



The Maine Voter

Volume 27, Number 4

October 2010

Contents	Page
President's Letter	1
Clean Elections on Tour	2
DISCLOSE in Senate	3
Fair Elections Now Act	3
November Ballot Questions	4
Easy-To-Read Voter Guide	4
Voting Rights for Legal Immigrants	4
Maine Clean Elections In Court	5
Day of Climate Action: 10/10/10	6
We Want To Hear From You	6
Join the League	7
Calendar	8

LWVME Officers

President:

Barbara McDade Bangor

Vice President:

Sarah Walton Augusta

Secretary:

Colleen Tucker Portland

Treasurer:

Ann Luther Trenton

Directors

Martha Dickinson Ellsworth

Polly Ferguson S. Portland

Anne Schink S. Portland

Michelle Small Brunswick

Jill Ward S. Portland

Cathie Whittenburg Portland

*

Editor: Martha Dickinson

Contributors: Barbara McDade, Michelle Small, Jill Ward, Anne Schink, Martha Dickinson

*

The League of Women Voters of Maine, a nonpartisan political organization, encourages informed and active participation in government, works to increase understanding of major political policy issues, and influences public policy through education and advocacy.

*

League of Women Voters of Maine
P. O. Box 863, Augusta, ME 04332-0863
www.lwvme.org

Dear League Members,

Women's suffrage leader **Carrie Chapman Catt** recognized that getting the vote was not the end of the journey for women. She **founded The League of Women Voters** to "finish the fight," and for 90 years the League has continued the journey toward a society in which every citizen has a voice in a government of fair and equitable laws and policies.

"The League of Women Voters believes that every citizen should be protected in the right to vote and that no person or group should suffer legal, economic or administrative discrimination." These important words are excerpted from the Principles of the LWVUS; it is a concept to which all League members subscribe.

During each election cycle, across the country, we see partisans erect last minute barriers to voting. We have heard that in 2010, students and citizens in foreclosure have been targeted for disenfranchisement. We must be on the lookout for these and any new barriers that may block Maine citizens as the elections approach. Should you hear of any efforts to disenfranchise voters, please immediately let someone on the Board know so we can contact the National League or take appropriate action.

The State League is continuing its work to inform the public and work for fair elections. We are again working with Literacy Volunteers of Maine, the Secretary of State's Office and the Public Libraries to get out an **"Easy to Read Voters Guide"** in print and on the web; the League will help with **Candidates' Forums** across the state; and we will continue to **fight for transparency and disclosure** in campaigns on the federal, state and local level.

The League of Women Voters is where hands-on work to safeguard democracy leads to civic improvement. If you are not yet a member, please join and help us. If you are a member and would like to become more involved, please contact us. And, please remember to vote on November 2.

- Barbara McDade, President

Clean Elections on Tour

At a September 9 press conference in Portland, Maine Citizens for Clean Elections (MCCE) announced the kickoff of their **20/10 Tour** that aims to reach at least twenty Maine towns in the next two months. MCCE is celebrating ten years of Clean Elections by reconnecting with the people who made Clean Elections possible – Maine voters. The Tour will stop at Rotary Clubs and other community groups as well as local newspapers, radio stations and public access TV shows. Church groups, labor councils, chapter meetings, local clubs and civic groups are also great venues. The Tour wants to link up with former legislators who used Clean Elections so that they can bring their first-hand experience with Clean Elections to these events.

Representative Peggy Pendleton (D) told the crowd: "I was one of the first people to run using Clean Elections. I jumped at the opportunity then and I would do it again. As I told my constituents on the campaign trail - you are the only person I am obligated to now." Jim Annis, a former Republican lawmaker from Dover-Foxcroft, also spoke about the importance of the Maine Clean Election Act. "Where I live, there are not many people candidates can ask for \$250. My constituents liked knowing that their \$5 Qualifying Contribution made my race possible," he said.

Ann Luther, MCCE Co-president and representative of the League of Women Voters of Maine, said, "Ten years ago the Maine Clean Election Act put voters in the driver's seat, and today the system is used by about 80% of Maine candidates across the state and in all parties. Candidates like it because it allows them to run better campaigns – campaigns that are focused on voters, not donors. And voters like it because they know their representatives will serve without ties to special interests."

Alison Smith, MCCE's other Co-president, talked about lawsuits that challenge Clean Elections. "We fought these challenges after voters passed Clean Elections, and the same out-of-state forces continue to try and undermine the law today. But in Maine, we don't believe that elections should be bought and sold by special interests. We believe in government of, by and for the people, and that's why we are fighting so hard to defend the Maine Clean Election Act."

Luther cited polls that show the popularity of campaign finance laws, including Clean Elections. "National polls show the same thing: voters want what we have here in Maine," she said. "Across

America people are concerned about the influence of corporations on the electoral process."

The 20/10 Tour will wrap up in Portland on November 18th with a 10th Anniversary Celebration. Details on that event are available on the Maine Clean Elections website:

<http://www.mainecleanelections.org/>

If you would like to help with the Tour:

- **Check the itinerary at <http://www.mainecleanelections.org/10thanniversary.html>, and help identify or create additional events that would be a draw for your members.** Do you have a local contact willing to help with logistics? If so, please let MCCE know.

- **Think about what is already on your organizational calendar in the next few months, and let MCCE know if there are opportunities for an MCCE presentation.** They can be in two or more places at once, so don't worry if their calendar already has an event scheduled. Twenty minutes is enough time for the presentation and Q and A.

- **Present the power point yourself!** MCCE has a great, easy-to-use script and very good materials to help you answer any questions that might come up. If you're more comfortable teaming up with Ann, Alison or another Board member, just ask.

- **Help build house party-type events.** In addition to presenting to community groups, MCCE is lining up several house parties and informal coffees. They would love to invite Leaguers and any other folks you think would want to be included in a social, educational or fundraising event. They're looking for hosts, too! Right now they are building a list for a Bar Harbor area fundraising house party on October 7th, and another in Bangor on October 15th. They would appreciate any names you can contribute to the invite lists.

MCCE Outreach Coordinator Caitlin Corrigan is the main contact for the 20/10 Tour activities; please call or email her with your questions and suggestions. Phone: 207-232-5986 email: caitlin@mainecleanelections.org

DISCLOSE Act Axed in Senate

Earlier this year, the Supreme Court in *Citizens United v. FEC* gave the green light to corporations to spend without limit to support or oppose candidates for office. However, this 5-4 decision made clear that disclosure of this spending could be required by Congress. Although the Court endorsed disclosure, due to a loophole in our current campaign finance law, groups are not required to disclose funders – and even foreign corporations can now spend freely and secretly in American elections. The DISCLOSE Act (HR 5175/S 3268) establishes new disclosure requirements for corporations, labor unions, advocacy groups and trade associations.

The version that passed the House in June contains controversial exemptions for large organizations like the NRA and AARP that have been in existence more than 10 years and have more than 500,000 members.

In July and again on September 23, our Maine Senators voted against moving this bill to the floor for debate and amendments, where it could be passed by a simple majority of 51 votes. On September 23, 59 Senators voted in favor of moving forward with the DISCLOSE ACT. Since 60 votes are required to stop a filibuster, that was not enough votes, and the DISCLOSE Act is dead for the time being, by just one vote.

After the Citizens United Supreme Court ruling, strong campaign finance laws like the DISCLOSE Act are essential. More than 80% of Mainers polled recently said they strongly support campaign finance disclosure and transparency. We urge everyone to call on Senators Snowe and Collins to work with their Senate colleagues to come up with a version of the DISCLOSE Act they can support. If the Senate does not act, there is nothing to prevent election manipulation by fly-by-night “hit” groups, or to stop foreign – or even hostile – governments from pumping secret money into our elections. Voters deserve to know who is behind election advertising, and Maine citizens have said they would like to see voters, not corporations, represented in the 2010 elections this fall.

Here are some excerpts from the press release of National League President MacNamara about the Senate Vote on September 23. For the full statement, see lvv.org.

“Voters lost and special interests won today. It is sad to see Senators cling to partisanship and obstructionism once again, instead of working together to find a middle ground on the DISCLOSE Act.”

“The bottom line is that voters deserve to know who is paying for election advertising. This is not only common sense – it is crucial if voters are to remain the cornerstone of our democracy. We would like to know what these opponents have to fear from disclosure of election advertising. Furthermore, what is to prevent them from falling victim to the deceitful advertising which they are refusing to bring into the sunlight?”

“The League will continue to fight for enhanced disclosure. Our democracy belongs to the voters – not special interests.”

Senator Snowe issued a statement on September 23 that included the following: “As a longtime supporter of full disclosure in campaign advertising -- who worked with Senators John McCain and Russ Feingold over a period of years to include in the Bipartisan Campaign Finance Reform Act the disclosure provision I co-authored that was struck down this year by the Supreme Court in its ruling on *Citizens United v. Federal Election Commission* -- no one wants to get this legislation right more than I do. That is why I am deeply disappointed that the legislation currently before the Senate is a 117-page wide-ranging bill that does not apply equally to everyone who is engaged in campaign advertising, contains provisions that are clearly unconstitutional, and has never benefitted from full public review and vetting at even a single committee hearing.” For Senator Snowe’s full statement, see her web site.

Federal Public Campaign Financing Bill Moves Forward

We could have Clean Elections at the federal level soon. The **Fair Elections Now Act (FENA)** was passed by the Committee on House Administration on September 23 and can now move to the floor of the House. The Fair Elections Now Act (S 752/HR 1826) was introduced in the Senate by Sen. Dick Durbin (D-Ill.) and in the House of Representatives by Reps. John Larson (D-Conn.) and Walter Jones, Jr. (R-N.C.). The bill would allow federal candidates to run for office without relying on large donations from special interests. Under the Fair Elections

Now Act, candidates would collect donations of \$100 or less from residents of their state. Each donation would be matched 4:1 with Fair Elections funds. Fair Elections would be funded by the sale of unused broadcast spectrum, with no cost to the taxpayer. More than 100 years ago, Republican president Teddy Roosevelt told Congress, "All contributions by corporations to any political committee or for any political purpose should be forbidden by law." Maine's Representatives Pingree and Michaud are signed on as co-sponsors of this landmark bi-partisan legislation; let's ask our Senators to sign on as well.

- Martha Dickinson, Ellsworth

Ballot Questions for November 2

On November 2, Maine voters statewide will be asked to decide three ballot questions. They are:

Question 1: "Do you want to allow a **casino** with table games and slot machines at a single site in Oxford County, subject to local approval, with part of the profits going to specific state, local and tribal programs?" The question's major proponent is Black Bear Entertainment LLC, the company that wants to develop a four-season resort in Oxford. The question's major opponents include Hollywood Slots Hotel & Raceway, the Passamaquoddy Tribe, the Maine Association of Agricultural Fairs, the Maine Standardbred Breeders & Owners Association, the Maine Harness Horsemen's Association and the Greater Bangor Convention and Visitors Bureau.

Question 2: "Do you favor a \$5,000,000 **bond issue** to be awarded on a competitive basis to increase access to **dental care** in Maine, \$3,500,000 to be used for a community-based teaching **dental clinic** affiliated with or operated by a college of dental medicine to be matched by \$3,500,000 in other funds, and \$1,500,000 to be used to create or upgrade community-based health and dental care clinics across the State to increase their capacity as teaching and dental clinics?"

Question 3: "Do you favor a \$9,750,000 **bond issue** to invest in **land conservation** and **working waterfront preservation** and to **preserve parks** to be matched by \$9,250,000 in federal and other funds?"

More details and some pro and con statements are in the Secretary of State's "*Citizen's Guide to the Referendum Election*" available at <http://www.maine.gov/sos/cec/elec/upcoming.html>

- Michelle Small, Brunswick

Easy-to-Read Voter Guide

Two years ago the League of Women Voters of Maine was approached by Literacy Volunteers of Maine about collaborating in the creation of a Voter Guide directed towards low literacy readers who often find that materials about voting, candidates and issues are difficult to understand. The League willingly agreed. The 2008 Voter Guide focused on statewide candidate elections. In 2009, the Guide focused on ballot questions and referenda.

This year the League is taking the lead in the production of an Easy-to-Read Voter Guide to be distributed statewide through libraries, adult education programs, and other interested venues. We have the ambitious goal of distributing 25,000 copies. In 2008 we distributed 18,000 for the presidential election and 15,000 in 2009.

Literacy Volunteers will preview the Guide to ensure that the text is understandable at the fifth grade reading level. The Guide will include candidate profiles and ballot questions, as well as information about registering to vote, the absentee voting process and other related election information.

If you are willing to assist in the bundling and distribution of copies, or if you are interested in receiving copies for an organization that you think would benefit from the Easy-to-Read Voter Guide, contact Sarah Robinson by email at homeinme@gmail.com or by phone at 800-207-8438.

- Anne Schink, S. Portland

Voting Rights for Legal Immigrants in Portland

The Portland-based League of Young Voters has announced the success of its petition drive to place a referendum question concerning non-citizen voting on the November 2 ballot. The group gathered 4,522 valid signatures, slightly more than the 4,487 needed.

The ballot measure calls for a yes or no vote on the amendment to the Portland City Charter that reads: "*Any other provision in this Charter notwithstanding, legal immigrants who are residents of Portland and 18 years old or older on the date of any municipal election shall be allowed to register to vote and vote in*

municipal elections. In order to register, a legal immigrant shall provide proof of identify, age and residency, pursuant to Title 21-A, and legal status according to standards established by the City Clerk. Such persons shall not have the right to run for and hold an elected municipal office.”

If the voters approve the amendment, the city would become the first municipality in Maine to permit non-citizens to vote in local elections. Last March, the City’s Charter Commission voted 7 to 5 not to include the issue in the charter changes to be sent to the voters in November.

Proponents argue that this measure would give legal immigrants a say in how their municipal taxes are spent and their schools are run. It would not affect state or federal elections, and only U.S. citizens would be permitted to run for local office. Some opponents feel strongly that a person should earn the right to vote, even in local elections, by becoming a U.S. citizen, no matter how long that takes in today’s environment. City Attorney Gary Wood has expressed the opinion that non-citizen voting in municipalities could be illegal under state law.

- Michelle Small, Brunswick

Maine’s Clean Elections Challenged in Courts

Two lawsuits are in the courts challenging Maine’s Clean Election Act. The case of **Cushing v. McKee** is a challenge to the distribution of some matching funds to clean elections candidates. The complaint was filed in Federal District Court on August 5, 2010. Cushing is a Maine State Representative running for reelection. McKee is listed as the lead defendant because he is chair of the Ethics Commission. James Bopp, Jr. is Lead Counsel for the Plaintiffs, and Local Counsel for the Plaintiffs is David Crocker of the Maine Heritage Policy Center.

On September 15, Federal District Court Judge Singal denied the Motion for a Temporary Restraining Order filed by the plaintiffs. Had he granted the motion, the State would not have been able to distribute additional matching funds to Clean Elections Candidates in the Fall 2010 election. The decision was based on Judge Singal’s finding that the First Circuit Court of Appeal’s decision in 2000 to uphold the Clean Election matching funds program is still binding law. Although current

lawsuits in other states that challenge similar provisions are making their way through the federal court system, the Judge found no reason to grant the extraordinary relief sought by the plaintiffs.

The plaintiffs in Cushing v. McKee filed an appeal to Singal’s decision in the First Circuit Court of Appeals on September 20.

The second direct challenge to Maine’s Clean Elections Act is known as **NOM v. McKee** and was filed during the November 2009 election campaign season. The National Organization for Marriage (NOM) donated almost \$2 million to *Stand for Marriage Maine*, a coalition that campaigned in support of a referendum to overturn Maine’s newly enacted marriage equality law. The Maine State Ethics Commission received a complaint that NOM had not registered and made certain disclosures under Maine’s Ballot Question Committee law. When the Commission began to investigate, NOM sued to overturn the disclosure requirements, arguing that being forced to reveal the names of their donors would be an infringement of its First Amendment rights.

The Lead Counsel for the Plaintiffs in NOM v. McKee is James Bopp, Jr., and the Local Counsel for the Plaintiffs is Stephen C. Whiting of The Whiting Law Firm.

The lawsuit was expanded after the November 2009 election. NOM stated that, since it intended to spend money in Maine’s 2010 candidate elections, it wanted the Court to overturn many additional disclosure laws. MCCE became a Friend of the Court because one of the provisions that NOM sought to overturn was the reporting of independent expenditures, which is a key part of the Clean Elections matching funds system. On August 19, Federal District Court Judge Hornby upheld all but minor parts of Maine’s disclosure statutes. NOM’s appeal of this ruling is before the First Circuit Court of Appeals.

These complaints and others may be seen at the website of the James Madison Center for Free Speech at <http://www.jamesmadisoncenter.org/>. Their stated mission is “to protect the First Amendment right of all citizens to free political expression in our democratic Republic.” James Bopp, Jr. is the general counsel of the JMC and his law firm Bopp, Coleson & Bostrom has participated in more than 60 challenges to electioneering transparency and campaign finance reform law.

For the latest on these and related developments, see the website for Maine Citizens for Clean Elections (MCCE) at <http://mainecleanelections.org>.

- Martha Dickinson, Ellsworth

Climate Change Action Day 10/10/10

Plans are shaping up for the International Day for Climate Change Action on October 10. The Downeast League is involved with several events planned in Hancock County. You can check the website 350.org for events near you. The basic idea is to educate the general public about actions we can all take to combat the ills of climate change. In Ellsworth, the LWV-Downeast is co-sponsoring the plans initiated by Towns in Transition. The documentary, "The Story of Stuff," will be shown at the UU Church of Ellsworth at 11:45 am. From 1 to 1:30 pm, participants will be on the Union River Bridge with signs. Hancock County Transition Towns is making the basic message signs, with one word per sign: SMILE REDUCE REUSE CLEANS OUR PLANET. Others are asked to bring only one sign or banner with the name of the group and only the message "We Care." Acadia Friends (Quakers) Meeting plans to be on the Bar Harbor ball field near the Farmer's Market from 11:45 am to noon with a large sheet of paper on which various energy saving/carbon emission reducing measures could be listed with a place for people to check off, write their initials, or make notations to

indicate their support. By the time you read this, no doubt other plans will be laid and listed at 350.org. Take a photo of your event and send to 350.org.

- Martha Dickinson, Ellsworth

We Want to Hear from You!

As you know, this year the League of Women Voters of the United States (LWVUS) celebrates its 90th Anniversary. Founded in 1920, LWVUS has enjoyed a long, rich history working on vital issues of concern to members and the public and we enjoy a similar history here in Maine.

We are so proud of the work the League has done and continues to do in Maine, but we know we can do more. To that end, we will be emailing out an **online survey to LWVME members** and friends to learn more about what you would like to see from us and how we can best engage you in League activities. The survey is a short 10 questions and should only take a couple of minutes to complete. We want to hear from you and hope you will take some time to give us your feedback.

If you are not on our email list, but would like to complete a survey, you can email us at lwvme@gwi.net or call 207-622-0256.

Thanks for supporting the League!

- Jill Ward, S. Portland

**ON NOVEMBER 2
BE INFORMED AND VOTE!**

LOOK FOR US ON FACEBOOK – SEARCH FOR LEAGUE OF WOMEN VOTERS OF MAINE

Stay in Touch with LWVME -- Make sure you receive our timely communications about important action alerts and current issues. If you are not receiving our e-mail messages, make sure we have your current email address. Send a message to us at lwvme@gwi.net.

Join the League!

If you are not yet a member of the League, we need your help now in carrying out our mission of reform. You may become a member of the League of Women Voters of Maine and the United States by mailing us your contact information with a check for \$45 for one membership, or \$67.50 for two members at the same household. Our Mailing Address is: **League of Women Voters of Maine, PO Box 863, Augusta, ME 04332-0863**. Please provide us with the following information. Thank you very much!

Membership Application Form

Name _____

Name(s) of additional member(s) in household _____

Address _____

City _____ State _____ Zip Code _____

Phone (home) _____ Phone (work/day) _____

Cell phone (optional) _____ Email address _____

Amount enclosed \$ _____

(\$45 one member. \$67.50 two members same household.)

Please make the check out to: League of Women Voters of Maine.

Dues are not tax deductible.

Comments (e.g. interests, how you heard about the League):

League of Women Voters of Maine
P.O. Box 863
Augusta, ME 04332-0863

ADDRESS SERVICE REQUESTED

Non-Profit
U.S. Postage Paid
Portland, Maine
Permit 117

Calendar for 2010

Candidate Forum, Brunswick Town Council and School Board Municipal Meeting Facility, 16 Station Avenue, Brunswick	Thu, Sep 30, 7 – 9 pm
Maine Citizens for Clean Elections, Curtis Memorial Library, Brunswick	Mon, Oct 4, 7 – 8 pm
10/10/10 Day of Climate Change Action, worldwide	Sun, Oct 10
LWVME Board Meeting, Augusta	Thu, Oct 14, 10am - 2pm
Candidate Forum, State House, Senate, DA, Ellsworth	Tue, Oct 19, 6:30 – 9 pm
Candidate Forum, Board of Selectmen, Topsham	Thu, Oct 28, 7 – 8:30 pm
Election Day	Tue, Nov 2
Maine Citizens for Clean Elections 10 th Anniversary Celebration Port City Music Hall, Portland	Thu, Nov 18, 6:30 – 9:30 pm
LWVME Board Meeting, Augusta	Thu, Dec 9, 10am - 2pm