

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 120

H.P. 102

House of Representatives, January 20, 2011

An Act To End Taxpayer-funded Campaigns for Gubernatorial Candidates

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

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative CLARK of Easton.
Cosponsored by Representatives: CROCKETT of Bethel, HARVELL of Farmington and
Representatives: CRAFTS of Lisbon, DAMON of Bangor, PARRY of Arundel, WILLETTE of
Mapleton, WILLETTE of Presque Isle, WOOD of Sabattus, Senator: MASON of
Androscoggin.

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

2 **Sec. 1. 21-A MRSA §1017, sub-§3-B, ¶A**, as amended by PL 2007, c. 443, Pt.
3 A, §16, is further amended to read:

4 A. In addition to other reports required by law, any candidate for ~~Governor~~, State
5 Senate or State House of Representatives who is not certified as a Maine Clean
6 Election Act candidate under chapter 14 and who receives, spends or obligates more
7 than the primary or general election distribution amounts for a Maine Clean Election
8 Act candidate in the same race shall file by any means acceptable to the commission,
9 within 48 hours of that event, a report with the commission detailing the candidate's
10 total campaign contributions, including any campaign balance from a previous
11 election, obligations and expenditures to date.

12 **Sec. 2. 21-A MRSA §1017, sub-§3-B, ¶C**, as amended by PL 2007, c. 443, Pt.
13 A, §16, is further amended to read:

14 C. A candidate who is required to file a report under paragraph A must file with the
15 commission an updated report that reports single expenditures in the following
16 amounts that are made after the 14th day before an election and more than 24 hours
17 before 11:59 p.m. on the date of that election:

18 ~~(1) For a candidate for Governor, a single expenditure of \$1,000;~~

19 (2) For a candidate for the ~~state~~ State Senate, a single expenditure of \$750; and

20 (3) For a candidate for the ~~state~~ State House of Representatives, a single
21 expenditure of \$500.

22 A report filed pursuant to this paragraph must be filed within 24 hours of the
23 expenditure.

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

26 **1. Certified candidate.** "Certified candidate" means a candidate running for
27 ~~Governor~~, State Senator or State Representative who chooses to participate in the Maine
28 Clean Election Act and who is certified as a Maine Clean Election Act candidate under
29 section 1125, subsection 5.

30 **Sec. 4. 21-A MRSA §1122, sub-§5**, as enacted by IB 1995, c. 1, §17, is amended
31 to read:

32 **5. Nonparticipating candidate.** "Nonparticipating candidate" means a candidate
33 running for ~~Governor~~, State Senator or State Representative who does not choose to
34 participate in the Maine Clean Election Act and who is not seeking to be certified as a
35 Maine Clean Election Act candidate under section 1125, subsection 5.

36 **Sec. 5. 21-A MRSA §1122, sub-§6**, as enacted by IB 1995, c. 1, §17, is amended
37 to read:

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

4 **Sec. 6. 21-A MRSA §1122, sub-§8, ¶A,** as amended by PL 2009, c. 363, §1, is
5 repealed.

6 **Sec. 7. 21-A MRSA §1123,** as enacted by IB 1995, c. 1, §17, is amended to read:

7 **§1123. Alternative campaign financing option**

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

14 **Sec. 8. 21-A MRSA §1124, sub-§1,** as enacted by IB 1995, c. 1, §17, is amended
15 to read:

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

22 **Sec. 9. 21-A MRSA §1125, sub-§2, ¶A,** as amended by PL 2009, c. 363, §2, is
23 repealed.

24 **Sec. 10. 21-A MRSA §1125, sub-§2-B,** as amended by PL 2009, c. 524, §14, is
25 repealed.

26 **Sec. 11. 21-A MRSA §1125, sub-§3, ¶A,** as amended by PL 2007, c. 240, Pt. F,
27 §1 and c. 443, Pt. B, §6, is repealed.

28 **Sec. 12. 21-A MRSA §1125, sub-§5,** as amended by PL 2009, c. 190, Pt. B, §2
29 and c. 363, §5, is further amended to read:

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

- 33 A. Signed and filed a declaration of intent to participate in this Act;
34 B. Submitted the appropriate number of valid qualifying contributions;
35 C. Qualified as a candidate by petition or other means;

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

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

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

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

9 D-3. Not otherwise substantially violated the provisions of this chapter or chapter 13;

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

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

14 The commission or its executive director shall certify a candidate complying with the
15 requirements of this section as a Maine Clean Election Act candidate as soon as possible
16 after final submittal of qualifying contributions and other supporting documents required
17 under subsection 4 but no later than 3 business days for legislative candidates ~~and 5~~
18 ~~business days for gubernatorial candidates.~~ The commission and its executive director
19 may take additional time if further investigation is necessary to verify compliance with
20 this Act as long as the commission notifies the candidate regarding the anticipated
21 schedule for conclusion of the investigation.

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

25 **Sec. 13. 21-A MRSA §1125, sub-§5-A, ¶G,** as amended by PL 2009, c. 363, §6,
26 is further amended to read:

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

29 **Sec. 14. 21-A MRSA §1125, sub-§5-A, ¶H,** as amended by PL 2009, c. 363, §6,
30 is further amended to read:

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

32 **Sec. 15. 21-A MRSA §1125, sub-§5-A, ¶I,** as enacted by PL 2009, c. 363, §6, is
33 repealed.

34 **Sec. 16. 21-A MRSA §1125, sub-§8-A,** as enacted by PL 2009, c. 302, §17 and
35 affected by §24, is amended to read:

36 **8-A. Amount of fund distribution.** By September 1, 2011, and at least every 2
37 years after that date, the commission shall determine the amount of funds to be
38 distributed to participating candidates in legislative elections based on the type of election

1 and office. In making this determination, the commission may take into consideration
2 any relevant information, including but not limited to:

3 A. The range of campaign spending by candidates for that office in the 2 preceding
4 elections;

5 B. The Consumer Price Index published monthly by the United States Department of
6 Labor, Bureau of Labor Statistics and any other significant changes in the costs of
7 campaigning such as postage or fuel; and

8 C. The impact of independent expenditures on the payment of matching funds.

9 Before making any determination, the commission shall provide notice of the
10 determination and an opportunity to comment to the President of the Senate, the Speaker
11 of the House of Representatives, all floor leaders, the members of the joint standing
12 committee of the Legislature having jurisdiction over legal affairs and persons who have
13 expressed interest in receiving notices of opportunities to comment on the commission's
14 rules and policies. The commission shall present at a public meeting the basis for the
15 commission's final determination.

16 ~~For contested gubernatorial primary elections, the amount of revenues distributed is~~
17 ~~\$400,000 per candidate in a primary election. For uncontested gubernatorial primary~~
18 ~~elections the amount of revenues distributed is \$200,000. For contested and uncontested~~
19 ~~gubernatorial general elections, the amount of revenues distributed is \$600,000 per~~
20 ~~candidate in the general election.~~

21 **Sec. 17. 21-A MRSA §1125, sub-§9**, as repealed and replaced by PL 2009, c.
22 652, Pt. A, §25 and affected by §26, is amended to read:

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

35 **Sec. 18. 21-A MRSA §1125, sub-§10**, as repealed and replaced by PL 2009, c.
36 652, Pt. A, §27 and affected by §28, is amended to read:

37 **10. Candidate not enrolled in a party.** An unenrolled candidate for the Legislature
38 who submits the required number of qualifying contributions and other required
39 documents under subsection 4 by 5:00 p.m. on April 15th preceding the primary election
40 and who is certified is eligible for revenues from the fund in the same amounts and at the
41 same time as an uncontested primary election candidate and a general election candidate
42 as specified in subsections 7 and 8-A. Otherwise, an unenrolled candidate for the

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

14 **Sec. 19. 21-A MRSA §1125, sub-§12-B,** as enacted by PL 2007, c. 443, Pt. B,
15 §6, is repealed.

16 **Sec. 20. 21-A MRSA §1125, sub-§13-A,** as enacted by PL 2009, c. 524, §18, is
17 amended to read:

18 **13-A. Distributions not to exceed amount in fund.** The commission may not
19 distribute revenues to certified candidates in excess of the total amount of money
20 deposited in the fund as set forth in section 1124. Notwithstanding any other provisions
21 of this chapter, if the commission determines that the revenues in the fund are insufficient
22 to meet distributions under subsection 8-A or 9, the commission may permit certified
23 candidates to accept and spend contributions, reduced by any seed money contributions,
24 aggregating no more than ~~\$750 per donor per election for gubernatorial candidates and~~
25 ~~\$350 per donor per election for State Senate and State House candidates, up to the~~
26 ~~applicable amounts set forth in subsections 8-A and 9 according to rules adopted by the~~
27 ~~commission.~~

28 This subsection takes effect September 1, 2011.

29 SUMMARY

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