

Public Financing and Competitiveness in Maine Senate Elections

By Zachary Proulx – 05/06/09

Under what circumstances will an incumbent continue to participate in a public financing program? Do previously competitive elections deter incumbents from participating in public financing? To address these questions, we investigated incumbent participation rates in Maine state senate races from 2000 to 2006.

We found that Maine state senate incumbents tended to opt into the public financing program and remain participating candidates, regardless of any increase in electoral competitiveness. Moreover, this applies even to those who won a narrow victory: the vast majority of incumbents who had previously won by less than five percent of the vote chose to opt into the system in the subsequent election cycle. Therefore, any increase in the competitiveness of elections under Maine's public financing program did not deter state senate incumbents from participating in the program.

Background

In 1996, Maine enacted the Maine Clean Elections Act (MCEA). The MCEA provides full public funding to state legislative and executive candidates who choose to forgo private contributions and adhere to other restrictions associated with the program. To qualify for public financing, a candidate must first demonstrate viability by collecting a small number of \$5 qualifying contributions. Once a candidate has received an initial public financing grant, he or she may also receive matching funds based on spending by privately financed opponents or independent expenditures made by third-parties. The MCEA went into effect during the 2000 election cycle and quickly saw high levels of participation among candidates.¹

The MCEA is administered by the Maine Commission on Governmental Ethics and Election Practices, an independent state agency. The Commission maintains an online database of the candidates that participated in the program since 2002.² To ascertain which candidates participated in the public financing program during the 2000 election cycle, the Brennan Center contacted the Maine Ethics Commission Candidate Registrar, which provided us participation data in private correspondence. Electoral data is kept by the Maine Bureau of Corporations, Elections & Commissions (CEC) within the Secretary of State's office. The CEC makes publicly available primary and general election results from the 1990 election cycle onward.³

¹ For additional background on the MCEA, *see* "The Maine Clean Elections Act," Maine Commission on Governmental Ethics & Election Practices, available at <http://www.maine.gov/ethics/mcea/index.htm>.

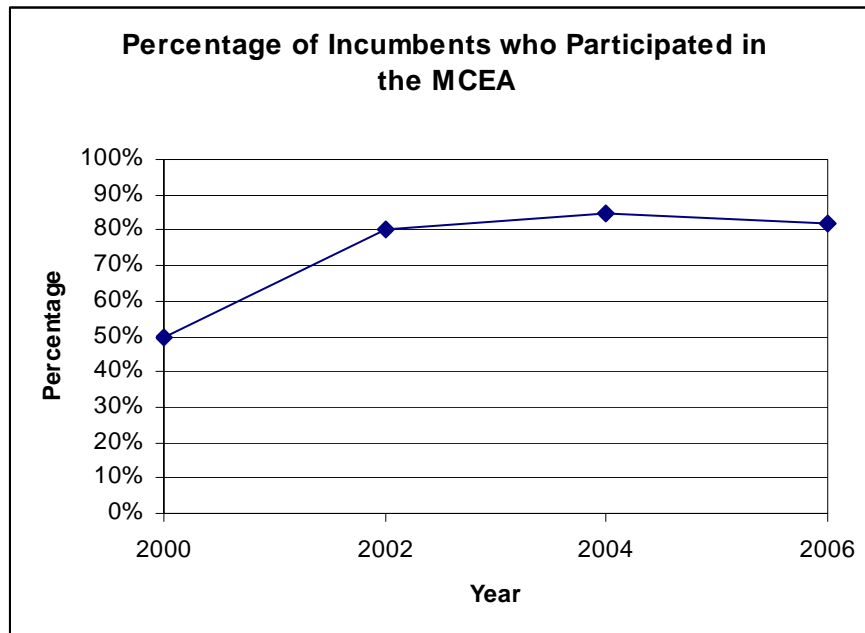
² *See* "Quick Candidate List," Maine Commission on Governmental Ethics & Election Practices, available at http://www.maine-campaign-finance.com/public/For_public_QuickSearch.asp.

³ *See* "Election Results," Maine Bureau of Corporations, Elections & Commissions, available at <http://www.maine.gov/sos/cec/elec/prior1st.htm>.

Results

We first investigated the behavior of state senate incumbents under the MCEA. In the 2000 general election, 22 incumbents ran for reelection. Eleven of those candidates, or 50 percent, chose to participate in the MCEA. In 2002, 20 of 25 incumbents, or 80 percent, participated – a dramatic increase of 30 percentage points. MCEA participation rates increased again in 2004, when 17 of 20 incumbents, or 85 percent, participated in the program. Finally, in 2006, 23 of 28 incumbents, or 82 percent, participated in the public financing program.

The steep increase in participation rates among state senate incumbents following the first implementation of the MCEA, with uniformly high participation rates thereafter, indicates that incumbents are not deterred from participating in the public financing program. Rather, they have tended to both opt into the system and remain publicly financed candidates in subsequent election cycles.



Furthermore, state senate incumbents chose to participate in the MCEA even when they previously faced a competitive opponent. Indeed, between 2000 and 2006, only three of the ten incumbents who had previously won by less than five percent of the vote elected not to participate in the MCEA.⁴ None of the three non-participating incumbents had previously accepted public financing. Two of the non-participating incumbents ran in 2000, when incumbent participation rates were only 50 percent. In

⁴ Non-participating incumbents Neria R. Douglass (Senate District 22) and Carol A. Kontos (Senate District 26) ran in 2000, yet received less than five percent of the vote in 1998, while non-participating incumbent Christopher Hall (Senate District 20) ran in 2004 yet received less than five percent of the vote in 2002.

2002, however, 15 of the 25 incumbents who stood for re-election had run as privately financed candidates in 2000. Ten of those 15 candidates, or 67 percent, chose to accept public funding in 2002, four of whom previously won by less than ten percent of the vote. The choice not to participate in the MCEA, then, could be motivated by any one of a number of factors, including ideological objections.

Furthermore, out of the 28 state senate incumbents who had previously won by less than ten percent of the vote, only eight chose not to accept public financing. None of the eight non-participating candidates participated in the MCEA in the prior general election. As a result, no state senate incumbent chose to forgo public financing between 2000 and 2006 after having accepted it during a competitive election.

Conclusion

We therefore conclude that even as some races in Maine became more competitive after the advent of MCEA's full public financing system, as the Brennan Center Report "Electoral Competition and Low Contribution Limits" demonstrates,⁵ state senate incumbents nevertheless continued to participate in the program. This trend was true of even those incumbents who had faced a tight re-election race in the previous election.

⁵ See Ciara Torres-Spelliscy, Kahlil Williams, and Dr. Thomas Stratmann, "Electoral Competition and Low Contribution Limits," *Brennan Center for Justice*, 2009.