



Testimony before the Joint Standing Committee on Veterans and Legal Affairs

LD 1046 – An Act To Require Clean Election Candidates To Purchase Services
from Maine-based Companies

March 27, 2017

Senator Mason, Representative Luchini, and members of the Joint Standing Committee on
Veterans and Legal Affairs:

Thank you for the opportunity to testify on LD 1046 – An Act To Require Clean Election
Candidates To Purchase Services from Maine-based Companies

My name is Andrew Bossie. I am the Executive Director of Maine Citizens for Clean Elections.

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. We are proud of our national reputation, but we
are all Mainers, and our mission has always been with and for the people of this state.

Our testimony is neither for nor against LD 1046 but simply to provide some information and
perspective on this issue.

MCCE agrees that it is “best practice” for Maine candidates to purchase campaign services here
in Maine. The great majority of funds spent by participating candidates already goes directly into
the Maine economy to provide income for Maine businesses, supporting jobs and stimulating the
economy. Sometimes candidates patronize vendors outside of the state, but we believe that is the
exception for both publicly funded and privately funded candidates.

Although spending the funds locally has some benefits for the state, the bill may have some
unintended consequences. Restricting the ability of candidates to shop for vendors may increase
prices for candidates and thus increase the cost of the Clean Election law. In addition,
determining when “no such business is available” could be quite difficult and time consuming,
and subject to argument in the heat of a campaign. Enforcement by the Ethics Commission could
also incur additional costs to the state.

By comparison, when the Bureau of General Services purchases services for the state, they are
not restricted to Maine vendors (although Maine vendors may receive some preference under
some circumstances). Therefore, LD 1046 would be more onerous than current state purchasing
policy. We don’t see any justification for that approach.

A definition of “services” is also needed, and this could get complicated. Typical campaign

purchases often go toward a combination of labor and materials. For example, when a campaign purchases a mailing, the vendor may provide postage, printing, paper, and ink, as well as design and content production services. Since the mail house vendor is providing a mixture of services and tangible products, it is unclear whether the contract would be covered by the bill.

Finally, like several other bills we have already seen, LD 1046 singles out candidates who have done the hard work of qualifying for Clean Elections, and imposes requirements that are not imposed on candidates who raise private money – whether from small contributions, large contributions, special interest organizations, out-of-state funders, lobbyists, or their own funds. Clean Election candidates have earned their funds, and the choice of vendor should be up to them to make, just as it is for privately funded candidates.

This bill is a solution in search of a problem. Any candidate is always free to point out how their opponent spends their money if they think the public would be concerned. New regulations are not needed here.

If the Committee is interested in this bill, we believe it is necessary to have a better understanding of how the bill would work, how it would be enforced and what resources would be involved. We urge the committee to thoroughly probe the potential effects of this proposal and also seek a legal opinion of the constitutionality of prohibiting purchases from other states under the Commerce Clause of the U.S. Constitution. If, after all that, this still seems like a good idea, why not apply it to privately financed candidates, as well as publicly funded ones?

Thank you for the opportunity to testify. I would be happy to answer any questions or provide additional information for the work session.