



TO: The Honorable Senator Nichi Farnham, Senate Chair  
The Honorable Representative Michael Beaulieu, House Chair  
Joint Standing Committee on Veterans and Legal Affairs

DATE: March 28, 2011

RE: LD 820 An Act To Alter the Distribution of Maine Clean Election Act Funding,  
*Sponsored by Representative Michael Carey*

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**Maine Citizens for Clean Elections offers testimony neither for nor against LD 820.**

Representative Carey has put forward an intriguing alternative to the current Clean Election system for gubernatorial candidates, one that avoids the potential constitutional concerns that have been raised in the *McComish v Bennett* case, the Arizona lawsuit that is under consideration by the U.S. Supreme Court.

MCCE believes that this legislative proposal, though well intentioned, is premature. It is too soon to tell whether plaintiff's arguments will be persuasive to the Court. In fact, we believe that Maine's factual record offers a convincing argument that the Arizona law – and ours – is fully constitutional, and one of the things the Court will consider is an outstanding brief filed by MCCE and four candidate-amici from Maine presenting our case. We simply do not know what the Court's decision will be or whether it will have any impact on the Maine Clean Election Act. If it does, it might be useful to have this or another bill carried over, but MCCE prefers the solution put forward in LD 848, the Resolve introduced by Senator Patrick. That outlines a process and a timeline to make modifications to Clean Elections should they be necessary.

In the meantime, we have a viable gubernatorial system, and there is no actual gubernatorial election until 2014.

For these reasons, we do not advise consideration of this proposal at this time. If the time comes, the ideas embodied in this proposal will deserve a closer look.

Thank you for the opportunity to be heard.

Alison Smith, Co-president

**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 State Employees Association/SEIU Local 1989, Maine Women's Lobby, NAACP-Portland, Sierra Club Maine Chapter