

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: 6/4/2013

(Filing No. S- 186)

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE
SENATE
126TH LEGISLATURE
FIRST REGULAR SESSION

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to S.P. 452,
L.D. 1309, Bill, "An Act To Strengthen the Maine Clean Election Act"

Amend the amendment by inserting after the title the following:

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

**'An Act To Strengthen the Maine Clean Election Act and Restrict Participation to
Legislative Candidates'**

Amend the bill by striking out all of section 1 and inserting the following:

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

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

Sec. 2. 21-A MRSA §1122, sub-§§5 and 6, as enacted by IB 1995, c. 1, §17, are amended to read:

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

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

Sec. 3. 21-A MRSA §1122, sub-§8, ¶A, as amended by PL 2009, c. 363, §1, is repealed.

Sec. 4. 21-A MRSA §1123, as enacted by IB 1995, c. 1, §17, is amended to read:

1 **§1123. Alternative campaign financing option**

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

8 **Sec. 5. 21-A MRSA §1124, sub-§1**, as enacted by IB 1995, c. 1, §17, is amended
 9 to read:

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

16 **Sec. 6. 21-A MRSA §1125, sub-§2**, as amended by PL 2009, c. 363, §2, is
 17 further amended to read:

18 **2. Contribution limits for participating candidates.** Subsequent to becoming a
 19 candidate as defined by section 1, subsection 5 and prior to certification, a participating
 20 candidate may not accept contributions, except for seed money contributions. A
 21 participating candidate must limit the candidate's total seed money contributions to the
 22 following amounts:

23 ~~A. Two hundred thousand dollars for a gubernatorial candidate;~~

24 B. ~~One thousand five hundred~~ Three thousand dollars for a candidate for the State
 25 Senate; or

26 C. ~~Five hundred~~ One thousand dollars for a candidate for the State House of
 27 Representatives.

28 The commission may, by rule, revise these amounts to ensure the effective
 29 implementation of this chapter.'

30 Amend the bill by striking out all of section 3 and inserting the following:

31 '**Sec. 3. 21-A MRSA §1125, sub-§3, ¶A**, as amended by PL 2007, c. 240, Pt. F,
 32 §1 and c. 443, Pt. B, §6, is repealed.'

33 Amend the bill in section 4 in subsection 3-A in the 2nd line (page 1, line 17 in L.D.)
 34 by striking out the following: "times specified in subsection 8-E" and inserting the
 35 following: 'time specified in subsection 8-D'

36 Amend the bill in section 4 in subsection 3-A by striking out all of paragraphs A to C
 37 (page 1, lines 18 to 26 in L.D.) and inserting the following:

38 'A. For a candidate for the State Senate, up to 360 verified registered voters from the
 39 candidate's electoral division may support the candidacy by providing an additional
 40 qualifying contribution to that candidate; and

1 B. For a candidate for the State House of Representatives, up to 120 verified
2 registered voters from the candidate's electoral division may support the candidacy by
3 providing an additional qualifying contribution to that candidate.'

4 Amend the bill by striking out all of section 5 and inserting the following:

5 '**Sec. 5. 21-A MRSA §1125, sub-§5**, as amended by PL 2011, c. 389, §52, is
6 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 executive director
9 of the commission 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 no later than 5 business days
- 13 after the end of the qualifying period;
- 14 ~~C-1. As a gubernatorial candidate, collected at least \$40,000 in seed money~~
- 15 ~~contributions from registered voters in the State;~~
- 16 D. Not accepted contributions, except for seed money contributions, and otherwise
- 17 complied with seed money restrictions;
- 18 D-1. Not run for the same office as a nonparticipating candidate in a primary election
- 19 in the same election year;
- 20 D-2. Not been found to have made a material false statement in a report or other
- 21 document submitted to the commission;
- 22 D-3. Not otherwise substantially violated the provisions of this chapter or chapter 13;
- 23 D-4. Not failed to pay any civil penalty assessed by the commission under this Title,
- 24 except that a candidate has 3 business days from the date of the request for
- 25 certification to pay the outstanding penalty and remain eligible for certification;
- 26 D-5. Not submitted any fraudulent qualifying contributions or any falsified
- 27 acknowledgement forms for qualifying contributions or seed money contributions;
- 28 and
- 29 E. Otherwise met the requirements for participation in this Act.

30 The executive director shall certify a candidate complying with the requirements of this
31 section as a Maine Clean Election Act candidate as soon as possible after final submittal
32 of qualifying contributions and other supporting documents required under subsection 4
33 but no later than 3 business days for legislative candidates ~~and 5 business days for~~
34 ~~gubernatorial candidates.~~ The executive director may take additional time if further
35 investigation is necessary to verify compliance with this Act as long as the commission
36 notifies the candidate regarding the anticipated schedule for conclusion of the
37 investigation. A candidate or other interested person may appeal the decision of the
38 executive director to the members of the commission in accordance with subsection 14.

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

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

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

8 **Sec. 7. 21-A MRSA §1125, sub-§5-A, ¶H,** as amended by PL 2009, c. 363, §6,
9 is further amended to read:

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

11 **Sec. 8. 21-A MRSA §1125, sub-§5-A, ¶I,** as enacted by PL 2009, c. 363, §6, is
12 repealed.'

13 Amend the bill in section 6 in subsection 7 in the 3rd line (page 1, line 36 in L.D.) by
14 striking out the following: "to 8-D" and inserting the following: 'and 8-C'

15 Amend the bill in section 7 by striking out all of subsection 7-B (page 2, lines 17 to
16 26 in L.D.) and inserting the following:

17 **'7-B. Timing of supplemental fund distribution. The commission shall distribute**
18 **to legislative candidates any supplemental general election distributions made pursuant to**
19 **subsections 8-B and 8-C within 3 business days of certification by the commission of the**
20 **required number of additional qualifying contributions.'**

21 Amend the amendment in the 2nd indented paragraph after the title in the first line
22 (page 1, line 13 in amendment) by striking out the following: "2nd line (page 2, line 30
23 in L.D.)" and inserting the following: '2nd and 3rd lines (page 2, lines 30 and 31 in L.D.)'

24 Amend the amendment by striking out all of the 3rd to 6th indented paragraphs after
25 the title (page 1, lines 16 to 27 in amendment) and inserting the following:

26 'Amend the bill by striking out all of section 9 and inserting the following:

27 **'Sec. 9. 21-A MRSA §1125, sub-§§8-B to 8-D** are enacted to read:

28 **8-B. Distributions to participating candidates for State Senate. Distributions**
29 **from the fund to participating candidates for the State Senate for elections prior to**
30 **September 1, 2015 must be made as follows.**

31 **A. For uncontested primary elections, the total distribution of revenues is \$2,000 per**
32 **candidate.**

33 **B. For contested primary elections, the total distribution of revenues is \$10,000 per**
34 **candidate.**

35 **C. For uncontested general elections, the total distribution of revenues is \$20,000 per**
36 **candidate.**

37 **D. For contested general elections, the amount of revenues distributed is as follows:**

38 **(1) The initial distribution of revenues is \$20,000 per candidate;**

R O F S

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to S.P. 452, L.D. 1309

1 (2) For each increment of 30 additional qualifying contributions the candidate
2 receives pursuant to subsection 3-A, not to exceed a total of 360 additional
3 qualifying contributions, the supplemental distribution of revenues is \$5,000 per
4 candidate; and

5 (3) The total amount of revenues distributed for a contested general election may
6 not exceed \$60,000 per candidate.

7 **8-C. Distributions to participating candidates for State House of**
8 **Representatives.** Distributions from the fund to participating candidates for the State
9 House of Representatives for elections prior to September 1, 2015 must be made as
10 follows.

11 A. For uncontested primary elections, the total distribution of revenues is \$500 per
12 candidate.

13 B. For contested primary elections, the total distribution of revenues is \$2,500 per
14 candidate.

15 C. For uncontested general elections, the total distribution of revenues is \$5,000 per
16 candidate.

17 D. For contested general elections, the amount of revenues distributed is as follows:

18 (1) The initial distribution of revenues is \$5,000 per candidate;

19 (2) For each increment of 15 additional qualifying contributions the candidate
20 receives pursuant to subsection 3-A, not to exceed a total of 120 additional
21 qualifying contributions, the supplemental distribution of revenues is \$1,250 per
22 candidate; and

23 (3) The total amount of revenues distributed for a contested general election may
24 not exceed \$15,000 per candidate.

25 **8-D. Collection and submission of additional qualifying contributions.**
26 Participating candidates may collect and submit additional qualifying contributions to the
27 commission no earlier than January 1st of the election year and no later than 3 weeks
28 before election day.

29 Additional qualifying contributions may be submitted at any time in any amounts in
30 accordance with this subsection. The commission shall make supplemental distributions
31 to candidates in the amounts specified in subsections 8-B and 8-C as the number of
32 certified qualifying contributions submitted equals the increments specified in
33 subsections 8-B and 8-C. In the event that a candidate submits additional qualifying
34 contributions prior to a primary election in excess of the number of qualifying
35 contributions for which a candidate may receive a distribution, the excess qualifying
36 contributions must be counted as general election additional qualifying contributions if
37 the candidate has a contested general election, but supplemental distributions based on
38 these excess qualifying contributions may not be distributed until after the primary
39 election.'

40 Amend the bill in section 10 by striking out all of subsection 10 (page 5, lines 9 to 23
41 in L.D.) and inserting the following:

R OF S

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to S.P. 452, L.D. 1309

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

16 Amend the bill by adding after section 10 the following:

17 **'Sec. 11. 21-A MRSA §1125, sub-§12-B,** as enacted by PL 2007, c. 443, Pt. B,
18 §6, is repealed.'

19 Amend the amendment by striking out all of section 11 and inserting the following:

20 **'Sec. 11. Appropriations and allocations.** The following appropriations and
21 allocations are made.

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

24 Initiative: Provides funding for supplemental payments to Maine Clean Election Act
25 candidates.

26	OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
27	All Other	\$3,276,750	\$443,750
28			
29	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$3,276,750</u>	<u>\$443,750</u>

30 **Governmental Ethics and Election Practices - Commission on 0414**

31 Initiative: Provides funding for one limited-period project position to process additional
32 qualifying contributions and distributions.

33	OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
34	Personal Services	\$20,115	\$20,749
35			
36	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$20,115</u>	<u>\$20,749</u>

R O F S

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to S.P. 452, L.D. 1309

1	ETHICS AND ELECTION PRACTICES,		
2	COMMISSION ON GOVERNMENTAL		
3	DEPARTMENT TOTALS	2013-14	2014-15
4			
5	OTHER SPECIAL REVENUE FUNDS	\$3,296,865	\$464,499
6			
7	DEPARTMENT TOTAL - ALL FUNDS	\$3,296,865	\$464,499


8 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
9 section number to read consecutively.'

10 **SUMMARY**

11 This amendment eliminates eligibility for Maine Clean Election Act funding for
12 gubernatorial candidates. The amendment also adds an appropriations and allocations
13 section.

14 **FISCAL NOTE REQUIRED**

15 (See attached)

16 SPONSORED BY: 
17 (Senator LANGLEY)
18 COUNTY: Hancock



126th MAINE LEGISLATURE

LD 1309

LR 1748(03)

An Act To Strengthen the Maine Clean Election Act

Fiscal Note for Senate Amendment "A" to Committee Amendment "A"

Sponsor: Sen. Langley of Hancock

Fiscal Note Required: Yes

Fiscal Note

	FY 2013-14	FY 2014-15	Projections FY 2015-16	Projections FY 2016-17
Net Cost (Savings)				
General Fund	(\$4,500,000)	\$0	\$0	\$0
Appropriations/Allocations				
Other Special Revenue Funds	(\$3,125,000)	(\$1,225,000)	\$331,945	(\$323,875)
Revenue				
General Fund	\$4,500,000	\$0	\$0	\$0
Other Special Revenue Funds	(\$4,574,000)	(\$42,000)	\$44,543	(\$6,482)

Fiscal Detail and Notes

This floor amendment eliminates Maine Clean Election Fund distributions for gubernatorial candidates. The incremental impact compared to the committee amendment is an Other Special Revenue Funds deallocation of \$3,125,000 in fiscal year 2013-14 and \$1,225,000 in fiscal year 2014-15 to the Commission on Governmental Ethics and Election Practices for reduced payments. Other Special Revenue Funds revenue will decrease by \$74,000 in fiscal year 2013-14 and \$42,000 in fiscal year 2014-15 from reduced qualifying contributions. Additionally, the commission will not require the revenue transfer from the General Fund of \$4,500,000 in fiscal year 2013-14.