

Testimony before the Joint Standing Committee on Veterans and Legal Affairs

LD 15, An Act To Increase Transparency in Campaign Funding in Legislative Elections

Wednesday, February 4, 2015

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

Thank you for the opportunity to comment on LD 15, An Act To Increase Transparency in Campaign Funding in Legislative Elections.

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 been at this work since the 1990's. 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.

In addition to our advocacy for the Maine Clean Election Act, MCCE has a long history helping the public understand how campaign money is being collected and expended during state elections. We have used information reported by candidates and other entities to publish numerous analyses of campaign data and trends, including a series of 13 reports issued in the past 18 months.

We testify today in support of LD 15.

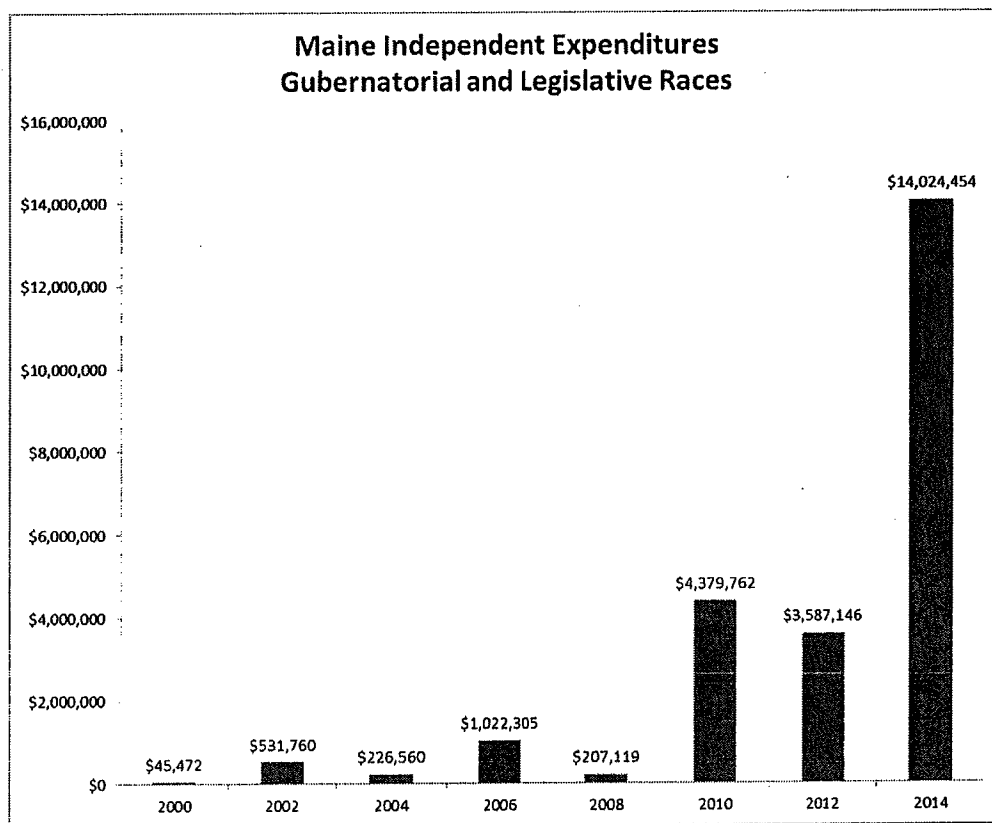
LD 15 directs the Ethics Commission to provide certain campaign finance information on a publicly accessible website. The bill specifically refers to information about contributions and independent expenditures, and provides that such information should be available on a publicly accessible website sorted by candidate and district.

We think it is vitally important that the information relating to contribution and expenditures in candidate elections, whether made by the candidates themselves or by independent entities, be made accessible to the general public in a way that is meaningful. First Circuit Judge Kermit Lipez recently wrote 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.

The Ethics Commission currently provides access to candidate information through its website, updated less than a year ago. We appreciate the updated site, which includes a revised portal with some improved features. With a little time and effort, users are usually able to find and download information about contributions and expenditures of PACs, candidates, and party committees.

Since most of the information regarding candidate contributions and expenditures is already on the public site, we assume that the ultimate goal of LD 15 relates to independent expenditures, which are not disclosed and presented to the public in the same way. This is a very important goal. Independent expenditures have grown considerably in Maine over recent election cycles, sometimes eclipsing the spending of the candidates themselves:



Unfortunately, independent expenditure information is currently very difficult to find on the Commission's website, and when the correct page on the Commission's site is located, the information is difficult to access. Commission staff has been very helpful to us in the past, assembling some of this information and providing it to us upon request.

They have also posted the data as a single spreadsheet on the Commission site, which is a positive step.

Although we use the information on almost a daily basis, the most important issue here is not about providing the information to an organization such as ours. We believe the general public should have meaningful access, and that should apply to independent expenditure information just as it currently applies to candidate contributions and expenditures. We therefore commend the sponsor for identifying the need for improved disclosure and public access to this information and we support the bill. We also note that there may be ways to make the system work more efficiently for those who have to file independent expenditure reports as well.

The National Institute on Money in State Politics has published a "best practices" guide to the contents and presentation of state campaign finance data, which we highly recommend. At a future date we would like to see the Commission go beyond the bare minimum of access, and assist the public with understanding and analyzing the information.

We support this additional disclosure with the caveat that sometimes the true funding sources of independent expenditures are obscured by a PAC or other intermediary which does the reporting. What the public really wants to know is the names of the actual funders of independent expenditures in a timely and meaningful way. That is something that our citizens initiative, for which we recently submitted over 85,000 signatures, will help achieve.

Thank you again for the opportunity to testify on this important bill. We would be happy to address your questions now or at the work session.

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