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March 9, 2012

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OFFICE OF GENERAL
COUNSEL

Anthony Herman, Esq.
General Counsel
FEDERAL ELECTION COMMISSION
999 E Street, N.W.
Washington, D.C. 20463

Re: Advisory Opinion Request of Mr. Shaun McCutcheon

Dear Mr. Herman:

Pursuant 2 U.S.C. § 437f, we file this advisory opinion request on behalf of Mr. Shaun McCutcheon, a natural born citizen of the United States currently residing in the State of Alabama. *See* Affidavit of Shaun McCutcheon, ¶ 2, (hereinafter "McCutcheon Aff. ¶ _", attached as Exhibit 1).

Question Presented

Mr. McCutcheon has, to date, contributed $5,000 to federal candidates in the 2011-2012 election cycle. McCutcheon Aff. ¶¶ 4 and 5. He wants to express his affection for the Declaration of Independence by making additional contributions to candidates, predominantly challengers, interested in advancing the cause of liberty. Mr. McCutcheon now asks the Commission whether he may make a $2,500 contribution to one additional candidate and contributions in the amount of $1,776 to twenty-five others seeking election to federal office on November 6, 2012. These contributions, if permitted, would bring his aggregate candidate contributions to $51,900 within the current biennium.[1] McCutcheon Aff. ¶¶ 7.

Section 307(b) of the Bipartisan Campaign Reform Act of 2002 (BCRA), Pub. L. 107-155, (Mar. 27, 2002), amended the Federal Election Campaign Act of 1971 to provide that "[d]uring the period which begins on January 1 of an odd-numbered year and ends on December 31 of the next even-numbered year, no individual may make contributions aggregating more than ... $37,500 in the case of contributions to candidates and the authorized committees of candidates." 2 U.S.C. § 441a(a)(3)(A). Statutory indexing of certain contribution limits raises this limit to $46,200 in the current biennium. *See* 2 U.S.C. § 441a(c); *Price Index Adjustments for Contribution and Expenditure Limits and Lobbyist Bundling Disclosure Threshold*, 76 Fed. Reg. 8368, 8369 (Feb. 14, 2011).

Unlike the aggregate limit on an individual's contributions to candidates, PACs and political party committees upheld in *Buckley v. Valeo*, 424 U.S. 1, 38 (1976); *Cf.* 2 U.S.C. § 441a(a)(3)(B), no Court has upheld, standing alone, an aggregate limit on the contributions an individual may make to federal candidates. Mr. McCutcheon believes the limit at §

[1] Mr. McCutcheon intends to make at least a combined $60,000 in contributions to multiple federal candidates during the 2013-2014 election cycle. McCutcheon Aff, ¶ 4.

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441a(a)(3)(A) violates his rights to political speech and association guaranteed by the First Amendment and asks the Commission whether he may make contributions to multiple candidates in excess of it.

Analysis

FECA's contribution limits "operate in an area of the most fundamental First Amendment activities[, and] debate on the qualifications of candidates are integral to the operation of the system of government established by our Constitution." *Buckley v. Valeo,* 424 U.S. 1, 14 (1976). Protecting that debate is as important as ever. Today, for example, defenders of the Patient Protection and Affordable Care Act, Pub. L. 111-148, 124 Stat. 199 (Mar. 23, 2010), suggest that victory in the political process is all the legitimacy a statute needs to survive a challenge under the Commerce Clause of Article I, section 8 of the U.S. Constitution; that the "limiting principle" of Commerce Clause jurisprudence is the political process itself. *See* Comments of Neal Katyal and Akil Amar, *A Supreme Court Briefing on the Health Care Reform Law*, Bloomberg Law, Feb. 16, 2012[2]; *but see Sevensky v. Holder,* 661 F.3d 1, 52 (D.C. Cir. 2011) (Kavanaugh, J., dissenting) ("[T]hat Congress is subject to a political check does not absolve the judiciary of its duty to safeguard the constitutional structure and individual liberty"). If the political process is the sole check against far-reaching economic enactments that is all the more reason it must be "uninhibited, robust, and wide-open." *New York Times Co. v. Sullivan,* 376 U.S. 254, 270 (1964). Otherwise we risk losing our republic, where "the people are sovereign." *Buckley,* 424 U.S. at 14-15.

Yet, the Federal Election Campaign Act of 1971 (FECA), as amended, inhibits the political process by making it a crime for any individual to knowingly and willfully contribute more than $46,200 in the aggregate to federal candidates of his choosing during any biennium. 2 U.S.C. §§ 441a(a)(3)(A), 437g; 11 C.F.R. § 110.5(b)(1)(i). This inhibition exists even as federal law already prohibits the undisclosed earmarking of contributions through an intermediary. 2 U.S.C. §§ 441a(a)(8) and 441f.

The limit is unconstitutional for the following reasons, detailed below: A) Mr. McCutcheon has a right to speak and to associate with every candidate of his choosing, subject only to the $2,500 limit applicable to each candidate, *see* 2 U.S.C. § 441a(a)(1)(A). B) Placing an aggregate limit on his contributions to candidates does not prevent *quid quo pro* corruption or its appearance. C) The anti-distortion interest rejected in *Citizens United* cannot be resuscitated and adapted to individuals, *sub silentio,* to limit Mr. McCutcheon's aggregate contributions. D) Simply deferring to legislative judgments on matters of political speech ignores both jurisprudence and the incentive of incumbent officeholders to dampen political competition.

[2] available at http://www.youtube.com/watch?v=URsSRhndDiw.

A. Mr. McCutcheon has a First Amendment right to speak, and to associate with any and *every* candidate of his choosing.

Jurisprudence has long recognized the free speech rights inherent in political contributions. The Supreme Court has affirmed that lending financial support to a political campaign is itself an expressive act—a "symbol" of the contributor's support for all to see. *Buckley v. Valeo*, 424 U.S. 1, 21 (1976).[3] *Buckley* also recognized that "making a contribution, like joining a political party, serves to affiliate a person with a candidate[,]" and "enables like-minded persons to pool their resources in furtherance of common political goals." *Id.* at 22. The "primary First Amendment problem" with contribution limits, then, is the burden they place on the contributor's freedom of political association. *Id.* at 25.

The Supreme Court located one's right to make political contributions squarely within longstanding jurisprudence protecting freedom of association as a "basic constitutional freedom" that, "like free speech, lies at the foundation of a free society." *Buckley*, 424 U.S. at 24-25. Indeed, the "[f]reedom to engage in association for the advancement of beliefs and ideas is an inseparable aspect of the 'liberty' assured by the Due Process Clause of the Fourteenth Amendment." *NAACP v. Alabama, ex rel. Patterson*, 357 U.S. 449, 460 (1958) (citations omitted).[4] This is true whether the "beliefs sought to be advanced by association pertain to political, economic, religious or cultural matters." *Id.* at 460-61. In reviewing the propriety of contribution limits enacted in FECA, the *Buckley* Court reiterated that "state action which may have the effect of curtailing the freedom to associate is subject to the closest scrutiny." *Buckley*, 424 U.S. at 25 (*citing NAACP*, 357 U.S. at 460-61).

The analysis begins with the fundamental premise that Mr. McCutcheon has a protected interest in associating with any—and *every*—candidate of his choosing by making contributions to those candidates. Any limitation of his right to contribute is only justified if "the Government demonstrates that the limits are 'closely drawn' to match a 'sufficiently important interest,'" a standard of review often referred to as heightened judicial scrutiny. *Randall v. Sorrell*, 548 U.S. at 242; *quoting Buckley*, 424 U.S. at 25. That important interest is the prevention of "corruption" or the "appearance of corruption." *Buckley*, 424 U.S. at 25-26. This corruption threat, moreover, must not be amorphous or ill-defined if it is to overcome protected speech interests. Only a threat of *quid pro quo* corruption is sufficient. *Citizens United v. Federal Election Comm'n*, 130 S. Ct. 876, 909 (2010), *citing McConnell v. Federal Election Comm'n*, 540 U.S. 93, 296-98 (opinion of Kennedy, J.).

[3] It may be said that Mr. McCutcheon's contribution "serves as a general expression of support for the candidate and his views, but does not communicate the underlying basis for the support." *See Buckley*, 424 U.S. at 21. But even "statements of general support are as deserving of constitutional protection as those that communicate specific reasons for that support." *Randall*, 548 U.S. at 267 (Thomas, J., concurring).

[4] The right of association has been recently reaffirmed in cases such as *EMILY's List v. FEC*, 581 F.3d 1 (D.C. Cir. 2009); *SpeechNow.org v. FEC*, 599 F.3d 686 (D.C. Cir. 2010); *Carey v. FEC*, 791 F. Supp. 2d 121 (D. D.C. 2011). Also, in *Randall*, the Court struck down Vermont's contribution limits, in part, because they prevented volunteers from associating with political campaigns, 548 U.S. at 259-60, and threatened to harm "a particularly important right," the right to associate politically with a party committee. *Randall*, 548 U.S. at 256.

B. Placing an aggregate limit on Mr. McCutcheon's contributions to candidates does not prevent *quid quo pro* corruption or its appearance.

Buckley explains what a sufficient *quid pro quo* threat looks like in its discussion of the per-candidate contribution limit. The Court upheld the per-candidate limit imposed by FECA because it perceived the limit as combating "large financial contributions" and the effect they could have on "candidates' positions and on their actions if elected to office." 424 U.S. at 25. The Court likewise cited the "impact of the appearance of corruption stemming from public awareness of the opportunities for abuse inherent in a regime of *large individual financial contributions*." *Id.* at 27 (emphasis added). The per-candidate limit was upheld in *Buckley* as an appropriately tailored means of preventing such *quid pro quo* corruption. *Id.* at 26-27.

The Court has recently reiterated that "[t]he hallmark of corruption is the financial *quid pro quo*: dollars for political favors." *Citizens United*, 130 S. Ct. at 910; *FEC v. Nat'l. Conservative Political Action Committee*, 470 U.S. 480, 497 (1985). Applying the principle that *quid pro quo* corruption requires "dollars for political favors," a potentially corrupting contribution must first be directed to a specific candidate who is (or may soon be) in a position of authority. Second, it must be of a sufficient amount to encourage a sense of obligation. While one donee's price may be different than another's, the *sine qua non* of a corrupting contribution is that it be directed *to a particular officeholder* who may be grateful enough to return a favor. In contrast to the legitimate dangers of *quid pro quo* corruption, "[r]eliance on a 'generic favoritism or influence theory...is at odds with standard First Amendment analyses because it is unbounded and susceptible to no limiting principle." *Id.* (*citing McConnell*, 540 U.S. at 296 (opinion of Kennedy, J.)).

An individual is currently limited to contributing $2,500 to a candidate per election. 2 U.S.C. § 441a(a)(1); 11 C.F.R. §§ 110.1(b)(1), 110.17(b). Mr. McCutcheon does not challenge this per-candidate limit. Instead, McCutcheon wishes to make contributions fully within the per-candidate limit to multiple candidates that would aggregate more than $46,200. This aggregate limit on contributions to candidates (not PACs or parties) is unconstitutional under *Buckley* and its progeny because there is no realistic threat that a candidate could be corrupted—that is, trade dollars for favors—merely on the basis of an individual's aggregate contribution total. This conclusion follows directly from *Buckley*, and particularly in light of statutory changes and recent jurisprudence.

Because "reliance on a generic favoritism or influence theory...is at odds with standard First Amendment analyses," associational freedom may not be traduced based on the amorphous assumption that an officeholder would somehow be influenced by knowledge that a donor made a series of modest contributions *to other officeholders* which aggregate above some amount. This is an insufficient theory to support an abridgment of First Amendment rights. *See McConnell*, 540 U.S. at 296. Because the aggregate limit on contributions to candidates is not aimed at curtailing *quid pro quo* corruption, it fails First Amendment scrutiny.

It is true that *Buckley* upheld an aggregate contribution limit. 424 U.S. at 38. But the provision at issue in 1976 was materially different than the current aggregate limit at § 441a(a)(3)(A). *Buckley* considered "an overall $25,000 limitation on total contributions by an individual during any calendar year." 424 U.S. at 38 (citing former 18 U.S.C. § 608(b)(2)).[5] An individual's contributions to candidates, *political committees*, and *political parties* all counted against the ceiling. The litigants in *Buckley* did not "address" the limitation "at length," either in briefs or at oral argument. *Id.* Nonetheless, the Court upheld the restriction even as it recognized that the "overall $25,000 ceiling does impose an ultimate restriction upon the number of candidates and committees with which an individual may associate himself by means of financial support." *Buckley,* 424 U.S. at 38.

The reason for upholding the aggregate contribution limit is instructive. It was to "prevent evasion of the $1,000 contribution limitation [on contributions made directly to candidates] by a person who might otherwise contribute massive amounts of money to a particular candidate *through the use of unearmarked contributions to political committees likely to contribute to that candidate, or huge contributions to the candidate's political party." Id.*, at 38 (emphasis added).

The *McConnell* Court echoed this discussion in *Buckley* to justify the national party-committee soft-money ban codified at 2 U.S.C. § 441i.

> The idea that large contributions to a national party can corrupt or, at the very least, create the appearance of corruption of federal candidates and officeholders, is neither novel nor implausible. For nearly 30 years, FECA has placed strict dollar limits and source restrictions on contributions that individuals and other entities can give to ... party committees for the purpose of influencing a federal election. The premise behind these restrictions has been, and continues to be, that contributions to a federal candidate's party in aid of that candidate's campaign threaten to create—no less than would a direct contribution to the candidate—a sense of obligation. *See Buckley, supra,* at 38, 96 S.Ct. 612 (upholding FECA's $25,000 limit on aggregate yearly contributions...). This is particularly true of contributions to national parties, with which federal candidates and officeholders enjoy a special relationship and unity of interest. This close affiliation has placed national parties in a unique position, "whether they like it or not," to serve as "agents for spending on behalf of those who seek to produce obligated officeholders." *Colorado II, supra,* at 452, 121 S.Ct. 2351.

McConnell, at 144-45 (2003).

But Bipartisan Campaign Reform Act of 2002 (BCRA) § 307 broke the aggregate limit into two provisions. *See* Pub. L. 107-155 (Mar. 27, 2002). The aggregate limit on contributions to PACs and political party committees is now separate from the aggregate limit on contributions

[5] Then, as now, political committees could contribute directly to candidates, and party committees could both contribute to and fund coordinated expenditures up to certain amounts. *See Buckley,* 424 U.S. at 34.

to "candidates and the authorized committees of candidates." *Id.*, codified at 2 U.S.C. §§ 441a(a)(3)(A) and (B).

Mr. McCutcheon has no interest in increasing the aggregate amounts he may contribute biennially to party committees or other PACs under current law, *cf.* 2 U.S.C. § 441a(a)(3)(B) (biennial aggregate limit on contributions to PACs and party committees). McCutcheon only asks whether he may contribute $2,500 or $1,776 to some twenty-six candidates, which will exceed the $46,200 biennial aggregate limit set forth in § 441a(a)(3)(A). Thus, the anti-circumvention interest on which the *Buckley* Court rested its analysis of the earlier, annual aggregate limit does not apply.

An authorized committee of one officeholder or candidate can only "support" the authorized committee of another in amounts of $2,000 or less per calendar year. 2 U.S.C. § 432(e)(3)(B). There is no reason to believe that officeholders supporting other candidates in amounts of up to $2,000 per year can create corruption, short of earmarking, that warrants so detrimental a burden on Mr. McCutcheon's rights to associate politically with the candidates he chooses. While the Court has recognized that party committees lack autonomy and can serve as a mere pass-through to corrupt candidates, *see McConnell,* 540 U.S. at 144-45, the Court has never recognized officeholders and candidates themselves as lacking in autonomy or serving as pass-throughs for unearmarked contributions that can corrupt other candidates. Surely the officeholders retain some autonomy.

Earmarking contributions to a candidate *via* another officeholder's authorized committee is already illegal, 2 U.S.C. §§ 441a(a)(8) and 441f. An individual that merely *asks* or *suggests* that the first officeholder forward $2,000, *see* 2 U.S.C. §432e(3)(B), of the original $2,500 contribution, *see* 2 U.S.C. § 441a(a)(1)(A), to yet another candidate would violate the earmarking prohibition. Even if officeholders' authorized committees could be viewed as mere conduits of corruption to still other candidates, short of earmarking, the amount of monetary support one authorized committee is permitted to make to another under federal law is so small as to raise no concerns of corruption at all. The $2,000 an officeholder might use to support a Senate candidate running statewide is only five times greater than the $400 limit struck down in *Randall* six years ago as too low to further a statewide campaign in Vermont. *Randall,* 548 U.S. at 253, 261-62. And "Vermont is about one-ninth the size of Missouri," *Randall,* 548 U.S. at 251.

It strains credulity to suggest that officeholders so lack autonomy or desire so little the hard-money funds they receive from individuals that they would forward them on to another candidate and credit the original, individual contributor. The more likely scenario is that the officeholder would credit *himself* with the $2,000 in support and not credit the initial individual contributor at all. After all, the leadership PACs, which are non-connected committees controlled by an officeholder, exist to propel the officeholder into leadership positions, not to credit the initial, individual contributors that in turn fund leadership PAC contributions to other candidates. Bundlers of campaign contributions also exist. *See* 2 U.S.C. § 441a(a)(8); 11 CFR 110.6 But bundling aggrandizes the bundler not the individuals who make $2,500 contributions *via* the bundler.

The specter of unearmarked contributions passing through authorized committees to other candidates in amounts of $2,000 or less is so unlikely, and the amounts so modest, as to pose scarcely any danger of corruption. Yet, the damage to the rights of political association inherent in the biennial aggregate limit on contributions to candidates is plain for all to see.

For these reasons, the anti-circumvention interest is not applicable. *But see Carey v. FEC,* 791 F. Supp. 2d 121, 132 (D. D.C. 2011) ("Certainly, §441a(3)(A) [sic], which limits individual contributions '*to* candidates and the authorized committees of candidates,' has a recognized anti-corruption goal ... not presented by [plaintiffs' request to receive unlimited contributions to make] independent federal expenditures"). Congress is presumably left with the argument that an aggregate limit applicable solely to contributions to candidates is justified because one's aggregate candidate contributions corrupt *somebody, somehow.* Who? How? There are no sufficient answers to these questions, and certainly none sufficient to overcome Mr. McCutcheon's recognized First Amendment interests.

C. The anti-distortion interest rejected in *Citizens United* cannot be resuscitated and adapted to individuals, *sub silentio,* to limit Mr. McCutcheon's contributions to the candidates of his choosing.

The new aggregate candidate contribution limit has the effect of punishing the wealthy contributor without combating *quid pro quo* corruption. Not the *large* contributor, as Mr. McCutcheon's contributions will be subject to the same $2,500 per-candidate limit applicable to any individual, 2 U.S.C. § 441a(a)(1), but the *wealthy* contributor. This effect has no basis in constitutional law.

The *Austin* Court identified a governmental interest contrary to *Buckley* and thoroughly rejected in *Citizens United*: The anti-distortion interest. *See Citizens United,* 130 S. Ct. at 903. When stripped of its locution, the anti-distortion interest is little more than gussied-up egalitarianism: silencing the voices of some to make way for others. But the anti-distortion rationale is "wholly foreign to the First Amendment," *Buckley,* 424 U.S. at 48-49; *Davis v. FEC,* 554 U.S. 724, 742 (2008); *Arizona Free Enterprise PAC v. Bennett,* 564 U.S. _, 131 S. Ct. 2806, 2821 (2011). The anti-distortion rationale is not constitutional and cannot be resuscitated to limit the associational and speech rights of individuals.

D. Deferring to legislative judgments on matters of political speech ignores both jurisprudence and the incentive of incumbent officeholders to dampen political competition.

The Commission must probe whether an individual associating politically with too many candidates can create *quid pro quos* or their appearance while taking into account that it is incumbent officeholders who enactment these prohibitions. Some have argued that the Courts should merely defer to congressional expertise in these matters, despite the language and structure of the First Amendment. *Nixon v. Shrink Missouri Government PAC,* 528 U.S. 377, 399 (2000) (Breyer, J., concurring); Stephen Breyer, "Our Democratic Constitution," Harvard

Tanner Lectures (Nov. 2004). But, as one expert put it, Congress has, in matters of campaign finance law, the expertise of a hypochondriac: they know what pains them in their re-election efforts, and what speech freedoms of challengers need dampening. Robert F. Bauer, Tanner Lectures (Justice Stephen Breyer), Nov. 29, 2004.[6]

"[C]ontribution limits always disproportionately burden challengers, who often have smaller bases of support than incumbents." *Randall,* 548 U.S. at 271 (Thomas, J., concurring), *citing* Bradley A. Smith, Unfree Speech: The Folly of Campaign Finance Reform 50-51 and 66-70 (2001) (describing the ability of incumbents to amass money early and discourage serious challengers). Incumbents are disinclined to enact laws that protect challengers, and it is "impossible to square this wariness of incumbent's disinclination to enact future laws protecting challengers with ... deference to those same incumbents" when reviewing contribution-limits statutes. *Randall*, 548 U.S. at 270, n. 2 (Thomas, J., concurring). Indeed, the biennial aggregate limit on an individual's right to contribute to candidates of his choosing "burden[s] First Amendment interests in a manner that is disproportionate to the public purposes they were enacted to advance." *Randall,* 548 U.S. at 262.

[6] Available at http://www.moresoftmoneyhardlaw.com/news.html?AID=386.

Conclusion

The right "of citizens to inquire, to hear, to speak, and to use information to reach consensus is a precondition to enlightened self-government and a necessary means to protect it." *Citizens United,* 130 S. Ct. at 898. Mr. McCutcheon should be relieved of the burden on his rights to political speech and association imposed by the biennial aggregate limit on candidate contributions. 2 U.S.C. § 441a(a)(3)(A). The Commission may be tempted to invoke "restraint" and lean on both the letter of the statute and purported wisdom of Congress. But "[i]t is not judicial restraint to accept an unsound, narrow argument just so the Court can avoid another argument with broader implications. Indeed, a court would be remiss in performing its duties were it to accept an unsound principle merely to avoid the necessity of making a broader ruling." *Citizens United,* 130 S. Ct. at 892. And the Commission is not required to enforce provisions where they rest on principles that are unconstitutional. *Carey v. FEC,* 791 F. Supp. 2d 121 (D. D.C. 2011).

Respectfully submitted,

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EXHIBIT 1

AFFIDAVIT OF SHAUN McCUTCHEON

State of Alabama)
) ss:
County of Jefferson)

I, Shaun McCutcheon, having first been duly cautioned and sworn, do state as follows:

1. My name is Shaun McCutcheon.
2. I am a natural born citizen of the United States of America and reside in the State of Alabama.
3. I intend to contribute at least $51,900 to multiple federal candidates in the 2011-2012 election cycle.
4. I intend to contribute more than $60,000 to multiple federal candidates in the 2013-2014 election cycle.
5. I have already contributed $2,500 to Scott Beason, in the 6th Congressional District of Alabama in the 2012 election cycle.
6. I have already contributed $2,500 to Josh Mandel, a candidate for U.S. Senate from Ohio in the 2012 election cycle.
7. I wish to make the following additional contributions to candidates in the 2012 election cycle, either to their respective primary election campaigns or general election campaigns:
    a. $1,776 to John Dennis, a non-incumbent candidate for Congress in the 12th Congressional District of California.
    b. $1,776 to Tony Strickland, a non-incumbent candidate for Congress in the 26th Congressional District of California.
    c. $1,776 to Richard Mourdock, a non-incumbent candidate in the Republican primary for U.S. Senate from Indiana.
    d. $1,776 to Glenn Morton, a non-incumbent candidate for Congress in the 5th Congressional District of Maryland.
    e. $1,776 to George Phillips, a non-incumbent candidate for Congress in the 22nd Congressional District of New York.
    f. $1,776 to Sean Siebert, a non-incumbent candidate for Congress in the 18th Congressional District of Texas.
    g. $1,776 to Ray Boland, a non-incumbent candidate for Congress in the 3rd Congressional District of Wisconsin.
    h. $1,776 to Rick Tubbs, a non-incumbent candidate for Congress in the 3rd Congressional District of California.

i. $1,776 to Bob Dutton, a non-incumbent candidate for Congress in the 31st Congressional District of California.
j. $1,776 to Nick Poppaditch, a non-incumbent candidate for Congress in the 53rd Congressional District of California.
k. $1776 to Chris Coutu, a non-incumbent candidate for Congress in the 2nd Congressional District of Connecticut.
l. $1,776 to Brian K Hill, a non-incumbent candidate in the Republican primary for U.S. Senate from Connecticut.
m. $1,776 to Evelio Otero, a non-incumbent candidate for Congress in the 11th Congressional District of Florida.
n. $1,776 to Mark Oxner, a non-incumbent candidate for Congress in the 27th Congressional District of Florida.
o. $1,776 to Martha Zoller, a candidate in the Republican primary for the newly created 9th Congressional District of Georgia.
p. $1,776 to Charles Djou, a non-incumbent candidate for Congress in the 1st Congressional District of Hawaii.
q. $1,776 to Dan Severson, a non-incumbent candidate in the Republican primary for U.S. Senate from Minnesota.
r. $1,776 to Ilario Pantano, a non-incumbent candidate for Congress in the 7th Congressional District of North Carolina.
s. $1,776 to Brad Wenstrup, a non-incumbent candidate for Congress in the 2nd Congressional District of Ohio.
t. $1,776 to James Kiuken, a non-incumbent candidate for Congress in the 15th Congressional District of Texas.
u. $1,776 to Sarah Steelman, a non-incumbent candidate in the Republican primary for U.S. Senate from Missouri.
v. $1,776 to Patrick Murray, a non-incumbent candidate for Congress in the 8th Congressional District of Virginia.
w. $1,776 to Michele Bachmann, a non-incumbent candidate for Congress in 6th Congressional District of Minnesota.
x. $1,776 to Karen Harrington, a non-incumbent candidate for Congress in the 20th Congressional District of Florida.
y. $1,776 to Robert Estes, a non-incumbent candidate for Congress in the 1st Congressional District of Mississippi.
z. $2,500 to Martha Raby, an incumbent office holder in the 2nd Congressional District of Alabama.

Further affiant sayeth naught.

Shaun McCutcheon

Mr. Shaun McCutcheon

Sworn to before me and subscribed in my presence, this 8th day of March, 2012.

Notary Public

My commission expires on 6/15, 2012