

# BANGOR DAILY NEWS

## Maine Clean Elections system hits speed bump

By Andre Cushing, Special to the BDN  
**March 6, 2012**

In 1996, voters approved the Maine Clean Elections Act to get “big money” out of politics. The referendum that established the MCEA was backed primarily by progressive groups. They envisioned a utopia-like situation where all candidates competed on a level playing field, with equal financial support untainted by “outside money.”

It hasn't quite worked out as planned.

Politics being what it is, the practitioners quickly found ways to game the system. Voters have seen many cases of Clean Elections scandal, waste and abuse since 2000, the first year that taxpayer dollars were doled out to candidates.

One of the most notorious examples took place during the 2006 gubernatorial race, where Democrat-turned-independent candidate Barbara Merrill spent roughly \$1 million in public money to finance her gubernatorial campaign. She used more than \$100,000 to pay her husband for campaign work. It was perfectly legal.

That same year, the state levied a \$17,700 fine against a “campaign consultant” who was paid to prepare postcards for Julia St. James of Hartford, a self-described “weed farmer” who ran “clean” for the Maine Senate. The consultant was fined for, among other things, fabricating campaign invoices.

In 2010, a Democratic legislator from Cape Elizabeth used Clean Elections money to buy a MacBook Pro laptop, then proceeded to boast online that she could keep it after the election if she reimbursed the state for 40 percent of the cost.

People who refer to Clean Elections as “welfare for politicians” have a point, and Maine taxpayers are wondering how this so-called noble experiment has gone so wrong. They also wonder whether they have gotten their money's worth for the \$23 million they have spent on lawn signs, bumper stickers and other campaign paraphernalia.

Bear in mind, only 13 percent of Clean Elections money comes from the \$5 checks that candidates collect to qualify for public funding. The rest comes from the same pool of money that pays for public schools, public safety and health care programs.

As it happens, taxpayers are about to catch a break.

One of the most egregious aspects of Clean Elections involves a provision for matching funds. Under the current system, a Clean Elections candidate for the Maine House receives about \$4,000, while Senate hopefuls receive just over \$18,000. Matching funds are triggered when an outside group contributes some type of support to a privately financed candidate or when that candidate raises more money than their Clean Elections opponent was originally allotted.

Let's say, for example, you are running "clean" for a seat in the Maine House. You get about \$4,000 in taxpayer funds to run your campaign. As the race progresses, your privately funded opponent raises and spends \$8,000. You then qualify for an additional \$4,000 matching fund "bonus" to counter the money being used against you.

Maine taxpayers have shelled out millions of dollars in matching funds, but all of that is ending. Last summer, the U.S. Supreme Court ruled, in a 5-4 decision, that the matching funds provision in Arizona's Clean Elections Act was unconstitutional. The high court held that matching funds substantially burden protected political speech without serving a compelling state interest and therefore violate the First Amendment.

Following suit, a federal court in Maine ruled in July that Maine's matching funds scheme is unconstitutional. As a plaintiff in that case, *Cushing v. McKee*, I welcomed the decision. It clearly stated that there is an effect on the electoral process when we inject taxpayer money into campaigns. The traditional method of having to earn people's support, both their vote and financial support, is a cornerstone of good elections.

The full Legislature is now taking up LD 1774, "An Act Regarding the Matching Funds Provisions of the Maine Clean Elections Act." The Veterans and Legal Affairs Committee has voted 7-6, with Republicans prevailing, to simply strike out the unconstitutional matching funds portion of the law, leaving the rest of the act intact and untouched.

The Democrats, however, want a tiered system, where "clean" candidates would get even more public money than they do now if they collect additional \$5 checks. This more expensive option hardly seems appropriate when we are working to close budget gaps in programs for the most needy among us.

In the unlikely event that nothing passes, the MCEA stays the same, but matching funds will disappear.

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