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Suit challenges Maine's Clean Elections law

By Glenn Adams, Associated Press Writer | August 6, 2010

AUGUSTA, Maine --Two conservative groups on Friday said they have filed a federal lawsuit challenging key portions of Maine's public financing system for political candidates.

The suit challenges a provision in the law requiring that publicly funded candidates -- who are limited in how much they may raise in order to qualify for the public money -- receive amounts of money matching what their privately financed opponents raise.

It also challenges the contribution limit of \$750 per donor for privately funded candidates running for governor.

The Maine Heritage Policy Center and Indiana-based James Madison Center for Free Speech filed the suit in U.S. District Court in Portland on Thursday. It follows similar court challenges in other states, including Arizona, Connecticut and Florida.

Under Maine's Clean Elections law, candidates for Legislature and governor who raise preset amounts through small donations from numerous contributors and refuse to accept large contributions qualify for public campaign funding.

Josiah Neeley, attorney for the plaintiffs in the Maine case, said the matching fund provision "has a chilling effect on campaign free speech" when a privately funded candidate "knows that every time he puts more money in his campaign war chest, he's putting more money in his (publicly funded) opponent's pocket."

The \$750 limit likewise infringes on First Amendment free speech rights, Neeley said. He stressed that the suit doesn't challenge the legality of a system that provides public funds to candidates.

"You can have a public financing scheme with no matching funds," Neeley said.

The law's opponents are seeking to shut off the matching fund tap amid the current election cycle, in which one of the five candidates for governor -- Democrat Libby Mitchell -- and numerous legislative candidates from both major parties have qualified for public funding. Eighty-one percent of the current Legislature's members were publicly financed, according to the state's campaign watchdog agency.

Efforts to get comment from the state Commission on Governmental Ethics and Election Practices, which administers the law, were unsuccessful because the state was closed

Friday for a furlough day. E-mail and phone messages to its director, Jonathan Wayne, were not immediately answered.

Alison Smith, of the group Maine Citizens for Clean Elections, said the lawsuit is without merit and "only the latest attempt in a national strategy" to overturn public campaign finance laws.

Smith cited candidates in Maine's recent primary races for governor who continued to collect and spend more money for their campaigns to get their messages out even though their opponents were being matched by the state. The same has been true in previous elections, she said.

"We see that privately funded candidates who intend to spend a lot of money did so even though they had a Clean Election opponent," said Smith.