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[Maine Voices: Ties between PAC, Farnham's campaign at heart of ethics complaint](#)

At its crux, the allegation against the state senator has nothing to do with her Clean Election status.

By Alison Smith

PORTLAND – It's that time of year again, and political campaigns are heating up, in some cases to the boiling point. Along with TV and radio ads, roadside signs and robocalls, here come the ethics complaints that appear so reliably in the final weeks of a campaign.

Sorting out the truth from the empty, politically motivated attacks is crucial, and accurate reporting in Maine's media can help.

In a recent editorial, this paper opines that the state Ethics Commission must address the allegations against state Sen. Nichi Farnham right away (Our View, "Ethics commission should hear Farnham complaint," Oct. 6).

I agree. Eleventh-hour ethics challenges often raise serious issues that can cloud a campaign, and that is certainly the case here. It is a service to both the public and the candidates to resolve them fairly and quickly.

Some of your reporting on this issue was not quite accurate.

The complaint against Sen. Farnham alleges that she controlled a political action committee that made expenditures in her own race for re-election.

If true, this would be a clear and egregious violation of Maine's campaign finance laws. PAC expenditures that are coordinated with the candidate are considered contributions to the candidate and are thus subject to contribution limits. To be legal, they must not exceed those limits.

The \$73,000 contribution in question would be illegal for any Maine candidate to accept because it far exceeds the limits that one entity may give. Clean Election candidates like Sen. Farnham may not accept contributions at all, and privately funded legislative candidates may not accept contributions of more than \$350.

So, the heart of the allegation has nothing to do with the senator's status as a Clean Election candidate. The salient issue is the question of coordination between the PAC and the campaign.

PACs are controversial because they provide a conduit for unlimited special interest money in elections, which is a stark contrast to the rest of Maine's campaign finance laws. In every election cycle, PAC spending raises questions about special interests wielding undue influence in our elections, out-of-state money skewing campaigns, and negative advertising distorting the truth or offering flat-out lies.

Clean Election candidates who involve themselves in PACs are often accused of hypocrisy, but their involvement is legal, just as it is for privately funded candidates.

Maine citizens have pushed the Legislature to tighten up our PAC laws, but without success. And thanks to U.S. Supreme Court decisions that favor big money over regular voters, there are not many good options that could pass constitutional muster these days.

For all their problems, PACs do provide one valuable thing, and that is transparency.

Without transparency, reporter Steve Mistler would not have been able to identify the big donors behind the money spent through the PAC named in the recent complaint ("Ethics panel to investigate state senator from Bangor," Oct. 5). Thanks to disclosure requirements, he was able to find out who the big donors to the PAC were, and he was able to look into who funds those entities.

Maine voters now know that the money for the \$73,000 expenditure came largely from corporate America – big players in insurance, tobacco and other industries – along with some well-known partisan political groups.

Disclosure is the other relevant issue in this complaint. Just as complying with contribution limits is imperative, so is providing accurate disclosure on campaign finance reports. Reports filed with the Ethics Commission show where PAC money comes from, where it goes and, importantly, who is in charge.

The complaint against Farnham claims that her name was listed as a decision-maker on the PAC in question. She denies that she was, in fact, in charge, but according to one news account, she did allow her name to be listed on the PAC registration at one point.

The issue of who controls the PAC is central to whether the expenditure was, in fact, coordinated with the candidate, but it is important even without the context of the recent spending. If Sen. Farnham was not a decision-maker on the PAC, then who was? And if she was not, then why did her name appear on the form? Transparency isn't worth much if it isn't accurate.

I have every confidence that our Ethics Commission will offer ample opportunity for the parties to be heard on this and other complaints that are filed in the days ahead. They will sort out the facts and make an informed judgment about whether the charges are valid or not.

With just a month to go before Election Day, voters need to know the facts, and candidates need to either face the music if they have erred, or have their names cleared so as not to be clouded by a frivolous, partisan complaint.

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