

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)



STATE LAW LIBRARY
AUGUSTA, MAINE

124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 921

S.P. 343

In Senate, March 10, 2009

An Act To Eliminate Maine Clean Election Act Funding for Gubernatorial Candidates

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 DAVIS of Cumberland.
Cosponsored by Representative CLARK of Easton and
Senators: PLOWMAN of Penobscot, SHERMAN of Aroostook, SMITH of Piscataquis,
Representatives: AUSTIN of Gray, FITTS of Pittsfield, JOY of Crystal, STRANG BURGESS
of Cumberland, TARDY of Newport.

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 who chooses to participate in the Maine
6 Clean Election Act and who is certified as a Maine Clean Election Act candidate under
7 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 who does not choose to
12 participate in the Maine Clean Election Act and who is not seeking to be certified as a
13 Maine Clean Election Act candidate under section 1125, subsection 5.

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

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

19 **Sec. 4. 21-A MRSA §1122, sub-§8, ¶A**, as amended by PL 2001, c. 465, §3, is
20 repealed.

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

22 **§1123. Alternative campaign financing option**

23 This chapter establishes an alternative campaign financing option available to
24 candidates running for ~~Governor~~, State Senator and State Representative. This alternative
25 campaign financing option is available to candidates for elections to be held beginning in
26 the year 2000. The commission shall administer this Act and the fund. Candidates
27 participating in the Maine Clean Election Act must also comply with all other applicable
28 election and campaign laws and regulations.

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

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

1 **Sec. 7. 21-A MRSA §1125, sub-§2, ¶A**, as enacted by IB 1995, c. 1, §17, is
2 repealed.

3 **Sec. 8. 21-A MRSA §1125, sub-§3, ¶A**, as amended by PL 2007, c. 240, Pt. F,
4 §1 and c. 443, Pt. B, §6, is repealed.

5 **Sec. 9. 21-A MRSA §1125, sub-§4**, as amended by PL 2007, c. 443, Pt. B, §6, is
6 further amended to read:

7 **4. Filing with commission.** A participating candidate must submit qualifying
8 contributions, receipt and acknowledgement forms, proof of verification of voter
9 registration and a seed money report to the commission during the qualifying period
10 according to procedures developed by the commission, except as provided under
11 subsection 11. ~~Candidates for Governor shall also submit photocopies of all seed money~~
12 ~~contributions received by check or money order, bank or merchant account statements of~~
13 ~~contributions received by credit or debit card and bank or other account statements for the~~
14 ~~campaign account.~~

15 **Sec. 10. 21-A MRSA §1125, sub-§5**, as amended by PL 2007, c. 443, Pt. B, §6,
16 is further amended to read:

17 **5. Certification of Maine Clean Election Act candidates.** Upon receipt of a final
18 submittal of qualifying contributions by a participating candidate, the commission or its
19 executive director shall determine whether the candidate has:

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

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

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

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

25 D-1. Not run for the same office as a nonparticipating candidate in a primary election
26 in the same election year;

27 D-2. Not been found to have made a material false statement in a report or other
28 document submitted to the commission;

29 D-3. Not had prior requests for certification denied on the basis of substantial
30 violations of this chapter or chapter 13 or certification revoked under subsection 5-A,
31 paragraphs C to G;

32 D-4. Not failed to pay any civil penalty assessed by the commission under this Title,
33 except that a candidate has 3 business days from the date of the request for
34 certification to pay the outstanding penalty and remain eligible for certification; and

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

36 The commission or its executive director shall certify a candidate complying with the
37 requirements of this section as a Maine Clean Election Act candidate as soon as possible
38 after final submittal of qualifying contributions and other supporting documents required

1 under subsection 4 but no later than 3 business days for legislative candidates and ~~5~~
2 ~~business days for gubernatorial candidates.~~ The commission and its executive director
3 may take additional time if further investigation is necessary to verify compliance with
4 this Act as long as the commission notifies the candidate regarding the anticipated
5 schedule for conclusion of the investigation.

6 A certified candidate must comply with all requirements of this Act after certification and
7 throughout the primary and general election periods. Failure to do so is a violation of this
8 chapter.

9 **Sec. 11. 21-A MRSA §1125, sub-§8, ¶E,** as enacted by PL 2003, c. 453, §1, is
10 repealed.

11 **Sec. 12. 21-A MRSA §1125, sub-§8, ¶F,** as amended by PL 2007, c. 443, Pt. B,
12 §6, is repealed.

13 **Sec. 13. 21-A MRSA §1125, sub-§9,** as amended by PL 2007, c. 443, Pt. B, §6,
14 is further amended to read:

15 **9. Matching funds.** When any report required under this chapter or chapter 13
16 shows that the sum of a candidate's expenditures or obligations, contributions and loans,
17 or fund revenues received, whichever is greater, in conjunction with independent
18 expenditures reported under section 1019-B, exceeds the sum of an opposing certified
19 candidate's fund revenues, in conjunction with independent expenditures, the commission
20 shall issue immediately to the opposing certified candidate an additional amount
21 equivalent to the difference. Matching funds for certified candidates for the Legislature
22 are limited to 2 times the amount originally distributed under subsection 8, paragraph A
23 or C, whichever is applicable. ~~Matching funds for certified gubernatorial candidates in a~~
24 ~~primary election are limited to 2 times the amount originally distributed under subsection~~
25 ~~8, paragraph E. Matching funds for certified gubernatorial candidates in a general~~
26 ~~election are limited to the amount originally distributed under subsection 8, paragraph F.~~

27 **Sec. 14. 21-A MRSA §1125, sub-§12-B,** as enacted by PL 2007, c. 443, Pt. B,
28 §6, is repealed.

29 **Sec. 15. 21-A MRSA §1125, sub-§13,** as enacted by IB 1995, c. 1, §17, is
30 amended to read:

31 **13. Distributions not to exceed amount in fund.** The commission may not
32 distribute revenues to certified candidates in excess of the total amount of money
33 deposited in the fund as set forth in section 1124. Notwithstanding any other provisions
34 of this chapter, if the commission determines that the revenues in the fund are insufficient
35 to meet distributions under subsections 8 or 9, the commission may permit certified
36 candidates to accept and spend contributions, reduced by any seed money contributions,
37 aggregating no more than \$500 per donor per election ~~for gubernatorial candidates and~~
38 \$250 per donor per election for State Senate and State House candidates, up to the
39 applicable amounts set forth in subsections 8 and 9 according to rules adopted by the
40 commission.

SUMMARY

1

2

This bill eliminates Maine Clean Election Act funding for gubernatorial candidates.