



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

DATE: April 5, 2021

RE: LD 1125 – An Act To Define “Leadership Political Action Committee.”

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Good morning Senator Luchini and Representative Caiazzo. My name is John Brautigam. I live in Falmouth, and I am here today as legal counsel and policy advisor for Maine Citizens for Clean Elections. I am testifying in favor of LD 1125 – An Act To Define “Leadership Political Action Committee.”

Maine Citizens for Clean Elections has been the leading campaign finance organization in Maine for over twenty years and one of the nation’s most respected state-based organizations advocating for democratically funded elections. We are proud of our national reputation. But we are all Mainers, and our nonpartisan mission has always been with and for the people of this state.

This bill gives official legal status to a type of political action committee that has been common in Maine for many years. Legislators have long created political funds to pay for various activities to further their efforts in the political arena. Those legislators register their funds with the Ethics Commission just as other political action committees are registered. This enhances transparency and brings the management of the fund under the jurisdiction of the Commission within a uniform set of rules and requirements.

But these “leadership PACs” have never been officially defined in statute. LD 1125 fills that gap. Having a distinct legal status is a good idea because these committees are unique. Unlike other committees, the person who controls a leadership PAC is also an elected official simultaneously charged with all the responsibilities and obligations that come with that position. Giving money to a leadership PAC gives rise to the same concern about what the United States Supreme Court has identified as “corruption or the appearance of corruption” that arises with contributions to a candidate’s campaign committee. In that sense, leadership PACs are more akin to candidate committees than to independent issue PACs. Although this bill proposes no constraints on leadership PACs, the rationale for regulating them is no different from the need to regulate the candidate’s own campaign committee.

Therefore, a leadership PAC should be a distinct legal entity in the statute, and special rules may be warranted. One rule that already exists is in that Clean Election candidates are not allowed to have a leadership PAC. Although we opposed that rule it is now in the law. We support the clarified definition set forth in LD 1125.

Thank you for your attention and consideration.