

**CLEAN ELECTIONS AT WORK:**  
*The Second Cycle of  
Public Funding in Maine*

**A Survey of Maine Clean Election Act  
Legislative Candidates**

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# Survey Summary

In December 2002 the Maine Citizen Leadership Fund undertook a comprehensive survey of legislative candidates who used the Clean Election voluntary public funding system in 2002. Seventy-two percent of participating general election candidates took part in the survey, offering unique insight into the workings of the Maine Clean Election Act.

## Maine's Clean Election Act legislative candidates say:

- **they are satisfied with the Clean Election system.** *Ninety-six percent said they are "very" or "reasonably" satisfied.*
- **the availability of Clean Elections was a factor in making their decision to run.** *More than half said it was "very" important, and 28 percent said they wouldn't, or probably wouldn't, have run without it.*
- **they chose Clean Elections so they could run better campaigns.** *They wanted to spend time with voters, not donors, and focus on issues, not fundraising.*
- **they had an easier time budgeting and planning their campaigns.** *They appreciate that, from the beginning, they knew exactly what they had to spend.*
- **they found value in the Clean Elections qualifying process.** *Connecting early with voters in the district was a good way to start a grassroots campaign.*
- **they had enough money to run viable races.** *The strict spending limits did not stop them from running vigorous campaigns.*
- **they are concerned about loopholes.** *They say that too much spending goes unreported, and that opponents wait too long to report their contributions and expenditures.*
- **the matching funds system can be improved.** *They want the reporting requirements to be tightened so that funds arrive in time to be used well. They want "sham" issue ads to be reported and matched.*
- **they don't like independent expenditures.** *They do not welcome soft money spending in their races, and wish independent spending could be eliminated or controlled.*
- **they do not feel beholden to special interests.** *Participating legislators say that they enjoy a high degree of independence as they serve in office.*
- **the Ethics Commission staff was a big help.** *They praised the staff but said they would like to see the reporting and paperwork simplified.*
- **they want to use Clean Elections again.** *Ninety-four percent are likely to use Clean Elections for their next campaign, and 96 percent are likely to recommend the system to others.*



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# Introduction

In November 1996, Maine voters made history by passing a citizen's initiative establishing the nation's first full public funding system for candidates for state offices. This voluntary system, called the Maine Clean Election Act, provides public funding to qualified candidates who agree to limit their spending. The law was immediately challenged in federal court and ultimately declared fully constitutional by the First Circuit Court of Appeals. Lower contribution limits for privately funded candidates were also part of the referendum, and they were challenged and upheld as well.

Since then, Maine's law has served as a model for reformers across the nation. Vermont's legislature passed a public funding bill in 1997. Massachusetts and Arizona passed similar laws in 1998, and many other states are working toward Maine-style reform.

Candidates for the Maine Legislature had their first chance to use Clean Elections in 2000. One-third of candidates participated, and more than half of them won their races. A survey conducted during and after that election revealed that candidates were satisfied with the Clean Election system, and enthusiastic about using it again. The survey also made clear that, though the system worked well, a few changes would make Clean Elections work even better.

The 120<sup>th</sup> Maine Legislature acted on some of the suggestions, adding a distribution of funds to uncontested candidates, extending the time for candidates to qualify, and clarifying certain points of the law and rules.

In 2002, twice as many candidates participated in the Clean Election option – a majority of all candidates who ran for legislative seats. For the first time, gubernatorial candidates also had a public funding option, and two of them used it.

Now Clean Election legislators make up over half the Maine House, and three-quarters of the Maine Senate. Most legislators have had firsthand experience with public funding. It is our hope that this survey report will provide a valuable composite of their collective experience to guide policymakers as they contemplate the future of Clean Elections.

## Maine Clean Election Timeline

### November 1995

More than 1,000 volunteers collect 65,000 signatures in one day, to qualify the Clean Election Act for the ballot.

### November 1996

Maine voters endorse Clean Elections with 56 percent of the vote.

### January 2000

Candidates for legislative office begin the qualifying process.

### June 2000

Maine primary election is held with 121 publicly funded candidates.

### November 2000

Maine general election is held with 116 publicly funded candidates.

### November 2001

First Maine gubernatorial candidates begin the qualifying process.

### June 2002

Maine primary election is held with two publicly funded gubernatorial and 252 publicly funded legislative candidates.

### November 2002

Maine general election is held with one publicly funded gubernatorial candidate and 230 publicly funded legislative candidates.

## About the Survey

The Maine Citizen Leadership Fund conducted a survey of Clean Election candidates in December 2002 and January 2003. All Maine legislative candidates in the 2002 general election who participated in the Clean Election system were asked to complete a questionnaire (see pages 30-33). Seventy-two percent chose to take part, either in writing or by telephone, providing a large and representative sample from which to evaluate the Clean Election system in its second cycle.

Each general election candidate was mailed a paper survey with a stamped, return envelope in December. Follow-up calls were made to candidates to encourage participation. Callers reminded candidates of the deadline, offered to send an electronic version of the questionnaire, and asked if the candidate would prefer to complete the questions over the telephone. Using standard survey protocols, equal effort was made to obtain the participation of each candidate.

About one-third of the candidates chose to participate by telephone. Ten percent emailed responses, and the remainder, 57 percent, returned the paper survey. Because the phone surveys contained far less missing data than the others, and more information overall, that subset of the sample was evaluated to see if it was markedly different than the sample as a whole. As the table demonstrates, both the sample and the subset closely represent the pool of general election candidates as far as proportion of candidates by party, chamber and several other categories.

The survey sample did have one significant limitation: Because the sampling frame was the general election candidates, no losing primary candidates were included, nor were any candidates who withdrew prior to the general election.

Two surveys were received that did not include a candidate's name. These were not considered in the analysis. Without a name, there was no way to attribute important information such as party, office sought, etc., nor could the possibility that the candidate completed the survey more than once be ruled out.

CEA candidates in the General Election	Survey Sample	Survey Sample
230	165	72%

	CEA candidates in the General Election	Survey Sample	Phone Sample
Senate	22%	21%	24%
House	78%	79%	76%

Won	48%	48%	47%
Lost	52%	52%	53%

Democrat	53%	52%	51%*
Republican	40%	41%	44%*
Green	3%	4%	2%*
Unenrolled	4%	3%	4%*

Incumbent	27%*	25%	22%*
Challenger	34%*	38%	35%*
Open Seat	40%*	37%	44%*

Women	30%	26%	27%
Men	70%	74%	73%

*\*Due to rounding, percentages in the tables sometimes add up to 99 or 101.*

## Satisfaction with the Clean Election System

The survey aimed to gather both specific information about how well the different aspects of the Clean Election system work and more general information about how candidates feel about it. Before delving into the details of the Act, the survey sought to measure the general level of satisfaction.

The first question was “Overall, how satisfied are you with the Clean Election system?” Ninety-six percent answered either “very” or “reasonably,” revealing very few unsatisfied participants and a generally positive feeling about the program.

More than half of candidates – 57 percent – said they were “very” satisfied. High levels of satisfaction are seen in every breakdown, whether by party, gender, candidate status (incumbent, challenger or open seat candidate) or by result. The groups with the highest proportion choosing “very” are women (67 percent), open seat candidates (66 percent) and Democrats (65 percent).

The seven candidates who put themselves in the “not very” or “not at all” categories all lost their races. Of all the losing candidates, 54 percent were “very” satisfied, and 38 percent were “reasonably” satisfied.

Candidates reinforced their overall satisfaction with Clean Elections throughout the survey. Respondents were honest in their appraisal of the system and frank with their criticisms and suggestions for improvement. At the same time, they were generous with praise for the people who make the system operate, and expressed over and over their gratitude that the Clean Election option exists.

### **Overall, how satisfied are you with the Clean Election system?**

Very	94	57%
Reasonably	64	39%
Not very	5	3%
Not at all	2	1%
	165	

	House	Senate
Very	59%	50%
Reasonably	37%	47%
Not very	3%	3%
Not at all	2%	

	Won	Lost
Very	60%	54%
Reasonably	40%	38%
Not very		6%
Not at all		2%

	Democrats	Republicans	Others
Very	65%	49%	45%
Reasonably	34%	44%	45%
Not very	1%	6%	
Not at all		1%	10%

	Women	Men
Very	67%	53%
Reasonably	28%	42%
Not very	2%	3%
Not at all	2%	1%

# The Decision to Use Clean Elections

The Maine Clean Election Act provides for an alternative funding system for qualified candidates; it is a voluntary program. One of the purposes of the Act is to encourage qualified people to run for state office.

The survey asked candidates to state the importance of the availability of Clean Elections in making their decision to run and asked why they chose this option. The results show that the system has had a significant effect on the pool of people running for legislative offices. In particular, women, challengers and third-party candidates were encouraged to run because of the Clean Election option.

## Making the decision to run

Just over half of the candidates said Clean Elections was “very” important in making the decision to run. Challengers were the most likely to answer “very” and incumbents the least likely. Women were more likely to answer “very” than men. Third-party and independent candidates were twice as likely to answer “very” as major party candidates.

Many candidates commented on their answers, and from these responses an interesting subgroup emerged. Twenty-eight percent of participating candidates volunteered that they would not, or probably would not, have run for office if the Clean Election option was not available.

Forty-two percent of all the female Clean Election candidates were in this category, 19 percent of all the women in the general election. Clearly, public funding opened the door to a new venue for public service for women. One who won an open seat in her first bid for office said, “It made the concept of running for office seem possible.” Another woman, a challenger who won her first term in the House, declared, “Clean Elections was the catalyst for me to run.” Another challenger stated that she would not have run without Clean Elections, because she serves in local government and feels it

## How important was the availability of the Clean Election option in making your decision to run for office?

Very	83	51%
Somewhat	29	18%
Not very	20	12%
Not at all	32	20%
	164	

	Incumbents	Challengers	Open Seat
Very	26%	67%	51%
Somewhat	19%	8%	26%
Not very	24%	8%	8%
Not at all	31%	16%	15%

## Who answered “very”?

Women	62%
Men	48%

Third-party and independent candidates	91%
Major party candidates	48%

***“I have run both as a traditionally funded candidate and as a publicly funded candidate. Fundraising takes away so much time from meeting with the voters that I wouldn’t have run again without the availability of Clean Elections. Clean Elections puts the spotlight on the issues and the voters.”***



would be “inappropriate to request money from businesses and individuals who might come before the council.” Of the men, 23 percent of all the Clean Election participants and ten percent of general election candidates say they would not, or probably would not, have run. One explained, “I am a working man. Running a campaign is a huge commitment. Without Maine Clean Election funds I could not have run.”

Candidates from across the political spectrum were in this group – 21 Republicans, 21 Democrats, three Green Independents and one unenrolled candidate. Thirty-nine percent of these candidates won their races, three beating incumbent opponents. In a very tangible way, the Clean Election program is responsible for the makeup of the 121st Legislature – not just because some winning candidates used it, but because a significant number would not have run without it.

Thirty percent of candidates said Clean Elections was a less important factor in their decision, answering “somewhat” or “not very.” For 20 percent of participants, the Clean Election option was not a factor at all.

### Choosing the Clean Election option

Candidates gave many reasons for choosing the Clean Election option, but more than half of them mentioned that they knew their time would be better spent. “It allowed me to concentrate on the campaign, rather than on raising money” was a typical comment, echoed over and over in the responses. This was both a practical reason – saving time – and a qualitative one – the time spent campaigning was more worthwhile. Several candidates’ comments referred to the challenges of running for office while working full time.

Many candidates said they simply did not want to fundraise. One incumbent legislator said, “Fundraising takes away so much time from time meeting with the voters that I wouldn’t have run again without the availability of clean elections.” A newcomer remarked, “Time spent raising money was time I could spend knocking on doors.”

### ***Which candidates would not, or probably would not, have run for office without the availability of Clean Elections?***

Women	18	42% of women
Men	28	23% of men
Total	46	28% of candidates

Challengers	23	37% of challengers
Open seat candidates	17	28% of open seat candidates
Incumbents	6	14% of incumbents

Democrats	21	24% of Democrats
Republicans	21	31% of Republicans
Greens	3	50% of Greens
Unenrolled	1	20% of Unenrolled

***“I felt that using Clean Elections would allow me more time to actively campaign door-to-door, as time would not be spent fundraising. I also believe that campaigns should be on a fixed budget, to control the overall dollars spent and equalize the playing field.”***

***“It was important to me not to have to spend my time doing fundraising. It left me with the time to do more one-on-one with my constituents.”***

Other benefits of running with public funds were cited. One was the ability to create a budget and a campaign plan early. “From day one I knew how much money I could spend,” said one first-time candidate, who now serves in the House. Another candidate mentioned that his opponent had name recognition and “people don’t ante up if they don’t think you have a chance.” Candidates knew that as long as they could qualify, they would have adequate funding.

About one-quarter of candidates made comments that reflected their belief in the ideals of campaign finance reform. “I believe strongly in campaign finance reform to level the playing field and get the influence of big money out of the political process,” was the sentiment of one House candidate. “It’s better for Maine and democracy,” stated an incumbent Senator. Others mentioned wanting to keep the cost of campaigning down, the value of bringing new and different people into the process (especially those of limited means), and a philosophical belief in the system. Several said they worked to pass the referendum that created Clean Elections.

Twenty percent of participants made a strategic decision to use Clean Elections, one that had nothing to do with ideology. For some who decided late in the game to run, such as last-minute replacement candidates, Clean Elections seemed like the only way to get adequate funding. Several stated that they chose it because their opponents had. For one, that meant campaign funding could not be an issue in the race. For another, it meant he would not be generating matching funds for his opponent. Several mentioned that the person who recruited them, or someone in leadership, recommended Clean Elections. One inexperienced candidate said, “I thought it would provide me with direction as well as some money.”

In some cases, candidates overcame their ideological opposition in order to participate. It was surprising to find a Libertarian among the 2002 respondents, since the Libertarian party has long opposed the law. This candidate overcame his skepticism because of his firm belief that democracy needs more than two parties, and because he recognizes that Clean Elections is a great advantage to serious candidates who are not Republicans or Democrats.

## **Why did you decide to use Clean Elections?**

*Multiple responses*

No fundraising; time better spent on issues and voters	55%
Believe in the ideals of campaign finance reform	23%
Strategic or pragmatic reasons	20%
Fear of corruption by special interests	18%
Couldn't afford to run without it	11%
Used it and liked it last time	3%
Just wanted to try it	3%
Maine voters want it	1%

***“I didn’t want my positions to be compromised by contributors’ money. Being clean assured that nobody would mistake my motives.”***

***“Because I philosophically believe in not having private funding as part of our election process.”***

***“It’s a lot easier to rap on doors of people you know and ask for five dollars.”***

***“I find the idea refreshing. It shifts the focus back to grassroots campaigning.”***

***“I’m the world’s worst fundraiser!”***

***“Because it was available and I would not have to use my own money.”***

Fear of corruption by special interests motivated 18 percent of the candidates to use public funding. “Because most of the people I talked to about money seemed to have lots of advice for me!” said one first-timer. “Being clean assured that nobody would mistake my motives,” said another. An experienced legislator said, “It offered me a way to finance my campaign without having to accept money that might have strings attached later.” Candidates said they do not want to feel obligated to donors, nor create conflicts-of-interest. One stated that she did not want to make her “local constituents ‘uncomfortable.’”

Eleven percent of candidates chose Clean Elections because they couldn’t afford to run any other way.

A handful of others said they tried it and liked it last time, and an equal number said they just wanted to try it. Just one percent mentioned that Maine voters passed it, so want candidates to use it.

## The Qualifying Process

Every candidate who wants to receive public funding must qualify by demonstrating that there is support for the candidacy among voters in that district. Senate candidates must gather a minimum of 150 “Qualifying Contributions,” which are checks or money orders for five dollars, made payable to the Maine Clean Election Fund. House candidates must collect a minimum of 50. The idea of this viability test is to ensure that public money goes to credible candidates.

In the survey, candidates were asked whether this qualifying process is too easy, too hard or just about right. Eighty-three percent answered “just about right.” In their comments, respondents most frequently mentioned the value of the process to the candidate. “This is a very good start for working with your constituents,” said one newly elected lawmaker. Another first-time candidate said, “A firm commitment is needed to run. Getting the donations and signatures tests that commitment, and is a great beginning to a grassroots campaign.”

***“It offered me a way to finance my campaign without having to accept money that might have strings attached later.”***

***“My opponent was, I certainly could.”***

### ***Do you think the qualifying process is...***

Too easy	11	7%
Just about right	133	83%
Too hard	16	10%
	160	

	House	Senate
Too easy	8%	3%
Just about right	83%	82%
Too hard	9%	15%

	Incumbents	Others
Too easy	8%	7%
Just about right	90%	81%
Too hard	3%	13%

***“A good way to get people committed, and stay committed.”***

Several comments made clear the importance of having a real viability test. “I think the person who wants the money should work for it,” remarked a first-time Senate candidate. “It’s difficult but necessary.” A House challenger said, “You have to have some barriers for people to overcome to weed out the ones who aren’t serious.”

Other respondents’ comments reflected the inclusiveness of five-dollar qualifying contributions. “To give five dollars for some was like General Electric giving \$500,000,” said one first-time candidate. “Some people said, ‘Don’t cash it for two weeks.’ It was important for them to be able to give.”

Five respondents – four House and one Senate – mentioned that while the process is right for House races, it seems too hard for the larger Senate districts. A breakdown of the responses into separate House and Senate categories confirms this concern. While the proportion of House and Senate candidates answering “just about right” was almost identical, Senate candidates answered “too hard” five times more frequently than “too easy.” For House candidates, those responses were much closer – just a one-percent difference.

While there was broad acceptance of the qualifying process, a small number of candidates had complaints. Five wondered whether the process was necessary and questioned its value. One was adamant that the qualifying contributions should only come from members of the candidate’s party. Several suggested that collecting checks and money orders was cumbersome, and four specifically mentioned that it should be OK to accept cash. A couple of respondents worried that five dollars is too much to ask, and an equal number felt it would be just as easy to ask for more.

***“It takes a lot of chutzpah to ask your neighbors for five dollars. But, it’s campaigning – you put yourself out there.”***

***“Getting money to run a campaign shouldn’t be too easy. You want people with passion who are serious about running for office. If it was too easy you might have a lot of candidates who aren’t serious.”***

***“I loved it and so did the people. I had millionaires give me five dollars, and people on fixed incomes give me five dollars.”***

***“In today’s economy, it was really hard. A lot of my constituents could not afford five dollars, no matter how you slice it.”***

***“It made you appreciate what you got.”***

## Distribution of Funds and Amounts

Clean Election candidates receive distributions for their campaigns that are based on a formula set out in statute. Expenditures made in similar races – House or Senate for example – over two election cycles are averaged to come up with the initial distribution amount. The formula is designed to provide limited funds sufficient to run a credible race.

Candidates in contested races were asked whether they were able to run a viable race with the amount of money they received. For both primary and general election races, large majorities said “yes.” For the general election, 95 percent of respondents answered in the affirmative, with little difference between House and Senate candidates, or between winning and losing candidates.

The result for the primary was not so conclusive. The number of respondents who had contested primaries was small, and the sample is skewed because all were winners, but it is interesting to note that only 83 percent said the amount was enough to run a viable campaign. For House primaries, 92 percent said it was enough, compared with 67 percent of their Senate counterparts. One Senate candidate explained that in some districts, the primary is the main race, and thus needs to have more resources. Another Senate candidate said, “I wish I could have borrowed from my general election monies for my primary.”

The survey also asked all candidates to rate the level of funding they received. These results show small majorities in each category reporting the amount was “just about right.” In the primary, there was a big difference between House and Senate candidates. Seventy-three percent of House respondents answered “just about right” compared with 55 percent of those running for Senate. Among House candidates, similar numbers thought the amounts were too high or too low, while more than twice as many Senate candidates chose too low as too high.

### ***Were you able to run a viable primary campaign with the amount of money you received?***

Yes	15	83%
No	3	17%
	18	

	House	Senate
Yes	92%	67%
No	8%	33%

### ***Were you able to run a viable general election campaign with the amount of money you received?***

Yes	147	95%
No	8	5%
	155	

	House	Senate
Yes	95%	94%
No	5%	6%

	Won	Lost
Yes	96%	94%
No	4%	6%

### ***Would you say the amount of the distribution for your primary race was:***

Much too low	5	4%
A little too low	17	15%
Just about right	80	70%
A little too high	9	8%
Much too high	4	3%
	115	

	House	Senate
Much too low	3%	9%
A little too low	13%	23%
Just about right	73%	55%
A little too high	6%	14%
Much too high	4%	

For the general election, there was less difference between the House and Senate results. Sixty-two percent of House respondents answered “just about right” compared with 56 percent of those running for Senate. In both chambers, the ratio of candidates who think the amounts are too low to those who think they are too high is about two to one. Surprisingly, when the results are broken down by winners and losers, unsuccessful candidates were twice as likely to say the amount is too high!

Candidates were asked if their funds were distributed in a timely way, and 94 percent answered “Yes.” Comments reflected satisfaction with the way funds were handled, particularly the electronic transfers. “I only wish all state operations worked this well,” one respondent wrote.

Overall, the distribution of initial grants seems to have worked quite well. Scattered comments mentioned minor problems, or a feeling that the amounts should be adjusted up or down for one reason or another, but no strong trends were noted, except for the concerns about adequate funding for Senate primaries. Even with modest distribution amounts, most candidates felt they could run vigorous campaigns. One first-time candidate mentioned that he went out of his way to use volunteers, and another mentioned that, though it was tough to be a new candidate, he was able to advertise more than he expected. An incumbent House member reported that “both candidates in the general election were clean election candidates and ran very aggressive campaigns.”

An unsuccessful House challenger who faced a privately funded incumbent opponent reported, “The amount of money allowed me to compete on a level playing field.”

**Would you say the amount of the distribution for your general election race was:**

Much too low	9	6%
A little too low	35	22%
Just about right	98	60%
A little too high	13	8%
Much too high	7	4%
	162	

	House	Senate
Much too low	5%	6%
A little too low	21%	24%
Just about right	62%	56%
A little too high	8%	9%
Much too high	4%	6%

	Won	Lost
Much too low	3%	8%
A little too low	24%	19%
Just about right	66%	55%
A little too high	5%	11%
Much too high	3%	6%

**Were funds distributed in a timely way?**

Yes	152	94%
No	9	6%
	161	

***“It forces you to be creative, which is good.”***

# Matching Funds

Clean Election candidates agree to limit their spending to distributions from the Clean Election Fund. They may not dip into their own pockets during the campaign, or raise additional campaign cash. Participating candidates who are outspent by a privately funded opponent, or who have independent expenditures made in opposition to their campaign or in support of their opponent, receive dollar-for-dollar matching funds. The idea of this additional money is to keep the playing field level and to make sure all candidates can communicate with voters right up until Election Day, countering charges that may be made against them, for example. It is designed to direct limited public dollars to the races that need resources the most. Matching funds are capped at double the initial distribution amount.

In our survey sample, 37 percent of the candidates received matching funds, which is the same proportion of all participating candidates who received these funds, according to information provided by the Ethics Commission. Senate candidates were more likely to have received matching funds.

Fewer than half of candidates receiving additional money said the funds were received in a timely way. Most candidates did not blame the Ethics Commission for this, but rather found fault with a system that allows opponents to file reports at the last minute. Many felt the timing of the expenditures and reports was deliberately planned to deny them timely matching funds. Several mentioned that a court decision late in the campaign finally forced the Commission to release funds that had previously been denied.

Matching funds were triggered by either the opponent’s spending or independent expenditures, and in about 12 percent of races, by both. Independent expenditures played a much larger role in Senate races, where 76 percent of candidates attribute their funds this way, compared with 35 percent who attributed them to their opponent’s spending. In House races, the numbers were much closer, with 53 percent attributing them to the opponent’s spending and 47 percent to independent expenditures. A handful of candidates were not

## **Did you receive any matching funds?**

Yes	60	37%
No	104	63%
	164	

	Survey	Actual
House	33%	35%
Senate	50%	45%
All	37%	37%

## **Did you receive [matching funds] in a timely way?**

Yes	26	46%
No	31	54%
	57	

## **Were your matching funds triggered by:**

Opponent’s spending	22	37%
Independent expenditures	26	43%
Both	7	12%
Don’t know	5	8%
	60	

	House	Senate
Opponent’s spending	44%	18%
Independent expenditures	37%	59%
Both	9%	18%
Don’t know	9%	6%

***“Independent expenditures were made late, so even though the distribution was made, it was too late for me to respond.”***

sure what triggered their funds.

All candidates were asked to comment on matching funds, and 82 did. Their comments, often multiple comments from a single respondent, are summarized in the table to the left.

Matching funds being triggered very late in the campaign is clearly the candidates' biggest concern, with 65 percent of their responses falling into this category. A typical comment was "They were received in a timely way based on current law. However, they were too late in the campaign for certain expenditures. The time frame makes it difficult to use matching funds productively."

Independent expenditures in general, and "sham" issue ads in particular, generated comments from one-quarter of the respondents. Candidates are concerned that, because these independent communications are unpredictable, they make planning for the end of the campaign difficult. "Soft money spending, and the allocation of funds, especially in the final two weeks, is the biggest concern we have," said one incumbent senator. Others are bothered by their inability to control the message contained in independent communications that are made in support of their campaign. "I would have said 'no' to the piece," explained one House member, referring to an ineffective independent expenditure made by his party. Adding to his dissatisfaction was the fact that the expenditure generated matching funds for his opponent, who did have control over how those funds were spent.

Three candidates specifically addressed the problem of "sham" issue advocacy – communications that never trigger matching funds because they do not tell the recipient to vote for or against a particular candidate. Candidates cited examples of expensive mailings that went to voters in their district but were never reported because of this careful wording. One Senate candidate was adamant: "I should have received matching funds. They ran three negative pieces from [a specific PAC]. They can come after you but you can't respond. If those were 'issue ads,' then that's a pretty broad definition... They wouldn't have run the ads if they thought I could respond." Another had a similar experience: "There were three

## **Comments about matching funds**

*Multiple responses*

Triggered late	65%
Independent expenditures	21%
Can't count on opponent to report in a timely way	15%
Good system/works well	11%
Bad system/doesn't work	9%
Don't like the advance	6%
Front-loading	5%
"Sham" issue ads	4%
Like the advance	2%

***"My primary concern is not having a chance to respond to a privately funded opponent who spends large sums at the end of a campaign."***

***"The party's independent expenditure on my behalf was ineffective. It pretended to quote – I would have said 'no' to the piece, which was unknown to me. It's not fair when independent expenditures are made without your knowing."***

***"If those were 'issue ads,' that's a pretty broad definition. If it were matched, it would stop it. They wouldn't have run the ads if they thought I could respond."***



district-wide (not express advocacy) mailings for my opponent in the last ten days of the campaign. I was outspent \$33,000 to \$18,000 as a result.”

Many respondents are convinced that the basic problem is the people who “game the system” by reporting at the last minute and exploiting loopholes. They feel that the rules and enforcement must be stepped up in order to stop this. “The timeliness of my opponent’s reporting should be such that I can take advantage of the funds – not on the last day of the election,” stated a first-time House candidate. A few others were less confident that this could change. “You know that politicians are going to angle to get the best advantage – they’ll wait to report so that funds come too late. If everyone was perfectly honest and did it exactly right, it would be great, but...” was the comment of one veteran House member.

Four candidates mentioned front-loading – when privately funded candidates concentrate spending in uncontested primaries in order to avoid triggering matching funds to a publicly funded opponent in the general election. (After a lawsuit was resolved in late October 2002, some candidates did receive matching funds for this early spending.)

Not every commenter had complaints. Nine said they thought the system is a good one and that it works well. Two lauded the Ethics Commission’s decision to advance all potential matching funds once some were triggered, and authorize additional spending as necessary. “I think they were fair and equitable,” said a first-time candidate. “This part of the process was excellent and extremely timely,” said another.

Five other candidates said they did not like the advance of matching funds, feeling it was either wasteful or just confusing. Seven said they don’t like the matching funds system or think it just doesn’t work. “It’s tax dollars paying for my opponent to break the rules!” complained one unsuccessful challenger. Several thought the spending limit was more important and should be respected. “The majority of people, when they voted on this, the intention was to cap the amount spent,” remarked a first-time candidate. Another felt that the \$1,250 he received in matching funds made his an “unclean” race.

***“This is a significant weakness in the clean election process. There needs to be a new definition of ‘advocacy expenditures.’”***

***“People gamed it, so I got notified on Saturday night before the Tuesday election. I couldn’t use [the matching funds] at all – just turned it back in.”***

***“We have a serious problem in the closing days of campaigns, and as a strong defender of free speech, I don’t know if we can correct it.”***

***“Donations are free speech, I guess, but they shouldn’t be allowed to happen at the eleventh hour.”***

***“This is an area of the law that needs much more work!”***

Most of the respondents, while frustrated with its limitations and logistical challenges, understand the matching fund system to be an important part of the Clean Election system. One first-time candidate summed it up thus: “It is a good idea. You might have someone, an incumbent, with \$15,000 and how else can a guy who’s just trying to break in run with just \$4,000?”

Candidates’ suggestions for fixing the problems they identified are summarized in the “Changes to Clean Elections” section of this report.

## Reporting Requirements and the Ethics Commission

When asked how hard or easy they found complying with reporting requirements to be, 83 percent said it was easy and 18 percent said it was hard, with most candidates – 66 percent – choosing “fairly easy.” Incumbents found it slightly easier than other candidates, and House candidates found it somewhat easier than Senate candidates. Ten candidates said that having a good treasurer made things easy, and several specified that their treasurer was an accountant, a lawyer or someone who had done the job before. Of those who said they handled the reporting themselves, about half found it quite a burden, while the others had few problems.

Five experienced candidates remarked that just being a Clean Election candidate simplified the job. “The reporting for Clean Elections is actually easier than for traditional. You only have to deal with half the equation – the expenditures,” said one State House veteran.

The most frequently occurring comment was that reporting can and should be much simpler. Respondents mentioned receiving forms that were meant for privately funded candidates, multiple copies of forms and forms with the same name but different purposes. They pointed out that since there is less to report, the forms should be less complicated. “It’s ridiculous for me to fill out a contribution form when I can’t accept any!” remarked a two-term Senator. While several specifically called for separate mailings or different forms for

***“[Matching funds are] a good concept because there are some candidates who run traditional campaigns who are able to spend significant amounts of money – and that is unfair to Clean Election candidates.”***

***Do you find complying with the reporting requirements to be...***

Very easy	26	16%
Fairly easy	106	66%
Fairly hard	23	14%
Very hard	5	3%
	160	

***“I selected a CPA as campaign treasurer. She handled it very smoothly and indicated it was easy.”***

***“Once I had the money, I didn’t have to keep track of contributions, which was a huge lifting of burden for me. It simplifies the paperwork, which I greatly appreciate.”***

Clean Election candidates, others just wanted to see less redundancy, simpler forms and clearer instructions. One first-time candidate who found the forms to be unclear made the suggestion that they be pre-tested with people who are unfamiliar with campaign finance requirements.

Only four candidates mentioned using the electronic filing option. Three said they liked it and one said she had trouble with the online forms. One acknowledged that it had kinks that need to be worked out, but said it “definitely makes the whole process easier.”

Whether they needed a lot of help or a little, candidates gave the Ethics Commission staff high marks for their work. Ninety-eight percent of candidates said the Commission was either very or reasonably helpful in meeting their needs. Staff members were singled out by name for special appreciation, and were complimented for providing prompt, polite and professional service, especially during the busy deadline periods. “They were exceptional to work with,” said one first-time candidate. “Excellent people!” enthused a newly elected House member. One grateful candidate said, “They were helpful. I never felt like a criminal if I screwed up the paperwork.”

While some candidates took issue with Commission decisions, or were frustrated by matching funds that arrived too late to use effectively, they were careful not to place blame on the Ethics Commission staff. In a comment that was quite typical, one said, “The Ethics Commission provided the funds as quickly as possible, however the last-minute mailings...were clearly timed to allow an unfair advantage to my opponent.”

There were scattered complaints about various minor matters, but the only trend was several comments asking for clearer guidance on allowable expenditures. One candidate said her question was not answered and that she was directed back to the statute. She and several others said they did not want to have to interpret the law. “It would be helpful sometimes if they’d say things, explain things for common people, not so much straight out of the book,” opined one legislator. One unsuccessful candidate thought the Commission could and should do much more in the way of enforcement.

***“The online reporting will, I assume, get the kinks worked out over time. But it definitely makes the whole process easier. I like that the option exists.”***

***“The report forms are repetitive and need to be simplified.”***

**Overall, how helpful was the Ethics Commission in meeting your needs?**

Very	125	78%
Reasonably	33	20%
Not very	3	2%
Not at all	0	
	161	

***“Staff was very helpful and understanding of common mistakes. I was very impressed with their hard work.”***

***“When I called they were politely helpful. If the person I was speaking to could not answer my question, someone got back to me in a timely manner. They were definitely more helpful than my party contacts.”***

***“A great department, from my perspective!”***

## The Clean Election Difference

Several subgroups of the respondents were in a unique position to explain how Clean Elections changes, or might change, the process of campaigning and of serving in office. The survey directed two questions to those who are best able to provide insight into the difference the system makes.

### Campaigning with Clean Elections

One of the goals of public funding is to free candidates from the money chase, and Maine’s Clean Election candidates said they thought their campaigns would be better because of this. The survey asked participating candidates who have also had experience running with private funding whether using Clean Elections changed the way they campaigned.

A majority of these candidates answered “Yes.” The differences they mentioned echoed the same themes that dominated the reasons for using Clean Elections in the first place: more voter contact, no fundraising, and easier budgeting and planning. The spending limit made a difference, too, with 12 percent of respondents saying they had less money than before, and 12 percent saying they had more.

“Before, fund raising consumed 50 to 60 percent of my campaign time. Now I am able to visit more homes and hold more coffees throughout the district,” wrote a two-term House member. Another political veteran talked about doing more footwork and spending less on postage. She added, “I spent more time meeting people instead of sitting at my dining room table writing letters and making phone calls asking for money.”

An unsuccessful House challenger who used public funds in his second try for that office said there was a “complete emphasis on voter and not on voter money.” A former House member who now serves in the Senate said, “It raises the whole tenor of the debate. It creates the impression that I won’t sling mud – and that’s never been my style anyway.”

Knowing ahead of time what the budget was made a difference to candidates, one calling it “a massive advantage.” He added, “I planned out exactly what I needed to do because I knew

***If you have run for legislative office in Maine without Clean Elections, has Clean Elections changed the way you campaign?***

Yes	30	58%
No	22	42%
	52	

	House	Senate
Yes	63%	43%
No	37%	57%

***“I spend more time communicating directly with voters; before, much of my time was spent raising money.”***

***“I went out of my way to use volunteers and save money because that’s the way I am.”***

***“I do not have to be involved in an incessant money chase. I ran without Clean Elections twice, once as a challenger. The difference in available money from challenger to incumbent was staggering.”***

***“It raises the whole tenor of the debate.”***

exactly what I had.” A three-term incumbent House member, referring to the fact that he had less money, cited “more frugal use of money and careful planning of expenditures” as differences. Another found a similar need for “more detailed, precise planning for expenditures as well as seeking the best product at best price.” “You have to be careful what you spend the Clean Election money on,” remarked a veteran lawmaker.

Some of the differences were perceived as negatives, as with one candidate who had less money than in previous races. “When I ran as a privately funded candidate in the past, I was able to produce visually attractive and informative campaign literature, and get out more pieces. As a Clean Election candidate I was limited to a palm card and a couple of mailings so I don’t think the literature was as effective.”

Several candidates revealed that, although they chose the Clean Election option, they were not entirely comfortable with the use of public funds. One stated that running the traditional way he would have had more campaign events like fundraising dinners and outings that “would have forced me to interact with the voters and work harder to raise money for the campaign.” A second was more blunt: “I spent too much money. Taxpayers’ money I might add!!”

Not all candidates ran their campaigns in a different way. “I did the same things,” said one, adding, “I had adequate funds and I used them in the same way.” “Mine was still a door-to-door, street-level campaign run as inexpensively as possible – but my time freed up from fundraising was very helpful,” said another. One incumbent House member said, “I might have had a few dollars more to spend on signs than when I ran traditionally.”

A four-term House member who ran her campaign the same way said that she “saved time and apprehension calling businesses and people for money” though she admitted it was “just as difficult to pry five dollars from 50 people!” Others attributed changes in their campaign to the fact that they were running for the Senate, and these were simply much bigger races than their previous House election campaigns.

***“I could budget for the way I was going to campaign, because I knew what I had to spend. I didn’t have to waste time raising money, and could just work on talking to people about issues.”***

***“I was able to focus on the issues and not on asking people for money. I could respond without being prejudiced by the people that had funded my campaign. I felt unencumbered by a bias to those who financially supported me.”***

***“I cannot afford as many mailings as I would prefer, nor produce the quality pieces I’d wish to send.”***

***“I had more money, and it’s simpler to do the paperwork. Here’s another massive advantage: I planned out exactly what I needed to do because I knew exactly what I had. I could shop around for prices knowing exactly what I had to spend.”***

***“It limits the number of mailings and other high-end media strategies.”***

## Legislating with Clean Elections

Responses were mixed when legislators were asked “Do you think that your use of the Clean Election system will affect the way you do your job as a legislator?” Half answered “No,” with many stating that money has never influenced their conduct in office, or their votes.

There was a big difference between incumbents’ responses and those of the rest – challengers and candidates for open seats. Seventy-three percent of incumbent lawmakers said “No,” compared with 55 percent of others (challengers and open seat candidates) who said “Yes.”

While reiterating their own independence from special interests, several admitted that they are perceived differently because they used Clean Elections. “I do my job as fairly as I can without feeling obligated to any group. However, special interest groups treat me a little differently as a Maine Clean Election Act candidate,” said a two-term House member. “The Act will help me avoid uncomfortable situations where my beliefs conflict with those who have been campaign contributors,” claimed a three-term House member.

Another said, “I don’t think it has any bearing. I’m going to do what I do, regardless of Clean Elections or traditional... but it’s always good to be able to say you didn’t take money from anyone.” A four-term House member pointed out that, even without money, legislators will still feel the pressure from PACs and businesses. “If you don’t vote in their favor they inform their people through newsletters, etc., so you’re still influenced,” she explained.

Three people who answered “No” mentioned that they had always been choosy about whom they accepted campaign contributions from. “I never did accept money from people or lobbyists I disagree with,” said one. Another said his funds came from family, friends and other individuals, and the third mentioned rejecting money from PACs and unions.

Still others said they don’t think money plays an influential role in Maine legislative dealings anyway. “With traditionally

### ***Do you think that your use of the Clean Election system will affect the way you do your job as a legislator?***

Yes	32	42%
No	39	51%
Don't know	6	8%
	77	

	Incumbents	Others
Yes	27%	55%
No	73%	30%
Don't know		15%

***“I do my job as fairly as I can without feeling obligated to any group. However, special interest groups treat me a little differently as a Maine Clean Election candidate.”***

***“I’d like to think special interests wouldn’t affect me either way. But it’s a lot easier knowing no one helped pay for my campaign.”***

***“I never did take money from people or lobbyists I disagree with (not that they offered!!).”***

***“It certainly impacted how I spent the money – there was an additional responsibility to spend wisely since it was taxpayer money.”***

funded candidates limited to \$250 per contributor, it makes no difference how you run and should have no impact on your job as a legislator,” opined a two-term Senator. A newly elected House member said, “At this level there’s so little money involved I can’t believe anyone expects something in return.”

Forty-one percent of participating legislators said using Clean Elections will affect the way they do their jobs. Almost everyone in this group mentioned not feeling beholden to any contributor or special interest, instead feeling free to do what’s right for the folks they represent. “I’m only beholden to constituents,” declared a newly elected third-party candidate. A veteran lawmaker said, “Using Clean Elections, a candidate is not as inclined to be open and available to special interests or to an organization that contributes to your campaign.” A newly elected Senator stated unequivocally, “There is no individual or business to which I feel an obligation – pressure – to vote with or against when voting on a difficult issue.” “It allows me to focus solely on my constituents’ needs,” stressed a second-term legislator.

Legislators who won both their first and second terms using Clean Elections had strong feelings about the connection between campaigning and serving. “It frees you, and enables you to do what you should do – represent your constituents as best you can,” said a Senator in this group. She continued, “I’m grateful I can run as a Clean Election candidate and feel I’m a better legislator because of it.”

One such House member observed, “In my experience, I find myself being lobbied a lot less than traditional candidates.” Another Senator stated, “It clears my conscience – no one’s given me a large contribution. I vote on both sides – as a conservative and sometimes as a moderate; not everyone can do this.”

Some lawmakers were very specific about the effect of using Clean Elections. Two said that during the session they would not be concerned with their next campaign. Three House members said they would support Clean Elections in the legislature – two mentioned funding and the other said he would fight attempts to abolish or weaken the Act.

***“You don’t have to look forward to the next campaign when talking with constituents in the hall.”***

***“I am beholden only to my constituents. I feel free to be able to get information, etc., from special interest groups – but will side with them if we fundamentally agree.”***

***“I’m not beholden to anyone. It clears my conscience – no one’s given me a large contribution. I vote on both sides – as a conservative and sometimes as a moderate; not everyone can do this.”***

***“I don’t feel I have any pre-election allegiances to cash donors.”***

***“I feel as though I don’t owe anyone anything except the people in my district. There’s an unstated feeling when someone gives \$500 – I don’t have that feeling, and I’m pleased about that.”***

***“It provides a greater sense of independence.”***

Of the seven respondents who answered “Don’t know,” six explained that they hadn’t had a chance to serve yet. “I expect so, but it’s too soon to tell,” remarked a newly elected Senator. One said she simply didn’t have a basis for comparison since she had only run using Clean Elections. She did speculate that she probably felt “less intimidated when casting a vote” because of using “the Clean Election system rather than private contributions.” Two said what so many of those who answered “Yes” or “No” said – that they certainly didn’t feel beholden to anyone.

## Clean Elections and Future Campaigns

In the survey, candidates were asked two similar questions to gauge enthusiasm for the Clean Election system in the future. They were “How likely are you to choose Clean Elections if you run for state office again?” and “How likely are you to recommend Clean Elections to future candidates?”

Ninety-four percent said they are likely to use Clean Elections again, and 96 percent said they are likely to recommend it. Just under half answered “definitely yes” to each question.

With numbers like these, it is hard to find any unenthusiastic subgroups, but breakdowns do reveal differences. Third-party and unenrolled candidates are particularly eager to use and recommend Clean Elections – all of them answered “Definitely” or “Very likely.” Among the major party candidates, Democrats are just slightly more likely than Republicans to use and recommend Clean Elections. Senate candidates chose “Definitely Yes” in higher proportion than House candidates, as did women over men.

There was hardly any difference in responses between candidates who won their races and those who lost.

A legislator who won a House seat in his first bid for public office said, “I would strongly encourage other candidates to use Clean Elections. You don’t have the obligations or feel

***“I do not feel obligation to any donors, but rather the voters.”***

### ***How likely are you to choose Clean Elections if you run for state office again?***

Definitely YES	77	48%
Very likely	58	36%
Somewhat likely	16	10%
Somewhat unlikely	9	6%
Very unlikely	1	<1%
Definitely NO	0	0
	161	

### ***How likely are you to recommend Clean Elections to future candidates?***

Definitely YES	78	48%
Very likely	58	36%
Somewhat likely	19	12%
Somewhat unlikely	3	2%
Very unlikely	1	<1%
Definitely NO	0	0
Depends	2	1%
	161	

***“I think it’s a big step towards encouraging people to run for political office.”***



the pressures of receiving money from organizations or private citizens. It's a very good way to go, especially for the first time out." Several others echoed this idea that the Act is particularly good for candidates who are new to electoral politics. An unsuccessful first-time House candidate said, "I believe you will see more people dedicated to public service running for office because the clean election fund exists."

## Changes to Clean Elections

Although candidates made helpful suggestions throughout the survey, one question asked, specifically, what changes they thought would improve the system. The responses serve to reinforce the biggest concerns that were expressed in the other sections, especially closing perceived loopholes.

Dealing with last-minute spending and independent expenditures dominates the suggestions made by candidates, along with calls to fix the related problems of "sham" issue ads, and PAC and party spending. In addition, concerns were reiterated about candidates who "front-load" spending in uncontested primaries in order to avoid triggering matching funds for their opponent in the general election.

### Last-minute spending

Candidates have many ideas for solving the problem of late spending, ranging from banning "eleventh hour" donations, to preventing opponents from sending out last-minute mailings, to a two-week deadline for reporting all planned expenditures. Other candidates saw big constitutional barriers, and wondered if the problem was solvable. One experienced legislator said, "We have a serious problem in the closing days of campaigns, and as a strong defender of free speech, I don't know if we can correct it." Another said, "It's the biggest weakness in the whole system, especially those last two days. People can set up things to be done in the last few days that can never be countered. Maybe we shouldn't try – we should just make sure candidates have enough at the start to run a credible campaign. You'll never control the end, and it is frenzied and unproductive trying to keep up."

***"I would strongly encourage other candidates to use Clean Elections... It's a very good way to go, especially for the first time out."***

***What changes, if any, do you think would improve the Clean Election system? Includes suggestions made throughout survey.***

	#	% of candidates
Fix the problems of late spending	59	36%
Control independent expenditures	39	24%
Simplify the paperwork	27	16%
Fix or eliminate the gubernatorial system	12	7%
Tighten reporting requirements	10	6%
Have more publicity and education	10	6%
Control PAC, party and union spending	10	6%

***"I support the Clean Election system, but still have concerns about privately funded candidates circumventing the system by spending more money at the end of the campaign."***

Far more candidates seemed to feel the problem of late spending was at least partially fixable, and expressed a desire to modify the system as much as possible so that the matching funds system would work better. Several mentioned that the problem of front-loading in the primary was addressed in a lawsuit, which would help in the next election cycle. There were many calls to tighten up reporting requirements in order to trigger some funds earlier. “The reporting rules should be strict!” insisted an unsuccessful Senate candidate. They want quicker reporting as well as broader reporting, especially from privately funded candidates. One senator suggested that all expenditures and contributions be reported quickly in the last two weeks, not just those over \$750.

### **Independent expenditures**

Second only to late spending, independent expenditures were a major concern. Candidates object to soft money playing a role in their “clean” campaigns. “You don’t know about them, and you lose control of your campaign. Wish we could get rid of them,” remarked one first-time House candidate. “It’s not fair when independent expenditures are made without your knowing,” said another. An incumbent legislator asserted, “I really disliked having mailings sent out on my ‘behalf’ with misinformation and typos.” A first-time candidate said he “was very unhappy with the fact that money could be spent on negative ads without my approval.”

A four-term House member stated, “Something needs to be done about independent expenditures; they are poisoning the spirit and intent of the Maine Clean Election Act.” Echoing his concern, a veteran legislator now serving in the Senate said, “The sort of fundraising that used to go on at the individual campaign level is now carried out by the caucus and leadership PACs.” Another Senator said this was his caucus’ strategy. “Get as many of your people out running clean, then the leadership PAC will go out and tap into traditional funders and spread it around in races where it can help.” This legislator said that, for the most part, the strategy works, though he mentioned one race where it “backfired.” Because of constitutional issues, he doesn’t think it can ever be controlled. His solution is to simply provide more money to candidates up front, so they will be in a better position to respond.

***“Don’t allow donations to happen at the eleventh hour.”***

***“Penalize those who try to evade the law by spending money during the primary period, which is actually geared for the general election cycle.”***

***“Soft money should not be allowed if both you and your opponent are clean election candidates.”***

***“Something needs to be done about independent expenditures; they are poisoning the spirit and intent of the Maine Clean Election Act.”***

***“I wish independent expenditures had to be reported well ahead of time (say six weeks before the election).”***

***“I don’t like independent expenditures anyway. You don’t know about them, and you lose control of your campaign. Wish we could get rid of them.”***

As with late spending, solving the problems posed by independent expenditures generated many ideas. One candidate suggested disallowing independent expenditures in the last month of the campaign. Others said to ban them in Clean Election races, or at least require that the affected candidate give permission. Others expressed resignation that workable solutions were limited by constitutional concerns.

### **Other perceived loopholes**

The problem of “sham” issue advocacy is another one that candidates would like to fix, saying that the large sums spent in targeted races ought to generate matching funds. Otherwise, “suggesting that the system levels the playing field financially is a myth!” remarked one senator who felt he was outspent by some \$15,000 because of this type of spending. “There needs to be a new definition of ‘advocacy’ expenditures,” said a veteran lawmaker who finds matching funds to be “a significant weakness in the Clean Election process.” Another candidate pointed out that beyond triggering matching funds, “sham” issue communications lack disclosure, and he called for better reporting and a disclaimer on each communication, similar to what is required for independent expenditures.

Ten candidates specifically mentioned PAC, party and union spending as loopholes that ought to be closed, and one said Clean Election candidates should not be allowed to have their own PACs. Some candidates viewed things like endorsements, letters to union members and the involvement of political parties as unwelcome and unfair intrusions into Clean Election races. “Both parties violate or find ways around the law, putting the candidates trying to uphold the spirit of the law at a disadvantage. I think the law is nothing but a feel good joke,” complained a particularly unsatisfied candidate.

For the most part, candidates are fierce defenders of the Clean Election Act, and want to close loopholes and tighten reporting requirements in order to preserve the good of the system. Four respondents mentioned the need for higher penalties and more aggressive enforcement of the law. They want to see violators fined, and one mentioned that even the news media should be fined if ads somehow violate the law.

***“No party or outside help should be allowed that would allow the candidate to save an expenditure and thus make the clean election funds go farther.”***

***“Fix problem with late reporting triggering matching funds too late to use. Reporting rules should be strict!”***

***“Soft money needs to trigger matching funds. If they’re negative ‘issue’ ads they should include which candidate they support – which specific candidate money was spent on or in opposition. This should be part of financial disclosure and in the ads.”***

***“Put matching funds for ‘issue ad campaigning’ soft money. If you match it, they won’t run them.”***

***“I am concerned with the power that outside groups have in sending out literature unbeknownst to the candidate. Special interest groups play way too large a role.”***

## Other changes

While loopholes are a big concern, they are not the only one.

One suggestion that was made again and again was to simplify the paperwork. Candidates mentioned many times that there was no reason for them to deal with forms that were only relevant to privately funded candidates. Even within the forms they have to fill out, they saw much room for improvement, such as eliminating duplication and having clearer language. “Simplifying expressions always makes instructions easier to follow,” said one first-time candidate who also happens to be a professor of English.

Ten candidates said they believe Clean Elections would benefit from additional educational efforts and better publicity. They mentioned the need to remind voters about the system they enacted in 1996, and the need to better inform potential candidates about the option. Several candidates were concerned about negative publicity that portrayed only the problems that occurred in the 2002 cycle, but did not report on all the good things. As one candidate put it, “I think people’s perception might be out of place. I saw in the newspaper about one case in southern Maine that didn’t go smoothly, which was a wrong perception because it certainly ran smoothly for the majority.” Others felt that newcomers to the electoral world would benefit from additional educational programs, and one suggested that candidates who had used the system could help with this.

Twelve respondents brought up the gubernatorial race, and there was a common feeling that the Clean Election system is not as successful at that level. While four expressed a wish to explore the problems they identified in 2002 and fix them, two thought it should be abandoned and two were skeptical that it could work. Several think it is too easy to qualify, so that too many candidates, or the wrong candidates, receive funding. One thought criticism of the one third-party candidate who used it in the 2002 general election was misplaced. “He got his issues out there and into the fray,” he said. “He was a viable candidate.” Another thought the answer lay in making the system more attractive to major party candidates, since only one used the system in 2002.

***“Redraft the report forms to make them easier to understand.”***

***“We need clear, concise explanations on what a candidate should or should not spend their contributions on.”***

***“Streamline!”***

***“We need to work hard to protect the fund and counter the negative publicity that it has received. This is such an important program and we need to do everything we can to make sure it continues.”***

***“More education about how it works to encourage newcomers – the growing number of us previous users can help do that education.”***

***“The public needs to be better informed about the clean election process, specifically, independent expenditures and matching funds.”***

***“Make it tougher to get the money, especially at the gubernatorial level.”***

Candidates took the opportunity to reiterate their concerns about the funding levels. Nine suggested they be raised, with three specifying that it is the primary levels that are too low. Three others called for lower distributions. Another three called for amending the formula to take various factors concerning individual districts into consideration.

Referring to the qualifying process, five candidates said they think the bar should be lower to make it easier to qualify – by eliminating the need to collect qualifying contribution, for example. Four others said they think the bar is too low already, and that it should be harder to get funding. They want to make sure Clean Election candidates are serious about running. Several gave examples of participating candidates who didn't work hard for their election, and did poorly because of this.

Four candidates suggested changing the name of the system, objecting to the term "clean." There was no agreement about what the name should be.

Two candidates brought up controversy that arose when candidates switched parties after losing their primary races. They disagreed with the Ethics Commission's decision to let the candidates use Clean Elections in the general election after engaging in unlimited private fundraising during the primary.

Other scattered comments dealt with the Clean Election Fund – one candidate said only the income tax check-off and voluntary contributions should fund it, and another said the state must stop raiding it to balance the budget. Two suggested revoking the program.

One candidate thought mandatory debates ought to be part of the system, and another thought all candidates should use it. Others hoped for expansion into other states and federal races.

Not all candidates had suggestions for improvements – fifty candidates, or 30 percent of candidates, didn't mention any at all. In fact, eight candidates made a point of saying it was fine the way it is. "No complaints!" enthused one of them.

**Additional suggestions...**

	#
Higher distributions	9
Don't change anything	8
Make it easier to qualify	5
Make it harder to qualify	4
Better enforcement/higher penalties	4
Change the name	4
Lower distributions	3
Amend formula	3

***“The amount doesn’t allow for hiring anybody. You should double it.”***

***“The system is pretty good. The only suggestion would be to scale back the distribution amounts, not by much, maybe 25 percent.”***

***“Stop raiding the fund to balance the budget.”***

***“No suggestions, really, the clean election system made me earn my money. It was hard for me but necessary. I complained but didn’t, if you know what I mean. It’s fair for everyone across the state.”***

## Conclusions

The Clean Election public funding option enjoyed wide participation in the 2002 election cycle. It was the choice of a majority of legislative candidates, who are generally satisfied with its performance. Candidates from across the political spectrum, veterans and newcomers alike, used the system, found that it worked well, and are likely to use it again and recommend it to others.

Clean Elections provided opportunity to candidates. For a significant number, Clean Elections was an essential factor in their decision to run for office. For most, Clean Elections provided the opportunity to run the kind of campaign they wanted to run.

Maine voters had more choices at the polls because of Clean Elections. The survey offers concrete evidence of this, with 28 percent of participants saying, even without being asked, that they would not, or probably would not, have run if not for the availability of the Clean Election option. Three of these candidates unseated their incumbent opponents. Public funding clearly eliminated one common barrier to running for the Legislature, giving a wider pool of candidates the chance to run and win.

Freed from the need to raise funds privately, candidates say they spent more time with voters, focused on issues, planned their campaigns earlier and budgeted better. Participants who won seats in the Legislature are pleased to serve without obligation to any special interests, and some anticipate being lobbied less than their privately funded colleagues.

Even beyond the fact that participants did not have to engage in what one called “an incessant money chase,” candidates found much that was beneficial about the Clean Election process. Collecting qualifying contributions wasn’t easy for most, but, as one said, “It’s an awesome way to meet your voters!” Most agree this is time well spent. Candidates also appreciate the fact that reporting is simpler with public funding.

***“It was important to me not to be spending my limited time fundraising rather than meeting constituents in my run for office.”***

***“I found it very efficient, and it left me with the time and energy to concentrate on campaigning... which was extremely demanding.”***

***“My experience with Clean Elections and running for office has been completely rewarding. With Clean Elections help I was able to win the election over an incumbent.”***

***“I like that it allows the voter to see how I can take a predetermined budget and efficiently utilize it. In essence, that is the job they are hiring for on Election Day.”***

***“It was a breaking of the ice to go and meet people, which you have to do for the rest of the campaign; you’re gonna have to do it from Day One, so you might as well get started.”***

***“It’s better for Maine and democracy!”***

The Clean Election system is particularly popular with women. A higher percentage of women chose it, and throughout the survey women were measurably more enthusiastic than men. This trend was also noted in the 2000 survey of candidates in the first cycle of Clean Elections.

Twice as many candidates participated in Clean Elections in 2002 as in 2000, and the second group was less homogeneous from an ideological point of view. Candidates chose Clean Elections because they didn't want to spend time that would be better spent campaigning raising money. A significant number saw a strategic need to use public funding.

Some participants chose the Clean Election option despite their own, or their party's, philosophical opposition. Several found that their experience changed their opinion, and they are now fully supportive of the system. Others are still uncomfortable with the use of public funds for election campaigns, and don't think it is a good use of taxpayer money.

While candidates think that Clean Elections works well overall, they are very concerned that the matching funds system does not level the playing field as well as it could. They blame those who "game" the system by making and reporting expenditures very late in the campaign, and those who exploit loopholes that allow some expenditures to go unreported. Overwhelmingly, they want to see the law, and reporting requirements, tightened up to fix these problems. For the most part, they acknowledge that the matching funds system may never be perfect, and realize that First Amendment concerns make some of the reforms difficult to pursue. These same complaints were expressed after the 2000 election.

Participants want to see reporting simplified, and rules and instructions clarified. There is strong rationale for an overhaul of the paperwork. For one thing, most candidates now use the Clean Election system. Also, the implementation of electronic filing enhances the likelihood that paperwork can be reduced. The few candidates who tried the electronic filing option liked it, so it seems likely that many others can be encouraged to use it in the future, especially if the kinks are worked out.

## Clean Elections and Gender

*Which candidates are "very" satisfied with the Clean Election system?*

- 67% of Women
- 53% of Men

*Which candidates say Clean Elections was "very" important in making the decision to run?*

- 62% of Women
- 48% of Men

*Which participating candidates would not, or probably would not, have run if not for Clean Elections?*

- 42% of women
- 23% of men

*Which participating candidates will definitely use Clean Elections if they run again?*

- 59% of Women
- 44% of Men

***"If I had been in the legislature when the bill was up for a vote, I would probably not have supported it. That would have been a mistake. It has allowed a broader spectrum of the 'public' to be able to run for state office, allowing and encouraging newcomers to get involved in the political process."***

***"I was skeptical at first, but I was overall very pleased."***

Clean Elections was not as successful in the gubernatorial race, according to some participating legislative candidates. They would like to see that system evaluated and possibly altered. Candidates see the need for a similar system in federal races, where they perceive the problems of money in politics to be more serious.

The Maine Clean Election Act is a source of pride for many of the people who used it. They are proud that Maine was the first state to launch such an innovative campaign funding system. They are proud that the promises of Clean Elections are being realized, especially the opening of the electoral process to a wider pool of candidates and the freeing of candidates from the money chase. They believe their constituents benefit, too – by having campaigns that pay more attention to local people’s concerns, by showing voters that moneyed interests hold no sway, and by allowing all voters, even those of modest means, to fully participate in the funding of campaigns.

One of the strongest messages that came through in the survey is participating candidates’ gratitude that Maine offers a Clean Election option, and appreciation for the opportunity it provides. Their collective experience reveals a system that is sound, but improvable. Participants want to see it continue, with necessary adjustments made along the way to ensure that Clean Elections remains a viable option for a broad array of future candidates. If they have their druthers, the Clean Election system is here to stay.

***“We need it for federal races!”***

***“I have friends in other states who are still pretty amazed by it.”***

***“I believe you will see more people dedicated to public service running for office because the clean election fund exists.”***

***“I would say I am very proud to be a Clean Election candidate. I hope that other states follow our lead. This is important – money in elections is the biggest threat to democracy there is.”***

***“It was a marvelous adventure, and I enjoyed every minute of it.”***

***“Bravo! That sums it up. I’m glad to see it, glad we have it.”***



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**Northeast Action**

# Clean Election Legislative Candidate Survey

## December 2002 - January 2003

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The Maine Citizen Leadership Fund (MCLF) will use this survey to evaluate the performance of the Maine Clean Election Act in 2002. Results will be compiled and published without named attribution, unless specific permission is requested by MCLF and granted by the respondent. MCLF appreciates your voluntary participation in this project.

Name \_\_\_\_\_ Office/District \_\_\_\_\_

e-mail address \_\_\_\_\_ Address correction? \_\_\_\_\_

\*\*\*\*\*

*Please circle or underline your responses, writing additional comments as appropriate.*

### Your Experience

1) Overall, how satisfied are you with the Clean Election system?

**Very**                      **Reasonably**                      **Not very**                      **Not at all**

2) Why did you decide to use Clean Elections? \_\_\_\_\_

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3) How important to you was the availability of the Clean Election option in making your decision to run for office?

**Very**                      **Somewhat**                      **Not very**                      **Not at all**

Comments: \_\_\_\_\_

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## The Clean Election Process

- 4) Did you have a contested primary? **YES** **NO**
- a) If yes, were you able to run a viable primary campaign with the amount of money you received? **YES** **NO**
- 5) Would you say the amount of the distribution for your primary race was:
- much too low**   **a little too low**   **just about right**   **a little too high**   **much too high**
- 6) Did you have a contested general election? **YES** **NO**
- a) If yes, were you able to run a viable general election campaign with the amount of money you received? **YES** **NO**
- 7) Would you say the amount of the distribution for your general election race was:
- much too low**   **a little too low**   **just about right**   **a little too high**   **much too high**
- 8) Were the funds distributed in a timely way? **YES** **NO**
- 9) Any other comments about the distribution or amounts? \_\_\_\_\_
- 
- 10) Did you receive any matching funds? **YES** **NO**
- a) If yes, did you receive them in a timely way? **YES** **NO**
- If not, please explain: \_\_\_\_\_
- 
- b) Were your matching funds triggered by:
- opponent's spending**   **independent expenditures**   **both**

Any comments about matching funds? \_\_\_\_\_

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11) Do you find complying with the reporting requirements to be:

**Very easy**

**Fairly easy**

**Fairly hard**

**Very hard**

Any comments about reporting? \_\_\_\_\_

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12) Do you think the Qualifying Process (collecting \$5 Qualifying Contributions) is:

**Too easy**

**Just about right**

**Too hard**

Comments: \_\_\_\_\_

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13) Overall, how helpful was the Ethics Commission in meeting your needs?

**Very**

**Reasonably**

**Not very**

**Not at all**

Comments: \_\_\_\_\_

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### **The Clean Election Difference**

14) *If you have run for legislative office before without Clean Elections*, has Clean Elections changed the way you campaign? **YES** **NO**

Please explain: \_\_\_\_\_

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15) Do you think that your use of the Clean Election system will affect the way you do your job as a legislator? **YES** **NO**

Please explain: \_\_\_\_\_

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**Next Time**

16) How likely are you to choose Clean Elections if you run for state office again?

*Definitely Yes    Very likely    Somewhat likely    Somewhat unlikely    Very unlikely    Definitely No*

17) How likely are you to recommend Clean Elections to future candidates?

*Definitely Yes    Very likely    Somewhat likely    Somewhat unlikely    Very unlikely    Definitely No*

18) What changes, if any, do you think would improve the Clean Election system? \_\_\_\_\_

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19) Additional comments about your experience with the Clean Election Act: \_\_\_\_\_

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20) Please tell us a little bit about yourself and what you do. \_\_\_\_\_

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21) The Maine Citizen Leadership Fund is often called upon by national groups and media to share our state's experience with publicly-financed elections. May we call upon you in the future as a resource for the media, advocacy groups and/or lawmakers in other states?

**YES**

**NO**

**MAYBE**

\*\*\*\*\*

*Thank you very much for helping with our survey!*