

January 15, 2012
Editorial

[Our View: Lawmakers should fix, not gut, Clean Elections](#)

Allowing a candidate to qualify for more funds protects the public financing option.

In politics, very little free speech is free. The more money a candidate spends, the better the chance he has to win the election. And the more money a candidate raises, the more favors the soon-to-be-elected official will owe.

Changing that equation was the idea behind the Maine Clean Election Act, the 1996 citizen-initiated campaign finance reform law that has been a bedrock of state races for more than a decade. The public financing option has been used by most legislative candidates, incumbents and challengers, including members of both major parties as well as independents.

They have been able to organize campaigns based on voters and the issues they care about rather than short bouts of campaigning fit in around calls to donors. The donors may not even live in Maine, let alone the legislative district the candidate hopes to represent.

Maine can also look to the Clean Election law for its low rate of uncontested legislative races, because challengers have a realistic shot at competing against entrenched incumbents.

The Clean Election Act took a major hit last year when the U.S. Supreme Court outlawed matching funds, a provision in the law that automatically gave more money to a candidate who had been outspent by a privately financed opponent.

If a "clean" candidate could rely only on a flat amount, a well-connected incumbent would know just how much to raise if he wanted to drown out the message of his publicly financed challenger.

Such a system would put pressure on all candidates to use traditional fundraising if they could, putting outside money and influence back into the legislative system.

TWO VERSIONS, ONE BILL

That's the system that would be put in place by a bill now before the Legislature, following a straight party-line vote from the Legal and Veterans Affairs Committee. But there is a better alternative.

The solution favored by the committee's Democrats would give a candidate a second chance to qualify for more clean election funds if the dynamics of a particular race required them.

If a publicly financed candidate expected his message to be buried by a traditionally financed opponent or well-heeled outside group, he could go back out to collect more \$5 qualifying contributions from voters and qualify for an additional allotment of public money.

This would respond to the Supreme Court's constitutional objection, because the additional funds would not be triggered automatically by the opponent's spending. The court considered that trigger to have a chilling effect on the traditionally financed candidate's free speech.

It would also address a problem that has existed with the Clean Elections formula from the start: All candidates are given the same amount of money, but all districts are different.

In some parts of the state, advertising is more expensive. In others, travel costs are greater because voters are widely dispersed. Giving each campaign the same number of dollars does not mean that they are all getting an equal chance to run a campaign.

DECISION TIME

With a second qualification round, a candidate could respond to the dynamics of a particular race. The candidate would still have to account for every dollar spent and would have to answer to voters about why the campaign he chose to run was so expensive.

Members of the Legislature will have two alternatives when they consider this bill: A flat budget for all qualified candidates, or a modified system with the opportunity to qualify for more funds. Although the first option is simpler, we think the second would result in preserving the Clean Election system as envisioned by the voters.

The choice will have to be made soon: March 15 is the date by which candidates must announce their intention to run, and April 20 is the deadline for candidates to qualify for Clean Election money.

How the Legislature decides this question will influence how many people choose to run for office and how they plan to campaign.

This should not be a partisan issue: Lawmakers from both parties have an interest in keeping the voters of their districts and their concerns as the most important factors in their races. And both parties have benefited from the public financing system, as witnessed by the Republicans' takeover of the House and Senate in 2010.

Maine has a chance to lead once again on campaign finance reform. The Legislature should not miss this chance to minimize the impact of money in our elections.