



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

To: Hon. Janet T. Mills, Governor
Presiding Officers, Legislative Caucus Leaders, Joint Standing Committee on
Veterans and Legal Affairs

From: Jonathan Wayne, Executive Director

Date: January 8, 2025

Re: Fiscal Status Report - Maine Clean Election Fund

This memo constitutes the 2025 report by the Ethics Commission staff on the fiscal status of the Maine Clean Election Fund, submitted pursuant to 1 M.R.S. § 1124(4). The Maine Clean Election Act is a voluntary program of public campaign financing that is available to legislative and gubernatorial candidates. The Fund is a special revenue account which the Commission uses to pay candidates and finance personnel and administrative costs. In summary:

- After the program was redesigned by a 2015 citizen initiative, the total cost of payments to legislative candidates increased through 2022. In 2024, however, the total payments decreased slightly because of a small reduction in candidate participation.
- There is a possibility of a temporary shortfall in the Maine Clean Election Fund during July-December 2026. A shortfall would impact all candidates in the program – both legislative and gubernatorial. The Legislature could avoid this at no cost to the General Fund by moving the date of a scheduled \$3 million transfer from the General Fund from January 1, 2027 to July 15, 2026. The Commission proposed this solution for inclusion in the Governor's budget legislation for FY 2026 and 2027. Alternatively, the Legislature could address the issue by transferring additional funds from the General Fund to the Maine Clean Election Fund.

Cost of MCEA Payments to Legislative Candidates

In 2018-2024, the Commission paid the following total amounts to legislative candidates:

	Total MCEA Payments to Legislative Candidates
2018	\$3,552,017
2020	\$3,868,858
2022	\$4,568,030
2024	\$4,517,603

In 2020 and 2022, the total cost of MCEA payments to legislative candidates increased. This led to a concern for the Commission staff that if the cost of the legislative part of the program continued to increase, it could potentially crowd out other costs, such as personnel, the gubernatorial part of the program, and administrative expenses. In 2024, however, the total cost of MCEA payments to legislative candidates *decreased slightly*. One factor in the decrease was that 11 fewer House and eight fewer Senate candidates participated in the program for the general election. Commission staff presumes this was due to the personal choices of individual candidates and does not represent a trend. We will continue to monitor the issue of the total cost of payments to legislative candidates.

Payments to 2026 Candidates for Governor

Recent participation by gubernatorial candidates. As redesigned in 2015, candidates for governor may qualify for MCEA funding by collecting 3,200 qualifying contributions, which requires political support and a high degree of organization. Once in the program, they may qualify for supplemental payments for the primary and general elections by collecting additional qualifying contributions.

In 2018, three gubernatorial candidates qualified for MCEA funding:

- one independent candidate received about \$1.3 million in MCEA funding, and
- two party candidates qualified for roughly \$700,000 for their primary elections but did not win their party nominations.

In 2022, no candidates for governor joined the program. The race included the incumbent governor, a former governor, and a third candidate who self-financed a very small campaign.

Challenges of predicting costs for 2026. At this time, it is difficult to project the costs of making MCEA payments to candidates who will be running for governor in 2026. The cost will depend on the financing choices of specific candidates who are not yet known. For purposes of the financial projections shown in the chart on the next page, the Commission staff presumes that:

- one major party nominee will participate in the MCEA program for both the primary and general elections, and will receive the maximum funding for the general election, and
- one additional party candidate will receive MCEA funding for the primary election only.

Financing the MCEA Program

Payments to candidates are made from a special revenue account, the Maine Clean Election Fund. Revenue to the Fund is about \$3.2 million annually. The largest share of this revenue (around 90%) is an annual transfer of \$3 million from the General Fund that occurs around January 1st of each year. The Fund receives this revenue every year which builds up over time, but payments are made to candidates every two years (legislative) and every four years (governor). Other sources of revenue include the deposit of qualifying contributions and a checkoff option for taxpayers. The Fund also pays for a portion of the Commission's personnel and administrative expenses (MaineIT, other IT contracts, services by DAFS, rent, STACAP, auditing, *etc.*).

Financial Projections

The Commission staff's current projections for revenue and expenditures through fiscal year 2029 are:

	Revenue	Payments to Legislative Candidates	Presumed Payments to Candidates for Governor (footnote 1)	Personal Services	Admin Costs MaineIT, services from other state departments, IT vendor, auditor, etc.
FY 2026	\$3,326,173	\$3,605,775	\$2,848,475	\$390,624	\$260,244
FY 2027	\$3,221,387	\$2,100,275	\$1,854,800	\$410,521	\$302,244
FY 2028	\$3,296,366	\$3,786,064		\$414,061	\$273,256
FY 2029	\$3,218,959	\$2,205,289		\$435,152	\$317,356

Addressing any Potential Temporary Shortfall in 2026

The Commission staff believes that the Maine Clean Election Fund will likely have sufficient revenue to pay MCEA candidates through FY 2029, but there is a degree of uncertainty due to the difficulty in making projections about payments to 2026 candidates for governor. In the presumed gubernatorial scenario,¹ there would be a temporary shortfall in the Fund sometime during July-December 2026. A shortfall would impact both legislative and gubernatorial candidates. This could be solved through legislation moving the annual \$3 million transfer from January 1, 2027 to July 15, 2026, which has been a solution that the Legislature has found acceptable in previous budget cycles. The Commission has included the following unallocated language in its proposal to the Governor for inclusion in her FY 2026 and FY 2027 budget legislation:

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 15, 2026.

¹ The presumed scenario is that one major party nominee will participate in the MCEA program for both the primary and general elections and will receive the maximum funding for the general election, and one additional party candidate will receive MCEA funding for the primary election only.

Regardless of whether the Governor includes this language in her budget bill, the Commission staff recommends the Legislature include this cost-free proposal in its budget legislation for FY 2026 and 2027 to preserve the stability of the program for both legislative and gubernatorial candidates in 2026.

In the unlikely event that two candidates for governor were to qualify for funding for the general election, the shortfall could be addressed by having the General Fund repay to the Maine Clean Election Fund a portion of the net \$6.6 million that the Legislature swept from the Fund during 2003-2015 to fill gaps in the overall state budget. Thank you for your consideration of this report.

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
124th Legislature	85%
125th Legislature	80%
126th Legislature	70%
127th Legislature	58%
128th Legislature	64%
129th Legislature	63%
130th Legislature	59%
131st Legislature	62%
132nd 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.