

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 Strengthen the Maine Clean Election Act

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

Sec. 1. 21-A MRSA §1122, sub-§7, ¶B, as enacted by IB 1995, c. 1, §17, is amended to read:

B. Made by a registered voter within the electoral division for the office a candidate is seeking who has not already donated a qualifying contribution to another candidate seeking election to the same office;

Sec. 2. 21-A MRSA §1125, sub-§3, ¶A, as enacted by IB 1995, c. 1, §17, is amended to read:

A. For a gubernatorial candidate, at least 2,500,250 verified registered voters of this State must support the candidacy by providing a qualifying contribution to that candidate;

Sec. 3. 21-A MRSA §1125, sub-§5, as amended by PL 2005, c. 301, §30, is further amended to read:

5. Certification of Maine Clean Election Act candidates. Upon receipt of a final submittal of qualifying contributions by a participating candidate, the commission or its executive director shall determine whether ~~or not~~ the candidate has:

A. Signed and filed a declaration of intent to participate in this Act;

B. Submitted the appropriate number of valid qualifying contributions;

C. Qualified as a candidate by petition or other means;

D. Not accepted contributions, except for seed money contributions, and otherwise complied with seed money restrictions;

D-1. Not run for the same office as a nonparticipating candidate in a primary election in the same election year; ~~and~~

D-2. If the candidate is a gubernatorial candidate, raised at least \$15,000 in seed money contributions;

D-3. Not been found to have made a material false statement or misrepresentation in a report or other document submitted to the commission;

D-4. Not been previously denied certification as a Maine Clean Election Act candidate or had that certification revoked on the basis of fraud or other violations of this chapter;

D-5. No outstanding penalties assessed by the commission under this Title that have not been paid within 3 business days from the date of the request for certification; and

E. Otherwise met the requirements for participation in this Act.

The commission or its executive director shall certify a candidate complying with the requirements of this section as a Maine Clean Election Act candidate as soon as possible and no later than 3 business days for legislative candidates and 5 business days for gubernatorial candidates after final submittal of qualifying contributions. The commission and its executive director may take additional time if further investigation is necessary to verify compliance with certification requirements, as long as the commission or its executive director notifies the affected candidate of the anticipated schedule to complete the investigation.

Upon certification, a candidate must transfer to the fund any unspent seed money contributions. A certified candidate must comply with all requirements of this Act after certification and throughout the primary and general election periods. Failure to do so is a violation of this chapter.

Sec. 4. 21-A MRS §1125, sub-§5-A is enacted to read:

5-A. Revocation of certification. The certification of a participating candidate may be revoked at any time if the commission determines that the candidate or an agent of the candidate:

- A. Did not submit the required number of valid qualifying contributions;
- B. Failed to qualify as a candidate by petition or other means provided by chapter 5;
- C. Submitted fraudulent qualifying contributions or qualifying contributions that were not made by the contributor named on the acknowledgment required by section 1122, subsection 7;
- D. Misrepresented to a contributor the nature and purpose of the qualifying contribution or the reason for obtaining a contributor's signature on the receipt and acknowledgement form;
- E. Failed to fully comply with the seed money restrictions;
- F. Knowingly accepted contributions, including in-kind contributions, or used funds other than fund revenues distributed under this chapter to make campaign-related expenditures without the permission of the commission;
- G. Knowingly made a false statement or material misrepresentation in any report or other document required to be filed under this chapter or chapter 13; or
- H. Otherwise violated the provisions of this chapter or chapter 13.

When the commission has reason to believe that a violation of this subsection has occurred, the commission shall provide written notice to the certified candidate and afford that candidate an opportunity for a hearing before the commission. The commission may revoke the certification of a candidate by a majority vote of the members of the commission. The participating candidate may appeal the decision of the commission as provided in subsection 15. A candidate whose certification is revoked by the commission must return all unspent funds to the commission within 3 days of the commission's

revocation decision or appeal the decision of the commission. The commission may require the candidate to reimburse other funds distributed by the commission. The candidate may appeal the commission's decision to revoke certification in the same manner provided in subsection 14, paragraph C.

Sec. 5. 21-A MRSA §1126, as enacted by IB 1995, c. 1, §17 and as amended by PL 2001, c. 465, §7, is further amended to read:

§ 1126. Commission to adopt rules

The commission shall adopt rules to ensure effective administration of this chapter. These rules must include but must not be limited to procedures for obtaining qualifying contributions, certification as a Maine Clean Election Act candidate, circumstances involving special elections, vacancies, recounts, withdrawals or replacements, collection of revenues for the fund, distribution of fund revenue to certified candidates, return of unspent fund disbursements, disposition of equipment purchased with clean election funds and compliance with the Maine Clean Election Act. ~~Rules of the commission required by this section are major substantive rules as defined in Title 5, chapter 375, subchapter H-A.~~

SUMMARY

This bill amends the Maine Clean Election Act by increasing the number of qualifying contributions required of a gubernatorial candidate for certification from 2,500 to 3,250 and requiring that candidate to raise at least \$15,000 in seed money. The bill amends the definition of a qualifying contribution to state that the \$5 donation may be made to only one candidate seeking the gubernatorial election or one candidate in a particular legislative election. The bill extends the authority to certify candidates as Maine Clean Election Act candidates to the executive director of the Commission on Governmental Ethics and Election Practices. This bill adds to the requirements for certification and provides for circumstances under which the commission or its executive director may revoke certification of a Maine Clean Election Act candidate and require the return of Maine Clean Election Act funds. Finally, this bill removes language designating rules adopted under the Maine Clean Election Act as major substantive rules.