

2012 ELECTION UPDATE: CHANGES TO MCEA PROGRAM

What's changed?

- *Candidates will no longer be eligible for matching funds based on an opponent's or outside group's spending.*

What's still the same?

- *Candidates will still get the initial payments for the primary and general elections.*

What's happening at the State House?

- *During the upcoming session, the Legislature will consider a bill from the Veterans and Legal Affairs Committee that would eliminate the matching funds part of the MCEA program but would not make any other changes. A minority report will accompany the bill for consideration by the Legislature. The minority report also eliminates matching funds but would allow candidates to collect additional qualifying contributions in order to receive more campaign funds.*

What can candidates do to plan ahead for 2012?

- *The Commission has provided some guidance to help candidates as they consider running as an MCEA candidate in 2012. See other side.*



COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES

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WHAT SHOULD CANDIDATES KNOW WHILE WEIGHING OPTIONS FOR 2012 CAMPAIGN FINANCING?

The table at right shows the maximum amount of funds that a typical candidate for the House or the Senate will have available for 2012 as the MCEA program exists today without matching funds. The totals in the table consists of the maximum amount of seed money, plus the MCEA payments for the primary (uncontested) and general (contested) elections.

If you are considering whether to run as an MCEA candidate, you may want to develop a preliminary budget for your campaign and compare it to the amounts in the table. Please note that the table

only shows what the MCEA program can pay under current law. The Legislature will be considering changes to the MCEA in the upcoming session starting on January 4, 2012.

2012 MCEA Funding For a Typical Candidate

	House	Senate
Seed Money	\$500	\$1,500
Primary Payment (uncontested)	\$486	\$1,831
General Payment (contested)	\$3,937	\$18,124
Total (of all funds available under current law)	\$4,923	\$21,455

In 2012, the payments will be 5% less than the 2010 payments due to a resolve passed by the Legislature in 2011.

WHAT'S NEXT IN 2012?

- Jan. 4: Start of 2nd regular session of 125th Legislature.
- Jan – April: Legislature in session. MCEA program changes will be under consideration. The Commission will be tracking the changes through the legislative process.

The Commission's report, "Report on the Maine Clean Election Act: Proposals to Improve Maine's Public Campaign Financing Program" has in-depth information about proposals to change the MCEA program.

Go to the Commission's website: www.maine.gov/ethics and look under "Notices."

NOT SURE ON WHETHER TO RUN AS AN MCEA CANDIDATE OR A TRADITIONALLY FINANCED CANDIDATE?

Generally, it is easy to make a switch (before certification) from being an MCEA candidate to a traditionally financed one rather than the other way around. The Commission suggests the following:

- When completing the candidate registration form, check “MCEA” box (you can switch to traditionally financed later)
- Complete and sign the Declaration of Intent
- Raise no more than the maximum amount of seed money (only individuals may give a seed money contribution of \$100 or less)
- Start collecting your \$5 qualifying contributions on January 1, 2012
- Before the certification deadline on April 20, 2012, decide if the change to the MCEA program made by the Legislature will provide sufficient funds for a viable campaign. If it does, request certification before the April deadline. If it doesn't, you can continue to fundraise as a traditionally financed candidate - \$350 per election from individuals, businesses, associations, PACs, etc. The \$5 qualifying contributions may be returned to the contributors or submitted to the Commission as a donation to the Maine Clean Election Fund.



FUTURE UPDATES:

The Commission will be issuing updates about important developments as the Legislature considers changes to the program. The “Updates” will be posted on the Commission’s website:

www.maine.gov/ethics

and emailed to candidates, who have registered for the 2012 elections.

Please contact the Commission with questions.



MCEA PROGRAM CHANGES FOR 2012

U.S. Supreme Court’s Decision. In June 2011, the U.S. Supreme Court ruled in Arizona Free Enterprise Club’s Freedom Club PAC v. Bennett that the way Arizona awarded matching funds to candidates was un-constitutional. The Court’s decision upheld the constitutionality of publically funded campaigns but ruled that the “triggering” of matching funds based on the spending by other candidates or independent spenders was a violation of the First Amendment.

Maine, like Arizona, has a full public funding program for candidates; therefore, the Supreme Court’s decision had an impact on Maine’s MCEA program.

Purpose of Matching Funds. The original MCEA program as enacted by Maine voters in 1996 took into account that candidates have different financial needs and that the MCEA program ought to match those needs. The matching funds component was designed to allocate scarce public dollars to those candidates who needed a higher level of funding — like those running against an opponent who could raise and spend a large amount of funds or those running in a race where independent groups could spend money to influence the outcome of the

election. The matching funds part of the MCEA program balanced scarce public dollars with the need of adequate funding for competitive races.

Impact of Court’s Decision. The loss of matching funds presents a challenge for the program. In the last four election cycles, 40% - 50% of legislative MCEA candidates received some matching funds. However, the core function of the program remains unchanged.

Legislative Changes Under Consideration. On November 29, the Veterans and Legal Affairs Committee voted out a bill that would eliminate the matching funds part of the MCEA program but would not make any other changes. The vote was not unanimous and a minority report will accompany the bill to the Legislature. The minority report also eliminates matching funds but would allow candidates to collect additional qualifying contributions in order to receive more campaign funds.

The Commission will be tracking the changes through the legislative process.