



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

DATE: Wednesday, May 3, 2023

RE: LD 1610, "An Act to Prohibit Campaign Spending by Foreign Governments and Promote an Anticorruption Amendment to the United States Constitution"

Good morning Senator Hickman and Representative Supica.

My name is Anna Kellar. I'm a resident of Portland. I am here today as the Executive Director of Maine Citizens for Clean Elections. I am testifying in support of LD 1610.

Maine Citizens for Clean Elections has been the leading campaign finance organization in Maine for over thirty years and one of the nation's most respected state-based organizations advocating for democratically funded elections.

MCCE endorsed the "Protect Maine Elections" initiative last year and supported the effort through signature collection. We now encourage you to take action and pass this legislation directly.

We also support LD 746, which makes procedural amendments to the timeline of the legislation.

LD 1610 combines two important ways to reign in the influence of money in politics. First, it would ban foreign government-controlled entities from influencing referendums. This is a loophole in our current policy, and we supported several bills last session that would have banned this activity. So did the Legislature. Nearly identical policy in LD ??? passed both chambers in the last Legislature with bipartisan support. Second, the bill calls for an anti corruption amendment to the U S constitution. This renews the mandate passed by the legislature in 2012 and makes a strong statement to our Congressional delegation.

We believe that when policymakers consider how well our democracy is functioning, they should assess whether the will of the voters is being heard. Too often, there are big-money interests that try to use money to drown out the voice of the voters. When the money comes from unaccountable sources, or when the amount of money from one source is so large that it warps the campaign dialogue, it has an undemocratic effect that needs to be corrected by policymakers. Foreign governments and foreign government controlled entities have the resources and the wherewithal to distort our political discourse.

You don't have to believe that foreign interests are pernicious or hostile to our government. The simple fact is that they are not part of our population or "polity," and they have a different set of interests. Their interests and loyalties are to their foreign owners and multinational markets, not to Maine people.

The trend toward globalism in recent decades has accentuated this issue, but concerns about foreign involvement in our democracy have a history as long as the country itself. In 1787 the authors of the Constitution included the emoluments clause for the specific purpose of curtailing foreign influence over the executive branch. The Federalist Papers discussed the dangers of foreign entanglement in elections, and George Washington's Farewell Address famously warned to be vigilant against the interference of foreign powers in our political life. This concern is based on the belief that our system of self-government should place political control in the hands of the sovereign people. We know that foreign interests will meddle with that process to leverage their influence or achieve results they cannot win through diplomatic give-and-take or through market competition.

Federal law now prohibits any foreign national from making contributions or expenditures in connection with an election. Importantly, this federal statute also bans contributions in state and local candidate elections, in addition to those in congressional and presidential races. It is logical to expand this ban to foreign-government controlled entities, and to referendum campaigns.

LD 1610 also would make an important statement about the need for broader reforms to reign in money in politics. Throughout U.S. history, when the Supreme Court was out of step with the will of the people, constitutional amendments have been necessary to lay out the powers of government to defend our rights. LD 1610 also calls on our congressional delegation to support a 28th amendment to the U.S. Constitution that would fight corruption and reduce the influence of money in politics.

The Maine legislature passed a similar resolution with broad bipartisan support in 2012, and it is more important than now ever. It is time for this legislature to renew that mandate, and to direct the Maine Ethics Commission to report on our delegation's activities toward an amendment, so that voters can hold them accountable for their actions.

LD 1610 has broad bipartisan sponsorship, and polls have shown that nearly 90% of Maine voters support it. This is an opportunity for the Legislature to lead on an issue where Mainers are united.

Finally, we applaud that the Legislature is considering a solemn occasion to resolve questions around the timeline for considering referendums in this session. We encourage you to continue with the process in committee in the meantime, including holding a work session and voting on this legislation.

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