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[Maine Voices: Suit against Clean Election law an effort to halt political speech](#)

The attorney representing the plaintiffs has worked to halt similar laws in other states.

By ANN LUTHER and ALISON SMITH

PORTLAND — Last week, three Maine plaintiffs, represented by attorney James Bopp, filed suit in federal court to overturn the Clean Election matching funds system, asserting it is an unconstitutional infringement of their First Amendment rights.

If Bopp's name sounds familiar, it should. Bopp represents the National Organization for Marriage in its suit to overturn Maine's campaign finance disclosure laws. Bopp represented national right-to-life groups in the late 1990s in their attempt to overturn the Maine Clean Election Act, too.

And that's just Maine. Bopp is behind similar legal actions in states across the country.

This new lawsuit is part of a well-financed assault on the nation's campaign finance laws. Wherever voters and legislatures pass laws that attempt to level the playing field, deter corruption and limit the influence of moneyed special interests, Bopp is never far behind.

In lawsuit after lawsuit, Bopp and his allies go to bat for those with the fattest wallets. Remember Citizens United? That's the U.S. Supreme Court decision that rolled back 100 years of federal campaign finance reforms and guaranteed the right to unlimited political spending for corporations. Bopp was behind that one, too.

Here at Maine Citizens for Clean Elections, we believe in the promise of government "of the people, by the people, and for the people."

We're proud that the Maine Clean Election Act is the nation's first public funding system, and we're proud that Maine people – candidates and voters alike, from across the political spectrum – have embraced it and made it a success. We are halfway through our sixth cycle of Clean Elections now, and it's clear the system works.

But James Bopp and his allies are in court to ensure that campaign finance laws – or the lack thereof – give Maine people the best government that money can buy. Their

complaint asks the court to halt the payment of matching funds in all races this year – races that are already under way! The candidates who have already qualified for Clean Elections are bound by its modest spending limits with no ability to raise additional funds or spend their own money.

The lawsuit also seeks to lift the \$750 contribution limit to privately funded candidates in the gubernatorial election. Why? Because one plaintiff wants to give more than the current limit of \$750 to his favorite gubernatorial candidate, Republican Paul LePage.

At first glance, this lawsuit might look like an overt attempt to advantage a privately funded Republican over a publicly funded Democrat in the race for governor. But its impact is much bigger than that.

Hundreds of legislative candidates, including Republicans, Democrats, Greens and independents, are participating in Clean Elections this year. Changing the rules in the middle of the game would deny these candidates the dollar-for-dollar matching funds to which they are entitled if they are outspent by a privately funded opponent or by independent expenditures.

The total disruption of the ongoing election seems a very high price for Mainers to pay, especially since the facts do not support the plaintiffs' complaints.

Take the gubernatorial contribution limit. Last year the Legislature raised the limit from \$500 to \$750, and we held a vigorous primary election in June. Several privately funded candidates raised significant sums under the limit and ran vigorous and competitive campaigns. There is no evidence that the limit kept candidates from raising the money they needed.

Similarly, the June primary showed that matching funds do not "chill speech." In both the Republican and Democratic contests, high-spending candidates spent well more than the Clean Election candidates' spending limit.

Reports were filed, matching funds were distributed and those high-spending candidates kept right on spending. Every election cycle under Clean Elections has pointed to the same thing: Matching funds enable more speech.

Maine's campaign finance laws protect First Amendment rights by allowing unlimited expenditures by privately funded candidates and unlimited independent expenditures.

They enhance First Amendment rights by providing resources to publicly funded candidates so that voters hear from all sides, not just from those with unlimited money to spend.

They protect the public interest by calling for disclosure so that voters know who is behind the ads they see and hear.

Clean Elections means that citizens come first, and that our government is not for sale.

There's nothing unconstitutional about that.

ABOUT THE AUTHORS

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