



# SPORTSMAN'S ALLIANCE of MAINE

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## Testimony in Support

LD 31, Resolution Proposing an Amendment to the Constitution of Maine to  
Require that Signatures on a Direct Initiative Come from Each Congressional  
District

Before the Joint Standing Committee on Veterans and Legal Affairs

Presented by David Trahan, Executive Director, Sportsman's Alliance of Maine

February 15, 2017

Senator Mason, Representative Luchini, distinguished members of the Veteran and Legal Affairs Committee, my name is David Trahan, Executive Director of the Sportsman's Alliance of Maine and I am testifying in support of LD 31, Resolution Proposing an Amendment to the Constitution of Maine to Require that Signatures on a Direct Initiative Come from Each Congressional District. First, I would like to thank Rep. Espling for sponsoring this important SAM bill.

There are 24 states that have citizen initiated referendum systems, of the 24, 12 have geographical requirements to qualify for the ballot. LD 31, is identical to Nevada law that requires at least 10 percent valid signatures of those that voted in the previous election for Governor in each Congressional District to qualify for the ballot. In Nevada, the Congressional geographical requirement in LD 31 was tested in the United States Court of Appeals, Ninth Circuit, *Angle v. Miller*, on September 1, 2011. In upholding the law, the Federal Court said:

- All Districts Rule did not dilute political power in violation of the Equal Protection Clause;
- All Districts Rule did not discriminate against an identifiable class in violation of the Equal Protection Clause;
- All Districts Rule did not impose severe burden on communication between petition circulators and voters, as would trigger strict scrutiny under First Amendment;
- There was no evidence that All Districts Rule significantly inhibited ability of proponents to place initiatives on ballot, as would trigger strict scrutiny under First Amendment; and
- In a matter of first impression, Nevada had legitimate interest in making sure any initiative had grassroots support that was distributed throughout the state.

Why is LD 31 important?

It is no secret that wealthy groups from out of state are hijacking the petition signature collection process. In the recently completed referendum cycle, one slick professional signature collection company, Fieldworks of Washington D.C., was hired to circulate petitions for three separate campaigns at the same time, collecting triplet fees. Just one campaign paid \$560,000.00 to Fieldworks to get on the ballot.

Companies like Fieldworks are not grassroots Mainers seeking social justice; instead, they are professional companies driven only by profit and hidden under the cloak of democracy. They feed the divisions between urban and rural Maine by targeting populated areas because more traffic means more signatures and more money. If a campaign had grassroots statewide support collectors would spring from communities across urban and rural landscapes, they do not. For instance, in the 2013 bear referendum the Humane Society of the United States hired a California company named PCI Consulting and paid them \$230,000.00 to collect their signatures. In that effort, 74 percent of certified signatures came from the First Congressional District (analysis attached).

Fieldworks of Washington D.C. another professional signature collection company worked for three of the initiative campaigns that appeared on the ballot, they were paid \$560,000.00 by Bloomberg alone for question 3, likely well over a million in total for the three. Seventy percent of the certified signatures for question three and likely two other initiatives in which Fieldworks was hired came from the First District.

Professional signature collection companies don't target the First District because voters are a diverse political sampling of Maine voters, but because towns are heavily populated and the professional petitioners can make a quick buck.

As our population migrates further south toward Massachusetts, the distance between urban and rural Maine is growing. According to MapQuest, it takes six hours to travel from Kittery, Maine to Fort Kent, Maine. It takes just four and a half hours to travel from Kittery, Maine to New York City, NY; as a result, political opinions between the "two Maines" are diverse. As it relates to elected representation this is not an issue, for citizen initiated referendums, where some level of statewide grassroots support should be demonstrated, voters in the Second District are mostly ignored because petitioners are targeting populated areas in the extreme southern portion of Maine. Half of the states with referendum systems have recognized this discriminatory flaw and have corrected it with geographical requirements proposed in LD 31.

I urge you to pass LD 31, it will finally bring geographical fairness to state ballot initiatives. This bill will not impede debate or suppress voters; on the contrary, it will insure that ballot initiative signatures represent a diverse and more accurate geographical sampling of Maine voters.