

Legal Update

Cushing v McKee, a lawsuit challenging the Clean Elections matching funds provision, independent expenditure reporting, and gubernatorial contribution limits, was filed just as our last newsletter went to press in August. Plaintiffs aggressively pursued an injunction to block these laws during the election. Chaos was averted when the U.S. Supreme Court denied the application for injunction just two weeks before Election Day. The State, together with MCCE and eight candidate-amici, argued successfully that an injunction would throw the election into disarray and that the public interest would best be served by leaving the law intact. The case must still be heard on

the merits, but at this time it is stayed pending the U.S. Supreme Court's decision in an Arizona case, *McComish v Bennett*. McComish challenges Arizona's Clean Election matching funds system, which is similar to Maine's.

MCCE and five candidates have filed a Motion to Intervene in Cushing and will file an amicus brief in McComish.

Meanwhile, *National Organization for Marriage (NOM) v McKee* continues in both state and federal court. The central issue in NOM is whether the public disclosure required by Maine's campaign finance laws is constitutional. In August, Federal Judge Brock Hornby upheld disclosure rules for candidate elections, but NOM has appealed the decision. Hornby has yet to rule on

provisions that apply to ballot initiative campaigns. MCCE continues in our role as a Friend of the Court in this case.

MCCE's legal team includes campaign finance attorneys from Maine and beyond. John Brautigam, a Falmouth attorney and former legislator who helped defend Clean Elections in the initial court challenge, serves as local counsel for MCCE. Brenda Wright, Director of the Democracy Program at Demos, and Monica Youn, Senior Counsel at the Brennan Center for Justice, bring expertise and the strength of their organizations. This outstanding team has worked collaboratively with the excellent lawyers at the Maine Office of Attorney General, Phyllis Gardiner and Tom Knowlton. Maine people are well served by these top-notch attorneys.

Maine Clean Elections News



P.O. Box 18187, Portland, ME 04112

www.mainecelelections.org

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New Majority in Maine Used Clean Elections

What a difference an election makes! In Maine's State House, Republicans and Democrats have switched their minority/majority roles, and Republicans now lead both chambers. In the midst of the reorganization, one thing has not changed: the vast majority of legislators used Clean Elections to win their seats.

Eighty percent of the 125th Legislature ran for office using public rather than private money, including 90% of Republicans in the Senate – the highest participation of any caucus. Participation in Clean Elections was also high among challengers, incumbents, and open seat candidates in both major parties. All of the non-incumbent Senate winners – Democrats, Republicans and one independent – used Clean Elections. You can check out MCCE's website for a more detailed breakdown.

See Majority - page 2



Watchdogs Gear Up in Washington D.C.

By Nick Nyhart

President and CEO, Public Campaign

In 2010, supporters of Clean Elections at the national level made unprecedented progress, pushing the Fair Elections Now Act to majority level support in the House and more than doubling the number of co-sponsors in the Senate. But November's election, after a \$4 billion campaign, increased the power of

opponents of reform in Congress. This will slow federal reform policy progress in 2011-12, even as the Citizens United Supreme Court decision accelerates the flow of vested interest money into politics.

Reformers at Public Campaign and other national organizations are gearing up our watchdog capacity over the next two years, even as we continue to fight for Fair Elections and increased

disclosure of the secret donations encouraged by Citizens United. And there will be plenty to spotlight.

At a time when Americans are rightly concerned about the undue influence of large corporations, incoming Chair of the House Oversight and Government Reform Committee, Rep. Darrell Issa (R-Ca), has sent a letter to more than 150 special interest associations representing energy concerns, pharmaceutical companies, manufacturers, and other important sources of campaign funds asking what regulations they would like to see changed. And as the country still reels from a devastating financial meltdown, the new Chair of the House committee that oversees banks, Rep. Spencer Bachus (R-Ala.), recently explained, "my view is that Washington and the

See Watchdogs - page 3

Citizens Stand Strong for Clean Elections

An overflow crowd stood in support of Maine's Clean Elections program at a recent legislative hearing.

People from across the state stood to oppose LD 120, repeal of Clean Elections in the gubernatorial race, reminding the Veterans and Legal Affairs Committee that voters passed Clean Elections for all state races by a wide margin in 1996 and

continue to support it. The speakers stressed the importance of getting the big money out of the governor's race.

Gov. Paul LePage, who did not use Clean Elections, said during his campaign that when the people have spoken on a ballot question, their will should be respected, but at the hearing, his spokesperson testified in support of repeal.

CHECK YES

for Clean Elections

Check Yes for Clean Elections on your Maine Income Tax Form.

Checking "Yes" won't raise your tax bill or reduce your refund, but it will help keep big money out of Maine politics.

CHECK YES It Works!

www.mainecelelections.org

- INSIDE:
- A new Legislature - elected with Clean Elections
 - Legal update
 - 10th Anniversary events Check YES!



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.

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- NAACP Portland
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Majority (continued)

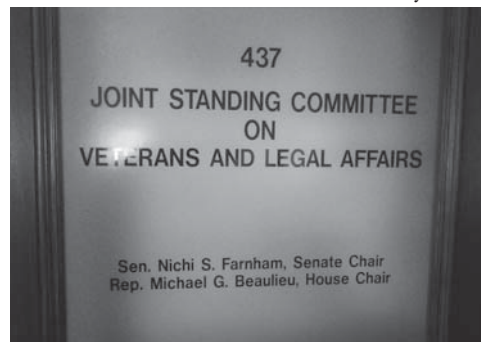
The Clean Election program's popularity remains strong among legislative candidates, and the results show it to be a viable system that allows qualified candidates to run competitive races. Not all legislators are enamored of the system though, and this is reflected in legislative proposals to repeal Clean Elections, eliminate funding for gubernatorial candidates, and otherwise chip away at the Clean Election system.

While the Clean Election program performed well in 2010, Maine saw the same Citizens United-fueled increase in independent spending that other states experienced. One Beltway organization spent \$400,000 in just five Senate races. That spending was legal, but the organization responsible for it failed to file the required reports on time, denying timely matching funds to the Clean Election candidates who were the subject of attack ads. The Ethics Commission is investigating the specifics of the spending so as to determine an appropriate penalty for this serious violation.

Candidates on both sides of this outside spending have roundly denounced the negative messages contained in

broadcast and print advertising. Former Rep. James Schatz, an unsuccessful candidate for Senate District 28, has filed a libel suit against the Republican State Legislative Committee of Alexandria, Virginia, claiming that their ads contained claims that were "false and inflammatory." Attorney Barry Mills characterized the lawsuit as "an effort to fight back against that kind of anonymous, out-of-state spending on Maine's elections." Schatz's opponent, Senator Brian Langley, supports the lawsuit and has drafted legislation to address the problem.

Maine Citizens for Clean Elections looks forward to working with legislative leaders and members of the Veterans and Legal Affairs Committee to preserve and strengthen the citizen-initiated Clean Election system.



New Committee Chairs Seated

The newly renamed Veterans and Legal Affairs (VLA) Committee is the legislative oversight committee with responsibility for veterans, elections, gaming, and alcohol – a diverse portfolio that includes Clean Election bills. The new chairs of the VLA Committee are:

Senator Nichi Farnham of Bangor.

Senator Farnham used Clean Elections in her first bid for state office, successfully challenging incumbent Joe Perry. She served in the Air Force, achiev-

ing the rank of Second Lieutenant, and was deeply involved in the civic life of Bangor before running for State Senate.

Representative Michael Beaulieu of Auburn.

Third-term Representative Beaulieu served on the VLA committee in the 124th Legislature. He is a retired teacher of history and government who is active in local politics. Rep. Beaulieu has used Clean Elections in all three of his races for the legislature.

Letter from the Co-presidents

What a year!

MCCE celebrated 10 years of Clean Elections by reconnecting with the folks who make Clean Elections possible – Maine citizens! Our 20/10 Tour took us to Rotary Clubs and other community groups from Calais to Bethel to Wells, and we capped off the year with a panel discussion and party on November 18th. More than 200 people attended, letting us recognize friends both old and new, from the founders of our coalition to the newly elected members of the 125th Legislature. We thank the two past presidents of the Maine Senate who emceed the event -- Republican Rick Bennett and Democrat Beth Edmonds – along with our special guests, Nick Nyhart, Brenda Wright, Lawrence Lessig, and former Governor Angus King.

Maine citizens continue to make Clean Elections a program worth celebrating. Maine voters wrote 40,000 Qualifying Contributions in support of candidates they favor last year, and now that it's tax time, tens of thousands more will Check YES on their income tax return. Maine people believe in government of, by and for the people, and they make Clean Elections work.

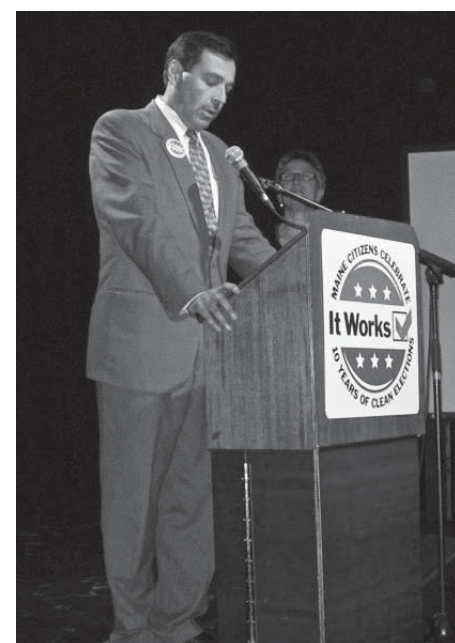
And MCCE works because of the many friends who help in so many ways. A sincere "Thank you!" to supervolunteer Phil Bailey and all those who hosted, organized and catered our house parties, welcomed us into their clubs, and worked on our 10th Anniversary celebration. More than 300 Mainers made donations to support MCCE, and we couldn't be more appreciative. What a great reminder of why we're Maine Citizens for Clean Elections.

One final reminder: please **Check YES for Clean Elections** on Line 1 of your Maine Income Tax form! Checking YES does not add to your tax bill or reduce your refund. It directs three dollars into the Maine Clean Election Fund, and it sends a strong message of support for Clean Elections. Remind your friends to do the same!

Sincerely,

Ann Luther, Co-president

Alison Smith, Co-president



Rick Bennett at the podium

Watchdogs (continued)

regulators are there to serve the banks". Shining a high beam on big campaign money connections to legislators' actions is key to changing the private money system of funding politics.

While the ramifications of Citizens United continue to play out, there may be more to come from the Roberts Court. A case that will be heard this spring could have an effect on the matching funds provisions in Arizona, Maine, and other states.

Along with many states, Maine faces new leadership as well as legal and legislative challenges, but it does so with a ten-year history of strong bipartisan participation in Clean Elections. Just as Mainers showed national leadership in passing Clean Elections in 1996, your state can lead the way again by keeping the law running effectively in a changing political world.

Two founders of MCCE: Al Smith and Eric McCabe Johnson



The Giordanos enjoy the 10th Anniversary Celebration

Ann, John and Alison at the podium



Jim Hightower on the 20/10 tour



Anita Bolduc hosted a 20/10 Tour stop in Norridgewock

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Make a contribution to help MCCE protect Maine's first-in-the-nation Clean Elections system

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Thomaston's Monday Morning Group

Invite MCCE to Your Event!

Our 20/10 Tour may be over, but we would still love to come talk to you about Clean Elections. If you would like a presentation for your group, contact at (207) 831-MCCE or info@mainecelelections.org