

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 1207

S.P. 421

In Senate, March 10, 2005

An Act To Improve the Clean Election Laws

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator GAGNON of Kennebec.
Cosponsored by Representative TUTTLE of Sanford and
Senator: MAYO of Sagadahoc.

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

4 **Sec. 1. 21-A MRSA §1122, sub-§7, ¶A,** as enacted by IB 1995, c.
1, §17, is amended to read:

6 A. Of \$5 in the form of a check or a money order payable to
7 the ~~fund--in--support--of--a~~ candidate if the donor writes
8 "Maine Clean Election Act donation" on the face of the check;

10 **Sec. 2. 21-A MRSA §1125, sub-§4,** as enacted by IB 1995, c. 1,
12 §17, is amended to read:

14 **4. Filing with commission.** A participating candidate must
15 submit to the commission an accounting of all qualifying
16 contributions made to the ~~commission~~ candidate during the
17 qualifying period according to procedures developed by the
18 commission, except as provided under subsection 11.

20 **Sec. 3. 21-A MRSA §1125, sub-§5,** as amended by PL 2003, c.
21 270, §§1 and 2, is further amended to read:

22 **5. Certification of Maine Clean Election Act candidates.**
23 Upon receipt of a final submittal of the accounting of qualifying
24 contributions pursuant to subsection 4 by a participating
25 candidate, the commission shall determine whether or not the
26 candidate has:

28 A. Signed and filed a declaration of intent to participate
29 in this Act;

30 B. Submitted an accounting of the appropriate number of
31 valid qualifying contributions;

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

34 D. Not accepted contributions, except for seed money
35 contributions or qualifying contributions, and otherwise
36 complied with seed money and qualifying contribution
37 restrictions;

38 D-1. Not run for the same office as a nonparticipating
39 candidate in a primary election in the same election year;
40 and

41 E. Otherwise met the requirements for participation in this
42 Act.

44 The commission shall certify a candidate complying with the
45 requirements of this section as a Maine Clean Election Act
46

2 candidate as soon as possible and no later than 3 days after
final submittal of qualifying contributions.

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

10 **Sec. 4. 21-A MRSA §1125, sub-§7,** as amended by PL 2001, c.
465, §4, is further amended to read:

12 **7. Timing of fund distribution.** The commission shall
14 distribute to certified candidates revenues from the fund in
amounts determined under subsection 8 in the following manner.

16 A. Within 3 days after certification, for candidates
18 certified prior to March 15th of the election year, revenues
from the fund must be distributed as if the candidates are
20 in an uncontested primary election.

22 B. Within 3 days after certification, for all candidates
certified between March 15th and April 15th of the election
24 year, revenues from the fund must be distributed according
to whether the candidate is in a contested or uncontested
26 primary election.

28 B-1. For candidates in contested primary elections
receiving a distribution under paragraph A, additional
30 revenues from the fund must be distributed within 3 days of
March 15th of the election year.

32 C. Within 3 days after the primary election results are
34 certified, for general election certified candidates,
revenues from the fund must be distributed according to
36 whether the candidate is in a contested or uncontested
general election.

38 Funds may be distributed to certified candidates under this
40 section by any mechanism that is expeditious, ensures
accountability and safeguards the integrity of the fund. The
42 amount of funds to be distributed to a candidate pursuant to this
44 subsection must be reduced by the amount of funds received in
qualifying contributions received by the candidate.

46 SUMMARY

48 This bill requires donors to make qualifying contributions
50 under the Maine Clean Election Act directly to the candidate, the

2 amount of which must be deducted from the clean election funds distributed to the candidate.