



125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 80

H.P. 68

House of Representatives, January 12, 2011

**An Act Regarding Maine Clean Election Act Funds for a Candidate
without a Primary Opponent**

Reference to the Committee on Veterans and Legal Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative KNIGHT of Livermore Falls.
Cosponsored by Senator SHERMAN of Aroostook and
Representatives: BURNS of Whiting, DILL of Old Town, GIFFORD of Lincoln, HANLEY of
Gardiner, O'CONNOR of Berwick, PICCHIOTTI of Fairfield, PLUMMER of Windham,
VALENTINO of Saco.

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

2 **Sec. 1. 21-A MRSA §1125, sub-§7, ¶A**, as amended by PL 2001, c. 465, §4, is
3 further amended to read:

4 A. Within 3 days after certification, for candidates certified prior to March 15th of
5 the election year, revenues from the fund must be distributed as ~~if the candidates are~~
6 ~~in an uncontested primary election~~ determined by the commission.

7 **Sec. 2. 21-A MRSA §1125, sub-§8-A**, as enacted by PL 2009, c. 302, §17 and
8 affected by §24, is amended to read:

9 **8-A. Amount of fund distribution.** By September 1, 2011, and at least every 2
10 years after that date, the commission shall determine the amount of funds to be
11 distributed to participating candidates in legislative elections based on the type of election
12 and office. The commission may not make a distribution to a candidate in an uncontested
13 legislative primary election. In making this determination, the commission may take into
14 consideration any relevant information, including but not limited to:

15 A. The range of campaign spending by candidates for that office in the 2 preceding
16 elections;

17 B. The Consumer Price Index published monthly by the United States Department of
18 Labor, Bureau of Labor Statistics and any other significant changes in the costs of
19 campaigning such as postage or fuel; and

20 C. The impact of independent expenditures on the payment of matching funds.

21 Before making any determination, the commission shall provide notice of the
22 determination and an opportunity to comment to the President of the Senate, the Speaker
23 of the House of Representatives, all floor leaders, the members of the joint standing
24 committee of the Legislature having jurisdiction over legal affairs and persons who have
25 expressed interest in receiving notices of opportunities to comment on the commission's
26 rules and policies. The commission shall present at a public meeting the basis for the
27 commission's final determination.

28 For contested gubernatorial primary elections, the amount of revenues distributed is
29 \$400,000 per candidate in a primary election. ~~For uncontested gubernatorial primary~~
30 ~~elections the amount of revenues distributed is \$200,000.~~ The commission may not make
31 a distribution to a candidate in an uncontested gubernatorial primary election. For
32 contested and uncontested gubernatorial general elections, the amount of revenues
33 distributed is \$600,000 per candidate in the general election.

34 **Sec. 3. 21-A MRSA §1125, sub-§10**, as repealed and replaced by PL 2009, c.
35 652, Pt. A, §27 and affected by §28, is amended to read:

36 **10. Candidate not enrolled in a party.** An unenrolled candidate for the Legislature
37 who submits the required number of qualifying contributions and other required
38 documents under subsection 4 by 5:00 p.m. on April 15th preceding the primary election
39 and who is certified is not eligible for revenues from the fund for a primary election and
40 is eligible for revenues from the fund in the same amounts and at the same time as ~~an~~

1 ~~uncontested primary election candidate~~ and a general election candidate as specified in
2 subsections 7 and 8-A. Otherwise, an unenrolled candidate for the Legislature must
3 submit the required number of qualifying contributions and the other required documents
4 under subsection 4 by 5:00 p.m. on June 2nd preceding the general election. If certified,
5 the candidate is eligible for revenues from the fund in the same amounts as a general
6 election candidate, as specified in subsection 8-A. Revenues for the general election
7 must be distributed to the candidate no later than 3 days after certification. An unenrolled
8 candidate for Governor who submits the required number of qualifying contributions and
9 other required documents under subsections 2-B and 4 by 5:00 p.m. on April 1st
10 preceding the primary election and who is certified is not eligible for revenues from the
11 fund for a primary election and is eligible for revenues from the fund in the same amounts
12 and at the same time as ~~an uncontested primary election gubernatorial candidate~~ and a
13 general election gubernatorial candidate as specified in subsections 7 and 8-A. Revenues
14 for the general election must be distributed to the candidate for Governor no later than 3
15 days after the primary election results are certified.

16

SUMMARY

17 This bill provides that the Commission on Governmental Ethics and Election
18 Practices may not make a distribution of Maine Clean Election Act funds to a candidate
19 in an uncontested legislative or gubernatorial primary election.