

# Maine Citizens for Clean Elections

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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, 2007

RE: **LD 700** "An Act to Limit Expenditures by Political Action Committees

## **Maine Citizens for Clean Elections (MCCE) opposes LD 700.**

Although the title of this bill refers to expenditures by political action committees (PACs), the text of LD 700 proposes to limit the "contributions" that a political action committee may make "in support of or against" a candidate.

Maine law currently defines and limits what (PACs) may contribute to candidate campaigns. A contribution may be a direct financial donation, an in-kind donation, or an expenditure made in cooperation with the candidate; but in all cases the value is limited to \$250 for a legislative candidate and \$500 for a gubernatorial candidate.

MCCE assumes that a PAC would not make direct or in-kind contributions to candidates it opposed. We also believe it is farfetched to think that a PAC would coordinate its efforts with a candidate who is not supported or endorsed by that PAC. Therefore we do not understand how a contribution may be made "against" a candidate.

PACs may engage in independent expenditures in candidate campaigns, and these may be in support of or in opposition to the candidate. We suspect that limiting independent expenditures by PACs may be the aim of LD 700. If so, the Committee should keep in mind that the courts have affirmed time and time again that independent expenditures may not be limited.<sup>1</sup> While imposing a limit would be popular with candidates, it would pose a direct challenge to established Supreme Court precedents.

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<sup>1</sup> See pages VI-2 and VI-3 of *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)