

# Sun Journal

## **Mainers won't take kindly to messing with Clean Elections**

By Doug Rooks

March 11, 2012

Sometimes in Maine, we live sheltered lives. Since we don't inhabit an early primary state, we haven't experienced the onslaught of truly awful campaign ads afflicting Iowa, New Hampshire, Michigan, Ohio, et. al. But don't worry. Our turn is coming in the fall.

Many wonder whether it's worse than usual. It is. Corporate-funded "SuperPacs" have unleashed unlimited advertising, with little or no reporting or accountability, thanks to the U.S. Supreme Court's notorious Citizen's United decision handed down in 2010.

That ruling wiped out 100 years of campaign spending regulations, going right back to Teddy Roosevelt, the Republican who first drew attention to the outsized influence of corporate money. The astonishing judicial overreach of Citizens, handed down by the court's 5-4 radical majority, has not been sufficiently appreciated. The case, first argued during the 2009 term, had nothing to do with the ultimate decision that corporations are "persons" guaranteed unrestricted free speech. The court commissioned new legal briefs to provide a fig leaf for its determination that there can be no limits on money in politics.

If the message wasn't already clear, the five-member bloc then delivered a "son of Citizens" decision in an Arizona case involving its Clean Elections Act, a system only Arizona and Maine use. Through a law previously upheld by federal courts, candidates can voluntarily receive a set amount of public funding while forgoing private fundraising. It's so successful that nearly 75 percent of legislative candidates, Rs and Ds alike, choose it. It also provides limited matching funds for those few candidates whose privately-funded opponents significantly outspend them. That's why the system works. No one wants to receive \$4,000 for a House campaign only to find an opponent spending four times that much to defeat them.

The Arizona case wiped out matching funds, under the preposterous idea that any additional public money "discourages" private candidates from raising more. Citizens United has already exploded that concept. Fundraising is obviously not a problem.

Maine's Republicans think they're being clever in doing nothing in response to the court. They're trying to push through LD 1774, a bill that would remove matching funds provisions and leave candidates a modest lump sum – a result that will drastically reduce participation. The state Ethics and Elections Commission suggested two plans to compensate for the missing matching funds, but majority Republicans have blocked either alternative.

In an op-ed column justifying the GOP stance, Assistant House Majority Leader Andre Cushing summarized past Clean Election misdeeds. He focused on two Democrats – Barbara Merrill, who dropped her registration to run as an independent for governor in 2006, and Sen. Cynthia Dill, who as a House candidate in 2010 supposedly blogged that she'd bought a computer with Clean Election money, and could keep it if she partially reimbursed the state. Merrill's offense was hiring her husband as her campaign manager; the law has since been changed to prevent this. Dill furthered annoyed Republicans by winning a special Senate election against an ethically challenged Republican.

Cushing, however, surprisingly failed to mention Rep. David R. Burns, a Republican from Alfred, who just last month resigned from the House after an election funding scam one Ethics Commission member described as "mind-boggling." Burns has been indicted, and could serve jail time if convicted.

The point, however, is not that public money is sometimes misused. Considering that several thousand campaigns have now used the law, and, unlike private campaigns, been thoroughly audited, abuses are rare.

The real issue is the public's understandable desire that elections not be completely dominated by money, so that ordinary citizens can still run for our citizen Legislature – unlike, for instance, the U.S. Senate, where almost every member is a millionaire.

Maine Republicans are playing with fire. Public financing is very popular here, and voters' rejection of the GOP effort to eliminate Election Day registration suggests they like the election laws the way they are, not as the U.S. Supreme Court is trying to distort them. They might consider, instead, the views of Rick Bennett, potential U.S. Senate candidate and a former state Senate president. A long-time Clean Election supporter, Bennett wrote recently that, "We must reduce the influence of corporate money in state elections."

It seems like a long shot, but momentum is building behind a constitutional amendment to overturn Citizens United. Another route is a Montana case to be heard by the Supreme Court, where a ban on corporate contributions is written into the state constitution.

The right to vote is the foundation for all the other rights in a democratic system. Tampering with it isn't taken lightly by the voters.

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