

NEWS RELEASE

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**CLEAN ELECTIONS COALITION TO SUE THE STATE OVER
LACK OF FUNDING FOR NEW REFORM LAW**

**LAWSUIT WILL SEEK IMMEDIATE REVIEW
BY THE MASSACHUSETTS SUPREME JUDICIAL COURT**

PLAINTIFFS ALLEGE VIOLATION OF THE STATE CONSTITUTION

[NOTE TO PRESS: The plaintiffs and their attorneys will hold a press conference announcing the filing of this lawsuit at 3 p.m., Thursday, October 4, at the law firm of Foley Hoag & Eliot, One Post Office Square, Boston, 16th Floor, Conference Room 16M]

BOSTON, MA – A broad coalition of voters, candidates, and organizations will file a lawsuit on Thursday before the Massachusetts Supreme Judicial Court over the lack of funding for the Massachusetts Clean Elections Law.

The coalition will name, as defendants, the director of the Massachusetts Office of Campaign and Political Finance (OCPF) and the Secretary of the Commonwealth. The lawsuit will allege that, by not fully implementing the Clean Elections Law, the defendants are in violation of Article 48 of the Massachusetts Constitution. The plaintiffs will seek an immediate hearing before a full panel of the Massachusetts Supreme Judicial Court.

"We are unified in our desire to see the Clean Elections Law fully funded as intended by the voters and as required by the State Constitution," says David Donnelly, director of Mass Voters for Clean Elections, a plaintiff in the case. "As venerable institutions and as scrappy upstarts, as participating statewide candidates and as voters who simply want our votes to mean something, the plaintiffs of this case have come together in unity around one simple idea: We are asking the state's highest court to vindicate our constitutional rights."

The lawsuit cites Article 48, an amendment to the state constitution, which states that if a law approved by the voters is not repealed by the State Legislature, the Commonwealth must appropriate "such money as may be necessary to carry such law into effect."

In November 1998, Massachusetts voters overwhelmingly approved the Clean Elections Law, creating a voluntary public financing system for candidates running for statewide and state legislative offices. On August 1, 2001, candidates for statewide office seeking

to qualify for the public funds began accepting small qualifying contributions and forgoing larger donations, as is required under the new law. While the State Legislature had set aside \$10 million in each of the last two fiscal years, that funding is still unavailable due to legislative inaction. In addition, the plaintiffs argue, the amount currently bottled up in the Clean Elections Fund does not represent “such money as may be necessary to carry such law into effect,” as is required by Article 48.

With no money available from the Clean Elections Fund, statewide candidates seeking to qualify in the new system face the prospect of withdrawing their participation and potentially shutting down their campaigns. State legislative candidates will be faced with the same level of uncertainty in the very near future.

The lawsuit seeks a court order mandating that OCPF immediately implement the Clean Elections Law and disburse the necessary funds to all qualified candidates. While OCPF may claim that it does not have any funds to disburse, the plaintiffs will argue that such a claim is not an excuse for a constitutional violation.

“This case is about protecting our democracy and our state constitution,” says Ken White, executive director of Common Cause Massachusetts, another plaintiff in the case. “When our most basic rights are being trampled, we must seek redress in the courts.”

In addition to Mass Voters for Clean Elections, Common Cause Massachusetts, the other plaintiffs include: the Massachusetts Republican Party, the Massachusetts Green Party, five statewide candidates seeking to qualify for public funds (Warren Tolman, Democratic candidate for governor; Evan Slavitt, Republican candidate for attorney general; Sarah Cannon Holden, Democratic candidate for lieutenant governor; Jill Stein, Green Party candidate for governor; and James O’Keefe, Green Party candidate for treasurer); two legislative candidates (State Representative Doug Petersen and Stephen Spain, a Democratic candidate for state senator); and individual voters from across the state.

The legal team representing the plaintiffs includes the Boston-based National Voting Rights Institute, a prominent legal center specializing in campaign finance litigation, the Boston law firm of Foley Hoag & Eliot, former Massachusetts assistant attorney general Edward Colbert, now of Looney & Grossman; Richard L. Neumeier of McDonough, Hacking & Neumeier, and Donald J. Simon, general counsel to Common Cause in Washington, D.C.