

Maine Citizens for Clean Elections

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TO: The Honorable Senator Lisa T. Marraché, Senate Chair
The Honorable Representative John L. Patrick, House Chair
The Joint Standing Committee on Legal and Veterans Affairs

DATE: April 30, 2007

RE: **LD 1854** "An Act Regarding Campaign Finance Reporting and the Maine Clean Election Act

Maine Citizens for Clean Elections (MCCE) testifies neither for nor against LD 1854.

There are several important provisions included in LD 1854 that ought to be priorities for passage this year. They are:

Part A 23 This provision extends the so-called "rebuttable presumption" period from 21 to 60 days before the general election. This will ensure that all significant independent electioneering communications that are made during the most active part of the campaign are captured in the matching funds calculations for Clean Election candidates.

Passage of this provision will make the matching funds system work even better, will get the Ethics Commission out of the business of scrutinizing the messages contained in independent electioneering communications, and will ensure that Clean Election candidates receive matching funds in the most timely way possible.

The extension of the "rebuttable presumption" period to 60 days should be a top priority of the 123rd Legislature.

MCCE urges caution in expanding the amount of information that must be disclosed in the independent expenditure reports. While we are firmly in favor of full disclosure to the public, we believe the courts made clear that the state could only require the specific information that would allow the matching funds system to work.

Part A 6 We believe that current law allows a political party to provide up to 20 hour of staff time to advising a candidate. MCCE appreciates the clarification of this important exemption. We were very troubled by the expansive interpretation of this provision in the 2006 cycle which allowed each and every staff member of a party to provide up to 20 hours of advice to a candidate. We do not object to the broadening of the exemption from "advice" to "assistance," since the number of hours is sufficiently limited.

Maine Citizens for Clean Elections is a nonpartisan coalition of organizations that have worked together to pass Maine's Clean Election Act and that continue to work together to support and defend its use and the integrity of its implementation. Its members include AARP, Common Cause Maine, the League of Women Voters of Maine, Maine AFL-CIO, Maine People's Alliance and Peace Action Maine.

Part A 27 We agree that legislators who play a significant role in PAC fundraising and decision-making should be identified. This information will be helpful in researching and analyzing PAC activity and it enhances the public right to know.

Part B 10 This provision specifies the circumstances under which, and how, the commission may revoke a publicly funded candidate's certification. We believe this change is important to the long term success of the Maine Clean Election Act.

Part B 7 These additions to the certification requirements will ensure that public funds do not go to candidates who violate the public trust.

Part B 6 While we believe the statute is crystal clear that ONLY seed money may be used for goods and services received during the qualifying period, we support the further clarification that no public funds may be used for such expenditures.

MCCE objects to several other provisions of LD 1854. We urge the committee to reject the following ideas.

Part B 8 We strongly object to making seed money mandatory for gubernatorial (or any) candidates. The Maine Clean Election Act is a full public funding system that allows candidates to run for office without raising private money. Seed money is an optional provision that allows candidates to raise a very limited amount of private money from individuals in order to get their campaigns off the ground before public funds are received.

Seed money was never meant to be part of the qualifying process. The qualifying process allows candidates to build on community connections and experience without regard to interest, skill or success in fundraising. We are as concerned as anyone about making sure the qualifying process is rigorous enough to ensure that only candidates with genuine support from voters receive public funds, but we do not think mandating seed money helps that effort.

Part B 3 Since seed money is such a minor part of the Clean Election system, we see no need to limit it to in-state residents. Many candidates ask family members and close friends for these limited, early contributions, and there is absolutely no harm that comes from this practice, regardless of the residence of those donors.

Raising seed money is NOT part of the qualifying process, and therefore should not be used to test whether a candidate has the support of Maine voters. Collecting \$5 Qualifying Contributions and otherwise satisfying the requirements of the qualifying process does provide that test, since Qualifying Contributions may only be made by registered voters in a candidate's district. Further limiting the already very limited seed money provision does not improve the system at all.

See the attached sheets for MCCE's comments on LD 1854's other provisions.