

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 872

S.P. 300

In Senate, February 2, 1999

An Act to Improve the Maine Clean Election Act.

Reference to the Committee on Legal and Veterans Affairs suggested and ordered printed.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator FERGUSON of Oxford.
Cosponsored by Representative RINES of Wiscasset and
Representative: MARVIN of Cape Elizabeth.

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

Sec. 1. 21-A MRSA §1017, sub-§3-B, as enacted by IB 1995, c. 1, §12, is amended to read:

3-B. Accelerated reporting schedule. In addition to other reports required by law, any candidate for Governor, State Senate or State House of Representatives who is not certified as a Maine Clean Public Election Act candidate under chapter 14 and who receives, spends or obligates more than 1% in excess of the primary or general election distribution amounts for a Maine Clean Public Election Act candidate in the same race shall file by any means acceptable to the commission, within 48 hours of that event, a report with the commission detailing the candidate's total campaign contributions, obligations and expenditures to date. After this filing, the candidate shall comply with an expedited reporting schedule that the commission shall establish by rule. The commission shall provide forms to facilitate compliance with this subsection.

Sec. 2. 21-A MRSA §1020-A, sub-§4, last ¶, as amended by IB 1995, c. 1, §15, is further amended to read:

Notwithstanding any other provisions of this section, a candidate who fails to file an accelerated campaign finance report as required in section 1017, subsection 3-B must be assessed a penalty at least equivalent to but no more than 3 times the amount by which the contributions received or expenditures obligated or made by the candidate, whichever is greater, exceed the applicable Maine Clean Public Election Fund disbursement amount, per day of violation. A penalty for failure to file an accelerated campaign finance report must be made payable to the Maine Clean Public Election Fund.

Sec. 3. 21-A MRSA c. 14, is amended by repealing the chapter headnote and enacting in its place the following:

CHAPTER 14

THE MAINE PUBLIC ELECTION ACT

Sec. 4. 21-A MRSA §1121, as enacted by IB 1995, c. 1, §17, is amended to read:

§1121. Short title

This chapter may be known and cited as the "Maine Clean Public Election Act."

2 **Sec. 5. 21-A MRSA §1122, sub-§§1, 4, 5, 6 and 9**, as enacted by IB
4 1995, c. 1, §17, are amended to read:

6 **1. Certified candidate.** "Certified candidate" means a
8 candidate running for Governor, State Senator or State
10 Representative who chooses to participate in the Maine Glean
12 Public Election Act and who is certified as a Maine Glean Public
14 Election Act candidate under section 1125, subsection 5.

16 **4. Fund.** "Fund" means the Maine Glean Public Election Fund
18 established in section 1124.

20 **5. Nonparticipating candidate.** "Nonparticipating
22 candidate" means a candidate running for Governor, State Senator
24 or State Representative who does not choose to participate in the
26 Maine Glean Public Election Act and who is not seeking to be
28 certified as a Maine Glean Public Election Act candidate under
30 section 1125, subsection 5.

32 **6. Participating candidate.** "Participating candidate"
34 means a candidate who is running for Governor, State Senator or
36 State Representative who is seeking to be certified as a Maine
38 Glean Public Election Act candidate under section 1125,
40 subsection 5.

42 **9. Seed money contribution.** "Seed money contribution"
44 means a contribution of no more than \$100 per individual made to
46 a candidate, including a contribution from the candidate or the
48 candidate's family. To be eligible for certification, a
 candidate may collect and spend only seed money contributions
 subsequent to becoming a candidate as defined by section 1,
 subsection 5 and throughout the qualifying period. A candidate
 may not collect or spend seed money contributions after
 certification as a Maine Glean Public Election Act candidate.
 The primary purpose of a seed money contribution is to enable a
 participating candidate to collect qualifying contributions. A
 seed money contribution must be reported according to procedures
 developed by the commission.

Sec. 6. 21-A MRSA §1123, as enacted by IB 1995, c. 1, §17, is
 amended to read:

§1123. Alternative campaign financing option

 This chapter establishes an alternative campaign financing
 option available to candidates running for Governor, State
 Senator and State Representative. This alternative campaign
 financing option is available to candidates for elections to be

held beginning in the year 2000. The commission shall administer this Act and the fund. Candidates participating in the Maine Clean Public Election Act must also comply with all other applicable election and campaign laws and regulations.

Sec. 7. 21-A MRSA §1124, as enacted by IB 1995, c. 1, §17, is amended to read:

**§1124. The Maine Public Election Fund established;
sources of funding**

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

2. Sources of funding. The following must be deposited in the fund:

A. The qualifying contributions required under section 1125 when those contributions are submitted to the commission;

B. Two million dollars of the revenues from the taxes imposed under Title 36, Parts 3 and 8 and credited to the General Fund, transferred to the fund by the Treasurer of State on or before January 1st of each year, beginning January 1, 1999. These revenues must be offset in an equitable manner by an equivalent reduction within the administrative divisions of the legislative branch and executive branch agencies. This section may not affect the funds distributed to the Local Government Fund under Title 30-A, section 5681;

C. Revenue from a tax checkoff program allowing a resident of the State who files a tax return with the State Tax Assessor to designate that \$3 be paid into the fund. If a husband and wife file a joint return, each spouse may designate that \$3 be paid. The amounts designated for the fund must be appropriated from the General Fund and credited to the fund;

D. Seed money contributions remaining unspent after a candidate has been certified as a Maine Clean Public Election Act candidate;

2 E. Fund revenues that were distributed to a Maine Glean
Public Election Act candidate and that remain unspent after
4 the candidate has lost a primary election or after all
general elections;

6
F. Other unspent fund revenues distributed to any Maine
8 Glean Public Election Act candidate who does not remain a
candidate throughout a primary or general election cycle;

10
G. Voluntary donations made directly to the fund; and

12
H. Fines collected under section 1020-A, subsection 4 and
14 section 1127.

16 3. Determination of fund amount. By September 1st
preceding each election year, the commission shall publish an
18 estimate of revenue in the fund available for distribution to
certified candidates during the upcoming year's elections.

20
22 Sec. 8. 21-A MRSA §1125, sub-§§1, 5, 9 and 14, as enacted by IB
1995, c. 1, §17, are amended to read:

24 1. Declaration of intent. A participating candidate must
file a declaration of intent to seek certification as a Maine
26 Glean Public Election Act candidate and to comply with the
requirements of this chapter. The declaration of intent must be
28 filed with the commission prior to or during the qualifying
period, except as provided in subsection 11, according to forms
30 and procedures developed by the commission. A participating
candidate must submit a declaration of intent prior to collecting
32 qualifying contributions under this chapter.

34 5. Certification of Maine Public Election Act candidates.
Upon receipt of a final submittal of qualifying contributions by
36 a participating candidate, the commission shall determine whether
or not the candidate has:

38
40 A. Signed and filed a declaration of intent to participate
in this Act;

42 B. Submitted the appropriate number of valid qualifying
contributions;

44
46 C. Qualified as a candidate by petition or other means;

48 D. Not accepted contributions, except for seed money
contributions, and otherwise complied with seed money
restrictions; and

2 E. Otherwise met the requirements for participation in this
4 Act.

6 The commission shall certify a candidate complying with the
8 requirements of this section as a Maine Glean Public Election Act
candidate as soon as possible and no later than 3 days after
final submittal of qualifying contributions.

10 Upon certification, a candidate must transfer to the fund any
12 unspent seed money contributions. A certified candidate must
14 comply with all requirements of this Act after certification and
throughout the primary and general election periods. Failure to
do so is a violation of this chapter.

16 **9. Matching funds.** When any campaign, finance or election
18 report shows that the sum of a candidate's expenditures or
obligations, or funds raised or borrowed, whichever is greater,
20 alone or in conjunction with independent expenditures reported
under section 1019, exceeds the distribution amount under
22 subsection 8, the commission shall issue immediately to any
opposing Maine Glean Public Election Act candidate an additional
amount equivalent to the reported excess. Matching funds are
24 limited to 2 times the amount originally distributed under
subsection 8, paragraph A or C, whichever is applicable.

26
28 **14. Appeals.** A candidate who has been denied certification
as a Maine Glean Public Election Act candidate or the opponent of
30 a candidate who has been granted certification as a Maine Glean
Public Election Act candidate may challenge a certification
decision by the commission as follows.

32
34 A. A challenger may appeal to the full commission within 3
days of the certification decision. The appeal must be in
writing and must set forth the reasons for the appeal.

36
38 B. Within 5 days after an appeal is properly made and after
notice is given to the challenger and any opponent, the
commission shall hold a hearing. The appellant has the
40 burden of providing evidence to demonstrate that the
commission decision was improper. The commission must rule
42 on the appeal within 3 days after the completion of the
hearing.

44
46 C. A challenger may appeal the decision of the commission
in paragraph B by commencing an action in Superior Court
according to the procedure set forth in section 356,
48 subsection 2, paragraphs D and E.

2 D. A candidate whose certification by the commission as a
4 Maine Clean Public Election Act candidate is revoked on
6 appeal must return to the commission any unspent revenues
8 distributed from the fund. If the commission or court find
that an appeal was made frivolously or to cause delay or
hardship, the commission or court may require the moving
party to pay costs of the commission, court and opposing
parties, if any.

10 Sec. 9. 21-A MRSA §1126, as enacted by IB 1995, c. 1, §17, is
12 amended to read:

14 **§1126. Commission to adopt rules**

16 The commission shall adopt rules to ensure effective
18 administration of this chapter. These rules must include but
must not be limited to procedures for obtaining qualifying
20 contributions, certification as a Maine Clean Public Election Act
candidate, circumstances involving special elections, vacancies,
22 recounts, withdrawals or replacements, collection of revenues for
the fund, distribution of fund revenue to certified candidates,
24 return of unspent fund disbursements and compliance with the
Maine Clean Public Election Act.

26 Sec. 10. 21-A MRSA §1127, sub-§2, as enacted by IB 1995, c. 1,
§17, is amended to read:

28 2. Class E crime. A person who willfully or knowingly
30 violates this chapter or rules of the commission or who willfully
or knowingly makes a false statement in any report required by
32 this chapter commits a Class E crime and, if certified as a Maine
Clean Public Election Act candidate, must return to the fund all
34 amounts distributed to the candidate.

36 Sec. 11. 21-A MRSA §1128, as enacted by IB 1995, c. 1, §17,
is amended to read:

38 **§1128. Study report**

40 By January 30, 2002 and every four years after that date,
42 the commission shall prepare for the joint standing committee of
the Legislature having jurisdiction over legal affairs a report
44 documenting, evaluating and making recommendations relating to
the administration, implementation and enforcement of the Maine
46 Clean Public Election Act and Maine Clean Public Election Fund.

48 **SUMMARY**

50 This bill changes the names of the Maine Clean Election Act
and the Maine Clean Election Fund to the Maine Public Election
52 Act and the Maine Public Election Fund, respectively.