

JOURNAL TRIBUNE

EDITORIAL

Clean Election funds protected by the courts - for now

Published:

Wednesday, October 13, 2010 12:19 PM EDT

Campaign turmoil was averted last week when a judicial panel refused to block Maine's Clean Election law in the final weeks before the 2010 elections.

Clean Elections supporters and candidates were heartened by the First Circuit Court ruling. The panel rejected a request for an emergency injunction to block the law, foreseeing that "chaos that will ensue if the Maine election laws ... are invalidated by a court order in the crucial final weeks before an election."

The ruling averted an immediate crisis, but a decision on the constitutional claims raised by the case still lie ahead.

Cushing v. McKee challenges the state's matching funds for publicly funded candidates – like gubernatorial candidate Libby Mitchell – who face free-spending opponents. The case also claims Maine's \$750 limit on campaign contributors is unconstitutional.

Maine's Clean Elections law survived a similar challenge a decade ago, when the First Circuit found that contribution limits and matching funds did not limit the free speech rights of either candidates or contributors. That decision allowed Maine's law to take effect, and supporters are currently celebrating 10 years of public funding of elections.

Maine's approach has proved successful in allowing candidates to focus on campaigning rather than fund-raising, and it has limited the influence of special interests in Maine politics.

But the legal landscape has changed since then. The Supreme Court's majority opinion in Citizens United rejected federal limits on corporate campaign spending. It also raised partisan enthusiasm among those who believe that special interest spending is a right that must not be infringed.

— *Questions? Comments? Contact Managing Editor Nick Cowenhoven at nickc@journaltribune.com.*