

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)

Date: 5/27/9

(Filing No. H- 429)

LEGAL AND VETERANS AFFAIRS

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
124TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 970, L.D. 1380, Bill, "An Act To Amend the Maine Clean Election Laws Governing Gubernatorial Candidates"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

Sec. 1. 21-A MRSA §1122, sub-§8, ¶A, as amended by PL 2001, c. 465, §3, is further amended to read:

A. For a gubernatorial participating candidate, the qualifying period begins November 1st immediately preceding the election year and ends at 5:00 p.m. on April 15th 1st of the election year unless the candidate is unenrolled, in which case the period ends at 5:00 p.m. on June 2nd of the election year.

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

A. Fifty Two hundred thousand dollars for a gubernatorial candidate;

Sec. 3. 21-A MRSA §1125, sub-§2-B is enacted to read:

2-B. Seed money required for gubernatorial candidates; documentation. For seed money contributions that a candidate for Governor collects to satisfy the requirement in subsection 5, paragraph C-1, the candidate shall obtain the contributor's name, residence address, mailing address, telephone number if provided by the contributor and other information required for reporting under section 1017, subsection 5. For these contributions, the candidate shall submit to the commission during the qualifying period:

A. A contribution acknowledgment form as determined by the commission, to be completed by each person that contributes seed money, that includes the name, residence address, mailing address, optional telephone number and signature of the person making the seed money contribution acknowledging that the contribution was made with the person's personal funds and will not be reimbursed by any source;

B. A list of the seed money contributions in a format determined by the commission that includes the name and mailing address of the contributor;

COMMITTEE AMENDMENT

100

1 C. For seed money contributions received by check or money order, photocopies of
2 the check or money order; and

3 D. For seed money contributions received by debit or credit card, a bank or merchant
4 account statement that contains the cardholder's name and that otherwise meets the
5 requirements specified by the commission in order to verify compliance with
6 subsection 5, paragraph C-1.

7 The commission may permit the submission of an online or electronic acknowledgment
8 form as required by paragraph A for seed money contributions made via the Internet.

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

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

19 **Sec. 5. 21-A MRSA §1125, sub-§5, ¶C-1** is enacted to read:

20 C-1. As a gubernatorial candidate, collected at least \$40,000 in seed money
21 contributions from registered voters in the State;

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

24 **5-A. Revocation of certification.** The certification of a participating candidate may
25 be revoked at any time if the commission determines that the candidate or an agent of the
26 candidate:

- 27 A. Did not submit the required number of valid qualifying contributions;
- 28 B. Failed to qualify as a candidate by petition or other means;
- 29 C. Submitted any fraudulent qualifying contributions or qualifying contributions that
- 30 were not made by the named contributor;
- 31 D. Misrepresented to a contributor the purpose of the qualifying contribution or
- 32 obtaining the contributor's signature on the receipt and acknowledgement form;
- 33 E. Failed to fully comply with the seed money restrictions;
- 34 F. Knowingly accepted any contributions, including any in-kind contributions, or
- 35 used funds other than fund revenues distributed under this chapter to make campaign-
- 36 related expenditures without the permission of the commission;
- 37 G. Knowingly made a false statement or material misrepresentation in any report or
- 38 other document required to be filed under this chapter or chapter 13; or
- 39 H. Otherwise substantially violated the provisions of this chapter or chapter 13; or

1 I. As a gubernatorial candidate, failed to properly report seed money contributions as
2 required by this section.

3 The determination to revoke the certification of a candidate must be made by a vote of the
4 members of the commission after an opportunity for a hearing. A candidate whose
5 certification is revoked shall return all unspent funds to the commission within 3 days of
6 the commission's decision and may be required to return all funds distributed to the
7 candidate. In addition to the requirement to return funds, the candidate may be subject to
8 a civil penalty under section 1127. The candidate may appeal the commission's decision
9 to revoke certification in the same manner provided in subsection 14, paragraph C.

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

12 B. Within 3 days after certification, for all candidates certified between March 15th
13 and ~~April 15th~~ the end of the qualifying period of the election year, revenues from the
14 fund must be distributed according to whether the candidate is in a contested or
15 uncontested primary election.

16 **Sec. 8. 21-A MRSA §1125, sub-§8, ¶E**, as enacted by PL 2003, c. 453, §1, is
17 amended to read:

18 E. For contested gubernatorial primary elections, the amount of revenues distributed
19 is ~~\$200,000~~ \$400,000 per candidate in the primary election.

20 **Sec. 9. 21-A MRSA §1125, sub-§8, ¶E-1** is enacted to read:

21 E-1. For uncontested gubernatorial primary elections, the amount of revenues
22 distributed is \$200,000 per candidate in the primary election.

23 **Sec. 10. 21-A MRSA §1125, sub-§9**, as amended by PL 2007, c. 443, Pt. B, §6,
24 is further amended to read:

25 **9. Matching funds.** When any report required under this chapter or chapter 13
26 shows that the sum of a candidate's expenditures or obligations, contributions and loans,
27 or fund revenues received, whichever is greater, in conjunction with independent
28 expenditures reported under section 1019-B, exceeds the sum of an opposing certified
29 candidate's fund revenues, in conjunction with independent expenditures, the commission
30 shall issue immediately to the opposing certified candidate an additional amount
31 equivalent to the difference. Matching funds for certified candidates for the Legislature
32 are limited to 2 times the amount originally distributed under subsection 8, paragraph A
33 or C, whichever is applicable. Matching funds for certified gubernatorial candidates in a
34 primary election are limited to ~~2-times~~ 1/2 the amount originally distributed under
35 subsection 8, paragraph E for contested candidates and subsection 8, paragraph E-1 for
36 uncontested candidates. Matching funds for certified gubernatorial candidates in a
37 general election are limited to the amount originally distributed under subsection 8,
38 paragraph F.

39 **Sec. 11. 21-A MRSA §1125, sub-§10**, as amended by PL 2007, c. 443, Pt. B, §6,
40 is further amended to read:

41 **10. Candidate not enrolled in a party.** An unenrolled candidate for the Legislature
42 who submits the required number of qualifying contributions and other required

R.S.

1 documents under subsection 4 by 5:00 p.m. on April 15th preceding the primary election
 2 and who is certified is eligible for revenues from the fund in the same amounts and at the
 3 same time as an uncontested primary election candidate and a general election candidate
 4 as specified in subsections 7 and 8. Otherwise, an unenrolled candidate for the
 5 Legislature must submit the required number of qualifying contributions and the other
 6 required documents under subsection 4 by 5:00 p.m. on June 2nd preceding the general
 7 election. If certified, the candidate is eligible for revenues from the fund in the same
 8 amounts as a general election candidate, as specified in subsection 8. Revenues for the
 9 general election must be distributed to the candidate no later than 3 days after
 10 certification. An unenrolled candidate for Governor who submits the required number of
 11 qualifying contributions and other required documents under subsections 2-B and 4 by
 12 5:00 p.m. on April 1st preceding the primary election and who is certified is eligible for
 13 revenues from the fund in the same amounts and at the same time as an uncontested
 14 primary election gubernatorial candidate and a general election gubernatorial candidate as
 15 specified in subsections 7 and 8. Revenues for the general election must be distributed to
 16 the candidate for Governor no later than 3 days after the primary election results are
 17 certified.

18 **Sec. 12. Routine technical rules.** Notwithstanding the Maine Revised Statutes,
 19 Title 21-A, section 1126, rules adopted by the Commission on Governmental Ethics and
 20 Election Practices to implement this Act are routine technical rules as defined in Title 5,
 21 chapter 375, subchapter 2-A.

22 **Sec. 13. Application.** This Act applies to gubernatorial candidates seeking
 23 certification under the Maine Clean Election Act beginning with primary and general
 24 elections in 2010, regardless of when a gubernatorial candidate registered as a candidate
 25 with the Commission on Governmental Ethics and Election Practices or when the
 26 candidate filed a declaration of intent with the commission under the Maine Revised
 27 Statutes, Title 21-A, section 1125, subsection 1.

28 **Sec. 14. Appropriations and allocations.** The following appropriations and
 29 allocations are made.

30 **ETHICS AND ELECTION PRACTICES, COMMISSION ON GOVERNMENTAL**
 31 **Governmental Ethics and Election Practices - Commission on 0414**

32 Initiative: Reduces funding for the Maine Clean Election Fund based upon changes in
 33 seed money requirements and matching funds for gubernatorial candidates.

34	OTHER SPECIAL REVENUE FUNDS	2009-10	2010-11
35	All Other	(\$800,000)	(\$600,000)
36			
37	OTHER SPECIAL REVENUE FUNDS TOTAL	(\$800,000)	(\$600,000)
38			

39 **SUMMARY**

40 This amendment replaces the bill. It makes several changes to the laws regarding
 41 gubernatorial candidates under the Maine Clean Election Act. It changes the end of the

RRR

COMMITTEE AMENDMENT "A" to H.P. 970, L.D. 1380

1 qualifying period for those candidates from April 15th to April 1st of the election year. It
2 requires a gubernatorial candidate to raise a minimum of \$40,000 in seed money
3 contributions from registered voters in the State in order to qualify for Maine Clean
4 Election Act funds and raises the existing seed money cap for gubernatorial candidates
5 from \$50,000 to \$200,000. The amendment requires a method of documenting seed
6 money contributions similar to the bill and eliminates repetitive requirements regarding
7 documentation. The amendment specifies that the increased amount of \$400,000 for
8 primary distributions under the bill is for contested candidates by stating that uncontested
9 candidates only receive \$200,000. It also clarifies that the distribution from the Maine
10 Clean Election Fund for certified unenrolled gubernatorial candidates would be the same
11 as for uncontested gubernatorial candidates. The amendment specifies that rules to
12 implement this legislation are routine technical rules and that the changes made by the
13 legislation apply to gubernatorial candidates beginning with the 2010 election even if
14 they filed a declaration of intent with the Commission on Governmental Ethics and
15 Election Practices prior to its enactment. The amendment also adds an appropriations and
16 allocations section.

FISCAL NOTE REQUIRED

(See attached)



124th MAINE LEGISLATURE

LD 1380

LR 1075(02)

An Act To Amend the Maine Clean Election Laws Governing Gubernatorial Candidates

Fiscal Note for Bill as Amended by Committee Amendment 'A'

Committee: Legal and Veterans Affairs

Fiscal Note Required: Yes

Fiscal Note

	2009-10	2010-11	Projections 2011-12	Projections 2012-13
Appropriations/Allocations				
Other Special Revenue Funds	(\$800,000)	(\$600,000)	\$0	\$0
Revenue				
Other Special Revenue Funds	(\$16,250)	\$0	\$0	\$0

Fiscal Detail and Notes

This legislation proposes to increase required seed money contributions to gubernatorial candidates and makes changes to distribution amounts. It is assumed that the effect will be one less gubernatorial candidate in both the primary and general elections, resulting in Other Special Revenue Fund savings of \$800,000 in fiscal year 2009-10 and \$600,000 in 2010-11. The legislation also removes the extended qualifying period for unenrolled gubernatorial candidates, resulting in an estimated reduction in Other Special Revenue Funds revenue of \$16,250 in fiscal year 2009-10.