



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

**Testimony of Jonathan Wayne, Executive Director
 before the Joint Standing Committee on Appropriations and Financial Affairs
 and the Joint Standing Committee on Veterans and Legal Affairs
 February 27, 2025, 1:00 p.m.**

Senator Rotundo, Representative Gattine, 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. I am testifying in support of LD 210 as it relates to our department and to ask the Legislature for an additional amendment that is not in the bill.

Four Initiatives in Governor's Budget Bill (A-268)

The baseline budget for the Ethics Commission during fiscal years 2026 and 2027 is shown at the top of page A-268. The Governor is proposing four initiatives that are listed farther down on the page. These initiatives would cover costs that our department anticipates making that would not be covered by the baseline budget:

1 st	Services from the DAFS General Government Service Center	The Ethics Commission receives accounting and human resources assistance from the DAFS General Government Service Center. This initiative authorizes us to pay additional money from the Maine Clean Election Fund to pay for these costs.
2 nd	Services from OIT	We also receive services from the Office of Information Technology (OIT). This initiative authorizes us to pay additional money from the Maine Clean Election Fund to OIT.
3 rd	Project position (3 rd Candidate Registrar)	Authorizes Commission to hire 3 rd Candidate Registrar for the 2026 calendar year, if necessary. The Commission would hire this person <i>only if</i> candidates for Governor opt into the Maine Clean Election Act program. The position would be paid from the Maine Clean Election Fund.

4 th	Increases allocation in Maine Clean Election Fund to pay legislative and gubernatorial candidates in 2026.	The allocation in the baseline budget is not enough to cover these potential payments to legislative and gubernatorial candidates in 2026. The Commission is seeking to increase the allocation (legislative authorization to spend) and is <u>not</u> seeking additional cash or revenue.
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Amendment to Address Possible Temporary Shortfall (not in Governor’s bill)

Depending on how many candidates for Governor and the Legislature choose to participate in the Maine Clean Election Act program for the 2026 elections, there is a possibility of a temporary shortfall in the Maine Clean Election Fund during 2026. A shortfall would hurt both legislative and gubernatorial candidates. This likely could be avoided if the Legislature changed the timing of one of the annual transfers of \$3 million from the General Fund to the Maine Clean Election Fund. As of now, a \$3 million transfer to the Maine Clean Election Fund is scheduled for January 1, 2027, which is about two months after the 2026 general election. If that transfer were moved up six months to July 1 of the election year, we are hopeful we could avoid any cash flow problem. The transfer would stay within Fiscal Year 2027. The Commission proposes the following amendment to accomplish this. Similar changes have been acceptable to previous Legislatures in order to avoid a shortfall in the Fund:

Sec. xxx-x. Commission on Governmental Ethics and Election Practices, Maine Clean Election Act program, Transfer to Maine Clean Election Fund. Notwithstanding the Maine Revised Statutes, Title 21-A, section 1124, subsection 2, paragraph B, the State Controller shall transfer \$3,000,000, currently authorized to be transferred on or before January 1, 2027, from the General Fund to the Maine Clean Election Fund on or before July 1, 2026.

SUMMARY

This Part moves the annual transfer of \$3,000,000 from the General Fund to the Maine Clean Election Fund currently scheduled for January 1, 2027 six months earlier to July 1, 2026.

Thank you for your consideration of this testimony.

Maine Clean Election Act Overview 2008 – 2024

◆ PARTICIPATION BY LEGISLATIVE CANDIDATES

	MCEA Candidates in General Election	Total Candidates in General Election	Percentage of MCEA Candidates
2008	303	373	81%
2010	295	385	77%
2012	242	384	63%
2014	199	378	53%
2016	227	357	64%
2018	206	373	55%
2020	192	348	55%
2022	214	359	60%
2024	195	355	55%

◆ PARTICIPATION BY ELECTED LEGISLATORS

	Percentage of Legislators Who Participated in the MCEA
124 th Legislature	85%
125 th Legislature	80%
126 th Legislature	70%
127 th Legislature	58%
128 th Legislature	64%
129 th Legislature	63%
130 th Legislature	59%
131 st Legislature	62%
132 nd Legislature	57%

◆ RATE OF PARTICIPATION BY POLITICAL CAUCUS

	2016	2018	2020	2022	2024
House (D)	80% (115/143)	77% (107/139)	71% (96/135)	77% (102/133)	68% (91/132)
House (R)	45% (60/134)	27% (37/138)	32% (40/126)	35% (48/137)	39% (52/136)
Senate (D)	79% (27/33)	86% (31/36)	74% (26/35)	80% (28/35)	74% (26/35)
Senate (R)	56% (19/34)	56% (18/32)	67% (22/33)	71% (25/35)	56% (19/34)
Green, Unenrolled	54% (7/13)	46% (13/28)	42% (8/19)	58% (11/19)	39% (7/18)

*Percentage of Participation (Number of Participating Candidates/Total Number of Candidates)

◆ 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
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
2024	\$4,517,603	N/A	\$4,517,603

*Payment totals include all funds disbursed for primary and general elections (before any return of unspent funds).

◆ FUNDING LEVELS FOR MCEA CANDIDATES IN THE 2024 GENERAL ELECTION

	General 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
HOUSE CANDIDATES per level (Total candidates = 149)	27	21	20	17	13	11	9	8	23
Amount per candidate	\$6,225	\$7,775	\$9,325	\$10,875	\$12,425	\$13,975	\$15,525	\$17,075	\$18,625
SENATE CANDIDATES per level (Total candidates = 46)	4	6	3	6	5	4	3	2	13
Amount per candidate	\$24,925	\$31,150	\$37,375	\$43,600	\$49,825	\$56,050	\$62,275	\$68,500	\$74,725
Total payments to House candidates for the general election	Total payments to Senate candidates for the general election		Total payments to all MCEA candidates for the general election						
\$1,732,891	\$2,428,900		\$4,161,791						

Note: All MCEA candidates in the 2024 general election received an initial payment for the general election. Some replacement candidates and all unopposed candidates received initial 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.

Projected 2026 Participation by Legislative Candidates

	2016	2018	2020	2022	2024
Primary Election Payments	\$355,301	\$336,670	\$345,042	\$347,911	\$333,738
General Election Payments	\$1,804,529	\$1,815,038	\$1,766,867	\$2,055,069	\$2,075,291
Supplemental Payments	\$1,185,000	\$1,425,875	\$1,756,950	\$2,165,050	\$2,108,575
Total	\$3,344,830	\$3,577,583	\$3,868,858	\$4,568,030	\$4,517,604

	2016	2018	2020	2022	2024	2026 projected	2026 projected
Payments for Primary Election							
House - Contested Candidates	28	30	36	28	17	33	
House - Uncontested Candidates	165	137	121	135	132	142	
Total	193	167	157	163	149	175	\$205,575
Senate - Contested Candidates	14	11	10	9	4	13	
Senate - Uncontested Candidates	36	42	39	47	40	45	
Total	50	53	49	56	44	58	\$291,500
Total Payments for Primary							\$497,075
Initial Payments for General							
House - Contested Candidates	168	146	138	154	138	160	\$1,060,000
House - Uncontested Candidates	11	8	8	9	11	11	\$22,000
Total	179	154	146	163	149	171	\$1,082,000
Senate - Contested Candidates	47	51	48	54	45	54	\$1,431,000
Senate - Uncontested Candidates	1	0	1	0	1	0	\$0
Total	48	51	49	54	46	54	\$1,431,000
Total Init. Payments for General							\$2,513,000
Supplemental Payments							
House							\$1,021,350
Senate							\$1,431,000
Total							\$2,452,350
Projected Total for 2026							\$5,462,425

**Range of Potential Costs of 2026 MCEA Candidates for Governor
Four Examples (all candidates are enrolled in a party)**

	# of QCs	MCEA Funding
Primary election candidate (initial payment only)	3,200	\$530,125
Primary election candidate (2 supplemental payments for primary)	4,800	\$927,725
General election candidate (2 supplemental payments for primary; 4 supplemental payments for general)	9,600	\$2,650,600
General election candidate (maximum funding) (4 supplemental payments for primary; 8 supplemental payments for general)	16,000	\$3,975,900