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No. 300

H.P. 233

House of Representatives, January 31, 2017

**An Act To Preserve Funding for the Maine Clean Election Act by
Removing Gubernatorial Candidates from Eligibility**

Reference to the Committee on Veterans and Legal Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative SUTTON of Warren.
Cosponsored by Senator BRAKEY of Androscoggin and
Representatives: FARRIN of Norridgewock, HAWKE of Boothbay Harbor, PIERCE of
Dresden, SANDERSON of Chelsea, SIROCKI of Scarborough.

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

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

4 **1. Certified candidate.** "Certified candidate" means a candidate running for
5 ~~Governor~~, State Senator or State Representative who chooses to participate in the Maine
6 Clean Election Act and who is certified as a Maine Clean Election Act candidate under
7 section 1125, subsection 5.

8 **Sec. 2. 21-A MRSA §1122, sub-§§5 and 6**, as enacted by IB 1995, c. 1, §17, are
9 amended to read:

10 **5. Nonparticipating candidate.** "Nonparticipating candidate" means a candidate
11 running for ~~Governor~~, State Senator or State Representative who does not choose to
12 participate in the Maine Clean Election Act and who is not seeking to be certified as a
13 Maine Clean Election Act candidate under section 1125, subsection 5.

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

17 **Sec. 3. 21-A MRSA §1122, sub-§8, ¶A**, as amended by PL 2009, c. 363, §1, is
18 repealed.

19 **Sec. 4. 21-A MRSA §1123**, as enacted by IB 1995, c. 1, §17, is amended to read:

20 **§1123. Alternative campaign financing option**

21 This chapter establishes an alternative campaign financing option available to
22 candidates running for ~~Governor~~, State Senator and State Representative. This alternative
23 campaign financing option is available to candidates for elections to be held beginning in
24 the year 2000. The commission shall administer this Act and the fund. Candidates
25 participating in the Maine Clean Election Act must also comply with all other applicable
26 election and campaign laws and regulations.

27 **Sec. 5. 21-A MRSA §1124, sub-§1**, as enacted by IB 1995, c. 1, §17, is amended
28 to read:

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

35 **Sec. 6. 21-A MRSA §1125, sub-§2, ¶A**, as amended by PL 2009, c. 363, §2, is
36 repealed.

1 **Sec. 7. 21-A MRSA §1125, sub-§3, ¶A**, as amended by IB 2015, c. 1, §18, is
2 repealed.

3 **Sec. 8. 21-A MRSA §1125, sub-§5**, as amended by IB 2015, c. 1, §20, is further
4 amended to read:

5 **5. Certification of Maine Clean Election Act candidates.** Upon receipt of a final
6 submittal of qualifying contributions by a participating candidate, the executive director
7 of the commission shall determine whether the candidate has:

- 8 A. Signed and filed a declaration of intent to participate in this Act;
- 9 B. Submitted the appropriate number of valid qualifying contributions;
- 10 C. Qualified as a candidate by petition or other means no later than 5 business days
11 after the end of the qualifying period;
- 12 D. Not accepted contributions, except for seed money contributions, and otherwise
13 complied with seed money restrictions;
- 14 D-1. Not run for the same office as a nonparticipating candidate in a primary election
15 in the same election year;
- 16 D-2. Not been found to have made a material false statement in a report or other
17 document submitted to the commission;
- 18 D-3. Not otherwise substantially violated the provisions of this chapter or chapter 13;
- 19 D-4. Not failed to pay any civil penalty assessed by the commission under this Title,
20 except that a candidate has 3 business days from the date of the request for
21 certification to pay the outstanding penalty and remain eligible for certification;
- 22 D-5. Not submitted any fraudulent qualifying contributions or any falsified
23 acknowledgement forms for qualifying contributions or seed money contributions;
24 and
- 25 E. Otherwise met the requirements for participation in this Act.

26 The executive director shall certify a candidate complying with the requirements of this
27 section as a Maine Clean Election Act candidate as soon as possible after final submittal
28 of qualifying contributions and other supporting documents required under subsection 4
29 but no later than 3 business days ~~for legislative candidates and 5 business days for~~
30 ~~gubernatorial candidates~~. The executive director may take additional time if further
31 investigation is necessary to verify compliance with this Act as long as the commission
32 notifies the candidate regarding the anticipated schedule for conclusion of the
33 investigation. A candidate or other interested person may appeal the decision of the
34 executive director to the members of the commission in accordance with subsection 14.

35 A certified candidate must comply with all requirements of this Act after certification and
36 throughout the primary and general election periods. Failure to do so is a violation of this
37 chapter.

38 **Sec. 9. 21-A MRSA §1125, sub-§5-A, ¶¶G and H**, as amended by PL 2009, c.
39 363, §6, are further amended to read:

1 G. Knowingly made a false statement or material misrepresentation in any report or
2 other document required to be filed under this chapter or chapter 13; or

3 H. Otherwise substantially violated the provisions of this chapter or chapter 13; ~~or.~~

4 **Sec. 10. 21-A MRSA §1125, sub-§5-A, ¶I**, as enacted by PL 2009, c. 363, §6, is
5 repealed.

6 **Sec. 11. 21-A MRSA §1125, sub-§7**, as amended by IB 2015, c. 1, §22, is
7 further amended to read:

8 **7. Timing of initial fund distribution.** The commission shall distribute to certified
9 candidates revenues from the fund in amounts determined under subsections ~~8-B to~~ 8-C
10 and 8-D in the following manner.

11 A. Within 3 days after certification, for candidates certified prior to March 15th of
12 the election year, revenues from the fund must be distributed as if the candidates are
13 in an uncontested primary election.

14 B. Within 3 days after certification, for all candidates certified between March 15th
15 and the end of the qualifying period of the election year, revenues from the fund must
16 be distributed according to whether the candidate is in a contested or uncontested
17 primary election.

18 B-1. For candidates in contested primary elections receiving a distribution under
19 paragraph A, additional revenues from the fund must be distributed within 3 days of
20 March 15th of the election year.

21 C. No later than 3 days after the primary election results are certified, for general
22 election certified candidates, revenues from the fund must be distributed according to
23 whether the candidate is in a contested or uncontested general election.

24 Funds may be distributed to certified candidates under this section by any mechanism that
25 is expeditious, ensures accountability and safeguards the integrity of the fund.

26 **Sec. 12. 21-A MRSA §1125, sub-§7-B, ¶A**, as enacted by IB 2015, c. 1, §23, is
27 repealed.

28 **Sec. 13. 21-A MRSA §1125, sub-§8-B**, as enacted by IB 2015, c. 1, §25, is
29 repealed.

30 **Sec. 14. 21-A MRSA §1125, sub-§§8-E and 8-F**, as enacted by IB 2015, c. 1,
31 §25, are amended to read:

32 **8-E. Collection and submission of additional qualifying contributions.**
33 Participating candidates may collect and submit additional qualifying contributions in
34 accordance with subsection 3-A to the commission as follows:

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

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

1 Additional qualifying contributions may be submitted to the commission at any time in
2 any amounts in accordance with the schedules in this subsection. The commission shall
3 make supplemental distributions to candidates in the amounts and in accordance with the
4 increments specified in subsections ~~8-B to~~ 8-C and 8-D. If a candidate submits additional
5 qualifying contributions prior to a primary election in excess of the number of qualifying
6 contributions for which a candidate may receive a distribution, the excess qualifying
7 contributions must be counted as general election additional qualifying contributions if
8 the candidate has a contested general election, but supplemental distributions based on
9 these excess qualifying contributions may not be distributed until after the primary
10 election.

11 **8-F. Amount of distributions.** On December 1st of each even-numbered year the
12 commission shall review and adjust the distribution amounts in subsections ~~8-B to~~ 8-C
13 and 8-D based on the Consumer Price Index as reported by the United States Department
14 of Labor, Bureau of Labor Statistics. If an adjustment is warranted by the Consumer
15 Price Index, the distribution amounts must be adjusted, rounded to the nearest amount
16 divisible by \$25. When making adjustments under this subsection, the commission may
17 not change the number of qualifying contributions or additional qualifying contributions
18 required to trigger an initial distribution or an increment of supplemental distribution.
19 The commission shall post information about the distribution amounts including the date
20 of any adjustment on its publicly accessible website and include this information with any
21 publication to be used as a guide for candidates.

22 **Sec. 15. 21-A MRSA §1125, sub-§10**, as amended by IB 2015, c. 1, §26, is
23 further amended to read:

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

38 **Sec. 16. 21-A MRSA §1125, sub-§12-B**, as enacted by PL 2007, c. 443, Pt. B,
39 §6, is repealed.

40 SUMMARY

41 This bill eliminates Maine Clean Election Act funding for gubernatorial candidates.