

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 636

H.P. 485

House of Representatives, February 8, 2007

An Act To Create Optional Public Financing of Legislative Leadership Elections

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative VALENTINO of Saco.
Cosponsored by Representatives: BEAUDOIN of Biddeford, BURNS of Berwick,
CASAVANT of Biddeford, CONNOR of Kennebunk, GROSE of Woolwich, JACKSON of
Allagash, MUSE of Fryeburg, PERCY of Phippsburg.

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

2 **Sec. 1. 21-A MRSA §1, sub-§21-A** is enacted to read:

3 **21-A. Leadership position.** "Leadership position" means the position of President
4 of the Senate, Speaker of the House of Representatives, leader of a party in the Senate,
5 leader of a party in the House of Representatives, assistant leader of a party in the Senate
6 or assistant leader of a party in the House of Representatives.

7 **Sec. 2. 21-A MRSA §1019-B, sub-§1, ¶B,** as enacted by PL 2003, c. 448, §3, is
8 amended to read:

9 B. Is presumed in races involving a candidate who is certified as a Maine Clean
10 Election Act candidate under section 1125, subsection 5 or 15 to be any expenditure
11 made to design, produce or disseminate a communication that names or depicts a
12 clearly identified candidate and is disseminated during the 21 days, including election
13 day, before a primary election; the 21 days, including election day, before a general
14 election; or during a special election or election for a leadership position until and on
15 election day.

16 **Sec. 3. 21-A MRSA §1122, sub-§9,** as amended by PL 2005, c. 301, §28, is
17 further amended to read:

18 **9. Seed money contribution.** "Seed money contribution" means a contribution of
19 no more than \$100 per individual made to a candidate, including a contribution from the
20 candidate or the candidate's family. To be eligible for certification, a candidate may
21 collect and spend only seed money contributions subsequent to becoming a candidate as
22 defined by section 1, subsection 5 or section 1125, subsection 15 and throughout the
23 qualifying period. A participating candidate who has accepted contributions or made
24 expenditures that do not comply with the seed money restrictions under this chapter may
25 petition the commission to remain eligible for certification as a Maine Clean Election Act
26 candidate in accordance with rules of the commission, if the failure to comply was
27 unintentional and does not constitute a significant infraction of these restrictions. Prior to
28 certification, a candidate may obligate an amount greater than the seed money collected if
29 the value of the goods and services received from a vendor does not exceed the amount
30 paid to the vendor. A candidate may not collect or spend seed money contributions after
31 certification as a Maine Clean Election Act candidate. A seed money contribution must
32 be reported according to procedures developed by the commission.

33 **Sec. 4. 21-A MRSA §1123,** as enacted by IB 1995, c. 1, §17, is amended to read:

34 **§1123. Alternative campaign financing option**

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

1 **Sec. 5. 21-A MRSA §1124, sub-§1**, as enacted by IB 1995, c. 1, §17, is amended
2 to read:

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

9 **Sec. 6. 21-A MRSA §1125, sub-§9**, as repealed and replaced by PL 2003, c. 688,
10 Pt. A, §22, is amended to read:

11 **9. Matching funds.** When any campaign, finance or election report shows that the
12 sum of a candidate's expenditures or obligations, or funds raised or borrowed, whichever
13 is greater, alone or in conjunction with independent expenditures reported under section
14 1019-B, exceeds the distribution amount under subsection 8, the commission shall issue
15 immediately to any opposing Maine Clean Election Act candidate an additional amount
16 equivalent to the reported excess. Matching funds are limited to 2 times the amount
17 originally distributed under subsection 8, paragraph A, C, E or F, whichever is applicable.
18 A candidate for a leadership position under subsection 15 may not receive matching
19 funds under this subsection.

20 **Sec. 7. 21-A MRSA §1125, sub-§15** is enacted to read:

21 **15. Leadership positions.** A certified candidate for State Senator or State
22 Representative under subsection 5 who intends to run for a leadership position must run
23 for a leadership position as a Maine Clean Election Act candidate. The following
24 provisions apply to a candidate for a leadership position who runs as a Maine Clean
25 Election Act candidate:

26 A. A certified candidate who wishes to run for a leadership position in the Senate
27 must collect 7 signatures in support of the candidate's leadership candidacy from
28 members of the candidate's party currently serving in the Senate for the upcoming
29 election;

30 B. A certified candidate who wishes to run for a leadership position in the House of
31 Representatives must collect 20 signatures in support of the candidate's leadership
32 candidacy from members of the candidate's party currently serving in the House of
33 Representatives for the upcoming election;

34 C. A certified candidate who wishes to run for a leadership position must file a letter
35 of intent with the commission after certification under subsection 5 and within 3 days
36 of becoming a candidate for a leadership position. The commission shall certify the
37 candidate as a candidate for a leadership position upon receipt of the letter of intent,
38 the signatures required under this subsection and confirmation that the candidate is
39 certified for the upcoming election under subsection 5;

40 D. Prior to certification under this subsection, a candidate certified under subsection
41 5 must collect an amount equal to 10% of the funds received by the candidate under

1 paragraph E in seed money. Seed money received under this paragraph may not
2 come from an out-of-state donor;

3 E. Within 3 days after a candidate's certification under this subsection, the
4 commission shall distribute \$20,000 to a candidate for Speaker of the House of
5 Representatives, \$15,000 to a candidate for President of the Senate, \$10,000 to a
6 candidate for leader or assistant leader of a party in the House of Representatives and
7 \$5,000 to a candidate for leader or assistant leader of a party in the Senate. An
8 unspent balance of funds received under this paragraph subsequent to the leadership
9 election must be returned to the Maine Clean Election Fund;

10 F. A candidate certified under this subsection may not contribute any funds to a
11 candidate, campaign, political committee or political action committee during the
12 campaign for the leadership position;

13 G. A candidate who receives funds under this subsection for a leadership campaign
14 may not accept or expend any other funds in running for a leadership position for that
15 campaign; and

16 H. A candidate who receives funds under this subsection may not serve as an officer
17 of or have control over a political action committee that contributes to a campaign in
18 the State.

19 The commission shall establish reporting requirements under this subsection. The
20 commission may adopt routine technical rules pursuant to Title 5, chapter 375, subchapter
21 2-A to carry out the purposes of this subsection.

22 **SUMMARY**

23 This bill allows Maine Clean Election Act financing for candidates in legislative
24 leadership races. A candidate for a leadership position must already be a Maine Clean
25 Election Act candidate. A candidate for a Senate leadership position must obtain 7
26 signatures from members of the candidate's party who are currently serving in the Senate,
27 and a candidate for a leadership position in the House of Representatives must collect 20
28 signatures from members of the candidate's party who are currently serving in the House
29 of Representatives. A Maine Clean Election Act candidate who wishes to run for a
30 leadership position must collect up to an amount equal to 10% of the clean election
31 distribution the candidate will receive from the Maine Clean Election Fund in seed
32 money and may come only from in-state donors. A Maine Clean Election Act leadership
33 candidate receives from \$5,000 to \$20,000 depending on the leadership office to spend on
34 the leadership campaign and is not allowed to contribute to a candidate, campaign,
35 political committee or political action committee during the leadership campaign. An
36 unspent balance of funds received under this paragraph subsequent to the leadership
37 election must be returned to the Maine Clean Election Fund. A Maine Clean Election Act
38 leadership candidate may not be an officer of or have control over a political action
39 committee. An opposing candidate for a leadership position does not qualify for
40 matching funds under this bill.