



STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
135 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0135

To: Commission
From: Jonathan Wayne, Executive Director
Date: July 15, 2024
Re: Draft Report on Constitutional Amendments

On November 7, 2023, Maine voters approved Question 2, which proposed a new section of Maine Election Law forbidding foreign governments from making expenditures or contributions to influence candidate or ballot question elections in Maine. The question also directed the Commission to issue a report by July 31, 2024 on proposals in the U.S. Congress to amend the federal constitution to allow for greater regulation of how money is raised and spent to influence elections.

On June 28, 2024, Commission staff mailed a draft report to the four members of the Commission seeking their separate advice on what changes should be made. During July 8-16, I spoke by telephone with Commissioners Schneider, Marble, and LeClaire, and received an email from Commissioner Hastings. Consistent with their views, I have attached two versions of the report for your consideration:

- Version 1 reflects the views of Commissioner Schneider, who would like the report to consist of the two topics referenced in Question 2: the amendments proposed in Congress and sponsorship of the proposals by members of Maine's congressional delegation. This version does not include some of the legal context and descriptions in the June 28 draft. The comments from the public are attached to this version.
- Version 2 (at the end of the materials) is the same as the June 28 draft, except that it contains an alternative conclusion that includes some statements intended to be consistent with the viewpoints of Commissioners Marble and LeClaire.

The Commission staff would be pleased to publish either version of the report, or any variation. It would be best if the report could be finalized no later than the July 31, 2024 deadline.

In the attached versions, I made one other change: the comments from Kaitlin LaCasse are attributed to Protect Maine Elections, a nonprofit advocacy organization, rather than to her personally. Thank you.

Report on Congressional Proposals to Amend the U.S. Constitution

Regulation of Financing of Political Campaigns

**Maine Commission on Governmental
Ethics and Election Practices
135 State House Station
Augusta, Maine
July 24, 2024**

Introduction

On November 7, 2023, Maine voters approved Question 2, which proposed a new section of Maine Election Law prohibiting foreign governments and entities that they control or influence from spending money to influence candidate or ballot question elections in Maine.

Question 2 contained a second section which called on members of Maine's congressional delegation "to actively support and promote" an "anticorruption amendment" to the U.S. Constitution that would allow for greater regulation of how political campaigns are financed. The question directed the Commission to issue an annual report on proposals in the U.S. Congress to amend the Constitution, including whether they have been sponsored by Maine's federal representatives:

For 7 consecutive years beginning on July 31, 2023, the Commission on Governmental Ethics and Election Practices shall issue a report, following public comment, identifying anticorruption amendment proposals introduced in Congress, and the members of Maine's Congressional Delegation sponsoring such proposals.

The Commission has identified six congressional resolutions introduced during the 118th Congress (2023-2024) proposing relevant constitutional amendments.

Proposed Constitutional Amendments

The Commission has identified six proposals in the 118th Congress (2023-2024) that are relevant to this report:

[House Joint Resolution 13](#) (Sponsor: Rep. Adam B. Schiff, 1/9/2023)

[Senate Joint Resolution 3](#) (Sponsor: Sen. Jon Tester, 1/22/2023)

[House Joint Resolution 48](#) (Sponsor: Rep. Pramila Jayapal, 3/30/2023)

[House Joint Resolution 54](#) (Sponsor: Rep. Pramila Jayapal, 4/10/2023)

[House Joint Resolution 78](#) (Sponsor: Rep. James P. McGovern, 6/22/2023)

[Senate Joint Resolution 45](#) (Sponsor: Sen. Jeanne Shaheen, 9/14/2023)

The text of the amendments is copied on the following pages, along with some brief analysis by the Commission. Because U.S. Representative Pramila Jayapal introduced similar resolutions within two weeks, her earlier proposal is omitted.

[Senate Joint Resolution 45](#)

(Sponsor: Sen. Jeanne Shaheen, 9/14/2023)

Section 1. To advance democratic self-government and political equality, and to protect the integrity of government and the electoral process, Congress and the States may regulate and set reasonable limits on the raising and spending of money by candidates and others to influence elections.

Section 2. Congress and the States shall have power to implement and enforce this article by appropriate legislation, and may distinguish between natural persons and corporations or other artificial entities created by law, including by prohibiting such entities from spending money to influence elections.

Section 3. Nothing in this article shall be construed to grant Congress or the States the power to abridge the freedom of the press.

[House Joint Resolution 13](#)

(Sponsor: Rep. Adam B. Schiff, 1/9/2023)

Section 1. Congress and the States may regulate and impose reasonable viewpoint-neutral limitations on the raising and spending of money by candidates and others to influence elections.

Section 2. Congress and the States may regulate and enact systems of public campaign financing, including those designed to restrict the influence of private wealth by offsetting the raising and spending of money by candidates and others to influence elections with increased public funding.

Section 3. Congress and the States shall have power to implement and enforce this article by appropriate legislation, and may distinguish between natural persons and corporations or other artificial entities created by law, including by prohibiting such entities from spending money to influence elections.

Section 4. Nothing in this article shall be construed to grant Congress or the States the power to abridge the freedom of the press.

[House Joint Resolution 78](#)

(Sponsor: Rep. James P. McGovern, 6/22/2023)

Section 1. To advance democratic self-government and political equality, and to protect the integrity of government and the electoral process, the right of citizens of the United States to vote in elections in which campaign contributions and spending are subject to enforceable limits as set forth in this article, shall not be abridged by the United States.

Section 2. In any calendar year, no person may spend or contribute more than one hundred dollars for the purpose of influencing any other person's election for the office of Representative, Senator, President, or Vice President; nor spend for the purpose of influencing elections, including such person's own election, for the offices of Representative, Senator, President, or Vice President, or contribute to candidates for such offices, their campaigns, or political parties, more than an aggregate total of one thousand dollars; provided that Congress may by law prescribe lower limits and may periodically increase the amounts set forth in this section, but only to the extent required by changes in the value of money.

Section 3. No corporation or other entity created by law shall contribute or spend any amount for the purpose of influencing any election for the office of Representative, Senator, the President, or the Vice President; but a political party or candidate's campaign may spend the amounts prescribed by law.

Section 4. Not later than sixty days after the ratification of this article, Congress shall enact legislation as follows:

To limit the amounts that candidates, their campaigns for the offices of Representative, Senator, President, or Vice President, and political parties may spend on such candidacies.

To provide public funding for all candidates who qualify for any primary, general, or special election ballot for Representative, Senator, President, or Vice President in any State or in the District constituting the seat of Government of the United States, equaling at least eighty percent of the amount that may be spent; but for candidates for President or Vice President, Congress shall prescribe by law the manner in which such amount shall be apportioned based on the States or District wherein such person qualifies.

To require disposition to the Treasury of any unspent campaign funds after each election, without compensation.

To enforce, with civil and criminal penalties, the limits and prohibitions in this article.

Section 5. After one year from the ratification of this article, no Senator or Representative shall receive any compensation or other emoluments from the United States during or for any period of time in office in either House during which the legislation required by section 4 shall not have been in effect.

Section 6. The judicial power of the United States shall extend to all suits by citizens of the United States arising under this article, including suits brought directly under this article to enforce its provisions.

Section 7. The States shall have power to implement and enforce reasonable regulations on the raising and spending of money by candidates and others to influence State or local elections, including but not limited to the limits and prohibitions in this article.

Section 8. This article shall not be construed to grant Congress or the States the power to abridge the freedom of the press.

[House Joint Resolution 54](#)

(Sponsor: Rep. Pramila Jayapal, 4/10/2023)

Section 1. The rights and privileges protected and extended by the Constitution of the United States are the rights and privileges of natural persons only. An artificial entity, such as a corporation, limited liability company, or other entity, established by the laws of any State, the United States, or any foreign state shall have no rights under the Constitution and are subject to regulation by the People, through Federal, State, or local law. The privileges of an artificial entity shall be determined by the People, through Federal, State, or local law, and shall not be construed to be inherent or inalienable.

Section 2. Federal, State, and local government shall regulate, limit, or prohibit contributions and expenditures, including a candidate's own contributions and expenditures, to ensure that all citizens, regardless of their economic status, have access to the political process, and that no person gains, as a result of that person's money, substantially more access or ability to influence in any way the election of any candidate for public office or any ballot measure. Federal, State, and local governments shall require that any permissible contributions and expenditures be publicly disclosed. The judiciary shall not construe the spending of money to influence elections to be speech under the First Amendment.

Section 3. This amendment shall not be construed to abridge the right secured by the Constitution of the United States of the freedom of the press.

[Senate Joint Resolution 3](#) (Sponsor: Sen. Jon Tester, 1/22/2023)

Section 1. The rights enumerated in this Constitution and other rights retained by the people shall be the rights of natural persons.

Section 2. As used in this Constitution, the terms 'people', 'person', and 'citizen' shall not include a corporation, a limited liability company, or any other corporate entity established by the laws of any State, the United States, or any foreign state.

Section 3. A corporate entity described in section 2 shall be subject to such regulation as the people, through representatives in Congress and State representatives, may determine reasonable, consistent with the powers of Congress and the States under this Constitution.

Section 4. Nothing in this article shall be construed to limit the rights enumerated in this Constitution and other rights retained by the people, which are unalienable.

Support by Members of Maine’s Congressional Delegation

The following table indicates which U.S. Representatives and Senators from Maine have co-sponsored the amendments.

	Maine Co-Sponsors
House Joint Resolution 13 (Sponsor: Rep. Adam B. Schiff, 1/9/2023)	Rep. Jared F. Golden, Rep. Chellie Pingree
Senate Joint Resolution 3 (Sponsor: Sen. Jon Tester, 1/22/2023)	
House Joint Resolution 48 (Sponsor: Rep. Pramila Jayapal, 3/30/2023)	
House Joint Resolution 54 (Sponsor: Rep. Pramila Jayapal, 4/10/2023)	Rep. Chellie Pingree
House Joint Resolution 78 (Sponsor: Rep. James P. McGovern, 6/22/2023)	
Senate Joint Resolution 45 (Sponsor: Sen. Jeanne Shaheen, 9/14/2023)	Sen. Angus S. King, Jr.

Comments from the Public

In response to a May 9, 2024 invitation to comment, the Commission received 42 comments on the issue of amending the U.S. Constitution. Thirty-four of the comments were from Maine residents, and eight were from nonprofit policy organizations.

An Act to Prohibit Campaign Spending by Foreign Governments and Promote an Anticorruption Amendment to the United States Constitution

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 21-A MRSA §1064 is enacted to read:

§1064. Foreign government campaign spending prohibited

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Contribution" has the meanings given in section 1012, subsection 2 and section 1052, subsection 3.

B. "Electioneering communication" means a communication described in section 1014, subsection 1, 2 or 2-A.

C. "Expenditure" has the meanings given in section 1012, subsection 3 and section 1052, subsection 4.

D. "Foreign government" includes any person or group of persons exercising sovereign de facto or de jure political jurisdiction over any country other than the United States or over any part of such country and includes any subdivision of any such group and any group or agency to which such sovereign de facto or de jure authority or functions are directly or indirectly delegated. "Foreign government" includes any faction or body of insurgents within a country assuming to exercise governmental authority, whether or not such faction or body of insurgents has been recognized by the United States.

E. "Foreign government-influenced entity" means:

(1) A foreign government; or

(2) A firm, partnership, corporation, association, organization or other entity with respect to which a foreign government or foreign government-owned entity:

(a) Holds, owns, controls or otherwise has direct or indirect beneficial ownership of 5% or more of the total equity, outstanding voting shares, membership units or other applicable ownership interests; or

(b) Directs, dictates, controls or directly or indirectly participates in the decision-making process with regard to the activities of the firm, partnership, corporation, association, organization or other entity to influence the nomination or election of a candidate or the initiation or approval of a referendum, such as decisions concerning the making of contributions, expenditures, independent expenditures, electioneering communications or disbursements.

F. "Foreign government-owned entity" means any entity in which a foreign government owns or controls more than 50% of its equity or voting shares.

G. "Independent expenditure" has the meaning given in section 1019-B, subsection 1.

H. "Public communication" means a communication to the public through broadcasting stations, cable television systems, satellite, newspapers, magazines, campaign signs or other outdoor advertising facilities, Internet or digital methods, direct mail or other types of general public political advertising, regardless of medium.

I. "Referendum" means any of the following:

(1) A people's veto referendum under the Constitution of Maine, Article IV, Part Third, Section 17;

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An Act to Prohibit Campaign Spending by Foreign Governments and Promote an Anticorruption Amendment to
the United States Constitution
L.D. 1610

(2) A direct initiative of legislation under the Constitution of Maine, Article IV, Part Third, Section 18;

(3) A popular vote on an amendment to the Constitution of Maine under the Constitution of Maine, Article X, Section 4;

(4) A referendum vote on a measure enacted by the Legislature and expressly conditioned upon ratification by a referendum vote under the Constitution of Maine, Article IV, Part Third, Section 19;

(5) The ratification of the issue of bonds by the State or any state agency; and

(6) Any county or municipal referendum.

2. Campaign spending by foreign governments prohibited. A foreign government-influenced entity may not make, directly or indirectly, a contribution, expenditure, independent expenditure, electioneering communication or any other donation or disbursement of funds to influence the nomination or election of a candidate or the initiation or approval of a referendum.

3. Solicitation or acceptance of contributions from foreign governments prohibited. A person may not knowingly solicit, accept or receive a contribution or donation prohibited by subsection 2.

4. Substantial assistance prohibited. A person may not knowingly or recklessly provide substantial assistance, with or without compensation:

A. In the making, solicitation, acceptance or receipt of a contribution or donation prohibited by subsection 2; or

B. In the making of an expenditure, independent expenditure, electioneering communication or disbursement prohibited by subsection 2.

5. Structuring prohibited. A person may not structure or attempt to structure a solicitation, contribution, expenditure, independent expenditure, electioneering communication, donation, disbursement or other transaction to evade the prohibitions and requirements in this section.

6. Communications by foreign governments to influence policy; required disclosure. Whenever a foreign government-influenced entity disburses funds to finance a public communication not otherwise prohibited by this section to influence the public or any state, county or local official or agency regarding the formulation, adoption or amendment of any state or local government policy or regarding the political or public interest of or government relations with a foreign country or a foreign political party, the public communication must clearly and conspicuously contain the words "Sponsored by" immediately followed by the name of the foreign government-influenced entity that made the disbursement and a statement identifying that foreign government-influenced entity as a "foreign government" or a "foreign government-influenced entity."

7. Due diligence required. Each television or radio broadcasting station, provider of cable or satellite television, print news outlet and Internet platform shall establish due diligence policies, procedures and controls that are reasonably designed to ensure that it does not broadcast, distribute or otherwise make available to the public a public communication for which a foreign government-influenced entity has made an expenditure, independent expenditure, electioneering communication or disbursement in violation of this section. If an Internet platform discovers that it has distributed a public communication for which a foreign government-influenced entity has made an expenditure, independent expenditure, electioneering communication or disbursement in violation of this section, the Internet platform shall immediately remove the communication and notify the commission.

8. Penalties. The commission may assess a penalty of not more than \$5,000 or double the amount of the contribution, expenditure, independent expenditure, electioneering communication, donation or

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disbursement involved in the violation, whichever is greater, for a violation of this section. In assessing a penalty under this section, the commission shall consider, among other things, whether the violation was intentional and whether the person that committed the violation attempted to conceal or misrepresent the identity of the relevant foreign government-influenced entity.

9. Violations. Notwithstanding section 1004, a person that knowingly violates subsections 2 through 5 commits a Class C crime.

10. Rules. The commission shall adopt rules to administer the provisions of this section. Rules adopted under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

11. Applicability. Notwithstanding section 1051, this section applies to all persons, including candidates, their treasurers and authorized committees under section 1013-A, subsection 1; party committees under section 1013-A, subsection 3; and committees under section 1052, subsection 2.

Sec. 2. Accountability of Maine's Congressional Delegation to the people of Maine with respect to federal anticorruption constitutional amendment.

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Actively support and promote" means to sponsor or cosponsor in Congress a joint resolution proposing pursuant to the United States Constitution, Article V an anticorruption constitutional amendment, and to advance such constitutional amendment by engaging, working and negotiating with others in Congress, the State of Maine and the United States in good faith and without respect to party partisanship to secure passage of such constitutional amendment in Congress so that Maine and the several states may consider ratification of such constitutional amendment.

B. "Anticorruption constitutional amendment" means a proposed amendment to the United States Constitution that is consistent with the principles of the Maine Resolution and the reaffirmation of the Maine Resolution.

C. "The Maine Resolution" means the joint resolution, Senate Paper 548, adopted by the 126th Legislature of the State of Maine on April 30, 2013 calling for an amendment to the United States Constitution to "reaffirm the power of citizens through their government to regulate the raising and spending of money in elections."

2. Reaffirmation of the Maine Resolution. The Maine Resolution is hereby reaffirmed and clarified to call on each member of Maine's Congressional Delegation to actively support and promote an effective anticorruption amendment to the United States Constitution to secure the following principles and rights:

A. That governmental power derives from the people, and influence and participation in government is a right of all the people and under the Constitution of Maine and the United States Constitution, should not be allocated or constrained based on the use of wealth to influence the outcome of elections and referenda; and

B. That Maine and the several states, and Congress with respect to federal elections, must have the authority to enact reasonable limits on the role of money in elections and referenda to secure the rights of the people of Maine to free speech, representation and participation in self-government; the principles of federalism and the sovereignty of the State of Maine and the several states; and the integrity of Maine elections and referenda against corruption and foreign influence.

3. Accountability. For 7 consecutive years beginning on July 31, 2023, the Commission on Governmental Ethics and Election Practices shall issue a report, following public comment, identifying

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the United States Constitution
L.D. 1610
anticorruption amendment proposals introduced in Congress, and the members of Maine's Congressional
Delegation sponsoring such proposals.

SUMMARY

This initiated bill makes the following changes to the election laws.

1. It prohibits a foreign government-influenced entity from making, directly or indirectly, a contribution, expenditure, independent expenditure, electioneering communication or any other donation or disbursement of funds to influence the nomination or election of a candidate or the initiation or approval of a referendum. It prohibits a person from knowingly or recklessly providing substantial assistance, with or without compensation, in the making of an expenditure, independent expenditure, electioneering communication or disbursement in violation of this prohibition. It prohibits a person from knowingly soliciting, accepting or receiving a contribution or donation in violation of this prohibition and prohibits a person from knowingly or recklessly providing substantial assistance, with or without compensation, in the making, solicitation, acceptance or receipt of a contribution or donation in violation of this prohibition.

2. It prohibits a person from structuring or attempting to structure a solicitation, contribution, expenditure, independent expenditure, electioneering communication, donation, disbursement or other transaction to evade the prohibitions and requirements in the initiated bill.

3. It requires, whenever a foreign government-influenced entity disburses funds to finance a public communication to influence the public or government officials on issues of state or local policy or foreign relations, that the communication include a clear and conspicuous statement naming the foreign government-influenced entity as a sponsor of the communication.

4. It directs each television or radio broadcasting station, provider of cable or satellite television, print news outlet and Internet platform to establish due diligence policies to prevent the distribution of communications for which foreign government-influenced entities have made prohibited expenditures, independent expenditures, electioneering communications or disbursements and further directs an Internet platform to, upon discovery, immediately remove any such communications from its platform.

5. It provides that the Commission on Governmental Ethics and Election Practices may assess a penalty of not more than \$5,000 or double the amount of the contribution, expenditure, independent expenditure, electioneering communication, donation or disbursement involved in the violation, whichever is greater, for a violation of the initiated bill.

6. The initiated bill also calls on each member of Maine's Congressional Delegation to actively support and promote an effective anticorruption amendment to the United States Constitution to reaffirm the power of citizens through their government to regulate the raising and spending of money in elections.

7. For 7 consecutive years beginning July 31, 2023, the initiated bill requires the Commission on Governmental Ethics and Election Practices to issue a report, following public comment, identifying anticorruption amendment proposals introduced in Congress and the members of Maine's Congressional Delegation sponsoring such proposals.

Public Comments

Richard A. Bennett
Senator, District 18



3 State House Station
Augusta, Maine 04333

THE MAINE SENATE
131st Legislature

June 5, 2024

Jonathan Wayne, Executive Director
Commission on Governmental Ethics and Election Practices
135 State House Station
Augusta, Maine 04333-0135
Jonathan.Wayne@maine.gov

Dear Honorable Members of the Maine Commission on Governmental Ethics and Election Practices:

My name is Rick Bennett, I live in Oxford, and I have the honor of representing the people of the foothills and lakes region of western Maine in the State Senate. Thank you for the opportunity to submit public comment for your report on proposals to amend the United States Constitution regarding regulation of campaign finance activity.

An anti-corruption amendment to the U.S. Constitution is the only way to take our government back from the moneyed interests and political class.

It is time to restore our democracy to the people. It is time to take our republic back from the carnival of corruption it has become. A carnival where immense cash flows from special interest groups, foreign actors, and transnational corporations fund armies of lobbyists, political consultants, and media companies.

Maine has twice affirmed its support for a constitutional amendment that would allow Americans to limit campaign contributions and undisclosed political spending – first in 2013 with a bipartisan resolution in the State Legislature and again in 2023 at the ballot box with a record-breaking 86% support. The ballot measure passed in 2023 calls upon “each member of Maine’s Congressional Delegation to actively support and promote an effective anti-corruption amendment to the United States Constitution[.]” I am hopeful that every member of our Congressional Delegation will heed their constituents and support such an amendment.

The corruptive influence of money is a deep concern across the political spectrum. It’s something that all of us – Republicans, Democrats, and independents – want to solve. 89.4% of Americans believe that the influence of money in politics is a threat to our democracy, and 77% of voters support amending the Constitution to allow Congress and States to set reasonable limits on campaign spending. According to Pew Research Center, “reducing money in politics” is the third most important issue for American voters, only behind strengthening our economy and defending against terrorism. This is the reform that Americans care most about, and fortunately it is one we can solve by joining together in support of a constitutional amendment.

For too long, the voices of Maine voters have been silenced by dark money special interest groups. With a Constitutional Amendment, we have an opportunity to stop corruption, protect election integrity, and to restore confidence in our democracy. We ask that our Congressional Delegation stand with Maine voters and support an anti-corruption amendment to the U.S. Constitution.

Sincerely yours,

A handwritten signature in black ink that reads "Rick Bennett". The signature is written in a cursive, slightly slanted style.

Senator Rick Bennett

Jonathan Wayne, Executive Director
State of Maine, Commission on Governmental Ethics and Election Practices
135 State House Station
Augusta, ME 04333-0135
Jonathan.Wayne@maine.gov

RE: Public Comment on Proposals to Amend the United States Constitution regarding
Regulation of Campaign Finance Activity

June 6, 2024

Dear Honorable Members of The Maine Commission on Governmental Ethics and Election Practices:

Thank you for the work you have done, are doing, and will continue to do. My name is Seth Berry, I live in Bowdoinham, Maine, and I submit these comments in support of an anti-corruption amendment to the U.S. Constitution.

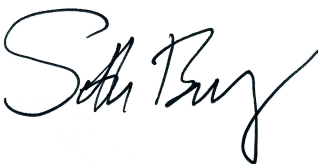
I am a former, seven-term State Representative and past Democratic Majority Leader and Assistant Majority Leader of the Maine House of Representatives. I've lived in Maine almost my entire life and over the past few years, I've watched as political spending has skyrocketed. I believe it must be held in check and the only way to do that is an amendment to the U.S. Constitution.

For too long, the voices of Maine voters have been silenced by dark money special interest groups. With a Constitutional Amendment, we have an opportunity to stop corruption, protect election integrity, and to restore confidence in our democracy.

Maine has twice affirmed its support for a constitutional amendment that would allow Americans to limit campaign contributions and undisclosed political spending: first in 2013 with a bipartisan resolution in the State Legislature, for which I voted alongside a majority of my colleagues, and again in 2023 at the ballot box – this time with the support of a record-breaking 86% of Maine voters. As you know, the 2023 ballot measure calls upon “each member of Maine’s Congressional Delegation to actively support and promote an effective anti-corruption amendment to the United States Constitution[.]”

We ask that our Congressional Delegation stand with Maine voters and support an anti-corruption amendment to the U.S. Constitution letting the States and Congress set reasonable limits on campaign spending, and we appreciate your help in this effort.

Sincerely,

A handwritten signature in black ink that reads "Seth Berry". The signature is written in a cursive, flowing style.

Hon. Seth Berry
bhamberry@gmail.com
207-522-1609

From: [Julia Brown](#)
To: [Aube, Julie](#)
Subject: Public Comment on Proposals to Amend the United States Constitution regarding Regulation of Campaign Finance Activity
Date: Thursday, June 6, 2024 10:28:53 AM

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Jonathan Wayne, Executive Director
State of Maine
Commission on Governmental Ethics and Election Practices
135 State House Station
August, Maine 04333-0135
Jonathan.Wayne@maine.gov

6/6/24

Dear honorable members of The Maine Commission on Governmental Ethics and Election Practices:

I'm writing to remind our legislature and Congress that the people of Maine have spoken: it's time to amend our constitution to stop corruption in our campaigns. I hope this report serves as a strong reminder of the will of the voters.

Sincerely,
Julia Brown
Brunswick, Maine
207-841-3295

--

Julia Brown | JAB Strategies
Cell: 207-841-3295

From: [Carlow, Nathan](#)
To: [Aube, Julie](#)
Subject: Public Comment on Proposals to Amend the United States Constitution Regarding Regulation of Campaign Finance Activity
Date: Friday, June 7, 2024 11:34:36 AM

Honorable Commissioners
Commission on Governmental Ethics and Election Practices
135 State House Station
Augusta, Maine 04333-0135

Dear Honorable Commissioners:

Thank you for your service to Maine, and for the opportunity to provide public comment on the implementation of this historic referendum.

Out-of-state dark money is poisoning the well of American democracy, and the State of Maine, working with Federal partners, has a moral and electoral imperative to lead us out of this crisis.

The powerful, monied, and often foreign special interests pose great danger to the relationship between the people and those, like me and you, whom they appoint to positions of public trust. In November last year, the voters expressed their will that we finally – finally – search out and work towards reform on this grave matter. If we fail to do so, we juxtapose ourselves against what Jefferson described as our founding object: to provide “for the interests of the governed, not for the governors.”

We rededicate ourselves to the clear, decisive, and historic decision of Maine people to unshackle the weights of dark money, and respectfully request our representatives to the Congress and Maine’s U.S. Senators to heed this urgent call.

Thank you again for your public service. Please take good care.

Sincerely,

NATHAN M. CARLOW
STATE REPRESENTATIVE

2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002
OFFICE: (207) 287-1440

Please be advised that all communications sent or received in connection with official business are subject to public inspection upon request pursuant to the Maine Freedom of Access Act.

From: [Christopher Cayer](#)
To: [Aube, Julie](#)
Subject: Public Comment on Proposals to Amend the United States Constitution regarding Regulation of Campaign Finance Activity
Date: Wednesday, June 5, 2024 2:26:39 PM

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Jonathan Wayne, Executive Director
State of Maine
Commission on Governmental Ethics and Election Practices
135 State House Station
August, Maine 04333-0135
Jonathan.Wayne@maine.gov

June 5th, 2024

Dear honorable members of The Maine Commission on Governmental Ethics and Election Practices:

My name is Christopher Cayer and I'm a resident of Eustis where I was born and raised. I am also the Maine State Manager with American Promise, an organization working to restore the power of state legislatures and Congress to reasonably regulate election spending. Thank you for the opportunity to submit a comment today in support of an anti-corruption amendment to the United States constitution.

I'm submitting this comment today because I'm deeply concerned about the influence of money in our elections. Candidates and referendums are no longer elected based on their merit. The campaigns with the most money almost always win. In the 2022 midterm election in the United States, 93% of House candidates and 82% of Senate candidates who raised more money won their election. More and more, big political donors from outside the district, outside the state, and outside the country are buying our elections and silencing the voices of everyday people.

I've lived in Maine my entire life and over the past few years, I've watched as political spending in our state has skyrocketed. Every election cycle people are bombarded with nonstop negative political ads that offer little in terms of substance and instead aim to create fear and division. During the 2022 midterm election, a record breaking \$127 million was spent here in Maine – mostly in the form of negative attack ads from dark money special interest groups.

The amount of money being spent is only part of the problem. This political spending might be tolerable if the money was coming from Maine voters. However, the vast

majority of this money is from out-of-state. A record shattering \$200 million was spent in Maine's 2020 senate race and 93% of that money came from outside of Maine.

The largest donations in the 2020 senate race came from "dark money" groups that are not required by law to disclose their donors. These groups can accept unlimited amounts of money from any source including foreign governments. In Maine, foreign governments can also spend unlimited amounts of money directly and openly on state referendum campaigns — and it's completely legal. Mainers tried to close this loophole last year but the referendum is currently being held up in federal court, further highlighting the need for a constitutional amendment.

The people of Maine are ready for this reform. Last year, I had the pleasure of working beside 400 Maine citizens on the Question 2 referendum campaign. Volunteers from every corner of Maine and every political affiliation worked together to collect 80,000 signatures from Maine voters and then proceeded to win the election with 86% support!. In my ten years working in Maine politics, I've never seen an issue bring together such a wide range of supporters. This campaign has given me hope that our political differences can be bridged and that people can come together to make meaningful change in their communities.

Thank you for the work you are doing and for organizing this public comment period. I respectfully call on our Members of Congress to work to advance an anti-corruption amendment to the U.S. Constitution that will allow States and Congress to set reasonable limits on campaign spending.

Thank you for your time and consideration.

Sincerely,
Christopher Cayer
Eustis, Maine
(207) 441-4413

From: [Jensen Cook](#)
To: [Aube, Julie](#)
Subject: Public Comment on Proposals to Amend the United States Constitution regarding Regulation of Campaign Finance Activity
Date: Wednesday, June 5, 2024 3:38:29 PM

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Jonathan Wayne, Executive Director
State of Maine
Commission on Governmental Ethics and Election Practices
135 State House Station
August, Maine 04333-0135
Jonathan.Wayne@maine.gov

6/5/24

Dear honorable members of The Maine Commission on Governmental Ethics and Election Practices:

My name is Jensen Cook and I'm writing in support of an anti-corruption amendment to the US constitution. As a Mainer who has worked in government, on campaigns, and in the non-profit and private sector, I want our Maine Delegation and legislature to address the issue of money and corruption in our campaigns.

Sincerely,
Jensen Cook

Portland, ME

--

Jensen Cook
(207) 385-3563
jensenicook@gmail.com

From: crowellr122@gmail.com
To: [Aube, Julie](#)
Subject: Public Comment
Date: Friday, June 7, 2024 5:01:07 PM

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Jonathan Wayne, Executive Director
State of Maine
Commission on Governmental Ethics and Election Practices
135 State House Station
August, Maine 04333-0135

June 7, 2024

Dear honorable members of The Maine Commission on Governmental Ethics and Election Practices:

I'm writing to encourage Maine's Congressional Delegation to support an anti-corruption amendment to the U.S. Constitution to allow the states and Congress to set reasonable limits on campaign spending. Such decisions around campaign finance reform should live with our elected officials – who we can hold accountable at the ballot box – not the unelected judges on the Supreme Court as it stands now.

As a small business owner in western Maine – I own a home construction company that my father managed before me – I find it frustrating that billionaires from away have such an outsized voice in our politics. What about the voices of everyday Mainers? We certainly can't compete. I was glad to learn that there is an effort to fix this issue through a constitutional amendment.

Sincerely,

Ryan Crowell
Raymond

Ryan Crowell
(207) 208-0352

Public Comment on Proposals to Amend the United States Constitution Regarding Regulation of Campaign Finance Activity

Jonathan Wayne, Executive Director
State of Maine
Commission on Governmental Ethics and Election Practices
135 State House Station
August, Maine 04333-0135
Jonathan.Wayne@maine.gov

June 5, 2024

Dear honorable members of The Maine Commission on Governmental Ethics and Election Practices:

Since my family has lived in Kennebunk since 1986 we have witnessed an ever growing surge of out-of-state money flooding our state elections and ballot initiatives. Alarmed by the large campaign advertising by both foreign governmental and corporate entities in the CMP corridor and Pine Tree Power questions, prompted me to collect my fellow Kennebunk citizen's signatures for the successful Protect Maine Election/Yes on Question 2 ballot initiative. This protects Maine from undue foreign manipulation of our voting process.

Question 2 also tasks Maine's federal delegation to advance an anti-corruption amendment to the Constitution that would further protect the entire country from undue manipulation by dark money in our election campaigning process. The Supreme Court has held that corporations and other collective entities are 'persons' with respect to campaigning. The Constitution should therefore hold that the same legal requirements for individuals and for collective persons as well. If the Constitution were to hold reasonable requirements for individuals concerning transparency on campaign contributions and a reasonable limit to one's total contributions, then these same limitations should also apply to collective-persons: corporations, PACS, SuperPACS and dark money collective persons. Such reasonable constitutional requirements would allow for a more open expression of competing ideas in the market place of public opinion, instead of being drowned-out by special interests from only one or several (dark money) sources.

We look forward to the actual details that the Ethics Commission and the Maine delegation develop to the very important duty placed upon you by Maine citizens in Question 2. Thank you for taking on this mission in service to adapting the Constitution to the evolution of our world now, in which communication and the flow of money is instantaneous. The anti-corruption amendment would update our Constitution to preserve its ideals of democracy we all cherish.

Sincerely,
Anthony Dater
plnrsriv8saco8@yahoo.com
207-985-4087

From: [Shonna D](#)
To: [Aube, Julie](#)
Subject: Dark Money Amendment
Date: Friday, June 7, 2024 8:54:33 AM

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Greetings Ms. Aube,

My name is Shonna Davis, and I reside in Ludlow, Maine. I am deeply concerned about the level of corruption in politics and the influence of dark money in our elections and policies. When we allow money to influence our government officials, they can no longer be depended upon to act in the best interests of all of their constituents. The people deeply mistrust our officials and their state and federal systems of government. This is dangerous to the long term health of our democracy. I support an amendment to eliminate dark money. Please help us bring politics into the light.

Sincerely,
Shonna Davis

Sent from my iPhone

From: jddelamater@gmail.com
To: [Aube, Julie](#)
Subject: Dark Money
Date: Thursday, May 23, 2024 4:46:40 PM

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Email Subject Line: Public Comment on Proposals to Regulate Campaign Finance Activity

Jonathan Wayne, Executive Director
State of Maine
Commission on Governmental Ethics and Election Practices
135 State House Station
August, Maine 04333-0135
Jonathan.Wayne@maine.gov

Dear honorable members of The Maine Commission on Governmental Ethics and Election Practices:

I am writing today to express my support for an anti corruption amendment to the U.S. Constitution that will restore the power of States and Congress to reasonably regulate political spending. In recent years, we've seen a huge increase in the amount of money being spent to influence Maine elections. In 2020, over \$200 million was spent on Maine's US Senate race, 93% of which came from donors outside of Maine.

The explosion of money doesn't benefit voters, and it certainly doesn't promote a thriving business environment. I've spent my career in business and banking in Maine. I care deeply about growing our state's economy and making it work for everyone. Small and midsize businesses – the backbone of Maine's economy – simply cannot compete for political influence against well-funded multinational corporations and foreign government-owned companies.

I submitted an Op-Ed on this topic to the Bangor Daily News in February - <https://www.bangordailynews.com/2024/02/10/opinion/opinion-contributor/constitutional-amendment-limit-corporate-campaign-spending/>

I thank the Commission for organizing this public comment period and I respectfully call on our Members of Congress to work to advance an anti-corruption amendment to the U.S. Constitution.

Sincerely,
Jim Delamater
Oxford, ME

From: [Chesley Flotten](#)
To: [Aube, Julie](#)
Subject: Public Comment on Proposals to Amend the United States Constitution regarding Regulation of Campaign Finance Activity
Date: Friday, June 7, 2024 4:23:23 PM

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Jonathan Wayne, Executive Director
State of Maine
Commission on Governmental Ethics and Election Practices
135 State House Station
August, Maine 04333-0135
Jonathan.Wayne@maine.gov

June 7, 2024

Dear honorable members of The Maine Commission on Governmental Ethics and Election Practices:

My name is Chesley Flotten; I am a resident of Brunswick and I am submitting comment in support of an anti-corruption amendment to the U.S. Constitution. I was fortunate to grow up in Maine and to raise my own children in this amazing state, where the independence, talents, and different perspectives of the people have made vibrant communities. Now, however, the voice of Mainers is being drowned out by absurd levels of election spending by dark money special interest groups. In the 2022 midterm election here in Maine, a record breaking \$127 million was spent – mostly in the form of negative attack ads from dark money special interest groups. This cycle, it is anticipated that there will be \$16 billion spent nationwide. This leaves little room for the average Maine citizen or advocacy group to make their voice heard.

Mainers have been clear and consistent in wanting a constitutional amendment that would allow Americans to limit campaign contributions and undisclosed political spending – first in 2013 with a bipartisan resolution in the State Legislature and again in 2023 at the ballot box with a record breaking 86% support. The ballot measure passed in 2023 calls upon “each member of Maine’s Congressional Delegation to actively support and promote an effective anti-corruption amendment to the United States Constitution”

It is vital that our representatives continue the work urged by the people to secure an anti-corruption amendment to the Constitution that will allow states and Congress to set reasonable limits on campaign spending.

Thank you for working on behalf of Maine voters in preserving our voice.

Sincerely,
Chesley Flotten
chesleyf@icloud.com
207-721-8545

Jonathan Wayne, Executive Director
State of Maine
Commission on Governmental Ethics and Election Practices
135 State House Station
August, Maine 04333-0135
Jonathan.Wayne@maine.gov

June 7, 2024

Dear honorable members of The Maine Commission on Governmental Ethics and Election Practices:

My name is Connor Flotten, I'm a lifelong resident of Brunswick and I am submitting a comment in support of an anti-corruption amendment to the U.S. Constitution.

The fallout from *Citizens United* and similar decisions has been a part of our political system for my entire adult life. I've seen election seasons go from bad to worse, as spending totals keep rising every cycle, and we're constantly bombarded with campaign ads and fundraising requests to pay for more ads to ask for more money. Everyone I know is sick of it, and sick of having our voices drowned out by large donors, special interest groups, and sometimes even foreign entities.

When I was collecting signatures for Protect Maine Elections, almost everyone I spoke to was on board as soon as I told them what the petition was for. People from across the political spectrum, some of whom I'd probably disagree with on almost everything else, were sick and tired of the millions of dollars in ads that blanket our state every election season. Mainers want an end to this nonsense, and a constitutional amendment is how we solve this problem.

Thank you for the work that you do, and your time in reading this.

I respectfully call on our Members of Congress to work to advance an anti-corruption amendment to the U.S. Constitution that will allow States and Congress to set reasonable limits on campaign spending.

Sincerely,

Connor Flotten
flottenc@gmail.com
(207) 607-1465

From: [Peter Flotten](#)
To: [Aube, Julie](#)
Subject: Public Comment on Proposals to Amend the United States Constitution regarding Regulation of Campaign Finance Activity
Date: Friday, June 7, 2024 4:26:22 PM

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Jonathan Wayne, Executive Director
State of Maine Commission on Governmental Ethics and Election Practices
135 State House Station
August, Maine 04333-0135
Jonathan.Wayne@maine.gov

Dear honorable members of The Maine Commission on Governmental Ethics and Election Practices,

My name is Peter Flotten, and I am a resident of Brunswick. I am submitting a comment in support of an anti-corruption amendment to the US Constitution.

I don't have any formal association with this issue other than as a citizen of the United States who is frustrated by the unending pressure on our elections from groups with seemingly unlimited funds. I am proud that the State of Maine has twice affirmed its support for an amendment limiting campaign contributions and undisclosed political spending, by the legislature in 2013 and at the polls by the citizens of Maine in 2023.

The fact that those separate actions were 10 years apart, though, points to the scope of this issue. Ever since the Citizen's United decision was handed down, polls have shown that there is overwhelming, bipartisan support from the citizens of this country to get the corrupting influence of unlimited dark money out of our campaigns. Recent polls have shown that 89% of voters believe that influence of money is a threat to our democracy, and it's hard to argue that that is not the case (except, of course, by those with a vested interest in the status quo). The problem only continues to get worse, and will continue to do so without the leadership from our elected leaders to curtail this problem.

I am proud that the ballot initiative supported by the Protect Maine Election/Yes on Question 2 specifically had language requiring Maine's Congressional Delegation to actively support and promote an anti-corruption amendment to the US Constitution, and that the Maine Ethics Commission is required to report on their efforts to advance such an amendment. We rely on our elected representatives to speak for us, and in this instance we have been very clear about what we want to see happen.

I am not so naive to presume that implementing an anti-corruption Constitutional amendment will be an easy task. But I am quite certain that it will not happen without consistent pressure in the House and Senate, and I look forward to the day that this is accomplished thanks to the leadership of the Maine Congressional delegation. Maine has a proud tradition of independent, common-sense thought, and this is one area where that tradition can absolutely serve this country.

Thank you for all that you do to ensure that the voices of all Maine citizens continue to be heard.

Sincerely,

Peter Flotten
Brunswick, ME
peter.flotten@alum.dartmouth.org
207-721-8545

From: [Peter Garrett](#)
To: [Aube, Julie](#)
Subject: Public Comment on Proposals to Amend the United States Constitution regarding Regulation of Campaign Finance Activity
Date: Wednesday, June 5, 2024 7:01:25 PM

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Julie, please accept this comment, published today in the Bangor Daily News:

Kevin Frazier ([May 2 in the BDN](#)) made the point that this country's Founders expected constitutional amendments. He also notes that "corporate growth fuels immense income inequality." This is of particular concern, given the Supreme Court's decisions that "money is speech" ([1976](#)), that "corporations are people" ([1978](#)), and most recently that there should be "no limits on election funding" ([2010](#)).

Since those decisions, inflation-corrected election funding has doubled and doubled again from 1990 to 2020 ([Open Secrets data](#)). The reality for members of Congress is that you'd better spend about four hours per day fundraising for your next election. In fact, elected House members [raised](#) an average of \$2.7 million, while winning senators, on average, raised \$20.2 million in the 2020 election. The result? I believe members of Congress are beholden to the wishes of their largest donors — a kind of allowable bribery by and for the wealthiest.

That is a good reason for an amendment that would allow both Congress and states to set reasonable limits on campaign spending in elections. It is being proposed as the [28th Amendment by American Promise](#), and has gained bipartisan support not only in Maine but across the country.

Peter Garrett
Winslow

Citizens Climate Lobby, Foundation for Climate Restoration.
202 Eames Road, Winslow, ME 04901. 207-592-0004

Nicole Grohoski
Senator, District 7



P.O. Box 1732
Ellsworth, ME 04605

THE MAINE SENATE
131st Legislature

State of Maine
Commission on Governmental Ethics and Election Practices
135 State House Station
Augusta, Maine 04333-0135
Jonathan.Wayne@maine.gov

June 7, 2024

Dear Honorable Members of the Maine Commission on Governmental Ethics and Election Practices:

Free and fair elections are the foundation of our country and our state, and we have the responsibility to ensure that they are conducted of, by, and for the people. That is why we must ensure that Maine people's voices are front and center in our political discourse.

Unfortunately, dark money special interest groups funded by the wealthy elite – often from out of state – threaten our core institutions. These factions are spending an unprecedented amount of money to influence our elections, and it gets worse and worse by the year.

Voters in my district, and indeed around the State, are sick and tired of having their voices silenced by millions of dollars in dark money political ads each election cycle. The current level of spending is poisonous to our democracy. As an elected official, I talk with a lot of folks from all across the political spectrum. I have yet to find a Mainer who supports unlimited spending on elections. Instead, they're asking me to do what I can to put a stop to it.

Now the voters have asked Maine's Congressional Delegation to lead in an effort to pass an anti-corruption amendment to the U.S. Constitution that would allow states and Congress to set reasonable limits on campaign spending. The Q2 ballot measure passed in 2023 with a record-breaking 86% support calls upon "each member of Maine's Congressional Delegation to actively support and promote an effective anti-corruption amendment to the United States Constitution[.]"

I hope our Congressional Delegation will listen to the Maine voters and support such an amendment.

Sincerely,

A handwritten signature in black ink that reads "Nicole C. Grohoski".

Senator Nicole Grohoski

3 State House Station, Augusta, Maine 04333
State House (207) 287-1515 * Fax (207) 287-1585 * Toll Free 1-800-423-6900 * TTY 711
Nicole.Grohoski@legislature.maine.gov * legislature.maine.gov/senate

From: [Dasol Kim](#)
To: [Aube, Julie](#)
Subject: Public Comment on Proposals to Amend the United States Constitution regarding Regulation of Campaign Finance Activity
Date: Friday, June 7, 2024 5:00:07 PM

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear honorable members of The Maine Commission on Governmental Ethics and Election Practices:

My name is Dasol Kim, I am a resident of Brunswick, Maine, and I am submitting my comment to express my distaste in campaign finance and corruption to the U.S. Constitution.

I personally do not find the appeal in receiving ads and it does not necessarily serve the American people. There are a lot of skews in campaign money because it focuses less on what will be done for the country.

Thank you for attending to my comment.

From: [Clifford Krolick](#)
To: [Aube, Julie](#)
Subject: Public Comment
Date: Thursday, June 6, 2024 3:46:36 PM

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As long as loopholes exist to permit money to influence the outcome of elections our democracy suffers till it slow death.

We cannot go on like this and expect to have a fair and reasonable way of life as long as monied interests take precedence of the majority.

I ask the Maine Ethics committee to commit to preserving the rights of individuals here in Maine. This can be accomplished by not permitting monied interests in overwhelming voters. We require a fair playing field for democracy to work

Cliff Krolick

From: [Lisa Leaverton](#)
To: [Aube, Julie](#)
Subject: I support amendments to regulate raising and spending of money in elections
Date: Tuesday, May 14, 2024 11:39:04 AM

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Greetings to the Ethics Commission:

I support proposed both common-sense constitutional amendments including **H.J.Res.13** - Proposing an amendment to the Constitution of the United States relating to the authority of Congress and the States to regulate contributions and expenditures intended to affect elections and to enact public financing systems for political campaigns and **S.J.Res.45** - A joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections

It is essential to do all we can to restore the power of citizens through amendments to regulate the raising and spending of money in elections and to generally stem corrupting influence of money in politics. Candidates should be beholden to citizens, yet wealth is increasingly the deciding factor, as we've seen in [local races](#), including D.A. Public financing is key to fairness in campaigns. Candidates should remain on equal footing. And equally serious, is [outsized spending](#) (expenditures on ads and contributions) influencing election outcomes and policy. As Mainers, we have certainly seen the results of out-of-control money in politics, for example [Right to Repair](#) and many more. Voters didn't even have a chance after the referendum passed. Common-sense measures could and should be put into place to protect my right to a voice as a voter.

Thank you,

Lisa Leaverton
PO Box 455
Orland, ME

From: [Abben Maguire](#)
To: [Aube, Julie](#)
Subject: Public Comment on Proposals to Amend the United States Constitution regarding Regulation of Campaign Finance Activity
Date: Thursday, June 6, 2024 10:21:05 AM

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Jonathan Wayne, Executive Director
State of Maine
Commission on Governmental Ethics and Election Practices
135 State House Station
August, Maine 04333-0135

Jonathan.Wayne@maine.gov

6/6/24

Dear honorable members of The Maine Commission on Governmental Ethics and Election Practices:

My name is Abben Maguire and I'm writing in support of an anti-corruption amendment to the US constitution. I have been frustrated in recent years to see well financed political operations push through initiatives that I feel have run contrary to the will of the people, and I believe this is a powerful mechanism we can use to stop it in its tracks.

Sincerely,
Abben Maguire
Richmond, Maine

From: [Jim Melloh](#)
To: [Aube, Julie](#)
Subject: Public Comment on Proposals to Amend the United States Constitution regarding Regulation of Campaign Finance Activity
Date: Thursday, May 23, 2024 7:41:17 PM

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Members of the Maine Ethics Commission,

As a resident of South Portland Maine I am writing to you to let you know that I, like the overwhelming majority of Mainers, support the anti-corruption amendment of the US Constitution to allow Congress and states like Maine to put limits on campaign spending. It is clear looking at this election cycle that money has the power to influence voting. Immense sums are being spent to derail candidates who pose a threat to those with money or their values. Billionaires and PAC are funding alternative candidates in primaries to the tune of 10s of millions of dollars so that a candidate, their true candidate who is in the opposite party, will have less competition. Or the primary winner will represent their, the PAC or billionaire's values, no matter their stated party.

Media exposure can make or break a candidate. Those with money win. Unfortunately dollars seem to manufacture "truths" via the media with little regard for facts and reality. Foreign dollars can also influence our elections.

This may well be the last democratic election for our nation. Lets hope not. Your actions in regard to this anti-corruption amendment could make all the difference.

Respectfully,

James Melloh MD

From: [Cam Monaghan](#)
To: [Aube, Julie](#)
Subject: Public Comment on Proposals to Amend the United States Constitution regarding Regulation of Campaign Finance Activity
Date: Friday, June 7, 2024 3:17:18 PM

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

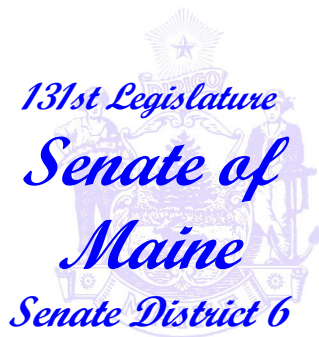
Good afternoon,

My name is Cameron Monaghan, and I live in Brunswick, Maine. I am writing in support of an anti-corruption amendment to the U.S. Constitution.

I have lived in Maine my entire life, and I want to make sure that Maine's best interests are represented by our politicians. Out of state or out of country spending on our local and state elections is ridiculous. It weakens grassroots movements and feeds into voter apathy. Why should people vote if they believe that elections can be purchased by a select few?

Maine should support an amendment to the constitution that elevates democracy and combats this growing issue of dark money deciding the direction of our state and country.

Cameron



Senator Marianne Moore
3 State House Station
Augusta, ME 04333-0003
(207) 287-1505
Marianne.Moore@legislature.maine.gov

Jonathan Wayne, Executive Director
State of Maine
Commission on Governmental Ethics and Election Practices
135 State House Station
August, Maine 04333-0135
Jonathan.Wayne@maine.gov

June 6, 2024

Dear Honorable Members of the Maine Commission on Governmental Ethics and Election Practices:

I am honored to represent all of Washington County and 16 communities in Eastern Hancock County in the Maine State Senate. It is on behalf of my constituents, and indeed all Maine voters, that I am submitting public comment to the Maine Ethics Commission to encourage our Congressional Delegation to support an anticorruption amendment to the U.S. Constitution.

Maine voters strongly support such an amendment. Last November, 86% of Maine voters expressed their support for an anti-corruption amendment to the United States Constitution by voting in favor of Question 2.

This follows national trends, 89% of Americans believe that the influence of money in politics is a threat to our democracy. The amount of money in our politics is dividing communities and making it harder for our elected officials to govern. It erodes civic trust and belief in our democracy.

Fortunately, there is a solution: amending the US constitution to allow Congress and the states to set reasonable limits on campaign spending. Our Congressional Delegation has a responsibility to listen to the voices of their constituents and to lead on passing such an amendment.

Sincerely,

Senator Marianne Moore

From: [grace schafer](#)
To: [Aube, Julie](#)
Subject: Public Comment on Proposals to Amend the United States Constitution regarding Regulation of Campaign Finance Activity
Date: Friday, June 7, 2024 3:09:14 PM

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear honorable members of The Maine Commission on Governmental Ethics and Election Practices,

My name is Grace Schafer. I have been a Maine resident for my entire 25 years of life. Since I've turned 18 I have taken part in every opportunity to vote or express my opinions. I believe super-spending has no place in politics. Nobody should be able to buy their way into a seat. That is why I am a staunch supporter of Question 2 of the 2023 ballot. I have been raised into a world of greed, corruption, and hate. Political advertising has made these their main talking points. Take, for example, the 2020 election. There was a minimum \$7 billion spent on advertising, and their main talking points was to slander and drag the name of their opponent through the mud. The best thing that could come out of modern day politics is the outright ban of political advertising, but the ball has to start rolling somewhere.

As a Maine voter, I feel it is my responsibility to care for the people around me. I thank you all for doing the same.

Thank you,
Grace Schafer
grafer99@gmail.com

From: [Lisa Leaverton](#)
To: [Aube, Julie](#)
Subject: I support amendments to regulate raising and spending of money in elections
Date: Tuesday, May 14, 2024 11:39:04 AM

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Greetings to the Ethics Commission:

I support proposed both common-sense constitutional amendments including **H.J.Res.13** - Proposing an amendment to the Constitution of the United States relating to the authority of Congress and the States to regulate contributions and expenditures intended to affect elections and to enact public financing systems for political campaigns and **S.J.Res.45** - A joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections

It is essential to do all we can to restore the power of citizens through amendments to regulate the raising and spending of money in elections and to generally stem corrupting influence of money in politics. Candidates should be beholden to citizens, yet wealth is increasingly the deciding factor, as we've seen in [local races](#), including D.A. Public financing is key to fairness in campaigns. Candidates should remain on equal footing. And equally serious, is [outsized spending](#) (expenditures on ads and contributions) influencing election outcomes and policy. As Mainers, we have certainly seen the results of out-of-control money in politics, for example [Right to Repair](#) and many more. Voters didn't even have a chance after the referendum passed. Common-sense measures could and should be put into place to protect my right to a voice as a voter.

Thank you,

Lisa Leaverton
PO Box 455
Orland, ME

Jonathan Wayne, Executive Director
State of Maine
Commission on Governmental Ethics and Election Practices
135 State House Station
August, Maine 04333-0135
Jonathan.Wayne@maine.gov

June 3, 2024

Dear Honorable Members of The Maine Commission on Governmental Ethics and Election Practices:

People in Maine have seen their elections dominated by big money from outside sources. And this spending has real consequences.

In 2020, Maine saw a \$200 million Senate race, and it was like we were 20 feet under snow in an avalanche and no one could hear us. That is when I first became excited about the possibility of an amendment to the U.S. Constitution that would allow states and Congress to set reasonable limits on campaign spending.

As an average Mainer, it's nearly impossible to compete with billionaires, but what they can't buy with money is the deep love and passion we feel for the outdoors and the freedom that our constitution guarantees.

Maine has now twice affirmed its support for a constitutional amendment that would allow Americans to limit campaign contributions and undisclosed political spending – first in 2013 with a bipartisan resolution in the State Legislature and again in 2023 at the ballot box with a record breaking 86% support.

The ballot measure passed in 2023 calls upon “each member of Maine’s Congressional Delegation to actively support and promote an effective amendment to the United States Constitution[.]” I hope that the members of our Congressional Delegation are listening.

Sincerely,



Hon. David Trahan

From: [Steve Turner](#)
To: [Aube, Julie](#)
Subject: Rein In "Dark Money" Political Spending
Date: Friday, June 7, 2024 5:48:11 PM

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Julie Aube,

I urge you to consider my testimony in support of a Constitutional Amendment to rein in "dark money" political campaign contributions: the "For Our Freedom" Constitutional Amendment proposed by the nationwide group called "American Promise."

Our Federal Constitution has a loophole which currently allows foreigners, foreign-owned multinational corporations, and other foreign organizations to contribute untold quantities of money to American political campaigns. These foreign "dark money" campaign contributions are an obvious corrupting influence on our domestic political affairs. In particular, multinational corporate "money bombs" are turning what was once the greatest Republic in the world into just another minor, petty province in some New World Order multinational corporate dictatorship -- with the trappings, with the appearance, but not the substance, not the reality, of a functioning Representative Democracy.

Is this the government we Americans deserve? I thought we were better than that.

I'm amazed that we aren't ashamed.

I urge you, and our legislators, to support a Constitutional Amendment to rein in "dark money" political campaign contributions -- before foreign "money bombs" completely transform our American government into the very thing our Nation's Founders and Forefathers fought against.

Julie Aube, I urge you -- **I beg you** -- let's please save this Country.

Thank you.

Steve Turner
American Citizen, Voter, and Taxpayer
27 N. Main St.
Mechanic Falls, ME 04256
Cell phone 207-312-7923

Jonathan Wayne, Executive Director
State of Maine
Commission on Governmental Ethics and Election Practices
135 State House Station
August, Maine 04333-0135
Jonathan.Wayne@maine.gov

Thursday, May 30, 2024

Dear honorable members of The Maine Commission on Governmental Ethics and Election Practices:

My name is Colin Vettier and I live in Portland Maine. I am submitting a comment in support of an anti-corruption amendment to the U.S. Constitution.

I have lived in the US for almost a decade now; I became a proud US citizen in Maine a few years ago and have voted to every single election since.

However, in the past decade, I have witnessed the political spending skyrocketing. In my own backyard, I have seen corporation blanket the city with yard signs, stuff mailboxes with flyers, load my social media feeds with propaganda, etc. These corporations' only interest is to increase the profit generated for their shareholders (who are often living far away and do not care the slightest about the people of Maine, their lives or their struggles).

In the 2022 midterm election here in Maine, a record breaking \$127 million was spent – mostly in the form of negative attack ads from dark money special interest groups. This cycle, it is anticipated that there will be \$16billion spent nationwide.

I find this appalling and an antithesis to democracy. I joined an overwhelming majority of Maine voters in answering YES to question 2 on the 2023 ballot. Mainers are asking for our Members of Congress to lead in protecting our democracy.

Thank you for the work you have done, are doing, and will continue to do to protect our democracy. As a Maine voter, my voice is being silenced by dark money special interest groups that spend tens of millions of dollars to interfere in our elections.

I respectfully call on our Members of Congress to work to advance an anti-corruption amendment to the U.S. Constitution that will allow States and Congress to set reasonable limits on campaign spending.

Sincerely,
Colin Vettier
Colin.vettier@gmail.com
973-652-8033

From: [Tim Walton](#)
To: [Aube, Julie](#)
Subject: Public Comment on Proposals to Amend the United States Constitution regarding Regulation of Campaign Finance Activity
Date: Wednesday, June 5, 2024 8:18:25 PM

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Jonathan Wayne, Executive Director
State of Maine
Commission on Governmental Ethics and Election Practices
135 State House Station
August, Maine 04333-0135
Jonathan.Wayne@maine.gov

June 5th, 2024

Dear honorable members of The Maine Commission on Governmental Ethics and Election Practices:

My name is Tim C. Walton and I'm the Founder and President of Walton External Affairs, an Augusta based consulting firm representing a wide range of clients in the fields of government, business and industry relations. One of my clients is American Promise, a nonprofit organization dedicated to passing a constitutional amendment that will restore the power of state legislatures and congress to reasonably regulate election spending.

A series of Supreme Court cases over the past 40 years have significantly altered the campaign finance system in the United States. The Court has ruled that independent political spending is 'free speech' as protected under the first amendment. The result is that congress and state legislatures can no longer debate and pass legislation to reasonably regulate money in elections, an authority they held for the first 200 years of our nation's history.

When the Supreme Court rules on a constitutional issue, that judgment is virtually final; the decision can only be altered by the rarely used procedure of a constitutional amendment or by a new ruling of the Court. This centralized mandate from the Court is an ineffective way to regulate our campaign finance system. It has eliminated the lawmakers' ability to experiment with any sort of limits or disclosure laws and it has opened the floodgates to unlimited political spending by dark money groups and foreign interests.

Maine has twice affirmed its support for a constitutional amendment that would allow Americans to limit campaign contributions and undisclosed political spending – first in 2013 with a bipartisan resolution in the State Legislature and again in 2023 at the ballot box with a record-breaking 86% support. In my many years working in Maine politics, I have rarely seen an issue that draws so much support from across the political spectrum.

I thank the Commission for organizing this public comment period and I encourage every

member of Maine's Congressional Delegation to heed their constituents and support an anti-corruption amendment to the U.S. Constitution.

Sincerely,

Tim C. Walton
207-557-3049

STEVE WEEMS
44 THOMPSON STREET, BRUNSWICK, ME 04011-3026
Tel: [207] 729-7624 Cell: [207] 751-9437 Email: slweems@gmail.com

June 7, 2024

Jonathan Wayne, Executive Director
State of Maine Commission on Governmental Ethics
And Election Practices
135 State House Station
Augusta, ME 04333-0135

Re: Public Comment on Proposals to Amend the United States Constitution regarding
Regulation of Campaign Finance Activity

Honorable members of the State of Maine Commission on Governmental Ethics and Election Practices, my name is Steve Weems, a resident of Brunswick, a founder and first Executive Director of the Solar Energy Association of Maine, and an advocate of the consumer-owned utility (COU) form of electrical utility ownership. Considering these interests, it should not come as a shock for me to state I am passionate about my support of an anti-corruption amendment to the U.S. Constitution, particularly as it relates to campaign finance regulation.

I'm coming up on my 50th anniversary as a full-time Maine resident, having spent almost all my working career in my beloved adopted state, a bit of it in state government, and I have never seen such an unhealthy, negative onslaught of dark money from special interest groups, including money provided by foreign investors and governments, as we are currently experiencing. The referendum on Pine Tree Power, which was enacted by both chambers of the Maine Legislature, was buried under a 30-1 blitz of dark (dare I say blood) money from CMP and Versant supporters, mostly foreign.

The overwhelming support for Question 2 on the 2023 statewide ballot is incontrovertible proof that most Mainers feel the same way about campaign financing, if not on specific issues. I beseech you to add your voice to the chorus trying to do something positive about this. I respectfully call on our Members of Congress to work to advance an anti-corruption amendment to the U.S. Constitution that will allow states and Congress to set reasonable limits on campaign spending.

Respectfully,


Steve Weems

From: susanfsweems@gmail.com
To: [Aube, Julie](#)
Subject: Public Comment on Proposals to Amend the US Constitution regarding Campaign Finance Activity
Date: Friday, June 7, 2024 2:04:34 PM

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello

My name is Susan Weems, I live in Brunswick and I have a 60 year history of voting in every election.

The purpose of this email is to ask that you help get Big Money out of our elections. This is **long overdue!!!**

I support the anti-corruption amendment to the US Constitution with hopes for reasonable limits on campaign spending.

I HOPE THAT OUR MAINE CONGRESSPEOPLE WILL LEAD IN THIS EFFORT!!!!

Thank you, Susan Weems
susanweems@gwi.net
207-729-7624

From: [Blake77](#)
To: [Aube, Julie](#)
Subject: Public Comment on Proposals to Amend the United States Constitution regarding Regulation of Campaign Finance Activity
Date: Friday, June 7, 2024 4:16:59 PM

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Jonathan Wayne, Executive Director
State of Maine
Commission on Governmental Ethics and Election Practices
135 State House Station
August, Maine 04333-0135
Jonathan.Wayne@maine.gov

Dear honorable members of The Maine Commission on Governmental Ethics and Election Practices:

My name is Rebecca Wentworth. I live in Blue Hill, Maine. I have been and still am deeply involved in removing this corrupt and immoral court decision since 2010. I now believe that the Supreme Court was/is disingenuous as exhibited in this statement "...that the anti corruption interest is not sufficient to displace the speech in question from Citizens United and that "independent expenditures, including those made by corporations, do not give rise to corruption or the appearance of corruption" (see <https://www.fec.gov/legal-resources/court-cases/citizens-united-v-fec/>). There is plenty of evidence now to prove that this statement can be disavowed and turned over. Please do the work to make this possible. It's time that morality in elections be restored.

I believe there was corrupt intent to plant this decision into our body of law and it has been a source of ongoing corruption not only for our elections for government positions but for the Supreme Court itself. It cannot be too soon that the Citizens United decision be countered and removed.

The Citizens United decision has been instrumental in lowering US citizens' trust and belief in our government. It's time and past time to restore this trust.

To a better life

Rebecca Wentworth

Best voting advice: Voting isn't marriage. It's public transport. You're not waiting for "the one". You're getting on the bus. And if there isn't one going exactly to your destination,

you don't stay home and sulk. You take the one that's going closest to where you want to be.

From: [Anne Winchester](#)
To: [Wayne, Jonathan](#)
Subject: Public Comment on Proposals to Amend the United States Constitution regarding Regulation of Campaign Finance Activity
Date: Sunday, May 26, 2024 3:12:00 PM

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Jonathan Wayne, Executive Director
State of Maine
Commission on Governmental Ethics and Election Practices
135 State House Station
Augusta, Maine. 04333-0135
Jonathan.Wayne@ [maine.gov](mailto:Jonathan.Wayne@maine.gov)

May 25, 2024

Dear honorable members of The Maine Commission on Governmental Ethics and Election Practices:

My name is Anne Winchester, and I am a resident of the village of Pemaquid in the Town of Bristol. I am in support of an anti-corruption amendment to the U.S. Constitution.

I recall as a youngster growing up in Brunswick in the '60s that people sometimes wore political buttons in favor of their preferred candidate. That was about the extent of public influence in our town, other than letters of endorsement in the local paper and local campaigning by candidates and their backers (not uncommonly, door to door).

I am disgusted with our present situation where the candidate who amasses the most money is the candidate most likely to win an election. We are inundated with emails, urgent letters, television ads, and phone calls to send money not only to our local candidates but also to multitudes of candidates across the country. These people don't even represent us, yet they plead with us to send money so that their agenda will win out over their opposition. With every plea for money it feels as though my vote is de-valued. We now seem to resort to "buying" candidates rather than relying on the (diminishing) power of our votes.

It's appalling that today's ceaseless ratcheting up of campaign spending is also sometimes invested in nasty attacks on the opposition, repetitive manipulation or distortion of facts, and even brazen lies. Worse, this constant pressure is carried out anonymously. We have no idea who or how much foreign or corporate money is behind these manipulative messages. I am not alone in fearing for the future of our democracy under this pressure.

For these reasons, I volunteered to collect signatures for both recent attempts to get this issue on the ballot. It was not easy duty, as we collected signatures outdoors in bitter temperatures (and sometimes in snow) in the midst of the COVID pandemic. The hours put in were well worth it; the issue ultimately passed by a resounding 86% statewide vote in 2023.

I respectfully ask our Congressional Delegation to listen to the 86% of Maine voters who want

to see a return to election integrity and a restoration of our confidence in democracy. **Please support an anti-corruption amendment to the U.S. Constitution that will allow States and Congress to set reasonable limits on campaign spending.** This is an urgent and vital matter for the sake of our future.

Thank you for all that you do for each of us, and thank you for your attention to this important issue.

Sincerely,
Anne S. Winchester
anniesmart@me.com
207-677-6585

From: [Shelby Wright](#)
To: [Aube, Julie](#)
Subject: Public Comment on Proposals to Amend the United States Constitution regarding Regulation of Campaign Finance Activity
Date: Friday, June 7, 2024 1:02:54 PM
Attachments: [Shelby Wright MEC Comments 6 7 24.pdf](#)

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Jonathan Wayne, Executive Director
State of Maine
Commission on Governmental Ethics and Election Practices
135 State House Station
August, Maine 04333-0135
Jonathan.Wayne@maine.gov

RE: Public Comment on Proposals to Amend the United States Constitution regarding Regulation of Campaign Finance Activity

June 06, 2024

Dear honorable members of The Maine Commission on Governmental Ethics and Election Practices:

My name is Shelby Wright, I am a resident of Hampden, ME and I am submitting comments in support of an anti-corruption amendment to the U.S. Constitution.

I've lived in Maine for 18 years. Over that time, but especially in the past decade, I've been shocked at the continuous rise in political spending. Election season now brings nothing but an onslaught of repetitive and often negative political ads, mailers, and targeted online advertising and pop-ups. The worst part is that we often have no idea where the money needed to finance these efforts comes from.

This cycle, it is anticipated that there will be \$16 billion spent nationwide! What else could be done with that money??

As a field organizer with American Promise, I talk with Mainers from across the political spectrum about campaign finance reform. I have personally spoken to thousands of Maine voters; most feel their voices are being drowned out by dark money special interest groups that spend tens of millions of dollars to interfere in our elections.

Regardless of their political affiliation, Mainers feel strongly that there is too much money in

our political system, they have voted and passed referendum seeking limits to outside spending and now they are asking our Members of Congress to lead.

With my voice to amplify theirs, I respectfully call on our Members of Congress to work to advance an anti-corruption amendment to the U.S. Constitution that will allow States and Congress to set reasonable limits on campaign spending.

Thank you for continuing the work on this issue.

Sincerely,

Shelby D Wright

Shelby.d.wright@gmail.com

207-592-6432

--

Shelby D Wright

207-592-6432

From: [Douglas Yohman](#)
To: [Aube, Julie](#)
Subject: Protect Maine Elections
Date: Thursday, June 6, 2024 3:39:06 PM

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

After three winters spent collecting hundreds of petition signatures outside a local business my efforts, and Maine voters, are subjugated to big money interests who can pay lawyers to drag an issue through the court system and upend election results. My first two efforts concerned the NECEC petition. In both cases the will of Maine voters was completely ignored in decisive elections against NECEC.....despite the foreign campaign money pouring in from foreign interests (Hydro-Quebec and CMP's parent company, Iberdrola). Ironically, a jury decided the case instead of thousands of Maine votes. My third effort concerned Protect Maine Elections which also was voted in by a slam dunk. Now corporate interests are holding this up with a court case- in the guise of freedom speech? An election is when the people speak.

Maine has a tradition of its citizens being able to have a voice in their affairs though petitions to get an issue on the ballot. They do it voluntarily and not without just cause. To disregard this process snubs the individual rights this country is based upon. Unfortunately, corporations consider themselves to be better "people" than the people who don't have to put their money where their mouth is.



**INSTITUTE FOR
FREE SPEECH**

June 18, 2024

Mr. Jonathan Wayne
Executive Director
Maine Commission on Governmental Ethics and Election Practices
135 State House Station
Augusta, Maine 04011

Re: Proposals in the U.S. Congress to Amend the First Amendment

Dear Mr. Wayne:

Thank you for requesting comments to be considered for your annual report on constitutional amendments regarding campaign finance laws, which is required under the law enacted by Question 2 in 2023. The Institute for Free Speech submits these comments expressing our deep concerns about measures to amend the First Amendment to the U.S. Constitution.

We should not tamper with the First Amendment. The First Amendment has stood the test of time, along with the rest of the Bill of Rights.

The leading constitutional amendment proposals under consideration by Congress are [H. J. RES. 13](#), a bill originating in the House of Representatives introduced by Mr. Schiff of California on January 9, 2023, and referred to the House Committee on the Judiciary; and [S. J. RES. 45](#), introduced by Sen. Shaheen of New Hampshire on September 14th, 2023, and referred to the Senate Committee on the Judiciary.

These constitutional amendments are over four times longer than the First Amendment they seek to amend. Further, each appears to grant unlimited powers to Congress and the states to regulate speech if lawmakers can assert any connection to “influence elections,” whatever that phrase means.

Opposition to these proposals can be fairly characterized as bipartisan. Former White House Counsel to President Barack Obama, Bob Bauer, noted that “[t]he case for a constitutional change must rest on the claim that the problem an amendment would address is so fundamental that, in the words of James Madison, it qualifies as one of the ‘great and extraordinary occasions’ for revising the founding document,” and challenged supporters to furnish evidence that would substantiate their claims.¹

¹ Bob Bauer, “‘Great and Extraordinary Occasions’ for Constitutional Reform—and The Question of Evidence,” *More Soft Money Hard Law*. Retrieved on June 2, 2014. Available at: <http://www.moresoftmoneyhardlaw.com/2014/05/great-extraordinary-occasions-constitutional-reform-question-evidence/> (May 19, 2014).

If adopted, either of these amendments would help entrench elected officials by insulating incumbent politicians from criticism and granting legislators unprecedented power to regulate the speech of those they serve.

Both leading measures have similar wording of this key phrase: “Congress and the States may regulate and impose reasonable viewpoint-neutral limitations on the raising and spending of money by candidates and others to influence elections.”

This raises a host of unanswered questions. Would spending by independent groups require lowering the amount a candidate could spend? What would be included in spending “to influence elections?” Given the broad grant of authority over political speech, much speech might be construed as having a purpose to influence elections.

For example, if a group ran communications urging the protection of abortion rights, a salient issue in current election campaigns, could such speech be limited? Such an amendment could make that alarming scenario a reality, even if the communications didn’t mention any candidate or party.

What about nonpartisan voter guides, candidate forums, and similar educational efforts? All these efforts might influence an election and be subject to direct government control with no recourse in court.

And consider that services at churches, mosques, and synagogues might discuss current events. Maybe there will be a discussion of the morality of war. It is possible, even likely, that the amendments would give lawmakers direct control over religious speech if such speech discusses current events and takes a position on issues.

The amendments are unclear about who regulates what

A previous version of these amendments gave states power over state election campaign speech and Congress power over federal election speech. However, the current proposals do not restrict states to regulating money in state election campaigns and Congress to regulating funds spent on federal election campaigns. The fact that such a restriction was stripped from the bill would, as a general matter of statutory interpretation, mean the original limitation is not there. Potentially, states could raise Tenth Amendment arguments to void any federal regulation of state spending on election campaigns, and the federal government could claim supremacy to void any state regulation of federal candidates. However, since this is a constitutional amendment, such arguments could be swept aside. At a minimum, this potential legal battle is a distinct possibility. And Congress might well claim that any election with a federal candidate on the ballot is subject to federal rules.

The unclear media exemption

Both measures also provide that “[n]othing in this article shall be construed to grant Congress the power to abridge the freedom of the press.” Presumably, this is intended to serve as a “media exemption” – a provision often included in campaign finance statutes to preserve the rights of *The New York Times* editorial board and Fox News’s Sean Hannity to endorse and campaign for candidates. However, the scope of such an exemption is unclear. The right to a free press does not extend a specific speech right to media corporations that

other Americans do not have. The free press clause is merely a natural corollary of the free speech clause; it protects the right to publish and distribute the written word, audio, or video. The Supreme Court has “consistently rejected the proposition that the institutional press has any constitutional privilege beyond that of other speakers.”² And even if “the press” did confer a separate sanction for specific speech, the Supreme Court in 2010 noted that “[w]ith the advent of the Internet and the decline of print and broadcast media, moreover, the line between the media and others who wish to comment on political and social issues becomes far more blurred.”³

This uncertainty over who qualifies for the media exemption may not faze the regulators, who tend to favor established players at the expense of newcomers. The Federal Election Commission, for example, has traditionally applied the media exemption by asking, “[f]irst . . . whether the entity engaging in the activity is a press or media entity.”⁴ In other words, to qualify as a media entity, a speaker must first be a media entity. The amendments’ special exemption for the press would further entrench this model of circular reasoning and preferential treatment for certain speakers over others; it protects the right to publish for all.

A Historical Perspective on Campaign Finance Laws

Before the 1970s, there were no limits on individual contributions to federal candidates, except for limited restrictions on government employees and contractors. The Commission should remember that voters elected FDR, Truman, Eisenhower, Kennedy, and Johnson as president without such limits. Was landmark legislation such as the Voting Rights Act, Medicare, and the Civil Rights Act the product of a corrupt system, given that individual contributions were unlimited to any candidate? Of course not.

Consider the role of this system that allowed unlimited contributions to candidates and its impact on the 1968 Democratic primary and the debate on the Vietnam War. In late November 1967, Minnesota Senator Eugene McCarthy decided to challenge President Lyndon Johnson for the Democratic nomination. At first, people thought McCarthy’s campaign would be quixotic. However, with no contribution limits, Senator McCarthy assembled a well-funded campaign from a few wealthy donors who shared his opposition to the Vietnam War. McCarthy concentrated on the New Hampshire primary, and his campaign’s number one issue was ending the war.

His wealthy backers gave the equivalent of about \$14 million in today’s dollars to fund the campaign, an enormous amount at the time. As a result of his showing in New Hampshire, McCarthy forced President Johnson out of the race, a feat not duplicated since the enactment of contribution limits.

² *Citizens United v. FEC*, 558 U.S. 310, 352 (2010) (internal citations and quotations omitted).

³ *Id.*

⁴ Federal Election Commission Adv. Op. 2010-08 (*Citizens United*) at 4.

Today, about a dozen states, including many of the nation's least corrupt⁵ and best-managed⁶ states, have no limits on individual contributions to candidates or parties.

Conclusion

These vague and poorly drafted amendments to amend our Constitution would shred the protections of the First Amendment, stifle political dissent, and grant lawmakers effectively unlimited power to control political speech.

The First Amendment is not – and never has been – conditioned upon a level playing field. There has never been a time in American history where everyone spoke equally and was heard equally, and there never will be. Few will ever be as famous as Oprah Winfrey, run a newspaper, or anchor a television news program. The purpose of the First Amendment is to protect us from being censored or punished for our views by the government so that we may always speak without limit to other citizens. These amendments would threaten that vital right.

Respectfully submitted,



David Keating
President

⁵ Adriana Cordis and Jeff Milyo, "Working Paper No. 13-09: Do State Campaign Finance Reforms Reduce Public Corruption?" Mercatus Center at George Mason University. Retrieved on June 2, 2014. Available at: mercatus.org/sites/default/files/Milyo_CampaignFinanceReforms_v2.pdf (April 2013); Matt Nese and Luke Wachob, "Do Lower Contribution Limits Decrease Public Corruption?," Center for Competitive Politics' Issue Analysis No. 5. Retrieved on June 2, 2014. Available at: https://www.ifs.org/wp-content/uploads/2013/08/2013-08-01_Issue-Analysis-5_Do-Lower-Contribution-Limits-Decrease-Public-Corruption1.pdf (August 2013).

⁶ Matt Nese and Luke Wachob, "Do Lower Contribution Limits Produce 'Good' Government?," Center for Competitive Politics' Issue Analysis No. 6. Retrieved on June 2, 2014. Available at: https://www.ifs.org/wp-content/uploads/2013/10/2013-10-08_Issue-Analysis-6_Do-Lower-Contribution-Limits-Produce-Good-Government1.pdf (October 2013); Matt Nese, "Do Limits on Corporate and Union Giving to Candidates Lead to 'Good' Government?," Center for Competitive Politics' Issue Analysis 7. Retrieved on June 2, 2014. Available at: https://www.ifs.org/wp-content/uploads/2013/11/2013-11-20_Issue-Analysis-7_Do-Limits-On-Corporate-And-Union-Giving-To-Candidates-Lead-To-Good-Government.pdf (November 2013).

Maine Policy Institute's Comment Submission to the Maine Ethics Board

House Joint Resolution 13 and Senate Joint Resolution 45 of the 118th Congress would override the U.S. Supreme Court's ruling in *Citizens United v. FEC* which states that independent corporate expenditures in elections cannot be regulated. The current rule under *Citizens United* is that while a direct political contribution can be regulated, a private entity that independently spends its own money supporting or opposing a candidate cannot be, as these expenditures equate to political speech. The rule applies to natural-person people and corporations.

The language of both resolutions would remove speech protections to allow governments at any level in the United States to regulate corporate expenditures in elections. Therefore, the central effect of both proposals is to severely limit the U.S. Constitution's protections of political speech. We should always be incredibly cautious in considering any proposal that limits First Amendment protections.

There are only a few differences between House Resolution 13 and Senate Resolution 45, both of which Maine Policy opposes. Joint Resolution 13 specifies that the regulations on finance must be viewpoint-neutral and allow increased public funding for elections to offset private wealth increase. The requirement of viewpoint neutrality is noteworthy. By failing to ban such practices explicitly, Senate Resolution 45 empowers governments at any level to restrict spending solely on the political ideology of the group making the expenditure, which severely limits First Amendment rights.

As to the chance of success on these resolutions, constitutional amendments must first be supported by two-thirds of members in each congressional chamber to be added to our nation's Constitution. It is extremely unlikely that either of these measures could receive the necessary two-thirds support in either chamber to move forward. The proposed resolutions have been co-sponsored by Maine Reps. Chellie Pingree and Jared Golden, as well as Sen. Angus King. However, it should be noted that no Republican elected official has cosponsored one of these resolutions.

Thus, even if one of these proposals were to pass out of Congress miraculously with supermajority support, it would then need to be ratified by three-fourths (38) of state legislatures. This is even more unlikely, as only 17 states currently have a Democratic party trifecta. While the subject of whether these proposals represent bad or good policy is not being addressed by the Ethics Commission, the potential impacts these resolutions would have on Mainers' First Amendment rights is worth noting.



June 19, 2024

Jonathan Wayne
Executive Director
Maine Commission on Governmental Ethics and Election Practices
135 State House Station
Augusta, ME 04333
Jonathan.Wayne@maine.gov

Dear Director Wayne,

Pursuant to Section 2(3) of [21-A MRSA § 1064](#) (“Ballot Question 2”), the Maine Commission on Governmental Ethics and Election Practices (the “Ethics Commission”) is charged with issuing an annual report “identifying anticorruption amendment proposals introduced in Congress, and the members of Maine’s Congressional Delegation sponsoring such proposals.”

To support the Ethics Commission in carrying out its charge, American Promise respectfully submits these comments with two primary goals: (1) to provide the Commission with an overview of the active support of Maine’s Congressional Delegation for amendment proposals pending in the 118th Congress, and (2) to recommend an approach for assessing whether particular amendment proposals comply with Section 2 of Ballot Question 2.

[American Promise](#) is a nonprofit organization that mobilizes broad, cross-partisan support for an amendment to the United States Constitution that would empower the States and Congress to set reasonable guardrails on money in our political system. We are proud to have over 8,000 supporters in the State of Maine, including several volunteer leaders who dedicate countless hours to educating their fellow citizens about a workable and enduring constitutional solution to the vexing problem of money in politics.

I. Overview of Ballot Question 2’s Constitutional Amendment Provisions

On November 7, 2023, over [eighty-six percent](#) (86%) of the voters in Maine voted in favor of Ballot Question 2.

Ballot Question 2 has two main sections: Section 1 contains provisions to implement a prohibition of foreign spending in Maine’s elections, and Section 2 contains provisions that reaffirm Maine’s support for an amendment to the United States Constitution that would allow the States and Congress to enact limits on the role of money in elections. In this document, we focus exclusively on Section 2 of Ballot Question 2.

Section 2 has three key elements. **First**, it reaffirms support of [Senate Paper 548](#) (“the 2013 Maine Resolution”), a joint resolution from 2013 in which Maine’s legislature declared “our support for an amendment to the United States Constitution regarding campaign finance that would reaffirm the power of citizens through their government to regulate the raising and spending of money in elections.” The 2013 Maine Resolution also called upon “each Member of the Maine Congressional Delegation to actively support and promote in Congress an amendment to the United States Constitution on campaign finance.” Section 2 of Ballot Question 2 incorporates the substantive principles of the 2013 Maine Resolution by reference.

Second, Section 2 articulates the types of principles that should be included in an effective anticorruption constitutional amendment:

A. That governmental power derives from the people, and influence and participation in government is a right of all the people and under the Constitution of Maine and the United States Constitution, should not be allocated or constrained based on the use of wealth to influence the outcome of elections and referenda; and

B. That Maine and the several states, and Congress with respect to federal elections, must have the authority to enact reasonable limits on the role of money in elections and referenda to secure the rights of the people of Maine to free speech, representation and participation in self-government; the principles of federalism and the sovereignty of the State of Maine and

the several states; and the integrity of Maine elections and referenda against corruption and foreign influence.¹

Third, Section 2 includes a critical accountability provision:

For seven consecutive years beginning on July 31, 2023, the Commission on Governmental Ethics and Election Practices shall issue a report, following public comment, identifying anticorruption amendment proposals introduced in Congress, and the members of Maine’s Congressional Delegation sponsoring such proposals.²

In the remainder of this document, we will (1) identify the anticorruption amendment proposals that have been introduced in the 118th Congress, noting support by members of Maine’s Congressional Delegation for such proposals, and (2) offer an approach for assessing whether any given anticorruption amendment proposal satisfies the principles set forth in the 2013 Maine Resolution and Section 2 of Ballot Question 2.

II. The Congressional Delegation’s Active Support for Anticorruption Amendment Proposals Pending in the 118th Congress

American Promise regularly monitors joint resolutions introduced in Congress calling for an amendment to the U.S. Constitution concerning the regulation of money in elections and campaigns. Thus far in the 118th Congress, there have been four such bills introduced in the U.S. House of Representatives and two in the U.S. Senate.

The following table lists those bills and indicates whether members of Maine’s Congressional Delegation “actively support and promote”³ such bills as sponsors or cosponsors:

¹ 21A M.R.S. § 1064, Section 2(2)(A)-(B).

² 21A M.R.S. § 1064, Section 2(3).

³ 21A M.R.S. § 1064, Section 2(1)(A).

118th Congress (2023-2025)	Maine's Congressional Delegation			
Resolution Proposing an Anticorruption Amendment	Senator Collins	Senator King	Representative Pingree	Representative Golden
House Joint Resolution 13 (Sponsor: Rep. Adam B. Schiff, 1/9/2023)			Cosponsor (1/20/23)	Cosponsor (1/20/23)
Senate Joint Resolution 3 (Sponsor: Sen. Jon Tester, 1/22/2023)				
House Joint Resolution 48 (Sponsor: Rep. Pramila Jayapal, 3/30/2023)				
House Joint Resolution 54 (Sponsor: Rep. Pramila Jayapal, 4/10/2023)			Cosponsor (6/20/23)	
House Joint Resolution 78 (Sponsor: Rep. James P. McGovern, 6/22/2023)				
Senate Joint Resolution 45 (Sponsor: Sen. Jeanne Shaheen, 9/14/2023)		Cosponsor (9/14/23)		

In addition to the formal measures of support listed above, members of Maine's Congressional Delegation have also met with constituents to discuss anticorruption amendment proposals. Just last week, during a Citizen Lobby Day organized by American Promise in Washington, D.C., Maine constituents were able to meet in person with Senator Susan Collins, Senator Angus King, and Representative Jared Golden.

III. Recommended Approach for Reviewing Amendment Proposals

To fulfill its reporting obligations under Section 2(3), each year the Ethics Commission will have to review “anticorruption amendment proposals” that have been introduced in Congress.

To qualify as an “anticorruption amendment” within the meaning of Question 2, the proposed amendment must be consistent with the principles of the 2013 Maine Resolution and the principles set forth in Section 2(2)(A)-(B) of Ballot Question 2:

A. That governmental power derives from the people, and influence and participation in government is a right of all the people and under the Constitution of Maine and the United States Constitution, should not be allocated or constrained based on the use of wealth to influence the outcome of elections and referenda; and

B. That Maine and the several states, and Congress with respect to federal elections, must have the authority to enact reasonable limits on the role of money in elections and referenda to secure the rights of the people of Maine to free speech, representation and participation in self-government; the principles of federalism and the sovereignty of the State of Maine and the several states; and the integrity of Maine elections and referenda against corruption and foreign influence.⁴

Having reviewed the text of the [2013 Maine Resolution](#) and the requirements of Section 2 in [Ballot Question 2](#), we can distill four principles that should be present in a proposed anticorruption amendment:

1. The “popular sovereignty” principle: Does the amendment reaffirm popular sovereignty by recognizing that governmental power derives from the people through an effective system of representative self-government?

⁴ 21A M.R.S. § 1064, Section 2(2)(A)-(B).

2. The “States and Congress decide” principle: Does the amendment empower the States and Congress to decide whether and how to enact reasonable limits on money in elections, campaigns, and referenda?
3. The “federalism” principle: Does the amendment recognize the intersection of federalism and money in politics?
4. The “electoral integrity” principle: Does the amendment allow for the protection of the electoral process against threats to its integrity?

In this section, we provide background and an approach for the Commission to consider in determining whether current or future legislation supported by a Member of the Maine Delegation reaffirms these principles. We use American Promise’s preferred amendment language — the [For Our Freedom Amendment](#) — as an example of a text that would satisfy all of the requirements of the 2013 Maine Resolution and the principles set forth in Section 2(2)(A)-(B) of Question 2.

The text of the For Our Freedom Amendment grew out of engagement with Americans from across the political spectrum and throughout the country, as well as elected officials, political experts, law professors, judges and lawyers, and leaders across many sectors. American Promise convened dozens of town halls and community meetings in every region of the nation. We received comments, suggestions, and criticism through our website. Here is the text of the amendment:

For Our Freedom Amendment

Section 1. We the People have compelling sovereign interests in the freedom of speech, representative self-government, federalism, the integrity of the electoral process, and the political equality of natural persons.

Section 2. Nothing in this Constitution shall be construed to forbid Congress or the States, within their respective jurisdictions, from reasonably regulating and limiting contributions and spending in campaigns, elections, or ballot measures.

Section 3. Congress and the States shall have the power to implement and enforce this article by appropriate legislation and may distinguish between natural persons and artificial entities, including by prohibiting artificial entities from raising and spending money in campaigns, elections, or ballot measures.

A. Does the amendment satisfy the “popular sovereignty” principle?

As Ballot Question 2 recognizes,⁵ popular sovereignty is the basis of all legitimate governmental power in the United States.⁶ At the time of the nation’s founding, popular sovereignty was the revolutionary idea that all political power derives from the people — not royal, aristocratic, or monied interests. It was the key concept that brought together the various elements of America’s new constitutional order: “Relocating sovereignty in the people by making them ‘the fountain of all power’ seemed to make sense of the entire system.”⁷

Through both Ballot Question 2 and the 2013 Maine Resolution, the people of Maine seek an amendment to restore the sovereign power of the American people that has been undermined by the current regime of unlimited money in campaigns and elections. There are multiple ways for a proposed amendment to satisfy this “popular sovereignty” principle, but we believe that an explicit textual reference to the concept is best. For example, the text of Section One of the For Our Freedom Amendment affirms this principle because it explicitly acknowledges several compelling interests that belong to “We the People” as “sovereign.”

B. Does the amendment satisfy the “States and Congress decide” principle?

Under our system of separated powers, the States and Congress, not the judiciary, are meant to have the primary responsibility for making policy and the flexibility to adapt to new challenges. However, the domain of campaign finance has become a glaring

⁵ See 21A M.R.S. § 1064, Section 2(2)(A)-(B)

⁶ See *The Federalist No. 49*, 310 (James Madison) (2003 ed.) (“[T]he people are the only legitimate fountain of power, and it is from them that the constitutional charter, under which the several branches of government hold their power, is derived[.]”).

⁷ Gordon S. Wood, *The Creation of the American Republic 1776-1787*, at 532 (1998).

exception to the general principle that the political branches have the power and responsibility to make policy.

Beginning in 1976 with *Buckley v. Valeo*,⁸ the Supreme Court has converted the judicial branch into the nation's apex campaign finance regulator.⁹ *Buckley* arose after Congress amended the Federal Election Campaign Act (FECA) to address problems that came to light after the Watergate scandal. Soon after Congress amended FECA to require limits and disclosure for campaign contributions and expenditures, challengers filed lawsuits claiming that the provisions violated the First Amendment. In *Buckley*, the Supreme Court sided with the challengers and struck down several of FECA's provisions. The opinion functionally equated the spending of money in politics with freedom of speech — thereby subjecting campaign finance laws to the type of exacting judicial scrutiny that had previously been applied to laws that actually regulated speech.¹⁰

Since then, the Supreme Court and federal judiciary have relied on *Buckley* in striking down a number of attempts by the States and Congress to regulate election spending. Some of *Buckley*'s most significant progeny include:

- [*First National Bank of Boston v. Bellotti*](#), 435 U.S. 765 (1978), holding that corporations have a First Amendment right to spend money to publicize opposition to a ballot initiative, striking down a Massachusetts statute prohibiting corporations from making contributions or expenditures to influence ballot questions.
- [*Citizens United v. Federal Election Commission*](#), 558 U.S. 310 (2010), holding that corporations have a First Amendment right to make unlimited independent expenditures in elections and striking down the Tillman Act of 1907 and bans on corporate expenditures in the Federal Election Campaign Act and Bi-Partisan Campaign Reform Act as applied to independent expenditures.
- [*Speechnow.org v. FEC*](#), 599 F.3d 686, (D.C. Cir. 2010), giving rise to “super PACS”

⁸ 424 U.S. 1, 14 (1976).

⁹ See generally Richard Briffault, *On Dejudicializing Campaign Finance Law*, 27 Ga. St. U. L. Rev. 887 (2011).

¹⁰ *Buckley v. Valeo*, 424 U.S. 1, 14 (1976) (“The Act’s contribution and expenditure limitations operate in an area of the most fundamental First Amendment activities”).

by holding that individuals have a First Amendment right to make unlimited contributions to independent political action committees.

- [*Arizona Free Enterprise Club's Freedom Club PAC v. Bennett*](#), 564 U.S. 721 (2011), invalidating Arizona's public financing scheme in which candidates received supplemental funds based on an opponent's spending.
- [*American Tradition Partnership v. Bullock*](#), 567 U.S. 516 (2012) (per curiam), announcing that the holding of *Citizens United* also applies to state campaign finance laws, striking down a 100-year-old Montana law restricting corporate expenditures in elections.
- [*McCutcheon v. Federal Election Commission*](#), 572 U.S. 185 (2014), holding that aggregate limits applicable to individuals' political contributions are unconstitutional.

Amendment proposals supported by the Maine Delegation should reject the *Buckley* doctrine by recognizing that the States and Congress should get to decide whether and how to regulate campaign finance. With an appropriate amendment in place, the Supreme Court would then largely defer to those policy-oriented, legislative choices. That does not mean that there should be no judicial review of campaign finance laws, but such review would focus on whether a policy falls beyond the outer bounds of reasonableness — for example, by discriminating against minorities or particular viewpoints.

The text of Section Two of the For Our Freedom Amendment satisfies the “States and Congress decide” principle because it explicitly permits “Congress or the States, within their respective jurisdictions” to reasonably regulate and limit contributions and spending in campaigns, elections, or ballot measures.

C. Does the amendment satisfy the “federalism” principle?

With so much money coming from so [few zip codes](#), our elections have become hyper-nationalized, and the local norms and voices that are so essential to maintaining

the legitimacy of government are buried under an avalanche of out-of-state money.¹¹ This dynamic — ushered in by the *Buckley* doctrine — threatens federalism, which is meant to be a key way to manage political differences and disagreements in a large, pluralistic republic.

Federalism embraces decentralization so that laws can reflect differing norms throughout the country.¹² Federalism recognizes the potential virtues of decentralization, localism, and subsidiarity — i.e., the possibility that social problems may be better addressed at the most local level that can feasibly and justly resolve them. In a vast, diverse democracy where value pluralism is a fact of American life, the structural device of federalism serves as a localizing tug that gives a more meaningful voice to Americans than would be possible in a highly centralized political system.

By explicitly invoking federalism, Section One of the For Our Freedom Amendment satisfies the “federalism” principle called for by the 2013 Maine Resolution and Ballot Question 2.

D. Does the amendment satisfy the “electoral integrity” principle?

The existence of integrity in the electoral process is necessary to generate and maintain trust in representative self-government. To satisfy the “electoral integrity” principle of the 2013 Maine Resolution and Ballot Question 2, any proposed amendment should empower the States and Congress to protect the electoral process against corruption and foreign threats and interference.¹³

¹¹ For an overview of the massive outside spending in the 2020 U.S. Senate race in Maine, see American Promises’s April 2021 report, [Under the Avalanche](#).

¹² See, e.g., *Gregory v. Ashcroft*, 501 U.S. 452, 458 (1991) (explaining that federalism “preserves to the people numerous advantages. It assures a decentralized government that will be more sensitive to the diverse needs of a heterogeneous society; it increases opportunity for citizen involvement in democratic processes; it allows for more innovation and experimentation in government; and it makes government more responsive by putting the States in competition for a mobile citizenry.”)

¹³ For an overview, see American Promise’s December 2023 report, [The Problem of Foreign Money in Politics](#).

Section One of the For Our Freedom Amendment explicitly recognizes “the integrity of the electoral process” as a “compelling sovereign interest” belonging to the American people. This textual component of the amendment provides support for the ability of the States and Congress to pass laws designed to protect the electoral process and improve trust in electoral outcomes.

IV. Conclusion

Thank you for considering these comments. We hope the Commission will incorporate the approach set forth in this letter when preparing its report. Please do not hesitate to contact us with any questions.

Best regards,

Brian Boyle
Chief Program Officer & General Counsel
American Promise

Chris Cayer
Maine State Manager
American Promise



215 Pennsylvania Avenue, SE • Washington, D.C. 20003 • 202/546-4996 • www.citizen.org

May 17, 2024

Maine Commission on Governmental Ethics and Election Practices
135 State House Station
Augusta, Maine 04011

Public Citizen Joins with the Overwhelming Majority of American Citizens in Support of the “Democracy for All” Amendment

Public Citizen worked in defense of the nation’s campaign finance laws as amici in the 2010 *Citizens United v. FEC* decision, and have helped draft and promote the “Democracy for All” constitutional amendment designed to overturn that decision ever since.

While Public Citizen is on record supporting a number of different constitutional amendments that would overturn the *Citizens United* decision, the “Democracy for All” amendment is carefully crafted to gain the strongest base of support in Congress and among the American people. The amendment does not mandate the dimensions of a revitalized campaign finance system. Instead, it transfers the legislative authority to establish and enforce campaign finance laws from the U.S. Supreme Court back to Congress and the state legislatures. The amendment allows Congress and the states to impose reasonable limits on campaign contributions and expenditures, establish public financing of campaigns, and prohibit campaign spending by corporations and artificial entities, if Congress and the states so choose.

The “Democracy for All” amendment not only reverses the *Citizens United* decision but also a swath of campaign finance court rulings beginning with the 1976 *Buckley v. Valeo* decision.

There is a direct line from the U.S. Supreme Court’s horrific *Citizens United* decision to the rise of autocratic movements threatening the very existence of our democracy. In entrenching the ‘right’ of corporations and the super-rich to spend whatever they choose to influence election outcomes, the courts have transformed our campaign finance system from flawed to frightful.

Citizens United and other court decisions have entrenched an American oligarchy. As one shocking measure of this oligarchic control: The top [100 donors](#) are responsible for two-thirds of all super PAC contributions. Just 100 people!

The tiny number of donors – overwhelmingly wealthy white men – and corporations that dominate election spending exert an outsized and undemocratic effect on who runs for office, how candidates campaign, what policies are debated, who wins, and what are considered the boundaries of legitimate policy debate.

It is this system that explains, as much as any other factor, why Americans are denied the policies they overwhelmingly favor: lowering drug prices, raising the minimum wage, protecting clean water, breaking up the Big Banks, making corporations and the rich pay their fair share of taxes, mitigating climate chaos, expanding Medicare, and much more.

The reality and perception of super rich and corporate control of our politics – as well as the failure of the government to address the felt needs of people across the nation – fuels despair and alienation. It creates ripe conditions for conspiracists and demagogues to offer false solutions and appeal to people’s worst instincts. It has fueled the movements that pose a clear and present danger to our democratic future.

We can’t go on like this – and there’s no reason we should. *Citizens United* and related court decisions are unmoored from the U.S. Constitution and basic notions of democratic accountability. It’s time for these decisions to be reversed by the Democracy for All amendment and return the legislative authority to determine campaign finance laws back to Congress and the states. The Supreme Court justices who have usurped this legislative authority have never run for elective office and have never had to manage campaigns. It is legislators who know best what it takes to run a campaign and who realize the problems of unregulated money in politics.

The public is demanding action. [Four in five Americans](#) oppose *Citizens United* – Republicans, Democrats and Independents alike. Twenty-two states and more than 800 cities and towns have passed resolutions or ballot initiatives calling for a constitutional amendment, and millions of Americans have signed petitions calling for such an amendment.

Congress and the states must have the authority to establish and implement campaign finance laws returned to them. The “Democracy for All” amendment would do precisely that.

Sincerely,

On behalf of Public Citizen by
Craig Holman, Ph.D.
Government affairs lobbyist
Public Citizen
215 Pennsylvania Avenue, SE
Washington, D.C. 20003



Public Comment on Report on Proposals to Amend the United States Constitution regarding Regulation of Campaign Finance Activity

Jonathan Wayne, Executive Director
State of Maine Commission on Governmental Ethics and Election Practices
135 State House Station
August, Maine 04333-0135
Jonathan.Wayne@maine.gov

June 7th, 2024

Dear honorable members of The Maine Commission on Governmental Ethics and Election Practices,

Maine Citizens for Clean Elections has been the leading campaign finance organization in Maine for over thirty years and one of the nation's most respected state-based organizations advocating for democratically-funded elections.

MCCE supports a constitutional amendment to allow states and the federal government to set reasonable restrictions on campaign spending and endorsed the "Protect Maine Elections" initiative last year. The passage of that referendum by 86% of voters last fall has renewed the cross-partisan mandate for such restrictions and makes a strong statement to our Congressional delegation.

Voters have been clear about what they want our Congressional delegation to do, but the ability of voters to hold our delegation accountable depends on good information. That is where the role of the Ethics Commission and this report comes in.

Throughout U.S. history, when the Supreme Court was out of step with the will of the people, constitutional amendments have been necessary to lay out the powers of government to defend our rights. We believe that when policymakers consider how well our democracy is functioning, they should assess whether the will of the voters is being heard. Too often, there are big-money interests that try to use money to drown out the voice of the voters. When the money comes

from unaccountable sources, or when the amount of money from one source is so large that it warps the campaign dialogue, it has an undemocratic effect that needs to be corrected by policymakers.

It can be difficult for everyday Mainers to obtain objective information about these and other vital proposals. For this reason, we urge the Commission to carefully assess pending constitutional amendment proposals and provide a comprehensive report on the role of our delegation in supporting those measures.

We urge the Ethics Commission to share not only direct Congressional action such as sponsoring or voting for an amendment, but also public statements on the issue so that voters can assess how active the Congressional delegation's efforts are.

Jonathan Wayne, Executive Director
State of Maine
Commission on Governmental Ethics and Election Practices
135 State House Station
August, Maine 04333-0135
Jonathan.Wayne@maine.gov

June 7, 2024

Dear honorable members of The Maine Commission on Governmental Ethics and Election Practices:

Thank you for the opportunity to provide comment for your report on Maine's Congressional Delegations' support for an anti-corruption amendment to the US Constitution. We are writing on behalf of Veterans for All Voters, an organization dedicated to making our politics less polarizing and our government more effective. Through this work, we continue to serve our country.

Last November, over 86% of Maine voters expressed their support for an anti-corruption amendment to the United States Constitution by voting in favor of Question 2. That ballot measure calls upon "each member of Maine's Congressional Delegation to actively support and promote an effective anticorruption amendment to the United States Constitution[.]"

We urge Maine's Congressional Delegation to listen to the voters.

2024 will be a consequential election and Mainers will cast their votes for elected officials up and down the ballot. Participation in elections is essential to a healthy Republic.

But decisions made by unelected judges over five decades have undermined voters' influence in elections and injected large sums of unrestricted money into our state's political system.

Since the US Supreme Court's *Citizens United* decision in 2010, billions have been spent in local, state and federal elections. In the two decades prior to *Citizens United*, election-related spending added up to \$750 million. Now, nearly \$16 billion is expected to be spent in the 2024 cycle alone. Only very wealthy individuals and dark money special interest groups have the means to spend this much money. These sums are spent on advertising campaigns and organizations that engage in election activities to sway the outcome of races.

There is a risk that candidates become beholden to super-wealthy donors and entities to gain and keep their political position. The corrosive impact of money in politics has damaged trust in government and the ability of voters to hold their elected leaders accountable.

The unlimited, unrestricted money pouring into elections is a reason so many people are angry and fed-up with politics. It's not surprising that voters feel unheard, ignored and left behind in a system that is bought and paid for by wealthy individuals. Many of us simply can't compete in this era of endless pay-to-play politics.

Veterans for All Voters deeply understands that we all have a collective duty to protect our ability to self-govern. We have a responsibility to act.

Fortunately, there is a solution that our nation's founders passed to all of us — the ability to amend the Constitution. An anti-corruption amendment returns power to states and Congress to set new guardrails on out-of-control campaign spending.

Adopting such an amendment is an important and urgent step to restore accountability with elected leaders and remove a significant – if not primary – cause of our broken political system. We urge all our leaders, especially Maine's congressional delegation, to pledge their support for adopting this powerful and achievable constitutional amendment.

Eric Bronner
Founder
U.S. Navy Veteran

Chris Comora
Portland
Maine Leader
U.S. Navy Veteran

Erik Derecktor
Portland
Maine Leader
U.S. Navy Veteran



Jonathan Wayne, Executive Director
State of Maine
Commission on Governmental Ethics and Election Practices
135 State House Station
August, Maine 04333-0135

June 7, 2024

Dear honorable members of The Maine Commission on Governmental Ethics and Election Practices:

My name is Kaitlin LaCasse and I am the campaign manager for Protect Maine Elections, the campaign formed by Maine voters to support Question 2 on the 2023 ballot.

Last November, a record breaking 86% of Maine voters expressed their support for an anticorruption amendment to the United States Constitution by voting in favor of Question 2. This was the largest margin of victory on a Maine statewide ballot, ever. There are few issues, if any, where there is such a consensus among Maine voters.

That ballot measure called upon “each member of Maine’s Congressional Delegation to actively support and promote an effective anticorruption amendment to the United States Constitution[.]”

We are in the middle of what has already proven to be a vicious election cycle where there is projected to be \$16 billion spent, mostly in the form of negative attack ads paid for by dark money special interest groups. Maine voters are tired of being silenced. At the ballot box, voters from Caribou to Kittery and from Bethel to Lubec made clear that they want to ensure our elections and government are of, by, and for everyday people, not bought and paid for by wealthy special interests.

On behalf of the hundreds of thousands of Maine voters who voted in support of Question 2, I respectfully ask our Members of Congress to work to advance an anticorruption amendment to the U.S. Constitution that will allow States and Congress to set reasonable limits on campaign spending.

Best,

Kaitlin LaCasse
Campaign Manager
Protect Maine Elections

Jonathan Wayne, Executive Director
State of Maine
Commission on Governmental Ethics and Election Practices
135 State House Station
August, Maine 04333-0135
Jonathan.Wayne@maine.gov

May 30, 2024

Dear honorable members of The Maine Commission on Governmental Ethics and Election Practices,

My name is David O'Brien and I'm writing on behalf of RepresentUs to express our enthusiastic support for an anti-corruption amendment to the U.S. Constitution to allow Congress and states like Maine to set reasonable limits on campaign spending. RepresentUs is a nonpartisan, nonprofit organization committed to fighting political corruption and strengthening American democracy. We strongly supported the Question 2 campaign last year, which reaffirmed Maine's 2013 resolution calling for an anti-corruption amendment.

Maine is a national leader on money in politics, thanks to innovative policies like Question 2's foreign spending prohibition. Unfortunately, the U.S. Supreme Court has limited the ability of states and Congress to restrict the flow of money into politics, leading to an explosion of political spending since 2010. That trend is expected to continue this year, with nearly \$16 billion expected to be spent on the 2024 election cycle, up more than 30% from the 2020 election cycle.¹

This flood of money is deeply unpopular with the American people and has severely undermined the public's faith in our democracy. Limits on election spending are overwhelmingly supported by the public. Recent polling by the Pew Research Center found that 72% of American adults support limits on election spending and 85% believe that the cost of campaigns makes it hard for good people to run for office.² Thanks to the Supreme Court, however, a constitutional amendment is necessary to implement many of the reasonable restrictions on money in politics that the American people want.

¹ Helmore, Edward, "Record \$15.9bn in US political ad spending expected for 2024." *The Guardian*, 8 Dec. 2023, <https://www.theguardian.com/us-news/2023/dec/08/2024-election-ad-spending-record>

² Cerda, Andy & Daniller, Andrew, "7 facts about Americans' views of money in politics," *Pew Research Center*, 23 Oct. 2023, <https://www.pewresearch.org/short-reads/2023/10/23/7-facts-about-americans-views-of-money-in-politics/>

We applaud Maine's voters for taking a stand against political corruption and reaffirming the state's commitment to a constitutional amendment on money in politics. We look forward to seeing Maine's congressional delegation lead the way on this vital safeguard for our democracy. Thank you for your work on this important issue.

Sincerely,

David O'Brien
Policy Director
dobrien@represent.us
[RepresentUs](#)

Introduction

On November 7, 2023, Maine voters approved Question 2, which proposed a new section of Maine Election Law prohibiting foreign governments and entities that they control or influence from spending money to influence candidate or ballot question elections in Maine.¹ Eighty-six percent of Mainers who voted on the question approved of the initiative.

Question 2 contained a second section which called on members of Maine’s congressional delegation “to actively support and promote” an “anticorruption amendment” to the U.S. Constitution that would allow for greater regulation of how political campaigns are financed. The question directed the Commission to issue an annual report on proposals in the U.S. Congress to amend the Constitution, including whether they have been sponsored by Maine’s federal representatives:

For 7 consecutive years beginning on July 31, 2023, the Commission on Governmental Ethics and Election Practices shall issue a report, following public comment, identifying anticorruption amendment proposals introduced in Congress, and the members of Maine's Congressional Delegation sponsoring such proposals.

The Commission has identified six congressional resolutions introduced during the 118th Congress (2023-2024) proposing relevant constitutional amendments. This report:

- provides a thumbnail sketch of the legal landscape which has led some elected officials and policy organizations to advocate for a constitutional amendment concerning campaign finance,
- summarizes the proposals in Congress, noting which have been co-sponsored by members of Maine’s congressional delegation, and
- describes comments received by the Commission which are attached in the appendix.

¹ The language on the ballot was “Do you want to ban foreign governments and entities that they own, control, or influence from making campaign contributions or financing communications for or against candidates or ballot questions?”

In the report, the Commission has gathered information that is intended to assist in future policy discussions, but the Commission does not take any position on the amendments.

Legal Landscape

Modern campaign finance law in the United States consists of disclosure requirements and limits and prohibitions on spending or contributing money to influence elections. These laws have been enacted by the federal and state governments and vary significantly by jurisdiction. Decisions by the U.S. Supreme Court have had a substantial impact on the power of governments to regulate money in elections.

Key statutory features

Since the 1970s, federal and state governments have sought to regulate the raising and spending of money by candidates, the committees of political parties, and other financially active groups often referred to in law as “political committees” or “political action committees.” Campaign finance laws sometimes include:

- limits on the dollar amount of cash or in-kind contributions,
- prohibitions on contributions from certain sources (e.g., corporations, labor organizations, foreign nationals, or government contractors),
- limits or prohibitions on other expenditures to influence elections (these have often been subjected to particularly close scrutiny by the courts),
- attribution requirements in campaign advertising and other paid communications to voters,
- registration and financial reporting requirements for candidates, political parties, and political committees, and
- an option for candidates to participate in public campaign financing programs.

Selected judicial developments

Court decisions have invalidated or limited the scope of some federal or state campaign finance laws by concluding that the laws interfered with protected First Amendment freedoms of expression and association. This area of law is complex and difficult to summarize in a report of this scope. Nonpartisan discussions of these court decisions are available from the Congressional Research Service, the Federal Election Commission, and other sources.² This section highlights selected holdings in five important court decisions to illustrate how judicial interpretation of the First Amendment of the U.S. Constitution has restricted the authority of the federal and state governments to limit money in elections.

In *Buckley v. Valeo*, the U.S. Supreme Court considered 1974 amendments to the Federal Election Campaign Act (FECA) that required financial reporting in federal elections and attempted to place limits on contributions and spending by different actors in the election process. 424 U.S. 1 (1976). Among other findings, the Court determined that limits on spending by candidates and independent groups reduce the quantity of expression about political candidates and were not justified by the governmental interests of preventing corruption or equalizing the relative ability of different individuals and groups to influence elections. *Id.* at 45, 48-49, 55-56. The Court invalidated these spending limits in FECA. *Id.* at 58-59.

Buckley, however, upheld limits in FECA on the amounts that could be contributed to candidates and political committees. *Id.* at 58-59. The Court held that contribution limits entail “only a marginal restriction upon the contributor’s ability to engage in free communication.” *Id.* at 20-21. The Court upheld the contribution limits because they reduce “the actuality and appearance of corruption resulting from large individual financial contributions.” *Id.* at 26.

In *First National Bank of Boston v. Bellotti*, the U.S. Supreme Court invalidated a Massachusetts law that prohibited banks and some business corporations from making expenditures to influence a state referendum, unless the referendum materially affected

² <https://crsreports.congress.gov/product/pdf/R/R45320>, <https://crsreports.congress.gov/product/pdf/R/R41542>, <https://www.fec.gov/legal-resources/court-cases/>

the bank or corporation's property, business or assets. 435 U.S. 765, 795 (1978). The Court observed that the First Amendment protects the free discussion of matters of public concern and "the inherent worth of the speech in terms of its capacity for informing the public does not depend upon the identity of its source, whether corporation, association, union or individual." *Id.* at 776-77. It found that "speech that otherwise would be within the protection of the First Amendment" does not "lose[] that protection simply because its source is a corporation" *Id.* at 784.

In *Citizens United v. Federal Election Commission*, the Court invalidated a federal law that prohibited corporations and labor unions from using their general treasury funds to make independent expenditures to promote or oppose candidates. 588 U.S. 310, 365-66 (2010). The Court found that prohibiting independent spending by corporations, unions, and other associations interfered with the open marketplace of ideas: "By suppressing the speech of manifold corporations, both for-profit and nonprofit, the Government prevents their voices and viewpoints from reaching the public and advising voters on which persons or entities are hostile to their interests." *Id.* at 354.

The Court rejected the idea that speech could be limited based on the wealth of the speaker and also rejected the proposition that the political speech of corporations and other associations could be treated differently under the First Amendment because they are not natural persons. *Id.* at 343, 350.

As a consequence of *Citizens United*, for-profit and nonprofit corporations may now spend their general funds on independent expenditures to influence candidate elections. Until *Citizens United*, corporations and labor unions could make independent expenditures only through political action committees they formed that received funds from restricted sources such as corporate employees or labor union members.

Shortly afterward, in *SpeechNow.org v. Federal Election Commission*, the U.S. Court of Appeals for the District of Columbia ruled that the U.S. government cannot limit the amount of contributions to groups that only make independent expenditures and do not contribute to candidates. 599 F.3d 686, 696 (D.C. Cir. 2010). Because these groups are acting independently of candidates, the Court held that contributions to the groups "cannot corrupt" the candidates who benefit from the communications. *Id.* at 694.

Although *SpeechNow* is not binding precedent in Maine, the Federal Election Commission now advises that “[p]olitical committees that make only independent expenditures (Super PACs) ... may solicit and accept unlimited contributions”³

In *McCutcheon v. Federal Election Commission*, the U.S. Supreme Court invalidated an aggregate limit of \$48,600 on the amount that an individual can contribute to all federal candidates combined. 572 U.S. 185, 227 (2013). In so holding, the Court clarified that “only one legitimate governmental interest” justified restricting campaign financial activity. *Id.* at 206. That interest is preventing *quid pro quo* corruption (money given to obtain official acts) and the appearance of corruption. *Id.* at 207. Limits on the size of contributions cannot be justified by other governmental interests that may seem desirable, such as preventing the influence and access that officials may give to large contributors. *Id.*

Judicial oversight of campaign finance law continues to evolve but the current legal landscape include these features: (1) limits on election spending are disfavored by the courts, (2) the rationales that governments may offer to successfully defend contribution limits have been pared back, (3) political committees that are acting independently of candidates may spend unlimited amounts on advertising and some courts have further held that donors are entitled to give unlimited amounts for these purposes, and (4) corporations and other associations have the same First Amendment rights to influence elections as individuals. These developments have led some elected officials and advocacy organizations supportive of stricter limits on election spending to conclude that amending the U.S. Constitution is necessary to effectuate a constitutional reset.

³ <https://www.fec.gov/help-candidates-and-committees/taking-receipts-pac/contributions-to-super-pacs-and-hybrid-pacs/>.

Proposed Constitutional Amendments

The Commission has identified six proposals in the 118th Congress (2023-2024) that are relevant to this report:

[House Joint Resolution 13](#) (Sponsor: Rep. Adam B. Schiff, 1/9/2023)

[Senate Joint Resolution 3](#) (Sponsor: Sen. Jon Tester, 1/22/2023)

[House Joint Resolution 48](#) (Sponsor: Rep. Pramila Jayapal, 3/30/2023)

[House Joint Resolution 54](#) (Sponsor: Rep. Pramila Jayapal, 4/10/2023)

[House Joint Resolution 78](#) (Sponsor: Rep. James P. McGovern, 6/22/2023)

[Senate Joint Resolution 45](#) (Sponsor: Sen. Jeanne Shaheen, 9/14/2023)

Text and analysis

The text of the amendments is copied on the following pages, along with some brief analysis by the Commission. Because U.S. Representative Pramila Jayapal introduced similar resolutions within two weeks, her earlier proposal is omitted.

Senate Joint Resolution 45

(Sponsor: Sen. Jeanne Shaheen, 9/14/2023)

Section 1. To advance democratic self-government and political equality, and to protect the integrity of government and the electoral process, Congress and the States may regulate and set reasonable limits on the raising and spending of money by candidates and others to influence elections.

Section 2. Congress and the States shall have power to implement and enforce this article by appropriate legislation, and may distinguish between natural persons and corporations or other artificial entities created by law, including by prohibiting such entities from spending money to influence elections.

Section 3. Nothing in this article shall be construed to grant Congress or the States the power to abridge the freedom of the press.

Section 1 of the proposed amendment would authorize the federal and state governments to set reasonable limits on the raising and spending of money to influence elections. It sets out three governmental interests that could be used to justify those limits: (1) advancing democratic self-government, (2) promoting political equality, and (3) protecting the integrity of government and the electoral process. This would expand the permissible justifications for limiting campaign finance activity beyond preventing *quid pro quo* corruption and its appearance.

Section 2 authorizes the U.S. Congress and states to distinguish between natural persons and corporations or other artificial entities created under law (e.g., limited liability companies or partnerships). It authorizes governmental jurisdictions to prohibit corporations and other associations from spending money to influence elections. This section would override holdings in *Bellotti* and *Citizens United*, discussed above.

Section 3 confirms that the limitations and prohibitions in the amendment should not be understood to authorize the abridgement of press freedoms.

House Joint Resolution 13

(Sponsor: Rep. Adam B. Schiff, 1/9/2023)

Section 1. Congress and the States may regulate and impose reasonable viewpoint-neutral limitations on the raising and spending of money by candidates and others to influence elections.

Section 2. Congress and the States may regulate and enact systems of public campaign financing, including those designed to restrict the influence of private wealth by offsetting the raising and spending of money by candidates and others to influence elections with increased public funding.

Section 3. Congress and the States shall have power to implement and enforce this article by appropriate legislation, and may distinguish between natural persons and corporations or other artificial entities created by law, including by prohibiting such entities from spending money to influence elections.

Section 4. Nothing in this article shall be construed to grant Congress or the States the power to abridge the freedom of the press.

The proposed amendment in House Resolution 13 contains some of the same elements as Senate Resolution 45 (e.g., authorizing limits on campaign contributions and expenditures and different treatment of corporate entities), but is distinct in that it does not specify any public objectives that governments may use to justify contribution and spending limits.

The proposed amendment would authorize public campaign financing programs, including those that provide a higher level of funding for participating candidates who are being outspent by their opposing candidates or independent expenditures. This provision would override a U.S. Supreme Court decision that impacted public campaign finance programs in Arizona, Maine, and other states. *Arizona Free Enterprise PAC v. Bennett*, 564 U.S. 721 (2011).

House Joint Resolution 78

(Sponsor: Rep. James P. McGovern, 6/22/2023)

Section 1. To advance democratic self-government and political equality, and to protect the integrity of government and the electoral process, the right of citizens of the United States to vote in elections in which campaign contributions and spending are subject to enforceable limits as set forth in this article, shall not be abridged by the United States.

Section 2. In any calendar year, no person may spend or contribute more than one hundred dollars for the purpose of influencing any other person's election for the office of Representative, Senator, President, or Vice President; nor spend for the purpose of influencing elections, including such person's own election, for the offices of Representative, Senator, President, or Vice President, or contribute to candidates for such offices, their campaigns, or political parties, more than an aggregate total of one thousand dollars; provided that Congress may by law prescribe lower limits and may periodically increase the amounts set forth in this section, but only to the extent required by changes in the value of money.

Section 3. No corporation or other entity created by law shall contribute or spend any amount for the purpose of influencing any election for the office of Representative, Senator, the President, or the Vice President; but a political party or candidate's campaign may spend the amounts prescribed by law.

Section 4. Not later than sixty days after the ratification of this article, Congress shall enact legislation as follows:

To limit the amounts that candidates, their campaigns for the offices of Representative, Senator, President, or Vice President, and political parties may spend on such candidacies.

To provide public funding for all candidates who qualify for any primary, general, or special election ballot for Representative, Senator, President, or Vice President in any State or in the District constituting the seat of Government of the United States, equaling at least

eighty percent of the amount that may be spent; but for candidates for President or Vice President, Congress shall prescribe by law the manner in which such amount shall be apportioned based on the States or District wherein such person qualifies.

To require disposition to the Treasury of any unspent campaign funds after each election, without compensation.

To enforce, with civil and criminal penalties, the limits and prohibitions in this article.

Section 5. After one year from the ratification of this article, no Senator or Representative shall receive any compensation or other emoluments from the United States during or for any period of time in office in either House during which the legislation required by section 4 shall not have been in effect.

Section 6. The judicial power of the United States shall extend to all suits by citizens of the United States arising under this article, including suits brought directly under this article to enforce its provisions.

Section 7. The States shall have power to implement and enforce reasonable regulations on the raising and spending of money by candidates and others to influence State or local elections, including but not limited to the limits and prohibitions in this article.

Section 8. This article shall not be construed to grant Congress or the States the power to abridge the freedom of the press.

This proposed amendment takes a more restrictive approach of declaring that “no person” may contribute or spend more than \$100 in a year to influence any federal candidate’s election. The amendment would also prohibit corporations and other entities created by law from contributing or spending money to influence federal candidate elections. Within 60 days of enactment of the amendment, Congress would be required to establish spending limits that would apply to parties and federal candidates and a public campaign financing program sufficient to cover 80% of spending by federal candidates. The amendment also authorizes contribution and spending limits in state candidate elections.

House Joint Resolution 54

(Sponsor: Rep. Pramila Jayapal, 4/10/2023)

Section 1. The rights and privileges protected and extended by the Constitution of the United States are the rights and privileges of natural persons only. An artificial entity, such as a corporation, limited liability company, or other entity, established by the laws of any State, the United States, or any foreign state shall have no rights under the Constitution and are subject to regulation by the People, through Federal, State, or local law. The privileges of an artificial entity shall be determined by the People, through Federal, State, or local law, and shall not be construed to be inherent or inalienable.

Section 2. Federal, State, and local government shall regulate, limit, or prohibit contributions and expenditures, including a candidate's own contributions and expenditures, to ensure that all citizens, regardless of their economic status, have access to the political process, and that no person gains, as a result of that person's money, substantially more access or ability to influence in any way the election of any candidate for public office or any ballot measure. Federal, State, and local governments shall require that any permissible contributions and expenditures be publicly disclosed. The judiciary shall not construe the spending of money to influence elections to be speech under the First Amendment.

Section 3. This amendment shall not be construed to abridge the right secured by the Constitution of the United States of the freedom of the press.

Section 1 of the proposed amendment declares that corporations and other legal entities created by law have no rights under the U.S. Constitution. This would have a broad effect of reversing *Citizens United* and laws that grant other constitutional rights to corporations (e.g., due process or Sixth Amendment rights). Section 2 would *require* federal, state, and local governments to regulate, limit, or prohibit contributions and expenditures to avoid disparities in access to the political process. Federal, state and local jurisdictions would also be required to mandate the disclosure of campaign finances.

[Senate Joint Resolution 3](#) (Sponsor: Sen. Jon Tester, 1/22/2023)

Section 1. The rights enumerated in this Constitution and other rights retained by the people shall be the rights of natural persons.

Section 2. As used in this Constitution, the terms ‘people’, ‘person’, and ‘citizen’ shall not include a corporation, a limited liability company, or any other corporate entity established by the laws of any State, the United States, or any foreign state.

Section 3. A corporate entity described in section 2 shall be subject to such regulation as the people, through representatives in Congress and State representatives, may determine reasonable, consistent with the powers of Congress and the States under this Constitution.

Section 4. Nothing in this article shall be construed to limit the rights enumerated in this Constitution and other rights retained by the people, which are unalienable.

The amendment proposed in Senate Joint Resolution 3 declares that (1) the rights enumerated in the U.S. Constitution are the rights of natural persons, and (2) references to “people,” “person,” and “citizen” in the Constitution do not include corporations or other legally created entities. The amendment is not directed at election activities in particular and would only override the judicial decisions discussed above to the extent they apply to corporate entities.

Support by Members of Maine’s Congressional Delegation

The following table indicates which U.S. Representatives and Senators from Maine have co-sponsored the amendments.

	Maine Co-Sponsors
House Joint Resolution 13 (Sponsor: Rep. Adam B. Schiff, 1/9/2023)	Rep. Jared F. Golden, Rep. Chellie Pingree
Senate Joint Resolution 3 (Sponsor: Sen. Jon Tester, 1/22/2023)	
House Joint Resolution 48 (Sponsor: Rep. Pramila Jayapal, 3/30/2023)	
House Joint Resolution 54 (Sponsor: Rep. Pramila Jayapal, 4/10/2023)	Rep. Chellie Pingree
House Joint Resolution 78 (Sponsor: Rep. James P. McGovern, 6/22/2023)	
Senate Joint Resolution 45 (Sponsor: Sen. Jeanne Shaheen, 9/14/2023)	Sen. Angus S. King, Jr.

Summary of Comments from the Public

In response to a May 9, 2024 invitation to comment, the Commission received 42 comments on the issue of amending the U.S. Constitution, which is a high-water mark for comments received by the Commission on any issue of public policy. Thirty-four of the comments were from Maine residents, and eight were from nonprofit policy organizations. All comments from Maine residents are in support of a constitutional amendment.

Comments from Maine Residents

The comments from Maine residents are highly individualized and speak to their personal concerns about the role of money in state and national politics. One common assertion is that the voices of regular people in Maine are being drowned out or silenced by special interest groups or wealthy donors.⁴ Commenters cite a distorting effect of money on elected officials, who (in one commenter’s opinion) “can no longer be depended on to

⁴ See, e.g., comments from David Trahan (Waldoboro), Connor Flotten (Brunswick), and Hon. Seth Berry (Bowdoinham).

act in the best interests of all of their constituents.”⁵ Comments from legislators in both major parties describe the negative effects of money in politics, such as an erosion of “civic trust and belief in our government” and a “poisoning [of] the well of democracy.”⁶

Another pervasive view in the comments is that money from outside of the state is overwhelming Maine interests, sometimes with no clear picture of the sources of that money.⁷ Some commenters speak from their perspectives as owners of small businesses, expressing that everyday Mainers and small- and mid-sized businesses cannot compete for political influence with well-funded interests.⁸

Comments from Policy Organizations

The Commission received comments from the Institute for Free Speech and the Maine Policy Institute in opposition to a constitutional amendment. Taken together, these organizations warn that giving elected officials greater authority to regulate electoral speech will limit discussion of public policy and will lead to laws that protect incumbents. They question whether contribution limits in place since the 1970s have reduced corruption in state governments. They point to drafting ambiguities in the proposed amendments that will result in litigation. They observe that no Republican member of Congress has supported the amendments, so it is unlikely that two-thirds of the U.S. House of Representatives or Senate will approve of the amendments. Overall, they urge not tampering with the First Amendment.

The Commission received comments in support of an amendment from six nonprofit advocacy organizations. As an example of language that it favors, American Promise offers its “For our Freedom Amendment,” which incorporates four principles that arose from the organization’s engagement with experts and members of the public. Public

⁵ Shonna Davis (Ludlow), Lisa Leaverton (Orland), Peter Garrett (Winslow), and James Melloh, M.D. (South Portland).

⁶ State Senator Marianne Moore (Washington), State Representative Nathan M. Carlow (Buxton), State Senator Richard Bennett (Oxford), and State Senator Nicole Grohoski (Ellsworth).

⁷ Anne Winchester (Bristol), Steve Weems (Brunswick), and Colin Vettier (Portland, Maine).

⁸ Jim Delamater (Oxford) and Ryan Crowell (Raymond).

Citizen urges the enactment of a specific “Democracy for All” amendment, which is the language proposed in House Joint Resolution 13.

Among other points, Maine Citizens for Clean Elections urges the Maine Ethics Commission to write a comprehensive report that includes statements by members of Maine’s congressional delegation on the proposed amendments, so that voters can assess how active their representatives have been on this issue. Veterans for All Voters, Protect Maine Elections, and Represent.Us describe the erosion of public faith in democracy resulting from increased campaign spending and urge Maine’s representatives in Congress to support an amendment.

Conclusion [June 28 draft]

The Commission appreciates the thoughtful and deeply held viewpoints expressed in the public’s comments to the Commission. Questions of how best to promote robust discussion of ideas and candidates, participation in the political system, and responsiveness by elected officials are not easy to resolve. In keeping with past practice and its role as Maine’s administrator of state campaign finance law, the Commission does not take any position on proposed amendments to federal law. It hopes that the information in this report will shed light on this important topic and looks forward to providing annual updates as required by Question 2.

Conclusion [Alternative]

The comments from the public confirm that some Mainers are uneasy about the increasing amount of money in Maine state elections and worry they do not have the same access to the political process as wealthy individuals and groups that fund state election campaigns. The Commission understands why these issues have come forward and encourages Maine’s elected officials to actively investigate whether these concerns can be addressed without weakening cherished First Amendment freedoms.

This is a difficult topic that goes to the heart of how the democratic process should work. Questions of how best to promote robust discussion of ideas and candidates,

confidence in the political system, and responsiveness by elected officials are not easy to resolve. Making actual progress requires prudent study of issues outside this Commission's expertise, such as how moving constitutional boundaries could result in unintended negative consequences. In keeping with its limited role in administering Maine Election Law, the Commission does not take any position on the proposals to amend the U.S. Constitution. Rather, the Commission hopes the information in this report will shed light on this important topic that merits ongoing attention by federal and staff officials and looks forward to providing annual updates as required by Question 2.