



TO: The Honorable Craig Hickman
The Honorable Laura Supica, Co-Chairs
Members of the Joint Standing Committee on Veterans and Legal Affairs

DATE: February 27, 2023

RE: LD 567 - An Act to Provide for the Ethical Election of Constitutional Officers
by Restricting Certain Campaign Contributions

Good morning Senator Hickman, Representative Supica, and members of the Veterans and Legal Affairs Committee.

My name is Paul Lavin. I'm a resident of Winthrop. I am here today as a volunteer on behalf of Maine Citizens for Clean Elections to testify neither for nor against LD 567.

Maine Citizens for Clean Elections has been the leading campaign finance organization in Maine for over twenty years and one of the nation's most respected state-based organizations advocating for democratically funded elections and campaign finance laws that serve the public interest. We are proud of our national reputation. But we are all Mainers, and our nonpartisan mission has always been with and for the people of this state.

As we have testified many times, campaign contributions are not just a way to pay for campaign expenses or a statement of support for a candidate. Unrestricted contributions can also raise important questions about the democratic process and accountability. The title of this bill recognizes that under certain circumstances, unrestricted campaign contributions can raise ethical issues. For example, we have testified in prior Legislatures against the practice of lobbyists buying influence with legislative candidates by contributing directly and bundling contributions to candidate campaigns.

Since constitutional officers are chosen by a combined vote of the House and Senate, candidates for those offices traditionally campaign by building relationships with people who are likely to serve in the next Legislature. We believe that candidates for constitutional office should campaign on the basis of their merits and vision for the office. We would not want to see those candidates try to build relationships with future legislators by using campaign contributions to win their support.

However, our review of data from the 2020 and 2022 election cycles shows that constitutional officers gave a very small number of contributions, some of which would be allowed under LD 567 since they were given to candidates running in the contributor's district. A chart of these contributions is attached to this testimony.

If the Committee moves forward with a restriction on campaign contributions from constitutional officers, it should note that the provision of the bill addressing contributions from a constitutional officer to a gubernatorial candidate would not have any effect since all constitutional officers in Maine are within the “district” (i.e., the entire state) for which a gubernatorial candidate is running. Also, since the governor is not involved in the selection of the other constitutional officers, there is no concern of “vote buying” and therefore one of the most persuasive justifications for restricting these contributions would not apply to gubernatorial candidates.

The Committee may wish to consider broadening the bill’s applicability not just to incumbent constitutional officers but also to individuals running for Attorney General, Secretary of State and State Treasurer, as section 1063 of Title 21-A does, in order to address the full scope of the ethical concern raised in the bill. Indeed, that ethical concern may even be greater regarding those individuals as they do not have the benefit of incumbency to support their campaign for office, and are more likely to be in a contested race. This presents a clear problem, however, since those candidates are seldom formally declared and may only make their candidacy known after the November general election. The lack of formal candidate declarations and the early December timing of constitutional officer elections make this a difficult area to regulate.

Thank you for the opportunity to testify on LD 567. I would be happy to answer any questions from the Committee.

2020 and 2022 Cycle Contributions				
	Contributor	Candidate	Recipient Office	Amount
	Dunlap, Matthew	Dunphy, Michelle A.	Representative	\$100
	Beck, Henry	Abdi, Mana Hared	Representative	\$100
	Beck, Henry	Copeland, Lynn H.	Representative	\$50
	Beck, Henry	Davie, Wesley John	Representative	\$25
	Beck, Henry	Hanslip, Joseph Robert	Representative	\$100
	Beck, Henry	Malon, Marc G. II	Representative	\$50
	Beck, Henry	Marks, Tim I.	Representative	\$25
	Beck, Henry	Martin, Roland Daniel	Representative	\$50
	Beck, Henry	O'Neil, Margaret	Representative	\$50
	Beck, Henry E	Reckitt, Lois Galgay	Representative	\$50
	Beck, Henry	Roberts, Tiffany D.	Representative	\$100
	Beck, Henry	Bailey, Donna	Senator	\$75
	Beck, Henry Murphy	Baldacci, Joseph M	Senator	\$100
	Beck, Henry	Carney, Anne M.	Senator	\$100
	Beck, Henry	Carpenter, Michael E.	Senator	\$100
	Beck, Henry	Chenette, Justin M.	Senator	\$50
	Beck, Henry	LaFountain, David Philip	Senator	\$100
	Beck, Henry Murphy	McKinney, Michael A	Senator	\$100
	bellows, shenna	Warren, Charlotte May	Representative	\$250
	Bellows, Shenna	Bellows, Shenna	Senator	\$100
	Frey, Aaron	Malon, Marc G. II	Representative	\$200
	Frey, Aaron	White, Nathaniel John	Representative	\$100
	FREY, AARON	Baldacci, Joseph	Senator	\$300
	Frey, Aaron	Baldacci, Joseph M	Senator	\$400
	Frey, Aaron	Kornfield, Victoria Porter	Senator	\$100