

Hello Sean,

Given your prior assurances and considering the email was obviously not meant for public dissemination, this is disappointing. In any event, I cannot stop you from capitalizing on Tom's unfortunate mistake. I will not, however, be providing the memo we received from the Department of Law.

However, staff relied on various portions of that memo in drafting our recommendation, even if the ultimate course of action differed. The memo's written advice was also starkly different than what staff, through conversations with our attorney, had been led to believe, which was in essence, that the doctrine of revival should apply. It seems that the original advice from staff's attorney required vetting from higher up the chain before it was released to us and that the feedback had been that it needed to provide a broader perspective and that it should convey a likelihood that there is no longer an appetite to have contribution limits.

I will again point out that the Commission, also represented by the Department of Law, is the final decision-maker. Staff's draft recommendation (not decision) was an effort to prevent a period of time between the Court's mandate and the legislature's ability to act where there is no guidance as to what limits, if any, might apply; and to address the "danger signs" noted by the Court of Appeals. We believe it is reasonable and prudent to do so considering 2022 election cycles are already underway.

Heather

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