

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2023

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Legislative Document

No. 1966

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H.P. 1263

House of Representatives, May 18, 2023

**An Act to Allow Candidates for County Office to Participate in the  
Maine Clean Election Act**

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

*Robert B. Hunt*  
ROBERT B. HUNT  
Clerk

Presented by Representative COLLINGS of Portland.  
Cosponsored by Representative: RIELLY of Westbrook.

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

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

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

8 **Sec. 2. 21-A MRSA §1122, sub-§5**, as enacted by IB 1995, c. 1, §17, is amended  
9 to read:

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

14 **Sec. 3. 21-A MRSA §1122, sub-§6**, as enacted by IB 1995, c. 1, §17, is amended  
15 to read:

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

20 **Sec. 4. 21-A MRSA §1122, sub-§8, ¶B**, as amended by PL 2009, c. 286, §5, is  
21 further amended to read:

22 B. For State Senate ~~or~~, State House of Representatives or county office participating  
23 candidates, the qualifying period begins January 1st of the election year and ends at  
24 5:00 p.m. on April 20th of that election year or the next business day following April  
25 20th if the office of the commission is closed on April 20th.

26 **Sec. 5. 21-A MRSA §1123**, as enacted by IB 1995, c. 1, §17, is amended to read:

27 **§1123. Alternative campaign financing option**

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

34 **Sec. 6. 21-A MRSA §1124, sub-§1**, as enacted by IB 1995, c. 1, §17, is amended  
35 to read:

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

1           **Sec. 7. 21-A MRSA §1125, sub-§2-C**, as enacted by PL 2021, c. 132, §10, is  
2 amended to read:

3           **2-C. Change in campaign financing.** If a candidate has accepted contributions as a  
4 candidate for Governor, State Senator ~~or~~, State Representative or county office that are not  
5 seed money contributions as defined in section 1122, subsection 9 or do not comply with  
6 the seed money restrictions in subsections 2 and 2-A, the candidate is ineligible for  
7 certification in the same election cycle.

8           **Sec. 8. 21-A MRSA §1125, sub-§5**, as amended by IB 2015, c. 1, §20, is further  
9 amended by amending the first blocked paragraph to read:

10 The executive director shall certify a candidate complying with the requirements of this  
11 section as a Maine Clean Election Act candidate as soon as possible after final submittal of  
12 qualifying contributions and other supporting documents required under subsection 4 but  
13 no later than 3 business days for legislative and county office candidates and 5 business  
14 days for gubernatorial candidates. The executive director may take additional time if  
15 further investigation is necessary to verify compliance with this Act as long as the  
16 commission notifies the candidate regarding the anticipated schedule for conclusion of the  
17 investigation. A candidate or other interested person may appeal the decision of the  
18 executive director to the members of the commission in accordance with subsection 14.

19           **Sec. 9. 21-A MRSA §1125, sub-§7-B, ¶B**, as enacted by IB 2015, c. 1, §23, is  
20 amended to read:

21           B. For legislative and county office candidates, any supplemental general election  
22 distributions made pursuant to subsections 8-C and 8-D must be made within 3  
23 business days of certification by the commission of the required number of additional  
24 qualifying contributions.

25           **Sec. 10. 21-A MRSA §1125, sub-§8-E, ¶B**, as enacted by IB 2015, c. 1, §25, is  
26 amended to read:

27           B. For legislative and county office candidates, no earlier than January 1st of the  
28 election year and no later than 3 weeks before election day.

29           **Sec. 11. 21-A MRSA §1125, sub-§8-F**, as enacted by IB 2015, c. 1, §25, is  
30 amended to read:

31           **8-F. Amount of distributions.** On December 1st of each even-numbered year the  
32 commission shall review and adjust the distribution amounts in subsections 8-B to 8-D and  
33 the distribution amounts for county candidates established by the commission based on the  
34 Consumer Price Index as reported by the United States Department of Labor, Bureau of  
35 Labor Statistics. If an adjustment is warranted by the Consumer Price Index, the  
36 distribution amounts must be adjusted, rounded to the nearest amount divisible by \$25.  
37 When making adjustments under this subsection, the commission may not change the  
38 number of qualifying contributions or additional qualifying contributions required to  
39 trigger an initial distribution or an increment of supplemental distribution. The commission  
40 shall post information about the distribution amounts including the date of any adjustment  
41 on its publicly accessible website and include this information with any publication to be  
42 used as a guide for candidates.

1           **Sec. 12. 21-A MRSA §1125, sub-§10**, as amended by IB 2015, c. 1, §26, is further  
2 amended to read:

3           **10. Candidate not enrolled in a party.** An unenrolled candidate for the Legislature  
4 or county office who submits the required number of qualifying contributions and other  
5 required documents under subsection 4 by 5:00 p.m. on April 20th preceding the primary  
6 election and who is certified is eligible for revenues from the fund in the same amounts and  
7 at the same time as an uncontested primary election candidate and a general election  
8 candidate as specified in subsections 7, 8-C and 8-D. Revenues for the general election  
9 must be distributed to the candidate as specified in subsection 7. An unenrolled candidate  
10 for Governor who submits the required number of qualifying contributions and other  
11 required documents under subsection 4 by 5:00 p.m. on April 1st preceding the primary  
12 election and who is certified is eligible for revenues from the fund in the same amounts and  
13 at the same time as an uncontested primary election gubernatorial candidate and a general  
14 election gubernatorial candidate as specified in subsections 7 and 8-B. Revenues for the  
15 general election must be distributed to the candidate for Governor as specified in subsection  
16 7.

17           **Sec. 13. 21-A MRSA §1125, sub-§15** is enacted to read:

18           **15. Terms of participation for county candidates.** The commission shall establish  
19 terms of participation for county candidates that allow candidates to qualify and participate  
20 starting with the 2024 election cycle. The terms of participation established by the  
21 commission must set forth the seed money contribution limits, the number of qualifying  
22 contributions and distribution amounts for each county office. When establishing the terms  
23 of participation, the commission shall consider the terms of participation for gubernatorial  
24 and legislative candidates set forth in this chapter, including an assessment of the difficulty  
25 of qualifying and distribution amounts available to participating House and Senate  
26 candidates and gubernatorial candidates relative to the population of House and Senate  
27 districts and the State. The commission shall also consider historical spending patterns for  
28 the various county races in contested and uncontested primary and general elections, the  
29 population of the electoral district of a county office, the competitiveness of the office and  
30 any other factors the commission determines to be consistent with the purposes of this  
31 chapter. If the geographic area or population of the electoral district for a county office  
32 varies substantially across the State, the commission may establish different terms of  
33 participation that reasonably relate to the difference in geographic area or population. If  
34 necessary, the commission may use the emergency rule-making provisions of Title 5,  
35 section 8054 without making findings of emergency for purposes of establishing these  
36 terms of participation in advance of the 2024 election cycle.

37           **Sec. 14. 21-A MRSA §1126**, as amended by PL 2001, c. 465, §7, is further amended  
38 to read:

39 **§1126. Commission to adopt rules**

40           The commission shall adopt rules to ensure effective administration of this chapter.  
41 These rules must include but must not be limited to procedures for obtaining qualifying  
42 contributions, certification as a Maine Clean Election Act candidate, circumstances  
43 involving special elections, vacancies, recounts, withdrawals or replacements, collection  
44 of revenues for the fund, distribution of fund revenue to certified candidates, return of  
45 unspent fund disbursements, disposition of equipment purchased with clean election funds

1 ~~and~~, compliance with the Maine Clean Election Act and terms of participation for county  
2 candidates. Rules of the commission required by this section are major substantive rules  
3 as defined in Title 5, chapter 375, subchapter ~~H-A~~ 2-A.

4 **SUMMARY**

5 This bill allows candidates for county office to participate in the Maine Clean Election  
6 Act.