No. 25-1705, 25-1706

IN THE

United States Court of Appeals for the First Circuit

DINNER TABLE ACTION; FOR OUR FUTURE; ALEX TITCOMB,
Plaintiffs-Appellees,

v.

WILLIAM J. SCHNEIDER, in the official capacity as Chairman of the Maine Commission on Governmental Ethics and Election Practices; BROOKE J. BAILEY, in the official capacity as a Member of the Maine Commission on Governmental Ethics and Election Practices; COLTON GROSS, in the official capacity as Member of the Maine Commission on Governmental Ethics and Election Practices; AARON M. FREY, in the official capacity as Attorney General of Maine; SARAH E. LECLAIRE, in the official capacity as a Member of the Maine Commission on Governmental Ethics and Election Practices,
Defendants-Appellants,

EQUAL CITIZENS; CARA MCCORMICK; PETER MCCORMICK; RICHARD A. BENNETT,
Defendants.

DINNER TABLE ACTION; FOR OUR FUTURE; ALEX TITCOMB,
Plaintiffs-Appellees,

v.

EQUAL CITIZENS; CARA MCCORMICK; PETER MCCORMICK; RICHARD A. BENNETT,
Defendants-Appellants,

WILLIAM J. SCHNEIDER, in the official capacity as Chairman of the Maine Commission on Governmental Ethics and Election Practices; BROOKE J. BAILEY, in the official capacity as a Member of the Maine Commission on Governmental Ethics and Election Practices; COLTON GROSS, in the official capacity as Member of the Maine Commission on Governmental Ethics and

Election Practices; AARON M. FREY, in the official capacity as Attorney General of Maine; SARAH E. LECLAIRE, in the official capacity as a Member of the Maine Commission on Governmental Ethics and Election Practices, *Defendants*.

On Appeal from the United States District Court for the District of Maine, Case No. 1:24-cv-00430-KFW (Karen Frink Wolf, J.)

MOTION FOR LEAVE TO FILE SUPPLEMENTAL BRIEF OF *AMICUS CURIAE* CAMPAIGN LEGAL CENTER IN SUPPORT OF APPELLANTS AND REVERSAL

Megan P. McAllen
Kevin P. Hancock
Erin Chlopak
CAMPAIGN LEGAL CENTER
1101 14th Street NW, Suite 400
Washington, DC 20005
(202) 736-2200
mmcallen@campaignlegalcenter.org

Counsel for Amicus Curiae

MOTION FOR LEAVE TO FILE SUPPLEMENTAL AMICUS BRIEF

In accordance with this Court's Corrected Order of August 10, 2026, amicus curiae Campaign Legal Center ("CLC") respectfully moves for leave to file the attached Supplemental Brief of Amicus Curiae Campaign Legal Center in Support of Appellants and Reversal. CLC's proposed brief is submitted concurrently with this motion.

Amicus curiae CLC is a nonpartisan nonprofit organization working for a more transparent, inclusive, and accountable democracy at all levels of government. CLC's work includes representing the public perspective in legal proceedings interpreting and enforcing campaign finance, lobbying, ethics, and election laws throughout the nation. *See* https://campaignlegal.org/about. CLC has participated in numerous cases addressing state and federal campaign finance, lobbying, and political disclosure laws, including every major U.S. Supreme Court campaign finance case since *McConnell v. FEC*, 540 U.S. 93 (2003).

CLC, which previously submitted an amicus brief supporting defendants-appellants and reversal, now seeks to file this supplemental amicus brief at the Court's invitation to address the implications, if any, of the Supreme Court's recent decision in *National Republican Senatorial Committee v. FEC*, 146 S. Ct. 2404 (2026) ("*NRSC*"). CLC has particular expertise regarding the issues raised here, having also participated as an amicus in *NRSC* before both the Supreme Court and en banc Sixth Circuit.

The Court's briefing order identified a range of specific passages from *NRSC* that supplemental briefs should address, several of which relate to the ways that political parties are unlike other political actors, *e.g.*, because political parties have "broader and more dispersed" interests and have occupied a special role in our democratic system dating back virtually to the founding. *See* 146 S. Ct. at 2415, 2419.

CLC believes its proposed amicus brief will benefit the Court by illuminating one key way that political parties and super PACs diverge: namely, in whether they provide meaningful disclosure of their funding sources such that it is actually possible to detect corrupt quid pro quo schemes when they arise. As CLC's brief explains, the ability of super PACs to accept unlimited and untraceable contributions from shell corporations, non-disclosing 501(c) groups, and other dark-money entities renders them uniquely vulnerable to corruption as compared to political parties, and further justifies Maine's imposition of a base limit.

Amicus therefore respectfully requests that the Court grant this request to file the proposed brief.

CONCLUSION

The Court should grant the motion to file the accompanying proposed amicus brief.

Respectfully submitted,

/s/ Megan P. McAllen
Megan P. McAllen (Bar No. 1197810)
mmcallen@campaignlegalcenter.org
Kevin P. Hancock
Erin Chlopak
CAMPAIGN LEGAL CENTER
1101 14th Street NW, Ste. 400
Washington, DC 20005
(202) 736-2200

Attorneys for *Amicus Curiae*

Dated: September 11, 2026

No. 25-1705, 25-1706

IN THE

United States Court of Appeals
for the First Circuit

DINNER TABLE ACTION; FOR OUR FUTURE; ALEX TITCOMB,
Plaintiffs-Appellees,

v.

WILLIAM J. SCHNEIDER, in the official capacity as Chairman of the Maine Commission on Governmental Ethics and Election Practices; BROOKE J. BAILEY, in the official capacity as a Member of the Maine Commission on Governmental Ethics and Election Practices; COLTON GROSS, in the official capacity as Member of the Maine Commission on Governmental Ethics and Election Practices; AARON M. FREY, in the official capacity as Attorney General of Maine; SARAH E. LECLAIRE, in the official capacity as a Member of the Maine Commission on Governmental Ethics and Election Practices,
Defendants-Appellants,

EQUAL CITIZENS; CARA MCCORMICK; PETER MCCORMICK; RICHARD A. BENNETT,
Defendants.

DINNER TABLE ACTION; FOR OUR FUTURE; ALEX TITCOMB,
Plaintiffs-Appellees,

v.

EQUAL CITIZENS; CARA MCCORMICK; PETER MCCORMICK; RICHARD A. BENNETT,
Defendants-Appellants,

WILLIAM J. SCHNEIDER, in the official capacity as Chairman of the Maine Commission on Governmental Ethics and Election Practices; BROOKE J. BAILEY, in the official capacity as a Member of the Maine Commission on Governmental Ethics and Election Practices; COLTON GROSS, in the official capacity as Member of the Maine Commission on Governmental Ethics and

Election Practices; AARON M. FREY, in the official capacity as Attorney General of Maine; SARAH E. LECLAIRE, in the official capacity as a Member of the Maine Commission on Governmental Ethics and Election Practices, *Defendants*.

On Appeal from the United States District Court for the District of Maine, Case No. 1:24-cv-00430-KFW (Karen Frink Wolf, J.)

SUPPLEMENTAL BRIEF OF *AMICUS CURIAE* CAMPAIGN LEGAL CENTER IN SUPPORT OF APPELLANTS AND REVERSAL

Megan P. McAllen
Kevin P. Hancock
Erin Chlopak
CAMPAIGN LEGAL CENTER
1101 14th Street NW, Suite 400
Washington, DC 20005
(202) 736-2200
mmcallen@campaignlegalcenter.org

Counsel for Amicus Curiae

CORPORATE DISCLOSURE STATEMENT OF AMICUS CURIAE

Pursuant to Federal Rule of Appellate Procedure 26.1, amicus curiae Campaign Legal Center makes the following disclosure regarding its corporate status:

Campaign Legal Center is a nonprofit corporation, has no parent corporation, and no publicly held corporation has any form of ownership interest in it.

/s/ Megan P. McAllen
Megan P. McAllen
CAMPAIGN LEGAL CENTER
1101 14th Street NW, Suite 400
Washington, DC 20005
(202) 736-2200

TABLE OF CONTENTS

TABLE OF AUTHORITIES

IDENTITY AND INTEREST OF AMICUS CURIAE[1]

Amicus Curiae Campaign Legal Center ("CLC") is a nonpartisan nonprofit organization working for a more transparent, inclusive, and accountable democracy at all levels of government. *See About*, Campaign Legal Ctr., https://campaignlegal.org/about (last visited Sep. 11, 2026). CLC previously filed an amicus brief supporting reversal, and has substantial experience regarding the issues raised in this round of supplemental briefing, having participated as amicus before both the Supreme Court and Sixth Circuit in *National Republican Senatorial Committee v. FEC*, 146 S. Ct. 2404 (2026) ("*NRSC*").

ARGUMENT

This Court invited supplemental briefing to address "the implications of *NRSC*" for Maine's citizen-enacted law (the "Act") establishing a monetary limit on contributions to political action committees "for the purpose of making independent expenditures," JA157, *i.e.*, on contributions to "super PACs." As appellants correctly explain, the Supreme Court's invalidation of the federal political-party coordinated-expenditure limits in *NRSC* has no direct applicability here—most notably because this case, unlike *NRSC*, does not involve political parties, coordinated expenditures, or a spending restriction operating on top of "base" contribution limits. Maine's

[1] Pursuant to Fed. R. App. P. 29(a)(4)(E), amicus curiae states that no party's counsel or person except amicus and its counsel authored this brief or contributed money to fund its preparation or submission.

targeted $5,000 limit on the amount any individual or entity may give to a super PAC bears no resemblance to the federal law at issue in *NRSC*. But insofar as any of the reasoning in *NRSC* is otherwise relevant or instructive, it only bolsters the case for upholding the constitutionality of the Act.

In particular, the Supreme Court in *NRSC* highlighted several unique attributes of political parties not present here, including the "important and traditional role" parties have occupied in our democratic system for centuries and the "broader and more dispersed" interests they represent relative to other political actors. 146 S. Ct. at 2415, 2419. Super PACs, by contrast, can claim no comparable historic lineage or practical insulation from corrupt quid pro quos; they are a modern innovation and serve narrow rather than "dispersed" interests. *See, e.g.*, Defs.-Appellants' Schneider *et al.* Suppl. Br. 13-15; CLC Amicus Br. 5-6, 9-18.

Amicus provides this brief to further elucidate one other key way that super PACs diverge from the political parties in *NRSC*: namely, with regard to the transparency—or lack thereof—they provide to voters, and the relative degree to which disclosure can alleviate the corruption risks they pose.

NRSC specifically touted the salutary effects of transparency requirements, finding them sufficient, when combined with base contribution limits and other safeguards, to meet the government's compelling anticorruption interests without the additional prophylaxis of limiting political parties' coordinated spending. But those protections are all too often absent when it comes to super PAC giving. Instead, super PACs—because they can accept unlimited contributions from virtually any source, including from corporations and opaque "dark money" entities that are not required to disclose their donors—present uniquely acute corruption risks.

Moreover, the protective benefits of the transparency highlighted in *NRSC* rested on pairing "effective" disclosure with "other meaningful prophylactic measures." 146 S. Ct. at 2422-23. Super PACs miss the mark on both fronts. Whereas contributions to political parties and candidates remain substantively limited in numerous respects, super PACs are not so constrained, making it comparatively easier for them to evade disclosure rules and obfuscate their sources of funding. Indeed, the record below and experience since the advent of super PACs following *SpeechNow.org v. FEC*, 599 F.3d 686, 696 (D.C. Cir. 2010) (en banc), confirm that super PACs, precisely because of the opacity they offer, are now the vehicle of choice for the corrupt exchange of campaign dollars for official favors. Disclosure is therefore not an adequate substitute for the Act's contribution limit—without which unrestrained and untraceable super PAC contributions will continue to expose Maine elections to an intolerable risk of quid pro quo corruption.

Unlike the federal coordinated party spending limit invalidated in *NRSC*, Maine's $5,000 base limit directly targets the proven conduit for corrupt exchanges and serves compelling anticorruption interests that cannot be achieved by disclosure alone, or by any alternative means. The Act thus easily satisfies constitutional scrutiny, and the lower court's contrary ruling should be reversed.

I. ***NRSC*** **touted the protective benefits of pairing effective disclosure with base contribution limits—features notably absent in a regime of unrestrained and untraceable super PAC contributions.**

The provision of the Federal Election Campaign Act held unconstitutional in *NRSC* placed limits on expenditures by national political party committees in coordination with their federal candidates, 52 U.S.C. § 30116(d), which the Supreme Court had previously upheld as a safeguard against circumvention of the underlying limits on contributions to parties and candidates. *See FEC v. Colo. Republican Fed. Campaign Comm.*, 533 U.S. 431 (2001). While *NRSC* overturned this precedent, the decision in no way undermines—and instead, reaffirms—the Court's longstanding approval of base contribution limits as the first and best line of defense against quid pro quo corruption. *See NRSC*, 146 S. Ct. at 2423. Indeed, in finding that the party-coordinated spending limits were "not 'necessary'" or proportionate to the government's anticorruption interest, the Court expressly relied on the existence of "the other meaningful prophylactic measures available to the Government." *Id.* (citing *McCutcheon v. FEC*, 572 U.S. 185, 199, 218, 220 (2014); *FEC v. Cruz*, 596 U.S. 289, 306 (2022)).

Disclosure requirements were among those important "prophylactic measures." For more than a century, Congress has sought to "shed the light of publicity" on campaign-related spending by requiring disclosure of its sources, *Buckley v. Valeo*, 424 U.S. 1, 81 (1976) (per curiam), and the Supreme Court has repeatedly reaffirmed the validity and value of electoral transparency rules. *See, e.g.*, *McCutcheon*, 572 U.S. at 199; *Citizens United v. FEC*, 558 U.S. 310, 371 (2010) ("[T]ransparency enables the electorate to make informed decisions and give proper weight to different speakers and messages."). Moreover, as the Court has long recognized, disclosure not only arms voters with the information needed to evaluate the campaign-related messages they receive, but also serves as a vital bulwark against corruption. *See, e.g.*, *Buckley*, 424 U.S. at 67.

In *NRSC*, the Court again extolled the anticorruption benefits of exposing political contributions to public scrutiny, opining:

> [T]ransparency matters both factually and legally. Factually, as the Court has explained, disclosure can "deter actual corruption and avoid the appearance of corruption by exposing large contributions and expenditures to the light of publicity." Disclosure can help trigger investigations of whether a donor and party have violated earmarking laws. Legally, the Court in *McCutcheon* stressed that "disclosure often represents a less restrictive alternative to flat bans on certain types or quantities of speech."

146 S. Ct. at 2421 (citing *McCutcheon*, 572 U.S. at 223).

But crucially, the "factual" underpinnings of this analysis cannot be extrapolated to super PACs because super PACs are not subject to the same structural constraints as candidates or parties. Indeed, in concluding that the other "prophylaxes" in federal law rendered the party-coordinated spending limit "disproportionate" to the anticorruption interests it targeted, the Court emphasized that, "[i]mportantly, disclosure does not stand on its own." *NRSC*, 146 S. Ct. at 2422. Political parties and candidates, unlike super PACs, must be financed by "hard money," *i.e.*, they may only accept contributions within applicable source and amount limits, and cannot take corporate or union funds. 52 U.S.C. §§ 30116(a), 30118; *see also Contribution limits for 2025-2026*, FEC (Jan. 2025), https://perma.cc/XY62-69GQ. And while parties are permitted to receive contributions from traditional PACs and other federally regulated hard-money committees, those groups are likewise subject to limits and comprehensive disclosure requirements. *See* 52 U.S.C. § 30104. Given these statutory fundraising limits—controls that super PACs notably lack—the disclosure regime examined in *NRSC* generally permits the public to trace every dollar flowing through candidate and party committees.

The same cannot be said for super PACs. By virtue of their ability to accept unlimited and untraceable funds from non-disclosing 501(c) groups, shell corporations, and other opaque entities, super PACs provide ready conduits for concealed quid pro quos. Disclosure, "stand[ing] on its own," is therefore not a "particularly effective" way to ferret out the illicit exchange of super PAC contributions for official favors. *NRSC*, 146 S. Ct. at 2421-22 (quoting *McCutcheon*, 572 U.S. at 224). Maine wisely avoided this mistake by combining disclosure with a base contribution limit, thereby ensuring that the Act can meet its anticorruption objectives.

II. The record confirms that super PACs pose acute corruption risks precisely because they can accept unlimited contributions while obscuring their true funding sources.

As *NRSC* underscores, base contribution limits and transparency requirements remain integral and constitutionally permissible features of a functioning campaign-finance system. That is no less true when applied to super PACs, particularly in view of the outsized corruption risks they pose. Experience over the past decade and a half confirms that Maine's Act is an appropriately tailored means of alleviating the inherent dangers of a system that allows large contributors to wield disproportionate power in state elections without meaningful disclosure.

Indeed, although *SpeechNow* and its progeny presumed that contributions to independent spenders were too attenuated from candidates to implicate any risk of quid pro quo corruption or its appearance, *see* 599 F.3d at 696, that hypothesis has now been thoroughly disproven. Far from being insulated from opportunities to exchange official favors for campaign dollars, the record is replete with examples of contributors and candidates striking those very bargains. *See* CLC Amicus Br. 9-19; CREW Amicus Br. 4-9, 14-16. Compounding the problem, super PACs have proven impervious to meaningful disclosure, so it is exceedingly difficult, if not impossible, to detect corrupt schemes when they arise. There is now more outside spending coursing through the campaign-finance system than ever before—and a steadily growing share of it is being funneled to super PACs through shell entities and groups "hiding behind dubious and misleading names" to obscure the true financial interests behind them. *See McConnell v. FEC*, 540 U.S. 93, 196-97 (2003) (upholding disclosure requirements as measure to prevent organizations from avoiding "the scrutiny of the voting public").

Recent trends confirm the magnitude of this concern. Since 2010, "dark money" groups that do not disclose their donors have poured upwards of $4.3 billion into federal elections. *See* Anna Massoglia, *Dark Money Hit a Record High of $1.9 Billion in 2024 Federal Races*, Brennan Ctr. for Just. (May 7, 2025), https://www.brennancenter.org/our-work/research-reports/dark-money-hit-record-high-19-billion-2024-federal-races. In the cycles immediately following *Citizens United* and *SpeechNow*, many of these spenders purchased their own campaign ads directly. *Id.* Since then, however, dark-money groups have steadily shifted to focus on routing contributions through super PACs, which now constitute the overwhelming majority of those dollars. *Id.* By the 2024 election, "shell companies and 501(c) nonprofits that did not disclose their funding sources gave $1.3 billion to super PACs—more than in the prior two election cycles combined." *Id. See also* JA71-71 (noting that "the percentage and amount of super PAC receipts from dark sources has increased significantly over time," culminating in "a 26-fold increase" in money contributed to super PACs from dark sources between 2012 and 2024).

Meanwhile, the assumptions animating *SpeechNow* and its progeny are no longer viable. Far from being the insular and completely independent groups *SpeechNow* envisaged, super PACs are routinely organized and run by political operatives from within a candidate's inner circle solely to support that candidate. *See, e.g.*, Fred Wertheimer, *The Case for Ending Individual-Candidate Super PACs*, Democracy 21 (Feb. 26, 2019), https://perma.cc/W2CL-V5EJ. The ecosystem of super PAC spenders is now dominated by single-candidate super PACs,[2] opaque networks of allied groups, and fly-by-night "pop up" operations that rapidly appear and shut down during an election cycle[3]—and is thus rife with opportunities for abuse. While the public may remain in the dark about the roles and influence of super PAC donors, candidates and officeholders are well aware of their identities and

[2] *See* OpenSecrets, *2020 Outside Spending by Single-Candidate Super PACs*, https://perma.cc/CL9J-8DA5 (last visited Sep. 11, 2026); OpenSecrets, *2024 Outside Spending by Single-Candidate Super PACs*, https://perma.cc/7REN-XPE2 (last visited Sep. 11, 2026) (reflecting that total spending by single-candidate super PACs nearly doubled from 2020 to 2024).

[3] *See, e.g.*, Saurav Ghosh & Brendan Fischer, *"Pop-up" Super PACs Game the System to Leave Voters in the Dark*, CLC (July 8, 2024), https://campaignlegal.org/update/pop-super-pacs-game-system-leave-voters-dark; Shane Goldmacher & Theodore Schleifer, *Millions of Dollars in Secret Spending Could Upend the 2026 Midterms*, N.Y. Times (Aug. 31, 2026), https://www.nytimes.com/2026/08/31/us/politics/the-least-transparent-midterm-how-dark-money-is-washing-over-the-2026-election.html.

policy goals. *See, e.g.*, *McConnell*, 540 U.S. at 128-29 ("While the public may not have been fully informed about the sponsorship of so-called issue ads, the record indicates that candidates and officeholders often were. A former Senator confirmed that candidates and officials knew who their friends were.").

This is a long way from the campaign finance system envisioned by the Supreme Court in *Citizens United*, which hinged on the "pair[ing]" of "corporate independent expenditures with effective disclosure." 558 U.S. at 370. *Citizens United* did not contemplate the lower courts' creation of super PACs, much less endorse the corruption or concealed campaign spending that those decisions empowered.

Maine was not obliged to stand idly by in the face of these mounting threats; it was entitled to take action to prevent them. The safeguard it chose is a narrowly tailored and proportionate response to the scale of the problem, and fits comfortably within the Supreme Court's jurisprudence recognizing the corruptive potential of large contributions benefiting candidates. And that is still true after *NRSC*, which reaffirms that base contribution limits remain vital and constitutionally permissible tools in the anticorruption arsenal.

CONCLUSION

For the foregoing reasons, the district court decision should be reversed.

Respectfully submitted,

/s/ Megan P. McAllen
Megan P. McAllen (Bar No. 1197810)
mmcallen@campaignlegalcenter.org
Kevin P. Hancock
Erin Chlopak
CAMPAIGN LEGAL CENTER
1101 14th Street NW, Ste. 400
Washington, DC 20005
(202) 736-2200

Attorneys for *Amicus Curiae*

Dated: September 11, 2026

CERTIFICATE OF COMPLIANCE

1. This brief complies with the type-volume limitation of this Court's Corrected Order, issued August 10, 2026, because it does not exceed ten pages in length, excluding the parts of the brief exempted by Fed. R. App. P. 32(f).

2. This brief complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6) because this brief has been prepared in a proportionally spaced typeface using Microsoft Office Word 365 in 14-point Times New Roman font.

/s/ Megan P. McAllen
Megan P. McAllen

CERTIFICATE OF SERVICE

I hereby certify that on September 11, 2026, I electronically filed the foregoing Brief with the Clerk of Court for the United States Court of Appeals for the First Circuit by using the appellate CM/ECF system, thereby serving all persons required to be served.

/s/ Megan P. McAllen
Megan P. McAllen