



U.S. Supreme Court refuses to enjoin Clean Election laws

For Immediate Release

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Portland, Maine ---The United States Supreme Court denied the application for injunction in *Cushing v McKee* on Friday evening. Republican legislative candidate Andre Cushing and two other plaintiffs have tried since early August to block the Clean Election matching funds system and eliminate the limit on what individual or corporate donors to privately funded candidates for governor may contribute.

“This is an important victory for the people of Maine,” said Ann Luther, Co-Chair of Maine Citizens for Clean Elections. “Maine’s citizen-initiated campaign finance laws will remain intact throughout the election. An injunction would have brought chaos and unfairness to the final week of the election, and that would have been a disaster for candidates and voters alike.”

With Friday’s decision the United States Supreme Court has ended plaintiffs’ attempt to block these provisions during the 2010 election cycle. The suit has yet to be heard on the merits in the lower court.

The Federal District Court and the First Circuit Court of Appeals denied Motions for Preliminary Injunction in August and September respectively. Last week, United States Supreme Court Justice Stephen Breyer denied the Application for Injunction. The plaintiffs then took the unusual step of renewing the application for injunction with another judge, Justice Anthony Kennedy, a move that is allowed but disfavored by the Court. Justice Kennedy brought the application to the full court and asked for briefs from the defendants to be filed on Thursday. Maine’s Attorney General filed a brief, as did amicus party Maine Citizens for Clean Elections. The Court’s order denying the application was released on Friday evening.

Stating that the high standard for granting the intervention requested by the Cushing plaintiffs had not been met, the Court wrote, “In light of these considerations, and given the difficulties in fashioning relief so close to the election, applicants’ request for extraordinary relief is denied.”

“The Supreme Court got it right. Justice was served with the Court’s refusal to upend Maine’s elections at the eleventh hour,” said Alison Smith, Co-chair of Maine Citizens for Clean Elections. “Our Clean Election system has worked well for ten years, and despite the Cushing challenge, this year is no exception. And we will continue to fight on behalf of Maine people and the Clean Election system.”

The Court’s order stated that Justices Scalia and Alito would have granted the injunction. “It’s clear that *Citizens United* was not the last word from this Court on campaign finance laws,” said Luther. “The longtime opponents of reform have not given up, and we remain resolute in our determination to beat back this challenge.”

Maine Citizens for Clean Elections is represented in *Cushing v McKee* by Maine attorney John Brautigam, Monica Youn at the Brennan Center for Justice, and Brenda Wright at Demos.

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