

**RUNNING CLEAN IN THE AMERICAN STATES:
EXPERIENCE WITH PUBLIC FUNDING OF ELECTIONS**

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Abstract

This paper examines the case made in marketing the advantages of public funding for candidates for statewide and legislative offices. The focus is on experiences in American states that finance campaigns of participating candidates solely from public monies, commonly called “Clean Money, Clean Election” states. Studies of recent election cycles in Arizona and Maine have produced mixed results in terms of the effects of public financing on voter choice, competition, campaign spending, voter participation, interest group influence, and citizen confidence in government. Yet the early Arizona and Maine experiences offer promise. Full public financing systems are still evolving, and several more election cycles will be needed before definitive judgments can be made.

There is growing interest in the United States in public funding of election campaigns for state office. Public and media attention have been focused on the national government since enactment of the Federal Election Campaign Act of 1971, providing for public funding for Presidential candidates. Innovative programs since the mid-1970 have been launched in the “laboratories of democracy” at the state level.

This paper examines the case that proponents have made in marketing the advantages of public funding for candidates for statewide and legislative offices in the American states. Drawing on the work of the Study Commission on Public Funding of Campaigns in Maryland, which has been chaired by the author since August 2002, experiences of selected state systems will be reviewed and lessons relevant to the advocates and architects of public funding will be identified.

Basic Features of Public Financing Systems

As of 2004, 26 states had laws establishing systems for public funding of state election campaigns. There are two types of system: those providing public financing for political parties (10 states); and those providing funds directly to individual candidates for the governorship, other statewide offices, or state legislature. Of the latter, six states have public financing for all state elective offices, five for the governorship only, and three for gubernatorial and other statewide offices only. Another three states allow taxpayers to take a credit or make a deduction on their income tax for contributions to candidates or political parties. (See Table 1) This paper focuses on states having systems providing public financing to candidates, particularly those that cover the entire campaign costs from public funds.

While their basic features vary, a common component is that public financing systems are voluntary, in that candidates are not required to accept public funds. Publicly funded candidates compete alongside privately financed candidates. If they do accept public funding, candidates must demonstrate grassroots support by collecting small contributions from voters in their district. Participating candidates must also agree to expenditure ceilings, contribution limitations, and disclosure requirements, and in some states to participate in debates. The specific conditions vary among the public financing states. Prospective candidates receive a “seed money” contribution to enable them to pay for promotional materials and mailings. Once candidates obtain sufficient contributions from a specified number of voters in their district or the state to meet the established fund-raising threshold, they qualify for public funds for the primary and general elections. If a participating candidate is outspent by a privately financed candidate, offsetting funds are provided to a specified amount.

The contribution limits and thresholds are relatively modest; for gubernatorial races, candidates in Arizona must raise 4,000 \$5 contributions, in Maine 2,500 \$5 contributions, and in Vermont \$35,000 in individual contributions of \$50 or less. Candidates for the legislature in Arizona must raise 200 \$5 in-district contributions, while in Maine the threshold is 150 for senate candidates and 50 for house candidates. (Holman 2002, 21)

Two basic types of approach to public financing of individual candidates have been used. Eleven public funding states have a partial system, where candidates raise private funds within specified limitations which are matched by public funds, usually on a 1-1 or 2-1 basis. Minnesota adopted this approach for legislative candidates in 1976, followed by Wisconsin a year later. Three states (Arizona, Maine, and Vermont) finance the campaigns of participating candidates solely from public monies. The latter are commonly called “Clean Money, Clean Election”

states. In testifying before the Maryland Study Commission, Michael Malbin explained a key difference in their impact: "... partially funded systems are most effective at spurring competition in electoral contests, while full public funding is effective at changing the method of campaigning in election races as well as weakening the connection between moneyed interests and elected officials by excluding all private money from campaigns." (Study Commission 2004, 13, Malbin 1998)

The chief sources of public election funds in most states are earmarked income tax check-offs (redirecting part of income tax liability to a special fund) and add-ons (increasing taxes owed or decreasing the refund). In a few states annual direct general fund appropriations are also made. Other sources of funds include voluntary donations, unspent contributions, and fees and penalties collected for campaign finance violations. An independent state commission on elections, public finance, or ethics oversees the collection, distribution, reporting, and auditing of public funds to participating candidates.

Arizona has perhaps the most unique system for raising funds, relying on a 10% surcharge on all civil and criminal penalties, including parking violations, instead of general fund appropriations. In 2002, \$6.2 million was generated from this source. The Arizona Supreme Court rejected a challenge to the surcharge contending it violated the First Amendment's freedom of speech protection (Courts have ruled that making campaign contributions is a form of political expression). Arizona also imposed a \$100 annual fee on registered lobbyists to help finance its system, but this fee was ruled unconstitutional by the State's Supreme Court.

The Case for – and Against -- Public Financing

Amidst the recent Enron scandal, Senator Ernest Hollings of South Carolina, Chair of the Senate Commerce Committee, was asked if he accepted contributions from the corporation. His

response is a commentary on the current campaign finance system at both the national and state levels: “I got \$3,500 over 10 years, but our friend Kay Bailey Hutchison, she got \$99,000. Heck, I’m Chairman of the Committee. That wasn’t a contribution. That was an insult.” (Michaelson 2002)

Major proponents of public funding are “advocacy groups.” In Maryland, these groups have included Common Cause, the League of Women Voters, the AFL-CIO, Sierra Club, Progressive Maryland, and other “good government” organizations. In promoting this approach, they argue that by requiring candidates to demonstrate grassroots support and agree to spending limits, the perceived and real negative impacts of private funding of campaigns on public official behavior and public policy outcomes would be lessened. In some states, candidates receiving public funding support are labeled “Clean” candidates.

A 2003 survey, conducted for the Study Commission on Public Funding of Campaigns in Maryland, revealed a number of common concerns about the impact of money on politics that have arisen in other states. (Study Commission 2004, 65) These public views include:

- Contributors have greater access to officials (83%)
- Donors pressure officials (80%)
- Fundraising is a major source of corruption (75%)
- Officials spend too much time fundraising (69%)
- Money is the single most important factor in elections (67%)
- Office-holders pressure donors for money (61%);
- The current system discourages women and minorities (41%)

In view of these findings, proponents claim public financing would produce a number of desirable effects:

- More people would be willing to become candidates for office, since there would no longer be a need to raise substantial private funds or to use one’s own resources, which would particularly benefit women and minorities;
- Instead of “dialing for dollars,” candidates would have time to meet the voters, discuss the issues, and engage in debates;

- Support from fellow citizens, rather than ability to raise money, would become the single most important asset in elections;
- Races would become more competitive, as more challengers would be able to take on incumbents;
- There would be a “level playing field” for citizens and groups to gain access to elected officials, since campaign contributions would no longer open doors and give special privileges;
- Once elected, “Clean” candidates would not be beholden to private contributors, which would reduce the likelihood of expensive “pork barrel” subsidies; and
- Citizen confidence in the integrity of public officials and the policy-making process would increase.

With respect to the costs of public financing systems, tax check-offs and add-ons have raised only modest amounts of monies for the public funding system, and national participation rates have been declining. Michael Malbin and Thomas Gais observed in the mid-1990: “Most of the states’ public funding programs have weak financial bases with declining levels of public support.” (Malbin and Gais 1998, 66) This assessment continues to be accurate.

In Maryland, only 1% of the taxpayers pay an additional tax to support the system, compared with 17% for New Jersey’s tax check-off program. The pool of available funds has been small relative to the costs of mounting a statewide race, and candidates must agree to limit their campaign expenditures to just 30 cents per resident, or \$1.9 million currently. Only one candidate for governor has participated since creation of Maryland’s program in 1974. Meanwhile, total campaign spending by state legislative candidates in 2002 nearly doubled since the previous election cycle, to \$28 million, and the costs of gubernatorial races soared to \$32 million. (Herrnson and Abbe 2003)

As a result, proponents seek general appropriations and urge lawmakers to look beyond the total cost over a four-year election cycle and consider the expense on an annual and per capita basis. Eight public financing states receive most of their funds for the system from a general fund appropriation. In Maryland, for example, the unique system of partial funding for

statewide candidates and full financing for legislative candidates recommended by the Study Commission is estimated to cost about \$60 million over four-years, or \$26 million for General Assembly races. But when broken down on the above basis the legislative system will cost about \$1.00-\$1.50 per resident per year. Proponents further point out that this modest investment is a small price to pay relative to the costs of pork barrel projects and tax loopholes that, they assert, are supported by politicians who are beholden to special interest contributors. (Study Commission 2004, 27)

Opponents of public funding point out a number of practical and political limitations.

These include:

- The public opposes using taxpayer monies to enable people to campaign for office;
- The high costs of competitive campaigns in statewide races and in urban legislative districts limit the attractiveness of public funding to viable candidates;
- The availability of public funds will encourage fringe candidates to run who have no chance of winning public office but seek a public forum to express their views;
- The opposition from entrenched special interests makes passage of public funding legislation; and
- Incumbents will be advantaged, not disadvantaged, by running as “Clean” candidates due to name recognition.

Some political observers and pundits commented when the Maryland Study Commission was created: “Why would the public want to use taxpayer funds to enable politicians to run for office?” “Isn’t public funding a type of welfare for politicians?” “With large State budget deficits, where will the General Assembly find the money to pay for public funding?” Or, “incumbents and private lobby groups will kill any legislation that potentially threatens their careers or access, so why bother.”

These claims and concerns will be addressed in an overview of the characteristics and experiences of the so-called “Clean Money, Clean Elections” state systems.

State Experiences with “Running Clean”

Experiences in the states providing full public financing for gubernatorial, other statewide, and legislative candidates reveal the strengths and limitations of these systems, and the difficulties of marketing and marshalling support for them. Currently, Arizona and Maine have pioneered such systems. Maine’s voters in November 1996 approved a citizen’s initiative proposition, the “Maine Clean Election Act,” establishing the first public financing program in the United States for all qualified candidates for legislative and statewide office. Two years later, Arizona voters approved a similar initiative proposition, the “Citizens Clean Elections Act.” It is noteworthy that the public financing system in both states was not a result of the legislative process, but rather of direct democracy through the initiative and referendum process. The language of the proposals is also important, leading one to speculate; “would citizens vote against ‘clean’ elections?” Both systems have undergone legal challenges to their contribution limitations to both participating and non-participating candidates, and the State Supreme Courts have upheld them. A similar limitation in Vermont’s system was upheld by the U.S. Circuit Court of Appeals for the First Circuit.

Massachusetts until recently was listed among the “Clean Election” states, having approved in 1998 via the initiative/referendum process a system for full voluntary public financing of candidates for legislative and statewide office. However, there was no financing measure accompanying the initiative proposition, and the Democratic-controlled legislature refused to provide the estimated \$14 million costs for the 2002 elections. The Massachusetts Supreme Judicial Court ruled that public funding for one gubernatorial candidate and some legislative candidates should be provided using monies from auction of state assets. In 2002, the Speaker of the House of Representatives put an “advisory referendum” on the ballot, which

rejected public funding. The legislature subsequently repealed the program in 2003 and the Governor refused to veto the bill.

In these three cases the power of language in marketing proposals cannot be underestimated. In Massachusetts, for example, the question put to the voters in 1998 was: “Do you approve a new voluntary system allowing candidates for state office who agree to campaign spending limits and \$100 contribution limits to receive a set amount of public funds for their campaigns?” The result was 67% in favor, 33% opposed. There were no fiscal impacts or consequences indicated in the referendum language. The Speaker’s referendum language was quite different and more to the point: “Do you support taxpayer money being used to fund political campaigns for public office in the commonwealth?” The result was 25% in favor, 75% opposed. (Dobson 2003)

Of the “Clean Election” states, only one – Vermont – has a system enacted by the legislature. In 1997, a voluntary full-financed system for candidates for the offices of governor and lieutenant governor was established, which was expanded to other statewide candidates in 2002. The estimated cost of the system is relatively low -- \$400,000 per year – compared with Arizona (\$12 million per year) and Maine (\$2.5 per year).

From the standpoints of marketing and marshalling political support for public financing, the following conclusions can be drawn from the four states’ experience: (Ansolabehere 2003)

- States authorizing the initiative and referendum process, where groups can get proposals on the ballot if a specified number of qualified signatures is obtained, may be more fertile ground for these systems than those where the legislature must approve legislation;
- Legislatures controlled by one party will resist public financing due to its perceived benefits to opposition candidates; and
- If voters are told “taxpayer’s money” will be used, they will oppose public funding, but they will be less resistant to voluntary tax check-offs or add-ons or even to “general appropriations.”

Turning to the effects of public financing on other aspects of political campaigns and elections, the United States General Accounting Office (GAO) released a report on the Arizona and Maine experiences in May 2003. (General Accounting Office 2003, 4-6). The study, and criteria to guide it, was required by a provision inserted into the federal Bipartisan Campaign Reform Act (P.L. 107-155, 2002). GAO found mixed results in a number of key areas.

- *Voter Choice.* Slightly more than half of the candidates from both states responding to a GAO survey indicated that availability of public financing was a great or very great factor in their decision to run in 2000. While the number of legislative candidates using public funding significantly increased, the average number of candidates running for office in each district was about the same as for the two previous elections. In Arizona, most of the candidates for statewide office in 2002 opted for public funding. So, at least for legislative office, voters did not have substantially more candidate choices in their district as a result of public financing.
- *Competition.* Using three measures – increases in the percentage of contested races, decreases in incumbent re-election rates, and reductions in incumbent victory margins – GAO found inconclusive results. Contested races were about unchanged in Maine but increased in Arizona. Legislative incumbents were re-elected at about the same rates and victory margins in both states, but publicly funded candidates were responsible for substantial incumbent losses in lower house races. There also were fewer contested races.
- *Interest Group Influence.* Responses to surveys of citizens indicated that it was too soon to determine whether the influence of special interest groups had been reduced by public financing, even though about half of the participating candidates responding indicated “great or very great extent.”
- *Campaign Spending.* Average legislative spending decreased in Maine but increased in Arizona in the 2000 and 2002 elections. The figures for gubernatorial races could not be determined due to the presence of independent expenditures for issue advocacy as opposed to for particular candidates.
- *Voter Participation.* Voter turnout did not significantly increase in each state. A 2002 survey revealed that large segments of the public – estimated at 60% in Maine and 37% in Arizona – were unaware of the state’s public financing system.

In interpreting the meaning of these findings, GAO observed that they were complicated because of the relatively short time each state’s program had been in place, and that the responses to surveys were influenced by ideological considerations and partisanship. While no recommendations were offered, the following conclusion was made:

Collectively, the widely divergent and sometimes virulent comments seem to indicate that reaching a consensus regarding the merits of the public financing programs may be unlikely, at least in the foreseeable future. Nonetheless, irrespective of political ideologies or partisanship, state agency officials and other observers told us they anticipate that – based on election strategies or other decisional factors – increasing numbers of candidates will choose to run with public funding. If so, the continuation of the public financing programs may depend not only on efforts to substantiate the programs’ merits but also on efforts to sustain public support for providing larger amounts of total funds that will be needed. (GAO 2003, 6)

GAO’s methodology as well as findings has been criticized. For example, all publicly financed candidates were classified as either incumbents or challengers, yet 96 seats in 2000 and 2002 were open as a result of term limits; therefore the number of challenger victories was exaggerated. GAO also did not distinguish between incumbents and challengers who comprised the 227 successful publicly financed candidates out of the 480 who stood for elected in both states over the two election cycles (122 were challengers, 105 were incumbents). Also, the relative success rates of privately financed candidates were not included. (Zuckerman 2003)

Another critical analysis of Maine’s experience was published by the Cato Institute in October 2002. Analyzing the 1998 and 2000 election results, the authors concluded that primary and general elections were no more competitive as a result of public financing, that incumbents still possessed formidable assets, and that the overall margins of victory were reduced only insignificantly. They attributed newly competitive seats more to term limits than to public funding. They concluded: “Maine’s lesson for other states and for national politicians is that a government trying to foster more competitive elections through taxpayer financing will be disappointed with the results, and taxpayers will be discomforted by the costs.” (Basham and Zelder 2002, 23)

These mixed findings are consistent with studies of partially financed systems. Examinations of the results of Minnesota’s and Wisconsin’s systems cited by GAO, for example,

revealed elections did not become more competitive and incumbents continued to fare well in terms of high rates of re-election and vote share. However, the spending gap between challengers and incumbents narrowed, and publicly funded challengers were able to mount credible campaigns. (Donnay and Ramsden 1995, Mayer and Wood 1995)

Not surprisingly, advocacy groups have been more positive about Arizona's and Maine's experiences and have concluded that both systems have worked basically as their architects intended, and they will work better as time passes and both prospective candidates and the public become more acquainted with this approach. Countering the GAO's and Cato Institute's studies, they note the following positive aspects: (Smith 2002, Breslow, et al. 2002, Study Commission 2004, 13-18)

- A majority of the 2002 candidates in both Arizona and Maine participated in public financing, specifically 62% in Maine and 53% in Arizona – double the 2000 rates;
- Two of the three major candidates for governor of Arizona, including the victor, and all of the candidates for attorney general, secretary of state, state treasurer, and mine inspector participated in public financing;
- “Clean election” candidates came from both parties, with 71% of the Democrats and 54% of the Republicans running “clean” in Maine, and 64% of the Democrats and 34% of the Republicans in Arizona;
- The total number of candidates running in contested primaries increased over the 1998 off-year election in Maine by 72% and in the Arizona senate by 30% (while dropping by one-third in the house);
- In both states the number of women running for office rose by 10% over 1998;
- In Arizona, participation by Latino, African-American, Native American, and Asian candidates increased from 13 in 200 to 37 in 2002, 21 of whom ran as “Clean” candidates;
- Candidates made important changes in their campaigning strategies, spending more time meeting with voters, researching and discussing issues, and attending candidate forums, and less time interacting with special interest groups; and
- Candidates reduced their time spent on fundraising by 17% (in Maine for example, “Clean” candidates spent 11% of their time raising seed money, while privately-funded candidates spent almost 30% of their time fundraising).

Based on these studies, and anecdotal evidence, a number of observations about the current “state” of public financing can be made:

- Language matters, and running as a “Clean” candidate can be an advantage in open seat races;
- Interviews with publicly financed candidates suggest they are generally pleased with having time to meet with voters to collect qualifying contributions and discuss issues, even though they face competitors funded at the same level as themselves;
- The availability of public financing attracts candidates who might not otherwise have run for office, and the number of candidates using public funding significantly increased;
- The causal effects of public funding on the size of the candidate pool and competitiveness of elections, compared with factors such as open seats, are inconclusive;
- Public funding has a positive influence on attracting women and minority candidates;
- Democrats seem to be more inclined to run as public financed candidates than Republicans;
- The advantage of incumbency remains formidable in both privately and publicly funded systems;
- Publicly funded candidates can mount credible campaigns and defeat incumbents and win open seats;
- The spending gap between incumbents and challengers narrowed somewhat;
- Spending limits can disadvantage publicly funded candidates running against a privately funded opponent or one who benefits from independent expenditures; and
- Public financing has not significantly increased voter turnout or decreased campaign spending.

Looking Ahead

The road to public financing of campaigns is rocky. Citizens are reluctant to see taxpayer monies used to enable candidates to run for political office. Incumbents do not welcome competition from challengers. State legislative leaders, who run unopposed and distribute funds received from private contributors to other candidates in contested races in return for their support should be elected, see public financing as weakening their influence. Governors and legislators view public funding of elections as a low priority relative to other public programs, such as education, public safety, and economic development, especially when confronted by budget constraints. Lobby groups see the emergence of “Clean” candidates as threatening their privileged access to policymakers. And some candidates consider the spending limitations too restrictive given the resources available to their challengers and their supporters.

Public financing proposals modeled on the Arizona and Maine systems have been proposed but not adopted recently in Oregon, Missouri, Virginia, and West Virginia. The prospects in Maryland are problematic. The founder and former head of Public Campaign, the key group advocating public financing, stated “now there are no states that can realistically look to [clean-money] ballot victories anytime soon.” (Cooper 2002)

While the results have been mixed, the early Arizona and Maine experiences offer promise, and have overcome political, legal, and practical hurdles in the view of a majority of the Maryland Study Commission. Full public financing systems are still evolving, and several more election cycles will be needed before definitive judgments can be made regarding whether their performance lives up to their promise. It will also take time for citizens and the media to fully grasp the dynamics and impact of public funding, and especially to build support for using taxpayer monies or appropriations to adequately fund the systems. The experiment with public funding should continue, with the results carefully monitored and analyzed, in the American state “laboratories of democracy.”

TABLE 1
STATES WITH PUBLIC FINANCING OF ELECTION CAMPAIGNS

Public Financing for All State Offices

Hawaii
Nebraska
Minnesota
Wisconsin
Arizona (Clean Money)
Maine (Clean Money)
Massachusetts (until 2003)

Public Financing for Governorship Only

Kentucky
Maryland
Michigan
New Jersey
North Carolina

Public Financing for Statewide Offices Only

Florida
Rhode Island
Vermont

Public Financing for Political Parties

Alabama
Idaho
Indiana
Iowa
New Mexico
North Carolina
Ohio
Texas
Utah
Virginia

Income Tax Credits/Deductions for Contributions to Candidates or Political Committees

Arkansas

Montana

Oregon

Sources: Center for Governmental Studies, “Where to Get the Money? New Sources of Public Financing for Political Campaigns,” February 7, 2003, pp. 36-37; National Conference of State Legislatures, “Overview of Public Financing of Election Campaigns,” May 2002.

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