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Maine Voices: Gov. LePage goes beyond the minimum on disclosing contributions

Considering what the Supreme Court did a year ago today, however, there is more all politicians can and should release.

BRUNSWICK - One year ago today, on Jan. 21, 2010, the U.S. Supreme Court issued a decision in the case of Citizens United v. Federal Election Commission. a 5-4 majority, the Court ruled that government may not prohibit independent corporate spending in candidate elections.

Prior to the 2008 presidential primaries, Citizens United, a nonprofit corporation, produced an unflattering documentary about candidate Hillary Clinton as a means to challenge the Bipartisan Campaign Reform Act of 2002, also known as the McCain-Feingold Act.

The act prohibited corporations and unions from broadcasting "electioneering communications" close to an election. As a result of the decision, all states, including Maine, saw a huge upsurge in independent corporate spending in the 2010 election cycle.

According to The Washington Post, this spending, with a growth to approximately $400 million, doubled between 2008 and 2010. In Maine, one group alone spent nearly $400,000 to influence five state Senate races.

Although the Supreme Court threw wide the doors to unparalleled corporate spending in candidate elections, the justices, by a margin of 8 to 1, did uphold 35 years of precedent concerning disclosure. Corporations can be required to disclose the amount of their expenditures and to run disclaimers with their advertisements. Thus, individual voters and the media can determine the source of independent expenditures on behalf of candidates.

Disclosure enables the public to make two important determinations. First, by revealing a candidate's financial backers, it gives voters some inkling about a candidate's leanings on legislative issues. Second, it gives voters a chance to identify political favors performed by politicians for campaign supporters.

While Citizens United did not have a direct effect on Maine law because this state has never prohibited independent corporate or union expenditures in candidate elections, it did validate Maine's requirement for disclosure of both candidate and independent expenditures. Reports must be filed with the Maine Ethics Commission and are available online.

Maine has a fairly effective system of disclosure. Among other things, candidate and independent expenditure reports must include the identity of the contributor, the employer, if any, of the contributor, the amount contributed, the amount expended and the purpose of the expenditure.

Maine law does not, however, require gubernatorial administrations to disclose funds they raise for non-campaign purposes. Therefore, Gov. Le-Page is to be commended for voluntarily setting contribution limits to his transition fund and for disclosing the identities of the contributors to this fund.

On Jan. 13, his transition team posted a list of 228 individual and corporate donors who gave up to a self-imposed maximum of $9,500. Still, Gov. LePage did not go far enough.

To be truly transparent, the disclosure should have listed the amount of the contribution next to each individual and corporate donor. That would have assured the public that the transition team was abiding by its self-imposed limits.

The disclosure should also have included information about the expenditures made from the fund. In this political system, where influence is often tied to money, such steps would have enabled the public to judge whether or not the contributors had more access to the administration.

Maine people value disclosure. In an opinion poll commissioned in 2010 by Maine Citizens for Clean Elections, a nonpartisan coalition of groups and individuals that advocates for the Maine Clean Election Act and related campaign finance law, the vast majority of Maine people surveyed said that the names of political donors should be disclosed and available to the public.

As we mark the first anniversary of Citizens United, it is fitting that the governor has embraced the only positive aspect of the ruling and taken it upon himself to go even further than Maine law requires.

However, more can and should be done. When a gubernatorial administration raises funds, it should be required to disclose the source and the amount and the purpose for which they are spent. Maine people like to know.

Michelle A. Small is a member of the Brunswick School Board.

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