CHAPTER 14

THE MAINE CLEAN ELECTION ACT

§1121. Short title

This chapter may be known and cited as the "Maine Clean Election Act." [IB 1995, c. 1, §17 (NEW).]

SECTION HISTORY

IB 1995, c. 1, §17 (NEW).

§1122. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [IB 1995, c. 1, §17 (NEW).]

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.
[IB 1995, c. 1, §17 (NEW).]

1-A. Caucus political action committee. "Caucus political action committee" has the same meaning as in section 1001, subsection 1-A.
[PL 2019, c. 635, §5 (NEW).]

2. Commission. "Commission" means the Commission on Governmental Ethics and Election Practices established by Title 5, section 12004-G, subsection 33.
[IB 1995, c. 1, §17 (NEW).]

3. Contribution. "Contribution" has the same meaning as in section 1012, subsection 2.
[IB 1995, c. 1, §17 (NEW).]

3-A. Election cycle. "Election cycle" means the period beginning on the day after the general election for any state, county or municipal office and ending on the day of the next general election for that office.
[IB 2015, c. 1, §13 (NEW).]

4. Fund. "Fund" means the Maine Clean Election Fund established in section 1124.
[IB 1995, c. 1, §17 (NEW).]

4-A. Immediate family. "Immediate family" has the same meaning as in section 1, subsection 20 and includes a candidate's domestic partner and the immediate family of the candidate's domestic partner.
[PL 2007, c. 443, Pt. B, §1 (NEW).]

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.
[IB 1995, c. 1, §17 (NEW).]

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.
[IB 1995, c. 1, §17 (NEW).]

7. Qualifying contribution. "Qualifying contribution" means a donation:

A. Of $5 or more in the form of cash, a check or a money order payable to the fund and signed by the contributor in support of a candidate or a payment made over the Internet in support of a candidate according to the procedure established by the commission; [PL 2019, c. 323, §26 (AMD).]

B. Made by a registered voter within the electoral division for the office a candidate is seeking and whose voter registration has been verified according to procedures established by the commission; [PL 2009, c. 190, Pt. B, §1 (AMD).]

C. Made during the designated qualifying period; and [PL 2007, c. 443, Pt. B, §2 (AMD).]

D. That the contributor acknowledges was made with the contributor's personal funds and in support of the candidate and was not given in exchange for anything of value and that the candidate acknowledges was obtained with the candidate's knowledge and approval and that nothing of value was given in exchange for the contribution, on forms provided by the commission. [PL 2007, c. 443, Pt. B, §2 (AMD).]

[PL 2019, c. 323, §26 (AMD).]

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

A. For a gubernatorial participating candidate, the qualifying period begins October 15th immediately preceding the election year and ends at 5:00 p.m. on April 1st of the election year. [PL 2009, c. 363, §1 (AMD).]

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 20th of that election year or the next business day following April 20th if the office of the commission is closed on April 20th. [PL 2009, c. 286, §5 (AMD).]

[PL 2009, c. 286, §5 (AMD); PL 2009, c. 363, §1 (AMD).]

9. Seed money contribution. "Seed money contribution" means a contribution of no more than $100 per individual made to a participating candidate, including the candidate or the candidate's spouse or domestic partner.

[PL 2007, c. 571, §10 (AMD).]

SECTION HISTORY

IB 1995, c. 1, §17 (NEW). PL 2001, c. 465, §3 (AMD). PL 2005, c. 301, §28 (AMD). PL 2007, c. 443, Pt. B, §§1-3 (AMD). PL 2007, c. 571, §10 (AMD). PL 2009, c. 190, Pt. B, §1 (AMD). PL 2009, c. 286, §§4, 5 (AMD). PL 2009, c. 363, §1 (AMD). IB 2015, c. 1, §13 (AMD). PL 2019, c. 323, §26 (AMD). PL 2019, c. 635, §5 (AMD).

§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. [IB 1995, c. 1, §17 (NEW).]

SECTION HISTORY

IB 1995, c. 1, §17 (NEW).

§1124. The Maine Clean Election Fund established; sources of funding

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.
[IB 1995, c. 1, §17 (NEW).]

2. Sources of funding. The following must be deposited in the fund:

A. The qualifying contributions and additional qualifying contributions required under section 1125 when those contributions are submitted to the commission; [IB 2015, c. 1, §14 (AMD).]

B. Three million dollars of the revenues from the taxes imposed under Title 36, Parts 3 and 8 and credited to the General Fund, transferred to the fund by the State Controller on or before January 1st of each year, beginning January 1, 1999. These revenues must be offset in an equitable manner by an equivalent reduction in tax expenditures as defined in Title 36, section 199-A, subsection 2. This section may not affect the funds distributed to the Local Government Fund under Title 30-A, section 5681. [IB 2015, c. 1, §14 (AMD).]

C. Revenue from a tax checkoff program allowing a resident of the State who files a tax return with the State Tax Assessor to designate that $3 be paid into the fund. In the case of a joint return, each spouse may designate that $3 be paid. The State Tax Assessor shall report annually the amounts designated for the fund to the State Controller, who shall transfer that amount to the fund; [IB 2015, c. 1, §14 (AMD).]

D. Seed money contributions remaining unspent after a candidate has been certified as a Maine Clean Election Act candidate; [IB 1995, c. 1, §17 (NEW).]

E. Fund revenues that were distributed to a Maine Clean Election Act candidate and that remain unspent after the candidate has lost a primary election or after all general elections; [IB 1995, c. 1, §17 (NEW).]

F. Other unspent fund revenues distributed to any Maine Clean Election Act candidate who does not remain a candidate throughout a primary or general election cycle; [IB 1995, c. 1, §17 (NEW).]

G. Voluntary donations made directly to the fund; and [IB 1995, c. 1, §17 (NEW).]

H. Fines collected under section 1020-A, subsection 4-A and section 1127. [PL 2011, c. 389, §50 (AMD).]
[IB 2015, c. 1, §14 (AMD).]

3. Determination of fund amount.
[IB 2015, c. 1, §14 (RP).]

4. Report on fund amount; operating margin. By January 1st of each year the commission shall provide to the Legislature and the Governor a report of its projection of the revenues and expenditures of the Maine Clean Election Fund for the subsequent 4-year period. The commission shall include in the report an operating margin of 20% to ensure sufficient funds in the event of higher-than-expected participation in the Maine Clean Election Act. If any such report shows that the projected revenue for the subsequent 4-year period exceeds the projected expenses for that 4-year period plus the 20% operating margin, the commission shall notify the Legislature and the Governor and request that the amount of expected funding that exceeds the expected demand on the fund plus the operating margin be transferred to the General Fund. The Department of Administrative and Financial Services, Bureau of Revenue Services shall assist the commission with revenue projections required by this subsection. If at any time the commission determines that projected revenue is not sufficient to cover the projected

demand for funds in the 4-year period plus the operating margin, the commission may submit legislation to request additional funding.
[IB 2015, c. 1, §14 (NEW).]

SECTION HISTORY

IB 1995, c. 1, §17 (NEW). PL 1999, c. 4, §H1 (AMD). PL 2001, c. 559, §OO1 (AMD). PL 2001, c. 714, §RR1 (AMD). PL 2003, c. 673, §EE1 (AMD). RR 2007, c. 1, §12 (COR). PL 2007, c. 443, Pt. B, §§4, 5 (AMD). PL 2011, c. 389, §50 (AMD). IB 2015, c. 1, §14 (AMD).

§1125. Terms of participation

1. Declaration of intent. A participating candidate shall file a declaration of intent to seek certification as a Maine Clean Election Act candidate and to comply with the requirements of this chapter. The declaration of intent must be filed with the commission prior to or during the qualifying period, except as provided in subsection 11, according to forms and procedures developed by the commission. Qualifying contributions collected more than 5 business days before the declaration of intent has been filed will not be counted toward the eligibility requirements in subsection 3 or 3-A.
[PL 2019, c. 323, §27 (AMD).]

2. Contribution limits for participating candidates. Subsequent to becoming a candidate as defined by section 1, subsection 5 and prior to certification, a participating candidate may not accept contributions, except for seed money contributions. A participating candidate must limit the candidate's total seed money contributions to the following amounts:

A. Two hundred thousand dollars for a gubernatorial candidate; [PL 2009, c. 363, §2 (AMD).]

B. Three thousand dollars for a candidate for the State Senate; or [IB 2015, c. 1, §15 (AMD).]

C. One thousand dollars for a candidate for the State House of Representatives. [IB 2015, c. 1, §15 (AMD).]

The commission may, by rule, revise these amounts to ensure the effective implementation of this chapter.
[IB 2015, c. 1, §15 (AMD).]

2-A. Seed money restrictions. To be eligible for certification, a participating candidate may collect and spend only seed money contributions subsequent to becoming a candidate and prior to certification. A participating candidate may not solicit, accept or collect seed money contributions after certification as a Maine Clean Election Act candidate.

A. All goods and services received prior to certification must be paid for with seed money contributions, except for goods and services that are excluded from the definition of contribution in section 1012, subsection 2, paragraph B. It is a violation of this chapter for a certified candidate to use fund revenues received after certification to pay for goods and services received prior to certification. [PL 2019, c. 323, §28 (AMD).]

B. Prior to certification, a participating candidate may obligate an amount greater than the seed money collected, but may only receive that portion of goods and services that has been paid for or will be paid for with seed money. A participating candidate who has accepted contributions or made expenditures that do not comply with the seed money restrictions under this chapter may petition the commission to remain eligible for certification as a Maine Clean Election Act candidate in accordance with rules of the commission, if the failure to comply was unintentional and does not constitute a significant infraction of these restrictions. [PL 2007, c. 443, Pt. B, §6 (NEW).]

C. Upon requesting certification, a participating candidate shall file a report of all seed money contributions and expenditures. If the candidate is certified, any unspent seed money will be deducted from the amount distributed to the candidate as provided in subsection 8-F. [IB 2015, c. 1, §16 (AMD).]

[PL 2019, c. 323, §28 (AMD).]

2-B. Seed money required for gubernatorial candidates; documentation. [IB 2015, c. 1, §17 (RP).]

3. Qualifying contributions. The collection of qualifying contributions is governed by this subsection.

A. [PL 2019, c. 323, §29 (RP).]

B. [PL 2019, c. 323, §29 (RP).]

C. [PL 2019, c. 323, §29 (RP).]

D. To be eligible to receive funding from the fund, participating candidates must obtain qualifying contributions during the qualifying period as follows:

(1) For a gubernatorial candidate, at least 3,200 verified registered voters of this State must support the candidacy by providing a qualifying contribution to that candidate;

(2) For a candidate for the State Senate, at least 175 verified registered voters from the candidate's electoral division must support the candidacy by providing a qualifying contribution to that candidate; or

(3) For a candidate for the State House of Representatives, at least 60 verified registered voters from the candidate's electoral division must support the candidacy by providing a qualifying contribution to that candidate. [PL 2019, c. 323, §29 (NEW).]

E. A contributor making a qualifying contribution by check or money order shall sign the check or money order. If the contributor has made a check or money order payable to a participating candidate in error, the candidate may remedy the error by endorsing the check or money order to the fund. [PL 2019, c. 323, §29 (NEW).]

F. A contributor may make a qualifying contribution to a participating candidate in the form of cash, as long as the contributor signs a form prepared by the commission affirming that the contributor made the contribution with personal funds. A candidate receiving qualifying contributions in cash shall submit the contributions to the commission in the aggregate in the form of a cashier's check or money order payable to the fund. The candidate may not deposit qualifying contributions received in cash into the candidate's campaign account. [PL 2019, c. 323, §29 (NEW).]

G. As an alternative to making a qualifying contribution under paragraph F, a contributor may make a qualifying contribution to a participating candidate in the form of cash, as long as the candidate submits a money order in the same amount to the commission. The money order must be signed by the contributor to be a valid qualifying contribution. The cash received from the contributor must be used to reimburse the person who provided the money order. [PL 2019, c. 323, §29 (NEW).]

H. Any fees for a cashier's check or a money order paid with seed money must be reported as an expenditure in campaign finance reports submitted to the commission. If a participating candidate uses personal funds to pay fees for the purchase of a cashier's check or money order, those fees are not a contribution to the candidate and are not required to be disclosed in campaign finance reports. The candidate shall report any cashier's check or money order fees paid by anyone other than the candidate as an in-kind contribution subject to seed money limitations. [PL 2019, c. 323, §29 (NEW).]

I. The commission may establish by routine technical rule, adopted in accordance with Title 5, chapter 375, subchapter 2-A, a procedure for a qualifying contribution to be made by a credit or debit transaction and by electronic funds transfer over the Internet. Records containing information

provided by individuals who have made qualifying contributions over the Internet are confidential, except for the name of the individual making the contribution, the date of the contribution, the individual's residential address and the name and office sought of the candidate in whose support the contribution was made. [PL 2019, c. 323, §29 (NEW).]

J. A payment, gift or anything of value may not be given in exchange for a qualifying contribution. It is a violation of this chapter for a participating candidate or an agent of the participating candidate to misrepresent the purpose of soliciting qualifying contributions and obtaining the contributor's signed acknowledgment. [PL 2019, c. 323, §29 (NEW).]

[PL 2019, c. 323, §29 (RPR).]

3-A. Additional qualifying contributions. Participating or certified candidates may collect and submit to the commission additional qualifying contributions at the times specified in subsection 8-E. The commission shall credit a candidate with either one qualifying contribution or one additional qualifying contribution, but not both, from any one contributor during the same election cycle. If any candidate collects and submits to the commission qualifying contributions or additional qualifying contributions that cannot be credited pursuant to this subsection, those qualifying contributions or additional qualifying contributions may be refunded to the contributor or deposited into the Maine Clean Election Fund at the discretion of the candidate. The procedures and restrictions set out in subsection 3, paragraphs E to J apply to additional qualifying contributions.

[PL 2019, c. 323, §30 (AMD).]

3-B. Receipt and acknowledgment forms. The commission shall prepare forms for persons making qualifying contributions to acknowledge the contribution as provided in section 1122, subsection 7, paragraph D. A qualifying contribution is not valid if anyone other than the contributor signed the contributor's name to the form, except that a qualifying contribution is valid if it is signed by the contributor's immediate family member or live-in caregiver when the contributor is unable to sign due to a physical impairment or disability.

[PL 2019, c. 323, §31 (NEW).]

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.

[PL 2009, c. 363, §4 (AMD).]

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

A. Signed and filed a declaration of intent to participate in this Act; [IB 1995, c. 1, §17 (NEW).]

B. Submitted the appropriate number of valid qualifying contributions; [IB 1995, c. 1, §17 (NEW).]

C. Qualified as a candidate by petition or other means no later than 5 business days after the end of the qualifying period; [PL 2011, c. 389, §52 (AMD).]

C-1. [IB 2015, c. 1, §20 (RP).]

D. Not accepted contributions, except for seed money contributions, and otherwise complied with seed money restrictions; [PL 2003, c. 270, §1 (AMD).]

D-1. Not run for the same office as a nonparticipating candidate in a primary election in the same election year; [PL 2007, c. 443, Pt. B, §6 (AMD).]

D-2. Not been found to have made a material false statement in a report or other document submitted to the commission; [PL 2007, c. 443, Pt. B, §6 (NEW).]

D-3. Not otherwise substantially violated the provisions of this chapter or chapter 13; [PL 2009, c. 190, Pt. B, §2 (AMD).]

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; [PL 2011, c. 389, §52 (AMD).]

D-5. Not submitted any fraudulent qualifying contributions or any falsified acknowledgement forms for qualifying contributions or seed money contributions; and [PL 2011, c. 389, §52 (NEW).]

E. Otherwise met the requirements for participation in this Act. [IB 1995, c. 1, §17 (NEW).]

The 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 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 candidate or other interested person may appeal the decision of the executive director to the members of the commission in accordance with subsection 14.

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.
[IB 2015, c. 1, §20 (AMD).]

5-A. Revocation of certification. The certification of a participating candidate may be revoked at any time if the commission determines that the candidate or an agent of the candidate:

A. Did not submit the required number of valid qualifying contributions; [PL 2007, c. 443, Pt. B, §6 (NEW).]

B. Failed to qualify as a candidate by petition or other means; [PL 2007, c. 443, Pt. B, §6 (NEW).]

C. Submitted any fraudulent qualifying contributions or qualifying contributions that were not made by the named contributor; [PL 2007, c. 443, Pt. B, §6 (NEW).]

D. Misrepresented to a contributor the purpose of the qualifying contribution or obtaining the contributor's signature on the receipt and acknowledgement form; [PL 2007, c. 443, Pt. B, §6 (NEW).]

E. Failed to fully comply with the seed money restrictions; [PL 2007, c. 443, Pt. B, §6 (NEW).]

F. Knowingly accepted any contributions, including any in-kind contributions, or used funds other than fund revenues distributed under this chapter to make campaign-related expenditures without the permission of the commission; [PL 2007, c. 443, Pt. B, §6 (NEW).]

G. Knowingly made a false statement or material misrepresentation in any report or other document required to be filed under this chapter or chapter 13; [PL 2009, c. 363, §6 (AMD).]

H. Otherwise substantially violated the provisions of this chapter or chapter 13; or [PL 2009, c. 363, §6 (AMD).]

I. As a gubernatorial candidate, failed to properly report seed money contributions as required by this section. [PL 2009, c. 363, §6 (NEW).]

The determination to revoke the certification of a candidate must be made by a vote of the members of the commission after an opportunity for a hearing. A candidate whose certification is revoked shall return all unspent funds to the commission within 3 days of the commission's decision and may be

required to return all funds distributed to the candidate. In addition to the requirement to return funds, the candidate may be subject to a civil penalty under section 1127. The candidate may appeal the commission's decision to revoke certification in the same manner provided in subsection 14, paragraph C.
[PL 2009, c. 363, §6 (AMD).]

5-B. Restrictions on serving as treasurer. A participating or certified candidate may not serve as a treasurer or deputy treasurer for that candidate's campaign, except that the candidate may serve as treasurer or deputy treasurer for up to 14 days after declaring an intention to qualify for campaign financing under this chapter until the candidate identifies another person to serve as treasurer.
[PL 2011, c. 389, §53 (AMD).]

6. Restrictions on contributions and expenditures for certified candidates. After certification, a candidate must limit the candidate's campaign expenditures and obligations, including outstanding obligations, to the revenues distributed to the candidate from the fund and may not accept any contributions unless specifically authorized by the commission. Candidates may also accept and spend interest earned on fund revenues in campaign bank accounts. All revenues distributed to a certified candidate from the fund must be used for campaign-related purposes. The candidate, the treasurer, the candidate's committee authorized pursuant to section 1013-A, subsection 1 or any agent of the candidate and committee may not use these revenues for any but campaign-related purposes. The candidate, the treasurer, the candidate's committee authorized pursuant to section 1013-A, subsection 1 or any agent of the candidate and committee may not use these revenues for post-election parties. This section does not prohibit a candidate from using personal funds for post-election parties as governed by rules of the commission. The commission shall publish guidelines outlining permissible campaign-related expenditures.
[PL 2017, c. 31, §1 (AMD).]

6-A. Assisting a person to become an opponent. A candidate or a person who later becomes a candidate and who is seeking certification under subsection 5, or an agent of that candidate, may not assist another person in qualifying as a candidate for the same office if such a candidacy would result in the distribution of revenues under subsections 7 and 8-F for certified candidates in a contested election.
[IB 2015, c. 1, §21 (AMD).]

6-B. Expenditures as payment to household members.
[PL 2009, c. 302, §13 (RP).]

6-C. Expenditures to the candidate or family or household members. Expenditures to the candidate or immediate family member or household member of the candidate are governed by this subsection.

A. The candidate may not use fund revenues to pay or compensate the candidate or the candidate's spouse or domestic partner, a sole proprietorship of the candidate or the candidate's spouse or domestic partner, a business entity in which the candidate or the candidate's spouse or domestic partner holds a significant proprietary or financial interest or a nonprofit entity in which the candidate or the candidate's spouse or domestic partner is a director, officer, executive director or chief financial officer for campaign-related goods or services. [PL 2019, c. 323, §32 (AMD).]

B. A candidate may make expenditures using fund revenues to pay a member of the candidate's immediate family or household other than the candidate's spouse or domestic partner; a business entity in which a member of the candidate's immediate family or household other than the candidate's spouse or domestic partner holds a significant proprietary or financial interest; or a nonprofit entity in which a member of the candidate's immediate family or household other than the candidate's spouse or domestic partner is a director, officer, executive director or chief financial officer, as long as the expenditure is made:

(1) For a legitimate campaign-related purpose;

(2) To an individual or business that provides the goods or services being purchased in the normal course of the individual's occupation or the business; and

(3) In an amount that is reasonable taking into consideration current market value and other factors the commission may choose to consider.

For the purpose of this paragraph, "business entity" means a corporation, limited liability company, limited partnership, limited liability partnership and general partnership.

If a candidate uses fund revenues for an expenditure covered by this paragraph, the candidate shall submit evidence demonstrating that the expenditure complies with the requirements of this paragraph if requested by the commission. [PL 2019, c. 323, §32 (AMD).]

This subsection does not prohibit reimbursement to the candidate or a member of a candidate's household or immediate family when made in accordance with this chapter and rules adopted by the commission.
[PL 2019, c. 323, §32 (AMD).]

6-D (omitted).

REVISOR'S NOTE: Subsection 6-D omitted when subsection 6-E was enacted by PL 2011, c. 389, §55

6-E. Expenditures for television advertising. A candidate must include closed-captioning within any television advertisement that the candidate provides to a broadcasting or cable television station for broadcast to the public, except for an advertisement aired in the final 4 days before an election if inclusion of closed-captioning during that period is impractical or would materially affect the timing of the candidate's advertisement.
[PL 2011, c. 389, §55 (NEW).]

6-F. Participation in political action committees. A participating candidate or a certified candidate may not establish a political action committee for which the candidate is a treasurer or principal officer or for which the candidate is primarily responsible for fund-raising or decision making. This prohibition applies between April 1st immediately preceding a general election through:

A. The date on which the candidate withdraws from a race; [PL 2015, c. 116, §1 (NEW); PL 2015, c. 116, §2 (AFF).]

B. The date of the primary election or general election for a candidate who loses either election; or [PL 2015, c. 116, §1 (NEW); PL 2015, c. 116, §2 (AFF).]

C. January 1st immediately preceding the next general election for a candidate who wins the general election. [PL 2015, c. 116, §1 (NEW); PL 2015, c. 116, §2 (AFF).]

This prohibition also applies to a participating candidate or certified candidate in a special election, except that the prohibition begins on the date of the candidate's nomination. This subsection does not prohibit a participating candidate or certified candidate, including a certified candidate who wins a general or special election, from engaging in fund-raising or decision making for a caucus political action committee, a ballot question committee or a political action committee formed for the purpose of promoting or opposing a ballot question. This prohibition applies to a participating candidate or certified candidate regardless of the date on which the political action committee was established.
[PL 2019, c. 635, §6 (AMD).]

7. Timing of initial fund distribution. The commission shall distribute to certified candidates revenues from the fund in amounts determined under subsections 8-B to 8-D in the following manner.

A. Within 3 days after certification, for candidates certified prior to March 15th of the election year, revenues from the fund must be distributed as if the candidates are in an uncontested primary election. [PL 2001, c. 465, §4 (AMD).]

B. Within 3 days after certification, for all candidates certified between March 15th and the end of the qualifying period of the election year, revenues from the fund must be distributed according to whether the candidate is in a contested or uncontested primary election. [PL 2009, c. 363, §7 (AMD).]

B-1. For candidates in contested primary elections receiving a distribution under paragraph A, additional revenues from the fund must be distributed within 3 days of March 15th of the election year. [PL 2001, c. 465, §4 (NEW).]

C. No later than 3 days after the primary election results are certified, for general election certified candidates, revenues from the fund must be distributed according to whether the candidate is in a contested or uncontested general election. [PL 2007, c. 443, Pt. B, §6 (AMD).]

Funds may be distributed to certified candidates under this section by any mechanism that is expeditious, ensures accountability and safeguards the integrity of the fund.
[IB 2015, c. 1, §22 (AMD).]

7-A. Deposit into account; release of bank records. A candidate or a committee authorized pursuant to section 1013-A, subsection 1 shall deposit all revenues from the fund and all seed money contributions in an account, referred to in this subsection as a "campaign account," with a bank or other financial institution. The campaign funds must be segregated from, and may not be commingled with, any other funds.

A. A participating candidate shall provide to the commission a signed written authorization allowing the bank or other financial institution administering a campaign account to release to the commission all records held by that bank or institution pertaining to the campaign account, including, but not limited to, campaign account statements, records of payments or transfers from the campaign account and deposits of funds to the campaign account. [PL 2011, c. 522, §2 (NEW); PL 2011, c. 522, §4 (AFF).]

B. The executive director of the commission or its auditor, during an audit or during an investigation authorized by the commission or the chair of the commission of potential noncompliance with the requirements of this chapter, chapter 13 or a rule of the commission, may request that a candidate provide the records of a campaign account. If the candidate fails to comply with the request within 30 days of receiving it, the executive director or auditor may use the authorization obtained pursuant to paragraph A to obtain the records directly from the bank or other financial institution. [PL 2011, c. 522, §2 (NEW); PL 2011, c. 522, §4 (AFF).]
[PL 2011, c. 522, §2 (RPR); PL 2011, c. 522, §4 (AFF).]

7-B. Timing of supplemental fund distribution. The following provisions govern the timing of supplemental fund distributions.

A. For gubernatorial candidates, any supplemental primary or general election distributions made pursuant to subsection 8-B must be made within 3 business days of certification by the commission of the required number of additional qualifying contributions. [IB 2015, c. 1, §23 (NEW).]

B. For legislative candidates, any supplemental general election distributions made pursuant to subsections 8-C and 8-D must be made within 3 business days of certification by the commission of the required number of additional qualifying contributions. [IB 2015, c. 1, §23 (NEW).]
[IB 2015, c. 1, §23 (NEW).]

8. Amount of fund distribution.

[PL 2009, c. 652, Pt. A, §23 (RP); PL 2009, c. 652, Pt. A, §24 (AFF).]

8-A. Amount of fund distribution.

[IB 2015, c. 1, §24 (RP).]

8-B. Distributions to participating gubernatorial candidates. Distributions from the fund to participating gubernatorial candidates must be made as follows.

A. For an uncontested primary election, the total distribution of revenues is $200,000 per candidate. [IB 2015, c. 1, §25 (NEW).]

B. For a contested primary election, the amount of revenues distributed is as follows:

(1) The initial distribution of revenues is $400,000 per candidate;

(2) For each increment of 800 additional qualifying contributions a candidate collects and submits pursuant to subsection 8-E, not to exceed a total of 3,200 additional qualifying contributions, the supplemental distribution of revenues to that candidate is $150,000; and

(3) The total amount of revenues distributed for a contested primary election may not exceed $1,000,000 per candidate. [IB 2015, c. 1, §25 (NEW).]

C. For an uncontested general election, the total distribution of revenues is $600,000 per candidate. [IB 2015, c. 1, §25 (NEW).]

D. For a contested general election, the amount of revenues distributed is as follows:

(1) The initial distribution of revenues is $600,000 per candidate;

(2) For each increment of 1,200 additional qualifying contributions a candidate collects and submits pursuant to subsection 8-E, not to exceed a total of 9,600 additional qualifying contributions, the supplemental distribution of revenues to that candidate is $175,000; and

(3) The total amount of revenues distributed for a contested general election may not exceed $2,000,000 per candidate. [IB 2015, c. 1, §25 (NEW).]

[IB 2015, c. 1, §25 (NEW).]

8-C. Distributions to participating candidates for State Senate. Distributions from the fund to participating candidates for the State Senate must be made as follows.

A. For an uncontested primary election, the total distribution of revenues is $2,000 per candidate. [IB 2015, c. 1, §25 (NEW).]

B. For a contested primary election, the total distribution of revenues is $10,000 per candidate. [IB 2015, c. 1, §25 (NEW).]

C. For an uncontested general election, the total distribution of revenues is $6,000 per candidate. [IB 2015, c. 1, §25 (NEW).]

D. For a contested general election, the amount of revenues distributed is as follows:

(1) The initial distribution of revenues is $20,000 per candidate;

(2) For each increment of 45 additional qualifying contributions a candidate collects and submits pursuant to subsection 8-E, not to exceed a total of 360 additional qualifying contributions, the supplemental distribution of revenues to that candidate is $5,000; and

(3) The total amount of revenues distributed for a contested general election may not exceed $60,000 per candidate. [IB 2015, c. 1, §25 (NEW).]

[IB 2015, c. 1, §25 (NEW).]

8-D. Distributions to participating candidates for State House of Representatives. Distributions from the fund to participating candidates for the State House of Representatives must be made as follows.

A. For an uncontested primary election, the total distribution of revenues is $500 per candidate. [IB 2015, c. 1, §25 (NEW).]

B. For a contested primary election, the total distribution of revenues is $2,500 per candidate. [IB 2015, c. 1, §25 (NEW).]

C. For an uncontested general election, the total distribution of revenues is $1,500 per candidate. [IB 2015, c. 1, §25 (NEW).]

D. For a contested general election, the amount of revenues distributed is as follows:

(1) The initial distribution of revenues is $5,000 per candidate;

(2) For each increment of 15 additional qualifying contributions a candidate collects and submits pursuant to subsection 8-E, not to exceed a total of 120 additional qualifying contributions, the supplemental distribution of revenues to that candidate is $1,250; and

(3) The total amount of revenues distributed for a contested general election may not exceed $15,000 per candidate. [IB 2015, c. 1, §25 (NEW).]

[IB 2015, c. 1, §25 (NEW).]

8-E. Collection and submission of additional qualifying contributions. Participating or certified candidates may collect and submit additional qualifying contributions in accordance with subsection 3-A to the commission as follows:

A. For gubernatorial candidates, no earlier than October 15th of the year before the year of the election and no later than 3 weeks before election day; and [IB 2015, c. 1, §25 (NEW).]

B. For legislative candidates, no earlier than January 1st of the election year and no later than 3 weeks before election day. [IB 2015, c. 1, §25 (NEW).]

Additional qualifying contributions may be submitted to the commission at any time in any amounts in accordance with the schedules in this subsection. The commission shall make supplemental distributions to candidates in the amounts and in accordance with the increments specified in subsections 8-B to 8-D. If a candidate submits additional qualifying contributions prior to a primary election in excess of the number of qualifying contributions for which a candidate may receive a distribution, the excess qualifying contributions must be counted as general election additional qualifying contributions if the candidate has a contested general election, but supplemental distributions based on these excess qualifying contributions may not be distributed until after the primary election.
[PL 2019, c. 323, §33 (AMD).]

8-F. Amount of distributions. On December 1st of each even-numbered year the commission shall review and adjust the distribution amounts in subsections 8-B to 8-D based on the Consumer Price Index as reported by the United States Department of Labor, Bureau of Labor Statistics. If an adjustment is warranted by the Consumer Price Index, the distribution amounts must be adjusted, rounded to the nearest amount divisible by $25. When making adjustments under this subsection, the commission may not change the number of qualifying contributions or additional qualifying contributions required to trigger an initial distribution or an increment of supplemental distribution. The commission shall post information about the distribution amounts including the date of any adjustment on its publicly accessible website and include this information with any publication to be used as a guide for candidates.
[IB 2015, c. 1, §25 (NEW).]

9. Matching funds.
[PL 2011, c. 558, §8 (RP).]

10. Candidate not enrolled in a party. An unenrolled candidate for the Legislature who submits the required number of qualifying contributions and other required documents under subsection 4 by 5:00 p.m. on April 20th preceding the primary election and who is certified is eligible for revenues

from the fund in the same amounts and at the same time as an uncontested primary election candidate and a general election candidate as specified in subsections 7, 8-C and 8-D. Revenues for the general election must be distributed to the candidate as specified in subsection 7. An unenrolled candidate for Governor who submits the required number of qualifying contributions and other required documents under subsection 4 by 5:00 p.m. on April 1st preceding the primary election and who is certified is eligible for revenues from the fund in the same amounts and at the same time as an uncontested primary election gubernatorial candidate and a general election gubernatorial candidate as specified in subsections 7 and 8-B. Revenues for the general election must be distributed to the candidate for Governor as specified in subsection 7.
[IB 2015, c. 1, §26 (AMD).]

11. Other procedures. The commission shall establish by rule procedures for qualification, certification, disbursement of fund revenues and return of unspent fund revenues for races involving special elections, recounts, vacancies, withdrawals or replacement candidates.
[IB 1995, c. 1, §17 (NEW).]

12. Reporting; unspent revenue. Notwithstanding any other provision of law, the treasurer or deputy treasurer of participating and certified candidates shall report any money collected, all campaign expenditures, obligations, refunds received by a candidate or agent of that candidate and related activities to the commission according to procedures developed by the commission. If a certified candidate pays fund revenues to a member of the candidate's immediate family or household or a business or nonprofit entity affiliated with a member of the candidate's immediate family or household, the treasurer or deputy treasurer must disclose the candidate's relationship to the payee in a manner prescribed by the commission. In developing these procedures, the commission shall utilize existing campaign reporting procedures whenever practicable. The commission shall ensure timely public access to campaign finance data and may utilize electronic means of reporting and storing information. Upon the filing of a final report for any primary election in which the candidate was defeated and for all general elections, that candidate shall return all unspent fund revenues to the commission. If the candidate or agent of the candidate receives a refund of an expenditure made for the campaign after filing the final report, the candidate shall return those funds to the fund within 14 days of receiving the refund.
[PL 2013, c. 334, §33 (AMD).]

12-A. Required records. The candidate or treasurer shall obtain and keep:

A. Bank or other account statements for the campaign account covering the duration of the campaign; [PL 2005, c. 542, §5 (NEW).]

B. A vendor invoice stating the particular goods or services purchased for every expenditure in excess of $50; [PL 2013, c. 334, §34 (AMD).]

C. A record proving that a vendor received payment for every expenditure in excess of $50 in the form of a cancelled check, cash receipt from the vendor or bank or credit card statement identifying the vendor as the payee; and [PL 2013, c. 334, §34 (AMD).]

D. [PL 2009, c. 524, §15 (RP).]

E. A contemporaneous document such as an invoice, contract or timesheet that specifies in detail the services provided by a vendor who was paid in excess of $500 for the election cycle for providing campaign staff or consulting services to a candidate. [PL 2013, c. 334, §34 (AMD).]

The candidate or treasurer shall preserve the records for 3 years following the candidate's final campaign finance report for the election cycle. The candidate and treasurer shall submit photocopies of the records to the commission upon its request.
[PL 2013, c. 334, §34 (AMD).]

12-B. Audit requirements for candidates for Governor. The commission shall audit the campaigns of candidates for Governor who receive funds under this chapter to verify compliance with election and campaign laws and rules. Within one month of declaring an intention to qualify for public financing, a candidate for Governor, the campaign's treasurer and any other relevant campaign staff shall meet with the staff of the commission to discuss audit standards, expenditure guidelines and record-keeping requirements.
[PL 2007, c. 443, Pt. B, §6 (NEW).]

12-C. Payments to political committees. If a certified candidate makes a payment of fund revenues to a political action committee or party committee, the candidate shall include in reports required under this section a detailed explanation of the goods or services purchased according to forms and procedures developed by the commission that is sufficient to demonstrate that the payment was made solely to promote the candidate's election.
[PL 2009, c. 286, §9 (NEW).]

12-D. Duties of the campaign treasurer and deputy treasurer. The treasurer shall file all campaign finance reports required by section 1017, this chapter and commission rules, unless the treasurer delegates the filing of reports to the deputy treasurer designated on the candidate's registration. A candidate may enter financial transactions in an electronic reporting system or on paper forms of the commission, but the report must be filed by the treasurer or deputy treasurer. The treasurer is jointly responsible with the candidate for ensuring that the campaign keeps all records required by section 1016, this chapter and commission rules. If the candidate keeps the records, the candidate shall provide the treasurer or deputy treasurer with access to the records for the purpose of filing complete and accurate campaign finance reports. The commission may hold the candidate and treasurer jointly and severally liable for any penalties assessed for violations of the financial reporting or record-keeping requirements of this chapter, chapter 13 and commission rules. If the deputy treasurer files reports for the campaign, the commission may hold the deputy treasurer jointly and severally liable for any penalties related to reports filed by the deputy treasurer.
[PL 2013, c. 334, §35 (NEW).]

13. Distributions not to exceed amount in fund.
[PL 2009, c. 524, §17 (RPR); MRSA T. 21-A §1125, sub-§13 (RP).]

13-A. 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 subsection 8-F, the commission may permit certified candidates to accept and spend contributions, reduced by any seed money contributions, aggregating no more than the applicable contribution limits established by the commission pursuant to section 1015, up to the applicable amounts set forth in subsection 8-F according to rules adopted by the commission.

[IB 2015, c. 1, §27 (AMD).]

14. Appeals. A candidate who has been denied certification as a Maine Clean Election Act candidate by the commission's executive director, the opponent of a candidate who has been granted certification as a Maine Clean Election Act candidate or other interested persons may challenge a certification decision by the executive director as follows.

A. A challenger may appeal to the commission within 7 days of the certification decision. The appeal must be in writing and must set forth the reasons for the appeal. [PL 2011, c. 389, §59 (AMD).]

B. Within 5 days after an appeal is properly made and after notice is given to the challenger and any opponent, the commission shall hold a hearing, except that the commission may extend this period upon agreement of the challenger and the candidate whose certification is the subject of the

appeal, or in response to the request of either party upon a showing of good cause. The appellant has the burden of proving that the certification decision was in error as a matter of law or was based on factual error. The commission must rule on the appeal within 5 business days after the completion of the hearing. [PL 2007, c. 443, Pt. B, §6 (AMD).]

C. A challenger may appeal the decision of the commission in paragraph B by commencing an action in Superior Court within 5 days of the date of the commission's decision. The action must be conducted in accordance with Rule 80C of the Maine Rules of Civil Procedure, except that the court shall issue its written decision within 20 days of the date of the commission's decision. Any aggrieved party may appeal the decision of the Superior Court by filing a notice of appeal within 3 days of that decision. The record on appeal must be transmitted to the Law Court within 3 days after the notice of appeal is filed. After filing the notice of appeal, the parties have 4 days to file briefs and appendices with the clerk of the court. The court shall consider the case as soon as possible after the record and briefs have been filed and shall issue its decision within 14 days of the decision of the Superior Court. [PL 2007, c. 443, Pt. B, §6 (AMD).]

D. A candidate whose certification as a Maine Clean Election Act candidate is reversed on appeal must return to the commission any unspent revenues distributed from the fund. If the commission or court finds that an appeal was made frivolously or to cause delay or hardship, the commission or court may require the moving party to pay costs of the commission, court and opposing parties, if any. [PL 2007, c. 443, Pt. B, §6 (AMD).]

[PL 2011, c. 389, §59 (AMD).]

SECTION HISTORY

IB 1995, c. 1, §17 (NEW). PL 2001, c. 465, §§4-6 (AMD). PL 2003, c. 270, §§1,2 (AMD). PL 2003, c. 448, §5 (AMD). PL 2003, c. 453, §§1,2 (AMD). PL 2003, c. 688, §§A21,22 (AMD). PL 2005, c. 301, §§29-32 (AMD). PL 2005, c. 542, §§3-5 (AMD). PL 2007, c. 240, Pt. F, §1 (AMD). PL 2007, c. 443, Pt. B, §6 (AMD). PL 2007, c. 567, §2 (AMD). PL 2007, c. 571, §§11, 12 (AMD). PL 2007, c. 642, §11 (AMD). PL 2009, c. 105, §1 (AMD). PL 2009, c. 190, Pt. B, §2 (AMD). PL 2009, c. 286, §§6-9 (AMD). PL 2009, c. 302, §§11-22 (AMD). PL 2009, c. 302, §24 (AFF). PL 2009, c. 363, §§2-11 (AMD). PL 2009, c. 524, §§14-18 (AMD). PL 2009, c. 652, Pt. A, §§23, 25, 27 (AMD). PL 2009, c. 652, Pt. A, §§24, 26, 28 (AFF). PL 2011, c. 389, §§51-59 (AMD). PL 2011, c. 389, §62 (AFF). PL 2011, c. 522, §§2, 3 (AMD). PL 2011, c. 522, §4 (AFF). PL 2011, c. 558, §§6-9 (AMD). PL 2013, c. 334, §§33-35 (AMD). IB 2015, c. 1, §§15-27 (AMD). PL 2015, c. 116, §1 (AMD). PL 2015, c. 116, §2 (AFF). PL 2017, c. 31, §1 (AMD). PL 2019, c. 323, §§27-33 (AMD). PL 2019, c. 635, §6 (AMD).

§1126. Commission to adopt rules

The commission shall adopt rules to ensure effective administration of this chapter. These rules must include but must not be limited to procedures for obtaining qualifying contributions, certification as a Maine Clean Election Act candidate, circumstances involving special elections, vacancies, recounts, withdrawals or replacements, collection of revenues for the fund, distribution of fund revenue to certified candidates, return of unspent fund disbursements, disposition of equipment purchased with clean election funds and compliance with the Maine Clean Election Act. Rules of the commission required by this section are major substantive rules as defined in Title 5, chapter 375, subchapter II-A. [PL 2001, c. 465, §7 (AMD).]

SECTION HISTORY

IB 1995, c. 1, §17 (NEW). PL 2001, c. 465, §7 (AMD).

§1127. Violations

1. Civil fine. In addition to any other penalties that may be applicable, a person who violates any provision of this chapter or rules of the commission adopted pursuant to section 1126 is subject to a

fine not to exceed $10,000 per violation payable to the fund. In addition to any fine, for good cause shown, a candidate, treasurer, consultant or other agent of the candidate or the political committee authorized by the candidate pursuant to section 1013-A, subsection 1 found in violation of this chapter or rules of the commission may be required to return to the fund all amounts distributed to the candidate from the fund or any funds not used for campaign-related purposes. If the commission makes a determination that a violation of this chapter or rules of the commission has occurred, the commission shall assess a fine or transmit the finding to the Attorney General for prosecution. A final determination by the commission may be appealed to Superior Court in accordance with Title 5, chapter 375, subchapter 7 and the Maine Rules of Civil Procedure, Rule 80C. Fines assessed or orders for return of funds issued by the commission pursuant to this subsection that are not paid in full within 30 days after issuance of a notice of the final determination may be enforced in accordance with section 1004-B. Fines paid under this section must be deposited in the fund. In determining whether or not a candidate is in violation of the expenditure limits of this chapter, the commission may consider as a mitigating factor any circumstances out of the candidate's control.
[PL 2011, c. 558, §10 (AMD).]

2. Class E crime. A person who willfully or knowingly violates this chapter or rules of the commission or who willfully or knowingly makes a false statement in any report required by this chapter commits a Class E crime and, if certified as a Maine Clean Election Act candidate, must return to the fund all amounts distributed to the candidate.
[IB 1995, c. 1, §17 (NEW).]

SECTION HISTORY

IB 1995, c. 1, §17 (NEW). PL 2003, c. 81, §1 (AMD). PL 2005, c. 301, §33 (AMD). PL 2005, c. 542, §6 (AMD). PL 2009, c. 302, §23 (AMD). PL 2011, c. 558, §10 (AMD).

§1128. Study report

By March 15, 2011 and every 4 years after that date, the commission shall prepare for the joint standing committee of the Legislature having jurisdiction over legal affairs a report documenting, evaluating and making recommendations relating to the administration, implementation and enforcement of the Maine Clean Election Act and Maine Clean Election Fund. [PL 2009, c. 190, Pt. B, §3 (AMD).]

SECTION HISTORY

IB 1995, c. 1, §17 (NEW). PL 2009, c. 190, Pt. B, §3 (AMD).

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