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EDITORIAL

Mainers support clean elections funds, fair races

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Maine's Clean Elections Act took a hit recently when the U.S. Supreme Court ruled that a provision for matching funds in Arizona's clean elections law violates the First Amendment.

In a 5-4 ruling, the majority sided with the plaintiffs. Chief Justice John Roberts' majority opinion focused on the so-called trigger mechanism in an Arizona law that provided differing levels of money to publicly funded candidates based on the spending by privately funded rivals and independent groups.

Roberts said, "Laws like Arizona's matching funds provision that inhibit robust and wide-open political debate without sufficient justification cannot stand."

It's unfortunate that Roberts and the majority chose to describe this case with words like "political debate." Privately funded campaigns do not allow for more political debate, nor do they allow for more participation. What does allow for more participation – and in turn more debate – is public funding.

In Maine's last election, 80 percent of successful legislative candidates used clean elections funding, and 94 percent of Republicans who ran for state Senate were Clean Election candidates.

Since Maine's Clean Election Act was approved, more and more candidates have used public funding. Candidates have been able to compete on a level playing field due to the "trigger" mechanism, which allows the state to supply more campaign funding to a candidate who is being vastly outpaced by their opponent in campaign fundraising when a certain threshold is met.

While many have financial concerns in this economy, support for clean elections in Maine is strong. In three separate polls this spring, support for clean elections in Maine ranged from 70 to 85 percent of those polled, according to figures from Pan Atlantic SMS Group, Critical Insights and the Maine People's Resource Center.

The Maine Citizens for Clean Elections, a non-partisan association of organizations and individuals that advocates for the Maine Clean Election Act, submitted an amicus brief in the Arizona case, rejecting claims that clean election matching funds chill First Amendment rights. The association's brief stated, in part: "Full public financing has invigorated the electoral marketplace in Maine. Candidates across the political spectrum have opted into the public financing program in large numbers, reflecting strong and widespread public support for an electoral system that frees candidates from dependency on private donations ... The availability of full public financing has spurred electoral competition, dramatically reducing the number of uncontested elections and enhancing challengers' ability to take on incumbents in competitive elections."

The brief also points out that Maine's law does not place any limit on what privately funded candidates may spend, but allows clean elections candidates to receive additional public funds under certain conditions so they may continue to compete in the race – and additional funds are subject to a limit.

In no way does this law "limit speech," in fact, it expands the opportunities for candidates to run in the first place, thereby expanding speech, an individual's access to office, and a voter's opportunity for choice.

Maine's law should be reconfigured to allow for additional funds for publicly funded candidates when needed, and Maine's Clean Election Act should continue to be supported and funded by state legislators – many of whom benefit from the funds – so Maine can continue to have diverse and competitive elections.