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An Act To Eliminate Maine Clean Election Act Funding for Gubernatorial Candidates

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

Sec. 1. 21-A MRSA §1122, sub-§1, as enacted by IB 1995, c. 1, §17, is amended to read:

1. Certified candidate. "Certified candidate" means a candidate running for ~~Governor~~, State Senator or State Representative who chooses to participate in the Maine Clean Election Act and who is certified as a Maine Clean Election Act candidate under section 1125, subsection 5.

Sec. 2. 21-A MRSA §1122, sub-§5, as enacted by IB 1995, c. 1, §17, is amended to read:

5. Nonparticipating candidate. "Nonparticipating candidate" means a candidate running for ~~Governor~~, State Senator or State Representative who does not choose to participate in the Maine Clean Election Act and who is not seeking to be certified as a Maine Clean Election Act candidate under section 1125, subsection 5.

Sec. 3. 21-A MRSA §1122, sub-§6, as enacted by IB 1995, c. 1, §17, is amended to read:

6. Participating candidate. "Participating candidate" means a candidate who is running for ~~Governor~~, State Senator or State Representative who is seeking to be certified as a Maine Clean Election Act candidate under section 1125, subsection 5.

Sec. 4. 21-A MRSA §1122, sub-§8, ¶A, as amended by PL 2001, c. 465, §3, is repealed.

Sec. 5. 21-A MRSA §1123, as enacted by IB 1995, c. 1, §17, is amended to read:

§ 1123. Alternative campaign financing option

This chapter establishes an alternative campaign financing option available to candidates running for ~~Governor~~, State Senator and State Representative. This alternative campaign financing option is available to candidates for elections to be held beginning in the year 2000. The commission shall administer this Act and the fund. Candidates participating in the Maine Clean Election Act must also comply with all other applicable election and campaign laws and regulations.

Sec. 6. 21-A MRSA §1124, sub-§1, as enacted by IB 1995, c. 1, §17, is amended to read:

1. Established. The Maine Clean Election Fund is established to finance the election campaigns of certified Maine Clean Election Act candidates running for ~~Governor~~, State Senator and State Representative and to pay administrative and enforcement costs of the commission related to this Act. The fund is a special, dedicated, nonlapsing fund and any interest generated by the fund is credited to the fund. The commission shall administer the fund.

Sec. 7. 21-A MRSA §1125, sub-§2, ¶A, as enacted by IB 1995, c. 1, §17, is repealed.

Sec. 8. 21-A MRSA §1125, sub-§3, ¶A, as amended by PL 2007, c. 240, Pt. F, §1 and c. 443, Pt. B, §6, is repealed.

Sec. 9. 21-A MRSA §1125, sub-§4, as amended by PL 2007, c. 443, Pt. B, §6, is further amended to read:

4. Filing with commission. A participating candidate must submit qualifying contributions, receipt and acknowledgement forms, proof of verification of voter registration and a seed money report to the commission during the qualifying period according to procedures developed by the commission, except as provided under subsection 11. ~~Candidates for Governor shall also submit photocopies of all seed money contributions received by check or money order, bank or merchant account statements of contributions received by credit or debit card and bank or other account statements for the campaign account.~~

Sec. 10. 21-A MRSA §1125, sub-§5, as amended by PL 2007, c. 443, Pt. B, §6, is further amended to read:

5. Certification of Maine Clean Election Act candidates. Upon receipt of a final submittal of qualifying contributions by a participating candidate, the commission or its executive director shall determine whether the candidate has:

- A. Signed and filed a declaration of intent to participate in this Act;
- B. Submitted the appropriate number of valid qualifying contributions;
- C. Qualified as a candidate by petition or other means;
- D. Not accepted contributions, except for seed money contributions, and otherwise complied with seed money restrictions;
- D-1. Not run for the same office as a nonparticipating candidate in a primary election in the same election year;
- D-2. Not been found to have made a material false statement in a report or other document submitted to the commission;
- D-3. Not had prior requests for certification denied on the basis of substantial violations of this chapter or chapter 13 or certification revoked under subsection 5-A, paragraphs C to G;
- D-4. Not failed to pay any civil penalty assessed by the commission under this Title, except that a candidate has 3 business days from the date of the request for certification to pay the outstanding penalty and remain eligible for certification; and
- E. Otherwise met the requirements for participation in this Act.

The commission or its executive director shall certify a candidate complying with the requirements of this section as a Maine Clean Election Act candidate as soon as possible after final submittal of qualifying contributions and other supporting documents required under subsection 4 but no later than 3 business

days for legislative candidates and ~~5 business days for gubernatorial candidates~~. The commission and its executive director may take additional time if further investigation is necessary to verify compliance with this Act as long as the commission notifies the candidate regarding the anticipated schedule for conclusion of the investigation.

A certified candidate must comply with all requirements of this Act after certification and throughout the primary and general election periods. Failure to do so is a violation of this chapter.

Sec. 11. 21-A MRSA §1125, sub-§8, ¶E, as enacted by PL 2003, c. 453, §1, is repealed.

Sec. 12. 21-A MRSA §1125, sub-§8, ¶F, as amended by PL 2007, c. 443, Pt. B, §6, is repealed.

Sec. 13. 21-A MRSA §1125, sub-§9, as amended by PL 2007, c. 443, Pt. B, §6, is further amended to read:

9. Matching funds. When any report required under this chapter or chapter 13 shows that the sum of a candidate's expenditures or obligations, contributions and loans, or fund revenues received, whichever is greater, in conjunction with independent expenditures reported under section 1019-B, exceeds the sum of an opposing certified candidate's fund revenues, in conjunction with independent expenditures, the commission shall issue immediately to the opposing certified candidate an additional amount equivalent to the difference. Matching funds for certified candidates for the Legislature are limited to 2 times the amount originally distributed under subsection 8, paragraph A or C, whichever is applicable. ~~Matching funds for certified gubernatorial candidates in a primary election are limited to 2 times the amount originally distributed under subsection 8, paragraph E. Matching funds for certified gubernatorial candidates in a general election are limited to the amount originally distributed under subsection 8, paragraph F.~~

Sec. 14. 21-A MRSA §1125, sub-§12-B, as enacted by PL 2007, c. 443, Pt. B, §6, is repealed.

Sec. 15. 21-A MRSA §1125, sub-§13, as enacted by IB 1995, c. 1, §17, is amended to read:

13. Distributions not to exceed amount in fund. The commission may not distribute revenues to certified candidates in excess of the total amount of money deposited in the fund as set forth in section 1124. Notwithstanding any other provisions of this chapter, if the commission determines that the revenues in the fund are insufficient to meet distributions under subsections 8 or 9, the commission may permit certified candidates to accept and spend contributions, reduced by any seed money contributions, aggregating no more than \$500 per donor per election for gubernatorial candidates and \$250 per donor per election for State Senate and State House candidates, up to the applicable amounts set forth in subsections 8 and 9 according to rules adopted by the commission.

SUMMARY

This bill eliminates Maine Clean Election Act funding for gubernatorial candidates.