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Candidates Sue for Release of Clean Elections funds

Augusta – Seven candidates for the Maine House and Senate, and several voters who have made qualifying contributions to the Clean Elections system, today filed suit against Governor LePage in the Kennebec County Superior Court. The suit asks the court to order the governor to release Clean Elections funds for which those candidates have qualified and which the legislature has appropriated.

“This case is about the rule of law and the integrity of our elections. Not releasing the Clean Elections funding that candidates expect would stifle political dialogue for the remainder of the 2018 cycle,” said John Brautigam, counsel for the plaintiffs.

Independent Candidate for Senate District 27 and plaintiff Crystal Canney said, “There is an expectation that Clean Elections will be funded, and candidates won’t have the rug pulled out from under them in the middle of an election.”

Senator Ben Chipman, a Clean Elections candidate for re-election and a plaintiff in the lawsuit, said, “We need to protect the will of Maine voters who have voted to support and strengthen Clean Elections in two statewide referendums, both of which I was a part of. We cannot allow one person, the governor, to unilaterally block funding that has already been approved for this purpose.”

“The suit argues ‘that the governor’s failure to sign paperwork to allow the Ethics Commission to make current fiscal year payments for which participating candidates have already qualified and for which the legislature has provided funding violates both the Maine Clean Election Act and the constitution’s foundational command that the Governor ‘take care that the laws be faithfully executed.’ Second, defendants’ refusal to release Clean Election funds during fiscal year 2019 on the basis of an inconsequential legislative drafting error misreads the law and is contrary to legislative intent which contains not a scintilla of evidence that anyone intended to eliminate use of the Clean Election Fund in fiscal year 2019.”

On Friday, June 22, the Ethics Commission distributed a memorandum announcing that “the Governor declined to sign [routine] financial orders on April 19 and May 31, [leaving] the Maine Clean Election Fund with insufficient allocation to make required payments . . . “. As a result, according to the announcement, payments to candidates certified to participate in the Clean Election program would be reduced to “20% - 25% of the amount for which they have qualified.” The announcement also notes that “the Commission has sufficient cash to pay candidates the entire amount they qualified for . . . “. but the governor’s refusal to authorize the release of funds prevents the use of that cash.



“The public needs to know that the rules universally understood to govern this election cycle will continue to apply,” said Brautigam. “All legislative and gubernatorial candidates – those using Clean Elections and those using private funding – have made their decisions to run and built their campaign strategies on the reasonable expectation that the Ethics Commission would not renege on the statutory supplemental funds for which candidates qualified. Changing those rules now would be a broken promise from the state.”

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