

2001 DRAFTING REQUEST

Bill

Received: 11/17/2000

Received By: **kuesejt**

Wanted: As time permits

Identical to LRB:

For: **Mark Pocan (608) 266-8570**

By/Representing: **Jennifer Jankowski**

This file may be shown to any legislator: **NO**

Drafter: **kuesejt**

May Contact:

Addl. Drafters: **rmarchan**

Subject: **Elections - campaign finance**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Public financing of campaigns for state office

Instructions:

Per report of Citizens Panel on a Clean Elections Option (Heffernan plan).

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	kuesejt 01/03/2001 rmarchan 01/08/2001			_____			State
/1			pgreensl 01/09/2001	_____	lrb_docadmin 01/09/2001		State
/2	kuesejt 02/15/2001 rmarchan 02/15/2001	csicilia 02/16/2001	rschluet 02/16/2001	_____	lrb_docadmin 02/16/2001		State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Requircd</u>
/3	kuesejt 03/15/2001 rmarchan 03/16/2001 kuesejt 03/19/2001	csicilia 03/16/2001 csicilia 03/20/2001	jfrantze 03/19/2001 jfrantze 03/20/2001	_____ _____ _____ _____	lrb_docadmin 03/20/2001		State
/4	kuesejt 03/21/2001	csicilia 03/21/2001	kfollet 03/21/2001	_____ _____	lrb_docadmin 03/21/2001	lrb_docadmin 03/22/2001	

FE Sent For:

<END>

2001 DRAFTING REQUEST

Bill

Received: 11/17/2000

Received By: **kuesejt**

Wanted: **As time permits**

Identical to LRB:

For: **Mark Pocan (608) 266-8570**

By/Representing: **Jennifer Jankowski**

This file may be shown to any legislator: **NO**

Drafter: **kuesejt**

May Contact:

Addl. Drafters: **rmarchan**

Subject: **Elections - campaign finance**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Public financing of campaigns for state office

Instructions:

Per report of Citizens Panel on a Clean Elections Option (Heffernan plan).

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofcd</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	kuesejt 01/03/2001 rmarchan 01/08/2001			_____			State
/1			pgreensl 01/09/2001	_____	lrb_docadmin 01/09/2001		State
/2	kuesejt 02/15/2001 rmarchan 02/15/2001	csicilia 02/16/2001	rschluet 02/16/2001	_____	lrb_docadmin 02/16/2001		State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/3	kuesejt 03/15/2001 rmarchan 03/16/2001 kuesejt 03/19/2001	csicilia 03/16/2001 csicilia 03/20/2001	jfrantze 03/19/2001 jfrantze 03/20/2001	_____ _____ _____ _____	lrb_docadmin 03/20/2001		State
/4	kuesejt 03/21/2001	csicilia 03/21/2001	kfollet 03/21/2001	_____ _____	lrb_docadmin 03/21/2001		

FE Sent For:

<END>

2001 DRAFTING REQUEST

Bill

Received: 11/17/2000

Received By: **kuesejt**

Wanted: **As time permits**

Identical to LRB:

For: **Mark Pocan (608) 266-8570**

By/Representing: **Jennifer Jankowski**

This file may be shown to any legislator: **NO**

Drafter: **kuesejt**

May Contact:

Add. Drafters: **rmarchan**

Subject: **Elections - campaign finance**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Public financing of campaigns for state office

Instructions:

Per report of Citizens Panel on a Clean Elections Option (Heffernan plan).

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	kuesejt 01/03/2001 rmarchan 01/08/2001						State
/1			pgreensl 01/09/2001		lrb_docadmin 01/09/2001		State
/2	kuesejt 02/15/2001 rmarchan 02/15/2001	csicilia 02/16/2001	rschluet 02/16/2001		lrb_docadmin 02/16/2001		State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/3	kuesejt 03/15/2001	csicilia 03/16/2001	jfrantze 03/19/2001	_____	lrb_docadmin 03/20/2001		
	rmarchan 03/16/2001	csicilia 03/20/2001	jfrantze 03/20/2001	_____			
	kuesejt 03/19/2001			_____			

FE Sent For:

/4 js 3/21
 01 kjf 3/21
 kjf/self 3/21
 <END>

2001 DRAFTING REQUEST

Bill

Received: 11/17/2000

Received By: kuesejt

Wanted: As time permits

Identical to LRB:

For: Mark Pocan (608) 266-8570

By/Representing: Jennifer Jankowski

This file may be shown to any legislator: NO

Drafter: kuesejt

May Contact:

Alt. Drafters: rmarchan

Subject: Elections - campaign finance

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Public financing of campaigns for state office

Instructions:

Per report of Citizens Panel on a Clean Elections Option (Heffernan plan).

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	kuesejt 01/03/2001 rmarchan 01/08/2001						State
/1			pgreensl 01/09/2001		lrb_docadmin 01/09/2001		State
/2	kuesejt 02/15/2001 rmarchan 02/15/2001	csicilia 02/16/2001	rschluet 02/16/2001		lrb_docadmin 02/16/2001		

Handwritten notes:
 1/3 cjs 3/17
 2/3/19
 3/19

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

7/3/20 Self
~~9/20~~

FE Sent For:

<END>

2001 DRAFTING REQUEST

Bill

Received: 11/17/2000

Received By: **kuesejt**

Wanted: **As time permits**

Identical to LRB:

For: **Mark Pocan (608) 266-8570**

By/Representing: **Jennifer Jankowski**

This file may be shown to any legislator: **NO**

Drafter: **kuesejt**

May Contact:

Alt. Drafters: **rmarchan**

Subject: **Elections - campaign finance**

Extra Copies:

Pre Topic:

No specific pre topic given

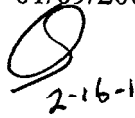
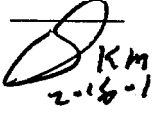
Topic:

Public financing of campaigns for state office

Instructions:

Per report of Citizens Panel on a Clean Elections Option (Heffernan plan).

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	kuesejt 01/03/2001 rmarchan 01/08/2001	/2 cjs 2/15 01		_____			State
/1			pgreensl 01/09/2001	_____	lrb_docadmin 01/09/2001		
FE Sent For:			 2-16-1	 2-16-1			<END>

2001 DRAFTING REQUEST

Bill

Received: 11/17/2000

Received By: kuesejt

Wanted: As time permits

Identical to LRB:

For: Mark Pocan (608) 266-8570

By/Representing: Jennifer Jankowski

This file may be shown to any legislator: NO

Drafter: kuesejt

May Contact:

Alt. Drafters: rmarchan

Subject: Elections - campaign finance

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Public financing of campaigns for state office

Instructions:

Per report of Citizens Panel on a Clean Elections Option (Heffernan plan).

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
1/?	kuesejt	CS 11	1/8/01 PG	1/9 PG/JV			

FE Sent For:

<END>

B I L L
REQUEST FORM

LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street

Use of this form is optional. It is often better to talk directly with the LRB attorney who will draft the bill.

Use this form only for **BILL** drafts. Attach more pages if necessary.

Legislator, agency or other body requesting this draft: Rep Mark Pocan

Date: 11-13-00 Person submitting request (name, phone number):
Rep. J Mark Pocan 282-3678

Persons to contact for questions about this draft (names, phone numbers):
Jennifer Jankowski 282-3678 Mon 11-5-4 Fri 11-4

Describe the problem, including any helpful examples.

How do you want to solve the problem?
We'd like Wisconsin to have a voluntary 100% public financing system for state elections.
Attached are copies of the full public financing option currently used by Arizona and Maine. We'd like to adopt their system to Wisconsin. Also attached is the recommendations of the Citizen's Panel on a Clean Elections Option, 1997 chaired by Nathan Heffernan on how WI can adopt 100% public financing.

Please attach a copy of any correspondence or other material that may help us.
If you know of any statute sections that might be affected, list them or provide a marked-up (not retyped) copy.
You may attach a marked-up (not retyped) copy of any LRB draft, or provide its number (e.g., 1999 LRB-2345/1 or 1997 AB-67):

Requests are confidential unless stated otherwise.

- May we tell others that we are working on this for you? Yes No
- If yes: Anyone who asks? Yes No Any legislator? Yes No Only the following persons: _____

Do you consider this request urgent? Yes No If yes, please indicate why: _____

Should we give this request priority over any other pending request of this legislator, agency or body? Yes No If yes, sign your name here: _____

From final report
Citizen's Panel on a Clean Elections
Option 1997

Preamble

Wisconsin has a democratic form of government. Such a government derives its power from the people. The electoral process is the device by which the people empower their elected officials. We believe that human freedom depends on this process.

Circumstances have occurred over the past several years which make the cost of the election process exorbitant, far more costly than the ordinary person can afford. This required expense, in most cases, has reduced our candidates for office to full time fundraisers, who appear to the people in the end not as champions of their will, but the tool of the very few who are able to provide the necessary money.

In such circumstances the power to govern is not derived from the people but from the few who have special interests which they want our government to protect.

In these circumstances the people have been stripped of the power necessary to make our democracy work. These circumstances deny people their right to self-government. If permitted to continue we will lose effective control of the elective process, essential to American freedom.

The first section of Article I of the Wisconsin Constitution sets forth our most important human values. This section states that all are born equally free and independent and have certain inherent rights, among these are life, liberty and the pursuit of happiness. This section also states that in order to secure these rights, our government has been instituted. Finally, this section dictates that it is we the people who empower our government. Because the people must reclaim this right, we propose taking this action.

The Wisconsin Clean Election Option

To obtain ballot access and receive public financing in a primary election, any candidate for a constitutional office, (Governor, Lieutenant Governor, Attorney General, Secretary of State, Treasurer and Superintendent of Public Instruction), Assembly, State Senate and judges (Supreme Court, Court of Appeals and Circuit Court) must obtain the number of nomination signatures listed below on nomination papers that will be provided by County Clerks. To be granted public financing in a primary, a candidate must demonstrate broad and committed public support by obtaining the requisite number of \$5 contributions from separate individuals to the "Clean Money Fund." The County Clerks will also provide preliminary campaign literature to assist candidates in obtaining ballot access to the nomination process.

Anyone meeting these requirements, who further agrees to forgo all private contributions and to abide by prescribed spending limits as outlined in Table 1, will receive the designated public funding for the primary campaign in a timely manner. Primary winners who participate in this system would then automatically receive the designated funding for the general election. All expenses must be documented, verified and submitted to the State Elections Board to

substantiate use of funds for legitimate campaign purposes.

If a candidate opts not to participate, accepts private money or exceeds the specified spending limits, the Clean Elections Fund will provide the opponent(s) funding to match that candidate's expenditures, up to a maximum of 2.5 times the amount allocated by the Clean Elections Fund. A candidate who initially agrees to the terms of the Clean Elections Option but then violates the law, by accepting private money or by exceeding the spending limits, will forfeit all public funding and be fined up to three times the amount of private money received. The Clean Elections Fund will provide the opponent in that race, funding to match that candidate's expenditures, up to a maximum of 2.5 times the limit listed in the agreement. Spending limits for candidates accepting public funding will remain in force in all circumstances.

Table 1
Spending Limits and Funds Available for Candidates Who Agree to the Clean Elections Option.

Office	Primary Election	General Election
Assembly	\$18,000	\$36,000
State Senate	\$36,000	\$72,000
Governor	\$500,000	\$1,000,000
Lt. Governor	\$200,000	\$75,000
Secretary of State	\$75,000	\$200,000
State Treasurer	\$75,000	\$200,000
Attorney General	\$400,000	\$600,000
Sup. Public Instruction	\$150,000	\$300,000
Circuit Court Judge	\$25,000	\$25-50,000*
Court of Appeals Judge	\$50,000	\$75,000
Supreme Court Justice	\$100,000	\$300,000

* Amount depends on the population of the district.

War Chests (Unexpended Campaign Funds)

All funds in excess of 5% of the Assembly spending limit for general elections allowed under the Clean Elections Option, 3% of the State Senate general election limit and 1% of all

elections spending limits, remaining in the candidate's treasury after the general election (on or before November 1st of the even numbered year) must be returned to the Clean Elections Commission by the individual contributor.

Table 2
Qualifications for The Wisconsin Clean Elections Option

Office	Nomination Signatures	\$5 Qualifying Contributions
Assembly	600	300
State Senate	1,200	600
Governor	27,000*	13,500
Deputy Governor	9,000*	4,500
Secretary of State	9,000*	4,500
State Treasurer	9,000*	4,500
Attorney General	22,500*	11,250
Sup. Public Instruction	13,500*	6,750
Circuit Court Judge	500	250
Court of Appeals Judge	1,000	500
Supreme Court Justice	9,000*	4,500

* Candidates for this office must secure a minimum of 5% of total signatures from each of Wisconsin's nine congressional districts.

Private Campaign Contribution to Non-Participants

Campaign contributions may be limited within the confines of the Buckley vs Valeo decision to avoid corruption in the electoral process. However, the courts have also recognized that contributions are a First Amendment right guaranteeing individuals the right to have their views expressed. The goal of contribution limits must be to remove the potential for corruption in the system without infringing on individual rights of free speech. Currently, contribution limits for state elections are limited by the Wisconsin legislature and by Congress for federal elections. The Citizens Panel prohibits all private contributions to candidates accepting public financing and would further limit contributions to non-participants as follows: all private contributions to state constitutional candidates and supreme court candidates

would be reduced from the current level of \$10,000 to \$2,000 (\$1,000 in the primary and \$1,000 in the general).

Political action committee contribution limits for these same statewide candidates are currently set at 4% of their overall spending limit which ranges from \$43,128 for Governor to \$21,560 for Attorney General and \$8,625 for supreme court and the other constitutional officers. The panel recommends these be reduced to \$2,500 in the primary and a second \$2,500 in the general for all statewide candidates.

Contribution limits for Assembly and Senate elections are not changed, however these amounts should be reviewed from time to time.

The Citizens Panel would further limit campaign contributions by prohibiting all transfers of funds from one political action committee to another political action committee, and between individual candidate accounts.

Independent Expenditures and Issue Advocacy Expenditures

Any group making independent expenditures in the promotion of or for the defeat of a candidate for office, must spend no more than 10% of their total expenditures in a particular contest within the last three weeks of the election. Issue advocacy expenditures, which identify in any way a candidate currently running for office, would be prohibited from spending any more than 10% of their total expenditure within the last 3 weeks of an election. All such groups would be required to register with the State Elections Board, prior to the expenditure of any funds and report all expenditures and the source of the funds expended electronically within 24 hours. The penalty for violating these provisions will be a fine of up to 3 times the total amount expended or 3 times the spending limit of the election the expenditure was attempting to influence, whichever is greater.

Issue advocacy, i.e., advocacy not related to the election or defeat of candidates is not covered in this proposal.

Electronic Filing

The Citizen's Panel endorses the concept of electronic filing of all campaign expenditures and contributions by all candidates running for office in the State of Wisconsin. The Panel proposes that candidates report to the Elections Board electronically and that the Elections Board disseminate this information to the public via the Internet. In addition, the Panel believes all groups engaging in independent expenditures or issue advocacy should be subject to electronic filing requirements.

unding

The Citizen's Panel recommends the Legislature appropriate \$5 per taxpayer, per year to the Elections Fund. The Panel believes this, along with the \$5 qualifying contributions, is adequate to fund all state elections. The State Elections Board should be adequately funded to oversee the system and have authority to impose increased fines as a disincentive to non-compliance. The Panel believes the estimated cost of operating the Clean Elections Option will be far less than the current system of exchanging campaign contributions. The Panel supports interest legislation.

TITLE 21-A: ELECTIONS

- **CHAPTER 14: THE MAINE CLEAN ELECTION ACT (HEADING: IB 1995, c. 1, @17 (new))**
 - § 1122. Definitions

PAGE <

PAGE >

DOWNLOAD TEXT

§ 1122. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [IB 1995, c. 1, §17 (new).]

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.

[IB 1995, c. 1, §17 (new).]

2. Commission. "Commission" means the Commission on Governmental Ethics and Election Practices established by Title 5, section 12004-G, subsection 33.

[IB 1995, c. 1, §17 (new).]

3. Contribution. "Contribution" has the same meaning as in section 1012, subsection 2.

[IB 1995, c. 1, §17 (new).]

4. Fund. "Fund" means the Maine Clean Election Fund established in section 1124.

[IB 1995, c. 1, §17 (new).]

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.

[IB 1995, c. 1, §17 (new).]

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.

[IB 1995, c. 1, §17 (new).]

7. Qualifying contribution. "Qualifying contribution" means a donation:

A. Of \$5 in the form of a check or a money order payable to the fund in support of a candidate; [IB 1995, c. 1, §17 (new).]

B. Made by a registered voter within the electoral division for the office a candidate is seeking; [IB 1995, c. 1, §17 (new).]

C. Made during the designated qualifying period and obtained with the knowledge and approval of the candidate; and [IB 1995, c. 1, §17 (new).]

D. That is acknowledged by a written receipt that identifies the name and address of the donor on forms provided by the commission. [IB 1995, c. 1, §17 (new).]

[IB 1995, c. 1, §17 (new).]

8. Qualifying period. "Qualifying period" means the following.

A. For a gubernatorial participating candidate, the qualifying period begins November 1st immediately preceding the election year and ends at 5:00 p.m. on March 16th of the election year unless the candidate is unenrolled, in which case the period ends at 5:00 p.m. on June 2nd of the election year. [IB 1995, c. 1, §17 (new).]

B. For State Senate or State House of Representatives participating candidates, the qualifying period begins January 1st of the election year and ends at 5:00 p.m. on March 16th of that election year unless the candidate is unenrolled, in which case the period ends at 5:00 p.m. on June 2nd of the election year. [IB 1995, c. 1, §17 (new).]

[IB 1995, c. 1, §17 (new).]

9. Seed money contribution. "Seed money contribution" means a contribution of no more than \$100 per individual made to a candidate, including a contribution from the candidate or the candidate's family. To be eligible for certification, a candidate may collect and spend only seed money contributions subsequent to becoming a candidate as defined by section 1, subsection 5 and throughout the qualifying period. A candidate may not collect or spend seed money contributions after certification as a Maine Clean Election Act candidate. The primary purpose of a seed money contribution is to enable a participating candidate to collect qualifying contributions. A seed money contribution must be reported according to procedures developed by the commission.

[IB 1995, c. 1, §17 (new).]

Section History:

1995, IN BILL c. 1, § 17 (NEW) .



[Statute Search](#) [List of Titles](#) [Maine Law](#) [Revisor of Statutes Homepage](#) [Maine Legislature](#)

Office of the Revisor of Statutes

7 State House Station
State House Room 108
Augusta, Maine 04333-0007
Voice: (207) 287-1650 Fax: (207) 287-6468

Disclaimer

TITLE 21-A: ELECTIONS

- CHAPTER 14: THE MAINE CLEAN ELECTION ACT (HEADING: IB 1995, c. 1, @ 17 (new))
 - § 1123. Alternative campaign financing option

PAGE < PAGE >

DOWNLOAD TEXT

§ 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. [IB 1995, c. 1, §17 (new).]

Section History:

1995, IN BILL c. 1, § 17 (NEW).

PAGE < PAGE >

TOP ▲

[Statute Search](#) [List of Titles](#) [Maine Law](#) [Revisor of Statutes Homepage](#) [Maine Legislature](#)

Office of the Revisor of Statutes
7 State House Station
State House Room 108
Augusta, Maine 04333-0007
Voice: (207) 287-1650 Fax: (207) 287-6468

[Disclaimer](#)

TITLE 21-A: ELECTIONS

- **CHAPTER 14: THE MAINE CLEAN ELECTION ACT (HEADING: IB 1995, c. 1, @17 (new))**
 - § 1124. The Maine Clean Election Fund established; sources of funding

**§ 1124. The Maine Clean Election Fund established; sources of funding**

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.

[IB 1995, c. 1, §17 (new).]

2. Sources of funding. The following must be deposited in the fund:

A. The qualifying contributions required under section 1125 when those contributions are submitted to the commission; [IB 1995, c. 1, §17 (new).]

B. Two million dollars of the revenues from the taxes imposed under Title 36, Parts 3 and 8 and credited to the General Fund, transferred to the fund by the Treasurer of State on or before January 1st of each year, beginning January 1, 1999. These revenues must be offset in an equitable manner by an equivalent reduction within the administrative divisions of the legislative branch and executive branch agencies. This section may not affect the funds distributed to the Local Government Fund under Title 30-A, section 5681; [IB 1995, c. 1, §17 (new).]

C. Revenue from a tax checkoff program allowing a resident of the State who files a tax return with the State Tax Assessor to designate that \$3 be paid into the fund. If a husband and wife file a joint return, each spouse may designate that \$3 be paid. The State Tax Assessor shall report annually the amounts designated for the fund to the State Controller, who shall transfer that amount to the fund; [1999, c. 4, Pt. H, §1 (amd).]

D. Seed money contributions remaining unspent after a candidate has been certified as a Maine Clean Election Act candidate; [IB 1995, c. 1, §17 (new).]

E. Fund revenues that were distributed to a Maine Clean Election Act candidate and that remain unspent after the candidate has lost a primary election or after all general elections; [IB 1995, c. 1, §17 (new).]

F. Other unspent fund revenues distributed to any Maine Clean Election Act candidate who does not remain a candidate throughout a primary or general election cycle; [IB 1995, c. 1, §17 (new).]

G. Voluntary donations made directly to the fund; and [IB 1995, c. 1, §17 (new).]

H. Fines collected under section 1020-A, subsection 4 and section 1127. [IB 1995, c. 1, §17 (new).]

[1999, c. 4, Pt. H, §1 (amd).]

3. Determination of fund amount. By September 1st preceding each election year, the commission shall publish an estimate of revenue in the fund available for distribution to certified candidates during the upcoming year's elections.

[IB 1995, c. 1, §17 (new).]

Section History:

1995, IN BILL c. 1, § 17 (NEW).

1999, c. 4, § H1 (AMD).

PAGE <

PAGE >

TOP ▲

[Statute Search](#)

[List of Titles](#)

[Maine Law](#)

[Revisor of Statutes Homepage](#)

[Maine Legislature](#)

Office of the Revisor of Statutes

7 State House Station

State House Room 108

Augusta, Maine 04333-0007

Voice: (207) 287-1650 Fax: (207) 287-6468

[Disclaimer](#)

TITLE 21-A: ELECTIONS

- **CHAPTER 14: THE MAINE CLEAN ELECTION ACT (HEADING: IB 1995, c. 1, @17 (new))**
 - § 1125: Terms of participation

PAGE <

PAGE >

DOWNLOAD TEXT

§ 1125. Terms of participation

1. Declaration of intent. A participating candidate must 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, according to forms and procedures developed by the commission. A participating candidate must submit a declaration of intent prior to collecting qualifying contributions under this chapter.

[IB 1995, c. 1, §17 (new).]

2. Restrictions on contributions for participating candidates. Subsequent to becoming a candidate as defined by section 1, subsection 5 and prior to certification, a participating candidate may not accept contributions, except for seed money contributions. A participating candidate must limit the candidate's seed money contributions to the following amounts:

- A. Fifty thousand dollars for a gubernatorial candidate; [IB 1995, c. 1, §17 (new).]
- B. One thousand five hundred dollars for a candidate for the State Senate; or [IB 1995, c. 1, §17 (new).]
- C. Five hundred dollars for a candidate for the State House of Representatives. [IB 1995, c. 1, §17 (new).]

The commission may, by rule, revise these amounts to ensure the effective implementation of this chapter.

[IB 1995, c. 1, §17 (new).]

3. Qualifying contributions. Participating candidates must obtain qualifying contributions during the qualifying period as follows:

- A. For a gubernatorial candidate, at least 2,500 verified registered voters of this State must support the candidacy by providing a qualifying contribution to that candidate; [IB 1995, c. 1, §17 (new).]
- B. For a candidate for the State Senate, at least 150 verified registered voters from the candidate's electoral division must support the candidacy by providing a qualifying contribution to that candidate; or [IB 1995, c. 1, §17 (new).]
- C. For a candidate for the State House of Representatives, at least 50 verified registered voters from the candidate's electoral division must support the candidacy by providing a qualifying contribution to that candidate. [IB 1995, c. 1, §17 (new).]

A payment, gift or anything of value may not be given in exchange for a qualifying contribution.

[IB 1995, c. 1, §17 (new).]

4. Filing with commission. A participating candidate must submit qualifying contributions to the commission during the qualifying period according to procedures developed by the commission, except as provided under subsection 11.

[IB 1995, c. 1, §17 (new).]

5. Certification of Maine Clean Election Act candidates. Upon receipt of a final submittal of qualifying contributions by a participating candidate, the commission shall determine whether or not the candidate has:

A. Signed and filed a declaration of intent to participate in this Act; [IB 1995, c. 1, §17 (new).]

B. Submitted the appropriate number of valid qualifying contributions; [IB 1995, c. 1, §17 (new).]

C. Qualified as a candidate by petition or other means; [IB 1995, c. 1, §17 (new).]

D. Not accepted contributions, except for seed money contributions, and otherwise complied with seed money restrictions; and [IB 1995, c. 1, §17 (new).]

E. Otherwise met the requirements for participation in this Act. [IB 1995, c. 1, §17 (new).]

The commission shall certify a candidate complying with the requirements of this section as a Maine Clean Election Act candidate as soon as possible and no later than 3 days after final submittal of qualifying contributions.

Upon certification, a candidate must transfer to the fund any unspent seed money contributions. 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.

[IB 1995, c. 1, §17 (new).]

6. Restrictions on contributions and expenditures for certified candidates. After certification, a candidate must limit the candidate's campaign expenditures and obligations, including outstanding obligations, to the revenues distributed to the candidate from the fund and may not accept any contributions unless specifically authorized by the commission. All revenues distributed to certified candidates from the fund must be used for campaign-related purposes. The commission shall publish guidelines outlining permissible campaign-related expenditures.

[IB 1995, c. 1, §17 (new).]

7. Timing of fund distribution. The commission shall distribute to certified candidates revenues from the fund in amounts determined under subsection 8 in the following manner.

A. Within 3 days after certification, for candidates certified prior to March 16th of the election year, revenues from the fund must be distributed as if the candidates are in an uncontested primary election. [IB 1995, c. 1, §17 (new).]

B. Within 3 days after March 16th of the election year, for primary election certified candidates, revenues from the fund must be distributed according to whether the candidate is in a contested or uncontested primary election, reduced by any amounts previously distributed under paragraph A. [IB 1995, c. 1, §17 (new).]

C. Within 3 days after the primary election, for general election certified candidates, revenues from the fund must be distributed according to whether the candidate is in a contested general election. Funds may not be distributed for uncontested general elections. [IB 1995, c. 1, §17 (new).]

Funds may be distributed to certified candidates under this section by any mechanism that is expeditious, ensures accountability and safeguards the integrity of the fund.

[IB 1995, c. 1, §17 (new).]

8. Amount of fund distribution. By July 1, 1999 of the effective date of this Act, and at least every 4 years after that date, the commission shall determine the amount of funds to be distributed to participating candidates based on the type of election and office as follows.

A. For contested primary elections, the amount of revenues to be distributed is the average amount of campaign expenditures made by each candidate during all contested primary election races for the immediately preceding 2 primary elections as reported in the initial filing period subsequent to the primary election for the respective offices of Governor, State Senate and State House of Representatives. [IB 1995, c. 1, §17 (new).]

B. For uncontested primary elections, the amount of revenues distributed is the average amount of campaign expenditures made by each candidate during all uncontested primary election races, or for contested races if that amount is lower, for the immediately preceding 2 primary elections as reported in the initial filing period subsequent to the primary election for the respective offices of Governor, State Senate and State House of Representatives. [IB 1995, c. 1, §17 (new).]

C. For contested general elections, the amount of revenues distributed is the average amount of campaign expenditures made by each candidate during all contested general election races for the immediately preceding 2 general elections as reported in the initial filing period subsequent to the general election for the respective offices of Governor, State Senate and State House of Representatives. [IB 1995, c. 1, §17 (new).]

D. Revenues may not be distributed for uncontested general elections. [IB 1995, c. 1, §17 (new).]

If the immediately preceding two election cycles do not contain sufficient electoral data, the commission shall use information from the most recent applicable elections. For only the initial computations under subsections A to C that are conducted by July 1, 1999, the commission shall reduce the amounts to be distributed by 25%.

[IB 1995, c. 1, §17 (new).]

9. Matching funds. When any campaign, finance or election report shows that the sum of a candidate's expenditures or obligations, or funds raised or borrowed, whichever is greater, alone or in conjunction with independent expenditures reported under section 1019, exceeds the distribution amount under subsection 8, the commission shall issue immediately to any opposing Maine Clean Election Act candidate an additional amount equivalent to the reported excess. Matching funds are limited to 2 times the amount originally distributed under subsection 8, paragraph A or C, whichever is applicable.

[IB 1995, c. 1, §17 (new).]

10. Candidate not enrolled in a party. An unenrolled candidate certified by March 16th preceding the primary election 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 8. For an unenrolled candidate not certified by March 16th at 5:00 p.m. the deadline for filing qualifying contributions is 5:00 p.m. on June 2nd preceding the general election. An unenrolled candidate certified after March 16th at 5:00 p.m. is eligible for revenues from the fund in the same amounts as a general election candidate, as specified in subsections 7 and 8.

[IB 1995, c. 1, §17 (new).]

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, recounts, vacancies, withdrawals or replacement candidates.

[IB 1995, c. 1, §17 (new).]

12. Reporting; unspent revenue. Notwithstanding any other provision of law, participating and certified candidates shall report any money collected, all campaign expenditures, obligations and related activities to the commission according to procedures developed by the commission. Upon the filing of a final report for any primary election in which the candidate was defeated and for all general elections that candidate shall return all unspent fund revenues to the commission. In developing these procedures, the commission shall utilize existing campaign reporting procedures whenever practicable. The commission shall ensure timely public access to campaign finance data and may utilize electronic means of reporting and storing information.

[IB 1995, c. 1, §17 (new).]

13. 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 subsections 8 or 9, the commission may permit certified candidates to accept and spend contributions, reduced by any seed money contributions, aggregating no more than \$500 per donor per election for gubernatorial candidates and \$250 per donor per election for State Senate and State House candidates, up to the applicable amounts set forth in subsections 8 and 9 according to rules adopted by the commission.

[IB 1995, c. 1, §17 (new).]

14. Appeals. A candidate who has been denied certification as a Maine Clean Election Act candidate or the opponent of a candidate who has been granted certification as a Maine Clean Election Act candidate may challenge a certification decision by the commission as follows.

A. A challenger may appeal to the full commission within 3 days of the certification decision. The appeal must be in writing and must set forth the reasons for the appeal. [IB 1995, c. 1, §17 (new).]

B. Within 5 days after an appeal is properly made and after notice is given to the challenger and any opponent, the commission shall hold a hearing. The appellant has the burden of providing evidence to demonstrate that the commission decision was improper. The commission must rule on the appeal within 3 days after the completion of the hearing. [IB 1995, c. 1, §17 (new).]

C. A challenger may appeal the decision of the commission in paragraph B by commencing an action in Superior Court according to the procedure set forth in section 356, subsection 2, paragraphs D and E. [IB 1995, c. 1, §17 (new).]

D. A candidate whose certification by the commission as a Maine Clean Election Act candidate is revoked on appeal must return to the commission any unspent revenues distributed from the fund. If the commission or court find that an appeal was made frivolously or to cause delay or hardship, the commission or court may require the moving party to pay costs of the commission, court and opposing parties, if any. [IB 1995, c. 1, §17 (new).]

[IB 1995, c. 1, §17 (new).]

Section History:

1995, IN BILL c. 1, § 17 (NEW) .

PAGE <

PAGE >

TOP ▲

[Statute Search](#) [List of Titles](#) [Maine Law](#) [Revisor of Statutes Homepage](#) [Maine Legislature](#)

Office of the Revisor of Statutes

7 State House Station

State House Room 108

Augusta, Maine 04333-0007

Voice: (207) 287-1650 Fax: (207) 287-6468

Disclaimer

TITLE 21-A: ELECTIONS

- CHAPTER 14: THE MAINE CLEAN ELECTION ACT (HEADING: IB 1995, c. 1, @17 (new))
 - § 1126. Commission to adopt rules

PAGE <

PAGE >

DOWNLOAD TEXT

§ 1126. Commission to adopt rules

The commission shall adopt rules to ensure effective administration of this chapter. These rules must include but must 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 and compliance with the Maine Clean Election Act. [IB 1995, c. 1, §17 (new).]

Section History:

1995, IN BILL c. 1, § 17 (NEW).

PAGE <

PAGE >

TOP ▲

[Statute Search](#) [List of Titles](#) [Maine Law](#) [Revisor of Statutes Homepage](#) [Maine Legislature](#)

Office of the Revisor of Statutes

7 State House Station

State House Room 108

Augusta, Maine 04333-0007

Voice: (207) 287-1650 Fax: (207) 287-6468

Disclaimer

TITLE 21-A: ELECTIONS

- CHAPTER 14: THE MAINE CLEAN ELECTION ACT (HEADING: IB 1995, c. 1, @17 (new))
 - § 1127. Violations

PAGE <

PAGE >

DOWNLOAD TEXT

§ 1127. Violations

1. Civil penalty. In addition to any other penalties that may be applicable, a person who violates any provision of this chapter is subject to a civil penalty not to exceed \$10,000 per violation payable to the fund. This penalty is recoverable in a civil action. In addition to any fine, for good cause shown, a candidate found in violation of this chapter may be required to return to the fund all amounts distributed to the candidate from the fund. If the commission makes a determination that a violation of this chapter has occurred, the commission shall assess a fine or transmit the finding to the Attorney General for prosecution. Fines paid under this section must be deposited in the fund. In determining whether or not a candidate is in violation of the expenditure limits of this chapter, the commission may consider as a mitigating factor any circumstances out of the candidate's control.

[IB 1995, c. 1, §17 (new).]

2. Class E crime. A person who willfully or knowingly violates this chapter or rules of the commission or who willfully or knowingly makes a false statement in any report required by this chapter commits a Class E crime and, if certified as a Maine Clean Election Act candidate, must return to the fund all amounts distributed to the candidate.

[IB 1995, c. 1, §17 (new).]

Section History:

1995, IN BILL c. 1, § 17 (NEW).

PAGE <

PAGE >

TOP ▲

[Statute Search](#) [List of Titles](#) [Maine Law](#) [Revisor of Statutes Homepage](#) [Maine Legislature](#)

Office of the Revisor of Statutes

7 State House Station

State House Room 108

Augusta, Maine 04333-0007

Voice: (207) 287-1650 Fax: (207) 287-6468

Disclaimer

TITLE 21-A: ELECTIONS

- CHAPTER 14: THE MAINE CLEAN ELECTION ACT (HEADING: IB 1995, c. 1, @17 (new))
 - § 1128. Study report

PAGE <

PAGE >

DOWNLOAD TEXT

§ 1128. Study report

By January 30, 2002 and every four years after that date, the commission shall prepare for the joint standing committee of the Legislature having jurisdiction over legal affairs a report documenting, evaluating and making recommendations relating to the administration, implementation and enforcement of the Maine Clean Election Act and Maine Clean Election Fund. [IB 1995, c. 1, §17 (new).]

Section History:

1995, IN BILL c. 1, § 17 (NEW).

PAGE <

PAGE >

TOP ▲

[Statute Search](#) [List of Titles](#) [Maine Law](#) [Revisor of Statutes Homepage](#) [Maine Legislature](#)

Office of the Revisor of Statutes

7 State House Station

State House Room 108

Augusta, Maine 04333-0007

Voice: (207) 287-1650 Fax: (207) 287-6468

Disclaimer

16-941. imits on spending and contributions for political campaigns.

(Caution: 1998 Prop. 105 applies)

A. Notwithstanding any law to the contrary, a participating candidate:

1. Shall not accept any contributions, other than a limited number of five-dollar qualifying contributions as specified in section 16-946 and early contributions as specified in section 16-945, except in the emergency situation specified in section 16-954, subsection F.
2. Shall not make expenditures of more than a total of five hundred dollars of the candidate's personal monies for a candidate for legislature or more than one thousand dollars for a candidate for statewide office.
3. Shall not make expenditures in the primary election period in excess of the adjusted primary election spending limit.
4. Shall not make expenditures in the general election period in excess of the adjusted general election spending limit.
5. Shall comply with section 16-948 regarding campaign accounts and section 16-953 regarding returning unused monies to the citizens clean election fund described in this article.

B. Notwithstanding any law to the contrary, a nonparticipating candidate:

1. Shall not accept contributions in excess of an amount that is twenty percent less than the limits specified in section 16-905, subsections A through G, as adjusted by the secretary of state pursuant to section 16-905, subsection J. Any violation of this paragraph shall be subject to the civil penalties and procedures set forth in section 16-905, subsections L through P and section 16-924.
2. Shall comply with section 16-958 regarding reporting, including filing reports with the secretary of state indicating whenever (A) expenditures other than independent expenditures on behalf of the candidate, from the beginning of the election cycle to any date up to primary election day, exceed seventy percent of the original primary election spending limit applicable to a participating candidate seeking the same office, or (B) contributions to a candidate, from the beginning of the election cycle to any date during the general election period, less expenditures made from the beginning of the election cycle through primary election day, exceed seventy percent of the original general election spending limit applicable to a participating candidate seeking the same office.

C. Notwithstanding any law to the contrary, a candidate, whether participating or nonparticipating:

1. If and only if specified in a written agreement signed by the candidate and one or more opposing candidates and filed with the citizens clean elections commission, shall not make any expenditure in the primary or general election period exceeding an agreed-upon amount lower than spending limits otherwise applicable by statute.
2. Shall continue to be bound by all other applicable election and campaign finance statutes and rules, with the exception of those provisions in express or clear conflict with the provisions of this article.

D. Notwithstanding any law to the contrary, any person who makes independent expenditures related to a particular office cumulatively exceeding five hundred dollars in an election cycle, with the exception of any expenditure listed in section 16-920 and any independent expenditure by an organization arising from a communication directly to the organization's members, shareholders, employees, affiliated persons, and subscribers, shall file reports with the secretary of state in accordance with section 16-958 so indicating, identifying the office and the candidate or group of candidates whose election or defeat is being advocated, and stating whether the person is advocating election or advocating defeat.

16-942. civil penalties and forfeiture of office.

(Caution: 1998 Prop. 105 applies)

A. The civil penalty for a violation of any contribution or expenditure limit in section 16-941 by or on behalf of a participating candidate shall be ten times the amount by which the expenditures or contributions exceed the applicable limit.

B. In addition to any other penalties imposed by law, the civil penalty for a violation by or on behalf of any candidate of any reporting requirement imposed by this chapter shall be one hundred dollars per day for candidates for the legislature and three hundred dollars per day for candidates for statewide office. The penalty imposed by this subsection shall be doubled if the amount not reported for a particular election cycle exceeds ten percent of the adjusted primary or general election spending limit. No penalty imposed pursuant to this subsection shall exceed twice the amount of expenditures or contributions not reported. The candidate and the candidate's campaign account shall be jointly and severally responsible for any penalty imposed pursuant to this subsection.

C. Any campaign finance report filed indicating a violation of section 16-941, subsections A or B or section 16-941, subsection C, paragraph 1 involving an amount in excess of ten percent of the sum of the adjusted primary election spending limit and the adjusted general election spending limit for a particular candidate shall result in disqualification of a candidate or forfeiture of office.

D. Any participating candidate adjudged to have committed a knowing violation of section 16-941, subsection A or subsection C, paragraph 1 shall repay from the candidate's personal monies to the fund all monies expended from the candidate's campaign account and shall turn over the candidate's campaign account to the fund.

E. All civil penalties collected pursuant to this article shall be deposited into the fund.

16-943. riminal violations and penalties.

(Caution: 1998 Prop. 105 applies)

A. A candidate, or any other person acting on behalf of a candidate, who knowingly violates section 16-941 is guilty of a class 1 misdemeanor.

B. Any person who knowingly pays any thing of value or any compensation for a qualifying contribution as defined in section 16-946 is guilty of a class 1 misdemeanor.

C. Any person who knowingly provides false or incomplete information on a report filed under section 16-958 is guilty of a class 1 misdemeanor.

16-944. ees imposed on lobbyists.

(Caution: 1998 Prop. 105 applies)

Beginning on January 1, 1999, an annual fee is imposed on all registered lobbyists representing (A) one or more persons in connection with a commercial or for-profit activity except public bodies or (B) a non-profit entity predominately composed of or acting on behalf of a trade association or other grouping of commercial or for-profit entities. The fee shall be in the amount of one hundred dollars annually per lobbyist and shall be collected by the secretary of state and transmitted to the state treasurer for deposit into the fund.

16-945. imits on early contributions.

(Caution: 1998 Prop. 105 applies)

A. A participating candidate may accept early contributions only from individuals and only during the exploratory period and the qualifying period, subject to the following limitations:

1. Notwithstanding any law to the contrary, no contributor shall give, and no participating candidate shall accept, contributions from a contributor exceeding one hundred dollars during an election cycle.
2. Notwithstanding any law to the contrary, early contributions to a participating candidate from all sources for an election cycle shall not exceed, for a candidate for governor, forty thousand dollars or, for other candidates, ten percent of the sum of the original primary election spending limit and the original general election spending limit.
3. Qualifying contributions specified in section 16-946 shall not be included in determining whether the limits in this subsection have been exceeded.

B. Early contributions specified in subsection A of this section and the candidate's personal monies specified in section 16-941, subsection A, paragraph 2 may be spent only during the exploratory period and the qualifying period. Any early contributions not spent by the end of the qualifying period shall be paid to the fund.

C. If a participating candidate has a debt from an election campaign in this state during a previous election cycle in which the candidate was not a participating candidate, then, during the exploratory period only, the candidate may accept, in addition to early contributions specified in subsection A of this section, contributions subject to the limitations in section 16-941, subsection B, paragraph 1, or may exceed the limit on personal monies in section 16-941, subsection A, paragraph 2, provided that such contributions and monies are used solely to retire such debt.

16-946. ualifying contributions.

(Caution: 1998 Prop. 105 applies)

A. During the qualifying period, a participating candidate may collect qualifying contributions, which shall be paid to the fund.

B. To qualify as a "qualifying contribution," a contribution must be:

1. Made by a qualified elector as defined in section 16-121, who at the time of the contribution is registered in the electoral district of the office the candidate is seeking and who has not given another qualifying contribution to that candidate during that election cycle;
2. Made by a person who is not given anything of value in exchange for the qualifying contribution;
3. In the sum of five dollars, exactly;
4. Received unsolicited during the qualifying period or solicited during the qualifying period by a person who is not employed or retained by the candidate and who is not compensated to collect contributions by the candidate or on behalf of the candidate;
5. If made by check or money order, made payable to the candidate's campaign committee, or if in cash, deposited in the candidate's campaign committee's account; and
6. Accompanied by a three-part reporting slip that includes the printed name, registration address, and signature of the contributor, the name of the candidate for whom the contribution is made, the date, and the printed name and signature of the solicitor.

C. A copy of the reporting slip shall be given as a receipt to the contributor, and another copy shall be retained by the candidate's campaign committee. Delivery of an original reporting slip to the secretary of state shall excuse the candidate from disclosure of these contributions on campaign finance reports filed under article 1 of this chapter.

16-947. certification as a participating candidate.

(Caution: 1998 Prop. 105 applies)

A. A candidate who wishes to be certified as a participating candidate shall, before the end of the qualifying period, file an application with the secretary of state, in a form specified by the citizens clean elections commission.

B. The application shall identify the candidate, the office that the candidate plans to seek, and the candidate's party, if any, and shall contain the candidate's signature, under oath, certifying that:

1. The candidate has complied with the restrictions of section 16-941, subsection A during the election cycle to date.

2. The candidate's campaign committee and exploratory committee have filed all campaign finance reports required under article 1 of this chapter during the election cycle to date and that they are complete and accurate.

3. The candidate will comply with the requirements of section 16-941, subsection A during the remainder of the election cycle and, specifically, will not accept private contributions.

C. The commission shall act on the application within one week. Unless, within that time, the commission denies an application and provides written reasons that all or part of a certification in subsection B of this section is incomplete or untrue, the candidate shall be certified as a participating candidate. If the commission denies an application for failure to file all complete and accurate campaign finance reports or failure to make the certification in subsection B, paragraph 3 of this section, the candidate may reapply within two weeks of the commission's decision by filing complete and accurate campaign finance reports and another sworn certification.

16-948. ontrols on participating candidates' campaign accounts

(Caution: 1998 Prop. 105 applies)

- A. A participating candidate shall conduct all financial activity through a single campaign account of the candidate's campaign committee. A participating candidate shall not make any deposits into the campaign account other than those permitted under sections 16-945 or 16-946.
- B. A candidate may designate other persons with authority to withdraw funds from the candidate's campaign account. The candidate and any person so designated shall sign a joint statement under oath promising to comply with the requirements of this title.
- C. The candidate or a person authorized under subsection B of this section shall pay monies from a participating candidate's campaign account directly to the person providing goods or services to the campaign and shall identify, on a report filed pursuant to article 1 of this chapter, the full name and street address of the person and the nature of the goods and services and compensation for which payment has been made. Notwithstanding the previous sentence, a campaign committee may establish one or more petty cash accounts, which in aggregate shall not exceed one thousand dollars at any time. No single expenditure shall be made from a petty cash account exceeding one hundred dollars.
- D. Monies in a participating candidate's campaign account shall not be used to pay fines or civil penalties, for costs or legal fees related to representation before the commission, or for defense of any enforcement action under this chapter. Nothing in this subsection shall prevent a participating candidate from having a legal defense fund.

16-949. aps on spending from citizens clean elections fund.

(Caution: 1998 Prop. 105 applies)

A. The commission shall not spend, on all costs incurred under this article during a particular calendar year, more than five dollars times the number of Arizona resident personal income tax returns filed during the previous calendar year. Tax reductions and tax credits awarded to taxpayers pursuant to section 16-954, subsections A and B shall not be considered costs incurred under this article for purposes of this section. The commission may exceed this limit during a calendar year, provided that it is offset by an equal reduction of the limit during another calendar year during the same four-year period beginning January 1 immediately after a gubernatorial election.

B. The commission may use up to ten percent of the amount specified in subsection A of this section for reasonable and necessary expenses of administration and enforcement, including the activities specified in section 16-956, subsections B, C, and D. Any portion of the ten percent not used for this purpose shall remain in the fund.

C. The commission shall apply ten percent of the amount specified in subsection A of this section for reasonable and necessary expenses associated with voter education, including the activities specified in section 16-956, subsection A.

D. The state treasurer shall administer a citizens clean election fund from which costs incurred under this article shall be paid. The auditor general shall review the monies in, payments into, and expenditures from the fund no less often than every four years.

16-950. ualification for clean campaign funding.

(Caution: 1998 Prop. 105 applies)

A. A candidate who has made an application for certification may also apply, in accordance with subsection B of this section, to receive funds from the citizens clean elections fund, instead of receiving private contributions.

B. To receive any clean campaign funding, the candidate must present to the secretary of state no later than one week after the end of the qualifying period a list of names of persons who have made qualifying contributions pursuant to section 16-946 on behalf of the candidate. The list shall be divided by county. At the same time, the candidate must tender to the secretary of state the original reporting slips identified in section 16-946, subsection C for persons on the list and an amount equal to the sum of the qualifying contributions collected. The secretary of state shall deposit the amount into the fund.

C. The secretary of state shall select at random a sample of five percent of the number of non-duplicative names on the list and forward facsimiles of the selected reporting slips to the county recorder for the counties of the addresses specified in the selected slips. Within ten days, the county recorders shall provide a report to the secretary of state identifying as disqualified any slips that are unsigned or undated or that the recorder is unable to verify as matching a person who is registered to vote, on the date specified on the slip, inside the electoral district of the office the candidate is seeking. The secretary of state shall multiply the number of slips not disqualified by twenty, and if the result is greater than one hundred and ten percent of the quantity required, shall approve the candidate for funds, and if the result is less than ninety percent of the quantity required, shall deny the application for funds. Otherwise, the secretary of state shall forward facsimiles of all of the slips to the county recorders for verification, and the county recorders shall check all slips in accordance with the process above.

D. To qualify for clean campaign funding, a candidate must have been approved as a participating candidate pursuant to section 16-947 and have obtained the following number of qualifying contributions:

1. For a candidate for legislature, two hundred.
2. For candidate for mine inspector, five hundred.
3. For a candidate for treasurer, superintendent of public instruction, or corporation commission, one thousand five hundred.
4. For a candidate for secretary of state or attorney general, two thousand five hundred.
5. For a candidate for governor, four thousand.

E. To qualify for clean campaign funding, a candidate must have met the requirements of this section and either be an independent candidate or meet the following standards:

1. To qualify for funding for a party primary election, a candidate must have properly filed

nominating papers and nominating petitions with signatures pursuant to chapter 3, articles 2 and 3 of this title in the primary of a political organization entitled to continued representation on the official ballot in accordance with section 16-804.

2. To qualify for clean campaign funding for a general election, a candidate must be a party nominee of such a political organization.

16-951. lean campaign funding.

(Caution: 1998 Prop. 105 applies)

A. At the beginning of the primary election period, the commission shall pay from the fund to the campaign account of each candidate who qualifies for clean campaign funding:

1. For a candidate who qualifies for clean campaign funding for a party primary election, an amount equal to the original primary election spending limit;
2. For an independent candidate who qualifies for clean campaign funding, an amount equal to seventy percent of the sum of the original primary election spending limit and the original general election spending limit; or
3. For a qualified participating candidate who is unopposed for an office in that candidate's primary, in the primary of any other party, and by any opposing independent candidate, an amount equal to five dollars times the number of qualifying contributions for that candidate certified by the commission.

B. At any time after the first day of January of an election year, any candidate who has met the requirements of section 16-950 may sign and cause to be filed a nomination paper in the form specified by section 16-311, subsection A, with a nominating petition and signatures, instead of filing such papers after the earliest time set for filing specified by that subsection. Upon such filing and verification of the signatures, the commission shall pay the amount specified in subsection A of this section immediately, rather than waiting for the beginning of the primary election period.

C. At the beginning of the general election period, the commission shall pay from the fund to the campaign account of each candidate who qualifies for clean campaign funding for the general election, except those candidates identified in subsection A, paragraphs 2 or 3 or subsection D of this section, an amount equal to the original general election spending limit.

D. At the beginning of the general election period, the commission shall pay from the fund to the campaign account of a qualified participating candidate who has not received funds pursuant to subsection A, paragraph 3 of this section and who is unopposed by any other party nominee or any opposing independent candidate an amount equal to five dollars times the number of qualifying contributions for that candidate certified by the commission.

E. The special original general election spending limit, for a candidate who has received funds pursuant to subsection A, paragraphs 2 or 3 or subsection D of this section, shall be equal to the amount that the commission is obligated to pay to that candidate.

16-952. qual funding of candidates.

(Caution: 1998 Prop. 105 applies)

A. Whenever during a primary election period a report is filed, or other information comes to the attention of the commission, indicating that a nonparticipating candidate who is not unopposed in that primary has made expenditures during the election cycle to date exceeding the original primary election spending limit, including any previous adjustments, the commission shall immediately pay from the fund to the campaign account of any participating candidate in the same party primary as the nonparticipating candidate an amount equal to any excess of the reported amount over the primary election spending limit, as previously adjusted, and the primary election spending limit for all such participating candidates shall be adjusted by increasing it by the amount that the commission is obligated to pay to a participating candidate.

B. Whenever during a general election period a report has been filed, or other information comes to the attention of the commission, indicating that the amount a nonparticipating candidate who is not unopposed has received in contributions during the election cycle to date less the amount of expenditures the nonparticipating candidate made through the end of the primary election period exceeds the original general election spending limit, including any previous adjustments, the commission shall immediately pay from the fund to the campaign account of any participating candidate qualified for the ballot and seeking the same office as the nonparticipating candidate an amount equal to any excess of the reported difference over the general election spending limit, as previously adjusted, and the general election spending limit for all such participating candidates shall be adjusted by increasing it by the amount that the commission is obligated to pay to a participating candidate.

C. For purposes of subsections A and B of this section the following expenditures reported pursuant to this article shall be treated as follows:

1. Independent expenditures against a participating candidate shall be treated as expenditures of each opposing candidate, for purpose of subsection A of this section, or contributions to each opposing candidate, or purpose of subsection B of this section.

2. Independent expenditures in favor of one or more nonparticipating opponents of a participating candidate shall be treated as expenditures of those nonparticipating candidates, for purpose of subsection A of this section, or contributions to those nonparticipating candidates, for purpose of subsection B of this section.

3. Independent expenditures in favor of a participating candidate shall be treated, for every opposing participating candidate, as though the independent expenditures were an expenditure of a nonparticipating opponent, for purpose of subsection A of this section, or a contribution to a nonparticipating opponent, for purpose of subsection B of this section.

4. Expenditures made during the primary election period by or on behalf of an independent candidate or a nonparticipating candidate who is unopposed in a party primary, shall be treated as though made during the general election period, and equalizing funds pursuant to subsection B of this section shall be paid at the start of the general election period.

5. Expenditures made before the general election period that consist of a contract, promise, or agreement to make an expenditure during the general election period resulting in an extension of credit shall be treated as though made during the general election period, and equalizing funds pursuant to subsection B of this section shall be paid at the start of the general election period.

6. Expenditures for or against a participating candidate promoting or opposing more than one candidate who are not running for the same office shall be allocated by the commission among candidates for different offices based on the relative size or length and relative prominence of the reference to candidates for different offices.

D. Upon applying for citizen funding pursuant to section 16-950, a participating candidate for legislature in a one-party-dominant legislative district who is qualified for clean campaign funding for the party primary election of the dominant party may choose to reallocate a portion of funds from the general election period to the primary election period. At the beginning of the primary election period, the commission shall pay from the fund to the campaign account of a participating candidate who makes this choice an extra amount equal to fifty percent of the original primary election spending limit, and the original primary election spending limit for the candidate who makes this choice shall be increased by the extra amount. For a primary election in which one or more participating candidates have made this choice, funds shall be paid under subsections A and B of this section only to the extent of any excess over the original primary election spending limit as so increased. If a participating candidate who makes this choice becomes qualified for clean campaign funding for the general election, the amount the candidate receives at the beginning of the general election period shall be reduced by the extra amount received at the beginning of the primary election period, and the original general election spending limit for that candidate shall be reduced by the extra amount. For a general election in which a participating candidate has made this choice, funds shall be paid under subsections A and B of this section only to the extent of any excess over the original general election spending limit, without such reduction, unless the candidate who has made this choice is the only participating candidate in the general election, in which case such funds shall be paid to the extent of excess over the original general election spending limit with such reduction. For purpose of this subsection, a one-party-dominant legislative district is a district in which the number of registered voters registered in the party with the highest number of registered voters exceeds the number of registered voters registered to each of the other parties by an amount at least as high as ten percent of the total number of voters registered in the district. The status of a district as a one-party-dominant legislative district shall be determined as of the beginning of the qualifying period.

E. If an adjusted spending limit reaches three times the original spending limit for a particular election, then the commission shall not pay any further amounts from the fund to the campaign account of any participating candidate, and the spending limit shall not be adjusted further.

16-953. eturn of monies to the citizens clean elections fund.

(Caution: 1998 Prop. 105 applies)

A. At the end of the primary election period, a participating candidate who has received monies pursuant to section 16-951, subsection A, paragraph 1 shall return to the fund all monies in the candidate's campaign account above an amount sufficient to pay any unpaid bills for expenditures made during the primary election period and for goods or services directed to the primary election.

B. At the end of the general election period, a participating candidate shall return to the fund all monies in the candidate's campaign account above an amount sufficient to pay any unpaid bills for expenditures made before the general election and for goods or services directed to the general election.

C. A participating candidate shall pay all uncontested and unpaid bills referenced in this section no later than thirty days after the primary or general election. A participating candidate shall make monthly reports to the commission concerning the status of the dispute over any contested bills. Any monies in a candidate's campaign account after payment of bills shall be returned promptly to the fund.

D. If a participating candidate is replaced pursuant to section 16-343, and the replacement candidate files an oath with the secretary of state certifying to section 16-947, subsection B, paragraph 3, the campaign account of the participating candidate shall be transferred to the replacement candidate and the commission shall certify the replacement candidate as a participating candidate without requiring compliance with section 16-950 or the remainder of section 16-947. If the replacement candidate does not file such an oath, the campaign account shall be liquidated and all remaining monies returned to the fund.

16-954. lean elections tax reduction; return of excess monies.

(Caution: 1998 Prop. 105 applies)

A. For tax years beginning on or after January 1, 1998, a taxpayer who files on a state income tax return form may designate a five-dollar voluntary contribution per taxpayer to the fund by marking an optional check-off box on the first page of the form. A taxpayer who checks this box shall receive a five-dollar reduction in the amount of tax, and five dollars from the amount of taxes paid shall be transferred by the department of revenue to the fund. The department of revenue shall provide check-off boxes, identified as the clean elections fund tax reduction, on the first page of income tax return forms, for designations pursuant to this subsection.

B. Any taxpayer may make a voluntary donation to the fund by designating the fund on an income tax return form filed by the individual or business entity or by making a payment directly to the fund. Any taxpayer making a donation pursuant to this subsection shall receive a dollar-for-dollar tax credit not to exceed twenty percent of the tax amount on the return or five hundred dollars per taxpayer, whichever is higher. Donations made pursuant to this section are otherwise not tax deductible and cannot be designated as for the benefit of a particular candidate, political party, or election contest. The department of revenue shall transfer to the fund all donations made pursuant to this subsection. The department of revenue shall provide a space, identified as the clean elections fund tax credit, on the first page of income tax return forms, for donations pursuant to this subsection.

C. Beginning January 1, 1999, an additional surcharge of ten percent shall be imposed on all civil and criminal fines and penalties collected pursuant to section 12- 116.01 and shall be deposited into the fund.

D. At least once per year, the commission shall project the amount of monies that the fund will collect over the next four years and the time such monies shall become available. Whenever the commission determines that the fund contains more monies than the commission determines that it requires to meet current debts plus expected expenses, under the assumption that expected expenses will be at the expenditure limit in section 16-949, subsection A, and taking into account the projections of collections, the commission shall designate such monies as excess monies and so notify the state treasurer, who shall thereupon return the excess monies to the general fund.

E. At least once per year, the commission shall project the amount of citizen funding for which all candidates will have qualified pursuant to this article for the following calendar year. By the end of each year, the commission shall announce whether the amount that the commission plans to spend the following year pursuant to section 16- 949, subsection A exceeds the projected amount of citizen funding. If the commission determines that the fund contains insufficient monies or the spending cap would be exceeded were all candidate's accounts to be fully funded, then the commission may include in the announcement specifications for decreases in the following parameters, based on the commission's projections of collections and expenses for the fund, made in the following order:

1. First, the commission may announce a decrease in the matching cap under section 16-952, subsection E from three times to an amount between three and one times.
2. Next, the commission may announce that the fund will provide equalization monies under section 16-952, subsections A and B as a fraction of the amounts there specified.

3. Finally, the commission may announce that the fund will provide monies under section 16-951 as a fraction of the amounts there specified.

F. If the commission cannot provide participating candidates with all monies specified under sections 16-951 and 16-952, as decreased by any announcement pursuant to subsection E of this section, then the commission shall allocate any reductions in payments proportionately among candidates entitled to monies and shall declare an emergency. Upon declaration of an emergency, a participating candidate may accept private contributions to bring the total monies received by the candidate from the fund and from such private contributions up to the adjusted spending limits, as decreased by any announcement made pursuant to subsection E of this section.

16-955. citizens clean election commission; structure.

(Caution: 1998 Prop. 105 applies)

A. The citizens clean elections commission is established consisting of five members. No more than two members of the commission shall be members of the same political party. No more than two members of the commission shall be residents of the same county. No one shall be appointed as a member who does not have a registration pursuant to chapter 1 of this title that has been continuously recorded for at least five years immediately preceding appointment with the same political party or as an independent.

B. The commission on appellate court appointments shall nominate candidates for vacant commissioner positions who are committed to enforcing this article in an honest, independent, and impartial fashion and to seeking to uphold public confidence in the integrity of the electoral system. Each candidate shall be a qualified elector who has not, in the previous five years in this state, been appointed to, been elected to, or run for any public office, including precinct committeeman, or served as an officer of a political party.

C. Initially, the commission on appellate court appointments shall nominate five slates, each having three candidates, before January 1, 1999. No later than February 1, 1999, the governor shall select one candidate from one of the slates to serve on the commission for a term ending January 31, 2004. Next, the highest-ranking official holding a statewide office who is not a member of the same political party as the governor shall select one candidate from another one of the slates to serve on the commission for a term ending January 31, 2003. Next, the second-highest-ranking official holding a statewide office who is a member of the same political party as the governor shall select one candidate from one of the three remaining slates to serve on the commission for a term ending January 31, 2002. Next, the second-highest-ranking official holding a statewide office who is not a member of the same political party as the governor shall select one candidate from one of the two remaining slates to serve on the commission for a term ending January 31, 2001. Finally, the third-highest-ranking official holding a statewide office who is a member of the same political party as the governor shall elect one candidate from the last slate to serve on the commission for a term ending January 31, 2000. For purpose of this section, the ranking of officials holding statewide office shall be governor, secretary of state, attorney general, treasurer, superintendent of public instruction, corporation commissioners in order of seniority, mine inspector, the members of the supreme court in order of seniority, senate majority and minority leaders, and house majority and minority leaders.

D. One commissioner shall be appointed for a five-year term beginning February 1 of every year beginning with the year 2000. The commission on appellate court appointments shall nominate one slate of three candidates before January 1 of each year beginning in the year 2000, and the governor and the highest-ranking official holding a statewide office who is not a member of the same political party as the governor shall alternate filling such vacancies. The vacancy in the year 2000 shall be filled by the governor.

E. Members of the commission may be removed by the governor, with concurrence of the senate, for substantial neglect of duty, gross misconduct in office, inability to discharge the powers and duties of office, or violation of this section, after written notice and opportunity for a response.

F. If a commissioner does not complete his or her term of office for any reason, the commission on

appellate court appointments shall nominate one slate of three candidates as soon as possible in the first thirty days after the commissioner vacates his or her office and a replacement shall be selected from the slate within thirty days of nomination of the slate. The highest-ranking official holding a statewide office who is a member of the political party of the official who nominated the commissioner who vacated office shall nominate the replacement, who shall serve as commissioner for the unexpired portion of the term. A vacancy or vacancies shall not impair the right of the remaining members to exercise all of the powers of the board.

G. Commissioners are eligible to receive compensation in an amount of two hundred dollars for each day on which the commission meets and reimbursement of expenses pursuant to title 38, chapter 4, article 2.

H. The commissioners shall elect a chair to serve for each calendar-year period from among their members whose terms expire after the conclusion of that year. Three commissioners shall constitute a quorum.

I. A member of the commission shall serve no more than one term and is not eligible for reappointment. No commissioner, during his or her tenure or for three years thereafter, shall seek or hold any other public office, serve as an officer of any political committee, or employ or be employed as a lobbyist.

J. The commission shall appoint an executive director who shall not be a member of the commission and who shall serve at the pleasure of the commission. The executive director is eligible to receive compensation set by the board within the range determined under section 38-611. The executive director, subject to title 41, chapter 4, articles 5 and 6, shall employ, determine the conditions of employment, and specify the duties of administrative, secretarial, and clerical employees as the director deems necessary.

16-956. oter education and enforcement duties.

(Caution: 1998 Prop. 105 applies)

A. The commission shall:

1. Develop, in consultation with the county recorders, a procedure for including, with ballots mailed to electors casting early ballots pursuant to section 16-542, subsection C and with the sample ballots mailed to other electors pursuant to section 16- 461, subsection D and section 16-510, subsection C, a document or section of a document having a space of predefined size for a message chosen by each candidate. The board of supervisors shall present to the commission a certified claim for the actual extra cost of including the messages in such mailings in accordance with the procedure developed, and the commission shall direct payment of the authenticated claims from the fund.
2. Sponsor debates among candidates, in such manner as determined by the commission. The commission shall require participating candidates to attend and participate in debates and may specify by rule penalties for nonparticipation. The commission shall invite and permit nonparticipating candidates to participate in debates.

B. The commission shall:

1. Prescribe forms for reports, statements, notices, and other documents required by this article.
2. Prepare and publish instructions setting forth methods of bookkeeping and preservation of records to facilitate compliance with this article and explaining the duties of persons and committees under this article.
3. Produce a yearly report describing the commission's activities, any recommendations for changes of law, administration, or funding amounts, and accounting for monies in the fund.
4. Adopt rules to implement the reporting requirements of section 16-958, subsections D and E.
5. Enforce the provisions of this article, ensure that money from the fund is placed in candidate campaign accounts or otherwise spent as specified in this article and not otherwise, monitor reports filed pursuant to this chapter and financial records of candidates as needed to ensure that equalization monies are paid promptly to opposing qualified candidates under section 16-952, and ensure that money required by this article to be paid to the fund is deposited in the fund.

C. The commission may subpoena witnesses, compel their attendance and testimony, administer oaths and affirmations, take evidence, and require by subpoena the production of any books, papers, records, or other items material to the performance of the commission's duties or the exercise of its powers.

D. The commission may adopt rules to carry out the purposes and provision of this article and to govern procedures of the commission. Commission rulemaking is exempt from title 41, article 3, chapter 6, except that the commission shall submit the rules for publication and the secretary of state shall publish the rules in the Arizona administrative register. The commission shall propose and adopt rules in public meetings, with at least sixty days allowed for interested parties to comment after

the rules are proposed.

E. Based on the results of the elections in the year 2002 or any quadrennial election thereafter, and within six months after such election, the commission may adopt rules changing the number of qualifying contributions required for any office from those listed in section 16-950, subsection D, by no more than twenty percent of the number applicable for the preceding election.

16-957. nforcement procedure.

(Caution: 1998 Prop. 105 applies)

A. If the commission finds that there is reason to believe that a person has violated any provision of this article, the commission shall serve on that person an order stating with reasonable particularity the nature of the violation and requiring compliance within fourteen days. During that period, the alleged violator may provide any explanation to the commission, comply with the order, or enter into a public administrative settlement with the commission.

B. Upon expiration of the fourteen days, if the commission finds that the alleged violator remains out of compliance, the commission shall make a public finding to that effect and issue an order assessing a civil penalty in accordance with section 16-942, unless the commission publishes findings of fact and conclusions of law expressing good cause for reducing or excusing the penalty. The violator has fourteen days from the date of issuance of the order assessing the penalty to appeal to the superior court as provided in title 12, chapter 7, article 6.

C. Any candidate in a particular election contest who believes that any opposing candidate has violated this article for that election may file a complaint with the commission requesting that action be taken pursuant to this section. If the commission fails to make a finding under subsection A of this section within thirty days after the filing of such a complaint, the candidate may bring a civil action in the superior court to impose the civil penalties prescribed in this section.

16-958. anner of filing reports.

(Caution: 1998 Prop. 105 applies)

A. Any person who has previously reached the dollar amount specified in section 16-941, subsection D for filing an original report shall file a supplemental report each time previously unreported independent expenditures specified by that subsection exceeds one thousand dollars. Any person who has previously reached the dollar amounts specified in section 16-941, subsection B, paragraph 2 for filing an original report shall file a supplemental report to declare that previously unreported expenditures or contributions specified by that paragraph exceed (1) ten percent of the original primary election spending limit or twenty-five thousand dollars, whichever is lower, before the general election period, or (2) ten percent of the original general election spending limit or twenty-five thousand dollars, whichever is lower, during the general election period. Such reports shall be filed at the times specified in subsection B of this section and shall identify the dollar amount being reported, the candidate, and the date.

B. Any person who must file an original report pursuant to section 16-941, subsection B, paragraph 2 or subsection D, or who must file a supplemental report for previously unreported amounts pursuant to subsection A of this section, shall file as follows:

1. Before the beginning of the primary election period, the person shall file a report on the first of each month, unless the person has not reached the dollar amount for filing an original or supplemental report on that date.
2. Thereafter, except as stated in paragraph 3 of this subsection, the person shall file a report on any Tuesday by which the person has reached the dollar amount for filing an original or supplemental report.
3. During the last two weeks before the primary election and the last two weeks before the general election, the person shall file a report within one business day of reaching the dollar amount for filing an original or supplemental report.

C. Any filing under this article on behalf of a candidate may be made by the candidate's campaign committee. All candidates shall deposit any check received by and intended for the campaign and made payable to the candidate or the candidate's campaign committee, and all cash received by and intended for the campaign, in the candidate's campaign account before the due date of the next report specified in subsection B of this section. No candidate or person acting on behalf of a candidate shall conspire with a donor to postpone delivery of a donation to the campaign for the purpose of postponing the reporting of the donation in any subsequent report.

D. The secretary of state shall immediately notify the commission of the filing of each report under this section and deliver a copy of the report to the commission, and the commission shall promptly mail or otherwise deliver a copy of each report filed pursuant to this section to all participating candidates opposing the candidate identified in section 16-941, subsection B, paragraph 2 or subsection D.

E. Any report filed pursuant to this section or section 16-916, subsection A, paragraph 1 or subsection B shall be filed in electronic format. The secretary of state shall distribute computer software to

political committees to accommodate such electronic filing.

F. During the primary election period and the general election period, all candidates shall make available for public inspection all bank accounts, campaign finance reports, and financial records relating to the candidate's campaign, either by immediate disclosure through electronic means or at the candidate's campaign headquarters, in accordance with rules adopted by the commission.

16-959. nflationary and other adjustments of dollar values.

(Caution: 1998 Prop. 105 applies)

A. Every two years, the secretary of state shall modify the dollar values specified in the following parts of this article, in the manner specified by section 16-905, subsection J, to account for inflation: section 16-941, subsection A, paragraph 2 or subsection D; section 16-942, subsection B; section 16-944; section 16-945, subsection A, paragraphs 1 and 2; section 16-948, paragraph C; section 16-954, subsection B; section 16-955, subsection G; and section 16-961, subsections G and H. In addition, the secretary of state shall make a similar inflation adjustment by modifying the dollar values in section 16-949, subsection A and section 16-954, subsection A to the nearest dollar. In addition, every two years, the secretary of state shall change the dollar values in section 16-961, subsections G and H in proportion to the change in the number of Arizona resident personal income tax returns filed during the previous calendar year.

B. Based on the results of the elections in the year 2002 or any quadrennial election thereafter, and within six months after such election, the commission may adopt rules in a public meeting reallocating funds available to all candidates between the primary and general elections by selecting a fraction for primary election spending limits that is between one third and one half of the spending limits for the election as a whole. For each office, the primary election spending limit shall be modified to be the sum of the primary and general spending limits times the selected fraction, and the general election spending limit shall be modified to be the same sum times one less the selected fraction.

16-961. efinitions.

(Caution: 1998 Prop. 105 applies)

A. The terms "candidate's campaign committee," "contribution," "expenditures," "exploratory committee," "independent expenditure," "personal monies," "political committee," and "statewide office" are defined in section 16-901.

B. 1. "Election cycle" means the period between successive general elections for a particular office.

2. "Exploratory period" means the period beginning on the day after a general election and ending the day before the start of the qualifying period.

3. "Qualifying period" means the period beginning on the first day of August in a year preceding an election, for an election for a statewide office, or on the first day of January of an election year, for an election for legislator, and ending seventy-five days before the day of the general election.

4. "Primary election period" means the nine-week period ending on the day of the primary election.

5. "General election period" means the period beginning on the day after the primary election and ending on the day of the general election.

6. For any recall election, the qualifying period shall begin when the election is called and last for thirty days, there shall be no primary election period, and the general election period shall extend from the day after the end of the qualifying period to the day of the recall election. For recall elections, any reference to "general election" in this article shall be treated as if referring to the recall election.

C. 1. "Participating candidate" means a candidate who becomes certified as a participating candidate pursuant to section 16-947.

2. "Nonparticipating candidate" means a candidate who does not become certified as a participating candidate pursuant to section 16-947.

3. Any limitation of this article that is applicable to a participating candidate or a nonparticipating candidate shall also apply to that candidate's campaign committee or exploratory committee.

D. "Commission" means the citizens clean elections commission established pursuant to section 16-955.

E. "Fund" means the citizens clean election fund defined by this article.

F. 1. "Party nominee" means a person who has been nominated by a political party pursuant to sections 16-301 or 16-343.

2. "Independent candidate" means a candidate who has properly filed nominating papers and nominating petitions with signatures pursuant to section 16-341.

3. "Unopposed," with reference to an election for a member of the house of representatives, means opposed by no more than one other candidate.

G. "Primary election spending limits" means:

1. For a candidate for legislature, ten thousand dollars.
2. For candidate for mine inspector, twenty thousand dollars.
3. For a candidate for treasurer, superintendent of public instruction, or corporation commission, forty thousand dollars.
4. For a candidate for secretary of state or attorney general, eighty thousand dollars.
5. For a candidate for governor, three hundred eighty thousand dollars.

H. "General election spending limits" means amounts fifty percent greater than the amounts specified in subsection G of this section.

I. 1. "Original" spending limit means a limit specified in subsections G and H of this section, as adjusted pursuant to section 16-959, or a special amount expressly set for a particular candidate by a provision of this title.

2. "Adjusted" spending limit means an original spending limit as further adjusted to account for reported overages pursuant to section 16-952.

Preamble

Wisconsin has a democratic form of government. Such a government derives its power from the people. The electoral process is the device by which the people empower their elected officials. We believe that human freedom depends on this process.

Circumstances have occurred over the past several years which make the cost of the election process exorbitant, far more costly than the ordinary person can afford. This required expense, in most cases, has reduced our candidates for office to full time fundraisers, who appear to the people in the end not as champions of their will, but the tool of the very few who are able to provide the necessary money.

In such circumstances the power to govern is not derived from the people but from the few who have special interests which they want our government to protect.

In these circumstances the people have been stripped of the power necessary to make our democracy work. These circumstances deny people their right to self-government. If permitted to continue we will lose effective control of the elective process, essential to American freedom.

The first section of Article I of the Wisconsin Constitution sets forth our most important human values. This section states that all are born equally free and independent and have certain inherent rights, among these are life, liberty and the pursuit of happiness. This section also states that in order to secure these rights, our government has been instituted. Finally, this section dictates that it is we the people who empower our government. Because the people must reclaim this right, we propose taking this action.

The Wisconsin Clean Election Option

To obtain ballot access and receive public financing in a primary election, any candidate for a constitutional office, (Governor, Lieutenant Governor, Attorney General, Secretary of State, Treasurer and Superintendent of Public Instruction), Assembly, State Senate and judges (Supreme Court, Court of Appeals and Circuit Court) must obtain the number of nomination signatures listed below on nomination papers that will be provided by County Clerks. To be granted public financing in a primary, a candidate must demonstrate broad and committed public support by obtaining the requisite number of \$5 contributions from separate individuals to the "Clean Money Fund." The County Clerks will also provide preliminary campaign literature to assist candidates in obtaining ballot access to the nomination process.

Anyone meeting these requirements, who further agrees to forgo all private contributions and to abide by prescribed spending limits as outlined in Table 1, will receive the designated public funding for the primary campaign in a timely manner. Primary winners who participate in this system would then automatically receive the designated funding for the general election. All expenses must be documented, verified and submitted to the State Elections Board to

substantiate use of funds for legitimate campaign purposes.

If a candidate opts not to participate, accepts private money or exceeds the specified spending limits, the Clean Elections Fund will provide the opponent(s) funding to match that candidate's expenditures, up to a maximum of 2.5 times the amount allocated by the Clean Elections Fund. A candidate who initially agrees to the terms of the Clean Elections Option but then violates the law, by accepting private money or by exceeding the spending limits, will forfeit all public funding and be fined up to three times the amount of private money received. The Clean Elections Fund will provide the opponent in that race, funding to match that candidate's expenditures, up to a maximum of 2.5 times the limit listed in the agreement. Spending limits for candidates accepting public funding will remain in force in all circumstances.

Table 1
Spending Limits and Funds Available for Candidates Who Agree to the Clean Elections Option.

Office	Primary Election	General Election
Assembly	\$18,000	\$36,000
State Senate	\$36,000	\$72,000
Governor	\$500,000	\$1,000,000
Lt. Governor	\$200,000	\$75,000
Secretary of State	\$75,000	\$200,000
State Treasurer	\$75,000	\$200,000
Attorney General	\$400,000	\$600,000
Sup. Public Instruction	\$150,000	\$300,000
Circuit Court Judge	\$25,000	\$25-50,000*
Court of Appeals Judge	\$50,000	\$75,000
Supreme Court Justice	\$100,000	\$300,000

* Amount depends on the population of the district.

War Chests (Unexpended Campaign Funds)

All funds in excess of 5% of the Assembly spending limit for general elections allowed under the Clean Elections Option, 3% of the State Senate general election limit and 1% of all

other general elections spending limits, remaining in the candidate's treasury after the general election (on December 1st of the even numbered year) must be returned to the Clean Elections Fund or the individual contributor.

Table 2
Qualifications for The Wisconsin Clean Elections Option

Office	Nomination Signatures	\$5 Qualifying Contributions
Assembly	600	300
State Senate	1,200	600
Governor	27,000*	13,500
Lt. Governor	9,000*	4,500
Secretary of State	9,000*	4,500
State Treasurer	9,000*	4,500
Attorney General	22,500*	11,250
Sup. Public Instruction	13,500*	6,750
Circuit Court Judge	500	250
Court of Appeals Judge	1,000	500
Supreme Court Justice	9,000*	4,500

* Candidates for this office must secure a minimum of 5% of total signatures from each of Wisconsin's nine congressional districts.

Limits on Private Campaign Contribution to Non-Participants

Campaign contributions may be limited within the confines of the Buckley vs Valeo decision to avoid corruption in the electoral process. However, the courts have also acknowledged that contributions are a First Amendment right guaranteeing individuals the right to have their views expressed. The goal of contribution limits must be to remove the potential for corruption in the system without infringing on individual rights of free speech. Currently contributions for state elections are limited by the Wisconsin legislature and by Congress for federal elections. The Citizens Panel prohibits all private contributions to candidates accepting public financing and would further limit contributions to non-participants as follows: all individual contributions to state constitutional candidates and supreme court candidates

would be reduced from the current level of \$10,000 to \$2,000 (\$1,000 in the primary and \$1,000 in the general).

Political action committee contribution limits for these same statewide candidates are currently set at 4% of their overall spending limit which ranges from \$43,128 for Governor to \$21,560 for Attorney General and \$8,625 for supreme court and the other constitutional officers. The panel recommends these be reduced to \$2,500 in the primary and a second \$2,500 in the general for all statewide candidates.

Contribution limits for Assembly and Senate elections are not changed, however these amounts should be reviewed from time to time.

The Citizens Panel would further limit campaign contributions by prohibiting all transfers of funds from one political action committee to another political action committee, and between individual candidate accounts.

Independent Expenditures and Issue Advocacy Expenditures

Any group making independent expenditures in the promotion of or for the defeat of a candidate for office, must spend no more than 10% of their total expenditures in a particular contest within the last three weeks of the election. Issue advocacy expenditures, which identify in any way a candidate currently running for office, would be prohibited from spending any more than 10% of their total expenditure within the last 3 weeks of an election. All such groups would be required to register with the State Elections Board, prior to the expenditure of any funds and report all expenditures and the source of the funds expended electronically within 24 hours. The penalty for violating these provisions will be a fine of up to 3 times the total amount expended or 3 times the spending limit of the election the expenditure was attempting to influence, whichever is greater.

Issue advocacy, i.e., advocacy not related to the election or defeat of candidates is not covered in this proposal.

Electronic Filing

The Citizen's Panel endorses the concept of electronic filing of all campaign expenditures and contributions by all candidates running for office in the State of Wisconsin. The Panel proposes that candidates report to the Elections Board electronically and that the Elections Board disseminate this information to the public via the Internet. In addition, the Panel believes all groups engaging in independent expenditures or issue advocacy should be subject to electronic filing requirements.

Source of Funding

The Citizen's Panel recommends the Legislature appropriate \$5 per taxpayer, per year to the Clean Elections Fund. The Panel believes this, along with the \$5 qualifying contributions will be adequate to fund all state elections. The State Elections Board should be adequately funded to oversee the system and have authority to impose increased fines as a disincentive to violations. The Panel believes the estimated cost of operating the Clean Elections Option will cost the average taxpayer far less than the current system of exchanging campaign contributions for special interest legislation.