



Maine Clean Elections News

P.O. Box 18187, Portland, ME 04112

www.mainecelelections.org

The Newsletter of Maine Citizens for Clean Elections • Vol. 3, Issue 1 • Spring 2010

Supreme Court Ruling Boosts Public Funding Movement

By Rob Werner

The recent Supreme Court decision in *Citizens United v. FEC* has put campaign finance reform back on the political agenda of our nation. Now more than ever, Americans are voicing concern over the corrupting influence of special interest money in politics and seeking long-term solutions which can tilt the balance of power in Washington back to the people. In recent days, we have seen new momentum for one such response, voluntary public funding of federal elections, among voters and on Capitol Hill. It's the ironic upside of a deeply disturbing ruling by the Court.

The Fair Elections Now Act for

publicly funded elections (H.R.1826/S.752) is gaining steam on Capitol Hill, with more than 150 co-sponsors to-date. These bills were introduced in the House of Representatives by John Larson (D-CT), Walter Jones (R-NC) and Maine's own Chellie Pingree (D-ME), and in the Senate by Dick Durbin (D-IL) and Arlen Specter (D-PA).

These bills -- championed by Americans for Campaign Reform and a broad, bipartisan coalition of good-government



organizations including some like Common Cause and the League of Women Voters that are also members of MCCE right here in Maine – would establish
See Decision - page 3

NOM Challenge to Clean Elections

As the fight over same-sex marriage consumed everyone's interest last year, from the vote in the legislature to the referendum election, MCCE did not have a role to play. All that changed in December when the National Organization for Marriage (NOM) expanded its lawsuit against the State of Maine.

What started out as NOM's attempt to shield the identity of its donors from the public during the people's veto campaign has expanded into a lawsuit that challenges many aspects of Maine's campaign finance disclosure laws. NOM claims it intends to spend money in candidate races, not just in issue campaigns, and its challenge now includes disclosure requirements that apply to candidate races. One of the provisions that it seeks to overturn is the reporting of independent expenditures in Clean Election races.

Maine law does not prohibit or limit independent spending in candidate races. To do so would be an infringement of the First Amendment. But one of the promises of Clean Elections is to create a level playing field and to ensure that all voices are heard in Maine races. To that end, the Maine Clean Election Act (MCEA) provides matching funds to publicly funded candidates who are outspent by a privately funded opponent and/or by independent expenditures made against them or in favor of their opponent. In order to make the matching funds system work, independent spenders must file simple but timely reports of their expenditures.

Matching funds are the "more speech" answer to the problem of

imbalanced spending in candidate races. Voters need to hear from all candidates, and no special interest ought to be able to drown out any candidate's voice. In practice, matching funds provide Clean Election candidates the opportunity to rebut negative messages that are frequently contained in independently created mailers and advertisements.

In the ten years of Clean Elections here in Maine, we have achieved a level of parity in spending that is unmatched anywhere in the country. With relatively equal funding, candidates do not win or lose races based on whether or not they outspend an opponent. This is one of the significant changes that the MCEA has brought to our elections, and it is one that MCCE will defend with all the strength we can muster.

After the MCEA passed in 1996,
See Challenge - page 4

Sign up at:
www.mainecelelections.org

MCCE is a nonpartisan coalition of groups and individuals that works in the public interest to advocate for, increase public support for, defend and improve the Maine Clean Election Act and related campaign finance law.

Executive Director

Malory Shaughnessy

Steering Committee Co-chairs

*Ann Luther
League of Women Voters of Maine*

*Alison Smith
At Large*

Steering Committee Members

*Pam Cahill
At Large*

*Will Everitt
League of Young Voters*

*Jesse Graham
Maine People's Alliance/Maine
People's Resource Center*

*Ben Grant
Maine AFL-CIO*

*Arn Pearson
Common Cause*

*Jill Ward
At Large*

Organizational Members

*AARP Maine
Common Cause Maine
EqualityMaine
League of Women Voters of Maine
League of Young Voters
Maine AFL-CIO
Maine Council of Churches
Maine People's Alliance/Maine
People's Resource Center
Maine State Employees
Association/SEIU Local 1989
Maine Women's Lobby
NAACP Portland
Peace Action Maine
Sierra Club Maine Chapter*

Maine Clean Elections a "Breath of Fresh Air"

By Doug Rooks

The influence of the Clean Elections law extends far beyond elections themselves. Many legislators report that it has changed the way they consider and pass legislation, crediting it as a breath of fresh air on a process long dominated by insiders.

House Speaker Hannah Pingree believes that avoiding the financial influence of lobbyists makes it easier for legislative committees to focus on the interests of their constituents rather than on who is making the arguments.

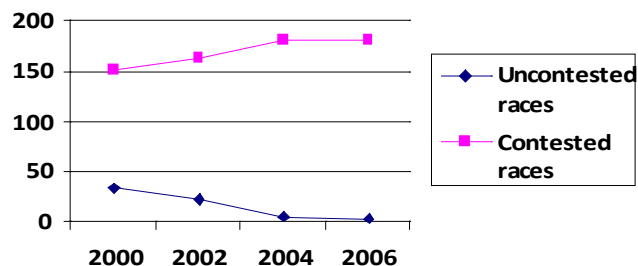
"Landmark legislation protecting the environment is more likely to be favorably considered in Maine because corporations affected by such laws cannot apply financial pressure to grant or withhold campaign contributions," she said.

One example was a recent debate over DECA, a flame-retardant chemical that is widely used in clothing and furniture but has also been shown to cause cancer in laboratory tests. Maine became the first state to ban its use. In earlier sessions, lawmakers restricted the use of mercury and heavy metals as part of first-in-the-nation bills. Reformers in other states say they sometimes don't even request introduction of such legislation because of the dominant influence of industry lobbyists.

Ethics Commission Welcomes Newest Member

Margaret Matheson of Augusta, the recently retired Revisor of Statutes for the State of Maine, is the newest member of the Commission on Governmental Ethics and Election Practices. She is a graduate of Colby College and the University of Maine School of Law. Matheson served as Revisor of Statutes for sixteen years.

Legislative General Elections: Contested and Uncontested Races



Rep. Sharon Treat, who has sponsored several bills regulating the practices of pharmaceutical companies during her terms in the Senate and House, said that Clean Elections has made a big difference on these issues, too.

As the executive director of a national advocacy group, she's seen how it works in other states. "In some legislative committees, companies have a lobbyist for every member on the committee," she said.

By contrast, in Maine, Clean Elections "makes it easier to make tough decisions" when lobbyists have to employ persuasion, rather than contributions, said Treat. Maine has passed pioneering legislation allowing negotiated drug prices, expanded use of generic drugs, and limitations on pharmaceutical industry marketing practices. While not satisfied with progress to date on reining in questionable practices in Maine, "without Clean Elections it would be much worse," she said.

[Excerpted from a larger review of the impacts of Ten Years of Maine Clean Elections, to be released later this year]

Matheson was nominated by all four Legislative leadership offices and is the lone member on the five-member Commission not affiliated with a political party. She joins Democrats Walter F. McKee (chair) and André G. Duchette, and Republicans Francis C. Marsano and Edward M. Youngblood.

Decision (cont. from pg. 1)

an innovative system of public funding of elections that rewards candidates who successfully attract small donors.

As Mainers know, publicly funded elections have worked well for ten years in this state, as well as in major cities like New York and Los Angeles and in eight other states across America, where large majorities of candidates on both sides of the aisle have been elected with public funding.

As the New York Times wrote in an editorial on the heels of the Supreme Court ruling:

"Congress and members of the public who care about fair elections and clean government need to mobilize right away, a cause President Obama has said he would join. Congress should repair the presidential public finance system and create another one for Congressional elections to help ordinary Americans contribute to campaigns."

Why is public funding of elections receiving so much attention in the wake of the Court's decision? Quite simply, it's the only meaningful reform that meets constitutional muster with this Supreme Court while offering a compelling, long-term fix to the problem of special interest money in our elections.

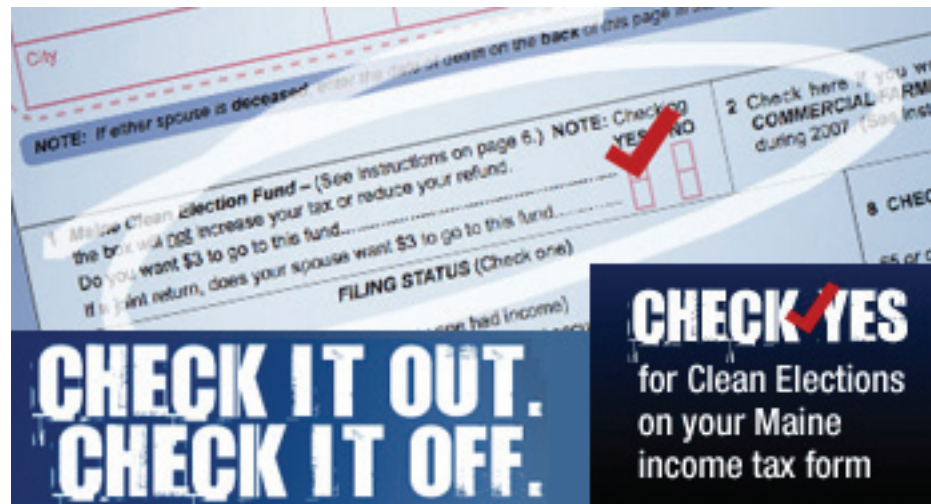
Real change in Washington cannot happen as long as corporations and other special interests dominate the debate on Capitol Hill and exercise undue influence over who runs for, and wins, public office. The Fair Elections Now Act offers our best chance at fixing our broken politics.

[Rob Werner is National Director of Americans for Campaign Reform.]

DONATE Today!

Make a tax-deductible contribution to help MCCE protect Maine's successful Clean Election system for the next ten years!!

Go to
www.maineanelections.org
 or mail a check to:
 MCCE
 P.O. Box 18187
 Portland, ME 04112



Letter From The Co-chairs

We are proud to celebrate ten successful years of Clean Elections in Maine this year! What began as a citizen-led effort to combat the influence of big money in Maine elections has become a model for the nation and the envy of reformers everywhere.

We are grateful for our allies who did so much last year to strengthen the Clean Election program and sustain MCCE. A heartfelt "Thank you!" to our donors; to legislators who worked hard to preserve and fund the system; to staff and members of the Ethics Commission who dealt with statutory changes, rulemaking, and forecasting; and to Rob Warner of Americans for Campaign Reform and Arn Pearson of Common Cause who spoke at MCCE's Annual Meeting about congressional reform.

We are buoyed by high participation in Clean Elections among gubernatorial candidates. Recent statutory changes raised the qualifying bar, so only very strong, organized candidates will be able to qualify. Those who do will be able to run a competitive campaign, and we look forward to a vigorously contested race for governor.

Meanwhile, in Washington, DC, the US Supreme Court ruled in *Citizens United v FEC* that corporations may make unlimited expenditures in federal races. This is a significant roll-back of federal campaign finance law, and it has sent Congress back to the drawing board to find constitutional solutions to reduce the influence of special interest money. Is the time finally ripe for Congress to enact real campaign finance reform that breaks the connection between private money and our highest federal office-holders? MCCE hopes so, and we honor the Maine leaders who are working to pass the Fair Elections Now Act. Rep. Chellie Pingree (ME-1) is a lead sponsor, Rep. Mike Michaud (ME-2) is a cosponsor, and Maine's Speaker of the House Hannah Pingree testified at a committee hearing where Arn Pearson provided expert testimony. Now it is time to bring our US Senators on board.

The New Year also brings to Maine a lawsuit that threatens Clean Elections. We will do all we can to ensure victory in court so that the next ten years are as impressive as the first. Thanks for being part of our team!

Ann McCall

Alison Smith

Challenge (continued from page 1)

the law, including the independent expenditure reporting requirement, was challenged by Right to Life groups and others in federal court. Judge D. Brock Hornby rejected their arguments then, finding that the reporting requirements were not burdensome and were necessary to make the matching funds system work. In his words:

“The reason the legislation counts the independent expenditure against the candidate on whose behalf it is used is

obvious: such independent expenditures can in fact be of great assistance to a candidate and could furnish an easy loophole to avoid the parity of the matching fund scheme if they were not counted.”

Judge Hornby found the MCEA, including the matching funds system and the reporting requirements, to be constitutional, and MCCE has worked to keep it that way in the intervening years. Judge Hornby, who was honored with the Edward J. Devitt Distinguished

Service to Justice Award in 2009, is slated to hear the NOM case in May.

MCCE brings unique expertise and experience to the defense of Clean Elections, and we intend to deploy them in the current NOM lawsuit. Along with our allies in the League of Women Voters and Common Cause who have a strong interest in defending all the disclosure requirements that are under attack, MCCE will work closely with the Attorney General’s office to make sure these laws survive NOM’s challenge.

It's time to clean up Congress.

TAKE ACTION NOW!

The recent US Supreme Court ruling in the Citizens United case has opened up new avenues for corporate money in federal campaigns. This ruling means that special interests will have more influence than ever... unless some big changes are made.

Join MCCE and send a message – along with some soap – to Senator Olympia Snowe today. Ask her to support the Fair Elections Now Act.

Together we can whip up some suds, take Maine-style Clean Elections to DC, and change elections for the better!



Go to www.sendsomesoap.com TODAY!!

- The National Organization for Marriage lawsuit
- The Citizens United Supreme Court Decision
- It's tax time! Check YES for Clean Elections!

INSIDE:

P.O. Box 18187
Portland, ME 04112

