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

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this legislation makes changes to the Maine Clean Election Act for funding of gubernatorial candidates, including increasing seed money contributions; and

Whereas, the window within which prospective candidates for the 2010 gubernatorial race must make a decision concerning whether to accept Maine Clean Election Act funds is closing rapidly; and

Whereas, in order for a prospective gubernatorial candidate to make a fully informed decision regarding participation as a Maine Clean Election Act candidate, it is imperative that the changes made by this legislation take effect as soon as possible; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

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

A. For a gubernatorial participating candidate, the qualifying period begins ~~November 1st~~October 15th immediately preceding the election year and ends at 5:00 p.m. on ~~April 15th~~1st 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.~~

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

A. ~~Fifty~~Two 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. For seed money contributions that a candidate for Governor collects to satisfy the requirement in subsection 5, paragraph C-1, the candidate shall obtain the contributor's name, residence address, mailing address, telephone number if provided by the contributor and other information required for reporting under section 1017, subsection 5. For these contributions, the candidate shall submit to the commission during the qualifying period:

A. A contribution acknowledgment form as determined by the commission, to be completed by each person that contributes seed money, that includes the name, residence address, mailing address, optional telephone number and 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 in a format determined by the commission that includes the name and mailing address of the contributor;

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

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 the requirements specified by the commission in order to verify compliance with subsection 5, paragraph C-1.

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

Sec. 4. 21-A MRSA §1125, sub-§4, as amended by PL 2007, c. 443, Pt. B, §6, 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. ~~Candidates for Governor shall also submit photocopies of all seed money contributions received by check or money order, bank or merchant account statements of contributions received by credit or debit card and bank or other account statements for the campaign account.~~

Sec. 5. 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. 6. 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. 7. 21-A MRSA §1125, sub-§7, ¶B, as amended by PL 2001, c. 465, §4, is further amended to read:

B. Within 3 days after certification, for all candidates certified between March 15th and ~~April 15th~~ 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.

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

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

Sec. 9. 21-A MRSA §1125, sub-§8, ¶E-1 is enacted to read:

E-1. For uncontested gubernatorial primary elections, the amount of revenues distributed is \$200,000 per candidate in the primary election.

Sec. 10. 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 $\frac{1}{2}$ the amount originally distributed under subsection 8, paragraph E for contested candidates and subsection 8, paragraph E-1 for uncontested candidates. Matching funds for certified gubernatorial candidates in a general election are limited to the amount originally distributed under subsection 8, paragraph F.

Sec. 11. 21-A MRSA §1125, sub-§10, as amended by PL 2007, c. 443, Pt. B, §6, 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 15th 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 candidate and a general election candidate as specified in subsections 7 and 8. Otherwise, an unenrolled candidate for the Legislature must submit the required number of qualifying contributions and the other required documents under subsection 4 by 5:00 p.m. on June 2nd preceding the general election. If certified, the candidate is eligible for revenues from the fund in the same amounts as a general election candidate, as specified in subsection 8. Revenues for the general election must be distributed to the candidate no later than 3 days after certification. An unenrolled candidate for Governor who submits the required number of qualifying contributions and other required documents under subsections 2-B and 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. Revenues for the general election must be distributed to the candidate for Governor no later than 3 days after the primary election results are certified.

Sec. 12. Routine technical rules. Notwithstanding the Maine Revised Statutes, Title 21-A, section 1126, rules adopted by the Commission on Governmental Ethics and Election Practices to implement this Act are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 13. Application. This Act applies to gubernatorial candidates seeking certification under the Maine Clean Election Act beginning with primary and general elections in 2010, regardless of when a gubernatorial candidate registered as a candidate with the Commission on Governmental Ethics and Election Practices or when the candidate filed a declaration of intent with the commission under the Maine Revised Statutes, Title 21-A, section 1125, subsection 1.

Sec. 14. Appropriations and allocations. The following appropriations and allocations are made.

ETHICS AND ELECTION PRACTICES, COMMISSION ON GOVERNMENTAL

Governmental Ethics and Election Practices - Commission on 0414

Initiative: Reduces funding for the Maine Clean Election Fund based upon changes in seed money requirements and matching funds for gubernatorial candidates.

PUBLIC Law, Chapter 363 LD 1380, item 1, 124th Maine State Legislature
An Act To Amend the Maine Clean Election Laws Governing Gubernatorial Candidates

OTHER SPECIAL REVENUE FUNDS	2009-10	2010-11
All Other	(\$800,000)	(\$600,000)
OTHER SPECIAL REVENUE FUNDS TOTAL	(\$800,000)	(\$600,000)

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 11, 2009.