

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Change and Clarify the Maine Clean Election Laws

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

Sec. 1. 21-A MRSA §1019-B, sub-§1, ¶B, as enacted by PL 2003, c. 448, §3, is amended to read:

B. Is presumed in races involving a candidate who is certified as a Maine Clean Election Act candidate under section 1125, subsection 5 to be any expenditure made to design, produce or disseminate a communication that names or depicts a clearly identified candidate and is disseminated during the ~~2160~~ days, including election day, before a primary election; the ~~2160~~ days, including election day, before a general election; or during a special election until and on election day.

Sec. 2. 21-A MRSA §1122, sub-§8, as amended by PL 2001, c. 465, §3, is further amended to read:

8. Qualifying period. "Qualifying period" means the following.

A. For a gubernatorial participating candidate, the qualifying period begins November 1st immediately preceding the election year and ends at 5:00 p.m. on April 15th of the election year ~~unless the candidate is unenrolled, in which case the period ends at 5:00 p.m. on June 2nd of the election year.~~

B. For State Senate or State House of Representatives participating candidates, the qualifying period begins January 1st of the election year and ends at 5:00 p.m. on April 15th of that election year ~~unless the candidate is unenrolled, in which case the period ends at 5:00 p.m. on June 2nd of the election year.~~

Sec. 3. 21-A MRSA §1125, sub-§12-B is enacted to read:

12-B. Enrollment status maintained. A participating and certified candidate must maintain enrollment in the same political party that the candidate was enrolled in at the time of the preceding general election. If the candidate was unenrolled in a political party during the last general election, that unenrolled status must be maintained after the candidate is certified as a Maine Clean Election Act candidate.

Sec. 4. Rules. By October 1, 2007, the Commission on Governmental Ethics and Election Practices shall amend the rules adopted under the Maine Clean Election Act, which are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. The amended rules must provide:

1. That campaign signs to be reused from a previous campaign for a Maine Clean Election Act candidate are not required to be changed to update required disclaimer information;

2. An equitable formula for allowing for Maine Clean Election Act funds spent on candidate travel expenses that is based on the square miles contained within a candidate's legislative district; and

3. For permitting primary funds distributed from the Maine Clean Election Fund to be spent during a general election if the certified candidate was unopposed in the primary.

Sec. 5. Report. By January 15, 2008 the Commission on Governmental Ethics and Election Practices shall issue to the Joint Standing Committee on Legal and Veterans Affairs a report suggesting statutory changes that will assist in narrowing to one the number of unenrolled gubernatorial candidates that may receive Maine Clean Election Act funds.

SUMMARY

This bill extends the period that certain expenditures under the Maine Clean Election Act are deemed independent expenditures from 21 days to 60 days prior to an election. This bill also repeals the provision in the Maine Clean Election Act that gives a longer qualifying period to unenrolled candidates. It also adds a provision to the terms of participation of the Maine Clean Election Act requiring a candidate to maintain the same enrollment status the candidate held at the time of the preceding general election prior to seeking certification as a Maine Clean Election Act candidate. The bill directs the Commission on Governmental Ethics and Election Practices to adopt rules that will: permit a candidate to reuse campaign signs from a prior election without updating disclaimers; establish an equitable formula for the allowance of travel expenses based on the square miles in a candidate's legislative district; and permit primary funds to be spent during a general election if a candidate was unopposed in the primary. Finally, this bill directs the commission to issue a report that suggests a statutory mechanism for narrowing to one the number of unenrolled gubernatorial candidates that may receive Maine Clean Election Act funds.