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Legislative Document

No. 118

S.P. 21

In Senate, January 8, 2025

An Act to Allow Candidates for Sheriff and District Attorney to Participate in the Maine Clean Election Act

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator BENNETT of Oxford.

Cosponsored by Senators: GROHOSKI of Hancock, HICKMAN of Kennebec, MOORE of Washington, Representative: MONTELL of Gardiner.

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, sheriff or district attorney who chooses
6 to participate in the Maine Clean Election Act and who is certified as a Maine Clean
7 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, sheriff or district attorney
12 who does not choose to participate in the Maine Clean Election Act and who is not seeking
13 to be certified as a Maine Clean Election Act candidate under section 1125, subsection 5.

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

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

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

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

26 **Sec. 5. 21-A MRSA §1123**, as enacted by IB 1995, c. 1, §17, is amended to read:

27 **§1123. Alternative campaign financing option**

28 This chapter establishes an alternative campaign financing option available to
29 candidates running for Governor, State Senator ~~and~~, State Representative, sheriff and
30 district attorney. This alternative campaign financing option is available to candidates
31 running for Governor, State Senator and State Representative for elections to be held
32 beginning in the year 2000. This alternative campaign financing option is available to
33 candidates running for sheriff and district attorney for elections to be held beginning in the
34 year 2028. The commission shall administer this Act and the fund. Candidates
35 participating in the Maine Clean Election Act ~~must~~ shall also comply with all other
36 applicable election and campaign laws and regulations.

37 **Sec. 6. 21-A MRSA §1124, sub-§1**, as enacted by IB 1995, c. 1, §17, is amended
38 to read:

39 **1. Established.** The Maine Clean Election Fund is established to finance the election
40 campaigns of certified Maine Clean Election Act candidates running for Governor, State
41 Senator ~~and~~, State Representative, sheriff or district attorney and to pay administrative and

1 enforcement costs of the commission related to this Act. The fund is a special, dedicated,
2 nonlapsing fund and any interest generated by the fund is credited to the fund. The
3 commission shall administer the fund.

4 **Sec. 7. 21-A MRSA §1125, sub-§2-C**, as enacted by PL 2021, c. 132, §10, is
5 amended to read:

6 **2-C. Change in campaign financing.** If a candidate has accepted contributions as a
7 candidate for Governor, State Senator ~~or~~, State Representative, sheriff or district attorney
8 that are not seed money contributions as defined in section 1122, subsection 9 or do not
9 comply with the seed money restrictions in subsections 2 and 2-A, the candidate is
10 ineligible for certification in the same election cycle.

11 **Sec. 8. 21-A MRSA §1125, sub-§5**, as amended by IB 2015, c. 1, §20, is further
12 amended by amending the first blocked paragraph to read:

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

22 **Sec. 9. 21-A MRSA §1125, sub-§7-B, ¶B**, as enacted by IB 2015, c. 1, §23, is
23 amended to read:

24 B. For legislative, sheriff and district attorney candidates, any supplemental general
25 election distributions made pursuant to subsections 8-C and 8-D must be made within
26 3 business days of certification by the commission of the required number of additional
27 qualifying contributions.

28 **Sec. 10. 21-A MRSA §1125, sub-§8-E, ¶B**, as enacted by IB 2015, c. 1, §25, is
29 amended to read:

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

32 **Sec. 11. 21-A MRSA §1125, sub-§8-F**, as enacted by IB 2015, c. 1, §25, is
33 amended to read:

34 **8-F. Amount of distributions.** On December 1st of each even-numbered year the
35 commission shall review and adjust the distribution amounts in subsections 8-B to 8-D and
36 the distribution amounts for sheriff and district attorney candidates established by the
37 commission based on the Consumer Price Index as reported by the United States
38 Department of Labor, Bureau of Labor Statistics. If an adjustment is warranted by the
39 Consumer Price Index, the distribution amounts must be adjusted, rounded to the nearest
40 amount divisible by \$25. When making adjustments under this subsection, the commission
41 may not change the number of qualifying contributions or additional qualifying
42 contributions required to trigger an initial distribution or an increment of supplemental
43 distribution. The commission shall post information about the distribution amounts

1 including the date of any adjustment on its publicly accessible website and include this
2 information with any publication to be used as a guide for candidates.

3 **Sec. 12. 21-A MRSA §1125, sub-§10**, as amended by IB 2015, c. 1, §26, is further
4 amended to read:

5 **10. Candidate not enrolled in a party.** An unenrolled candidate for the Legislature,
6 sheriff or district attorney who submits the required number of qualifying contributions and
7 other required documents under subsection 4 by 5:00 p.m. on April 20th preceding the
8 primary election and who is certified is eligible for revenues from the fund in the same
9 amounts and at the same time as an uncontested primary election candidate and a general
10 election candidate as specified in subsections 7, 8-C and 8-D. Revenues for the general
11 election must be distributed to the candidate as specified in subsection 7. An unenrolled
12 candidate for Governor who submits the required number of qualifying contributions and
13 other required documents under subsection 4 by 5:00 p.m. on April 1st preceding the
14 primary election and who is certified is eligible for revenues from the fund in the same
15 amounts and at the same time as an uncontested primary election gubernatorial candidate
16 and a general election gubernatorial candidate as specified in subsections 7 and 8-B.
17 Revenues for the general election must be distributed to the candidate for Governor as
18 specified in subsection 7.

19 **Sec. 13. 21-A MRSA §1125, sub-§15** is enacted to read:

20 **15. Terms of participation for sheriff and district attorney candidates.** The
21 commission shall establish terms of participation for sheriff and district attorney candidates
22 that allow candidates to qualify and participate starting with the 2028 election cycle. The
23 terms of participation established by the commission must set forth the seed money
24 contribution limits, the number of qualifying contributions and the amount of revenue to
25 be distributed from the fund and the timing of such distributions. When establishing the
26 terms of participation, the commission shall consider the terms of participation for
27 gubernatorial and legislative candidates set forth in this chapter, including an assessment
28 of the difficulty of certification under this section and distribution amounts available to
29 participating Senate and House candidates and gubernatorial candidates relative to the
30 population of Senate and House districts and the State. The commission shall also consider
31 historical spending patterns for the various sheriff and district attorney races in contested
32 and uncontested primary and general elections, the population of the county or
33 prosecutorial district, the recent historical competitiveness of sheriff candidates for the
34 county and district attorney candidates for the prosecutorial district and any other factors
35 the commission determines to be consistent with the purposes of this chapter. The
36 commission may establish different terms of participation for sheriff candidates and district
37 attorney candidates. The commission may establish different terms of participation that
38 reasonably relate to differences in geographic area or population of counties for sheriff
39 candidates or prosecutorial districts for district attorney candidates within the State.

40 **Sec. 14. 21-A MRSA §1126**, as amended by PL 2023, c. 211, §5, is further amended
41 to read:

42 **§1126. Commission to adopt rules**

43 The commission shall adopt rules to ensure effective administration of this chapter.
44 These rules must include but may not be limited to procedures for obtaining qualifying
45 contributions, certification as a Maine Clean Election Act candidate, circumstances

1 involving special elections, recounts, collection of revenues for the fund, distribution of
2 fund revenue to certified candidates, return of unspent fund disbursements, disposition of
3 equipment purchased with clean election funds, terms of participation for sheriff and
4 district attorney candidates and compliance with the Maine Clean Election Act. Rules of
5 the commission required by this section are major substantive rules as defined in Title 5,
6 chapter 375, subchapter 2-A.

7 **SUMMARY**

8 This bill allows candidates for the office of sheriff and for the office of district attorney
9 to participate in the Maine Clean Election Act beginning with the 2028 election cycle.