



Maine Clean Elections News

P.O. Box 18187, Portland, ME 04112

www.mainecelelections.org

The Newsletter of Maine Citizens for Clean Elections • Vol. 4, Issue 2 • Fall 2011

Supercommittee, or \$upercommittee?

by David Donnelly, Public Campaign, National Campaigns Director

This fall, in Washington, twelve elected officials, appointed by leadership in both major parties, will hammer out a proposal to cut more than \$1.2 trillion from the federal deficit. The so-called “supercommittee” has extraordinary power and responsibility. And, apparently, fundraising cache.

One lobbyist joked that he was preparing for the supercommittee by “writing 12 really large checks.” Another said that they’d be known as the “dirty dozen” by the time the deliberations were over.

But what’s good for the supercommittee and for corporate special interests is not necessarily good for America. That’s why

Public Campaign and two-dozen other groups demanded that the supercommittee members cease all fundraising until Thanksgiving when their proposal is due.

A few have taken positive steps. Senator Rob Portman (R-Ohio) said he’s cancelled fundraising events. So has Sen. Max Baucus (D-Mont.). But the prize so far goes to Sen. John Kerry (D-Mass.) who told the Boston Globe, “I will not fund-raise.” (He promptly backtracked slightly, saying he’d attend a Democratic Party fundraiser, but that he wouldn’t raise money for himself.)

That Sen. Kerry spoke out came as no surprise. In days following the victory of the Clean Election initiative in 1996, Sen.

Kerry made working on a federal version of Maine’s breakthrough law a priority, introducing, with the late Sen. Paul Wellstone (D-Minn.), a bill directly modeled after it. Moreover, Sen. Kerry doesn’t need to fundraise right now. He’s not up for re-election until 2016 and has millions squirreled away in his campaign account.

In fact, none of the supercommittee members need to fundraise. According to a Public Campaign analysis, they have \$20.4 million, collectively, in their campaign accounts, and had raised \$12 million as of June 30 this year. None of them face any immediate, or even medium term, electoral challenges back home.

Yet these members are sched-

“If you’re not at the table, you’re on the menu.”

Manuel Rouvelas, a Washington lawyer quoted in the New York Times, September 21, 2011, “Lobbyists Line Up to Sway Special Committee”

uled to appear at dozens of fundraisers. Special interests from the defense industry to Wall Street to Big Oil are descending with checks and lobbyists in tow. The result will probably be quintessential Washington. The supercommittee will be supercorrupt.

That led me to think, what if Maine’s Clean Election Act were in place in Washington. What if Sen. Kerry’s Clean Elections bill, or more recently Rep. Chellie

Supercommittee
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Repairing Clean Elections

On June 27, 2011, in its final decision of the year, the United States Supreme Court issued its long-awaited decision in *Arizona Free Enterprise Club v. Bennett*. The Court overturned Arizona’s Clean Election matching funds system, which is similar to Maine’s.

A legal challenge to Maine’s law, *Cushing v. McKee*, had been pending in U.S. District Court, and within the month, Judge George Z. Singal ruled

against Maine’s matching funds provisions.

While these rulings were disappointing, they were quite narrow, and they do not signal the end of public funding. In fact, the Court specifically affirmed the basic constitutionality of public financing of elections. Their ruling only affects those triggered matching fund schemes that use the spending

Repairing
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Mainers Rally for Clean Elections — See “Legislative Recap” page 2



MCCE is a nonpartisan organization that works in the public interest to advocate for, increase public support for, defend and improve the Maine Clean Election Act and related campaign finance law.

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LEGISLATIVE RECAP: The Good, the Bad, and the Ugly

Kudos to the hundreds of Maine people who stood up for Clean Elections in the First Regular Session of the 125th Legislature. There is only one way to defend a citizen-initiated law, and that is to make sure that lawmakers are constantly reminded of its importance. MCCE extends a hearty "Thank you!" to everyone who testified at a hearing, called their legislators, wrote letters in support, and signed on to MCCE's Open Letter to the 125th Maine Legislature.

The Joint Standing Committee on Veterans and Legal Affairs heard several dozen campaign finance bills during the session, and MCCE was at the front lines helping the committee sort out the good ideas from the bad. The bad bills ranged from full repeal of Clean Elections to smaller policy changes to weaken the law. The good ideas included PAC reform, better disclosure, and a preemptive move to address the Supreme Court decision that came at the tail end of the session.

In the biggest win of the session, the Legislature rejected LD 659, a full repeal of Maine's landmark law. A small but determined minority of legislators pushed hard for repeal, but in the end they could only muster 33 votes in the House. The Senate killed the bill.

Another important win was the passage of LD 848, a Resolve that anticipated an adverse ruling from the U.S. Supreme Court in a challenge to Arizona's Clean Election matching funds system. Thanks to this legislative action, when the ruling came down in June, Maine was well positioned to deal with it. (*See Repairing Clean Elections, page 1.*) The Legislature also made modest improvements to disclosure requirements.

That's about it for good news.

Despite outstanding turnout and compelling testimony from a diverse array of Maine people, we were unable to defeat LD 120, a bill to repeal the Clean Elections in gubernatorial races. This bill was carried over, and will likely come up again in the Second Regular Session. Unfortunately, this bill appears to have some support in the committee and in the legislature as a whole, and it is supported by Governor LePage. No question, gubernatorial repeal is a continuing and looming threat. Critics will raise the issue of the cost of the program and the fact that Maine has yet to elect a Clean Election winner in that race as reasons to repeal it.

Although there was no bill introduced to increase the contribution limit to privately

funded gubernatorial candidates, Governor LePage proposed this change in his budget package. MCCE held a press conference to call attention to this back-door attempt to increase the role of big money. The proposal was quickly withdrawn from the budget, but it came back at the very end of the session as a floor amendment on an unrelated bill (LD 856). In spite of an outcry from Maine people, editorial writers and Democratic legislators, the amendment carried, the bill passed, and the contribution limit is now \$1,500 – double what it was in 2010.

Once again this year, the difficult issue of PAC reform was raised, several bills were heard, and much forceful testimony was delivered. In the end, PAC reform went nowhere. Maine remains one of the few states, and the only state in New England, with no contribution limit to PACs.

Throughout the legislative session, MCCE and its partners worked hard to maintain a strong presence at the State House and keep Clean Election supporters informed.

Please join the effort by signing up for the MCCE Action Network at www.maineckanelections.org. ■

Supercommittee (from page 1)

Pingree's Fair Elections Now Act, were adopted and Congress, like the Maine state legislature, were comprised of 80 percent of those who ran without ties to big money donors?

For starters, this column – and many others like it in newspapers around the country – would be focused on the substance of the deficit reduction. More im-

portantly, the supercommittee members would be, too, instead of courting lobbyists and donors at elite fundraising events.

If we could be sure that the supercommittee members weren't spending their time cashing in on their powerful positions by raising campaign money, we'd trust that their decisions were based on what was right for all of

us, not just those who can afford access.

We see on a daily basis in Washington reasons why Maine's Clean Election program is "the way life should be." Fortunately, with ongoing hard work by Maine Citizens for Clean Elections and its allies, Maine can continue to be that beacon for us all. ■

SIGN UP AT www.maineckanelections.org

Letter from the President

Here at MCCE, our mission is more important than ever. The problems of money in politics reveal themselves in every major policy debate and in every election. If we are ever to truly enjoy government of, by, and for the people, we need a campaign finance system that puts people first.

That's what Maine people did when they initiated and passed the Clean Election Act fifteen years ago. Today, we have a successful system that is popular with both candidates and voters all over Maine.

End of story? Hardly. Our Clean Election system is under attack, and a recent court ruling has sent us back to the policy-making table to make repairs. And some opponents in the legislature are trying their best to repeal one of the most important elements of Clean Elections – the gubernatorial program.

To meet these serious and ongoing challenges, we have taken steps to strengthen our organization. This summer we hired our first full-time Executive Director, Andrew Bossie. You may know Andy as a founder of Opportunity Maine, or as the former Executive Director of the Maine AIDS Alliance. Andy is committed to increasing our capacity and our impact by providing strong professional management for our largely volunteer team.



Andrew Bossie

Speaking of volunteers, we are delighted to welcome long-time friend Phil Bailey to our Board of Directors.

We all owe a big thank-you to Ann Luther whose term as Co-president ended this summer. Ann provided unmatched leadership during our transition from a loose-knit coalition to the professionally managed nonprofit organization we are today. Ann will continue to serve as our Treasurer and as Chair of our Public Policy Committee.

Without a doubt, the biggest source of strength for MCCE is you – the Maine people who stand ready to defend our valuable Clean Election system. Together we will meet every challenge!

Alison Smith

Alison Smith, President

Repairing (from page 1)

of opposing candidates or independent groups to trigger additional funding to participating candidates.

Here in Maine, the effort to repair the Court's damage to our Clean Election system is well underway. In anticipation of these decisions, the 125th Legislature put a process in place to amend the Maine Clean Election Act in time for the 2012 elections, and both the Ethics Commission and the Veterans and Legal Affairs Committee have important roles to play.

MCCE's Policy Committee spent the summer talking with a wide range of stakeholders and participating in the Ethics Commission's review. In our testimony to the Commission we asked that the fundamental value and benefits of the system be preserved as much as possible. It's not enough to comply with the Supreme Court decision – the system must be right for Maine. Our amended system should:

- Be inclusive and fair so that all qualified Mainers can participate and so that similarly situated candidates have the same opportunities.
- Be viable for most races and provide funding that is adequate to run and win a competitive race, even against an incumbent.
- Be simple and preserve continuity with the current system so that candidates and voters alike are able to understand and participate in the process.
- Remain true to the original intent, to minimize the importance of private campaign contributions and reduce their influence, increase transparency, strengthen ties between voters and candidates, provide opportunity for diverse array of Mainers to run and serve without ties to special interests.
- Provide good stewardship of public money so that the cost of the system is reasonable for the state and provides real value and accountability.

Now the Ethics Commission has completed its review, and we are pleased that our preferred solution (*see sidebar*) was included in their report to the Veterans and Legal Affairs (VLA) Committee. The VLA Committee's job is to vote out legislation based on the Ethics Commission's recommendations no

later than December 1, 2011. That bill will be taken up by the full legislature in the Second Regular Session, which begins in January.

Maine's system has worked well for more than ten years, providing essential resources to candidates in highly competitive campaigns while preserving limited state resources. Some 80% of Maine voters think it is important to have a Clean Election system, and - let's face it - it has never been more important to reduce the influence of wealthy interests. MCCE will work closely with all stakeholders to see that the law remains viable for future elections. ■

MCCE's Preferred Solution

While the Ethics Commission included two proposals in their recommendations to the VLA Committee, only one has the potential to provide adequate funds to candidates in very competitive races. Known as the "requalifying option," this system would allow candidates to qualify for the Clean Elections program and receive initial distributions just like they have done in the past. In order to qualify for additional funds, candidates would collect more Qualifying Contributions from voters in their district.

This option complies with the court decisions, is consistent with the values that underlie Clean Elections, and will be workable in practice. Because it builds on the familiar qualifying process that has been in place for the last six election cycles, we believe it will be acceptable to Maine candidates and voters alike.

For more information and/or an interactive demonstration of the requalifying option, please contact Andrew Bossie at 207-831-6223 or andrew@maineclipselections.org.

Ethics Commission Welcomes Newest Member

The Maine Senate unanimously confirmed former State Senator Jane Amero of South Portland as a member of the Commission on Governmental Ethics and Election Practices.

A Maine native, Senator Amero has a long record of service in education and government. She is a former high school teacher who served on the local school board and town council and chaired the State Board of Education before winning her seat in the State Senate in 1992. She

served for eight years, six of them in leadership, and made her mark with passage of Maine's Learning Results. In 2000 she was the Republican nominee for the 1st District Congressional seat. She recently retired as Director of Governmental Relations at Pierce Atwood.

She replaces Senator Ed Youngblood whose term on the Ethics Commission expired this year. ■



Jane Amero

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Check YES for Clean Elections

When tax time comes around, check **YES on Line 1** of the Maine income tax form. It won't increase your tax bill or reduce your refund.

Join MCCE's Action Network

Sign up at www.maineckleanelections.org

Court Upholds Transparency

In a victory for Clean Elections and common sense, the First Circuit Court of Appeals recently upheld Maine's transparency laws ... again!

In August, the court roundly rejected an appeal by the National Organization for Marriage (NOM), which has tried for two years to overturn Maine's campaign finance disclosure laws. In 2009, NOM gave almost \$2 million to overturn Maine's marriage equality law, then refused to cooperate with an Ethics Commission investigation of its fundraising, filing a lawsuit instead. Writing

“These provisions neither erect a barrier to political speech nor limit its quantity. Rather, they promote the dissemination of information about those who deliver and finance political speech ...”

Judge Kermit Lipez

for the court, Judge Kermit Lipez stated “These provisions neither erect a barrier to political speech nor limit its quantity. Rather, they promote the dissemination of information

about those who deliver and finance political speech...”

The court also paved the way for the unsealing of the trial record, which would greatly enhance the transparency of the

process and of NOM's fundraising. To no one's surprise, NOM immediately filed a petition for rehearing, but the request was denied by the court. Still pending is NOM's challenge to transparency in ballot initiative campaigns. The First Circuit heard oral argument on September 14th.

MCCE is standing strong for transparency and will remain a Friend of the Court until the last ruling is issued.

Go to www.maineckleanelections.org/135 to read the latest on NOM's lawsuits. ■

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