

Agenda

Item #5



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

To: Commissioners
From: Jonathan Wayne, Executive Director
Date: March 21, 2011
Re: Commission Position on Legislation

The Commission staff follows all legislation concerning campaign finance law, the Maine Clean Election Act (MCEA), and lobbyist disclosure. If the staff wishes to provide information to the Commission's policy committee, we almost always testify "neither for nor against."

The Commission may – if it wishes – take positions on bills before the Legislature. The staff thought we should inquire whether the Commissioners have any interest in taking a position, or offering any other comment to the Legislature, on the following four bills:

L.D. 848 – Resolve, Directing the [Ethics Commission] to Study Modifying the Maine Clean Election Act

The Commission staff recommends that the Commission take a position in support of this resolve. It would require the Commission to submit a report suggesting any changes to the MCEA program that might be necessary or beneficial due to the anticipated U.S. Supreme Court decision in McComish v. Bennett. That litigation concerns the matching funds payments made to candidates in the Arizona public funding program. The decision is expected in June or early July 2011. The intention of L.D. 848 is to promote speedy legislation in the 2012 session to amend the MCEA program for the 2012 election year, if necessary. The public hearing for L.D. 848 is scheduled for March 28, 2011 (before your meeting), but the Commission's support for the bill could be submitted in writing or expressed at the work session.

LD 1245 – An Act to Modify the Responsibilities of the Commission on Governmental Ethics and Election Practices

This bill would add the responsibility of issuing advisory opinions to the statutory duties of the Commission.

L.D. 659 – An Act to Repeal the Maine Clean Election Laws

The Maine Clean Election Act program was enacted by Maine voters in 1996 to provide an optional program of public campaign funding for candidates for the Legislature and Governor. This bill would repeal the entire system. (Public hearing on March 28, 2011)

L.D. 120 – An Act to End Taxpayer-Funded Campaigns for Gubernatorial Candidates
The bill terminates MCEA funding for candidates for governor, but would leave it in place for legislative candidates. (Tabled at work session on March 11, 2011)

Thank you for your consideration of this issue.

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

Resolve, Directing the Commission on Governmental Ethics and Election Practices To Study Modifying the Maine Clean Election Act

Sec. 1 Commission on Governmental Ethics and Election Practices to study the Maine Clean Election Act. Resolved: That the Commission on Governmental Ethics and Election Practices shall study the Maine Clean Election Act to address any adverse rulings by the United States Supreme Court in the case of McComish v. Bennett, No. CV-08-1550-PHX-ROS (D. Ariz. Jan. 20, 2010); and be it further

Sec. 2 Report. Resolved: That the Commission on Governmental Ethics and Election Practices shall submit a report of its findings including any suggested changes to the Maine Clean Election Act pursuant to the study under section 1 by October 15, 2011 to the Joint Standing Committee on Veterans and Legal Affairs. The Joint Standing Committee on Veterans and Legal Affairs shall report out legislation based on the report by December 1, 2011 for presentation to the Second Regular Session of the 125th Legislature.

SUMMARY

This resolve directs the Commission on Governmental Ethics and Election Practices to study the Maine Clean Election Act to address any adverse rulings by the United States Supreme Court in the case of McComish v. Bennett, No. CV-08-1550-PHX-ROS (D. Ariz. Jan. 20, 2010) and to report its findings, including any suggested changes, to the Joint Standing Committee on Veterans and Legal Affairs by October 15, 2011. The Joint Standing Committee on Veterans and Legal Affairs shall report out legislation based on the report by December 1, 2011 for presentation to the Second Regular Session of the 125th Legislature.

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 Modify the Responsibilities of the Commission on Governmental Ethics and Election Practices

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

Sec. 1. 1 MRSA §1008, sub-§5, as enacted by IB 1995, c. 1, §6, is amended to read:

5. Maine Clean Election Act and Maine Clean Election Fund. To administer and ensure the effective implementation of the Maine Clean Election Act and the Maine Clean Election Fund according to Title 21A, chapter 14; and

Sec. 2. 1 MRSA §1008, sub-§6, as amended by PL 2005, c. 301, §1, is further amended to read:

6. Enhanced monitoring. To provide for enhanced monitoring and enforcement of election practices and the electronic submission of reports and computerized tracking of campaign, election and lobbying information under the commission's jurisdiction; and

Sec. 3. 1 MRSA §1008, sub-§7 is enacted to read:

7. Advisory opinions. To issue advisory opinions at the written request of a person subject to the requirements of this chapter on an issue involving the duties of that person under this chapter.

SUMMARY

This bill requires the Commission on Governmental Ethics and Election Practices to issue an advisory opinion at the request of a person with duties under the governmental ethics laws.

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 Repeal the Maine Clean Election Laws

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

Sec. 1. 1 MRSA §1008, sub-§2, as amended by PL 2001, c. 430, §4, is further amended to read:

2. Election practices. To administer and investigate any violations of the requirements for campaign reports and campaign financing, ~~including the provisions of the Maine Clean Election Act and the Maine Clean Election Fund;~~

Sec. 2. 1 MRSA §1008, sub-§4, as amended by IB 1995, c. 1, §5, is further amended to read:

4. Lobbyist activities. To administer the lobbyist disclosure laws, Title 3, chapter 15; and

Sec. 3. 1 MRSA §1008, sub-§5, as enacted by IB 1995, c. 1, §6, is repealed.

Sec. 4. 1 MRSA §1015, sub-§3, ¶A, as amended by PL 2007, c. 279, §1, is further amended to read:

A. As used in this subsection, the terms "employer," "lobbyist" and "lobbyist associate" have the same meanings as in Title 3, section 312A. As used in this subsection, "contribution" has the same meaning as in Title 21A, section 1012 ~~and includes seed money contributions as defined in Title 21A, section 1122, subsection 9.~~

Sec. 5. 1 MRSA §1015, sub-§3, ¶B, as amended by PL 2009, c. 286, §1, is further amended to read:

B. The Governor, a member of the Legislature or any constitutional officer or the staff or agent of the Governor, a member of the Legislature or any constitutional officer may not intentionally solicit or accept a contribution from a lobbyist, lobbyist associate or employer during any period of time in which the Legislature is convened before final adjournment, ~~except for a qualifying contribution as defined under Title 21A, section 1122, subsection 7.~~ A lobbyist, lobbyist associate or employer may not intentionally give, offer or promise a contribution, ~~other than a qualifying contribution,~~ to the Governor, a member of the Legislature or any constitutional officer or the staff or agent of the Governor, a member of the Legislature or any constitutional officer during any time in which the Legislature is convened before final adjournment. These prohibitions apply to contributions directly and indirectly solicited or accepted by, or given, offered and promised to a political action committee, ballot question committee or party committee of which the Governor, a member of the Legislature, a constitutional officer or the staff or agent of these officials is a treasurer, officer or primary fundraiser or decision maker.

Sec. 6. 21-A MRSA §153-A, sub-§3, as amended by PL 2005, c. 568, §6, is further amended to read:

3. Signing petitions. Once an alternative registration signature statement is on file with the registrar, the voter may authorize any other Maine-registered voter to sign candidate petitions ~~and any Maine Clean Election Act forms~~ requiring a voter's signature in the presence and at the direction of the voter, except that the individual assisting the voter may not be a candidate, the circulator of the petition ~~or form~~, the voter's employer or an agent of that employer or an officer or agent of the voter's union. In addition to using the voter's signature stamp or signing for the voter, the individual assisting the voter must print and sign the individual's own name and residence address on the petition ~~or form~~ and attest that the individual is signing on the voter's behalf. This method of signing satisfies the requirements in this Title that voters personally sign candidate petitions.

Sec. 7. 21-A MRSA §1004-B, as enacted by PL 2009, c. 302, §3, is amended to read:

§ 1004-B. Enforcement of penalties assessed by the commission

The commission staff shall collect the full amount of any penalty ~~and the return of Maine Clean Election Act funds required by the commission to be returned~~ for a violation of the statutes or rules administered by the commission and has all necessary powers to carry out these duties. Failure to pay the full amount of any penalty assessed by the commission ~~or return of Maine Clean Election Act funds~~ is a civil violation by the candidate, treasurer, party committee, political action committee or other person. Thirty days after issuing the notice of penalty ~~or order for the return of funds~~, the commission shall report to the Attorney General the name of any person who has failed to pay the full amount of any penalty ~~or to return Maine Clean Election Act funds~~ unless the commission has provided an extended deadline for payment. The Attorney General shall enforce the violation in a civil action to collect the full outstanding amount of the penalty ~~or order for the return of Maine Clean Election Act funds~~. This action must be brought in the Superior Court for Kennebec County or the District Court, 7th District, Division of Southern Kennebec.

Sec. 8. 21-A MRSA §1013-A, sub-§1, ¶A, as amended by PL 2009, c. 366, §2 and affected by §12, is further amended to read:

A. No later than 10 days after becoming a candidate and before accepting contributions, making expenditures or incurring obligations, a candidate for state, county or municipal office shall appoint a treasurer. The candidate may serve as treasurer, ~~except that a candidate certified in accordance with section 1125 may not serve as treasurer~~. The candidate may have only one treasurer, who is responsible for the filing of campaign finance reports under this chapter. A candidate shall register the candidate's name and address and the name and address of the treasurer appointed under this section no later than 10 days after the appointment of the treasurer. A candidate may accept contributions personally or make or authorize expenditures personally, as long as the candidate reports all contributions and expenditures to the treasurer. The treasurer shall make a consolidated report of all income and expenditures and provide this report to the commission.

(1) A candidate may appoint a deputy treasurer to act in the absence of the treasurer. The deputy treasurer, when acting in the absence of the treasurer, has the same powers and responsibilities as the treasurer. ~~A candidate certified in accordance with section 1125 may not serve as deputy treasurer~~. When a treasurer dies or resigns, the deputy treasurer may not assume the position

of treasurer unless the candidate appoints the deputy treasurer to the position of treasurer. The candidate shall report the name and address of the deputy treasurer to the commission no later than 10 days after the deputy treasurer has been appointed.

Sec. 9. 21-A MRSA §1013-A, sub-§1, ¶C, as amended by PL 2007, c. 443, Pt. A, §7, is further amended to read:

C. No later than 10 days after becoming a candidate, as defined in section 1, subsection 5, a candidate for the office of State House of Representatives or Senate shall file in writing a statement declaring that the candidate agrees to accept voluntary limits on political expenditures or that the candidate does not agree to accept voluntary limits on political expenditures, as specified in section 1015, subsections 7 to 9. ~~A candidate who has filed a declaration of intent to become certified as a candidate under the Maine Clean Election Act is not required to file the written statement required by this paragraph.~~

The statement filed by a candidate who voluntarily agrees to limit spending must state that the candidate knows the voluntary expenditure limitations as set out in section 1015, subsection 8 and that the candidate is voluntarily agreeing to limit the candidate's political expenditures and those made on behalf of the candidate by the candidate's political committee or committees, the candidate's party and the candidate's immediate family to the amount set by law. The statement must further state that the candidate does not condone and will not solicit any independent expenditures made on behalf of the candidate.

The statement filed by a candidate who does not agree to voluntarily limit political expenditures must state that the candidate does not accept the voluntary expenditure limits as set out in section 1015, subsection 8.

Sec. 10. 21-A MRSA §1017, sub-§3-B, as corrected by RR 2009, c. 2, §46, is repealed.

Sec. 11. 21-A MRSA §1018-B, sub-§2, as enacted by PL 2005, c. 301, §21, is amended to read:

2. Limitations. Candidates may receive donations without limitation for purposes of a recount from party committees and caucus campaign committees and from attorneys, consultants and their firms that are donating their services without reimbursement. ~~Candidates may not spend revenues received under chapter 14 for recount expenditures.~~

Sec. 12. 21-A MRSA §1019-B, sub-§1, ¶A, as enacted by PL 2003, c. 448, §3, is amended to read:

A. Is any expenditure made by a person, party committee, political committee or political action committee, other than by contribution to a candidate or a candidate's authorized political committee, for any communication that expressly advocates the election or defeat of a clearly identified candidate; ~~and.~~

Sec. 13. 21-A MRSA §1019-B, sub-§1, ¶B, as amended by PL 2007, c. 443, Pt. A, §20, is repealed.

Sec. 14. 21-A MRSA §1019-B, sub-§2, as enacted by PL 2003, c. 448, §3, is repealed.

Sec. 15. 21-A MRSA §1019-B, sub-§4, ¶A, as enacted by PL 2009, c. 524, §7, is amended to read:

A. A report required by this subsection must be filed with the commission according to a reporting schedule that the commission shall establish by rule that ~~takes into consideration existing campaign finance reporting requirements and matching fund provisions under chapter 14.~~ Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2A.

Sec. 16. 21-A MRSA §1020-A, sub-§4-A, as amended by PL 2007, c. 443, Pt. A, §22, is further amended to read:

4-A. Basis for penalties. The penalty for late filing of a report required under this subchapter; ~~except for accelerated campaign finance reports required pursuant to section 1017, subsection 3B,~~ is a percentage of the total contributions or expenditures for the filing period, whichever is greater, multiplied by the number of calendar days late, as follows:

- A. For the first violation, 1%;
- B. For the 2nd violation, 3%; and
- C. For the 3rd and subsequent violations, 5%.

Any penalty of less than \$10 is waived.

Violations accumulate on reports with filing deadlines in a 2year period that begins on January 1st of each even-numbered year. Waiver of a penalty does not nullify the finding of a violation.

A report required to be filed under this subchapter that is sent by certified or registered United States mail and postmarked at least 2 days before the deadline is not subject to penalty.

A registration or report may be provisionally filed by transmission of a facsimile copy of the duly executed report to the commission, as long as the facsimile copy is filed by the applicable deadline and an original of the same report is received by the commission within 5 calendar days thereafter.

~~The penalty for late filing of an accelerated campaign finance report as required in section 1017, subsection 3-B may be up to but no more than 3 times the amount by which the contributions received or expenditures obligated or made by the candidate exceed the applicable Maine Clean Election Fund disbursement amount, per day of violation. The commission shall make a finding of fact establishing~~

~~when the report was due prior to imposing a penalty under this subsection. A penalty for failure to file an accelerated campaign finance report must be made payable to the Maine Clean Election Fund. In assessing a penalty for failure to file an accelerated campaign finance report, the commission shall consider the existence of mitigating circumstances. For the purposes of this subsection, "mitigating circumstances" has the same meaning as in subsection 2.~~

Sec. 17. 21-A MRSA §1020-A, sub-§5-A, ¶C, as amended by PL 2003, c. 628, Pt. A, §4, is further amended to read:

C. One thousand dollars for reports required under section 1017, subsection 2, paragraphs A and F and section 1017, subsection 3A, paragraphs A and E; or

Sec. 18. 21-A MRSA §1020-A, sub-§5-A, ¶D, as amended by PL 2003, c. 628, Pt. A, §4, is further amended to read:

D. Five hundred dollars for municipal, district and county committees for reports required under section 1017A, subsection 4B; or.

Sec. 19. 21-A MRSA §1020-A, sub-§5-A, ¶E, as enacted by PL 2001, c. 714, Pt. PP, §1 and affected by §2, is repealed.

Sec. 20. 21-A MRSA c. 14, as amended, is repealed.

Sec. 21. 36 MRSA §5286, as enacted by IB 1995, c. 1, §18, is repealed.

SUMMARY

This bill repeals the Maine Clean Election Act.

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 End Taxpayer-funded Campaigns for Gubernatorial Candidates

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

Sec. 1. 21-A MRSA §1017, sub-§3-B, ¶A, as amended by PL 2007, c. 443, Pt. A, §16, is further amended to read:

A. In addition to other reports required by law, any candidate for ~~Governor~~, State Senate or State House of Representatives who is not certified as a Maine Clean Election Act candidate under chapter 14 and who receives, spends or obligates more than the primary or general election distribution amounts for a Maine Clean Election Act candidate in the same race shall file by any means acceptable to the commission, within 48 hours of that event, a report with the commission detailing the candidate's total campaign contributions, including any campaign balance from a previous election, obligations and expenditures to date.

Sec. 2. 21-A MRSA §1017, sub-§3-B, ¶C, as amended by PL 2007, c. 443, Pt. A, §16, is further amended to read:

C. A candidate who is required to file a report under paragraph A must file with the commission an updated report that reports single expenditures in the following amounts that are made after the 14th day before an election and more than 24 hours before 11:59 p.m. on the date of that election:

- (1) For a candidate for ~~Governor~~, a single expenditure of \$1,000;
- (2) For a candidate for the ~~state~~State Senate, a single expenditure of \$750; and
- (3) For a candidate for the ~~state~~State House of Representatives, a single expenditure of \$500.

A report filed pursuant to this paragraph must be filed within 24 hours of the expenditure.

Sec. 3. 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. 4. 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. 5. 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. 6. 21-A MRSA §1122, sub-§8, ¶A, as amended by PL 2009, c. 363, §1, is repealed.

Sec. 7. 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. 8. 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. 9. 21-A MRSA §1125, sub-§2, ¶A, as amended by PL 2009, c. 363, §2, is repealed.

Sec. 10. 21-A MRSA §1125, sub-§2-B, as amended by PL 2009, c. 524, §14, is repealed.

Sec. 11. 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. 12. 21-A MRSA §1125, sub-§5, as amended by PL 2009, c. 190, Pt. B, §2 and c. 363, §5, 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;

~~C-1. As a gubernatorial candidate, collected at least \$40,000 in seed money contributions from registered voters in the State;~~

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 otherwise substantially violated the provisions of this chapter or chapter 13;

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. 13. 21-A MRSA §1125, sub-§5-A, ¶G, as amended by PL 2009, c. 363, §6, is further amended to read:

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; or

Sec. 14. 21-A MRSA §1125, sub-§5-A, ¶H, as amended by PL 2009, c. 363, §6, is further amended to read:

H. Otherwise substantially violated the provisions of this chapter or chapter 13; ~~or.~~

Sec. 15. 21-A MRSA §1125, sub-§5-A, ¶I, as enacted by PL 2009, c. 363, §6, is repealed.

Sec. 16. 21-A MRSA §1125, sub-§8-A, as enacted by PL 2009, c. 302, §17 and affected by §24, is amended to read:

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

- A. The range of campaign spending by candidates for that office in the 2 preceding elections;
- B. The Consumer Price Index published monthly by the United States Department of Labor, Bureau of Labor Statistics and any other significant changes in the costs of campaigning such as postage or fuel; and
- C. The impact of independent expenditures on the payment of matching funds.

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

~~For contested gubernatorial primary elections, the amount of revenues distributed is \$400,000 per candidate in a primary election. For uncontested gubernatorial primary elections the amount of revenues distributed is \$200,000. For contested and uncontested gubernatorial general elections, the amount of revenues distributed is \$600,000 per candidate in the general election.~~

Sec. 17. 21-A MRSA §1125, sub-§9, as repealed and replaced by PL 2009, c. 652, Pt. A, §25 and affected by §26, is 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 1019B, 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 8A. ~~Matching funds for certified gubernatorial candidates in a primary election are limited to half the amount originally distributed under subsection 8A. Matching funds for certified gubernatorial candidates in a general election are limited to the amount originally distributed under subsection 8A.~~

Sec. 18. 21-A MRSA §1125, sub-§10, as repealed and replaced by PL 2009, c. 652, Pt. A, §27 and affected by §28, is amended to read:

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 15th 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 and 8A. Otherwise, an unenrolled candidate for the Legislature must submit the required number of qualifying contributions and the other required documents under subsection 4 by 5:00 p.m. on June 2nd preceding the general election. If certified, the candidate is eligible for revenues from the fund in the same amounts as a general election candidate, as specified in subsection 8A. Revenues for the general election must be distributed to the candidate no later than 3 days after certification. ~~An unenrolled candidate for Governor who submits the required number of qualifying contributions and other required documents under subsections 2B and 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 8A. Revenues for the general election must be distributed to the candidate for Governor no later than 3 days after the primary election results are certified.~~

Sec. 19. 21-A MRS §1125, sub-§12-B, as enacted by PL 2007, c. 443, Pt. B, §6, is repealed.

Sec. 20. 21-A MRS §1125, sub-§13-A, as enacted by PL 2009, c. 524, §18, is amended to read:

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-A or 9, the commission may permit certified candidates to accept and spend contributions, reduced by any seed money contributions, aggregating no more than \$750 per donor per election for gubernatorial candidates and \$350 per donor per election for State Senate and State House candidates, up to the applicable amounts set forth in subsections 8-A and 9 according to rules adopted by the commission.

This subsection takes effect September 1, 2011.

SUMMARY

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