

**Clean Elections: How has public election funding in Maine and Arizona influenced the behavior of non-candidate political actors?**

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December 7, 2012  
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## **Acknowledgements**

Many thanks to Professor Ken Rogerson for your advice, support, encouragement and feedback throughout the year. Special thanks as well to my advisor, Professor James Hamilton. I could always rely on your useful, timely feedback and encouragement, and I learned a great deal from working with you. I would not have been able to complete this project without both Professor Rogerson's and Professor Hamilton's help and guidance. Thank you to my dad for providing last-minute editing and advice. Finally, thank you to my interviewees for volunteering their time to participate in my research.

## **Abstract**

Maine and Arizona implemented public funding systems for state elections in 2000 with the aim of increasing competition and voter choice, curbing election costs, and reducing the influence of special interest money in elections. How have these “Clean Elections” systems influenced or changed the behavior of political actors such as lobbyists, interest groups, party leaders, and legislative staff? Interviews were conducted in both Maine and Arizona to determine whether the amount of money that lobbyists and interest groups spent on elections decreased due to Clean Elections, whether their access to legislators had changed, and whether party leaders were able to focus more on voter contact as opposed to fundraising. Clean Elections did not have an impact on access to legislators, because legislators were open and accessible before the law passed. Similarly, the amount of money spent on elections did not decrease, because lobbyists and special interests found other ways to donate—they now donate to leadership political action committees and state parties, or they make independent expenditures. However, while Clean Elections have not succeeded in limiting the influence of special interest money, they have made the process more democratic and inclusive.

# Table of Contents

<b>Acknowledgements</b> .....	1
<b>Abstract</b> .....	2
<b>Introduction</b> .....	4
<b>Relationship between government and private interests: Theory and literature</b> .....	5
Role of interest groups, lobbyists, party leaders, and legislative staff in the electoral process .....	5
Campaign finance reform at the national and state level .....	7
The “clean” programs of Maine and Arizona .....	8
Lack of literature on non-candidate political actors .....	10
<b>Hypotheses</b> .....	11
<b>Methodology</b> .....	11
<b>Findings and Analysis</b> .....	13
General findings for both states .....	13
Lobbyists .....	15
Interest groups .....	19
Legislative staff .....	20
Party leaders .....	22
<b>Conclusions</b> .....	23
Research Limitations .....	28
Possibilities for future research.....	29
<b>References</b> .....	32
<b>Appendix A: Interviewees</b> .....	37
<b>Appendix B: Interview Questions</b> .....	39

## Introduction

Campaign finance reform has been a topic of debate and discussion in the United States for many years. Because of the high cost of running a campaign, politicians accept donations from large private donors and advocate for their interests in the legislature in return. Activists have been pushing for more transparency in campaign finance, but there are barriers to overcome. First, members of Congress are hesitant to reform campaign finance because it would make it much more difficult for them to fundraise, which is a crucial activity. The average cost to win a seat in the US House of Representatives in 2008 was \$1.3 million, and the average cost to win a seat in the Senate was \$7.5 million (*The Cost of Winning*, 2008). Second, the Supreme Court ruled that it was unconstitutional to restrict citizens' and corporations' ability to donate money in cases such as *Buckley v. Valeo* and *Citizens United v. the Federal Election Commission*, because they viewed donations as speech, which the First Amendment protects (BeVier, 1985; Levitt, 2010).

While campaign finance is difficult to reform at the federal level, the states have had more success. The most notable and bold reforms have been in Maine and Arizona, where state governments have instituted public financing systems called Clean Elections. Candidates who opt in may accept limited small donations at the beginning of their campaigns, but once they become eligible for public funding by collecting a certain number of small (\$5) donations, they cannot accept any more private donations and are funded completely by public money. This system has only been in place in Maine and Arizona since 2000, which means that there has not been a great deal of research done on these programs yet. How have the public election funding systems in Maine and Arizona

influenced or changed the behavior of political actors such as lobbyists, interest groups, party leaders, and legislative staff?

### **Relationship between government and private interests: Theory and literature**

#### *Role of interest groups, lobbyists, party leaders, and legislative staff in the election process*

Interest groups, lobbyists, party leaders, and legislative staff all play a role in the election and legislative processes. Interest groups fund candidates for office through large donations, both at the federal level and at the state level (Briffault, 1999). President Barack Obama is an exception to this norm, because he raised substantial amounts from small donations: in 2008, he raised \$217 million in contributions of less than \$200, and in 2012, he raised \$33.8 million in contributions of less than \$200 in the month of August alone (Weintraub and Levine, 2009; Malbin, 2012). Interest groups endorse candidates aligned with their interests, give them donations, and/or campaign for them. Many that donate seek access to candidates once they are in office. Candidates who depend on private donors for large contributions are usually responsive to their interests (Wright, 1989).

Lobbyists also play an important role in elections, both at the national and state levels. They work for special interests by representing them to the legislature. Some former lobbyists run for political office, while others donate to candidates or give them gifts, hoping to win influence in the future. Campaign contributions open doors for lobbyists and provide access to legislators who will then support their lobbying goals. Their activity is not limited to just personal contributions, however. Many lobbyists also sponsor fundraisers or solicit and collect contributions for the candidate—an activity called “bundling” (Briffault, 2008). Because of the possibility for corruption that comes with their direct access, Congress and several state legislatures have already passed or are working

on legislation to limit the influence of lobbyists with legislators (McGrath, 2007). Most states require lobbyists to register with the state and disclose their financial contributions and expenditures (Briffault, 2008). Public funding laws aim to reduce the influence of lobbyists and interest groups by making legislators less dependent on their donations.

Party leaders, including chairs, executive directors, and treasurers of state parties, also have significant influence on the political process. They coordinate candidates' policy positions and platforms, steer members' voting decisions on bills, and provide election support for their party's candidates (Wright and Schaffner, 2002). In most states, either legislative party leaders or state party organizations will fund candidates through leadership political action committees (PACs), which make independent expenditures for or against a candidate and to which individuals or other PACs can donate (Wright and Schaffner, 2002). To what degree state party organizations support candidates in legislative races varies greatly by state. Scholars have not examined the role Maine and Arizona's state party organizations play in detail. This project will attempt to fill that gap, analyzing each state's Clean Election law both before and after the legislation was passed.

Finally, legislative staff play a key role in determining who has access to legislators and candidates. Staff develop relationships with lobbyists, constituents, other legislators, interest groups, agencies, and other staff, because the legislator does not have time. They keep up with issues that are on the floor and in committee and then report back to the legislator. Almost everyone that gains access to a legislator must go through his or her staff first. Staff members also rely on lobbyists' and interest groups' help in finding legislative alternatives, formulating positions, and creating arguments to win approval in committees and on the floor (Whiteman, 1995).

### *Campaign finance reform at the national and state level*

The 1974 Federal Election Campaign Act is the major campaign finance reform legislation for national elections. This law created contribution limits, expenditure limits, disclosure provisions, a public funding system for presidential candidates, and a matching fund system for presidential primaries (Briffault, 1999). Until recently, the majority of candidates accepted this public funding. George W. Bush declined primary funds in both 2000 and 2004 but accepted general election funds. In 2008, several candidates opted out of primary funds, and several accepted them (Fouhy, 2011). President Obama, who opted out of both in 2008, demonstrated the increasing irrelevance of general election funding in this era of Internet fundraising and large private donors by raising \$745 million, almost nine times the amount of the public funding grant of about \$85 million (Weintraub and Levine, 2009; Matsui, 2008; “Presidential Public Financing System FAQ,” 2012).

In part because private donations have so far outpaced the amount of public financing available, campaign finance reform is still a concern nationally. The Fair Elections Now Act, which would limit contributions to \$100 per person once the candidate qualifies for public funding and match those contributions four to one by the government, was introduced in the House in 2010 but never came to a vote (Lessig, 2011). Legislators knew that it would never pass the Senate, where campaigns cost substantially more than House campaigns, because monied interests are so entrenched in the chamber.

Many believe campaign finance reform supports democratic values, such as competitive elections and “one man, one vote,” that are lost when large donors finance elections (Briffault, 1999). At the state level, there has been a recent increase in soft money, independent expenditures, the cost of campaigns, and lobbyist activity, proving the



necessity of reform (Schultz, 2002). Several studies have shown that public financing creates more competitive elections at the state level (Porter, 2009; Donnay and Ramsden, 1995). In Minnesota, which has partial public funding, researchers found that challengers were more likely to receive more votes if they received more public money (Donnay and Ramsden, 1995). In this respect, public financing has succeeded in providing more voter choice, while making it easier to defeat entrenched incumbents. Public financing also reduces candidates' dependence on private donors, making them less responsive to these donors' interests and more responsive to broad public interests (Coate, 2004).

However, support of campaign finance reform is not unanimous. Some believe that the assumptions behind campaign finance reform – that there is too much money in politics, that small contributions should finance campaigns, and that money has a corrupting influence on candidates – are inherently flawed (Smith, 1995). For example, the amount spent on political campaigns in a year is usually two to three times less than what Americans spend on potato chips in a year. The figure may seem huge, but put in perspective, it seems more reasonable. Smith also notes that campaign finance reform favors wealthy candidates since there are no limits on how much they can donate to their own campaign, while reform law regulates fundraising and expenditures from other sources. Some are ideologically opposed to using taxpayer money to fund political campaigns. Nonetheless, whilst there are many critics, the body of literature concerning campaign finance reform largely concludes that it fosters and improves democracy.

#### *The “clean” programs of Maine and Arizona*

There is not a great deal of literature concerning Maine and Arizona specifically, because their Clean Elections programs are relatively new. These states passed the reforms

in the late 1990s and implemented them in 2000. The laws in both states mandate that legislative and gubernatorial candidates can choose to opt in to the public funding system. If they do so, they must raise a certain amount of seed money—a minimum number of \$5 contributions that prove their viability. They then receive their initial funding, and until recently—when the Supreme Court struck down matching funds—some later received matching public funds. If their opponent was running a privately financed campaign and spent more than the publicly subsidized candidate received from the state, the state would give the “clean” candidate the difference. The state would also match any independent expenditures opposition groups made that benefited an opposing candidate but were not specifically associated with that candidate (GAO, 2010). The Supreme Court struck down the matching funds provision of the Arizona law, and by extension the Maine law, in *Arizona Free Enterprise Club v. Bennett* in 2011 (Liptak, 2011).

The Government Accountability Office issued a report reviewing the two Clean Elections programs in 2010. The goals of the programs were to make elections more competitive, increase voter choice, curb increases in campaign costs, limit the influence of interest groups in government, and increase voter participation (GAO, 2010). While they were still relatively young, the GAO and other researchers found that both had relative success in achieving these goals. The GAO found that legislative candidate spending has stayed relatively constant in Maine but increased in Arizona. This may have been due to the \$25,000 public grant for clean legislative candidates in Arizona, which was probably more than most candidates raised previously (GAO, 2010; Miller, 2011). But both states succeeded in increasing voter choice by encouraging people who might not have run otherwise to run for office. In terms of candidate demographics and profiles, more women

and challengers participated in races from 2000 through 2010 (GAO, 2010; Miller, 2011; Werner and Mayer, 2003; Lessig, 2011; Malhotra, 2008). In states with public financing, the likelihood that the incumbent won with more than 85 percent of the vote was 28.5 percent lower (Stratmann, 2009). Moreover, without having to spend time fundraising, candidates were free to spend time talking with voters (Miller, 2008). By using Maryland as a control state, Miller found that candidates in Arizona and Maine generally devoted more time to talking with voters and interacting with the public than candidates in Maryland, because they could spend less time soliciting donations from lobbyists and special interests (Miller, 2008).

*Lack of literature on non-candidate political actors*

Despite the wealth of literature on how public financing has affected candidates, there is a noticeable lack of literature about how it has changed the behavior of other political actors, such as lobbyists, interest groups, party leaders, and community organizers. What research has been done has not been conclusive. For example, Rosenthal discusses the rise in the number of state legislative campaign committees in the early 1990s. She finds that campaign committees spend less in states with contribution and expenditure limits, but she does not explain why this is and notes the need for more research in this area (Rosenthal, 1995).

Research on campaign finance reform at the state level is important for several reasons. First, public funding makes elections more democratic by fostering competition, decreasing candidates' dependence on large private donors, and promoting the principle of "one man, one vote." Second, states are often used to test legislation and programs that the federal government may implement if they succeed. More and more states have begun to

adopt public financing programs: Connecticut adopted public financing laws in 2006 that provide full public funding for legislative and executive candidates. If full public funding succeeds in Maine and Arizona, other states may implement it, and the national government may consider it more seriously.

## **Hypotheses**

The review of literature suggests several testable hypotheses:

1. The amount of money that lobbyists, PACs, and other special interests spend on elections will decrease due to candidates being financed publicly.
2. It will become more difficult for lobbyists and special interests to gain access to legislators and legislative staff, due to the decreased need for donations.
3. Party leaders will focus less on fundraising and more on voter contact.

## **Methodology**

The purpose of this research was to determine how, if at all, publicly funded campaigns at the state level have changed the behavior of non-candidate political actors such as lobbyists, interest groups, legislative staff, and party leaders. Maine and Arizona were studied because, among the states, they have had public funding systems for the longest time. Two different methods were used to answer the research question. First, interviews were conducted with lobbyists, interest group leaders, legislative staff, and party leaders in Maine and Arizona. The choice of this method was based on the hypothesis that getting responses from the people that are directly affected by these programs would provide the most insight into this issue. Second, indirect indicators from existing data such

as lobbyist fees and independent expenditures were used. Indicators of changed behavior in both the interviews and data were compared with the hypotheses to form conclusions.

Two people from each category and each state were interviewed, except in the case of Maine legislative staff, of which three were interviewed, and Arizona interest group leaders, of which one was interviewed, for a total of 16 interviews. See Appendix A for the list of interviewees. These interviews were “elite interviews,” which involved personalized, extensive interviews with people from each category and each state that could give valuable information and had firsthand knowledge of the political atmosphere in each state before and after the law was put in place. See Appendix B for the questions that were included.

While interviews were the primary hypothesis testing method, the National Institute on Money in State Politics, an organization that tracks money usage at the state level, provided further supporting data. On their website, one can monitor contributions to candidates and expenditures by interest groups and lobbyists at the state level. Both Maine and Arizona also have extensive campaign finance records on their state government websites that detail expenditures and contributions by PACs, lobbyists, and interest groups.

Certain indicators for each group were observed to see if the hypotheses had been proven. For lobbyists, it was individual contributions from 1998-2010. These data are available on the website for the National Institute on Money in State Politics in great detail, in terms of to whom they gave each contribution and how much they gave. One can also see how much lawyers and lobbyists gave overall in the election, relative to what other groups gave. Additionally, the interview transcripts were analyzed to determine whether their

approach to lobbying has changed since the implementation of the Clean Elections law in 2000.

Data about interest groups are also available on the National Institute for Money in State Politics website and state campaign finance websites. For each interest group whose leaders were interviewed, trends in their expenditures and contributions from post-election reports between 1996 and 2010 were observed. Their interview transcripts were also examined to see if and how their approach to gaining access to legislators has changed due to the Clean Elections law.

Interviews were the sole method of gaining insight into the behavior of legislative staff and party leaders. Questions for legislative staff included how they determined what lobbyists, interest groups and other political actors had access to the legislators and if that had changed after the Clean Elections law was implemented. For party leaders, their answers to interview questions about how their responsibilities and priorities have changed since the implementation of the Clean Elections law were analyzed to determine whether party leaders were focusing more on voter contact than on fundraising.

## **Findings and Analysis**

### *General findings for both Maine and Arizona*

Throughout the interviews, there were several recurring themes that almost every interviewee mentioned. First, in both Maine and Arizona, lobbyists, interest groups, and private citizens all have access to legislators. Michael Saxl, a lobbyist from Maine, explained, “Anybody who walks off the street, like *anybody*, has access in Maine... I have plenty of great access [as a lobbyist], but so does an individual private citizen.” Yvonne Hunter, a lobbyist from Arizona, agreed, saying, “Legislators for the most part are accessible and

willing to meet with you to talk about your respective issues.” Legislators must meet with their constituents to determine what issues are important to them, and they meet with lobbyists and interest groups to gain information about certain issues. Rob Walker, the Executive Director of the Maine Education Association, noted,

In the state of Maine, the legislators are very responsive to meeting with our lobbyists, to meeting with our members... we have members in every House district and every Senate district. So it’s fairly easy to get our members to contact legislators. And I would say no matter what the party is, the legislators are very good about responding to the members.

Since governors represent the entire state, they are obviously busier and more difficult to access than legislators. Mike Haener, who was the chief of staff for Arizona Gov. Janet Napolitano, emphasized that access to the governor “was really based on issue more than anything else.” Access has not changed due to public financing.

Another finding is that the implementation of the Clean Elections law generally has not changed the job responsibilities of lobbyists, interest groups, party leaders, or legislative staff. It also has not reduced the amount of money that lobbyists and interest groups spend on elections. After reform, if lobbyists and special interests could not give the money directly to candidates, they funneled it through leadership PACs or independent expenditures (Saxl, 2012; Lawless, 2012). Keely Varvel Hartsell, the chief of staff for the Arizona House of Representatives Democrats, explained, “What’s happened, just like in all campaign finance reform situations, is that smart people have figured out a way to spend money around Clean Elections to influence elections, and that has resulted in just as much special influence in these campaigns as there was before.” Lobbyists and interest groups do their jobs and contribute to campaigns just as they did before Clean Elections passed.

While almost all interviewees shared these opinions, lobbyists, interest groups, legislative staff, and party leaders each had unique perspectives on how the Clean Elections law relates to their profession.

### *Lobbyists*

According to lobbyists, Clean Elections laws did not have an impact on their professional experience in either Maine or Arizona. Saxl emphasized, “We lobby in other states and we do the same thing there that we do [in Maine].” Jim Mitchell, another lobbyist from Maine, agreed, noting that lobbyists usually do not even know which legislators ran clean and which ran traditional. Yvonne Hunter simply said that there had been “no change” in her relationships with legislators since the passage of the Clean Elections law.

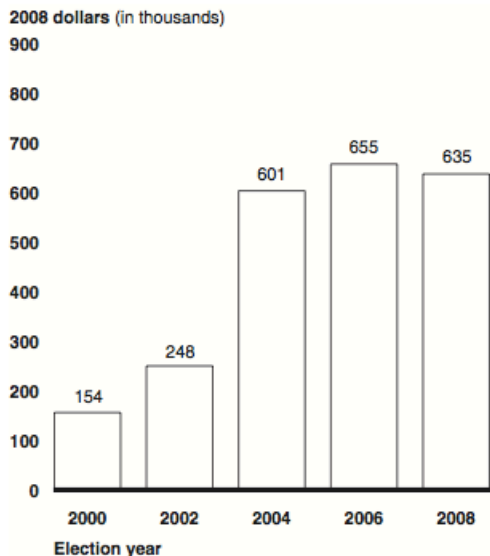
A significant reason for this lack of change is that lobbyists give money based on philosophical and ideological alignment with the legislator—they are not trying to gain influence, because that strategy would not work. Mike Haener, who was a lobbyist before working for Governor Napolitano, explained, “There are plenty of lobbyists who have bills that aren’t heard by chairmen every year even though they’ve given money because the chairman doesn’t agree with whatever the lobbyist is trying to do – the chairman doesn’t like that policy issue.” He also noted that lobbyists have influence with legislators if the issue is important and timely, if the lobbyist represents an idea with which the legislator agrees, if the lobbyist is good at his or her job, and if the lobbyist has experience (Haener, 2012). Jim Mitchell explained that lobbyists give money to candidates to “say to members of the legislature, who understand it costs money to represent your views to your constituents, ‘we are players in the process; therefore, we ought to participate.’”



Another reason for the lack of change is that lobbyists have other pathways through which to give money to candidates or influence campaigns. Politicians create leadership PACs to raise money for their campaigns, especially if they want to run for a leadership position in the legislature, such as Speaker of the House (Saxl, 2012; Lawless, 2012). Even if the candidate runs clean, people can give to their PAC, which operates separately from the candidate. Saxl explained, “We don’t give very many contributions to candidates anymore at all. We give out almost all the money that we work with through either our firm or our clients... [They] give most of their money to leadership PACs.”

People can also make independent expenditures for advertisements, flyers, and other campaign communications that expressly advocate for or against a candidate but are not made at the request of any candidate or political party. Figure 1 demonstrates the dramatic rise in independent expenditures in Maine legislative elections from 2000 to 2008 (GAO, 2010). In 2004, 2006, and 2008, there was approximately a 400 percent increase in the level of independent expenditures over 2000, the first year that Clean Elections took effect. Mike Haener concluded, “It doesn’t really matter which side you’re on – clean or traditional – you’re always calling for money or help with \$5 contributions or whatever part of it it is. So, you know, as a private sector lobbyist, you’re always getting calls to help raise money, to come to this event, to do this, whether [they’re] clean or traditional.” Tim Lawless, a lobbyist from Arizona, explained that his colleagues are “a lot more active in independent expenditure campaigns now than they ever were before.”

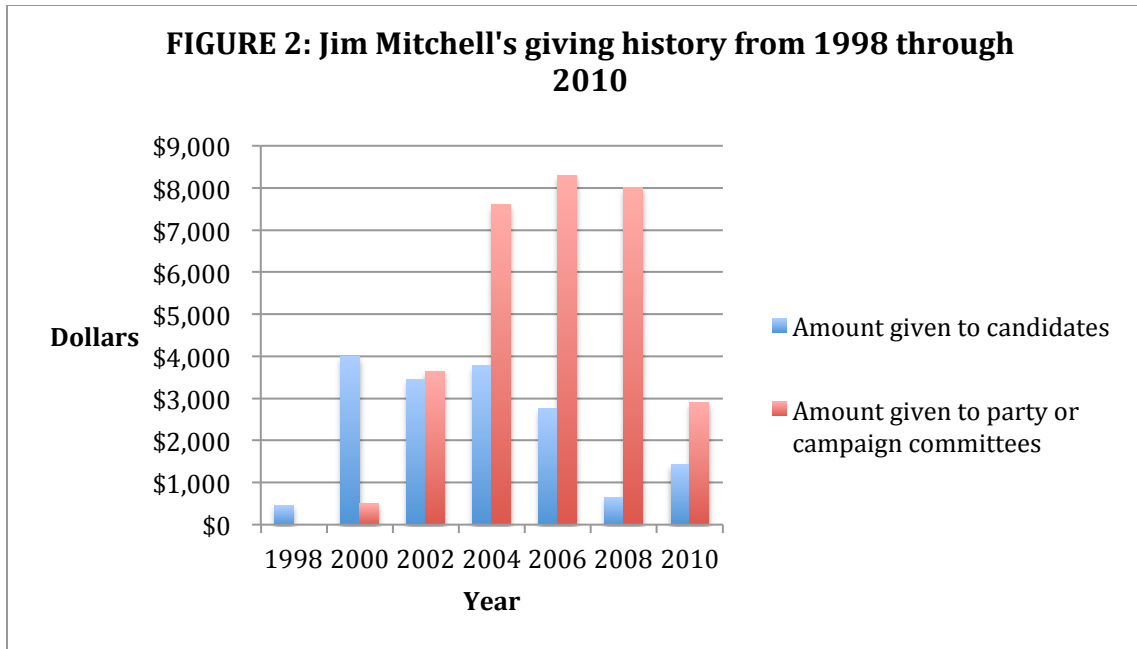
**FIGURE 1: Independent Expenditures in Maine Legislative Elections, 2000 through 2008**



Source: GAO analysis of Maine campaign finance data.

Note: Amounts include independent expenditures reported in Maine House or Senate races and have been adjusted for inflation with the GDP price index, with 2008 as the base year.

Lobbyists can also give to the state party to influence elections. Jim Mitchell, for example, gave the majority of his donations to candidates in 1998 and 2000, but from 2002 on, he directed his donations to the Maine Democratic Party and the Maine Democratic House and Senate Campaign Committees. Figure 2 shows Mitchell's giving history. His shift to party donations was most likely due to the fact that most of the candidates he supported were Democrats, running clean, who could not accept donations. Public funding for elections is consistent with Democratic ideology, because Democrats interpret the role of government broadly and believe that it should assist those who need assistance. Similarly, Democrats represent middle and working class voters more than Republicans do; hence they cannot usually raise money as well as Republicans can.



Source: National Institute on Money in State Politics

In Arizona, neither Tim Lawless nor Yvonne Hunter gave any money to campaign committees or parties—they gave only to candidates. This was no doubt because most of the candidates they supported were Republicans who were less likely to run clean. Lawless gave exclusively to Republicans, and Hunter gave almost exclusively to Republicans, with very few exceptions (“National Institute on Money in State Politics,” 2012). Republicans believe in a limited government, so they are opposed to the government spending taxpayers’ money on campaigns. They also tend to represent the interests of business and the affluent, so they have an advantage in private fundraising. It is relatively simple for Republicans to raise significantly more money than the amount of the Clean Elections grant (Lawless, 2012).

### *Interest groups*

Interest groups also play a significant role in influencing politics and elections. Their power comes from their membership and their money. Interest groups ask their members to contact legislators to petition them on issues, and some groups endorse candidates and ask their members to vote for them and help get them elected. Rob Walker noted that the Maine Education Association (MEA) has members in almost every district, so they can easily speak to their legislators about the issues that are important to the group. Jesse Graham, the director of Maine People's Alliance (MPA), a group that aims to create citizen leaders and organize people around key issues, noted that his group "substitutes people power for money." Instead of giving money to candidates, MPA asks their members to go out and vote for the candidates and support them in any way they can (Graham, 2012).

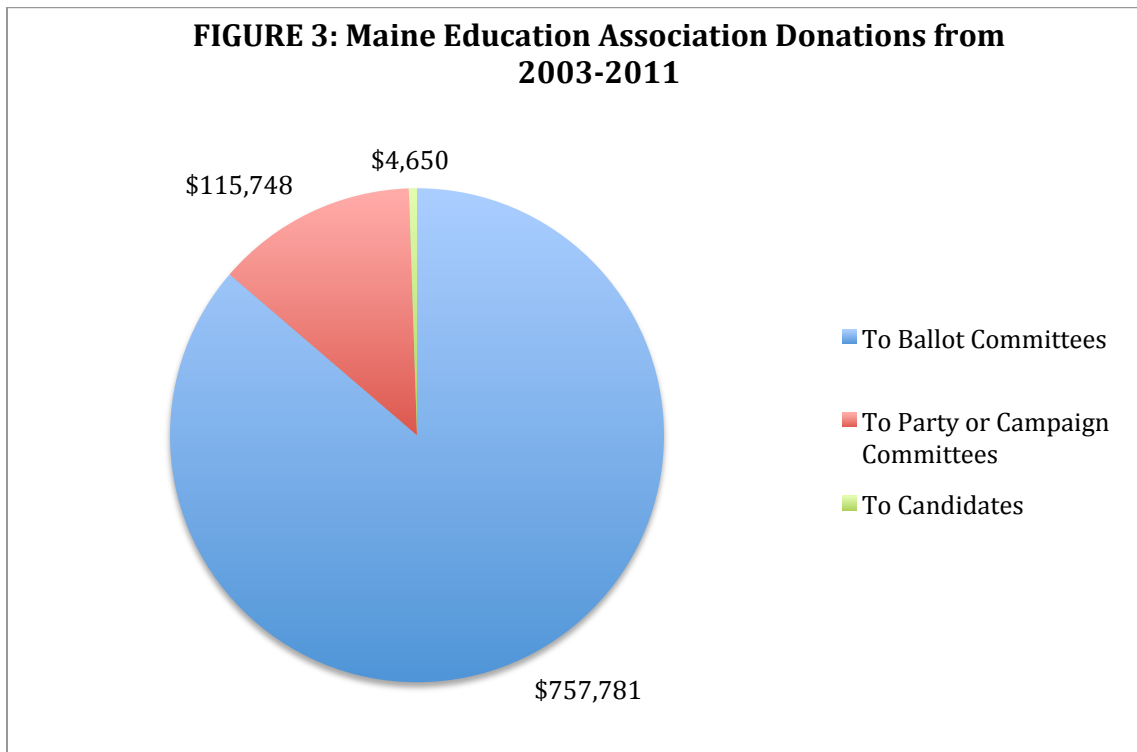
Interest groups such as MEA donate to candidates they endorse who are running traditionally and make independent expenditures to support clean candidates. MEA has a PAC to which it encourages members to donate, and it uses those funds to make small donations to traditional candidates that they support (Walker, 2012). Similarly, Walker explained,

We're part of a coalition this year with several other groups to form a 527 to do independent expenditures for and against different candidates. And in 2010, our focus was on the governor's race, and our supported candidate was a Clean Elections candidate. So her access to funds was somewhat limited, so [independent expenditures] extend there also.

However, the money that they donate is not the key behind their influence—the key is the strength of their membership.

A unique feature of interest groups as opposed to lobbyists and other private interests is that they often donate money to groups called ballot committees, which exist to

support or oppose relevant ballot initiatives, referenda or constitutional amendments. Clean Elections has no effect on this activity. Harriet Young, the First Vice Chairwoman of the Arizona Democratic Party, explained, “Special interest groups pay to get petitions circulated, they get them turned in, and... then they go on the ballot.” The Maine Education Association gave the vast majority of its donations from 2003-2011 to ballot committees, such as Citizens Who Support Maine Public Schools. While it gave the most to ballot committees, it also gave significantly more money to party or campaign committees than to individual candidates. See Figure 3 for the exact amounts.



Source: National Institute on Money In State Politics

### *Legislative staff*

Legislative staff have a variety of responsibilities, including press releases, policy work, and writing letters to constituents (Small, 2012). Staff to legislators in leadership

positions and governors may determine who has access to that person (Haener, 2012). However, most legislative staff explained that Clean Elections did not change their job responsibilities at all. Mary Small, the chief of staff for the Maine Senate President, noted that people thought that Clean Elections would erase the effect of influence or access in exchange for donations, but this did not happen, because that is not how things work. Small said,

[The Senate President] will always give them a meeting... And that really doesn't matter whether they're supporters or not. ... With the legislature up here, because it's really close-knit and we're part time and a lot of lobbyists are former legislators, I would say that a lot of lobbyists' influence has more to do with what their role was, you know, if they're former legislators, rather than if they've got a lot of money behind them.

Clean Elections may have influenced legislators in terms of how they run their campaigns, but it has not influenced their staff.

Similarly, legislators still need to have relationships with lobbyists and interest groups to get valuable information about relevant issues. Rick McCarthy, a former staff member for various Maine Senate Presidents, noted

Now, even under Clean Elections, members spend a lot of time talking with different interest groups because those interest groups talk to voters, so it's kind of a necessary part of their education process. So you're going to talk to key labor unions, you're going to be talking to the Maine Education Association, you're going to sit down and talk to business groups who ask to come and talk to you.

Interest groups and lobbyists have information that the legislators need. However, McCarthy noted, when legislators meet with these interest groups, they no longer have to ask them for money, which, in his opinion, is a beneficial change (McCarthy, 2012).

Legislative staff also sometimes work with lobbyists and interest groups to gain information. Mike Haener explained, "I worked with... almost every lobbyist and every interest group because that's how I found out information of what people were trying to do

or what amendments might be coming... so I spent my days gathering that information and working on our legislative agenda and budget.”

In many cases, the legislator’s funding mechanism does not affect the relationship of donor and recipient, because even if he is running clean, he still asks for contributions to his PAC or independent expenditures on his behalf. Keely Varvel Hartsell elaborated, “One of the things [lobbyists] do is to help raise the \$5 contributions, which are required, – and there’s also seed money that’s required... And then the other thing they do is they raise money and they fund outside independent expenditure efforts to support them.” Overall, legislative staff in both Maine and Arizona have not experienced a change in their job responsibilities, because the relationship between the legislators that they work for and special interests has not changed.

#### *Party leaders*

Clean Elections has influenced state political parties by encouraging donors to donate to the party if they cannot donate to the candidate. See Figure 2 for an example of a lobbyist who, after the implementation of Clean Elections, started giving much more money to state party organizations and less to the individual candidates. Ben Grant, the Chair of the Maine Democratic Party, explained, it’s “easier for a state party to raise money with a public financing system in the state because the people can’t give to candidates. So, in other words, there’s less competition.” Mary Erin Casale, the Executive Director of the Maine Democratic Party, noted that the party uses its campaign money to support their field team that makes phone calls and knocks on door in support of candidates, as well as to make independent expenditures for or against certain candidates.

In terms of party campaign priorities, such as getting out the vote and fundraising, however, Clean Elections has not had a significant effect. Parties still often support candidates financially, but they do this through independent expenditures and PACs as opposed to direct donations to the candidate (Casale, 2012). Casale noted,

We have targeted races that are clean candidates and targeted races that are traditional candidates, and, you know, we work to obviously have a strong field of effort around them and make sure that, you know, they're getting out to doors and making phone calls, and we don't spend a lot of time with traditional candidates teaching them how to fundraise.

She summed it up: "It's a lot of different things that we do, and it doesn't typically change whether [the candidates are] clean or they're traditional" (Casale, 2012).

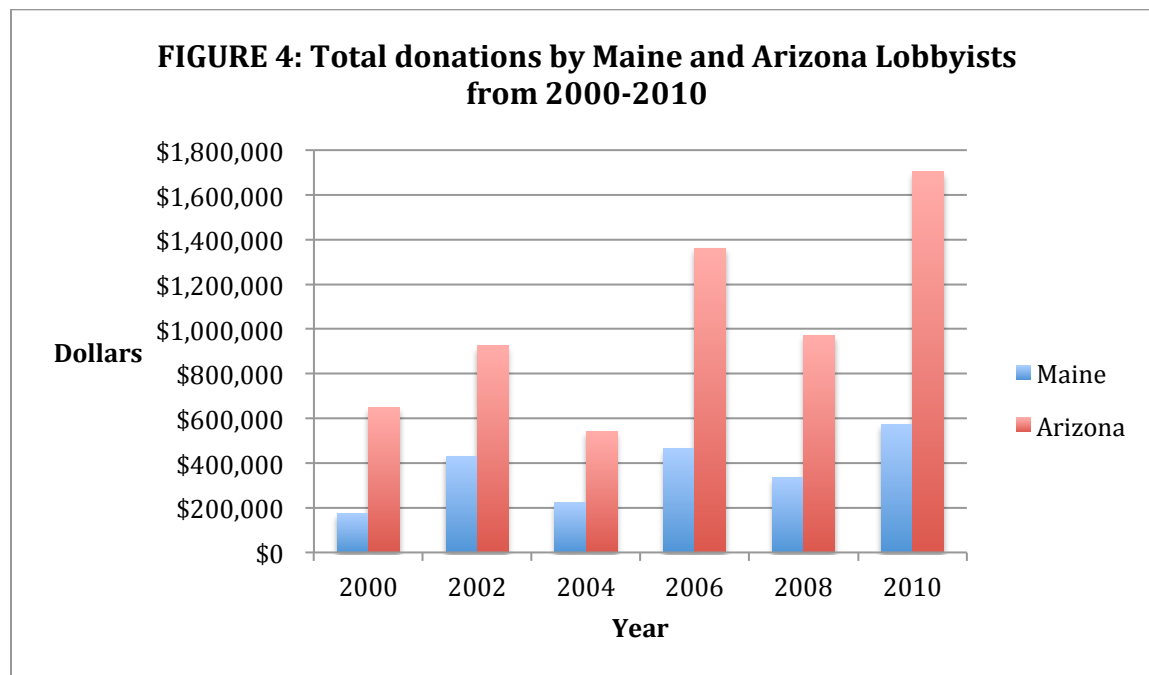
The priorities of party leaders in Arizona, while similar to those of party leaders in Maine, had an added dimension. Democratic party leaders must recruit to find quality candidates, since Arizona is a Republican state. Harriet Young explained, "We have moved from a place where no Democrat runs to a place where we can convince and urge and beg a Democrat to run because they would get Clean Elections money. It's much easier to get 300 \$5 contributions... than it is to raise \$35-40,000 dollars, which it takes to win a legislative district up here." There are many districts in which Democrats would not have run previously, because they had a slim chance of winning and did not want to lose the money that they would have spent on the race. Harriet Young gave the examples of Doug Ballard and Tom Chabin in Flagstaff as two Democrats who would not have run without Clean Elections.

## **Conclusions**

From these in-depth interviews, the proposed hypotheses were largely unsupported. The first hypothesis was that the amount of money that lobbyists and other



special interests spend on elections would decrease due to candidates being financed publicly. However, this has been proved untrue. As with many campaign finance reform efforts, people have found ways around the donation restrictions, so Clean Elections has not affected the amount of special interest money spent on campaigns. As Figure 4 shows, lobbyists and special interests give either the same amount of money or more money, but they now give it to PACs, state parties, ballot committees or make independent expenditures instead of giving directly to the candidate. Keely Varvel Hartsell noted that these require less accountability and transparency. “[Clean Elections] has resulted in just as much special influence – special interest and lobbyist influence and... big money influence – in these campaigns as there was before, but sometimes it’s not as transparent and it’s not disclosed as much,” she explained (Varvel Hartsell, 2012).



This failure has created some frustration and cynicism among supporters. Patrick McWhortor, the director of the Alliance for Arizona Nonprofits, was a supporter at first, because he believed that it would reduce the influence of “big dollars”. However, he

explained, “I became convinced that Clean Elections did not do what we hoped it would do, and I don’t know whether it can be reformed... But I was convinced that either we need to drastically reform it or we need to get rid of it” (McWhortor, 2012). Keely Varvel Hartsell agreed, saying, “I don’t think that Clean Elections has been necessarily a positive thing, honestly, in terms of accomplishing what its goals are.” She went on to explain that as long as First Amendment rights exist, people with money, i.e. lobbyists and special interests, are going to be able to influence elections (Varvel Hartsell, 2012).

The second hypothesis was that it would become more difficult for lobbyists and special interests to gain access to legislators and legislative staff, due to the decreased need for donations. This was not the case, because in Maine and Arizona, access was available to everyone before the legislatures passed Clean Elections and continues to be available. This is probably true with many state legislatures, because there is a relatively small number of constituents per legislator. Similarly, interviewees stressed that legislators meet with and form relationships with lobbyists and interest groups based on issue and experience, not how much money they have given. This is interesting, because, based on a study from the Center for Public Integrity, Maine and Arizona have relatively high corruption risks in terms of low transparency and accountability, poor ethics, and disclosure law loopholes—Maine ranks 46<sup>th</sup> out of 50 and Arizona is 30<sup>th</sup> (“Investigating Corruption Risk,” 2012). One would think that money would hold more weight in politics in these states since they have a high risk of corruption.

The third hypothesis was that party leaders would focus less on fundraising and more on voter contact. While it is true that party leaders do not have to fundraise as much since donors are now giving more money to the party if they cannot give to the candidate,

these leaders did not partake in much fundraising activity for their candidates before Clean Elections passed. Party leaders' activities on behalf of the candidates are generally the same—independent expenditures, running advertisements, sending out mailers, and organizing field teams to knock on doors and make phone calls. The behavior of party leaders does not depend on whether the candidate is running clean or traditional.

However, while Clean Elections has not succeeded in getting special interest money out of politics, it has succeeded in many other areas, such as fostering competition and creating a more democratic process. Michael Saxl elaborated,

[Clean Elections] has allowed me to bring people into the process...that would never have considered running before, and I think that is a fantastic thing. And I think that even if some of these candidates were unsuccessful – and maybe they were likely to never be successful – there's importance in the political process of having the debate, and I think it's really important for individuals and voters and the public to know that people are vigorously thinking about these issues and challenging each other with ideas.

Many potential candidates were turned off by the idea of having to ask friends for money or did not have the connections necessary to raise enough money to be competitive. Clean Elections eliminates this problem, and it has diversified the field of candidates and fostered competition in elections (GAO, 2010). A 2004 Arizona newspaper article noted that most voters are in favor of the law, and even if opponents got an initiative on the ballot to repeal Clean Elections, they would vote to keep it ("Clean Elections Will Prevail," 2004).

Similarly, candidates are now able to get to know their voters and the issues that are important to them, because they only have to spend a short amount of time raising seed money. Rick McGuire, the Treasurer for the Arizona Democratic Party, noted,

[Clean candidates] don't have to worry that much about fundraising... once they do the initial leg work and get their funding for Clean Elections, and they are free to spend more time – instead of raising money, they're free to campaign, to make sure their point of view is known. They go door to door and, you know, do all of the other

work that's involved in campaigning as opposed to sitting at home dialing for dollars.

Getting to know what issues are important to one's constituents is important if the candidate wins the race so he or she can represent the district well. This allows for more representative and democratic governance.

However, opinions of relative successes and failures of Clean Elections are correlated with political ideology. Those who do believe that the government is overstepping its role in publicly funding campaigns are less likely to think that Clean Elections has been a success in any way. Tim Lawless, a conservative lobbyist from Arizona, noted,

It was brought forward by so-called reformers who felt that by initiating this scheme – and I say that word scheme directly – that they would somehow elect more moderates to the Arizona legislature... And I think any political scientist looking at Arizona now in 2012 would say that it's patently, undeniably more conservative now than it was when Clean Elections was brought forward.

Lawless went on to note that Clean Elections has also failed in knocking down incumbents and creating transparency in government due to the rise in independent expenditures. The Democrats that were interviewed generally supported the idea of Clean Elections, even if it has not worked as its authors intended.

As with most policy reforms, there were unintended consequences. For example, in Arizona, Clean Elections has had the effect of getting more extreme ideological candidates elected. Arizona is already a conservative state, but now, the more extreme candidates—who would not have been able to fundraise before the state passed Clean Elections—are able to run and, by catering to the small population that they represent, get elected. Yvonne Hunter explained,

They're outside of the mainstream, there are very few places for them to go with their ideas, and for getting a nominal number of \$5 contributions they have access to get elected. They get to say and do whatever they want, and they get elected because they appeal to a fairly small segment of their constituents, and they're in.

An example of this is State Senator Al Melvin, a far-right legislator who started his political career by using Clean Elections funds (Young, 2012). Several interviewees from Arizona cited this polarization effect, but their political leanings dictated their opinion on the effect. Patrick McWhortor noted that ideologues in office only listen to people with the same ideology, so even if he has access to them, they will not heed his ideas and arguments. He explained, "We just have too many legislators who govern from... an ideological perspective when they have all the answers even before they have the questions" (McWhortor, 2012). However, more research needs to be done on this effect to be able to claim unbiased results.

### *Research Limitations*

There were several limitations to this research. First, the most significant limitation was that it was assumed that lobbyists and interest groups were completely honest about influence and money. They were not required to attach their name to this research, but they all chose to do so. On-the-record interviews may not have resulted in fully accurate assessments, because lobbyists and interest group leaders may not have had incentives to share evaluations that reflected poorly on the system or themselves. Second, the research would be stronger if more people had been interviewed, but time constraints and lack of incentives for interviewees rendered this impossible. Third, the political leanings of the interviewees influenced the results. Democrats were more responsive to the research inquiry, most likely because public election funding is aligned with their political philosophy and they wanted to demonstrate their support. For example, the only party

leaders that responded to the inquiry were affiliated with either the Maine or Arizona Democratic Party. Fourth, it is difficult to isolate the effects of Clean Elections when there have been many other changes in the political atmosphere in both states. For example, Maine and Arizona both implemented legislative term limits in the past twenty years, so it is difficult to say for certain that some changes are due to Clean Elections and not to another reform such as term limits. Finally, data about independent expenditures were difficult to find because reporting and disclosure requirements for them are relatively lax.

#### *Possibilities for future research*

Through the course of conducting this research, several possibilities and ideas for future research arose. One possibility stems from the fact that access does not equate to influence. It would be interesting, but difficult, to research whether Clean Elections has changed the amount of influence some interest groups and their lobbyists—especially those that give a great deal of money in campaign donations—have over public policy. This would not be easy to do, because lobbyists and interest groups are unlikely to speak candidly about the relationship between donations and influence.

It would also be interesting to study whether a state's corruption risk correlates with the success of public funding in that state. Since Maine and Arizona both have relatively high corruption risks and Clean Elections has not succeeded in eliminating the influence of special interest money in politics in those states, one could study the success of public funding in a state such as Connecticut which has a very low corruption risk (2<sup>nd</sup> out of 50) and has a public funding option for state races ("Investigating Corruption Risk," 2012).

Another intriguing possibility for future research has to do with matching funds. This year was the first election cycle after the Supreme Court declared matching funds unconstitutional in 2011. Many interviewees noted that fewer candidates were participating in Clean Elections, because there is now the high risk of being outspent by their opponents. The newspapers agree: an article this year by the *Arizona Capitol Times* explained, “Only 72 candidates have signed up for public financing this election cycle, compared to 121 in 2010. The reason: Clean Elections suffered a devastating blow in the middle of the 2010 campaign season, when the U.S. Supreme Court blocked the state from distributing matching funds” (Duda, 2012). This trend has occurred in Maine as well—only 63% of legislative candidates used Clean Elections funding in the 2012 election cycle as compared with 80% in 2010 and 85% in 2008 (Glenn, 2012).

Harriet Young explained that the Arizona Democrats were urging people to run traditionally this year, because they would otherwise be outspent by money from strong industries such as the timber industry or the farming industry. She explained, “If you’re fighting big money, you just haven’t got a chance if there are no matching funds” (Young, 2012). By running traditionally, candidates could find funds from groups such as EMILY’s List, the Arizona Education Association, and other pro-Democrat PACs and would have a higher chance of winning (Young, 2012). Tim Lawless agreed, saying, “Without matching funds, this law is worthless.” This election cycle was the first without matching funds, so it would be interesting to research the effect of this loss on future elections.

Finally, several interviewees mentioned term limits. Both Maine and Arizona place a four-term limit on legislative terms. Arizona passed this law in 1992 and Maine followed in 1993 (“The Term Limited States,” 2009). In both states, legislators lack the experience and

savvy that come with long tenure in the legislature, so they must rely on lobbyists and interest groups more heavily for information. Ben Grant explained, “Legislators have to rely more on [lobbyists, non-profits, and unions] than probably they did in the past. They just can’t build off the same institutional knowledge in four terms.” It would be interesting to conduct research on how term limits influences the relationship between private interests and legislators.



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## **APPENDIX A**

### **Interviewees**

#### **Lobbyists**

- Maine
  - o James Mitchell
    - Clients: Advantage Capital Management Corp, American Resort Development Association, Anthem Blue Cross & Blue Shield, Central Maine Power Company, Corrections Corporation of America, Darden Restaurants Inc., First Atlantic Health Care, General Motors LLC, Grocery Manufacturers Association, JD Irving, Maine Beverage Company, Maine Education Association, Maine Health Management Coalition, Maine Racing LLC, Maine State Law Enforcement Association, Maine State Troopers Association, Maine Trial Lawyers Association, Maine Yankee Atomic Power Company, MaineHealth, Maritimes & Northeast, Pharmaceutical Research and Manufacturers of America, Procter & Gamble Company, Stonehenge Capital Co., LLC, Waste Management, Inc.
  - o Michael Saxl
    - Clients: America OnLine, Inc., APS Healthcare – Maine ASO, AT&T, Diageo, Good Will-Hinckley, Great Works Internet, Harris Corporation, Harvard Pilgrim Health Care, HealthInfoNet, Mechanical Services, Inc., Patriot Renewables, LLC, The Pew Charitable Trusts, Tomra North America Inc, TransCanada Pipelines Limited, University of New England, Visa U.S.A. Inc.
- Arizona (Client data not available to the public)
  - o Yvonne Hunter
  - o Tim Lawless

#### **Interest Groups**

- Maine
  - o Rob Walker, Director of the Maine Education Association
  - o Jesse Graham, Director of the Maine People's Alliance
- Arizona
  - o Patrick McWhortor, Director of Arizona Alliance for Nonprofits

#### **Party Leaders**

- Maine
  - o Mary Erin Casale, Executive Director of Maine Democratic Party
  - o Ben Grant, Chair of Maine Democratic Party
- Arizona
  - o Rick McGuire, Treasurer of Arizona Democratic Party
  - o Harriet Young, First Vice Chairwoman of Arizona Democratic Party

## **Legislative Staff**

- Maine
  - Ted Potter, Chief of Staff for Maine Senate Democrats
  - Mary Small, Chief of Staff for Maine Senate President
  - Rick McCarthy, former staffer for various Maine Senate Presidents
- Arizona
  - Keely Varvel Hartsell, Chief of Staff for Arizona House Democrats
  - Mike Haener, former Chief of Staff for Gov. Janet Napolitano

## APPENDIX B

### Interview questions:

#### Lobbyists

- How long have you been working as a lobbyist in either Maine or Arizona?
- How often do you interact with the state government, if at all?
- What do you have to do to gain access to state legislators? Has this changed since the implementation of the clean elections law in 2000?
- Has your approach to lobbying state legislators changed since the implementation of the clean elections law in 2000?
- Have state legislators been more or less receptive to you since the clean elections law in 2000?
- Do you have lobbying experience in other states, besides Maine or Arizona? If so, please describe.
- How easy or difficult is it to gain access to legislators that do not participate in public financing of their campaigns compared to those who do participate?
- Are there any other ways in which the clean elections law has changed your professional experience?
- Are there other factors or changes in the state that may have influenced or caused changes in your behavior in terms of lobbying state legislators? If so, what are they?

#### Party leaders

- Were you involved in state politics when the Clean Elections law was implemented in 2000? If so, what was your role?
- Are you involved with fundraising for your party? If so, how?
- Have your responsibilities changed due to the Clean Elections law? If so, how?
- What were your party's campaign priorities (ex. fundraising, voter registration, voter contact) to help candidates win elections before the Clean Elections law? Have they changed at all, and if so, how?
- Has your approach to your job changed due to the Clean Elections law? If so, how? If not, why not?
- Have the majority candidates that your party has worked with accepted public financing for their campaigns? Why or why not?
- How do publicly financed candidates' approaches to campaigning differ from privately financed candidates' approaches?
- Are there other factors or changes in the state that may have influenced or caused changes in your approach to your job? If so, what are they?

#### Interest Group Leaders

- Does your interest group depend on access to state legislators to defend your interests in the legislature? If so, how does it gain access to them?
- Describe one or two instances in the past where you have worked with state legislators to defend your interests.
- Has the implementation of the Clean Elections law in 2000 changed your approach to gaining access to legislators? If so, how? If not, why not?



- Do you work equally with both publicly financed and privately financed candidates and legislators? Why or why not?
- Has it been easier or more difficult to get your interests represented in the legislature after the Clean Elections law was implemented? Why?
- Has the Clean Elections law changed your professional experience in any other ways? Describe.
- Are there other factors or changes in the state that may have influenced or caused changes in your approach to your job? If so, what are they?

### **Legislative Staff**

- Were you a legislative staff member when the Clean Elections law was passed in 2000?
- Please briefly describe your job responsibilities and activities as a legislative staff member.
- Do you determine which lobbyists and/or interest groups have access to the legislator? If so, how do you determine that?
- Have your responsibilities changed due to the Clean Elections law? If so, how?
- Do you have a preference for working for either Clean Elections candidates or traditionally financed candidates? If so, which group and why?
- Are there certain lobbyists or interest groups that you work with frequently?
- Have your relationships with lobbyists and/or interest groups changed since the implementation of the Clean Elections law?
- Are there any other ways in which the Clean Elections law has changed your professional experience?
- Are there other factors or changes in the state that may have influenced or caused changes in your behavior in terms of dealing with lobbyists and/or interest groups? If so, what are they?