



STATE OF MAINE  
COMMISSION ON GOVERNMENTAL ETHICS  
AND ELECTION PRACTICES  
135 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0135

**Testimony of Jonathan Wayne, Executive Director of the  
Commission on Governmental Ethics and Election Practices  
before the Joint Standing Committee on Appropriations and Financial Affairs  
and the Joint Standing Committee on Veterans and Legal Affairs  
March 1, 2023**

Senator Rotundo, Representative Sachs, Senator Hickman, and Representative Supica, distinguished members of the committees: my name is Jonathan Wayne, and I am the Executive Director of the Maine Ethics Commission. There are two pages in the budget document relating to our agency, and they begin on **page A-282**.

**Baseline Budget and Initiatives**

The baseline budget is shown at the top of page A-283, followed by two initiatives.

*First initiative.* This would increase our All Other spending authority in the Maine Clean Election Fund by \$439,079 for FY 2024 and \$127,302 for FY 2025. This is necessary to administer the Maine Clean Election Act program by making grants to candidates and paying for administrative expenses. The Maine Clean Election Fund has sufficient revenue to make these expenditures. We are only seeking authorization to make the payments.

*Second initiative.* Because we are a small agency, we receive help with accounting, human resources, and managing our finances from the DAFS General Government Service Center. The second initiative would increase our General Fund appropriation to pay our share of these costs as determined by DAFS.

### **Proposed Amendment**

The Commission would appreciate your consideration of a proposed amendment to the biennial budget bill that was developed by our office after the deadline for inclusion in the Governor's bill.

The Commission hires IT companies to create and support the websites that are used by candidates, Legislators, lobbyists, and others to file different kinds of reports. These websites occasionally need to be improved or replaced, which is expensive. The Commission is seeking additional revenue to meet these costs without burdening the General Fund.

The Commission's proposal (attached) is that penalties paid by PACs and ballot question committees would be deposited into one of our special revenue accounts that the Legislature has previously authorized for use in covering our IT expenses. Currently, these penalties provide revenue to the General Fund in the range of \$5,000 - \$11,000 per year, although occasionally it is higher if the Commission assesses a larger penalty. Our office has projected to the Revenue Forecasting Committee that this revenue adds up to \$6,000 per year, because we have wanted to avoid overstating the amount of income our department would provide to the General Fund.

Under our proposal, these penalties would be deposited in the special revenue account that consists of annual registration fees paid by lobbyists. In 2015, the Legislature amended 3 M.R.S. § 320 so that the Commission could use this account to pay for its IT costs. P.L. 2015, ch. 267, part F-3.

Thank you for your consideration of this testimony.

## **Amendment Proposed by Ethics Commission**

**Sec. xxx-x. 3 MRSA §320**, as amended by PL 2015, c. 267, Pt. F-3, is further amended to read:

**3 M.R.S. § 320. Disposition of fees.** Fees collected pursuant to this chapter must be deposited into a special revenue account of the commission to be used for the purposes of administering and enforcing the provisions of this chapter, including the costs of obtaining, maintaining and upgrading technology to facilitate disclosure of lobbying and campaign finance information to the public. Notwithstanding any other section of law, the Commission may deposit penalties assessed under Title 21-A, sections 1014, 1060-A and 1062-A into the account to be spent exclusively on technology costs consistent with this section.

The commission shall, no later than November 15th of the year prior to any proposed change, establish the amount of the registration fee required to be paid pursuant to section 313 for the subsequent year.

### **SUMMARY**

This Part authorizes the Commission on Governmental Ethics and Election Practices to deposit penalties paid by political action committees and ballot question committees into its lobbyist registration fee account to be spent exclusively on information technology costs.

# Projected 2024 Participation by Legislative Candidates

	2016	2018	2020	2022	2024 projected
Primary Election Payments	\$355,301	\$336,670	\$345,042	\$347,911	\$401,650
General Election Payments	\$1,804,529	\$1,815,038	\$1,766,867	\$2,055,069	\$2,304,025
Supplemental Payments	\$1,185,000	\$1,425,875	\$1,756,950	\$2,165,050	\$2,307,425
<b>Total</b>	<b>\$3,344,830</b>	<b>\$3,577,583</b>	<b>\$3,868,858</b>	<b>\$4,568,030</b>	<b>\$5,013,100</b>

	2016	2018	2020	2022	2024 projected	2024 projected
<b>Payments for Primary Election</b>						
House - Contested Candidates	28	30	36	28	28	
House - Uncontested Candidates	165	137	121	135	135	
<b>Total</b>	<b>193</b>	<b>167</b>	<b>157</b>	<b>163</b>	<b>163</b>	<b>\$171,875</b>
<b>Senate - Contested Candidates</b>	14	11	10	9	9	
Senate - Uncontested Candidates	36	42	39	47	47	
<b>Total</b>	<b>50</b>	<b>53</b>	<b>49</b>	<b>56</b>	<b>56</b>	<b>\$229,775</b>
<b>Total Payments for Primary</b>						<b>\$401,650</b>
<b>Initial Payments for General</b>						
House - Contested Candidates	168	146	138	154	154	\$958,650
House - Uncontested Candidates	11	8	8	9	9	\$16,875
<b>Total</b>	<b>179</b>	<b>154</b>	<b>146</b>	<b>163</b>	<b>163</b>	<b>\$975,525</b>
<b>Senate - Contested Candidates</b>	47	51	48	54	53	\$1,321,025
Senate - Uncontested Candidates	1	0	1	0	1	\$7,475
<b>Total</b>	<b>48</b>	<b>51</b>	<b>49</b>	<b>54</b>	<b>54</b>	<b>\$1,328,500</b>
<b>Total Init. Payments for General</b>						<b>\$2,304,025</b>
<b>Supplemental Payments</b>						
House						\$894,350
Senate						\$1,413,075
<b>Total</b>						<b>\$2,307,425</b>
<b>Projected Total for 2024</b>						<b>\$5,013,100</b>

# Maine Clean Election Act Overview 2006 – 2022

## ◆ PARTICIPATION BY LEGISLATIVE CANDIDATES

	MCEA Candidates in General Election	Total Candidates in General Election	Percentage of MCEA Candidates
<b>2006</b>	313	386	81%
<b>2008</b>	303	373	81%
<b>2010</b>	295	385	77%
<b>2012</b>	242	384	63%
<b>2014</b>	199	378	53%
<b>2016</b>	227	357	64%
<b>2018</b>	206	373	55%
<b>2020</b>	192	348	55%
<b>2022</b>	214	359	60%

## ◆ PARTICIPATION BY ELECTED LEGISLATORS

	Percentage of Legislators Who Participated in the MCEA
<b>123<sup>rd</sup> Legislature</b>	84%
<b>124<sup>th</sup> Legislature</b>	85%
<b>125<sup>th</sup> Legislature</b>	80%
<b>126<sup>th</sup> Legislature</b>	70%
<b>127<sup>th</sup> Legislature</b>	58%
<b>128<sup>th</sup> Legislature</b>	64%
<b>129<sup>th</sup> Legislature</b>	63%
<b>130<sup>th</sup> Legislature</b>	59%
<b>131<sup>st</sup> Legislature</b>	62%

## ◆ RATE OF PARTICIPATION BY POLITICAL CAUCUS

	<b>2014</b>	<b>2016</b>	<b>2018</b>	<b>2020</b>	<b>2022</b>
<b>House (D)</b>	77% (105/137)	80% (115/143)	77% (107/139)	71% (96/135)	77% (102/133)
<b>House (R)</b>	22% (32/144)	45% (60/134)	27% (37/138)	32% (40/126)	35% (48/137)
<b>Senate (D)</b>	80% (28/35)	79% (27/33)	86% (31/36)	74% (26/35)	80% (28/35)
<b>Senate (R)</b>	43% (15/35)	56% (19/34)	56% (18/32)	67% (22/33)	71% (25/35)
<b>Green, Unenrolled</b>	63% (19/30)	54% (7/13)	46% (13/28)	42% (8/19)	58% (11/19)

◆ PARTICIPATION BY CANDIDATES FOR GOVERNOR

	MCEA Candidates in Primary Election Only	MCEA Candidates in General Election
2002	James Libby (R)	Jonathan Carter (G)
2006	Peter Mills (R)	Barbara Merrill (U) Chandler Woodcock (R) Pat LaMarche (G)
2010	Patrick McGowan (D) Peter Mills (R)	Elizabeth Mitchell (D)
2014	Gubernatorial Program Suspended for 2014	
2018	Garrett Paul Mason (R) Elizabeth Sweet (D)	Teresea Hayes (U)
2022	No Gubernatorial Candidates Qualified for Funding in 2022	

◆ TOTAL PAYMENTS TO MCEA CANDIDATES\*

Election Year	Legislative	Gubernatorial	Total
2002	\$2,088,899	\$1,216,669	\$3,305,568
2004	\$2,799,617	N/A	\$2,799,617
2006	\$3,347,775	\$3,534,615	\$6,882,390
2008	\$2,954,035	N/A	\$2,954,035
2010	\$3,301,006	\$2,999,774	\$6,300,780
2012	\$2,102,850	N/A	\$2,102,850
2014	\$1,990,380	N/A	\$1,990,380
2016	\$3,344,830	N/A	\$3,344,830
2018	\$3,552,017	\$2,723,011	\$6,275,028
2020	\$3,868,858	N/A	\$3,868,858
2022	\$4,568,030	N/A	\$4,568,030

\*Payment totals are amounts that candidates were authorized to spend (before any return of unspent funds).

◆ FUNDING LEVELS FOR MCEA CANDIDATES IN THE 2022 GENERAL ELECTION

	Basic Payment Only	1 Supp. Payment	2 Supp. Payments	3 Supp. Payments	4 Supp. Payments	5 Supp. Payments	6 Supp. Payments	7 Supp. Payments	8 Supp. Payments
<b>HOUSE CANDIDATES per level (Total candidates = 160)</b>	26	20	18	20	12	14	10	7	33
<b>Amount per candidate</b>	\$5,475	\$6,850	\$8,225	\$9,600	\$10,975	\$12,350	\$13,725	\$15,100	\$16,475
<b>SENATE CANDIDATES per level (Total candidates = 54)</b>	4	5	6	8	5	4	4	6	12
<b>Amount per candidate</b>	\$21,850	\$27,325	\$32,800	\$38,275	\$43,750	\$49,225	\$54,700	\$60,175	\$65,650
<b>Total payments to House candidates for the general election</b>		<b>Total payments to Senate candidates for the general election</b>			<b>Total payments to all MCEA candidates for the general election</b>				
\$1,709,968.10		\$2,510,150.59			\$4,220,118.69				

Note: All MCEA candidates in the 2022 general election received a basic payment for the general election. Some replacement candidates and all unopposed candidates received basic payments that were less than the amounts indicated above. Candidates in contested races were eligible for up to eight supplemental ("Supp.") payments. Unopposed candidates were not eligible for supplemental payments.