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H.P. 677

House of Representatives, March 8, 2021

**An Act To Eliminate Maine Clean Election Act Funding for
Candidates in Gubernatorial Races**

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

Robert B. Hunt
ROBERT B. HUNT
Clerk

Presented by Representative HUTCHINS of Penobscot.

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 who chooses to participate in the Maine
6 Clean Election Act and who is certified as a Maine Clean Election Act candidate under
7 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 who does not choose to
12 participate in the Maine Clean Election Act and who is not seeking to be certified as a
13 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 who is seeking to be certified
18 as a Maine Clean Election Act candidate under section 1125, subsection 5.

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20 repealed.

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

22 **§1123. Alternative campaign financing option**

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

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

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

37 **Sec. 7. 21-A MRSA §1125, sub-§2, ¶A**, as amended by PL 2009, c. 363, §2, is
38 repealed.

39 **Sec. 8. 21-A MRSA §1125, sub-§3, ¶D**, as enacted by PL 2019, c. 323, §29, is
40 amended by repealing subparagraph (1).

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

3 The executive director shall certify a candidate complying with the requirements of this
4 section as a Maine Clean Election Act candidate as soon as possible but not later than 3
5 business days after final submittal of qualifying contributions and other supporting
6 documents required under subsection 4 ~~but no later than 3 business days for legislative~~
7 ~~candidates and 5 business days for gubernatorial candidates~~. The executive director may
8 take additional time if further investigation is necessary to verify compliance with this Act
9 as long as the commission notifies the candidate regarding the anticipated schedule for
10 conclusion of the investigation. A candidate or other interested person may appeal the
11 decision of the executive director to the members of the commission in accordance with
12 subsection 14.

13 **Sec. 10. 21-A MRSA §1125, sub-§5-A, ¶G**, as amended by PL 2009, c. 363, §6,
14 is further amended to read:

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

17 **Sec. 11. 21-A MRSA §1125, sub-§5-A, ¶H**, as amended by PL 2009, c. 363, §6,
18 is further amended to read:

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

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

22 **Sec. 13. 21-A MRSA §1125, sub-§7**, as amended by IB 2015, c. 1, §22, is further
23 amended to read:

24 **7. Timing of initial fund distribution.** The commission shall distribute to certified
25 candidates revenues from the fund in amounts determined under subsections ~~8-B to 8-C~~
26 and 8-D in the following manner.

27 A. Within 3 days after certification, for candidates certified prior to March 15th of the
28 election year, revenues from the fund must be distributed as if the candidates are in an
29 uncontested primary election.

30 B. Within 3 days after certification, for all candidates certified between March 15th
31 and the end of the qualifying period of the election year, revenues from the fund must
32 be distributed according to whether the candidate is in a contested or uncontested
33 primary election.

34 B-1. For candidates in contested primary elections receiving a distribution under
35 paragraph A, additional revenues from the fund must be distributed within 3 days of
36 March 15th of the election year.

37 C. No later than 3 days after the primary election results are certified, for general
38 election certified candidates, revenues from the fund must be distributed according to
39 whether the candidate is in a contested or uncontested general election.

40 Funds may be distributed to certified candidates under this section by any mechanism that
41 is expeditious, ensures accountability and safeguards the integrity of the fund.

1 **Sec. 14. 21-A MRSA §1125, sub-§7-B, ¶A**, as enacted by IB 2015, c. 1, §23, is
2 repealed.

3 **Sec. 15. 21-A MRSA §1125, sub-§8-B**, as enacted by IB 2015, c. 1, §25, is
4 repealed.

5 **Sec. 16. 21-A MRSA §1125, sub-§8-E**, as amended by PL 2019, c. 323, §33, is
6 further amended to read:

7 **8-E. Collection and submission of additional qualifying contributions.**
8 Participating or certified candidates may collect and submit additional qualifying
9 contributions in accordance with subsection 3-A to the commission as follows:

10 A. ~~For gubernatorial candidates, no earlier than October 15th of the year before the~~
11 ~~year of the election and no later than 3 weeks before election day; and~~

12 B. For legislative candidates, no earlier than January 1st of the election year and no
13 later than 3 weeks before election day.

14 Additional qualifying contributions may be submitted to the commission at any time in any
15 amounts in accordance with the schedules in this subsection. The commission shall make
16 supplemental distributions to candidates in the amounts and in accordance with the
17 increments specified in subsections ~~8-B to~~ 8-C and 8-D. If a candidate submits additional
18 qualifying contributions prior to a primary election in excess of the number of qualifying
19 contributions for which a candidate may receive a distribution, the excess qualifying
20 contributions must be counted as general election additional qualifying contributions if the
21 candidate has a contested general election, but supplemental distributions based on these
22 excess qualifying contributions may not be distributed until after the primary election.

23 **Sec. 17. 21-A MRSA §1125, sub-§8-F**, as enacted by IB 2015, c. 1, §25, is
24 amended to read:

25 **8-F. Amount of distributions.** On December 1st of each even-numbered year the
26 commission shall review and adjust the distribution amounts in subsections ~~8-B to~~ 8-C and
27 8-D based on the Consumer Price Index as reported by the United States Department of
28 Labor, Bureau of Labor Statistics. If an adjustment is warranted by the Consumer Price
29 Index, the distribution amounts must be adjusted, rounded to the nearest amount divisible
30 by \$25. When making adjustments under this subsection, the commission may not change
31 the number of qualifying contributions or additional qualifying contributions required to
32 trigger an initial distribution or an increment of supplemental distribution. The commission
33 shall post information about the distribution amounts including the date of any adjustment
34 on its publicly accessible website and include this information with any publication to be
35 used as a guide for candidates.

36 **Sec. 18. 21-A MRSA §1125, sub-§10**, as amended by IB 2015, c. 1, §26, is further
37 amended to read:

38 **10. Candidate not enrolled in a party.** An unenrolled candidate for the Legislature
39 who submits the required number of qualifying contributions and other required documents
40 under subsection 4 by 5:00 p.m. on April 20th preceding the primary election and who is
41 certified is eligible for revenues from the fund in the same amounts and at the same time
42 as an uncontested primary election candidate and a general election candidate as specified
43 in subsections 7, 8-C and 8-D. Revenues for the general election must be distributed to the

1 candidate as specified in subsection 7. ~~An unenrolled candidate for Governor who submits~~
2 ~~the required number of qualifying contributions and other required documents under~~
3 ~~subsection 4 by 5:00 p.m. on April 1st preceding the primary election and who is certified~~
4 ~~is eligible for revenues from the fund in the same amounts and at the same time as an~~
5 ~~uncontested primary election gubernatorial candidate and a general election gubernatorial~~
6 ~~candidate as specified in subsections 7 and 8-B. Revenues for the general election must be~~
7 ~~distributed to the candidate for Governor as specified in subsection 7.~~

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

10 SUMMARY

11 This bill eliminates the ability of gubernatorial candidates to obtain Maine Clean
12 Election Act funding.