



Maine Clean Elections at Crossroads

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There's some irony to the fact that at the same time that large groups of people are now taking to streets and parks and the open air to protest the role of money, particularly corporate money, in politics, some very important decisions about exactly this issue are being made in the sheltered corridors of Maine's statehouse.

Maine's Clean Election system, passed ten years ago through a citizen-initiated referendum, is an example of how to do campaign finance reform right. It's incredibly popular with the people of Maine, is used by more than 80 percent of Maine legislators and even its critics agree that it allows candidates to spend less time fundraising and more time connecting with their constituents and discussing real issues.

The reason the system is now being debated is a Supreme Court decision that struck down an important part of the Maine Clean Election Act (MCEA) – the provisioning of limited matching funds for candidates who are outspent by privately-financed opponents or outside groups. Following previous decisions linking the spending of campaign cash to free speech, the court ruled that, by being linked to opponent's spending, matching funds impinge on candidates' abilities to freely spend money on their campaigns.

Last session, anticipating this decision, the legislature passed a resolution to have new options drawn up in order to replace this part of the law and to make sure the Act continues to reflect the will of Maine voters. This week, a public meeting of the Veterans and Legal Affairs Committee was held to hear two proposed options and begin the debate about how to repair the system.

In simple terms, option one would increase the initial disbursement of funds to Clean Election candidates to a level where they can be more competitive with their opponents. House candidates would receive \$7,716 initially and Senate candidates would get \$33,617.

Under option two, candidates would get a smaller initial disbursement initially, but could later gather more \$5 qualifying contributions from local voters to qualify for additional disbursements, up to a maximum of \$11,500 and \$55,000, respectively.

Of the two, option two seems much more in line with the will of the voters and a better idea for both the health of Clean Elections and the MCEA budget. Not every race is competitive, so giving out the same amount to everyone probably isn't necessary. On the other side of things, some races are now seeing huge expenditures by outside groups. One corporate-backed Republican PAC, for instance, spent nearly \$400,000 in five Maine senate races in just two weeks last year. \$33,617 wouldn't come close to competing with this kind of spending. \$55,000 won't match it either, but it gets closer to making things fair and competitive – major goals of the Act.

The mechanism for triggering these extra funds – gathering additional \$5 qualifying contributions – seems eminently fair. It encourages candidates to connect with the people they seek to represent and, in the case of Senate races, the 375 contributions required to trigger full funding are a high enough hurdle that candidates in uncompetitive races likely won't feel the need to seek those funds.

The big question in this debate is the position of the Republican Party. Many Republicans strongly support Clean Elections (and most of them ran using the system) but there are some who want to see it end. They'll likely be pushing for option one or, as in the case of the LePage administration as represented by the testimony of the governor's Chief Counsel, Dan Billings, asking the legislature to do nothing at all to plug the hole left by the elimination of matching funds. Either of these proposals would weaken the Act and lead to fewer Maine candidates running public campaigns.

The legislature is at a crossroads between, on the one hand, strengthening Clean Elections and making it once again the nationwide model that voters intended it to be and, on the other hand, gutting it and allowing it to wither in disuse. The path they choose will have a fundamental and determinant effect on the role of money and corporate power in Maine's elections and in our government.

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