

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 scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 1724

H.P. 1207

House of Representatives, March 23, 2007

An Act To Strengthen the Maine Clean Election Act

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Speaker CUMMINGS of Portland.
Cosponsored by President EDMONDS of Cumberland and
Representatives: BERRY of Bowdoinham, CANAVAN of Waterville, CROCKETT of
Augusta, DILL of Cape Elizabeth, GERZOFSKY of Brunswick, HILL of York, HOTHAM of
Dixfield, PATRICK of Rumford, PERRY of Calais, PINGREE of North Haven, RECTOR of
Thomaston, TARDY of Newport, VALENTINO of Saco, WEBSTER of Freeport, Senators:
BARTLETT of Cumberland, PLOWMAN of Penobscot, ROSEN of Hancock.

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

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

4 B. Made by a registered voter within the electoral division for the office a candidate
5 is seeking who has not already donated a qualifying contribution to another candidate
6 seeking election to the same office;

7 **Sec. 2. 21-A MRSA §1125, sub-§3, ¶A,** as enacted by IB 1995, c. 1, §17, is
8 amended to read:

9 A. For a gubernatorial candidate, at least ~~2,500~~ 3,250 verified registered voters of
10 this State must support the candidacy by providing a qualifying contribution to that
11 candidate;

12 **Sec. 3. 21-A MRSA §1125, sub-§5,** as amended by PL 2005, c. 301, §30, is
13 further amended to read:

14 **5. Certification of Maine Clean Election Act candidates.** Upon receipt of a final
15 submittal of qualifying contributions by a participating candidate, the commission or its
16 executive director shall determine whether ~~or not~~ the candidate has:

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

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

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

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

22 D-1. Not run for the same office as a nonparticipating candidate in a primary
23 election in the same election year; ~~and~~

24 D-2. If the candidate is a gubernatorial candidate, raised at least \$15,000 in seed
25 money contributions;

26 D-3. Not been found to have made a material false statement or misrepresentation in
27 a report or other document submitted to the commission;

28 D-4. Not been previously denied certification as a Maine Clean Election Act
29 candidate or had that certification revoked on the basis of fraud or other violations of
30 this chapter;

31 D-5. No outstanding penalties assessed by the commission under this Title that have
32 not been paid within 3 business days from the date of the request for certification; and

33 E. Otherwise met the requirements for participation in this Act.

34 The commission or its executive director shall certify a candidate complying with the
35 requirements of this section as a Maine Clean Election Act candidate as soon as possible
36 and no later than 3 business days for legislative candidates and 5 business days for
37 gubernatorial candidates after final submittal of qualifying contributions. The

1 commission and its executive director may take additional time if further investigation is
2 necessary to verify compliance with certification requirements, as long as the commission
3 or its executive director notifies the affected candidate of the anticipated schedule to
4 complete the investigation.

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

9 **Sec. 4. 21-A MRSA §1125, sub-§5-A** is enacted to read:

10 **5-A. Revocation of certification.** The certification of a participating candidate may
11 be revoked at any time if the commission determines that the candidate or an agent of the
12 candidate:

13 A. Did not submit the required number of valid qualifying contributions;

14 B. Failed to qualify as a candidate by petition or other means provided by chapter 5;

15 C. Submitted fraudulent qualifying contributions or qualifying contributions that
16 were not made by the contributor named on the acknowledgment required by section
17 1122, subsection 7;

18 D. Misrepresented to a contributor the nature and purpose of the qualifying
19 contribution or the reason for obtaining a contributor's signature on the receipt and
20 acknowledgement form;

21 E. Failed to fully comply with the seed money restrictions;

22 F. Knowingly accepted contributions, including in-kind contributions, or used funds
23 other than fund revenues distributed under this chapter to make campaign-related
24 expenditures without the permission of the commission;

25 G. Knowingly made a false statement or material misrepresentation in any report or
26 other document required to be filed under this chapter or chapter 13; or

27 H. Otherwise violated the provisions of this chapter or chapter 13.

28 When the commission has reason to believe that a violation of this subsection has
29 occurred, the commission shall provide written notice to the certified candidate and
30 afford that candidate an opportunity for a hearing before the commission. The
31 commission may revoke the certification of a candidate by a majority vote of the
32 members of the commission. The participating candidate may appeal the decision of the
33 commission as provided in subsection 15. A candidate whose certification is revoked by
34 the commission must return all unspent funds to the commission within 3 days of the
35 commission's revocation decision or appeal the decision of the commission. The
36 commission may require the candidate to reimburse other funds distributed by the
37 commission. The candidate may appeal the commission's decision to revoke certification
38 in the same manner provided in subsection 14, paragraph C.

39 **Sec. 5. 21-A MRSA §1126**, as enacted by IB 1995, c. 1, §17 and as amended by
40 PL 2001, c. 465, §7, is further amended to read:

