The Supreme Court decision striking down public matching funds in Arizona’s campaign finance system is a serious setback for American democracy. The opinion written by Chief Justice John Roberts Jr. in Monday’s 5-to-4 decision shows again the conservative majority’s contempt for campaign finance laws that aim to provide some balance to the unlimited amounts of money flooding the political system.

In the Citizens United case, the court ruled that the government may not ban corporations, unions and other moneyed institutions from spending in political campaigns. The Arizona decision is a companion to that destructive landmark ruling. It takes away a vital, innovative way of ensuring that candidates who do not have unlimited bank accounts can get enough public dollars to compete effectively.

Arizona’s campaign finance law provided a set amount of money in initial public support for candidates who opted into its financing system, depending on the type of election. If a candidate faced a rival who opted out, the state would match the spending of the privately financed candidate and independent groups supporting him, up to triple the initial amount. Once that limit is reached, the publicly financed candidate receives no other public funds and is barred from using private contributions, no matter how much more the privately financed candidate spends.

Chief Justice Roberts found that this mechanism “imposes a substantial burden” on the free speech rights of candidates and independent groups because it penalized them when their spending triggered additional money for a candidate who opted into its financing system, depending on the type of election. If a candidate faced a rival who opted out, the state would match the spending of the privately financed candidate and independent groups supporting him, up to triple the initial amount. Once that limit is reached, the publicly financed candidate receives no other public funds and is barred from using private contributions, no matter how much more the privately financed candidate spends.

Justice Elena Kagan, writing in dissent, dissects the court’s willful misunderstanding of the result. Rather than a restriction on speech, she says, the trigger mechanism is a subsidy with the opposite effect: “It subsidizes and produces more political speech.” Those challenging the law, she wrote, demanded — and have now won — the right to “quash others’ speech” so they could have “the field to themselves.” She explained that the matching funds program — unlike a lump sum grant to candidates — sensibly adjusted the amount disbursed so that it was neither too little money to attract candidates nor too large a drain on public coffers.
Arizona’s system was a response to a history of terrible corruption in the state’s politics. Rather than seeing the law as a way to control corruption, the court struck it down as a limit on the right of wealthy candidates and independent groups to speak louder than others.

The ruling left in place other public financing systems without such trigger provisions, including public financing for presidential elections. It shows, however, how little the court cares about the interest of citizens in Arizona or elsewhere in keeping their electoral politics clean.