

BANGOR DAILY NEWS

guest column

Clean Elections not behind negative election ads

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In an Oct. 28 editorial, the Bangor Daily News makes some good points about the negative advertising that has sullied the final weeks of this campaign season, but incorrectly suggests that Maine's first-in-the-nation Clean Elections system somehow is at fault. The Maine Clean Election Act did not invent negative campaigning, and it's not fair to expect that Clean Elections would stop it.

Without question, negative ads evoke strong reactions from both voters and candidates. Mudslinging and fearmongering are not campaign tactics that voters appreciate, yet such ads dominate the electoral landscape. Messages accuse Maine candidates of everything from stealing money from the pockets of Maine people to causing the next oil spill.

From the ridiculous to the infuriating, these messages say more about the speaker than the candidates. That's why some candidates are denouncing these ads even when they come from groups on their side of the political spectrum. But heated campaigns and outrageous independent expenditures are nothing new, and they are hardly unique to Maine. Voters need to cut through the noise to understand the real choices they face at the polls. When voters see the phrase, "Not paid for or authorized by any candidate," that means that the candidates had nothing to do with the message — even if their picture or that of their opponent is in the ad. Unless they know and respect the group who made the ad, voters ought to take those messages with a grain of salt.

The negative campaigning is not coming from Clean Election campaigns. With very modest initial distributions, Clean Elections candidates can't afford to waste them on anything but getting out their own message. The negative campaigning is coming from independent expenditures. These expenditures may be annoying, but the U.S. Supreme Court considers them important political speech that is highly protected by the First Amendment. Any law that barred or limited them would be found unconstitutional.

What are we to do? For starters, let's resolve to put limits on the amount that can be donated to political action committees in order to slow the fire hose of money to these groups. Let's make sure that we penalize anyone who attempts to game the system by filing late reports in order to delay matching funds. And, let's celebrate what is best about Maine's Clean Election system and put these last couple of weeks in perspective.

So, what did Maine voters want when they passed the ballot question that created the Maine Clean Election law?

First, they wanted to cut the connection between private special interest money and candidates for our highest public offices. In Maine, no candidate receives very large contributions, and Clean Election candidates receive no contributions of more than \$100 in any phase of their campaign. Once participating candidates receive public funds, they do not spend any of their own money, and they may not raise any additional contributions.

Second, they wanted to put voters in the driver's seat. Voters decide who gets public money because only voters may make the \$5 qualifying contributions to the Maine Clean Election Fund that help candidates qualify. Legislators serve without ties to special interests. Lobbyists still lobby, but they can't make campaign contributions to 85 percent of legislators.

Third, they wanted to give more qualified Mainers the opportunity to run for office and serve. We have more candidates from more diverse backgrounds, more women and more young people running for office; and we have many legislators who never would have run without the Clean Election option.

Finally, they wanted to create a level playing field where candidates could limit their spending without fear of being woefully outspent. Clean Election candidates receive a modest initial distribution, and if they are outspent by a privately funded opponent and-or by independent expenditures, they receive matching funds to keep pace — up to a point.

Recent independent spending has flooded a few key races with money that public financing simply can't match. But imagine if you were a privately financed candidate facing an \$85,000 negative expenditure in the last week of your campaign.

With Clean Elections, Maine has achieved remarkable parity in spending between incumbents and challengers, winners and losers. We have leveled the playing field without limiting the sort of spending that is so strongly protected by the courts. Instead, we have taken the "more speech" approach that allows everyone to speak and to respond.

The problem of money in politics is nothing new. The Clean Election system works; it is part of the solution, not the problem.

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