



Testimony before the Joint Standing Committee on Veterans and Legal Affairs

LD 1192, An Act Regarding Campaign Finance Reform

April 13, 2015

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

Thank you for the opportunity to comment LD 1192, An Act Regarding Campaign Finance Reform. My name is Bob Howe, and I am testifying on behalf of Maine Citizens for Clean Elections.

Maine Citizens for Clean Elections (MCCE) is a nonpartisan organization that works in the public interest to advocate for, defend and improve the Maine Clean Election Act and related campaign finance law. We have a network of over 1,000 volunteers spread across every county of Maine. Whenever there is legislation relating to our campaign finance and reporting system, MCCE works to bring the point of view of Maine citizens to the decision-making table.

LD 1192 includes a number of provisions that would require more disclosure of campaign funding information. We offer this testimony neither for nor against the bill but we hope to provide some information for the committee to consider.

MCCE has long supported full disclosure as a vital part of the system of campaign finance laws and regulations. Full disclosure provides the public with crucial information. When we testified on LD 15 earlier this session we quoted federal judge Kermit Lipez, who said that disclosure laws "promote the dissemination of information about those who deliver and finance political speech, thereby encouraging efficient operation of the marketplace of ideas. . . . [T]ransparency enables the electorate to make informed decisions and give proper weight to different speakers and messages." We heartily agree with that statement.

A good disclosure law would have several qualities. It would capture information that is helpful to the voters; provide that information in a timely and meaningful way; impose no more burden than necessary for candidates and others exercising their free speech rights; and apply fairly across the board regardless of ideology, party or interest group. The Committee should consider these principles when evaluating any bill such as the one before you today.

LD 1192 has some new concepts and approaches that we are not familiar with. Because of the novelty of some of these provisions, we would like to hear more about them to understand them better. We wonder whether data or information is available to show how the approach in the bill was devised and why the thresholds for disclosure were set at the levels in the bill.

Section 1 of LD 1192 would direct the Ethics Commission to purchase newspaper advertisements to publicize the names of certain large contributors. Most disclosure that we are aware of is done by adding a disclaimer or attribution statement onto the campaign advertisements themselves. We have not seen this approach before, and it is unclear how the ads would be paid for.

Sections 2 and 3 would require disclosure of top contributors in certain mail communications. We support the general idea, but our citizen initiative has a top disclosure provision which will be a more comprehensive way to achieve this type of disclosure.

Section 4 would create a voluntary pledge form regarding political action committee spending in Maine Clean Election Act campaigns. We have always opposed increasing the burden on publicly funded candidates unless privately funded candidates are subject to the same requirements. Even though this is only voluntary, we would oppose this unless it is amended to include all candidates.

Section 5 of LD 1192 would create a transfer fee on certain contributions and direct the funds collected into the Maine Clean Election Fund. We appreciate the intention to support full funding for the public funding system. As you have already heard in connection with other legislation, however, this type of fee is probably unconstitutional.

Section 6 would direct the Commission to post each PAC's top donor on its website. We support this provision.

Section 7 of the bill addresses disclosure by unions. Section 7 violates the principle that all disclosure should be even-handed and that disclosure laws not be used to help or harm any particular political interest or group. The provisions outlined in this section appear onerous and costly for unions and unions only. For these reasons we are opposed to Section 7.

Finally, our citizen initiative also has a disclosure provision. When considering LD 1192 we ask the committee to be mindful of the Maine Constitution's language regarding "competing measures." We think the public should have a clear debate on our initiative and a straight up-or-down vote without undue complications.

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