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Legislative Document

No. 1309

S.P. 452

In Senate, April 2, 2013

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 dark ink, appearing to read "D M Grant".

DAREK M. GRANT
Secretary of the Senate

Presented by Senator YOUNGBLOOD of Penobscot.
Cosponsored by Representative CAREY of Lewiston and
Senators: President ALFOND of Cumberland, HILL of York, KATZ of Kennebec, LANGLEY
of Hancock, SAVIELLO of Franklin, TUTTLE of York, Representatives: Speaker EVES of
North Berwick, LUCHINI of Ellsworth.

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

2 **Sec. 1. 21-A MRSA §1125, sub-§2, ¶¶B and C,** as enacted by IB 1995, c. 1,
3 §17, are amended to read:

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

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

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9 repealed.

10 **Sec. 3. 21-A MRSA §1125, sub-§3, ¶A,** as amended by PL 2007, c. 240, Pt. F,
11 §1 and c. 443, Pt. B, §6, is further amended to read:

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

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

16 **3-A. Additional qualifying contributions.** Participating candidates may obtain
17 additional qualifying contributions at the times specified in subsection 8-E as follows:

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

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

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

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

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

32 **Sec. 6. 21-A MRSA §1125, sub-§7,** as amended by PL 2009, c. 302, §15 and
33 affected by §24 and amended by c. 363, §7, is further amended to read:

34 **7. Timing of initial fund distribution.** The commission shall distribute to certified
35 candidates revenues from the fund in amounts determined under ~~subsection 8-A~~
36 subsections 8-B to 8-D in the following manner.

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

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

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

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

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

16 **Sec. 7. 21-A MRSA §1125, sub-§7-B** is enacted to read:

17 **7-B. Timing of supplemental fund distribution.** The following provisions govern
18 the timing of supplemental fund distributions.

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

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

27 **Sec. 8. 21-A MRSA §1125, sub-§8-A**, as amended by PL 2011, c. 558, §§6 and
28 7, is further amended to read:

29 **8-A. Amount of fund distribution.** By September 1, 2011, and at least every 2
30 years after that date, the commission shall determine the amount of funds to be
31 distributed to participating candidates in legislative elections based on the type of election
32 and office. In making this determination, the commission may take into consideration
33 any relevant information, including but not limited to:

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

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

39 Before making any determination, the commission shall provide notice of the
40 determination and an opportunity to comment to the President of the Senate, the Speaker

1 of the House of Representatives, all floor leaders, the members of the joint standing
2 committee of the Legislature having jurisdiction over legal affairs and persons who have
3 expressed interest in receiving notices of opportunities to comment on the commission's
4 rules and policies. The commission shall present at a public meeting the basis for the
5 commission's final determination.

6 ~~For contested gubernatorial primary elections, the amount of revenues distributed is~~
7 ~~\$400,000 per candidate in a primary election. For uncontested gubernatorial primary~~
8 ~~elections the amount of revenues distributed is \$200,000. For contested and uncontested~~
9 ~~gubernatorial general elections, the amount of revenues distributed is \$600,000 per~~
10 ~~candidate in the general election.~~

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

12 **8-B. Distributions to participating gubernatorial candidates.** Distributions from
13 the fund to participating gubernatorial candidates must be made as follows.

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

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

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

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

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

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

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

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

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

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

34 **8-C. Distributions to participating candidates for State Senate.** Distributions
35 from the fund to participating candidates for the State Senate must be made as follows.

36 A. For uncontested primary elections, the total distribution of revenues is \$2,000 per
37 candidate.

38 B. For contested primary elections, the total distribution of revenues is \$10,000 per
39 candidate.

1 C. For uncontested general elections, the total distribution of revenues is \$20,000 per
2 candidate.

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

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

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

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

11 **8-D. Distributions to participating candidates for State House of**
12 **Representatives.** Distributions from the fund to participating candidates for the State
13 House of Representatives must be made as follows.

14 A. For uncontested primary elections, the total distribution of revenues is \$500 per
15 candidate.

16 B. For contested primary elections, the total distribution of revenues is \$2,500 per
17 candidate.

18 C. For uncontested general elections, the total distribution of revenues is \$5,000 per
19 candidate.

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

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

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

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

28 **8-E. Collection and submission of additional qualifying contributions.**
29 Participating candidates may collect and submit additional qualifying contributions to the
30 commission as follows:

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

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

35 Additional qualifying contributions may be submitted at any time in any amounts in
36 accordance with the schedules in this subsection. The commission shall make
37 supplemental distributions to candidates in the amounts specified in subsections 8-B to
38 8-D as the number of certified qualifying contributions submitted equals the increments
39 specified in subsections 8-B to 8-D. In the event that a candidate submits additional

1 qualifying contributions prior to a primary election in excess of the number of qualifying
2 contributions for which a candidate may receive a distribution, the excess qualifying
3 contributions must be counted as general election additional qualifying contributions if
4 the candidate has a contested general election, but supplemental distributions based on
5 these excess qualifying contributions may not be distributed until after the primary
6 election.

7 **Sec. 10. 21-A MRSA §1125, sub-§10**, as amended by PL 2011, c. 389, §56 and
8 affected by §62, is further amended to read:

9 **10. Candidate not enrolled in a party.** An unenrolled candidate for the Legislature
10 who submits the required number of qualifying contributions and other required
11 documents under subsection 4 by 5:00 p.m. on April 20th preceding the primary election
12 and who is certified is eligible for revenues from the fund in the same amounts and at the
13 same time as an uncontested primary election candidate and a general election candidate
14 as specified in subsections 7, ~~8-C~~ and ~~8-A 8-D~~. Revenues for the general election must
15 be distributed to the candidate ~~no later than 3 days after certification~~ as specified in
16 subsection 7. An unenrolled candidate for Governor who submits the required number of
17 qualifying contributions and other required documents under ~~subsections 2-B and~~
18 subsection 4 by 5:00 p.m. on April 1st preceding the primary election and who is certified
19 is eligible for revenues from the fund in the same amounts and at the same time as an
20 uncontested primary election gubernatorial candidate and a general election gubernatorial
21 candidate as specified in subsections 7 and ~~8-A 8-B~~. Revenues for the general election
22 must be distributed to the candidate for Governor ~~no later than 3 days after the primary~~
23 ~~election results are certified~~ as specified in subsection 7.

24 SUMMARY

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

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

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

31 3. It also establishes new baseline initial distribution amounts.