



Testimony before the Joint Standing Committee on Veterans and Legal Affairs

LD 1721 – An Act To Amend the Campaign Reports and Finances Laws and
the Maine Clean Election Act

May 15, 2019

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

Thank you for the opportunity to testify on LD 1721 – An Act To Amend the Campaign Reports and Finances Laws and the Maine Clean Election Act.

My name is Ann Luther. I am here as a volunteer representing MCCE Action – the advocacy arm of Maine Citizens for Clean Elections. MCCE Action supports LD 1721.

As you know, the Commission on Governmental Ethics and Election Practices is the custodian of our campaign finance and reporting laws, lobbyist registration records, and many related issues of ethics in government. Their role is critical to ensuring the successful administration of our democracy. They have the challenging job of balancing the need for the highest degree of accountability, with the practical and logistical factors that candidates and others must consider in the real world of political campaigns. Day in and day out, Commission staff advise stakeholders, administer complex regulations, and burn the midnight oil to strike the right balance and preserve public confidence in elections.

Jonathan Wayne and his staff have accumulated a lot of knowledge and experience about what works and what does not work to protect the public interest in this vital area of law. Accordingly, although we don't always agree with 100% of their recommendations, we believe they deserve a great deal of respect and deference.

We were disappointed in the past when routine, helpful recommendations of the Commission failed to become law for no good reason. We urge the committee to strongly support this bill as a matter of ensuring that the Commission can continue to do its important work, and that the law can be administered for the public and stakeholders as smoothly and efficiently as possible.

We have a few brief comments on the substance of LD 1721.

Section 20 of the bill would exempt polling questions from disclaimer requirements providing they are not conducted for the purpose of changing the vote of the person on the receiving end. We support the concept but would suggest that the standard should be “influencing” the vote rather than “changing” the vote. This would make the provision internally consistent, and would also create a slightly more protective standard.

Section 28 of the bill would revise the rules around gathering qualifying contributions. These revised procedures create more efficiency for candidates and contributors giving QC’s, particularly around the use of money orders. We believe it is important to remain vigilant against the lack of accountability that could occur when candidates do receive cash directly from contributors. This section contains sufficient safeguards, including a special form to be signed by the contributor, to assure the integrity of the process. There is a slight loss of information to the public when the money order fee is not reported, but this is essentially negligible in the overall scope of a campaign.

Section 32 of the bill tightens restrictions on the potential self-dealing of candidates by applying the prohibition to spouses and partners and their business entities. We do not oppose this provision, but we note that a somewhat more deferential standard might have been considered. For example, if a person whose family owns a printing shop decided to run for office, would that person have to use competitor printers for campaign materials? It is possible that robust disclosure and/or a standard prohibiting payment of above market rates would have addressed any concerns. We will be interested to see how this plays out in practice.

Thank you for listening to our comments. We are happy to take questions.