



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

MEMORANDUM

To: Interested Parties
From: Julie Aube, Commission Assistant
Date: October 31, 2023
Subject: Invitation to Comment on Proposed Rule Amendments

The Maine Ethics Commission invites comments on proposed amendments relating to the selection of Commission meeting dates and quorum requirements, rules regarding political committee game nights, independent expenditure reporting by fax, independent expenditure determinations, simplified procedures for some political committees, and the qualifying period for Maine Clean Election Act replacement candidates. These proposals are “routine technical” meaning they become legally binding without authorization by the Maine Legislature. Information regarding the proposed amendments and additional materials are posted to the Commission’s [website](#) in the Notices section.

Summary

Commission meetings and quorum requirements. The Executive Director will circulate proposed meeting dates for approval by the Commission. Members may participate in meetings remotely.

Rules regarding political committee game night reporting. The Legislature directed the Commission to adopt rules concerning how political committees will report proceeds from annual game nights.

Receiving independent expenditure reports by fax. This change reflects current law removing the filing of independent expenditure reports by fax, which are now online.

Independent expenditure determinations by the executive director. Persons paying for a communication to the public referring to a candidate may request a determination by the

Commission that no independent expenditure report is required. The Legislature removed the “rebuttable presumption” standard in 2019, and this change allows the executive director to make a preliminary determination whether a communication before an election has “a purpose or effect” of influencing the election or defeat of a clearly identified candidate, which is appealable to the Commission.

Simplified procedures for certain political committees. As directed by P.L. 2021, Chapter 217, the Commission is required to adopt simplified procedures regarding registration, bank accounts, record-keeping, and financial reporting when an individual person qualifies as a ballot question committee.

Qualifying period for replacement candidates. When replacement candidates seeking to qualify for Maine Clean Election Act funds do not win their party’s nomination, the Commission was required to establish a rule that it will return the qualifying contributions to the contributor unless otherwise authorized to deposit them into the Maine Clean Election Fund.

How to Comment

There are two ways to comment on this proposed rulemaking – either by participating in the Commission’s meeting on Wednesday, November 29, 2023 at 9:00 a.m. or by submitting written comments. Persons wishing to participate in the meeting can do so in person or by Zoom. To participate by Zoom, please email Julie.Aube@maine.gov by 12:00 p.m. on November 28, 2023.

Persons who wish to submit written comments must submit them via email to Julie.Aube@maine.gov no later than Friday, December 15, 2023.

The Commission will decide whether to adopt the amendments at its January 2023 meeting.

Chapter 1: PROCEDURES

SUMMARY: This Chapter describes the nature and operation of the Commission, and establishes procedures by which the Commission's actions will be governed.

SECTION 3. MEETINGS

1. **Regular Meetings.** The Commission shall meet at least once each month in any year in which primary and general elections are held. ~~The Commission Chair, or if a Chair has not yet been selected, the Senior Commissioner in terms of service on the Commission, shall set a date for a meeting in January of the year of required monthly meetings. The dates of monthly meetings for each month of the year shall be selected at that meeting and shall be adhered to unless changed at a properly called meeting. In years not meeting the foregoing requirements, the Chair shall call for an organization meeting to set monthly meeting dates which best appear to meet the needs of the Commission. The Commission's Director shall circulate proposed meeting dates to the Commission for its approval.~~
2. **Special Meetings.** The Commission may meet at any time at the call of the Secretary of State, the President of the Senate, the Speaker of the House of Representatives, the Chairman of the Commission, or a majority of its members. Each member of the Commission must have at least 24 hours notice of the time, place and purpose of the meeting in writing unless written notice is not possible. In such case, notice must be given by the staff by phone, fax, e-mail or other means available. Each Commissioner may notify the staff of his or her preference for notification and the staff shall prepare a log of its actions in notifying Commissioners.
3. **Agenda.** The Director will prepare a written agenda for each meeting of the Commission. The agenda will contain items of business to be considered, staff findings and recommendations, and will include the date, time and location of the meeting. The agenda must be mailed to each Commissioner at least 7 days before the meeting unless a different schedule is approved by the Chair who shall provide notice to the Commissioners of the change and the reasons therefore.
4. **Notice.** In addition to the public notice required by the public meetings law, 1 M.R.S.A. §406, notice of Commission meetings shall be given to those directly involved in a matter pending before the Commission, as follows:
 - A. **Legislative Ethics.** When a properly filed request or referral is made for an advisory opinion on a question of legislative ethics, notice that the matter has been placed on the agenda for a Commission meeting will be given by mail to the Legislator whose circumstances or conduct is at issue, or to the Presiding Officer of either House referring the inquiry. When a complaint alleging a violation of the laws on legislative ethics is filed, the Legislator will be informed promptly of the nature of the allegations and the existence of any investigation by the



Commission. Notice that the matter has been placed on the agenda for a Commission hearing will be given by certified mail to both the Legislator and the complainant not less than 10 days before the date set for a hearing.

B. **Campaign Reports and Finances Law; Lobbyist Disclosure Law.** Notice of the Commission's consideration of any noncompliance with the requirements of the *Campaign Reports and Finances Law*, the *Maine Clean Election Act*, or *Lobbyist Disclosure Law* will be provided to any person or organization alleged to have committed a violation and to any person who has officially requested a Commission investigation or determination, except that notice of the Commission's consideration of issuing subpoenas to conduct an investigation need not be given.

C. **Contents of Notice**

(1) The notice will include the date, time, and location of the Commission meeting. If mail notice of a meeting is not feasible, the staff will make best efforts to give oral notice to Commission members or to those entitled to notice under this provision.

5. **Public Meetings.** All meetings, hearings or sessions of the Commission will be open to the general public unless, by an affirmative vote of at least 3 members, the Commission requires the exclusion of the public, pursuant to 1 M.R.S.A. §1005 or 1 M.R.S.A. §1013(3).

6. **Quorum.** Every decision of the Commission must be made at a meeting at which at least 3 members of the Commission ~~are present and voting~~ participate and vote. When it is impossible or impractical for a member of the Commission to travel to Augusta to attend a meeting in person, the member may participate ~~in the meeting by telephone~~ remotely consistent with the Commission's policy on remote participation. ~~That member~~ Members who participate remotely will be considered ~~present at the meeting~~ and part of the quorum.

~~At least 2 members must be present in person for the conduct of a meeting or public hearing before the Commission. If fewer than 3 members are present in person for a hearing, however, objections to rulings of the presiding officer concerning the conduct of the hearing must be preserved until a meeting of the Commission at which a quorum is present in person. The presiding officer at a meeting or public hearing must be present in person.~~

7. **Minutes**

A. The Director will prepare minutes of each business meeting of the Commission. These minutes will be the official record of Commission meetings, and will accurately record all matters considered.

B. The minutes will record any executive session of the Commission and its subject matter, but will not report the proceedings of the executive session. Likewise, minutes will not be taken of any public hearing held by the Commission, since hearings are separately recorded.



SECTION 6. CONTRIBUTIONS AND OTHER RECEIPTS

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12. A political action committee, ballot question committee or party committee registered with the Department of Public Safety pursuant to Title 17, section 1832 may hold one game night per calendar year to raise revenue through games of chance provided that they disclose the financial activity consistent with this rule.
- A. The committee shall keep a written account of all participants in the game night who have paid, in the aggregate, an amount greater than the applicable contribution reporting threshold as an entry fee or to pay for chips, tokens, food, or other costs. The record shall contain the participant's name and address, and the total amount paid. If the participant has purchased food, memorabilia, or other goods at the game night, the committee may deduct the value of the item(s) from the amount of the payment. The committee is not required to keep a record of participants whose payments are less than or equal to the contribution reporting threshold or payments made to a third-party vendor at the event, such as a food truck.
- B. The contribution reporting threshold is \$50 for political action committees and ballot question committees and \$200 for the committees of political parties.
- C. In the next regularly scheduled campaign finance report, the committee shall report the proceeds of the game night as contributions. The committee shall itemize contributions that exceed the contribution reporting threshold. Contributions that do not exceed the threshold may be reported as an unitemized lump sum. The committee shall report as in-kind contributions any goods or services received in support of the game night, such as items to be awarded as prizes, or the donation of food or an event space. Costs incurred by the committee in connection with the game night shall be reported as expenditures.



SECTION 10. REPORTS OF INDEPENDENT EXPENDITURES

1. **General.** Any person, party committee, political committee or political action committee that makes any independent expenditure in excess of \$250 per candidate in an election must file a report with the Commission according to this section.
2. **Definitions.** For purposes of this section, the following phrases are defined as follows:
- A. "Clearly identified," with respect to a candidate, has the same meaning as in Title 21-A, chapter 13, subchapter II.
- B. "Expressly advocate" means any communication that
- (1) uses phrases such as "vote for the Governor," "reelect your Representative," "support the Democratic nominee," "cast your ballot for the Republican challenger for Senate District 1," "Jones for House of Representatives," "Jean Smith in 2002," "vote Pro-Life" or "vote Pro-

Choice" accompanied by a listing of clearly identified candidates described as Pro-Life or Pro-Choice, "vote against Old Woody," "defeat" accompanied by a picture of one or more candidate(s), "reject the incumbent," or communications of campaign slogan(s) or individual word(s), which in context can have no other reasonable meaning than to urge the election or defeat of one or more clearly identified candidate(s), such as posters, bumper stickers, advertisements, etc. which say "Pick Berry," "Harris in 2000," "Murphy/Stevens" or "Canavan!"; or

- (2) is susceptible of no reasonable interpretation other than as an appeal to vote for or against a clearly identified candidate.
- C. "Independent expenditure" has the same meaning as in Title 21-A §1019-B. Any expenditure made by any person in cooperation, consultation or concert with, or at the request or suggestion of, a candidate, a candidate's political committee or their agents is considered to be a contribution to that candidate and is not an independent expenditure.
3. **Reporting Schedules.** Independent expenditures in excess of \$250 per candidate per election made by any person, party committee, political committee or political action committee must be reported to the Commission in accordance with the following schedule:
- A. *[Repealed]*
- B. *[Repealed]*
- (1) **60-Day Pre-Election Report.** A report must be filed by 11:59 p.m. on the 60th day before the election is held and be complete as of the 61st day before the election.
- (2) **Two-Day Report.** From the 60th day through the 14th day before an election, a report must be filed within two calendar days of the expenditure.
- (3) **One-Day Report.** After the 14th day before an election, a report must be filed within one calendar day of the expenditure.

For purposes of the filing deadlines in this paragraph, if the expenditure relates to a legislative or gubernatorial election and the filing deadline occurs on a weekend, holiday, or state government shutdown day, the report must be filed on the deadline. If the expenditure relates to a county or municipal election, the report may be filed on the next regular business day.

- C. Reports must contain information as required by Title 21-A, chapter 13, subchapter II (§§ 1016-1017-A), and must clearly identify the candidate and indicate whether the expenditure was made in support of or in opposition to the candidate.
- D. A separate 24-Hour Report is not required for expenditures reported in an independent expenditure report.



~~E. An independent expenditure report may be provisionally filed by facsimile or by electronic mail to an address designated by the Commission, as long as the facsimile or electronic copy is filed by the applicable deadline and an original of the same report is received by the Commission within five calendar days thereafter.~~

4. **Multi-Candidate Expenditures.** When a person or organization is required to report an independent expenditure for a communication that supports multiple candidates, the cost should be allocated among the candidates in rough proportion to the benefit received by each candidate.

A. The allocation should be in rough proportion to the number of voters who will receive the communication and who are in electoral districts of candidates named or depicted in the communication. If the approximate number of voters in each district who will receive the communication cannot be determined, the cost may be divided evenly among the districts in which voters are likely to receive the communication.

[NOTE: FOR EXAMPLE, IF CAMPAIGN LITERATURE NAMING SENATE CANDIDATE X AND HOUSE CANDIDATES Y AND Z ARE MAILED TO 10,000 VOTERS IN X'S DISTRICT AND 4,000 OF THOSE VOTERS RESIDE IN Y'S DISTRICT AND 6,000 OF THOSE VOTERS LIVE IN Z'S DISTRICT, THE ALLOCATION OF THE EXPENDITURE SHOULD BE REPORTED AS: 50% FOR X, 20% FOR Y, and 30% FOR Z.]

B. If multiple county or legislative candidates are named or depicted in a communication, but voters in some of the candidates' electoral districts will not receive the communication, those candidates should not be included in the allocation.

[NOTE: FOR EXAMPLE, IF AN EXPENDITURE ON A LEGISLATIVE SCORECARD THAT NAMES 150 LEGISLATORS IS DISTRIBUTED TO VOTERS WITHIN A TOWN IN WHICH ONLY ONE LEGISLATOR IS SEEKING RE-ELECTION, 100% OF THE COST SHOULD BE ALLOCATED TO THAT LEGISLATOR'S RACE.]

5. **Rebuttable Presumption. Requests for an Independent Expenditure Determination.**

Under Title 21-A M.R.S.A. §1019-B(1)(B), an expenditure made to design, produce or disseminate a communication that names or depicts a clearly identified candidate and is disseminated during the 28 days before a primary election, the 35 days before a special election or from Labor Day to the general election ~~will be presumed to be~~ is an independent expenditure, unless the person making the expenditure ~~submits a written statement to the Commission within 48 hours of the expenditure stating that the cost was not incurred with the intent to influence~~ demonstrates to the Commission that the expenditure did not have a purpose or effect of influencing the nomination, election or defeat of ~~a~~ the candidate.



A. The following types of communications may be covered by ~~the presumption if the specific communication satisfies the requirements of~~ Title 21-A M.R.S.A. §1019-B(1)(B):

- (1) Printed advertisements in newspapers and other media;
- (2) Television and radio advertisements;
- (3) Printed literature;
- (4) Recorded telephone messages;
- (5) Scripted telephone messages by live callers; and
- (6) Electronic communications.

This list is not exhaustive, and other types of communications may be covered by the presumption.



- B. The following types of communications and activities are not covered by ~~the presumption, and will not be presumed to be independent expenditures under~~ Title 21-A M.R.S.A. §1019-B(1)(B):
- (1) news stories and editorials, unless the facilities distributing the communication are owned or controlled by the candidate, the candidate's immediate family, or a political committee;
 - (2) activity or communication designed to encourage individuals to register to vote or to vote if that activity or communication does not name or depict a clearly identified candidate;
 - (3) any communication from a membership organization to its members or from a corporation to its stockholders if the organization or corporation is not organized primarily for the purpose of influencing the nomination or election of any person for state or county office;
 - (4) the use of offices, telephones, computers, or similar equipment when that use does not result in additional cost to the provider; and
 - (5) other communications and activities that are excluded from the legal definition of "expenditure" in the Election Law.



- C. If an expenditure is covered by ~~the presumption~~ Title 21-A M.R.S.A. §1019-B(1)(B) and is greater than \$250 per candidate per election, the person making the expenditure must file an independent expenditure report or request a determination by the Commission that the cost of the communication is not an independent expenditure. The person may make the request by submitting a signed written statement affirming that the expenditure was not made with the intent to influence did not have a purpose of, and will not have an effect of, influencing the nomination, election, or defeat of a candidate. The filing of independent expenditure reports should be made in accordance with the filing schedule in subsections ~~3(A) and 3(B)~~ of this rule. Any independent expenditure of \$250 or less per candidate per election does not require the filing of an independent expenditure report or a rebuttal statement.

- D. If a committee or association distributes copies of printed literature to its affiliates or members, and the affiliates or members distribute the literature directly to voters, the applicable ~~presumption period applies to~~ date of dissemination for purposes of Title 21-A M.R.S.A. §1019-B(1)(B) is the date on which the communication is disseminated directly to voters, rather than the date on which the committee or association distributes the literature to its affiliates or members.
- E. For the purposes of determining whether a communication is covered by ~~the presumption~~ Title 21-A M.R.S.A. §1019-B(1)(B), the date of dissemination is the date of the postmark, hand-delivery, or broadcast of the communication.
- F. An organization that has been supplied printed communications covered by ~~the presumption~~ Title 21-A M.R.S.A. §1019-B(1)(B) and that distributes them to voters must report both its own distribution costs and the value of the materials it has distributed, unless the organization supplying the communications has already reported the costs of the materials to the Commission. If the actual costs of the communications cannot be determined, the organization distributing the communication to voters must report the estimated fair market value.
- G. Persons requesting a determination that no independent expenditure report is required are encouraged to submit their requests early, if possible before making the expenditure for the communication. If a person wishes to distribute a specific communication that appears to be covered by the presumption and the person believes that the communication is not intended to influence the nomination, election or defeat of a candidate, the person may submit the rebuttal statement to the Commission in advance of disseminating the communication for an early determination. The request must include the complete communication and be specific as to when and to whom the communication will be disseminated.
- H. The Commission's Director shall make an initial determination by a preponderance of the evidence whether the cost was incurred with a purpose of, or had the effect of, influencing the nomination, election or defeat of a candidate in accordance with Title 21-A M.R.S.A. §1019-B(2). Any person may appeal the Director's determination to the Commission within two days of their receipt of the determination or the posting of the determination to the Commission's website, whichever is earlier.
- I. If the Director or Commission determines that an independent expenditure report was required and the report is not filed by the deadline in subsection 3(B), the late-filing penalty in Title 21-A M.R.S.A. §1020-A shall apply. The late filer may pay the penalty or request a waiver. In the alternative, the Director or Commission may, for good cause, extend the deadline to file the report for a short period after the determination sufficient for the person to file the report without delay. If the report is filed within the extension period, the report will be considered on time.



SECTION 15. SIMPLIFIED REGISTRATION AND REPORTING PROCEDURES FOR CERTAIN POLITICAL COMMITTEES

1. **Waivers of the separate campaign account requirement.** A political action committee or ballot question committee may apply for a waiver of the requirement in 21-A M.R.S. § 1054 to maintain a separate campaign bank account on the grounds that maintaining a separate account would be administratively burdensome. The Commission's Director shall make the initial decision on the application. The committee may appeal the Director's decision to the Commission. The Director and the Commission shall consider expected or actual expenditures aggregating more than \$25,000 as a factor in opposition to a waiver, except for a ballot question committee that consists of a single individual.

The committee receiving the waiver shall disclose all expenditures made for activities to initiate or influence a campaign in Maine and operational expenditures that promote or support those activities. The committee may pro-rate operational expenditures based on the portion that may reasonably be attributed to initiating or influencing a Maine campaign. The committee shall disclose all contributions made to or received by the committee for the purpose of initiating or influencing a campaign and any other funds used to make reported expenditures. The committee shall maintain records of these contributions and expenditures in accordance with 21-A M.R.S. § 1057.

2. **Individual qualifying as a ballot question committee.** An individual who qualifies as a ballot question committee may file a simplified registration form that discloses contact information for the individual and for any treasurer or other person authorized to file campaign finance reports. The registration must also include the ballot question the individual expects to support or oppose. If the individual is sharing fundraising or spending decisions with another person, they shall comply with the full registration requirements of 21-A M.R.S. § 1052-A.

In lieu of full compliance with the record-keeping requirements in Title 21-A, section 1057, subsections 1-4, an individual qualifying as a ballot question committee shall keep a vendor invoice or receipt for every expenditure in excess of \$50 made for the purpose of initiating or influencing a Maine campaign, and records of any contributions from a donor that has provided contributions exceeding \$50 in the aggregate for purposes of initiating or influencing the campaign.



Chapter 3: MAINE CLEAN ELECTION ACT AND RELATED PROVISIONS

SECTION 9. RECOUNTS, VACANCIES, WRITE-IN CANDIDATES, SPECIAL ELECTIONS

1. **Recounts.** Certified candidates may not spend Fund revenues for purposes of a recount or a court challenge to the results of a recount, but they may receive donations for these purposes in accordance with 21-A M.R.S.A. §1018-B. The Commission will make the initial distribution for the general election no later than three days after the Secretary of State submits the tabulation of primary election results to the Governor in accordance with Title 21-A, section 722 [§1125(7)(C)]. If there is a recount governed by Title 21-A, chapter 9, subchapter III, article III [§737-A], the primary election winner may spend Fund revenues consistent with the following provisions:
 - A. If the margin between the leading candidate and the 2nd-place candidate is less than 1% of the total number of votes cast in that race and a recount is presumed necessary, the certified candidate immediately must halt the expenditure of revenues disbursed to the candidate from the Fund upon receiving notice of the recount until the recount is complete.
 - B. If the recount results in a changed winner, the certified candidate who originally received the disbursement must return any unspent distributions from the Fund to the Commission, payable to the Fund. If the new winner is a certified candidate, the Commission will distribute the applicable disbursement amount to the candidate.
 - C. If the margin between the leading candidate and 2nd-place candidate is 1% or greater of the total number of votes cast in that race and the 2nd-place candidate requests a recount, the leading candidate, if a certified candidate, is not required to freeze expenditures of the disbursement.
 - A. If the recount results in a changed winner, the certified candidate must return any unspent distributions from the Fund to the Commission, payable to the Fund. If the new winner is a certified candidate, the Commission will distribute the applicable disbursement amount to the candidate.
2. **Death, Withdrawal, or Disqualification of a Candidate During Campaign**
 - A. **Death, Withdrawal, or Disqualification Before Primary Election.** If a candidate dies, withdraws, or is disqualified before the primary election, the ~~Commission will establish a~~ qualifying period during which any replacement candidate may become a participating candidate, collect qualifying contributions, and apply to become a certified candidate begins when the Secretary of State receives a notice of withdrawal or declares a vacancy, whichever occurs earlier. The Commission's Director shall determine the end of the qualifying period.
 - B. **Death, Withdrawal, or Disqualification after the Primary Election and before 5:00 p.m. on the 2nd Monday in July Preceding the General Election.** If a candidate dies, withdraws, or is disqualified before 5:00 p.m. on the 2nd Monday in July preceding the general election, ~~any replacement candidate will~~



~~have a qualifying period from the time of the candidate's nomination the qualifying period begins when the Secretary of State receives a notice of withdrawal or declares a vacancy, whichever occurs earlier. The qualifying period ends on the until 30th days after the 4th Monday in July as a participating candidate to collect qualifying contributions and request certification.~~

C. **Death, Withdrawal, or Disqualification after 5:00 p.m. on the 2nd Monday in July Preceding the General Election.** If a candidate dies, withdraws, or is disqualified after 5:00 p.m. on the 2nd Monday in July preceding the general election, ~~the Commission will establish a qualifying period during which any replacement candidate may become a participating candidate, collect qualifying contributions, and apply to become a certified candidate~~ begins when the Secretary of State receives a notice of withdrawal or declares a vacancy, whichever occurs earlier. The Commission's Director shall determine the end of the qualifying period.

D. **Replacement Candidates Who Are Participating Candidates.** Any replacement candidate choosing to become a participating candidate must otherwise comply with the requirements of this chapter and the Act including, but not limited to, seed money limits and qualifying contribution requirements. The Commission will notify any replacement candidates of the opportunity to participate in the Act and the procedures for compliance with this chapter during a special election.

E. **Certification, Payments and Returns of Maine Clean Election Act Funds.** The Commission shall certify that replacement candidates have met the requirements to receive Maine Clean Election Act funding and shall make payments to the candidates in accordance with sections 3, 5, and 6 of this chapter. If a replacement candidate has not spent all Maine Clean Election Act funds for purposes of their nomination or election, the candidate shall return unspent funds upon the filing of the 42-day post-election report in accordance with section 8, subsection 2(B).

3. Write-In Candidates

A. Write-in candidates are subject to the registration requirements of Title 21-A M.R.S.A. §1013-A and the campaign finance reporting requirements of §1017, as soon as they qualify as a nominee pursuant to 21-A M.R.S.A §723, file a declaration of write-in candidacy with the Secretary of State pursuant to 21-A M.R.S.A. §722-A, or receive contributions or make expenditures with the intent of qualifying as a candidate in the primary or general election, whichever first occurs.

B. Write-in candidates may not participate in the *Maine Clean Election Act*, except as provided in paragraph C.

C. A write-in candidate in a primary election who becomes a party's nominee may participate in the *Maine Clean Election Act* for the general election. The Commission will establish a qualifying period during which the candidate may become a participating candidate, collect qualifying contributions, and apply to become a certified candidate.

- D. A candidate who is participating in the *Maine Clean Election Act* and who has no opponent listed on the ballot will be presumed to be in an uncontested election even if there are one or more individuals running as write-in candidates. The participating candidate may rebut this presumption by presenting evidence to the Commission that the write-in opponent(s) received or spent substantial campaign funds. Based upon the evidence presented, the Commission may make a determination that it is a “contested election” and make a distribution of public funds to the participating candidate on that basis.
4. **Special Election When One or More Candidates Desire to Become Certified Candidates.** If a vacancy occurs in the office of Governor, Senator, or Representative because an incumbent dies, resigns, becomes disqualified, or changes residence to another electoral division, and a special election will be held to fill the vacant office, the following provisions apply:
- A. The Commission, in consultation with the Secretary of State, will establish a qualifying period during which any candidate in a special election may decide to become a participating candidate, collect qualifying contributions, and apply to become a certified candidate; and
- B. Any candidate in a special election must otherwise comply with the requirements of this chapter and the Act including, but not limited to, seed money limits and qualifying contribution requirements. The Commission will notify any candidates of the opportunity to participate in the Act and the procedures for compliance with this chapter during a special election.
5. **Return of Unspent Fund Revenues.** Any time a certified candidate withdraws, is disqualified, or dies before an election, the candidate or the candidate’s agent must return to the Commission all unspent amounts distributed to the candidate by check or money order payable to the fund, within 2 weeks of the termination of the candidacy.
6. **Challenges to Election Results in Court.** If the results of an election are challenged in a court proceeding, a certified candidate may solicit and accept donations to finance attorneys’ fees or other litigation costs. The donations must be within the limitations of section 1015, except that no limitation applies to donations from party committees and caucus campaign committees and from attorneys, consultants and their firms that are donating their services without reimbursement. The Commission may adopt procedures for the financial disclosure of these activities.