



Testimony before the Joint Standing Committee on Veterans and Legal Affairs

LD 716 – An Act to Improve Requirements for Reporting to the
Commission on Governmental Ethics and Election Practices

March 17, 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 716 – An Act to Improve Requirements for Reporting to the Commission on Governmental Ethics and Election Practices

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

Maine Citizens for Clean Elections has been the leading campaign finance organization in Maine for over twenty years, and one of the nation's most respected state-based organizations advocating for democratically funded elections. We are proud of our national reputation, but we are all Mainers, and our mission has always been with and for the people of this state.

LD 716 would require certain election communications to be placed into the mail within 14 days of the date of the expenditure of funds to pay for the communication. It would also require those who make these election communications to simultaneously mail a copy to the Commission on Governmental Ethics and Election Practices. Section 1 of the bill applies to communications approved by a candidate. Section 2 applies to ballot question communications.

MCCE testifies neither for nor against LD 716. We are not aware of any particular public purpose served by the time limitation and the requirement to copy the Ethics Commission on these mailings, and we are concerned about the regulatory burdens this bill would create. But we are also interested to hear more about the justification for this bill and the reasons why the sponsor is bringing it forward.

The 14-day time limitation would require significant changes in the way that many campaigns and mail vendors have historically conducted their business. Many campaigns pay for all their mailings in advance, many weeks or months before Election Day. Pre-payment has several benefits. It allows campaigns to reserve the services of the mail house early in the cycle – an important consideration given the high workload at mail houses during the critical last weeks of a campaign. Early payment may also save money for the campaign. There may be an “early bird” discount or a bulk discount when a campaign purchases several mailings at one time. Both Clean Election candidates and privately funded candidates often try to stretch scarce campaign dollars in this way, and we think it should be encouraged. The new deadlines in the bill would put an

end to this customary practice, and we don't know of any justification for this regulatory burden.

The bill would also require a campaign to mail a copy of its literature to the Ethics Commission. We acknowledge that this would not be an onerous burden on the campaign, but we don't see the purpose. The bill is silent about what the Ethics Commission is supposed to do once it receives these mailings. If the intention is for the Ethics Commission to review the mailings, we would have serious concerns about venturing down that path. Reporting on campaign finances is one thing, but reviewing the content of communications goes into an entirely new area. The Commission should not get involved in routinely reviewing campaign literature. In addition, it is hard to justify placing another burden on the small staff of the Commission at the most hectic time of the election cycle.

On the other hand, if the bill is not intended to trigger the Commission's review of these mailings, why create this new requirement?

Perhaps this bill is intended to prevent mail houses and candidates from falsifying their records and mis-directing campaign expenditures. That kind of conduct, of course, should be deterred, and if proven, should be punished. But before going down that road, we would like to see evidence that this is a real problem and that existing law is not adequate. We don't want to place new regulatory burdens on innocent candidates and mail house businesses without a clear justification.

Thank you for the opportunity to testify.