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Editorial

Campaign Clarity Needed

[By BDN Staff](#)

A lawsuit involving a national group opposed to gay marriage has far-reaching implications for the state's campaign reporting and financing laws, especially since the National Organization for Marriage said it plans to advocate for supporters of "traditional marriage" in next year's election.

In October, NOM filed suit in federal court claiming Maine's referendum campaign finance reporting requirements were overly burdensome and, therefore, unconstitutional. Earlier this month, the group amended its complaint to U.S. District Court to include candidate elections. If its challenge is upheld, it would leave a big hole in the state's reporting requirements and its Clean Election financing program, which relies on candidates' reporting of donations to determine whether matching funds are warranted.

The group, based in New Jersey, contributed nearly \$2 million to Stand for Marriage Maine, which successfully advocated a repeal of the state law allowing same-sex couples to marry. NOM has refused to disclose to state election officials where its money came from. State law requires groups or individuals that raise more than \$5,000 to support or oppose a ballot question to register as a ballot question committee. Anyone who donates more than \$100 to the committee must be identified in campaign finance reports.

The Commission on Governmental Ethics and Elections Practices is investigating whether NOM violated state campaign finance laws by refusing to name its donors in connection with Question 1 on the Nov. 3 ballot.

Attorneys for the group have argued that listing donors would discourage contributions because people would be afraid of retaliation.

Gay marriage is an emotional issue, but citing fear as a reason to flout the law is an unpersuasive argument, especially when thousands of donors are named — complete with their home or businesses addresses and occupations — on campaign finance reporting forms filed by groups on both sides of Question 1. National groups have been involved in many contentious campaigns since Maine's reporting requirements have been in place. None has refused to comply with the law.

At the same time, there are varying levels of compliance. Some groups simply list "fund transfer" as a source of funding.

NOM's argument that it raises money nationally to be used in many different states, rather than for a campaign in a specific state, is more complex. A close look at the group's fundraising

literature will clarify whether it was raising money for the Yes on 1 campaign in Maine. If it was, reporting is necessary, as it should also be for other national groups that contribute to Maine campaigns.

It may be that lawmakers need to reconsider Maine's ballot committee law to clarify how such national fundraising should be handled, especially since it could influence Clean Election funding next year.

The bottom line is that Maine voters should be able to know who is trying to influence their vote.