagueness challenge to section 1056-B, but their failure to develop their as-applied challenges also would allow us to reject those claims summarily if we were so inclined.[10] See Harron v. Town of Franklin, 660 F.3d 531, 535 n.2 (1st Cir. 2011); United States v. Zannino, 895 F.2d 1, 17 (1st Cir. 1990). Given [**21] the importance of the issues raised, however, and the resources expended by all parties in this extensive litigation, we choose to explain why their vagueness contentions would in any event be substantially, if not entirely, unavailing. See Costa-Urena v. Segarra, 590 F.3d 18, 30 (1st Cir. 2009) (noting that "in certain circumstances we have the discretion to overlook waiver by inadequate argument" (citation omitted)); cf. Nat'l Ass'n of Social Workers v. Harwood, 69 F.3d 622, 628 (1st Cir. 1995) (noting that the presence of a constitutional issue is "a factor that favors review notwithstanding . . . procedural default"); In re Two Appeals Arising Out of San Juan Dupont Plaza Hotel Fire Litig., 994 F.2d 956, 961 (1st Cir. 1993) ("To the extent that an issue is one of law rather than fact, can be resolved without doubt on the existing record, and is likely to arise in other cases, an appellate court may, in the interests of justice, choose to overlook a procedural default.").

> 10 Appellants invoke the specific communications they disseminated merely by citing to the paragraphs of their complaint describing NOM's email messages and newsletter article, and APIA's proposed television ads [**22] (i.e., "See A[ppendix] 30-A[ppendix] 36"). The citation includes a parenthetical excepting three of the emails and the newsletter piece from their argument -- presumably the speech that they concede elicited contributions clearly covered by section 1056-B. Two of those three emails are reproduced in section II.C.5.

Indeed, APIA appears to lack standing to bring an as-applied challenge. Its proposed activities - to air broadcast advertising plainly aimed at influencing the ballot question campaign and to raise funds for that purpose - involve expenditures and contributions clearly covered by section 1056-B.

3. Standard of Review

Our task when evaluating a due process vagueness challenge to a statute affecting First Amendment freedoms is "to ensure that persons of ordinary intelligence have 'fair warning' of what [the] law [*44] prohibits," that the law "provide[s] explicit standards for those who apply" it, and that the law "avoid[s] chilling

the exercise of First Amendment rights." NOM I, 649 F.3d at 62 (quoting Grayned v. City of Rockford, 408 U.S. 104, 108-09, 92 S. Ct. 2294, 33 L. Ed. 2d 222 (1972) (internal quotation mark omitted)). Precision is not expected; "[t]he mere fact that a regulation requires interpretation does [**23] not make it vague." Id. (quoting Ridley v. Mass. Bay Transp. Auth., 390 F.3d 65, 93 (1st Cir. 2004)); see also Humanitarian Law Project, 130 S. Ct. at 2719 (noting that, when a law burdens First Amendment rights, "a more stringent vagueness test should apply . . . [b]ut perfect clarity and precise guidance have never been required even of regulations that restrict expressive activity" (quoting Hoffman Estates, 455 U.S. at 499; United States v. Williams, 553 U.S. 285, 304, 128 S. Ct. 1830, 170 L. Ed. 2d 650 (2008) (quoting Ward v. Rock Against Racism, 491 U.S. 781, 794, 109 S. Ct. 2746, 105 L. Ed. 2d 661 (1989)))). The test is whether the statute "prohibits . . . an act in terms so uncertain that persons of average intelligence would have no choice but to guess at its meaning and modes of application." NOM I, 649 F.3d at 62 (quoting United States v. Councilman, 418 F.3d 67, 84 (1st Cir. 2005) (en banc)) (internal quotation marks omitted). Our review is de novo. NOM I, 649 F.3d at 62.

4. "Influencing"

In NOM I, where we faced essentially the same vagueness challenge to the use of the word "influencing" in the PAC provisions, we relied on a narrowing construction adopted by the Commission for section 1056-B - i.e., the provision that is now before us. As we [**24] explained there, the Commission's written Guidance clarifying section 1056-B stated that the various action terms in the then-current version of the provision - "initiating, promoting, defeating or influencing in any way" - applied to

> communications and activities which expressly advocate for or against a ballot question or which clearly identify a ballot question by apparent and unambiguous reference and are susceptible of no reasonable interpretation other than to promote or oppose the ballot question.

NOM I, 649 F.3d at 66 (quoting Me. Comm'n on Governmental Ethics & Election Practices, Guidance on Reporting as a Ballot Question Committee).[11] We held that the PAC provisions' use of the term "influencing," "so limited, is not so vague as to offend due process." Id. at 67. A fortiori, given that the Guidance was generated to clarify section 1056-B, our conclusion there -- that the narrowed formulation "succeeds both in 'provid[ing] explicit standards for those who apply' the provision[] . . . and in ensuring that persons of average intelligence will have reasonable notice of the provision[']s[] coverage" -- applies here as well. Id. (quoting Grayned, 408 U.S. at 108).

> 11 The Guidance provides [**25] answers to a series of questions about the BQC law and is available on the Commission's website at http://www.maine.gov/ethics/bqcs/guidanc e.htm (last visited Jan. 25, 2012). The Guidance has been revised in accordance with the current statutory language and no longer includes the words "promoting" or "defeating" in its explanation.

In their reply brief, appellants assert that the Guidance is unconstitutionally vague because it incorporates the "appeal-to-vote" test, which they claim is itself unconstitutionally vague. We rejected this unfavorable view of the appeal-to-vote test in NOM I. See id. We likewise reject appellants' contention here that the Guidance is unclear because it describes the [*45] regulated conduct, in part, in appeal-to-vote terms -- i.e., communications and activities "susceptible of no reasonable interpretation other than to promote or oppose [a] ballot question." See FEC v. Wis. Right to Life, Inc., 551 U.S. 449, 469-70, 127 S. Ct. 2652, 168 L. Ed. 2d 329 (2007) (articulating the appeal-to-vote test in holding that an advertisement could be regulated without triggering overbreadth concerns if it were "susceptible of no reasonable interpretation other than as an appeal to vote for or against a specific [**26] candidate"). Indeed, as we noted in NOM I, the Supreme Court relied on the appeal-to-vote test in its most recent campaign-finance decision. See NOM I, 649 F.3d at 69 (citing Citizens United, 130 S. Ct. at 889-90); see also Wis. Right to Life, 551 U.S. at 474 n.7 (explaining that the appeal-to-vote formulation meets the "imperative for clarity" in regulation of political speech).

Moreover, as the district court recognized, the phrase "for the purpose of influencing" was of concern in the context of candidate elections because of the possibility that it would be understood to cover issue advocacy as well as express advocacy for the election or defeat of a

candidate. See Nat'l Org. for Marriage, 765 F. Supp. 2d at 53 n.86. "For state ballot question committees, however, only issue advocacy is involved, and there is no vagueness." Id.

5. Subsection B ("Funds provided in response to a solicitation that would lead the contributor to believe that the funds would be used specifically for the purpose of initiating or influencing a campaign")

Appellants assert that subsection B articulates a standard that "focus[es] on what those who hear speech understand," and argue that they cannot know "for **[**27]** sure" whether solicitations "would lead the contributor to believe" that funds would be used for advocacy concerning a ballot measure. They contend that the provision places the speaker "'wholly at the mercy of the varied understanding[s] of [their] hearers,'" which has the impermissible chilling effect of self-censorship. Appellants' Br. at 24 (quoting Buckley, 424 U.S. at 43) (second alteration in original).

As we have explained, a facial vagueness challenge to the statute is unavailable because appellants concede that the contribution definition is not "impermissibly vague in all of its applications." Hoffman Estates, 455 U.S. at 497. Although we have chosen to respond to appellants' as-applied challenge in part, we decline to examine in detail each of the communications listed in appellants' complaint to evaluate the clarity of section 1056-B's application to subsequently received donations. Appellants did not undertake such a particularized analysis, and we are unwilling to excuse the deficiencies in their briefing by developing the argument for them. Instead, we can explain the flaws in their contentions about the statute's constitutionality by reviewing a selection of the NOM **[**28]** emails identified in the complaint.

At least half of NOM's thirteen listed emails paired information about the organization's efforts to overturn the pending Maine law allowing same-sex marriage with explicit requests for financial support - clearly constituting "solicitation[s] that would lead the contributor to believe that the funds [donated] would be used specifically for the purpose of initiating or influencing a campaign." Me. Rev. Stat. Ann. tit. 21-A, § 1056-B(2-A)(B). Among those emails, for example, are two that NOM appears to concede do not raise **[*46]** vagueness problems. The first of those, sent on May 6, 2009, stated:

> Your support today will allow us to start the referendum process immediately when the law is signed, ensuring that the measure does not take effect before the people of Maine have had their say. Can you afford a gift of $35, $50 or $100 today to help stop same-sex marriage not just in Maine, but in New Hampshire, Iowa, and other states as well? Please use this hyperlink to make a secure online donation today.

Docket No. 114-2, at 2-3. NOM estimated that it received approximately $2,469 as a result of this communication. Compl., ¶ 26. The second of the pair, sent on **[**29]** July 10, described efforts "to repeal Maine's hastily enacted gay marriage statute" and stated:

> The National Organization for Marriage worked hard with StandforMarriageMaine [a Maine PAC] to make this happen. But it could not have happened without your help! You are the ones who made this happen . . . and we need you to help secure this victory. Can you help us with $10, $25, or $100 so that Maine - and our country - can recover the true meaning of marriage

Docket No. 114-2, at 14. NOM estimated that this email produced approximately $350 in donations. Compl., ¶ 32.

Two other emails apparently not within NOM's concession present similar messages. An email sent on May 8, 2009 described activities in the District of Columbia, Maine, and New Hampshire and included the following solicitation, in boldface type:

> You can fight back! Can you help defend marriage in Maine and across the country, by donating $5, $10, or even, if God has given you the means, $100 or $500?

Docket No. 114-2, at 4. NOM estimated receiving about $1,055 in donations in response to the email. Compl., ¶ 27. Another email on August 28, 2009, which drew an estimated $395 in donations, described a recent article about NOM executive **[**30]** director Brian Brown and highlighted events in Iowa. The email included the

following sentence: "Help us fight to protect marriage in Iowa, Maine and everywhere across this great land - donate today!" Compl., ¶ 37; Docket No. 114-3, at 12. A reasonable contributor could not help but believe that donations made in response to these and similar solicitations "would be used specifically for the purpose of initiating or influencing a [Maine] campaign." Me. Rev. Stat. Ann. tit. 21-A, § 1056-B(2-A)(B).[12]

> 12 Appellants have not challenged the statute on appeal based on the failure to pro rate contributions among the states mentioned in the solicitations. See Nat'l Org. for Marriage, 666 F. Supp. 2d at 212 (noting that "[t]he clear language of the statute requires reporting the entire amount"). Appellants summarily assert that section 1056-B improperly regulates speech outside Maine, but link that assertion only to the district court's conclusion that Maine may require "organization-wide reporting" so the Commission "can assess the legitimacy of how the organization reports its information." Nat'l Org. for Marriage, 765 F. Supp. 2d at 49 n.76. To the extent appellants claim the statute has improper **[**31]** extraterritorial impact, the argument is undeveloped and, hence, forfeited.

Drawing on the language quoted above from Buckley and noting its repetition in Wisconsin Right to Life, appellants emphasize that a regulation of political speech must focus on the content of the message itself and not on the hearer's understanding. Even if that requirement were categorical - and NOM does not say it is - it would be fulfilled by subsection B. The question asked is whether the words spoken - the "solicitation" - would lead a contributor to believe that the funds will be **[*47]** used to initiate or influence a campaign. The answer does not require an assessment of what any particular contributor actually believed, an inquiry that could turn on the hearer's education, culture, or other background factors. Rather, whether a communication is covered depends on the objectively reasonable meaning of the language of the solicitation; hence, the only relevant hearer is the hypothetical "reasonable person."

We acknowledge, as appellants argue, that a standard may be both objective and vague. As applied to the communications described above, however, there is nothing imprecise about the language or the target of **[**32]** the provision. Subsection A, which is not challenged here, governs contributions that "the contributor specified were given in connection with a campaign" - i.e., earmarked donations. Subsection B governs contributions that, in effect, are earmarked by the solicitor - those that the contributor would understand as intended for use in ballot campaigns because of the solicitor's "earmarking" words. As the district court observed, rejecting subsection B as a lawful complement to subsection A "would allow the solicitor to propose all the relevant limitations and conditions in the solicitation, then argue unfairly that the resulting gift that did not expressly repeat those limitations and conditions could not be characterized as to purpose." Nat'l Org. for Marriage, 765 F. Supp. 2d at 51.

We have no difficulty concluding that organizations like NOM and APIA can be fairly required by Maine law to determine whether a reasonable listener would understand their advocacy as an invitation to contribute to a specific ballot question campaign. The scope of subsection B "may not be clear in every application," Humanitarian Law Project, 130 S. Ct. at 2720, but appellants have identified no circumstances **[**33]** in which they would be unable to recognize contributions that the Commission would deem within the statute's scope based on the perspective of a reasonable contributor. Hence, we reject appellants' argument that subsection B is unconstitutionally vague as applied to them.[13]

> 13 Appellants also appear to argue that the definitions of "contribution" in subsections B and C are overbroad because they extend to donations beyond those expressly earmarked by donors to support or oppose ballot measures. Unsurprisingly, appellants offer no support for the contention that the State may regulate only explicitly earmarked funds. Such a limitation would allow entities to easily evade disclosure requirements by guiding the content of donors' messages, defeating the State's compelling interest in informing voters. See Nat'l Org. for Marriage, 765 F. Supp. 2d at 51. We reject any such argument out of hand.

6. Subsection C ("Funds that can reasonably be determined to have been provided by the contributor for the purpose of initiating or influencing a campaign when viewed in the context of the contribution and the recipient's activities regarding a campaign")

Subsection C triggers somewhat closer examination [**34] because it relies by its terms not only on words spoken by the solicitor or donor, but also on context. In addressing an as-applied challenge to campaign finance regulations, the Supreme Court cautioned lower courts against examining background information where such scrutiny could become "an excuse for discovery or a broader inquiry" that might chill "core political speech." Wis. Right to Life, 551 U.S. at 474, 468.[14] [*48] The Court acknowledged, however, that "basic background information" may be necessary to put a communication in context, and it mentioned the factor of timing -- "such as whether an ad describes a legislative issue that is either currently the subject of legislative scrutiny or likely to be the subject of such scrutiny in the near future" -- as one possibly relevant consideration. Id. at 474 (internal quotation mark omitted).

14 In Wisconsin Right to Life, the Court addressed an as-applied challenge to Section 203 of the Bipartisan Campaign Reform Act of 2002 ("BCRA"), which barred corporations from disseminating communications via broadcast media that targeted voters and named a candidate for federal elected office. 551 U.S. at 455-56. The Court held that the statute was [**35] unconstitutional in its application to three radio and television ads because they constituted issue advocacy rather than campaign speech. In so concluding, the Court held that "the proper standard for an as-applied challenge to [the statute] must be objective, focusing on the substance of the communication rather than amorphous considerations of intent and effect." Id. at 469. The Court then elaborated:

> It must entail minimal if any discovery, to allow parties to resolve disputes quickly without chilling speech through the threat of burdensome litigation. And it must eschew "the open-ended rough-and-tumble of factors," which "invit[es] complex argument in a trial court and a virtually inevitable appeal." In short, it must give the benefit of any doubt to protecting rather than stifling speech.
>
> Id. (quoting Jerome B. Grubart, Inc. v. Great Lakes Dredge & Dock Co., 513 U.S. 527, 547, 115 S. Ct. 1043, 130 L. Ed. 2d 1024 (1995)) (alteration in original) (citations omitted).

Assuming the Supreme Court's caution regarding the use of background facts may be imported from its setting involving a content restriction on speech to this vagueness challenge to a disclosure law, that limitation does not concern us. The language of subsection C [**36] -- though "clumsy," Nat'l Org. for Marriage, 765 F. Supp. 2d at 51 -- is clear enough: it targets contributions that the recipient would reasonably understand to be "for the purpose of initiating or influencing a campaign," Me. Rev. Stat. Ann. tit. 21-A, § 1056-B(2-A)(C), in circumstances where there is no explicit request from the solicitor (covered by subsection B) or express earmarking by the donor (covered by subsection A). The statute does not require inquiry into what the parties in fact understood, avoiding the pitfalls of subjective standards. Cf. Wis. Right to Life, 551 U.S. at 468 ("[A]n intent-based test would chill core political speech by opening the door to a trial on every ad . . . on the theory that the speaker actually intended to affect an election, no matter how compelling the [contrary] indications[.]"). Rather, the statute's applicability turns on an objective assessment of what a reasonable recipient would have concluded, and that assessment necessarily will be based primarily on the recipient's own conduct and communications, i.e., its "activities regarding a campaign."

Here, for example, NOM's list of emails includes one distributed on July 31, 2009 that, according [**37] to the complaint, "focused on events related to same-sex marriage in Maine, and mentioned that 'StandforMarriageMaine.com has turned in an extraordinary 100,000 signatures to overturn gay marriage.'" Compl., ¶ 34. As described in the complaint, this communication did not include an explicit solicitation and, hence, might be thought to fall outside the scope of subsection B's coverage of "[f]unds provided in response to a solicitation."[15] Me. Rev. Stat. Ann. tit. 21-A, § 1056-B(2-A)(B). [*49] Whether or not subsection B applies, subsection C plainly does. In "context" -- i.e., in light of NOM's ongoing role in the effort to overturn the Maine gay marriage law by referendum -- the $255 in donations that NOM attributed to the email could only "reasonably be determined to have been provided by the contributor for the purpose of.

. . influencing" the Maine campaign and similar efforts elsewhere. Id. § 1056-B(2-A)(C); Compl., ¶ 34.

> 15 In fact, however, the full email reproduced in the record contained multiple requests for donations. After noting NOM's efforts in the Maine signature drive, the July 31 email stated:
>
> > [I]t is your financial sacrifices which have made our initial victory possible. When **[**38]** you donate to NOM, you're creating the next round of good news! Can you give $5, $25, or even $100 today to win the next victory for marriage
>
> Docket No. 114-3, at 4. Later in the email, after a paragraph explaining why "Maine is about more than Maine" in the campaign against same-sex marriage, the reader was told that "ordinary people like you can still make a difference! Even a small donation -- maybe a monthly pledge of just $10 -- can help us make your voice heard." Id. In addition, this message, like each of the twelve other emails listed in the complaint, contained a hyperlinked "Donate" button that sent potential donors to the donations screen at NOM's website. Compl., ¶ 39.

Other similarly inexplicit emails in NOM's list would necessarily lead to the same conclusion. To give one more example, NOM distributed a communication on September 4, 2009 stating that "[m]arriage is now officially on the ballot in Maine this November" and that "[m]oney is going to be critical to getting the message out." Compl., ¶ 38; Docket No. 114-3, at 14. The email asked readers to donate to Stand for Marriage Maine. Although we think that a reasonable contributor who sent money to NOM in response to this **[**39]** communication would expect NOM to use the funds to influence the referendum campaign - thus triggering subsection B - subsection C eliminates any doubt that such contributions, even though prompted by an explicit solicitation on behalf of a separate organization, would fall within the scope of section 1056-B. Given NOM's prominent role in the Maine campaign and the urgent tone of the message, NOM reasonably could predict that donations it received as a result of this email would be classified by the Commission as "for the purpose of" influencing the upcoming Maine election.

Moreover, in evaluating any such donations, it is also significant that the relationship between NOM and Stand for Marriage Maine was extremely close during the 2009 campaign. NOM's executive director was a member of Stand for Marriage Maine's executive committee, and he was identified as one of the PAC's "primary decision-makers and fundraisers." Nat'l Org. for Marriage, 666 F. Supp. 2d at 200. NOM provided a total of $1.6 million to the PAC as of October 20, 2009. Id.; see also NOM I, 649 F.3d at 48 (noting that NOM spent $1.8 million in Maine in 2009). Such objective information, along with the timing of the contributions **[**40]** relative to the election, reasonably should inform "the context of the contribution." Me. Rev. Stat. Ann. tit. 21-A, § 1056-B(2-A)(C). Indeed, in keeping with the illustrative permissible background information cited by the Court in Wisconsin Right to Life, timing is a particularly key contextual clue that a contribution should be deemed within the scope of subsection C.

In sum, we see no constitutional problem with expecting entities like appellants to make pragmatic, objective judgments about the nature of the contributions they receive where their own conduct and communications are the primary elements in the determination. Appellants have not demonstrated that subsection C is unconstitutionally vague as applied to any of their actual or anticipated contributions. Hence, as presented here, their vagueness challenge to subsection C fails. Cf. Humanitarian Law Project, 130 S. Ct. at 2720 (noting that "the scope of the . . . statute **[*50]** may not be clear in every application[,] [b]ut the dispositive point here is that the statutory terms are clear in their application to plaintiffs' proposed conduct"). **III.**

For the reasons set forth above, we conclude that section 1056-B satisfies constitutional **[**41]** standards. Appellants have demonstrated no circumstances in which the statute fails to provide them fair warning of its reach. Hence, we reject their due process vagueness claim. The provision's $100 reporting threshold is narrowly tailored to meet Maine's compelling interest in an informed electorate. The statute is not overbroad in violation of the First Amendment. Accordingly, we affirm the judgment of the district court.

So ordered.

CHAPTER 13

CAMPAIGN REPORTS AND FINANCES

SUBCHAPTER I

GENERAL PROVISIONS

21A § 1001. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Commission. "Commission" means the Commission on Governmental Ethics and Election Practices established under Title 1, section 1002.

2. Election. "Election" means any primary, general or special election for state, county or municipal offices as defined in Title 30-A, section 2502, subsection 1.

3. Person. "Person" means an individual, committee, firm, partnership, corporation, association or organization.

21A § 1002. Meetings of commission

1. Meeting schedule. The commission shall meet in Augusta for the purposes of this chapter at least once per month in any year in which primary and general elections are held and every two weeks in the 60 days preceding an election. In the 28 days preceding an election, the commission shall meet in Augusta within one calendar day of the filing of any complaint or question with the commission. Agenda items in the 28 days preceding an election must be decided within 24 hours of the filing unless all parties involved agree otherwise.

2. Telephone meetings. The commission may hold meetings over the telephone if necessary, as long as the commission provides notice to all affected parties in accordance with the rules of the commission and the commission's office remains open for attendance by complainants, witnesses, the press and other members of the public. Notwithstanding Title 1, chapter 13, telephone meetings of the commission are permitted:

A. During the 28 days prior to an election when the commission is required to meet within 24 hours of the filing of any complaint or question with the commission; or

B. To address procedural or logistical issues before a monthly meeting, such as the scheduling of meetings, deadlines for parties' submission of written materials, setting of meeting agenda, requests to postpone or reschedule agenda items, issuing subpoenas for documents or witnesses and recusal of commission members.

3. Other meetings. The commission shall meet at other times on the call of the Secretary of State, the President of the Senate, the Speaker of the House or the chair or a majority of the members of the commission, as long as all members are notified of the time, place and purpose of the meeting at least 24 hours in advance.

4. Office hours before election. The commission office must be open with adequate staff resources available to respond to inquiries and receive complaints from 8 a.m. until at least 5:30 p.m. on the Saturday, Sunday and Monday immediately preceding an election, and from 8 a.m. until at least 8 p.m. on election day.

21A § 1003. Investigations by commission

1. Investigations. The commission may undertake audits and investigations to determine the facts concerning the registration of a candidate, treasurer, political committee or political action committee and contributions by or to and expenditures by a person, candidate, treasurer, political committee or political action committee. For this purpose, the commission may subpoena witnesses and records and take evidence under oath. A person or political action committee that fails to obey the lawful subpoena of the commission or to testify before it under oath must be punished by the Superior Court for contempt upon application by the Attorney General on behalf of the commission.

2. Investigations requested. A person may apply in writing to the commission requesting an investigation concerning the registration of a candidate, treasurer, political committee or political action committee and contributions by or to and expenditures by a person, candidate, treasurer, political committee or political action committee. The commission shall review the application and shall make the investigation if the reasons stated for the request show sufficient grounds for believing that a violation may have occurred.

2-A. Confidentiality. (REPEALED)

3. State Auditor. The State Auditor shall assist the commission in making investigations and in other phases of the commission's duties under this chapter, as requested by the commission, and has all necessary powers to carry out these responsibilities.

3-A. Confidential records. Investigative working papers of the commission are confidential and may not be disclosed to any person except the members and staff of the commission, the subject of the audit or investigation, other entities as necessary for the conduct of an audit or investigation and law enforcement and other agencies for purposes of reporting, investigating or prosecuting a criminal or civil violation. For purposes of this subsection, "investigative working papers" means documents, records and other printed or electronic information in the following limited categories that are acquired, prepared or maintained by the commission during the conduct of an investigation or audit:

A. Financial information not normally available to the public;

B. Information belonging to a party committee, political action committee, ballot question committee, candidate or candidate's authorized committee, that if disclosed, would reveal sensitive political or campaign information;

C. Information or records subject to a privilege against discovery or use as evidence; and

D. Intra-agency or interagency communications related to an audit or investigation.

The commission may disclose investigative working papers, except for the information or records subject to a privilege against discovery or use as evidence, in a final audit or investigation report or determination if the information or record is materially relevant to a finding of fact or violation.

4. Attorney General. Upon the request of the commission, the Attorney General shall aid in any investigation, provide advice, examine any witnesses before the commission or otherwise assist the commission in the performance of its duties. The commission shall refer any apparent violations of this chapter to the Attorney General for prosecution.

21A § 1004. Violations

The violation of any of the following subsections is a Class E crime.

1. Contributions and expenditures. A person, candidate, treasurer, political committee or political action committee may not knowingly make or accept any contribution or make any expenditure in violation of this chapter.

2. False statements. No person, candidate, treasurer or political action committee may make a false statement in any report required by this chapter.

3. Contributions in another's name. No person may make a contribution in the name of another person or knowingly permit his name to be used to accomplish such a contribution, and no person may knowingly accept a contribution made by one person in the name of another person.

4. Registration; political action committees. No political action committee required to be registered under section 1053 may operate in this State unless it is so registered.

21-A § 1004-A. Penalties

The commission may assess the following penalties in addition to the other monetary sanctions authorized in this chapter.

1. Late campaign finance report. A person that files a late campaign finance report containing no contributions or expenditures may be assessed a penalty of no more than $100.

2. Contribution in excess of limitations. A person that accepts or makes a contribution that exceeds the limitations set out in section 1015, subsections 1 and 2 may be assessed a penalty of no more than the amount by which the contribution exceeded the limitation.

3. Contribution in name of another person. A person that makes a contribution in the name of another person, or that knowingly accepts a contribution made by one person in the name of another person, may be assessed a penalty not to exceed $5,000.

4. Substantial misreporting. A person that files a campaign finance report that substantially misreports contributions, expenditures or other campaign activity may be assessed a penalty not to exceed $5,000.

5. Material false statements. A person that makes a material false statement or that makes a statement that includes a material misrepresentation in a document that is required to be submitted to the commission, or that is submitted in response to a request by the commission, may be assessed a penalty not to exceed $5,000.

When the commission has reason to believe that a violation has occurred, the commission shall provide written notice to the candidate, party committee, political action committee, committee treasurer or other respondent and shall afford them an opportunity to appear before the commission before assessing any penalty. In determining any penalty under subsections 3, 4 and 5, the commission shall consider, among other things, the level of intent to mislead, the penalty necessary to deter similar misconduct in the future and the harm suffered by the public from the incorrect disclosure. A final determination by the commission may be appealed to the Superior Court in accordance with Title 5, chapter 375, subchapter 7 and the Maine Rules of Civil Procedure Rule 80C.

Penalties assessed pursuant to this section that have not been paid in full within 30 days after issuance of a notice of the final determination may be enforced in accordance with section 1004-B.

21-A § 1004-B. Enforcement of penalties assessed by the commission

The commission staff shall collect the full amount of any penalty and the return of Maine Clean Election Act funds required by the commission to be returned for a violation of the statutes or rules administered by the commission and has all necessary powers to carry out these duties. Failure to pay the full amount of any penalty assessed by the commission or return of Maine Clean Election Act funds is a civil violation by the candidate, treasurer, party committee, political action committee or other person. Thirty days after issuing the notice of penalty or order for the return of funds, the commission shall report to the Attorney General the name of any person who has failed to pay the full amount of any penalty or to return Maine Clean Election Act funds unless the commission has provided an extended deadline for payment. The Attorney General shall enforce the violation in a civil action to collect the full outstanding amount of the penalty or order for the return of Maine Clean Election Act funds. This action must be brought in the Superior Court for Kennebec County or the District Court, 7th District, Division of Southern Kennebec.

21-A § 1005 Restrictions on commercial use of contributor information

Information concerning contributors contained in campaign finance reports filed by candidates, political action committees and party committees and reports filed under section 1056-B may not be used for any commercial purpose, including, but not limited to, the sales and marketing of products and services, or for solicitations of any kind not directly related to

activities of a political party, so-called "get out the vote" efforts or activities directly related to a campaign as defined in section 1052. Any person obtaining contributor information from the reports is prohibited from selling or distributing it to others to use for commercial purposes and also is prohibited from making publicly available the mailing addresses of contributors. This section does not prohibit a political party, party committee, candidate committee, political action committee or any other organization that has obtained contributor information from the commission from providing access to such information to its members for purposes directly related to party activities, so-called "get out the vote" efforts or a campaign as defined in section 1052. A person who violates this section is subject to a fine of up to $5,000. A person who knowingly violates this section commits a Class E crime.

SUBCHAPTER II

REPORTS ON CAMPAIGNS FOR OFFICE

21A § 1011. Application

This subchapter applies to candidates for all state and county offices and to campaigns for their nomination and election.

Candidates for municipal office as defined in Title 30-A, section 2502, subsection 1 are governed by this subchapter, with the following provisions:

1. Role of the municipal clerk; commission. For candidates for municipal office, the municipal clerk is responsible for any duty assigned to the commission in this subchapter related to the registration of candidates, receipt of reports and distribution of information or forms, unless otherwise provided. Notwithstanding any other deadline set forth in this chapter, candidates must file their reports by the close of business on the filing deadline established for the office of the municipal clerk. The commission retains the sole authority to prescribe the content of all reporting forms.

2. Exemptions. Exemptions for municipal candidates from the reporting requirements of this subchapter are governed by this subsection.

A. At the time a municipal candidate registers under section 1013-A, the candidate may notify the municipal clerk in writing that the candidate will not accept contributions, make expenditures or incur financial obligations associated with that person's candidacy. A candidate who provides this written notice is not required to appoint a treasurer or to meet the filing requirements of this section as long as the candidate complies with the commitment.

B. The notice provided to the municipal clerk in paragraph A may be revoked. A written revocation must be presented to the municipal clerk before the candidate may accept contributions, make expenditures or incur obligations associated with that person's candidacy. A candidate who has filed a notice with the municipal clerk under paragraph A and accepts contributions, makes expenditures or incurs obligations associated with that person's candidacy prior to filing a revocation may be assessed a penalty of $10 for each business day that the revocation is late, up to a maximum of $500. This penalty may be imposed in addition to the penalties assessed under other sections of this Title.

21A § 1012. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. **Clearly identified.** "Clearly identified," with respect to a candidate, means that:

   A. The name of the candidate appears;

   B. A photograph or drawing of the candidate appears; or

   C. The identity of the candidate is apparent by unambiguous reference.

2. **Contribution.** The term "contribution:"

   A. Includes:

   (1) A gift, subscription, loan, advance or deposit of money or anything of value made for the purpose of influencing the nomination or election of any person to state, county or municipal office or for the purpose of liquidating any campaign deficit of a candidate, except that a loan of money to a candidate by a financial institution in this State made in accordance with applicable banking laws and regulations and in the ordinary course of business is not included;

   (2) A contract, promise or agreement, express or implied, whether or not legally enforceable, to make a contribution for such purposes;

   (3) Funds received by a candidate or a political committee that are transferred to the candidate or committee from another political committee or other source; and

   (4) The payment, by any person other than a candidate or a political committee, of compensation for the personal services of other persons that are provided to the candidate or political committee without charge for any such purpose; and

   B. Does not include:

   (1) The value of services provided without compensation by individuals who volunteer a portion or all of their time on behalf of a candidate or political committee;

   (2) The use of real or personal property and the cost of invitations, food and beverages, voluntarily provided by an individual to a candidate in rendering voluntary personal services for candidate-related activities, if the cumulative value of these activities by the individual on behalf of any candidate does not exceed $100 with respect to any election;

   (3) The sale of any food or beverage by a vendor for use in a candidate's campaign at a charge less than the normal comparable charge, if the charge to the candidate is at least equal to the cost of the food or beverages to the vendor and if the cumulative value of the food or beverages does not exceed $100 with respect to any election;

   (4) Any unreimbursed travel expenses incurred and paid for by an individual who volunteers personal services to a candidate, if the cumulative amount of these expenses does not exceed $100 with respect to any election;

   (4-A) Any unreimbursed campaign-related travel expenses incurred and paid for by the candidate or the candidate's spouse or domestic partner;

(5) The payment by a party's state, district, county or municipal committee of the costs of preparation, display or mailing or other distribution of a party candidate listing;

(6) Documents, in printed or electronic form, including party platforms, single copies of issue papers, information pertaining to the requirements of this Title, lists of registered voters and voter identification information, created, obtained or maintained by a political party for the general purpose of party building and provided to a candidate who is a member of that party;

(7) Compensation paid by a state party committee to its employees for the following purposes:

(a) Providing no more than a total of 40 hours of assistance from its employees to a candidate in any election;

(b) Recruiting and overseeing volunteers for campaign activities involving 3 or more candidates; or

(c) Coordinating campaign events involving 3 or more candidates;

(8) Campaign training sessions provided to 3 or more candidates;

(8-A) Costs paid for by a party committee in connection with a campaign event at which 3 or more candidates are present;

(8-B) Wood or other materials used for political signs that are found or contributed if not originally obtained by the candidate or contributor for campaign purposes;

(8-C) The use or distribution of any communication, as described in section 1014, obtained by the candidate for a previous election and fully paid for during that election;

(9) The use of offices, telephones, computers and similar equipment when that use does not result in additional cost to the provider; or

(10) Activity or communication designed to encourage individuals to register to vote or to vote if that activity or communication does not mention a clearly identified candidate.

3. Expenditure. The term "expenditure:"

A. Includes:

(1) A purchase, payment, distribution, loan, advance, deposit or gift of money or anything of value made for the purpose of influencing the nomination or election of any person to political office, except that a loan of money to a candidate by a financial institution in this State made in accordance with applicable banking laws and regulations and in the ordinary course of business is not included;

(2) A contract, promise or agreement, expressed or implied, whether or not legally enforceable, to make any expenditure;

(3) The transfer of funds by a candidate or a political committee to another candidate or political committee; and

(4) A payment or promise of payment to a person contracted with for the purpose of supporting or opposing any candidate, campaign, political committee, political action committee, political party, referendum or initiated petition or circulating an initiated petition; and

B. Does not include:

(1) Any news story, commentary or editorial distributed through the facilities of any broadcasting station, newspaper, magazine or other periodical publication, unless the facilities are owned or controlled by any political party, political committee, candidate, or candidate's immediate family;

(1-A) Any communication distributed through a public access television station if the communication complies with the laws and rules governing the station and all candidates in the race have an equal opportunity to promote their candidacies through the station;

(2) Activity or communication designed to encourage individuals to register to vote or to vote if that activity or communication does not mention a clearly identified candidate;

(3) Any communication by any membership organization or corporation to its members or stockholders, if that membership organization or corporation is not organized primarily for the purpose of influencing the nomination or election of any person to state or county office;

(4) The use of real or personal property and the cost of invitations, food and beverages, voluntarily provided by an individual to a candidate in rendering voluntary personal services for candidate-related activities, if the cumulative value of these activities does not exceed $100 with respect to any election;

(5) Any unreimbursed travel expenses incurred and paid for by an individual who volunteers personal services to a candidate, if the cumulative amount of these expenses does not exceed $100 with respect to any election;

(5-A) Any unreimbursed campaign-related travel expenses incurred and paid for by the candidate or the candidate's spouse or domestic partner;

(6) Any communication by any person that is not made for the purpose of influencing the nomination for election, or election, of any person to state or county office;

(7) The payment by a party's state, district, county or municipal committee of the costs of preparation, display or mailing or other distribution of a party candidate listing;

(8) The use or distribution of any communication, as described in section 1014, obtained by the candidate for a previous election and fully paid for during that election campaign;

(9) Documents, in printed or electronic form, including party platforms, single copies of issue papers, information pertaining to the requirements of this Title, lists of registered voters and voter identification information, created or maintained by a political party for the general purpose of party building and provided to a candidate who is a member of that party;

(10) Compensation paid by a state party committee to its employees for the following purposes:

(a) Providing no more than a total of 40 hours of assistance from its employees to a candidate in any election;

(b) Recruiting and overseeing volunteers for campaign activities involving three (3) or more candidates; or

(c) Coordinating campaign events involving three (3) or more candidates;

(10-A) Costs paid for by a party committee in connection with a campaign event at which three (3) or more candidates are present;

(11) Campaign training sessions provided to three (3) or more candidates;

(11-A) Wood or other materials used for political signs that are found or contributed if not originally obtained by the candidate or contributor for campaign purposes; or

(12) The use of offices, telephones, computers and similar equipment when that use does not result in additional cost to the provider.

4. Exploratory committee. (REPEALED)

5. Party candidate listing. "Party candidate listing" means any communication that meets the following criteria.

A. The communication lists the names of at least three (3) candidates for election to public office.

B. The communication is distributed through public advertising such as broadcast stations, cable television, newspapers and similar media, and through direct mail, telephone, electronic mail, publicly accessible sites on the Internet or personal delivery.

C. The treatment of all candidates in the communication is substantially similar, except for any requirement under federal law applicable to communications regarding federal candidates.

D. The content of the communication is limited to:

(1) The identification of each candidate, with which pictures may be used;

(2) The offices sought;

(3) The offices currently held by the candidates;

(4) The party affiliation of the candidates and a brief statement, including campaign slogans, about the party's or the candidates' positions, philosophy, goals, accomplishments or biographies;

(5) Encouragement to vote for the candidates identified;

(6) Information about voting, such as voting hours and locations; and

(7) Campaign or party logos.

If the communication contains language outside the categories of this paragraph, it does not qualify as a party candidate listing.

21A § 1013. Treasurer; political committees (REPEALED)

21A § 1013-A. Registration

1. Candidates, their treasurers and political committees. A candidate shall register the candidate's name and the name of a treasurer with the commission at least once in each legislative biennium, as provided in this section. A candidate may have only one treasurer, who must be appointed pursuant to paragraph A or B. For purposes of this section, "legislative biennium" means the term of office a person is elected to serve in the Legislature.

A. No later than ten (10) days after becoming a candidate and before accepting contributions, making expenditures or incurring obligations, a candidate for state or county office or a candidate for municipal office who has not filed a written notice in accordance with section 1011, subsection 2, paragraph A. shall appoint a treasurer. The candidate may serve as treasurer, except that a candidate certified in accordance with section 1125 may not serve as treasurer. The candidate may have only one treasurer, who is responsible for the filing of campaign finance reports under this chapter. A candidate shall register the candidate's name and address and the name and address of the treasurer appointed under this section no later than ten (10) days after the appointment of the treasurer. A candidate may accept contributions personally or make or authorize expenditures personally, as long as the candidate reports all contributions and expenditures to the treasurer. The treasurer shall make a consolidated report of all income and expenditures and provide this report to the commission.

(1) A candidate may appoint a deputy treasurer to act in the absence of the treasurer. The deputy treasurer, when acting in the absence of the treasurer, has the same powers and responsibilities as the treasurer. A candidate certified in accordance with section 1125 may not serve as deputy treasurer. When a treasurer dies or resigns, the deputy treasurer may not assume the position of treasurer unless the candidate appoints the deputy treasurer to the position of treasurer. The candidate shall report the name and address of the deputy treasurer to the commission no later than ten (10) days after the deputy treasurer has been appointed.

B. A candidate may authorize one political committee to promote the candidate's election. No later than ten (10) days after appointing a political committee and before accepting contributions, making expenditures or incurring obligations, a candidate for state, county or municipal office shall appoint a treasurer of the political committee. The treasurer of the political committee is responsible for filing campaign finance

reports under this chapter. No later than ten (10) days after appointing a political committee, the candidate shall register with the commission the following information regarding the political committee:

(1) The name of the committee;

(2) The name and address of the committee's treasurer;

(3) The name of the candidate who authorized the committee; and

(4) The names and addresses of the committee's officers.

C. No later than ten (10) days after becoming a candidate, as defined in section 1, subsection 5, a candidate for the office of State House of Representatives or Senate shall file in writing a statement declaring that the candidate agrees to accept voluntary limits on political expenditures or that the candidate does not agree to accept voluntary limits on political expenditures, as specified in section 1015, subsections 7 to 9. A candidate who has filed a declaration of intent to become certified as a candidate under the Maine Clean Election Act is not required to file the written statement required by this paragraph.

The statement filed by a candidate who voluntarily agrees to limit spending must state that the candidate knows the voluntary expenditure limitations as set out in section 1015, subsection 8 and that the candidate is voluntarily agreeing to limit the candidate's political expenditures and those made on behalf of the candidate by the candidate's political committee or committees, the candidate's party and the candidate's immediate family to the amount set by law. The statement must further state that the candidate does not condone and will not solicit any independent expenditures made on behalf of the candidate.

The statement filed by a candidate who does not agree to voluntarily limit political expenditures must state that the candidate does not accept the voluntary expenditure limits as set out in section 1015, subsection 8.

2. Authorized political committees. (REPEALED)

3. Party committees. The state, district and county committees of parties shall submit to the commission the names and addresses of all their officers and of their treasurers and the name and address of the principal paid employee, if any, within 30 days after the appointment, election or hiring of these persons. Municipal committees must file copies of the same information with the commission and the municipal clerk. District, county and municipal committees that provide their state party committees with the information required by this subsection to be submitted to the commission have met that requirement. No later than the 2nd Monday in April of each year in which a general election is scheduled, the state committee of a party shall submit a consolidated report, including the information required under this subsection, for the district, county and municipal committees of that party.

4. Reporting by registered treasurers. Any contribution accepted and any expenditure made or authorized by or on behalf of a candidate registered under this section or qualified under sections 335 and 336 or sections 354 and 355 must be recorded and reported as provided in sections 1016 and 1017.

5. Changes in registration information. Every change in information required by this section to be reported to the commission shall be reported within ten (10) days of the date of the change.

21A § 1013-B. Removal of treasurer; filling vacancy of treasurer; substantiation of records of treasurer; notification to commission

A candidate may remove any treasurer that the candidate has appointed. In case of a vacancy in the position of treasurer of a candidate or treasurer of a political committee before the obligations of the treasurer have been performed, the candidate shall serve as treasurer from the date of the vacancy until the candidate appoints a successor and reports the name and address of the successor to the commission. The candidate shall file a written statement of resignation of a treasurer of a candidate or a treasurer of a political committee and until that statement has been filed, the resignation is not effective. An individual who vacates the position of treasurer by reason of removal or resignation shall certify in writing the accuracy of the treasurer's records to the succeeding treasurer. A succeeding treasurer may not be held responsible for the accuracy of the predecessor's records.

21A § 1014. Publication or distribution of political statements

1. Authorized by candidate. Whenever a person makes an expenditure to finance a communication expressly advocating the election or defeat of a clearly identified candidate through broadcasting stations, newspapers, magazines, campaign signs or other outdoor advertising facilities, publicly accessible sites on the Internet, direct mails or other similar types of general public political advertising or through flyers, handbills, bumper stickers and other nonperiodical publications, the communication, if authorized by a candidate, a candidate's authorized political committee or their agents, must clearly and conspicuously state that the communication has been so authorized and must clearly state the name and address of the person who made or financed the expenditure for the communication. The following forms of political communication do not require the name and address of the person who made or authorized the expenditure for the communication because the name or address would be so small as to be illegible or infeasible: ashtrays, badges and badge holders, balloons, campaign buttons, clothing, coasters, combs, emery boards, envelopes, erasers, glasses, key rings, letter openers, matchbooks, nail files, noisemakers, paper and plastic cups, pencils, pens, plastic tableware, 12-inch or shorter rulers, swizzle sticks, tickets to fund-raisers and similar items determined by the commission to be too small and unnecessary for the disclosures required by this section. A communication financed by a candidate or the candidate's committee is not required to state the address of the candidate or committee that financed the communication. A communication in the form of a sign that clearly identifies the name of the candidate and is lettered or printed individually by hand is not required to include the name and address of the person who made or financed the communication.

2. Not authorized by candidate. If the communication described in subsection 1 is not authorized by a candidate, a candidate's authorized political committee or their agents, the communication must clearly and conspicuously state that the communication is not authorized by any candidate and state the name and address of the person who made or financed the

expenditure for the communication. If the communication is in written form, the communication must contain at the bottom of the communication in 10-point bold print, Times New Roman font, the words "NOT PAID FOR OR AUTHORIZED BY ANY CANDIDATE."

2-A. Communication. Whenever a person makes an expenditure to finance a communication that names or depicts a clearly identified candidate and that is disseminated during the 21 days before a primary election or 35 days before a general election through the media described in subsection 1, the communication must state the name and address of the person who made or financed the communication and a statement that the communication was or was not authorized by the candidate. The disclosure is not required if the communication was not made for the purpose of influencing the candidate's nomination for election or election.

3. Broadcasting prohibited without disclosure. No person operating a broadcasting station within this State may broadcast any communication, as described in subsections 1 to 2-A, without an oral or written visual announcement of the disclosure required by this section.

3-A. In-kind contributions of printed materials. A candidate, political committee or political action committee shall report on the campaign finance report as a contribution to the candidate, political committee or political action committee any contributions of in-kind printed materials to be used in the support of a candidate or in the support or defeat of a ballot question. Any in-kind contributions of printed materials used or distributed by a candidate, political committee or political action committee must include the name or title of that candidate, political committee or political action committee as the authorizing agent for the printing and distribution of the in-kind contribution.

3-B. Newspapers. A newspaper may not publish a communication described in subsections 1 to 2-A, without including the disclosure required by this section. For purposes of this subsection, "newspaper" includes any printed material intended for general circulation or to be read by the general public, including a version of the newspaper displayed on a website owned or operated by the newspaper. When necessary, a newspaper may seek the advice of the commission regarding whether or not the communication requires the disclosure.

4. Enforcement. An expenditure, communication or broadcast made within 20 days before the election to which it relates that results in a violation of this section may result in a civil fine of no more than $200. The person who financed the communication or who committed the violation shall correct the violation within ten (10) days after receiving notification of the violation from the commission. An expenditure, communication or broadcast made more than 20 days before the election that results in a violation of this section may result in a civil fine of no more than $100 if the violation is not corrected within ten (10) days after the person who financed the communication or other person who committed the violation receives notification of the violation from the commission. If the commission determines that a person violated this section with the intent to misrepresent the name or address of the person who made or financed the communication, or whether the communication was or was not authorized by the candidate, the commission may impose a fine of no more than $5,000 against the person responsible for the communication. Enforcement and collection procedures must be in accordance with section 1020-A.

5. Telephone calls. Prerecorded automated telephone calls and scripted live telephone communications that name a clearly identified candidate during the 21 days before a primary election or the 35 days before a general election must clearly state the name of the person who made or financed the expenditure for the communication, except for prerecorded automated telephone calls paid for by the candidate that use the candidate's voice in the telephone call and that are made in support of that candidate. Telephone calls made for the purposes of researching the views of voters are not required to include the disclosure.

21A § 1014-A. Endorsements of political candidates (REPEALED)

21A § 1014-B. Push polling

1. Push poll defined. For purposes of this section, "push poll" means any paid telephone survey or series of telephone surveys that are similar in nature that reference a candidate or group of candidates other than in a basic preference question, and when:

A. A list or directory is used, exclusively or in part, to select respondents belonging to a particular subset or combination of subsets of the population, based on demographic or political characteristics such as race, sex, age, ethnicity, party affiliation or like characteristics;

B. The survey fails to make demographic inquiries on factors such as age, household income or status as a likely voter sufficient to allow for the tabulation of results based on a relevant subset of the population consistent with standard polling industry practices;

C. The pollster or polling organization does not collect or tabulate survey results;

D. The survey prefaces a question regarding support for a candidate on the basis of an untrue statement; and

E. The survey is primarily for the purpose of suppressing or changing the voting position of the call recipient.

"Push poll" does not include any survey supporting a particular candidate that fails to reference another candidate or candidates other than in a basic preference question.

2. Push polls; political telephone solicitations; requirements. Push polling must be conducted in accordance with this subsection.

A. A person may not authorize, commission, conduct or administer a push poll by telephone or telephonic device unless, during each call, the caller identifies the person or organization sponsoring or authorizing the call by stating "This is a paid political advertisement by (name of persons or organizations)," and identifies the organization making the call, if different from the sponsor, by stating "This call is conducted by (name of organization)."

B. If any person identified as either sponsoring or authorizing the call is not required to file any document with election officials pursuant to this Title, a valid, current,

publicly listed telephone number and address for the person or organization must be disclosed during each call.

C. If any person sponsoring or authorizing the call is affiliated with a candidate, the candidate's name and the office sought by that candidate must be disclosed during each call.

D. If the call is an independent expenditure, as defined in section 1019-B, that a candidate has not approved the call must be disclosed during each call.

It is not a violation of this subsection if the respondent voluntarily terminates the call or asks to be called back before the required disclosures are made, unless the respondent is in any way encouraged to do so by the person initiating the call.

A person may not state or imply false or fictitious names or telephone numbers when providing the disclosures required under this subsection.

All oral disclosures required by this subsection must be made in a clear and intelligible manner and must be repeated in that fashion upon request of the call respondent. Disclosures made by any telephonic device must offer respondents a procedure to have the disclosures repeated.

This subsection does not apply to a push poll or political telephone solicitation or contact if the individuals participating in the call know each other prior to the call.

A person who violates this subsection may be assessed a forfeiture of $500 by the commission.

3. Registered agents; requirements; registration. Persons conducting push polling shall register and comply with the requirements of this subsection.

A. A person who conducts a paid push poll or political telephone solicitation or contact, prior to conducting that poll, solicitation or contact, must have and continuously maintain for at least 180 days following the cessation of business activities in this State a designated agent for the purpose of service of process, notice or demand required or permitted by law, and shall file with the commission identification of that designated agent. Conducting business in this State includes both placing telephone calls from a location in this State and calls from other states or nations to individuals located within this State. The designated agent must be an individual resident of this State, a domestic corporation or a foreign corporation authorized to do business in this State. This paragraph does not apply to any entity already lawfully registered to conduct business in this State.

B. The commission shall create and maintain forms for the designation of agents required pursuant to paragraph A and require, at a minimum, the following information:

(1) The name, address and telephone number of the designated agent; and

(2) The name, address and telephone number of the person conducting business in this State.

C. The person conducting push polling shall notify the commission of any changes in the designated agent and the information required by paragraph B.

D. A person who violates this subsection may be assessed a forfeiture of $500 by the commission.

4. Permitted practices. This section does not prohibit legitimate election practices, including but not limited to:

A. Voter identification;

B. Voter facilitation activities; or

C. Generally accepted scientific polling research.

21A § 1015. Limitations on contributions and expenditures

1. Individuals. 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 two 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, The commission shall post the current contribution limit and the amount of the next adjustment and the date that it will become effective on its publicly accessible website and include this information with any publication to be used as a guide for candidates.

2. Committees; corporations; associations. A political committee, political action committee, other committee, firm, partnership, corporation, association or organization 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. Beginning December 1, 2010, contribution limits in accordance with this subsection are adjusted every two 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. The commission shall post the current contribution limit and the amount of the next adjustment and the date that it will become effective on its publicly accessible website and include this information with any publication to be used as a guide for candidates.

3. Aggregate contributions. No individual may make contributions to candidates aggregating more than $25,000 in any calendar year. This limitation does not apply to contributions in support of a candidate by that candidate or that candidate's spouse or domestic partner.

4. Political committees; intermediaries. For the purpose of the limitations imposed by this section, contributions made to any political committee authorized by a candidate to accept contributions on the candidate's behalf are considered to be contributions made to that candidate.

For the purposes of the limitations imposed by this section, all contributions made by a person, either directly or indirectly, on behalf of a particular candidate that are in any way earmarked or otherwise directed through an intermediary or conduit to the candidate are considered to be contributions from that person to the candidate. The intermediary or conduit shall report the original source and the intended recipient of the contribution to the commission and to the intended recipient.

5. Other contributions and expenditures. Any expenditure made by any person in cooperation, consultation or concert with, or at the request or suggestion of, a candidate, a candidate's political committee or their agents is considered to be a contribution to that candidate.

The financing by any person of the dissemination, distribution or republication, in whole or in part, of any broadcast or any written or other campaign materials prepared by the candidate, the candidate's political committee or committees or their authorized agents is considered to be a contribution to that candidate.

6. Prohibited expenditures. A candidate, a treasurer, a political committee, a party or party committee, a person required to file a report under this subchapter or their authorized agents may not make any expenditures for liquor to be distributed to or consumed by voters while the polls are open on election day.

7. Voluntary limitations on political expenditures. A candidate may voluntarily agree to limit the total expenditures made on behalf of that candidate's campaign as specified in section 1013-A, subsection 1, paragraph C and subsections 8 and 9.

8. Political expenditure limitation amounts. Total expenditures in any election for legislative office by a candidate who voluntarily agrees to limit campaign expenditures as provided in subsection 7 are as follows:

A. For State Senator, $25,000; and

B. For State Representative, $5,000.

C. **(REPEALED)**

Expenditure limits are per election and may not be carried forward from one election to another. For calculation and reporting purposes, the reporting periods established in section 1017 apply.

9. Publication of list. The commission shall publish a list of the candidates for State Representative and State Senator who have agreed to voluntarily limit total expenditures for their campaigns as provided in section 1013-A, subsection 1, paragraph C.

For the purposes of subsections 7 and 8 and this subsection, "total expenditures" means the sum of all expenditures made to influence a single election that are made by a candidate or made on the candidate's behalf by the candidate's political committee or committees, the candidate's party or the candidate's immediate family.

21A § 1015-A. Corporate contributions

Contributions made by a for-profit or a nonprofit corporation including a parent, subsidiary, branch, division, department or local unit of a corporation, and contributions made by a political committee or political action committee whose contribution or expenditure activities are financed, maintained or controlled by a corporation are considered to be made by that corporation, political committee or political action committee.

1. Single entities. Two or more entities are treated as a single entity if the entities:

A. Share the majority of members of their boards of directors;

B. Share 2 or more officers;

C. Are owned or controlled by the same majority shareholder or shareholders; or

D. Are in a parent-subsidiary relationship.

2. Sole proprietorships. A sole proprietorship and its owner are treated as a single entity.

21A § 1016. Records

Each treasurer shall keep detailed records of all contributions received and of each expenditure that the treasurer or candidate makes or authorizes, as provided in this section. When reporting contributions and expenditures to the commission as required by section 1017, the treasurer shall certify the completeness and accuracy of the information reported by that treasurer.

1. Segregated funds. All funds of a political committee and campaign funds of a candidate must be segregated from, and may not be commingled with, any personal funds of the candidate, treasurer or other officers, members or associates of the committee. Personal funds of the candidate used to support the candidacy must be recorded and reported to the treasurer as contributions to the political committee, or the candidate if the candidate has not authorized a political committee.

2. Report of contributions and expenditures. A person who receives a contribution or makes an expenditure for a candidate or political committee shall report the contribution or expenditure to the treasurer within five (5) days of the receipt of the contribution or the making of the expenditure. A person who receives a contribution in excess of $10 for a candidate or a political committee shall report to the treasurer the amount of the contribution, the name and address of the person making the contribution and the date on which the contribution was received.

3. Record keeping. A treasurer shall keep a detailed and exact account of:

A. All contributions made to or for the candidate or committee, including any contributions by the candidate;

B. The name and address of every person making a contribution in excess of $10, the date and amount of that contribution and, if a person's contributions in any report filing period aggregate more than $50, the account must include the contributor's occupation and principal place of business, if any. If the contributor is the candidate or a member

of the candidate's immediate family, the account must also state the relationship. For purposes of this paragraph, "filing period" is as provided in section 1017, subsections 2 and 3-A;

C. All expenditures made by or on behalf of the committee or candidate; and

D. The name and address of every person to whom any expenditure is made and the date and amount of the expenditure.

4. Receipts preservation. A treasurer shall obtain and keep a receipted bill, stating the particulars, for every expenditure in excess of $50 made by or on behalf of a political committee or a candidate and for any such expenditure in a lesser amount if the aggregate amount of those expenditures to the same person in any election exceeds $50. The treasurer shall preserve all receipted bills and accounts required to be kept by this section for two (2) years following the final report required to be filed for the election to which they pertain, unless otherwise ordered by the commission or a court.

21A § 1017. Reports by candidates

1. Federal candidates. (REPEALED)

2. Gubernatorial candidates. A treasurer of a candidate for the office of Governor shall file reports with the commission as follows. Once the first required report has been filed, each subsequent report must cover the period from the end date of the prior report filed.

A. In any calendar year, other than a gubernatorial election year, in which the candidate or the candidate's political committee has received contributions in excess of $1,000 or made or authorized expenditures in excess of $1,000, reports must be filed no later than 11:59 p.m. on July 15th of that year and January 15th of the following calendar year. These reports must include all contributions made to and all expenditures made or authorized by or on behalf of the candidate or the candidate's treasurer as of the end of the preceding month, except those covered by a previous report.

B. Reports must be filed no later than 11:59 p.m. on the 42nd day before the date on which an election is held and must be complete as of the 49th day before that date. If a report was not filed under paragraph A, the report required under this paragraph must cover all contributions and expenditures through the 49th day before the election.

C. Reports must be filed no later than 11:59 p.m. on the 11th day before the date on which an election is held and must be complete as of the 14th day before that date.

D. Contributions aggregating $1,000 or more from any one contributor or single expenditures of $1,000 or more made after the 14th day before the election and more than 24 hours before 11:59 p.m. on the day of the election must be reported within 24 hours of those contributions or expenditures.

E. Reports must be filed no later than 11:59 p.m. on the 42nd day after the date on which an election is held and must be complete for the filing period as of the 35th day after that date.

F. Unless further reports will be filed in relation to a later election in the same calendar year, the disposition of any surplus or deficit in excess of $100 shown in the reports described in paragraph E must be reported as provided in this paragraph. The treasurer of a candidate or political committee with a surplus or deficit in excess of $100 shall file reports semiannually with the commission within 15 days following the end of the 2nd and 4th quarters of the State's fiscal year, complete as of the last day of the quarter, until the surplus is disposed of or the deficit is liquidated. The first report under this paragraph is not required until the 15th day of the period beginning at least 90 days from the date of the election. The reports will be considered timely if filed electronically or in person with the commission on that date or postmarked on that date. The reports must set forth any contributions for the purpose of liquidating the deficit, in the same manner as contributions are set forth in other reports required in this section.

G. Unless otherwise specified in this subsection, reports must be complete back to the end date of the previous report filing period. The reports described in paragraph E, if filed with respect to a primary election, are considered previous reports in relation to reports concerning a general election.

H. Reports with respect to a candidate who seeks nomination by petition for the office of Governor must be filed on the same dates that reports must be filed with respect to a candidate who seeks that nomination by primary election.

3. Other candidates. (REPEALED)

3-A. Other candidates. A treasurer of a candidate for state or county office other than the office of Governor shall file reports with the commission and municipal candidates shall file reports with the municipal clerk as follows. Once the first required report has been filed, each subsequent report must cover the period from the end date of the prior report filed.

A. In any calendar year in which an election for the candidate's particular office is not scheduled, when any candidate or candidate's political committee has received contributions in excess of $500 or made or authorized expenditures in excess of $500, reports must be filed no later than 11:59 p.m. on July 15th of that year and January 15th of the following calendar year. These reports must include all contributions made to and all expenditures made or authorized by or on behalf of the candidate or the treasurer of the candidate as of the end of the preceding month, except those covered by a previous report.

B. Reports must be filed no later than 11:59 p.m. on the 11th day before the date on which an election is held and must be complete as of the 14th day before that date. If a report was not filed under paragraph A, the report required under this paragraph must cover all contributions and expenditures through the 14th day before the election.

C. Contributions aggregating $1,000 or more from any one contributor or single expenditures of $1,000 or more made after the 14th day before any election and more than 24 hours before 11:59 p.m. on the day of any election must be reported within 24 hours of those contributions or expenditures.

D. Reports must be filed no later than 11:59 p.m. on the 42nd day after the date on which an election is held and must be complete for the filing period as of the 35th day after that date.

D-1. Reports must be filed no later than 11:59 p.m. on the 42nd day before the date on which a general election is held and must be complete as of the 49th day before that date, except that this report is not required for candidates for municipal office.

E. Unless further reports will be filed in relation to a later election in the same calendar year, the disposition of any surplus or deficit in excess of $100 shown in the reports described in paragraph D must be reported as provided by this paragraph. The treasurer of a candidate with a surplus or deficit in excess of $100 shall file reports semiannually with the commission within 15 days following the end of the 2nd and 4th quarters of the State's fiscal year, complete as of the last day of the quarter, until the surplus is disposed of or the deficit is liquidated. The first report under this paragraph is not required until the 15th day of the period beginning at least 90 days from the date of the election. The reports will be considered timely if filed electronically or in person with the commission on that date or postmarked on that date. The reports must set forth any contributions for the purpose of liquidating the deficit, in the same manner as contributions are set forth in other reports required in this section.

F. Reports with respect to a candidate who seeks nomination by petition must be filed on the same dates that reports must be filed by a candidate for the same office who seeks that nomination by primary election.

3-B. Accelerated reporting schedule. Additional reports are required from nonparticipating candidates as defined in section 1122, subsection 5, pursuant to this subsection.

A. In addition to other reports required by law, any candidate for Governor, State Senate or State House of Representatives who is not certified as a Maine Clean Election Act candidate under Chapter 14 and who receives, spends or obligates more than the primary or general election distribution amounts for a Maine Clean Election Act candidate in the same race shall file by any means acceptable to the commission, within 48 hours of that event, a report with the commission detailing the candidate's total campaign contributions, including any campaign balance from a previous election, obligations and expenditures to date.

B. A nonparticipating candidate who is required to file a report under paragraph A shall file no later than 5:00 p.m.:

(1) For legislative candidates in a primary election only, a report on the 42nd day before the date on which a primary election is held that is complete as of the 44th day before that date;

(2) For gubernatorial candidates only, a report on the 25th day before the date on which an election is held that is complete as of the 27th day before that date;

(3) A report on the 18th day before the date on which an election is held that is complete as of the 20th day before that date; and

(4) A report on the 6th day before the date on which an election is held that is complete as of the 8th day before that date.

The reports must contain the candidate's total campaign contributions, including any campaign balance from a previous election, obligations and expenditures as of the end date of the reporting period.

The nonparticipating candidate shall file only those reports that are due after the date on which the candidate filed the report required under paragraph A.

C. A candidate who is required to file a report under paragraph A must file with the commission an updated report that reports single expenditures in the following amounts that are made after the 14th day before an election and more than 24 hours before 11:59 p.m. on the date of that election:

(1) For a candidate for Governor, a single expenditure of $1,000;

(2) For a candidate for the state Senate, a single expenditure of $750; and

(3) For a candidate for the state House of Representatives, a single expenditure of $500.

A report filed pursuant to this paragraph must be filed within 24 hours of the expenditure.

The commission shall provide forms to facilitate compliance with this subsection. The commission shall notify a candidate within 48 hours if an amount reported on any report under paragraph B exceeds the primary or general election distribution amounts for a Maine Clean Election Act candidate in the same race and no report has been received under paragraph A.

4. New candidate or nominee. A candidate for nomination or a nominee chosen to fill a vacancy under Chapter 5, subchapter 3 is subject to section 1013-A, subsection 1, except that the candidate shall register the name of a treasurer or political committee and all other information required in section 1013-A, subsection 1, paragraphs A and B within 7 days after the candidate's appointment or at least 6 days before the election, whichever is earlier. The commission shall send notification of this registration requirement and report forms and schedules to the candidate and the candidate's treasurer immediately upon notice of the candidate's and treasurer's appointments.

5. Content. A report required under this section must contain the itemized accounts of contributions received during that report filing period, including the date a contribution was received, and the name, address, occupation, principal place of business, if any, and the amount of the contribution of each person who has made a contribution or contributions aggregating in excess of $50. The report must contain the itemized expenditures made or authorized during the report filing period, the date and purpose of each expenditure and the name of each payee and creditor. If the payee is a member of the candidate's household or immediate family, the candidate must disclose the candidate's relationship to the payee in a manner prescribed by the commission. The report must contain a statement of any loan to a candidate by a financial institution in connection with that candidate's candidacy that is made during the period covered by the report, whether or not the loan is defined as a contribution

under section 1012, subsection 2, paragraph A. The candidate and the treasurer are jointly and severally responsible for the timely and accurate filing of each required report.

5-A. Valuation of contributions sold at auction. Any contribution received by a candidate that is later sold at auction must be reported in the following manner.

A. If the contribution is sold at auction before the commencement of the appropriate reporting period specified in subsections 2 to 4, or during that period, the value of the contribution is deemed to be the amount of the purchase price paid at auction.

B. If the contribution is sold after the termination of the appropriate reporting period specified in subsections 2 to 4, the value of the contribution is the difference between the value of the contribution as originally reported by the treasurer and the amount of the purchase price paid at auction. Unless further reports are filed in relation to a later election in the same calendar year, the disposition of any net surplus or deficit in excess of $100 resulting from the difference between the auction price and the original contribution value must be reported in the same manner as provided in subsection 2, paragraph F or subsection 3-A, paragraph E, as appropriate.

6. Forms. Reports required by this section not filed electronically must be on forms prescribed, prepared and sent by the commission to the treasurer of each registered candidate at least 7 days before the filing date for the report. Establishment of or amendments to the campaign report filing forms required by this section must be by rule. Persons filing reports may use additional pages if necessary, but the pages must be the same size as the pages of the form. Although the commission mails the forms for required reports to candidates who are exempt from filing electronically, failure to receive forms by mail does not excuse treasurers, committees and other persons who must file reports from otherwise obtaining the forms or from late filing penalties.

Rules of the commission establishing campaign report filing forms for candidates are routine technical rules as defined in Title 5, Chapter 375, subchapter 2-A.

7. Reporting exemption. (REPEALED)

7-A. Reporting exemption. A candidate seeking election to a county or municipal office is exempt from reporting as provided by this subsection.

A. A candidate seeking election to a county or municipal office may, at the time the candidate registers under section 1013-A, notify the commission that the candidate and the candidate's agents, if any, will not personally accept contributions, make expenditures or incur obligations associated with that candidate's candidacy. The notification must be sworn and notarized. A candidate who provides this notice to the commission is not required to appoint a treasurer and is not subject to the filing requirements of this subchapter if the statement is true.

B. The notice provided to the commission under paragraph A may be revoked. Prior to revocation, the candidate must appoint a treasurer. The candidate may not accept contributions, make expenditures or incur obligations before the appointment of a treasurer and the filing of a revocation notice are accomplished. A revocation notice must be in the form of an amended registration, which must be filed with the commission no later than ten (10) days after the appointment of a treasurer. The candidate and the

candidate's treasurer, as of the date the revocation notice is filed with the commission, may accept contributions, make expenditures and incur obligations associated with the candidate's candidacy. Any candidate who fails to file a timely revocation notice is subject to the penalties prescribed in section 1020-A, subsection 4-A, up to a maximum of $5,000. Lateness is calculated from the day a contribution is received, an expenditure is made or an obligation is incurred, whichever is earliest.

8. Disposition of surplus. A treasurer of a candidate registered under section 1013-A or qualified under sections 335 and 336 or sections 354 and 355 must dispose of a surplus exceeding $100 within four (4) years of the election for which the contributions were received by:

A. Returning contributions to the candidate's or candidate's authorized political committee's contributors, as long as no contributor receives more than the amount contributed;

B. A gift to a qualified political party within the State, including any county or municipal subdivision of such a party;

C. An unrestricted gift to the State. A candidate for municipal office may dispose of a surplus by making a restricted or unrestricted gift to the municipality;

D. Carrying forward the surplus balance to a political committee established to promote the same candidate for a subsequent election;

D-1. Carrying forward the surplus balance for use by the candidate for a subsequent election;

E. Transferring the surplus balance to one or more other candidates registered under section 1013-A or qualified under sections 335 and 336 or sections 354 and 355, or to political committees established to promote the election of those candidates, provided that the amount transferred does not exceed the contribution limits established by section 1015;

F. Repaying any loans or retiring any other debts incurred to defray campaign expenses of the candidate;

G. Paying for any expense incurred in the proper performance of the office to which the candidate is elected, as long as each expenditure is itemized on expenditure reports; and

H. A gift to a charitable or educational organization that is not prohibited, for tax reasons, from receiving such a gift.

The choice must be made by the candidate for whose benefit the contributions were made.

9. Campaign termination report forms. The commission shall provide each candidate required to report campaign contributions and expenditures with a campaign termination report form. A candidate shall file the campaign termination report with the commission as required in this subsection. The campaign termination report must be complete as of June 30th of the year following the campaign of the previous year. This form must show any deficits or surpluses to be carried over to the next campaign. Funds not carried forward to the

next campaign must be disposed of as provided in subsection 8. Campaign reporting is as follows.

A. Candidates with surplus campaign funds following an election shall file termination reports no later than July 15th of the year following the campaign of the previous year.

B. Candidates with a campaign deficit following an election shall file termination reports no later than July 15th of the year following the campaign of the previous year.

C. Candidates with a deficit who will not participate in the next election for the same office shall file semiannual reports until the deficit is liquidated.

D. Candidates who collect funds subsequent to an election for purposes other than retiring campaign debt shall register with the commission pursuant to section 1013-A.

10. Electronic filing. The treasurer of a candidate or committee that has receipts or expects to have receipts of more than $1,500 shall file each report required by this section through an electronic filing system developed by the commission. The commission may make an exception to this electronic filing requirement if a candidate or committee submits a written request that states that the candidate or committee lacks access to the technology or the technological ability to file reports electronically. The request for an exception must be submitted by April 15th of the election year, except that a candidate registered according to subsection 4 has 10 business days from the date of registration to submit a request to the commission. The commission shall grant all reasonable requests for exceptions.

21A § 1017-A. Reports of contributions and expenditures by party committees

1. Contributions. A party committee shall report all contributions in cash or in kind from a single contributor that in the aggregate total more than $200. The party committee shall report the name, mailing address, occupation and place of business of each contributor. Contributions of $200 or less must be reported, and these contributions may be reported as a lump sum.

2. Expenditures to support or oppose candidates, others. A party committee shall report all expenditures made to support or oppose a candidate, political committee, political action committee or party committee registered under this chapter. The party committee shall report:

A. The name of each candidate, political committee, political action committee or party committee;

B. The office sought by a candidate and the district that the candidate seeks to represent; and

C. The date, amount and purpose of each expenditure.

3. Other expenditures. Operational expenses and other expenditures that are not made to support or oppose a candidate, committee, political action committee or party committee must be reported separately. The party committee shall report:

A. The name and address of each payee;

B. The purpose for the expenditure; and

C. The date and amount of each expenditure.

4. Filing schedule. (REPEALED)

4-A. Filing schedule. A state party committee shall file its reports according to the following schedule.

A. Quarterly reports must be filed by 11:59 p.m.:

(1) On January 15th and must be complete up to December 31st;

(2) On April 10th and must be complete up to March 31st;

(3) On July 15th and must be complete up to June 30th; and

(4) On October 10th and must be complete up to September 30th.

B. General and primary election reports must be filed by 11:59 p.m.:

(1) On the 11th day before the date on which the election is held and must be complete up to the 14th day before that date; and

(2) On the 42nd day after the date on which the election is held and must be complete up to the 35th day after that date.

C. Reports of spending to influence special elections, referenda, initiatives, bond issues or constitutional amendments must be filed by 11:59 p.m.:

(1) On the 11th day before the date on which the election is held and must be complete up to the 14th day before that date; and

(2) On the 42nd day after the date on which the election is held and must be complete up to the 35th day after that date.

D. A state party committee that files an election report under paragraph B or C is not required to file a quarterly report under paragraph A when the deadline for that quarterly report falls within ten (10) days of the filing deadline established in paragraph B or C.

E. A state party committee shall report any expenditure of $500 or more made after the 14th day before the election and more than 24 hours before 5:00 p.m. on the day of the election within 24 hours of that expenditure.

4-B. Filing schedule for municipal, district and county party committees. Municipal, district and county party committees shall file reports according to the following schedule.

A. Reports filed during an election year must be filed with the commission by 11:59 p.m. on:

(1) July 15th and be complete as of June 30th;

(2) The 11th day before the date on which the general election is held and must be complete up to the 14th day before that date; and

(3) January 15th and be complete as of December 31st.

B. Reports filed during a nonelection year must be filed by 11:59 p.m. on:

(1) July 15th and be complete as of June 30th; and

(2) January 15th and be complete as of December 31st.

C. Any expenditure of $1,000 or more made after the 14th day before any election and more than 24 hours before 11:59 p.m. on the day of the election must be reported within 24 hours of that expenditure.

4-C. Electronic filing. State party committees shall file each report required by this section through an electronic filing system developed by the commission. The commission may make an exception to this electronic filing requirement if a party committee submits a written request that states that the party committee lacks access to the technology or the technological ability to file reports electronically. The request for an exception must be submitted by March 1st of the election year. The commission shall grant all reasonable requests for exceptions.

5. Penalties. A party committee is subject to the penalties in section 1020-A, subsection 4.

6. Notice; forms. A state party committee shall notify all county, district and municipal party committees of the same political party of the party committee reporting requirements. The party committees shall obtain the necessary forms from the commission to complete the filing requirements.

7. Exemption. Any party committee receiving and expending less than $1,500 in one calendar year is exempt from the reporting requirements of this section for that year.

8. Municipal elections. When a party committee makes contributions or expenditures on behalf of a candidate for municipal office subject to this subchapter, it shall file a copy of the reports required by this section with the clerk in that candidate's municipality.

21A § 1017-B. Records

Any party committee that makes expenditures that aggregate in excess of $50 to any one or more candidates, committees or campaigns in this State shall keep records as provided in this section. Records required to be kept under this section must be retained by the party committee until ten (10) days after the next election following the election to which the records pertain.

1. Details of records. The treasurer of a party committee shall record a detailed account of:

A. All expenditures made to or on behalf of a candidate, campaign or committee;

B. The identity and address of each candidate, campaign or committee;

C. The office sought by a candidate and the district the candidate seeks to represent, for candidates that a party committee has made an expenditure to or on behalf of; and

D. The date of each expenditure.

2. Receipts. The treasurer of a party committee shall retain a vendor invoice or receipt stating the particular goods or services purchased for every expenditure in excess of $50.

3. Record of contributions. The treasurer of a party committee shall keep a record of all contributions to the committee, by name and mailing address, of each donor and the amount and date of the contribution. This subsection does not apply to aggregate contributions from a single donor of $50 or less in an election. When any donor's contributions to a party committee exceed $50, the record must include the aggregate amount of all contributions from that donor.

21A § 1018. Reports by party committees

1. State committee; federal reports. (REPEALED)

2. Party committee. (REPEALED)

21A § 1018-B Recounts of elections

1. Reporting. Candidates who are involved in a recount of an election shall file a report 90 days after the election containing itemized accounts of cash, goods and services received for the recount and payments made by the candidate for the recount. The reports must be made on forms prepared and sent by the commission. Persons donating services to the candidate are required to provide the candidate with an estimate of the value of the services donated. Political action committees and party committees making expenditures for a candidate's recount shall identify on their regularly filed reports that the expenditures were made for the purposes of a recount.

2. Limitations. Candidates may receive donations without limitation for purposes of a recount from party committees and caucus campaign committees and from attorneys, consultants and their firms that are donating their services without reimbursement. Candidates may not spend revenues received under Chapter 14 for recount expenditures.

21A § 1019. Reports of independent expenditures (REPEALED)

21A § 1019-A. Reports of membership communications

Any membership organization or corporation that makes a communication to its members or stockholders expressly advocating the election or defeat of a clearly identified candidate shall report any expenses related to such communications aggregating in excess of $50 in any one candidate's election race, notwithstanding the fact that such communications are not

expenditures under section 1012, subsection 3, paragraph A. Reports required by this section must be filed with the commission on forms prescribed and prepared by the commission and according to a reporting schedule that the commission shall establish by rule.

21A §1019-B. Reports of independent expenditures

1. Independent expenditures; definition. For the purposes of this section, an "independent expenditure":

A. Is any expenditure made by a person, party committee, political committee or political action committee, other than by contribution to a candidate or a candidate's authorized political committee, for any communication that expressly advocates the election or defeat of a clearly identified candidate; and

B. Is presumed in races involving a candidate who is certified as a Maine Clean Election Act candidate under section 1125, subsection 5 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 21 days, including election day, before a primary election; the 35 days, including election day, before a general election; or during a special election until and on election day.

2. Rebutting presumption. A person presumed under this section to have made an independent expenditure may rebut the presumption 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.

3. Report required; content; rules. 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.

A. A report required by this subsection must be filed with the commission according to a reporting schedule that the commission shall establish by rule that takes into consideration existing campaign finance reporting requirements and matching fund provisions under Chapter 14. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, Chapter 375, subchapter 2-A.

B. A report required by this subsection must contain an itemized account of each contribution or expenditure aggregating in excess of $100 in any one candidate's election, the date and purpose of each contribution or expenditure and the name of each payee or creditor. The report must state whether the contribution or expenditure is in support of or in opposition to the candidate and must include, under penalty of perjury, as provided in Title 17-A, section 451, a statement under oath or affirmation

whether the contribution or expenditure is made in cooperation, consultation or concert with, or at the request or suggestion of, the candidate or an authorized committee or agent of the candidate.

C. A report required by this subsection must be on a form prescribed and prepared by the commission. A person filing this report may use additional pages if necessary, but the pages must be the same size as the pages of the form.

21A § 1020. Failure to file on time (REPEALED)

21A § 1020-A. Failure to file on time

1. Registration. A candidate that fails to register the name of a candidate, treasurer or political committee with the commission within the time allowed by section 1013-A, subsection 1 may be assessed a forfeiture of $10. The commission shall determine whether a registration satisfies the requirements for timely filing under section 1013-A, subsection 1.

2. Campaign finance reports. A campaign finance report is not timely filed unless a properly signed or electronically submitted copy of the report, substantially conforming to the disclosure requirements of this subchapter, is received by the commission by 11:59 p.m. on the date it is due. Except as provided in subsection 7, the commission shall determine whether a report satisfies the requirements for timely filing. The commission may waive a penalty in whole or in part if the commission determines that the penalty is disproportionate to the size of the candidate's campaign, the level of experience of the candidate, treasurer or campaign staff or the harm suffered by the public from the late disclosure. The commission may waive the penalty in whole or in part if the commission determines the failure to file a timely report was due to mitigating circumstances. For purposes of this section, "mitigating circumstances" means:

A. A valid emergency determined by the commission, in the interest of the sound administration of justice, to warrant the waiver of the penalty in whole or in part;

B. An error by the commission staff;

C. Failure to receive notice of the filing deadline; or

D. Other circumstances determined by the commission that warrant mitigation of the penalty, based upon relevant evidence presented that a bona fide effort was made to file the report in accordance with the statutory requirements, including, but not limited to, unexplained delays in postal service or interruptions in Internet service.

3. Municipal campaign finance reports. Municipal campaign finance reports must be filed, subject to all the provisions of this subchapter, with the municipal clerk on forms prescribed by the Commission on Governmental Ethics and Election Practices. The municipal clerk shall send any notice of lateness required by subsection 6 and shall notify the commission of any late reports subject to a penalty.

4. Basis for penalties. (REPEALED)

4-A. Basis for penalties. The penalty for late filing of a report required under this subchapter, except for accelerated campaign finance reports required pursuant to section 1017, subsection 3-B, is a percentage of the total contributions or expenditures for the filing period, whichever is greater, multiplied by the number of calendar days late, as follows:

A. For the first violation, 1%;

B. For the 2nd violation, 3%; and

C. For the 3rd and subsequent violations, 5%.

Any penalty of less than $10 is waived.

Violations accumulate on reports with filing deadlines in a two-year period that begins on January 1st of each even-numbered year. Waiver of a penalty does not nullify the finding of a violation.

A report required to be filed under this subchapter that is sent by certified or registered United States mail and postmarked at least two (2) days before the deadline is not subject to penalty.

A registration or report may be provisionally filed by transmission of a facsimile copy of the duly executed report to the commission, as long as the facsimile copy is filed by the applicable deadline and an original of the same report is received by the commission within five calendar days thereafter.

The penalty for late filing of an accelerated campaign finance report as required in section 1017, subsection 3-B may be up to but no more than 3 times the amount by which the contributions received or expenditures obligated or made by the candidate, whichever is greater, exceed the applicable Maine Clean Election Fund disbursement amount, per day of violation. The commission shall make a finding of fact establishing when the report was due prior to imposing a penalty under this subsection. A penalty for failure to file an accelerated campaign finance report must be made payable to the Maine Clean Election Fund. In assessing a penalty for failure to file an accelerated campaign finance report, the commission shall consider the existence of mitigating circumstances. For the purposes of this subsection, "mitigating circumstances" has the same meaning as in subsection 2.

5. Maximum penalties. (REPEALED)

5-A. Maximum penalties. Penalties assessed under this subchapter may not exceed:

A. Five thousand dollars for reports required under section 1017, subsection 2, paragraph B, C, D, E or H; section 1017, subsection 3-A, paragraph B, C, D, D-1 or F; section 1017, subsection 4; and section 1019-B, subsection 3;

B. Five thousand dollars for state party committee reports required under section 1017-A, subsection 4-A, paragraphs A, B, C and E;

C. One thousand dollars for reports required under section 1017, subsection 2, paragraphs A and F and section 1017, subsection 3-A, paragraphs A and E;

D. Five hundred dollars for municipal, district and county committees for reports required under section 1017-A, subsection 4-B; or

E. Three times the unreported amount for reports required under section 1017, subsection 3-B, if the unreported amount is less than $5,000 and the commission finds that the candidate in violation has established, by a preponderance of the evidence, that a bona fide effort was made to file an accurate and timely report.

6. Request for a commission determination. If the commission staff finds that a candidate or political committee has failed to file a report required under this subchapter, the commission staff shall mail a notice by certified mail to the candidate or political committee within three business days following the filing deadline informing the candidate or political committee that a report was not received. If a candidate or a political committee files a report required under this subchapter late, a notice of preliminary penalty must be sent to the candidate or political committee whose registration or campaign finance report was not received by 11:59 p.m. on the deadline date, informing the candidate or political committee of the staff finding of violation and preliminary penalty calculated under subsection 4-A and providing the candidate or political committee with an opportunity to request a determination by the commission. The notice must be sent by certified mail. Any request for a determination must be made within 14 calendar days of receipt of the commission's notice. The 14-day period during which a determination may be requested begins on the day a recipient signs for the certified mail notice of the proposed penalty. If the certified letter is refused or left unclaimed at the post office, the 14-day period begins on the day the post office indicates it has given first notice of a certified letter. A candidate or political committee requesting a determination may either appear in person or designate a representative to appear on the candidate's or political committee's behalf or submit a sworn statement explaining the mitigating circumstances for consideration by the commission. A final determination by the commission may be appealed to the Superior Court in accordance with Title 5, chapter 375, subchapter 7 and the Maine Rules of Civil Procedure, Rule 80C.

7. Final notice of penalty. If a determination has been requested by the candidate or political committee and made by the commission, notice of the commission's final determination and the penalty, if any, imposed pursuant to this subchapter must be sent to the candidate and the political committee.

If a determination is not requested, the preliminary penalty calculated by the commission staff is final. The commission staff shall mail final notice of the penalty to the candidate and treasurer. A detailed summary of all notices must be provided to the commission.

8. Failure to file report. The commission shall notify a candidate who has failed to file a report required by this subchapter, in writing, informing the candidate of the requirement to file a report. The notice must be sent by certified mail. If a candidate fails to file a report after 2 notices have been sent by the commission, the commission shall send a final notice by certified mail informing the candidate of the requirement to file and that the matter may be referred to the Attorney General for criminal prosecution. A candidate who fails to file a report as required by this subchapter after the commission has sent the notices required by this subsection is guilty of a Class E crime.

8-A. Penalties for failure to file report. The penalty for failure to file a report required under this subchapter may not exceed the maximum penalties as provided in subsection 5-A.

9. List of late-filing candidates. The commission shall prepare a list of the names of candidates who are late in filing a report required under section 1017, subsection 2, paragraph C or D or section 1017, subsection 3-A, paragraph B or C within 30 days of the date of the election and shall make that list available for public inspection.

10. Enforcement. A penalty assessed pursuant to this section that has not been paid in full within 30 days after issuance of a notice of the final determination may be enforced in accordance with section 1004-B.

SUBCHAPTER III
REPORTS ON REFERENDUM CAMPAIGNS

21A § 1031. Application (REPEALED)

21A § 1032. Definitions (REPEALED)

21A § 1033. Committee (REPEALED)

21A § 1034. Publication or distribution of statements (REPEALED)

21A § 1035. Records (REPEALED)

21A § 1036. Reports (REPEALED)

21A § 1037. Failure to file report on time (REPEALED)

SUBCHAPTER IV

REPORTS BY POLITICAL ACTION COMMITTEES

21A § 1051. Application

This subchapter applies to the activities of political action committees organized in and outside this State that accept contributions, incur obligations or make expenditures for the election of state, county or municipal officers, or for the support or defeat of any campaign, as defined in this subchapter.

21A § 1052. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Campaign. "Campaign" means any course of activities for a specific purpose such as the initiation, promotion or defeat of a candidate or question, including:

A. The referendum procedure under the Constitution of Maine, Article IV, Part Third, Section 17;

B. The initiative procedure under the Constitution of Maine, Article IV, Part Third, Section 18;

C. An amendment to the Constitution of Maine under Article X, Section 4;

D. Legislation expressly conditioned upon ratification by a referendum vote under the Constitution of Maine, Article IV, Part Third, Section 19;

E. The ratification of the issue of bonds by the State or any agency thereof; and

F. Any county or municipal referendum.

2. Committee. "Committee" means any political action committee, as defined in this subchapter, and includes any agent of a political action committee.

3. Contribution. "Contribution" includes:

A. A gift, subscription, loan, advance or deposit of money or anything of value made to a political action committee, except that a loan of money by a financial institution made in accordance with applicable banking laws and regulations and in the ordinary course of business is not included;

B. A contract, promise or agreement, expressed or implied whether or not legally enforceable, to make a contribution to a political action committee;

C. Any funds received by a political action committee that are to be transferred to any candidate, committee, campaign or organization for the purpose of promoting, defeating or initiating a candidate, referendum, political party or initiative, including the collection of signatures for a direct initiative, in this State; or

D. The payment, by any person or organization, of compensation for the personal services of other persons provided to a political action committee which is used by the political action committee to promote, defeat or initiate a candidate, campaign political party, referendum or initiated petition in this State.

4. Expenditure. The term "expenditure:"

A. Includes:

(1) A purchase, payment, distribution, loan, advance, deposit or gift of money or anything of value, made for the purpose of influencing the nomination or election of any person to political office; or for the initiation, support or defeat of a campaign, referendum or initiative, including the collection of signatures for a direct initiative, in this State;

(2) A contract, promise or agreement, expressed or implied, whether or not legally enforceable, to make any expenditure for the purposes set forth in this paragraph; and

(3) The transfer of funds by a political action committee to another candidate or political committee; and

B. Does not include:

(1) Any news story, commentary or editorial distributed through the facilities of any broadcasting station, newspaper, magazine or other periodical publication, unless these facilities are owned or controlled by any political party, political committee, candidate or candidate's immediate family;

(2) Activity designed to encourage individuals to register to vote or to vote, if that activity or communication does not mention a clearly identified candidate;

(3) Any communication by any membership organization or corporation to its members or stockholders, if that membership organization or corporation is not organized primarily for the purpose of influencing the nomination or election of any person to state or county office;

(4) The use of real or personal property and the cost of invitations, food and beverages, voluntarily provided by a political action committee in rendering voluntary personal services for candidate-related activities, if the cumulative value of these activities by the political action committee on behalf of any candidate does not exceed $100 with respect to any election;

(5) Any unreimbursed travel expenses incurred and paid for by a political action committee that volunteers personal services to a candidate, if the cumulative amount of these expenses does not exceed $100 with respect to any election; and

(6) Any communication by any political action committee member that is not made for the purpose of influencing the nomination for election, or election, of any person to state or county office.

5. Political action committee. The term "political action committee:"

A. Includes:

(1) Any separate or segregated fund established by any corporation, membership organization, cooperative or labor or other organization whose purpose is to influence the outcome of an election, including a candidate election or ballot question;

(2) **(REPEALED)**

(3) **(REPEALED)**

(4) Any organization, including any corporation or association, that has as its major purpose initiating, promoting, defeating or influencing a candidate election, campaign or ballot question and that receives contributions or makes expenditures aggregating more than $1,500 in a calendar year for that purpose, including for the collection of signatures for a direct initiative or referendum in this State; and

(5) Any organization that does not have as its major purpose promoting, defeating or influencing candidate elections but that receives contributions or makes expenditures aggregating more than $5,000 in a calendar year for the purpose of promoting, defeating or influencing in any way the nomination or election of any candidate to political office.

B. Does not include:

(1) A candidate or a candidate's treasurer under section 1013-A, subsection 1;

(2) A candidate's authorized political committee under section 1013-A, subsection 2; or

(3) A party committee under section 1013-A, subsection 3.

21A § 1053. Registration

Every political action committee, as defined under section 1052, subsection 5, paragraph A, subparagraph (1) or (4) that makes expenditures in the aggregate in excess of $1,500 and every political action committee, as defined under section 1052, subsection 5, paragraph A, subparagraph (5), that makes expenditures in the aggregate in excess of $5,000 must register with the commission within seven (7) days of exceeding the applicable amount on forms prescribed by the commission. These forms must include the following information and any additional information reasonably required by the commission to monitor the activities of political action committees in this State under this subchapter:

1. Identification of committee. The names and mailing addresses of the committee, its treasurer, its principal officers, the names of any candidates and Legislators who have a significant role in fund raising or decision-making for the committee and all individuals who are the primary fund-raisers and decision makers for the committee;

2. Form of organization. The form or structure of organization, including cooperatives, corporations, voluntary associations, partnerships or any other structure by which the committee functions. The date of origin or incorporation must also be specified; and

3. Statement of support or opposition. A statement indicating the positions of the committee, support or opposition, with respect to a candidate, political committee, referendum, initiated petition or campaign, if known at the time of registration. If a committee has no position on a candidate, campaign or issue at the time of registration, the committee must inform the commission as soon as the committee knows this information.

Every change in information required by this section must be included in an amended registration form submitted to the commission within ten (10) days of the date of the change. The committee must file an updated registration form every two (2) years between January 1st and March 1st of an election year. The commission may waive the updated registration requirement for newly registered political action committees or other registered political action committees if it determines that the requirement would cause an administrative burden disproportionate to the public benefit of updated information.

21A § 1053-A. Municipal elections

Organizations that qualify as political action committees under section 1052, subsection 5 and that are organized to influence elections on the municipal ballot in towns or cities with a population of 15,000 or more shall register and file reports with the municipal clerk as required by Title 30-A, section 2502. The reports must be filed in accordance with the reporting schedule in section 1059 and must contain the information listed in section 1060. A political action committee registered with the commission and that receives contributions or makes expenditures relating to a municipal election shall file a copy of the report containing such contributions or expenditures with the clerk in the subject municipality.

21A § 1053-B. Out-of-state political action committees

A political action committee organized outside of this State shall register and file reports with the commission in accordance with sections 1053 and 1058. The committee is not required to register and file reports if the committee's only financial activity within the State is to make contributions to candidates, party committees, political action committees or ballot question committees registered with the commission or a municipality and the committee has not raised and accepted any contributions during the calendar year to influence an election or campaign in this State.

21A § 1054. Appointment of treasurer

Any political action committee required to register under section 1053 must appoint a treasurer before registering with the commission. The treasurer shall retain, for a minimum of four (4) years, all receipts, including cancelled checks, of expenditures made in support of or in opposition to a campaign, political committee, political action committee, referendum or initiated petition in this State.

21A § 1055. Publication or distribution of political communications

A political action committee that makes an expenditure to finance a communication expressly advocating the election or defeat of a candidate or that names or depicts a clearly identified candidate is subject to the requirements of section 1014.

21A § 1056. Expenditure limitations

Any committee required to register under this chapter shall comply with the following expenditure limitations.

1. Aggregate expenditures. A committee may not make contributions in support of the candidacy of one person aggregating more than $500 in any election for a gubernatorial candidate, or $250 in any election for any other candidate.

2. Prohibited expenditures. No committee may make any expenditure for liquor to be distributed to or consumed by voters while the polls are open on election day.

21A § 1056-A. Expenditures by political action committees

A political action committee shall report all expenditures in cash or in kind made by the committee.

21A § 1056-B. Ballot question committees

Any person not defined as a political action committee who receives contributions or makes expenditures, other than by contribution to a political action committee, aggregating in excess of $5,000 for the purpose of initiating, promoting, defeating or influencing in any way a ballot question must file reports with the commission in accordance with this section. Within 7 days of receiving contributions or making expenditures that exceed $5,000, the person shall register with the commission as a ballot question committee. For the purposes of this section, expenditures include paid staff time spent for the purpose of influencing in any way a ballot question. The commission must prescribe forms for the registration, and the forms must include specification of a treasurer for the committee, any other principal officers and all individuals who are the primary fund-raisers and decision makers for the committee. In the case of a municipal election, the registration and reports must be filed with the clerk of that municipality.

1. Filing requirements. A report required by this section must be filed with the commission according to the reporting schedule in section 1059. After completing all financial activity, the committee shall terminate its campaign finance reporting in the same manner provided in section 1061. The committee shall file each report required by this section through an electronic filing system developed by the commission unless granted a waiver under section 1059, subsection 5.

2. Content. A report must contain an itemized account of each expenditure made to and contribution received from a single source aggregating in excess of $100 in any election; the date of each contribution; the date and purpose of each expenditure; the name and address of

each contributor, payee or creditor; and the occupation and principal place of business, if any, for any person who has made contributions exceeding $100 in the aggregate. The filer is required to report only those contributions made to the filer for the purpose of initiating, promoting, defeating or influencing in any way a ballot question and only those expenditures made for those purposes. The definitions of "contribution" and "expenditure" in section 1052, subsections 3 and 4, respectively, apply to persons required to file ballot question reports.

2.A. Contributions. For the purposes of this section, "contribution" includes, but is not limited to:

A. Funds that the contributor specified were given in connection with a ballot question;

B. Funds provided in response to a solicitation that would lead the contributor to believe that the funds would be used specifically for the purpose of initiating, promoting, defeating or influencing in any way a ballot question;

C. Funds that can reasonably be determined to have been provided by the contributor for the purpose of initiating, promoting, defeating or influencing in any way a ballot question when viewed in the context of the contribution and the recipient's activities regarding a ballot question; and

D. Funds or transfers from the general treasury of an organization filing a ballot question report.

3. Forms. A report required by this section must be on a form prescribed and prepared by the commission. A person filing this report may use additional pages if necessary, but the pages must be the same size as the pages of the form.

4. Records. A person filing a report required by this section shall keep records as required by this subsection for 4 years following the election to which the records pertain.

A. The filer shall keep a detailed account of all contributions made to the filer for the purpose of initiating, promoting, defeating or influencing in any way a ballot question and all expenditures made for those purposes.

B. The filer shall retain a vendor invoice or receipt stating the particular goods or services purchased for every expenditure in excess of $50.

21A § 1057. Records

Any political action committee that is required to register under section 1053 or 1053-B shall keep records as provided in this section for 4 years following the election to which the records pertain.

1. Details of records. The treasurer of a political action committee must record a detailed account of:

A. All expenditures made to or in behalf of a candidate, campaign or committee;

B. The identity and address of each candidate, campaign or committee;

C. The office sought by a candidate and the district he seeks to represent, for candidates which a political action committee has made an expenditure to or in behalf of; and

D. The date of each expenditure.

2. Receipts. The treasurer of a political action committee must retain a vendor invoice or receipt stating the particular goods or services purchased for every expenditure in excess of $50.

3. Record of contributions. The treasurer of a political action committee must keep a record of all contributions to the committee, by name and mailing address, of each donor and the amount and date of the contribution. This provision does not apply to aggregate contributions from a single donor of $50 or less for an election or referendum campaign. When any donor's contributions to a political action committee exceed $50, the record must include the aggregate amount of all contributions from that donor.

21A § 1058. Reports; qualifications for filing

A political action committee that is required to register under section 1053 or 1053-B shall file reports with the commission on forms prescribed by the commission according to the schedule in section 1059.

21A § 1059. Report; filing requirements

Committees required to register under section 1053, 1053-B or 1056-B shall file an initial campaign finance report at the time of registration and thereafter shall file reports in compliance with this section. All reports must be filed by 11:59 p.m. on the filing deadline, except that reports submitted to a municipal clerk must be filed by the close of business on the filing deadline.

1. Contents; quarterly reports and election year reports. (REPEALED)

2. Reporting schedule. Committees shall file reports according to the following schedule.

A. Quarterly reports must be filed:

(1) On January 15th and must be complete as of December 31st;

(2) On April 10th and must be complete as of March 31st;

(3) On July 15th and must be complete as of June 30th; and

(4) On October 10th and must be complete as of September 30th.

B. General and primary election reports must be filed:

(1) On the 11th day before the date on which the election is held and must be complete as of the 14th day before that date; and

(2) On the 42nd day after the date on which the election is held and must be complete as of the 35th day after that date.

C. Reports of spending to influence special elections, referenda, initiatives, bond issues or constitutional amendments must be filed:

(1) On the 11th day before the date on which the election is held and must be complete as of the 14th day before that date; and

(2) On the 42nd day after the date on which the election is held and must be complete as of the 35th day after that date.

D. A committee that files an election report under paragraph B or C is not required to file a quarterly report when the deadline for that quarterly report falls within ten (10) days of the filing deadline established in paragraph B or C.

E. A committee shall report any expenditure of $500 or more made after the 14th day before the election and more than 24 hours before 5:00 p.m. on the day of the election within 24 hours of that expenditure.

3. Report of expenditures made after the 11th day and more than 48 hours before any election. (REPEALED)

4. Special election reports. (REPEALED)

5. Electronic filing. Committees shall file each report required by this section through an electronic filing system developed by the commission. The commission may make an exception to this electronic filing requirement if a committee submits a written request that states that the committee lacks access to the technology or the technological ability to file reports electronically. The request for an exception must be submitted within 30 days of the registration of the committee. The commission shall grant all reasonable requests for exceptions.

21A § 1060. Content of reports

The reports must contain the following information and any additional information required by the commission to monitor the activities of political action committees:

1. Identification of candidates. The names of and offices sought by all candidates whom the committee supports, intends to support or seeks to defeat;

2. Identification of committees; parties. The names of all political committees or party committees supported in any way by the committee;

3. Identification of referendum or initiated petition. The referenda or initiated petitions that the committee supports or opposes;

4. Itemized expenditures. An itemization of each expenditure made to support or oppose any candidate, campaign, political committee, political action committee and party committee or to support or oppose a referendum or initiated petition, including the date, payee and purpose of the expenditure; the name of each candidate, campaign, political committee, political action committee or party committee supported or opposed; and each referendum or initiated petition supported or opposed by the expenditure. If expenditures were made to a person described in section 1012, subsection 3, paragraph A, subparagraph (4), the report must contain the name of the person; the amount spent by that person on behalf of the

candidate, campaign, political committee, political action committee, party committee, referendum or initiated petition, including, but not limited to, expenditures made during the signature-gathering phase; the reason for the expenditure; and the date of the expenditure. The commission may specify the categories of expenditures that are to be reported to enable the commission to closely monitor the activities of political action committees;

5. Aggregate expenditures. An aggregation of expenditures and cumulative aggregation of expenditures to a candidate, campaign, political committee, political action committee, party committee, referendum or initiated petition;

6. Identification of contributions. Names, occupations, places of business and mailing addresses of contributors who have given more than $50 to the political action committee in the reporting period and the amount and date of each contribution, except that an organization qualifying as a political action committee under section 1052, subsection 5, paragraph A, subparagraph (5) is required to report only those contributions made to the organization for the purpose of promoting, defeating or influencing a ballot question or the nomination or election of a candidate to political office and all transfers to or funds used to support the political action committee from the general treasury of the organization; and

7. Other expenditures. Operational expenses and other expenditures that are not made on behalf of a candidate, committee or campaign, except that an organization qualifying as a political action committee under section 1052, subsection 5, paragraph A, subparagraph (5) is required to report only those expenditures made for the purpose of promoting, defeating or influencing a ballot question or the nomination or election of a candidate to political office.

21A § 1061. Dissolution of committees

Whenever any political action committee determines that it will no longer accept any contributions or make any expenditures, the committee shall file a termination report that includes all financial activity from the end date of the previous reporting period through the date of termination with the commission. The committee must dispose of any surplus prior to termination. In the termination report, the committee shall report any outstanding loan, debt or obligation in the manner prescribed by the commission.

21A § 1062. Failure to file on time (REPEALED)

21A § 1062-A. Failure to file on time

1. Registration. A political action committee required to register under section 1053 or 1053-B or a ballot question committee required to register under section 1056-B that fails to do so or that fails to provide the information required by the commission for registration may be assessed a fine of $250.

2. Campaign finance reports. A campaign finance report is not timely filed unless a properly signed or electronically submitted copy of the report, substantially conforming to the disclosure requirements of this subchapter, is received by the commission by 11:59 p.m. on the date it is due. Except as provided in subsection 6, the commission shall determine

whether a required report satisfies the requirements for timely filing. The commission may waive a penalty in whole or in part if it is disproportionate to the level of experience of the person filing the report or to the harm suffered by the public from the late disclosure. The commission may waive the penalty in whole or in part if the commission determines the failure to file a timely report was due to mitigating circumstances. For purposes of this section, "mitigating circumstances" means:

A. A valid emergency of the committee treasurer determined by the commission, in the interest of the sound administration of justice, to warrant the waiver of the penalty in whole or in part;

B. An error by the commission staff; or

C. Other circumstances determined by the commission that warrant mitigation of the penalty, based upon relevant evidence presented that a bona fide effort was made to file the report in accordance with the statutory requirements, including, but not limited to, unexplained delays in postal service or interruptions in Internet service.

3. Basis for penalties. The penalty for late filing of a report required under this subchapter is a percentage of the total contributions or expenditures for the filing period, whichever is greater, multiplied by the number of calendar days late, as follows:

A. For the first violation, 1%;

B. For the 2nd violation, 3%; and

C. For the 3rd and subsequent violations, 5%.

Any penalty of less than $10 is waived.

Violations accumulate on reports with filing deadlines in a two-year period that begins on January 1st of each even-numbered calendar year. Waiver of a penalty does not nullify the finding of a violation.

A report required to be filed under this subchapter that is sent by certified or registered United States mail and postmarked at least two (2) days before the deadline is not subject to penalty.

A required report may be provisionally filed by transmission of a facsimile copy of the duly executed report to the commission, as long as an original of the same report is received by the commission within five calendar days thereafter.

4. Maximum penalties. The maximum penalty under this subchapter is $10,000 for reports required under section 1056-B or section 1059.

5. Request for a commission determination. (REPEALED)

5. Request for a commission determination. If the commission staff finds that a political action committee has failed to file a report required under this subchapter, the commission staff shall mail a notice by certified mail to the treasurer of the political action committee within three business days following the filing deadline informing the treasurer that a report was not received. If a political action committee files a report required under this subchapter late, a notice of preliminary penalty must be forwarded to the treasurer of the political action committee whose report is not received by 11:59 p.m. on the deadline date, informing the treasurer of the commission staff finding of violation and preliminary penalty

calculated under subsection 3 and providing the treasurer with an opportunity to request a determination by the commission. The notice must be sent by certified mail. A request for determination must be made within 14 calendar days of receipt of the commission's notice. The 14-day period during which a determination may be requested begins on the day a recipient signs for the certified mail notice of the proposed penalty. If the certified letter is refused or left unclaimed at the post office, the 14-day period begins on the day the post office indicates it has given first notice of a certified letter. A principal officer or treasurer requesting a determination may either appear in person or designate a representative to appear on the principal officer's or treasurer's behalf or submit a sworn statement explaining the mitigating circumstances for consideration by the commission. A final determination by the commission may be appealed to the Superior Court in accordance with Title 5, chapter 375, subchapter 7 and the Maine Rules of Civil Procedure, Rule 80C.

6. Final notice of penalty. After a commission meeting, notice of the final determination of the commission and the penalty, if any, imposed pursuant to this subchapter must be sent to the principal officer and the treasurer of the political action committee.

If a determination is not requested, the preliminary penalty calculated by the commission staff is final. The commission staff shall mail final notice of the penalty to the principal officer and to the treasurer of the political action committee. A detailed summary of all notices must be provided to the commission.

7. List of late-filing committees. The commission shall prepare a list of the names of political action committees that are late in filing a report required under section 1059, subsection 2, paragraph B, subparagraph (1) or section 1059, subsection 2, paragraph C or D within 30 days of the date of the election and shall make that list available for public inspection.

8. Failure to file. A person who fails to file a report as required by this subchapter within 30 days of the filing deadline is guilty of a Class E crime, except that, if a penalty pursuant to subsection 8-A is assessed and collected by the commission, the State may not prosecute a violation under this subsection.

8-A. Penalties for failure to file report. The commission may assess a civil penalty for failure to file a report required by this subchapter. The maximum penalty for failure to file a report required under section 1056-B or section 1059 is $10,000.

9. Enforcement. A penalty assessed pursuant to this section that has not been paid in full within 30 days after issuance of a notice of the final determination may be enforced in accordance with section 1004-B.

21A § 1063. Constitutional officers and State Auditor

The Secretary of State, the Treasurer of State, the Attorney General, the State Auditor, or any individual running for these offices, may not form a political action committee or be involved in decision making for or solicit contributions to a political action committee.

SUBCHAPTER V

MAINE CODE OF FAIR CAMPAIGN PRACTICES

21A § 1101. Maine Code of Fair Campaign Practices

1. Distribution to candidates. At the time a candidate for the office of Governor, the Senate or the House of Representatives registers with the commission as required under section 1013-A, the commission shall give the candidate a form containing a copy of the Maine Code of Fair Campaign Practices established in this subchapter. The commission shall, at that time, inform the candidate that subscription to the code is voluntary. For the purposes of this subchapter, "code" means the Maine Code of Fair Campaign Practices.

2. The code form. The code, printed on the form provided to candidates under subsection 1, must read as follows:

"Maine Code of Fair Campaign Practices

I shall conduct my campaign and, to the extent reasonably possible, insist that my supporters conduct themselves, in a manner consistent with the best Maine and American traditions, discussing the issues and presenting my record and policies with sincerity and candor.

I shall uphold the right of every qualified voter to free and equal participation in the election process.

I shall not participate in and I shall condemn defamation of and other attacks on any opposing candidate or party that I do not believe to be truthful, provable and relevant to my campaign.

I shall not use or authorize and I shall condemn material relating to my campaign that falsifies, misrepresents or distorts the facts, including, but not limited to, malicious or unfounded accusations creating or exploiting doubts as to the morality, patriotism or motivations of any party or candidate.

I shall not appeal to and I shall condemn appeals to prejudices based on race, creed, sex or national origin.

I shall not practice and I shall condemn practices that tend to corrupt or undermine the system of free election or that hamper or prevent the free expression of the will of the voters.

I shall promptly and publicly repudiate the support of any individual or group that resorts, on behalf of my candidacy or in opposition to that of an opponent, to methods in violation of the letter or spirit of this code.

I, the undersigned, candidate for election to public office in the State of Maine, hereby voluntarily endorse, subscribe to and solemnly pledge to conduct my campaign in accordance with the above principles and practices.

_____

Candidate for Public Office"

21A § 1102. Printing of code forms

The commission shall print, or cause to be printed, copies of the code for distribution to registered candidates.

21A § 1103. Acceptance of completed forms

The commission shall accept, at all times prior to the election, completed code forms that are properly subscribed to by a candidate.

21A § 1104. Public records

The commission shall retain for public inspection all completed code forms accepted by the commission under section 1103. A code subscribed to by a candidate is a public record under Title 1, section 408.

21A § 1105. Subscription to code voluntary

In no event may a candidate be required to subscribe to or endorse the code.

PLEASE NOTE: Legislative Information ***cannot*** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Amend the Laws Governing Campaign Finance Reports and the Maine Clean Election Act

Be it enacted by the People of the State of Maine as follows:

PART A

Sec. A-1. 21-A MRSA §1011, 2nd ¶, as enacted by PL 1995, c. 483, §2, is amended to read:

Candidates for municipal office as defined in Title 30-A, section 2502, subsection 1 ~~and referenda as defined in Title 30-A, section 2502, subsection 2~~ are governed by this subchapter, with the following provisions:

Sec. A-2. 21-A MRSA §1014, sub-§1, as amended by PL 2007, c. 443, Pt. A, §9, is further amended to read:

1. Authorized by candidate. Whenever a person makes an expenditure to finance a communication expressly advocating the election or defeat of a clearly identified candidate through broadcasting stations, newspapers, magazines, campaign signs or other outdoor advertising facilities, publicly accessible sites on the Internet, direct mails or other similar types of general public political advertising or through flyers, handbills, bumper stickers and other nonperiodical publications, the communication, if authorized by a candidate, a candidate's authorized political committee or their agents, must clearly and conspicuously state that the communication has been so authorized and must clearly state the name and address of the person who made or financed the expenditure for the communication. The following forms of political communication do not require the name and address of the person who made or authorized the expenditure for the communication because the name or address would be so small as to be illegible or infeasible: ashtrays, badges and badge holders, balloons, campaign buttons, clothing, coasters, combs, emery boards, envelopes, erasers, glasses, key rings, letter openers, matchbooks, nail files, noisemakers, paper and plastic cups, pencils, pens, plastic tableware, 12-inch or shorter rulers, swizzle sticks, tickets to fund-raisers and similar items determined by the commission to be too small and unnecessary for the disclosures required by this section. A communication financed by a candidate or the candidate's committee ~~that is made through a broadcasting station~~ is not required to state the address of the candidate or committee that financed the communication.

Sec. A-3. 21-A MRSA §1014, sub-§3-A, as enacted by PL 1991, c. 839, §9, is amended to read:

3-A. In-kind contributions of printed materials. A candidate, political committee or political action committee shall report on the campaign finance report as a contribution to the candidate, political committee or political action committee any contributions of in-kind printed materials to be used in the support of a candidate or in the support or defeat of a ~~cause to be voted upon at referendum~~ballot question. Any in-kind contributions of printed materials used or distributed by a candidate, political

committee or political action committee must include the name or title of that candidate, political committee or political action committee as the authorizing agent for the printing and distribution of the in-kind contribution.

~~The use or distribution of in-kind printed materials contributed to a candidate, political committee or political action committee must be reported as an expenditure on the campaign finance report of that candidate, political committee or political action committee.~~

Sec. A-4. 21-A MRSA §1014-A, as enacted by PL 1995, c. 43, §1, is repealed.

Sec. A-5. 21-A MRSA §1017, sub-§3-A, ¶D-1, as enacted by PL 2007, c. 642, §10, is amended to read:

D-1. Reports must be filed no later than ~~5~~11:59 p.m. on the 42nd day before the date on which a general election is held and must be complete as of the 49th day before that date, except that this report is not required for candidates for municipal office.

Sec. A-6. 21-A MRSA §1017, sub-§3-B, as amended by PL 2007, c. 443, Pt. A, §16, is further amended to read:

3-B. Accelerated reporting schedule. Additional reports are required from nonparticipating candidates, as defined in section 1122, subsection 5, pursuant to this subsection.

A. In addition to other reports required by law, any candidate for Governor, State Senate or State House of Representatives who is not certified as a Maine Clean Election Act candidate under chapter 14 and who receives, spends or obligates more than the primary or general election distribution amounts for a Maine Clean Election Act candidate in the same race shall file by any means acceptable to the commission, within 48 hours of that event, a report with the commission detailing the candidate's total campaign contributions, including any campaign balance from a previous election, obligations and expenditures to date.

B. A nonparticipating candidate who is required to file a report under paragraph A shall file no later than 5:00 p.m.:

(1) ~~A~~For legislative candidates in a primary election only, a report on the 42nd day before the date on which ~~an~~a primary election is held that is complete as of the 44th day before that date;

(2) For gubernatorial candidates only, a report on the 25th day before the date on which an election is held that is complete as of the 27th day before that date;

(3) A report on the 18th day before the date on which an election is held that is complete as of the 20th day before that date; and

(4) A report on the 6th day before the date on which an election is held that is complete as of the 8th day before that date.

The reports must contain the candidate's total campaign contributions, including any campaign balance from a previous election, obligations and expenditures as of the end date of the reporting period.

The nonparticipating candidate shall file only those reports that are due after the date on which the candidate filed the report required under paragraph A.

C. A candidate who is required to file a report under paragraph A must file with the commission an updated report that reports single expenditures in the following amounts that are made after the 14th day before an election and more than 24 hours before 11:59 p.m. on the date of that election:

(1) For a candidate for Governor, a single expenditure of $1,000;

(2) For a candidate for the state Senate, a single expenditure of $750; and

(3) For a candidate for the state House of Representatives, a single expenditure of $500.

A report filed pursuant to this paragraph must be filed within 24 hours of the expenditure.

The commission shall provide forms to facilitate compliance with this subsection. The commission shall notify a candidate within 48 hours if an amount reported on any report under paragraph B exceeds ~~1% in excess of~~ the primary or general election distribution amounts for a Maine Clean Election Act candidate in the same race and no report has been received under paragraph A.

Sec. A-7. 21-A MRSA §1017, sub-§5-A, ¶B, as amended by PL 2007, c. 443, Pt. A, §16, is further amended to read:

B. If the contribution is sold after the termination of the appropriate reporting period specified in subsections 2 to 4, the value of the contribution is the difference between the value of the contribution as originally reported by the treasurer and the amount of the purchase price paid at auction. Unless further reports are filed in relation to a later election in the same calendar year, the disposition of any net surplus or deficit in excess of ~~$50~~$100 resulting from the difference between the auction price and the original contribution value must be reported in the same manner as provided in subsection 2, paragraph F or subsection 3-A, paragraph E, as appropriate.

Sec. A-8. 21-A MRSA §1017-A, sub-§1, as amended by PL 2007, c. 443, Pt. A, §17, is further amended to read:

1. Contributions. A party committee shall report all contributions in cash or in kind from a single contributor that in the aggregate ~~in a campaign~~ total more than $200. The party committee shall report the name, mailing address, occupation and place of business of each contributor. Contributions of $200 or less must be reported, and these contributions may be reported as a lump sum.

Sec. A-9. 21-A MRSA §1017-A, sub-§2, as amended by PL 2007, c. 443, Pt. A, §17, is further amended to read:

2. Expenditures to support or oppose candidates, others. A party committee shall report all expenditures ~~in cash or in kind of the committee made on behalf of~~made to support or oppose a candidate, political committee, political action committee or party committee registered under this chapter. The party committee shall report:

A. The name of each candidate, political committee, political action committee or party committee;

B. The office sought by a candidate and the district that the candidate seeks to represent; and

C. The date, amount and purpose of each expenditure.

Sec. A-10. 21-A MRSA §1017-A, sub-§3, as amended by PL 2007, c. 443, Pt. A, §17, is further amended to read:

3. Other expenditures. Operational expenses and other expenditures ~~in cash or in kind of the party committee~~ that are not made, ~~on behalf of~~to support or oppose a candidate, committee, political action committee or ~~campaign~~party committee must be reported separately. The party committee shall report:

A. The name and address of each payee ~~or recipient~~;

B. The purpose for the expenditure; and

C. The date and amount of each expenditure.

Sec. A-11. 21-A MRSA §1017-A, sub-§4-A, ¶A, as amended by PL 2007, c. 443, Pt. A, §17, is further amended to read:

A. Quarterly reports must be filed by 11:59 p.m.:

(1) On January 15th and must be complete up to ~~January 5th~~December 31st;

(2) On April 10th and must be complete up to March 31st;

(3) On July 15th and must be complete up to ~~July 5th~~June 30th; and

(4) On October 10th and must be complete up to September 30th.

Sec. A-12. 21-A MRSA §1017-A, sub-§4-B, ¶A, as amended by PL 2007, c. 443, Pt. A, §17, is further amended to read:

A. Reports filed during an election year must be filed with the commission by 11:59 p.m. on:

(1) July 15th and be complete as of June 30th;

(2) The 11th day before the date on which the general election is held and must be complete up to the 14th day before that date; and

(3) January 15th and be complete as of December 31st.

Sec. A-13. 21-A MRSA §1020-A, sub-§2, as amended by PL 2007, c. 443, Pt. A, §21, is further amended to read:

2. Campaign finance reports. A campaign finance report is not timely filed unless a properly signed or electronically submitted copy of the report, substantially conforming to the disclosure requirements of this subchapter, is received by the commission by 11:59 p.m. on the date it is due. Except as provided in subsection 7, the commission shall determine whether a report satisfies the requirements for timely filing. The commission may waive a penalty in whole or in part if the commission determines that the penalty is disproportionate to the size of the candidate's campaign, the level of experience of the candidate, treasurer or campaign staff or the harm suffered by the public from the late disclosure. The commission may waive the penalty in whole or in part if the commission determines the failure to file a timely report was due to mitigating circumstances. For purposes of this section, "mitigating circumstances" means:

A. A valid emergency determined by the commission, in the interest of the sound administration of justice, to warrant the waiver of the penalty in whole or in part;

B. An error by the commission staff;

C. Failure to receive notice of the filing deadline; or

D. Other circumstances determined by the commission that warrant mitigation of the penalty, based upon relevant evidence presented that a bona fide effort was made to file the report in accordance with the statutory requirements, including, but not limited to, unexplained delays in postal service or interruptions in Internet service.

Sec. A-14. 21-A MRSA §1020-A, sub-§5-A, ¶A, as amended by PL 2003, c. 448, §4, is further amended to read:

A. Five thousand dollars for reports required under section 1017, subsection 2, paragraph B, C, D, E or H; section 1017, subsection 3-A, paragraph B, C, D, D-1 or F; section 1017, subsection 4; and section 1019-B, subsection 3;

Sec. A-15. 21-A MRSA §1051, 2nd ¶, as enacted by PL 1987, c. 280, is repealed.

Sec. A-16. 21-A MRSA §1052, sub-§5, ¶A, as amended by PL 2007, c. 477, §2, is further amended to read:

A. Includes:

(1) Any separate or segregated fund established by any corporation, membership organization, cooperative or labor or other organization whose purpose is to influence the outcome of an election, including a candidate election or ballot question;

(4) Any organization, including any corporation or association, that has as its major purpose initiating, promoting, defeating or influencing a candidate election, campaign or ballot question and that ~~spends~~receives contributions or makes expenditures aggregating more than $1,500 in a calendar year for that purpose, including for the collection of signatures for a direct initiative or referendum in this State; and

(5) Any organization that does not have as its major purpose promoting, defeating or influencing candidate elections but that ~~spends~~receives contributions or makes expenditures aggregating more than $5,000 in a calendar year for the purpose of promoting, defeating or influencing in any way the nomination or election of any candidate to political office; and

Sec. A-17. 21-A MRSA §1053, last ¶, as enacted by PL 2007, c. 443, Pt. A, §29, is repealed.

Sec. A-18. 21-A MRSA §1053-A is enacted to read:

§ 1053-A. Municipal elections

Organizations that qualify as political action committees under section 1052, subsection 5 and that are organized to influence elections on the municipal ballot in towns or cities with a population of 15,000 or more shall register and file reports with the municipal clerk as required by Title 30-A, section 2502. The reports must be filed in accordance with the reporting schedule in section 1059 and must contain the information listed in section 1060. A political action committee registered with the commission and that receives contributions or makes expenditures relating to a municipal election shall file a copy of the report containing such contributions or expenditures with the clerk in the subject municipality.

Sec. A-19. 21-A MRSA §1053-B is enacted to read:

§ 1053-B. Out-of-state political action committees

A political action committee organized outside of this State shall register and file reports with the commission in accordance with sections 1053 and 1058. The committee is not required to register and file reports if the committee's only financial activity within the State is to make contributions to candidates, party committees, political action committees or ballot question committees registered with the commission or a municipality and the committee has not raised and accepted any contributions during the calendar year to influence an election or campaign in this State.

Sec. A-20. 21-A MRSA §1056-B, as amended by PL 2007, c. 477, §4, is further amended to read:

§ 1056-B.Ballot question committees

Any person not defined as a political action committee who ~~solicits and~~ receives contributions or makes expenditures, other than by contribution to a political action committee, aggregating in excess of $5,000 for the purpose of initiating, promoting, defeating or influencing in any way a ballot question must file ~~a report~~reports with the commission in accordance with this section. ~~In the case of a municipal election, a copy of the same information must be filed with the clerk of that municipality.~~ Within 7 days of receiving contributions or making expenditures that exceed $5,000, the person shall register with the commission as a ballot question committee. For the purposes of this section, expenditures include paid staff time spent for the purpose of influencing in any way a ballot question. The commission must prescribe forms for the registration, and the forms must include specification of a treasurer for the committee, any other principal officers and all individuals who are the primary fund-raisers and decision makers for the committee. In the case of a municipal election, the registration and reports must be filed with the clerk of that municipality.

1. Filing requirements. A report required by this section must be filed with the commission according to ~~a~~the reporting schedule ~~that the commission shall establish that takes into consideration existing campaign finance reporting schedule requirements~~ in section 1059. After completing all financial activity, the committee shall terminate its campaign finance reporting in the same manner provided in section 1061. The committee shall file each report required by this section through an electronic filing system developed by the commission unless granted a waiver under section 1059, subsection 5.

2. Content. A report must contain an itemized account of each expenditure made to and contribution received from a single source aggregating in excess of $100 in any election; the date of each contribution; the date and purpose of each expenditure; ~~and~~ the name and address of each contributor, payee or creditor; and the occupation and principal place of business, if any, for any person who has made contributions exceeding $100 in the aggregate. The filer is required to report only those contributions made to the filer for the purpose of initiating, promoting, defeating or influencing in any way a ballot question and only those expenditures made for those purposes. The definitions of "contribution" and "expenditure" in section 1052, subsections 3 and 4, respectively, apply to persons required to file ballot question reports.

2-A. Contributions. For the purposes of this section, "contribution" includes, but is not limited to:

A. Funds that the contributor specified were given in connection with a ballot question;

B. Funds provided in response to a solicitation that would lead the contributor to believe that the funds would be used specifically for the purpose of initiating, promoting, defeating or influencing in any way a ballot question;

C. Funds that can reasonably be determined to have been provided by the contributor for the purpose of initiating, promoting, defeating or influencing in any way a ballot question when viewed in the context of the contribution and the recipient's activities regarding a ballot question; and

D. Funds or transfers from the general treasury of an organization filing a ballot question report.

3. Forms. A report required by this section must be on a form prescribed and prepared by the commission. A person filing this report may use additional pages if necessary, but the pages must be the same size as the pages of the form.

4. Records. A person filing a report required by this section shall keep records as required by this subsection for ~~one year~~4 years following the election to which the records pertain.

A. The filer shall keep a detailed account of all contributions made to the filer for the purpose of initiating, promoting, defeating or influencing in any way a ballot question and all expenditures made for those purposes.

B. The filer shall retain a vendor invoice or receipt stating the particular goods or services purchased for every expenditure in excess of $50.

Sec. A-21. 21-A MRSA §1057, first ¶, as enacted by PL 1985, c. 161, §6, is amended to read:

Any political action committee that ~~makes expenditures which aggregate in excess of $50 to any one or more candidates, committees or campaigns in this State~~is required to register under section 1053 or 1053-B shall keep records as provided in this section. ~~Records required to be kept under subsections 1, 2 and 3 shall be retained by the political action committee until 10 days after the next election~~for 4 years following the election to which the records pertain.

Sec. A-22. 21-A MRSA §1058, as amended by PL 2007, c. 477, §5, is further amended to read:

§ 1058.Reports; qualifications for filing

A political action committee that is required to register ~~with the commission~~under section 1053 or 1053-B shall file ~~a report on its activities in that campaign~~reports with the commission on forms ~~as~~ prescribed by the commission according to the schedule in section 1059. ~~A political action committee organized in this State required under this section to file a report shall file the report for each filing period under section 1059. A political action committee organized outside this State shall file with the Commission on Governmental Ethics and Election Practices of this State a copy of the report that the political action committee is required to file in the state in which the political action committee is organized. The political action committee shall file the copy only if it has expended funds or received contributions or made expenditures in this State. The copy of the report must be filed in accordance with the schedule of filing in the state where it is organized. If contributions or expenditures are made relating to a municipal office or referendum, the report must be filed with the clerk in the subject municipality.~~

Sec. A-23. 21-A MRSA §1059, first ¶, as amended by PL 2007, c. 571, §9, is further amended to read:

Committees required to register under section 1053, 1053-B or 1056-B shall file an initial campaign finance report at the time of registration and thereafter shall file reports in compliance with this section. All reports must be filed by 11:59 p.m. on the filing deadline, except that reports submitted to a municipal clerk must be filed by the close of business on the filing deadline.

Sec. A-24. 21-A MRSA §1059, sub-§2, ¶A, as amended by PL 2007, c. 443, Pt. A, §35, is further amended to read:

A. Quarterly reports must be filed:

(1) On January 15th and must be complete as of ~~January 5th~~December 31st;

(2) On April 10th and must be complete as of March 31st;

(3) On July 15th and must be complete as of ~~July 5th~~June 30th; and

(4) On October 10th and must be complete as of September 30th.

Sec. A-25. 21-A MRSA §1060, sub-§4, as amended by PL 2007, c. 443, Pt. A, §36, is further amended to read:

4. Itemized expenditures. An itemization of each expenditure made ~~on behalf of~~to support or oppose any candidate, campaign, political committee, political action committee and party committee or to support or oppose a referendum or initiated petition, including the date, payee and purpose of the expenditure; the name of each candidate, campaign, political committee, political action committee or party committee ~~on whose behalf the expenditure was made~~supported or opposed; and each referendum or initiated petition supported or opposed by the expenditure. If expenditures were made to a person described in section 1012, subsection 3, paragraph A, subparagraph (4), the report must contain the name of the person; the amount spent by that person on behalf of the candidate, campaign, political committee, political action committee, party committee, referendum or initiated petition, including, but not limited to, expenditures made during the signature gathering phase; the reason for the expenditure; and the date of the expenditure. The commission may specify the categories of expenditures that are to be reported to enable the commission to closely monitor the activities of political action committees;

Sec. A-26. 21-A MRSA §1060, sub-§7, as amended by PL 2007, c. 477, §7, is further amended to read:

7. Other expenditures. Operational expenses and other expenditures ~~in cash or in kind~~ that are not made on behalf of a candidate, committee or campaign, except that an organization qualifying as a political action committee under section 1052, subsection 5, paragraph A, subparagraph (5) is required to report only those expenditures made for the purpose of promoting, defeating or influencing a ballot question or the nomination or election of a candidate to political office.

Sec. A-27. 21-A MRSA §1061, as amended by PL 2007, c. 443, Pt. A, §37, is further amended to read:

§ 1061.Dissolution of committees

Whenever any political action committee determines that it will no longer ~~solicit or~~ accept any contributions~~, incur any obligations~~,or make any expenditures ~~to or on behalf of any candidate, political committee, party committee or political action committee to initiate, support, defeat or influence in any way the outcome of a referendum, initiated petition or election and the committee has no outstanding loans, debts or other obligations~~, the committee shall file a termination report that includes all financial activity from the end date of the previous reporting period through the date of termination with the commission. ~~If a termination report is not filed, the committee shall continue to file periodic reports as required in this chapter.~~The committee must dispose of any surplus prior to termination. In the termination report, the committee shall report any outstanding loan, debt or obligation in the manner prescribed by the commission.

Sec. A-28. 21-A MRSA §1062-A, sub-§1, as enacted by PL 1995, c. 483, §21, is amended to read:

1. Registration. A political action committee required to register under section 1053 or 1053-B or a ballot question committee required to register under section 1056-B that fails to do so ~~in accordance with section 1053~~ or that fails to provide the information required by the commission for registration may be assessed a ~~forfeiture~~fine of $250.

Sec. A-29. 21-A MRSA §1062-A, sub-§2, as amended by PL 2007, c. 443, Pt. A, §38, is further amended to read:

2. Campaign finance reports. A campaign finance report is not timely filed unless a properly signed or electronically submitted copy of the report, substantially conforming to the disclosure requirements of this subchapter, is received by the commission by 11:59 p.m. on the date it is due. Except as provided in subsection 6, the commission shall determine whether a required report satisfies the requirements for timely filing. The commission may waive a penalty in whole or in part if it is disproportionate to the level of experience of the person filing the report or to the harm suffered by the public from the late disclosure. The commission may waive the penalty in whole or in part if the commission determines the failure to file a timely report was due to mitigating circumstances. For purposes of this section, "mitigating circumstances" means:

A. A valid emergency of the committee treasurer determined by the commission, in the interest of the sound administration of justice, to warrant the waiver of the penalty in whole or in part;

B. An error by the commission staff; or

C. Other circumstances determined by the commission that warrant mitigation of the penalty, based upon relevant evidence presented that a bona fide effort was made to file the report in accordance with the statutory requirements, including, but not limited to, unexplained delays in postal service or interruptions in Internet service.

Sec. A-30. 21-A MRSA §1062-A, sub-§4, as enacted by PL 1995, c. 483, §21, is amended to read:

4. Maximum penalties. The maximum ~~penalties~~penalty under this subchapter ~~are~~is $10,000 for reports required under section 1056-B or section 1059~~, subsection 2, paragraphs B, C and E and $5,000 for reports required under section 1059, subsection 2, paragraph A~~.

Sec. A-31. 21-A MRSA §1062-A, sub-§8-A, as enacted by PL 2003, c. 628, Pt. A, §9, is amended to read:

8-A. Penalties for failure to file report. The commission may assess a civil penalty for failure to file a report required by this subchapter. The maximum penalty for failure to file a report required under section 1056-B or section 1059~~, subsection 2, paragraph B, C or E~~ is $10,000. ~~The maximum penalty for failure to file a report required under section 1059, subsection 2, paragraph A is $5,000~~.

PART B

Sec. B-1. 21-A MRSA §1122, sub-§7, as amended by PL 2007, c. 443, Pt. B, §2, is further amended to read:

7. Qualifying contribution. "Qualifying contribution" means a donation:

A. Of $5 in the form of a check or a money order payable to the fund;and signed by the contributor ~~and made~~ in support of a candidate or made over the Internet in support of a candidate according to the procedure established by the commission;

B. Made by a registered voter within the electoral division for the office a candidate is seeking and whose voter registration has been verified ~~by the municipal registrar~~according to procedures established by the commission;

C. Made during the designated qualifying period; and

D. That the contributor acknowledges was made with the contributor's personal funds and in support of the candidate and was not given in exchange for anything of value and that the candidate acknowledges was obtained with the candidate's knowledge and approval and that nothing of value was given in exchange for the contribution, on forms provided by the commission.

Sec. B-2. 21-A MRSA §1125, sub-§5, ¶D-3, as enacted by PL 2007, c. 443, Pt. B, §6, is amended to read:

D-3. Not ~~had prior requests for certification denied on the basis of substantial violations~~otherwise substantially violated the provisions of this chapter or chapter 13 ~~or certification revoked under subsection 5-A, paragraphs C to G~~;

Sec. B-3. 21-A MRSA §1128, as enacted by IB 1995, c. 1, §17, is amended to read:

§ 1128.Study report

By ~~January 30, 2002~~March 15, 2011 and every ~~four~~4 years after that date, the commission shall prepare for the joint standing committee of the Legislature having jurisdiction over legal affairs a report documenting, evaluating and making recommendations relating to the administration, implementation and enforcement of the Maine Clean Election Act and Maine Clean Election Fund.

Sec. B-4. Routine technical rules. Notwithstanding the Maine Revised Statutes, Title 21-A, section 1126, rules adopted to establish procedures for verifying the voter registration of individuals making qualifying contributions are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Effective September 12, 2009

Form **990**

Department of the Treasury
Internal Revenue Service

Return of Organization Exempt From Income Tax

Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except black lung benefit trust or private foundation)

► The organization may have to use a copy of this return to satisfy state reporting requirements.

OMB No 1545-0047

2009

Open to Public Inspection

A For the 2009 calendar year, or tax year beginning , 2009, and ending , 20

B Check if applicable
- ☑ Address change
- ☐ Name change
- ☐ Initial return
- ☐ Terminated
- ☐ Amended return
- ☐ Application pending

Please use IRS label or print or type. See Specific Instructions

C Name of organization **National Organization for Marriage Inc.**

Doing Business As

Number and street (or P O box if mail is not delivered to street address) **20 Nassau Street** Room/suite **242**

City or town, state or country, and ZIP + 4 **Princeton, New Jersey 08542**

D Employer identification number **26 : 0240498**

E Telephone number **(888) 894-3604**

G Gross receipts $ **7,372,981**

F Name and address of principal officer **Neil Corkery**
20 Nassau Street No. 242 Princeton NJ 08542

H(a) Is this a group return for affiliates? ☐ Yes ☑ No

H(b) Are all affiliates included? ☐ Yes ☐ No
If "No," attach a list (see instructions)

H(c) Group exemption number ►

I Tax-exempt status ☑ 501(c) (4) ◄ (insert no) ☐ 4947(a)(1) or ☐ 527

J Website: ► **nationformarriage.org**

K Form of organization ☑ Corporation ☐ Trust ☐ Association ☐ Other ►

L Year of formation: **2007**

M State of legal domicile. **VA**

Part I Summary

1 Briefly describe the organization's mission or most significant activities.
The mission is to promote the importance of, and advocate for, marriage between one man and one woman in law and society.

2 Check this box ► ☐ if the organization discontinued its operations or disposed of more than 25% of its net assets.

3	Number of voting members of the governing body (Part VI, line 1a)	3	9
4	Number of independent voting members of the governing body (Part VI, line 1b)	4	9
5	Total number of employees (Part V, line 2a)	5	17
6	Total number of volunteers (estimate if necessary)	6	0
7a	Total gross unrelated business revenue from Part VIII, column (C), line 12	7a	0
b	Net unrelated business taxable income from Form 990-T, line 34	7b	0

		Prior Year	Current Year
8	Contributions and grants (Part VIII, line 1h)	2,967,495	7,106,386
9	Program service revenue (Part VIII, line 2g)		
10	Investment income (Part VIII, column (A), lines 3, 4, and 7d)	1,385	672
11	Other revenue (Part VIII, column (A), lines 5, 6d, 8c, 9c, 10c, and 11e)		265,923
12	Total revenue—add lines 8 through 11 (must equal Part VIII, column (A), line 12)	2,968,880	7,372,981
13	Grants and similar amounts paid (Part IX, column (A), lines 1-3)	1,388,500	2,118,650
14	Benefits paid to or for members (Part IX, column (A), line 4)		
15	Salaries, other compensation, employee benefits (Part IX, column (A), lines 5–10)	364,179	649,122
16a	Professional fundraising fees (Part IX, column (A), line 11e)	24,000	476,541
b	Total fundraising expenses (Part IX, column (D), line 25) ► 744,842		
17	Other expenses (Part IX, column (A), lines 11a–11d, 11f–24f)	1,192,611	4,232,125
18	Total expenses. Add lines 13–17 (must equal Part IX, column (A), line 25)	2,969,290	7,476,438
19	Revenue less expenses. Subtract line 18 from line 12	-410	-103,457

		Beginning of Current Year	End of Year
20	Total assets (Part X, line 16)	113,652	140,022
21	Total liabilities (Part X, line 26)	70,235	200,062
22	Net assets or fund balances. Subtract line 21 from line 20	43,417	-60,040

Part II Signature Block

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete Declaration of preparer (other than officer) is based on all information of which preparer has any knowledge

Sign Here

Signature of officer N. H. Corkery Date 11/14/10

Type or print name and title Neil Corkery, Treasurer

Paid Preparer's Use Only

Preparer's signature Conlon and Associates LLC Date 11/14/10 Check if self-employed ► ☐ Preparer's identifying number (see instructions)

Firm's name (or yours if self-employed), address, and ZIP + 4 **Conlon and Associates LLC**
PO Box 6213, Silver Spring, Maryland 20916-6213

EIN ► 27 : 0510132

Phone no ► (301) 598-6851

May the IRS discuss this return with the preparer shown above? (see instructions) ☑ Yes ☐ No

SCANNED DEC 21 2010

RECEIVED DEC 2 2010 IRS-OSC OGDEN, UT

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9/13

Part III Statement of Program Service Accomplishments

1 Briefly describe the organization's mission:
The mission is to promote the importance of, and advocate for, marriage between one man and one woman in law and society.

2 Did the organization undertake any significant program services during the year which were not listed on the prior Form 990 or 990-EZ? . . . . . ☐ Yes ☑ No
If "Yes," describe these new services on Schedule O.

3 Did the organization cease conducting, or make significant changes in how it conducts, any program services? . . . . . ☐ Yes ☑ No
If "Yes," describe these changes on Schedule O.

4 Describe the exempt purpose achievements for each of the organization's three largest program services by expenses. Section 501(c)(3) and 501(c)(4) organizations and section 4947(a)(1) trusts are required to report the amount of grants and allocations to others, the total expenses, and revenue, if any, for each program service reported.

4a (Code:) (Expenses $ 3,975,020 including grants of $) (Revenue $)
The Organization developed and distributed via radio, television, and world wide web, a series of advertisments promoting traditional marriage.

4b (Code:) (Expenses $ 2,118,650 including grants of $ 2,118,650) (Revenue $)
The Organization provided grant support for other nonprofit organizations.

4c (Code:) (Expenses $ including grants of $) (Revenue $)

4d Other program services. (Describe in Schedule O.)
(Expenses $ including grants of $) (Revenue $)

4e **Total program service expenses ▶** 6,093,670

Part IV Checklist of Required Schedules

			Yes	No
1	Is the organization described in section 501(c)(3) or 4947(a)(1) (other than a private foundation)? *If "Yes," complete Schedule A*	1		✓
2	Is the organization required to complete Schedule B, Schedule of Contributors?	2	✓	
3	Did the organization engage in direct or indirect political campaign activities on behalf of or in opposition to candidates for public office? *If "Yes," complete Schedule C, Part I*	3	✓	
4	**Section 501(c)(3) organizations.** Did the organization engage in lobbying activities? *If "Yes," complete Schedule C, Part II*	4		
5	**Section 501(c)(4), 501(c)(5), and 501(c)(6) organizations.** Is the organization subject to the section 6033(e) notice and reporting requirement and proxy tax? *If "Yes," complete Schedule C, Part III*	5		✓
6	Did the organization maintain any donor advised funds or any similar funds or accounts where donors have the right to provide advice on the distribution or investment of amounts in such funds or accounts? *If "Yes," complete Schedule D, Part I*	6		✓
7	Did the organization receive or hold a conservation easement, including easements to preserve open space, the environment, historic land areas, or historic structures? *If "Yes," complete Schedule D, Part II*	7		✓
8	Did the organization maintain collections of works of art, historical treasures, or other similar assets? *If "Yes," complete Schedule D, Part III*	8		✓
9	Did the organization report an amount in Part X, line 21; serve as a custodian for amounts not listed in Part X; or provide credit counseling, debt management, credit repair, or debt negotiation services? *If "Yes," complete Schedule D, Part IV*	9		✓
10	Did the organization, directly or through a related organization, hold assets in term, permanent, or quasi-endowments? *If "Yes," complete Schedule D, Part V*	10		✓
11	Is the organization's answer to any of the following questions "Yes"? *If so, complete Schedule D, Parts VI, VII, VIII, IX, or X as applicable*	11	✓	
	• Did the organization report an amount for land, buildings, and equipment in Part X, line 10? *If "Yes," complete Schedule D, Part VI.*			
	• Did the organization report an amount for investments—other securities in Part X, line 12 that is 5% or more of its total assets reported in Part X, line 16? *If "Yes," complete Schedule D, Part VII.*			
	• Did the organization report an amount for investments—program related in Part X, line 13 that is 5% or more of its total assets reported in Part X, line 16? *If "Yes," complete Schedule D, Part VIII.*			
	• Did the organization report an amount for other assets in Part X, line 15 that is 5% or more of its total assets reported in Part X, line 16? *If "Yes," complete Schedule D, Part IX.*			
	• Did the organization report an amount for other liabilities in Part X, line 25? *If "Yes," complete Schedule D, Part X.*			
	• Did the organization's separate or consolidated financial statements for the tax year include a footnote that addresses the organization's liability for uncertain tax positions under FIN 48? *If "Yes," complete Schedule D, Part X.*			
12	Did the organization obtain separate, independent audited financial statements for the tax year? *If "Yes," complete Schedule D, Parts XI, XII, and XIII.*	12	✓	
12A	Was the organization included in consolidated, independent audited financial statements for the tax year? *If "Yes," completing Schedule D, Parts XI, XII, and XIII is optional.*	12A		✓
13	Is the organization a school described in section 170(b)(1)(A)(ii)? *If "Yes," complete Schedule E*	13		✓
14a	Did the organization maintain an office, employees, or agents outside of the United States?	14a		✓
b	Did the organization have aggregate revenues or expenses of more than $10,000 from grantmaking, fundraising, business, and program service activities outside the United States? *If "Yes," complete Schedule F, Part I*	14b		✓
15	Did the organization report on Part IX, column (A), line 3, more than $5,000 of grants or assistance to any organization or entity located outside the United States? *If "Yes," complete Schedule F, Part II*	15		✓
16	Did the organization report on Part IX, column (A), line 3, more than $5,000 of aggregate grants or assistance to individuals located outside the United States? *If "Yes," complete Schedule F, Part III*	16		✓
17	Did the organization report a total of more than $15,000 of expenses for professional fundraising services on Part IX, column (A), lines 6 and 11e? *If "Yes," complete Schedule G, Part I*	17	✓	
18	Did the organization report more than $15,000 total of fundraising event gross income and contributions on Part VIII, lines 1c and 8a? *If "Yes," complete Schedule G, Part II*	18		✓
19	Did the organization report more than $15,000 of gross income from gaming activities on Part VIII, line 9a? *If "Yes," complete Schedule G, Part III*	19		✓
20	Did the organization operate one or more hospitals? *If "Yes," complete Schedule H*	20		✓

Part IV Checklist of Required Schedules *(continued)*

			Yes	No
21	Did the organization report more than $5,000 of grants and other assistance to governments and organizations in the United States on Part IX, column (A), line 1? *If "Yes," complete Schedule I, Parts I and II.*	21	✓	
22	Did the organization report more than $5,000 of grants and other assistance to individuals in the United States on Part IX, column (A), line 2? *If "Yes," complete Schedule I, Parts I and III*	22		✓
23	Did the organization answer "Yes" to Part VII, Section A, line 3, 4, or 5 about compensation of the organization's current and former officers, directors, trustees, key employees, and highest compensated employees? *If "Yes," complete Schedule J*	23	✓	
24a	Did the organization have a tax-exempt bond issue with an outstanding principal amount of more than $100,000 as of the last day of the year, that was issued after December 31, 2002? *If "Yes," answer lines 24b through 24d and complete Schedule K. If "No," go to line 25.*	24a		✓
b	Did the organization invest any proceeds of tax-exempt bonds beyond a temporary period exception?	24b		✓
c	Did the organization maintain an escrow account other than a refunding escrow at any time during the year to defease any tax-exempt bonds?	24c		✓
d	Did the organization act as an "on behalf of" issuer for bonds outstanding at any time during the year?	24d		✓
25a	**Section 501(c)(3) and 501(c)(4) organizations.** Did the organization engage in an excess benefit transaction with a disqualified person during the year? *If "Yes," complete Schedule L, Part I*	25a		✓
b	Is the organization aware that it engaged in an excess benefit transaction with a disqualified person in a prior year, and that the transaction has not been reported on any of the organization's prior Forms 990 or 990-EZ? *If "Yes," complete Schedule L, Part I*	25b		✓
26	Was a loan to or by a current or former officer, director, trustee, key employee, highly compensated employee, or disqualified person outstanding as of the end of the organization's tax year? *If "Yes," complete Schedule L, Part II*	26		✓
27	Did the organization provide a grant or other assistance to an officer, director, trustee, key employee, substantial contributor, or a grant selection committee member, or to a person related to such an individual? *If "Yes," complete Schedule L, Part III*	27		✓
28	Was the organization a party to a business transaction with one of the following parties (see Schedule L, Part IV instructions for applicable filing thresholds, conditions, and exceptions):			
a	A current or former officer, director, trustee, or key employee? *If "Yes," complete Schedule L, Part IV*	28a		✓
b	A family member of a current or former officer, director, trustee, or key employee? *If "Yes," complete Schedule L, Part IV*	28b		✓
c	An entity of which a current or former officer, director, trustee, or key employee of the organization (or a family member) was an officer, director, trustee, or direct or indirect owner? *If "Yes," complete Schedule L, Part IV*	28c		✓
29	Did the organization receive more than $25,000 in non-cash contributions? *If "Yes," complete Schedule M*	29		✓
30	Did the organization receive contributions of art, historical treasures, or other similar assets, or qualified conservation contributions? *If "Yes," complete Schedule M*	30		✓
31	Did the organization liquidate, terminate, or dissolve and cease operations? *If "Yes," complete Schedule N, Part I*	31		✓
32	Did the organization sell, exchange, dispose of, or transfer more than 25% of its net assets? *If "Yes," complete Schedule N, Part II*	32		✓
33	Did the organization own 100% of an entity disregarded as separate from the organization under Regulations sections 301.7701-2 and 301.7701-3? *If "Yes," complete Schedule R, Part I*	33		✓
34	Was the organization related to any tax-exempt or taxable entity? *If "Yes," complete Schedule R, Parts II, III, IV, and V, line 1*	34	✓	
35	Is any related organization a controlled entity within the meaning of section 512(b)(13)? *If "Yes," complete Schedule R, Part V, line 2*	35		✓
36	**Section 501(c)(3) organizations.** Did the organization make any transfers to an exempt non-charitable related organization? *If "Yes," complete Schedule R, Part V, line 2*	36		
37	Did the organization conduct more than 5% of its activities through an entity that is not a related organization and that is treated as a partnership for federal income tax purposes? *If "Yes," complete Schedule R, Part VI*	37		✓
38	Did the organization complete Schedule O and provide explanations in Schedule O for Part VI, lines 11 and 19? **Note.** All Form 990 filers are required to complete Schedule O.	38	✓	

Part V Statements Regarding Other IRS Filings and Tax Compliance

				Yes	No
1a	Enter the number reported in Box 3 of Form 1096, Annual Summary and Transmittal of U.S. Information Returns. Enter -0- if not applicable	1a	25		
b	Enter the number of Forms W-2G included in line 1a. Enter -0- if not applicable	1b	0		
c	Did the organization comply with backup withholding rules for reportable payments to vendors and reportable gaming (gambling) winnings to prize winners?			1c ✓	
2a	Enter the number of employees reported on Form W-3, Transmittal of Wage and Tax Statements, filed for the calendar year ending with or within the year covered by this return	2a	17		
b	If at least one is reported on line 2a, did the organization file all required federal employment tax returns?			2b ✓	
	Note. If the sum of lines 1a and 2a is greater than 250, you may be required to *e-file* this return. (see instructions)				
3a	Did the organization have unrelated business gross income of $1,000 or more during the year covered by this return?			3a	✓
b	If "Yes," has it filed a Form 990-T for this year? *If "No," provide an explanation in Schedule O*			3b	
4a	At any time during the calendar year, did the organization have an interest in, or a signature or other authority over, a financial account in a foreign country (such as a bank account, securities account, or other financial account)?			4a	✓
b	If "Yes," enter the name of the foreign country: ▶ ..... See the instructions for exceptions and filing requirements for Form TD F 90-22.1, Report of Foreign Bank and Financial Accounts.				
5a	Was the organization a party to a prohibited tax shelter transaction at any time during the tax year?			5a	✓
b	Did any taxable party notify the organization that it was or is a party to a prohibited tax shelter transaction?			5b	✓
c	If "Yes" to line 5a or 5b, did the organization file Form 8886-T, Disclosure by Tax-Exempt Entity Regarding Prohibited Tax Shelter Transaction?			5c	
6a	Does the organization have annual gross receipts that are normally greater than $100,000, and did the organization solicit any contributions that were not tax deductible?			6a ✓	
b	If "Yes," did the organization include with every solicitation an express statement that such contributions or gifts were not tax deductible?			6b ✓	
7	**Organizations that may receive deductible contributions under section 170(c).**				
a	Did the organization receive a payment in excess of $75 made partly as a contribution and partly for goods and services provided to the payor?			7a	
b	If "Yes," did the organization notify the donor of the value of the goods or services provided?			7b	
c	Did the organization sell, exchange, or otherwise dispose of tangible personal property for which it was required to file Form 8282?			7c	
d	If "Yes," indicate the number of Forms 8282 filed during the year	7d			
e	Did the organization, during the year, receive any funds, directly or indirectly, to pay premiums on a personal benefit contract?			7e	
f	Did the organization, during the year, pay premiums, directly or indirectly, on a personal benefit contract?			7f	
g	For all contributions of qualified intellectual property, did the organization file Form 8899 as required?			7g	
h	For contributions of cars, boats, airplanes, and other vehicles, did the organization file a Form 1098-C as required?			7h	
8	**Sponsoring organizations maintaining donor advised funds and section 509(a)(3) supporting organizations.** Did the supporting organization, or a donor advised fund maintained by a sponsoring organization, have excess business holdings at any time during the year?			8	
9	**Sponsoring organizations maintaining donor advised funds.**				
a	Did the organization make any taxable distributions under section 4966?			9a	
b	Did the organization make a distribution to a donor, donor advisor, or related person?			9b	
10	**Section 501(c)(7) organizations.** Enter:				
a	Initiation fees and capital contributions included on Part VIII, line 12	10a			
b	Gross receipts, included on Form 990, Part VIII, line 12, for public use of club facilities	10b			
11	**Section 501(c)(12) organizations.** Enter:				
a	Gross income from members or shareholders	11a			
b	Gross income from other sources (Do not net amounts due or paid to other sources against amounts due or received from them.)	11b			
12a	**Section 4947(a)(1) non-exempt charitable trusts.** Is the organization filing Form 990 in lieu of Form 1041?			12a	
b	If "Yes," enter the amount of tax-exempt interest received or accrued during the year	12b			

Part VI **Governance, Management, and Disclosure** *For each "Yes" response to lines 2 through 7b below, and for a "No" response to line 8a, 8b, or 10b below, describe the circumstances, processes, or changes in Schedule O. See instructions.*

Section A. Governing Body and Management

			Yes	No
1a	Enter the number of voting members of the governing body	1a 9		
b	Enter the number of voting members that are independent	1b 9		
2	Did any officer, director, trustee, or key employee have a family relationship or a business relationship with any other officer, director, trustee, or key employee?	2		✓
3	Did the organization delegate control over management duties customarily performed by or under the direct supervision of officers, directors or trustees, or key employees to a management company or other person?	3		✓
4	Did the organization make any significant changes to its organizational documents since the prior Form 990 was filed?	4		✓
5	Did the organization become aware during the year of a material diversion of the organization's assets?	5		✓
6	Does the organization have members or stockholders?	6		✓
7a	Does the organization have members, stockholders, or other persons who may elect one or more members of the governing body?	7a		✓
b	Are any decisions of the governing body subject to approval by members, stockholders, or other persons?	7b		✓
8	Did the organization contemporaneously document the meetings held or written actions undertaken during the year by the following:			
a	The governing body?	8a	✓	
b	Each committee with authority to act on behalf of the governing body?	8b	✓	
9	Is there any officer, director, trustee, or key employee listed in Part VII, Section A, who cannot be reached at the organization's mailing address? *If "Yes," provide the names and addresses in Schedule O*	9a		✓

Section B. Policies *(This Section B requests information about policies not required by the Internal Revenue Code.)*

			Yes	No
10a	Does the organization have local chapters, branches, or affiliates?	10a		✓
b	If "Yes," does the organization have written policies and procedures governing the activities of such chapters, affiliates, and branches to ensure their operations are consistent with those of the organization?	10b		
11	Has the organization provided a copy of this Form 990 to all members of its governing body before filing the form?	11	✓	
11A	Describe in Schedule O the process, if any, used by the organization to review this Form 990.			
12a	Does the organization have a written conflict of interest policy? *If "No," go to line 13*	12a	✓	
b	Are officers, directors or trustees, and key employees required to disclose annually interests that could give rise to conflicts?	12b	✓	
c	Does the organization regularly and consistently monitor and enforce compliance with the policy? *If "Yes," describe in Schedule O how this is done*	12c	✓	
13	Does the organization have a written whistleblower policy?	13	✓	
14	Does the organization have a written document retention and destruction policy?	14	✓	
15	Did the process for determining compensation of the following persons include a review and approval by independent persons, comparability data, and contemporaneous substantiation of the deliberation and decision?			
a	The organization's CEO, Executive Director, or top management official	15a	✓	
b	Other officers or key employees of the organization	15b	✓	
	If "Yes" to line 15a or 15b, describe the process in Schedule O. (See instructions.)			
16a	Did the organization invest in, contribute assets to, or participate in a joint venture or similar arrangement with a taxable entity during the year?	16a		✓
b	If "Yes," has the organization adopted a written policy or procedure requiring the organization to evaluate its participation in joint venture arrangements under applicable federal tax law, and taken steps to safeguard the organization's exempt status with respect to such arrangements?	16b		

Section C. Disclosure

17 List the states with which a copy of this Form 990 is required to be filed ▶ Schedule O

18 Section 6104 requires an organization to make its Forms 1023 (or 1024 if applicable), 990, and 990-T (501(c)(3)s only) available for public inspection. Indicate how you make these available. Check all that apply.

☐ Own website ☐ Another's website ☑ Upon request

19 Describe in Schedule O whether (and if so, how), the organization makes its governing documents, conflict of interest policy, and financial statements available to the public.

20 State the name, physical address, and telephone number of the person who possesses the books and records of the organization: ▶ Neil Corkery, 20 Nassau Street, Princeton, New Jersey, 08542, (888) 894-3604

Part VII Compensation of Officers, Directors, Trustees, Key Employees, Highest Compensated Employees, and Independent Contractors

Section A. Officers, Directors, Trustees, Key Employees, and Highest Compensated Employees

1a Complete this table for all persons required to be listed. Report compensation for the calendar year ending with or within the organization's tax year. Use Schedule J-2 if additional space is needed.

- List all of the organization's **current** officers, directors, trustees (whether individuals or organizations), regardless of amount of compensation. Enter -0- in columns (D), (E), and (F) if no compensation was paid.
- List all of the organization's **current** key employees. See instructions for definition of "key employee."
- List the organization's five **current** highest compensated employees (other than an officer, director, trustee, or key employee) who received reportable compensation (Box 5 of Form W-2 and/or Box 7 of Form 1099-MISC) of more than $100,000 from the organization and any related organizations.
- List all of the organization's **former** officers, key employees, and highest compensated employees who received more than $100,000 of reportable compensation from the organization and any related organizations.
- List all of the organization's **former directors or trustees** that received, in the capacity as a former director or trustee of the organization, more than $10,000 of reportable compensation from the organization and any related organizations.

List persons in the following order: individual trustees or directors; institutional trustees; officers; key employees; highest compensated employees; and former such persons.

☐ Check this box if the organization did not compensate any current officer, director, or trustee.

(A) Name and Title	(B) Average hours per week	(C) Position (check all that apply)						(D) Reportable compensation from the organization (W-2/1099-MISC)	(E) Reportable compensation from related organizations (W-2/1099-MISC)	(F) Estimated amount of other compensation from the organization and related organizations
		Individual trustee or director	Institutional trustee	Officer	Key employee	Highest compensated employee	Former			
Broc C. HiattBria Director	2	✓						0	0	0
Charles Stetson Director	2	✓						0	0	0
Luis Tellez Director	2	✓						0	0	0
Kenneth Von Kohorn Director	2	✓						0	0	0
Orson Scott Card Director	2	✓						0	0	0
Craig D. Cardon Director	2	✓						0	0	0
Robert George Chairman	8	✓		✓				0	0	0
Neil Corkery Treasurer	25	✓		✓				48,000	0	0
Margaret Gallagher President	40	✓		✓				92,500	0	17,892
Brian Brown Executive Director	40	✓			✓			154,167	0	17,892

Part VII Section A. Officers, Directors, Trustees, Key Employees, and Highest Compensated Employees *(continued)*

(A) Name and title	(B) Average hours per week	(C) Position (check all that apply)						(D) Reportable compensation from the organization (W-2/1099-MISC)	(E) Reportable compensation from related organizations (W-2/1099-MISC)	(F) Estimated amount of other compensation from the organization and related organizations
		Individual trustee or director	Institutional trustee	Officer	Key employee	Highest compensated employee	Former			
1b Total ▶								294,667	0	35,784

2 Total number of individuals (including but not limited to those listed above) who received more than $100,000 in reportable compensation from the organization ▶ 1

		Yes	No
3	Did the organization list any **former** officer, director or trustee, key employee, or highest compensated employee on line 1a? *If "Yes," complete Schedule J for such individual*		✓
4	For any individual listed on line 1a, is the sum of reportable compensation and other compensation from the organization and related organizations greater than $150,000? *If "Yes," complete Schedule J for such individual*	✓	
5	Did any person listed on line 1a receive or accrue compensation from any unrelated organization for services rendered to the organization? *If "Yes," complete Schedule J for such person*		✓

Section B. Independent Contractors

1 Complete this table for your five highest compensated independent contractors that received more than $100,000 of compensation from the organization.

(A) Name and business address	(B) Description of services	(C) Compensation
Marketing Communication Services	advertising	1,101,274
cc Advertising	telephone communication	579,740
CD Inc	advertising	265,543
Schubert Flint	public relations	294,430
KMA Direct Communications	direct mail	419,151

2 Total number of independent contractors (including but not limited to those listed above) who received more than $100,000 in compensation from the organization ▶ 8

Part VIII Statement of Revenue

		(A) Total revenue	(B) Related or exempt function revenue	(C) Unrelated business revenue	(D) Revenue excluded from tax under sections 512, 513, or 514
Contributions, gifts, grants and other similar amounts	1a Federated campaigns 1a				
	b Membership dues 1b				
	c Fundraising events 1c				
	d Related organizations 1d				
	e Government grants (contributions) 1e				
	f All other contributions, gifts, grants, and similar amounts not included above 1f 7,106,386				
	g Noncash contributions included in lines 1a-1f $				
	h **Total.** Add lines 1a–1f ▶	7,106,386			
Program Service Revenue		Business Code			
	2a				
	b				
	c				
	d				
	e				
	f All other program service revenue				
	g **Total.** Add lines 2a–2f ▶				
Other Revenue	3 Investment income (including dividends, interest, and other similar amounts) ▶	672	672		
	4 Income from investment of tax-exempt bond proceeds ▶				
	5 Royalties ▶				
		(i) Real / (ii) Personal			
	6a Gross Rents				
	b Less: rental expenses				
	c Rental income or (loss)				
	d Net rental income or (loss) ▶				
		(i) Securities / (ii) Other			
	7a Gross amount from sales of assets other than inventory				
	b Less. cost or other basis and sales expenses				
	c Gain or (loss)				
	d Net gain or (loss) ▶				
	8a Gross income from fundraising events (not including $ ..... of contributions reported on line 1c). See Part IV, line 18 a				
	b Less: direct expenses b				
	c Net income or (loss) from fundraising events ▶				
	9a Gross income from gaming activities. See Part IV, line 19 a				
	b Less: direct expenses b				
	c Net income or (loss) from gaming activities ▶				
	10a Gross sales of inventory, less returns and allowances a				
	b Less: cost of goods sold b				
	c Net income or (loss) from sales of inventory ▶				
	Miscellaneous Revenue	Business Code			
	11a Reimbursement of Expenses	900099	265,923	265,923	
	b				
	c				
	d All other revenue		265,923	265,923	
	e **Total.** Add lines 11a–11d ▶				
	12 **Total revenue.** See instructions. ▶	7,372,981	266,595		

Part IX Statement of Functional Expenses

Section 501(c)(3) and 501(c)(4) organizations must complete all columns.
All other organizations must complete column (A) but are not required to complete columns (B), (C), and (D).

Do not include amounts reported on lines 6b, 7b, 8b, 9b, and 10b of Part VIII.	(A) Total expenses	(B) Program service expenses	(C) Management and general expenses	(D) Fundraising expenses
1 Grants and other assistance to governments and organizations in the U.S. See Part IV, line 21	2,118,650	2,118,650		
2 Grants and other assistance to individuals in the U.S. See Part IV, line 22				
3 Grants and other assistance to governments, organizations, and individuals outside the U.S. See Part IV, lines 15 and 16				
4 Benefits paid to or for members				
5 Compensation of current officers, directors, trustees, and key employees	246,667	129,500	30,833	86,334
6 Compensation not included above, to disqualified persons (as defined under section 4958(f)(1)) and persons described in section 4958(c)(3)(B)				
7 Other salaries and wages	282,780	118,202	123,858	40,720
8 Pension plan contributions (include section 401(k) and section 403(b) employer contributions)				
9 Other employee benefits	68,456	32,037	19,989	16,430
10 Payroll taxes	51,219	23,970	14,956	12,293
11 Fees for services (non-employees):				
a Management				
b Legal	137,663	137,663		
c Accounting	52,000		52,000	
d Lobbying	30,000	30,000		
e Professional fundraising services. See Part IV, line 17	476,541			476,541
f Investment management fees				
g Other	2,087,926	1,935,355	89,151	63,420
12 Advertising and promotion	1,414,535	1,414,535		
13 Office expenses	225,075		225,075	
14 Information technology	47,003	47,003		
15 Royalties				
16 Occupancy	108,854	50,944	31,785	26,125
17 Travel	95,749	44,811	27,959	22,979
18 Payments of travel or entertainment expenses for any federal, state, or local public officials				
19 Conferences, conventions, and meetings				
20 Interest	62		62	
21 Payments to affiliates				
22 Depreciation, depletion, and amortization	18,602		18,602	
23 Insurance	3,656		3,656	
24 Other expenses. Itemize expenses not covered above. (Expenses grouped together and labeled miscellaneous may not exceed 5% of total expenses shown on line 25 below.)				
a **Direct candidate support**	11,000	11,000		
b				
c				
d				
e				
f All other expenses				
25 **Total functional expenses.** Add lines 1 through 24f	7,476,438	6,093,670	637,926	744,842
26 **Joint costs.** Check here ▶ ☐ if following SOP 98-2. Complete this line only if the organization reported in column (B) joint costs from a combined educational campaign and fundraising solicitation				

Part X Balance Sheet

				(A) Beginning of year		(B) End of year
Assets	1	Cash—non-interest-bearing		78,540	1	44,828
	2	Savings and temporary cash investments			2	
	3	Pledges and grants receivable, net			3	
	4	Accounts receivable, net			4	76,891
	5	Receivables from current and former officers, directors, trustees, key employees, and highest compensated employees. Complete Part II of Schedule L			5	
	6	Receivables from other disqualified persons (as defined under section 4958(f)(1)) and persons described in section 4958(c)(3)(B). Complete Part II of Schedule L			6	
	7	Notes and loans receivable, net			7	
	8	Inventories for sale or use			8	
	9	Prepaid expenses and deferred charges			9	
	10a	Land, buildings, and equipment: cost or other basis. Complete Part VI of Schedule D	10a 16,950			
	b	Less: accumulated depreciation	10b 6,028	25,765	10c	10,922
	11	Investments—publicly traded securities			11	
	12	Investments—other securities. See Part IV, line 11			12	
	13	Investments—program-related. See Part IV, line 11			13	
	14	Intangible assets			14	
	15	Other assets. See Part IV, line 11		11,347	15	7,381
	16	**Total assets.** Add lines 1 through 15 (must equal line 34)		115,652	16	140,022
Liabilities	17	Accounts payable and accrued expenses		20,235	17	
	18	Grants payable			18	
	19	Deferred revenue			19	
	20	Tax-exempt bond liabilities			20	
	21	Escrow or custodial account liability. Complete Part IV of Schedule D			21	
	22	Payables to current and former officers, directors, trustees, key employees, highest compensated employees, and disqualified persons. Complete Part II of Schedule L			22	
	23	Secured mortgages and notes payable to unrelated third parties			23	
	24	Unsecured notes and loans payable to unrelated third parties		50,000	24	
	25	Other liabilities. Complete Part X of Schedule D			25	200,062
	26	**Total liabilities.** Add lines 17 through 25		70,235	26	200,062
Net Assets or Fund Balances		**Organizations that follow SFAS 117, check here ▶ ☑ and complete lines 27 through 29, and lines 33 and 34.**				
	27	Unrestricted net assets		45,417	27	(60,040)
	28	Temporarily restricted net assets			28	
	29	Permanently restricted net assets			29	
		Organizations that do not follow SFAS 117, check here ▶ ☐ and complete lines 30 through 34.				
	30	Capital stock or trust principal, or current funds			30	
	31	Paid-in or capital surplus, or land, building, or equipment fund			31	
	32	Retained earnings, endowment, accumulated income, or other funds			32	
	33	Total net assets or fund balances		45,417	33	(60,040)
	34	Total liabilities and net assets/fund balances		115,652	34	140,022

Part XI Financial Statements and Reporting

			Yes	No
1	Accounting method used to prepare the Form 990: ☐ Cash ☑ Accrual ☐ Other _____ If the organization changed its method of accounting from a prior year or checked "Other," explain in Schedule O.			
2a	Were the organization's financial statements compiled or reviewed by an independent accountant?	2a		✓
b	Were the organization's financial statements audited by an independent accountant?	2b	✓	
c	If "Yes" to line 2a or 2b, does the organization have a committee that assumes responsibility for oversight of the audit, review, or compilation of its financial statements and selection of an independent accountant? If the organization changed either its oversight process or selection process during the tax year, explain in Schedule O.	2c	✓	
d	If "Yes" to line 2a or 2b, check a box below to indicate whether the financial statements for the year were issued on a consolidated basis, separate basis, or both: ☑ Separate basis ☐ Consolidated basis ☐ Both consolidated and separate basis			
3a	As a result of a federal award, was the organization required to undergo an audit or audits as set forth in the Single Audit Act and OMB Circular A-133?	3a		✓
b	If "Yes," did the organization undergo the required audit or audits? If the organization did not undergo the required audit or audits, explain why in Schedule O and describe any steps taken to undergo such audits.	3b		

SCHEDULE C
(Form 990 or 990-EZ)

Department of the Treasury
Internal Revenue Service

Political Campaign and Lobbying Activities

For Organizations Exempt From Income Tax Under section 501(c) and section 527

▶ Complete if the organization is described below.

▶ Attach to Form 990 or Form 990-EZ. ▶ See separate instructions.

OMB No 1545-0047

2009

Open to Public Inspection

If the organization answered "Yes," to Form 990, Part IV, line 3, or Form 990-EZ, Part VI, line 46 (Political Campaign Activities), then

- Section 501(c)(3) organizations· Complete Parts I-A and B. Do not complete Part I-C
- Section 501(c) (other than section 501(c)(3)) organizations· Complete Parts I-A and C below Do not complete Part I-B
- Section 527 organizations· Complete Part I-A only.

If the organization answered "Yes," to Form 990, Part IV, line 4, or Form 990-EZ, Part VI, line 47 (Lobbying Activities), then

- Section 501(c)(3) organizations that have filed Form 5768 (election under section 501(h))· Complete Part II-A Do not complete Part II-B
- Section 501(c)(3) organizations that have NOT filed Form 5768 (election under section 501(h))· Complete Part II-B. Do not complete Part II-A

If the organization answered "Yes," to Form 990, Part IV, line 5 (Proxy Tax), then

- Section 501(c)(4), (5), or (6) organizations· Complete Part III.

Name of organization	Employer identification number
National Organization for Marriage, Inc.	26 0240498

Part I-A Complete if the organization is exempt under section 501(c) or is a section 527 organization.

1 Provide a description of the organization's direct and indirect political campaign activities in Part IV.

2 Political expenditures . . . . . ▶ $ $11,000

3 Volunteer hours 0

Part I-B Complete if the organization is exempt under section 501(c)(3).

1 Enter the amount of any excise tax incurred by the organization under section 4955 . . . ▶ $

2 Enter the amount of any excise tax incurred by organization managers under section 4955 . ▶ $

3 If the organization incurred a section 4955 tax, did it file Form 4720 for this year? . . . . . ☐ Yes ☐ No

4a Was a correction made? . . . . . ☐ Yes ☐ No

b If "Yes," describe in Part IV.

Part I-C Complete if the organization is exempt under section 501(c), except section 501(c)(3).

1 Enter the amount directly expended by the filing organization for section 527 exempt function activities . . . . . ▶ $ 0

2 Enter the amount of the filing organization's funds contributed to other organizations for section 527 exempt function activities . . . . . ▶ $ 11,000

3 Total exempt function expenditures. Add lines 1 and 2. Enter here and on Form 1120-POL, line 17b . . . . . ▶ $ 11,000

4 Did the filing organization file **Form 1120-POL** for this year? . . . . . ☑ Yes ☐ No

5 Enter the names, addresses and employer identification number (EIN) of all section 527 political organizations to which payments were made. For each organization listed, enter the amount paid from the filing organization's funds. Also enter the amount of political contributions received that were promptly and directly delivered to a separate political organization, such as a separate segregated fund or a political action committee (PAC). If additional space is needed, provide information in Part IV.

(a) Name	(b) Address	(c) EIN	(d) Amount paid from filing organization's funds If none, enter -0-	(e) Amount of political contributions received and promptly and directly delivered to a separate political organization If none, enter -0-
Friends of Barbara Comstock	PO Box 6171 McLean, VA 22106	26-4229583	$3,000	0
Friends of Bob Marshall	PO Box 421 Manassas, VA	54-1998260	$3,000	0
Friends of Cuccinnelli for AG	10560 Main Street, Suite 218 Fairfax, VA 22030	26-2280210	$5,000	0
			11,000	0

Part II-A **Complete if the organization is exempt under section 501(c)(3) and filed Form 5768 (election under section 501(h)).**

A Check ▶ ☐ if the filing organization belongs to an affiliated group.

B Check ▶ ☐ if the filing organization checked box A and "limited control" provisions apply.

Limits on Lobbying Expenditures (The term "expenditures" means amounts paid or incurred.)	(a) Filing organization's totals	(b) Affiliated group totals
1a Total lobbying expenditures to influence public opinion (grass roots lobbying)		
b Total lobbying expenditures to influence a legislative body (direct lobbying)		
c Total lobbying expenditures (add lines 1a and 1b)		
d Other exempt purpose expenditures		
e Total exempt purpose expenditures (add lines 1c and 1d)		
f Lobbying nontaxable amount. Enter the amount from the following table in both columns.		

If the amount on line 1e, column (a) or (b) is:	The lobbying nontaxable amount is:
Not over $500,000	20% of the amount on line 1e.
Over $500,000 but not over $1,000,000	$100,000 plus 15% of the excess over $500,000
Over $1,000,000 but not over $1,500,000	$175,000 plus 10% of the excess over $1,000,000
Over $1,500,000 but not over $17,000,000	$225,000 plus 5% of the excess over $1,500,000
Over $17,000,000	$1,000,000

g Grassroots nontaxable amount (enter 25% of line 1f)		
h Subtract line 1g from line 1a. If zero or less, enter -0-		
i Subtract line 1f from line 1c. If zero or less, enter -0-		

j If there is an amount other than zero on either line 1h or line 1i, did the organization file Form 4720 reporting section 4911 tax for this year? ☐ Yes ☐ No

4-Year Averaging Period Under Section 501(h)
(Some organizations that made a section 501(h) election do not have to complete all of the five columns below. See the instructions for lines 2a through 2f on page 4.)

Lobbying Expenditures During 4-Year Averaging Period					
Calendar year (or fiscal year beginning in)	(a) 2006	(b) 2007	(c) 2008	(d) 2009	(e) Total
2a Lobbying nontaxable amount					
b Lobbying ceiling amount (150% of line 2a, column (e))					
c Total lobbying expenditures					
d Grassroots nontaxable amount					
e Grassroots ceiling amount (150% of line 2d, column (e))					
f Grassroots lobbying expenditures					

Part II-B **Complete if the organization is exempt under section 501(c)(3) and has NOT filed Form 5768 (election under section 501(h)).**

		(a) Yes	(a) No	(b) Amount
1	During the year, did the filing organization attempt to influence foreign, national, state or local legislation, including any attempt to influence public opinion on a legislative matter or referendum, through the use of:			
a	Volunteers?			
b	Paid staff or management (include compensation in expenses reported on lines 1c through 1i)?			
c	Media advertisements?			
d	Mailings to members, legislators, or the public?			
e	Publications, or published or broadcast statements?			
f	Grants to other organizations for lobbying purposes?			
g	Direct contact with legislators, their staffs, government officials, or a legislative body?			
h	Rallies, demonstrations, seminars, conventions, speeches, lectures, or any similar means?			
i	Other activities? If "Yes," describe in Part IV			
j	Total. Add lines 1c through 1i			
2a	Did the activities in line 1 cause the organization to be not described in section 501(c)(3)?			
b	If "Yes," enter the amount of any tax incurred under section 4912			
c	If "Yes," enter the amount of any tax incurred by organization managers under section 4912			
d	If the filing organization incurred a section 4912 tax, did it file Form 4720 for this year?			

Part III-A **Complete if the organization is exempt under section 501(c)(4), section 501(c)(5), or section 501(c)(6).**

			Yes	No
1	Were substantially all (90% or more) dues received nondeductible by members?	1	✓	
2	Did the organization make only in-house lobbying expenditures of $2,000 or less?	2		✓
3	Did the organization agree to carryover lobbying and political expenditures from the prior year?	3		✓

Part III-B **Complete if the organization is exempt under section 501(c)(4), section 501(c)(5), or section 501(c)(6) if BOTH Part III-A, lines 1 and 2 are answered "No" OR if Part III-A, line 3 is answered "Yes."**

1	Dues, assessments and similar amounts from members	1	0
2	Section 162(e) nondeductible lobbying and political expenditures **(do not include amounts of political expenses for which the section 527(f) tax was paid).**		
a	Current year	2a	0
b	Carryover from last year	2b	0
c	Total	2c	0
3	Aggregate amount reported in section 6033(e)(1)(A) notices of nondeductible section 162(e) dues	3	0
4	If notices were sent and the amount on line 2c exceeds the amount on line 3, what portion of the excess does the organization agree to carryover to the reasonable estimate of nondeductible lobbying and political expenditure next year?	4	
5	Taxable amount of lobbying and political expenditures (see instructions)	5	0

Part IV **Supplemental Information**

Complete this part to provide the descriptions required for Part I-A, line 1; Part I-B, line 4; Part I-C, line 5; and Part II-B, line 1i. Also, complete this part for any additional information.

Part IV **Supplemental Information** *(continued)*

SCHEDULE D (Form 990)

Department of the Treasury
Internal Revenue Service

Supplemental Financial Statements

▶ Complete if the organization answered "Yes," to Form 990, Part IV, line 6, 7, 8, 9, 10, 11, or 12.

▶ Attach to Form 990. ▶ See separate instructions.

OMB No 1545-0047

2009

Open to Public Inspection

Name of the organization
National Organization for Marriage, Inc.

Employer identification number
26 : 0240498

Part I **Organizations Maintaining Donor Advised Funds or Other Similar Funds or Accounts.** Complete if the organization answered "Yes" to Form 990, Part IV, line 6.

		(a) Donor advised funds	(b) Funds and other accounts
1	Total number at end of year		
2	Aggregate contributions to (during year)		
3	Aggregate grants from (during year)		
4	Aggregate value at end of year		

5 Did the organization inform all donors and donor advisors in writing that the assets held in donor advised funds are the organization's property, subject to the organization's exclusive legal control? ☐ Yes ☐ No

6 Did the organization inform all grantees, donors, and donor advisors in writing that grant funds can be used only for charitable purposes and not for the benefit of the donor or donor advisor, or for any other purpose conferring impermissible private benefit? ☐ Yes ☐ No

Part II **Conservation Easements.** Complete if the organization answered "Yes" to Form 990, Part IV, line 7.

1 Purpose(s) of conservation easements held by the organization (check all that apply).

☐ Preservation of land for public use (e.g., recreation or pleasure)
☐ Protection of natural habitat
☐ Preservation of open space
☐ Preservation of an historically important land area
☐ Preservation of a certified historic structure

2 Complete lines 2a through 2d if the organization held a qualified conservation contribution in the form of a conservation easement on the last day of the tax year.

		Held at the End of the Tax Year
a	Total number of conservation easements	2a
b	Total acreage restricted by conservation easements	2b
c	Number of conservation easements on a certified historic structure included in (a)	2c
d	Number of conservation easements included in (c) acquired after 8/17/06	2d

3 Number of conservation easements modified, transferred, released, extinguished, or terminated by the organization during the tax year ▶ .....

4 Number of states where property subject to conservation easement is located ▶ .....

5 Does the organization have a written policy regarding the periodic monitoring, inspection, handling of violations, and enforcement of the conservation easements it holds? ☐ Yes ☐ No

6 Staff and volunteer hours devoted to monitoring, inspecting, and enforcing conservation easements during the year ▶ .....

7 Amount of expenses incurred in monitoring, inspecting, and enforcing conservation easements during the year ▶ $ .....

8 Does each conservation easement reported on line 2(d) above satisfy the requirements of section 170(h)(4)(B)(i) and section 170(h)(4)(B)(ii)? ☐ Yes ☐ No

9 In Part XIV, describe how the organization reports conservation easements in its revenue and expense statement, and balance sheet, and include, if applicable, the text of the footnote to the organization's financial statements that describes the organization's accounting for conservation easements.

Part III **Organizations Maintaining Collections of Art, Historical Treasures, or Other Similar Assets.** Complete if the organization answered "Yes" to Form 990, Part IV, line 8.

1a If the organization elected, as permitted under SFAS 116, not to report in its revenue statement and balance sheet works of art, historical treasures, or other similar assets held for public exhibition, education, or research in furtherance of public service, provide, in Part XIV, the text of the footnote to its financial statements that describes these items.

b If the organization elected, as permitted under SFAS 116, to report in its revenue statement and balance sheet works of art, historical treasures, or other similar assets held for public exhibition, education, or research in furtherance of public service, provide the following amounts relating to these items:

(i) Revenues included in Form 990, Part VIII, line 1 ▶ $ .....

(ii) Assets included in Form 990, Part X ▶ $ .....

2 If the organization received or held works of art, historical treasures, or other similar assets for financial gain, provide the following amounts required to be reported under SFAS 116 relating to these items:

a Revenues included in Form 990, Part VIII, line 1 ▶ $ .....

b Assets included in Form 990, Part X ▶ $ .....

Part III Organizations Maintaining Collections of Art, Historical Treasures, or Other Similar Assets *(continued)*

3 Using the organization's acquisition, accession, and other records, check any of the following that are a significant use of its collection items (check all that apply):

a ☐ Public exhibition
b ☐ Scholarly research
c ☐ Preservation for future generations
d ☐ Loan or exchange programs
e ☐ Other .....

4 Provide a description of the organization's collections and explain how they further the organization's exempt purpose in Part XIV.

5 During the year, did the organization solicit or receive donations of art, historical treasures, or other similar assets to be sold to raise funds rather than to be maintained as part of the organization's collection? . . . ☐ Yes ☐ No

Part IV Escrow and Custodial Arrangements. Complete if the organization answered "Yes" to Form 990, Part IV, line 9, or reported an amount on Form 990, Part X, line 21.

1a Is the organization an agent, trustee, custodian or other intermediary for contributions or other assets not included on Form 990, Part X? . . . ☐ Yes ☐ No

b If "Yes," explain the arrangement in Part XIV and complete the following table:

		Amount
c Beginning balance	1c	
d Additions during the year	1d	
e Distributions during the year	1e	
f Ending balance	1f	

2a Did the organization include an amount on Form 990, Part X, line 21? . . . ☐ Yes ☐ No

b If "Yes," explain the arrangement in Part XIV.

Part V Endowment Funds. Complete if the organization answered "Yes" to Form 990, Part IV, line 10.

	(a) Current year	(b) Prior year	(c) Two years back	(d) Three years back	(e) Four years back
1a Beginning of year balance					
b Contributions					
c Net investment earnings, gains, and losses					
d Grants or scholarships					
e Other expenditures for facilities and programs					
f Administrative expenses					
g End of year balance					

2 Provide the estimated percentage of the year end balance held as:

a Board designated or quasi-endowment ▶ ..... %
b Permanent endowment ▶ ..... %
c Term endowment ▶ ..... %

3a Are there endowment funds not in the possession of the organization that are held and administered for the organization by:

	Yes	No
3a(i) (i) unrelated organizations		
3a(ii) (ii) related organizations		
3b b If "Yes" to 3a(ii), are the related organizations listed as required on Schedule R?		

4 Describe in Part XIV the intended uses of the organization's endowment funds.

Part VI Investments—Land, Buildings, and Equipment. See Form 990, Part X, line 10.

Description of investment	(a) Cost or other basis (investment)	(b) Cost or other basis (other)	(c) Accumulated depreciation	(d) Book value
1a Land				
b Buildings				
c Leasehold improvements				
d Equipment		16,950	6,028	10,922
e Other				
Total. Add lines 1a through 1e *(Column (d) must equal Form 990, Part X, column (B), line 10(c).)* ▶				10,922

Part VII Investments—Other Securities. See Form 990, Part X, line 12.

(a) Description of security or category (including name of security)	(b) Book value	(c) Method of valuation Cost or end-of-year market value
Financial derivatives		
Closely-held equity interests		
Other		
Total. *(Column (b) must equal Form 990, Part X, col (B) line 12.)* ▶		

Part VIII Investments—Program Related. See Form 990, Part X, line 13.

(a) Description of investment type	(b) Book value	(c) Method of valuation Cost or end-of-year market value
Total. *(Column (b) must equal Form 990, Part X, col (B) line 13.)* ▶		

Part IX Other Assets. See Form 990, Part X, line 15.

(a) Description	(b) Book value
Security Deposit	**$7,381**
Total. *(Column (b) must equal Form 990, Part X, col. (B) line 15.)* ▶	**$7,381**

Part X Other Liabilities. See Form 990, Part X, line 25.

1. (a) Description of liability	(b) Amount
Federal income taxes	
Short-term loan due to related entity	**$200,062**
Total. *(Column (b) must equal Form 990, Part X, col (B) line 25.)* ▶	**$200,062**

2. FIN 48 Footnote. In Part XIV, provide the text of the footnote to the organization's financial statements that reports the organization's liability for uncertain tax positions under FIN 48.

Part XI Reconciliation of Change in Net Assets from Form 990 to Audited Financial Statements

1	Total revenue (Form 990, Part VIII, column (A), line 12)	1	7,372,981
2	Total expenses (Form 990, Part IX, column (A), line 25)	2	7,476,438
3	Excess or (deficit) for the year. Subtract line 2 from line 1	3	-103,457
4	Net unrealized gains (losses) on investments	4	
5	Donated services and use of facilities	5	
6	Investment expenses	6	
7	Prior period adjustments	7	
8	Other (Describe in Part XIV.)	8	
9	Total adjustments (net). Add lines 4 through 8	9	
10	Excess or (deficit) for the year per audited financial statements. Combine lines 3 and 9	10	-103,457

Part XII Reconciliation of Revenue per Audited Financial Statements With Revenue per Return

1	Total revenue, gains, and other support per audited financial statements			1	7,372,981
2	Amounts included on line 1 but not on Form 990, Part VIII, line 12:				
a	Net unrealized gains on investments	2a			
b	Donated services and use of facilities	2b			
c	Recoveries of prior year grants	2c			
d	Other (Describe in Part XIV.)	2d			
e	Add lines **2a** through **2d**			2e	
3	Subtract line **2e** from line 1			3	7,372,981
4	Amounts included on Form 990, Part VIII, line 12, but not on line 1:				
a	Investment expenses not included on Form 990, Part VIII, line 7b	4a			
b	Other (Describe in Part XIV.)	4b			
c	Add lines **4a** and **4b**			4c	
5	Total revenue. Add lines **3** and **4c.** *(This must equal Form 990, Part I, line 12.)*			5	7,372,981

Part XIII Reconciliation of Expenses per Audited Financial Statements With Expenses per Return

1	Total expenses and losses per audited financial statements			1	7,476,438
2	Amounts included on line 1 but not on Form 990, Part IX, line 25:				
a	Donated services and use of facilities	2a			
b	Prior year adjustments	2b			
c	Other losses	2c			
d	Other (Describe in Part XIV.)	2d			
e	Add lines **2a** through **2d**			2e	
3	Subtract line **2e** from line 1			3	7,476,438
4	Amounts included on Form 990, Part IX, line 25, but not on line 1:				
a	Investment expenses not included on Form 990, Part VIII, line 7b	4a			
b	Other (Describe in Part XIV.)	4b			
c	Add lines **4a** and **4b**			4c	
5	Total expenses. Add lines **3** and **4c.** *(This must equal Form 990, Part I, line 18.)*			5	7,476,438

Part XIV Supplemental Information

Complete this part to provide the descriptions required for Part II, lines 3, 5, and 9; Part III, lines 1a and 4; Part IV, lines 1b and 2b; Part V, line 4; Part X, line 2; Part XI, line 8; Part XII, lines 2d and 4b; and Part XIII, lines 2d and 4b. Also complete this part to provide any additional information.

Part XIV Supplemental Information *(continued)*

SCHEDULE G
(Form 990 or 990-EZ)
Department of the Treasury
Internal Revenue Service

Supplemental Information Regarding Fundraising or Gaming Activities

Complete if the organization answered "Yes" to Form 990, Part IV, lines 17, 18, or 19, or if the organization entered more than $15,000 on Form 990-EZ, line 6a.
▶ Attach to Form 990 or Form 990-EZ. ▶ See separate instructions.

OMB No 1545-0047
2009
Open To Public Inspection

Name of the organization
National Organization for Marriage, Inc.

Employer identification number
26 0240498

Part I **Fundraising Activities.** Complete if the organization answered "Yes" to Form 990, Part IV, line 17. Form 990-EZ filers are not required to complete this part.

1 Indicate whether the organization raised funds through any of the following activities. Check all that apply.

a ☑ Mail solicitations
b ☑ Internet and email solicitations
c ☐ Phone solicitations
d ☑ In-person solicitations
e ☑ Solicitation of non-government grants
f ☐ Solicitation of government grants
g ☐ Special fundraising events

2a Did the organization have a written or oral agreement with any individual (including officers, directors, trustees or key employees listed in Form 990, Part VII) or entity in connection with professional fundraising services? ☑ Yes ☐ No

b If "Yes," list the ten highest paid individuals or entities (fundraisers) pursuant to agreements under which the fundraiser is to be compensated at least $5,000 by the organization.

(i) Name of individual or entity (fundraiser)	(ii) Activity	(iii) Did fundraiser have custody or control of contributions? Yes	(iii) No	(iv) Gross receipts from activity	(v) Amount paid to (or retained by) fundraiser listed in col. (i)	(vi) Amount paid to (or retained by) organization
KMA Direct Communications	Direct Mail		✓	na	419,151	0
The Sterling Corporation	Consulting		✓	na	57,390	0
Total ▶				na	476,541	0

3 List all states in which the organization is registered or licensed to solicit funds or has been notified it is exempt from registration or licensing.

PA, NJ, CA, IL, MS, NH, ND, OK, OR, TN, AZ, AR, CO, CT, FL, GA, KS, KY, MA, NM, NY, OH, VA, WI

Part II **Fundraising Events.** Complete if the organization answered "Yes" to Form 990, Part IV, line 18, or reported more than $15,000 on Form 990-EZ, line 6a. List events with gross receipts greater than $5,000.

		(a) Event #1 (event type)	(b) Event #2 (event type)	(c) Other events (total number)	(d) Total events (add col (a) through col (c))
Revenue	1 Gross receipts				
	2 Less: Charitable contributions				
	3 Gross income (line 1 minus line 2)				
Direct Expenses	4 Cash prizes				
	5 Noncash prizes				
	6 Rent/facility costs				
	7 Food and beverages				
	8 Entertainment				
	9 Other direct expenses				
	10 Direct expense summary. Add lines 4 through 9 in column (d) ▶				( )
	11 Net income summary. Combine line 3, column (d), and line 10 ▶				

Part III **Gaming.** Complete if the organization answered "Yes" to Form 990, Part IV, line 19, or reported more than $15,000 on Form 990-EZ, line 6a.

		(a) Bingo	(b) Pull tabs/instant bingo/progressive bingo	(c) Other gaming	(d) Total gaming (add col (a) through col (c))
Revenue	1 Gross revenue				
Direct Expenses	2 Cash prizes				
	3 Noncash prizes				
	4 Rent/facility costs				
	5 Other direct expenses				
	6 Volunteer labor	☐ Yes ____% ☐ No	☐ Yes ____% ☐ No	☐ Yes ____% ☐ No	
	7 Direct expense summary. Add lines 2 through 5 in column (d) ▶				( )
	8 Net gaming income summary. Combine line 1, column d, and line 7 ▶				

		Yes	No
9	Enter the state(s) in which the organization operates gaming activities: ____		
a	Is the organization licensed to operate gaming activities in each of these states?	9a	
b	If "No," explain:		
10a	Were any of the organization's gaming licenses revoked, suspended or terminated during the tax year?	10a	
b	If "Yes," explain:		
11	Does the organization operate gaming activities with nonmembers?	11	
12	Is the organization a grantor, beneficiary or trustee of a trust or a member of a partnership or other entity formed to administer charitable gaming?	12	

		Yes	No
13	Indicate the percentage of gaming activity operated in:		
a	The organization's facility . . . . . 13a %		
b	An outside facility . . . . . 13b %		
14	Enter the name and address of the person who prepares the organization's gaming/special events books and records:		
	Name ▶		
	Address ▶		
15a	Does the organization have a contract with a third party from whom the organization receives gaming revenue? 15a		
b	If "Yes," enter the amount of gaming revenue received by the organization ▶ $ ..... and the amount of gaming revenue retained by the third party ▶ $		
c	If "Yes," enter name and address of the third party:		
	Name ▶		
	Address ▶		
16	Gaming manager information:		
	Name ▶		
	Gaming manager compensation ▶ $		
	Description of services provided ▶		
	☐ Director/officer ☐ Employee ☐ Independent contractor		
17	Mandatory distributions:		
a	Is the organization required under state law to make charitable distributions from the gaming proceeds to retain the state gaming license? 17a		
b	Enter the amount of distributions required under state law to be distributed to other exempt organizations or spent in the organization's own exempt activities during the tax year ▶ $		

SCHEDULE I (Form 990)

Department of the Treasury
Internal Revenue Service

Grants and Other Assistance to Organizations, Governments, and Individuals in the United States

Complete if the organization answered "Yes" to Form 990, Part IV, line 21 or 22.

▶ Attach to Form 990.

OMB No. 1545-0047

2009

Open to Public Inspection

Name of the organization

National Organization for Marriage, Inc

Employer identification number

26 : 0240498

Part I General Information on Grants and Assistance

1 Does the organization maintain records to substantiate the amount of the grants or assistance, the grantees' eligibility for the grants or assistance, and the selection criteria used to award the grants or assistance? . . . . . ☑ Yes ☐ No

2 Describe in Part IV the organization's procedures for monitoring the use of grant funds in the United States.

Part II Grants and Other Assistance to Governments and Organizations in the United States.

Complete if the organization answered "Yes" to Form 990, Part IV, line 21, for any recipient that received more than $5,000. Check this box if no one recipient received more than $5,000. Use Part IV and Schedule I-1 (Form 990) if additional space is needed . . . . . ▶ ☐

1 (a) Name and address of organization or government	(b) EIN	(c) IRC section if applicable	(d) Amount of cash grant	(e) Amount of non-cash assistance	(f) Method of valuation (book, FMV, appraisal, other)	(g) Description of non-cash assistance	(h) Purpose of grant or assistance
American Principles Project 1420 K St. NW Washington DC	26-4442148	501c3	100,000				general support
FRC Action 801 G St. NW Washington DC	52-1805562	501c4	10,000				general support
Iowa Family Action 1100 N Hickory Pleasant Hill IA	42-1469051	501c4	10,000				general support
NJ Conservative Leadership 45 N Broad Ridgewood NJ 07450	27-0864340	501c4	25,000				general support
Stand for Marriage Maine 374 Rt. 1 Yarmouth ME 04097	27-0267465	501c4	1,960,000				general support

2 Enter total number of section 501(c)(3) and government organizations . . . . . ▶ 1

3 Enter total number of other organizations . . . . . ▶ 0

Part III **Grants and Other Assistance to Individuals in the United States.** Complete if the organization answered "Yes" to Form 990, Part IV, line 22. Use Part IV and Schedule I-1 (Form 990) if additional space is needed.

(a) Type of grant or assistance	(b) Number of recipients	(c) Amount of cash grant	(d) Amount of non-cash assistance	(e) Method of valuation (book, FMV, appraisal, other)	(f) Description of non-cash assistance

Part IV **Supplemental Information.** Complete this part to provide the information required in Part I, line 2, and any other additional information.

Part I, Line 2: The National Organization for Marriage, Inc. awarded assistance payments for general support to the listed organizations based on a discussion and mutual understanding of each organization's goals, and plans to use the funds. Throughout the assistance period, the National Organization for Marriage Inc. monitors the use of the funds. At the end of the period, each recipient is requested to provide a final accounting on use of the funds.

SCHEDULE J (Form 990)

Department of the Treasury
Internal Revenue Service

Compensation Information

For certain Officers, Directors, Trustees, Key Employees, and Highest Compensated Employees

▶ Complete if the organization answered "Yes" to Form 990, Part IV, line 23.

▶ Attach to Form 990. ▶ See separate instructions.

OMB No 1545-0047

2009

Open to Public Inspection

Name of the organization

National Organization for Marriage, Inc.

Employer identification number

26 0240498

Part I Questions Regarding Compensation

		Yes	No
1a	Check the appropriate box(es) if the organization provided any of the following to or for a person listed in Form 990, Part VII, Section A, line 1a. Complete Part III to provide any relevant information regarding these items.		
	☐ First-class or charter travel ☐ Housing allowance or residence for personal use		
	☐ Travel for companions ☐ Payments for business use of personal residence		
	☐ Tax indemnification and gross-up payments ☐ Health or social club dues or initiation fees		
	☐ Discretionary spending account ☐ Personal services (e.g., maid, chauffeur, chef)		
b	If any of the boxes on line 1a are checked, did the organization follow a written policy regarding payment or reimbursement or provision of all of the expenses described above? If "No," complete Part III to explain 1b		
2	Did the organization require substantiation prior to reimbursing or allowing expenses incurred by all officers, directors, trustees, and the CEO/Executive Director, regarding the items checked in line 1a? . 2		
3	Indicate which, if any, of the following the organization uses to establish the compensation of the organization's CEO/Executive Director. Check all that apply.		
	☐ Compensation committee ☐ Written employment contract		
	☐ Independent compensation consultant ☐ Compensation survey or study		
	☐ Form 990 of other organizations ☑ Approval by the board or compensation committee		
4	During the year, did any person listed in Form 990, Part VII, Section A, line 1a, with respect to the filing organization or a related organization:		
a	Receive a severance payment or change-of-control payment? 4a		✓
b	Participate in, or receive payment from, a supplemental nonqualified retirement plan? 4b		✓
c	Participate in, or receive payment from, an equity-based compensation arrangement? 4c		✓
	If "Yes" to any of lines 4a–c, list the persons and provide the applicable amounts for each item in Part III.		
	Only section 501(c)(3) and 501(c)(4) organizations must complete lines 5–9.		
5	For persons listed in Form 990, Part VII, Section A, line 1a, did the organization pay or accrue any compensation contingent on the revenues of:		
a	The organization? 5a		✓
b	Any related organization? 5b		✓
	If "Yes" to line 5a or 5b, describe in Part III.		
6	For persons listed in Form 990, Part VII, Section A, line 1a, did the organization pay or accrue any compensation contingent on the net earnings of:		
a	The organization? 6a		✓
b	Any related organization? 6b		✓
	If "Yes" to line 6a or 6b, describe in Part III.		
7	For persons listed in Form 990, Part VII, Section A, line 1a, did the organization provide any non-fixed payments not described in lines 5 and 6? If "Yes," describe in Part III 7		✓
8	Were any amounts reported in Form 990, Part VII, paid or accrued pursuant to a contract that was subject to the initial contract exception described in Regs. section 53.4958-4(a)(3)? If "Yes," describe in Part III 8		✓
9	If "Yes" to line 8, did the organization also follow the rebuttable presumption procedure described in Regulations section 53.4958-6(c)? 9		

Part II Officers, Directors, Trustees, Key Employees, and Highest Compensated Employees. Use Schedule J-1 if additional space is needed.

For each individual whose compensation must be reported in Schedule J, report compensation from the organization on row (i) and from related organizations, described in the instructions, on row (ii). Do not list any individuals that are not listed on Form 990, Part VII.

Note. The sum of columns (B)(i)–(iii) must equal the applicable column (D) or column (E) amounts on Form 990, Part VII, line 1a.

(A) Name		(B) Breakdown of W-2 and/or 1099-MISC compensation			(C) Retirement and other deferred compensation	(D) Nontaxable benefits	(E) Total of columns (B)(i)–(D)	(F) Compensation reported in prior Form 990 or Form 990-EZ
		(i) Base compensation	(ii) Bonus & incentive compensation	(iii) Other reportable compensation				
Brian Brown	(i)	**$154,167**	**$0**	**$0**	**$0**	**$17,892**	**$172,059**	**$172,059**
	(ii)							
	(i)							
	(ii)							
	(i)							
	(ii)							
	(i)							
	(ii)							
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	(i)							
	(ii)							
	(i)							
	(ii)							
	(i)							
	(ii)							

Part III Supplemental Information

Complete this part to provide the information, explanation, or descriptions required for Part I, lines 1a, 1b, 4c, 5a, 5b, 6a, 6b, 7, and 8. Also complete this part for any additional information.

SCHEDULE O (Form 990)

Department of the Treasury
Internal Revenue Service

Supplemental Information to Form 990

Complete to provide information for responses to specific questions on Form 990 or to provide any additional information.

▶ Attach to Form 990.

OMB No 1545-0047

2009

Open to Public Inspection

Name of the organization

National Organization for Marriage, Inc.

Employer identification number

26 0240498

Form 990, Part VI, Section B, Line 11A: The draft Form 990 is circulated to the directors, officers, and legal counsel for their review and comment. All comments are addressed before the Form 990 is filed.

Form 990, Part VI, Section B, Line 12c: Each year, all officers, directors, and key employees are required to read the Conflict of Interest Policy, and attest in writing to their compliance.

Form 990, Part VI, Section B, Line 15b: The compensation of the Executive Director, and the President are reviewed and approved annually by the Organization's Board. The review and approval process consists of an evaluation of the individuals' performance, as well as consideration of available data on the compensation of personnel of similar organizations in the geographic area.

Form 990, Part VI, Section C, Line 19: NOM's articles of incorporation are available from the Virginia State Corporation Commission, and as an attachment to its Form 1024. NOM's financial statements may be available from some states in which NOM is registered to solicit contributions. Its bylaws, as they existed at the time, are available as an attachment to its Form 1024. Other governing documents and NOM's conflict of interest policy are not available to the public.

Form 990, Part VI, Section C, Line 17: PA, NJ, CA, IL, MS, NH, ND, OK, OR,TN, AZ, AR, CO, CT, FL, GA, KS, KY, MA, NM, NY, OH, VA, WI

Name of the organization | Employer identification number

SCHEDULE R (Form 990)

Department of the Treasury
Internal Revenue Service

Related Organizations and Unrelated Partnerships

▶ Complete if the organization answered "Yes" to Form 990, Part IV, line 33, 34, 35, 36, or 37.

▶ Attach to Form 990. ▶ See separate instructions.

OMB No. 1545-0047

2009

Open to Public Inspection

Name of the organization

National Organization for Marriage, Inc.

Employer identification number

26 0240498

Part I Identification of Disregarded Entities (Complete if the organization answered "Yes" to Form 990, Part IV, line 33.)

(a) Name, address, and EIN of disregarded entity	(b) Primary activity	(c) Legal domicile (state or foreign country)	(d) Total income	(e) End-of-year assets	(f) Direct controlling entity
N/A					

Part II Identification of Related Tax-Exempt Organizations (Complete if the organization answered "Yes" to Form 990, Part IV, line 34 because it had one or more related tax-exempt organizations during the tax year.)

(a) Name, address, and EIN of related organization	(b) Primary activity	(c) Legal domicile (state or foreign country)	(d) Exempt Code section	(e) Public charity status (if section 501(c)(3))	(f) Direct controlling entity
National Organization for Marriage Education Fund 20 Nassau Street, Princeton, NJ 08542 20-7472471	Education	VA	501(c)(3)	7	na

Part III **Identification of Related Organizations Taxable as a Partnership** (Complete if the organization answered "Yes" to Form 990, Part IV, line 34 because it had one or more related organizations treated as a partnership during the tax year.)

(a) Name, address, and EIN of related organization	(b) Primary activity	(c) Legal domicile (state or foreign country)	(d) Direct controlling entity	(e) Predominant income (related, unrelated, excluded from tax under sections 512-514)	(f) Share of total income	(g) Share of end-of-year assets	(h) Disproportionate allocations? Yes	(h) No	(i) Code V—UBI amount in box 20 of Schedule K-1 (Form 1065)	(j) General or managing partner? Yes	(j) No
N/A											

Part IV **Identification of Related Organizations Taxable as a Corporation or Trust** (Complete if the organization answered "Yes" to Form 990, Part IV, line 34 because it had one or more related organizations treated as a corporation or trust during the tax year.)

(a) Name, address, and EIN of related organization	(b) Primary activity	(c) Legal domicile (state or foreign country)	(d) Direct controlling entity	(e) Type of entity (C corp, S corp, or trust)	(f) Share of total income	(g) Share of end-of-year assets	(h) Percentage ownership
N/A							

Part V **Transactions With Related Organizations** (Complete if the organization answered "Yes" to Form 990, Part IV, line 34, 35, or 36.)

Note. Complete line 1 if any entity is listed in Parts II, III, or IV of this schedule.

		Yes	No
1	During the tax year, did the organization engage in any of the following transactions with one or more related organizations listed in Parts II–IV?		
a	Receipt of (i) interest (ii) annuities (iii) royalties or (iv) rent from a controlled entity	1a		✓
b	Gift, grant, or capital contribution to other organization(s)	1b		✓
c	Gift, grant, or capital contribution from other organization(s)	1c		✓
d	Loans or loan guarantees to or for other organization(s)	1d		✓
e	Loans or loan guarantees by other organization(s)	1e	✓	
f	Sale of assets to other organization(s)	1f		✓
g	Purchase of assets from other organization(s)	1g		✓
h	Exchange of assets	1h		✓
i	Lease of facilities, equipment, or other assets to other organization(s)	1i		✓
j	Lease of facilities, equipment, or other assets from other organization(s)	1j		✓
k	Performance of services or membership or fundraising solicitations for other organization(s)	1k		✓
l	Performance of services or membership or fundraising solicitations by other organization(s)	1l		✓
m	Sharing of facilities, equipment, mailing lists, or other assets	1m		✓
n	Sharing of paid employees	1n		✓
o	Reimbursement paid to other organization for expenses	1o		✓
p	Reimbursement paid by other organization for expenses	1p	✓	
q	Other transfer of cash or property to other organization(s)	1q		✓
r	Other transfer of cash or property from other organization(s)	1r		✓

2 If the answer to any of the above is "Yes," see the instructions for information on who must complete this line, including covered relationships and transaction thresholds.

	(a) Name of other organization	(b) Transaction type (a–r)	(c) Amount involved
(1)	**National Organization for Marriage Education Fund**	e	$200,062
(2)	**National Organization for Marriage Education Fund**	p	$355,473
(3)			
(4)			
(5)			
(6)			

Part VI **Unrelated Organizations Taxable as a Partnership** (Complete if the organization answered "Yes" to Form 990, Part IV, line 37.)

Provide the following information for each entity taxed as a partnership through which the organization conducted more than five percent of its activities (measured by total assets or gross revenue) that was not a related organization. See instructions regarding exclusion for certain investment partnerships.

(a) Name, address, and EIN of entity	(b) Primary activity	(c) Legal domicile (state or foreign country)	(d) Are all partners section 501(c)(3) organizations?		(e) Share of end-of-year assets	(f) Disproportionate allocations?		(g) Code V—UBI amount in box 20 of Schedule K-1 (Form 1065)	(h) General or managing partner?	
			Yes	No		Yes	No		Yes	No
N/A										

Schedule B (Form 990, 990-EZ, or 990-PF)
Department of the Treasury
Internal Revenue Service

Schedule of Contributors

▶ Attach to Form 990, 990-EZ, or 990-PF.

OMB No. 1545-0047

2009

Name of the organization	Employer identification number
National Organization for Marriage, Inc.	26 : 0240498

Organization type (check one):

Filers of:	Section:
Form 990 or 990-EZ	☑ 501(c)(4) (enter number) organization
	☐ 4947(a)(1) nonexempt charitable trust **not** treated as a private foundation
	☐ 527 political organization
Form 990-PF	☐ 501(c)(3) exempt private foundation
	☐ 4947(a)(1) nonexempt charitable trust treated as a private foundation
	☐ 501(c)(3) taxable private foundation

Check if your organization is covered by the **General Rule** or a **Special Rule.**
Note. Only a section 501(c)(7), (8), or (10) organization can check boxes for both the General Rule and a Special Rule. See instructions.

General Rule

☑ For an organization filing Form 990, 990-EZ, or 990-PF that received, during the year, $5,000 or more (in money or property) from any one contributor. Complete Parts I and II.

Special Rules

☐ For a section 501(c)(3) organization filing Form 990 or 990-EZ that met the 33⅓% support test of the regulations under sections 509(a)(1) and 170(b)(1)(A)(vi), and received from any one contributor, during the year, a contribution of the greater of **(1)** $5,000 or **(2)** 2% of the amount on (i) Form 990, Part VIII, line 1h or (ii) Form 990-EZ, line 1. Complete Parts I and II.

☐ For a section 501(c)(7), (8), or (10) organization filing Form 990 or 990-EZ that received from any one contributor, during the year, aggregate contributions of more than $1,000 for use *exclusively* for religious, charitable, scientific, literary, or educational purposes, or the prevention of cruelty to children or animals. Complete Parts I, II, and III.

☐ For a section 501(c)(7), (8), or (10) organization filing Form 990 or 990-EZ that received from any one contributor, during the year, contributions for use *exclusively* for religious, charitable, etc., purposes, but these contributions did not aggregate to more than $1,000. If this box is checked, enter here the total contributions that were received during the year for an *exclusively* religious, charitable, etc., purpose. Do not complete any of the parts unless the **General Rule** applies to this organization because it received nonexclusively religious, charitable, etc., contributions of $5,000 or more during the year . . . . . ▶ $ _____

Caution. An organization that is not covered by the General Rule and/or the Special Rules does not file Schedule B (Form 990, 990-EZ, or 990-PF), but it **must** answer "No" on Part IV, line 2 of its Form 990, or check the box on line H of its Form 990-EZ, or on line 2 of its Form 990-PF, to certify that it does not meet the filing requirements of Schedule B (Form 990, 990-EZ, or 990-PF).

Name of organization: National Organization for Marriage, Inc.

Employer identification number: 26 : 0240498

Part I Contributors (see instructions)

(a) No.	(b) Name, address, and ZIP + 4	(c) Aggregate contributions	(d) Type of contribution
1	John Doe #7	$ 5,000	Person ☑ Payroll ☐ Noncash ☐ (Complete Part II if there is a noncash contribution.)
2	John Doe #5	$ 5,000	Person ☑ Payroll ☐ Noncash ☐ (Complete Part II if there is a noncash contribution.)
3	John Doe #18	$ 5,555	Person ☑ Payroll ☐ Noncash ☐ (Complete Part II if there is a noncash contribution.)
4	John Doe #14	$ 10,000	Person ☑ Payroll ☐ Noncash ☐ (Complete Part II if there is a noncash contribution.)
5	John Doe #13	$ 10,250	Person ☑ Payroll ☐ Noncash ☐ (Complete Part II if there is a noncash contribution.)
6	John Doe #6	$ 25,000	Person ☑ Payroll ☐ Noncash ☐ (Complete Part II if there is a noncash contribution.)

Name of organization: National Organization for Marriage, Inc.

Employer identification number: 26 : 0240498

Part I Contributors (see instructions)

(a) No.	(b) Name, address, and ZIP + 4	(c) Aggregate contributions	(d) Type of contribution
7	John Doe #8	$ 25,000	Person ☑ Payroll ☐ Noncash ☐ (Complete Part II if there is a noncash contribution.)
8	John Doe #11	$ 2,475,000	Person ☑ Payroll ☐ Noncash ☐ (Complete Part II if there is a noncash contribution.)
9	John Doe #3	$ 50,000	Person ☑ Payroll ☐ Noncash ☐ (Complete Part II if there is a noncash contribution.)
10	John Doe #2	$ 50,000	Person ☑ Payroll ☐ Noncash ☐ (Complete Part II if there is a noncash contribution.)
11	John Doe #3	$ 150,000	Person ☑ Payroll ☐ Noncash ☐ (Complete Part II if there is a noncash contribution.)
12	John Doe #12	$ 400,000	Person ☑ Payroll ☐ Noncash ☐ (Complete Part II if there is a noncash contribution.)

Name of organization: National Organization for Marriage, Inc.
Employer identification number: 26 : 0240498

Part I Contributors (see instructions)

(a) No.	(b) Name, address, and ZIP + 4	(c) Aggregate contributions	(d) Type of contribution
13	John Doe #9	$ 1,100,000	Person ☑ Payroll ☐ Noncash ☐ (Complete Part II if there is a noncash contribution.)
14	John Doe #10	$ 1,230,000	Person ☑ Payroll ☐ Noncash ☐ (Complete Part II if there is a noncash contribution.)
		$	Person ☐ Payroll ☐ Noncash ☐ (Complete Part II if there is a noncash contribution.)
		$	Person ☐ Payroll ☐ Noncash ☐ (Complete Part II if there is a noncash contribution.)
		$	Person ☐ Payroll ☐ Noncash ☐ (Complete Part II if there is a noncash contribution.)
		$	Person ☐ Payroll ☐ Noncash ☐ (Complete Part II if there is a noncash contribution.)

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JUN 4 2009
MAINE ETHICS COMMISSION

COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES
Mail: 135 State House Station, Augusta, Maine 04333
Office: 242 State Street, Augusta, Maine

Website: www.maine.gov/ethics
Phone: 207-287-4179
Fax: 207-287-6775

REGISTRATION: POLITICAL ACTION COMMITTEES

A political action committee must register with the Commission within 7 days of making expenditures to influence an election, including unpaid obligations, that total more than:

- **$1,500 for an organization whose major purpose is to influence candidate or ballot question elections or**
- **$5,000 for organizations which participate in candidate elections but whose major purpose is something other than influencing candidate elections.**

An Initial Campaign Finance Report must accompany this form - Political Action Committees must report all contributions and expenditures, whether cash or in-kind, made since January 1st of the reporting year. Be sure to include expenditures such as those associated with the collection of signatures, paid staff time, travel reimbursement, and fundraising expenses.

Within 10 days of a change in PAC information an amended registration form must be submitted to the Commission. The committee must also file an updated registration every election year between January 1st and March 1st.

Is this an amendment? ☐ Yes ☒ No

ALL SECTIONS OF THIS FORM MUST BE COMPLETED.

COMMITTEE INFORMATION

Committee name	Acronym
StandForMarriageMaine.com	
Mailing address	**Phone**
P.O. Box 15322	(207) 772-4800
City, zip code	**Fax**
Portland, Maine 04112	(207) 772-4811
E-mail	**Website**

TREASURER INFORMATION

Name	Phone
Joseph A. Keaney	(207) 772-4800
Mailing address	
One Monument Way - 2nd Floor	
City, zip code	**E-mail**
Portland, Maine 04101	joe@josephkeaneycpa.com

PRINCIPAL OFFICER INFORMATION

Name	Title
Marc R. Mutty	Chairperson
Mailing address	**Phone**
2 Timber Ridge Road	(207) 831-3148
City, zip code	
Freeport, Maine 04032	

Name	Title
Mary Conroy	Field Services Coordinator
Mailing address	**Phone**
16 Cozy Acres Lane	(207) 899-6605
City, zip code	
North Yarmouth, Maine 04097	

ALTERNATE E-MAIL ADDRESSES

To receive filing reminders and important information from the Commission.

1.	2.
None	

PRIMARY FUNDRAISERS AND DECISION MAKERS

Identify any candidates, Legislators or other individuals who are the primary fundraisers and decision makers for the committee.

1.	2.
Marc R. Mutty	Robert Emrich
3. Brian Brown	4.
5.	6.

COMMITTEE MAILING ADDRESS

Correspondence will be mailed to this address.

Street address or PO Box: Same

City, zip code:

FORM OF ORGANIZATION

Name the form or structure of organization, i.e., cooperative, corporation, voluntary association, partnership, etc.

Form of organization	Date of origin/incorporation
non profit corporation	May 29, 2009

STATEMENT OF SUPPORT OR OPPOSITION

Indicate whether the committee supports or opposes a candidate, political committee, referendum, initiated petition or campaign. If unknown at the time of registration, the committee must inform the Commission as soon as this information is known.

SUPPORT	We are supporting the rejection of the new law that let's same sex couples marry and allows individuals and religious groups to refuse to perform these marriages.
OPPOSE	

SIGNATURE OF PRINCIPAL PAC OFFICER OR TREASURER

Signature	Title
Joseph A. Kearney	Treasurer
Print name: Joseph A. Kearney	Date: June 3, 2009

IMPORTANT NOTICE:

An initial campaign finance report must be filed with the Commission at the time of registration.

Cash Contributions by NOM to Stand for Marriage Maine

6/3/2009	$	60,000.00
6/22/2009	$	100,000.00
7/7/2009	$	40,000.00
7/17/2009	$	50,000.00
8/13/2009	$	50,000.00
9/4/2009	$	140,000.00
9/11/2009	$	50,000.00
10/1/2009	$	300,000.00
10/9/2009	$	300,000.00
10/14/2009	$	500,000.00
10/23/2009	$	100,000.00
10/26/2009	$	40,000.00
10/27/2009	$	160,000.00
10/29/2009	$	40,000.00
5/18/2010	$	31,000.00
5/9/2011	$	32,411.33
Total	**$**	**1,993,411.33**

SCHEDULE A
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DATE RECEIVED	CONTRIBUTOR	OCCUPATION AND EMPLOYER	TYPE	AMOUNT
06/03/2009	NATIONAL ORGANIZATION FOR MARRIAGE 20 NASSAU STREET, SUITE 242 PRINCETON NJ 08542			$60,000.00
06/09/2009	ROMAN CATHOLIC DIOCESE OF PORTLAND 510 OCEAN AVENUE PORTLAND ME 04103			$100,000.00
06/09/2009	WILLIAM B GLENDINNING PO BOX 44 SOUTH BRISTOL ME 04568	RETIRED		$100.00
06/09/2009	JAMES E MILAN 13 ADAMS CIRCLE BUXTON ME 04093	ENGINEER IDEXX LABORATORIES		$100.00
06/15/2009	CATHOLIC CHARITIES, DIOCESE OF EVANSVILLE 123 NW FOURTH STREET EVANSVILLE IN 47708			$1,000.00
06/22/2009	FOCUS ON THE FAMILY MAINE MARRIAGE COMMITTEE 8605 EXPLORER DRIVE COLORADO SPRINGS CO 80920			$10,000.00
06/22/2009	NATIONAL ORGANIZATION FOR MARRIAGE 20 NASSAU STREET, SUITE 242 PRINCETON NJ 08542			$100,000.00
06/24/2009	JOHN L BERNARD 95 DORSET STREET PORTLAND ME 04102	RETIRED		$100.00
06/09/2009	BRIAN E SOUCHET 15 TARRATINE DRIVE BRUNSWICK ME 04011	RETIRED		$100.00
06/26/2009	KNIGHTS OF COLUMBUS 601 PENNSYLVANIA AVE NW WASHINGTON DC 20004			$50,000.00
07/03/2009	FOCUS ON THE FAMILY MAINE MARRIAGE COMMITTEE 8605 EXPLORER DRIVE COLORADO SPRINGS CO 80920			$21,000.00
06/16/2009	ARCHDIOCESE OF SANTA FE 4000 ST JOSEPH'S PLACE NW ALBUQUERQUE NM 87120			$1,000.00

09/18/2009	GRACE M FIRTH 26 INTERVALE ROAD NEW SHARON ME 04955	REQUESTED MORE INFORMATION REQUESTED MORE INFORMATION	1	$200.00
09/18/2009	DEBORAH L YOUNG PO BOX 199 WINTERPORT ME 04496	MEDICAL TRANSCRIPTIONIST MD-IT	1	$100.00
09/18/2009	LINDA MACHACEK 25 CURTIS LANE TOPSHAM ME 04086	REQUESTED MORE INFORMATION REQUESTED MORE INFORMATION	1	$125.00
09/18/2009	PERRY HOME CARE SERVICES LLC PO BOX 2075 WATERVILLE ME 04903		2	$250.00
09/18/2009	NORMAN J POMERLEAU 3 WINDY STREET AUGUSTA ME 04330	REQUESTED MORE INFORMATION REQUESTED MORE INFORMATION	1	$4,000.00
09/21/2009	JOAN C MCPHAIL 113 WEST BROADWAY LINCOLN ME 04457	REAL ESTATE SELF	1	$100.00
09/21/2009	MARY JANE MCBRADY 10 BROOKSIDE DRIVE FALMOUTH ME 04105	REQUESTED MORE INFORMATION REEQUESTED MORE INFORMATION	1	$100.00
09/21/2009	KNIGHTS OF COLUMBUS 279 DANFORTH STREET PORTLAND ME 04102		2	$100.00
09/21/2009	CLAUDE HANSCOMB 8 WILLIMANTIC COURT PRESQUE ISLE ME 04769	RETIRED RETIRED	1	$100.00
09/21/2009	LUCIE F MORABITO 54 SEASHORE AVENUE PEAKS ISLAND ME 04108	RETIRED RETIRED	1	$100.00
07/07/2009	NATIONAL ORGANIZATION FOR MARRIAGE 20 NASSAU STREET, SUITE 242 PRINCETON NJ 08542		2	$40,000.00
07/17/2009	NATIONAL ORGANIZATION FOR MARRIAGE 20 NASSAU STREET, SUITE 242 PRINCETON NJ 08542		2	$50,000.00
08/13/2009	NATIONAL ORGANIZATION FOR MARRIAGE 20 NASSAU STREET, SUITE 242 PRINCETON NJ 08542		2	$50,000.00
08/25/2009	FOCUS ON THE FAMILY 8605 EXPLORER DRIVE COLORADO SPRINGS CO 80920		2	$10,000.00
09/04/2009	NATIONAL ORGANIZATION FOR MARRIAGE 20 NASSAU STREET, SUITE 242 PRINCETON NJ 08542		2	$140,000.00
09/11/2009	NATIONAL ORGANIZATION FOR MARRIAGE 20 NASSAU STREET, SUITE 242 PRINCETON NJ 08542		2	$50,000.00
09/21/2009	OLD TOWN FAMILY PRACTICE 242 BRUNSWICK STREET OLD TOWN ME 04468		2	$1,000.00

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10/01/2009	JUDY PELLETIER HC 65 BOX 360 STACYVILLE ME 04777	RETIRED RETIRED	1	$100.00
10/01/2009	ELLEN C DENIGRIS 34 WARREN STREET NORWICH CT 06360 ME 06360	REQUESTED MORE INFORMATION REQUESTED MORE INFORMATION	1	$100.00
10/01/2009	JEANETTE JORDAN 26 BIRCH HILL DRIVE ORRINGTON ME 04474	RETIRED RETIRED	1	$100.00
10/01/2009	FRANCIS X RIST 450 MT. HOPE AVENUE BONGOR ME 04401	BUSINESS OWNER SELF	1	$100.00
10/05/2009	RITA C SUKEFORTH 982 LAKEVIEW DRIVE CHINA ME 04358	REQUESTED MORE INFORMATION REQUESTED MORE INFORMATION	1	$25,000.00
10/05/2009	SMITH LIVING TRUST 1601 DOVE STREET, SUITE 145 NEWPORT BEACH CA 92660		2	$10,000.00
10/01/2009	ROMAN CATHOLIC DIOCESE OF PORTLAND PO BOX 11559 PORTLAND ME 04104		3	$48,000.00
10/01/2009	NATIONAL ORGANIZATION FOR MARRIAGE 20 NASSAU STREET, SUITE 242 PRINCETON NJ 08542		2	$300,000.00
10/05/2009	LISETTE MORRILL 95 POND ROAD NEW GLOUCESTER ME 04260	REQUESTED MORE INFORMATION REQUESTED MORE INFORMATION	1	$100.00
10/05/2009	REYNOLD J DUBOIS 85 HUDSON ROAD BANGOR ME 04401	PHYSICAL THERAPIST REHAB CARE LLC	1	$100.00
10/05/2009	JOHN A FIDLER 10 WALTER STREET BANGOR ME 04401	REQUESTED MORE INFORMATION REQUESTED MORE INFORMATION	1	$100.00

10/14/2009	MAXINE B WHITEHOUSE 164 BARS MILLS ROAD HOLLIS CENTER ME 04042	REQUESTED MORE INFORMATION REQUESTED MORE INFORMATION	1	$75.00
10/14/2009	SHIRLEY R STROUT 62 SEVENTEENTH STREET BANGOR ME 04401	RETIRED RETIRED	1	$100.00
10/14/2009	BONNIE G WILDER 115 POCASSET RIDGE ROAD WAYNE ME 04284	REQUESTED MORE INFORMATION REQUESTED MORE INFORMATION	1	$100.00
10/14/2009	RUTH A LELAND 77 PINE STREET PRESQUE ISLE ME 04769	REQUESTED MORE INFORMATION REQUESTED MORE INFORMATION	1	$100.00
10/14/2009	MALCOLM AND EDNA R ELLIS 500 FRENCHVILLE ROAD ASHLAND ME 04732	MANUFACTURER ELLIS FARMS INC.	1	$100.00
10/14/2009	EDWARD A BEZGEMBLUK 769 ESSEX STREET BANGOR ME 04401	REQUESTED MORE INFORMATION REQUESTED MORE INFORMATION	1	$100.00
10/14/2009	PASSADUMKEAG BAPTIST CHURCH UNION STREET PASSADUMKEAG ME 04475		2	$300.00
10/14/2009	THORPE SEPTIC SERVICE PO BOX 7 SHIRLEY ME 04485		2	$100.00
10/20/2009			6	$31,827.89
10/09/2009	NATIONAL ORGANIZATION FOR MARRIAGE 20 NASSAU STREET, SUITE 242 PRINCETON NJ 08542		2	$300,000.00
10/14/2009	NATIONAL ORGANIZATION FOR MARRIAGE 20 NASSAU STREET, SUITE 242 PRINCETON NJ 08542		2	$500,000.00
10/15/2009	AARON DANIELSON 684 S 2150 W #203 PLEASANT GROVE UT 84062	SOFTWARE ENGINEER DOXTEK INC.	1	$51.00
10/15/2009	PAMELA J. ONDELACY 7421 LEESCOTT AVE VAN NUYS CA 91406	RETIRED RETIRED	1	$60.00
10/15/2009	KATHLEEN THURNAU 157 THOMAS JEFFERSON TERRACE ELKTON MD 21921	HOMEMAKER HOMEMAKER	1	$75.00
10/15/2009	DENISA MYRICK 12623 LEE SCHOOL ROAD WILTON CA 95693	HOUSEWIFE NONE	1	$99.00
10/15/2009	LINCOLN OLIPHANT 5300 36TH STREET NORTH ARLINGTON VA 22207	LAWYER MARRIAGE LAW PROJECT	1	$99.00
10/15/2009	KEVIN ALONS 140 GALLAND STREET SALIX IA 51052	SOFTWARE DEVELOPER ALONS SOFTWARE, INC.	1	$100.00

10/21/2009	PAUL H RIVARD 16 OXFORD STREET, APT 12 SANFORD ME 04073	RETIRED RETIRED	1	$1,000.00
12/08/2009			6	$34,881.19
10/22/2009	J & L CONSULTING 20475 REGAL OAKS DRIVE YORBA LINDA CA 92886		2	$9,950.00
10/23/2009	NATIONAL ORGANIZATION FOR MARRIAGE 20 NASSAU STREET, SUITE 242 PRINCETON NJ 08542		2	$100,000.00
10/26/2009	NATIONAL ORGANIZATION FOR MARRIAGE 20 NASSAU STREET, SUITE 242 PRINCETON NJ 08542		2	$40,000.00
10/27/2009	FOCUS ON THE FAMILY 8605 EXPLORER DRIVE COLORADO SPRINGS CO 80920		2	$10,000.00
10/27/2009	NATIONAL ORGANIZATION FOR MARRIAGE 20 NASSAU STREET, SUITE 242 PRINCETON NJ 08542		2	$160,000.00
10/29/2009	NATIONAL ORGANIZATION FOR MARRIAGE 20 NASSAU STREET, SUITE 242 PRINCETON NJ 08542		2	$40,000.00
10/29/2009	FIELDSTEAD & COMPANY PO BOX 19599 IRVINE CA 92623		2	$25,000.00
10/28/2009	JONATHAN BERRY 420 W. 116TH STREET APT 1B NEW YORK NY 10027	STUDENT COLUMBIA LAW SCHOOL	1	$60.00
10/28/2009	EUGENE CHUI 38667 GREENWICH CIRCLE FREMONT CA 94536	ELECTRICAL ENGINEER UNEMPLOYED	1	$60.00
10/28/2009	WADE CRAPO 1492 N 1040W OREM UT 84057	REAL ESTATE AGENT SELF EMPLOYED	1	$75.00
10/28/2009	RAYMOND ABSHER 1310 GRAND AVENUE GRAND ISLAND NE 68801	EXECUTIVE TOBA, INC.	1	$100.00
10/28/2009	KATHERINE ANDERSON 721 MUSTANG CIRCLE ARROYO GRANDE CA 93420	PROGRAMMER/ANALYST SELF-EMPLOYED	1	$100.00
10/28/2009	JANET BABER 10570 CR 2180 WHITEHOUSE TX 75791	HOMEMAKER NONE	1	$100.00
10/28/2009	FRANCOISE BARNES 8306 RIO GRANDE BLVD, NW LOS RANCHOS NM 87114	ARTIST SELF EMPLOYED	1	$100.00
10/28/2009	RHONDA BORELLI 15768 MIDWAY ROAD LOS BANOS CA 93635	MEDICAL RECORDS TECHNICIAN MEMORIAL HOSPITAL LOS BANOS	1	$100.00
10/28/2009	STEPHEN BOSSE 11 MCKENZIE AVENUE FAIRFIELD ME 04937	PROJECT MANAGER BE&K ENGINEERING	1	$100.00

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05/18/2010	NATIONAL ORGANIZATION FOR MARRIAGE 20 NASSAU STREET, SUITE 242 PRINCETON NJ 08542		2	$31,000.00
05/25/2010			6	$100.00
		TOTAL CASH CONTRIBUTIONS ⇨		$31,100.00

STANDFORMARRIAGEMAINE.COM

SCHEDULE A ONLY

SCHEDULE A
CASH CONTRIBUTIONS

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DATE RECEIVED	CONTRIBUTOR	OCCUPATION AND EMPLOYER	TYPE	AMOUNT
05/09/2011	NATIONAL ORGANIZATION FOR MARRIAGE 20 NASSAU STREET, SUITE 242 PRINCETON NJ 08542		2	$32,411.33
		TOTAL CASH CONTRIBUTIONS ⇨		$32,411.33

FILED: 7/8/2011
LAST MODIFIED: 07/08/2011
PRINTED: 12/10/2013

QUARTERLY - JULY

NOM BLOG

« Previous Entry (http://www.nomblog.com/550/)

Next Entry » (http://www.nomblog.com/559/)

VICTORY IN MAINE!!!

NOVEMBER 4, 2009 AT 1:46 PM

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IT!By a 53-47 margin, voters in Maine won a decisive and historic victory for marriage by passing Question 1!

But each and everyone of you, who volunteered or donated to Stand for Marriage Maine, who forwarded an e-mail to a friend or neighbor, or who simply prayed fervently for the institution of marriage--today is your victory!

The importance of the win in Maine nationally can not be overstated.

Same-sex marriage activists saw Maine as their best chance to win a direct marriage vote. They thought it would stop the momentum we gained by passing Proposition 8 dead in its tracks--and reverse it.

They thought, in their words, it "would break" our movement.

Instead, for the first time in history, the voters of a state have overturned the legislative enactment of same-sex marriage. New York, New Jersey and other states considering redefining marriage will now have to confront this blunt fact:

The voters in a deep New England state have now joined 30 other states in directly affirming marriage as the union of one man and one woman.

If we can win in Maine, we can win anywhere.

From the beginning, NOM saw how high the stakes were in Maine. That's why we devoted such resources to the effort. We are the single largest donor to Stand for Marriage Maine. We gave nearly $1.8 million, emptying our bank account because of the serious needs in Maine.

Even so, we were outspent 2-1, given little chance to win in the media, and saw our ads pilloried by Maine's elites.

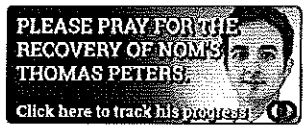
But we kept fighting, kept hope alive, and continued to focus on our message--same-sex marriage has clear consequences.

And we won.

In my capacity as an executive committee member of Stand for Marriage Maine, I have had the privilege of getting to know and work with campaign chairman Mark Mutty and Rev. Bob Emrich. Both have been tireless defenders of marriage and deserve our nation's thanks.

Bishop Richard Malone of the Diocese of Portland provided invaluable leadership, inspiring not only the Catholic faithful, but voters across denominational lines.

Frank Schubert and Jeff Flint of Schubert Flint Public Affairs, masterfully guided Question 1 to victory. They are simply the best at what they do, and our movement in Maine and around the country would not have seen these victories without their efforts.



(http://tpetersrecovery.blogspot.ca/)

(http://www.capwiz.com/nationformarriage/issues/alert/alertId=62750806)

(https://donate.nationformarriage.org/donatenom.php?REF=W00000GGEND3)

(http://www.facebook.com/NationForMarriage/)

(http://www.twitter.com/NOMupdate)

(http://www.dumpstarbucks.com/?utm_source=nomblog&utm_medium=banner&utm_can

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NOM's president, Maggie Gallagher has been willing to fly at the drop of the hat to Maine (or anywhere else for that matter!) to do whatever necessary to protect marriage.

I write all of this quickly this morning, after a late election night watching returns in Portland, Maine. I'm sitting outside an old stone church in downtown Portland. It is a chilly, breezy, day with the sun shining bright, and the Casco Bay bridge in the distance.

An ideal fall day in New England. An ideal day for marriage in our country.

Faithfully,

Brian S. Brown
Executive Director
National Organization for Marriage
20 Nassau Street, Suite 242
Princeton, NJ 08542
bbrown@nationformarriage.org
(mailto:bbrown@nationformarriage.org)

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Like 0 +1 0

This entry was written by NOM Staff , posted on at 1:46 pm, filed under Alerts (http://www.nomblog.com/category/alerts/), Maine (http://www.nomblog.com/category/states/maine/). Bookmark the permalink (http://www.nomblog.com/554/). Follow any comments here with the RSS feed for this post (http://www.nomblog.com/554/feed/). Both comments and trackbacks are currently closed.

« Previous Entry (http://www.nomblog.com/550/)

Next Entry » (http://www.nomblog.com/559/)

158 Comments

1. Laura
Posted November 4, 2009 at 2:01 pm | Permalink (#comment-9228)

THANKS MAINE! THANKS NOM! THANKS TO ALL WHO MADE THIS VICTORY POSSIBLE!

2. Hey
Posted November 4, 2009 at 2:04 pm | Permalink (#comment-9230)

Glad you didn't break your arm from patting yourself on your homophobic back.

3. Pat Anderson
Posted November 4, 2009 at 2:05 pm | Permalink (#comment-9231)

Thank you for all the hard work you have been putting into this critical issue for so long. We are tremendously greatful to you and to the many many unseen that contributed in ANY way to this amazing effort. God Is Great and Greatly to be Praised !!

4. Mike Brooks (http://deleted)
Posted November 4, 2009 at 2:07 pm | Permalink (#comment-9232)

Thanks for all of your hard work, Brian. This vote in Maine has motivated me to become involved in the fight to protect marriage.

5. Mark Arsenault
Posted November 4, 2009 at 2:25 pm | Permalink (#comment-9237)

I would like to know how many members of NOM are acquainted with a homosexual couple with adopted children. Given that your argument is based on the idea that these families create an inferior environments in which to raise children, you may want to study some of these families. I know several, and ALL of them are in happy, healthy relationships with wonderful children. You argue that this is not discrimination, but depriving people of the right to parent based on sexual orientation IS discrimination. Speaking as a scientist, any social experiment seeking to determine the efficacy of a homosexual couple's parenting style would be inherently flawed until society as a whole accepts the practice. So, as long as you folks keep it up, any preconceived notions you may have will endure. Congratulations!

6. Sean
Posted November 4, 2009 at 2:28 pm | Permalink (#comment-9240)

I find it disgusting how people can feel such joy at the expense of others.

7. Amy

church/)
Chick-fil-A (http://www.nomblog.com/category/chick-fil-a/)
Children (http://www.nomblog.com/category/children/)
Civil Unions (http://www.nomblog.com/category/civil-unions/)
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NATIONAL ORGANIZATION FOR MARRIAGE

NOM Launches New Jersey Plan to Preserve Marriage! November 24, 2009

Donate

Dear [[First Name]],

The battle for marriage is heating up in New Jersey!

During four years with Jon Corzine as Governor, the New Jersey Legislature didn't touch same-sex marriage -- it was just too controversial. But now, with Governor Christie set to take office in just a few weeks, and the next election nearly two years away, gay marriage advocates are making a last ditch effort to force the issue during the lame duck transition session -- while voters are paying attention to things like Thanksgiving and Christmas plans, and trying to balance the family checkbook in the middle of an economic crisis that has left many families struggling to make ends meet.

But we're taking the issue right to New Jersey voters.

New Jerseyans deserve to know what their legislators are up to. And we've launched a $500,000 voter outreach campaign to make sure they know what's going on in Trenton. The campaign is highlighted by a new radio ad "Give me a break," (click here to listen), which began running on New Jersey radio stations yesterday and will continue for at least two weeks.

The new radio ad underscores that Governor Corzine had four years to push a same-sex marriage bill, and shouldn't be wasting the legislature's time now when there is a critical budget deficit and economic crisis to be attending to. The ad will be supplemented with direct mail, telephone calls, and online advertising.

WE NEED YOUR HELP!

I hope you've taken a minute to listen to the New Jersey radio ad above (click here to listen). This is the type of hard-hitting ad that we've been able to bring to the marriage debate not only in New Jersey, but in every state where legislators have tried to push same-sex marriage. (Click here to see all of our TV and radio ads that have aired across the country.)

Thanks to your generosity, we've been the largest single contributors to the campaigns in California and Maine, and have been able to provide much-needed reinforcements to the state groups working on the ground in places like New York, New Jersey and elsewhere.

While funds for our New Jersey campaign have already been set aside, we need your help to replenish our emergency fund for the days ahead. We poured everything we had into Maine (and would do it again in an instant!) to assure victory there. The New Jersey funds we have were set aside weeks ago as we anticipated this desperate attempt to force SSM through during the lame duck session.

But in order for us to have the same kind of dramatic impact in 2010 that we've been able to have over the past year, we need your help today! Already, we know there will be continuing battles in New York and Washington, DC. next year. Undoubtedly, there will be other urgent needs as well, as legislators look ahead to the 2010 elections.

Will you stand with us today? Your gift of $50, $100, or even $1000 or more if you have the ability, would make a powerful statement as we rebuild our emergency fund. [We know our opponents read these

emails, too -- and sometime publish them on the web -- and they know we've poured everything we had into Maine and New Jersey.]

We can't afford to enter 2010 without a strong funding base. Our opponents press when and where they think we are the weakest. Thanks to your generosity, we've always had the resources to fight back.

I'm looking to identify 100 new monthly donors over the next two weeks. Whether it's $10 a month, or $100 a month, our monthly donors provide the sturdy foundation that allows us to extend ourselves in places like Maine and New Jersey when the need arises. Would you join our monthly donor team today? Click here to make your most generous donation today!

And for every dollar given, we make this solemn promise: **We will do everything within our power to make it as effective as possible.** We don't have the bloated infrastructure and overhead that many organizations do. Every dollar is focused on mission effectiveness.

California and Maine campaign manager Frank Schubert recently said: "I believe that NOM is the most effective national advocacy group in the nation. They are swift, nimble, completely mission focused and extremely effective."

That's our promise – to be as swift, nimble, focused and effective as possible with every dollar.

Thank you for standing with us and enabling us to make an impact for marriage all across the nation. Will you stand with us again today?

Faithfully,

Brian S. Brown

Brian S. Brown
Executive Director
National Organization for Marriage
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Princeton, NJ 08542
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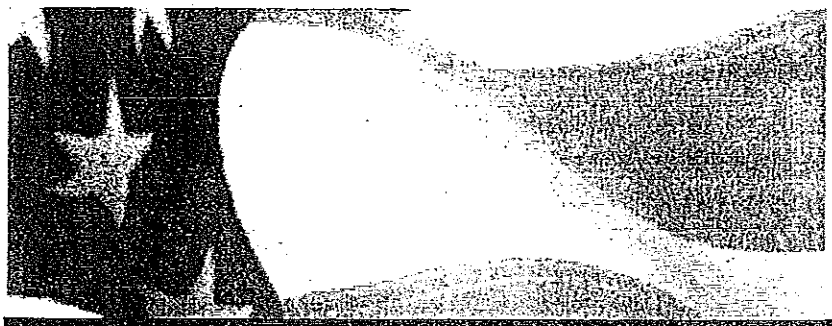

NATIONAL ORGANIZATION FOR MARRIAGE

NOM UPDATE: After Maine? November 6, 2009

Donate

Dear [[First Name]],

The National Organization for Marriage has again, because of your support and work, played a key role in changing the course of history on marriage. As the largest contributor to the Yes on 1 effort in Maine, NOM spent almost all that it had (literally!), a total of $1.8 million dollars, because we knew the singular importance of a victory in Maine.

How important was Maine's vote? Consider these facts:
• National gay marriage groups saw Maine as their opportunity to, in their words, "break" the growing national movement to protect marriage. Winning at the ballot box would have shifted the momentum in their direction after our victory in Proposition 8. They made Maine their rallying cry, and truly believed that they were going to win.

• Maine gay marriage groups spent four years building a sophisticated grassroots organization unlike anything that we have seen. In a state with a population of only 1.3 million, No on 1 had 8,000 (yes 8,000!) volunteers in the field knocking on tens of thousands of doors and making hundreds of thousands of phone calls.

• Maine is a deep blue New England state. At the same time Maine voters rejected same-sex marriage, they approved extending the legalization of marijuana by a 59%-41% margin, and rejected a tax-limiting scheme 60% to 40%.

• We were grossly outspent by nearly two to one.

Yet we won in Maine by an even larger margin than we won in California.

And understand this: If we can win in Maine, WE CAN WIN ANYWHERE!

This is obviously because of your prayers, dedication, and hard work. But it also is because of the team that NOM has built to go into any state and make the arguments and run the campaign to win. Frank Schubert and Jeff Flint of Schubert Flint Public Affairs are the best in the business, and successfully guided both California's Proposition 8 and Question 1 in Maine to success. Anyone who has seen the ads they have produced knows the power of highlighting the consequences of same-sex marriage to voters.

And that's why I'm writing to you today. NOM has broken the bank in supporting the Stand for Marriage Maine effort. In fact, we only have two months' operating budget in the bank right now. NOM's overall contribution to Stand for Marriage Maine of $1.8 million dollars is just a staggering sum to give out of our general treasury account. This year we have grown significantly, but our projected budget of $8 million dollars pales in comparison to our

opponents' deep pockets--last year the Human Rights Campaign (HRC) alone had a whopping budget of more than $41 million dollars.

And yet, as an indication of how far we have leveraged ourselves, HRC, with more than 5 times NOM's budget, is reported to have given only $145,000 to support gay marriage in Maine.

If I was an HRC donor I would be screaming to high heaven right now!

This is the difference between our operation and theirs. We are not going to build a bloated bureaucracy with your money. We're going to win with it. It's that simple. This is what Frank Schubert has to say about our efforts:
"I believe that NOM is the most effective national advocacy group in the nation. They are swift, nimble, completely mission focused and extremely effective. There is no bureaucracy with NOM. Whenever we needed help in Maine, one call to Maggie, Brian or Robby George was all it took to get an answer - which was almost always 'yes.' We would have lost in Maine if it weren't for NOM. It's as simple as that."

But we need your help now more than ever. It comes down to this:
Same-sex marriage is likely coming up for a vote in New York and New Jersey in the next month. We do not now have the resources to stop it. We've proven we have the team to win, but we don't have the money.

I want you to consider what our work is worth to you--what marriage is worth to you--and then to give right now by clicking here.

I'm also asking you to send this message to as many of your friends as possible. Right now. We can't wait to extend the victory in Maine to other states. The fight is upon us and we promise you that we will use your contribution in the most effective way to win. You can count on that!

Sincerely,

Brian S. Brown

Brian S. Brown
Executive Director
National Organization for Marriage
20 Nassau Street, Suite 242
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P.S.: The marriage fight is continuing, whether we have the funds to make a difference or not. Your gift today of $35, $50, $100, or even $1000 or more if you have the means, will go a long way to making sure that we are able to build on the victory in Maine as we face battles in New York, New Jersey and Washington, DC over the next few months. Please click here to make a generous donation today!

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National Strategy for Winning the Marriage Battle

Prepared by the National Organization for Marriage

August 11, 2009

NATIONAL ORGANIZATION FOR MARRIAGE

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A NATIONAL STRATEGY FOR WINNING THE MARRIAGE BATTLE

Marriage will be won or lost in the United States in the next two to three years and victory or defeat in the United States will depend primarily on adequate resources. From a political angle, this strategy requires defeating the pro-gay Obama agenda: a pro-marriage President must be elected in 2012.[1]

In less than two years since its creation, the National Organization for Marriage (NOM) has stopped New Jersey from enacting same-sex marriage (thus far), put Proposition 8 on the California ballot in 2008 and contributed to its passage, and invested substantial resources to stop gay marriage in New York. From January 1, 2009 to June 15, 2009, NOM has grown from a donor base of 8,000 to 30,000 and its active constituency has increased from 50,000 to 400,000 (The goal is 50,000 donors and 2,000,000 activists by the end of 2010.) During this time, NOM has raised $3.5 million and the American Principles Project (APP) (described in more detail below), has raised $500,000.

In the United States, we've demonstrated a key fact: with adequate resources, we can win the battle for hearts and minds on the marriage issue and then use what we've learned about winning this battle to launch a global movement to protect marriage.

To win marriage, NOM plans to raise an additional $20 million between July 1, 2009 and the November 2010 elections.

THE STAKES

Marriage is a cornerstone of every known civilization. High rates of family fragmentation drive enormous public costs.[2] An antifamily culture affects economic performance, expands the regulatory and taxing powers of government, and threatens the family businesses that generate economic growth and prosperity.

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Gay marriage is the tip of the spear, the weapon that will be and is being used to marginalize and repress Christianity and the Church.[3] What does the gay marriage idea mean once government adopts it? It means faith communities that promote traditional families should be treated in law and culture like racists. It means that the authority of parents to transmit moral values to children will be eroded.

CAN WE WIN?

The current state of despair over the future of marriage is manufactured, a weapon in our opponents' hand. Our U.S. experience is that victory is possible, even likely, provided we have the resources to fight this battle. (This is why gay marriage advocates have focused relentlessly on harassing and intimidating local donors, trying to cut off the debate by limiting resources,[4] and why one key advantage we now have is the capacity to protect the identity of our donors.)

The National Organization for Marriage (NOM) and our allies have won key victories both in courts of law and at the ballot box.[5]

Gay marriage has lost 30 out of 30 times when put to voters—not only in culturally and politically conservative states like Louisiana (78 to 22 percent) and Alabama (81 to 19 percent) but also in progressive, liberal states like Wisconsin (59 to 41 percent) and Oregon (57 to 43 percent).

Just this past November in California, one of the most liberal states in the U.S., the majority again rejected gay marriage, as did voters in Florida (62 percent to 38 percent) and Arizona (56 to 44 percent).

The latest Gallup poll shows that, more than six years after gay marriage first became a national issue, most Americans continue to oppose gay marriage (57 percent to 40 percent). By a margin of four to one, more Americans believe gay marriage will hurt our society (48 percent) than make society better off (13 percent).[6]

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The latest CBS News/NYT poll shows a sharp drop in the proportion of Americans who support gay marriage, from 42 percent in April to 33 percent today.[7]

Despite several recent high-profile court victories, the majority of U.S. courts have rejected the idea that gay marriage is a constitutional right, including the high courts of New York (2006), Washington State (2006), New Jersey (2006) and Maryland (2007). We contributed by organizing highly respected scholars to sign onto amicus briefs supporting marriage in each of these cases.[8]

We have learned much about how to win the marriage battle. What we need now is to find the resources to prosecute and expand this strategy to win marriage in the U.S., and to expand it into a global movement.

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MARRIAGE: A STRATEGY FOR VICTORY

Our goal is to use a victory in the U.S. to launch a global movement to reverse the tide on cultural and legal respect for core family values like marriage.

Our strategy for victory is four-pronged:

1. Fall 2009: Stopping Gay Marriage in New York and New Jersey, and Beginning to Roll Back Gay Marriage Elsewhere

Prevent gay marriage from being enacted in New Jersey and New York, nullify the legislature-enacted gay marriage bill in Maine, and begin to roll back gay marriage where it has been imposed by courts or legislatures.

New Jersey

Early polls for the November 2009 New Jersey gubernatorial race show the pro-marriage Republican candidate leading the pro-gay marriage Democratic incumbent by a wide margin (15% or more). It appears likely the incumbent will make marriage a top election issue, and a Republican victory is necessary but not sufficient for stopping gay marriage in New Jersey. Even if the Republican wins and more so, it is expected the Democrat-controlled legislature will attempt to pass gay marriage during the lame duck session (after the election and before the new governor takes office). Killing the bill in the Senate is our best hope for the defeat of SSM in New Jersey—and funding this fight immediately is urgent because a possible vote is only a few short months away. We will launch an integrated direct mail, automated calling, e-mail outreach and media effort focusing on ten key Senate districts. Schubert Flint Public Affairs will manage the New Jersey effort and create at least one New Jersey specific television and radio commercial for this effort.

NOM Budget for New Jersey—501 (c)(4) $1,600,000

New York

In June, when we learned of backdoor efforts to push gay marriage through the legislatures NOM quickly raised $600,000, ran radio and TV ads, and also used robocall technology to generate more than 25,000 phone calls into 25 key state senate districts. NOM's efforts helped interrupt the plan to pass gay marriage quickly and quietly, before voters could object. The collapse of the leadership coalition (two Democrats switched briefly to the GOP, switching control of the chamber, before jumping back to the Democrat folds) ended hopes for passing gay marriage this summer.

We will keep the pressure on, focusing on building a reserve fund to generate phone calls when and as gay marriage comes up for a vote.

NOM has also pledged to raise $500,000 for our state marriage PAC and use it to fund a primary challenge to any GOP senator who votes for gay marriage (holding GOP votes as Tim Gill's money flows into the state is key to success). We are developing our small donor lists. NOM's direct donations to our Marriage PAC are limited by state law to $5000 so we are not requesting money for the PAC in this proposal. Local GOP leaders' decision to promote one of the few GOP assemblymen who voted for gay marriage to run in a special election for Congress in the 23rd District is also on the radar screen of our federal PAC.

NOM Budget for New York—501 (c)(4) $400,000

Maine

Maine is strategically important because it presents the only opportunity in 2009 to use a ballot measure to nullify a legislatively-enacted same-sex marriage law passed this spring and thus demonstrate—contrary to what the national press

would have us believe—that once again, when the people are allowed to decide, they support traditional marriage (April 2009 polls showed 49.5 % of the people of Maine favor traditional marriage. This number is possibly now higher, as the polls were taken before the legislature passed the gay marriage law thus angering the people, and also, because polls have historically understated the traditional marriage position—some people just don't want to tell a pollster they are for traditional marriage). NOM has helped create and manage the StandforMarriageMaine.com referendum committee and is pleased to report that we have submitted nearly twice the signatures necessary to put the "people's veto" measure on the November 2009 ballot. Schubert Flint Public Affairs, who managed the successful Proposition 8 campaign, is managing the Maine campaign. We are working closely with the Catholic Church and Bishop Malone of Portland. NOM Executive Director Brian Brown serves on the Executive Committee of the Maine Campaign alongside Marc Mutty, the Catholic Church's Director of Public Affairs. The seed money that NOM initially provided has encouraged Bishop Malone to lead the fundraising effort—to date he has raised $150,000 and more than matched our initial funding.

A victory in 2009 in Maine is critical to stopping the momentum of the same-sex marriage movement in the Northeast. The total budget for Maine is $3.5 million. We cannot designate any money given to NOM to the Maine effort because of disclosure requirements. But we do plan to contribute a total of $1 million to the campaign.

NOM Budget for Maine—501 (c)(4) $1,000,000

Roll Back Judicial and Legislative Enactment of Gay Marriage

Beginning in 2009 and through 2012, roll back same-sex marriage where it has been imposed by courts or enacted by legislatures (Massachusetts, Connecticut, Vermont, New Hampshire, Maine and Iowa).

Of these six states, New Hampshire and Iowa are the two states that have direct implications for the 2012 presidential elections, and they also happen to be the

states with the greatest possibility of rolling back same-sex marriage. For these reasons, priority will be given to these two states; should opportunities develop in Connecticut, Vermont and Massachusetts as momentum builds in our favor, these will be explored. More on New Hampshire and Iowa below.

2. Going on Offense

The Pennsylvania and Beyond Project

One of the strategic challenges NOM has faced is that we are playing on our opponent's home turf: fighting back efforts to impose gay marriage and striving to protect religious liberty in blue states.

We have managed to expand donor and activists base rapidly in spite of the fact our core activities have been in liberal states. But a strategic goal of NOM is to break out of this cycle, building the organization, expanding our donor base, and energizing our grassroots by pushing for marriage amendments in red and purple states, including Pennsylvania, North Carolina and Indiana.

Local pro-marriage groups in states like Pennsylvania have relied on diffuse public opinion rather than sophisticated political organizing to push marriage amendments in these states. To add political muscle to our movement, NOM works with local groups while using sophisticated technology to reach out to voters, supplemented by persuasive radio, TV, and internet advertising to (a) identify the marriage voters for future electoral purposes, (b) generate phone calls to legislators from constituents, and (c) fundraise. In North Carolina, we will use a marriage amendment to identify our voters throughout the state, not only to push a marriage amendment, but to permit us to turn out our voters for the judicial elections there in 2010.

NOM Budget: Pennsylvania and Beyond Project —501 (c)(4) ...$2,000,000

Two Million for Marriage

The goal of the Two Million for Marriage effort is to use the Obama administration's priority of the repeal of DOMA to rally a nationwide donor and activist base, recruiting two million activists and 50,000 donors by the election of 2010. We have already launched a $2 million e-mail, direct mail, and automated call campaign and have gained nearly 500,000 activists and roughly 15,000 new donors in our first few months of this effort. Senator Rick Santorum has served as the face of this effort through e-mail and direct mail. Senator Santorum has recently agreed to use his voice in a nationwide automated call effort to solicit activists and donations. An additional $2 million will allow us to reach our goal of two million activists and an additional 25,000 donors by March of 2010—well before our own timetable of the election of 2010.

NOM Budget for Two Million for Marriage—501 (c)(4).....$2,000,000

3. Nationalize the Issue in the Context of the Next U.S. Presidential Election.

Marriage needs to be a national (and ultimately international) effort, not just a local or regional issue. If marriage is going to be preserved as between a man and a woman in the United States, two things must happen: the pro-gay agenda of President Obama must be defeated in 2012, and it must be replaced by one that expressly articulates a pro-marriage culture. For this to happen, we count on three things:

Iowa, New Hampshire Projects, and the State Emergency Reserve Fund

New Hampshire and Iowa are the two states that lead off the U.S. presidential primaries. Presidential campaigns are launched immediately after the mid-term (2010) elections. We expect the effort to take back these legislatures will take us beyond the 2010 election and into 2012. However, by making marriage an issue in the 2010 election in these states, we expect to force presidential contenders to deal with the issue, and since we know these are generally pro-marriage states, we anticipate pro-marriage candidates to do well and thus influence the U.S. presidential races in 2012.

Iowa. We are in the process of hiring a full-time political organizer to identify key races in Iowa, begin candidate recruitment, and to manage our overall efforts in Iowa. We know that there are key opportunities in Iowa, and have been working closely with Congressman Steve King to lay out a plan to flip the Iowa legislature. This money will be used to hire a full-time employee, set-up and administer an office, and to deal with the legal obligations in creating and administering a state political action committee.

NOM Budget for Iowa—501(c)(4) $1,000,000

New Hampshire. Passage of same-sex marriage in New Hampshire has brought Democratic Governor John Lynch's election numbers down to the lowest point in his entire term. We are working with Republican Party chairman and former Governor John Sununu to implement a plan to defeat Governor Lynch and flip both houses of the legislature. We have already helped defeat one pro-same sex marriage candidate in a special election. We are targeting 100 House districts and 10 Senate districts. The overall budget for our part of this effort is $2 million—$1 million to defeat Lynch and $1 million to flip the legislature. Most of this money will be spent in 2010, but we have budgeted $300,000 to continue our successful "Lynch Lied" radio and television campaign

targeting Lynch as well as our successful automated calling voter ID and donation program, through the rest of 2009.

NOM Budget for New Hampshire: 501(c)(4).....$2,000,000

State Emergency Reserve Fund. We have to be ready for a decisive, rapid and effective response in whatever states gay marriage advocates decide to act to push gay marriage. Such a state emergency fund will also act as a discouragement to politicians tempted by their base to push this divisive issue on their constituents.

Given the threats of intimidation to donors who support marriage in California and nationwide, we face a serious hurdle in getting state ballot initiatives and candidate campaigns funded because donors must be disclosed. However, if NOM makes a contribution from its own resources that are not specifically designated for one of these efforts donor identities are NOT disclosed. Given that a ballot initiative is likely to be on the ballot to overturn Proposition 8 in 2010, that Maine may require additional funding, that both Iowa and New Hampshire require disclosure of donors for political activity—it is critical that we have a reserve fund to give to these efforts to ensure victory and protect donor identity. Our goal is to raise $300,000 for this reserve fund in 2009, and $2.7 million in 2010 before the 2010 elections.

NOM Budget for State Emergency Reserve Fund: 501 (c)(4): ...$3,000,000

Federal Marriage Political Action Committee

As we build assets in specific states (identifying marriage voters, activists and small donors) we want to direct these assets to electing pro-marriage legislators in Congress. A Federal Marriage Political Action Committee (PAC) will help us block the repeal of the Defense of Marriage Act, influence Supreme Court

nominations, and promote a federal marriage amendment. We will be launching a federal PAC in the fall of 2009.

Building a network of regional political directors will help us identify and recruit candidates. Politically significant states (besides New Hampshire and Iowa) in Senate and presidential politics include: South Carolina, Florida, Ohio, Minnesota, Indiana, Pennsylvania, Nevada, Connecticut, New Mexico, Nevada, Colorado, and Michigan.

Because of NOM's unique structure, we can spend unlimited funds through our 501(c)(4) toward promoting the PAC to our current (nearly 30,000) financial supporters. Our 501(c)(4) can bear the costs of the electioneering, without identifying donors.

NOM Federal Marriage PAC; 501(c)(4): $1,000,000

The American Principles Project

Expose Obama as a social radical. Develop side issues to weaken pro-gay marriage political leaders and parties and develop an activist base of socially conservative voters. Raise such issues as pornography, protection of children, and the need to oppose all efforts to weaken religious liberty at the federal level. This is the mission of the American Principles Project (www.americanprinciplesproject.com).

The monthly operating budget for American Principles Project is approximately $50,000. APP is currently developing a comprehensive blog to cover all issues that impinge on founding principles, is operating on Facebook and Twitter, and has several social networks for professors and students in the formative stages. In addition, APP has launched a project to contact Congress on keeping the Guantanamo prison open and in opposing the appointment of Kevin Jennings to the Safe Schools position at the Department of Education. We plan two comprehensive projects for the next six months that require separate funding.

The Preserve Innocence Project will monitor all administration initiatives from the White House, Department of Justice, Education Department, and the Health and Human Services Department that affect the welfare of children. We will put a special focus on exposing those administration programs that have the effect of sexualizing young children. We will provide a weekly update to Congress, to conservative leaders and to the national media on personnel or policy threats to childhood innocence. We will work with Congress to develop appropriate legislation to reverse current Department of Education policies that use the Safe Schools program to foist de facto sex education on children as young as kindergarten age. The cost for promoting this program is $150,000.

There is an opportunity to develop a strong Hispanic voice for foundational American principles. Hispanics are socially conservative and economically entrepreneurial. The conservative movement has done little to forge close ties with a community that may soon become the single most pivotal voting bloc in national elections. The APP project will develop young Hispanic spokesmen for traditional values. We will establish an internet home for Hispanics who want to participate actively in developing arguments to their community on behalf of core principles. We anticipate this project to be self-funding from new financial sources within nine months of its inception. Personnel and start-up/operating costs will be $150,000.

APP Budget 501(c)(3) and (c)(4) $1,000,000

4. Cultural Strategies

Grassroots activism which can generate real political impact is an important "missing ingredient" among social conservatives generally and on the marriage issue particularly. Building such a capacity is a key part of NOM's strategy for victory.

But to win the marriage debate will require more: innovative cultural strategies to hold and expand our base of committed marriage supporters—especially among influential elites and the next generation.

NOM's cultural strategy has a special focus on the next generation. We understand that the transmission of basic moral values across generations involves more than rational argument, especially in an age where the market, academia, media and Hollywood conspire to present intellectually shallow but emotionally appealing arguments and images for gay marriage.

Values and character are transmitted through the related processes of emotional engagement and identity formation, as well as rational argument. People ask not only, "What do I cognitively believe about right and wrong?", but also "Whom do I aspire to be like?" What and who makes me feel good about the Good?

Reason influences emotional commitments, but emotional commitments give rise to rationalizations as well. People avoid adopting views that strike them as painful and are attracted to adopting reasons for views that provide emotional satisfaction.

We also recognize that reason influences people not only directly (though the power of argument), but indirectly, through the social prestige attached to intelligence and to intellectual elites. The good and the true and the beautiful each have their power, and that power is greatest and most persuasive when they are made mutually reinforcing.

NOM's ambitious cultural strategies projects aims at influencing, sustaining, reinforcing and expanding these basic processes implicated in character formation, with special attention to identity and emotional impact. We are looking for a new set of messengers and a new, more emotionally powerful set of messages on the marriage issue: Whom will I hurt if I abandon marriage? For whom am I standing in standing for marriage?

Here's the bottom line: Hollywood with its cultural biases is far bigger than we can hope to be. We recognize this. But we also recognize the opportunity—the disproportionate potential impact of proactively seeking to gather and connect a

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community of artists, athletes, writers, beauty queens and other glamorous non-cognitive elites across national boundaries. (This is applying the Witherspoon and IAV model to non-intellectual elites.) When people are isolated they are silent and ineffectual; in community they gather courage and also give courage (by being visible to others). Precisely because Hollywood is currently so massively biased, there is an opportunity for a small countercultural community to have a disproportionate cultural impact.

When Carrie Prejean first burst on the national scene, the Miss California USA organization responded by cutting an ad featuring beauty pageant queens who were for gay marriage. This effort fell completely flat: nobody noticed because no one was surprised. All the beautiful people are supposed to be for gay marriage. One Carrie Prejean had an enormous, disproportionate effect on the national debate (at least temporarily) because she interrupted Hollywood's monopoly, its false cultural assertion that youth + beauty = support for redefining marriage. See Maggie Gallagher, "The Carrie Effect" *National Review*, August 10, 2009.

The Latino Project: A Pan-American Strategy

The Latino vote in America is a key swing vote, and will be so even more so in the future because of demographic growth. Will the process of assimilation to the dominant Anglo culture lead Hispanics to abandon traditional family values? We can interrupt this process of assimilation by making support for marriage a key badge of Latino identity.

We aim to identify young Latino and Latina leaders, especially artists, actors, musicians, athletes, writers, and other celebrities willing to stand for marriage, regardless of national boundaries. (For example: Eduardo Verástegui, the young actor who starred in Bella, has come to us offering to be a major spokesperson on marriage; we have also met with a former Miss Mexico in preliminary work on this project.) Here's our insight: The number of "glamorous" people willing to buck the powerful forces to speak for marriage may be small in any one country.

But by searching for these leaders across national boundaries we will assemble a community of next generation Latino leaders that Hispanics and other next generation elites in this country can aspire to be like. (As "ethnic rebels" such spokespeople will also have an appeal across racial lines, especially to young urbans in America).

With the help of Schubert Flint Public Affairs, we will develop Spanish language radio and TV ads, as well as pamphlets, YouTube videos, and church handouts and popular songs. Our ultimate goal is to make opposition to gay marriage an identity marker, a badge of youth rebellion to conformist assimilation to the bad side of "Anglo" culture.

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BUDGET: $2.1 million

Hispanic outreach coordinator
[$75k plus benefits (total $90k/year) x 2 years]: $180,000

Travel budget for coordinator [$35k/year x 2 years]: $70,000

Radio and TV ad development (Schubert Flint) [$40k/year x 2 years]: $80,000

Radio and TV ad production [$50k/year x 2 years]: $100,000

Spanish radio and TV ads [$500k/year x 2 years]: $1,000,000

YouTube productions/viral marketing outreach [$50k/year x 2 years]: $100,000

PR Outreach to Hispanic TV, radio, print and online publications
[3-4 months/year @ $10k/month = $35,000/year x 2 years]: $70,000

Hispanic outreach for Ruth Institute and Love and Fidelity next generation leaders conferences (scholarships to conference, travel by conference organizers to meet with leaders) [$50k x 2 years]: $100,000

Phone outreach (robocalling) to Latino zip codes [$100k x 2 years]: $200,000

Direct mail and email outreach [$100k x 2 years]: $200,000

SUBTOTAL **$2,100,000**

The Next Generation Leaders Project

By conducting student conferences, speakers and debates, we aim to find, train, and equip young leaders on the marriage issue at Ivy League and equivalent universities. NOM has launched the Ruth Institute for this purpose and is working with the Love and Fidelity Network to replicate the success of the Anscombe Model on the Princeton Campus at other Ivy League schools.

The Ruth Institute, an arm of NOM headed by Dr. Jennifer Roback Morse, will sponsor two to three next generation leaders training sessions on marriage each year. (The first such prototype conference was held August 6 in San Diego.)

Love and Fidelity Network, centered at Princeton, is building a network of chastity-supportive organizations at Ivy League colleges. The centerpiece of LFN's networks is an annual student conference that draws 200 to 300 leaders from Ivy League and equivalent universities. NOM will "piggyback" on these existing conferences (and search for other similar venues) to identify, train, and equip next generation leaders on marriage, including media training.

But in keeping with the aims of the Cultural Strategies Project we will not confine our mission to attract and cultivate a community of cognitive elites alone. Through the Love and Fidelity Film Festival and YouTube and Song contest, we will seek to identify a next generation of elites capable of creating pro-marriage culture more broadly construed.

BUDGET: $500,000	
Two student conferences per year with Ruth Institute [$35k each conference x 2 years]:	$140,000
Marriage and media training at Love and Fidelity Network conferences [$25k x 2 years]:	$50,000
Love and Fidelity Ad contest (YouTube and poster) [$20k x 2 years]	$40,000
Love and Fidelity Youtube, Film and Song Festival and Contest:	$120,000
Website maintenance, email outreach to college students: [$30k x 2 years]:	$60,000
NOM youth coordinator [$35k plus benefits (total $45k) x 2 years]:	$90,000
SUBTOTAL	**$500,000**

"Not A Civil Right" Project

The majority of African-Americans, like the majority of Americans, oppose gay marriage, but Democratic power bosses are increasingly inclined to privilege the concerns of gay rights groups over the values of African-Americans. A strategic goal of this project is to amplify the voice and the power of black Americans within the Democratic Party. We aim to find, equip, energize and connect African-American spokespeople for marriage; to develop a media campaign around their objections to gay marriage as a civil right. No politician wants to take up and push an issue that splits the base of the party.

BUDGET: $1.5 million	
Radio and TV ad production	$100,000
Media buys / direct outreach (targeted radio/TV ads and robocalling in black neighborhoods in NJ, NY, North Carolina, and other key battlegrounds):	$1,100,000
African-American outreach to next generation leaders conferences (scholarships to conference, travel by conference organizers to meet with leaders):	$50,000
Black bloggers project. George Soros led the way in using small amounts of money to shape the discourse in the internet.	$70,000
NOM African-American outreach coordinator/spokesperson [$75k plus benefits (total $90k) x 2 years]:	$180,000
SUBTOTAL	**$1,500,000**

Expert Witness Project

Identify and nurture a worldwide community of highly credentialed intellectuals and professional scholars, physicians, psychiatrists, social workers, and writers to credential our concerns and to interrupt the silencing that takes place in the academy around gay marriage and related family issues. Marriage as the union of husband and wife has deep grounding in human nature, and is supported by serious social science.

BUDGET:	**$50,000**

Catholic Clergy Project

All clergy are key influencers on gay marriage, but Catholics are a key swing vote and Catholic clergy are notoriously difficult to personally reach. The Catholic Clergy Project aims to use NOM's close relationships with Catholic bishops to equip, energize and moralize Catholic priests on the marriage issue. NOM has provided this service to bishops in New York, New Jersey, Rhode Island, Iowa, and Kansas to date.

BUDGET: $50,000	
5 clergy seminars each year for two years [Total 10 seminars @ $5,000 each]:	$50,000
SUBTOTAL	**$50,000**

Behind Enemy Lines: Document the Victims—Keeping Gay Marriage Controversial in Massachusetts, Vermont, and Connecticut

Document the consequences of gay marriage and develop an effective culture of resistance. Polling data in Massachusetts indicate that six years after courts imposed gay marriage, public opposition to gay marriage remains surprisingly strong. It is also, however, very quiet, in part because people fear retaliation and harassment if they speak up for traditional marriage ideas. (In a recent poll 36 percent of people who oppose gay marriage agreed that "if you speak out against gay marriage in Massachusetts you really have to watch your back because some people may try to hurt you."[9])

Fund a low-cost media campaign (primarily billboards) to support the idea that children need mothers and fathers and to highlight threats and promise support to any citizens attacked for their pro-marriage views; commission polling and other studies to document consequences of gay marriage; and gather a rapid-response team of videographers and reporters to collect and record stories of

those who have been harassed, threatened or intimidated as a result of their support for traditional views on marriage and sexuality across the country and also in Europe and abroad.

BUDGET: $350,000

Polling for intimidation effect in gay marriage/civil union regimes [$10k each poll x 6 polls]:	$60,000
Study of what schools are teaching in gay marriage/civil union regimes [$25k each x 4 states/regions]:	$100,000
PR to maximize polling/studies impact [6 months x $15k/month]:	$90,000
Billboards and radio media campaign [$50k/year x 2 years]:	$100,000
SUBTOTAL	**$350,000**

The Face of the Victims: Rapid Response Video Team and Archive

Who is hurt by gay marriage? The rapid response video project would aim to put an emotionally compelling face on the answer to this question.

When the government punishes some Methodists because they don't allow gay union ceremonies on their own property, we need to capture not only the facts, but the stories—the faces, the names, the emotions of the people threatened with litigation.

When a young Michigan grad students gets kicked out of her school program a few weeks before graduation (as happened this spring) because she won't personally counsel a gay couple on how they can keep their relationship together, we need more than her story—we need her face, her voice, her outrage and her suffering on camera.

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When a young Hispanic mother discovers in New Jersey what her first grader is being taught about gay marriage, how does the school counselor respond to her concerns? We need to get her on camera, telling the story of what gay marriage really means.

NOM's rapid response team takes the "document the victims" project national, giving us the capacity to capture the oppression of people's rights, the disregard of their feelings and interests, on video, as it happens, in real time. NOM will contract with a firm (most likely Syndicate Pictures out of Philadelphia) to have a team on retainer ready to fly out at short notice when news stories like these (most of which never hit the national media) occur.

BUDGET: $250,000	
10 videos each year for 2 years [total 20 videos @ $5000 each]:	$100,000
Viral marketing of these videos for fundraising, activist and youth messaging purposes:	$60,000
Professional PR for print/media outreach [3 months/year @ $15k/month x 2 years):	$90,000
SUBTOTAL	$250,000

Gay Rights or Parents' Rights? An Exploratory Project

Building on our "behind enemy lines" and "face of the victim" projects, NOM will inaugurate a special effort to focus on the consequences of gay marriage for parental rights.

BUDGET: $200,000

Study what schools are teaching on gay marriage in Mass, Vt. And Ct.
[covered above – Behind Enemy Lines project] $0

Voices of parents with public school children
[covered above – Face of the Victims project] $0

Polling on parents concerns [1 national poll and 4 state polls]: $50,000

Children of same-sex couples and their concerns – outreach coordinator to identify children of gay parents willing to speak on camera
[$50k plus benefits (total $60k/year x 2 years) $120,000

Professional PR for print/media outreach
[1 month/year @ $15k/month x 2 years): $30,000

SUBTOTAL **$200,000**

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ACHIEVING NOM'S $20 MILLION STRATEGY FOR VICTORY

In the little over two years since NOM was founded, it has grown to nearly 30,000 members with an annual operating budget of over $6 million dollars. We have leveraged our limited resources to win major victories—most importantly in California—but also in Arizona and Florida. We are the largest contributor to the "people's veto" effort in Maine, working to overturn same-sex marriage through the referendum process. And on July 31st, we helped deliver more than 100,000 signatures to the Maine Secretary of State—nearly double the signatures required to put the referendum on the ballot. Yet in the legislative and cultural battles that confront us we are being heavily outspent—and without greater resources we risk losing marriage on these key battlefronts.

The disparity of resources is overwhelming and clear. The Human Rights Campaign alone, our leading national opposition group, has an annual budget of over $40 million. The Gill Foundation, a 501 (c)(3) organization, has an annual budget approaching $20 million, and the Gill Action Fund adds $10-$15 million more each year in (c)(4) money.

In addition, supporters of same-sex marriage have a multiplicity of smaller organizations funding their efforts on the political level, whereas NOM is the only pro-marriage organization creating and sustaining political action committees at the state level. We will be launching a federal political action committee in the fall of 2009.

Yet, the nearly $40 million donated to the Proposition 8 effort last year clearly shows that our donors can be motivated to raise large sums of money if the proper plan is put in place.

BUDGET & FUNDRAISING

Project	Raised July 2009	July - December 2009	January - December 2010
NOM New Jersey 501(c)(4)	$550,000	$1,050,000	
NOM New York 501(c)(4)		400,000	
NOM Maine 501(c)(4)	100,000	900,000	
NOM Pennsylvania & Beyond 501(c)(4)			2,000,000
NOM 2 Million for Marriage 501(c)(4)	100,000	400,000	1,500,000
NOM Iowa 501(c)(4)		200,000	800,000
NOM New Hampshire 501(c)(4)		300,000	1,700,000
NOM State Emergency Fund 501(c)(4)		300,000	2,700,000
Federal Marriage PAC 501(c)(4)		200,000	800,000
APP 501(c)(3)	125,000	125,000	250,000
APP 501(c)(4)	125,000	125,000	250,000
Cultural Strategies			5,000,000
TOTAL	$1,000,000	$4,000,000	$15,000,000
TOTAL CAMPAIGN			$20,000,000

Amount raised or pledged to date: $2 million.

(c)(4) National Organization for Marriage

(c)(3) American Principles Project

(c)(4) American Principles in Action

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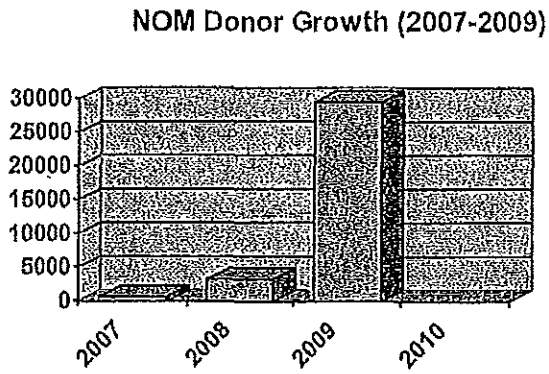
$20 MILLION FOR MARRIAGE FUNDRAISING PLAN

We have hired Steve Linder, the Finance Director for the Proposition 8 effort, to help manage the fundraising for our $20 million campaign.

Luis Tellez, Brian Brown, Maggie Gallagher, and Steve Linder will serve on the fundraising committee.

NOM's growth over just the past two years can be seen below:



	2007 (July – Dec)	2008	2009 (Jan-July)
Total Donors (cumulative)	658	3,251	29,527

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MAJOR DONORS

NOM currently has 66 major donors contributing more than $5000, including 30 donors at the $25,000 level, 11 donors at the $100,000 level, and 3 donors at the $1 million level.

	$5000+	$25,000+	$100,000+	$1,000,000+
NOM Major Donors	66	30	11	3

For the current campaign, we have a lead gift of $1 million toward our goal of $20 million by the end of 2010. This donor has also committed an additional $1 million if we have raised or have received commitments for an additional $3 million by the end of 2009

Our plan to motivate and move our donors to increase their past giving is dependent upon us clearing the $5 million hurdle. As with a traditional capital campaign, we have focused on our largest supporters to get us the seed money necessary to encourage our other major donors to step up to the plate.

When we cross the $5 million threshold we will then focus on supporters whose past giving indicates that they can make a $100,000 plus gift.

We have identified 36 such individuals or foundations. Some of these individuals may do significantly more or less than this goal, but conservatively, we believe we can raise at least $3 million by year end from these larger donors.

We will also focus on the 65 donors we have identified as possibly giving $50,000 or larger gift. We believe we can raise an additional $2 million from this group by year end.

Once we hit the $10 million mark we will go public with the fundraising for the effort at the end of March 2010. We will then focus our efforts on a major donor direct mail effort that announces us clearing the $10 million hurdle and asks for larger gifts from our $500-$5000 donors.

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PRIVATE PHASES

Phase 1 Goal: Five Million—Completion Date: January 1, 2010

Phase 2 Goal: Ten Million—Completion Date: April 1, 2010

PUBLIC PHASE

Phase 3 Goal: To 20 Million—Completion Date: December 31, 2010

HOW CAN WE POSSIBLY DO ALL THIS? A NOTE TO DONORS

At NOM, we quickly learned that we cannot in the course of just a few years match the network of organizations the gay rights movement has built up over 30 years brick for brick, employee for employee, or dollar for dollar. The top ten gay rights organizations have $200 million in annual revenues—plus inestimable advantages in media and entertainment and academia.

To expand rapidly to meet the urgent need, NOM has adopted two complementary strategies: First, NOM is partnering with "sister organizations" with whom we have strong personal and mission relationships to extend the impact of what NOM can do directly. (The American Principles Project, Love and Fidelity Network and Ruth Institute are examples.)

Second, NOM has adopted an outsourcing model that allows us to use high-level talent from around the country as needed, rather than build a large, expensive, difficult to manage, "tank" in-house. We have developed ongoing relationships with some of the best contractors in the country who are committed to NOM's mission to do many of the projects outlined, working under our leadership, mission focus, and accumulating messaging expertise. This allows us to expand

rapidly to meet mission objectives while "outsourcing" certain management headaches (like hiring junior staffers).

For example: Our PR needs are served by Creative Response Concepts, considered the premier conservative PR firm in the country. Their services can be expanded or shrunk on short notice to cope with mission needs.

Our television and radio ads are developed by the team of Schubert Flint Public Affairs, campaign managers for Prop 8. They also handle ad placement, and offer strategic and political insight and serve as our national campaign managers. We can use this team for direct political advocacy, for 501(c)(4) lobbying ads, and for 501(c)(3) public education media messaging.

Frank Cannon and Jeff Bell of Capital City Partners in Washington, D.C. help us coordinate our national strategy.

Gabe Joseph's firm, ccAdvertising, handles robocalling and also the live caller solicitation. He expands and manages staff to deliver for us on relatively short notice in different states, depending on the volume of calls we need placed.

At NOM, we have worked hard to find innovative ways to expand capacity while capitalizing on our core strategic asset: a brilliant, creative, in-house team of extremely mission-focused experts who can spot opportunity, develop innovative strategies to advance the mission, and create a "feedback" information loop that allows us to learn from failure as well as expand on our successes.

REFERENCES

[1] For more on Obama's intentions go to http://www.americanprinciplesproject.org/blogs/tags/homosexual-lobby/.

[2] *See* Benjamin Scafidi, *The Taxpayer Costs of Divorce and Unwed Childbearing* (New York: Institute for American Values, 2008).

[3] *See, e.g.*, Letter dated April 20, 2009 from Professor Thomas Berg (Univ. of St. Thomas Law), Professor Carl Esbeck (Univ. of Missouri Law), Professor Robin Fretwell Wilson (Washington & Lee Univ. School of Law), and Professor Richard W. Garnett (Notre Dame Law) to Speaker Christopher Donovan, Connecticut House of Representatives (available at http://mirrorofjustice.blogs.com/files/letter-to-rep.-donovan-re-bill-899-04-20-09.pdf); Douglas Laycock, et al., eds., *Same-Sex Marriage and Religious Liberty: Emerging Conflicts* (New York: Rowman & Littlefield, 2008); Maggie Gallagher, Banned in Boston: The Coming Conflict Between Same-Sex Marriage and Religious Liberty, *The Weekly Standard*, May 16, 2006.

[4] *See, e.g.*, Rebecca Cathcart, Donation to Same-Sex Marriage Foes Brings Boycott Calls, *The New York Times*, July 17, 2008, at A15; Tami Abdollah & Cara Mia DiMassa, Prop 8 Foes Shift Attention; The Initiatives Backers Strongly Object to the New Focus on Boycotts, *Los Angeles Times*, November 14, 2008, at A1; Jesse McKinley, Theater Director Resigns Amid Gay-Rights Ire, *The New York Times*, November 13, 2008, at C1; Jennifer Garza, Prop 8 Opponents Target Supporters, *The Oregonian*, November 13, 2008; Valerie Richardson, California Prop 8 Donors Sue for Privacy; Harassment Cited in Case on Campaign Rules, *Washington Times*, March 23, 2009, at A1.

[5] NOM's initial entry into state-level marriage debate was in the 2007 New Jersey state races, where NOM helped to elect two pro-marriage state legislators, and was credited with helping to make same-sex marriage too controversial to be taken up by the lame duck legislature. See NJ Lawmakers Urged to Move on Gay Marriage Bill, 365Gay.com, January 10, 2008; Geoff Mulvihill, Gay Marriage Debate Intensifies as Conservatives Get Organized, Associated Press, Dec. 15, 2008.

NOM also played a key role in California's Prop. 8 campaign, initially helping to get the measure on the ballot and eventually becoming the largest single donor to the Prop 8 campaign. Geoff Mulvihill, NJ Group Makes Waves in Calif. Gay Marriage Debate, *Newsday*, July 27, 2008; Tasmin Shamma, Princeton-Based Nonprofit was the Top Donor to Fight Prop 8, *Daily Princetonian*, November 19, 2008.

This spring, NOM launched its 2009 Northeast Action Plan, aimed at organizing opposition to same-sex marriage throughout the Northeast U.S. Despite the recent entry onto the state political scene in these states, NOM has worked closely with state groups to fund robocalls, polling, and grassroots organizing activities. *See, e.g.*, Jeremy W. Peters, Group Begins Ad Blitz Against Same-Sex Marriage, *The New York Times*, May 28, 2009, at A22.

Dovetailing with the state efforts is a $1.5 million national media campaign aimed at drawing attention to the consequences of same-sex marriage, as people of faith are increasingly denounced as bigots simply because they stand up for marriage. Already, hundreds of thousands of people have seen our ads on YouTube, with millions more watching the national TV coverage generated by our ad campaign. *See, e.g.*, NBC Today Show, Carrie Prejean Speaks About Same-Sex Marriage, April30, 2009; CNN.com, Miss California USA to Appear in Conservative TV Ad, April30, 2009; Valerie Richardson, Finding Her New Cause, Prejean Promotes Marriage, Washington Times, April 29, 2009, at A18.

[6] See Jeffrey M. Jones, Majority of Americans Continue to Oppose Gay Marriage, Gallup Poll, May 27, 2009, available at http://www.gallup.com/poll/118378/Majority-Americans-Continue-Oppose-Gay-Marriage.aspx.

[7] Poll: Support for Gay Marriage Dips, CBSNews.com Political Hotsheet, June 17, 2009, available at http://www.cbsnews.com/blogs/2009/06/17/politics/politicalhotsheet/entry5094597.shtml.

[8] See Anemona Hartocollis, "New York's Highest Court to Rule on Gay Marriages," *The New York Times*, July 4, 2006 (discussing the friend of the court brief that we filed in New York on behalf of James Q. Wilson and thirteen other prominent scholars). Several of the briefs that we prepared and filed are available at www.domawatch.org. *See also, Marriage and the Public Good: Ten Principles* (Princeton, NJ: The Witherspoon Institute, 2006), available at www.princetonprinciples.com.

[9] 2009 NOM Massachusetts Marriage Survey, Five Years After Goodridge: Gay Marriage Divides Massachusetts Voters, May 17, 2009, available at www.nationformarriage.org

National Organization for Marriage New Jersey Budget
2009 Election and Lame Duck Session
Draft 2 - August 1, 2009

	Budget			
	Phase One		Phase Two	
BASE BUDGET	September	October	November	Total
Office/Admnistration				
Phone/Fax/Misc.	500	500	500	1,500
Shipping/Printing/Copies	500	500	500	1,500
Travel	3,000	3,000	3,000	9,000
Subtotal, Office	**$4,000**	**$4,000**	**$4,000**	**$12,000**
Voter Research				
Baseline Survey	25,000			25,000
Subtotal, Research	**$25,000**	**$0**	**$0**	**$25,000**
Grassroots				
Robo Calls	40,000	30,000	30,000	100,000
Voter File Match/Enhancement	25,000			25,000
Website	20,000			20,000
Subtotal, Grassroots	**$85,000**	**$30,000**	**$30,000**	**$145,000**
Earned Media				
Conferences/Ed Boards				0
Subtotal, Earned Media	**$0**	**$0**	**$0**	**$0**
Legal	**$2,500**	**$2,500**	**$2,500**	**$7,500**
Accounting	**$2,500**	**$5,000**	**$5,000**	**$12,500**
Fundraising				
Consultant				0
Subtotal, Fundraising	**$0**	**$0**	**$0**	**$0**
Misc./Contingency	**$1,000**	**$10,000**	**$10,000**	**$21,000**
Total, Operations Budget	**$120,000**	**$51,500**	**$51,500**	**$223,000**
PAC Contributions/Indep. Expend				
Legislative races	50,000	0	0	50,000
Governor's race	150,000		0	150,000
Subtotal, PAC Contributions	**$200,000**	**$0**	**$0**	**$200,000**
Paid Media Budget				
Direct Mail				
Direct Mail	150,000	50,000	50,000	250,000
Subtotal, Mail	**$0**	**$50,000**	**$50,000**	**$100,000**
Campaign Media				
Television	0	0	0	0
Cable		325,000	325,000	650,000
Radio		100,000	100,000	200,000
Phone Banking		40,000	40,000	80,000
Online Advertising/Recruitment	35,000	35,000	35,000	105,000
Production		25,000	25,000	50,000
Subtotal, Campaign Media	**$0**	**$525,000**	**$525,000**	**$1,085,000**
Subtotal, Paid Media	**$200,000**	**$575,000**	**$575,000**	**$1,385,000**
Total Budget	**$320,000**	**$626,500**	**$626,500**	**$1,608,000**

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Maine Marriage Referendum Campaign Budget
November, 2009 Election
Draft 6 - August 1, 2009
Recommended Media Levels

	BASE BUDGET	May	June	July	August	September	October	November	Total
1	**Signature Gathering**	$50,000	$135,000	$100,000					$285,000
	Office/Admnistration								
2	Phone/Fax	250	2,000	2,000	2,000	2,000	2,000	1,000	11,250
3	Shipping/Printing/Copies	250	1,500	1,500	1,500	1,500	1,500	1,000	8,750
4	Travel - Consultants	3,000	3,000	3,000	3,000	3,000	3,000	1,500	19,500
5	Travel - In State		2,500	2,500	2,500	2,500	2,500	1,500	14,000
6	Campaign Office		3,500	1,750	1,750	1,750	1,750	1,000	11,500
7	Campaign Chair (Marc Mutty)		2,500	2,500	2,500	2,500	2,500	2,500	15,000
8	Deputy Director (Mary Conroy)		5,455	5,455	5,455	5,455	5,455	2,725	30,000
9	Evangelical Pastor Reimb. (Emrich)		2,500	2,500	2,500	2,500	2,500	2,500	15,000
10	Admin Staff (Chris)	0	1,200	1,200	1,200	1,200	1,200	600	6,600
	Subtotal, Office	$3,500	$24,155	$22,405	$22,405	$22,405	$22,405	$14,325	$131,600
	Voter Research								
11	Segmentation Study			55,670					55,670
12	Interactive Audience Response Tests (2)				38,350				38,350
13	Strategy Refinement Survey					26,500			26,500
14	Tracking Surveys					13,500	58,500	4,500	76,500
15	Gary Lawrence Consulting			6,000	6,000	6,000	6,000		24,000
	Subtotal, Research	$0	$0	$61,670	$44,350	$46,000	$64,500	$4,500	$221,020
16	**Issue Consulting**	$0	$0	$0	$5,000	$5,000	$0	$0	$10,000
	Grassroots								
17	Website		12,500	12,500	12,500	12,500	5,000	5,000	60,000
18	Collateral	0	0	75,000	50,000	50,000			175,000
19	Grassroots Director (Ryan Hamdan)	0	0	3,000	3,000	3,000	3,000	1,000	13,000
20	Field Coordinators (2)				5,000	5,000	5,000	2,000	17,000
	Subtotal, Grassroots	$0	$12,500	$90,500	$70,500	$70,500	$13,000	$8,000	$265,000
	Earned Media								
21	Conferences/Events			1,500	0	1,500	100,000		103,000
22	Communications Director (Scott Fish)			6,000	6,000	6,000	6,000	1,000	25,000
	Subtotal, Earned Media	$0	$0	$7,500	$6,000	$7,500	$106,000	$1,000	$128,000
	Campaign Management								
23	SFPA	10,000	20,000	20,000	30,000	30,000	30,000	15,000	155,000
	Subtotal, Campaign Management	$10,000	$20,000	$20,000	$30,000	$30,000	$30,000	$15,000	$145,000
24	**Legal**	$0	$3,500	$3,500	$3,500	$3,500	$3,500	$3,500	$21,000
25	**Accounting**	$0	$5,000	$5,000	$7,500	$7,500	$7,500	$10,000	$42,500
	Fundraising								
26	Sterling Corporation	0	10,000	10,000	10,000	10,000	10,000	10,000	60,000
	Subtotal, Fundraising	$0	$10,000	$10,000	$10,000	$10,000	$10,000	$10,000	$60,000
27	**Misc./Contingency**	$1,000	$10,000	$10,000	$10,000	$20,000	$20,000	$20,000	$91,000
	Total, Operations Budget	$64,500	$220,155	$330,575	$209,255	$222,405	$276,905	$86,325	$1,400,120
	Paid Media Budget								
	Direct Mail								
28	Direct Mail					150,000	150,000		300,000
	Subtotal, Mail	$0	$0	$0	$0	$150,000	$150,000	$0	$300,000
	Campaign Media (recommended)								
29	Television (4120 TRPs)					240,785	361,177		601,962
30	Cable (2060 TRPs)					123,303	184,955		308,258
31	Radio (2425 TRPs)					210,000	315,000		525,000
32	Online Advertising				25,000	50,000	100,000		175,000
33	Production					130,000	130,000		260,000
	Subtotal, Campaign Media	$0	$0	$0	$25,000	$754,088	$1,091,132	$0	$1,870,220
	Subtotal, Paid Media	$0	$0	$0	$25,000	$904,088	$1,241,132	$0	$2,170,220
	Total Budget	$64,500	$220,155	$330,575	$234,255	$1,126,493	$1,518,037	$86,325	$3,570,340

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NATIONAL ORGANIZATION FOR MARRIAGE

Maine Voters Will Have Last Word on Same-Sex Marriage! May 6, 2009

Donate

Dear [[First Name]],

I'm reading report after report describing Maine (where, as expected, the House of Representatives passed the same-sex marriage bill today) as coming "a step closer to being the fifth [state] in the nation to allow same-sex marriage." And while that storyline plays nicely into the "same-sex marriage is inevitable" message that gay marriage advocates are pushing, the reality couldn't be further from the truth!

I've yet to read one news report that even mentions the "people's veto," the referendum provision of the Maine Constitution that gives the people of Maine -- not legislators or the governor -- the final word on marriage.

And that's why today the National Organization for Marriage announced that it will join the Maine Marriage Coalition, pushing for a people's veto of the same-sex marriage bill if Governor Baldacci signs it into law.

The Coalition is headed by Robert Emrich of the Maine Marriage Alliance and Marc Mutty of the Roman Catholic Diocese of Portland. NOM will stand with our colleagues in Maine to give voters the ability to overturn the marriage bill passed by the House today, and will devote staff, volunteers and resources to the battle in Maine.

Qualifying a referendum for the ballot requires roughly 55,000 signatures of Maine voters, and NOM will work hard to ensure that the people of Maine have the opportunity to stand up for marriage just as the voters in 30 out of 30 other states have done when given the chance.

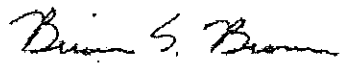
NOM was a pivotal player in the 2008 Proposition 8 campaign in California, where we were instrumental in helping secure the signature needed to place the measure on the ballot. While campaign details are yet to be worked out, we looking forward to working with our colleagues on the ground in Maine to stopping this misguided legislation.

Early financial support will be critical to the effort as the window for collecting signatures will short. Your support today will allow us to start the referendum process immediately when the law is signed, ensuring that the measure does not take effect before the people of Maine have had their say.

Can you afford a gift of $35, $50 or $100 today to help stop same-sex marriage not just in Maine, but in New Hampshire, Iowa, and other states as well? Please use this hyperlink to make a secure online donation today!

MEDIA APPEARANCE:
Make plans to watch or record "Maggie vs. Perez" on Larry King Live on CNN at 9pm ET tonight! NOM President Maggie Gallagher will be on with Perez Hilton, calling Hilton to task for the character assassination and personal attacks he has leveled against Carrie Prejean. It will no doubt be a lively discussion as Maggie sets the record straight!

Faithfully,



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NATIONAL ORGANIZATION FOR MARRIAGE

NOM Marriage News: National Edition | May 8, 2009

Donate

Dear [[First Name]],

All the news you never heard this week:

Black pastors in DC rise up when the city council passes a bill to recognize same-sex marriage performed outside the district. City Councilmember Marion Barry, the former mayor of DC, suddenly decides to switch his vote and vote "no." The rhetoric became a little hot for my taste, but the important message is what Barry told the Associated Press: "The black community is just adamant against this." Does the political establishment care? Or are they going to keep taking their most loyal voters for granted? One drama unfolding in our midst.

In Maine, politicians voted for same-sex marriage, knowing that they could please their base and still be safe from the voters' wrath because in Maine, voters have the People's Veto--it's not hard to get same-sex marriage before the people of Maine for a direct vote. A new coalition, the Maine Marriage Coalition, has been formed and we look forward to helping them fight to protect marriage in Maine. **(You can fight back! Can you help defend marriage in Maine and across the country, by donating $5, $10, or even, if God has given you the means, $100 or $500?)**

In New Hampshire, press reports indicate (and we've heard similar reports privately) that the state senate only narrowly passed a gay marriage bill under intense pressure from bigwig Democrats in Washington, D.C. What kind of pressure? Press reports say the Granite State was warned that the date of the first presidential primary might be switched away from New Hampshire. We can't say for sure whether that happened, but it would help explain the mystery: Why, given the incredible public outcry against same-sex marriage in New Hampshire, and the fact that pro-gay marriage candidates lost two special elections in a row in the last few weeks--why are New Hampshire Democrats pushing this issue on the voters at this time?

Gov. John Lynch, a Democrat, may yet save the people of New Hampshire from this unfair imposition of the "base's" values and priorities over those of the majority of the people. As I write, he has not yet publicly said whether he will veto the gay marriage bill in New Hampshire. NOM and the Cornerstone Policy Research Action have launched a new ad, "Promises," showing all the times the Governor has repeatedly told the voters he opposes same-sex marriage. Will he be a man of his word? Here's another important drama--and another area where we need your help. **Can you consider making a monthly donation of as little as $5?**

But the biggest drama of the week is what gay marriage activists are doing to Carrie Prejean. You can see links below to me and Maggie talking about the attacks on Carrie on national TV. Here's the point I want to make to you: This young woman is not being smeared and attacked for anything she did wrong; she is being viciously attacked for one great thing she did right. She spoke up for marriage, honestly, with great decency and kindness. For this she is under assault by a movement which does not want to debate; they want to silence and harass--so the next person tempted to speak up for truth will be afraid.

We need more young men and women with courage--and a community that backs them up. Do you know a fine young man or woman who wants to speak up for marriage and for life? NOM is cosponsoring (with the Ruth Institute) a student conference with students from all over the country, coming together to figure out how to stand up to the bullies, to find the courage in community to continue

to speak for truth on some of the most hostile territory in America--college campuses. Help us find next-gen leaders who want to mine the intellectual resources of The Ruth Institute's Dr. Jennifer Roback Morse and other top scholars in the marriage movement, and to learn how to articulate the pro-marriage message on their campuses. To sign up, visit the Ruth Institute's website or fill out the online application. The conference is being held at the University of San Diego, August 6-9th. Best news: It's free to students. Some travel assistance is also available. Questions? Email Jamie Gruber, Executive Director of the Ruth Institute, at jgruber@ruthinstitute.org.

Stay strong, and would you please do this for me? Pray for Carrie, and for the many (less famous) others in California and elsewhere who are being hatefully attacked not for their shortcomings but solely for their virtues--because they dared to stand for God's truth about marriage. This is a movement which no longer appears to believe that tolerance is a two-way street; a movement that tries to hurt people who've never hurt anyone, in order to intimidate and prevent anyone from speaking up for marriage. They want to divide and distract our attention from the real issue: Gay marriage has consequences.

God's blessing on you and your family always,

Brian S. Brown

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NOM Interviews of the Week!

Maggie v. Perez Hilton on Larry King Live

Brian Brown on CNN Headline News

NOM in the News

5/2/09 - Maggie on MSNBC

4/1/09 Maggie, Stephen Baldwin, Shanna Moakler, and Joy Behar on Larry King Live

5/1/09 Brian on MSNBC with David Shuster

5/5/09 Hot Air » Blog Archive » Video: Campaign to destroy Miss California escalates By Allahpundit

Maggie Gallagher from the National Organization of Marriage issues this statement. I told you it wouldn't work.

Because Carrie honestly said what she believed in answer to a question-marriage is the union of a man and a woman- she is now the subject of ongoing character assassination.

5/6/09 Calif pageant eyes Prejean for contract violations
The Associated Press

NOM President Maggie Gallagher also issued a statement Tuesday sympathizing with Prejean over the release of her modeling picture and saying it did not disqualify her as a traditional marriage advocate.

"Of course Carrie is not perfect," Gallagher said. "On a personal note, as a former unwed mother, I want to say to Americans: You don't have to be a perfect person to have the right to stand up for marriage."

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NATIONAL ORGANIZATION FOR MARRIAGE

NOM Marriage News: National Edition | July 10, 2009

Donate

Dear [[First Name]],

So the great Brown family Road Trip Across America has ended! Thanks to all of you who asked how me and my family survived. (Let's face it: For six kids under the age of ten, looking for America involves quite a lot of driving across flat, straight, monotonous roads, and hearing Dad say once again, "No, we aren't going to stop at that particular McDonald's at a roadside strip mall right now.")

The kids were great. The highlight for them was Yellowstone Park. Mountains! Bears! Geysers!

Maggie tells me she and her family arrived home safe and sound from a quick trip to Spain, where celebrating the 4th of July also involved soaring geysers--but in her family's case, the kind that involved muchos Mentos and Diet Coke!

We're settled into our new home outside of Washington D.C. now, oh yes, still surrounded by boxes, but excited by the prospects ahead.

Here's great news on the marriage front: The people of Maine are going to have the final word on marriage! In just four short weeks, tens of thousands of Maine friends and neighbors signed petitions insisting on the right to repeal Maine's hastily enacted gay marriage statute.

The National Organization for Marriage worked hard with StandforMarriageMaine to make this happen. But it could not have happened without your help! You are the ones who made this happen... and we need you to help secure this victory. Can you help us with $10, $25, or $100 so that Maine--and our country--can recover the true meaning of marriage?

The people of Maine will vote in November. Meanwhile the gay marriage statute,. which would have gone into effect Sept. 12, will be put on mothballs pending the outcome of the vote. Another victory for you--for democracy--for the common good--for common sense!

It's going to be a big fight in Maine; we understand that. But if you will help, together

we can show the naysayers and the doomsday predictors that even in blue states like Maine, the American people do not want judges and politicians messing around with marriage.

Even gay marriage advocates recognize that the speed with which pro-marriage forces were able to collect these signatures is a very bad sign for them. You remember Perez Hilton? Of course you do. He's the "celebrity blogger" who asked Carrie Prejean the gay marriage question, and then went on to trash and smear her publicly for her simple, decent, sweet answer. (To see the NOM ad featuring Perez's twisted hateful attacks go here.) Well, this morning Perez featured the bad news: "Judging by the amount of people who signed the petition, we might have a problem. The Stand for Marriage Maine coalition collected more than 55,087 signatures in a month on the petition to put marriage to a vote."

"It's the Prop H8te situation all over again," whined Perez. (To see Maggie debating Perez Hilton on *Larry King Live* go here.) That's the voice of the new gay marriage movement for you--smearing and attacking all the good and decent Americans who believe that to make a marriage you need a husband and a wife.

Of course the mainstream media is hardly reporting the good news. That's why I look forward to a chance to tell you personally each week what is really happening in the marriage wars. Keep the prayers and emails coming! To send this email to a friend, and spread the word about marriage, click here.

In New York we have more provisional good news. Democrats regained shaky control of the state Senate, but Manhattan State Sen. Tom Duane appears to be conceding that the gay marriage bill will not be brought up for a vote--at least not immediately. Thank you to each one of you who called or emailed your state legislator or who donated to make NOM's highly effective media and robocalling campaign a reality.

We remain deeply concerned, however--given the influx of Tim Gill's money--that politicians will ignore the will of their constituents and push this divisive culture war on unwilling New Yorkers. NOM's new NOM PAC New York will be one way we can hold their feet to the fire: We've committed to using the first $500,000 to providing a serious primary challenge to any GOP senator who abandons marriage. And we're looking to find energetic young Democrats who want to buck the party line on principle, too. To help us, just click here to make a donation. As little as $10 a month can make a difference for marriage!

Here's another piece of news you won't find in the *New York Times*: A civil war has broken out between the group going to court to overturn Prop 8 and the rest of the gay-rights legal establishment.

According to the July 9 *Washington Blade*, Lambda Legal, the National Center for Lesbian Rights, and the American Civil Liberties Union earlier this week sought to

intervene in the American Foundation for Equal Rights' suit against Prop 8. But a letter from AFER board president Chad Griffin urges the groups not to intervene in *Perry v. Schwarzenegger* and accuses them of trying to undermine the lawsuit.

"You have unrelentingly and unequivocally acted to undermine this case even before it was filed," Griffin writes. "In light of this, it is inconceivable that you would zealously and effectively litigate this case if you were successful in intervening. Therefore, we will vigorously oppose any motion to intervene."

Griffin cites the public statements LGBT groups have made opposing the lawsuit (which they consider premature).

On May 27, LGBT groups asked Californians not to file federal litigation against Prop 8. In one example, Griffin notes that Matt Coles, LGBT project director for the ACLU, was quoted in the Advocate as saying that AFER's lawsuit "is an attempt to short-circuit the process" of obtaining marriage rights for gay couples.

"Having gone to such great lengths to dissuade us from filing suit and to tar this case in the press, it seems likely that your misgivings about our strategy will be reflected -- either subtly or overtly -- in your actions in court," Griffin writes.

The once tightly disciplined gay marriage legal establishment may be losing control. We'll monitor the situation and keep you informed.

One final bit of news most of the press has ignored. The National Education Association unexpectedly punted on plans to wholeheartedly endorse gay marriage. This is rather surprising given how left-wing and radical the NEA's official positions are--and how far they have strayed from the diverse views of ordinary teachers. Why the nation's teachers' unions as a group would endorse abortion is of course hard to see, but that's ancient history now. But apparently the NEA's pro-gay-marriage stance threatened to cost it dues-paying members.

The *Baptist News* reports that instead of the full-throated endorsement of gay marriage that was expected, the leadership had to settle for an endorsement of civil unions, domestic partnerships *or* gay marriage "based upon the cultural, social, and religious values of its citizenry."

According to the *Baptist News*, "One state leader got up and said he's a liberal who supports 'gay rights' but doesn't believe the NEA should be involved in the issue because they're losing members over it."

Consider it one more small piece of evidence that concern for marriage transcends ordinary politics. We are the true rainbow coalition--people of every race, creed and color coming together across party lines to say that marriage is worth fighting for. The One who designed marriage knew what He was doing. And we will never sit back passively and permit our own government to teach our own children a lie. Same-sex

unions are not marriage. Same-sex marriage is not a civil right, it is a civil wrong.

Together we can make sure your voice is heard.

Do you know how grateful I am for your help, your support, your prayers, and your friendship?

Until next week, keep fighting the good fight.

And God bless you.

Brian S. Brown
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NOM in the News

"Ballot Effort to Restore Marriage in Maine Collects More Than 55,000 Signatures"
July 8, 2009
Catholic News Agency
The group Stand for Marriage Maine has announced it has collected more than the 55,087 signatures required to place on the 2009 ballot a People's Veto of a state law implementing same-sex "marriage."

"San Francisco Agenda"
July 5, 2009
Concord Monitor
When Democratic leaders were pushing hard for the state's new gay marriage law, Republican Party Chairman John H. Sununu blasted them for promoting a "San

Francisco agenda."

The National Organization for Marriage played backup, buying $45,000 worth of ads on WMUR in a failed attempt to scuttle the law.

"Stand for Marriage Maine Coalition Launches Web Site"
Press release
Stand for Marriage Maine, a broad-based coalition formed to pass a Peoples' Veto to overturn the recent gay marriage law, announced the launch of their Web site today.

The Web site serves as the campaign's online headquarters for supporters of traditional marriage to receive petitions, send in their donations, get the latest information about the campaign, and learn how to volunteer for the People's Veto effort.

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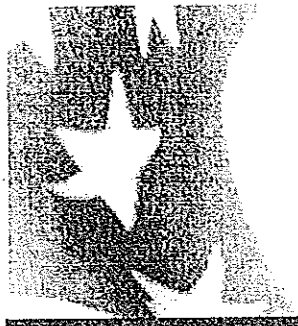

NATIONAL ORGANIZATION FOR MARRIAGE

NOM Marriage News: National Edition | July 31, 2009

Donate

Dear [[First Name]],

Fabulous news!

StandforMarriageMaine.com has turned in an extraordinary 100,000 signatures to overturn gay marriage. That's an enormous outpouring of volunteer effort and energy, and the Maine leadership of this coalition was crucial.

But you helped too! This is your victory! NOM's goal is to gather together an army of marriage supporters from around the country who can help each other, wherever help is needed.

In the process of fighting each local battle, we will build a national movement the powerful cannot ignore. And thanks to you, it's working!

Thanks to you, NOM was able at very short notice to go to Maine and help Maine leaders put together this extraordinary effort.

NOM helped with our expertise, experience and relationships, but it is your financial sacrifices which have made our initial victory possible. When you donate to NOM, you're creating the next round of good news! Can you give $5, $25, or even $100 today to win the next victory for marriage?

Here's the first amazing thing you did by helping NOM help Maine: You stopped gay marriage in Maine in its tracks! That's right--the gay marriage law, passed hastily by politicians beholden to out-of-state special interests, would have gone into effect on Sept. 12. But now, the law is suspended pending the outcome of the "people's veto"!

30 out of 30 times the people have had the chance to vote, they've spoken: Marriage is the union of a husband and wife. It's going to be a big battle, but it's a battle that together we can win!

Maine is about more than Maine. In her fabulous cover story, "The Carrie Effect," in this week's *National Review*, NOM president Maggie Gallagher lays out why gay-marriage advocates are pushing bills through this tiny number of small states right

now. Well, one answer to "why" is: Tim Gill says so. Tim Gill is the gay billionaire misusing his financial muscle to impose gay marriage on the American people, whether we like it or not. What Maine will prove to the doubting Thomases and the politicians standing on the sideline is that there is no majority for gay marriage anywhere in these United States. The push for gay marriage is pure politics, being played with our most sacred institution--hardball politics where money is being used to push politicians away from the people's priorities.

But ordinary people like you can still make a difference! Even a small donation--maybe a monthly pledge of just $10--can help us make your voice heard.

As Maggie writes in "The Carrie Effect," "Gay marriage did not start passing legislatures as the result of a sudden wave of populist sentiment for it. Public sentiment has not shifted one bit toward gay marriage since last November, when voters in a blue state (California), a purple state (Florida), and a red state (Arizona) once again affirmed that the majority of Americans oppose it.

"A Gallup poll released in late May demonstrates the surprising stability of opposition to gay marriage: 'Americans' views on same-sex marriage have essentially stayed the same in the past year': 57 percent opposed, 40 percent in favor. 'Though support for legal same-sex marriage is significantly higher now than when Gallup first asked about it in 1996, in recent years support has appeared to stall.' Gallup asked voters whether gay marriage would make the country better off, make it worse off, or make no difference. Only 13 percent of Americans said gay marriage would help the country; 48 percent said it would make the country worse off."

Maggie concludes by saying: "The urgent job facing marriage advocates is to take an issue on which we have the agreement of almost 60 percent of the American people and translate that into politically effective organizations that can elect our friends and defeat our enemies." That's what I get up every morning to do: transform despair into realistic hope, take decent Americans who feel isolated and marginalized and bring us together into a powerful movement, one that can really make a difference!

And Maggie also reminds me one reason I fight so hard: "If we continue to fail to do so, our political opponents will use their cultural power to create an America in which traditional religious groups are redefined by the government as the moral and legal equivalent of racists."

You and I know the truth, right? We know same-sex unions are not marriages. We understand what is at stake in this debate, and we can see a pathway to victory together! (Click here to pass this message of hope on to a friend!)

The letter is a little short this morning. That's because this morning, as I write, a *Washington Post* reporter is here at home talking to my wife Sue. Weird, huh? I'll let you know how that story turns out too!

But know one thing: I will never stop thanking God for the privilege of being your voice for God's truth in every state in this great country--and now, with NOM's new national office, in the marble halls of Washington D.C. too.

Thanks again, and until next week, please remember me and my family in your prayers.

Take care,

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NOM in the News Special: NOM President Maggie Gallagher on "The Carrie Effect"

(Gay marriage isn't inevitable. But we can only preserve the meaning of marriage if we speak out! Your donations to NOM will make the difference. As you read Maggie's article below, please consider how much you can give to help our efforts.)

The Carrie Effect
Notes from the frontlines of the Marriage War

MAGGIE GALLAGHER

The headline on the story about a new CBS News/New York Times survey was interesting: "Poll: Support for Gay Marriage Dips." How fast and how far had support for gay marriage had to drop before a mainstream-media headline acknowledged it, even as a "dip"?

Here's the answer: 9 percentage points.

That's right: In just a few short months, support for gay marriage in this poll plunged 9 percentage points, from its all-time high of 42 percent to 33 percent.

A reporter for New York magazine recently called me to ask about the cause of a similar abrupt drop in support for gay marriage in a poll of voters in New York State. "Did the National Organization for Marriage" -- of which I am president -- "cause that decline?" he asked. I suspect he wanted me to claim credit, to give him a more dramatic narrative. After all, if you run a large activist organization directly involved in politics, your professional obligation is to be a blowhard. (And indeed, the 2 million robocalls and the ad campaign NOM had launched must have helped.) But I turned in my professional-blowhard card by saying, "No, I really think that it was Carrie Prejean."

The Carrie Effect? How can one beauty queen cause a swing of almost ten points in national polls on a hotly debated issue?

Culture consists of ideas. Ideas, like civilizations, can die out. They die when no one is willing to defend them out loud. Gay-marriage advocates are like the Borg: Resistance is futile, they repeatedly say. This is an ambitious and psychologically sophisticated strategy: If they say it often enough, maybe Americans will believe it. If Americans start to believe it, then it will be true. Despair is gay-marriage advocates' most powerful weapon, especially when it is fed by social conservatives' failure to create solid strategies of hope.

In the marketplace of ideas, not all Americans are equal. Culture is created by elites. And gay-marriage advocates have decided that victory requires winning over not only liberal and Democratic elites, as powerful as they are, but conservative and Republican elites as well.

When does a war end? When one side's will to fight is broken. This is true in culture wars, too. A culture shift is complete only when an idea becomes uncontested (and uncontestable) by good, decent, law-abiding, "normal" citizens.

Gay-marriage advocates tried very hard to engineer such a moment in the past few months. I've had a front-row seat, fighting marriage battles deep in blue states -- battles I didn't ask for and don't want, battles that gay-marriage advocates decided to fight right now in the middle of a looming recession, with budget craters opening up and service cuts or tax increases looming. Does this make sense? Why now?

Understanding the answer to that question is crucial, for the future of the country and of the conservative movement. Gay-marriage advocates have their story line for "Why now?": The culture has shifted. Now is the time. If by "culture" is meant "what ordinary voters think," there is remarkably little evidence of this. And culture does consist largely in "what people think" -- but the ideas that govern a culture are made by elites: writers, thinkers, professors, artists, musicians, ad executives, prophets,

bishops, ministers, religious leaders. These "symbolic analysts" are the most important players in culture war. Symbols are not distractions -- they are the stuff of culture. When people dismiss the fight for marriage as only a fight about a word -- they are revealing that they do not understand what a culture war is about. It is largely about fixing the meanings of words. What does "patriotism" mean? What does "freedom" mean? What does "equality" require? What is "marriage"?

The best way to understand the power of the gay-marriage movement is to focus on the fact that its leaders are artists. They are painting truths in broad strokes, hoping to make reality conform to their pictures. They are good at this, and that's a powerful advantage. But here is our edge: The truth is easier to represent when reality is already on your side. That, along with the support of a majority of the American people, is our latent, mostly unexploited advantage. Same-sex unions are really not just like opposite-sex unions when marriage is in question. Celebrating all forms of adult romantic love equally is not a very good justification for redefining a fundamental institution whose public purposes reach far beyond the affirmation of romance.

Cultures that can no longer perceive anything special about unions of husband and wife will succumb to those that do. The future belongs to civilizations that commit substantial energy to generativity. Gay marriage is a bright red decision line: Once our government is committed to the idea that two men in a loving union are a marriage, there will be no retreat from that idea in the public square. Marriage will mean adults in love, not children in need.

The frontlines of a battle are perhaps never the place where a definitive account can be written, but here is what I saw unfold over the last few months.

First came Iowa. On April 3, the Iowa supreme court discovered a constitutional right to gay marriage.

Iowa? How did gay marriage happen there?

Almost ten years ago, gay-marriage advocates launched a court-based strategy. They chose carefully the states where cases would be filed -- and Iowa made the list. Something about the Iowa court's decisions on equal protection made Lambda Legal and the rest of the gay-rights legal establishment believe that Iowa, along with Massachusetts, New York, Connecticut, Maryland, Washington State, and California was a prime candidate for court-ordered gay marriage. They were half right: After Massachusetts in 2003, state supreme courts in Connecticut, California, and Iowa discovered a constitutional right to gay marriage.

From a culture-war perspective, what is most interesting about Iowa is the way gay-marriage advocates used the decision. "Gay marriage comes to the heartland," was the top-line message, implying that somehow the good people of Iowa now support gay marriage. I know how false this message is. The outrage in the heartland about gay marriage is palpable, if so far undirected. A University of Iowa Hawkeye Poll of Iowa

residents released just days before the court's same-sex-marriage ruling showed that just 26 percent of Iowans supported same-sex marriage.

With Rep. Steve King (R., Iowa), the National Organization for Marriage robocalled the state in response to the court decision, urging Iowans to call their legislators to support a marriage amendment. We also asked whether we could call back and ask them for money. Here's the amazing thing: The very first sweep of phone calls raised more money than the cost of the robocalls. "When people you don't know send you checks over the phone for $1,000, the base is fired up!" said Brian Brown, our executive director.

Nonetheless, just a few weeks later, while I was being interviewed on a Christian radio station in Texas, the host told me, "Maybe they want gay marriage in Iowa or something but not here." Huh? They want gay marriage in Iowa? How had he come to believe that? This very conservative Christian talk-show host had picked up the message of gay-marriage advocates. A small point, perhaps, but a telling one: "Our" people pick up and pass on the other side's messages. It doesn't happen in reverse.

That's cultural power. Culture is, above all, the power to "name reality," as James Davison Hunter -- the sociologist who coined the term "culture war" -- put it. So here's the bad news: Right now, they are naming our reality too.

On the same day the Iowa court ruled for gay marriage, the Vermont legislature passed a gay-marriage bill. A few days later, they voted to override the governor's veto and the Vermont civil-union law (passed by court order) was converted to gay marriage.

There was a silver lining. Quite unexpectedly, Vermont legislators insisted on something brand-new before they would pass gay marriage: some substantive (if not fully adequate) religious-liberty protections. Gay-marriage advocates have never been willing to offer any such protection. Instead, in state after state, the gay-marriage establishment will countenance only what one scholar friend calls "fake religious-liberty protection." She means laws that say clergy won't be required to solemnize same-sex marriages. The gay legal establishment is not stupid: They know the First Amendment already prevents government from pushing clergy around in that particular way.

But it does not prevent the government from pressuring religious groups in other ways; it doesn't prevent the law from being misused to pressure religious schools, charities, and other religious organizations that refuse to recognize same-sex unions as marriages. The First Amendment did not, for example, protect Boston Catholic Charities from crippling discrimination lawsuits for failing to place children with gay couples. It did not protect a Methodist group in Ocean Grove, N.J., from government-imposed penalties (including the loss of a tax exemption) for refusing to permit same-sex civil-union ceremonies on its property. It did not protect Elaine Huguenin, a New Mexico wedding photographer who was fined more than $6,000 because she did not

want to photograph a same-sex ceremony, or the Christian physicians in California who have been given a rather bleak choice: your faith or your job.

Why hasn't the Human Rights Campaign stepped forward to endorse more generous religious-liberty protections? Why don't they take this argument away from me and my fellow marriage advocates? Why, instead, does HRC president Joe Solmonese -- when I asked him on Hardball whether he thought religious groups and people should be punished for failing to accept gay unions as marriages -- say, "When religious organizations step into the public sphere, it should not be surprising to people that they are bound to adhere to the laws in the states that they are operating in"?

I have been turning these questions over in my mind ever since I became aware of how serious the religious-liberty impact of gay marriage is likely to be. If the negative effects of gay marriage on religious people and institutions are an unintended consequence, why not step forward with generous conscience protections? And if the legal pressures on religious groups are an intended consequence, that's something the American people are entitled to know.

In one sense the Human Rights Campaign's resistance to religious exemptions is understandable: If you really believe that orientation is like race, then faithful Catholics, evangelicals, Mormons, Jews, and Muslims are like racists, and they should be treated by law the same way we treat racists. We don't throw racists in jail, but we also don't create special exemptions to help religious people discriminate on the basis of race.

The architects of the gay-marriage strategy, however, depend on a broad coalition of liberal cultural elites, and many of them are only partially and ambivalently on board with the race analogy. The architects tend to be ideological purists (as movement leaders generally are), but the bigger chunk of people who support gay marriage do so out of compassion, as a gesture of solidarity with people who are suffering. These folks don't really believe that Grandma is a hater just like George Wallace because she doesn't see two men as a marriage. Not yet, anyway.

One of the unsung religious-liberty heroes in this country is Robert Appel, executive director of the Vermont Human Rights Commission. The story did not make the mainstream news, but people who were at the same-sex-marriage hearings in Vermont report that, when asked by a legislator whether current religious-liberty protection was adequate, he said, "No."

So the blue state of Vermont did not one but two historic things: It became the first state to enact a same-sex-marriage law without a court order, and it became the first state to enact some substantive religious-liberty protections -- expressing simultaneous concern for the rights of both gay people and religious folk.

A similar thing happened when gay-marriage advocates pushed Connecticut legislators to pass "implementing legislation" to legitimate in the public's eyes (or

possibly in Supreme Court justice Anthony Kennedy's eyes) the Connecticut supreme court decision that had already ordered gay marriage.

Working with the Family Institute of Connecticut, the National Organization for Marriage reached out to voters with robocall technology, combined with radio and TV media campaigns. Voters responded by the thousands, flooding the legislature with calls. Independent legal scholars, I later learned, wrote to Senate and House leaders expressing concern about the religious-liberty impact. On April 22, Democratic leaders came into their chambers confident they had the votes to pass gay marriage without any substantive amendments. It should have been a totally routine thing: implementing a court order. Instead, they had a rebellion on their hands. Catholic Democrats from blue-collar districts made clear they would not pass a gay-marriage bill without expansive conscience protections. The bill they passed included broad protections for religious institutions (including an explicit right for religious organizations such as Catholic Charities to provide adoptions, although not a right to equal access to government money to do so).

Maine was a different story. There, state legislators faced an easy choice: They could please their base and vote for an undiluted gay-marriage bill, knowing that in Maine any bill would probably end up being put to a referendum. The "people's veto" would ultimately relieve them of political responsibility. As I write, the Stand for Marriage Maine coalition (which includes the National Organization for Marriage) has collected well over the 55,000 signatures needed for a referendum in just four weeks. A repeal of gay marriage will be on the ballot this November.

Meanwhile, a full-court press in New Hampshire ran into strong public opposition. In a state with a Democratic majority in its house and senate, and a Democratic governor, the legislature was tied up for almost four months trying to pass gay marriage -- and it succeeded only after concerted pressure from both state and national leaders.

Why was it so hard? Support for gay marriage in New Hampshire was not coming primarily from New Hampshirites. The move of formerly Republican states such as New Hampshire, Colorado, and Iowa into the blue column has been treated primarily as a symptom of voter disaffection for the GOP, a "natural" trend; but former New Hampshire governor John Sununu can tell you otherwise. Sununu, who was also White House chief of staff for George H. W. Bush and is the current chairman of the GOP in New Hampshire, says the Democrats have been quietly organizing a national coalition of left-wing social-issue donors to help take control of states like New Hampshire. "The Democrats coalesced the radical-Left supporters of issues like legalizing drugs and the gay-marriage issue nationally and convinced them to target their money into states where they would try and use the legislative process to make the changes they wanted," Sununu told me. "In New Hampshire they funneled millions of dollars into winning the New Hampshire House and Senate in the '05-'06 and '07-'08 election cycles." In New Hampshire, parties typically raise a few hundred thousand dollars each election cycle. In the '07-'08 cycle, Democrats raised $9 million

to turn and keep New Hampshire blue -- much of it from Tim Gill's influential national network of gay-rights donors.

Those donors did the same in Iowa, which is why Democrats are refusing to move a marriage amendment there. They are now in the process of moving their model down south. ("You ever heard of Tim Gill?" one pro-family advocate asked me this spring in North Carolina. Democratic politicians once friendly to the idea of a marriage amendment are now turning a cold shoulder. And the Gill money, he told me, is flowing into judicial elections in North Carolina too.)

But the sexual coalition put together by the Democrats may be their undoing, at least in New Hampshire. Radical leftism on social issues is not what New Hampshire voters want from their politicians. When politicians push this agenda, it becomes evident to voters that their elected representatives are responding to something other than the desires and priorities of their constituents.

Sununu is bullish about the future of the GOP in New Hampshire, and the overreach on the gay-marriage issue is part of the reason. "New Hampshire is still a traditional-values state," he told me. "Democrats surprised us with their well-funded campaign, but Republicans have finally understood what is going on and, in 2010, Republicans will take back the state."

New York was supposed to be next on the list. Gay-marriage advocates were working quietly behind the scenes to assemble the votes to ram the measure through quickly, possibly in June, before public opposition could form. It was the accidental governor, David Paterson, desperately seeking to head off a Democratic primary battle as his popularity plummeted, who let the cat out of the bag, announcing he would try to get a gay-marriage bill through the legislature: "For too long, LGBT New Yorkers have been told to wait for their civil rights and personal freedom. We will not wait any longer. Now is the time for action. Now is the time for leadership. Now is the time to march forward together."

That alerted opponents. At NOM, we raised $600,000 in a few days to reach out to voters in 25 state-senate districts through media and phone calls, and we generated, on average, a thousand calls in each district. (Here's another lesson I learned: Even in swing districts deep in blue territory, a lot of folks just aren't on board with this gay-marriage thing.)

Sen. Ruben Diaz, a Bronx Democrat (and Pentecostal minister), held a rally in New York City opposing gay marriage; more than 10,000 people (most of them black and Hispanic) showed up. Longtime opponents of gay marriage, such as New Yorkers for Constitutional Freedoms, alerted their networks and worked with black and Hispanic groups, including CONLICO and the City Action Coalition. The new archbishop of New York, Timothy Dolan, made his opposition clear. In response to a question about same-sex marriage, Dolan said: "You can bet I would be active and present and, I hope, articulate in this particular position. . . . The topic you raise -- other topics that

are controversial, that the church has a message to give -- yeah, you'll find that I don't shy away from those things and I wouldn't sidestep them."

If the people of New York are not enthusiastic about gay marriage, why was gay marriage moving now? As in other states, the answer is largely Tim Gill. New York magazine credited Gill's campaign contributions with pushing the Democrats to their newfound majority control of the state senate: "In November, Democrats picked up two seats . . . and entered the year with a 32-to-30 majority. [Malcolm] Smith became majority leader. Democrats say Gill's money probably put them over the top."

Gill's efforts were joined with a new story line in the national press: Republican opposition to gay marriage was crumbling.

On April 17, Steve Schmidt, John McCain's 2008 campaign manager (widely credited with running one of the worst presidential campaigns in history), in an aggressively publicized speech to the Log Cabin Republicans, argued that the GOP has no reason to oppose gay marriage: "It cannot be argued that marriage between people of the same sex is un-American or threatens the rights of others. On the contrary, it seems to me that denying two consenting adults of the same sex the right to form a lawful union that is protected and respected by the state denies them two of the most basic natural rights affirmed in the preamble of our Declaration of Independence -- liberty, and the pursuit of happiness." The next day, Meghan McCain reinforced that message.

Both had previously come out for gay marriage in print, but television networks covered their Log Cabin appearances anyway, helping to cement the new story line. The Borg rules: Resistance is futile. Even the Republicans see this now.

The most surprising defector is Mr. Federalist Society, former solicitor general Ted Olson. He has joined with his old foe David Boies to make a federal case against California's Proposition 8, which bans gay marriage. The Federalist Society, to its credit, is an intellectually diverse organization with no single party line, but it is still startling to see such an influential member of a group founded to promote judicial restraint make the case to the Supreme Court that our Constitution requires gay marriage. Madison would be surprised, too.

How do you end a debate when the majority of American people rather persistently disagree with you? A Supreme Court victory is one strategy. Using the power of elites to shut down the debate is another.

A vignette: In June, I met with a partner in a major D.C. law firm -- a former Reagan- and Bush-administration official and movement conservative -- to ask for advice about hiring a lawyer to take on Ted Olson and fight for the right of the people of California to protect marriage. He told me point blank that neither he nor anyone else who worked for his law firm could take the case. Most likely no one who worked for any major law firm could take the case, he explained. It would just be too expensive -- too much economic retaliation and potential interference with its capacity to recruit

top legal talent at Ivy League campuses.

I should not have been surprised. In 2006, the best law firm in Boston, Ropes & Gray, had to drop the Catholic Church as a client because of the Church's opposition to gay marriage. They were told that, otherwise, they would not be welcome to recruit at Harvard.

"If they had agreed to represent a mass murderer, that wouldn't cause a boycott," a friend noted. Of course not. The legal culture is a culture of advocacy. Lawyers believe everyone is entitled to a defense -- except the majority of Americans who believe marriage means a husband and a wife. (This is what being treated like racists means.)

Okay, then, why don't politicians speak out more often? After all, nearly 60 percent of Americans are on our side. The answer: Politicians even in conservative parts of the country do not want to speak out, because they do not want to be targeted by Tim Gill's money. Thus has another whole category of symbolic analysts been silenced.

Silencing the opposition is also at the heart of a new tactic that emerged in the wake of Prop 8: going after donors to California's marriage amendment, whose names and addresses are publicly disclosed by law. One woman e-mailed me recently. She had given a few hundred dollars to the pro-Prop 8 effort. Her home address was put on an Internet site, and she continues to receive angry, nasty, sometimes vile letters from strangers. "Should I be afraid to go outside my door?" she asked. Probably not, I tell her. But most Americans aren't used to the idea that peacefully participating in democratic processes requires any degree of physical courage.

Since Prop 8, a tide of licensed hatred has been let loose. Violence was minor and sporadic (although it happened to some people I know). But the intimidation has been widespread and public, and it has generated very little general public backlash.

The harassment campaign directed at donors to Prop 8 is ugly enough to have direct PR costs for the gay-marriage movement, but it also serves a key strategic goal: silencing the opposition by intimidating the donors. (Because donors to 501(c)(4)s like the National Organization for Marriage are not subject to public disclosure, the harassment campaign may also be indirectly feeding the massive funding growth that NOM has experienced -- we raised $3.5 million in the first five months of this year.)

Meanwhile, conservative talk radio and television is almost silent on the gay-marriage issue, with the exception of some explicitly Christian shows. Why? I cannot tell you. I can tell you that I was recently invited (by a substitute host) to appear on a major conservative talk program. The producer came into the room just before we went on the air to offer (nervously) some instructions: "We don't talk about gay marriage directly on this show. We talk about the religious-liberty side, but not gay marriage." Deep in the red heart of America, in the control room of a major conservative talk-radio show, people are afraid to speak against gay marriage.

And at precisely this moment, as a few legislatures began to pass gay marriage and a handful of Republicans ostentatiously began to endorse it, as gay-marriage advocates tried to break the back of the opposition by demonstrating that the debate was over, along came Carrie Prejean.

A stunning young Christian beauty-pageant contestant was asked on national television by a gay celebrity blogger (whatever that is) what she thought about gay marriage. Watch the video clip on YouTube. You can see in her eyes that she knows: If she says what she thinks, she is not going to be Miss USA. She's 21 years old. She's worked very, very hard for that tiara. She comes from a modest family background. Money is tight, especially since she had to quit her job to prepare for the pageant.

The tiara means a luxury apartment. It means the possibility of a lucrative modeling career. You can see in her eyes that she realizes all she has to do is . . . fudge. "I don't like to watch that video," Carrie has told me. She doesn't like it for the very reason I found it so powerfully moving: In the space of 30 seconds, you see a young woman first be tempted and then decide that no, she cannot fudge, she has to tell the truth. "I believe that a marriage should be between a man and a woman. No offense to anybody out there." You see her choose between truth and the tiara. She never asked for this ordeal, but she was tested and she triumphed.

Another vignette: I was in a different control room a few days later, waiting to go on TV. A man in the entertainment industry angrily told me, "Carrie Prejean is going to die broke and alone like Anita Bryant!" "Why would you wish that upon a nice girl like that?" I asked him. "I'm not wishing, I'm predicting!" he said. I tried another tack: "Do you know what she was in college studying to be?" No, he said. I continued: "A special-education teacher. She has a ministry to help disabled kids." I paused. "Carrie is going to be okay," I told him, "because she has already chosen to give up everything Hollywood has to offer, if she has to, rather than give up the truth."

The romance, the moral drama, unfolding on national TV captured Americans' attention. All of a sudden, opposition to gay marriage was all over radio and TV. The new face of opposition to gay marriage was a young, beautiful woman who did nothing other than answer a question honestly in a beauty pageant -- and the hatred unleashed against her made the current strategy of the gay-marriage movement highly visible. Perez Hilton's angry, expletive-packed diatribe reminded too many people of what they saw after Prop 8. Most important, Carrie singlehandedly ended the virtual news blackout on gay marriage in Vermont, Maine, and New Hampshire, and trumped the media's attempt to portray public response to developments there as muted.

She gave permission to conservative cultural elites to talk about the issue -- and so gave ordinary Americans permission to tell pollsters what they really think.

Gay marriage did not start passing legislatures as the result of a sudden wave of populist sentiment for it. Public sentiment has not shifted one bit toward gay marriage

since last November, when voters in a blue state (California), a purple state (Florida), and a red state (Arizona) once again affirmed that the majority of Americans oppose it.

A Gallup poll released in late May demonstrates the surprising stability of opposition to gay marriage: "Americans' views on same-sex marriage have essentially stayed the same in the past year": 57 percent opposed, 40 percent in favor. "Though support for legal same-sex marriage is significantly higher now than when Gallup first asked about it in 1996, in recent years support has appeared to stall." Gallup asked voters whether gay marriage would make the country better off, make it worse off, or make no difference. Only 13 percent of Americans said gay marriage would help the country; 48 percent said it would make the country worse off.

Even in Massachusetts, six years after courts imposed gay marriage, public opposition remains surprisingly high. In a poll of Massachusetts voters taken in late March by the National Organization for Marriage and the Massachusetts Family Institute, respondents narrowly opposed it, 44 percent to 43 percent.

Other polls confirm the stability of Americans' views on marriage. In an April 2009 Pew poll, even a plurality of 18- to 29-year-olds -- the most pro-gay-marriage age group -- opposed it, by a margin of 45 percent to 43 percent.

There is a generation gap on gay marriage, but the biggest gap is between cultural elites and everyone else. The urgent job facing marriage advocates is to take an issue on which we have the agreement of almost 60 percent of the American people and translate that into politically effective organizations that can elect our friends and defeat our enemies. If we continue to fail to do so, our political opponents will use their cultural power to create an America in which traditional religious groups are redefined by the government as the moral and legal equivalent of racists.

That was the point of the strange public outburst of hatred that ensued when Carrie Prejean said, "I believe that a marriage should be between a man and a woman." Gay-marriage advocates understand that if you can persuade elites that gay marriage is inevitable, public opinion won't matter, because it will be silent. An idea that people are afraid to speak ceases to matter.

That is their best hope, and our opportunity.

Maggie Gallagher is president of the National Organization for Marriage.

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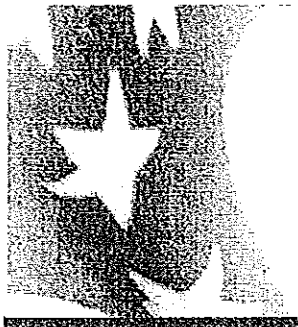

NATIONAL
ORGANIZATION
FOR MARRIAGE

NOM Marriage News: National Edition August 28, 2009

Donate

Dear [[First Name]],

Marriage is one of the big huge truths in life--much bigger than any one person.

Certainly, the National Organization for Marriage is not about me personally. (That's why, when some of our opponents write to tell me, er, rather forcefully about my perceived sins and shortcomings, I try to use the moment to reflect on the ways they might be right: Vox populi, vox Dei. All of us have fallen short of the glory of God. Me especially--just ask my wife!)

So when I saw that the *Washington Post* published a profile of me and my wife Sue this morning I was going to just pass it over lightly.

But Maggie said, "No way!"

"OK, you write the newsletter this morning," I countered.

Interlude: From Maggie Gallagher, president of NOM:

I don't know if you've had the chance to meet Brian personally. I consider working with Brian one of the great honors of my life--and a pleasure too. The *Washington Post* profile just nailed him!

"This country is made up of a movable middle, reasonable people looking for reasonable arguments to assure them that their feelings have a rational basis. Brian Brown speaks to these people. He has a master's degree from Oxford, and completed course work for a doctorate in history from UCLA," writes the reporter, "The reason Brian Brown is so effective is that he is pleasantly, ruthlessly sane."

Oh yes and Brian is something else too: "Instantly likable. He's a thoughtful talker, especially when discussing his 'opposition,'" WaPo writes.

I could add a few more adjectives that come to mind when thinking about Brian: superbly competent, committed, articulate, persuasive, charismatic in that low-key

way. ("Instantly likable," yes!) And also generous. Generous, giving, sacrificing, chivalrous, disciplined, and fun-loving. He is the only executive director of a major social conservative organization I know of who has been known to surf with potential major donors. (That's not a metaphor. I mean literally in the ocean with a board.)

But if Brian ever decides to retire, his wife Sue would be a good candidate to take his place making the case for marriage to the heartland--if the six kids she's homeschooling would ever give her the time!

"Connecticut was really hard," she told the reporter, who noted, "In Connecticut, they lived on a street with two sets of lesbian parents. One summer a mutual acquaintance threw a neighborhood party. Brian wasn't invited at all, and Sue's invitation came with a note: 'We know what Brian does. If your views are not the same, you can come to the party.' Sue stayed home.

"'I get how [gays and lesbians] feel,' she says. 'I get that.'

"...She has thought through it. She supports her husband. 'I can only go by my own experience, and I believe there's a huge difference in gender.' The kids don't need Brian 'walking in the door because he's another person. They need him because he's a man.'"

Okay, that's enough about Brian. Let's go back to the important thing: What the *Washington Post* says about NOM's key role in this marriage fight. That's not about us. That's about you and what you have helped us make happen.

The reporter calls the National Organization for Marriage "the preeminent organization dedicated to preventing the legalization of same-sex marriage."

"Brian has been the foremost grass-roots leader who has been involved in the marriage debate," says Chuck Donovan, a senior vice president at the conservative Family Research Council. "He's one of the more effective leaders out there."

Our opponents acknowledged as much: "You have to take them seriously," says Peter Montgomery, a senior fellow for the liberal People for the American Way. "They've raised a tremendous amount of money that they're funneling into various states. They're mostly responsible for putting the Maine veto on the bill."

Help us fight to protect marriage in Iowa, Maine and everywhere across this great land--donate today!

In less than two years you, coming together with hundreds of thousands of other Americans, have helped build NOM into a major, powerful, intelligent, and effective force fighting to protect marriage and religious liberty! From the bottom of my heart, thank you.
As they say on TV, back to you Brian....

Thanks Maggie.

A few quick notes on other issues: You can see in NOM in the News that the Iowa race is attracting a lot of attention. The *Des Moines Register*'s political reporter outdid himself in unprofessional, biased reporting on the *Des Moines Register*'s website. What were his editors thinking? It's embarrassing--to the paper, usually a credible news organization.

Under the headline "Anti-gay, Mormon-funded group spreading lies and fear in Iowa," a political reporter for the *Des Moines Register* basically just republished a press release from gay-marriage groups charging that NOM's new ad in Iowa's hotly contested district 90 race represents "lies and fear" spread by "religious extremists."

As I told the press, "This tactic will backfire. Iowans are fair-minded and decent people who know the politics of hatred and religious bigotry when they see it and will not appreciate seeing it applied to their friends and neighbors who support letting the people vote on marriage."

NOM's ad tells the fair-minded truth: Voters in Iowa are upset that the governor and other leading politicians are "reluctant" to let the people of Iowa vote for marriage. Implying that Americans who believe marriage is the union of husband and wife are somehow "extremists," much less "religious extremists," is really below the belt, hateful politics at its worse.

As for the charges that NOM is a "Mormon-based" group? Well, it's not really a "charge" at all in our heads, but it just isn't true, either. (See the *Mormon Times* response below) . At NOM we welcome people of every faith (and none!) who want to fight for the idea that marriage means a husband and wife. Besides, those bloggers should all get together and decide to which religious conspiracy they want to attribute NOM's success. The same week the *Des Moines Register* issued its baseless charge, another blogger accused us of being a front group for a Catholic religious order. Make up your minds, fellas!

You and I know there is no conspiracy and no extremism: just decent, loving, courageous Americans standing up for the truth about marriage.

Singling out a religious minority is an especially ugly tactic which we also saw in California. It shouldn't happen in America, but sadly, it is happening without a peep of protest from the credentialed protectors of minorities in America. But I know you won't be intimidated--and neither will we! Speak up for your beliefs. And help us speak up as well; we need your support!

Until next week, please pray for Sue and all my family. I pray every week that God will bless you and protect you all.

Keep fighting the good fight!

Brian S. Brown
Executive Director
National Organization for Marriage
20 Nassau Street, Suite 242
Princeton, NJ 08542
bbrown@nationformarriage.org

P.S. You've seen the headlines: NOM gets results! Can you help us? Whether you can spare $5 or $500, or anything in between, we'll use it to be your voice for your values. Thank you!

NOM Interview of the Week
"Wedded to a Cause"
Washington Post
August 28, 2009
The nightmares of gay marriage supporters are the Pat Robertsons of the world. The James Dobsons, the John Hagees -- the people who specialize in whipping crowds into frothy frenzies, who say things like *Katrina was caused by the gays*.

The gay marriage supporters have not met Brian Brown. They should. He might be more worth knowing about.

NOM in the News
"Group that backed Prop. 8 focuses on reinstating Iowa's gay marriage ban"
Los Angeles Times
The National Organization for Marriage, which was active in getting Proposition 8 approved by voters in California, sent out an appeal for donations to run advertisements on behalf of political candidates who oppose same-sex marriage.

It said the first ad would support Republican Stephen Burgmeier, who supports putting the issue of same-sex marriage to a vote in the Hawkeye State. He is up for election in less than two weeks.

"Anti-gay, Mormon-funded group spreading lies and fear in Iowa, group says"
DesMoinesRegister.com
One Iowa, the state's largest civil rights organization for gays and lesbians, is speaking out about an out-of-state Mormon-funded group that's spent at least $86,080 on a special House race to fight marriage equality for same-sex couples.

The National Organization for Marriage is a New Jersey-based group known for its multi-million investment to pass California's Proposition 8.

"Journalists' lax blogging standards"
Mormon Times
After a long list of charges that seems to play on suspicions of Mormons, the newspaper said it tried to contact the National Organization for Marriage representative in Iowa. The bloggers should have also tried to call the LDS Church which could have clarified the church's involvement in Iowa and the California Proposition 8 battle.

"NOM Ties to Opus Dei"
Tips-Q
This is a story in development. We are finding a number of connections between the **ultra secret Opus Dei** and **National Organization for Marriage.**

"Gay marriage foe announces its next big target: Iowa"
Christian Science Monitor
The National Organization for Marriage (NOM), which is leading the effort in Iowa, says similar constitutional amendments to ban same-sex marriage have passed in 30 states -- every state in which the question was put to voters. Now, the first Midwestern state to legalize gay marriage will be a test of that streak.

"Whenever we can go directly to the people, we're confident that we can win," says Brian Brown, executive director of NOM.

"Special election draws in top party leaders"
Des Moines Register
NOM's push to overturn gay marriages in Iowa -- which the group is calling the Reclaim Iowa Project -- is part of larger national effort to "intervene not just in legislative debates, but also in key races across the country where a handful of house or senate seats could make the difference between whether a same-sex marriage bill or state marriage amendment passes or fails," the group said in a statement.

"National Organization for Marriage makes $86080 ad buy for Burgmeier in HD90"
Iowa Independent
According to a report filed with the Iowa Ethics and Campaign Disclosure Board yesterday, the anti-gay marriage group National Organization for Marriage has purchased $86,060 worth of television and radio ads to support Stephen Burgmeier, the Republican candidate in the special election in Iowa House District 90.

"10 days until first election tests marriage equality in Iowa"
Swing State Project
Chase Martyn of Iowa Independent posted yesterday that the National Organization for Marriage "has purchased $86,060 worth of television and radio ads" to help Burgmeier. That is a major ad buy for an Iowa legislative district. Martyn uploaded an independent expenditure report (pdf file) that the group filed with the Iowa Ethics and Campaign Disclosure Board, but that document didn't include information

"Gay marriage foes target Iowa"
Omaha World-Herald
The National Organization for Marriage, which was active in getting Proposition 8 passed by California voters, has sent out an appeal for donations to run advertisements on behalf of political candidates who oppose same-sex marriage.

It said the first ad would support Republican Stephen Burgmeier, who backs putting the issue of same-sex marriage to a vote in Iowa. He is running in a special Sept. 1 election for the District 90 Iowa House seat.

"Federal judge dismisses suit arguing the Defense of Marriage Act is unconstitutional"
Los Angeles Times
In another potential setback for supporters of same-sex unions, the National Organization for Marriage announced a drive to "Reclaim Iowa," which became the third state to allow same-sex marriage after a state Supreme Court ruling in April.

"Group that opposes gay marriage now targeting Iowa"
The Associated Press
The National Organization for Marriage has launched the Reclaim Iowa Project, targeting legislative races in the state in an effort to elect candidates who support putting the issue of gay marriage before voters.

"Iowa is important because the Supreme Court decision was so against the will of the people of Iowa and the Legislature and Gov. (Chet) Culver showed absolutely no backbone in giving the people the right to have their voices heard," said Brian Brown, the organization's executive director.

"Can the National Organization for Marriage Win in Iowa?"
Associated Content
Now with California under their belt, the group has their eyes on a new state -- Iowa. As it is in Massachusetts and Connecticut, same sex marriage is legal in Iowa, but not for long, if the National Organization for Marriage, or NOM, has its way.

"Republican rebound?"
UI The Daily Iowan
Both political parties are investing heavily in the race, and outside groups -- mostly conservative -- are pouring in resources as well. The National Organization for

Marriage, a Washington, D.C.-based group that opposes same-sex marriage, recently spent $86,000 on television and radio ads in support of Burgmeier.

"'Atypical' candidates vie for seat"
Burlington Hawk Eye
The Republican Burgmeier said simply, "Yes," when asked if he supported an amendment to end gay marriage. Burgmeier, a Jefferson County supervisor, has received the support of the National Organization for Marriage, which launched an ad campaign on his behalf.

"Prop 8 redux: NOM seeks to reinstate Iowa gay marriage ban"
Examiner.com
The New Jersey-based NOM, which is headed by anti-gay activist Maggie Gallagher, is seeking donations to run ads in Iowa to help elect political candidates who oppose gay marriage.

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YAHOO! MAIL Classic

NOM California Marriage News: September 4, 2009 Friday, September 4, 2009 10:32 AM

"Brian Brown" <bbrown@nationformarriage.org>

[redacted]

NOM Marriage News, California Edition

NATIONAL ORGANIZATION FOR MARRIAGE

September 4, 2009

Donate Facebook [redacted]

Dear [redacted]

Good news! Marriage is now officially on the ballot in Maine this November.

Mainers turned in more than 100,000 signatures asking for the People's Veto to repeal the gay marriage law. (Vote Yes on One!) After verifying 60,000 signatures the state actually stopped counting!

Money is going to be critical to getting the message out; the campaign needs to make ad buys *this week*, so if you can possibly spare just $10 or $100 this week, do not give it to me -- go to StandforMarriageMaine.com and fight back!

Maggie and I were both in Maine this week. Maggie did a radio show this morning--it's the Maine equivalent of Hannity and Colmes--the Ken and Mike Morning News show.

Maggie pointed out that you cannot say both that gay marriage is about "equality" and then turn around and claim that "it's not going to affect anyone else." Equality arguments don't lead to live-and-let-live tolerance. They lead to the expansion of government power to repress "bigotry"--i.e., the traditional understanding of marriage.

Gay marriage has real consequences. That's because gay marriage represents a government's endorsement of a new moral dogma: There is no difference between same-sex and opposite-sex unions. Maggie pointed out that when gay-marriage advocates repeatedly say the word "equality," we should pay attention: It means people like you and me, who think the ideal for a child is a mom and dad united in marriage, are going to start getting treated like bigots who oppose interracial marriage.

Ethan (a substitute host filling in for Ken) had a real hard time hearing what Maggie was saying.

I'm not surprised. A certain kind of liberal imagines that he is a diverse, cosmopolitan, and tolerant sort of guy--but too often actually it turns out he lives in a narrow social world filled with people who think just like him. Faced with real diversity--a difference of opinion--he is shocked, shocked that anyone can disagree with him!

"What you are saying sounds like bigotry to me," he more or less told Maggie. (I'm doing this from memory; I don't have a transcript, so forgive me!)

Most people get fazed, naturally enough, when they hear that--but not Maggie. "I've come to understand, reluctantly," she told him, "that people like you do hear ideas like 'Marriage is a union of husband and wife because kids need a mom and dad' as bigoted. That's why I want everyone else listening to understand very clearly: When they say 'equality, equality, equality,' they are telling you that gay marriage is going to have real consequences for everyone who disagrees with the government's new definition of marriage."

We are going to fight hard to protect marriage and religious liberty in Maine and throughout this great country. Thank you for all you do to make the Truth heard loud and clear! (And don't forget to donate what you can to StandforMarriageMaine at this crucial time!)

I have a question for you: What if they announced gay marriage and no one showed up? That's the question being raised by Vermont's tumultous passage of a gay marriage law last spring.

After all the brouhaha, when gay marriages were permitted, only a handful of couples showed up to take advantage--or even to get a license for a future union. (See the AP story "Slow Start: No Rush for Same-Sex Weddings in Vermont," below.)

We are seeing the same pattern repeated in other jurisdictions which allow gay marriage. When the law is first changed in a country, there is a spurt of symbolic interest. But that quickly dies down as gay marriage is "normalized." Very few gay marriages take place.

Gay-marriage advocates argued publicly that there is somehow a "conservative case for gay marriage." Other gay-marriage advocates argued that gay marriage would NOT limit the sexual freedom of gay people or gay culture--it would instead transform the marriage culture.

So far in Vermont, the conservative case for gay marriage is looking pretty anemic.

Meanwhile, in Iowa this week we came within a sliver of knocking off the Democratic candidate for a seat in the state assembly. 100 votes!

My friends will tell you: I'm a guy who hates to lose.

Iowa--just 100 votes. But something really important happened in Iowa's 90th district: Marriage won!

As I told the press, "Voters in Iowa's 90th House District voted yesterday to elect Democrat Curt Hanson in a narrow victory of just over 100 votes only after he publicly pledged to support placing such an amendment before the voters of Iowa. The National Organization for Marriage launched an independent expenditure in support of Republican Stephen Burgmeier after he made an early pledge to support placing a pro-marriage constitutional amendment on the ballot. The NOM advertising focused on the marriage issue and the people's right to vote. In response to NOM elevating marriage as a central issue in the campaign, Curt Hanson made a similar pledge to support placing the issue before voters, which helped cement his narrow victory in a district that has traditionally been a strong Democratic voting district. For example, President Obama carried the district last year by over 1,400 votes."

With both candidates supporting giving the voters the right to restore marriage in Iowa, marriage was the big winner yesterday. We at NOM appreciate Curt Hanson's commitment to giving Iowans the right to vote on this issue, and let me promise you: We will be following up with him to help him keep his pledge when the issue next comes up in Des Moines.

A fellow named Adam sent us an email asking some questions. Listen guys, I can't respond to every blogger who want speak to me, so let me just answer now once and for all:

NOM is an independent organization that is not officially associated with any church. We work with people of all faiths, and with all organizations and communities, religious or secular, who are willing to work to protect marriage as activists, as donors, and as board members. Yes, we welcome and have welcomed the help of LDS church members in all three capacities. The bulk of our supporters tend to be evangelicals and Catholics because the majority of American marriage supporters are Protestant or Catholic.

But we do not ask people's religious affiliations before accepting their help. "Have you now or have you ever been a Mormon?" is a sort of religious test for participation in democracy which I find personally repugnant and contrary to the spirit of the First Amendment.

Let me be crystal clear: The LDS church is not responsible for NOM's formation, and NOM has never received any promise of assistance from Salt Lake. We would welcome such assistance, as we would from other faith communities. But Salt Lake is not responsible for NOM's activities and the continued press suggestions are unfair to the the LDS church leadership and to Mormons in America generally.

Fake complaints take time and energy away from investigating real and serious abuses of the political process. NOM has retained the top legal firm of Bopp and Bostrum to provide us with legal counsel in every state that we operate in. Thanks to their expertise and our firm determination to meet our legal obligations, NOM has never been found to violate any state or federal election law.

Until next week, may God bless you for all your courageous efforts to stand up for marriage!

Brian S. Brown

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P.S. Once more, please head over to StandforMarriageMaine.com and help them with their good work! They need your support today.

NATIONAL ORGANIZATION FOR MARRIAGE

NOM Marriage News: National Edition | May 15, 2009

Donate

Dear [[First Name]],

If it's Tuesday this must be Maine! I know it's Maine because I saw a moose!

If it's Wednesday, I think I'm in New Hampshire!

Today Maggie's in D.C., but she's talking to the New York Times Albany reporter about NOM's amazing entry into the tough, tight battle for marriage in the New York state senate. The vote is very close, even though Democrats control all branches of government. Once again, this push for gay marriage in Albany is playing to the base on the part of the Democratic party--and a lot of Democrats don't like it. Let me tell you something: These politicians are going to hear from their voters what the people think about same-sex marriage. Thanks for all your help! (Can you help us continue to be your voice on marriage? Can you give $5, $50, or even, if you have the means in these difficult times, $1000 to protect marriage for this generation and the ones to come?)

Welcome to our crazy world. Of course I wish nobody had to do what I do for a living: fight gay marriage. You and I didn't decide that now is the time to impose gay marriage on unsuspecting voters in the Northeast. But let me tell you something: The people who did are in for an unexpected fight!

In New Hampshire, Gov. John Lynch is trying to weasel his way out of his repeated commitment to the people of New Hampshire, by saying he'll sign a gay marriage bill if they go back and put in some religious-liberty protections. I mean, don't get me wrong: it's nice that Gov. Lynch personally at least doesn't want to use same-sex marriage to go after churches (unlike some of the base in his party). But politicians who get elected saying one thing are supposed to keep their word. Our press release says it best:

"Governor John Lynch has repeatedly promised voters that he opposes same-sex marriage. When he signed the civil union legislation into law, he told people, 'I still think marriage is between a man and a woman.' Voters believed him, but now he claims that he must look at the issue through a broader 'lens' than being a man of his word. This so-called lens is really just weasel words to explain away why he is breaking his word to voters. It is really unfortunate that he is proving himself to be just another politician who cannot keep his promises. Unfortunately, New Hampshire children and families will pay the price for this betrayal." (We will need your help to defend marriage, in New Hampshire and around the country--can you possibly help us out today?)

His language does nothing to stop schools from taking young children to celebrate a lesbian wedding, as happened in California. His language does nothing to protect photographers and other professionals from being fined because they refuse to participate in something they morally oppose, as happened in New Mexico. Nor does it protect medical professionals who object to procedures like artificial insemination of a lesbian couple.

And it doesn't protect the voters in New Hampshire from a runaway government that doesn't seem to care what they think about the future of marriage. You want to change the definition of marriage in New Hampshire? Put it on the ballot and let the people decide! The only reason not to do that is because your base knows: The people don't want it.

We will fight to be your voice in New Hampshire, Maine (more on that next week), Iowa, New York, New Jersey, D.C. and all across this great and God-blessed country of ours.

Thank you. You are why I do what I do--you, and all our children and grandchildren yet unborn.

God bless you, and until next week, keep fighting the good fight!

Brian S. Brown

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NOM Interview of the Week!

Brian Brown on CNN's Breaking News

NOM in the News (Selected Clips)

Proponents of same-sex unions 'completely overreached' in Maine
WorldNetDaily - Washington, DC
"They've overreached in Maine," said Brian Brown, executive director at the National Organization for Marriage. "I'm very confident that in Maine, ...

NOM's Press Conference with Carrie Prejean in LA Times

"Shame. Shame. Shame" - Kathryn Jean Lopez - The Corner on ...
By Kathryn Jean Lopez, The Corner
The Miss California USA directors are holding a press conference right now attacking Maggie Gallagher and others (unnamed) for "exploiting" Carrie Prejean. How about: Shame on the Miss California organization for letting Perez Hilton ...

Dethroning Day for Miss California?
ABC News - USA
... televised appearances at her San Diego church and on behalf of the National Organization for Marriage, a group that is opposed to same-sex marriage. ...

Fate of Miss California Crown to be Revealed This Week

Christian Post - USA
"Of course Carrie is not perfect," commented Maggie Gallagher, president of the National Organization for Marriage. "On a personal note, as a former unwed ...

Polls show tug-of-war in debate
Philadelphia Metro - Philadelphia,PA,USA
However, a poll set to be released today by the National Organization of Marriage says that only 43 percent are in favor. "Five years after same-sex ...

An Interview With Maggie Gallagher, Head Of The National ...
Right Wing News
They're going after her with anything they have because you're not allowed to believe that marriage means a man and a woman in the view of the gay marriage advocates. And that's why at the National Organization For Marriage, ...

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NATIONAL ORGANIZATION FOR MARRIAGE

NOM Marriage News: National Edition | May 22, 2009

Donate

Dear [[First Name]],

A funny thing happened on the way to inevitability--instead of rolling over, the people of New Hampshire fought back!

Remember, what makes this battle necessary is that New Hampshire is now a blue state. Tim Gill's money flowed into New Hampshire (just like Iowa) to flip the legislature in preparation for this week: Both houses in New Hampshire right now are Democrat-controlled and the Governor is also a Democrat.

When the gay marriage movement decided now was the time to pull the trigger, to crush opposition to gay marriage once and for all...they pushed one big message: The fight is over. Give up. Despair.

But you didn't give up--you fought back! Kudos to Kevin Smith of Cornerstone Policy Research, a tremendous young leader for marriage whom we at NOM are so proud to stand beside. The victory in New Hampshire was tremendous--but of course the battle isn't over yet.

But nobody expected that we could fight the Gill machine in New Hampshire at all. If we can fight for marriage deep in blue-state territory, what could we do in other states if we had the resources? What could we do in North Carolina, where Gill money is blocking passage of a state marriage amendment? Or in Pennsylvania, Indiana, and other great states where Americans understand that marriage is not created by government, and government has no right to redefine it?

Another thing we know from New Hampshire: Gay marriage advocates are serious about treating you and me and every faithful Christian (as well as those of other traditional faiths) like a bigot. One openly gay legislator explained his vote against religious liberty protection this way: "This bill entrenches homophobia in statute, and I will never vote for something that does that."

As one New Hampshire activist said to me, "If they think the people of New Hampshire are upset their politicians are wasting time pushing gay marriage now, wait until November!"

Can you help us continue the fight in New Hampshire, and across the country? Can you possibly spare $10, $50, or $100 for marriage today?

I'm back in Maine today--we'll keep you updated on progress in building the coalition to push back gay marriage in Maine. We will need your help--all the help you can spare!

In New York, a massive protest of at least 10,000 people (the police estimate) led by Hispanic and African-American pastors flooded the streets in front of Gov. Paterson's office, demanding an end to the push for same-sex marriage in New York. A pro-gay marriage rally on the same day drew a few hundred folks at most--did any of the media report the disjunction?

The National Organization for Marriage is working directly in New York swing districts, using the same methods and messages that worked so well in Connecticut and New Hampshire, to make sure the people know what their politicians are up to: playing to the base, ignoring the people's priorities, plunging New York into a divisive culture war at a time when they can't figure out how to balance a

megabillion budget hole. Thanks for helping us fight. We truly need any help you can give to be your voice for marriage; why not consider making a monthly donation of just $5 a month, or $15 a month... or even, if God has given you the means, $200 a month?

Maggie Gallagher, our fearless President, just published her syndicated column featuring new data NOM has released about the effects of gay marriage in Massachusetts. Five years later the people of Massachusetts are still divided over the issue--43 percent in favor of gay marriage to 44 percent opposed. But worse, a big chunk of Massachusetts voters who support marriage report feeling afraid to speak up:

For example, 36 percent of all Massachusetts voters agreed with the statement, "Some people I know personally would be reluctant to admit they oppose gay marriage because they would worry about the consequences for them or their children." (Twenty-four percent agreed strongly.) ...

Fifteen percent of voters who oppose gay marriage say they personally know someone who experienced harassment or intimidation because of their belief that marriage involves a man and a woman.

Don't let this happen to you or your children. Let us be your voice for your values--to protect marriage and religious liberty.

Finally, one lone prominent liberal voice comes forward to defend Carrie Prejean from the abuse heaped upon her for her courage in speaking up for God's vision of marriage.

Michael Kinsley writes in the Washington Post:
In Hollywood, especially, they ought to know better than to try to destroy the career of a professional beauty contestant because she spoke out--ever so politely and tentatively, and only when asked--against gay marriage. During the blacklist period, people's careers were destroyed because, as members of the Communist Party....

The Hollywood communists of the 1930s and '40s might have found the idea of gay marriage more bizarre and offensive than Miss California does. ...This shows how far the gay rights movement has come, and how fast. Has it been so far and fast that people have forgotten when being gay could cost a person his or her job and career? Outside of Hollywood, that still happens. Defeating this discrimination would be a better use of activist energy than demanding discrimination against people who disagree.
Now, on the one hand I appreciate it that Michael doesn't want Carrie's life or career destroyed because of her views. It is, however, bizarre that in order to defend Carrie's right to speak for marriage as one man and one woman, Kinsley must obliquely compare support for marriage with support for murderous Stalinist regimes.

Kinsley goes on to say:
So what am I saying? That mindless bigotry always must be tolerated?

What about racism? Should an overt racist be allowed to wear the crown of Miss California, and even to compete for the title of Miss USA? No, not an overt racist, and not an overt homophobe. And no, I can't tell you exactly where to draw the line between bigotry that's intolerable and bigotry that ought to be tolerated, at least to the extent of not ruining someone's life because of a bigoted remark. But that line is somewhere north of Miss California.
So there you have it: That's what one of the more tolerant gay marriage supporters around believes. That you and me are mindless bigots because we don't support gay marriage, but we aren't quite like overt homophobes so maybe we should be allowed to make a living.

I don't find that kind of "tolerance" all that comforting--do you?

This week, gay marriage advocates are showing their true colors, and it's not exactly a festival of love and tolerance out there, is it?

We know that in the end Truth and Love will prevail over lies and hate. It's my privilege to work with you and for you on behalf of marriage and religious liberty in America today.

Until next week, stay in God's love... and pray for me?

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NOM Video of the Week: "What the Mainstream Media Didn't Show You"

Amateur footage of CONLICO's Mass Protest against gay marriage in NY

NOM in the News: Selected Clips

Massachusetts Gay Marriage: New Data Five Years Later
Maggie Gallagher syndicated column
A new poll commissioned by my organization, the National Organization for Marriage, and the Massachusetts Family Institute indicates that voters remain sharply and surprisingly divided about gay marriage.

Gay marriage issue is still hotly debated
Worcester Telegram
In March, the National Organization for Marriage launched the Northeast Action Plan with a series of radio ads airing in Vermont, New Hampshire and Maine. The ads include the voice of a child saying "If my dad married a man, who would be my mom?"

Lynch's switch on marriage law draws fire
Nashua Telegraph
Brian Brown is executive director of the National Organization for Marriage, which helped bankroll the telephone call campaign and television ads opposing gay marriage.

Conservative Activists Argue Gay Marriage Threatens Religious Liberty
U.S. News & World Report
But Prejean's ad was noteworthy for another reason. Whereas religious conservatives have argued for years that legalized gay unions would undermine the basic family unit, her commercial took a much different tack. Legalized same-sex marriages, the commercial warns, threaten gay-marriage opponents' religious liberties. "Gay-marriage activists...want to silence opposition," says a voice in the ad as the words Protect Religious Liberty flash across the

screen. "The gay-marriage movement says that if you oppose same-sex marriage, you're a bigot," says Maggie Gallagher, president of the National Organization for Marriage, the group behind the ad. "So there's going to be a lot of legal pressure on religious people and organizations that as a matter of conscience can't treat same-sex marriage like traditional marriage."

National Review Online: New York Times on Opposition to Same-Sex Marriage - William C ...
By William C. Duncan
In fact, given the imbalance in resources, it is remarkable that things are not worse for marriage than they are. I think much of that is a testament to the hard work of local groups as well as the great work of the National Organization for Marriage (discussed in the *Times* article). NOM has quickly mobilized the overwhelming public support for marriage in a very effective way. In fact, New York has not redefined marriage; the Maine Legislature has passed a redefinition bill but there is a very real possibility that a public vote will overturn that law; and the marriage redefinition bills in Vermont, Connecticut (merely obeying a court order), and New Hampshire all have been amended to give some protection to religious liberty.

Bay State Snapshot - Kathryn Jean Lopez - The Corner on National ...
By Kathryn Jean Lopez
Via Maggie Gallagher and the National Organization of Marriage: What difference has gay marriage made five years later? Support for the idea that children need a mom and dad has dropped, and a substantial minority of people believe it is risky to oppose gay marriage openly.

Hot Air » Blog Archive » Axelrod "jokes": Miss California's a dog ...
By Allahpundit
Update: Oh, almost forgot: The National Organization for Marriage is a "hate group," according to the very conscientious ex-director of the California pageant. I wonder how she feels about having a hatemonger in the White House. Hard times, America.

Friday Five: Marriage Advocate Dr. Jennifer Roback Morse
CitizenLink
She founded the Ruth Institute to prepare students to stand up for marriage. It's affiliated with the National Organization for Marriage and focuses on educating, networking and motivating.

Conference planned to help students 'speak the truth' on natural ...
Catholic News Agency
The conference, titled "It takes a family to raise a village," is co-sponsored by the Ruth Institute and the National Organization for Marriage. It will be held at the University of San Diego from August 6 to 9 and is free to accepted students. Some travel assistance is also available.

Gov. John Lynch will sign 'gay marriage' bill if changes are made
Christian Telegraph
Ever since the bill passed the Senate May 6, supporters and opponents have flooded Lynch's office with phone calls, something Lynch acknowledged in his statement. Cornerstone Policy teamed up with the National Organization for Marriage and ran TV ads showing Lynch's past statements opposing "gay marriage" and urging him to stick to his word.

New anti-gay marriage ad from NOM and an anti-gay marriage initiative in Washington state
Examiner.com
The folks that created the "Gathering Storm" ad about their fears if gay marriage should become legal, have created a new ad, this time targeting kids. In an attempt to derail gay marriage in New Hampshire, National Organization for Marriage, or NOM, has released an ad with children making fun of biblical stories and saying it is ok to have two grandmas. A voice-

over warns that this will be the result of supporting gay marriage- confused children with rude attitudes. (See the video below)

The GOP's Prejean Moment
American Thinker
While the clueless GOP sits on its collective behind Carrie Prejean is single-handedly preparing to rescue traditional marriage from the clutches of the left's militant commissars in education and in the media. With the help of the National Organization for Marriage, Prejean will become part of a national advertising campaign that promises to inspire Americans of all colors to defend their views on traditional marriage.

National Organization for Marriage | NBC Los Angeles
<http://www.nbclosangeles.com/topics/?topic=National+Organization+for+Marriage>
The National Organization for Marriage which probably called you Vermonters recently during dinner about keeping holy wedlock away from The Gays ...

NH INSIDER- Your Source for NH Politics - Press Releases - CPR ...
By NH INSIDER
Concord – Today, CPR-Action in conjunction with the National Organization for Marriage launched the new television ad "Broader Lens".

Pink Brick goes to Miss CA
Bay Area Reporter
Prejean, who was named first runner-up in the pageant, has stood by her remarks. Attention on her continued after Perez called Prejean a "dumb b----" in a video blog, and the anti-gay National Organization for Marriage featured footage of her in an ad.

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NATIONAL ORGANIZATION FOR MARRIAGE

NOM Marriage News: National Edition | June 12, 2009

Donate

Dear [[First Name]],

There's a lot happening this week. First, New York.

We were feeling pretty good about New York. Thanks to your help we have flooded the offices of half the state senate with phone calls and emails. Our new "Same-sex Marriage in New York?" radio and TV ad campaign provoked controversy--and, by the way, considerably upped the number of calls into politicians' offices. Maggie Gallagher was scheduled to speak along with New York pastors and leaders (and Tony Perkins!) at a June 9 rally that ended up being attended by hundreds on a rainy day.

The word we got was that same-sex marriage was dead for this session, which normally ends in late June. We were looking forward to letting you know: You won a great victory!

Then one of those truly strange New York things happened: Two Democrat senators, both facing legal troubles, abruptly switched sides to vote with the GOP to unseat Democratic majority leader Malcolm Smith and replace him with GOP minority leader Dean Skelos. These two Dems were not known to oppose gay marriage. Tom Golisano, the maverick billionaire, disgusted with the Democrats' policies on good governance and taxes, appeared to have given the green light and helped make the switch happen.

Even better news, we thought at first. But the situation now is so fluid, so confused and so chaotic that it simply isn't clear whether we are headed for a vote on gay marriage. Insiders are floating stories that more Democrats may switch sides to build a coalition government--including possibly the chief sponsor of the gay marriage bill, Tom Duane of Manhattan.

So we are now redoubling our efforts to make sure these politicians know: The voters of New York don't want you selling out on marriage--not now, not next week, not ever! Will you help us get the message out? Can you give $10, $20, or as much as $200 so that your voice can be heard in New York?

In Maine, I've joined the board of the new coalition to fight to overturn the gay marriage law. It's called StandforMarriageMaine.com. If you live in Maine, go there right now and find out how you can sign a petition, or collect signatures to get marriage to the ballot this November. Another great surprising victory in a blue state is on the horizon! I was up in Maine this week and the signature gathering effort is gathering great steam. (To help us in Maine and all 50 states, can you make a monthly donation? Whether it's as little as $5 a month or, if God has given you the means, $100 a month, your money makes a difference in the battles ahead.)

In DC this week, I attended a meeting of the Board of Elections with the new Stand for Marriage DC Coalition. Bishop Harry Jackson and a group of DC pastors have filed a referendum to overturn a new law passed by the council requiring recognition of out-of-state same-sex unions as marriages. We know gay marriage advocates do everything possible to keep the people from being able to decide these issues. So we shouldn't have been shocked by what happened next: The head legal honcho for DC declared illogically and peremptorily that the referendum somehow violates DC's human rights code. How can that be, when marriage itself in DC is still defined as the union of one man and one woman? But that illogical and lawless opinion by the guy in charge of enforcing DC's laws did mean signature gathering could not proceed. Instead the referendum was routed to the Board of Elections for an opinion.

So Wednesday morning I found myself in a chamber room crowded with black pastors and DC citizens clamoring for the right to vote on marriage. The decision is expected shortly--today even.

I'm not optimistic, given the political fix in DC. We expect the matter will have to go to court--all of which is designed to run out the time period for gathering signatures. Stay tuned.

You heard the news about Carrie Prejean of course. The same guys who attacked her from day one are continuing the relentless attacks--even going after Carrie's own pastor, Miles McPherson, for his willingness to defend her.

When will these kinds of attacks stop? When you and I are joined by millions of other Americans to say: This madness has to end. No good can come of a law based on a lie, and same-sex unions are not marriages. "Tolerance should be a two-way street" as Carrie put it on the Today show.

I can promise you one thing: We will never quit fighting the good fight for you (and with you!) on behalf of this simple and wonderful truth: Male and female He made us. Marriage is the way God wants to bring together the two halves of his creation into a union that is far bigger than its mortal human parts. Through this union, life itself is created, sustained and connected to its creators. Male and female. Mothers and fathers. Life is created and sustained and connected to its Creator.

To me, what could be more worth fighting for?

Thanks again for all you've done to help us fight for marriage. And may God bless you for it!

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NOM Interview of the Week: Brian Brown on Vermont Public Radio
"Brian Brown and Jennifer Pizer on Same-Sex Marriage Debate Strategies"
June 8, 2009
Jennifer Pizer is the National Marriage Project Director at Lambda Legal. Brian Brown, is Executive Director of the National Organization for Marriage. They spoke with VPR" Jane Lindholm about strategies they'll pursue in states where same-sex marriage is being debated.

(download the interview as an MP3 here)

NOM in the News (Selected Clippings)

"Trump to Miss California: You're Fired"
The Washington Post "The Reliable Source"
June 10, 2009
UPDATE: The conservative National Organization for Marriage, which Prejean made some appearances with after the Perez Hilton uproar, issued these statements in reaction to her dethroning.

"Hollywood hates Carrie. First they abuse her, then they try to get her to recant, then they threw mud, and now they are doing what they wanted to do from day one: Get rid of Carrie. This cover story about a contract dispute doesn't pass the smell test. ... She's a young woman of great beauty who chose truth over the glittering tiara that Hollywood offers," said Brian Brown, Executive Director for NOM.

"Hollywood will dance its tribal war dance over her body... but Carrie will be free to define her own mission and message from now on. Congratulations," said the organization's president Maggie Gallagher.

"Same-sex marriage advocates say New England is paving way"
Vermont Public Radio
June 9, 2009
Brian Brown is executive director of the National Organization for Marriage, which opposes same-sex marriage. Brown says he sees no change in public opinion.

He cites a recent Gallup Poll that indicates a majority of Americans are against legalizing same-sex marriage -- a number that is unchanged from two years ago.

(Brown) "So the idea that the public is driving these legislative changes is, I think, just false. I think what's happened is there's been a concerted effort to focus on the Northeastern states that don't have initiative and referenda and to pass same-sex marriage through these legislatures and then the people don't have a chance to have their say."

"Advocates appeal gay marriage legislation to state officials"
WPRI TV
June 5, 2009
However, Christopher Plante, executive director of the National Organization of Marriage's Rhode Island chapter, stated that while advocates have the right to rally, they do not have the right to redefine marriage.

"Gay marriage supporters to rally at RI Statehouse"
Boston Globe
June 6, 2009
Still, Plante isn't convinced changes in other parts of the country should pave the way to gay marriages in Rhode Island.

"The map actually has 50 states, and only six have passed same-sex marriage. And 30 states have passed legislation blocking it, so it's really 30 versus 6," Plante said Saturday.

"Gay-rights strategy raises issue of privacy in democratic process"
Seattle Times
June 7, 2009
But Maggie Gallagher, an advocate who writes extensively against gay marriage, said the strategies could have a chilling effect on the democratic process and surely will spread as long as organizers are effective in intimidating voters.

"They are using the public-disclosure laws to punish people for participating in the democratic process -- a core right," said Gallagher, the New York-based president of the Institute for Marriage and Public Policy.

"People only do these tactics when they are afraid of voters and want to intimidate them."

"The Comeback Begins?"
National Review Online Blogs
June 8, 2009
More surprising news, from Albany via the National Organization for Marriage:
"The *New York Times* is reporting, and our sources in Albany confirm, that the New York Senate has just switched to GOP control. Two Democratic senators this afternoon voted with Republicans to give the Republicans control of the chamber by a 32-30 majority.

"The situation is still very fluid, and it's not yet clear why these two senators switched, or

whether the gay marriage issue played a role in the reversal. As you know, over the past two weeks, NOM has helped organize thousands of phone calls and emails from 25 key Senate districts urging lawmakers to reject the same-sex marriage legislation being pushed by the Democratic leadership."

"Conservatives say ballot is key to winning marriage fight"
The Pew Forum on Religion & Public Life
June 8, 2009
To date, state constitutional bans on gay marriage have passed in all 30 states where they've appeared on the ballots. "I'm getting (the marriage issue) before the people as often as I can," said Maggie Gallagher, president of the National Organization for Marriage, a pro-traditional marriage group.

"National Organization for Marriage on New Hampshire: It's Not Over"
Washington Independent
June 5, 2009
The anti-gay marriage group, which pre-emptively declared victory over New Hampshire's stalemated marriage legislation, sends out a statement responding to this week's passage. Executive Director Brian Brown: "I helped found NOM because I believe that values voters need new avenues for political influence. No more paper tigers. No more Potemkin villages. Stay tuned: This fight is not over. We look forward to working with local leaders to find and energize the pro-marriage voters in New Hampshire and across this great country of ours."

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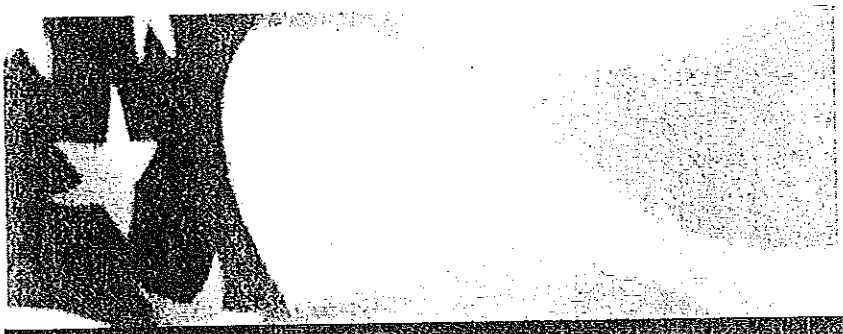

NATIONAL
ORGANIZATION
FOR MARRIAGE

Stand for Marriage Maine! July 8, 2009

Donate

Dear [[First Name]],

This spring, out-of-touch politicians in Maine pushed a same-sex marriage bill through the legislature -- ignoring the will of their constituents.

Fortunately, under the Maine Constitution, legislators can't pull a stunt like that and get away with it. With a "people's veto," the people of Maine can have the final say on any bill passed by the legislature.

And that people's veto effort is well underway on the same-sex marriage bill. With your help, the people of Maine will have the chance to vote up or down on the same-sex marriage bill this November.

Stand for Marriage Maine!
Leading the charge is Stand for Marriage Maine, a coalition of grassroots activists and pro-family groups (including NOM) formed to allow Maine voters to restore the definition of marriage under Maine law.

Visit StandforMarriageMaine.com for the latest campaign updates and to see how you can join the effort to save marriage in Maine.

Your help is needed as we take our pro-marriage message to every corner of the state. Right now, we're in the signature-gathering phase of the campaign, and with your help we'll far exceed the 55,000 signatures needed to put the same-sex marriage issue on the November ballot.

But time is short. Here's what I need you to do today:

1) **Visit StandforMarriageMaine.com**, and consider how you can help protect marriage in Maine! Join the **Facebook** group, or follow Maine4Marriage on **Twitter**!

2) **Make an online donation at StandforMarriageMaine.com** to make sure we have the resources needed for collecting tens of thousands of signatures in a short window of time. Your donation of $20, $35, or $50 or more will help ensure success!

3) **Forward this message** to everyone you know that lives in Maine! We're reaching out to voters all across the state, and we need your help to spread the word! Do it right now!

God bless,

Brian S. Brown

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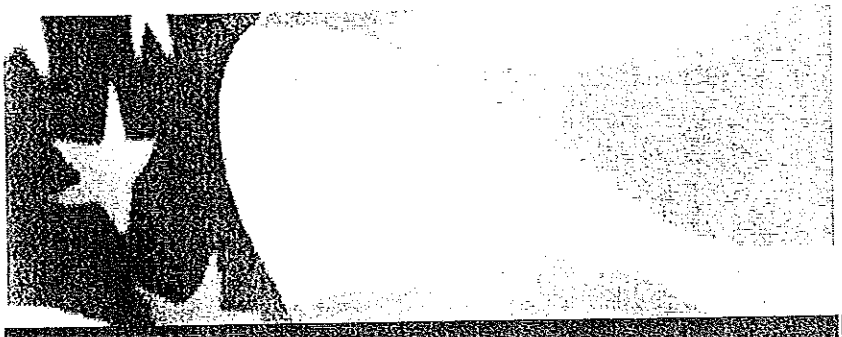

NATIONAL ORGANIZATION FOR MARRIAGE

NOM Marriage News: National Edition | July 17, 2009

Donate

Dear [[First Name]],

Three national polls now confirm an astonishing truth: Support for gay marriage is not growing. Strong majorities continue to oppose gay marriage.

As Maggie Gallagher recently told the press: "Three recent polls (Pew, Gallup and CBS News/NYT) confirm that strong majority of Americans continue to oppose gay marriage, despite the recent push for gay marriage in Iowa and the northeast. Strong majorities of Republicans and independents oppose gay marriage according to the latest Pew poll. Even 41 percent of Democrats oppose gay marriage. Our challenge--and it's an exciting one--is to build an organization that helps translate public opinion into an effective political force, one that helps the views of ordinary Americans get heard here on Capitol Hill and across the country." (You can find links to all three polls at the bottom of this letter.)

Do you realize how revolutionary this news is? These polls turns the conventional wisdom on its head. Gay marriage is inevitable, "they" say, and the media trumpet; there are no arguments against it.

But the truth is very different: After six years of public scrutiny and debate, gay-marriage advocates have failed to persuade the American people. (Help us get the word out! Send this good news to three of your friends.)

And that's in spite of the mainstream media, in spite of the recent court decision, in spite of the massive top-down push to ram gay marriage through blue-state legislatures in New England.

Through it all, the truth shines out. Americans know the difference between hatred and common sense, between the evil of bigotry and the profound good of marriage. Between two dudes, however lovingly committed to each other, and a man who is willing to take on the responsibility of becoming husband to a wife and their children.

Facts are stubborn things. Maybe you have already heard about the big joint statement by Equality California and two other gay rights groups: They will not try to get an

amendment overturning Prop 8 on the ballot in 2010. They urge other gay-marriage supporters to abandon the attempt. Why? Because they are afraid they will lose.

According to the *LA Times*, Ron Buckmire, president of one of the groups which signed the joint statement, said he made his decision after his group went door to door to talk to voters about same-sex marriage in South Los Angeles. "It was a huge success. We had 70 volunteers, working for five hours, knocked on 1,200 doors," he said. And yet after that massive effort, how many hearts and minds were they able to change? Just 50 people, Buckmire said. "Do the math."

Even in the bluest of blue states like California, the American people just don't buy this gay marriage thing.

The Supreme Court looms ever larger in the mind of the gay-marriage movement, a movement dedicated to imposing their values whether we like it or not.

So this week in Washington, I paid special attention, as hearings with Supreme Court nominee Judge Sonia Sotomayor wrapped up.

In public, Judge Sotomayor was channeling her inner Scalia. She's having no truck with any living constitution. That constitution is dead, written in stone, as far as she's concerned. All she does is apply the law to the facts.

But Judge Sotomayor suddenly clammed up at the oddest moments. Sen. Chuck Grassley raised the issue of DOMA. And then Sen. Lindsey Graham tried to get her to say something, anything, about how she and the Supreme Court should decide what is a "fundamental right." Graham pointed out the disparity: Ask the good judge about, say, "*stare decisis*" and she can ramble on at length. Ask her how the Supreme Court decides what a "fundamental right" is... and suddenly she can't say anything at all?

Judge Sotomayor wasn't going to say anything at all that might clue the American people in to her views.

As NOM president Maggie Gallagher told the press, "By refusing to answer basic questions about her views of the Constitution, Judge Sotomayor is not displaying the kind of honesty we expect from judges. All Americans who support marriage as the union of husband and wife--and every American who treasures democracy and freedom--has reason to be concerned."

Kudos to Senators Grassley and Graham for raising the marriage issue. It's probably the single most important case Judge Sotomayor is likely to influence in our lifetime. And remember: The Supreme Court reads election returns. (To help us fight to protect marriage, can you give as little as $5 a month? Or, if a one-time donation is easier, we can use any help you can give us--$10, $20, $250, whatever you can spare--to amplify your voice in Washington and around the country.)

I had my first quintessential Washington moment this week. I was sitting actually in a smoke-filled room (literally! cigars!) talking on the phone about the harassment and intimidation people who speak up for marriage face. The guy sitting next to me, a distinguished-looking man of 70 years or so, says to me, "Excuse me, I couldn't help overhearing you. Can I talk to you about this marriage thing?"

I move over to chat. I explain why marriage matters--it's a universal human social institution, necessary in a way that no other relationship is. When a baby is born, I tell him, there's bound to be a mother somewhere close by, but marriage is how we attach the father to the mother-child bond, so we can make sure men live up to our responsibilities in family and in society.

That struck a big chord. "You are right," he said, "Men are promiscuous." (That's his words, not mine!) "Thank you," he tells me, "I never heard that argument before; that makes a lot of sense."

Meanwhile, this being a Washington scene, every now and again we were interrupted by folks who wanted to say a few words to my new friend. I couldn't help noticing that they kept addressing him as "Congressman."

"I'm a Democrat," he told me. "I'm not going to vote with you on most things, but this gay marriage thing... maybe that goes too far."

Truth is powerful. The only way they can win is if they succeed in silencing and intimidating us. Thank you so much for all you do to encourage and help me--and all of us here at NOM--fight for marriage.

A final note of good news. Next week, I believe marriage forces will be announcing a huge victory in Maine: The people will get a chance to repeal the gay-marriage bill rammed through the legislature this spring. The gay-marriage juggernaut has been halted in its tracks in Maine (thanks to your help!) and the people will decide the future of marriage this November.

And right out of the box, the press is reporting that marriage advocates are taking a fundraising lead. It's a broad coalition, Stand for Marriage Maine, with many players. But we are very, very proud to announce that thanks to your help, NOM has played a key role in pulling together a big chunk of early money to make this happen--$160,000 so far. As the *Bangor Daily News* put it, "The National Organization for Marriage in New Jersey, which helped defeat a gay marriage movement in California, chipped in another $160,000."

This is great news! But it's just the beginning. If we want really good news to come out of Maine, we'll need your help--all the help you can give us. We'll need your prayers, your vocal support, and your financial sacrifices. I know these are tough times... but we have tough battles ahead. Whether you can spare $5 or $500, we will work to turn your money into more positive, pro-marriage headlines.

We will not be silenced. We will not be intimidated. Be not afraid! Common sense and kindness endures.

We will never ever be afraid to stand up for God's truth about marriage, or for the children who deserve a world where grownups dare to speak truth to power: Marriage is about drawing together men and women in love to make the future happen.

God's blessings upon you and your family--for your friendship and courage and common sense in standing up for marriage.

Until next week, my friend,

Brian S. Brown
Executive Director
National Organization for Marriage
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bbrown@nationformarriage.org

PS: NOM needs your help to get the word out! Do you have a few friends who might like to know more about protecting marriage? Here's an easy way to forward this message to them.

NOM in the News Spotlight: Maine

"Gay-Marriage Foes Take Early Lead in Fundraising"
Portland Press Herald
July 16, 2009
The coalition seeking to overturn Maine's same-sex marriage law with a people's veto has raised more than $343,000 to date, according to papers filed with the state Wednesday, much of it going to professional signature gatherers. ...

The National Organization for Marriage, a New Jersey-based group that opposes gay marriage, contributed $160,000. The Portland diocese contributed $100,000, and the Knights

of Columbus contributed $50,000.

"Hundreds of Thousands Pour In for Campaign to Repeal Gay Marriage Law"
Lewiston Sun Journal
July 16, 2009
The group hoping to overturn Maine's same-sex marriage law has out-raised the measure's proponents by more than two to one, according to state campaign reports filed Wednesday.

"Gay Marriage Opponents Raise Large Sums"
Bangor Daily News
July 16, 2009
"It's a long haul, but we've got a good start," said Mark Mutty, one of Stand for Marriage Maine's campaign leaders.

"Money Flows Into Both Sides of Gay Marriage Question"
Maine Public Broadcasting Network
July 15, 2009
With a likely statewide vote a little more than three months away, supporters of an effort to repeal Maine's gay marriage law have raised nearly $400,000 dollars to get the issue on the November ballot. Meanwhile, the law's proponents have amassed a little more than a quarter of that amount and gay marriage activists say they will be heavily outspent by their opponents. Much of repeal effort is funded by out-of-state interests, raising concerns about the tone of the campaign in Maine.

"Fundraising Underway in Maine Marriage Vote"
Associated Press
July 15, 2009
A referendum group seeking to block enacted legislation to legalize same-sex marriage in Maine has reported donations of more than $365,000 in the first phase of the campaign in advance of a statewide vote in November.

Three Recent Polls
Pew Foundation: here
Gallup: here
CBS News/*New York Times*, as html
and as pdf

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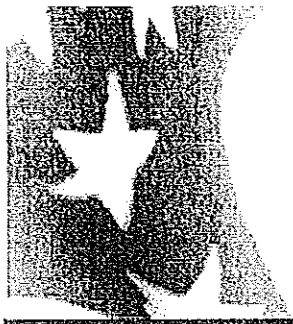

NATIONAL
ORGANIZATION
FOR MARRIAGE

NOM Marriage News: National Edition August 7, 2009

Donate

Dear [[First Name]],

In Maine, the battle is on!

Jesse Connolly, the campaign manager for No on One, Protect Maine Equality, thought he had a great PR stunt up his sleeve: he asked the Stand for Marriage Maine campaign (which you can visit and contribute to at www.standformarriagemaine.com) to pledge that the fight for marriage in Maine this fall would be conducted ethically and in compliance with all Maine statutes.

Of course, marriage supporters learned about this from the news media, because Jesse couldn't actually wait for a reply. Like I said, it was a publicity stunt.

Gay marriage advocates want to raise the question of campaign ethics? Good. Let me share with you the powerful response from Maine leaders Marc Mutty and Bob Emerich, who just sent out this reply:

Mr. Jesse Connolly, Campaign Manager
No on One, Protect Maine Equality

Dear Jesse:

We are aware from media reports today that you have sent a "pledge" to conduct an ethical campaign consistent with Maine practice and statutes for Frank Schubert of Schubert/Flint to sign. We are pleased that your campaign has finally responded to our long-standing call for both sides of this issue to conduct an honest, civil and respectful campaign. We are pleased you have accepted our challenge.

Stand for Marriage Maine will be signing the campaign conduct pledge form you provided.

We were delighted to see your commitment to "uphold the right of every qualified voter to free and equal participation in the election process." This is quite a change of direction given the extraordinary efforts made by Equality Maine and your allies to prevent Maine voters from having any say on this issue whatsoever during the Legislative session.

In addition to conducting an honest and forthright campaign, we hope that you will agree with us on the following principles.

** Agree to at least one public debate with the media invited to cover it live. The voters deserve to hear from both sides of this important issue in a forum that allows for a full discussion of the ramifications of LD 1020.*

** Agree that no contributor, volunteer or staff member will be harassed due to their participation in the campaign. Regretfully, supporters of marriage in California and other states were repeatedly harassed by gay marriage activists including posting their personal information on the Web, having their employers called, and subjecting them to various forms of intimidation.*

** Agree that property will not be destroyed, as has happened elsewhere. This includes destroying or defacing campaign signs, damaging vehicles containing bumper stickers and defacing churches that are active in the campaign.*

** Agree that churches on both sides of the issue will be dealt with respectfully and no attempt will be made to interfere with their lawful expression of beliefs or discussion with their members and the public.*

We hope you can join us in making this pledge Jesse for the well being and safety of all and for the opportunity to have a fact-filled and honest debate over this important issue.

In the future we urge you to address your concerns to those that are charged with the decision making responsibility for our campaign. As I think you already know, Schubert/Flint are under contract with our campaign but it is the Executive Committee, Bob Emrich, Brian Brown, and myself as chair, that make the final call.

Sincerely,

Marc R Mutty, Chair, Executive Committee
Bob Emrich, Executive Committee

You can fight back against the bullies! Visit StandForMarriage Maine.com today to make your contribution in the fight to protect marriage in Maine!

I know many bystanders read my letter to you each week, and that includes the gay press. This week Tips-Q.com GLBT News Service headlined a piece by David Hart called "NOM Continues to Demonize Tim Gill." Well if by "demonize" you mean, point out the way one, rich, powerful gay Colorado billionaire is pushing politicians to ignore their constituents and pay attention to Tim's priorities instead, yes we are going to continue to call people's attention to Tim Gill's agenda!

According to the gay press, Tim's attempt to buy politicians is more legitimate than NOM's political organizing, because he's spending his own money, while NOM is a grassroots organization that depends on the contributions of thousands of ordinary Americans to make our voices and values heard. (We've gone from 8,000 donors at the start of this year to 30,000 and counting! Thanks to all of you who have made NOM's work possible. I cannot tell you how grateful I am, personally, for your support—and even more importantly what your support helps us do: fight to protect marriage and religious liberty.)

The most telling thing, though, in David Hart's piece critiquing my last letter to you, was his response to this statement I made:

And Maggie also reminds me one reason I fight so hard: "If we continue to fail to do so, our political opponents will use their cultural power to create an America in which traditional religious groups are redefined by the government as the moral and legal equivalent of racists."

David's reaction? **"I have a simple suggestion for them; Don't act like racists and you won't be treated like racists."**

It's hard to believe that we could wake up in an America and find our faith communities have been redefined by the government as racist threats to America. I mean, how can an idea like "Marriage is the union of husband and wife" be treated as the legal equivalent of racism? Reluctantly, I've come to accept that people like David are quite serious about using the law to impose their view of morality on the rest of us.

Thank God we still live in the freest, the most democratic, and God-blessed countries on the face of this Earth. Even (especially!) when our most cherished ideals our threatened, we come together as a people to stand for what we believe. Today the fight is over marriage and religious liberty, and with your help we can win. Will you stand with us today? Use this hyperlink to help support NOM's work not only in Maine but around the country, wherever the need arises.

On a happier note, take a look at this syndicated column by National Review Online editor Kathryn Jean Lopez, she writes:

The fact is that however you spin it, gay unions are not marriage. . . [NOM president Maggie] Gallagher writes: "Same-sex unions are really not just like opposite-sex unions when marriage is in question. Celebrating all forms of adult romantic love equally is not a very good justification for redefining a fundamental institution whose public purposes reach far beyond the affirmation of romance."

. . . According to a recent CBS/New York Times poll, support for gay marriage has dropped nine percentage points from a 42 percent historic high. According to Gallup, only 13 percent of Americans believe that gay marriage would make us better off, while 48 percent believe it would be change for the worse. While Republicans were tripping over themselves to pose with the party's Log Cabin branch and join the march of inevitability, a beauty queen made it OK to confidently acknowledge reality, in a loving and beautiful and even tolerant way."

Thanks Kathryn.

Until next week, keep me in your prayers will you? And not just me, please remember all the good people in all the different organizations fighting for the future of marriage.

Yours,

August 1, 2009
Dubuque Telegraph Herald

The Catholic Bishops Conference, Focus on the Family, National Organization for Marriage, The Mormons and Iowa Family Policy Center champion true marriage...

Stakes High in Maine Gay Marriage Battle
CBN News
Friday July 31, 2009

[H]ear why this small state is so key in the national fight for traditional marriage, from Maggie Gallagher, president of the National Organization for Marriage, after this report.

100000 Mainers Hope to Overturn Gay Marriage Law
July 31, 2009
Christian Post

"In thirty other states in America, when voters have had their say, they have voted for marriage as between a man and a woman," noted Brian Brown, ...

100000 strong: Maine 'gay marriage' foes submit People's Veto
July 31, 2009
BP News - Nashville,TN,USA

The "gay marriage" law has not gone into effect and won't do so until citizens have a say, ... executive director of the National Organization for Marriage, ...

Kathryn Jean Lopez: Winds shift on gay marriage
August 3, 2009
Austin American-Statesman - Austin,TX,USA

That's the argument made by my friend, Maggie Gallagher, president of the National Organization for Marriage, in the latest issue of National Review. ...

NOM Continues to Demonize Tim Gill
July 31, 2009
Tips-Q GLBT News

National Organization for Marriage needs supporters to coalesce around an enemy. These days, the enemy is Tim Gill. Indeed, the Gill Foundation, ...

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NOM FEATURED VIDEO

Maggie Gallagher on Maine Victory on Christian Broadcasting Network

Stakes High in Maine Gay Marriage Battle
CBN News
Friday July 31, 2009

Help ensure victory in Maine with your gift of $25, $50 or even $500 today!

NOM in the News

Marriage: Never Just a Civil Affair

NATIONAL ORGANIZATION FOR MARRIAGE

NOM Marriage News: National Edition — September 11, 2009

Donate

Dear [[First Name]],

This week in D.C. a man came into my office. He was very distinguished-looking, with white hair; and he had a distinguished past to match. "I was on the front lines marching against the war in Viet Nam," he told me. "I want to help you fight to protect marriage."

This combination would probably blow the minds of the *Washington Post*. But it's no longer a surprise to me.

"I fought the war because I thought it was an important moral issue," he told me. "So is marriage." (If you agree, why not consider a small weekly or monthly contribution? Can you sacrifice even $5 a month to protect God's own precious and sacred institution?)

Among the great joys and privileges of being in this position, as a leader of this grand new marriage movement, are the people I get to meet all over the country. It's amazing: Marriage is drawing together Americans across all different political, racial, religious and ethnic lines.

The fights for marriage are accelerating across this country: District of Columbia, New York, New Jersey, Maine--and now the gay press is reporting that House Democrats plan shortly to introduce the repeal of the federal Defense of Marriage Act.

The needs on NOM are expanding rapidly. I am so profoundly grateful to each of you who have donated your time, your ear, and your treasure to this great and good fight. If in these tough economic times you cannot afford to give, I understand. Would you pass on this newsletter to a friend? We need to reach out and build--from half a million activists to more than a million in the next few months. I need your help.

If God has given you the means, can you step forward to help us replenish our coffers? We are the largest single donor to the effort to protect marriage in Maine. We are the only national organization fighting to protect marriage in New York and New Jersey. And we need your help to fight for your values.

Maggie Gallagher, NOM's president, had a great column this week called "Gay Marriage Rage." You can read it in its entirety below. But I want to pull out one big thought: Gay-marriage advocates have stopped persuading. Public opinion polls are no longer moving in their direction. And so they are responding with the politics of hate, attempting to intimidate and silence opposition by raising the cost of speaking for the Truth.

I can promise you that here at NOM, no matter what efforts they make, we will not be silenced. We will be your voice for your values. Together we will make a difference.

Let's not forget that this morning is the anniversary of 9/11. Please join me in praying for the souls of the thousands of Americans who gave their lives in a war they did not even know had been declared on our beloved country. Of all the mysteries, the mystery of evil is the most unfathomable.

"Truth and love will prevail over lies and hate." That is our solace and our Hope.

God bless you and your family,

Brian S. Brown
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NOM in the News: Feature
"Gay Marriage Rage"
Maggie Gallagher
September 8, 2009
I was in Maine on the day that marriage qualified for the ballot this November. I went to Maine as president and founder of the National Organization for Marriage, which helped local groups organize the signature drive in Maine, as we did in California for Proposition 8.
Most of the people in Maine were enthusiastic, but one clergyman asked me,

"Shouldn't we live with our neighbors in peace?"

His question haunts me for its debased presumptions: Is using democracy to fight for shared values somehow an act of war against our neighbors? "Agree with me or you're a hater" is not the authentic voice of peace and tolerance. But the question underscored an increasingly obvious truth: Gay marriage advocates now rage against Americans who disagree with them, no matter how civilly we conduct the debate. They believe only one side has the moral right to be heard.

Witness what happened to poor Monica Hesse, a Washington Post reporter who wrote a profile on NOM's executive director, Brian Brown. The profile was (in my view) clearly written by someone who supports gay marriage. She began by assuming gay marriage opponents were ugly, mean and stupid, and then presented Brian Brown as the surprising exception. That's why Monica expected outrage from social conservatives for her "snideness." Instead, she was shocked by the tidal wave of rage directed at her for publishing anything even remotely expressing human sympathy for a guy who effectively fights to promote marriage as the union of husband and wife.

I'm not the person calling this "rage." That's what The Washington Post called it in a piece by their own ombudsman on Monica, "'Sanity & a Smile' and an Outpouring of Rage."

Here's how weird things have gotten: The ombudsman of the Post felt he had to step in to defend Monica by credentialing her as a pro-gay marriage bisexual.

Reading her angry e-mails, Monica "wept." She won't care for my sympathy, but nonetheless, she has it. You have to experience it to understand -- it is shocking to discover the waves of hatred now aimed at forcing conformity with the gay marriage party line. Either you are for gay marriage or you are a bad person who should be repressed, humiliated, hurt, marginalized and excluded. "What's next, a piece on how a KKK leader is just 'someone next door' and 'really a nice person'?" as one outraged Post reader put it.

Here's the truth: You will now be called a hater and a bigot merely for standing for marriage as one woman and one man. What do we make of this sad truth? So far, the bullies pay no price for their meanness and their rage.

This is not an issue of free speech but of neighborliness. Fundamental decency requires that we treat each other with respect, especially when we disagree deeply on hot moral issues. Sadly, I've grown used to the reality that tolerance is now a one-way street for gay marriage advocates. It no longer matters how respectfully and civilly one makes the case for humanity's marriage tradition.

So Fred Karger gets quoted in The Washington Post calling Brian Brown "just as shrill, just as anti-gay as any of the leading gay-bashers." Fred doesn't provide any examples because he can't. Fred doesn't have to. The Washington Post does not feel

any obligation to ask Fred Karger for proof. Being pro-gay marriage, Fred doesn't need proof as he hurls his charges like brickbats at Americans who disagree with him.

I know that not every gay person agrees with the tactics of hate currently employed by this powerful steamroller of a political movement to suppress dissent, just as I know some gay people don't support gay marriage. (Not many, but I've met 'em!) And I do know this: Bullies don't stop as long as bullying works. Gay marriage advocates have to rein in their movement, or people in Maine and elsewhere are going to draw the natural conclusion: When the law endorses gay marriage advocates like Fred Karger and their ideas, it will have consequences.

"FRC Action Announces Presidential Values Voter Straw Poll"
FRC Action
September 8, 2009
Next week, one of the first major presidential straw poll events of the 2012 election cycle will be held at FRC Action's fourth annual Values Voter Summit. The ballot will feature ten possible presidential candidates, several of whom will be speaking at the Summit, who have also exhibited leadership on key issues -- Newt Gingrich, Mike Huckabee, Bobby Jindal, Sarah Palin, Ron Paul, Tim Pawlenty, Mike Pence, Rick Perry, Mitt Romney, and Rick Santorum.

NOM in the News
"How Dare You Call a Right-Winger 'Sane'!"
Tim Graham
National Review Online (blog)
September 8, 2009
Washington Post reporter Monica Hesse dared to compliment a man opposing "gay marriage," and her e-mail from the gay Left was so hostile it made her cry. The man was Brian Brown of the National Organization for Marriage. Hesse snidely wrote that unlike the Pat Robertsons and James Dobsons of the world, Brown was civil, "instantly likable" and a "thoughtful talker." Brown is effective because "he is pleasantly, ruthlessly sane."

"Washington Post Apologizes for Praiseworthy Portrayal of Gay Marriage Opponent"
NewsBusters
September 6, 2009
The profile examined Brian Brown, executive director of the National Organization for Marriage, one of the groups that lobbied for Proposition 8, the hotly-contested California State ballot initiative that explicitly defined marriage as between and man and a woman, overturning a State Supreme Court decision to the contrary.

"The political education of Monica Hesse"
World Magazine
September 8, 2009
The fallout from Washington Post Style writer Monica Hesse's profile of Brian Brown, executive director of the National Organization for Marriage has been quite

amusing.

"Washington Post Apologizes for Calling NOM Head's Views Sane"
Alliance Alert
September 8, 2009
Following an "avalanche of messages angrily attacking" Monica Hesse's profile of National Organization for Marriage executive director Brian Brown, Washington Post ombudsman Andrew Alexander apologized to same-sex "marriage" advocates.

"'Washington Post' Bewildered Over Gay Marriage Reaction"
On Top Magazine
September 7, 2009
The Washington Post was caught off guard last week by the negative reactions it received over a profile story it published on Brian Brown, executive director of the National Organization for Marriage (NOM), the nation's most vociferous opponent of gay marriage.

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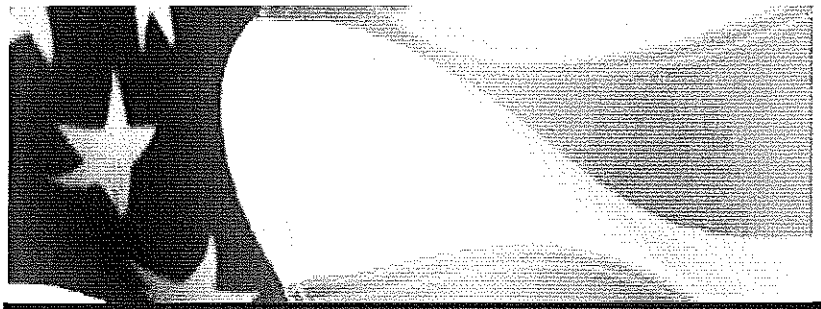

NATIONAL ORGANIZATION FOR MARRIAGE

NOM Marriage News: National Edition — October 2, 2009

Donate

Dear [[First Name]],

I don't often do this. But let me brag about Maggie. No--let me quote Austin Ruse bragging about Maggie.

Some of you may know Austin Ruse, who is himself a great Christian hero, a tireless and effective defender of the culture of life at the United Nations (talk about a flinty soil!) and other international organizations. Austin heads up the Catholic Family and Human Rights Institute (C-FAM), a research institute focusing exclusively on international social policy.

This week on The Catholic Thing, Austin devoted his whole column to our own Maggie Gallagher, president of NOM. As I'm reading this tribute my first thought is, "Whoa"--this is really extravagant.

Austin writes, "Maggie Gallagher has almost single handedly changed the pro-marriage movement and in the process has given it perhaps its best and only chance of saving marriage from being permanently remade in America--and therefore the world."

He gives Maggie a great deal of credit for pointing out what the benign-sounding phrase "marriage equality" really means: It means you and I are just like racists and should be treated as such. "What happens to people who still hold racist views? They are shunned, driven from the public square. They lose licenses to work. In short, they are pariahs not welcome in polite society," Austin continues.

"Maggie points out that those who oppose homosexuality will come to appear no better than racists. They will be discriminated against. They will lose jobs and in some cases be hounded in public. This is happening already. Look at the treatment of those who were publicly exposed as financial supporters of California's Proposition 8. This will happen to you, your mother, your grandmother," Austin says.

He goes on to say, "Maggie herself is constantly vilified on homosexual websites. ...They hate her profoundly because she has at least slowed the juggernaut that is the homosexual movement, one that has billions of dollars behind it along with the power

centers of our culture."

Some of that hate is spilling over to NOM for our crucial role in fighting for marriage in Maine, California, and elsewhere.

You will see headlines about the Maine Ethics Commission's decision to permit an investigation of NOM. We are saddened at this transparently politicized attempt to distract attention from the real issue in Maine: Do voters want the consequences of gay marriage for themselves and their children?

Or I should say, Maggie is saddened. Me, I'm fighting mad!

Here's what I told the press yesterday in response to a closely-divided Maine Ethics Commission decision to reject their own staff's recommendation of "no investigation" and instead voted to open an investigation of the National Organization for Marriage:

NOM is in full compliance with Maine law. The complaint is frivolous; it was filed for political reasons by a group whose sole purpose is to harass decent Americans who exercise their civil rights to peacefully and democratically act to protect marriage as the union of husband and wife.

The independent professional staff of the Commission examined the facts and concluded that an investigation was not warranted.

This is a side issue in the campaign; the future of marriage is what is important. ...Gay marriage advocates have not been able to persuade the people of Maine that gay marriage is either true or good; they cannot rebut the truth that gay marriage will profoundly change the culture of marriage for everyone in Maine, including parents in public schools. This is why they want to change the subject by filing frivolous election complaints.

NOM will vigorously pursue all our legal rights and the legal rights of the more than 100,000 people who've come together with NOM to protect marriage. We will not be intimidated or deterred from peacefully and democratically organizing within the law to protect marriage as one man and one woman. Not only have we fully complied with Maine law, we believe the underlying statute in Maine is unconstitutionally vague, and the vagueness is what allowed a politically motivated anti-marriage hate group to misuse the law to attempt to divert a campaign from the important moral issues at stake.

Fred Karger should understand: The politically motivated misuse of election laws will backfire and only help us grow more rapidly. The people of Maine and the American people will recognize a cheap shot when they see one. They understand that anyone who stands for marriage will now be ruthlessly attacked. And frankly, the American people don't like this kind of hate directed at supporters of marriage.

Let me emphasize one other thing Austin says that is crucially important: "Maggie is

not the only one toiling in this unforgiving vineyard. There are many others and they should all get credit for telling the truth in a hostile environment that sometimes even includes death threats."

I am so grateful for each and every one of you that has taken a stand for marriage. Thank you. And I am profoundly grateful for the many sister organizations fighting to protect God's truth about this most sacred union around this country. As believers we know in a deep and profound way: We are never alone. But it is only by coming together in truth and love that we will prevail over lies and hate.

A final thought, though: Austin, I am also totally on board with your last thought: "Should we finally win, much of the praise should go to Maggie Gallagher and she should win all the awards, starting now."

If you would like to honor Maggie, and fight back against the Fred Kargers of the world--do not today give money to me and Maggie or NOM. Give it to StandforMarriageMaine.com. Maine is the frontline of the battle for marriage and we all need to come together to win. Can you give $10 today for StandforMarriageMaine.com?

Together we will fight. Together we will win.

May God's graces be upon you and your family for your courage and your decency.

Until next week,

Brian S. Brown
Executive Director
National Organization for Marriage
20 Nassau Street, Suite 242
Princeton, NJ 08542
bbrown@nationformarriage.org

PS: This week, Maine is where your help is most needed. You can defend marriage by giving to StandforMarriageMaine.com!

NOM Featured Article

"Maggie Rules"
Austin Ruse
The Catholic Thing
September 25, 2009
A few years ago a highly visible and influential member of the Christian Right appeared on one of the cable news shows talking about homosexual marriage. He said that homosexuality was harmful to society and to the individuals who practiced it. A week later this same man appeared again on the same topic only this time he said opposition to homosexual marriage was not about condemning homosexuals but about protecting children who need moms and dads, something homosexual couples can never provide. Sometime between his first appearance and his second, he was visited by one of the wisest social analysts in the country, Maggie Gallagher of the National [Organization] for Marriage.

Statement By Marc Mutty, Chair, Stand For Marriage Maine, Concerning Hearing of Maine Ethics Commission
"Stand for Marriage Maine is in complete compliance with Maine campaign disclosure laws. The decision today by the Maine Ethics Commission to open an inquiry based on frivolous allegations concerning the fundraising procedures of one of our allies, the National Organization for Marriage (NOM), is an unfortunate abuse of power. It is yet another example of the harassment that follows supporters of traditional marriage. The split 3-2 vote overruled the independent professional recommendation of the Commission staff that an investigation was not warranted. Instead, a bare majority of Commissioners agreed with a California-based hate group that exists for the sole purpose of harassing marriage supporters that they should examine whether NOM has raised funds designated for the Question 1 campaign without disclosing the source of the funds.

"The complaint by Californians Against Hate--which is itself a hate group--is frivolous. The Commission's independent professional staff has reviewed the facts and concluded that there was insufficient evidence to launch an investigation. We are certain that the investigation will come to the same conclusion. However, the purpose of the complaint is not to lead to the truth, but to create an artificial and unwarranted political controversy in the final month of the Question 1 election. The Commission has even deferred until its meeting in November a decision of what alleged violations should even be investigated. By that time, the political damage that our opponents seek to inflict on supporters of traditional marriage will have already occurred. It is an abuse of power for the Commission to have allowed itself to be used as an instrument of politics in this fashion."

NOM in the News
"Maine Ethics Commission Approves Probe of Anti-Gay Marriage Fundraising"
Associated Press
October 1, 2009
AUGUSTA, MAINE -- Maine's campaign oversight board overruled a staff recommendation Thursday and authorized an investigation into fundraising by groups

supporting the campaign to repeal the state's gay marriage law in a Nov. 3 referendum.

"Question 1 Fueling a Fundraising Fight"
Bangor Daily News
October 1, 2009
Campaign spokesman Scott Fish said Stand for Marriage Maine is reaching out to supporters "in several different ways" but declined to go into specifics. Asked about the opposing campaign's online fundraising, Fish replied: "We are aware of it, but we are pressing on. We are appealing to our supporters in a number of ways." The National Organization for Marriage, a New Jersey group that helps lead campaigns to prohibit gay marriage, contributed $160,000 of Stand for Marriage Maine's $346,000 during the last period.

"President Obama Must Speak Out on Maine Now"
DavidMixner.com
September 29, 2009
The time for President Obama to make clear that he opposes the ballot measure in that state is now. If he waits any longer, the Maggie Gallagher brigade against human rights will use his opposition to marriage to prove that he supports the proposition.

"Creep of the Week: Carrie Prejean"
Pridesource.com
September 18, 2009
Creatures like Maggie Gallagher were more than happy to wipe the mascara off Prejean's cheeks and protect her from the big, bad homos.

"Gay Rights Measures on the Ballot in Three States"
Associated Press
September 26, 2009
The constitutional argument is similar to that made by the National Organization for Marriage and other groups that sponsored Prop. 8.

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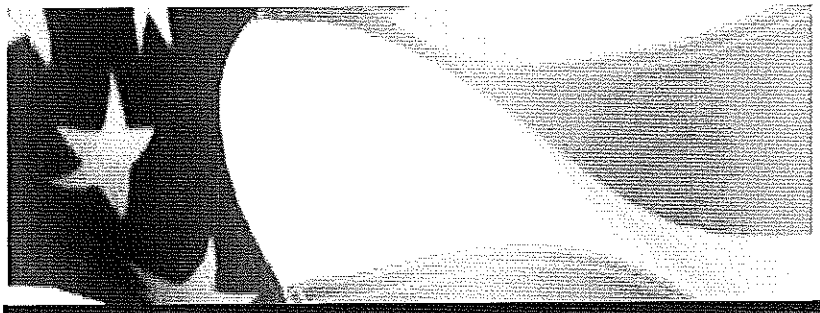

NATIONAL ORGANIZATION FOR MARRIAGE

NOM Marriage News: National Edition October 9, 2009

Donate

Dear [[First Name]],

You may have heard: A gay marriage bill was introduced this week in the DC City Council.

Oh, and guess what? Robert Kabel, the chairman of the DC Republican Committee, immediately issued a statement endorsing gay marriage. Like I told the press, this is a PR fantasy, part of an ongoing attempt to conjure up a "bipartisan" consensus on gay marriage when frankly *there isn't even a partisan consensus on gay marriage.*

Our internal polling in DC found that even 43 percent of Democrats oppose gay marriage in the District of Columbia. And as for African-Americans? They are opposed, 56 percent to 36 percent.

The battle for marriage in DC is likely headed first into court, where we must first fight for our right to gather signatures, engaging in the ordinary processes of democracy, to put the marriage issue before the people. I promise you one thing: That's the one place the gay-marriage movement doesn't want the issue to be.

Take a good look at the new Washington Post story on Maine: "For Gay Marriage, the Maine Event Is Low-Key." (The link is at the end of this letter.)

It mentions in passing the hits being leveled against NOM for emerging as a major donor to the Maine effort (as we were in California, and expect to be in DC and elsewhere). But that's not what interests me.

First of all, according to the *WaPo*, national gay donors to California are feeling "burned" by the loss and not so interested in Maine. They are also worried, frankly, about the mid-term elections, another nod to the reality that the American people do not believe gay unions are marriages. "Since then, many dependable gay Democratic fundraisers have felt burned -- and decidedly less generous," the *Post* says. "Plus, progressive lawmakers, worried about the 2010 midterm elections, have shied from the issue."

Now don't be misled by this. In the first few weeks of the campaign, the gay-marriage forces have been outspending the Stand for Marriage Maine campaign by two to one at least. Marriage forces need resources to win this fight in Maine.

Secondly, *WaPo* notes that unlike in California, very few national organizations are playing large roles in the Maine fight on the pro-marriage side. Except NOM--thanks to your help over the years! I believe in my heart that God has called us all together for a great purpose: to stand against the powerful forces arrayed in favor of inverting God's truth and replacing it with a man-made substitute for marriage. It's a privilege to be your voice for our values across this country. Thank you. (To help in Maine, you need to give directly to Stand For Marriage Maine.com. Whether you can give $15, $150 or, if God has given you the means, even more, know that Stand for Marriage Maine can use all the help you can give them. This is a fight we can win!)

Thirdly, and this is most important: The reporter shrewdly notes a huge generational shift taking place right now within the gay-marriage community.

For example, you will be hearing a lot about a march on Washington by gay-rights activists, capped by a speech by Pres. Obama to the Human Rights Campaign. (Side note: *WaPo* also reports that Obama will reject increasing calls for him to weigh in the Maine battle or lay out a time table to repeal the Defense of Marriage Act, in favor of stressing "incremental advancements as evidence of progress.")

The elders of the gay movement, like Barney Frank, are calling this weekend march a waste of money or worse; "useless" is the term Frank uses to describe it.

But a new generation of energetic younger gay-marriage leaders don't care. They are pushing lawsuits in Texas, Louisiana, California and elsewhere against the advice of their elders. They organized this March and are pushing Obama to make overturning DOMA huge priority. They have no clue what the rest of America thinks and frankly they do not really care.

"Some of the next generation of LGBT opinion leaders think more boldly than the preceding generation," freshman Congressional representative Jared Polis told the *Post*. "We grew up in a different environment than people who grew up in the 1960s or the 1970s."

Why am I telling you this? Because I want to point something out that is very important. The younger generation of leaders is just practicing what the older generation preaches: Equality demands gay marriage; opposition to gay marriage is bigotry. You don't compromise with bigots. These relentlessly principled young people are the people who are going to be in charge of what gay marriage will mean, too.

They literally believe they are fighting for the civil rights cause of the century. There is no spirit of compromise, no spirit of tolerance; this is now a movement that believes moral right is totally on their side. And they are determined to use the law to impose

their morality on the bad people (that's you and me and the majority of Americans) who disagree, whether we like it or not.

A very American spirit, badly misdirected, if you ask me. But here's the main point: "Equality" arguments do not lead to "live and let live" tolerance. This is not a debate about expanding personal and private liberty. Look well on the face of this radical young generation of gay-marriage activists: They really mean it. Their "equality" not only redefines marriage as we have always known it; their "equality" takes away your liberty and my liberty to act according to our deepest moral and spiritual values.

That's why we at NOM, with your help and God's will, won't be deterred. We will not be intimidated. We will continue to stand tall, knowing that hundreds of thousands of generous, kind, decent, and freedom-loving people like you are standing with us. I believe that in the end the Truth will not only endure, it will prevail.

Maine is crucial. Marc Mutty of Stand for Marriage Maine is one of many good people getting repeatedly slammed as a bigot just for standing up for marriage. National groups, he says, are on the sideline--but not us here at NOM!

This is our chance to fight back!

I ask you for many things: your prayers, first of all. Your emails, and phone calls, letters to the editor and water-cooler conversations, to let others know that we are here, we vote, and we believe in marriage. And I ask you for the sacrifice of your time and your treasure in this great cause--usually for NOM.

But not this week. No, as crucial as the fights are in DC, New York, New Jersey, and nationally, Maine is our number one priority. So we are asking: If you have $5 to spare this week for marriage, do not give it to us. Give it to StandforMarriageMaine.com right here.

A brief Iowa update we thought you would want to know: According to the gay press, an Iowa woman who once represented Marriage Equality USA was just arrested on fraud and money-laundering charges. According to 365gay.com, Phyllis Stevens was arrested in Las Vegas last week on federal money-laundering and wire-fraud charges. She allegedly used a large chunk of embezzled money to fund political candidates all over Iowa. (And we thought it was all Tim Gill's money!)

Finally, two pieces of good news.

You know that NOM works very hard in the political arena, to be your voice for God's truth about marriage--we push marriage amendments, fight back gay-marriage bills, and work to protect DOMA. We are founding PACs to fight for candidates who will stand up for marriage and religious liberty, too.

But you may know less about our other work in the cultural battle to transmit a

marriage culture to the next generation. One of the things we are most proud of is the work that Dr. Jennifer Roback Morse is doing with The Ruth Institute in San Diego. The Ruth Institute's motto is One Man, One Woman for Life, and Dr. Morse's primary mission is working with college students throughout the country to help them bring the message of lifelong married love to their campuses.

This is the next generation of moral, cultural and political leaders. The Ruth Institute is finding them, bringing them together, and training them in how to speak truth--in love--to power. As Dr Morse just wrote to me, "We are having a lot of fun working with college students across the country: Students *want* to hear the Ruth Institute's message. They are seeking *us* out!"

The Ruth Institute just held the first international student training conference at the beginning of August in San Diego. Ruth Institute staff and guest faculty prepared the students to confront the anti-marriage campus culture. Now, our 32 students from across the United States and Mexico need our help to promote marriage on their campuses. The Ruth Institute already is assisting students at Princeton, UCLA, Rice University and Pasadena City College.

If you'd like to hear more about this exciting new project, sign up for the Ruth Institute weekly e-newsletter. If you know a college student--or a future college student--please pass this letter on to them and ask them to join the Ruth Institute in order to stay up to date on all of their student activity. SIGN UP HERE!

Another last bit of good news: New Hampshire Rep. David Bates has taken the initiative to organize a movement to get a marriage amendment on the ballot in New Hampshire."Let's make New Hampshire #31," he says, meaning the 31st state to pass a state marriage amendment:

"If you believe the true meaning of 'marriage' matters, and that the definition should be decided by the citizens of New Hampshire, please support this effort to amend the New Hampshire Constitution.

"The main objective at this time is to find people willing to help persuade legislators to put this question on the ballot for the voters to decide. If you are one of those people, please reply with: your name, address, phone number, and the name of your church and minister (if you regularly attend church)."

If you live in New Hampshire, or know someone who cares about marriage who does, please email this info to us at info@nationformarriage.org .

We will pass it on to Rep. Bates. This is how our movement grows, working together.

Until next week, Semper Fi!

Brian S. Brown
Executive Director
National Organization for Marriage
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bbrown@nationformarriage.org

PS: Remember, right now the most urgent need is in Maine. Stand for Marriage Maine needs your help now--please consider what you can give!

NOM Featured Interview
Brian Brown on DC's News Channel 8
October 7, 2009
Discussing the DC gay-marriage bill that was introduced on Tuesday.

"Maine Proves a Low-Key Battleground--and Bellwether?--for Gay Marriage"
Washington Post
October 9, 2009
PORTLAND, Maine -- Canvassers are knocking on the doors of saltbox houses and slogans are pinned to yellow slickers. But outside the Pine Tree State, next month's referendum on gay marriage is the vote that dare not speak its name.

NOM in the News
"The Five Leading Indicators of Marriage"
Maggie Gallagher
October 6, 2009
How do you measure a marriage culture?

The Institute for American Values, in conjunction with the new National Center for African-American Marriage and Parenting has just released a new "Marriage Index" that for the very first time in American history creates a tool to measure the health of marriage in America.

It's a brilliant conceptual idea, long overdue. This is a GDP for marriage, a way to statistically sum up complex trends in a way that allows us to capture a core truth: Is marriage getting weaker or stronger?

"Has the American Family Court System Become Totalitarian?"
Jennifer Roback Morse
The Family in America
Baldwin does not discuss the ease of divorce ushered by the no-fault divorce revolution. Like most Americans, Baldwin has probably made peace with no-fault divorce, believing easy divorce to be an enhancement of individual liberty. But Baldwin's story of his life after Basinger decided she had no use for him illustrates that the opposite is more true. Easy divorce opens the door for an unprecedented amount of government intrusion into ordinary people's lives. This unacknowledged reality is the subject of *Taken Into Custody*, by Stephen Baskerville. With penetrating insight, the political scientist exposes the truly breathtaking consequences of no-fault divorce for the expansion of state power and the decline of personal autonomy.

"Panel: Probe fundraising by 'Yes on 1'"
Portland Press-Herald
October 2, 2009
But the National Organization for Marriage, a major contributor to the PAC, said that the money came from the group's general fund and that it doesn't accept "designated contributions" from individuals.

"Maine voters face historic choice on gay marriage"
Newsday
October 9, 2009
No on One's supporters include the Human Rights Campaign and other national gay-rights groups. The other side, Stand For Marriage Maine, is getting major assistance from the National Organization for Marriage, which played a key role last year when Proposition 8 quashed a California Supreme Court ruling that briefly legalized same-sex marriage.

"Gay Marriage Bill Introduced in District"
Washington Post
October 8, 2009
Washington, D.C.: Now that the National Organization for Marriage has moved to D.C., have they organized a significant rebuttal towards opposing the Gay Marriage bill?

"Obama Will Address HRC Dinner on Eve of March"
EDGE Boston
October 6, 2009
And there will be pickets--only they won't be anti-gay groups. Instead of Fred Phelps or the National Organization for Marriage, Chicago-based Gay Liberation Network and Dallas-based Queer Liberation are organizing to protest the president's appearance.

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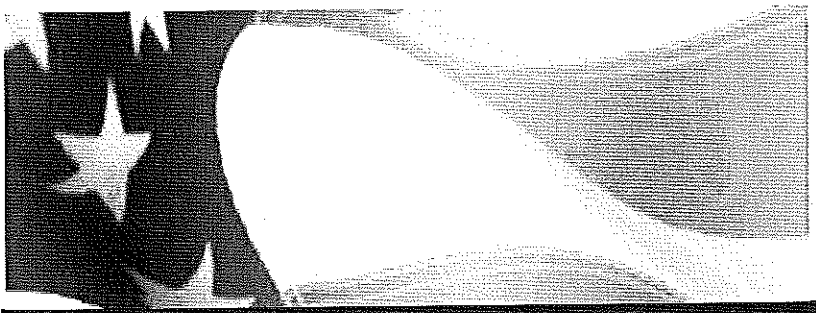

NATIONAL ORGANIZATION FOR MARRIAGE

EMERGENCY ALERT: Marriage Under Assault in Maine! October 14, 2009

Donate

Friends,

Let me be direct: Unless we act now, marriage will be redefined in Maine. Never before have voters had the chance to directly overturn the legislative enactment of same-sex marriage in any state in the country. If we lose marriage in Maine, we risk losing marriage everywhere.

I'm not asking you today for contributions for the National Organization for Marriage. NOM is dedicated to winning the marriage fight. Period. We don't have a bloated staff or overhead. We were the largest contributor both to the Proposition 8 effort in California and to Stand for Marriage Maine. We put our money where our mouth is. But we have stretched ourselves as far as we can go.

It is now up to you to make the difference. We want your money to go where it is most useful in the fight. **And right now, Yes on 1/Stand for Marriage Maine needs your support in a way that no state marriage group has needed it before.**

I'm asking you to read the powerful e-mail below from my friend, Marc Mutty, chairman of Stand for Marriage Maine, and to think long and hard about what marriage is worth to you, your family, and your country---**and then to give whatever you can today to Stand for Marriage Maine to protect this precious institution.**

I'm also asking you to forward this e-mail to everyone you know that supports protecting marriage across the country. Send it to your friends on Facebook, post it on your blog, send it to your e-mail contacts. Do anything you can to get the message out: if we don't act now we risk losing the most important state battle for marriage since California. It's that simple. And it's up to you.

Yours for marriage,

Brian S. Brown
Executive Director
National Organization for Marriage

****

October 13, 2009

FROM: Marc Mutty, Chair, Stand for Marriage Maine

RE: URGENT DEVELOPMENT: Marriage Under Financial Assault

We knew we were being vastly outspent from the fact that the No on 1 campaign was able to air their advertising upwards of 50% more than our Yes on 1 campaign ads. We had a clue that the other side was awash in money because of the dozens of paid staff members they have on board their campaign. **But we never dreamed the situation was as dire as it is:** our opponents have raised approximately $1.6 more than we have and are conducting a financial assault on the institution of marriage. Overall, they have raised an astonishing $2.7 million from gay marriage supporters across the country!

We are in desperate need of additional financial support or we risk losing because our opponents are attempting to buy themselves an election – and destroy the institution of marriage in the process.

The latest financial reports detailing the amount of money that has come in for both sides of the Question 1 campaign shows that our committee, Stand for Marriage Maine has raised approximately $1.1 million while our opponents have raised about 2.5 times more than we have. This is an astonishing financial advantage our opponents have amassed. It explains why they were able to be on the air with ads nearly three weeks before our campaign was able to begin advertising. It explains why they can afford to operate multiple campaign headquarters. It explains how they can afford a statewide staff of field organizers and operate dozens of phone banks. And it explains why the institution of marriage is teetering on the ledge – at risk of being forever redefined in Maine. Our opponents are raising money from across the country from gay marriage supporters who see an opportunity to win their first victory at the ballot box in the history of the nation.

We cannot let them get away with this. We cannot let homosexual marriage activists from virtually every state in the nation decide that marriage will be redefined in Maine. Please don't let our opponents succeed with this financial assault on marriage. **Will you please, right now, make a generous donation to our campaign?**

The good news is that even though we are being vastly outspent, we have run a financially prudent and efficient campaign. Our polling shows that we are dead-even right now and in a good position to win the campaign. Voters recall our advertising more so than the ads from the other side. We are defining Question 1 on our terms. And we know that we will win when voters come to understand the many consequences to families, children and society as a whole if same-sex marriage is legalized in Maine.

The only way our opponents can win is if they try to confuse the issue by running millions of dollars in advertising with false claims that we are lying about the consequences of legalizing homosexual marriage. They don't want to defend the teaching of homosexual marriage to young children in public schools, so they are spending millions to try to deny and deny. They don't want to talk about individuals, small businesses and religious groups being sued for refusing to support homosexual marriage, so they are spending millions to calls us liars. And they don't want to explain to voters why the law they sponsored and advocated strips from Maine's marriage statutes the interests of nurturing children, so they are spending millions making the oxymoronic claim that we are trying to "harm children." We are trying to prevent 5, 6 and 7 year old children from being taught about homosexual marriage in school against the wishes of their parents and we are accused of "harming children?" If it weren't so serious, this would be like describing an 'Alice in Wonderland' situation.

But it IS so serious. Our campaign strategists, who helped pass Proposition 8 in California and who have won dozens of initiative campaigns around the country, tell us that we cannot win if we continue to be outspent as we have to this point. It is amazing that we are still in a dead heat. We've had to cut our voter contact program dramatically. Every week we've cut our advertising budget. We've eliminated a statewide bus tour that we had planned for next week. We've had to cut back on staffing. And collateral materials. And direct mail. Our grassroots organizing has suffered.

Yet still we are in a position to pass Question 1. This is a testament to your strong support and to the common sense of average Mainers who know in their heart that marriage is worth preserving.

But let's not fool ourselves. We have to raise more money, right now, if we are to pass Question 1. Please make a sacrificial contribution today, as if the survival of marriage depended on it.
Because, quite literally, it does.

The campaign reports made available today lay bare the falsehood of our opponents' claim that they have a homegrown, grassroots Maine-based campaign. The truth is their support has come mostly from the gay activist political elite from all corners of the nation, including Hollywood, Colorado, New York, Massachusetts, and the Democratic national political machine, Act Blue.com. They have raised money from virtually every state in the nation.

Why are homosexual marriage activists pouring money into Maine? Because never before have they been able to convince voters to approve homosexual marriage. Voters in thirty states have considered this issue, and in all thirty states they have voted to preserve traditional marriage and reject homosexual marriage. But our opponents think they can win in Maine. We are a small state. Raising millions of dollars to spend here will make a big difference. Recruiting hundreds of volunteers to come to Maine will make a big difference. And if they can win in Maine it would be historic. They will use a victory to attempt to convince the media that the mood of the nation has changed and that it is time for America to also abandon the God-created idea of marriage.

Will you let them get away with it?

So much is riding on the Question 1 election. We have three weeks left. We have three weeks to close the financial deficit we are in. We have three weeks to add to our advertising campaign. We have three weeks to buttress our grassroots operation. We have three weeks to talk to Maine voters about the importance of traditional marriage, and the consequences of abandoning it in favor of homosexual marriage.

But all this must start right now – today – and it must start with you and me. We've learned an important lesson. Our opponents are determined to do whatever they can to secure victory. We must respond, and respond now. It is up to you. There is no one but you. The only question is, **will you be there for us when the fight for marriage needs you the most?** We pray you will be.

Thank you for all your efforts to defend God's precious institution of marriage. We look forward to your continued help. We are counting on you at this critical time.

Sincerely,

Marc Mutty
Campaign Chairman

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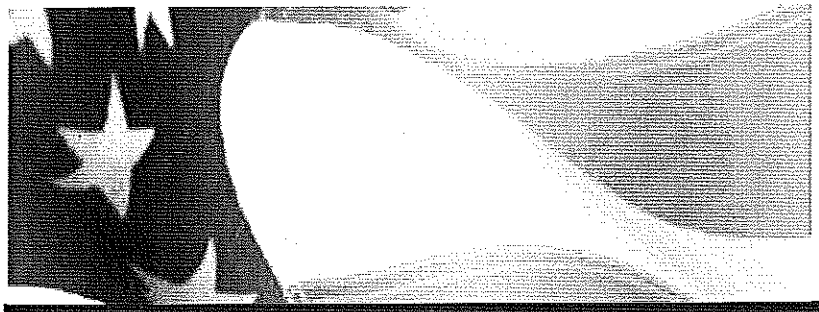

NATIONAL
ORGANIZATION
FOR MARRIAGE

Maine Update October 22, 2009

Donate

Dear [[First Name]]

Everyone keeps asking me about Maine.

Here's the great news: **StandforMarriageMaine.com (the Yes on One folks) have a new campaign ad so effective that National Public Radio doesn't want you to see it!**

It's an ad featuring an NPR news interview from 2004 with a pro-gay marriage Massachusetts public school teacher. In the interview, the teacher describes in great (and warning: occasionally graphic) detail how her teaching changed once gay marriage became the law. "Give me a break" she says, "it's legal now."

The marketing department has issued a "cease and desist" order claiming copyright infringement. They are trying to get the ad off YouTube and off the air. Wow. Raw censorship–and by a news organization.

Must be a really great ad, I say!

Why is NPR trying to censor this ad?

Because it's an inconvenient truth. Truth, not truthiness. When gay marriage becomes the law of the land, of course public schools will teach about it. They will teach it as civil rights triumph, as the incarnation of our commitment to equality and diversity. And Maine parents will have no right to protect their children from this government instruction.

And here's more good news: as Mainers come to realize that gay marriage has real consequences, they are moving strongly in the direction of protecting marriage.

You can understand why NPR feels that has to be stopped somehow!

Dana Davis Rehm, executive vice president of marketing, communications and external relations for NPR, tried to justify this unwarranted intrusion of an alleged news organization into a political campaign to shut down information. "The use of the ('All Things Considered') story was a very central piece of the ad," Rehm said Tuesday to the Portland Press-Herald. "It wasn't a small quote, or a quote among a series of quotes, as often would appear in a fair-use situation."

You have to use a series of quotes or it's not fair use? Really Dana? Is this the best NPR can do?

It is an extraordinary moment when a news organization openly acts to interfere with a political campaign.

But truth cannot be stopped by such paltry and obvious lies and evasions. The people of Maine are learning the truth about gay marriage—gay marriage has consequences.

So a new published poll shows the race a dead heat 48 to 48 percent.

As the Baptist Press put it, "The survey is good news for Question 1 supporters, who were outraised 2-to-1 through September and trailed by 9 points in a poll conducted Sept. 30-Oct. 7. Both surveys used identical polling language -- the same language that will be found on the Nov. 3 ballot."

But for those of us who are veterans in the marriage wars, the news is even better than the Baptist Press thinks. Consider the California experience. The last published poll before the election, conducted by The Field Poll, showed Prop 8 going down to defeat with just 44 percent in favor to 47 percent opposed. And yet when Californians voted, marriage won! A majority of Californians (52% to 48%) voted to protect the traditional understanding of marriage and oppose gay marriage.

In other words, in Maine, we are at least four points ahead of where we were at this time in the California battle. Take heart, take renewed courage for the battle from this news: this fight can be won with your help – and God's.

Pastor Jim Garlow, who led the California Pastors Rapid Response team in the Prop 8 battle, has organized a nationwide campaign of prayer and fasting for victory for marriage in Maine. Not just prayer mind you – prayer and fasting. Some Catholics in Maine are hosting 9 days of Novena for victory. Pray for victory. Pray and fast.

And get to work!

It's a close race. Every vote counts. **If you know someone in Maine call them up, email them, ask them to volunteer (www.standformarriagemaine.com)**

If you are in Maine go volunteer -- and get five of your friends too. The gay marriage lobby in Maine has more than 30 paid staffers, a lot of them imported form California to try to turn their people out. We have you!

The other thing Maine needs is your financial support, if you can afford it in these tough times. **Don't give money to NOM today -- Give it to Maine. Give $100 today to Maine. Give $1 today to Maine. Give for marriage, give for victory, we can win this fight!** Tomorrow I will let you in on other exciting NOM news from New York, New Jersey and other great battles. Today I am asking you to let those NPR marketing folks know what you think about their pathetic attempt to censors of the truth! **Make a donation to StandFormarriageMaine.com right now!**

I thank God once again for the privilege of standing with you in this great battle of our times.

Truth and love will prevail over lies and hate--when good people like you stand up with grace, love and courage under fire and fight back--and **then together our voices and our values will be heard!**

In His name,

Brian S. Brown

Brian S. Brown
Executive Director
National Organization for Marriage
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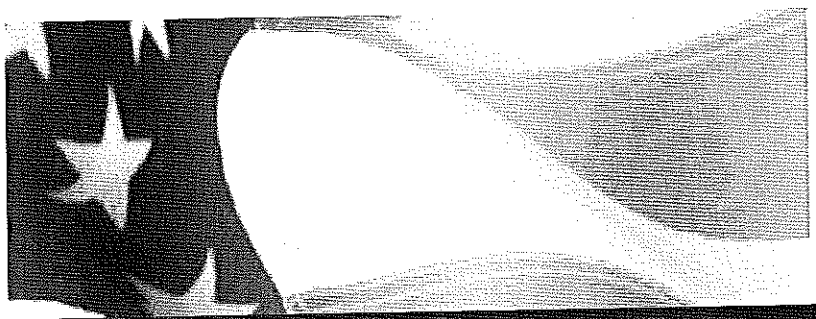

NATIONAL ORGANIZATION FOR MARRIAGE

NOM Marriage News: National Edition

October 30, 2009

Donate

Dear [[First Name]]

Bishop Harry Jackson and Stand for Marriage DC.com called a rally for marriage in the nation's capital this past Sunday. DC City Council members are threatening to enact a gay marriage bill, even though the majority of DC voters don't support it, claiming that "civil rights" requires it.

The idea that the DC human rights code, enacted in 1978, embraces gay marriage is laughable, but it is consistent with the increasingly powerful meme of the gay marriage movement: We win, you lose.

As I stepped up to Freedom Plaza on Sunday, I watched an incredible sea of faces who refused to be intimidated, who dare to come together to speak out for the core civil right to vote, and to protect marriage in DC. It was an incredibly moving and inspiring sight!

The *Washington Post* reporter said that a mere 150 people showed up (and implied that they were mostly bussed in from out of town). I love writing this letter to you because it give me the chance to give you the inside story, the real stuff. When I read that WaPo report, I just burst out laughing. If you go to the website where the *Post* story is up and look at the photos of the event, notice something important. The paper doesn't give you any photos of the crowd, only close-ups of black voters demanding their right to vote. What they don't want you to see is the inspiring sight I saw: the thousands of Americans in DC on fire to protect marriage and the right to vote!

150 people? More than 1000 people signed up for the rally and I counted more than 2000 faces--and yes, they were mostly African-Americans, who turned up to demand their right to vote for marriage. (Rev. Anthony Evans says it was more like 4,000.)

NOM's own president Maggie Gallagher devoted her syndicated column to events in D.C. and in New York's 23rd Congressional District, where defeating Dede Scozzafava has become one of NOM's top priorities.

Let me quote from her Oct. 27 column, "Gay Marriage Threatens the Establishment of Both Parties":
The Rev. Anthony Evans stepped up to the podium at Stand for Marriage D.C.'s rally last Sunday with a message for D.C. Council Chairman Vincent Gray: The black church will no longer partner with politicians of any race who work against its interests and its values.

From the podium, Rev. Evans spoke about an "extraordinary" meeting that took place when a half-dozen black bishops, representing the heart of the black church, paid a pastoral call on Councilman Gray, who is African-American.

The 30 minutes allotted stretched into an hour and a half as bishops representing the core Pentecostal denominations explained their concerns about gay marriage. But Gray was adamant in his support for gay marriage.

Finally one of the clergy asked, "What about your soul?"

"This has nothing to do with my soul," he snapped.

From the podium, Rev. Evans recalled the "astonishing" moment when these religious leaders realized that Gray's mind was made up, his heart hardened. He wasn't really listening to their concerns.

"He's not concerned about his soul on this issue," Rev. Evans said on Sunday. "So let me tell Vincent Gray he will have one less thing to worry about: This will be his last term in office."

The crowd went wild.

More than 3,000 people crowded Freedom Plaza, Evans says, to protest the D.C. Council's attempt to pass gay marriage over the heads of voters.

"We have reached a point in our history where we will not accept African-American politicians pushing policies that will hurt the black church," he told me a few days later. "The black church will not take this anymore."

Major civil rights organizations, long supported by the black church, Rev. Evans says, are now accepting major financial contributions from gay rights interests.

"This will be a major issue in 2010. We will not support Democratic candidates that are working against the interests of the black church," he promised.

Evans is not some GOP stalking horse. He is the president of the National Black Church Initiative, whose main mission is reducing disparities in health care across America. Trust me, Rev. Evans is not interested in wedge issues that elect Republicans. He cares about forcing the Democratic Party – and black politicians especially – to pay more attention to the voices and values of its most faithful and numerous base, African-American churchgoers.

Marriage is not a partisan issue to me. The core moral truth–marriage is the union of male and female, of husband and wife, of mother with father–is bigger than the passing politics of today.

Maggie goes on to connect the dots to show what is happening in both political parties:

Rev. Evans thus has a lot in common, whether he knows it or not, with the emerging conservative GOP coalition in New York's 23rd Congressional District that wants to defeat GOP nominee Dede Scozzafava's bid to become the first pro-gay-marriage Republican in Congress.

I write this column as a participant, not a neutral observer: The National Organization for Marriage (of which I am president) has joined with prolife groups like Susan B. Anthony and Citizens United for Life, Gary Bauer's Campaign for Working Families, and the economic conservative powerhouse Club for Growth, to try to defeat the Scozzafava, and elect a third-party candidate, Conservative Doug Hoffman.

Club for Growth's latest poll shows Hoffman ahead and Dede Scozzafava fading badly under the combined attacks of Hoffman, Sarah Palin and Rush Limbaugh, her own extreme liberal record, not to mention the weird, miserable judgment her campaign showed in calling in police to deal with the reporter from a respectable magazine – *The Weekly Standard* – who asked too many pointed questions. As Brian Brown, NOM's executive director, put it: "How can she stand up for the interests of the people of New York's 23rd in Washington if she can't even deal with a reporter's questions without calling in the cops?"

Black churchgoers and white churchgoers belong, by and large with many individual exceptions, to different political parties.

Each party is now being put on notice: Some issues are far bigger than partisan labels. If you ignore the voices and values of your core constituents, they will ignore you.

A political revolution is brewing on both sides of the aisle. How long will it take for the politicians to notice?

We are just a few days away from a great and historic election. Tuesday, Nov. 3 is the election. There are key marriage votes in New Jersey (where both Jon Corzine and Chris Daggett support gay marriage, and only Chris Christie has promised to fight for your voices and your values) and in New York's 23rd, where the defeat of Dede Scozzafava would be a historic moment for our movement.

In Maine, we have a historic chance to demonstrate once again that even in a heavily Democratic and secular state like Maine, the people are not for gay marriage. In Maine the polls are very close. The gay-marriage movement's tactics of intimidation and harassment are stepping up. These tactics are deliberately designed to discourage and punish anyone who speaks up for God's truth about marriage–to misuse the law to treat the millions of good Americans who care about marriage like evil racists and discriminators.

Their tactics in Maine and elsewhere make it increasingly clear that our concerns are not hyperbole. This is a movement which plays hardball with power, and the power to repress and punish those who disagree with it is dear to their hearts. Most people, including most gay people, aren't like that. But the leaders of this movement are increasingly up-front and emboldened about their right to win no matter who loses, and what they intend to do with the power of the law if we give in to their demands.

Pray and fast--for victory and for the protection of those on the front lines of this great spiritual battle.

And then get to work! Vote yourself. Call your friends and relatives in New Jersey, New York and Maine. Pass this email on to five friends to build our network. Thanks to you we are fighting hard against lies and hate for marriage and religious liberty!

To serve with you in the cause of Truth and Love is the greatest honor a man can have. We know Who wins in the end, don't we?

God's blessing upon you, and remember me and my family in your prayers, too.

Brian S. Brown

Executive Director
National Organization for Marriage
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bbrown@nationformarriage.org

NOM Featured Interview
Brian Brown on DC's marriage fight
CBN News
October 27, 2009
Video link

NOM in the News
"Gay Marriage Threatens Establishment of Both Parties"
Maggie Gallagher
October 27, 2009
The Rev. Anthony Evans stepped up to the podium at Stand for Marriage D.C.'s rally last Sunday with a message for D.C. Council Chairman Vincent Gray: The black church will no longer partner with politicians of any race who work against its interests and its values.

"Right Battles GOP Choice in a Pivotal Race in New York"
New York Times
October 26, 2009
Ms. Dannenfelser, along with members of the National Organization for Marriage, which opposes efforts to legalize same-sex marriage, are helping to coordinate efforts on the ground in support of Mr. Hoffman.

"Gay marriage fights fuel debate over petitioners' rights"
Los Angeles Times
October 25, 2009
Karger pointed to a lawsuit filed Thursday by the National Organization for Marriage against Maine's campaign finance reporting requirements as another attempt to evade scrutiny. The group is the largest donor to efforts to repeal Maine's gay marriage law.

"Catholic donations to fight gay marriage top $550K"
Associated Press
October 23, 2009
Reports show that the National Organization for Marriage was by far the biggest contributor to Stand for Marriage Maine's political action committee.

"Historic vote on same-sex unions in Maine"
Washington Times
October 27, 2009

"For the first time, the citizens of a state have a chance to overthrow legislatively enacted same-sex marriage," said Brian Brown, executive director of the National Organization for Marriage, which opposes same-sex marriage.

"Sensing Its Moment, The Right Descends On NY-23"
New York Daily News
October 23, 2009
The group, which endorsed Hoffman on Sept. 28, is working in concert with the National Organization for Marriage on the social issues aspect of the NY-23 fight. It is also in touch with the Club for Growth, which Dannenfelser said is expected to spend upwards of $800,000 on Hoffman's behalf.

"Money fueling battle over gay marriage"
Bangor Daily News
October 23, 2009
But $1.1 million of the $1.4 million raised by Stand for Marriage Maine in October came from a single source: the National Organization for Marriage.

"Activists defend same-sex marriage"
Dubuque Telegraph Herald
October 25, 2009
In addition, the National Organization for Marriage has launched Reclaim Iowa, a multi-year campaign to ban same-sex marriage through a state constitutional amendment.

"Conservative Rebellion Explodes in New York over Extreme Liberal GOP Candidate"
Lifesite
October 23, 2009
So far, Hoffman has captured at least 19 total endorsements -- including the New York State Right to Life Party, Susan B. Anthony List, National Organization for Marriage, Fred Thompson, and Steve Forbes to name a few.

"Conservative surge"
World Magazine
October 27, 2009
Prominent Republicans Steve Forbes and Fred Thompson, the National Organization for Marriage, and the Concerned Women for America PAC have all backed [Hoffman].

"NY23 Hits Its Tipping Point"
CQPolitics.com
MSNBC
October 28, 2009
For more than two months, Hoffman's momentum has been building, as conservatives of all shapes and sizes and pedigrees -- Old Right barons (Mike Long, chairman of New York's Conservative Party; David Keene, chairman of the American Conservative Union; Ron Pearson, of the Conservative Victory Fund; Citizens for the Republic), new media conservatives (Erick Erickson of RedState; Michelle Malkin; Patrick Ruffini), social

conservatives (Concerned Women for America; the Susan B. Anthony List; Eagle Forum; National Organization for Marriage) and fiscal conservatives (Club for Growth; Steve Forbes; Dick Armey), and political leaders like Rick Santorum, Fred Thompson, Sarah Palin, and Tim Pawlenty -- have come together behind his candidacy.

"Setback for Group Fighting Gay Marriage in Maine"
New York Times
October 29, 2009
The Maine attorney general is prodding a national group that fights same-sex marriage to reveal its donors by Election Day, after a federal judge on Wednesday denied the group's request for a restraining order.

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April 3, 2013

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

Re: Request for Information and Documents

Mr. Wayne,

I am writing on behalf of the National Organization for Marriage ("NOM") in response to the Maine Commission on Governmental Ethics and Election Practices' ("Commission's") Request for Information and Documents (dated March 12, 2013) and Request for Information (March 18, 2013) (together, "Requests").

As NOM has previously explained, the subpoena served on NOM followed the form for a subpoena duces tecum provided for in M.R.C.P. 30(b)(5) and not a separate request for production of documents as provided in M.R.C.P. 34. Therefore, pursuant to the subpoena, the designated individual was to appear and bring documents to the deposition location. Notably, unlike the subpoena served previously, many of the Commission's Requests take the form of interrogatories.

Nevertheless, in order to facilitate the Commission's investigation and to show good faith, NOM voluntarily provides this response to the Requests.

In responding to the Commission's Requests, NOM reiterates and reasserts all objections previously made to the subpoena, including but not limited to objections to relevancy, scope, and constitutionality that were articulated in its petition to vacate or modify the subpoena.

Further, Maine defines "ballot question committee" (BQC) as a committee that "receives contributions or makes expenditures, other than by contribution to a political action committee, aggregating in excess of $5,000 for the purpose of initiating or influencing a campaign." 21-A

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M.R.S. § 1056-B. Because the referendum election was held November 3, 2009, any communications sent after that date are not responsive nor relevant to the question of whether NOM met the definition of BQC in 2009.

By voluntarily responding to the Requests, NOM is not admitting that it is in violation of the subpoena. Further, NOM asserts the right to supplement this response if additional responsive documents are discovered.

Request #1: "Please provide copies of the solicitation letters that are listed on the chart, produced by NOM on or about August 3, 2010, and attached hereto as Attachment #1. These letters were requested in discovery in *National Org. for Marriage v. McKee*, but were not produced."

Response: NOM reiterates and reasserts previously delineated objections. Specifically, NOM asserts that the documents herein requested are irrelevant to the Commission's investigation of whether NOM must register as a BQC under 21-A M.R.S. § 1056-B based on its activities supporting the 2009 People's Veto Referendum on marriage. ("2009 People's Veto"). The documents requested here involve activities wholly unrelated to the 2009 People's Veto and are not relevant to the matter before the Commission.

Because the referendum election was held November 3, 2009, any communications sent after that date are not responsive nor relevant to the question of whether NOM met the definition of BQC in 2009.

Further, NOM objects to the statement that all the requested letters were not produced in the federal discovery. Based on NOM's assessment, three of the letters NOM identifies here were produced in federal discovery. By producing additional documents here, NOM is not admitting that any previous discovery, in response to different requests, was in any way lacking.

To aid the Commission in the organization of the documents, NOM is providing the previously-produced documents along with any responsive documents that resulted from a reasonable search of all documents in its possession, custody, or control. (Attachment A.) Please note that, in order to show good faith and aid the Commission, NOM, to the best of its ability, is providing substantially similar documents and figures in place of the exact documents requested by the Commission for which NOM, after a reasonable search, was unable to find a copy or record.

Request #2: "Please indicate the dates and amounts of each contribution made in 2009 by each of the 14 donors who gave $5,000 or more to NOM in that calendar year...Although you continue to claim that this information has been provided, it has not."

Response: NOM reiterates and reasserts previously delineated objections. Specifically, NOM asserts that the documents herein requested are irrelevant to the Commission's investigation of whether NOM must register as a BQC under 21-A M.R.S. § 1056-B based on its activities supporting the 2009 People's Veto. The information requested here involves contributions wholly unrelated to the 2009 People's Veto and, therefore, are not relevant to the matter before the Commission.

Because the referendum election was held November 3, 2009, any communications sent after that date are not responsive nor relevant to the question of whether NOM met the definition of BQC in 2009.

Further, NOM objects to the assertion that it has failed to provide the requested information to the Commission. NOM has provided the requested documents relating to the dates and amounts of the contributions from the donors that gave more than $5,000 in 2009. Those documents include bank statements, thank you letters, and copies of checks. NOM does not have any documents or database information that list the dates and amounts of the contributions from 2009. Therefore, previously, NOM did not, and was not required to, create out of whole cloth a document that organized the requested information for the Commission. NOM does not believe such a task is or should be required of organizations under investigation when the Commission has access to the information in the form kept by the organization.

Nevertheless, to aid the Commission and so that the Commission may know that it is acting in good faith and with the best intentions, NOM has now created such a document for the Commission. (Attachment B.)

Request #3: "Please indicate the amount of money that NOM received in response to the following email solicitations:"

Response: NOM reiterates and reasserts previously delineated objections. Specifically, NOM asserts that the documents herein requested are irrelevant to the Commission's investigation of whether NOM must register as a BQC under 21-A M.R.S. § 1056-B based on its activities supporting the 2009 People's Veto. The documents requested here involve activities wholly unrelated to the 2009 People's Veto and are not relevant to the matter before the Commission.

Because the referendum election was held November 3, 2009, any communications sent or contributions received after that date are neither responsive nor relevant to the question of whether NOM met the definition of BQC in 2009.

To aid the Commission, NOM responds to the request for information below. When appropriate, NOM has noted which of the requested emails were not tracked and for which no responsive accounting records exists.

Date of Email	Total Amount Received
05/15/2009	$570
06/12/2009	N/A (No record of contributions received in response to this email.)
07/08/2009	$0
09/04/2009	N/A (No record of contributions received in response to this email.)
09/11/2009	N/A (No record of contributions received in response to this email.)

Request #4: "Please indicate, or provide all documents reflecting, the amount of money received by NOM in response to each of the solicitation letters listed on [Request #1]."

Response: NOM reiterates and reasserts previously delineated objections. Specifically, NOM asserts that the documents herein requested are irrelevant to the Commission's investigation of whether NOM must register as a BQC under 21-A M.R.S. § 1056-B based on its activities supporting the 2009 People's Veto. The documents requested here involve activities wholly unrelated to the 2009 People's Veto and are not relevant to the matter before the Commission.

Because the referendum election was held November 3, 2009, any communications sent or contributions received after that date are neither responsive nor relevant to the question of whether NOM met the definition of BQC in 2009.

To aid the Commission, NOM responds to the request for information below. These figures are tied to the documents NOM provided in response to Request #1, which may include substantially similar documents than those requested, for which NOM, after a reasonable search, was unable to find a copy or record.

Drop Date of Letter	Total Amount Received
1/26/2009	$15357.70
4/28/2009	$25638.18
4/13/2009[1]	$122839.61
5/18/2009[2]	$68933.75
6/22/2009[3]	$37024.94

[1] Although the date on the letter provided here is April 17, 2009, NOM believes this is the same letter the Commission requests. This document was produced in *NOM v. McKee*.

[2] Although the first page mentions Vermont, New Hampshire, New Jersey, New York, and Maine, this letter specifically seeks contributions for NOM's federal Defense of Marriage Act efforts. Of the 3,836-word letter, these state references take up merely 5 words and serve as context only. There are no calls for contributions for Maine activities. Furthermore, although the date on the letter provided here is May 8, 2009, NOM believes this is the same letter the Commission requests. This document was produced in *NOM v. McKee*.

[3] Although the first page of the letter mentions Massachusetts, Vermont, Maine, Iowa, Connecticut, and New Hampshire, this letter specifically seeks contributions for NOM's federal Defense of Marriage Act efforts. There are no calls for contributions for Maine activities.

7/8/2009[4]	$3506.00
7/20/2009[5]	$118886.80
7/28/2009[6]	$67131.49

Request #5: "Please provide all documents that reflect or describe the goods or services that NOM purchased as part of the following transaction, and include the geographic regions to which those services were directed...."

Response: NOM reiterates and reasserts previously delineated objections. Specifically, NOM asserts that the documents herein requested are irrelevant to the Commission's investigation of whether NOM must register as a BQC under 21-A M.R.S. § 1056-B based on its activities supporting the 2009 People's Veto. The expenditures referenced here were for activities wholly unrelated to the 2009 People's Veto and are not relevant to the matter before the Commission.

To aid the Commission and based on a reasonable search of all documents in its possession, custody, or control, NOM provides the documents that are responsive to this request. Please note that the relevant geographic regions are indicated on the invoices. (Attachment C.)

Request #1 (from March 18, 2013 request): "Please indicate the amount of money that NOM received in response to the five communications included [with the Request.]"

Response: NOM reiterates and reasserts previously delineated objections. Specifically, NOM asserts that the documents herein requested are irrelevant to the Commission's investigation of whether NOM must register as a BQC under 21-A M.R.S. § 1056-B based on its activities supporting the 2009 People's Veto. The documents requested here involve activities wholly unrelated to the 2009 People's Veto and are not relevant to the matter before the Commission.

To aid the Commission, NOM responds to the request for information below. When appropriate, NOM has noted which of the requested emails were not tracked and for which no responsive accounting records exists. For the Commission's convenience, NOM also provides copies of the emails. (Attachment D.)

---

[4] This newsletter mentions California, New Hampshire, Iowa, and Maine. These state references encompass less than one page of the newsletter. There are no calls for contributions for Maine activities.
[5] Although the first page mentions Vermont, New Hampshire, New Jersey, New York, and Maine, this letter specifically seeks contributions for NOM's federal Defense of Marriage Act efforts. There are no calls for contributions for Maine activities. This document was produced in *NOM v. McKee*.
[6] Based on a reasonable search of all documents in its possession, custody, or control, NOM has been unable to locate the text of this or a substantially-similar letter.

Date of Email	Total Amount Received from Email
10/2/2009	N/A (No record of contributions received in response to this email.)
10/9/2009	N/A (No record of contributions received in response to this email.)
10/15/2009[7]	$0
10/22/2009	$0
10/30/2009	N/A (No record of contributions received in response to this email.)

Please contact me with any questions or concerns.

Sincerely,

Kaylan L. Phillips
kphillips@actright.com

Enclosure: Attachments A-D.

cc: Phyllis Gardiner (*via E-mail: Phyllis.Gardiner@maine.gov*)

[7] From NOM's records, it appears this e-mail was distributed on October 14, 2009.

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RECEIVED
APR 16 2013
Maine Ethics Commission

April 12, 2013

(*via USPS and e-mail: Jonathan.Wayne@maine.gov*)
Jonathan Wayne, Executive Director
Maine Commission on Governmental Ethics
and Election Practices
135 State House Station
Augusta, Maine 04333-0135

Re: Questions following April 3, 2013 Response

Mr. Wayne,

I am writing on behalf of the National Organization for Marriage ("NOM") in response to the Maine Commission on Governmental Ethics and Election Practices' ("Commission's") questions concerning NOM's response to the Commission's Requests for Information and Documents.

As NOM has previously explained, the subpoena served on NOM followed the form for a subpoena duces tecum provided for in M.R.C.P. 30(b)(5) and not a separate request for production of documents as provided in M.R.C.P. 34. Therefore, pursuant to the subpoena, the designated individual was to appear and bring documents to the deposition location. Notably, unlike the subpoena served previously, many of the Commission's Requests take the form of interrogatories.

Nevertheless, in order to facilitate the Commission's investigation and to show good faith, NOM voluntarily provides this response to the Commission's follow-up questions.

In responding to the Commission's questions, NOM reiterates and reasserts all objections previously made to the subpoena, including but not limited to objections to relevancy, scope, and constitutionality that were articulated in its petition to vacate or modify the subpoena.

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By voluntarily responding to the questions, NOM is not admitting that it is in violation of the subpoena. Further, NOM reserves the right to supplement this response if additional responsive documents are discovered.

Question #1: "Could you please explain why the National Organization for Marriage (NOM) is unable to determine the amount of money it received through its donation webpage in response to six of the 2009 e-mails mentioning NOM's activities in Maine?[1] In his deposition for *National Org. for Marriage v. McKee* (see page 162 of transcript), Mr. Brown elaborated that the Kintera platform does allow NOM to determine which online donations were made in response to a particular e-mail communication."

Response: NOM reiterates and reasserts previously delineated objections. Specifically, NOM asserts that the accounting of money received through its donation webpage is irrelevant to the Commission's investigation of whether NOM must register as a BQC under 21-A M.R.S. § 1056-B based on its activities supporting the 2009 People's Veto. NOM did not solicit for activities in Maine. The accounting requested here involve donations given for general activities or activities wholly unrelated to the 2009 People's Veto and, therefore, are not relevant to the matter before the Commission.

To aid the Commission, NOM will treat this follow-up question as an interrogatory and elaborate on its answer.

The Kintera platform that NOM utilizes does allow NOM to track donations received in response to certain emails. **According to the Kintera reports, NOM received no donations in response to the emails sent 06/12/09, 09/04/09, 09/11/09, 10/02/09, 10/09/09, and 10/30/09.**

Due to some known errors in Kintera's system, NOM eventually created and implemented a tracking system of its own outside the Kintera system. In 2009, as NOM was developing its own tracking system, it still had to rely on Kintera reports in spite of the flaws. Specifically, the emails sent 06/12/09, 09/04/09, 09/11/09, 10/02/09, 10/09/09, and 10/30/09 were tracked by Kintera only, and not by NOM's not-yet-fully-implemented tracking system. In its Response, NOM provided an accounting that was based on the technical limitations of NOM's tracking systems at the time.

Question #2: "Will NOM be producing invoices for the bill payments made in October 2012 to Marketing Communications Services and Shubert Flint and checks # 1188 and 1189, listed on page 2 of my March 12, 2013 request? (attached) If so, please let me know by when NOM could make these available. These were requested by the Commission to verify whether or not the payments were for services related to the Maine people's veto referendum."

Response: NOM reiterates and reasserts previously delineated objections. Specifically, NOM asserts that the documents herein requested are irrelevant to the Commission's investigation of whether NOM must register as a BQC under 21-A M.R.S. § 1056-B based on its activities supporting the 2009 People's Veto. The expenditures referenced here were for activities wholly unrelated to the 2009 People's Veto and are not relevant to the matter before the Commission.

For its Response, NOM conducted a reasonable search of all documents in its possession, custody, or control and provided the documents that were responsive to the request.

Because of the Commission's unwillingness to accept as valid NOM's statement that none of these expenditures relate to the 2009 People's Veto without corroborating evidence, NOM contacted the relevant vendors to request documents or information related to the six remaining expenditures. NOM is now providing all relevant and responsive documents it received from the vendors. In some cases, the vendor did not respond with documents but did provide information regarding the purpose of the expenditure, which NOM outlines below.

10/8/2009: Marketing Communications Services	Radio Buy, New Jersey (Attachment E)
10/6/2009: Schubert Flint	Public Relations consulting
10/8/2009: Schubert Flint	Public Relations expenses
10/22/2009: Check 1188	Issue Advocacy Mailers, New Jersey
10/26/2009: Schubert Flint	Public Relations consulting
10/28/2009: Check 1189	Issue Advocacy Mailers, New York (Attachment F)

Please contact me with any questions or concerns.

Sincerely,

Kaylan L. Phillips
kphillips@actright.com

Enclosure: Attachments E and F.

cc: Phyllis Gardiner (*via E-mail: Phyllis.Gardiner@maine.gov*)

MARRIAGE:
$20 MILLION STRATEGY FOR VICTORY

Marriage will be won or lost in the United States in the next two to three years and victory or defeat in the United States will depend primarily on adequate resources. From a political angle, this strategy requires defeating the pro-gay Obama agenda: a pro-marriage President must be elected in 2012 (for more on Obama's intentions go to http://www.americanprinciplesproject.org/blogs/tags/homosexual-lobby/).

In less than two years since its creation, the National Organization for Marriage (NOM) has stopped New Jersey from enacting same-sex marriage (thus far), put Proposition 8 on the California ballot in 2008 and contributed to its passage, and invested substantial resources to stop gay marriage in New York. From January 1, 2009 to June 15, 2009, NOM has grown from a donor base of 8,000 to 30,000 and its active constituency has increased from 50,000 to 400,000 (The goal is 50,000 donors and 2,000,000 activists by the end of 2009.) During this time, NOM and APP have raised 4.0 million dollars.

In the United States we've demonstrated a key fact: with adequate resources, we can win the battle for hearts and minds on the marriage issue and then use what we've learned about winning this battle to launch a global movement to protect marriage.

To win marriage NOM/APP aim to raise an additional $20 million from July 1, 2009 to the Fall Elections of 2010. Thus far, $ 2 million have been raised.

I. THE STAKES

Marriage is a cornerstone of every known civilization. High rates of family fragmentation drive enormous public costs.[1] An antifamily culture affects economic performance, expands the regulatory and taxing powers of government, and threatens the family businesses that generate economic growth and prosperity.

Gay marriage is the tip of the spear, the weapon that will be and is being used to marginalize and repress Christianity and the Church.[2] What does the gay marriage idea mean once government adopts it? It means faith communities that promote traditional families should be treated in law and culture like racists. It means that the authority of parents to transmit moral values to children will be eroded.

II. CAN WE WIN?

The current state of despair over the future of marriage is manufactured, a weapon in our opponents' hand. Our U.S. experience is that victory is possible, even likely, provided we have the resources to fight this battle. (This is why gay marriage advocates have focused relentlessly

on harassing and intimidating local donors, to cut off the debate by limiting resources,[3] which is why one key advantage we now have is the capacity to protect the identity of our donors.)

The National Organization for Marriage (NOM) and allies have won key victories both in courts of law and at the ballot box.[4]

Gay marriage has lost 30 out of 30 times when put to voters—not only in culturally and politically conservative states like Louisiana (78 to 22 percent) and Alabama (81 to 19 percent) but also in progressive, liberal states like Wisconsin (59 to 41 percent) and Oregon (57 to 43 percent).

Just this past November in California, one of the most liberal states in the U.S., the majority again rejected gay marriage, as did voters in Florida (62 percent to 38 percent) and Arizona (56 to 44 percent).

The latest Gallup poll shows that more than six years after gay marriage first became a national issue most Americans continue to oppose gay marriage (57 percent to 40 percent). By a margin of four to one, more Americans believe gay marriage will hurt our society (48 percent) than make society better off (13 percent).[5]

The latest CBS News/NYT poll shows a sharp drop in the proportion of Americans who support for gay marriage, from 42 percent in April to 33 percent today.[6]

Despite several recent high-profile court victories, the majority of U.S. courts have rejected the idea that gay marriage is a constitutional right, including the high court of New York (2006), Washington State (2006), New Jersey (2006) and Maryland (2007). We contributed by organizing highly respected scholars to sign onto amicus briefs supporting marriage in each of these cases.[7]

We have learned much about how to win the marriage battle. What we need now is to find the resources to prosecute and expand this strategy to win marriage in the U.S., and to expand it into a global movement.

III. MARRIAGE: A STRATEGY FOR VICTORY

Our goal is to use a victory in the U.S. to launch a global movement to reverse the tide on cultural and legal respect for core family values like marriage.

Our strategy for victory is four pronged:

A. Fall 2009 (November) Elections

Prevent gay marriage from being enacted in New Jersey and nullify the legislature-enacted gay marriage bill in Maine.

1. New Jersey

Early polls for the November 2009 New Jersey gubernatorial race show the pro-marriage Republican candidate leading the pro-gay marriage Democratic incumbent by a wide margin (15% or more). It appears likely the incumbent will make marriage a top election issue, and a Republican victory is necessary but not sufficient for stopping gay marriage in New Jersey. Even if the Republican wins and more so, it is expected the democratic controlled Legislature will attempt to pass gay marriage during the lame duck session (after election and before the new governor takes office). Killing the bill in the Senate is our best hope for the defeat of SSM in New Jersey—and funding this fight immediately is urgent because a possible vote is only a few short months away. We will launch an integrated direct mail, automated calling, e-mail outreach and media effort focusing on ten key Senate districts. Schubert and Flint will manage the New Jersey effort and create at least one New Jersey specific television and radio commercial for this effort. Because of the high cost of media in New Jersey these ads will likely not run state-wide, but will focus on the targeted Senate districts.

Amount of this pledge to be devoted to New Jersey [(c)(4)]:	**$ 600,000**
NOM Budget for New Jersey [(c)(4)]:	$ 1,000,000
Amount Raised for New Jersey to date [(c)(4)]:	$ 200,000

2. Maine

Maine is strategically important because it presents the only opportunity in 2009 to nullify a legislature-enacted same-sex marriage law passed in May 2009, by a ballot measure and thus demonstrate—contrary to what the national press would have us believe, that once again, when the people are allowed to decide, they support traditional marriage (April 2009 polls show 49.5 % of the people of Maine favor traditional marriage, and this is possible now higher since it is before the legislature passed the gay marriage law thus angering the people, and also, polls historically understate the traditional marriage position—some people just don't want to say they are for traditional marriage to a pollster). NOM has helped create and manage the StandforMarriageMaine.com referendum committee and is pleased to report that we are now close to having the signatures necessary to be on the ballot for the November, 2009 election. Schubert and Flint Public Affairs who managed the successful Proposition 8 campaign is managing the Maine campaign. We are working closely with the Catholic Church and Bishop Malone of Portland. NOM Executive Director Brian Brown serves on the Executive Committee of the Maine Campaign alongside Marc Mutty the Catholic Church's Director of Public Affairs. The seed money that NOM initially provided has encouraged Bishop Malone to lead the fundraising effort—to date he has raised $150,000 and more than matched our initial funding.

A victory in 2009 in Maine is critical to stopping the momentum of the same-sex marriage movement in the Northeast. The total budget for Maine is $3 million dollars. We cannot designate any money given to NOM to the Maine effort because of disclosure requirements. But we do plan on contributing at least $200,000 (in addition to the money we have already either helped raise or given to the effort) over the next few months.

Amount of this pledge to be devoted to Maine [(c)(4)]:	**$ 200,000**

NOM Budget for Maine [(c)(4)]:	$ 1,000,000
Amount Raised for Maine to date [(c)(4)]:	$ 500,000

3. *Beginning in 2009 and through 2012, roll back same-sex marriage where it has been imposed by courts or enacted by legislatures (Massachusetts, Connecticut, Vermont, New Hampshire, Maine and Iowa).*

Of these six states, New Hampshire and Iowa are the two states that have direct implications for the 2012 presidential elections and also they happen to be ones where it is possible to roll back. For these reasons, priority will be given to these; should opportunities develop in Connecticut, Vermont and Massachusetts if momentum builds in our favor, these will be explored; more on New Hampshire and Iowa below.

B. GO ON THE OFFENSE

Win victories by pushing for marriage amendments in conservative states, North Carolina, Pennsylvania and Indiana will be the top priorities.

A strategic priority is to aim for state marriage amendments in 2010 in politically significant, social conservative states including: Pennsylvania (51% oppose gay marriage in poll taken in 3/09), North Carolina (44.4% oppose gay marriage and civil unions in poll taken in 3/09), and Indiana (49% favored a marriage protection amendment in 2007).

Pro-marriage groups in states like Pennsylvania have relied on diffuse public opinion rather than sophisticated political organizing to push marriage amendments in these states. Gay marriage is not high on many voters' priority lists, even in liberal states.[8] Gay marriage advocates are counting on voter apathy to permit them to play to their well-funded base and to please their donors and the media instead of voters.

To counteract these efforts, NOM is using sophisticated technology to reach out to voters, supplemented by persuasive radio, TV, and internet advertising to (a) identify the marriage voters for future electoral purposes, (b) generate phone calls to legislators from constituents, and (c) fundraise. The goal is to reach two million marriage activists and 50,000 small donors by the end of 2009. But this is not enough; gay marriage advocates have spent millions to knock off pro-family leaders in key state legislatures.[2]

The goal of the Two Million for Marriage effort is to use the Obama administration's priority of the repeal of DOMA to rally a nationwide donor and activist base to create two million activists and 50,000 donors by the election of 2010. We have already launched a 2 Million dollar e-mail, direct mail, and automated call campaign and have gained nearly 400,000 supporters and roughly 15,000 new donors in our first few months of this effort. Senator Rick Santorum has served as the face of this effort through e-mail and direct mail. Senator Santorum has recently agreed to use his voice in a nationwide automated call effort to solicit activists and donations. This $300,000 would allow us to call all of our most likely supporters nationally—nearly 2 million potential supporters. Given our prior efforts, we can expect roughly ten percent of these

orientation with race. We need to make traditional sexual morality intellectually respectable again in elite culture. And we need to give people an alternative way of thinking about gay rights issues, one that does not lead to the misuse of the power of government to crush dissent in the name of fighting discrimination.

6. Behind Enemy Lines, Document the Victims in Europe

We have learned how to make the coercive pressures on religious people and institutions an issue in the United States. We will use this knowledge to raise the profile of government attacks on the liberties of religious people and institutions in Europe, both for internal domestic consumption in Europe and to halt the movement towards gay marriage worldwide.

7. Behind Enemy Lines: Document the Victims—Keeping Gay Marriage controversial in Massachusetts, Vermont, and Connecticut

Document the consequences of gay marriage and develop an effective culture of resistance. Polling data in Massachusetts indicate that six years after courts imposed gay marriage, public opposition to gay marriage is surprisingly strong. It is also, however, very quiet, in part because people fear retaliation and harassment if they speak up for traditional marriage ideas. (In a recent poll 36 percent of people who oppose gay marriage agreed that" if you speak out against gay marriage in Massachusetts you really have to watch your back because some people may try to hurt you."[III])

Fund a media campaign to support the idea that children need mothers and fathers and to highlight threats and promise support to any citizens attacked for their pro-marriage views; commission polling and other studies to document consequences of gay marriage; and gather a rapid-response team of videographers and reporters to collect and record stories of those who have been harassed, threatened or intimidated as a result of their support for traditional views on marriage and sexuality across the country and also in Europe and abroad.

IV. BUDGET & FUNDRAISING

	PLEDGED July 2009	PLEDGED End 2009	TO BE RAISED
NOM New Jersey c (4)	$ 550,000		$ 450,000
NOM Maine c (4)	$ 100,000		$ 900,000
NOM 2 MM for Marriage c (4)	$ 100,000	$ 100,000	$ 1,800,000
NOM Iowa c (4)		$ 100,000	$ 900,000
NOM New Hampshire (c (4)		$ 300,000	$ 1,700,000
NOM State Emerg Fund c(4)		$ 250,000	$ 4,750,000
NOM – Federal Pac			$ 1,000,000
APP c (3)`125,000	$ 125,000	$ 750,000	
APP c (4)	$ 125,000	$ 125,000	$ 750,000
Cultural Strategies			$ 5,000,000
TOTAL	$ 1,000,000	$ 1,000,000	$ 18,000,000
TOTAL CAMPAIGN			$ 20,000,000

calls to bear fruit in new activists and one percent to become donors. That's 200,000 new activists and 20,000 new donors.

Amount of this pledge to be devoted to Two Million for Marriage:	$ 300,000
NOM Budget for Two Million for Marriage [(c)(4)]:	$ 2,000,000
Amount Raised for Two Million for Marriage to date [(c)(4)]	$ 3,000,000

C. Nationalize the issue in the context of the next U.S. presidential election

Marriage needs to be a national (and ultimately international) effort, not just a local or regional issue. If marriage is going to be preserved as between a man and a woman in the United States two things must happen: the pro-gay agenda of President Obama must be defeated in 2012, and replaced by one that expressly articulates a pro-marriage culture. For this to happen, we count on three things:

1. Iowa, New Hampshire Project, and the State Emergency Reserve Fund

New Hampshire and Iowa are the two states that lead off the U.S. presidential primaries. Presidential elections are launched immediately after the mid-term (2010) elections. We expect the effort to take back these legislatures will take us beyond the 2010 election and into 2012. However, by making marriage an issue in the 2010 election in these states, we expect to force presidential contenders to have to deal with the issue, and since we know these are generally pro-marriage states, we anticipate pro-marriage candidates to do well and thus influence the U.S. presidential races in 2012.

a. Iowa

We are in the process of hiring one full-time political organizer to identify key races in Iowa, begin candidate recruitment, and to manage our overall efforts in Iowa. We know that there are key opportunities in Iowa, and have been working closely with Congressman Steven King to lay out a plan for Iowa to flip the legislature. This money will be used to both hire a full-time employee, set-up and administer an office, and to deal with the legal obligations in creating and administering a state political action committee.

Amount of this pledge to be devoted to Iowa [(c)(4)]:	$ 100,000
NOM Budget for Iowa [(c)(4)]:	$ 1,000,000
Amount Raised for Iowa to date [(c)(4)]:	$ 100,000

b. New Hampshire

Passage of same-sex marriage in New Hampshire has brought Democratic Governor John Lynch's election numbers down to the lowest point in his entire term. We are working with Republican party chairman and past Governor John Sununu to implement a plan to both defeat

Governor Lynch and flip both houses of the legislature. We have already helped defeat one pro-same sex marriage candidate in a special election. We are targeting 100 House districts and 10 Senate districts. The overall budget for our part of this effort is two-million dollars—1 million to defeat Lynch and 1 million to flip the legislature. Most of this money will be spent in 2010, but we have budgeted $300,000 to continue our successful "Lynch Lied" radio and television campaign targeting Lynch and continuing with our successful automated call voter ID and donation program.

Amount of this pledge to be devoted to New Hampshire [(c)(4)]:	**$ 300,000**
NOM Budget for New Hampshire [(c)(4)]:	$ 2,000,000
Amount Raised for New Hampshire to date [(c)(4)]:	$ 200,000

c. State Emergency Reserve Fund

We have to be ready for a decisive, rapid and effective response in whatever states gay marriage advocates decide to act to push gay marriage. Such a state emergency fund will also act as a discouragement to politicians tempted by their base to push this divisive issue on their constituents.

Given the threats of intimidation to donors who support marriage in California and nationwide we face a serious hurdle in getting state ballot initiatives and candidate campaigns funded because donors must be disclosed. However, if NOM makes a contribution from its own resources that are not specifically designated for one of these efforts donor identities are NOT disclosed. Given that a ballot initiative is likely to be on the ballot to overturn Proposition 8 in 2010, that Maine may require additional funding, that both Iowa and New Hampshire require disclosure of donors for political activity—it is critical that we have a reserve fund to give to these efforts to ensure victory and protect donor identity. Our goal is to raise 1 million for this reserve fund in 2009 and 1 million in 2010 before the 2010 elections. $250,000 of your gift will serve as seed money to encourage other donors to give.

Amount of this pledge to be devoted to State Emergency Reserve:	**$ 250,000**
NOM Budget for State Emergency Reserve Fund [(c)(4)]:	$ 5,000,000
Amount Raised for State Emergency Reserve Fund [(c)(4)]:	$ 100,000

2. Federal Marriage Political Action Committee – Budget Allowance 1 million

As we build assets in specific states (identifying marriage voters, activists and small donors) we want to direct these assets to electing pro-marriage legislators in Congress. A Federal Marriage Political Action Committee (PAC) will help us block the repeal of the Defense of Marriage Act, influence Supreme Court nominations, and promote a federal marriage amendment.

Building a network of regional political directors will help us identify and recruit candidates. Politically significant states (besides New Hampshire and Iowa) in Senate and

presidential politics include: South Carolina, Florida, Ohio, Minnesota, Indiana, Pennsylvania, Nevada, Connecticut, New Mexico, Nevada, Colorado, Indiana, and Michigan.

3. Sideswiping Obama

Expose Obama as a social radical. Develop side issues to weaken pro-gay marriage political leaders and parties and develop an activist base of socially conservative voters. Raise such issues as pornography, protection of children, and the need to oppose all efforts to weaken religious liberty at the federal level. This is the mission of the American Principles Project (www.americanprinciplesproject.com).

The monthly operating budget for American Principles Project is approximately $50,000. APP is currently developing a comprehensive blog to cover all issues that impinge on founding principles, is operating on Facebook and Twitter, and has several social networks for professors and students in the formative stages. In addition, APP has launched a project to contact Congress on keeping the Guantanamo prison open and in opposing the appointment of Kevin Jennings to the Safe Schools position at the Department of Education. We plan two comprehensive projects for the next six months that require separate funding.

The Preserve Innocence Project will monitor all administration initiatives from the White House, Department of Justice, Education Department, and the Health and Human Services Department that affect the welfare of children. We will put a special focus on exposing those administration programs that have the effect of sexualizing young children. We will provide a weekly update to Congress, to conservative leaders and to the national media on personnel or policy threats to childhood innocence. We will work with Congress to develop appropriate legislation to reverse current Department of Education policies that use the Safe Schools program to foist de facto sex education on children as young as kindergarten age. The cost for promoting this program is $150,000.

There is an opportunity to develop a strong Hispanic voice for foundational American principles. Hispanics are socially conservative and economically entrepreneurial. The conservative movement has done little to forge close ties with a community that may soon become the single most pivotal voting bloc in national elections. The APP project will develop young Hispanic spokesmen for traditional values. We will establish an internet home for Hispanics who want to participate actively in developing arguments to their community on behalf of core principles. We anticipate this project to be self-funding from new financial sources within nine months of its inception. Personnel and start-up/operating costs will be $150,000.

Amount of this pledge to be devoted to APP [(c)(4)]:	**$ 125,000**
Amount of this pledge to be devoted to APP [(c)(3)]:	**$ 125,000**
APP Budget [(c)(3) and (c)(4)]:	$ 1,000,000
Amount Raised:	$ 250,000

D. Cultural Strategies (Budget allowance – 5 million).

We supplement this political strategy by a cultural one aimed at making support for marriage (and opposition to gay marriage) a marker of identity for Latinos (and African-Americans), developing a network of next generation leaders at elite college campuses, and developing a culture of resistance in the small number of states that have gay marriage.

1. Internationalizing the Marriage Issue: a Pan-American strategy.

The Latino vote in America is a key swing vote, and will be so even more so in the future because of demographic growth: Will the process of assimilation to the dominant Anglo culture lead Hispanics to abandon traditional family values? We can interrupt this process of assimilation by making support for marriage a key badge of Latino identity.

We aim to identify young Latino and Latina leaders, especially artists, actors, musicians, athletes, writers, and other celebrities willing to stand for marriage, regardless of national boundaries. We will develop Spanish language radio and TV ads, develop pamphlets, you tube videos, and church handouts.

2. The Next Generation Project

The Latino identity project will also help us in building a community that can reach out to the next generation of other Americans as well. By conducting student conferences, speakers and debates, we aim to find, train, and equip young leaders on the marriage issue at Ivy League and equivalent colleges. NOM has launched the Ruth Institute for this purpose and is working with the Love and Fidelity Network to replicate the success of the Anscombe Model on the Princeton Campus.[10]

3. Not a Civil Right Project

The strategic goal of this project is to drive a wedge between gays and blacks—two key Democratic constituencies. We aim to find, equip, energize and connect African-American spokespeople for marriage; to develop a media campaign around their objections to gay marriage as a civil right; and to provoke the gay marriage base into responding by denouncing these spokesmen and women as bigots. No politician wants to take up and push an issue that splits the base of the party.

4. International Scholars Project

Identify and nurture a worldwide community of highly credentialed intellectuals and professional scholars, physicians, psychiatrists, social workers, and writers to credential our concerns and to interrupt the silencing that takes place in the academy around gay marriage and related family issues. Marriage as the union of husband and wife has deep grounding in human nature, and is supported by serious social science.

5. Raising the Negatives on Homosexuality/Interrupting the Race Analogy

Ultimately we aim to raise the costs of identifying with gay marriage, and also raise the attractiveness of identifying with traditional marriage. But we also need to accomplish a sophisticated cultural objective: interrupt the attempt to equate gay with black, and sexual

(c)(4) National Organization for Marriage

(c)(3) American Principles Project

(c)(4) American Principles in Action

[1] *See* Benjamin Scafidi, *The Taxpayer Costs of Divorce and Unwed Childbearing* (New York: Institute for American Values, 2008).

[2] *See, e.g.,* Letter dated April 20, 2009 from Professor Thomas Berg (Univ. of St. Thomas Law), Professor Carl Esbeck (Univ. of Missouri Law), Professor Robin Fretwell Wilson (Washington & Lee Univ. School of Law), and Professor Richard W. Garnett (Notre Dame Law) to Speaker Christopher Donovan, Connecticut House of Representatives (available at http://mirrorofjustice.blogs.com/files/letter-to-rep.-donovan-re-bill-899-04-20-09.pdf); Douglas Laycock, et al., eds., *Same-Sex Marriage and Religious Liberty: Emerging Conflicts* (New York: Rowman & Littlefield, 2008); Maggie Gallagher, Banned in Boston: The Coming Conflict Between Same-Sex Marriage and Religious Liberty, *The Weekly Standard*, May 16, 2006.

[3] *See, e.g.,* Rebecca Cathcart, Donation to Same-Sex Marriage Foes Brings Boycott Calls, *The New York Times*, July 17, 2008, at A15; Tami Abdollah & Cara Mia DiMassa, Prop 8 Foes Shift Attention; The Initiatives Backers Strongly Object to the New Focus on Boycotts, *Los Angeles Times*, November 14, 2008, at A1; Jesse McKinley, Theater Director Resigns Amid Gay-Rights Ire, *The New York Times*, November 13, 2008, at C1; Jennifer Garza, Prop 8 Opponents Target Supporters, *The Oregonian*, November 13, 2008; Valerie Richardson, California Prop 8 Donors Sue for Privacy; Harassment Cited in Case on Campaign Rules, *Washington Times*, March 23, 2009, at A1.

[4] NOMs initial entry into state-level marriage debate was in the 2007 New Jersey state races, where NOM helped to elect two pro-marriage state legislators, and was credited with helping to make same-sex marriage too controversial to be taken up by the lame duck legislature. See NJ Lawmakers Urged to Move on Gay Marriage Bill, 365Gay.com, January 10, 2008; Geoff Mulvihill, Gay Marriage Debate Intensifies as Conservatives Get Organized, Associated Press, Dec. 15, 2008.

NOM also played a key role in Californias Prop. 8 campaign, initially helping to get the measure on the ballot and eventually becoming the largest single donor to the Prop 8 campaign. Geoff Mulvihill, NJ Group Makes Waves in Calif. Gay Marriage Debate, *Newsday*, July 27, 2008; Tasmin Shamma, Princeton-Based Nonprofit was the Top Donor to Fight Prop 8, *Daily Princetonian*, November 19, 2008.

This spring, NOM launched its 2009 Northeast Action Plan, aimed at organizing opposition to same-sex marriage throughout the Northeast U.S. Despite the recent entry onto the state political scene in these states, NOM has worked closely with state groups to fund robocalls, polling, and grassroots organizing activities. *See, e.g.,* Jeremy W. Peters, Group Begins Ad Blitz Against Same-Sex Marriage, *The New York Times*, May 28, 2009, at A22.

Dovetailing with the state efforts is a $1.5 million national media campaign aimed at drawing attention to the consequences of same-sex marriage, as people of faith are increasingly denounced as bigots simply because they stand up for marriage. Already, hundreds of thousands of people have seen our ads on YouTube, with millions more watching the national TV coverage generated by our ad campaign. *See, e.g.,*

NBC Today Show, Carrie Prejean Speaks About Same-Sex Marriage, April 30, 2009; CNN.com, Miss California USA to Appear in Conservative TV Ad, April 30, 2009; Valerie Richardson, Finding Her New Cause, Prejean Promotes Marriage, Washington Times, April 29, 2009, at A18.

[5] See Jeffrey M. Jones, Majority of Americans Continue to Oppose Gay Marriage, Gallup Poll, May 27, 2009, available at http://www.gallup.com/poll/118378/Majority-Americans-Continue-Oppose-Gay-Marriage.aspx.

[6] Poll: Support for Gay Marriage Dips, CBSNews.com Political Hotsheet, June 17, 2009, available at http://www.cbsnews.com/blogs/2009/06/17/politics/politicalhotsheet/entry5094597.shtml.

[7] See Anemona Hartocollis, New Yorks Highest Court to Rule on Gay Marriages, *The New York Times*, July 4, 2006 (discussing the friend of the court brief that we filed in New York on behalf of James Q. Wilson and thirteen other prominent scholars). Several of the briefs that we prepared and filed are available at www.domawatch.org. *See also, Marriage and the Public Good: Ten Principles* (Princeton, NJ: The Witherspoon Institute, 2006), available at www.princetonprinciples.com.

[8] Nationally, just 2 percent of Americans tell pollsters that addressing same-sex marriage is their top legislative priority for the federal government. (NBC/Wall Street Journal Poll, June 12-15, 2009, available at http://msnbcmedia.msn.com/i/msnbc/sections/news/090617_NBC-WSJ_poll_Full.pdf (percent listing social issues such as abortion and same-sex marriage as the top priority for the federal government). Even among those who do feel strongly about the issue, Gallup found the strongest feelings to be held by same-sex marriage opponents. Just 2 percent of gay marriage supporters told Gallup pollsters that they would vote only for a legislator who shares their views on same-sex marriage, compared to 26% of same-sex marriage opponents. Lydia Saad, CA Ruling on Same-Sex Marriage Bucks Majority View, Gallup.com, May 15, 2008, available at http://www.gallup.com/poll/107305/Ruling-SameSex-Marriage-Bucks-Majority-View.aspx. Similar patterns hold true in New England states where the polling data is available. Recent polling that NOM helped sponsor in Rhode Island found just 7 percent of Rhode Islanders see the legalization of same-sex marriage as a top issue for governmental action. See Victor Profughi, Quest Research June Rhode Island Issues Survey, Quest Research, June 15, 2009, available at www.nomrhodeisland.org.

[9] Joshua Green, They Wont Know What Hit Them, *Atlantic Monthly*, March 2007, available at http://www.theatlantic.com/doc/200703/tim-gill.

[10] *See* Rachel Aviv, On a Date With . . . The Founders of True Love Revolution, Harvards Abstinence Society, *The New York Times*, July 29, 2007.

[11] 2009 NOM Massachusetts Marriage Survey, Five Years After Goodridge: Gay Marriage Divides Massachusetts Voters, May 17, 2009, available at www.nationformarriage.org.

National Organization for Marriage New Jersey Budget
2009 Election and Lame Duck Session
Draft 2 - August 1, 2009

	Budget			
	Phase One		Phase Two	
BASE BUDGET	September	October	November	Total
Office/Administration				
Phone/Fax/Misc.	500	500	500	1,500
Shipping/Printing/Copies	500	500	500	1,500
Travel	3,000	3,000	3,000	9,000
Subtotal, Office	$4,000	$4,000	$4,000	$12,000
Voter Research				
Baseline Survey	25,000			25,000
Subtotal, Research	$25,000	$0	$0	$25,000
Grassroots				
Robo Calls	40,000	30,000	30,000	100,000
Voter File Match/Enhancement	25,000			25,000
Website	20,000			20,000
Subtotal, Grassroots	$85,000	$30,000	$30,000	$145,000
Earned Media				
Conferences/Ed Boards				0
Subtotal, Earned Media	$0	$0	$0	$0
Legal	$2,500	$2,500	$2,500	$7,500
Accounting	$2,500	$5,000	$5,000	$12,500
Fundraising				
Consultant				0
Subtotal, Fundraising	$0	$0	$0	$0
Misc./Contingency	$1,000	$10,000	$10,000	$21,000
Total, Operations Budget	$120,000	$51,500	$51,500	$223,000
PAC Contributions/Indep. Expend				
Legislative races	50,000	0	0	50,000
Governor's race	150,000		0	150,000
Subtotal, PAC Contributions	$200,000	$0	$0	$200,000
Paid Media Budget				
Direct Mail				
Direct Mail	150,000	50,000	50,000	250,000
Subtotal, Mail	$0	$50,000	$50,000	$100,000
Campaign Media				
Television	0	0	0	0
Cable		325,000	325,000	650,000
Radio		100,000	100,000	200,000
Phone Banking		40,000	40,000	80,000
Online Advertising/Recruitment	35,000	35,000	35,000	105,000
Production		25,000	25,000	50,000
Subtotal, Campaign Media	$0	$525,000	$525,000	$1,085,000
Subtotal, Paid Media	$200,000	$575,000	$575,000	$1,385,000
Total Budget	$320,000	$626,500	$626,500	$1,608,000

Maine Marriage Referendum Campaign Budget
November, 2009 Election
Draft 6 - August 1, 2009
Recommended Media Levels

	BASE BUDGET	May	June	July	August	September	October	November	Total
1	Signature Gathering	$50,000	$135,000	$100,000					$285,000
	Office/Administration								
2	Phone/Fax	250	2,000	2,000	2,000	2,000	2,000	1,000	11,250
3	Shipping/Printing/Copies	250	1,500	1,500	1,500	1,500	1,500	1,000	8,750
4	Travel - Consultants	3,000	3,000	3,000	3,000	3,000	3,000	1,500	19,500
5	Travel - In State		2,500	2,500	2,500	2,500	2,500	1,500	14,000
6	Campaign Office		3,500	1,750	1,750	1,750	1,750	1,000	11,500
7	Campaign Chair (Marc Mutty)		2,500	2,500	2,500	2,500	2,500	2,500	15,000
8	Deputy Director (Mary Conroy)		5,455	5,455	5,455	5,455	5,455	2,725	30,000
9	Evangelical Pastor Reimb. (Emrich)		2,500	2,500	2,500	2,500	2,500	2,500	15,000
10	Admin Staff (Chris)	0	1,200	1,200	1,200	1,200	1,200	600	6,600
	Subtotal, Office	$3,500	$24,155	$22,405	$22,405	$22,405	$22,405	$14,325	$131,600
	Voter Research								
11	Segmentation Study			55,670					55,670
12	Interactive Audience Response Tests (2)				38,350				38,350
13	Strategy Refinement Survey					26,500			26,500
14	Tracking Surveys					13,500	58,500	4,500	76,500
15	Gary Lawrence Consulting			6,000	6,000	6,000	6,000		24,000
	Subtotal, Research	$0	$0	$61,670	$44,350	$46,000	$64,500	$4,500	$221,020
16	Issue Consulting	$0	$0	$0	$5,000	$5,000	$0	$0	$10,000
	Grassroots								
17	Website		12,500	12,500	12,500	12,500	5,000	5,000	60,000
18	Collateral	0	0	75,000	50,000	50,000			175,000
19	Grassroots Director (Ryan Hamdan)	0	0	3,000	3,000	3,000	3,000	1,000	13,000
20	Field Coordinators (2)				5,000	5,000	5,000	2,000	17,000
	Subtotal, Grassroots	$0	$12,500	$90,500	$70,500	$70,500	$13,000	$8,000	$265,000
	Earned Media								
21	Conferences/Events			1,500	0	1,500	100,000		103,000
22	Communications Director (Scott Fish)			6,000	6,000	6,000	6,000	1,000	25,000
	Subtotal, Earned Media	$0	$0	$7,500	$6,000	$7,500	$106,000	$1,000	$128,000
	Campaign Management								
23	SFPA	10,000	20,000	20,000	30,000	30,000	30,000	15,000	155,000
	Subtotal, Campaign Management	$10,000	$20,000	$20,000	$30,000	$30,000	$30,000	$15,000	$145,000
24	Legal	$0	$3,500	$3,500	$3,500	$3,500	$3,500	$3,500	$21,000
25	Accounting	$0	$5,000	$5,000	$7,500	$7,500	$7,500	$10,000	$42,500
	Fundraising								
26	Sterling Corporation	0	10,000	10,000	10,000	10,000	10,000	10,000	60,000
	Subtotal, Fundraising	$0	$10,000	$10,000	$10,000	$10,000	$10,000	$10,000	$60,000
27	Misc./Contingency	$1,000	$10,000	$10,000	$10,000	$20,000	$20,000	$20,000	$91,000
	Total, Operations Budget	$64,500	$220,155	$330,575	$209,255	$222,405	$276,905	$86,325	$1,409,120
	Paid Media Budget								
	Direct Mail								
28	Direct Mail					150,000	150,000		300,000
	Subtotal, Mail	$0	$0	$0	$0	$150,000	$150,000	$0	$300,000
	Campaign Media (recommended)								
29	Television (4120 TRPs)					240,785	361,177		601,962
30	Cable (2060 TRPs)					123,303	184,955		308,258
31	Radio (2425 TRPs)					210,000	315,000		525,000
32	Online Advertising				25,000	50,000	100,000		175,000
33	Production					130,000	130,000		260,000
	Subtotal, Campaign Media	$0	$0	$0	$25,000	$754,088	$1,091,132	$0	$1,870,220
	Subtotal, Paid Media	$0	$0	$0	$25,000	$904,088	$1,241,132	$0	$2,170,220
	Total Budget	$64,500	$220,155	$330,575	$234,255	$1,126,493	$1,518,037	$86,325	$3,579,340

CONFIDENTIAL

COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES
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2009 FILING SCHEDULE
For Ballot Question Committees

REQUIRED FOR ALL BALLOT QUESTION COMMITTEES		
TYPE OF REPORT	**FILING DEADLINE (BY 11:59 P.M.)**	**REPORT PERIOD**
April Quarterly	April 10, 2009	January 6, 2009 – March 31, 2009
July Quarterly	July 15, 2009	April 1, 2009 – July 5, 2009
October Quarterly	October 13, 2009	July 6, 2009 – September 30, 2009
January Quarterly	January 19, 2010	October 1, 2009 – December 31, 2009
In addition to quarterly reports, committees involved in the November 3 election will be required to file pre- and post-election reports according to the following schedule.		
11-Day Pre-Election	October 23, 2009	October 1, 2009 – October 20, 2009
42-Day Post-Election	December 15, 2009	October 21, 2009 – December 8, 2009

24-Hour Reports (for committees participating in the November 3 election)

24-HOUR REPORT PERIOD (13 DAYS BEFORE THE ELECTION)	WHAT TO REPORT	WHEN TO FILE THE REPORT
October 21, 2009 – November 2, 2009	Any single expenditure of $500 or more. Orders placed with or obligations made to vendors for goods or services are considered expenditures at the time the obligations are made.	Within 24 hours, including weekends and holidays, of making the expenditure, incurring the obligation, or placing the order and can be filed via the electronic filing website.

Important Information

Commission staff will be available until 5:00 p.m. on filing deadlines to assist ballot question committees. Failure to seek out timely assistance from staff regarding the filing of reports will not be considered a mitigating circumstance if the report is filed late.