

Brunswick League Celebrates Constitution Day with Discussion of Voting Rights

On Constitution Day, Monday, September 17, the League of Women Voters of the Brunswick Area sponsored a talk about voting rights by Bowdoin College Assistant Professor of Government Michael M. Franz at the Curtis Memorial Library in Brunswick.

Professor Franz began his discussion by referring to the Georgia case in which a Federal District Court Judge blocked enforcement of a photo voter ID law in October 2005 and then lauded a revised version on September 6, 2007, permitting the use of the photo ID system in the September 18 election. Rather than charging \$20 for ID cards, the State of Georgia distributed them for free. The Secretary of State also launched an educational campaign, including 250,000 mailings, hundreds of radio announcements and a toll-free hotline.

However, on September 24, the United States Supreme Court decided to hear the cases of *Crawford v. Marion County Election Board*, 07-21, and *Indiana Democratic Party v. Rokita*, 07-25, in which the Seventh Circuit Court of Appeals upheld Indiana's photo voter ID law. A decision in these cases could affect voter ID laws currently in effect in Arizona, Georgia and Michigan. A Missouri law was struck down on state constitutional grounds and would not be affected.

Professor Franz also mentioned a Voting Rights Act case, *Northwest Austin Municipal Utility District No. 1 vs. Alberto R. Gonzales*, that had been heard by a three-judge panel of the United States District Court for the District of Columbia that day. Section 5 of the Act requires that political jurisdictions in nine states and parts of seven others seek permission before local election laws or rules can go into effect. However, there is a "bailout" provision that permits a jurisdiction with a 10-year history without voting rights violations to be removed from scrutiny. In this case, the plaintiff sought a bailout, which was denied on the grounds that it was not a county, which registered voters, but a subset of a county. A decision in this case has not yet been issued.

Then, Professor Franz turned to the problems with the Florida ballots in the 2000 election and the problems with the Ohio voting machines in the 2004 election. He said the problems presented an issue of federalism. Should the federal or the state government be in charge of elections?

During 2004, 1.9 million provisional ballots were cast and 1.2 million were counted. Research shows that provisional ballots were more likely to be counted when the administrator in charge was a government employee rather than an elected official. Elected officials were less likely to count provisional ballots when the majority of the electorate belonged to the other party. Over all, there was little voter fraud.

Professor Franz, with some caution about the source,

cited a study by the Heritage Foundation that found no relationship between photo voter ID requirements and voter participation. He said that no minority group was systematically excluded. However, he was unsure about the effect of the requirements on registration.

In response to security fears since 9/11, Congress enacted a military spending bill that required electronically readable, federally approved photo ID cards for all Americans. The burden of issuing these ID cards was passed along to state motor vehicle agencies as an unfunded mandate. A number of states, including Maine, have refused to comply with the law.

- Michelle Small, Brunswick League

Editor's Note: Full article is posted at www.lwvme.org

LWVME Launches Study on Candidate PACs

Our newly formed PAC Study Committee has begun work on our new campaign finance study regarding political action committees in candidate races.

This new LWVME study focuses on how PACs are funded, how they influence candidate elections, and what changes, if any, should be proposed to limit the influence of private money on elected officials. The committee is preparing to examine such questions as who gives to whom -- corporate contributions, out of state contributions, grassroots organizations, individual donors; who are the principal officers, decision makers and fundraisers for PACs; how is the money spent on candidate campaigns and independent expenditures; what factors influence an elected official's decision whether to form or join a PAC; is there an appearance of corruption when candidates or elected officials raise unregulated private money.

This is the first major LWVME study since completion of the University System Study in 2000. Many new and long-time League members have never been involved directly in a League study/consensus project. The League of Women Voters takes action on an issue or advocates for a cause only when there is an existing League position that supports the issue or speaks to the cause. **Positions** result from a process of study that is thorough in its pursuit of facts and details. Often the study materials are published and made available to inform non-member citizens. League members review and discuss the study findings and finally meet to decide whether there is consensus on a position. It is the **consensus statement** -- the statement resulting from the study and discussion of key questions -- that becomes a League position. The League then takes firm action or advocacy based on that consensus statement.

PAC Background

With passage of the Maine Clean Election Act and other changes to campaign finance law in 1996, much has changed in elections for Maine's state offices. Most dramatically, there are no longer **any** large donations in candidate races. Publicly funded candidates do only very limited private fundraising early in their campaigns (seed money allows no donation of more than \$100), and privately funded candidates amass the funds they need in increments of \$250 or less.

The laws governing political action committees (PACs) were not changed in 1996. Political spending through PACs has increased in Maine much as it has in the rest of the country. PACs engage in political activity ranging from making contributions (within established limits) to candidate races, providing issue and campaign training and advice to candidates and potential candidates, to making substantial independent expenditures in candidate races. PACs are required to disclose both contributions and

expenditures.

Political action committees provide an avenue for legitimate political activity, and are an effective way for people with a common political interest to engage in collective action to further their goals. Additionally, the disclosure they provide is valuable to the people and the press.

But PACs are the weakest link in Maine's campaign finance laws because they allow unlimited contributions from any source to be used for the purpose of influencing Maine's state elections. Legislators who participate in PACs raise money in much larger amounts than in their own campaigns, and the potential for both corruption and the appearance of corruption is real. Additionally, the many transfers that are made between PACs can obscure the source of contributions.

Many other states – all but thirteen – limit the size of contributions to PACs, and many limit the source of those contributions as well. Maine is the only state in New England that has no restrictions whatever on the size of contributions to PACs.

	Contributions to a PAC from:		
	Individual	PAC	Corporation
Connecticut	\$750 per year	\$2000 per year	Prohibited
Maine			
Massachusetts	\$500 per year and \$12,500 aggregate over same period	\$500 per year and \$12,500 aggregate over same period	Prohibited
New Hampshire	\$5,000 per election	?	Prohibited
Rhode Island	\$1,000/calendar year to any one PAC and \$10,000/calendar year in total political contributions	\$1,000/calendar year to a single PAC and \$25,000/calendar year in total political contributions	Prohibited
Vermont	\$2,000 per two year general election cycle	\$2,000 per two year general election cycle	\$2,000 per two year general election cycle

Should Maine join these other states in instituting limits on PAC contributions in candidate races? Reasonable PAC contribution limits do not raise serious constitutional issues where there are contribution limits in place for candidate elections as we have in Maine. The courts recognize the importance of anti-evasion measures in order that contribution limits to candidates serve their purpose. On the private funding side, Maine has limits on what donors may give to individual

candidates, and also limits what a donor may give in the aggregate to all candidates. On the public funding side, certified Clean Election candidates are barred from accepting any private contributions at all.

Join the Study Committee in exploring these and other questions! All members interested in working on this exciting new project should send an inquiry to lwvme@gwi.net.