



TO: The Honorable Craig Hickman
The Honorable Laura Supica, Co-Chairs
Members of the Joint Standing Committee on Veterans and Legal Affairs

DATE: April 28, 2023

RE: LD 247 - An Act Regarding Replacement Candidates under the Maine Clean Election Act

Good afternoon, Senator Hickman, Representative Supica, and members of the Veterans and Legal Affairs Committee.

My name is Paul Lavin. I am a resident of Winthrop. I am here today as a volunteer on behalf of Maine Citizens for Clean Elections to testify in support of LD 247.

Maine Citizens for Clean Elections has been the leading campaign finance organization in Maine for over twenty years and one of the nation's most respected state-based organizations advocating for democratically funded elections and campaign finance laws that serve the public interest. We are proud of our national reputation. But we are all Mainers, and our nonpartisan mission has always been with and for the people of this State.

Recently, the Ethics Commission provisionally adopted a rule change that would simplify the rules regarding replacement candidates seeking Clean Election funding.¹ This Committee held a public hearing and work sessions on this major substantive rule change in February and March. The Commission's rule change and LD 247 would accomplish the same objective. We think either one would be an effective way to simplify and clarify the process for replacement candidates.

Establishing the start of the qualifying period to be the date on which the Secretary of State receives a notice of withdrawal from a candidate or declares a vacancy gives replacement candidates certainty about when they can start collecting qualifying contributions. The time frame in which replacement candidates operate is very condensed. It is important for those seeking Clean Election funding to begin collecting qualifying contributions as soon as possible.

¹ The relevant part of the Commission's rule changes is as follows:

Qualifying Periods for Replacement Candidates. If a candidate dies, withdraws, or is disqualified before an election, the qualifying period will begin when the Secretary of State receives a notice of withdrawal or declares a vacancy. The Commission will establish the end of the qualifying period.

There is one technical issue that could possibly cause confusion. In the event of a candidate withdrawal, the candidate has to file a notice of withdrawal and the Secretary of State has to declare a vacancy.² To avoid confusion about the start of the qualifying period after a candidate withdrawal, we suggest the following change to Section 4 of the amended bill:

11-A. Vacancies, withdrawals or replacement candidates. If a candidate dies, withdraws or is disqualified before an election, the qualifying period for any replacement candidate will begin when the Secretary of State receives a notice of withdrawal or declares a vacancy, whichever occurs earlier.

Thank you for the opportunity to testify and I urge you to vote “ought to pass” on LD 247. I would be glad to answer any questions the Committee may have.

² 21-A MRSA §§ 362-A, 371 & 374-A.