

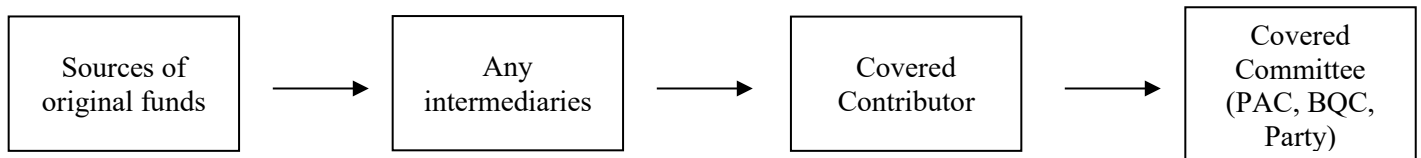


STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
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**Testimony of Jonathan Wayne, Executive Director of the
Commission on Governmental Ethics and Election Practices
before the Joint Standing Committee on Veterans and Legal Affairs
April 28, 2023**

Senator Hickman, Representative Supica, and distinguished members of the committee: my name is Jonathan Wayne, and I am the Executive Director of the Maine Commission on Governmental Ethics and Election Practices. Thank you for the opportunity to testify concerning **L.D. 1590**.

The idea of L.D. 1590 is that certain political committees registered with the Commission (a “covered committee”) would need to report not just the “covered contributor” that directly made a contribution, but also other persons that were the sources of the money that the covered contributor gave to the covered committee.



The staff of the Ethics Commission believes that our department *could* administer L.D. 1590, if it became law. We appreciate that the bill is drafted to take effect on January 1, 2025, which will provide us with time to conduct a rulemaking and to adapt our electronic filing system to receive new types of information concerning contributions. This would involve a one-time expenditure of money to pay for an enhancement to our current system. In order to conduct a successful rulemaking to implement the new requirements, the Commission would engage in earnest outreach to all interested parties, including reform advocates and the political committees. We would have no objection if the Commission were directed to conduct a major substantive rulemaking on this particular topic, although that could delay the IT implementation of the law.

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*Summary of Statement by Campaign Legal Center
(in response to request by Rep. Walter Riseman)*

The Campaign Legal Center, an advocacy organization based in Washington D.C., submitted a detailed and thoughtful statement in support of L.D. 1590 in the form of an April 25, 2023 letter from its legal counsel, Aaron McKean. The three paragraphs below are intended to provide a very short summary of the CLC's statement but are no substitute for reading the full submission.

On pages 1-2 of the statement, the CLC sets out the problems it believes will be addressed by L.D. 1590, which include a ten-fold increase in outside election spending during 2010-2020 and efforts by some outside spenders to hide the true sources of money used to influence elections. The CLC describes on pages 2-3 how the proposed law would require each covered committee to disclose not just their covered contributors but also the original sources of the funds given by those covered contributors.

On pages 4-5, the CLC argues that L.D. 1590 promotes governmental interests that federal courts have found to be sufficient to uphold the constitutionality of campaign finance disclosure laws. In particular, the CLC believes L.D. 1590 will help voters make informed decisions in elections and give proper weight to different speakers and messages.

Finally, the CLC recommends amending L.D. 1590 to resolve some ambiguities in the current language of the bill and to improve the information that covered committees would be required to report. The CLC suggests:

- the bill should be more explicit that a covered committee is required to disclose the identities of the sources of original funds and the amounts from each source (*Commission staff agrees the current language proposed for §§ 1064(4)(A)&(B) is ambiguous*),
- the bill should require the disclosure of original funds above a monetary threshold to focus on the sources of big money contributed to influence Maine elections,
- the bill should resolve an ambiguity in the definition of original funds because the current drafting would unintentionally limit the information that would be

disclosed to the public (*Commission staff agrees the current language proposed for § 1064(1)(D) is ambiguous*),

- the covered committee should be required to disclose the dates and amounts of any transfers of original funds by third parties to better trace how those funds started with the original sources and ended up in the possession of the covered contributor (as written, L.D. 1590 requires only the disclosure of names of these third parties), and
- the covered committee should give a notice to all of its donors that the donor may choose to opt out of having its donation used to influence a Maine election (as written, L.D. 1590 requires only that the covered committee give this notice to contributors giving more than \$10,000).