

What does the Public Funding Charter Amendment Mean?

These are the basic principles, to which more than 7000 Portland voters signed on in support

The charter amendment says that *“the city council shall establish and fund a mechanism providing public campaign funds to qualified candidates for mayor, city council and school board.”*

The mechanism must meet certain criteria:

1. “Provide sufficient funds to allow candidates who meet qualifying criteria to conduct competitive campaigns...”

What does competitive mean? Candidates who use public funding must receive sufficient funds to get their message out to voters and respond to messages from opponents. However, competitive does not mean unlimited funding. There are many ways to achieve this balance. When the funding limits were being set for the Maine Clean Elections Act in the 1990s, the designers limited funding to the average cost per candidate in the last two elections, minus twenty percent. Candidates must be able to conduct robust campaigns with funds under their control, without having independent expenditures dominate the debate.

2. Must be voluntary

The US Supreme Court has ruled that public funding programs are constitutional so long as they are not mandatory. This means that no candidate can be legally compelled to participate. It also means that the overall campaign finance regulatory system cannot make it impossible or impractical to conduct a viable campaign with private funding.

3. Must limit the amount of private funds a candidate in the program may raise

Early campaign reforms focused on limiting candidate spending. But over three decades ago the Supreme Court ruled that limits on candidate spending are unconstitutional unless they are part of a voluntary system. The public strongly supports limits on campaign spending, and for good reason. Excessive money in politics distorts political debate, blocks some good candidates from participating, and opens the doors to the influence of wealthy special interests. Public funding programs for municipal office address this problem – at least for participating candidates – by creating a voluntary spending limit. Experience with the Maine Clean Election Act shows that candidates also like spending limits.

4. Must only be available to candidates who demonstrate public support

Public funding should support viable candidates, who are willing to work hard and have the support of a significant number in the community. For example, under the Maine Clean

Elections Act, candidates demonstrate public support by collecting a set number of \$5 contributions from their constituents before they qualify for public funds. This ensures that limited public resources are targeted to candidates who can show that they are truly viable.

5. Must be limited to candidates who enter into a binding agreement not to accept private contributions other than those allowed by the public funding program

A voluntary public funding system not only allows for overall spending limits, but it also allows strict limits on what any one contributor may give to a candidate. This helps prevent corruption and the appearance of corruption, freeing elected officials to vote their conscience and the best interests of their constituents. With private funding, a single contributor can often give a very large amount, making many candidates feel a sense of obligation and indebtedness.