

Dispelling Common Myths About Fair Elections

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Myth: Fair Elections systems trespass upon the First Amendment.

Reality: Because the proposed public funding bills are voluntary, they are constitutional.

In the landmark 1976 case *Buckley v. Valeo* the Supreme Court ruled that a voluntary public funding system for presidential campaigns did not violate the First Amendment. According to the Court, the presidential funding system “is a congressional effort, not to abridge, restrict, or censor speech, but rather to use public money to facilitate and enlarge public discussion and participation in the electoral process, goals vital to a self-governing people.

State public funding systems, including those in Maine and Arizona, have been upheld by trial and appellate courts using the same reasoning. In a First Circuit U.S. Court of Appeals case examining the constitutionality of a public funding system, the federal court observed that provisions for “fair fight funds” that match opponent and independent expenditures supply the means for more speech, not less, and are therefore supported by the First Amendment. The court noted that the opponents of the measure, “have no right to speak free from response – the purpose of the First Amendment is to secure the widest possible dissemination from diverse and antagonistic sources. The public funding system in no way limits the quantity of speech one can engage in or the amount of money one can spend engaging in political speech, nor does it threaten censure or penalty for such expenditures.

These facts allow us comfortably to conclude that the provision of matching funds based on independent expenditures does not create a burden on speakers’ First Amendment rights.

Myth: Publicly financed elections amount to “welfare for politicians.”

Reality: The argument is based on an illusion that Fair Elections systems offer political candidates a chance to receive easy money, and is tinted by the implicit assertion that candidates may use public money for personal expenditures. This concern is unfounded. Fair Elections systems – such as those enacted in Arizona, Connecticut and Maine, and proposed in Congress – employ safeguards that require candidates to demonstrate their seriousness and viability before they receive a penny of public money. The systems also have sensible rules to prohibit spending public money for anything but legitimate campaign expenses and require candidates to account publicly for all expenditures. A congressional Fair Elections system would be an investment in a more responsive and independent Congress.

Myth: Public funding of elections would give “fringe” candidates easy access to taxpayer money.

Reality: Fair Elections systems require publicly funded candidates to collect enough qualifying contributions to demonstrate they are serious and have a broad base of support. Elections in Arizona and Maine show that Fair Elections systems result in fewer uncompetitive candidates. Although the number of candidates has increased in those states, the vast majority of those candidates demonstrated a strong base of public support at the polls. In Maine’s 2006 primary election, for example, no candidate received less than 20 percent of the vote, and only 15 of the 409 candidates in two-candidate races received less than 40 percent of the vote.

Myth: Fair Elections systems force taxpayers to support candidates they do not like.

Reality: When taxpayers contribute to public funding systems, they are paying to support democracy, not an individual candidate. Fair Elections systems lower the barriers to running for office, increasing the likelihood that voters will have better candidates to consider. Moreover, the systems reduce candidates’ dependence on deep-pocketed contributors, lessening the chance that winning candidates will feel indebted to donors when they take office.

Myth: Public funding systems would require a tax hike.

Reality: The cost of a public funding system would be trifling compared to America’s nearly \$3 trillion annual budget. Such an expense would amount to about one twenty-fifth of one percent (0.04 percent) of the federal budget, a share too small to depict on a pie chart.

Myth: Public funding will not dampen the increase in campaign costs.

Reality: A congressional Fair Elections system would impose limits on what participating candidates can spend. Therefore, if a large percentage of candidates participate, it would likely slow the increase in campaign spending. It warrants noting that the objective of Fair Elections systems is not to remove money from politics, but rather to replace private money that can be viewed as corrupting with public money that supports a healthy democracy.

Testimonials about Clean and Fair Elections ...

“I’m a farmer and I think it’s important that farmers have their voice in the legislature, but farmers don’t have access to buckets of money and our friends don’t have buckets of money. It’s allowed people, I think, from more common livelihoods to be able to pursue running for office.”

– Rep. Nancy Smith (D-Maine)

“We get to have a dialogue with the voters, to get out there and try to convince them to vote for us, hopefully based on the ideals and values that we have, that we share.”

– State Rep. Deborah Simpson (D-Maine)

“You have an opportunity to spend more time with voters, listening to their concerns, discussing issues and not have to constantly be raising money up and through the time and after the election.”

– Corporate Commissioner William Mundell (R-Ariz.)