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No. 1787

H.P. 1198

House of Representatives, April 24, 2025

An Act to Strengthen the Maine Clean Election Act

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

A handwritten signature in black ink, reading "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative GRAMLICH of Old Orchard Beach.

Cosponsored by Senator BENNETT of Oxford and

Representatives: FAIRCLOTH of Bangor, MALON of Biddeford, RANA of Bangor, RIELLY of Westbrook, Senators: BEEBE-CENTER of Knox, DUSON of Cumberland, TIPPING of Penobscot.

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, district attorney, sheriff or county
6 commissioner who chooses to participate in the Maine Clean Election Act and who is
7 certified as a Maine Clean Election Act candidate under section 1125, subsection 5.

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

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

15 **Sec. 3. 21-A MRSA §1122, sub-§6**, as enacted by IB 1995, c. 1, §17, is amended
16 to read:

17 **6. Participating candidate.** "Participating candidate" means a candidate who is
18 running for Governor, State Senator ~~or~~, State Representative, district attorney, sheriff or
19 county commissioner who is seeking to be certified as a Maine Clean Election Act
20 candidate under section 1125, subsection 5.

21 **Sec. 4. 21-A MRSA §1122, sub-§8, ¶B**, as amended by PL 2009, c. 286, §5, is
22 further amended to read:

23 B. For State Senate ~~or~~, State House of Representatives, district attorney, sheriff or
24 county commissioner participating candidates, the qualifying period begins January 1st
25 of the election year and ends at 5:00 p.m. on April 20th of that election year or the next
26 business day following April 20th if the office of the commission is closed on April
27 20th.

28 **Sec. 5. 21-A MRSA §1122, sub-§9**, as amended by PL 2007, c. 571, §10, is further
29 amended to read:

30 **9. Seed money contribution.** "Seed money contribution" means, for a gubernatorial
31 participating candidate, a contribution of no more than \$500 per individual made to the
32 candidate, including the candidate or the candidate's spouse or domestic partner. For any
33 other participating candidate, "seed money contribution" means a contribution of no more
34 than \$100 per individual made to a the participating candidate, including the candidate or
35 the candidate's spouse or domestic partner.

36 **Sec. 6. 21-A MRSA §1123**, as enacted by IB 1995, c. 1, §17, is amended to read:

37 **§1123. Alternative campaign financing option**

38 This chapter establishes an alternative campaign financing option available to
39 candidates running for Governor, State Senator ~~and~~, State Representative, district attorney,
40 sheriff or county commissioner. This alternative campaign financing option is available to
41 candidates for elections to be held beginning in the year 2000. The commission shall

1 administer this Act and the fund. Candidates participating in the Maine Clean Election Act
2 must also comply with all other applicable election and campaign laws and regulations.

3 **Sec. 7. 21-A MRSA §1124, sub-§1**, as enacted by IB 1995, c. 1, §17, is amended
4 to read:

5 **1. Established.** The Maine Clean Election Fund is established to finance the election
6 campaigns of certified Maine Clean Election Act candidates running for Governor, State
7 Senator ~~and~~, State Representative, district attorney, sheriff or county commissioner and to
8 pay administrative and enforcement costs of the commission related to this Act. The fund
9 is a special, dedicated, nonlapsing fund and any interest generated by the fund is credited
10 to the fund. The commission shall administer the fund.

11 **Sec. 8. 21-A MRSA §1124, sub-§2, ¶B**, as amended by IB 2015, c. 1, §14, is
12 further amended to read:

13 B. Three million five hundred thousand dollars of the revenues from the taxes imposed
14 under Title 36, Parts 3 and 8 and credited to the General Fund, transferred to the fund
15 by the State Controller on or before January 1st of each year, beginning January 1,
16 1999. These revenues must be offset in an equitable manner by an equivalent reduction
17 in tax expenditures as defined in Title 36, section 199-A, subsection 2. This section
18 may not affect the funds distributed to the Local Government Fund under Title 30-A,
19 section 5681.

20 **Sec. 9. 21-A MRSA §1125, sub-§2-C**, as enacted by PL 2021, c. 132, §10, is
21 amended to read:

22 **2-C. Change in campaign financing.** If a candidate has accepted contributions as a
23 candidate for Governor, State Senator ~~or~~, State Representative, district attorney, sheriff or
24 county commissioner that are not seed money contributions as defined in section 1122,
25 subsection 9 or do not comply with the seed money restrictions in subsections 2 and 2-A,
26 the candidate is ineligible for certification in the same election cycle.

27 **Sec. 10. 21-A MRSA §1125, sub-§5**, as amended by IB 2015, c. 1, §20, is further
28 amended by amending the first blocked paragraph to read:

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

39 **Sec. 11. 21-A MRSA §1125, sub-§7-B, ¶B**, as enacted by IB 2015, c. 1, §23, is
40 amended to read:

41 B. For legislative, district attorney, sheriff or county commissioner candidates, any
42 supplemental general election distributions made pursuant to subsections 8-C ~~and~~, 8-D

1 and 15 must be made within 3 business days of certification by the commission of the
2 required number of additional qualifying contributions.

3 **Sec. 12. 21-A MRSA §1125, sub-§8-E, ¶B,** as enacted by IB 2015, c. 1, §25, is
4 amended to read:

5 B. For legislative candidates and candidates for district attorney, sheriff or county
6 commissioner, no earlier than January 1st of the election year and no later than 3 weeks
7 before election day.

8 **Sec. 13. 21-A MRSA §1125, sub-§8-F,** as enacted by IB 2015, c. 1, §25, is
9 amended to read:

10 **8-F. Amount of distributions.** On December 1st of each even-numbered year the
11 commission shall review and adjust the distribution amounts for legislative candidates in
12 subsections 8-B to 8-D and the distribution amounts for candidates for district attorney,
13 sheriff and county commissioner established by the commission based on the Consumer
14 Price Index as reported by the United States Department of Labor, Bureau of Labor
15 Statistics. If an adjustment is warranted by the Consumer Price Index, the distribution
16 amounts must be adjusted, rounded to the nearest amount divisible by \$25. When making
17 adjustments under this subsection, the commission may not change the number of
18 qualifying contributions or additional qualifying contributions required to trigger an initial
19 distribution or an increment of supplemental distribution. The commission shall post
20 information about the distribution amounts including the date of any adjustment on its
21 publicly accessible website and include this information with any publication to be used as
22 a guide for candidates.

23 **Sec. 14. 21-A MRSA §1125, sub-§10,** as amended by IB 2015, c. 1, §26, is further
24 amended to read:

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

39 **Sec. 15. 21-A MRSA §1125, sub-§15** is enacted to read:

40 **15. Terms of participation for certain county candidates.** The commission shall
41 establish terms of participation for a candidate for district attorney, sheriff and county
42 commissioner that allow the candidate to qualify and participate as a Maine Clean Election
43 Act candidate starting with the 2026 election cycle. The terms of participation established
44 by the commission must set forth the total seed money contribution limits, the number of

1 qualifying contributions and distribution amounts for each county office. When
2 establishing the terms of participation, the commission shall consider the terms of
3 participation for gubernatorial and legislative candidates set forth in this chapter, including
4 an assessment of the difficulty of qualifying and distribution amounts available to
5 participating State Senate and State House of Representatives candidates and gubernatorial
6 candidates relative to the population of State Senate and State House of Representatives
7 districts and the State. The commission shall also consider historical spending patterns for
8 the various county races in contested and uncontested primary and general elections, the
9 population of the electoral district of a district attorney, sheriff or county commissioner,
10 the competitiveness of the office and any other factors the commission determines to be
11 consistent with the purposes of this chapter. If the geographic area or population of the
12 electoral district for a district attorney, sheriff or county commissioner varies substantially
13 across the State, the commission may establish different terms of participation that
14 reasonably relate to the difference in geographic area or population. If necessary, the
15 commission may use the emergency rule-making provisions of Title 5, section 8054
16 without making findings of emergency for purposes of establishing these terms of
17 participation in advance of the 2026 election cycle.

18 **Sec. 16. 21-A MRSA §1126**, as amended by PL 2023, c. 211, §5, is further amended
19 to read:

20 **§1126. Commission to adopt rules**

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

30 **SUMMARY**

31 This bill allows candidates for district attorney, sheriff and county commissioner to
32 participate in the Maine Clean Election Act and directs the Commission on Governmental
33 Ethics and Election Practices to specify the terms of participation by rule. The bill also
34 increases the amount transferred to the Maine Clean Election Fund each year and increases
35 the contribution limits for gubernatorial seed money contributions to \$500 per individual.