



Supreme Court overturns matching funds in Arizona's Clean Election system

Maine is prepared to deal with decision

For Immediate Release

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(Portland, Maine) -- Maine Citizens for Clean Elections (MCCE) reacted to the U.S. Supreme Court ruling in the *McComish v. Bennett* case today. The decision by the nation's highest court rolls back an important provision in Arizona's Clean Election campaign finance system.

"The decision is disappointing, but not unexpected," said Alison Smith, Co-president of MCCE. "We obviously disagree with the majority opinion, but fortunately, Maine is well prepared to deal with it."

The decision struck down the triggered matching funds that publicly funded candidates receive when they are outspent by privately funded opponents or by independent expenditures. Arizona's law, which is modeled after the Maine Clean Election Act, provides matching funds in these hotly contested races so that voters hear from all sides.

"Based on an initial reading of the opinion, it appears that Maine's law will be affected," said John Brautigam, counsel to MCCE and co-author of the amicus brief filed by MCCE in the case.

Anticipating that the Court would issue an opinion in the *McComish* case during the final days of the legislative session, Maine's House and Senate passed LD 848, a resolve which allows time to study the impact of the Supreme Court ruling and adjust the system before the 2012 elections. The bill now awaits final votes.

Alison Smith said: "We commend the legislature for taking responsible action so that adjustments can be made in time for the 2012 elections. LD 848 provides a public process and a timeline to thoroughly study the decision and design whatever changes are necessary.

"Some 80% of Maine voters think it is important to have a Clean Election system, and we are certainly not going to throw up our hands and give up because of this setback. It has never been more important to reduce the influence of wealthy interests, so we will work within the new framework to craft policy that serves Maine people. And we are confident that when the dust settles we will still have a Clean Election system that continues to work."

We believe Justice Kagan said it best in the conclusion to her dissent:

Less corruption, more speech. Robust campaigns leading to the election of representatives not beholden to the few but accountable to the many. The people of Arizona might have expected a decent respect for those objectives.

Today, they do not get it. The Court invalidates Arizonans' efforts to ensure that in their State, "[t]he people. . . possess the absolute sovereignty." No fundamental principle of our Constitution backs the Court's ruling; to the contrary, it is the law struck down today that fostered both the vigorous competition of ideas and its ultimate object—a government responsive to the will of the people. Arizonans deserve better. Like citizens across this country, Arizonans deserve a government that represents and serves them all. And no less, Arizonans deserve the chance to reform their electoral system so as to attain that most American of goals. Truly, democracy is not a game. I respectfully dissent.

The Maine Clean Election Act was passed in the mid nineties and has been in effect for more than 10 years. In 2010 the system was used by 80% of legislative candidates. Recent polling affirms that Maine people strongly support the law.

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