



TO: The Honorable Senator Nichi Farnham, Senate Chair
The Honorable Representative Michael Beaulieu, House Chair
Joint Standing Committee on Veterans and Legal Affairs

DATE: March 28, 2011

RE: LD 843 An Act To Modernize the Maine Clean Election Act by Allowing for Private Contributions *Sponsored by Representative Alexander Cornell du Houx*

Maine Citizens for Clean Elections offers testimony neither for nor against LD 843.

With this proposal, Representative Cornell du Houx has envisioned an alternative Clean Election system that avoids the potential constitutional concerns that have been raised in the *McComish v Bennett* case, the Arizona lawsuit that is under consideration by the U.S. Supreme Court.

MCCE believes that this legislative proposal, though well intentioned, is premature. It is too soon to tell whether plaintiff's arguments will be persuasive to the Court. In fact, we believe that Maine's factual record offers a convincing argument that the Arizona law – and ours – is fully constitutional, and one of the things the Court will consider is an outstanding brief filed by MCCE and four candidate-amici from Maine presenting our case. We simply do not know what the Court's decision will be or whether it will have any impact on the Maine Clean Election Act. If it does, it might be useful to have this or another bill carried over, but MCCE prefers the solution put forward in LD 848, the Resolve introduced by Senator Patrick. That outlines a process and a timeline to make modifications to Clean Elections should they be necessary.

For these reasons, we do not advise consideration of this proposal at this time.

Thank you for the opportunity to be heard.

Alison Smith, Co-president

Member Organizations

AARP Maine, Common Cause Maine, EqualityMaine, League of Women Voters of Maine, League of Young Voters, Maine AFL-CIO, Maine Council of Churches, Maine People's Alliance/Maine People's Resource Center, Maine State Employees Association/SEIU Local 1989, Maine Women's Lobby, NAACP-Portland, Sierra Club Maine Chapter