

Testimony before the Joint Standing Committee on Veterans and Legal Affairs

LD 218 An Act To Prohibit a Person from Collecting Contributions under the Maine Clean Election Act at a Polling Place

February 11, 2019

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

Thank you for the opportunity to testify on LD 218 - An Act To Prohibit a Person from Collecting Contributions under the Maine Clean Election Act at a Polling Place.

My name is Anna Kellar. I am the Executive Director of Maine Citizens for Clean Elections.

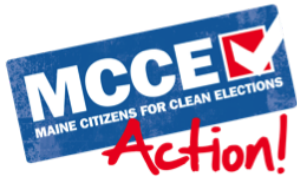
MCCE testifies neither for nor against LD 218.

This bill would prohibit any person from collecting qualifying contributions for a Clean Election candidate while in a polling place.

We agree that no one should be allowed to collect campaign contributions in a polling place. We believe this should apply to *any* candidate, whether they are on the ballot at that election, or whether they are not yet on the ballot. It should apply to Clean Elections candidates seeking seed money or qualifying contributions, and it should apply to privately funded candidates seeking regular contributions.

Election Day is an important opportunity for the public to gather, and for people to engage in free speech -- even about politics. But not within, or immediately outside, the polling place itself. Existing law sets a barrier of 250 feet for political activity of this type. Everyone involved in politics is familiar with that barrier. It works well. Candidates are allowed within that 250-foot boundary, but NOT if they are identified as candidates. It should apply to asking for contributions just as it applies to asking someone for their vote.

We would like to point out that rarely in Maine history has anyone even tried to collect money in the polling place -- whether Clean Elections candidate or privately funded candidates. Prior to this past election cycle, we had not even heard of this happening.



But that changed in 2018 when some candidates solicited contributions at the polls on June 12. They believed they were acting legally under advice from the Secretary of State, advice which we might dispute. But let's clear up any confusion. This practice should not be permitted.

It is already illegal to "influence another person's decision regarding a candidate or question that is on the ballot for the election that day. . . ." Title 21-A, Section 682. If any change in the law is needed, Section 682 should be amended to make it clear that this prohibition applies to all forms of political fundraising. It should also make it clear that it applies regardless of whether the candidate who is trying to influence a voter "is on the ballot for the election that day . . . ."

The polling place is not traditionally used in Maine for fundraising. We would like to see this phenomenon nipped in the bud just as much as the sponsor of this bill. But our guiding principle is that privately funded candidates and Clean Election candidates need to have the same rules to the greatest extent possible. This must be addressed in a way that is fair and equitable, and cannot ignore fundraising by privately funded candidates while penalizing Clean Elections candidates raising seed money or qualifying contributions.

If the bill is amended to treat all candidates equally, we would support it. As it is written, we oppose it.