

September 22, 2010  
Editorial

## **Our View: Court right to uphold candidate matching funds**

*The Clean Elections system works because candidates know they won't be outspent.*

U.S. District Court Judge George Singal took a "cautious approach" last week by refusing to grant a motion that would have disrupted this year's gubernatorial election.

Libby Mitchell, the Democratic gubernatorial candidate, speaks at a forum in Portland last week. Mitchell is a publicly financed candidate who would have been hampered if last week's court ruling had gone differently.

His decision was the right one. The case would change election law to allow well-funded privately financed candidates to bury publicly funded ones, and Singal should be upheld by the 1st Circuit Court of Appeals

Plaintiffs, including a legislative candidate who is running a privately financed campaign, had asked Singal to immediately end the practice that gives publicly financed candidates matching funds if their opponents spend beyond specific thresholds.

That would have had an adverse effect on Democrat Libby Mitchell, a publicly financed gubernatorial candidate who stands to receive more money from the state fund because one of her opponents, free-spending independent Eliot Cutler, will surpass the thresholds.

Changing the rule now, with just six weeks to go before Election Day, would have dealt a major blow to Mitchell's campaign just as she prepares for the final push. And the ruling that the plaintiffs wanted in this case would have had a much larger impact than just a single race.

The concept of matching funds for publicly financed candidates is a key underpinning of the Maine Clean Elections Act, which makes a bargain with candidates. If they are willing to spend their time talking to voters instead of raising money, they can be assured that they will have adequate resources to get their message out.

If a candidate of means can simply drown out a publicly funded opponent, the Clean Elections route becomes a less viable option for real contenders.

There has been considerable activity on this issue in other states, with a court in Arizona issuing a temporary injunction because of a very similar provision in the state's election law.

But that ruling is not binding here, and Maine's law should be upheld in any court where it is challenged. Matching funds are not a limit on free speech, but a guarantee that every candidate can have a voice.

Find this article at:

[http://www.pressherald.com/opinion/editorials/court-right-to-uphold-candidate-matching-funds\\_2010-09-22.html](http://www.pressherald.com/opinion/editorials/court-right-to-uphold-candidate-matching-funds_2010-09-22.html)