



Testimony before the Joint Standing Committee on Veterans and Legal Affairs

LD 1480 An Act To Improve the Disclosure of
Major Contributors Influencing Maine Elections

April 24, 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 1480 An Act To Improve the Disclosure of Major Contributors Influencing Maine Elections (Ethics Commission).

My name is Bob Howe of Howe, Cahill & Company. I am here today on behalf of Maine Citizens for Clean Elections. We have testified over a dozen times this session so I won't remind you who MCCE is.

We strongly support LD 1480 and we commend the Ethics Commission for bringing this important disclosure bill forward.

Everyone has heard about the infamous *Citizens United* decision, and the long debate that has resulted from that case about whether a corporation is a person, and whether campaign money is equal to speech.

What you might not know, however, is that in *Citizens United*, eight of the nine justices gave a ringing endorsement of disclosure as an indispensable part of any campaign finance regime. This strong majority of the Supreme Court noted that disclosure of campaign finance information is an important way to ensure that voters "make informed choices in the political marketplace." Eight of the nine justices specifically noted the problems that result from groups that make large expenditures "while hiding behind dubious and misleading names," thus obscuring the true source of the money used to influence the election. They recommended good disclosure rules as a solution to this growing problem.

We draw your attention to that decision because it shows that even a deeply divided Supreme Court had a very strong consensus about the importance of disclosure. The Court recognized that disclosure is one of the best ways to advance the important First Amendment values necessary to a healthy democracy.

LD 1480 will significantly enhance the disclosure available to Maine voters. By providing the public with information about the top five funding sources behind large contributions, it will result in the public receiving more and better information than is currently available.

The bill is narrowly focused on the largest sums of money – transfers exceeding \$100,000. It is carefully written to create minimal burden on the organization that has to make the disclosure. It is reasonable, constitutionally sound, and a great benefit to the public. And I can tell you with absolute certainty that your constituents would strongly support this bill.

As noted above, the Supreme Court in *Citizens United* referred to the problems that arise from groups "hiding behind dubious and misleading names." According to Ethics Commission data, Maine already has several groups that could meet that description, such as the New Approach PAC, Action Now Initiative, Americans for Responsible Solutions PAC, Patriot Majority PAC, and the Civic Partnership Action Fund. These names reveal very little meaningful information to the general public. These entities all show up on lists of organizations that would have triggered greater disclosure had LD 1480 been in effect in past cycles.



We would like to point out that the nonpartisan staff of the Ethics Commission devised this bill on the basis of their long observation of campaign finance practices in Maine. To our knowledge there was no interest group pushing for this particular legislation. Just some diligent public servants trying to do their job and better serve us all. We strongly commend Jonathan Wayne, Paul Lavin and the rest of the staff, as well as the Commissioners, for their work on this bill.

The great Justice Louis Brandies said many years before *Citizens United*, that “sunlight is said to be the best of disinfectants.” We agree. We urge you to pass LD 1480 with a unanimous vote.

Thank you very much. We will be present for the work session.