

BANGOR DAILY NEWS

To kill clean elections, do nothing

By David Farmer

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There are two ways to kill Maine's [Clean Election Act](#).

Option 1, which has the benefit of being straightforward and honest, is to introduce legislation to end all public financing for state office.

Option 2, which is far sneakier and less transparent, would be to do absolutely nothing and leave Maine's law as it is today.

In June, the U.S. Supreme Court ruled in [Arizona Free Enterprise Club v. Bennett](#) that Arizona's system of matching funds for publicly financed candidates was unconstitutional.

While the argument that someone's speech is chilled when someone else is given matching dollars after the fact makes no sense, the ruling means that Clean Election candidates in Maine can no longer receive additional public financing triggered by an opponent's spending.

Maine's system — before the Supreme Court intervened — allowed candidates to qualify for public financing by collecting small, \$5 qualifying contributions. Once a candidate qualified for public financing, they would receive a set amount for the primary and for the general election. If their opponent or a third party spent more than the allotted amount against the clean elections candidate, he or she would receive additional matching dollars to keep the playing field close to level.

No more. Matching funds are history.

Last week, the Legislature's Veterans and Legal Affairs Committee held a [hearing](#) to try to find a way to fix the system while eliminating the matching funds provision.

Matching funds have played an important role in clean elections. During the last four elections, between 40 and 50 percent of legislative candidates and all MCEA gubernatorial candidates received some matching funds.

Matching money has been a critical piece of the clean elections puzzle.

While Republicans have been the most vocal critics of Maine's public funding system, the program has enjoyed bipartisan popularity. About 80 percent of all candidates for the Legislature have participated in public financing.

The Maine Commission on Governmental Ethics and Election Practices, which is charged with administering the Maine Clean Election Act and policing elections in the state, has developed two [alternatives](#) to current law with the intent to maintain public financing as a viable option for candidates.

There are two basic ideas being discussed to safeguard the Maine Clean Election Act. One idea would allow candidates to receive additional public financing by collecting a second round of qualifying contributions. The second would be to set the initial level of public funding at a level that's high enough to make public financing attractive.

The rub with the second option is finding the magic number that covers most races without being overly generous in districts where less money would be sufficient.

Another option, which is advocated by Gov. LePage, would do nothing, delivering what would be a death blow to clean elections. Without increasing the funding amounts and with no chance for matching dollars, very few candidates could risk participating in clean elections.

Maine's Clean Election Act was enacted by citizens' initiative in 1996 and quickly became a model for the rest of the country. The law has helped new candidates to seek office and has allowed candidates to focus on voter contact instead of fundraising.

And until last year, the law had helped to level the playing field and reduce the impact of money in campaigns, especially for the Legislature. That got turned on its head in 2010 when an out-of-state group spent almost \$400,000 — which it failed to [report](#) in a timely way — to unseat five sitting Democratic state senators.

Before last year, the idea that someone in Virginia would spend \$99,000 on a state Senate seat in Androscoggin County seemed unlikely.

Fear that it could happen again means that any candidate who's considering a run in a contested area has to look at any public financing and decide whether there is likely to be enough money to compete.

Politicians who think that public financing of elections is a mistake, or who have fallen in love with the attack that it's "welfare for politicians," should have the courage to tell Maine voters that they're killing the system.

It'll be hard enough to find a solution that has both a reasonable price tag and keeps the playing field level. But a solution is possible.

Doing nothing means doing in the MCEA. And voters, who overwhelmingly support the law, should know that.

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