

Center for Judicial Accountability, Inc. (CJA)

From: Michael Waldman, Executive Director - Brennan Center for Justice [michael.waldman@nyu.edu]
Sent: Tuesday, December 21, 2010 6:33 PM
To: Elena Sassower
Subject: Today's New York Times ...

Dear Elena,

I wanted to share today's *New York Times* editorial in support of Arizona Clean Elections -- the law we are defending in the McComish case in a challenge now headed to the Supreme Court. As you know, what Court decides in this case will determine the scope of possible reform for decades.

We will continue to keep you updated as the case progresses -- and, of course, please don't hesitate to contact me if you have any questions or would like additional information.

Thank you for your interest -- and best wishes for a happy new year.

Michael

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**I KEPT MY EYES
OPEN FOR
127 HOURS**

December 20, 2010

Keep Arizona Elections Clean

Until not long ago, Arizona politics were an open sewer of corruption. But the state adopted a system of public campaign financing in 1998, and, since then, more than half of all candidates for office in Arizona have opted for this money.

Not anymore. Last June, in the middle of a political campaign, the Supreme Court — which seems at times to be on a crusade to remake the American electoral landscape — thrust itself into an ongoing lawsuit and froze the crucial element of the financing system.

Arizona provides a set amount of money in initial public support for a campaign to candidates who opt in, depending on the type of election. But if such a candidate faces a rival who has opted out, the state will match what the opponent raises in private donations, up to triple the initial amount.

It is this part of the financing system, known as triggered matching funds, that the Supreme Court has suspended. This case gives the justices the chance to uphold a well-crafted tool of public financing. It gives them the chance to say clearly why the matching-funds provision carries out a core purpose of the Constitution.

A group of recent Arizona candidates is challenging the triggered funds by arguing that the system violates their First Amendment right to free speech. They say that the prospect of matching funds for opponents deterred them from exercising their right: the fear of triggering funds led them to delay or refrain from raising and spending money and so to censor themselves.

This claim is ludicrous. The First Amendment gives all candidates the right to express their views, not to have the floor to themselves. The Supreme Court lets them raise as much as they can — or spend as much of their own money as they want. The Arizona law lets them use that money to full effect.

The public financing system was designed to clean up a monumental scandal. The chairman of the Arizona House Judiciary Committee was caught on videotape jovially stuffing a gym bag with \$55,000 in cash, a blatant bribe for his vote. In that era of outlandish wrongdoing, almost one out of 10 of the Arizona Legislature was charged with political corruption. The

governor was removed for acting corruptly. So was his successor.

The provision for matching funds frees candidates from the need to raise money to run for office. It invigorates politics by encouraging new candidates to take part, assuring they can compete against even well-heeled opponents. Matching funds give candidates another reason to choose public support, providing them enough to run effectively even if they couldn't raise any money from private donors. They increase the chances that Arizona elections will be fair.

The Supreme Court's ruling in Citizens United, which unleashed corporate, labor and other financing in elections, makes fair public financing more important than ever. The court now lets moneyed institutions spend unlimited amounts in politics, so the court must allow this essential part of the Arizona system and mechanisms like it. It must let candidates who need public support have enough public dollars to compete effectively.