



TO: The Honorable Louis Luchini
The Honorable Chris Caiazzo, Co-Chairs
Members of the Joint Standing Committee on Veterans and Legal Affairs

DATE: April 26, 2021

RE: LD 1442 - An Act Regarding Publicly Financed Legislative Candidates in Competitive Primaries

Good morning Senator Luchini and Representative Caiazzo, and honorable members of the committee.

My name is John Brautigam. I'm a resident of Falmouth, and I'm speaking today as legal counsel and policy advisor to Maine Citizens for Clean Elections and MCCE Action. I am testifying in support of LD 1442.

For over 25 years MCCE has advocated for Maine's Clean Election Act (MCEA) public funding system. We were there at the start to advocate for its enactment in 1996, during the early years when participation was ramping up, when budget challenges and court decisions threatened to weaken the program, and up to today where it is well-established and continues to enjoy broad support among the candidates and the general public.

LD 1442 proposes a modest adjustment to the MCEA to make it a viable option for candidates facing a competitive primary. Sometimes it happens that the most serious challenge a candidate faces is in the primary, and where that primary challenger is privately or self-financed, the current MCEA distributions may be insufficient to run a competitive campaign. We know of a few candidates in both chambers and from both parties for whom this has been an issue.

The proposal in LD 1442 would allow such candidates to draw forward into the primary election part of the supplemental funding that they would be able to access during the general election. Using a model similar to what is already permitted for gubernatorial candidates, legislative candidates in a contested primary could submit additional qualifying contributions (QCs) during the primary to qualify early for four of their maximum eight tranches. This would not increase the total amount for which any one candidate could qualify during an election cycle, and it would have minimal impact on the Maine Clean Election Fund. We believe that current funding levels in the Fund are adequate to absorb this modest change.

We understand that the sponsor is submitting some amendments to this bill. We have reviewed the proposed changes and find them appropriate, including the changes to Section 6. We have one question

as to the indexing of the payments. LD 1442 refers to the original distribution amounts that went into effect after the 2015 citizen initiative -- subsequent COLA adjustments have altered these slightly, and we would want future COLA adjustments to apply to these primary amounts, as well, so we hope that the bill can be further amended to accommodate that.

In summary, we urge your support for LD 1442. It is a very reasonable solution to an actual problem.

Thank you for the opportunity to testify. I would be happy to answer any questions from the Committee.