



Plaintiffs Take Clean Election Challenge to the U.S. Supreme Court

Injunction sought in Cushing v McKee

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(Portland, Maine) -- Just two days after being turned back in the First Circuit Court of Appeals, the plaintiffs in *Cushing v McKee* pressed forward with their challenge to Maine's campaign finance laws.

"Three weeks before the election is no time to block Maine's campaign finance system," said Ann Luther, Co-chair of Maine Citizens for Clean Elections (MCCE). "This challenge aims to overturn citizen-initiated laws that have been working well for ten years. It's an affront to voters."

Filing their Application for a Writ of Injunction Pending Appeal last week, the plaintiffs reassert the arguments that failed to persuade Judge George Singal in the District Court and the three-judge panel that heard the appeal in the First Circuit Court of Appeals.

In the appeal to the First Circuit, MCCE together with eight legislative candidates urged the court to allow the program to continue and not to intervene at the height of the election season. Upon learning of the Supreme Court filing, MCCE vowed to stay in the fight.

"We will continue to stand up for voters and for the candidates who opted into the Clean Election system this year," said Alison Smith, Co-chair of MCCE. "We have an outstanding program that enjoys broad popular support, that has withstood constitutional challenge, and that enhances fundamental First Amendment rights. Changing the rules just a few weeks before this critical election would throw campaigns into turmoil without serving any public interest whatsoever."

On October 5th, the First Circuit concluded that an injunction at this late date would cause "considerable harm . . . to many candidates, both MCEA participants and not, who have relied on" the program. The court was also concerned by the "chaos" that would result from changing the rules at the eleventh hour.

The lawsuit reflects a national strategy to advance the interests of wealthy special interests in campaigns and to thwart the will of the people in Maine and around the country where campaign finance reform enjoys broad support. The plaintiffs are seeking to invalidate the matching funds provision of Maine law, the contribution limit for gubernatorial candidates, and certain public reporting requirements.

Maine was the first state in the nation to pass a Clean Elections law allowing the people to have a significantly greater voice in the democratic process. It was found to be constitutional in a federal court challenge in 2000, and it has enjoyed increasing support and participation in the last ten years.

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