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Testimony to GAE Committee on House Bill 5990
State Representative Linda Schofield
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This bill makes a number of proposed changes to the current election laws. I won't be able to summarize them in the 3 minute time frame, so I hope you'll review my written testimony. I do want you to know that I worked on much of this language over a long period of time with both the SEEC and the Secretary of State's Office.

Definition of a public announcement

The law requires a candidate with an exploratory committee to convert to a candidate committee after making a public announcement. The SEEC's current declaratory ruling defines a public announcement for major party candidates to be any written or oral statement that they are running for an office, except if that statement is made to family or the town committee. However, for a minor party candidate, because of the peculiarity of the petitioning process, a statement in writing or orally can be made to anyone and everyone as part of the process of collecting petition signatures, and the trigger mandating conversion to a candidate committee is not tripped. This bill gives a more plain interpretation of a public announcement, eliminating that loophole.

Any statement in a public forum (including on any printed material) to the effect that you are running, should result in the immediate termination of an exploratory committee. One of my opponents handed out thousands of leaflets clearly stating that "I am running for state representative" and "I hope you'll support my campaign for state rep." In addition, her canvassers all told anyone who would listen that she was running....not that she was thinking about it. Never-the-less, because of the SEEC's declaratory ruling, the SEEC concluded that she was only exploring the option to run, and allowed her to operate under an exploratory committee with no penalty.

Petition signatures

The bill separates the petitioning process for petitioning onto the ballot from the petitioning process for obtaining campaign grant money. Currently the same petition form is used for both purposes and petition circulators are under no obligation to explain to petition signers that they are lending their names to an effort to draw upon state funds. Indeed, regardless of purpose, petition signers are told they are enabling the candidate to get on the ballot, even though this is false.

Having talked with dozens of folks who signed a petition for a minor party candidate in my district, not one understood that their signature would help the candidate get state funds. And when they were given that explanation, hardly any wanted to keep their signature on the petition. Many were, in fact, angry that they had not been told the truth about the purpose for the signature.

This bill requires the use of a different petition for obtaining funding than for getting onto the ballot, and requires that the petition carrier read the petition purpose in full to each potential signer.

Furthermore, the bill makes it easier for a signator to remove their name from a petition, if they have second thoughts later on. Currently they have to send a letter by expensive registered mail to remove their name, and this bill removes that registered mail requirement.

"Buyers remorse" period for Qualifying donations

This bill make the process for obtaining qualifying in-district donations more transparent, and establishes a process for allowing donors to request a refund within a reasonable period of time. All candidates, regardless of party, would be required to give the donor a written explanation of the purpose of the donation – i.e. to qualify for a state grant. This explanation will be left with the donor to peruse even after a canvasser has left. And it will include instructions for how to request, within a reasonable time period, a refund, if they conclude, after quiet reflection, that they don't really want to support that candidate.

Here are the experiences of some donors to the third party candidate in my district: One thought he was donating to a charity. A few indicated that the person at their door or in their house was a intimidating and they felt pushed into donating. One told me the only way she could get the canvasser out of her house, when she was busy trying to feed her kids, was to give the canvasser money. The canvassers were paid professionals from out of the district. Of the half a dozen donors I spoke to, none of them intended to vote for the candidate even as they gave money, but intended to vote for either me or the Republican candidate.

My third party opponent spent over $5,000 on paid staff to raise the required 150 qualifying donations. The balance of her $5,000 qualifying amount came from donors

outside the district. That the amount spent exceeded the amount raised strikes me as evidence that there was a major lack of local support.

Definition of the term "Advisor"

Certain leadership PACs can pay for Advisors to campaign, but the term is not really defined. Consequently, the funds can be and have been used, not for skilled advisory services, but for a teenager, who is paid to stand in front of a grocery store and collect petition signatures, even though they've never met the candidate, they give no advice, and can't answer a single question about the candidate or his/her campaign. If the original intent was really to allow the campaign to use the money however they want, then let's just eliminate the restrictions that require it to be used on advisors. But if there was a real intent to limit the use to real advisors, then let's define them in a manner that reflects the plain reading of the term.

Simplify the rules for "Qualifying" donations

SEEC's inspection of qualifying donations has resulted in many campaigns in the disqualification of several checks for reasons that don't really make sense. Here are some examples:

- Checks written from a trust account in the name of the donor were disqualified, even though the trust fund belongs to the donor and is his/her personal money.
- One check from a joint account to cover the donations of both spouses is also not allowed, even though they have both individually completed and signed the donor forms.
- Checks written on the account of the donor but signed by their accountants were disqualified. Some people have a bill paying service write out all their checks to pay bills as instructed by the account holder.
- Checks from "sole proprietors" were rejected because their checks said "john Doe dba John Doe Consulting." Sole proprietors do not have a legal entity or corporation set up for their company. All business revenue to a sole proprietor is treated as income. They often do not keep a separate personal checking. So a sole proprietor check is really no different than a personal check, and some folks therefore do not keep two checking accounts.

The bill would make these donations acceptable.

Closing

I apologize for the length of my testimony, but I think we need to make this system function as best as possible. As with any major new system, the initial design will have inevitable flaws that can and should be corrected. There is no shame in not having been able to anticipate every possible snafu. But it would be a shame to let known flaws go unaddressed.

Thank you for your consideration.

Representative Linda Schofield