

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)



132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

No. 454

S.P. 187

In Senate, February 11, 2025

**An Act to Allow Candidates for Secretary of State or Attorney
General to Participate in the Maine Clean Election Act**

Received by the Secretary of the Senate on February 5, 2025. Referred to the Committee on Veterans and Legal Affairs pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator BALDACCI of Penobscot.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 21-A MRSA §1122, sub-§1**, as enacted by IB 1995, c. 1, §17, is amended
3 to read:

4 **1. Certified candidate.** "Certified candidate" means a candidate running for
5 Governor, State Senator ~~or~~, State Representative, Secretary of State or Attorney General
6 who chooses to participate in the Maine Clean Election Act and who is certified as a Maine
7 Clean Election Act candidate under section 1125, subsection 5.

8 **Sec. 2. 21-A MRSA §1122, sub-§5**, as enacted by IB 1995, c. 1, §17, is amended
9 to read:

10 **5. Nonparticipating candidate.** "Nonparticipating candidate" means a candidate
11 running for Governor, State Senator ~~or~~, State Representative, Secretary of State or Attorney
12 General who does not choose to participate in the Maine Clean Election Act and who is not
13 seeking to be certified as a Maine Clean Election Act candidate under section 1125,
14 subsection 5.

15 **Sec. 3. 21-A MRSA §1122, sub-§6**, as enacted by IB 1995, c. 1, §17, is amended
16 to read:

17 **6. Participating candidate.** "Participating candidate" means a candidate who is
18 running for Governor, State Senator ~~or~~, State Representative, Secretary of State or Attorney
19 General who is seeking to be certified as a Maine Clean Election Act candidate under
20 section 1125, subsection 5.

21 **Sec. 4. 21-A MRSA §1122, sub-§8, ¶B**, as amended by PL 2009, c. 286, §5, is
22 further amended to read:

23 B. For State Senate ~~or~~, State House of Representatives, Secretary of State or Attorney
24 General participating candidates, the qualifying period begins January 1st of the
25 election year and ends at 5:00 p.m. on April 20th of that election year or the next
26 business day following April 20th if the office of the commission is closed on April
27 20th.

28 **Sec. 5. 21-A MRSA §1123**, as enacted by IB 1995, c. 1, §17, is amended to read:

29 **§1123. Alternative campaign financing option**

30 This chapter establishes an alternative campaign financing option available to
31 candidates running for Governor, State Senator ~~and~~, State Representative, Secretary of
32 State and Attorney General. This alternative campaign financing option is available to
33 candidates running for Governor, State Senator and State Representative for elections to be
34 held beginning in the year 2000. This alternative campaign financing option is available
35 to candidates running for Secretary of State and Attorney General for elections to be held
36 beginning in the year 2028. The commission shall administer this Act and the fund.
37 Candidates participating in the Maine Clean Election Act ~~must~~ shall also comply with all
38 other applicable election and campaign laws and regulations.

39 **Sec. 6. 21-A MRSA §1124, sub-§1**, as enacted by IB 1995, c. 1, §17, is amended
40 to read:

1 **1. Established.** The Maine Clean Election Fund is established to finance the election
2 campaigns of certified Maine Clean Election Act candidates running for Governor, State
3 Senator ~~and~~, State Representative, Secretary of State and Attorney General and to pay
4 administrative and enforcement costs of the commission related to this Act. The fund is a
5 special, dedicated, nonlapsing fund and any interest generated by the fund is credited to the
6 fund. The commission shall administer the fund.

7 **Sec. 7. 21-A MRSA §1125, sub-§2-C**, as enacted by PL 2021, c. 132, §10, is
8 amended to read:

9 **2-C. Change in campaign financing.** If a candidate has accepted contributions as a
10 candidate for Governor, State Senator ~~or~~, State Representative, Secretary of State or
11 Attorney General that are not seed money contributions as defined in section 1122,
12 subsection 9 or do not comply with the seed money restrictions in subsections 2 and 2-A,
13 the candidate is ineligible for certification in the same election cycle.

14 **Sec. 8. 21-A MRSA §1125, sub-§5**, as amended by IB 2015, c. 1, §20, is further
15 amended by amending the first blocked paragraph to read:

16 The executive director shall certify a candidate complying with the requirements of this
17 section as a Maine Clean Election Act candidate as soon as possible after final submittal of
18 qualifying contributions and other supporting documents required under subsection 4 but
19 no later than 3 business days for legislative, Secretary of State and Attorney General
20 candidates and 5 business days for gubernatorial candidates. The executive director may
21 take additional time if further investigation is necessary to verify compliance with this Act
22 as long as the commission notifies the candidate regarding the anticipated schedule for
23 conclusion of the investigation. A candidate or other interested person may appeal the
24 decision of the executive director to the members of the commission in accordance with
25 subsection 14.

26 **Sec. 9. 21-A MRSA §1125, sub-§7-B, ¶B**, as enacted by IB 2015, c. 1, §23, is
27 amended to read:

28 B. For legislative, Secretary of State and Attorney General candidates, any
29 supplemental general election distributions made pursuant to subsections 8-C and 8-D
30 must be made within 3 business days of certification by the commission of the required
31 number of additional qualifying contributions.

32 **Sec. 10. 21-A MRSA §1125, sub-§8-E, ¶B**, as enacted by IB 2015, c. 1, §25, is
33 amended to read:

34 B. For legislative, Secretary of State and Attorney General candidates, no earlier than
35 January 1st of the election year and no later than 3 weeks before election day.

36 **Sec. 11. 21-A MRSA §1125, sub-§8-F**, as enacted by IB 2015, c. 1, §25, is
37 amended to read:

38 **8-F. Amount of distributions.** On December 1st of each even-numbered year the
39 commission shall review and adjust the distribution amounts in subsections 8-B to 8-D and
40 the distribution amounts for Secretary of State and Attorney General candidates established
41 by the commission based on the Consumer Price Index as reported by the United States
42 Department of Labor, Bureau of Labor Statistics. If an adjustment is warranted by the
43 Consumer Price Index, the distribution amounts must be adjusted, rounded to the nearest

1 amount divisible by \$25. When making adjustments under this subsection, the commission
2 may not change the number of qualifying contributions or additional qualifying
3 contributions required to trigger an initial distribution or an increment of supplemental
4 distribution. The commission shall post information about the distribution amounts
5 including the date of any adjustment on its publicly accessible website and include this
6 information with any publication to be used as a guide for candidates.

7 **Sec. 12. 21-A MRSA §1125, sub-§10**, as amended by IB 2015, c. 1, §26, is further
8 amended to read:

9 **10. Candidate not enrolled in a party.** An unenrolled candidate for the Legislature,
10 Secretary of State or Attorney General who submits the required number of qualifying
11 contributions and other required documents under subsection 4 by 5:00 p.m. on April 20th
12 preceding the primary election and who is certified is eligible for revenues from the fund
13 in the same amounts and at the same time as an uncontested primary election candidate and
14 a general election candidate as specified in subsections 7, 8-C and 8-D. Revenues for the
15 general election must be distributed to the candidate as specified in subsection 7. An
16 unenrolled candidate for Governor who submits the required number of qualifying
17 contributions and other required documents under subsection 4 by 5:00 p.m. on April 1st
18 preceding the primary election and who is certified is eligible for revenues from the fund
19 in the same amounts and at the same time as an uncontested primary election gubernatorial
20 candidate and a general election gubernatorial candidate as specified in subsections 7 and
21 8-B. Revenues for the general election must be distributed to the candidate for Governor
22 as specified in subsection 7.

23 **Sec. 13. 21-A MRSA §1125, sub-§15** is enacted to read:

24 **15. Terms of participation for Secretary of State and Attorney General**
25 **candidates.** The commission shall establish terms of participation for Secretary of State
26 and Attorney General candidates that allow candidates to qualify and participate starting
27 with the 2028 election cycle. The terms of participation established by the commission
28 must set forth the seed money contribution limits, the number of qualifying contributions
29 and the amount of revenue to be distributed from the fund and the timing of such
30 distributions. When establishing the terms of participation, the commission shall consider
31 the terms of participation for gubernatorial and legislative candidates set forth in this
32 chapter, including an assessment of the difficulty of certification under this section and
33 distribution amounts available to participating Senate and House candidates and
34 gubernatorial candidates relative to the population of Senate and House districts and the
35 State. The commission may establish different terms of participation for Secretary of State
36 candidates and Attorney General candidates.

37 **Sec. 14. 21-A MRSA §1126**, as amended by PL 2023, c. 211, §5, is further amended
38 to read:

39 **§1126. Commission to adopt rules**

40 The commission shall adopt rules to ensure effective administration of this chapter.
41 These rules must include but may not be limited to procedures for obtaining qualifying
42 contributions, certification as a Maine Clean Election Act candidate, circumstances
43 involving special elections, recounts, collection of revenues for the fund, distribution of
44 fund revenue to certified candidates, return of unspent fund disbursements, disposition of
45 equipment purchased with clean election funds, terms of participation for Secretary of State

1 and Attorney General candidates and compliance with the Maine Clean Election Act. Rules
2 of the commission required by this section are major substantive rules as defined in Title
3 5, chapter 375, subchapter 2-A.

4 **Sec. 15. Contingent effective date.** This Act takes effect only if a resolution
5 proposing an amendment to the Constitution of Maine takes effect to provide for the
6 popular election of and to apply ranked-choice voting to elections for the offices of
7 Secretary of State and Attorney General.

8 **SUMMARY**

9 This bill allows candidates for the offices of Secretary of State and Attorney General
10 to participate in the Maine Clean Election Act beginning with the 2028 election cycle. The
11 legislation will take effect only if a resolution proposing an amendment to the Constitution
12 of Maine takes effect to provide for the popular election of and to apply ranked-choice
13 voting to elections for the offices of Secretary of State and Attorney General.