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The Brennan Center for Justice at New York University School of Law welcomes the opportunity to testify in support of L.D. 1787, An Act to Strengthen the Maine Clean Election Act. For more than twenty-five years, the Brennan Center’s nonpartisan legal expertise has informed policies at the federal, state, and local levels that make our democratic systems fairer and more inclusive.¹

Expanding Maine’s Clean Election program to elections for county commission, district attorney, and sheriff would strengthen local democracy. Public campaign financing is the most powerful, constitutionally permissible solution available to counter the corrosive influence of big money in politics.

Big Money in Politics Can Threaten Democracy and Justice

Nationally, since the U.S. Supreme Court’s *Citizens United* decision in 2010, the biggest donors account for ever greater portions of election spending.² These megadonors can gain outsized influence over policy, and sometimes even secure top government posts.³ The more candidates rely on the biggest donors, the greater the risk of corruption and its appearance, as well as undue policy influence by wealthy special interests over the public interest.

¹ The Brennan Center is a non-partisan public policy and law institute that focuses on the fundamental issues of democracy and justice and for more than 25 years has studied, litigated, and drafted legislative solutions regarding money in politics, voting, and election administration. The opinions expressed in this testimony are only those of the Brennan Center and do not necessarily reflect the opinions of the NYU School of Law.

² Ian Vandewalker, “Megadonors Playing Larger Role in Presidential Race, FEC Data Shows,” Brennan Center for Justice, November 1, 2024, <https://www.brennancenter.org/our-work/analysis-opinion/megadonors-playing-larger-role-presidential-race-fec-data-shows>.

³ See, e.g., Fredreka Schouten, David Wright, and Alex Leeds Matthews, “Big Donors Secure Big Roles in the Incoming Trump Administration,” CNN, December 14, 2024, <https://www.cnn.com/2024/12/14/politics/trump-administration-big-donors/index.html>.

State and local elections are not immune to the potentially corrupting influence of big money. The costs of state elections are rising sharply. Maine's most recent gubernatorial election was the most expensive in the state's history.⁴

Elections for offices in the legal system have also become a target for big spending. In states that have them, judicial elections are rapidly rising in cost. This year's contest for a seat on the Wisconsin Supreme Court was the most expensive judicial election in American history, with over \$100 million spent.⁵ Much of the money came from outside the state, including some of the same megadonors and interest groups active in federal elections.⁶ Millions went to ads accusing one or the other candidate of being "soft on crime," a dynamic that may influence judges more to rule against defendants in election years.⁷

This illustrates that it can be especially important to protect criminal justice system officials like district attorney and sheriff from the influence of money in politics. The decisions they make affect individuals' liberty, and there should not be even an appearance of influence by campaign money. And given the lower cost of local elections generally, a big spender may exert — or seem to exert — even greater influence than in higher-profile races.

More Americans rate "the role of money in politics" as "a very big problem" than any other.⁸ Maine voters expressed their disapproval of big money in politics last year when they overwhelmingly approved Question 1 to place contribution limits on super PACs.⁹ There is no doubt that Mainers are deeply concerned about this issue.

⁴ "Mills vs LePage Was Most Expensive Governor's Race in Maine," Associated Press, December 21, 2022, <https://apnews.com/article/paul-lepage-maine-race-and-ethnicity-6bb6ad493dde4c6220860f42238b50f9>.

⁵ "Buying Time 2025 – Wisconsin," Brennan Center for Justice, updated April 4, 2025, <https://www.brennancenter.org/our-work/research-reports/buying-time-2025-wisconsin>.

⁶ Ian Vandewalker and Douglas Keith, "Wisconsin Supreme Court Race Breaks Spending Record, Fueled by Out-of-State Money," Brennan Center for Justice, March 24, 2025, <https://www.brennancenter.org/our-work/analysis-opinion/wisconsin-supreme-court-race-breaks-spending-record-fueled-out-state>.

⁷ Kate Berry, *How Judicial Elections Impact Criminal Cases*, Brennan Center for Justice, 2015, https://www.brennancenter.org/sites/default/files/publications/How_Judicial_Elections_Impact_Criminal_Cases.pdf.

⁸ "Economic Issues Top the Public's List of National Concerns – Including the Role of Money in Politics," Pew Research Center, February 20, 2025, https://www.pewresearch.org/politics/2025/02/20/americans-continue-to-view-several-economic-issues-as-top-national-problems/pp_2025-2-20_national-problems_00-02/.

⁹ "Maine Question 1 Election Results: Limit Contributions to Super PACs," *New York Times*, updated December 13, 2024, <https://www.nytimes.com/interactive/2024/11/05/us/elections/results-maine-question-1-limit-contributions-to-super-pacs.html>. The limit has been challenged in court.

Public Financing is a Reform Proven to Strengthen Representation

Public financing empowers candidates to campaign by talking to constituents instead of fundraising from the wealthiest donors.¹⁰ This helps elected officials make policy in the public interest.¹¹ The reform boosts civic participation, encouraging people to play a role in politics for the first time by giving a small amount to a campaign — an investment that may make them more likely to vote.¹²

Maine’s Clean Election program has been a success for decades, in part because the state has updated its policy, which has helped maintain healthy rates of candidate participation.¹³ The evidence shows that it increases the time candidates spend engaging with the public.¹⁴

Counties and cities are increasingly adopting public financing programs, with lawmakers recognizing their benefit to democracy as big-money politics threatens to affect local elections more and more.¹⁵ Since *Citizens United*, thirteen local jurisdictions have enacted new systems, including the Clean Election program Portland passed in 2022.¹⁶

We encourage Maine to continue to be a leader in campaign finance reform by extending the state’s Clean Election program to elections for county commission, district attorney, and sheriff.

¹⁰ *Campaign Finance: Observations on Public Financing Programs in Selected States and Localities*, United States Governmental Accountability Office, December 2024, 45-46, <https://www.gao.gov/assets/gao-25-106650.pdf>; Mariana Paez and Ian Vandewalker, “Small Donor Public Financing Explained,” Brennan Center for Justice, June 29, 2023, <https://www.brennancenter.org/our-work/research-reports/small-donor-public-financing-explained>.

¹¹ See, e.g., “Faces of Small Donor Public Financing 2021,” Brennan Center for Justice, March 11, 2021, <https://www.brennancenter.org/our-work/research-reports/faces-small-donor-public-financing-2021> (quoting Maine state Sen. Joyce Maker explaining that with public financing, “I could listen to all people, because you can collect from all parties. And once you’re elected, you represent all parties.”).

¹² Michael G. Miller, *Subsidizing Democracy: How Public Funding Changes Elections and How it Can Work in the Future* (Ithaca, NY: Cornell University Press, 2014), 66.

¹³ 2023 MCEA Study Report, Maine Ethics Commission, 2023, <http://maine.gov/ethics/sites/maine.gov.ethics/files/inline-files/2023%20MCEA%20Study%20Report.pdf>.

¹⁴ Miller, *Subsidizing Democracy*, 62-63, 149.

¹⁵ See, e.g., Walter Wuthmann, “Outside Super PAC Money Ramping Up in Boston Mayoral Race,” WBUR, April 25, 2025, <https://www.wbur.org/news/2025/04/25/wu-kraft-super-pac-money-boston-mayor-election>.

¹⁶ “Guide to Public Financing Programs Nationwide,” Brennan Center for Justice, updated June 10, 2024, <https://www.brennancenter.org/our-work/research-reports/guide-public-financing-programs-nationwide>.