

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Strengthen the Maine Clean Election Act

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

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

B. ~~One thousand five hundred~~Three thousand dollars for a candidate for the State Senate; or

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

Sec. 2. 21-A MRSA §1125, sub-§2-B, as amended by PL 2009, c. 524, §14, is repealed.

Sec. 3. 21-A MRSA §1125, sub-§3, ¶A, as amended by PL 2007, c. 240, Pt. F, §1 and c. 443, Pt. B, §6, is further amended to read:

A. For a gubernatorial candidate, at least ~~3,250~~3,200 verified registered voters of this State must support the candidacy by providing a qualifying contribution to that candidate;

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

3-A. Additional qualifying contributions. Participating candidates may obtain additional qualifying contributions at the times specified in subsection 8-E as follows:

A. For a gubernatorial candidate, up to 12,800 verified registered voters of this State may support the candidacy by providing an additional qualifying contribution to that candidate;

B. For a candidate for the State Senate, up to 360 verified registered voters from the candidate's electoral division may support the candidacy by providing an additional qualifying contribution to that candidate; and

C. For a candidate for the State House of Representatives, up to 120 verified registered voters from the candidate's electoral division may support the candidacy by providing an additional qualifying contribution to that candidate.

A verified registered voter may give to the same candidate either one qualifying contribution or one additional qualifying contribution but not both during the same election year.

Sec. 5. 21-A MRSA §1125, sub-§5, ¶C-1, as enacted by PL 2009, c. 363, §5, is repealed.

Sec. 6. 21-A MRSA §1125, sub-§7, as amended by PL 2009, c. 302, §15 and affected by §24 and amended by c. 363, §7, 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 ~~subsection 8-A~~subsections 8-B to 8-D in the following manner.

A. Within 3 days after certification, 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, 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. 7. 21-A MRSA §1125, sub-§7-B is enacted to read:

7-B. Timing of supplemental fund distribution. The following provisions govern the timing of supplemental fund distributions.

A. For gubernatorial candidates, any supplemental primary or general election distributions made pursuant to subsection 8-B must be made within 3 business days of certification by the commission of the required number of additional qualifying contributions.

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

Sec. 8. 21-A MRSA §1125, sub-§8-A, as amended by PL 2011, c. 558, §§6 and 7, is further amended to read:

8-A. Amount of fund distribution. By September 1, 2011, and at least every 2 years after that date, the commission shall determine the amount of funds to be distributed to participating candidates in legislative elections based on the type of election and office. In making this determination, the commission may take into consideration any relevant information, including but not limited to:

A. The range of campaign spending by candidates for that office in the 2 preceding elections; and

B. The Consumer Price Index published monthly by the United States Department of Labor, Bureau of Labor Statistics and any other significant changes in the costs of campaigning such as postage or fuel.

Before making any determination, the commission shall provide notice of the determination and an opportunity to comment to the President of the Senate, the Speaker of the House of Representatives, all floor leaders, the members of the joint standing committee of the Legislature having jurisdiction over legal affairs and persons who have expressed interest in receiving notices of opportunities to comment on the commission's rules and policies. The commission shall present at a public meeting the basis for the commission's final determination.

~~For contested gubernatorial primary elections, the amount of revenues distributed is \$400,000 per candidate in a primary election. For uncontested gubernatorial primary elections the amount of revenues distributed is \$200,000. For contested and uncontested gubernatorial general elections, the amount of revenues distributed is \$600,000 per candidate in the general election.~~

Sec. 9. 21-A MRSA §1125, sub-§§8-B to 8-E are enacted to read:

8-B. Distributions to participating gubernatorial candidates. Distributions from the fund to participating gubernatorial candidates must be made as follows.

A. For uncontested primary elections, the total distribution of revenues is \$200,000 per candidate.

B. For contested primary elections, the amount of revenues distributed is as follows:

(1) The initial distribution of revenues is \$400,000 per candidate;

(2) For each increment of 800 additional qualifying contributions the candidate submits pursuant to subsection 3-A, not to exceed a total of 3,200 additional qualifying contributions, the supplemental distribution of revenues is \$150,000 per candidate; and

(3) The total amount of revenues distributed for a contested primary election may not exceed \$1,000,000 per candidate.

C. For uncontested general elections, the total distribution of revenues is \$600,000 per candidate.

D. For contested general elections, the amount of revenues distributed is as follows:

(1) The initial distribution of revenues is \$600,000 per candidate;

(2) For each increment of 1,200 additional qualifying contributions the candidate submits pursuant to subsection 3-A, not to exceed a total of 9,600 additional qualifying contributions, the supplemental distribution of revenues is \$175,000 per candidate; and

(3) The total amount of revenues distributed for a contested general election may not exceed \$2,000,000 per candidate.

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

- A. For uncontested primary elections, the total distribution of revenues is \$2,000 per candidate.
- B. For contested primary elections, the total distribution of revenues is \$10,000 per candidate.
- C. For uncontested general elections, the total distribution of revenues is \$20,000 per candidate.
- D. For contested general elections, the amount of revenues distributed is as follows:

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

(2) For each increment of 45 additional qualifying contributions the candidate receives pursuant to subsection 3-A, not to exceed a total of 360 additional qualifying contributions, the supplemental distribution of revenues is \$5,000 per candidate; and

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

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

- A. For uncontested primary elections, the total distribution of revenues is \$500 per candidate.
- B. For contested primary elections, the total distribution of revenues is \$2,500 per candidate.
- C. For uncontested general elections, the total distribution of revenues is \$5,000 per candidate.
- D. For contested general elections, the amount of revenues distributed is as follows:

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

(2) For each increment of 15 additional qualifying contributions the candidate receives pursuant to subsection 3-A, not to exceed a total of 120 additional qualifying contributions, the supplemental distribution of revenues is \$1,250 per candidate; and

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

8-E. Collection and submission of additional qualifying contributions.

Participating candidates may collect and submit additional qualifying contributions to the commission as follows:

A. For gubernatorial candidates, no earlier than October 15th of the year before the election and no later than 3 weeks before election day; and

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

Additional qualifying contributions may be submitted at any time in any amounts in accordance with the schedules in this subsection. The commission shall make supplemental distributions to candidates in the amounts specified in subsections 8-B to 8-D as the number of certified qualifying contributions submitted equals the increments specified in subsections 8-B to 8-D. In the event that a candidate submits additional qualifying contributions prior to a primary election in excess of the number of qualifying contributions for which a candidate may receive a distribution, the excess qualifying contributions must be counted as general election additional qualifying contributions if the candidate has a contested general election, but supplemental distributions based on these excess qualifying contributions may not be distributed until after the primary election.

Sec. 10. 21-A MRSA §1125, sub-§10, as amended by PL 2011, c. 389, §56 and affected by §62, 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 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-A8-D~~. Revenues for the general election must be distributed to the candidate ~~no later than 3 days after certification~~ as specified in subsection 7. An unenrolled candidate for Governor who submits the required number of qualifying contributions and other required documents under ~~subsections 2-B and~~ 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-A8-B~~. 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~~ as specified in subsection 7.

SUMMARY

This bill makes the following changes to the Maine Clean Election Act.

1. It doubles the current seed money cap for participating Senate and House candidates and removes the seed money requirement for gubernatorial candidates.

2. It replaces the Maine Clean Election Act matching funds system with a system of optional supplemental funding for participating Maine Clean Election Act candidates who collect additional qualifying contributions.

3. It also establishes new baseline initial distribution amounts.