

BANGOR DAILY NEWS

Guest Column

Clean Election system works just the way it is

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What is your vision for democracy? If you're like me, you believe in a government of the people, by the people and for the people.

Democracy means that the people decide. We decide who represents us in Augusta and in Washington, D.C. But representative democracy is about more than just voting. We also decide how to elect those representatives; we decide on the rules.

Back in 1996, Maine people decided to get the big money out of Maine politics and give ordinary people the chance to run for office without doing a lot of fundraising. A strong majority of voters passed the groundbreaking Maine Clean Election Act, and this first-in-the-nation full public funding system went into effect in 2000.

Since then, in election after election, Republicans, Democrats, Greens and independents have said no to private campaign contributions and chosen Clean Elections instead. They have run campaigns that focus on voters and their community, not on deep-pocketed donors.

Ten years later, Maine leads the nation in campaign finance reform. But not everyone is happy about that.

Across the country, campaign finance laws are under attack. Last January, the U.S. Supreme Court issued the Citizens United decision, ushering in a new era of increasingly unregulated corporate spending in our elections. Recently the Maine Heritage Policy Center teamed up with a Terre Haute, Ind., lawyer named James Bopp to upend our Clean Election system and throw the current legislative and gubernatorial races into a tailspin.

At the heart of the complaint in Maine is exactly what was at the heart of the Citizens United case: a very different vision for our democracy. Their vision values money over just about everything else. Their vision considers corporations to be full participants in campaigns for office with all the same constitutional protections as citizens. Their vision belittles the historical reasons for campaign finance regulations.

Wrapping themselves in rhetoric about the First Amendment, opponents of reform contort this fundamental piece of our Bill of Rights into an unrecognizable knot.

To me, the First Amendment is all about airing opinions in the public square. It guarantees our right as Americans to hold and express views, whether they are popular or not and whether they are shared by the few or by the many. The First Amendment provides for a “marketplace of ideas,” and in elections, the public nature of political speech helps voters decide for whom they will cast their votes.

To opponents, the First Amendment right to free speech means anything that impedes the flow of unlimited money into campaigns is an affront to the Constitution. In their view, opening the spigot of corporate and special-interest money is an uncontroversial societal benefit.

In fact, campaign finance laws aim to support and protect political speech while recognizing that the money that purchases speech — the broadcast advertising, the mailers, the newspaper ads, etc. — is not the speech itself. Courts have long recognized that it’s appropriate to regulate the money but not the speech.

Elements of campaign finance systems such as contribution limits, reporting and public financing have been upheld by courts for decades because they fulfill important governmental interests such as safeguarding the integrity of the election process. The laws that make up Maine’s campaign finance system honor and uphold First Amendment rights, and they also provide transparency so that voters can make informed choices.

The latest lawsuit aims to eliminate the matching funds provision of the Clean Election system, arguing that if a privately funded candidate can’t outspend her or his opponent, a First Amendment violation has occurred. Similarly, it seeks to remove the contribution limit of \$750 to privately funded gubernatorial candidates. Why? Because one plaintiff wishes to give more, and claims the limit violates his First Amendment rights.

In fact, matching funds provide more speech — an outcome that should be welcomed by champions of the First Amendment — at the same time that they eliminate the David vs. Goliath dynamic that is so evident in many elections. Candidates compete on a level playing field, and voters hear from all of them.

It’s no wonder that Maine people so strongly support the Clean Election system — it works. It puts voters right into the driver’s seat of our democracy. If we are ever to fulfill the promise of government of, by and for the people, that’s exactly where they should be.

Hannah Pingree is the speaker of the Maine House of Representatives.