

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 1380

H.P. 970

House of Representatives, April 2, 2009

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

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Speaker PINGREE of North Haven.
Cosponsored by President MITCHELL of Kennebec and
Representatives: CAREY of Lewiston, CORNELL du HOUX of Brunswick, FITTS of
Pittsfield, TRINWARD of Waterville, TUTTLE of Sanford, Senators: GOOLEY of Franklin,
PLOWMAN of Penobscot, SULLIVAN of York.

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

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

4 **8. Qualifying period.** "Qualifying period" means the following.

5 A. For a gubernatorial participating candidate, the qualifying period begins
6 November 1st immediately preceding the election year and ends at 5:00 p.m. on April
7 15th of the election year ~~unless the candidate is unenrolled, in which case the period~~
8 ~~ends at 5:00 p.m. on June 2nd of the election year.~~

9 B. For State Senate or State House of Representatives participating candidates, the
10 qualifying period begins January 1st of the election year and ends at 5:00 p.m. on
11 April 15th of that election year ~~unless the candidate is unenrolled, in which case the~~
12 ~~period ends at 5:00 p.m. on June 2nd of the election year.~~

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

15 A. ~~Fifty~~ Three hundred thousand dollars for a gubernatorial candidate;

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

17 **2-B. Seed money required for gubernatorial candidates; documentation.**
18 Gubernatorial candidates seeking certification are required to submit the following to the
19 commission in order to satisfy the seed money requirement prescribed in section 1125,
20 subsection 5, paragraph C-1:

21 A. A contribution acknowledgement form, determined by the commission, to be
22 completed by each person that contributes seed money that includes the name,
23 residence address, mailing address, telephone number and a signature of the person
24 making the seed money contribution acknowledging that the contribution was made
25 with the person's personal funds and will not be reimbursed by any source.

26 B. A list of the seed money contributions, including the date and amount of the
27 contribution, the name, residence address, mailing address, telephone number of the
28 contributor and any other information determined necessary by the commission.

29 C. For seed money contributions received by check or money order, photocopies of
30 the check or money order.

31 D. For seed money contributions received by debit or credit card, a bank or merchant
32 account statement that contains the cardholder's name and that otherwise meets
33 requirements specified by the commission in order to verify compliance with section
34 1125, subsection 5, paragraph C-1.

35 The commission may permit the submission of an online acknowledgement form as
36 required by paragraph A for seed money contributions made via the Internet.

37 **Sec. 4. 21-A MRSA §1125, sub-§5, ¶C-1** is enacted to read:

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

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

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

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

9 B. Failed to qualify as a candidate by petition or other means;

10 C. Submitted any fraudulent qualifying contributions or qualifying contributions that
11 were not made by the named contributor;

12 D. Misrepresented to a contributor the purpose of the qualifying contribution or
13 obtaining the contributor's signature on the receipt and acknowledgement form;

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

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

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

20 H. Otherwise substantially violated the provisions of this chapter or chapter 13; or

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

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

30 **Sec. 6. 21-A MRSA §1125, sub-§8, ¶E**, as enacted by PL 2003, c. 453, §1, is
31 amended to read:

32 E. For gubernatorial primary elections, the amount of revenues distributed is
33 ~~\$200,000~~ \$400,000 per candidate in the primary election.

34 **Sec. 7. 21-A MRSA §1125, sub-§9**, as amended by PL 2007, c. 443, Pt. B, §6, is
35 further amended to read:

36 **9. Matching funds.** When any report required under this chapter or chapter 13
37 shows that the sum of a candidate's expenditures or obligations, contributions and loans,
38 or fund revenues received, whichever is greater, in conjunction with independent

1 expenditures reported under section 1019-B, exceeds the sum of an opposing certified
2 candidate's fund revenues, in conjunction with independent expenditures, the commission
3 shall issue immediately to the opposing certified candidate an additional amount
4 equivalent to the difference. Matching funds for certified candidates for the Legislature
5 are limited to 2 times the amount originally distributed under subsection 8, paragraph A
6 or C, whichever is applicable. Matching funds for certified gubernatorial candidates in a
7 primary election are limited to ~~2~~ times the amount originally distributed under subsection
8 8, paragraph E. Matching funds for certified gubernatorial candidates in a general
9 election are limited to the amount originally distributed under subsection 8, paragraph F.

10 SUMMARY

11 This bill changes the requirements for a gubernatorial candidate who wishes to run
12 for Governor as a participating candidate in the Maine Clean Election Act. This bill
13 removes the extended qualifying period for unenrolled candidates seeking to certify as
14 participating candidates. It requires the collection of at least \$40,000 in seed money
15 contributions from registered voters in the State and requires that each seed money
16 contributor fill out a contribution acknowledgment form that, along with other
17 information, states that the contributor made the contribution using personal funds and
18 will not be reimbursed by any source. It allows a gubernatorial candidate to collect up to
19 \$300,000 in seed money. Current law limits seed money to \$50,000. The bill also
20 provides that failure to properly report seed money contributions may result in revocation
21 of the candidate's certification as a Maine Clean Election Act candidate. The bill
22 changes the distribution amount for primary election funds to gubernatorial candidates to
23 \$400,000 for each election. The bill also limits matching funds distributed to
24 gubernatorial candidates to \$400,000 instead of twice that amount.