



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
March 27, 2017**

Senator Mason, Representative Luchini, 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. 1033**.

To reduce confusion and the burdens on campaign workers, the Commission staff supports cutting back on 24-hour reporting

- of expenditures in candidate elections
- by PACs and political parties.¹

That is because PACs and party committees disclose most of their candidate-related expenditures in the last two weeks before a general election in independent expenditure reports, filed by the commission. (Please see attached sheet for details of these reporting requirements)

With regard to the other components of the 24-Hour reporting, we recommend weighing whether the benefits to the press, to the public, and to the political community of *having the financial information before the election* is worth the administrative burden of requiring candidates and committees to file the reports within one day, during this critical two weeks before a general election.

¹ The Commission proposed cutting back on this reporting in a bill last year (LD 1059 of the 127th Legislature). It was voted OTNP by this committee on February 9, 2016.

Purpose. The Legislature established a 48-hour reporting requirement in Maine Election Law in 1976.² In 2004, the Legislature changed it to 24-hour reporting, which was a suggestion of the Commission to administer the new matching funds program. (P.L. 2003, Ch. 628) The original requirement, however, was adopted to increase disclosure (making relevant financial activity available to the public in the last week or two before an election). According to the NCSL website,³ fourteen states require candidates to file a report within 24 hours of large transactions.

Summary data from 2016. For context in policy-making, I have attached some summary information from last year's elections (and the 2014 gubernatorial race).

- PACs, party committees and ballot question committees did report receiving significant *contributions* in the last 13 days before the 2016 general election – including from out-of-state organizations. If you feel this information has value before the election, you may wish to consider keeping 24-hour reporting of very large contributions received by these committees (for example, single contributions over \$10,000 or \$25,000).
- In *ballot question* elections, 24-Hour reports do capture some significant spending for media and other communications that would not otherwise be known until after the election. You might want to keep 24-hour reporting of large expenditures (*e.g.*, over a threshold such as \$5,000 or \$10,000) for direct communications to voters, such as mailings or advertisements that expressly advocate for or against a ballot question.
- We also note that gubernatorial candidates can make large expenditures in the last 13 days before a general election, in case you view this as worth maintaining (again, possibly with a higher spending threshold).

Thank you for your consideration.

² P.L. 1975, Ch. 759.

³ <http://www.ncsl.org/research/elections-and-campaigns/disclosure-and-reporting-requirements.aspx>