

BANGOR DAILY NEWS

Clean elections go through the wringer

Editorial
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While this week's Supreme Court ruling striking down matching funds as part of Arizona's clean election program has gotten a lot of attention, a Maine law change that will similarly erode the state's public campaign financing system was made without much attention. Taken together, the two actions leave big holes in the state's clean election program that must be addressed by lawmakers if the popular system is to survive.

On Monday, the Supreme Court ruled that a provision in Arizona's public campaign financing law that provides additional money to publicly funded candidates who are being outspent by privately financed rivals was unconstitutional. The court's majority said the matching fund provision inhibits debate. Maine's clean election system has a similar provision.

A week earlier, Gov. Paul LePage signed a bill that will double the amount of money that individuals can give to a candidate for governor. Under the new law, individuals can give \$1,500 to a candidate for governor during both the primary and general elections, for a total of \$3,000. The previous limit was \$750 per election.

Although Maine's gubernatorial contribution limits are low and a good case could be made to raise them, the higher limit for the governor's race was added to the bill on the Senate floor, so there was no public debate. As originally written, the bill aimed to increase the amount that could be given to candidates for county and municipal offices.

The higher contribution limits make public financing even less appealing for candidates for governor. Already, few gubernatorial candidates use the system. It is extremely popular with legislative candidates, with more than three-quarters of State House candidates opting for clean election funding.

A bill to repeal the clean election system was rejected.

State lawmakers will need to rewrite portions of Maine's public campaign funding laws to comply with the Arizona ruling. In anticipation of the court decision, a bill authorizing this work was initially approved by the Maine House and Senate. It awaits final votes in the Legislature this week.

Part of that work should focus on ways to minimize the corrosive effects of interest group spending on elections that are supposed to be clean.

Like Arizona, Maine's clean election funding system includes matching funds. In addition to initial dispersals — a little over \$4,000 for Maine House candidates, \$19,000 for state Senate candidates and \$600,000 for those seeking the Blaine House in the 2010 general election — candidates can get more public money if their privately funded rival outspends them, or if outside groups fund ads on behalf of a rival, even one that is publicly financed. The matching funds are capped — just over

\$38,000 for state Senate candidates and about \$8,300 for House candidates in last November's campaign — but it still means a lot of public money is spent in increasingly nasty campaigns.

Last fall, an unprecedented amount of money was spent on legislative races in Maine. In the last week before the Nov. 2 election, nearly \$500,000 was spent on five state Senate races, including ones in Bangor and Hancock and Waldo counties. This money largely paid for the avalanche of fliers and television ads that both voters and candidates decried. To add insult to injury, the fliers and ads were on behalf of candidates who were running "clean," meaning they had agreed to spending limits in exchange for receiving a set amount of money from the state for their campaigns. Worse, the fliers and commercials often triggered matching funds (when outside groups followed the law and filed the required campaign reports — some didn't and were fined) for their opponent, so public funds were used to combat private spending on behalf of a rival.

A candidate can now accept public funding for his campaign while his party or other political action committees can spend unlimited amounts of money supporting that candidate, or more likely attacking his opponent. Candidates, by law, cannot coordinate with these party and political action committee advertising campaigns.

Both supporters and opponents of clean election financing say that not much can be done to curtail the outside money because the Supreme Court has ruled that campaign funding is speech and can't be restricted. If this is the case, then clean election funding is meaningless.

This is not the outcome voters expected when they endorsed clean election funding in 1996.

The intent was to clean up elections by reducing financial pressures. Last fall's campaigns suggest that intent has been lost. Lawmakers need to find a way to revive it.