



NO MONEY IN POLITICS PROJECT

REPORT #5

2012 Legislative
Elections:

An Analysis of Clean
Election Participation and
Outcomes



MONEY IN POLITICS PROJECT

The *Money in Politics Project* is a program of **Maine Citizens for Clean Elections**, a nonpartisan organization that has been working in the public interest to advocate for, increase public support for, defend and improve the Maine Clean Election Act and related campaign finance law since 1995. MCCE is a 501(c)(3) organization. www.MaineCleanElections.org

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REPORT #5

2012 Legislative Elections

An Analysis of Clean Election Participation and Outcomes

Executive Summary

Preliminary data is now available on how privately funded and publicly funded legislative candidates fared on Election Day 2012.

The Maine Clean Election Act underwent significant changes prior to this election cycle, and many have asked how those changes will affect the success of the program and the makeup of the 126th Legislature which will begin work in January 2013.

A full analysis must await the final fundraising and expenditure reports from candidates, due to be filed with the Ethics Commission on December 18, 2012. We have conducted a preliminary review of the data now available, and this report presents that data for comparison to similar data from previous election cycles.

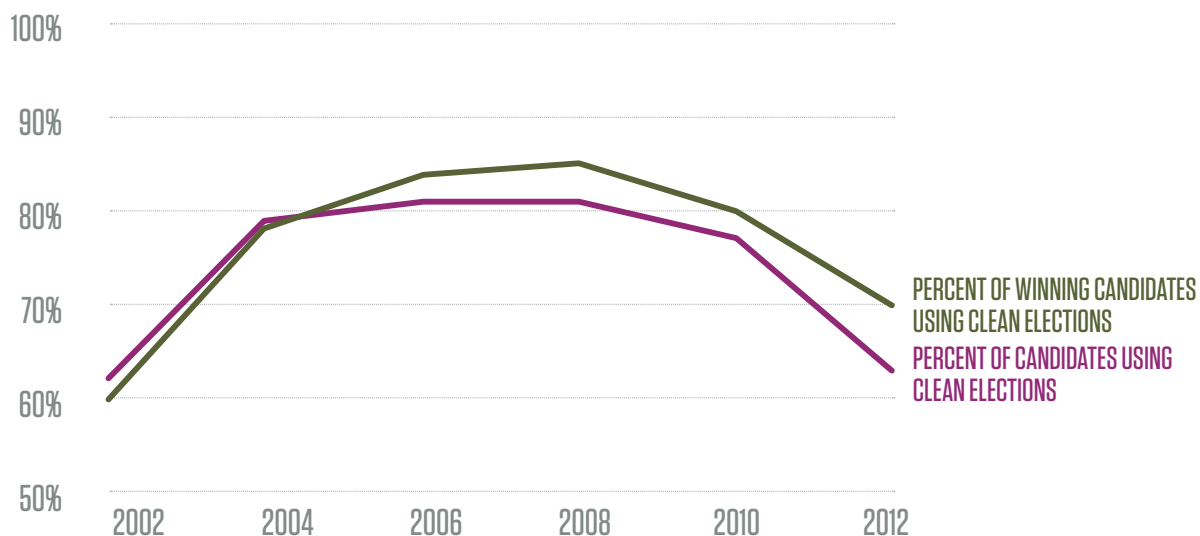
All of the information included in this report was obtained from data downloaded from the public web pages of the Commission on Governmental Ethics and Election Practices.

Highlights

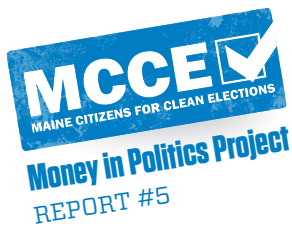
MCCE will issue a full report when final candidate financial data is available, but a few observations can be made based on the outcome of the 186 legislative elections held on November 6th.

- Rates of participation in the Maine Clean Election Act public funding option turned downward significantly this year after increasing steadily for many election cycles prior to 2012.

Trend: Candidates using Clean Elections and Candidates Using Clean Elections Who Won



- Clean Election candidates continued to succeed with voters. The success rate of publicly funded candidates was 54% (131 out of 242), compared to 39% for privately funded candidates (55 out of 143).
 - In head-to-head races against privately funded opponents, Clean Election candidates won 65% of the time (59 out of 90 races).
 - Senate candidates are participating in the Maine Clean Election Act public funding option at approximately the same level as in prior years.
 - House candidates, particularly in the Republican Party, participated at a much lower rate in 2012 than in previous cycles.
 - 101 out of 187 Clean Election candidates won in the House (54%) and 30 out of 55 Clean Election candidates won in the Senate (54%).
 - Privately funded candidates won less often – 50 out of 124 privately funded candidates won in the House (40%) and 5 out of 19 privately funded candidates won in the Senate (26%).
 - Of the 17 challengers who defeated incumbents, 15 of them (88 %) used Clean Elections. Seven of those 15 Clean Election challengers defeated privately funded incumbents, and the other 8 defeated Clean Election incumbents.
 - There were 31 privately funded challengers who faced one or more Clean Election opponents. Only two of those privately funded challengers won their races.
- After data becomes available in late December, MCCE will issue a comprehensive report on the 2012 election cycle.



ABOUT THIS SERIES

The Money in Politics Project is a series of twelve reports about the role and effect of money on Maine politics. The reports combine a review of publicly available campaign finance data with on-the-ground analysis of how money influences Maine's elections, government, and public policy. **Maine Citizens for Clean Elections** launched this project because money in politics is an issue of vital concern to the people of Maine, one that goes to the heart of our democratic system.

2012 Legislative Elections

An Analysis of Clean Election Participation and Outcomes

MCEA Data: Overview

This section (FIGURES 5-1 through 5-5) provides data about the rates of participation in the Clean Election program. The data includes participation rates from 2002 through 2012, presented with detail on House and Senate races and rates of participation by political party. FIGURE 5-1 also shows the success rates of Clean Election candidates in these groupings over the years.

FIGURE 5-1
MCEA Participation Overview

The number of Clean Election candidates was the lowest since 2002, but the percentage of candidates using Clean Elections who won was the highest in the history of the program.

	2002	2004 ¹	2006	2008	2010 ²	2012
Total number of Candidates for House and Senate in General Election	369	391	389	374	385	385
Number of Candidates Using Clean Elections	230	308	314	303	295	242
Percent of Candidates Using Clean Elections	62%	79%	81%	81%	77%	63%
Number of Winning Candidates Using Clean Elections	111	145	156	158	148	131
Percent of Winning Candidates Using Clean Elections	60%	78%	84%	85%	80%	70%
Percent of Candidates Using Clean Elections Who Won	48%	47%	50%	52%	50%	54%
Number of Candidates Using Private Funding	139	83	75	71	90	143
Number of Winning Candidates Using Private Funding	75	41	30	28	38	55
Percent of Candidates Using Private Funding Who Won	54%	49%	40%	39%	42%	38%

FIGURE 5-2

MCEA Participation: House and Senate

In general, Senate candidate participation in Clean Elections remained steady, while House candidate participation declined. 30 out of 35 incoming Senators used Clean Elections

	2002	2004	2006	2008	2010	2012
Total Number of Senate Candidates in the General Election	71	73	77	77	72	74
Number of Senate Candidates Using Clean Elections	51	58	66	59	62	55
Percent of Senate Candidates Using Clean Elections	72%	79%	86%	77%	86%	74%
Number of Winning Senate Candidates Using Clean Elections	27	29	29	28	30	30
Percent of Winning Senate Candidates Using Clean Elections	77%	83%	83%	80%	86%	86%
Total Number of House Candidates in the General Election	298	318	312	297	313	311
Number of House Candidates Using Clean Elections	179	250	248	244	233	187
Percent of House Candidates Using Clean Elections	60%	79%	79%	82%	74%	60%
Number of Winning House Candidates Using Clean Elections	84	116	127	130	118	101
Percent of Winning House Candidates Using Clean Elections	56%	77%	84%	86%	78%	67%

FIGURE 5-3

MCEA Participation: By Party

Republican House candidate participation showed the greatest decrease of all the four partisan caucuses.

	2002	2004	2006	2008	2010	2012
Total Number of Republican Candidates	168	182	180	167	181	182
Number of Winning Republican Candidates	84	90	77	69	98	73
Number of Republican Candidates Using Clean Elections	91	130	131	119	132	84
Percent of Republican Candidates Using Clean Elections	54%	71%	72%	71%	73%	46%
Number of Winning Republican Candidates Using Clean Elections	35	60	58	51	71	35
Percent of Republican Candidates Using Clean Elections Who Won	38%	46%	44%	43%	53%	42%
Percent of Winning Republican Candidates Using Clean Elections	42%	67%	75%	74%	72%	48%
Total Number of Democratic Candidates	173	180	185	186	178	176
Number of Winning Democratic Candidates	98	94	107	116	86	108
Number of Democratic Candidates Using Clean Elections	122	155	171	169	156	146
Percent of Democratic Candidates Using Clean Elections	71%	86%	92%	91%	88%	83%
Number of Winning Democratic Candidates Using Clean Elections	72	83	99	106	75	93
Percent of Democratic Candidates Using Clean Elections Who Won	60%	54%	58%	63%	48%	64%
Percent of Winning Democratic Candidates Using Clean Elections	73%	88%	93%	91%	87%	86%
Total Number of Green Party Candidates	11	20	11	9	12	7
Number of Green Party Candidates Using Clean Elections	8	16	7	7	4	4
Percent of Green Party Candidates Using Clean Elections	73%	80%	64%	78%	33%	57%
Number of Winning Green Party Candidates Using Clean Elections	1	1	0	0	0	0
Total Number of Unenrolled Candidates	n/a	9	13	12	14	20
Number of Unenrolled Candidates Using Clean Elections	n/a	7	5	8	3	8
Percent of Unenrolled Candidates Using Clean Elections	n/a	77%	38%	67%	21%	40%
Number of Winning Unenrolled Candidates Using Clean Elections	n/a	1	2	1	2	3

FIGURE 5-4

Further Breakdown by Party: Republicans

Only 40% of winning Republican candidates in the House used Clean Elections.

	'02	'04	'06	'08	'10	'12
Total Number of Republican Senate Candidates	35	34	35	36	35	34
Number of Republican Senate Candidates Using Clean Elections	25	27	30	27	33	23
Percent of Republican Senate Candidates Using Clean Elections	71%	79%	86%	75%	94%	68%
Number of Winning Republican Senate Candidates	17	17	17	15	20	15
Number of Winning Republican Senate Candidates Using Clean Elections	13	14	14	12	18	12
Percent of Winning Republican Senate Candidates Using Clean Elections	77%	82%	82%	80%	90%	80%
Total Number of Republican House Candidates	133	148	145	131	146	148
Number of Republican House Candidates Using Clean Elections	66	103	101	92	99	61
Percent of Republican House Candidates Using Clean Elections	50%	70%	69%	70%	68%	41%
Number of Winning Republican House Candidates	67	73	60	54	78	58
Number of Winning Republican House Candidates Using Clean Elections	22	46	41	39	53	23
Percent of Winning Republican House Candidates Using Clean Elections	33%	63%	68%	72%	68%	40%

FIGURE 5-5

Further Breakdown by Party: Democrats

There were only four Democratic Senate candidates who did not use Clean Elections. Twenty six Democratic House candidates did not use Clean Elections.

	2002	2004	2006	2008	2010	2012
Total Number of Democratic Senate Candidates	31	34	35	36	33	33
Number of Democratic Senate Candidates Using Clean Elections	24	28	32	29	27	29
Percent of Democratic Senate Candidates Using Clean Elections	78%	82%	91%	81%	82%	88%
Number of Winning Democratic Senate Candidates	18	18	18	20	14	19
Number of Winning Democratic Senate Candidates Using Clean Elections	14	15	15	16	11	17
Percent of Winning Democratic Senate Candidates Using Clean Elections	78%	83%	83%	80%	79%	89%
Total Number of Democratic House Candidates	142	146	150	150	145	143
Number of Democratic House Candidates Using Clean Elections	98	127	139	140	129	117
Percent of Democratic House Candidates Using Clean Elections	69%	87%	93%	93%	89%	82%
Number of Winning Democratic House Candidates	80	76	89	96	72	89
Number of Winning Democratic House Candidates Using Clean Elections	58	68	84	90	64	76
Percent of Winning Democratic House Candidates Using Clean Elections	73%	89%	94%	94%	89%	85%

MCEA Data: Privately Funded Candidates v. Clean Elections Candidates

FIGURES 5-6, 5-7, 5-8, and 5-9 analyze those races where one or more Clean Election candidates ran against one or more privately funded candidates. The results for 2012 show that on average, privately funded candidates do not enjoy any electoral advantage over Clean Election candidates. Participation in Clean Elections is likely not the only factor influencing this outcome. FIGURE 5-6 shows summary data, with more detail in the following tables.

FIGURE 5-6

Privately Funded Candidates v. Clean Elections Candidates
Candidates: 2012 Senate and House

	Senate	House
Number of Privately Funded Candidate v. Clean Election Candidate Races	12	78
Number of Privately Funded Candidates Defeating Clean Election Opponents	2	29
Percent of Privately Funded Candidates Defeating Clean Election Opponents	17%	37%
Number of Clean Election Candidates Defeating Privately Funded Opponents	10	49
Percent of Clean Election Candidates Defeating Privately Funded Opponents	83%	63%

FIGURE 5-7

Candidates Using Clean Elections v. Privately Funded Candidates: Summary Data

In 2012, 7 challengers used Clean Elections in their successful campaigns in races against privately funded incumbents. All 7 of these were House races

	2004	2006 ³	2008 ⁴	2010	2012 ⁵
Number of Races with Privately Funded Candidates v. Candidates Using Clean Elections	54	65	57	61	90
Number of Candidates in Races With Privately Funded Candidates v. Candidates Using Clean Elections	120	144	121	138	194
Number of Candidates Using Clean Elections in Races With Privately Funded Candidates v. Candidates Using Clean Elections	65	75	64	71	99
Number of Candidates Using Clean Elections Who Defeated Privately Funded Opponents	28	38	37	34	59
Number of Privately Funded Candidates Who Defeated Candidates Using Clean Elections	26	27	20	27	31
Number of Open Seat Races With Privately Funded Candidates v. Candidates Using Clean Elections	17	19	11	16	37
Number of Candidates Using Clean Elections in Open Seats Races Who Defeated Privately Funded Opponents	8	11	9	9	23
Number of Races with Incumbents With Privately Funded Candidates v. Candidates Using Clean Elections	38	47	46	45	57
Number of Races with Incumbents Where MCEA Funded Incumbent Defeated Privately Funded Opponent	17	23	28	23	29
Number of Races with Incumbents Where MCEA Funded Challenger Defeated Privately Funded Incumbent	3	4	2	2	7

FIGURE 5-8

Candidates Using Clean Elections v. Privately Funded Candidates: Senate

In 2012 there were 12 Senate races (out of 35) where a Clean Election candidate opposed a privately funded candidate. In 10 of those races (83%) the Clean Election candidate won.

	2004	2006	2008	2010	2012
Number of Senate Races with Privately Funded Candidates v. Candidates Using Clean Elections	9	10	12	6	12
Number of Candidates in Senate Races With Privately Funded Candidates v. Candidates Using Clean Elections	22	24	27	13	26
Number of Candidates Using Clean Elections in Senate Races With Privately Funded Candidates v. Candidates Using Clean Elections	13	13	15	8	14
Number of Senate Candidates Using Clean Elections Who Defeated Privately Funded Opponents	6	4	7	3	10
% of Senate Races with Privately Funded Candidates v. Candidates Using Clean Elections Won by Candidates Using Clean Elections	67%	40%	58%	50%	83%
Number of Privately Funded Senate Candidates Who Defeated Candidates Using Clean Elections	3	6	5	3	2
% of Senate Races with Privately Funded Candidates v. Candidates Using Clean Elections Won by Privately Funded Candidate	33%	60%	42%	50%	17%
Number of Open Seat Senate Races with Privately Funded Candidates v. Candidates Using Clean Elections	6	1	3	0	6
Number of Open Seat Senate Races with Privately Funded Candidates v. Candidates Using Clean Elections won by Candidates Using Clean Elections	3	0	2	0	5
Number of Senate Races with Incumbents with Privately Funded Candidates v. Candidates Using Clean Elections	3	9	9	6	6
Number of Senate Races with Incumbents with Privately Funded Candidates v. Candidates Using Clean Elections Won by Incumbent Candidates Using Clean Elections	2	4	5	1	5
Number of Senate Races with Incumbents with Privately Funded Candidates v. Candidates Using Clean Elections Won by Challenger Candidates Using Clean Elections	1	0	0	2	0

FIGURE 5-9

Candidates Using Clean Elections v. Privately Funded Candidates: House

House Clean Election candidates also fared well against privately funded opponents, but by a smaller margin. 63% of House Clean Election Candidates who faced privately funded candidates won their races

	2004	2006	2008	2010	2012
Number of House Races with Privately Funded Candidates v. Candidates Using Clean Elections	45	55	45	55	78
Number of Candidates in House Races With Privately Funded Candidates v. Candidates Using Clean Elections	98	121	94	126	168
Number of Candidates Using Clean Elections in House Races With Privately Funded Candidates v. Candidates Using Clean Elections	52	62	49	63	85
Number of House Candidates Using Clean Elections Who Defeated Privately Funded Opponents	22	34	30	31	49
Percent of House Races with Privately Funded Candidates v. Candidates Using Clean Elections Won by Candidates Using Clean Elections	49%	62%	67%	56%	63%
Number of Privately Funded House Candidates Who Defeated Candidates Using Clean Elections	23	21	15	24	29
Percent of House Races with Privately Funded Candidates v. Candidates Using Clean Elections Won by Privately Funded Candidate	51%	38%	33%	44%	37%
Number of Open Seat House Races with Privately Funded Candidates v. Candidates Using Clean Elections	11	18	8	16	31
Number of Open Seat House Races with Privately Funded Candidates v. Candidates Using Clean Elections won by Candidates Using Clean Elections	5	11	7	9	18
Number of House Races with Incumbents with Privately Funded Candidates v. Candidates Using Clean Elections	35	37	37	39	51
Number of House Races with Incumbents with Privately Funded Candidates v. Candidates Using Clean Elections Won by Incumbent Candidates Using Clean Elections	15	19	21	22	24
Number of House Races with Incumbents with Privately Funded Candidates v. Candidates Using Clean Elections Won by Challenger Candidates Using Clean Elections	2	4	2	0	7

Incumbents, Challengers and Open Seats

FIGURES 5-10, 5-11, and 5-12 compare the success rates of incumbents, challengers, and open seat candidates using Clean Elections.

FIGURE 5-10

Incumbents

Only 64% of incumbents used Clean Elections - the lowest since 2002. 91% of Senate incumbents used Clean Elections, while only 58% of House incumbents used Clean Elections.

	2002	2004	2006	2008	2010	2012
Total Number of Incumbent Candidates	122	126	140	135	139	121
Number of Incumbent Candidates Using Clean Elections	62	96	115	108	112	77
Percent of Incumbent Candidates Using Clean Elections	51%	76%	82%	80%	81%	64%
Number of Incumbents who Won Election	107	108	127	125	119	104
Percent of Incumbents who Won Election	88%	86%	91%	93%	86%	86%
Number of Clean Elections Incumbents Who Won Election	57	82	106	100	94	66
Percent of Clean Elections Incumbents Who Won Election	92%	85%	92%	93%	84%	86%
Number of Incumbent Senate Candidates	27	22	28	27	25	22
Number of Incumbent Senate Candidates Using Clean Elections	21	19	23	21	19	20
Percent of Incumbent Senate Candidates Using Clean Elections	78%	86%	82%	78%	76%	91%
Number of Senate Incumbents Who Won Election		16	27	25	21	18
Number of Senate Clean Elections Incumbents Who Won Election		15	22	19	16	16
Number of Incumbent House Candidates	95	104	112	108	114	99
Number of Incumbent House Candidates Using Clean Elections	41	77	92	87	93	57
Percent of Incumbent House Candidates Using Clean Elections	43%	74%	82%	81%	82%	58%
Number of House Incumbents Who Won Election		92	100	100	98	86
Number of House Clean Elections Incumbents Who Won Election		67	84	81	78	50

FIGURE 5-11

Challengers

The overall success rate for all challengers was just 15%, but challengers using Clean Elections fared slightly better at 22%

	2002	2004	2006	2008	2010	2012
Total Number of Challengers	125	133	152	134	143	122
Number of Challengers Using Clean Elections	83	105	122	102	99	74
Percent of Challengers Using Clean Elections	66%	79%	80%	76%	69%	61%
Number of Challengers Who Won Election	23	15	13	10	20	18
Percent Challengers Who Won Election	18%	11%	9%	7%	14%	15%
Number of Challengers Using Clean Elections Who Won Election	14	13	12	10	14	16
Percent of Challengers Using Clean Elections Who Won Election	17%	12%	10%	10%	14%	22%
Number of Challengers in Senate	24	22	35	33	26	24
Number of Challengers In Senate Using Clean Elections	17	18	29	24	22	16
Percent of Challengers In Senate Using Clean Elections	71%	82%	83%	73%	85%	67%
Number of Challengers in House	101	111	117	101	117	122
Number of Challengers In House Using Clean Elections	66	87	93	78	77	74
Percent of Challengers In House Using Clean Elections	65%	78%	79%	77%	66%	61%

FIGURE 5-12

Open Seats

Clean Elections remains a popular choice among candidates in open seats, with 67% choosing this option. 54% of open seat candidates using Clean Elections won their races, whereas only 34% of open seat candidates using private funding won their elections

	2002	2004	2006	2008	2010	2012
Total Number of Open Seats	56	62	46	51	47	65
Total Number of Open Seat Candidates	122	132	97	105	103	135
Number of Open Seat Candidates Using Clean Elections	85	107	76	93	84	91
Percent of Open Seat Candidates Using Clean Elections	70%	81%	78%	89%	82%	67%
Number of Open Seat Candidates Using Clean Elections Who Won Election	40	50	38	48	40	49
Percent of Open Seat Candidates Using Clean Elections Who Won Election	47%	47%	50%	52%	48%	54%
Number of Open Seat Candidates Using Private Funding	37	25	21	12	19	44
Number of Open Seat Candidates Using Private Funding Who Won Election	16	13	8	3	7	15
Percent of Open Seat Candidates Using Private Funding Who Won Election	43%	52%	38%	25%	37%	34%
Percent of Open Seats Won By Candidates Using Clean Elections	71%	81%	83%	94%	85%	75%
Number of Open Seat Candidates in Senate	20	29	14	17	21	27
Number of Open Seat Candidates in Senate Using Clean Elections	13	21	13	14	21	19
Percent of Open Seat Candidates in Senate Using Clean Elections	65%	72%	93%	82%	100%	70%
Number of Open Seat Candidates in House	102	103	83	88	82	91
Number of Open Seat Candidates in House Using Clean Elections	72	86	63	79	63	72
Percent of Open Seat Candidates in House Using Clean Elections	70%	83%	76%	90%	77%	79%

Clean Elections Funding and Candidate Gender

FIGURE 13 shows the pool of candidates broken down by gender. Interestingly, the fall-off in Clean Election participation rates evident in the 2012 election cycle was primarily among male candidates. 73% of female candidates used Clean Elections, down just seven percentage points from 2010. But male candidate participation rates dropped from 75% in 2010 to 59% in 2012 — a decrease of 16 percentage points.

FIGURE 5-13

Women in the Legislature

57% of women using Clean Elections won their election - slightly more than the percentage of male Clean Elections candidates who prevailed in their campaigns (53%).

	2002	2004	2006	2008	2010	2012
Total Number of Women Legislative Candidates	98	101	120	113	111	105
Number of Women Legislative Candidates Using Clean Elections	68	87	100	99	89	77
% of All Candidates Who Are Women	27%	26%	31%	30%	29%	27%
% of Women Candidates Using Clean Elections	70%	86%	83%	88%	80%	73%
Number of Winning Women Candidates	50	45	57	55	52	54
% of Women Candidates Who Won Election	51%	45%	48%	49%	47%	51%
Number of Women Candidates Using Clean Elections Who Won Election	36	38	49	49	42	44
% of Women Using Clean Elections Who Won Election	53%	44%	49%	49%	47%	57%
% of all Women Elected Using Clean Elections	72%	84%	86%	89%	81%	81%
Total Number of Men Legislative Candidates	271	290	269	261	274	280
Number of Men Legislative Candidates Using Clean Elections	162	221	214	204	206	165
% of All Candidates Who Are Men	74%	74%	69%	70%	71%	73%
% of Men Candidates Using Clean Elections	60%	76%	79%	78%	75%	59%
Number of Winning Men Candidates	136	141	129	131	134	132
% of Men Candidates Who Won Election	50%	49%	48%	50%	49%	47%
Number of Men Candidates Using Clean Elections Who Won Election	61	107	107	109	106	87
% of Men Using Clean Elections Who Won Election	38%	48%	50%	53%	51%	53%
% of all Men Elected Using Clean Elections	55%	76%	83%	83%	79%	66%

Conclusion

MCCE is releasing this preliminary data to show the relative success rates of Clean Election candidates in the 2012 legislative elections. Although fewer candidates used Clean Elections in this cycle, their success rates remained high.

Candidate and PAC financial reports will be filed with the Ethics Commission on December 18, 2012. MCCE's next Money in Politics report will analyze the fundraising and spending patterns revealed by those reports and by the record of independent expenditures in Maine legislative races during this election cycle.

1 *Senator Art Mayo ran and won his race in 2004 as a Republican, however he switched parties to become a Democrat shortly after the election. For this analysis, he is considered a Republican.*

2 *Rep. Michael Willette ran as a Democrat and switched parties immediately after the election. He is included here and throughout as a Republican.*

3 *In all four of the 2006 House races between a Clean Election candidate and a privately funded candidate the Clean Election candidate was a Democratic challenger who defeated a privately funded Republican incumbent.*

4 *In three of the 2008 races featuring a Clean Election candidate against a privately funded opponent, the only privately funded candidate was a write-in candidate. In one of those races, the privately funded write-in candidate was the only opponent to the CE candidate; in the other two races, Clean Election candidates represented both of the major parties, and there was a third write-in candidate who was privately funded.*

5 *There were five write-in candidates in the Ethics Commission's 2012 database, all privately financed. Two of those candidates — David Alexander (House Dist. 56) and John Brown (Senate Dist. 8) — ran in three-way races against two Clean Elections Candidates. Those races are counted as Clean Election vs. Privately Funded races in this section. All five write-in candidates are included in the data.*

PREVIOUS REPORTS

REPORT#1

PACs Unlimited: How Legislator PACs Distort Maine Politics

REPORT#2

Profiles in Fundraising — The Leader Board: Maine's Top Legislative Fundraisers and How They Earned Their Spots

REPORT#3

Money, Insurance, and Health Care Policy: How Health Insurance Companies' Campaign Contributions Helped Them Win Major Legislation

Report #4

Preliminary Report on 2012 Campaign Money: Private Money Making A Comeback In Maine Elections



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