



TO: The Honorable Senator Nancy B. Sullivan, Senate Chair
The Honorable Representative Pamela Jabar Trinward, House Chair
The Joint Standing Committee on Legal and Veterans Affairs

DATE: March 16, 2009

RE: LD 772, "An Act To Increase Eligibility Requirements under the Maine Clean Election Act," Senator Raye, sponsor

Maine Citizens for Clean Elections (MCCE) testifies in opposition to LD 772.

This bill makes three changes to the Maine Clean Election Act, all of which we oppose.

First, the bill disqualifies a candidate who, in their most recent race for political office, received less than 15% of the vote. This restriction applies regardless of what office the candidate sought in their most recent campaign.

There are many reasons why candidates do not succeed in elections, and many candidates who fare poorly in one election go on to do well in a subsequent election. We can imagine many scenarios under which this restriction would arbitrarily eliminate credible candidates from the Clean Election system. Just a few examples:

- ✓ A candidate loses a race against multiple opponents
- ✓ A candidate wins a race against multiple opponents, none of whom receive a substantial percentage of the vote
- ✓ A candidate runs for governor or federal office and later on runs for a state legislative seat
- ✓ A candidate switches parties or moves to a different district in between runs for political office
- ✓ A candidate's most recent run for office was many years earlier

These are hypothetical scenarios, but if this provision were in effect today, former Senate President Mark Lawrence, former Senate Majority Leader Mike Brennan, former Senator Ethan Strimling, and Dr. Stephen Meister would all be barred from using the Clean Election system should they decide to run for state office in the future.

We understand the concern that is raised when supposedly viable candidates run and receive a tiny percent of the vote in election after election, but we feel that a better solution to that problem is to make sure the qualifying hurdle is at an appropriate level and that voters have the

Member Organizations

AARP Maine, Common Cause Maine, EqualityMaine, League of Women Voters of Maine, League of Young Voters, Maine AFL-CIO, Maine Council of Churches, Maine People's Alliance/Maine People's Resource Center, Maine Women's Lobby, NAACP-Portland, Natural Resources Council of Maine, Peace Action Maine

information they need to make sound choices. We support a proposed 30% increase in the number of Qualifying Contributions that legislative candidates must obtain. Additionally, it is fair game for an opposing candidate, editorial writer, or any member of the public to call attention to a candidate's prior electoral history. Ultimately, it is voters who decide who may have public funding, and voters also decide who shall serve. It is reasonable to think that such information would be valuable during the qualifying period.

The second provision in LD 772 makes mandatory the raising of 100% of the allowable Seed Money. Seed Money is a limited amount of private money that candidates may raise and spend early in the campaign to get their campaigns off the ground and qualify for Clean Election funding. Today, fewer than half of legislative candidates raise the maximum amount of Seed Money, and about 11% raise no Seed Money at all.

MCCE believes that a full public funding system should not require candidates to raise private money in order to participate. The Seed Money provision exists so that candidates have the option of raising and spending money before public funds are available, but it is not meant to be part of the viability test. This bill would transform the purpose of Seed Money into one more aspect of the qualifying process, and one that we feel is unnecessary and inappropriate.

The third and final element of LD 772 is an additional disclosure requirement that would apply only to Clean Election candidates' campaign communications. This disclosure would state that the communication was "Paid for with taxpayer funds under the Maine Clean Election Act." This is unnecessary and inadvisable. How specific campaigns are funded is already public information, and no candidate qualifies for public funding without significant support, so it is unclear who would benefit from this additional disclosure. While we don't know what the courts would make of this provision, they have held in the past that government labeling of candidates is to be avoided. Candidates may label themselves and their opponents, but government must remain neutral. It is at least arguable that "taxpayer funds" is a less than neutral phrase, just as "Clean Election funds" might also be considered biased. In any case, as all of you are aware, Clean Election funds are a combination of voluntary contributions made by voters who make Qualifying Contributions and taxpayers who check "Yes" for Clean Elections on their state income tax form, along with an allotment of general fund revenues each year.

We strongly urge the Committee to vote "Ought not to Pass" on LD 772.

Ann Luther, Co-Chair
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