

February 13, 2019

From: Rick Bourdon, Co-Chair, Open Democracy Action  
Re: Testimony in support of SB 304 (Voter-Owned Elections)  
Before: NH Senate Election Law and Municipal Affairs Committee

Chairperson Levesque and Members of the Committee,

Since their inception, Open Democracy and its 501(c)(4) sister organization Open Democracy Action have worked to promote a system of public funding of elections in New Hampshire. The details of the system have evolved over the years, but the goal has remained the same: to offer an alternative way of funding political campaigns so that candidates are not dependent on large donations from special interests, and the voices of everyday citizens are heard and heeded.

*Why now and why here in New Hampshire?*

The times, as they say, are a changin'. Americans have grown cynical. Faith in government and the democratic system is at a low ebb. Citizens look at the huge amounts of money spent on political campaigns, so much of it coming from special interests—PACs, dark-money groups, and the very wealthy—and conclude, not incorrectly, that the political playing field is heavily tilted against them. And when people feel powerless, they disengage, and democracy loses its driving force. The problem is especially acute at the federal level, but the cancer is rapidly metastasizing, spreading to the states. New Hampshire is not immune.

*The building of this year's bill for Voter-Owned Elections*

I could supply a lengthy explanation of SB 304, but I suspect the Prime Sponsor and others will have covered that territory. Instead, I will speak to the process of creating the bill.

For almost two decades now Open Democracy has introduced public funding bills and supported study committees, a bipartisan commission, and a Blue-Ribbon Task Force, all tasked with researching the issue. Despite these efforts, no statewide system of public funding has come to fruition. Now we have taken a different tack. Knowing that lasting success requires bipartisan buy-in, in July of 2018 we convened a *Public Financing Working Group*—six legislators: two senators and four representatives, half Democrats and half Republicans. Their charge: to craft a public financing bill that would have broad appeal among members of both parties.

It was, to say the least, an interesting exercise. We began with the best pieces of previous bills and the most up-to-date advice from the Brennan Center for Justice, the Campaign Legal Center, and EveryVoice.org. We added the *voter-dollar* component after seeing the remarkable, transformative success of that system in Seattle. Throughout the fall of 2018 the group met, sometimes in person, sometimes in phone conference, to iron out the details. As the moderator, I was charged with highlighting the parts of the bill to be worked on during each session and making changes where there was consensus. It was

time consuming but rewarding work. Witnessing the civilized exchange of ideas among people with different political philosophies was a heartening experience.

The Working Group's efforts have paid off. SB 304 would build a system of public financing of political campaigns that will make Granite Staters proud. It is innovative yet practical, bold yet limited in scope, the right solution for New Hampshire.

I strongly encourage the Committee to vote *Ought to Pass* on SB 304.

P.S. The bill is not, however, perfect. Discussions with senators in January and early February have revealed several areas of concern. I would like to discuss those items and possible remedies with the committee before the committee vote. Unfortunately I am away—but not out of touch—through February 24. I can be reached at rick.bourdon@gmail.com or (603) 759-1888.

P.P.S. I wish to respond to an oft-heard criticism of public funding systems: that a participating candidate can never compete against a nonparticipating candidate who is supported by the unlimited spending of SuperPACs and(or) other "independent" groups. This has certainly been a concern in the past, but I don't believe it will be going forward. For one thing, voters today are uniformly disgusted by the slanderous flyers and attack ads produced by these groups. Their innocuous sounding names aren't fooling anyone anymore. In today's atmosphere, by drawing voters' attention to their opponents' independent spending, savvy participating candidates can turn what was once a liability into political advantage. Moreover, the ability of corporations and the very wealthy to lavish huge sums on campaigns via independent expenditures may soon be radically diminished. *Lieu v FEC*, a case now before the U.S. District Court for the District of Columbia, has a good chance of overturning *SpeechNow v FEC*, the ruling that spawned SuperPACs in the wake of the Supreme Court's *Citizens United* decision. If *Lieu* succeeds, independent spending groups will likely be subject to the same rules and limitations as regular campaign donors.

Thank you for considering my testimony.