



**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:** April 6, 2009

**RE:** **LD 1189** "An Act To Simplify and Improve the Maine Clean Election Laws,"  
Senator Mills, sponsor

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**Maine Citizens for Clean Elections (MCCE) testifies against LD 1189.**

LD 1189 is a package of sweeping changes to the Maine Clean Election Act. The Clean Election system has been successfully used by hundreds of candidates in each recent campaign cycle, and we see little merit to implementing a broad overhaul of the law. One of the reasons the system works so well is that successive legislatures have managed to home in on necessary changes that solve specific problems and strengthen the Act rather than making big changes without a strong imperative.

This bill contains many provisions which we find interesting and thought provoking. When we think through how each would actually work in practice, though, we find that most raise significant questions or problems. These changes would add layers of complexity to the Clean Election system for all candidates, and with dubious benefit. The system we have today is sound, is well-used, and works for the vast majority of candidates.

The centerpiece idea in LD 1189 is the combining of Seed Money and the qualifying process. In combining Seed Money and the qualifying process, the bill effectively calls for mandatory Seed Money. The idea of requiring a certain amount of Seed Money has been raised many times. MCCE has not supported this idea, but we acknowledge that interest is high among members of the legislature. If mandatory Seed Money is to be seriously considered, the hybrid approach in this bill is a novel one that might merit consideration. We believe that all funds raised as part of the qualifying process should be from Maine voters, and this bill, to its credit, does provide that. Still, without a strong consensus on mandatory Seed Money, the changes in this bill are not so attractive. For example, LD

**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

LD 1189 would allow candidates to receive unlimited private money early in the campaign and roll over half of it into the publicly funded primary election campaign cycle. This would be not only an unacceptable increase in the role of private money in our full public funding system, but also it would make it very difficult to achieve parity in funding among qualified candidates. Success in achieving parity has been one of the main successes of the Clean Election system.

Some of our other concerns are the following:

- A possible loss of accountability and ability to detect fraud if Qualifying Contributions are not submitted to the Commission.
- Significantly more work for municipal clerks who would process many more Qualifying Contribution forms. A gubernatorial candidate who chose to raise \$5 Qualifying Contributions would have to collect at least 6,500, for example.
- Open start date for collecting QCs. While we think it is appropriate not to specify a start date for collecting Seed Money, we do not think it is wise to eliminate a start date for collecting Qualifying Contributions. This is one problem with combining the two. Qualifying Contributions should be made during a campaign, not more than a year before an election.
- The proposed decrease to \$80,000 for uncontested primary candidates. We question whether this is realistic. Even without a challenge from within their own party, candidates are competing for public attention during that period of the campaign. We are all for saving money where we can, but not at the expense of the viability of the system.

LD 1189 contains some other unrelated provisions. MCCE strongly objects to the one that allows privately funded candidates who agree to limit their fundraising to receive public matching funds. If candidates wish to partake of public matching funds, it is only right that they opt into the public funding system from the beginning and prove that they have the support of a significant number of Maine voters. This provision would add significantly to the cost of the program, with the only benefit going to the privately funded

candidates. That is not fair to Maine people. One of the main premises of the Act is that it is Maine voters who should determine which candidates are eligible for public funding. This is not something for a candidate to decide on his or her own.

We do agree with the provision that clarifies that no public money may be used in the qualifying process, but we believe this is already clear in the law.

We recommend an "Ought not to Pass" vote on LD 1189.

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