



Testimony before the Joint Standing Committee on Veterans and Legal Affairs

LD 1397 An Act To Amend the Maine Clean Election Act

April 24, 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 1397 An Act To Amend the Maine Clean Election Act.

My name is Bob Howe of Howe Cahill. I am here today on behalf 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.

We urge you to reject LD 1397 for three reasons.

First, some of the key the concepts in LD 1397 were in bills that have already been discussed in other public hearings this session. For example, this bill would change the name of the Clean Election Act. LD 394, which had its public hearing in February, had essentially the same provisions for changing the name. This bill would also eliminate supplemental funding from Clean Elections. LD 1368, which had a public hearing last Friday, also would eliminate supplemental funding. So most of the major parts of LD 1397 just re-hash other legislation you have already been considering.

The second and more important reason why we urge you to reject LD 1397 is that most of its provisions would reverse the 2015 citizens' initiative. It is therefore a direct affront to the 2015 vote of the people, where a full and robust Clean Elections law passed with a wide margin of support. Where the people have spoken, it is not the role of the legislature to undo their decision.

Now, we've heard it said by some that legislators should push legislation that reflects how their constituents voted on one or another of the citizen initiatives, regardless of the statewide outcome. We disagree. Legislators surely owe allegiance to the larger common weal, not just to the interests of those who voted for them in their district. The legislature should not undo a policy adopted by citizen initiative – certainly not while it is still relatively new, and not simply because they disagree with the result.

Equally important, having the legislature consider a bill to undo the results of a statewide public campaign is a waste of your time. The outcome of the 2015 vote shows that voters in a great majority of the House districts and Senate districts voted in favor of the Clean Elections bill. So if each legislator voted as their constituents wanted, this bill would obviously fail. What would be the point of putting everyone through that again here?

The third and most important reason of all to reject LD 1397 is that it would be bad policy. The supplemental funding portion of the Clean Election law worked very well in 2016 – the only cycle where it has been used. It helped reduce the amount of private fundraising candidates had to undertake. And it made it possible for many new folks to consider running for office. LD 1397 would undo a very successful and important part of Clean Elections, and make it harder for candidates to use the public funding option.

One final point. LD 1397 would only allow first-time candidates to use Clean Elections. We think that would be a big mistake. We have heard this idea before, usually supported by the argument that incumbent legislators here in Augusta don't need Clean Elections because they can use the power of incumbency to raise money from lobbyists and others whom they meet while serving in the legislature. It would be one thing if candidates restricted themselves to raising small contributions from actual constituents in their own districts, as some do, but that is often not the case. Relying on lobbyists and Augusta insiders for incumbent fundraising is a particularly bad idea and the primary reason for having a public funding option in the first place.

The independence that Clean Elections creates for public officials is just as important for a fourth term legislator as it is for a rookie. We don't want to push incumbent legislators into the waiting arms of private special interest contributors just because they have become well known in the halls of the State House.

For these reasons, we strongly oppose LD 1397. Let the people have the final say on Clean Elections. Don't reverse the decision they made just a little more than a year ago.

Thank you very much. We will be present for the work session.