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H.P. 944 House of Representatives, March 29, 2021

An Act To Amend the Maine Clean Election Act and Related Laws

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ROBERT B. HUNT
Clerk

Presented by Representative STETKIS of Canaan.

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

Sec. 1. 1 MRSA §1008, sub-§2, as amended by PL 2001, c. 430, §4, is further amended to read:

2. Election practices. To administer and investigate any violations of the requirements for campaign reports and campaign financing, including the provisions of the Maine ~~Clean~~ Publicly Financed Election Act ~~and the Maine Clean Election Fund~~;

Sec. 2. 1 MRSA §1008, sub-§5, as enacted by IB 1995, c. 1, §6, is amended to read:

5. Maine ~~Clean~~ Publicly Financed Election Act and Maine ~~Clean~~ Publicly Financed Election Fund. To administer and ensure the effective implementation of the Maine ~~Clean~~ Publicly Financed Election Act and the Maine ~~Clean~~ Publicly Financed Election Fund according to Title 21-A, chapter 14; and

Sec. 3. 21-A MRSA §153-A, sub-§3, as amended by PL 2005, c. 568, §6, is further amended to read:

3. Signing petitions. Once an alternative registration signature statement is on file with the registrar, the voter may authorize any other Maine-registered voter to sign candidate petitions and any Maine ~~Clean~~ Publicly Financed Election Act forms requiring a voter's signature in the presence and at the direction of the voter, except that the individual assisting the voter may not be a candidate, the circulator of the petition or form, the voter's employer or an agent of that employer or an officer or agent of the voter's union. In addition to using the voter's signature stamp or signing for the voter, the individual assisting the voter must print and sign the individual's own name and residence address on the petition or form and attest that the individual is signing on the voter's behalf. This method of signing satisfies the requirements in this Title that voters personally sign candidate petitions.

Sec. 4. 21-A MRSA §1004-B, as enacted by PL 2009, c. 302, §3, is amended to read:

§1004-B. Enforcement of penalties assessed by the commission

The commission staff shall collect the full amount of any penalty and the return of Maine ~~Clean~~ Publicly Financed Election Act funds required by the commission to be returned for a violation of the statutes or rules administered by the commission and has all necessary powers to carry out these duties. Failure to pay the full amount of any penalty assessed by the commission or return of Maine ~~Clean~~ Publicly Financed Election Act funds is a civil violation by the candidate, treasurer, party committee, political action committee or other person. Thirty days after issuing the notice of penalty or order for the return of funds, the commission shall report to the Attorney General the name of any person who has failed to pay the full amount of any penalty or to return Maine ~~Clean~~ Publicly Financed Election Act funds unless the commission has provided an extended deadline for payment. The Attorney General shall enforce the violation in a civil action to collect the full outstanding amount of the penalty or order for the return of Maine ~~Clean~~ Publicly Financed Election Act funds. This action must be brought in the Superior Court for Kennebec County or the District Court, 7th District, Division of Southern Kennebec.

Sec. 5. 21-A MRSA §1013-A, sub-§1, ¶C, as amended by PL 2015, c. 350, §4, is further amended to read:

C. No later than 10 days after becoming a candidate, as defined in section 1, subsection 5, a candidate for the office of State House of Representatives or Senate may file in writing a statement declaring that the candidate agrees to accept voluntary limits on political expenditures or that the candidate does not agree to accept voluntary limits on political expenditures, as specified in section 1015, subsections 7 to 9. A candidate who has filed a declaration of intent to become certified as a candidate under the Maine ~~Clean~~ Publicly Financed Election Act is not required to file the written statement described in this paragraph.

The statement filed by a candidate who voluntarily agrees to limit spending must state that the candidate knows the voluntary expenditure limitations as set out in section 1015, subsection 8 and that the candidate is voluntarily agreeing to limit the candidate's political expenditures and those made on behalf of the candidate by the candidate's political committee or committees, the candidate's party and the candidate's immediate family to the amount set by law. The statement must further state that the candidate does not condone and will not solicit any independent expenditures made on behalf of the candidate.

The statement filed by a candidate who does not agree to voluntarily limit political expenditures must state that the candidate does not accept the voluntary expenditure limits as set out in section 1015, subsection 8.

Sec. 6. 21-A MRSA §1014, sub-§2-B, as enacted by IB 2015, c. 1, §3, is repealed.

Sec. 7. 21-A MRSA §1019-B, sub-§4, as amended by PL 2019, c. 323, §17, is further amended to read:

4. Report required; content; rules. A ~~person,~~ party committee or political action committee that makes ~~any~~ aggregate independent ~~expenditure~~ expenditures in excess of $250 during any one candidate's election shall file a report with the commission. In the case of a municipal election, the report must be filed with the municipal clerk.

A. A report required by this subsection must be filed with the commission or the municipal clerk according to a reporting schedule that the commission shall establish by rule that takes into consideration existing campaign finance reporting requirements. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

B. A report required by this subsection must contain an itemized account of each expenditure in excess of $250 in any one candidate's election, the date and purpose of each expenditure and the name of each payee or creditor. The report must state whether the expenditure is in support of or in opposition to the candidate and must include, under penalty of perjury, as provided in Title 17-A, section 451, a statement under oath or affirmation whether the expenditure is made in cooperation, consultation or concert with, or at the request or suggestion of, the candidate or an authorized committee or agent of the candidate.

C. A report required by this subsection must be on a form prescribed and prepared by the commission. A ~~person~~ party committee or political action committee filing this report may use additional pages if necessary, but the pages must be the same size as the pages of the form. The commission may adopt procedures requiring the electronic filing of an independent expenditure report, as long as the commission receives the

statement made under oath or affirmation set out in paragraph B by the filing deadline and the commission adopts an exception for ~~persons~~ party committees or political action committees who lack access to the required technology or the technological ability to file reports electronically. The commission may adopt procedures allowing for the signed statement to be provisionally filed by facsimile or electronic mail, as long as the report is not considered complete without the filing of the original signed statement.

Sec. 8. 21-A MRSA c. 14, headnote is amended to read:

CHAPTER 14

THE MAINE ~~CLEAN~~ PUBLICLY FINANCED ELECTION ACT

Sec. 9. 21-A MRSA §1121, as enacted by IB 1995, c. 1, §17, is amended to read:

§1121. Short title

This chapter may be known and cited as the "Maine ~~Clean~~ Publicly Financed Election Act."

Sec. 10. 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~~ Publicly Financed Election Act and who is certified as a Maine ~~Clean~~ Publicly Financed Election Act candidate under section 1125, subsection 5.

Sec. 11. 21-A MRSA §1122, sub-§4, as enacted by IB 1995, c. 1, §17, is amended to read:

4. Fund. "Fund" means the Maine ~~Clean~~ Publicly Financed Election Fund established in section 1124.

Sec. 12. 21-A MRSA §1122, sub-§5, as enacted by IB 1995, c. 1, §17, is 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~~ Publicly Financed Election Act and who is not seeking to be certified as a Maine ~~Clean~~ Publicly Financed Election Act candidate under section 1125, subsection 5.

Sec. 13. 21-A MRSA §1122, sub-§6, as enacted by IB 1995, c. 1, §17, is amended to read:

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~~ Publicly Financed Election Act candidate under section 1125, subsection 5.

Sec. 14. 21-A MRSA §1122, sub-§8, ¶A, as amended by PL 2009, c. 363, §1, is repealed.

Sec. 15. 21-A MRSA §1122, sub-§9, as amended by PL 2007, c. 571, §10, is repealed and the following enacted in its place:

9. Seed money contribution. "Seed money contribution" means a contribution to a participating candidate of no more than $100 per individual, including the participating candidate or the candidate's spouse or domestic partner, made by a registered voter in the electoral division for the office the candidate is seeking and whose voter registration has been verified according to procedures established by the commission.

Sec. 16. 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. 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~~ Participating candidates and certified candidates must comply with the applicable provisions of this chapter and must also comply with all other applicable election and campaign laws and regulations.

Sec. 17. 21-A MRSA §1124, as amended by IB 2015, c. 1, §14, is further amended to read:

§1124. The Maine ~~Clean~~ Publicly Financed Election Fund established; sources of funding

1. Established. The Maine ~~Clean~~ Publicly Financed 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 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.

2. Sources of funding. The following must be deposited in the fund:

A. The qualifying contributions ~~and additional qualifying contributions~~ required under section 1125 when those contributions are submitted to the commission;

B. ~~Three~~ Two million dollars of the revenues from the taxes imposed under Title 36, Parts 3 and 8 and credited to the General Fund, transferred to the fund by the State Controller on or before January 1st of each year, beginning January 1, 1999. These revenues must be offset in an equitable manner by an equivalent reduction in tax expenditures as defined in Title 36, section 199-A, subsection 2. This section may not affect the funds distributed to the Local Government Fund under Title 30-A, section 5681.

C. Revenue from a tax checkoff program allowing a resident of the State who files a tax return with the State Tax Assessor to designate that $3 be paid into the fund. In the case of a joint return, each spouse may designate that $3 be paid. The State Tax Assessor shall report annually the amounts designated for the fund to the State Controller, who shall transfer that amount to the fund;

D. Seed money contributions remaining unspent after a candidate has been certified as a Maine ~~Clean~~ Publicly Financed Election Act candidate under section 1125, subsection 5;

E. Fund revenues that were distributed to a ~~Maine Clean Election Act~~ certified candidate and that remain unspent after the candidate has lost a primary election or after all general elections;

F. Other unspent fund revenues distributed to any ~~Maine Clean Election Act~~ certified candidate who does not remain a certified candidate throughout a primary or general election cycle;

G. Voluntary donations made directly to the fund; and

H. Fines collected under section 1020-A, subsection 4-A and section 1127.

4. Report on fund amount; operating margin. By January 1st of each year the commission shall provide to the Legislature and the Governor a report of its projection of the revenues and expenditures of the ~~Maine Clean Election Fund~~ fund for the subsequent 4-year period. The commission shall include in the report an operating margin of 20% to ensure sufficient funds in the event of higher-than-expected participation in the Maine ~~Clean~~ Publicly Financed Election Act. If any such report shows that the projected revenue for the subsequent 4-year period exceeds the projected expenses for that 4-year period plus the 20% operating margin, the commission shall notify the Legislature and the Governor and request that the amount of expected funding that exceeds the expected demand on the fund plus the operating margin be transferred to the General Fund. The Department of Administrative and Financial Services, Bureau of Revenue Services shall assist the commission with revenue projections required by this subsection. If at any time the commission determines that projected revenue is not sufficient to cover the projected demand for funds in the 4-year period plus the operating margin, the commission may submit legislation to request additional funding.

Sec. 18. 21-A MRSA §1125, sub-§1, as amended by PL 2019, c. 323, §27, is further amended to read:

1. Declaration of intent. A participating candidate shall file a declaration of intent to seek certification ~~as a Maine Clean Election Act candidate~~ under subsection 5 and to comply with the requirements of this chapter. The declaration of intent must be filed with the commission prior to or during the qualifying period, except as provided in subsection 11, according to forms and procedures developed by the commission. Qualifying contributions collected more than 5 business days before the declaration of intent has been filed will not be counted toward the eligibility requirements in subsection 3 ~~or 3-A~~.

Sec. 19. 21-A MRSA §1125, sub-§2, as amended by IB 2015, c. 1, §15, is further amended to read:

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

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

B. Three thousand dollars for a candidate for the State Senate; or

C. One thousand dollars for a candidate for the State House of Representatives.

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

Sec. 20. 21-A MRSA §1125, sub-§2-A, as amended by PL 2019, c. 323, §28, is further amended to read:

2-A. Seed money restrictions. To be eligible for certification under subsection 5, a participating candidate may collect and spend only seed money contributions made by a registered voter in the electoral division for the office the candidate is seeking subsequent to becoming a candidate and prior to certification. A participating candidate may not solicit, accept or collect seed money contributions after certification ~~as a Maine Clean Election Act candidate~~ under subsection 5.

A. All goods and services received prior to certification under subsection 5 must be paid for with seed money contributions, except for goods and services that are excluded from the definition of contribution in section 1012, subsection 2, paragraph B. It is a violation of this chapter for a certified candidate to use fund revenues received after certification to pay for goods and services received prior to certification under subsection 5.

B. Prior to certification under subsection 5, a participating candidate may obligate an amount greater than the seed money collected, but may only receive that portion of goods and services that has been paid for or will be paid for with seed money contributions. 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~~ under subsection 5 in accordance with rules of the commission, if the failure to comply was unintentional and does not constitute a significant infraction of these restrictions.

C. Upon requesting certification under subsection 5, a participating candidate shall file a report of all seed money contributions and expenditures. The report must include the information required by the commission by rule, verifying that each seed money contribution was made by a registered voter in the electoral division for the office the candidate is seeking and whose voter registration has been verified according to procedures established by the commission. If the candidate is certified, any unspent seed money contributions will be deducted from the amount distributed to the candidate as provided in ~~subsection~~ subsections 8-C, 8-D and 8-F.

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

Sec. 22. 21-A MRSA §1125, sub-§3-A, as amended by PL 2019, c. 323, §30, is repealed.

Sec. 23. 21-A MRSA §1125, sub-§5, as amended by IB 2015, c. 1, §20, is further amended to read:

5. Certification of Maine ~~Clean~~ Publicly Financed Election Act candidates. Upon receipt of a final submittal of qualifying contributions by a participating candidate, the executive director of the commission shall determine whether 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 no later than 5 business days after the end of the qualifying period;

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;

D-2. Not been found to have made a material false statement in a report or other document submitted to the commission;

D-3. Not otherwise substantially violated the provisions of this chapter or chapter 13;

D-4. Not failed to pay any civil penalty assessed by the commission under this Title, except that a candidate has 3 business days from the date of the request for certification to pay the outstanding penalty and remain eligible for certification;

D-5. Not submitted any fraudulent qualifying contributions or any falsified acknowledgement forms for qualifying contributions or seed money contributions; and

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

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

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. 24. 21-A MRSA §1125, sub-§5-A, ¶I, as enacted by PL 2009, c. 363, §6, is amended to read:

I. ~~As a gubernatorial candidate, failed~~ Failed to properly report seed money contributions as required by this section.

Sec. 25. 21-A MRSA §1125, sub-§6, as amended by PL 2017, c. 31, §1, is further amended to read:

6. Restrictions on contributions and expenditures for certified candidates. ~~After certification, a~~ A certified candidate must limit the candidate's campaign expenditures and

obligations, including outstanding obligations, to the revenues distributed to the candidate from the fund and may not accept any contributions unless specifically authorized by the commission. ~~Candidates~~ Certified candidates may also accept and spend interest earned on fund revenues in campaign bank accounts. All revenues distributed to a certified candidate from the fund must be used for campaign-related purposes. The certified candidate, the treasurer, the candidate's committee authorized pursuant to section 1013-A, subsection 1 or any agent of the candidate and committee may not use these revenues for any but campaign-related purposes. The certified candidate, the treasurer, the candidate's committee authorized pursuant to section 1013-A, subsection 1 or any agent of the candidate and committee may not use these revenues for post-election parties. This section does not prohibit a certified candidate from using personal funds for post-election parties as governed by rules of the commission. The commission shall publish guidelines outlining permissible campaign-related expenditures.

Sec. 26. 21-A MRSA §1125, sub-§7, as amended by IB 2015, c. 1, §22, is further amended to read:

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

A. Within 3 days after certification under subsection 5, for candidates certified prior to March 15th of the election year, revenues from the fund must be distributed as if the candidates are in an uncontested primary election.

B. Within 3 days after certification under subsection 5, for all candidates certified between March 15th and the end of the qualifying period of the election year, revenues from the fund must be distributed according to whether the candidate is in a contested or uncontested primary election.

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

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

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

Sec. 27. 21-A MRSA §1125, sub-§7-B, as enacted by IB 2015, c. 1, §23, is repealed.

Sec. 28. 21-A MRSA §1125, sub-§8-B, as enacted by IB 2015, c. 1, §25, is repealed.

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

8-C. Distributions to ~~participating~~ certified candidates for State Senate. Distributions from the fund to ~~participating~~ certified candidates for the State Senate must be made as follows.

A. For an uncontested primary election, the total distribution of revenues is $2,000 per candidate.

B. For a contested primary election, the total distribution of revenues is ~~$10,000~~ $7,500 per candidate.

C. For an uncontested general election, the total distribution of revenues is ~~$6,000~~ $7,000 per candidate.

D. For a contested general election, the ~~amount~~ total distribution of revenues ~~distributed is as follows:~~ is $21,500 per candidate.

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

~~(2) For each increment of 45 additional qualifying contributions a candidate collects and submits pursuant to subsection 8-E, not to exceed a total of 360 additional qualifying contributions, the supplemental distribution of revenues to that candidate is $5,000; and~~

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

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

8-D. Distributions to ~~participating~~ certified candidates for State House of Representatives. Distributions from the fund to ~~participating~~ certified candidates for the State House of Representatives must be made as follows.

A. For an uncontested primary election, the total distribution of revenues is $500 per candidate.

B. For a contested primary election, the total distribution of revenues is ~~$2,500~~ $1,500 per candidate.

C. For an uncontested general election, the total distribution of revenues is $1,500 per candidate.

D. For a contested general election, the ~~amount~~ total distribution of revenues ~~distributed is as follows:~~ is $4,500 per candidate.

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

~~(2) For each increment of 15 additional qualifying contributions a candidate collects and submits pursuant to subsection 8-E, not to exceed a total of 120 additional qualifying contributions, the supplemental distribution of revenues to that candidate is $1,250; and~~

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

Sec. 31. 21-A MRSA §1125, sub-§8-E, as amended by PL 2019, c. 323, §33, is repealed.

Sec. 32. 21-A MRSA §1125, sub-§8-F, as enacted by IB 2015, c. 1, §25, is amended to read:

8-F. ~~Amount~~ Adjustment of ~~distributions~~ distribution amounts. On December 1st of each even-numbered year the commission shall review and ~~adjust~~ maintain, increase or decrease the distribution amounts in subsections ~~8-B to~~ 8-C and 8-D based on the Consumer Price Index as reported by the United States Department of Labor, Bureau of Labor Statistics. If an adjustment is warranted by the Consumer Price Index, the distribution amounts must be adjusted, rounded to the nearest amount divisible by $25. When making adjustments under this subsection, the commission may not change the number of qualifying contributions ~~or additional qualifying contributions required to trigger an initial distribution or an increment of supplemental distribution~~ required by subsection 3, paragraph D. The commission shall post information about the distribution amounts including the date of any adjustment on its publicly accessible website and include this information with any publication to be used as a guide for candidates.

Sec. 33. 21-A MRSA §1125, sub-§10, as amended by IB 2015, c. 1, §26, is further amended to read:

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

Sec. 34. 21-A MRSA §1125, sub-§12-B, as enacted by PL 2007, c. 443, Pt. B, §6, is repealed.

Sec. 35. 21-A MRSA §1125, sub-§14, as amended by PL 2011, c. 389, §59, is further amended to read:

14. Appeals. A candidate who has been denied certification ~~as a Maine Clean Election Act candidate~~ under subsection 5 by the commission's executive director, the opponent of a candidate who has been granted certification ~~as a Maine Clean Election Act candidate~~ under subsection 5 or other interested persons may challenge a certification decision by the executive director as follows.

A. A challenger may appeal to the commission within 7 days of the certification decision. The appeal must be in writing and must set forth the reasons for the appeal.

B. Within 5 days after an appeal is properly made and after notice is given to the challenger and any opponent, the commission shall hold a hearing, except that the commission may extend this period upon agreement of the challenger and the candidate whose certification is the subject of the appeal, or in response to the request of either party upon a showing of good cause. The appellant has the burden of proving that the certification decision was in error as a matter of law or was based on factual error. The

commission must rule on the appeal within 5 business days after the completion of the hearing.

C. A challenger may appeal the decision of the commission in paragraph B by commencing an action in Superior Court within 5 days of the date of the commission's decision. The action must be conducted in accordance with Rule 80C of the Maine Rules of Civil Procedure, except that the court shall issue its written decision within 20 days of the date of the commission's decision. Any aggrieved party may appeal the decision of the Superior Court by filing a notice of appeal within 3 days of that decision. The record on appeal must be transmitted to the Law Court within 3 days after the notice of appeal is filed. After filing the notice of appeal, the parties have 4 days to file briefs and appendices with the clerk of the court. The court shall consider the case as soon as possible after the record and briefs have been filed and shall issue its decision within 14 days of the decision of the Superior Court.

D. A candidate whose certification ~~as a Maine Clean Election Act candidate~~ under subsection 5 is reversed on appeal must return to the commission any unspent revenues distributed from the fund. If the commission or court finds that an appeal was made frivolously or to cause delay or hardship, the commission or court may require the moving party to pay costs of the commission, court and opposing parties, if any.

Sec. 36. 21-A MRSA §1126, 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~~ may not be limited to procedures for obtaining qualifying contributions, certification as a Maine ~~Clean~~ Publicly Financed 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~~ fund revenues and compliance with the Maine ~~Clean~~ Publicly Financed Election Act. Rules of the commission required by this section are major substantive rules as defined in Title 5, chapter 375, subchapter ~~II-A~~ 2-A.

Sec. 37. 21-A MRSA §1127, sub-§2, as enacted by IB 1995, c. 1, §17, is amended to read:

2. Class E crime. A person who willfully or knowingly violates this chapter or rules of the commission or who willfully or knowingly makes a false statement in any report required by this chapter commits a Class E crime and, if certified as a Maine ~~Clean~~ Publicly Financed Election Act candidate under section 1125, subsection 5, must return to the fund all amounts distributed to the candidate.

Sec. 38. 21-A MRSA §1128, as amended by PL 2009, c. 190, Pt. B, §3, is further amended to read:

§1128. Study report

By March 15, 2011 and every 4 years after that date, the commission shall prepare for the joint standing committee of the Legislature having jurisdiction over legal affairs a report documenting, evaluating and making recommendations relating to the administration,

implementation and enforcement of the Maine ~~Clean~~ Publicly Financed Election Act and ~~Maine Clean Election Fund~~ the fund.

Sec. 39. 36 MRSA §5286, as enacted by IB 1995, c. 1, §18, is amended to read:

§5286. Contribution to Maine ~~Clean~~ Publicly Financed Election Fund; voluntary checkoff

1. Designation. Resident taxpayers may designate that $3 of their taxes be deposited in the Maine ~~Clean~~ Publicly Financed Election Fund in accordance with Title 21-A, section 1124.

2. Forms. The State Tax Assessor shall provide on the first page of the income tax form a space for the filing individual to indicate whether that filer wishes to pay $3, or $6 if filing a joint return, from the General Fund of the State to finance the Maine ~~Clean~~ Publicly Financed Election Fund.

3. Transfer of Funds. The State Tax Assessor shall transfer funds from the General Fund in accordance with Title 21-A, section 1124.

SUMMARY

This bill makes the following changes to the Maine Clean Election Act and other campaign finance laws.

1. It changes the title of the Maine Clean Election Act to the Maine Publicly Financed Election Act and the name of the Maine Clean Election Fund to the Maine Publicly Financed Election Fund.

2. It changes from $3,000,000 to $2,000,000 the amount of tax revenue required to be deposited in the fund by the State Controller each year.

3. It eliminates the ability of gubernatorial candidates to receive funding under the Maine Publicly Financed Election Act.

4. It restricts candidates seeking to participate in the Maine Publicly Financed Election Act to collecting seed money contributions from registered voters in the electoral division for the office a candidate is seeking.

5. It changes the distribution amounts for certified Maine Publicly Financed Election Act candidates to match the distribution amounts, rounded to the nearest $500, established by the Commission on Governmental Ethics and Election Practices for certified Maine Clean Election Act candidates in 2014. It clarifies the commission's authority to maintain, increase or reduce the amount of fund distributions every 2 years based on changes to the Consumer Price Index.

6. It eliminates the ability of certified Maine Publicly Financed Election Act candidates to obtain supplemental fund distributions by collecting additional qualifying contributions.

7. It removes a provision of the campaign finance laws requiring that communications that are financed by independent expenditures include a conspicuous statement listing the top 3 funders of the entity making the independent expenditure.

8. It specifies that only party committees and political action committees, and not individuals, are required to file reports with the commission of independent expenditures aggregating in excess of $250 during any one candidate's election.