



TO: The Honorable Louis Luchini  
The Honorable John Schneck, Co-Chairs  
Members of the Joint Standing Committee on Veterans and Legal Affairs

DATE: January 29, 2020

RE: LD 1968 – An Act To Restrict Maine Clean Election Act Candidates from Seeking or Accepting Employment with Vendors

Good morning Senator Luchini and Representative Schneck. My name is Ann Luther, and I am here today as a volunteer member of the board of Maine Citizens for Clean Elections. We are testifying in favor of LD 1968 -- An Act To Restrict Maine Clean Election Act Candidates from Seeking or Accepting Employment with Vendors.

For over 25 years MCCE and the League of Women Voters of Maine have advocated for Maine's Clean Election Act public funding system. We were there at the start to advocate for its enactment in 1996, during the early years when participation was ramping up, when budget challenges and court decisions threatened to weaken the program, and up to today where it is well-established and continues to enjoy broad support among the candidates and the general public.

Throughout this time we have advocated for a robust funding system that allows candidates to run for office without raising money from wealthy special interests. At the same time, we have insisted that the system be accountable, transparent, and a good value for Maine taxpayers. Year in and year out, we believe the system has continued to meet those objectives.

We support LD 1968 as a way to continue to ensure the integrity of the system and justify the public's confidence. This bill would prohibit candidates from seeking employment from a business that has benefitted from the candidate's campaign spending.

As drafted, LD 1968 only applies to Clean Election candidates, but privately funded candidates are also subject to the same temptation. The public interest is also threatened when a candidate raises a large amount of private money for their campaign and then uses that private money to leverage a job offer with a campaign vendor. That money is intended for political speech, not for personal benefit.

Neither Clean Election candidates nor privately funded candidates should be allowed to pocket money from their campaign funds. Yet using campaign money to leverage the private benefit of a job offer is just another form of pocketing that money for the candidate's own enrichment. Whether the money originates from Maine taxpayers or from campaign contributors – the appearance is just as bad. This is just another variation of the commonplace ban on candidates' using campaign funds for their own "personal use." *See, e.g.* 11 CFR 113.1(g).

We have been asked whether there is any constitutional issue with expanding this to include privately funded candidates. There are many laws restricting the ability of candidates, lawmakers, or public officials from accepting employment. According to the National Conference of State Legislatures (NCSL), "Ethics laws in most states set mandatory waiting periods before a public official or employee may register as a lobbyist or engage in lobbying activities. The length of these terms generally vary between six months to two years."<sup>1</sup> In Maine, the revolving door ban is one year. 1 M.R.S § 1024. Some states prohibit any state employee who was involved in a contract with a private vendor from accepting employment for that vendor during the first two years after leaving their state job. Kan. Stat. Ann. § 46-233. While we have not seen any laws quite like the one proposed in this bill, we think our proposed amendment would be consistent with those precedents.

We urge the committee to amend the bill to extend it to cover privately funded candidates who are tempted to go to work for one of the vendors to whom that candidate has just made a large payment. With that amendment, we would strongly support the bill.

Thank you for the opportunity to testify. I would be happy to answer any questions from the Committee.

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<sup>1</sup> <https://www.ncsl.org/research/ethics/50-state-table-revolving-door-prohibitions.aspx>