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Date: (Filing No. S-)

VETERANS AND LEGAL AFFAIRS

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**STATE OF MAINE
SENATE
131ST LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 113, L.D. 247, “An Act to Amend the Laws Governing Elections”

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

'An Act Regarding Replacement Candidates Under the Maine Clean Election Act'

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 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 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 or 11-A, 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. 2. 21-A MRSA §1125, sub-§4, as amended by PL 2009, c. 363, §4, is further amended to read:

4. Filing with commission. A participating candidate must submit qualifying contributions, receipt and acknowledgement forms, proof of verification of voter registration and a seed money report to the commission during the qualifying period according to procedures developed by the commission, except as provided under subsection 11 or 11-A.

Sec. 3. 21-A MRSA §1125, sub-§11, as enacted by IB 1995, c. 1, §17, is amended to read:

11. Other procedures. The commission shall establish by rule procedures for qualification, certification, disbursement of fund revenues and return of unspent fund

COMMITTEE AMENDMENT

1 revenues for races involving special elections; or recounts, vacancies, withdrawals or
2 replacement candidates.

3 **Sec. 4. 21-A MRSA §1125, sub-§11-A** is enacted to read:

4 **11-A. Vacancies, withdrawals or replacement candidates.** If a candidate dies,
5 withdraws or is disqualified before an election, the qualifying period for any replacement
6 candidate begins when the Secretary of State receives a notice of withdrawal or declares a
7 vacancy, whichever occurs earlier. The commission shall establish by rule the end of the
8 qualifying period for a replacement candidate and procedures for certification,
9 disbursement of fund revenues and return of unspent fund revenues for races involving
10 vacancies, withdrawals or replacement candidates. Qualifying contributions collected by
11 a replacement candidate under this subsection may not be deposited into the fund until the
12 replacement candidate has been nominated and, if the replacement candidate is not
13 officially nominated, the commission shall return the qualifying contributions to the
14 contributors, unless the contributor authorizes the deposit of the qualifying contribution
15 into the fund. Rules of the commission adopted under this subsection are routine technical
16 rules as defined in Title 5, chapter 375, subchapter 2-A.

17 **Sec. 5. 21-A MRSA §1126**, as amended by PL 2001, c. 465, §7, is further amended
18 to read:

19 **§1126. Commission to adopt rules**

20 The commission shall adopt rules to ensure effective administration of this chapter.
21 These rules must include but ~~must~~ may not be limited to procedures for obtaining qualifying
22 contributions, certification as a Maine Clean Election Act candidate, circumstances
23 involving special elections, ~~vacancies, recounts, withdrawals or replacements,~~ collection
24 of revenues for the fund, distribution of fund revenue to certified candidates, return of
25 unspent fund disbursements, disposition of equipment purchased with clean election funds
26 and compliance with the Maine Clean Election Act. Rules of the commission required by
27 this section are major substantive rules as defined in Title 5, chapter 375, subchapter ~~H-A~~
28 2-A.

29 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
30 number to read consecutively.

31 **SUMMARY**

32 This amendment replaces the bill, which is a concept draft, and is the unanimous report
33 of the committee. The amendment establishes the beginning of the qualifying period for
34 any replacement candidate who wishes to qualify as a Maine Clean Election Act candidate
35 as when the Secretary of State receives a notice of withdrawal or declares a vacancy,
36 whichever occurs first. The amendment requires the Commission on Governmental Ethics
37 and Election Practices to establish, by routine technical rule, a procedure to establish the
38 end date for the qualifying period for a replacement candidate. The amendment also
39 requires the commission to establish, by routine technical rule, procedures for certification,
40 disbursement of Maine Clean Election Fund revenues and return of unspent fund revenues
41 for races involving vacancies, withdrawals or replacement candidates. The rules must
42 provide that qualifying contributions collected by a replacement candidate may not be
43 deposited into the Maine Clean Election Fund until the replacement candidate is nominated
44 and that if the replacement candidate is not officially nominated, the commission must

1 return the qualifying contributions to the contributors, unless the contributor authorizes the
2 deposit of the qualifying contribution into the fund.

3

FISCAL NOTE REQUIRED

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(See attached)