

# Portland Press Herald

Editorial

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## **Bill Nemitz: GOP may get last word on Maine Clean Election funds**

**The days of publicly financed campaigns in Maine could well be numbered.**

It's been a rough week for Maine's Clean Election Act.

Today, the Maine Commission on Governmental Ethics and Election Practices will vote on a staff recommendation that state Rep. David R. Burns, R-Alfred, be referred to the Attorney General's Office for allegedly squandering \$2,500 in public campaign funds on, among other things, a \$118.95 tab at a Chinese restaurant and a post-election tankful of gas.

From which we can draw two conclusions:

First, temptation is a powerful thing.

Second, when it comes to, shall we say, questionable use of public campaign funds, Burns is proof positive that Maine's Clean Election system works. It didn't take long, after all, for ethics commission auditors to open Burns' spending report and smell a pupu platter.

We turn next to the truly bad news for a program that's been the pride of Maine since voters passed it with a 56 percent majority in 1996: Thanks to a Republican-controlled legislative committee that met Tuesday, the days of publicly financed campaigns in Maine could well be numbered.

A little background:

Back in June, the U.S. Supreme Court ruled in an Arizona case that "matching funds," awarded to publicly financed candidates once their privately funded opponents outspend them, violate the First Amendment and hence are unconstitutional.

The decision delivered a major blow to Maine's Clean Election system (on which Arizona's system was based). Without matching funds, supporters worry, candidates will be less likely to run "clean," for fear that an opponent might beat them silly not with ideas, but with a fat wallet.

Now one would think, considering that 80 percent of the members now in the Legislature got there with Clean Election money, that both sides of the aisle would be scrambling to find a new mechanism for "extra" money that passes constitutional muster.

But for now, at least, one would be wrong.

By a 7-5, party-line vote (with unenrolled Rep. Ben Chipman of Portland siding with the Democrats), the Veterans and Legal Affairs Committee decided Tuesday to do, in effect, nothing.

"I think it keeps the Clean Election program the same way it is now," said the committee's Senate chair, Nichi Farnham, R-Bangor, after the vote. "And that's not a bad approach to take."

Minus the matching funds?

"Right, minus the matching funds," replied Farnham.

Rep. Michael Carey, D-Lewiston, the committee's ranking Democrat, took a somewhat different view.

"It doesn't make sense to me," said Carey. "Today we had partisan back-and-forth about something that is a nonpartisan idea."

Carey was talking about two solutions to the matching-funds dilemma proposed in September by the ethics commission.

"Option 1" would simply increase, by 50 percent, the amount that Clean Election candidates would receive for an election cycle – \$7,716 for House candidates and \$33,617 for the Senate – whether they need that much or not.

"Option 2" would set initial allocations at \$6,500 for the House and \$30,000 for the Senate. Candidates who choose could then supplement their public funds – up to another \$11,500 for the House and \$55,000 for the Senate – by hitting the bricks and getting additional "qualifying contributions" from supporters, just as they did to qualify for Clean Election funding in the first place.

Proponents, most of whom prefer Option 2, say it would enable a candidate to take on a deep-pocketed, privately funded opponent without actually matching the other side dollar for dollar. Hence, they say, it gets around the Supreme Court's disallowance of matching funds.

But the Republicans, at least on Tuesday, would hear none of it.

After weeks of fruitless negotiations, the Democrats issued a minority report favoring Option 2. The GOP, on the other hand, approved a majority report that simply bids farewell to matching funds.

Enter a bevy of longtime Maine Clean Election Act supporters, who quickly charged that the Republicans' inaction threatens the very future of a program that – lest we forget – was designed to keep as much special-interest money as possible out of Maine's elections.

"If we don't have a replacement for matching funds, we see the viability of Clean Elections being diminished," said Andrew Bossie, executive director of Maine Citizens for Clean Elections.

Predicted Bossie, "Candidates who would otherwise have run using Clean Elections funding will opt to run privately financed. And that's not what voters wanted when they went to the polls in 1996 and overwhelmingly supported this law. They voted to get the corporate and wealthy influence out of our political system."

Jesse Graham, executive director of the Maine People's Alliance, called the committee's decision a "slap in the face" to Maine's voters.

"If their decision stands, the result will be greater corporate control of our government," warned Graham in a prepared statement. "They have started down a path towards killing the Maine Clean Election Act."

Maybe ... and maybe not.

Democrat Carey, who used Clean Election funds in only one of his three campaigns, said he senses "a game of chicken being played" by the GOP. He won't be surprised if the Clean Election system ends up back on the table in some other legislative standoff during the coming session.

"I think it becomes hostage to budget negotiations or something else the governor wants or whatever," Carey said. "Because, at the end of the day, 80 percent of Republican candidates used this system, so they must think it works."

Republican Farnham – who ran "clean" last year but got a last-minute boost from outside GOP advertising that she says was "beyond my control" – agreed the committee's let-it-be majority report, however controversial, hardly represents the last word.

"There's a good share of the Legislature that has an opinion on this," she said. "I think our committee report on this one is going to be taken fairly lightly."

Maine voters can only hope.

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