



TO: The Honorable Senator Nancy B. Sullivan, Senate Chair
The Honorable Representative Pamela Jabar Trinward, House Chair
The Joint Standing Committee on Legal and Veterans Affairs

DATE: March 30, 2009

RE: LD 948, "An Act To Reduce the Cost of the Maine Clean Election Act,"
Representative Van Wie, sponsor

Maine Citizens for Clean Elections (MCCE) opposes LD 948.

MCCE understands that budget concerns will color every decision made by the 124th Legislature, and we appreciate the desire to reduce costs in all state programs. While we support Rep. Van Wie's goals in principle, we differ on the specifics.

LD 948 changes a Qualifying Contribution from \$5 to anywhere from \$5 to \$10. It also adds to the qualifying process the requirement to raise a minimum amount of money for the Clean Election Fund – an amount equal to all Qualifying Contributions being \$10. Thus, it would, double the amount that is deposited into the Clean Election Fund. Our view is that the number of voters who support the candidate with Qualifying Contributions is the important number, not the total amount raised by each candidate. Under this bill candidates whose supporters were able to give only \$5 would need to gather twice as many Qualifying Contributions as those whose constituents are able to give \$10. This strikes us as fundamentally unfair.

You now have before you various bills that would leave Qualifying Contributions at \$5, double them to \$10, make them \$5 or \$10, or make them anywhere from \$5 to \$10. You could also consider simply making them \$5 or more. We urge you to keep in mind that the purpose of the qualifying process is to allow candidates to demonstrate that they have strong grassroots support among voters in their district. MCCE believes the current amount, \$5, has worked well because it is inclusive. Maine voters, regardless of their own economic means, are able to help candidates they support qualify for public funding. LD 948 would skew the qualifying process based on voters' ability to afford the higher QC. While it would also have the beneficial effect of

Member Organizations

AARP Maine, Common Cause Maine, EqualityMaine, League of Women Voters of Maine, League of Young Voters, Maine AFL-CIO, Maine Council of Churches, Maine People's Alliance/Maine People's Resource Center, Maine Women's Lobby, NAACP-Portland, Natural Resources Council of Maine, Peace Action Maine

increasing revenue to the Maine Clean Election Fund, we do not endorse this idea. Especially in these difficult economic times, the barrier to receiving public financing ought to remain the total number of donations, not the ability of supporters to pay. And the criteria should be the same for all candidates, regardless of the means of their constituents.

Another provision of this bill revises the statutory formula for computing changes in the distribution amount for contested legislative general elections by using the current formula and then subtracting \$2,750 for Senate candidates and \$1,500 for House candidates. We support measures to be heard later this session to revise the statutory formula for computing increases in the distribution amount using the CPI or other index in combination with other techniques. This will prevent outliers from having a disproportionate effect on the distribution numbers, and we believe such an approach will be more resilient over time than the proposal put forward in this bill. We also mention that when the new distributions were calculated for the 2004 races, they went down, so it is not wise to assume that new calculations will always result in increases.

Finally, MCCE strongly objects to the provision in LD 948 that would build a six-week-long optional private fundraising period into the general election for legislative candidates. The purpose of this private fundraising is to offset matching funds that might be triggered.

While this provision is well-meaning, we find it to be an overly complicated amendment that poses a number of problems that have little or no benefit to the candidate, the system, or the state. In general, we believe that simplicity is our friend, and this provision is not at all simple. It is hard to imagine that the burden of complying with these additional regulations would be offset by any benefit that this provision might provide. Here are some of our objections and concerns:

- The bill would increase candidates' reporting obligation as they would have to report contributions as well as expenditures
- Candidates would have to concern themselves with a new contribution limit of \$50 and a new cap of \$1,000 or \$2,000.
- Private funds that cannot be spent would be commingled with public funds in the candidate's campaign account even before any authorization for spending matching funds occurred.

- The additional caps, contribution limits, reporting, and commingled funds increase the chance for noncompliance and possible Ethics Commission violations.
- Expenditure guidelines would have to be amended to include fundraising expenses – something voters never anticipated when they passed the Clean Election Act.
- The bill complicates the issuance of matching funds.
- It would not help fund the system until after the fact, since budget writers would have no way to predict what amount of funds, if any, might be raised.

We urge an “Ought Not to Pass” vote on LD 948.

Thank you.

Alison Smith, Co-Chair
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