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An Act To Amend the Maine Clean Election Laws Governing Gubernatorial Candidates

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

Sec. 1. 21-A MRSA §1122, sub-§8, as amended by PL 2001, c. 465, §3, is further amended to read:

8. Qualifying period. "Qualifying period" means the following.

A. For a gubernatorial participating candidate, the qualifying period begins November 1st immediately preceding the election year and ends at 5:00 p.m. on April 15th of the election year unless the candidate is unenrolled, in which case the period ends at 5:00 p.m. on June 2nd of the election year.

B. For State Senate or State House of Representatives participating candidates, the qualifying period begins January 1st of the election year and ends at 5:00 p.m. on April 15th of that election year unless the candidate is unenrolled, in which case the period ends at 5:00 p.m. on June 2nd of the election year.

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

A. ~~Fifty~~Three hundred thousand dollars for a gubernatorial candidate;

Sec. 3. 21-A MRSA §1125, sub-§2-B is enacted to read:

2-B. Seed money required for gubernatorial candidates; documentation.

Gubernatorial candidates seeking certification are required to submit the following to the commission in order to satisfy the seed money requirement prescribed in section 1125, subsection 5, paragraph C-1:

A. A contribution acknowledgement form, determined by the commission, to be completed by each person that contributes seed money that includes the name, residence address, mailing address, telephone number and a signature of the person making the seed money contribution acknowledging that the contribution was made with the person's personal funds and will not be reimbursed by any source.

B. A list of the seed money contributions, including the date and amount of the contribution, the name, residence address, mailing address, telephone number of the contributor and any other information determined necessary by the commission.

C. For seed money contributions received by check or money order, photocopies of the check or money order.

D. For seed money contributions received by debit or credit card, a bank or merchant account statement that contains the cardholder's name and that otherwise meets requirements specified by the commission in order to verify compliance with section 1125, subsection 5, paragraph C-1.

The commission may permit the submission of an online acknowledgement form as required by paragraph A for seed money contributions made via the Internet.

Sec. 4. 21-A MRSA §1125, sub-§5, ¶C-1 is enacted to read:

C-1. As a gubernatorial candidate, collected at least \$40,000 in seed money contributions from registered voters in the State;

Sec. 5. 21-A MRSA §1125, sub-§5-A, as enacted by PL 2007, c. 443, Pt. B, §6, is amended 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;
- C. Submitted any fraudulent qualifying contributions or qualifying contributions that were not made by the named contributor;
- D. Misrepresented to a contributor the purpose of the qualifying contribution or obtaining the contributor's signature on the receipt and acknowledgement form;
- E. Failed to fully comply with the seed money restrictions;
- F. Knowingly accepted any contributions, including any 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 substantially violated the provisions of this chapter or chapter 13.; or
- I. As a gubernatorial candidate, failed to properly report seed money contributions as required by this section.

The determination to revoke the certification of a candidate must be made by a vote of the members of the commission after an opportunity for a hearing. A candidate whose certification is revoked shall return all unspent funds to the commission within 3 days of the commission's decision and may be required to return all funds distributed to the candidate. In addition to the requirement to return funds, the candidate may be subject to a civil penalty under section 1127. The candidate may appeal the commission's decision to revoke certification in the same manner provided in subsection 14, paragraph C.

Sec. 6. 21-A MRSA §1125, sub-§8, ¶E, as enacted by PL 2003, c. 453, §1, is amended to read:

E. For gubernatorial primary elections, the amount of revenues distributed is ~~\$200,000~~\$400,000 per candidate in the primary election.

Sec. 7. 21-A MRSA §1125, sub-§9, as amended by PL 2007, c. 443, Pt. B, §6, is further amended to read:

9. Matching funds. When any report required under this chapter or chapter 13 shows that the sum of a candidate's expenditures or obligations, contributions and loans, or fund revenues received, whichever is greater, in conjunction with independent expenditures reported under section 1019-B, exceeds the sum of an opposing certified candidate's fund revenues, in conjunction with independent expenditures, the commission shall issue immediately to the opposing certified candidate an additional amount equivalent to the difference. Matching funds for certified candidates for the Legislature are limited to 2 times the amount originally distributed under subsection 8, paragraph A or C, whichever is applicable. Matching funds for certified gubernatorial candidates in a primary election are limited to ~~2 times~~ the amount originally distributed under subsection 8, paragraph E. Matching funds for certified gubernatorial candidates in a general election are limited to the amount originally distributed under subsection 8, paragraph F.

SUMMARY

This bill changes the requirements for a gubernatorial candidate who wishes to run for Governor as a participating candidate in the Maine Clean Election Act. This bill removes the extended qualifying period for unenrolled candidates seeking to certify as participating candidates. It requires the collection of at least \$40,000 in seed money contributions from registered voters in the State and requires that each seed money contributor fill out a contribution acknowledgment form that, along with other information, states that the contributor made the contribution using personal funds and will not be reimbursed by any source. It allows a gubernatorial candidate to collect up to \$300,000 in seed money. Current law limits seed money to \$50,000. The bill also provides that failure to properly report seed money contributions may result in revocation of the candidate's certification as a Maine Clean Election Act candidate. The bill changes the distribution amount for primary election funds to gubernatorial candidates to \$400,000 for each election. The bill also limits matching funds distributed to gubernatorial candidates to \$400,000 instead of twice that amount.