

government. Plaintiffs also request a permanent injunction barring the FEC from enforcing § 441c against plaintiffs.

2. The CLC is a nonpartisan, nonprofit organization that works in the area of campaign finance law, and participates in state and federal court litigation throughout the nation regarding contribution limits, disclosure, political advertising, enforcement issues, and other campaign finance matters. It also participates in rulemaking and advisory opinion proceedings at the FEC to ensure that the agency is properly enforcing federal election laws and files complaints with the FEC requesting that enforcement actions be taken against individuals or organizations that violate the law.

3. Democracy 21 is a nonprofit, nonpartisan organization dedicated to making democracy work for all Americans through support of campaign finance and other political reforms. To accomplish these goals, it conducts public education efforts, participates in litigation involving the constitutionality and interpretation of campaign finance laws, and engages in efforts to help ensure that campaign finance laws are properly enforced and implemented. It also participates in rulemakings and advisory opinion proceedings, and other administrative matters, at the FEC.

4. The *amici* have substantial experience and expertise with regard to the issues raised in this case.

5. The CLC and Democracy 21 have provided legal counsel to parties and *amici* in numerous campaign finance cases at the federal and state court levels, including representing intervening defendants in *McConnell v. FEC*, 540 U.S. 93 (2003). More recently, the CLC and Democracy 21 have participated as *amici curiae* in a number of Supreme Court cases, including *American Tradition Partnership v. Bullock*, No. 11–1179, 567 U.S. ____ (2012), *Citizens United v. FEC*, 130 S. Ct. 876 (2010) and

Wisconsin Right to Life v. FEC, 127 S. Ct. 2652 (2007). The CLC and Democracy 21 are also participating as *amici* in a number of ongoing cases concerning contribution restrictions including *McCutcheon v. FEC*, No. 12-cv-01034-JEB-JRB-RLW (D.D.C. filed June 22, 2012) (constitutionality of federal aggregate contribution limits) and *U.S. v. Danielczyk*, 683 F.3d 611 (4th Cir. 2012) (constitutionality of federal corporate contribution restriction).

6. The CLC and Democracy 21 wish to participate in this matter by filing the attached memorandum. *Amici* believe that this brief will assist the Court's understanding of the statutes, FEC regulations and case law relating to the aggregate contribution limits. This filing is timely because this motion and the attached memorandum are being filed within one week of the date that defendant FEC's summary judgment brief was due.

7. Pursuant to LCvR 7(m), counsel for *amici* consulted with counsel for the parties on this motion. Counsel for Plaintiffs Wagner, *et al.* (Alan Morrison) and counsel for Defendant FEC (David Kolker) consented to the *amici* participation of the CLC and Democracy 21 in this case. Mr. Morrison, however, stated that plaintiffs would consent to *amici*'s participation only on the condition that plaintiffs receive the opportunity to respond to *amici*'s memorandum by August 31, 2012.

WHEREFORE, premises considered, the CLC and Democracy 21 respectfully pray that this Court will grant this motion and permit their participation in this case as *amici curiae*. A proposed Order is attached.

Respectfully submitted,

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Dated: August 22, 2012

CERTIFICATE OF SERVICE

I hereby certify that the foregoing motion with supporting memorandum of law and proposed order have been filed by emailing them to dcd_cmecf@dcd.uscourts.gov (as documents exempt from the CM/ECF system) on this 22th day of August 2012. In addition, the following counsel have been served with copies of the foregoing motion for leave to participate as *amici curiae* with supporting memorandum and proposed order via email (where email addresses are available and known):

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