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## [Our View: Maine Clean Elections law will need full review](#)

***Its own problems, plus a Supreme Court decision, make clarity essential before 2012.***

A U.S. Supreme Court ruling handed down Monday that could directly impact a provision of a Maine law has free speech advocates responding on both sides of the issue.

Biddeford residents cast ballots at the J. Richard Martin Community Center in Biddeford last November. A U.S. Supreme Court ruling handed down Monday could impact a provision of Maine's Clean Elections law.

The U.S. Supreme Court overturned on First Amendment grounds part of an Arizona law that provided publicly funded political candidates "matching funds" when their privately funded opponents spent more than they did.

Like Maine's Clean Elections Act, Arizona's statute aimed at "leveling the playing field" between candidates who took private funds and ones taking a fixed amount from public sources. Similar laws exist in New Mexico, North Carolina and Wisconsin.

The ruling does not affect public funding of campaigns, but about 85 percent of elected legislators have used the law, and 24 percent of their spending came from matching funds.

While disappointing to Clean Elections advocates here, including Reps. Chellie Pingree and Michael Michaud, the ruling was expected, as it is consistent with recent decisions that overturned limits on certain types of contributions at the federal level. Advocates of contributions as a form of political speech, including the Maine Heritage Policy Center, which is challenging the Maine law in court, say restrictive laws discourage donors from funding candidates they like.

Maine lawmakers are considering removing candidates for governor from the law's provisions, and another pending statute would put Maine's law through a public review process prior to the 2012 campaign season.

Given the court's ruling, that review process would seem both necessary and wise. While the Clean Elections statute was approved by citizen referendum, it has experienced funding difficulties in the past, and some of its covered candidates have used its funding for inappropriate activities.

The court's 5-4 ruling, written by Chief Justice John Roberts, says the Arizona law "goes too far; Arizona's matching funds provision substantially burdens the speech of privately financed candidates and independent expenditure groups without serving a compelling state interest."

The ruling continued, "Any increase in speech resulting from the Arizona law is of one kind and one kind only: that of publicly financed candidates. The burden imposed on privately financed candidates and independent expenditure groups reduces their speech. The First Amendment embodies our choice as a Nation that, when it comes to (campaign) speech, the guiding principle is freedom – the 'unfettered exchange of ideas' – not whatever the State may view as fair."

That is, matching funds only aided one side in a campaign, so privately funded candidates and their donors were disadvantaged by them.

Maine's law has been around for a decade, and over that time enough questions have surfaced to justify a comprehensive study of its effectiveness and long-term viability. This ruling makes such a review all the more imperative – and urgent.