

Testimony before the Joint Standing Committee on Veterans and Legal Affairs

LD 126 – An Act To Establish New Monetary Caps for Legislative Candidates
under the Maine Clean Election Act (Rep. Fredette)

February 7, 2017

Senator Mason, Representative Luchini, and members of the Joint Standing Committee on Veterans and Legal Affairs:

Thank you for the opportunity to testify on LD 126 – An Act To Establish New Monetary Caps for Legislative Candidates under the Maine Clean Election Act.

My name is Andrew Bossie. I am the Executive Director of Maine Citizens for Clean Elections.

Since this is our first time testifying this session, I'd like to start with some brief background on MCCE before turning to the bill before you.

Maine Citizens for Clean Elections has been the leading campaign finance organization in Maine for over twenty years, since before the Maine Clean Election Act became law in 1996. Over the years, MCCE has become one of the nation's most respected state-based organizations advocating for publicly funded elections. Despite our national reputation, our mission has always been with and for the people of this state.

MCCE is strictly non-partisan. We have never endorsed any candidate or political party. Working through our 501(c)3 organization we strive to educate the public, conduct research on campaign spending, and develop policy solutions appropriate to Maine. Our 501(c)4 organization -- MCCE Action -- advocates with the public and lawmakers in defense of the Maine Clean Election Act and other campaign finance, transparency, and accountability laws.

We have over 1,000 active volunteers in all 151 House districts and all 35 Senate districts across the state. We speak up on behalf of the hundreds of thousands of voters who have supported Clean Elections over the years. Our work is about ensuring the voices of everyday people are heard first and foremost in our elections and government, so we may move closer to the promise of a government truly of, by, and for the people.

MCCE wrote and sponsored two landmark citizen initiatives. The first was in November 1996 which created the Maine Clean Election Act, reduced contribution limits, increased transparency, and strengthened the Ethics Commission. The second passed a little more than a year ago in 2015, when voters approved measures to strengthen Clean Elections following a legal ruling that eliminated matching funds. Although MCCE was the organization that shepherded these efforts through to the ballot box, both were true citizen initiatives driven by

everyday Mainers who wanted nothing less than a more perfect government accountable to and comprised of everyday people.

Our mission statement summarizes our organization's work: "MCCE Action advocates for campaign finance laws, elections, and government that serve the public interest, both in principle and in practice. We support measures that increase fairness, inclusion, and opportunity in our politics and promote robust participation by Maine people in their government."

Let me now address LD 126. This bill would cut the amount of funding provided to Clean Election candidates. It would reduce the amount of their initial funding upon qualification, and it would also reduce the supplemental funds available to those who obtain extra qualifying contributions.

We believe that this bill and all legislation in this area should be measured by how well they honor and respect the will of Maine people expressed in the decisive vote on Clean Elections in November 2015 and by whether they address an actual need. The legislature must be wary of solutions looking for problems, especially in cases where proposals are inconsistent with the voters' resolve.

This bill would move in the opposite direction of what the voters approved. Above all else, voters wanted to preserve and protect Clean Elections, not damage it by making publicly funded candidates less competitive.

Secondly, voters specifically approved the amount of funding that would be earned by collecting qualifying contributions. Under the new supplemental funding part of the law, candidates are not simply given supplemental funding – they must earn it. The revised law sets up a clear trade-off between the amount of public support that must be shown by collecting qualifying contributions, and the amount of supplemental funding provided to the candidate.

This trade-off was the core issue in the 2015 initiative and was discussed by the voting public, media, candidates, and political activists. People wanted to make it difficult enough that money would not be disbursed unnecessarily, yet not so hard that publicly funded candidates would be at a disadvantage. The voters spoke and approved current funding level by a 10-point margin statewide.

With the conclusion of the 2016 election using this system, we now have real life confirmation of the balance struck by the voters. The trade-off in the law does a remarkable job of hitting the goldilocks spot between too much and too little. It continues Maine's long track record of keeping campaign spending from exploding and making candidates campaign based on their personal qualities, not their connections to wealth.

As you consider this and other bills, you may wish to have the following statistics from the 2016 elections:

House

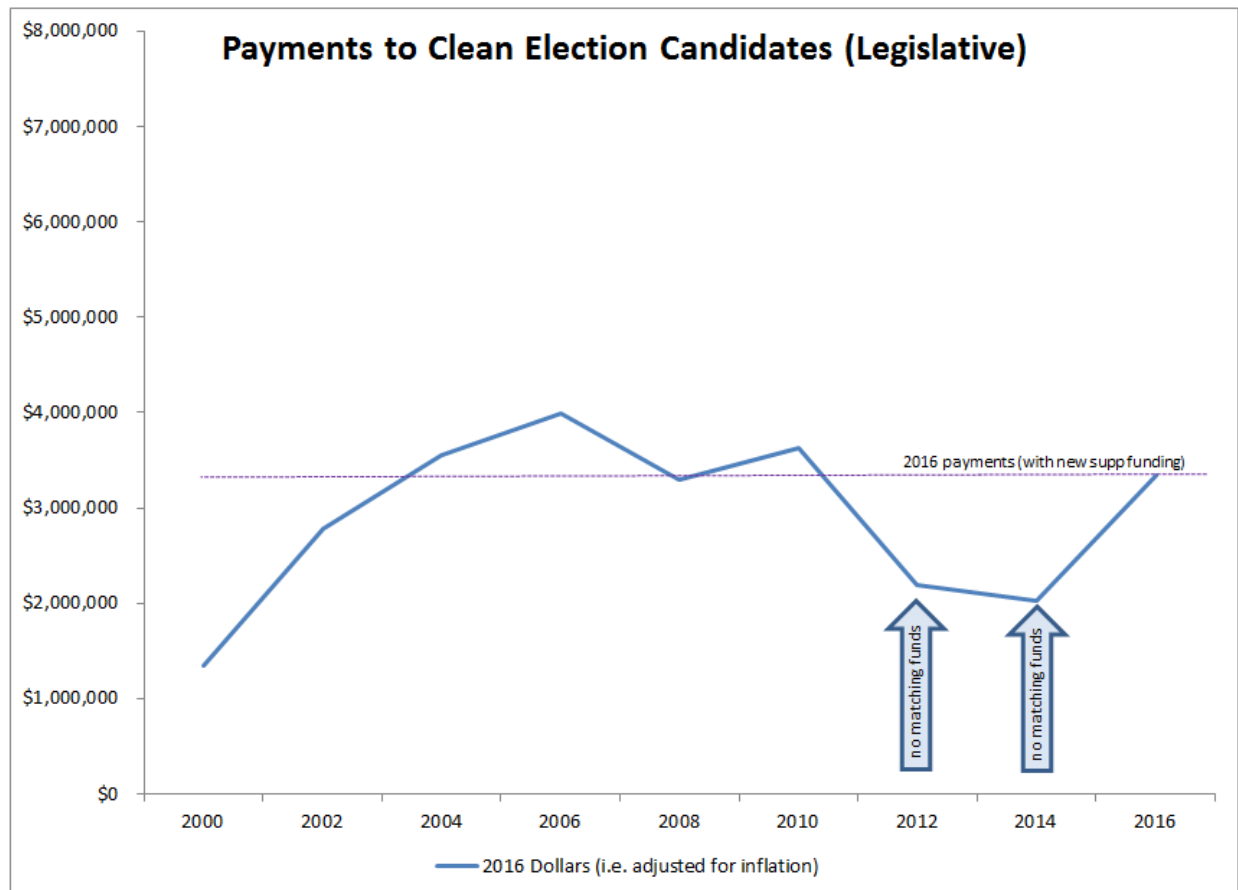
- A total of 179 House candidates qualified for Clean Elections.
- Over one-third of those – 63 candidates -- received only the minimum allocation.
- Only 8 candidates (4%) received the maximum.
- House candidates returned \$114,410 to the Clean Election fund.

Senate

- A total of 48 Senate candidates qualified for Clean Elections.
- Nine Senate candidates received only the minimum allocation.
- Only 7 candidates (15%) received the maximum.
- Senate candidates returned \$155,621 to the Clean Election fund.

After November 8th, Clean Election candidates returned a total of \$268,495 to the Clean Election Fund. So much for the old stereotype that all politicians are spendthrifts.

As shown in the following chart, the total amount authorized to 2016 legislative candidates was less than the amount spent in many of the previous election cycles, even those years in which matching funds were available. This is especially true when inflation is considered.



This data and the experience of candidates and voters in the 2016 cycle show that the Clean Election system is working as intended, and the amount of funding is just about right. Candidates are responsible with the funds they receive; as the Ethics Commission noted in a memo last December, “self-restraint by candidates in the program” has kept costs down. The changes wrought by the initiative worked.

There is no evidence to justify reducing funding amounts just enacted by citizen initiative. There is plenty of evidence that Maine people want a robust Clean Election system that is viable for candidates, exactly what was accomplished by the initiative. We urge you to vote ought not to pass to honor the will of the voters.

Thank you for the opportunity to testify, and I am happy to take questions.

Submitted,

A handwritten signature in black ink, appearing to read "Andrew Bossie". The signature is written in a cursive, flowing style.

Andrew Bossie
Executive Director
Maine Citizens for Clean Elections (MCCE) Action