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Legislative Document

No. 1368

H.P. 945

House of Representatives, April 6, 2017

**An Act To Amend Funding Distributions under the Maine Clean
Election Act**

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

Handwritten signature of Robert B. Hunt in cursive.

ROBERT B. HUNT
Clerk

Presented by Representative PICKETT of Dixfield.
Cosponsored by Senator WHITEMORE of Somerset and
Representatives: ESPLING of New Gloucester, FARRIN of Norridgewock, FREDETTE of
Newport, GRIGNON of Athens, ORDWAY of Standish, POULIOT of Augusta, Senator:
DAVIS of Piscataquis.

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

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

4 A. The qualifying contributions ~~and additional qualifying contributions~~ required
5 under section 1125 when those contributions are submitted to the commission;

6 **Sec. 2. 21-A MRSA §1125, sub-§2-A,** as amended by IB 2015, c. 1, §16, is
7 further amended to read:

8 **2-A. Seed money restrictions.** To be eligible for certification, a participating
9 candidate may collect and spend only seed money contributions subsequent to becoming
10 a candidate and prior to certification. A participating candidate may not solicit, accept or
11 collect seed money contributions after certification as a Maine Clean Election Act
12 candidate.

13 A. All goods and services received prior to certification must be paid for with seed
14 money contributions, except for goods and services that are excluded from the
15 definition of contribution in section 1012, subsection 2, paragraph B. It is a violation
16 of this chapter for a participating candidate to use fund revenues received after
17 certification to pay for goods and services received prior to certification.

18 B. Prior to certification, a participating candidate may obligate an amount greater
19 than the seed money collected, but may only receive that portion of goods and
20 services that has been paid for or will be paid for with seed money. A participating
21 candidate who has accepted contributions or made expenditures that do not comply
22 with the seed money restrictions under this chapter may petition the commission to
23 remain eligible for certification as a Maine Clean Election Act candidate in
24 accordance with rules of the commission, if the failure to comply was unintentional
25 and does not constitute a significant infraction of these restrictions.

26 C. Upon requesting certification, a participating candidate shall file a report of all
27 seed money contributions and expenditures. If the candidate is certified, any unspent
28 seed money will be deducted from the amount distributed to the candidate as
29 provided in subsection ~~8-F~~ 8-G.

30 **Sec. 3. 21-A MRSA §1125, sub-§3-A,** as enacted by IB 2015, c. 1, §19, is
31 repealed.

32 **Sec. 4. 21-A MRSA §1125, sub-§6-A,** as amended by IB 2015, c. 1, §21, is
33 further amended to read:

34 **6-A. Assisting a person to become an opponent.** A candidate or a person who later
35 becomes a candidate and who is seeking certification under subsection 5, or an agent of
36 that candidate, may not assist another person in qualifying as a candidate for the same
37 office if such a candidacy would result in the distribution of revenues under subsections 7
38 and ~~8-F~~ 8-G for certified candidates in a contested election.

1 **Sec. 5. 21-A MRSA §1125, sub-§7**, as amended by IB 2015, c. 1, §22, is further
2 amended to read:

3 **7. Timing of fund distribution.** The commission shall distribute to certified
4 candidates revenues from the fund in amounts determined under ~~subsections 8-B to 8-D~~
5 subsection 8-G in the following manner.

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

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

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

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

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

21 **Sec. 6. 21-A MRSA §1125, sub-§7-B**, as enacted by IB 2015, c. 1, §23, is
22 repealed.

23 **Sec. 7. 21-A MRSA §1125, sub-§§8-B to 8-F**, as enacted by IB 2015, c. 1, §25,
24 are repealed.

25 **Sec. 8. 21-A MRSA §1125, sub-§8-G** is enacted to read:

26 **8-G. Amount of fund distribution.** By September 1, 2018, and at least every 2
27 years after that date, the commission shall determine the amount of funds to be
28 distributed to participating candidates in legislative elections based on the type of election
29 and office. In making this determination, the commission may take into consideration
30 only:

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

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

36 Before making any determination, the commission shall provide notice of the
37 determination and an opportunity to comment to the President of the Senate, the Speaker
38 of the House of Representatives, all floor leaders, the members of the joint standing
39 committee of the Legislature having jurisdiction over legal affairs and persons who have

1 expressed interest in receiving notices of opportunities to comment on the commission's
2 rules and policies. The commission shall present at a public meeting the basis for the
3 commission's final determination.

4 For contested gubernatorial primary elections, the amount of revenues distributed is
5 \$400,000 per candidate in a primary election. For uncontested gubernatorial primary
6 elections, the amount of revenues distributed is \$200,000. For contested and uncontested
7 gubernatorial general elections, the amount of revenues distributed is \$600,000 per
8 candidate in the general election.

9 **Sec. 9. 21-A MRSA §1125, sub-§10**, as amended by IB 2015, c. 1, §26, is
10 further amended to read:

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

25 **Sec. 10. 21-A MRSA §1125, sub-§13-A**, as amended by IB 2015, c. 1, §27, is
26 further amended to read:

27 **13-A. Distributions not to exceed amount in fund.** The commission may not
28 distribute revenues to certified candidates in excess of the total amount of money
29 deposited in the fund as set forth in section 1124. Notwithstanding any other provisions
30 of this chapter, if the commission determines that the revenues in the fund are insufficient
31 to meet distributions under subsection ~~8-F~~ 8-G, the commission may permit certified
32 candidates to accept and spend contributions, reduced by any seed money contributions,
33 aggregating no more than the applicable contribution limits established by the
34 commission pursuant to section 1015, up to the applicable amounts set forth in subsection
35 ~~8-F~~ 8-G according to rules adopted by the commission.

36 SUMMARY

37 This bill changes funding distributions under the Maine Clean Election Act. It
38 removes the changes made to funding distributions in Initiated Bill 2015, chapter 1. It
39 restores the method of funding distributions that was in law prior to enactment of Initiated
40 Bill 2015, chapter 1, which required the Commission on Governmental Ethics and
41 Election Practices to determine the funding amount at least every 2 years and set a
42 specific distribution for gubernatorial elections. It differs from the method of funding

1 distributions in law prior to enactment of the initiated bill by limiting the information the
2 commission may consider in making a determination. It also eliminates supplemental
3 fund distributions.