

STATE OF MAINE

—  
IN THE YEAR OF OUR LORD  
TWO THOUSAND TWENTY-THREE

—  
S.P. 113 - L.D. 247

**An Act Regarding Replacement Candidates Under the Maine Clean Election Act**

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

**Sec. 1. 21-A MRSA §1125, sub-§1**, as amended by PL 2019, c. 323, §27, is further amended to read:

**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 or 11-A, 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.

**Sec. 2. 21-A MRSA §1125, sub-§4**, as amended by PL 2009, c. 363, §4, is further amended to read:

**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 or 11-A.

**Sec. 3. 21-A MRSA §1125, sub-§11**, as enacted by IB 1995, c. 1, §17, is amended to read:

**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; or recounts, vacancies, withdrawals or replacement candidates.

**Sec. 4. 21-A MRSA §1125, sub-§11-A** is enacted to read:

**11-A. Vacancies, withdrawals or replacement candidates.** If a candidate dies, withdraws or is disqualified before an election, the qualifying period for any replacement

candidate begins when the Secretary of State receives a notice of withdrawal or declares a vacancy, whichever occurs earlier. The commission shall establish by rule the end of the qualifying period for a replacement candidate and procedures for certification, disbursement of fund revenues and return of unspent fund revenues for races involving vacancies, withdrawals or replacement candidates. Qualifying contributions collected by a replacement candidate under this subsection may not be deposited into the fund until the replacement candidate has been nominated and, if the replacement candidate is not officially nominated, the commission shall return the qualifying contributions to the contributors, unless the contributor authorizes the deposit of the qualifying contribution into the fund. Rules of the commission adopted under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 5. 21-A MRSA §1126**, as amended by PL 2001, c. 465, §7, is further amended to read:

**§1126. Commission to adopt rules**

The commission shall adopt rules to ensure effective administration of this chapter. These rules must include but ~~must~~ may 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 ~~H-A~~ 2-A.