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Cleaning House? Assessing the Impact of Maine's Clean Elections Act on Electoral Competitiveness

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Does full public financing of legislative elections make races more competitive? Richard Powell analyzes the impact of the Maine Clean Elections Act (MCEA) on house and senate elections since its passage in 2000. Using statistical analysis, he concludes the MCEA has not significantly increased competiveness, even though candidates have been able to rely substantially less on private contributions and the financial disparity between candidates has decreased significantly. Powell suggests that analysis of the Maine case will be useful as the nation and other states consider public-financing laws comparable to the MCEA.

INTRODUCTION

In the words of the well-known political scientist Robert Dahl, "In a democratic vision, opportunities to exercise power over government of the state ought to be distributed equally among citizens" (Dahl 1996: 639). The current system of financing U.S. elections, based largely on private donations, and the importance of money in determining election outcomes, have led many observers to doubt whether the U.S. succeeds in reaching Dahl's standard. As a result of widespread concerns that elections—and thus the affairs of government—were being unduly influenced by special interest groups through their campaign donations, many states have implemented some form of public financing of state legislative elections. In the vast majority of those states, levels of candidate participation are very low due to insufficient funding and regulatory control. In 2000, Maine and Arizona, however, became the first states in the U.S. to offer full public financing of their legislative elections in a way that has encouraged widespread participation.

The Maine Clean Elections Act (MCEA), enacted via a ballot initiative in 1996, is a voluntary system overseen by the Maine Ethics Commission. Candidates choosing to participate in the system are required to raise a limited amount of money in the form of small private donations to prove their viability. Once designated as clean-elections candidates, they receive campaign funds from the taxpayer-funded system. The amount disbursed to each candidate varies, but it averaged $6,695 in the house and $34,103 in the senate in 2008. Not all candidates received that much money, however, due to the disbursement of matching funds in some races. If a MCEA candidate faces a non-MCEA opponent, he or she receives matching funds to balance out the difference. In exchange for accepting public funding, MCEA candidates are not permitted to raise any additional outside funds from private donations for use in their own campaigns. Participation rates have been high due to relatively high funding levels—by Maine standards—and the matching-fund provision, which significantly reduces the possible advantages of non-participation.

Perhaps owing to the recentness of these reforms, little research has yet addressed the impact of full public financing on state legislative elections. To fill that void, I conducted a study to examine the impact of MCEA on legislative elections in the state. Because public-financing laws have been proposed at the national level and in a number of other states, this study provides us with an early glance at the implications of such reforms. How many candidates are currently accepting public funds? Does public financing make elections more or less competitive (controlling, of course, for a range of electorally relevant factors)? Are incumbents more or less secure under public financing?

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PUBLIC FUNDING OF ELECTIONS

The link between electoral institutions and democratic representation has been a perennial issue in U.S. political history. Numerous reforms—the Australian (secret) ballot, voter-registration laws, direct primaries, and many others—have aimed to strengthen the bonds of representation between U.S. citizens and their elected officials, while attempting to limit the influence of special interest groups. In recent decades, much of the focus of electoral reform has been on the campaign-finance system. For example, following the Watergate scandal, Congress enacted the far-reaching Federal Election Campaign Act of 1974 (FECA), which mandated full disclosure of all campaign contributions and placed limits on political donations. FECA also set up an optional system of publicly financed elections for the presidency, paid for by taxpayer contributions via the check-off option on their yearly tax returns. The goal, of course, was to remove the financial dependence of candidates on private donors. In

TABLE 1 Percentage of Candidates Accepting MCEA Funds, 2000–2008

	House (%)	Senate (%)
2000	29.2	50.7
2002	60.2	73.2
2004	78.5	79.5
2006	79.9	86.5
2008	83.2	79.7

doing so, reformers hoped to weaken the ties between special interest groups and elected officials, instead making office-holders more responsive to their constituents (Corrado et al. 1997; Jacobson 2001). In 2002, sweeping new regulations in the Bipartisan Campaign Reform Act (BCRA) sought to close a number of financing loopholes along with adding new restrictions on campaign donations.

Since the 1970s there have been a number of unsuccessful attempts to extend public-finance laws to races for Congress. For example, one such proposal was unsuccessfully promoted by Senator George Mitchell (D-Maine) during his tenure as Senate Majority Leader. Although more than 20 states have enacted some form of partial public financing of state elections, only two states—Maine and Arizona—offered full public financing of state legislative elections as of 2006, joined by Connecticut in 2008. Following the lead of Justice Louis Brandeis, political commentators have sometimes referred to state governments as the "laboratories of democracy" because lessons learned from state-level reforms can be applied in other states or at the national level. For that reason, Maine's experience with full public financing holds great significance for ongoing debates about campaign-finance reform across the nation.

The general topic of campaign finance has been the subject of a great deal of research in political science. The existing research, almost exclusively concerned with national politics, has tended toward a few broad types—empirical studies aimed at assessing why some candidates fare better than others in raising money, the impact of campaign finance on election outcomes, and normative arguments in support or opposition to various regulations. Another strain of research has sought to measure what donors receive in return for their campaign donations.

Although there is a limited literature examining the effects of partial public financing on state election outcomes (see Jones 1981; Penning and Smidt 1983), no study has yet provided a comprehensive examination of the effects of full public financing on state politics. The work of Mayer and Wood (1995) is typical of the limited research that exists on the topic. In their analysis of partial public funding in Wisconsin, they found that such laws reduced the funding disparity between challengers and incumbents, but failed to make state legislative elections more competitive overall. Contrary evidence was provided by Goidel and Gross (1996) who ran a series of sophisticated quantitative simulations that showed public financing generally leads to more competitive elections. Their findings were consistent with those of Donnay and Ramsden (1995) and Malbin and Gais (1998) who found that Minnesota's partial public financing laws led to more competitive elections in that state. Unfortunately, studies of Minnesota and Wisconsin's campaign-finance systems are of limited use due to low levels of funding and candidate participation. Yet, these limited and inconclusive findings are about all we have in understanding the impact of public financing on state government. Due to the limited amount of research conducted to date, our understanding of this area of growing importance is grossly incomplete. In particular, we do not have a full understanding of the effects of public financing on electoral outcomes.

DATA AND ANALYSIS

To assess the impact of public financing on legislative elections in Maine, I compiled a dataset of all candidates running in the general election for the Maine House of Representatives and Senate from 1994 to 2008.[1] Although MCEA did not take effect until the 2000 election cycle, I extended the dataset back to 1994 to adequately capture any trends that were already ongoing in Maine when MCEA took effect. Thus, this study spans the first five elections with public financing along with the three prior elections. For each legislative candidate, I collected data on gender, party affiliation, candidate status (incumbent, challenger, or candidate in an open-seat race), campaign funding, and the percentage of votes received. Voter-registration data were collected for each district in each election cycle also.

Public Funding and Candidate Entry

At first glance, the data clearly attest to the success of MCEA in enticing candidates to accept public financing and the accompanying regulations. As shown in Table 1, by 2002, the second election under MCEA, more than 60 percent of house candidates and nearly three-quarters of senate candidates participated in the new system. Moreover, participation rates rose steadily over the next three election cycles. By 2008, 83 percent of house candidates and almost 80 percent of senate candidates accepted public financing. As shown in Table 2, MCEA has been effective in getting the participation of incumbents, challengers, and candidates in open-seat races, with all three types of candidates generally participating about 80 percent of the time.

TABLE 2: **Percentage of Candidates Accepting MCEA Funds by Incumbency Status, 2000–2008**

	HOUSE			SENATE		
	Incumbent (%)	Challenger (%)	Open (%)	Incumbent (%)	Challenger (%)	Open (%)
2000	23.1	27.5	41.2	50.0	65.0	40.0
2002	44.2	66.7	68.9	80.0	69.6	69.6
2004	73.4	79.5	83.7	86.4	81.8	72.4
2006	82.1	80.2	76.0	81.5	87.9	92.9
2008	80.9	80.0	89.7	76.9	78.6	85.0

TABLE 3: **Mean Fundraising and Expenditures by Candidate, 1994–2008**

	HOUSE			SENATE		
	Private Funds ($)	MCEA Funds ($)	Total Expenditures ($)	Private Funds ($)	MCEA Funds ($)	Total Expenditures ($)
1994	3,796	--	4,000	20,479	--	20,232
1996	5,234	--	4,989	20,808	--	19,299
1998	6,482	--	5,974	24,523	--	22,012
2000	3,699	++	4,519	10,881	++	22,581
2002	2,635	3,812	5,921	8,800	18,024	22,947
2004	1,574	5,737	6,529	7,447	25,077	32,614
2006	1,989	7,672	8,079	4,876	32,556	33,671
2008	1,459	6,695	7,137	3,942	34,103	31,890
1994–1998 (mean)	4,899***		4,984***	20,911***		20,515***
2000–2008 (mean)	1,828***		6,489***	5,732***		28,898***

*p<0.05, **p<0.01, ***p<0.001

++MCEA funds were disbursed to candidates, but the state's online disclosure system was not yet fully functional.

As discussed earlier, one of the chief aims of MCEA's proponents was to reduce the amount of money being raised and spent in Maine's legislative elections, particularly private contributions. The data presented in Table 3 show that those goals have been only partially met. Under MCEA, the average amount of private contributions raised by legislative candidates has decreased significantly in both the house and senate. In the three elections prior to MCEA, house candidates raised an average of $4,899 from private contributors and their counterparts in senate races raised $20,911. Under MCEA, there has been a dramatic decrease in private contributions. From 2000 to 2008, average fundraising from private sources

TABLE 4: **Advantage in Total Expenditures by Winning Candidates in Contested Races, Open-Seat and Non-Open-Seat Races, 1994–2008**

	HOUSE		SENATE	
	Incumbent ($)	Open Race ($)	Incumbent ($)	Open Race ($)
1994	2,356	793	8,073	5,166
1996	1,733	1,690	10,244	7,622
1998	2,491	4,122	11,533	-8,534
2000	1,750	1,602	-1,220	9,426
2002	1,726	1,634	3,027	5,388
2004	482	160	-9,756	4,416
2006	571	1,530	2,263	6,224
2008	260	1,080	771	12,511
1994–1998 (mean)	2,189***	1,803	10,117***	4,680
2000–2008 (mean)	896***	1,188	-656***	7,462

*p<0.05, **p<0.01, ***p<0.001

decreased to $1,828 in the house and $5,732 in the senate. Overall, the amount of direct private contributions to Maine's legislative candidates has dropped by more than 60 percent under MCEA.[2]

Of course, elections are still costly affairs, so candidates have relied on MCEA funds to fill the void. In the 2008 election cycle, candidates accepted an average of $6,695 in MCEA funds in house races and more than $34,000 in senate races. In this regard, the performance of MCEA has been mixed. Although candidates' reliance on private funding has decreased substantially, total expenditures have increased significantly. From 1994 to 1998, the average candidate spent a total of $4,984 in house races and $20,515 in senate races. Under MCEA, from 2000 to 2008 the total per candidate expenditures rose to $6,489 and $28,898 in the house and senate, respectively.

Bivariate Analysis: An Initial Look at Competitiveness

As already discussed, one of the chief goals of public financing's proponents has been to make elections more competitive. Numerous studies have shown that U.S. elections, including those for state legislatures, have become less competitive in recent decades (see, for example, Jacobson 2001). One of the chief reasons behind this noncompetitiveness has been the enormous electoral advantage enjoyed by incumbents. The advantages of incumbency are numerous and have been studied exhaustively by political scientists. Undoubtedly, chief among them is the significant advantage that incumbents enjoy over challengers in raising campaign funds. Even in open-seat races, better-funded candidates are typically in an advantageous position relative to their opponents.

Political scientists have generally measured the broad concept of "competitiveness" in at least three specific ways. In its most basic form, a competitive election is one that is contested. In a healthy democratic system, voters should have different candidates from whom to choose. In situations where incumbents are perceived to hold an insurmountable advantage, however, potential challengers may not be willing to undertake a campaign. Advocates of publicly funded campaigns have argued that such reforms will increase the number of candidates by removing one of the largest barriers to candidate entry—relative disadvantages in fundraising capacity. The margin of victory of winning candidates is another means of assessing the competitiveness of elections. Numerous studies have demonstrated the link between fundraising and votes won. By equalizing the playing field in terms of campaign funding, public financing should lead to narrower margins of victory for winning candidates, other things being equal. Ultimately, electoral competitiveness can be measured by the reelection rate of incumbents. In other words, does public financing actually reduce the advantages of incumbency to such an extent that challengers are more likely to win?

Table 4, which shows the average advantage in total expenditures of winning candidates over their opponents, provides evidence that MCEA has been successful in narrowing the funding gap between candidates. In house races with incumbents running for reelection, winning candidates (almost always incumbents) spent an average of $2,189 more than their opponents from 1994 to 1998. Under MCEA, this funding gap has been cut by more than 60 percent to $896. The senate experienced an even more dramatic change. From 1994 to 1998, winning candidates outspent their opponents by more than $10,117. However, from 2000 to 2008, losing candidates actually outspent winners by an average of $656. The changes for both the house and senate were statistically significant. On the other hand, the funding differences between winning and losing candidates in open-seat races, much smaller to begin with, have not changed in a statistically significant way under MCEA in either the house or senate.

As a first test, I examined the three measures of competitiveness by comparing the time periods of 1994–1998 with 2000–2008 for each one. The first question we need to address is: Has the number of contested seats risen under MCEA? The average number of contested house races has increased under MCEA from 125 during the 1994–1998 period to 134.6 in the 2000–2008 period and from 32.3 to 33.2 in the senate over the same period. Neither change, however, is statistically significant. The senate results, in particular, are not surprising given the rate at which senate races have been contested by Republicans and Democrats. Typically, the major parties have made extensive efforts to recruit a candidate for every senate seat. This has been particularly true over the time period examined in this study because of the pivotal nature the senate has played in key state issues and because the parties have been closely divided. Legislative term limits, in effect in Maine since 1996, have also likely contributed to the large number of contested senate seats. As members of the house have been term limited, many of them have chosen to run immediately for the senate. Further, Moen, Palmer and Powell (2005) found that the power of the Maine senate has increased at the expense of the house under term limits, as more experienced members have migrated to the senate.

The second measure of competitiveness is the margin of victory of winning candidates. I analyzed the average margin of victory in house and senate races by year, broken down by races in which incumbents were running for election and open-seat races in which they were not. Under MCEA, the average margin of victory has decreased slightly in non-open-seat races in both the house and the senate. From 1994 to 1998, races with incumbents running for reelection were decided by a margin of 22 percent in the house and 23.7 percent in the senate. From 2000 to 2008, this dropped to 21.8 percent in the house and 20.1 percent in the senate. Nevertheless, both decreases were slight and not statistically significant. Similarly, the average margin of victory in both houses in open-seat races did not change in a statistically significant way.

Finally, we need to ask whether these small, statistically insignificant changes in contestedness and margin of victory have resulted in a decrease in the incumbency reelection rate. After all, in races with incumbents, the average margin of victory, although slightly smaller, has remained greater than 20 percent. My analysis found that incumbent reelection rates have not changed in a statistically significant way under MCEA. In the house, incumbents have actually been reelected at a slightly higher rate under MCEA (88.0 percent compared with 85.6 percent previously), with a modest decrease in the senate (90.0 percent under MCEA compared with 95.4 percent previously).

In sum, a first glance at the data suggests that the goal of MCEA in creating greater electoral competitiveness has not been met. Neither house nor senate races have been contested at a statistically significant higher rate. Further, neither incumbents' average margin of victory nor their overall reelection rate has changed in a statistically significant way.

> By equalizing the playing field in terms of campaign funding, public financing should lead to narrower margins of victory for winning candidates, other things being equal.

These trends provide us with an interesting starting point in assessing the impact of MCEA on electoral competition in Maine. Yet, during this same time period there have been a number of other potentially relevant factors that may have influenced competitiveness. For example, as mentioned earlier, Maine began imposing legislative term limits in 1996. Increased electoral competitiveness was also one of the primary goals of that reform. Another potentially complicating factor is that Maine's legislative districts were redrawn following the 2000 census, some of them very significantly due to the large-scale population shifts in some areas of the state since the 1990 census. The new districts took effect with the 2004 election. Obviously, any impact of MCEA in terms of competitiveness may be clouded by changes in voter partisanship in the various districts. For these reasons, it is necessary to subject these initial findings to more rigorous examination using multivariate analysis.

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Multivariate Analysis: Assessing Electoral Competitiveness

To isolate the effects of MCEA on whether elections were contested, I analyzed the data using more advanced multivariate statistical modeling, designed to control for the effects of a wide range of variables on one another. For example, my analysis took into account the partisan mix of voters and past voting patterns in each legislative district. In doing so, I expected that the larger the size of the majority party's advantage in a district, the less likely a race would be contested. In making the choice of whether or not to run, potential candidates certainly weigh the costs of running against their perceived chance of winning. As the percentage of voters from the opposite party increases, the chances of winning decrease. Similarly, I expected that a challenger will be less likely to run as the incumbent's past percentage of the vote increases.[3]

The results from these analyses show a number of interesting things. For example, in districts with incumbents running for reelection, MCEA has increased the probability of an incumbent facing a challenger by six percent in the house, a statistically significant change. MCEA has not been associated with a statistically significant increase in contested senate seats, however, probably due to the high rate of contestedness these races experienced even before public financing.

In open-seat races, public financing does not increase the likelihood of contested seats in either the house or senate. Similar to the senate results, this may be because open seats were already more likely to be contested; there just is not much room for a statistically significant increase to occur in open-seat races. Prior research suggests this may be even truer since the advent of term limits in 1996, as potential challengers wait for open seats, knowing that any incumbent has at most eight years in office.

In relation to the second measure of competitiveness, margin of victory, MCEA has resulted in closer vote margins by just more than three percent in house races when challengers accept public financing, a statistically significant change. The results suggest, however, that incumbents may be able to partially offset that gain by accepting public financing themselves. In the senate, public financing for either candidate did not have a statistically significant impact on margin of victory.

In open-seat races, the acceptance of public financing by the losing candidate narrowed the winner's margin of victory in both the house and senate. In house races, this resulted in a narrowing of the margin of victory by 3.3 percent; the impact was even greater in the senate with a change of nearly six percent.

Turning to our final measure of competitiveness, I sought to determine the impact of MCEA on the likelihood of an incumbent victory in non-open-seat races. The results show that MCEA funding can have an impact on the likelihood of an incumbent victory, depending upon which candidates participate. The probability of a challenger defeating an incumbent increases by five and ten percent in the house and senate, respectively, when the challenger accepts public funding. Incumbents can more than negate those gains, however, by accepting public funds for their own campaigns. Taken as a whole, the results indicate that incumbents benefit disproportionately from MCEA once they make the decision to accept public funds, regardless of whether the challenger participates.

Although the advantage for incumbents is diminished when facing an MCEA challenger, the key factor is whether or not the incumbent—not the challenger—participates in MCEA.

DISCUSSION

Public financing of legislative campaigns has been touted by supporters as a means of enhancing electoral competition and reducing the influence of donors on the legislative process. My focus here has been the first issue: Does public financing increase competitiveness? In answering this question, I examined the impact of the Maine Clean Elections Act on three measures of electoral competitiveness: contestedness, margin of victory, and incumbent reelection rate. Taken as a whole, the results of my analyses indicate that public financing has had only the slightest effects on electoral competition for the Maine Legislature. Under MCEA, house incumbents are about six percent more likely to face a challenger when running for reelection, but this has not been the case in the senate. Contested elections are no more likely in open-seat races under MCEA than before in either the house or senate. Margins of victory are slightly smaller in races with MCEA candidates, but the average incumbent still wins by a margin of more than 20 percent in the house and senate, and winners of open-seat races still win by about 15 percent in both houses. In terms of actual wins and losses, challengers are only more likely to win if they participate in MCEA and the incumbent does not. When incumbents accept public funding, they are actually more likely to win reelection.

In sum, my study found that MCEA has not had a significant impact on increasing electoral competition for the Maine Legislature even though candidates have relied on substantially less in private contributions and the financial disparity between candidates has diminished significantly. It has not benefited challengers, nor does it appear to be serving as an "incumbency protection act" as some observers predicted (see Goidel and Gross 1996: 130). So why hasn't MCEA translated into greater competitiveness? The explanation may rest with the old adage that money, like water running downhill, will always find a way around new campaign finance regulations. Like many other efforts to regulate campaign finance, MCEA has been compromised by some significant loopholes. Despite widespread participation in a system in which candidates are forbidden from accepting private contributions, outside money continues to pour into the system. For example, under MCEA individual legislators are permitted to create leadership political action committees (PACs) that are substantially unregulated. Further, MCEA candidates can raise money for these PACs. Like the soft-money loophole in pre-BCRA U.S. national elections, these PACs have been able to raise large sums of money that can be used to influence particular races. The major restriction is that leadership PACs are not permitted to serve as conduits between specific donors and candidates. In other words, donors are not permitted to have any involvement in how their donations are spent by leadership PACs. In short, private campaign contributions are no longer permitted to candidates accepting public financing, but those funds are still being used to benefit those candidates in an indirect manner. Since leadership PACs are typically used by leaders to further their own political interests, they are most likely to donate to candidates likely to win—usually incumbents and co-partisans in competitive open-seat races.

For the purposes of the present discussion, this loophole seems to be severely hampering the effectiveness of MCEA in reducing the amount of money in campaigns and in increasing electoral competitiveness. Outside money is still finding its way into legislative elections. It is certainly possible that the other goal of MCEA—limiting the legislative influence presumed to come with contributions—is being furthered since candidates do not have direct links with donors. That particular topic is beyond the scope of the present study, but it is an important avenue for further research.

My findings suggest that public funding may not be the panacea that its supporters wished it would be, nor does it substantially reduce the electoral advantage enjoyed by incumbents. Electoral competitiveness in Maine has not been appreciably affected by MCEA. Over time, it will be interesting to see if the experience of Connecticut—and, perhaps other states considering public-financing laws geared toward high participation rates—will be similar to Maine's in its first five election cycles with this reform.

Please turn the page for notes, references, and author information.

ENDNOTES

1. Candidate data and election returns were obtained from the Maine Secretary of State's office. Data on campaign funding were obtained from the Maine Ethics Commission, which oversees and enforces Maine's campaign finance laws.
2. All data on campaign funding and expenditures used in this study have been adjusted for inflation and are presented in constant dollars using 1994 as a base.
3. The results of the multivariate models are summarized here. More detailed information about the statistical models employed can be obtained from the author.

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