



LEAGUE OF WOMEN VOTERS OF MAINE

The Maine Voter

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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.

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Privatization Study Begins

The League of Women Voters, at their 2010 Convention, adopted a study on privatization -- the transfer of public functions to the private sector and the deregulation of the private sector. The timeline calls for local meetings in the spring of 2012. Consensus is due May 1, prior to the national convention in June 2012.

The scope of the study, as adopted by the LWVUS Board, states: "The purpose of this study is to identify those parameters and policy issues to be considered in connection with proposals to transfer federal, state or local government services, assets and/or functions to the private sector. It will review the stated goals and the community impact of such transfers, and identify strategies to ensure transparency, accountability, and preservation of the common good."

Privatization is an international movement. Examples abound of the privatization of railroads, water systems, sewage treatment plants, prisons, schools, libraries, postal systems, military functions, security systems, and many others.

Doesn't this sound like an interesting and challenging topic to occupy your thoughts during the coming months? A vibrant and active email list is currently providing interesting insights and information. You can access the list by logging onto the www.lwv.org site. Sign in as a member and look for 'League sponsored email lists' in the left hand column. Once you sign up for the privatization list, you will begin to receive messages from other League members interested in the topic.

The study materials are available online at lwv.org/member-resources/privatization; a Leader's Guide describes the study process, and various articles focus on different aspects of the privatization study. Local groups will be forming soon. A study group starts Down East on February 12. Check the Calendar at lwvme.org for the latest meeting information in your area. Or contact me at 799-3112 if you are interested in participating.

- Anne Schink, S. Portland

Voting Law Changes in 2012

Lee Rowland, Counsel to the Democracy Program at the Brennan Center for Justice, came to Maine on January 10th and 11th to talk about the Brennan Center's new report, ***Voting Law Changes in 2012***.

The League of Women Voters of Maine Education Fund sponsored her trip to Maine. Rowland spoke to audiences in Portland, Augusta, and Bangor, and to countless others when her recorded remarks were aired on MPBN's *Speaking in Maine* on January 18th.

Rowland's key message was that a major shift is underway nationwide in the electoral landscape – a tightening of restrictions on who can vote and how. These new laws could make it significantly harder for more than **five million eligible voters** to cast ballots in 2012. These changes include:

- Photo ID laws, introduced in thirty-four states, signed and passed into law in eight states and counting.
- Proof of citizenship laws, introduced in twelve states, passed in three.
- Making voter registration harder, introduced in fourteen states, passed into law in five. (Maine voters vetoed repeal of same-day registration in November; Maine is not counted in the five).
- Reducing early and absentee voting, introduced in nine states, enacted in five.

As we go to press on January 23rd, the Maine State Legislature's Veterans and Legal Affairs Committee is getting ready to reconsider a bill carried over from last session to enact requirements for Photo ID to vote. The League opposes the bill, LD 199, arguing that it will erect unnecessary obstacles to the polls for certain groups of eligible voters. Stay tuned for more on this from the League in the coming weeks.

The Brennan Center for Justice at New York University School of Law is a non-partisan public policy and law institute that focuses on the fundamental issues of democracy and justice. Their work ranges from voting rights to campaign finance reform, from racial justice in criminal law to Constitutional protection in the fight against terrorism. A singular institution – part think tank, part public interest law firm, part advocacy group – the Brennan Center combines scholarship, legislative and legal advocacy, and communications to win meaningful, measurable change in the public sector.



Lee Rowland is a part of the Brennan Center Democracy Program's team on Voting Rights and Elections, working on such issues as voter suppression, poll challenges, registration modernization, and restoring the right to vote to individuals with past criminal convictions. Prior to

joining the Brennan Center, Ms. Rowland ran the Reno office of the American Civil Liberties Union of Nevada, where she worked on a host of civil liberties and civil rights issues, including election protection, voting rights, and initiative petition law.

In case you missed it, you can hear Lee's full presentation archived at Speaking Maine, <http://www.mpbn.net/OnDemand/AudioOnDemand/SpeakingInMaine.aspx>

You can read the Brennan Center's report, ***Voting Law Changes in 2012***, online at <http://www.brennancenter.org/content/resource/voting-law-changes-in-2012/>

- Ann Luther, Trenton, and Jill Ward, S. Portland

LWVME Concludes PAC Study

At its December meeting, the League of Women Voter of Maine State Board announced the conclusion of its important study on candidate political action committees (PACs) in Maine. As approved unanimously at that meeting, LWVME's new position on candidate PACs within Maine is:

LWVME supports reform in the financing of state candidate PACs consistent with the LWVUS position on Campaign Finance Reform.

LWVME supports measures to improve the financing of candidate PACs in order to ensure the public's right to know, combat corruption and undue influence, enable candidates to compete more equitably for public office, and promote citizen participation in the political process. Applying these principles to PAC reform in Maine provides a basis for sound action in the changing constitutional context as the Supreme Court of the U.S. reshapes the landscape of permissible reform.

History of the PAC Study

The League's study of candidate PACs in Maine was adopted at Convention 2007 to inform League members and the public about the issues involved with candidate PACs.

When voters passed the Maine Clean Election Act and related reforms in 1996, Maine eliminated large private contributions to candidates for state offices. However, the laws governing candidate PACs were not changed in 1996, and by 2007, Maine was one of only fourteen states, and the only one in New England, which had no limits on the size or source of contributions to PACs. Thus, although large contributions directly to candidates were forbidden by Maine's Clean Election Act, large contributions could still be made to PACs set up to aid candidates.

Because PACs remain a vehicle for large private donations, and especially because candidates and legislators who use the MCEA for their own campaigns participate in leadership and caucus PACs, this area of campaign financing has remained controversial and has undermined support in some quarters for the MCEA. Do large PAC donors exert undue influence over Maine's elected officials? Do unlimited contributions to PACs undermine the goals of our publicly funded system and our contribution limits? Is there a conflict when publicly funded candidates, who pledge not to accept contributions for their own campaigns, are allowed to raise funds for PACs that they organize or control?

The League Study Committee involved numerous members at various times, including Nan Amstutz, Ruth & Ed Benedikt, Martha Dickinson, Polly Ferguson, Susan Mayer, Michelle Small, Sarah Walton, and Ann Luther. The Committee reviewed the law and the literature on campaign finance, interviewed more than 30 key political players, and wrote four seminal papers on how PACs work in Maine and where the money comes from. All the papers are online and available at the League of Women Voters of Maine web site at www.lwvme.org.

PAC Landscape

Candidate PACs are those that work for the election or defeat of one or more candidates for state elected office -- state legislative races or the race for governor. This includes caucus PACs, gubernatorial PACs, leadership PACs, and PACs formed by business & professional associations, corporations, unions, and others.

Gubernatorial PACs are those typically set up by the major parties to raise money to support

the election of their gubernatorial candidate. None of the money that gubernatorial PACs raised in 2006 (the period reviewed in our study) came from in-state donors; most of it (66%) came from out-of-state corporations.

Caucus PACs work to achieve or increase a majority for their party in one or the other chamber of the legislature. There is typically one PAC for House Democrats, one for House Republicans, one for Senate Democrats, and one for Senate Republicans. They help recruit quality candidates and target particular races where independent expenditures would have the greatest impact. Caucus leaders (Speaker of the House, President of the Senate, majority and minority leaders) are often key fundraisers for caucus PACs. Caucus PACs as a group were the largest recipients of contributions in 2006, raising over \$2 million altogether.

Leadership PACs are those other candidate PACs that have candidates or legislators as principal fundraisers or decision makers. Caucus leaders often raise money for both their caucus PAC and their own leadership PAC. While leadership PACs are sometime said to serve the purpose of paying the expenses of leadership candidates as they travel the state conducting their leadership campaigns, this was not the view most often cited among political insiders. Leadership PACs are typically formed to ensure the election of a majority in their chamber (House or Senate) by raising money through their leadership PAC for their caucus PAC. Leadership PACs contribute most of their money to their caucus PAC, and the caucus PAC supports independent expenditures in closely contested races.

Aspiring caucus leaders are expected to have a leadership PAC. Leadership candidates gain credibility among their colleagues by raising money for their caucus through their leadership PACs -- it helps their standing in the party, advances their own election to leadership in their caucus, and advances their personal power/influence in the legislature.

Some leadership PACs, though not most of them, are formed to support candidates of a particular profile -- those with particular economic growth policies; those with conservative values; those with progressive values; or Democratic women, for example. Leadership PACs like these provide candidate recruiting, training, and campaign support.

Some leadership PACs provide money for legislators to cover expenses not typically covered elsewhere: flowers for a funeral,

attendance at conferences, political donations, legislator education & seminars, etc.

Other Key Findings

Candidates and legislators are key fundraisers for caucus PACs and leadership PACs. In their work for these PACs, even candidates running for office under the MCEA are allowed to solicit unlimited contributions to their PAC from private donors, corporations, unions, and businesses.

Overall, corporations and businesses were far and away the largest donors to candidate PACs in our study, far outstripping individuals, unions and professional associations. Not surprisingly, money received by candidate PACs was dominated by large contributions.

Caucus PACs, leadership PACs, and gubernatorial PACs are part of an interconnected network of political fundraising linking politically affiliated PACs, 527 groups, party committees, and candidate campaigns. In particular, caucus PACs and leadership PACs serve as conduits for fundraising on behalf of their respective parties, and money moves fluidly between national party affiliates, state party committees, and caucus and leadership PACs with a significant loss of transparency.

With both caucus and leadership PACs, questions arise regarding donor influence over subsequent legislation when candidates and legislators raise money for PACs. Leadership PACs tend to be even more controversial than caucus PACs because it is thought that the donor-legislator relationship is more direct and because it is perceived that the personal advancement of the legislator is more directly affected by the success of his or her leadership PACs than it would be by the success of the caucus PAC.

This controversy is heightened when the leadership PAC is sponsored by a legislator whose own campaign for office is being run with Clean Elections money. Some believe that if a Clean Elections candidate accepts public money for his or her own campaign in the interest of remaining free from obligation to special interests, that public money is wasted if he or she incurs obligations to special interests through fundraising for his or her leadership PAC. However, the same concern might be raised for legislators who raise money for their caucus PAC or for their party committee. These legislators are aspiring leaders in their respective political parties, and it is understood to be the duty of party and caucus leaders to do fundraising for their party or caucus.

While Maine has disclosure laws requiring reporting of money in and money out of all candidate PACs, they are inadequate to establish a complete public understanding of where the money comes from and where it goes. Some potentially useful information is not required to be reported; a contributor's industry sector or donor type -- business or professional association, corporation or business, union, individual, need not be reported. Information such as donor name is not reported in a standard format, with endless variations on name (Zeneca Services, AstraZeneca Services, Astra Zeneca, Astra Zeneca--Zeneca Services) and address (physical address, PO box, home, or office). Although reported data is available for query online, the online data is not easily aggregated. As a result, it is difficult and time-consuming for citizens or members of the media to use the information disclosed to paint an accurate picture about trends, patterns, or aggregate giving and spending.

Lawyers and lobbyists were significant donors to candidate PACs. If lobbyists contribute to PACs on behalf of particular clients, bill those contributions back to those clients, and report the contributions as coming from the lobbyists themselves, then the intent of disclosure has been subverted.

Summary

Some of the reforms we might have contemplated as this study began in 2007 may not be possible under the Supreme Court's new constitutional framework. In the wake of the *Citizens United* ruling, many state campaign finance laws are under challenge, and some may be overturned. Maine's legislature will likely be more reluctant than ever to consider banning corporate or union contributions to candidate PACs or to institute contribution limits to candidate PACs. Imposing limits on PACs that limit their campaign activity to independent expenditures and make no contributions directly to candidate campaigns would certainly invite a legal challenge.

It still may be possible to place some restrictions on the ability of candidates and legislators to raise unlimited money into candidate PACs for which they are key fundraisers and decision-makers.

Maine's current PAC laws focus on disclosure. To be effective, disclosure depends on diligent observation by interested citizens and timely public scrutiny during the campaign cycle. Disclosure alone has few meaningful consequences unless questionable practices are

widely noted in time to have political or electoral effects. Citizen and media engagement is essential. Some of the weaknesses in the currently required disclosures make it difficult for the average citizen or even for media professionals to access meaningful data in a timely way.

There is a continuing tension between political freedom and freedom of speech on the one hand, encouraging people and perhaps other entities – corporations, unions, associations – to be active in the political process, permitting legitimate political activity by people joined together with a common political interest, and on the other hand, regulating money to curtail corruption and undue influence. In order for any future reform of PAC law to be successful, it will need to balance these tensions.

Maine has special considerations because of its public financing law. Any future reform must allow political leaders, including those running under the MCEA, the tools they need to lead their caucus and their party. Without such reform, the true spirit and intent of reform, and the benefits of public financing in Maine, may be compromised.

The LWVME State Board wishes to thank all of those League members and others who contributed to this important study. The Board believes that the knowledge gained from this study together with the principles set forth in our new position on PAC reform provide a sound basis for future advocacy in this important area.

- Ann Luther, Trenton

Strengthening Clean Elections

In the Fall 2011 Voter, we updated you on the new challenges facing the Clean Elections system here in Maine. Throughout the fall and going into the second session of the 125th Legislature, Maine Citizens for Clean Elections (MCCE) has been actively engaged in the process to revise the Maine Clean Election Act (MCEA) in the wake of the **U.S. Supreme Court's decision** in *Arizona Free Enterprise Club v Bennett*. That ruling eliminated the Clean Election matching funds system in Arizona, creating challenges for Maine's system as well. The Ethics Commission put forth two options for updating the MCEA, and a public hearing on those options was held on October 18 in the Joint Committee on Veterans and Legal Affairs.

As a coalition partner of MCCE, the League strongly supports the Ethics Commission's **Legislative Proposal #2, the "requalifying option."** This plan replaces the old matching funds system with two optional rounds of "requalifying." You can view the proposal at www.maine.gov/legis/opla/MCEAproposal2.pdf. Candidates would collect additional Qualifying Contributions from voters in their district in order to receive additional funds later in the campaign. It would allow candidates to "right-size" their campaigns, within limits, and that would ensure viability for the widest range of candidates.

The **alternative proposal, Legislative Proposal #1**, would grant higher initial distributions but would not allow for additional funds. You can view this proposal at: <http://www.maine.gov/legis/opla/MCEAproposal1.pdf>. We are concerned that that system is too limited to have broad appeal, since candidates in highly contested races could be easily outspent. At the same time, it is not the best use of limited public dollars since many candidates in not-so-competitive races would receive more funding than necessary.

The League and other supporters of Clean Elections believe the requalifying option builds on the same qualifying process that has been a central part of Clean Elections from the beginning. Voters and candidates are familiar with it. It complies fully with the new court precedent, and it is true to the values that underlie Clean Elections.

Despite strong public support for the requalifying option, on November 29, the Veterans and Legal Affairs Committee voted 7-6 to do nothing more than strike the matching funds portion of the MCEA in order to comply with the *Bennett* ruling. You can follow this Committee bill as LD 1774.

As we go to press the week of January 23, LD 1774 is moving to the floor Senate, while the VLA Committee will take up LD 1523 in a last-ditch effort to move forward a compromise bill that will embody some form of the "requalifying option." Stay tuned.

Early Win: Repeal of the Gubernatorial System Defeated!

We are also happy to report some good news to begin this New Year. On January 4, the Veterans and Legal Affairs Committee unanimously killed LD 120, An Act to End Taxpayer-funded Campaigns for Gubernatorial

Candidates. The bill would have repealed the Clean Elections option for gubernatorial candidates. We join our friends at MCCE in celebrating this legislative win and remain committed to strengthening the system for both legislative and gubernatorial candidates in the coming months. At no time has it been more important to separate private special interest money from our highest public offices.

- Jill Ward, S. Portland

Same-Sex Marriage May be on the November Ballot

On the weekend of August 19, 2011, Equality Maine, Gay & Lesbian Advocates & Defenders, and Maine Freedom to Marry launched a petition drive to gather 57,277 signatures to put their initiative, An Act to Allow Marriage Licenses for Same-Sex Couples and Protect Religious Freedom, on the November 2012 ballot. The initiative would allow same-sex couples to marry in Maine, and it would make clear that no church or member of the clergy could be forced to conduct a same-sex marriage ceremony.

Following Election Day 2011, Equality Maine announced that it had collected more than 35,000 petition signatures on that one day alone, bringing the total number of signatures collected to more than 100,000. The deadline for the organization to submit the petitions to Maine's Secretary of State is January 30, 2012.

If the Secretary of State determines that the petitions contain more than 57,277 valid signatures, then the initiative will be forwarded to the Legislature for its consideration during this session. The Legislature can either enact the bill or, as is more likely, send it to the voters for their consideration.

- Michelle Small, Brunswick

Democracy Forum

Once again this Presidential election year, The League of Women Voters Downeast is working with community radio WERU FM to produce and sponsor a monthly radio program on topics in participatory democracy. It's called the Democracy Forum. The series intends to raise awareness of the importance of civic participation; how democracy works; and the functioning of government on the key issues of the day.

The 2012 edition of the Democracy Forum will produce ten new segments, broadcasting live on the second Monday of the month from 10:00 to 11:00 a.m. at WERU 89.9 FM Orland and 99.9 FM Bangor. Broadcasts may be heard live on the Web at weru.org. Call-in questions and comments are welcomed in the last half hour or so.

The new series debuted on January 9th featuring Maine's 1st District Congresswoman Chellie Pingree and Dr. Thomas E. Mann, constitutional scholar of the Brookings Institution talking about what we need to make our democracy work better. It was a lively conversation about why Congress has such a low approval rating and what needs to change to fix it, including campaign finance and media reform, extreme partisanship, and the two-party system.

The second program in the new series is set for February 13, and it will mark the second anniversary of *Citizens United*. Our guests for that program will be Sheila Krumholz, Executive Director of the Center for Responsive Politics, and Jeff Clements, co-founder of Free Speech for People.

The third program on March 12 will feature 2nd District Congressman Mike Michaud and Arn Pearson of Common Cause talking about what kind of reforms are needed in the U.S. House and the U. S. Senate to make these bodies effective once again; and how might these reforms be adopted.

In recent Presidential election years (2004 and 2008), the League collaborated with WERU to produce over twenty radio programs in the Democracy Forum series. Programs in the series are archived at the League of Women Voters of Maine web site at lwvme.org/forum.html.

- Ann Luther, Trenton

Support Clean Elections!

Don't forget to **support Clean Elections on Line 1 of your Maine income tax return** this year! Your \$3 contribution does not increase your tax bill or reduce your refund, but it does show your support for Clean Elections in Maine. If you are filing jointly, make it \$6 by checking for you and your spouse.

FIRST CALL TO CONVENTION 2012

Join Us for the LWVUS National Convention!

June 8-12, 2012

Washington Hilton Hotel

1919 Connecticut Avenue, Washington, DC

Have "the DC Experience" with many other LWV leaders from around the nation!

For the latest information, see

www.lwv.org/content/call-convention

- LWVUS President Elizabeth MacNamara

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 \$55 for one membership, or \$82.50 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 \$ _____

(\$55 one member. \$82.50 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
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Calendar for 2012

LWVME Board Meeting, Augusta

Thurs, Feb 9 10 am – 2 pm

LWV-DE Privatization Discussion, Ann Luther's, Trenton

Sun, Feb 12, 2pm

Democracy Forum, WERU-FM, 89.9 FM

Mon, Feb 13, 10 – 11 am

LWV Convention 2012, Washington, DC

June 8 – 12