

# MAINE STATE LEGISLATURE

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DMG  
R. O. S.

L.D. 659

Date: 5-23-11

(Filing No. H-332)

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
125TH LEGISLATURE  
FIRST REGULAR SESSION

HOUSE AMENDMENT "A" to H.P. 489, L.D. 659, Bill, "An Act To Repeal the  
Maine Clean Election Laws"

Amend the bill by striking out the title and substituting the following:

**'An Act To Eliminate Maine Clean Election Act Funding for 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 §1017, sub-§3-B, ¶A**, as amended by PL 2007, c. 443, Pt.  
A, §16, is further amended to read:

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

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

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

- (1) ~~For a candidate for Governor, a single expenditure of \$1,000;~~
- (2) For a candidate for the state State Senate, a single expenditure of \$750; and
- (3) For a candidate for the state State House of Representatives, a single  
expenditure of \$500.

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

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

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

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

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

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

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

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

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

23 **§1123. Alternative campaign financing option**

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

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

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

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

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

3           **Sec. 11. 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. 12. 21-A MRSA §1125, sub-§5**, as amended by PL 2009, c. 190, Pt. B, §2  
6 and c. 363, §5, is further amended to read:

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

- 10           A. Signed and filed a declaration of intent to participate in this Act;
- 11           B. Submitted the appropriate number of valid qualifying contributions;
- 12           C. Qualified as a candidate by petition or other means;
- 13           ~~C-1. As a gubernatorial candidate, collected at least \$40,000 in seed money~~  
14 ~~contributions from registered voters in the State;~~
- 15           D. Not accepted contributions, except for seed money contributions, and otherwise  
16 complied with seed money restrictions;
- 17           D-1. Not run for the same office as a nonparticipating candidate in a primary election  
18 in the same election year;
- 19           D-2. Not been found to have made a material false statement in a report or other  
20 document submitted to the commission;
- 21           D-3. Not otherwise substantially violated the provisions of this chapter or chapter 13;
- 22           D-4. Not failed to pay any civil penalty assessed by the commission under this Title,  
23 except that a candidate has 3 business days from the date of the request for  
24 certification to pay the outstanding penalty and remain eligible for certification; and
- 25           E. Otherwise met the requirements for participation in this Act.

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

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

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

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

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

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

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

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

10 **8-A. Amount of fund distribution.** By September 1, 2011, and at least every 2  
11 years after that date, the commission shall determine the amount of funds to be  
12 distributed to participating candidates in legislative elections based on the type of election  
13 and office. In making this determination, the commission may take into consideration  
14 any relevant information, including but not limited to:

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

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

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

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

28 ~~For contested gubernatorial primary elections, the amount of revenues distributed is~~  
29 ~~\$400,000 per candidate in a primary election. For uncontested gubernatorial primary~~  
30 ~~elections the amount of revenues distributed is \$200,000. For contested and uncontested~~  
31 ~~gubernatorial general elections, the amount of revenues distributed is \$600,000 per~~  
32 ~~candidate in the general election.~~

33 **Sec. 17. 21-A MRSA §1125, sub-§9,** as repealed and replaced by PL 2009, c.  
34 652, Pt. A, §25 and affected by §26, is amended to read:

35 **9. Matching funds.** When any report required under this chapter or chapter 13  
36 shows that the sum of a candidate's expenditures or obligations, contributions and loans,  
37 or fund revenues received, whichever is greater, in conjunction with independent  
38 expenditures reported under section 1019-B, exceeds the sum of an opposing certified  
39 candidate's fund revenues, in conjunction with independent expenditures, the commission  
40 shall issue immediately to the opposing certified candidate an additional amount  
41 equivalent to the difference. Matching funds for certified candidates for the Legislature  
42 are limited to 2 times the amount originally distributed under subsection 8-A. ~~Matching~~

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1 funds for certified gubernatorial candidates in a primary election are limited to half the  
2 amount originally distributed under subsection 8-A. Matching funds for certified  
3 gubernatorial candidates in a general election are limited to the amount originally  
4 distributed under subsection 8-A.

5 **Sec. 18. 21-A MRSA §1125, sub-§10**, as repealed and replaced by PL 2009, c.  
6 652, Pt. A, §27 and affected by §28, is amended to read:

7 **10. Candidate not enrolled in a party.** An unenrolled candidate for the Legislature  
8 who submits the required number of qualifying contributions and other required  
9 documents under subsection 4 by 5:00 p.m. on April 15th preceding the primary election  
10 and who is certified is eligible for revenues from the fund in the same amounts and at the  
11 same time as an uncontested primary election candidate and a general election candidate  
12 as specified in subsections 7 and 8-A. Otherwise, an unenrolled candidate for the  
13 Legislature must submit the required number of qualifying contributions and the other  
14 required documents under subsection 4 by 5:00 p.m. on June 2nd preceding the general  
15 election. If certified, the candidate is eligible for revenues from the fund in the same  
16 amounts as a general election candidate, as specified in subsection 8-A. Revenues for the  
17 general election must be distributed to the candidate no later than 3 days after  
18 certification. ~~An unenrolled candidate for Governor who submits the required number of~~  
19 ~~qualifying contributions and other required documents under subsections 2-B and 4 by~~  
20 ~~5:00 p.m. on April 1st preceding the primary election and who is certified is eligible for~~  
21 ~~revenues from the fund in the same amounts and at the same time as an uncontested~~  
22 ~~primary election gubernatorial candidate and a general election gubernatorial candidate as~~  
23 ~~specified in subsections 7 and 8-A. Revenues for the general election must be distributed~~  
24 ~~to the candidate for Governor no later than 3 days after the primary election results are~~  
25 ~~certified.~~

26 **Sec. 19. 21-A MRSA §1125, sub-§12-B**, as enacted by PL 2007, c. 443, Pt. B,  
27 §6, is repealed.

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

30 **13-A. Distributions not to exceed amount in fund.** The commission may not  
31 distribute revenues to certified candidates in excess of the total amount of money  
32 deposited in the fund as set forth in section 1124. Notwithstanding any other provisions  
33 of this chapter, if the commission determines that the revenues in the fund are insufficient  
34 to meet distributions under subsection 8-A or 9, the commission may permit certified  
35 candidates to accept and spend contributions, reduced by any seed money contributions,  
36 aggregating no more than \$750 per donor per election for gubernatorial candidates and  
37 \$350 per donor per election for State Senate and State House candidates, up to the  
38 applicable amounts set forth in subsections 8-A and 9 according to rules adopted by the  
39 commission.

40 This subsection takes effect September 1, 2011.

41 **Sec. 21. Statutory referendum procedure; submission at election; form of**  
42 **question; effective date.** This Act must be submitted to the legal voters of the State at  
43 a statewide election held in the month of November following passage of this Act. The  
44 municipal officers of this State shall notify the inhabitants of their respective cities, towns

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1 and plantations to meet, in the manner prescribed by law for holding a statewide election,  
2 to vote on the acceptance or rejection of this Act by voting on the following question:

3 "Do you favor eliminating Maine Clean Election Act funding for gubernatorial  
4 candidates?"

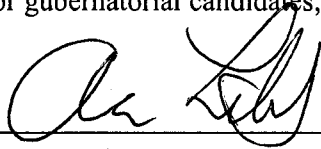
5 The legal voters of each city, town and plantation shall vote by ballot on this question  
6 and designate their choice by a cross or check mark placed within a corresponding square  
7 below the word "Yes" or "No." The ballots must be received, sorted, counted and  
8 declared in open ward, town and plantation meetings and returns made to the Secretary of  
9 State in the same manner as votes for members of the Legislature. The Governor shall  
10 review the returns. If a majority of the legal votes are cast in favor of this Act, the  
11 Governor shall proclaim the result without delay and this Act becomes effective 30 days  
12 after the date of the proclamation.

13 The Secretary of State shall prepare and furnish to each city, town and plantation all  
14 ballots, returns and copies of this Act necessary to carry out the purposes of this  
15 referendum.'

16 **SUMMARY**

17 This amendment replaces the bill and changes the title. It eliminates Maine Clean  
18 Election Act funding for gubernatorial candidates, contingent upon approval of the voters  
19 at a referendum.

20 **SPONSORED BY:** \_\_\_\_\_



21 **(Representative LIBBY)**

22 **TOWN: Waterboro**

**FISCAL NOTE REQUIRED**  
**(See attached)**



# 125th MAINE LEGISLATURE

LD 659

LR 1432(04)

## An Act To Repeal the Maine Clean Election Laws

Fiscal Note for House Amendment "A"  
Sponsor: Rep. Libby of Waterboro  
Fiscal Note Required: Yes

### Fiscal Note

	FY 2011-12	FY 2012-13	Projections FY 2013-14	Projections FY 2014-15
<b>Net Cost (Savings)</b>				
General Fund	\$1,774,631	\$1,767,303	\$1,758,533	\$1,749,493
<b>Appropriations/Allocations</b>				
General Fund	(\$415,369)	(\$422,697)	(\$431,467)	(\$440,507)
Other Special Revenue Funds	\$3,522,676	\$1,539,543	\$3,782,649	\$1,686,155
<b>Revenue</b>				
General Fund	(\$2,190,000)	(\$2,190,000)	(\$2,190,000)	(\$2,190,000)
Other Special Revenue Funds	\$2,327,500	\$2,190,000	\$2,337,250	\$2,190,000

Referendum Costs	Month/Year	Election Type	Question	Length
	Nov-11	General	Referendum	Standard

The Secretary of State's budget includes sufficient funds to accommodate one ballot of average length for the general election in November. If the number or size of the referendum questions requires production and delivery of a second ballot, an additional appropriation of \$107,250 may be required.

### Fiscal Detail and Notes

This floor amendment eliminates the repeal of the entire Maine Clean Election Act and instead repeals Maine Clean Election Act funding for gubernatorial candidates. The incremental effect compared to the original bill is a reduction in General Fund revenue from restoring the transfer to the Maine Clean Election Fund and a General Fund savings from no longer having to transfer funding for 5 positions from Other Special Revenue Funds to the General Fund. Other Special Revenue Funds allocations are included for restoring 2 positions and payments to candidates. Other Special Revenue Funds revenue is increased from restoring the transfer from the General Fund and reinstating qualifying contributions from candidates.