

# BANGOR DAILY NEWS

## Maine watching Arizona elections case

High court decision could affect public campaign financing law  
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[By Kevin Miller](#)  
BDN Staff

AUGUSTA, Maine— Supporters of Maine’s public campaign financing law are anxiously watching the federal courts in the wake of two actions that could have ramifications on the state’s popular “clean elections” program.

Last month, the U.S. Supreme Court halted — at least temporarily — an Arizona program that provides additional “matching funds” to publicly financed candidates who are being outspent by their privately funded opponents. The high court is expected to take a closer look at the Arizona law later this year.

Then two weeks ago, a federal court in Connecticut struck down the matching funds portion of that state’s public campaign financing system.

Although neither case has had a direct impact on Maine to date, a Supreme Court finding against Arizona could force major changes to Maine’s Clean Elections Act, which provides public campaign financing to most legislative candidates as well as some gubernatorial candidates.

In Maine, candidates participating in the state’s public financing system agree to spending limits and to not accept contributions from private individuals or special interest groups. Clean Elections candidates can receive matching funds — up to \$600,000 for gubernatorial candidates — in order to avoid being vastly outspent by privately financed candidates.

Maine’s Clean Election Act was approved by voters during a 1996 referendum.

But critics contend that such matching funds infringe on their constitutional free speech rights by discouraging privately financed candidates or outside groups from spending more money in order to avoid another subsidy for the publicly financed candidate.

Jonathan Wayne, executive director of the Maine Ethics Commission, said Thursday that he does not believe the Supreme Court would make a decision before this November’s election, should the justices decide to consider the Arizona case.

That means the campaigns of current legislative candidates and the Democratic gubernatorial nominee, Senate President Libby Mitchell, are unlikely to be affected,

Wayne said. Nonetheless, Wayne said the Legislature's Legal and Veterans Affairs Committee has asked to be briefed on the issue.

But current candidates are not entirely in the clear, either.

Opponents of Maine's Clean Election Act could file a request with the Supreme Court asking that Maine's matching funds also be frozen pending the justices' review of the Arizona case and lower court rulings.

Alison Smith, co-chairman of the board of directors of Maine Citizens for Clean Elections, said she hopes that doesn't happen. Smith pointed out that the 1st Circuit Court of Appeals reaffirmed Maine's Clean Elections Act more than a decade ago, and she says the system has worked well in the years since.

"Maine Citizens for Clean Elections will fight like hell to preserve the system we have now," Smith said. "We think that Judge [D. Brock] Hornby was right when he declared our system constitutional ... and we have ample evidence that there is absolutely no chill on free speech rights."

David Loughran, spokesman for the Mitchell campaign, echoed Smith's statement. Mitchell, who is the only gubernatorial candidate left in the race who is participating in the public financing system, has received nearly \$900,000 in Clean Elections Fund money so far for the primary and general election.

"A federal court has already said that Maine's clean elections system is constitutional and we would hope that in any future legal challenges, a court would respect the Maine voters who created this law," Loughran said in a statement. "As a clean elections candidate, Libby spends her time listening to voters and sharing her ideas rather than dialing for dollars all day. It is a system that has worked well in Maine, and it should be kept intact."

More than 80 percent of legislative candidates participate in Maine's public financing system.