

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Create Optional Public Financing of Legislative Leadership Elections

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

Sec. 1. 21-A MRSA §1, sub-§21-A is enacted to read:

21-A. Leadership position. "Leadership position" means the position of President of the Senate, Speaker of the House of Representatives, leader of a party in the Senate, leader of a party in the House of Representatives, assistant leader of a party in the Senate or assistant leader of a party in the House of Representatives.

Sec. 2. 21-A MRSA §1019-B, sub-§1, ¶B, as enacted by PL 2003, c. 448, §3, is amended to read:

B. Is presumed in races involving a candidate who is certified as a Maine Clean Election Act candidate under section 1125, subsection 5 or 15 to be any expenditure made to design, produce or disseminate a communication that names or depicts a clearly identified candidate and is disseminated during the 21 days, including election day, before a primary election; the 21 days, including election day, before a general election; or during a special election or election for a leadership position until and on election day.

Sec. 3. 21-A MRSA §1122, sub-§9, as amended by PL 2005, c. 301, §28, is further amended to read:

9. Seed money contribution. "Seed money contribution" means a contribution of no more than \$100 per individual made to a candidate, including a contribution from the candidate or the candidate's family. To be eligible for certification, a candidate may collect and spend only seed money contributions subsequent to becoming a candidate as defined by section 1, subsection 5 or section 1125, subsection 15 and throughout the qualifying period. A participating candidate who has accepted contributions or made expenditures that do not comply with the seed money restrictions under this chapter may petition the commission to remain eligible for certification as a Maine Clean Election Act candidate in accordance with rules of the commission, if the failure to comply was unintentional and does not constitute a significant infraction of these restrictions. Prior to certification, a candidate may obligate an amount greater than the seed money collected if the value of the goods and services received from a vendor does not exceed the amount paid to the vendor. A candidate may not collect or spend seed money contributions after certification as a Maine Clean Election Act candidate. A seed money contribution must be reported according to procedures developed by the commission.

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

§ 1123. Alternative campaign financing option

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

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

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

Sec. 6. 21-A MRS §1125, sub-§9, as repealed and replaced by PL 2003, c. 688, Pt. A, §22, is amended to read:

9. Matching funds. When any campaign, finance or election report shows that the sum of a candidate's expenditures or obligations, or funds raised or borrowed, whichever is greater, alone or in conjunction with independent expenditures reported under section 1019-B, exceeds the distribution amount under subsection 8, the commission shall issue immediately to any opposing Maine Clean Election Act candidate an additional amount equivalent to the reported excess. Matching funds are limited to 2 times the amount originally distributed under subsection 8, paragraph A, C, E or F, whichever is applicable. A candidate for a leadership position under subsection 15 may not receive matching funds under this subsection.

Sec. 7. 21-A MRS §1125, sub-§15 is enacted to read:

15. Leadership positions. A certified candidate for State Senator or State Representative under subsection 5 who intends to run for a leadership position must run for a leadership position as a Maine Clean Election Act candidate. The following provisions apply to a candidate for a leadership position who runs as a Maine Clean Election Act candidate:

A. A certified candidate who wishes to run for a leadership position in the Senate must collect 7 signatures in support of the candidate's leadership candidacy from members of the candidate's party currently serving in the Senate for the upcoming election;

B. A certified candidate who wishes to run for a leadership position in the House of Representatives must collect 20 signatures in support of the candidate's leadership candidacy from members of the candidate's party currently serving in the House of Representatives for the upcoming election;

C. A certified candidate who wishes to run for a leadership position must file a letter of intent with the commission after certification under subsection 5 and within 3 days of becoming a candidate for a leadership position. The commission shall certify the candidate as a candidate for a leadership position upon receipt of the letter of intent, the signatures required under this subsection and confirmation that the candidate is certified for the upcoming election under subsection 5;

D. Prior to certification under this subsection, a candidate certified under subsection 5 must collect an amount equal to 10% of the funds received by the candidate under paragraph E in seed money. Seed money received under this paragraph may not come from an out-of-state donor;

E. Within 3 days after a candidate's certification under this subsection, the commission shall distribute \$20,000 to a candidate for Speaker of the House of Representatives, \$15,000 to a candidate for President of the Senate, \$10,000 to a candidate for leader or assistant leader of a party in the House of Representatives and \$5,000 to a candidate for leader or assistant leader of a party in the Senate. An unspent balance of funds received under this paragraph subsequent to the leadership election must be returned to the Maine Clean Election Fund;

F. A candidate certified under this subsection may not contribute any funds to a candidate, campaign, political committee or political action committee during the campaign for the leadership position;

G. A candidate who receives funds under this subsection for a leadership campaign may not accept or expend any other funds in running for a leadership position for that campaign; and

H. A candidate who receives funds under this subsection may not serve as an officer of or have control over a political action committee that contributes to a campaign in the State.

The commission shall establish reporting requirements under this subsection. The commission may adopt routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A to carry out the purposes of this subsection.

SUMMARY

This bill allows Maine Clean Election Act financing for candidates in legislative leadership races. A candidate for a leadership position must already be a Maine Clean Election Act candidate. A candidate for a Senate leadership position must obtain 7 signatures from members of the candidate's party who are currently serving in the Senate, and a candidate for a leadership position in the House of Representatives must collect 20 signatures from members of the candidate's party who are currently serving in the House of Representatives. A Maine Clean Election Act candidate who wishes to run for a leadership position must collect up to an amount equal to 10% of the clean election distribution the candidate will receive from the Maine Clean Election Fund in seed money and may come only from in-state donors. A Maine Clean Election Act leadership candidate receives from \$5,000 to \$20,000 depending on the leadership office to spend on the leadership campaign and is not allowed to contribute to a candidate, campaign, political committee or political action committee during the leadership campaign. An unspent balance of funds received under this paragraph subsequent to the leadership election must be returned to the Maine Clean Election Fund. A Maine Clean Election Act leadership candidate may not be an officer of or have control over a political action committee. An opposing candidate for a leadership position does not qualify for matching funds under this bill.