



**Testimony for the Senate Education Health and Environmental Affairs Committee
March 10, 2011**

SB 657- Public Funding and Small Donor Act for General Assembly Elections

SUPPORT

The American Civil Liberties Union supports SB 657, which would establish a system of public financing of campaigns for certain candidates for the General Assembly. Public financing would make public officials more accountable to voters in general and less beholden to the often-narrow economic interests of a few big contributors. It would also allow public officials to do their jobs instead of raising money.

The ACLU believes that the election of public officials is an essential aspect of a free society and the integrity of the electoral process is a principal civil liberties concern. At the same time, however, ACLU is concerned that election campaign reforms are sometimes achieved by means that sacrifice other civil liberties values, especially freedom of expression and rights of association.

Although free speech principles require opposition to limitations on expenditures and contributions, the current system of private campaign financing does cause disparities in the ability of different groups and individuals to communicate their views about politics and government. Such imbalances tend to frustrate the goal of full political participation by all citizens and raise concerns about the greater influence that some individuals and groups have on political processes. The appropriate civil liberties response is to expand, not limit, the resources available for political advocacy.

Public financing of campaign activity is a promising way to facilitate the opportunity for political participation. Similarly, full disclosure of large contributions is an effective antidote to improper influence by contributors over elected officials. Such approaches, which are less drastic alternatives than government restriction of political expenditures and contributions, also minimize the danger of heavy handed and repressive governmental regulation of political speech and association.

The escalating cost of campaigns for public office tends to restrict the breadth and freedom of political expression in America. More and more, money, not political support, determines who runs for office. Many candidates fail because they cannot attract the funds needed to finance a viable campaign. The loss deprives the public of the full range of public debate. Public financing would provide a substantial remedy for this problem and would advance a number of positive free speech values. It would facilitate candidacy

and significantly broaden the spectrum of campaign debate. Public financing can also reduce the dependency of candidates upon private contributions regardless of the extent to which such contributions may be permitted.

The ACLU of Maryland also supports the inclusion of small donors in the Act. By requiring that a candidate begin with seed money, with specified limits, and then obtain qualified contributions, the Act by definition casts a broad net to include small donors. When all people are enabled to participate in elections, democracy is at its strongest.

The ACLU of Maryland urges the Committee to favorably report SB 657.