

# Maine Citizens for Clean Elections

P.O. Box 18187, Portland, ME 04112  
www.maineckleanelections.org/

(207) 664-0696 Ann Luther, co-chair  
(207) 879-7440 Alison Smith, co-chair  
info@maineckleanelections.org

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TO: The Honorable Senator Lisa T. Marraché, Senate Chair  
The Honorable Representative John L. Patrick, House Chair  
The Joint Standing Committee on Legal and Veterans Affairs

DATE: Monday, February 26<sup>th</sup>, 2007

## **Maine Citizens for Clean Elections (MCCE) testifies neither for nor against LD 348.**

Maine is a leader in innovative campaign finance reform, yet we lag behind when it comes to PAC laws. Maine is the only New England state that does not have a contribution limit to PACs.<sup>1</sup>

MCCE believes the time is right to examine PAC laws and enact reforms that will lessen the influence of big money in our political system. We believe that adopting a contribution limit is the right first step. While we do not endorse the \$7,500 limit proposed in LD 348, we applaud this opportunity to begin a constructive conversation on the subject.

In considering the limit proposed in LD 348 we encourage the Committee to consider the following:

- As drafted, the limit would apply to ballot initiative PACs. We believe that any limit imposed on contributions to initiative campaigns would be viewed by the courts as unconstitutional.
- The courts have upheld limits on contributions to PACs as a means of preventing individuals from circumventing the limits on contributions to candidates and have recognized PAC limits as simply a corollary of the basic individual contribution limits, both to individual candidate campaigns and in aggregate to all campaigns. Maine has both individual contribution limits (\$250/legislative, \$500/gubernatorial) and an aggregate limit (\$25,000).
- In order to pass constitutional muster and accomplish the goals of campaign finance reform, any limits to PACs must be both high enough to allow PACs to raise money and participate in the political process and low enough to serve as an effective anti-evasion measure.

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<sup>1</sup> See chart, Page 3.

- Many states ban corporate contributions to candidates and to PACs, and these bans are not constitutionally controversial. Since individuals within a corporation are able to pool their resources in a separate PAC, their rights of association are preserved.

MCCE believes that the proposed limit of \$7,500 in LD 348 is too high, and we propose the following as an alternative:

- ✓ **Contribution limit of \$1,000 per two-year election cycle**
- ✓ **Aggregate limit of \$10,000 per two-year election cycle**
- ✓ **Limits apply to PACs as well as individual contributors**
- ✓ **Prohibition on corporate contributions to PACs**
- ✓ **Exemption from limits for ballot initiative PACs**

Over the last few months, MCCE has considered many other ideas and proposals for reforming our PAC laws. While there are other ideas that are worthy of consideration, we believe that a reasonable contribution limit is the most important step and the only one that works as a stand-alone reform. We hope that members of the Committee will not lose sight of this even as you engage in a thorough examination of the other proposals and the complexities inherent in the various schemes that are proposed are revealed.

We look forward to working with you to achieve appropriate, effective and constitutional PAC reform this year.

For more information on constitutional considerations and relevant court decisions, we recommend *Writing Reform, A Guide to State and Local Campaign Finance Laws*; 2004 Revised Edition, published by the Brennan Center for Justice at NYU School of Law, Deborah Goldberg, Editor.

[http://www.brennancenter.org/dynamic/subpages/whole\\_manual\\_2004.pdf](http://www.brennancenter.org/dynamic/subpages/whole_manual_2004.pdf)

	To a PAC from:			Source	Website
	Individual	PAC	Corporation		
Connecticut	\$750 per year	\$2000 per year	Prohibited	Connecticut State Elections Enforcement Commission	<a href="http://www.ct.gov/seec/lib/seec/contribution_limits_2007.pdf">www.ct.gov/seec/lib/seec/contribution_limits_2007.pdf</a>
<b>Maine</b>	<b>Unlimited</b>	<b>Unlimited</b>	<b>Unlimited</b>	<b>Maine Commission on Governmental Ethics and Election Practices</b>	<a href="http://www.maine.gov/ethics/pacs/index.htm">http://www.maine.gov/ethics/pacs/index.htm</a>
Massachusetts	\$500 per year and \$12,500 aggregate over same period	\$500 per year and \$12,500 aggregate over same period	Prohibited	Massachusetts office of Campaign and Political Finance	<a href="http://www.mass.gov/ocpf/contextp.htm">www.mass.gov/ocpf/contextp.htm</a>
New Hampshire	\$5,000 per election	?	Prohibited	The New Hampshire General Court	<a href="http://www.gencourt.state.nh.us/rsa/html/LXIII/664/664-4.htm">www.gencourt.state.nh.us/rsa/html/LXIII/664/664-4.htm</a>
Rhode Island	\$1,000/calendar year to any one PAC and \$10,000/calendar year in total political contributions	\$1,000/calendar year to a single PAC and \$25,000/calendar year in total political contributions	Prohibited	State of Rhode Island General Assembly	<a href="http://www.rilin.state.ri.us/Statutes/TITLE17/17-25/17-25-10.1.HTM">www.rilin.state.ri.us/Statutes/TITLE17/17-25/17-25-10.1.HTM</a>
Vermont	\$2,000 per two year general election cycle	\$2,000 per two year general election cycle	\$2,000 per two year general election cycle	Vermont Legislative Statutes (17 V.S.A. § 2805)	<a href="http://www.leg.state.vt.us/statutes/fullsection.cfm?Title=17&amp;Chapter=059&amp;Section=02805">www.leg.state.vt.us/statutes/fullsection.cfm?Title=17&amp;Chapter=059&amp;Section=02805</a>