



# Maine Clean Elections News

P.O. Box 18187, Portland, ME 04112

www.mainelections.org

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## A Second Clean Election Initiative For Maine

By Ann Luther, Ben Claeson, Bill Curran, Emma Halas-O'Connor, Carmen Lavertu, and Ed Youngblood

On July 19th, the six of us stood shoulder to shoulder in Augusta and submitted an application to the Secretary of State. Its purpose? To begin the process of bringing a second Clean Election initiative to Maine voters.

Eighteen years ago, our predecessors launched the effort that resulted in the nation's first full public funding system for state offices. Aiming to reduce the influence of special interests in elections and government while enhancing the role of everyday people in our democratic processes, Maine people created a campaign system that relied on tiny contributions from ordinary voters rather than wealthy donors, one that would allow the people who represent us to serve in Augusta without financial ties to moneyed interests.

For more than a decade, Clean Elections worked well. Popular with candidates and voters alike,



Initiative signers and friends cheer Ann Luther as she submits the application to the Secretary of State.

Clean Elections has been used by all sorts of Maine people: incumbents, challengers, and open seat candidates; Democrats, Republicans, Greens and independents; women and men; political veterans and first-time candidates; candidates from rural and urban areas, small towns and unorganized territories. In each election cycle, hundreds of can-

didates reject private money and opt for Clean Elections instead.

Today, our successful Clean Election system has been compromised by court rulings, legislative action and inaction, gubernatorial vetoes, and budget raids. If we want to continue to benefit from Clean Elections, we must undo this damage and strengthen the law. It will be a lot

of work to collect the signatures, get the initiative on the ballot, and pass it at the polls. But our democracy deserves no less!

One big blow to Clean Elections came in 2011 when the U.S. Supreme Court overturned Arizona's Clean Election matching funds system, signaling the certain loss of Maine's matching funds system, too. Matching funds provided additional funding to Clean Election candidates who are outspent by well-funded opponents. The idea was to create a level playing field and ensure that voters would hear from all sides. Without matching funds, Clean Elections would not be viable in the most hotly contested races.

Within a couple of months of that disappointing decision, Maine people came up with an innovative alternative – an optional system of supplemental

**Initiative** (continues page 3)

## Legislative Update

The 126th Maine Legislature wrapped up its First Regular Session in June, and MCCE reports mixed results on our priority bills.

First, the good news. In an increasingly rare show of broad bipartisan unity, the Legislature passed L.R. 66, the "Joint Resolution Memorializing Congress to Pass a Constitutional Amendment to Reverse the Ruling of the U. S. Supreme Court in *Citizens United v. FEC*." Maine was the 13th state to endorse a U.S. Constitutional Amendment, and it did so with significant Republican support. The final votes were 25 to 9 in the Senate,



Veterans and Legal Affairs Committee House Chair Louis Luchini, analyst Danielle Fox, and Ranking Member Mike Beaulieu at a hearing.

and 111 to 31 in the House. Clearly, frustration with the Court's rollback of campaign finance laws cuts deep, and across party lines.

We appreciate the leadership that Senator Dick Woodbury (U – Cumberland) provided in sponsoring the resolution, and we are happy to report that three of our four members of Congress have signed on to constitutional amendment bills. Senator Angus King is cosponsor of the Udall Amendment, Representatives Chellie Pingree and Mike Michaud are cosponsors of the McGovern amendment in the House, and Pingree has signed on to three more similar bills.

Our other priority bills did not fare so well despite being passed by the legislature. LD 1309, "An Act to Strengthen the Maine

**Update** (continues 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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## Moving Maine Forward

Dear Friends,

One thing is conspicuously absent from next year's election for governor: Clean Elections. Thanks to a budget that short-changed Clean Elections, every candidate is relying entirely on private money, and the big checks are flowing.

Despite this setback, we are building the team at MCCE that will keep Maine moving forward.

Led by our President, Ann Luther, six Maine voters—a cross section of Maine's politics and demographics—stepped up this summer to initiate legislation to restore Clean Elections, increase transparency, and close loopholes. Ben Claeson, Bill Curran, Emma Halas-O'Connor, Carmen Lavertu, and Ed Youngblood are important leaders for this effort.

I am pleased to introduce our newest board member, **Marge Medd**. Marge hails from Norway, Maine, and is a long-time supporter of Clean Elections. Marge has served three governors—a Republican, a Democrat, and an independent—through various appointments, and currently serves as a Trustee of the University of Maine System.

And, a warm welcome to **Christopher Mills**, our



Marge Medd



Christopher Mills

Development Director, who has been hard at work since August. Christopher brings experience raising money for both nonprofits and political campaigns, and he is helping MCCE to innovate and step up our own fundraising efforts.

Speaking of which, let me say a personal "Thank you" to the friends and colleagues who helped me mark my 30th birthday by contributing to MCCE. We set an ambitious goal and met it, thanks to all of your help. Thanks also to John Nichols, author of *Dollarocracy: How the Money and Media Election Complex is Destroying America*, and all who contributed at his book event in October.

We're also pleased to launch The Clean-Up Crew, our recurring donor program. Check out the back page for details, and please sign up!

Thanks for all you do,



ANDY

Andrew Bossie  
Executive Director



## ACLU of Maine Honors Ann Luther

MCCE President Ann Luther received the Baldwin Award from the ACLU of Maine on October 10th. Ann was recognized "not for a single achievement, but rather for years of committed service to building a healthy democracy."

Noting that Ann has volunteered tremendous time and leadership to the cause of voting rights, the ACLU of Maine highlighted Ann's pivotal roles in the campaigns to preserve same-day voter registration, stop voter ID, and establish early voting.

In addition to her role at MCCE, Ann is a longtime leader of the League of Women Voters of Maine, and she serves on the board of the Maine Center for Public Interest Reporting. The award is named for Roger Baldwin, a social justice activist who helped found the ACLU.

All of us congratulate Ann on this well-deserved honor! ■

### Update (from page 1)

Clean Election Act," sponsored by Senator Ed Youngblood (R-Penobscot), which called for an optional supplemental funding system to replace the matching funds provision that was struck down in the courts, passed in both chambers but never made it to the governor's desk. Instead, it sat on the special appropriations table and was carried over to the Second Regular Session with very little prospect of funding.

The result is that Clean Elections will have very limited resources for the 2014 election cycle – far short of the statutory funding called for in our citizen-initiated law, and not enough to provide for supplemental funding. The final budget that passed in the waning days of the session allows for participating legislative candidates to receive one distribution that is 20% higher than 2012, but there are no funds for gubernatorial candidates at all.

MCCE supported several bills to improve transparency and compliance with disclosure laws, and two bills passed in the legislature. In a very disappointing finish to the legislative session, Governor LePage vetoed both bills, and the Legislature failed to override the vetoes.

So much work goes into drafting and revising bills, holding hearings and work sessions, drafting and delivering testimony, and building strong

support among legislators that it is very discouraging when things fall apart at the last minute. One of these bills would have raised potential penalties for reporting violations that occur close to Election Day. The other would have shined a light on post-election private fundraising by a governor-elect for transition and inaugural expenses – activity that is completely unregulated today. These modest but important bills deserved to become law. ■

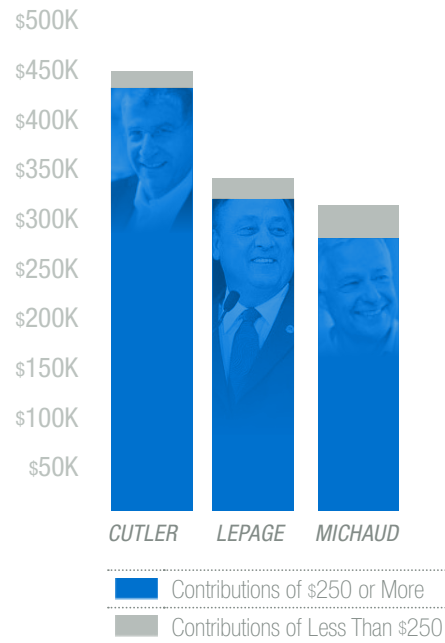
# Unprecedented Private Money Flooding 2014 Gubernatorial Campaign



MCCE's Money in Politics Project has released its latest report examining campaign fundraising in Maine. "First Look at 2014 Gubernatorial Fundraising: Private Money from Wealthy Contributors Dominates the Campaign," analyzes campaign contributions reported by the three major candidates as of July 15, 2013.

The report shows that the major candidates are on track to raise a huge amount of private money. Sixteen months before Election Day, Governor Paul LePage, Congressman Michael Michaud, and Cape Elizabeth attorney Eliot Cutler have already raised a total of \$1,102,900. This is a 250% increase over the private funds raised in the 2010 election campaign as of the same reporting period. One contributing factor is that, earlier this year, the governor and legislature suspended the public funding option for the 2014 gubernatorial campaign, making this the first gubernatorial race since 1998 in which public funding is not available to candidates. MCCE has strongly advocated for the gubernatorial public funding system and for full funding of the entire Clean Elections program.

Many of the contributions fueling these campaigns would have been prohibited in the last three election cycles. That is because the legal contribution limit has been raised by Augusta powerbrokers from \$500 to \$1,500 per contributor. The potential for one person or household to influence the



campaign is very high. Under current law, a married couple can give a whopping \$6,000 to a candidate who has both a primary and general election campaign.

One of the most startling facts uncovered in the report is that over 48% of the funding raised to date comes from an elite group of approximately 275 "superdonors" – people who have already given the maximum contributions allowed by law.

MCCE's report found that all of the candidates have raised \$300,000 or more, and it looks like the 2014 gubernatorial race could be the most expensive in Maine's history. The report makes clear that the contributors funding this campaign are not representative of the people of Maine. Over 90% of the money raised to date has arrived in contributions of \$250 or more. The vast majority of the amount contributed far exceeds what the typical Maine family can contribute.

The report also shows the sources of candidates' funds. While all have relied mostly on individual donors, LePage has received a significant amount from commercial sources. Cutler leads in out-of-state fundraising and in donations from maxed-out contributors, while Michaud has raised more from lobbyists, PACs, and small donors than the other two.

This emphasis on early fundraising suggests that this closely watched election will also draw large independent expenditures in addition to the funds raised and spent by the candidates themselves. A future Money in Politics report will analyze independent expenditures as Election Day approaches. The report concludes that, despite this trend of big money campaigns, "we can and must do better." Strengthening the Maine Clean Election Act and restoring it to its full potential should be a high priority for lawmakers and the people of Maine in the coming years. ■

## Initiative (from page 1)

funding built upon a core component of Clean Elections: qualifying contributions. Candidates in expensive races would be able to seek additional \$5 qualifying contributions from local voters and receive supplemental funding to stay competitive.

Rather than pass this practical, constitutional alternative, the 125th Legislature did nothing. This year, the 126th Legislature had its chance. The bill passed, but with inadequate funding in the budget, it cannot be enacted ([see Legislative Update, page 1](#)).

The failure to replace matching funds is not the only campaign finance challenge in which our lawmakers have fallen short. In session after session they have failed to update the laws governing political action committees. They have rejected modest bills

**Maine led the nation with the passage of Clean Elections... and Maine people must lead once again.**

that would increase transparency. And they have continually tapped the Maine Clean Election Fund—the dedicated fund created

in the 1996 law—for unrelated state programs, jeopardizing the future of the system.

A new Clean Election initiative offers Maine people the best chance to refresh the mandate on Clean Elections and strengthen the system for the long term. It is our best chance to increase transparency and close loopholes—measures that lawmakers have been unwilling or unable to take themselves.

Maine led the nation with the passage of Clean Elections seventeen years ago, and Maine people must lead once again. Please join us in this effort! ■

*Ann Luther, Trenton, is the President of Maine Citizens for Clean Elections. Ben Claeson, Bangor, is a student at Bates College. Bill Curran, South Portland, is a Claims Associate at Disability RMS. Emma Halas-O'Connor, Portland, is the Grassroots Advocacy Coordinator at the Environmental Health Strategy Center. Carmen Lavertu, Thomaston, is a retired educator and grassroots political activist. Edward Youngblood, Brewer, represents District 31 in the Maine Senate.*



# MCCE Files Complaint With Ethics Commission

In the course of our research into gubernatorial fundraising (see [Money in Politics](#), page 3), MCCE discovered information contained in reports filed by the LePage reelection campaign showing that several violations of contribution limits had occurred. We alerted the Ethics Commission that this publicly available data indicated irregularities, and found that the Commission was aware of them. Commission staff had requested that the LePage campaign address the problem, assuming at that point that the same

contribution had been reported twice in several instances. But, after 6 months, the campaign still had not explained or corrected the anomaly. MCCE filed a complaint to force the matter to a head.

As it turned out, the LePage campaign had accepted contributions from three corporate donors in excess of the statutory limit. The matter was resolved when the excess contributions were repaid to the donors, and the LePage campaign detailed new protocols that would ensure no such violation occurred in

the future. We were somewhat surprised that no penalty was assessed by the Commission. Their rationale was that the public had not been harmed by either the violation or the inaccurate reports.

We believe that the time to set a high bar for compliance with all aspects of campaign finance law, including contribution limits and accurate disclosure, is right at the beginning of a campaign. With the 2014 gubernatorial race shaping up to be the most expensive in Maine's history, and with every candidate relying

solely on private money, it is critically important that candidates and their staffs understand the law and the limits and take them seriously.

Maine people have a right to expect that campaigns will follow the law and that accurate and timely information will be available to the public. Current law mandates audits of each publicly funded gubernatorial campaign and allows for privately funded campaigns to be audited as well. The Commission should inform the campaigns today to expect audits. ■

<https://www.maineckleanelections.org>

**SIGN UP TO RECEIVE UPDATES**

## Become a member of **The Clean-Up Crew**

“The amount of money that influences politics is a big problem. I volunteer because I think **the work MCCE does is really important in leveling the playing field.** And, making a monthly donation is just an easy way for me to do my part to help them continue to do their work.”

— *Chris McCoy*

“I donate monthly to MCCE because there isn't another organization in Maine that is doing more and better work to address the issue of money in politics. **Without MCCE, there would be no checks and balances, at all.**”

— *Dom Rozzi*

The Clean-Up Crew members like Chris and Dom sustain MCCE's work through monthly donations, providing MCCE with a consistent and reliable source of funding.

When you join The Clean-Up Crew, MCCE puts your recurring tax-deductible donation to work right away, increasing the impact of our research, education, and outreach work.

Go to [www.maineckleanelections.org/donate](http://www.maineckleanelections.org/donate), click the monthly donor link and sign up. If you prefer, you may use the envelope provided. Help MCCE clean up Maine politics and restore Clean Elections.

**Join The Clean-Up Crew today!**

[www.maineckleanelections.org/donate](http://www.maineckleanelections.org/donate)

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