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STATE OF MAINE
SENATE
132ND LEGISLATURE
FIRST SPECIAL SESSION

SENATE AMENDMENT " " to S.P. 452, L.D. 1068, "An Act to Allow the People to Elect the State Auditor"

Amend the bill by striking out the title and substituting the following:

'An Act to Allow the People to Elect the State Auditor by Ranked-choice Voting and Allow Candidates for State Auditor to Participate in the Maine Clean Election Act'

Amend the bill by inserting after section 1 the following:

'Sec. 2. 21-A MRSA §1, sub-§27-C, ¶D, as repealed and replaced by PL 2021, c. 273, §1, is amended to read:

D. General elections for presidential electors; and

Sec. 3. 21-A MRSA §1, sub-§27-C, ¶E, as repealed and replaced by PL 2021, c. 273, §1, is amended to read:

E. Primary elections for the office of President of the United States; and

Sec. 4. 21-A MRSA §1, sub-§27-C, ¶F is enacted to read:

F. Primary and general elections for the office of State Auditor.

Sec. 5. 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 or State Auditor who chooses to participate in the Maine Clean Election Act and who is certified as a Maine Clean Election Act candidate under section 1125, subsection 5.

Sec. 6. 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 or State Auditor who does not choose to participate in the Maine Clean Election Act and who is not seeking to be certified as a Maine Clean Election Act candidate under section 1125, subsection 5.

Sec. 7. 21-A MRSA §1122, sub-§6, as enacted by IB 1995, c. 1, §17, is amended to read:

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1 **6. Participating candidate.** "Participating candidate" means a candidate who is
2 running for Governor, State Senator ~~or~~, State Representative or State Auditor who is
3 seeking to be certified as a Maine Clean Election Act candidate under section 1125,
4 subsection 5.

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

7 B. For State Senate ~~or~~, State House of Representatives or State Auditor participating
8 candidates, the qualifying period begins January 1st of the election year and ends at
9 5:00 p.m. on April 20th of that election year or the next business day following April
10 20th if the office of the commission is closed on April 20th.

11 **Sec. 9. 21-A MRSA §1123,** as enacted by IB 1995, c. 1, §17, is amended to read:

12 **§1123. Alternative campaign financing option**

13 This chapter establishes an alternative campaign financing option available to
14 candidates running for Governor, State Senator ~~and~~, State Representative and State
15 Auditor. This alternative campaign financing option is available to candidates running for
16 Governor, State Senator and State Representative for elections to be held beginning in the
17 year 2000. This alternative campaign financing option is available to candidates running
18 for State Auditor for elections to be held beginning in the year 2028. The commission shall
19 administer this Act and the fund. Candidates participating in the Maine Clean Election Act
20 ~~must~~ shall also comply with all other applicable election and campaign laws and
21 regulations.

22 **Sec. 10. 21-A MRSA §1124, sub-§1,** as enacted by IB 1995, c. 1, §17, is amended
23 to read:

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

30 **Sec. 11. 21-A MRSA §1125, sub-§2-C,** as enacted by PL 2021, c. 132, §10, is
31 amended to read:

32 **2-C. Change in campaign financing.** If a candidate has accepted contributions as a
33 candidate for Governor, State Senator ~~or~~, State Representative or State Auditor that are not
34 seed money contributions as defined in section 1122, subsection 9 or do not comply with
35 the seed money restrictions in subsections 2 and 2-A, the candidate is ineligible for
36 certification in the same election cycle.

37 **Sec. 12. 21-A MRSA §1125, sub-§5,** as amended by IB 2015, c. 1, §20, is further
38 amended by amending the first blocked paragraph to read:

39 The executive director shall certify a candidate complying with the requirements of this
40 section as a Maine Clean Election Act candidate as soon as possible after final submittal of
41 qualifying contributions and other supporting documents required under subsection 4 but
42 no later than 3 business days for legislative and State Auditor candidates and 5 business
43 days for gubernatorial candidates. The executive director may take additional time if

1 further investigation is necessary to verify compliance with this Act as long as the
2 commission notifies the candidate regarding the anticipated schedule for conclusion of the
3 investigation. A candidate or other interested person may appeal the decision of the
4 executive director to the members of the commission in accordance with subsection 14.

5 **Sec. 13. 21-A MRSA §1125, sub-§7-B, ¶B,** as enacted by IB 2015, c. 1, §23, is
6 amended to read:

7 B. For legislative and State Auditor candidates, any supplemental general election
8 distributions made pursuant to subsections 8-C and 8-D must be made within 3
9 business days of certification by the commission of the required number of additional
10 qualifying contributions.

11 **Sec. 14. 21-A MRSA §1125, sub-§8-E, ¶B,** as enacted by IB 2015, c. 1, §25, is
12 amended to read:

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

15 **Sec. 15. 21-A MRSA §1125, sub-§8-F,** as enacted by IB 2015, c. 1, §25, is
16 amended to read:

17 **8-F. Amount of distributions.** On December 1st of each even-numbered year the
18 commission shall review and adjust the distribution amounts in subsections 8-B to 8-D and
19 the distribution amounts for State Auditor candidates established by the commission based
20 on the Consumer Price Index as reported by the United States Department of Labor, Bureau
21 of Labor Statistics. If an adjustment is warranted by the Consumer Price Index, the
22 distribution amounts must be adjusted, rounded to the nearest amount divisible by \$25.
23 When making adjustments under this subsection, the commission may not change the
24 number of qualifying contributions or additional qualifying contributions required to
25 trigger an initial distribution or an increment of supplemental distribution. The commission
26 shall post information about the distribution amounts including the date of any adjustment
27 on its publicly accessible website and include this information with any publication to be
28 used as a guide for candidates.

29 **Sec. 16. 21-A MRSA §1125, sub-§10,** as amended by IB 2015, c. 1, §26, is further
30 amended to read:

31 **10. Candidate not enrolled in a party.** An unenrolled candidate for the Legislature
32 or State Auditor who submits the required number of qualifying contributions and other
33 required documents under subsection 4 by 5:00 p.m. on April 20th preceding the primary
34 election and who is certified is eligible for revenues from the fund in the same amounts and
35 at the same time as an uncontested primary election candidate and a general election
36 candidate as specified in subsections 7, 8-C and 8-D. Revenues for the general election
37 must be distributed to the candidate as specified in subsection 7. An unenrolled candidate
38 for Governor who submits the required number of qualifying contributions and other
39 required documents under subsection 4 by 5:00 p.m. on April 1st preceding the primary
40 election and who is certified is eligible for revenues from the fund in the same amounts and
41 at the same time as an uncontested primary election gubernatorial candidate and a general
42 election gubernatorial candidate as specified in subsections 7 and 8-B. Revenues for the
43 general election must be distributed to the candidate for Governor as specified in subsection
44 7.

