

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 659

H.P. 489

House of Representatives, February 11, 2003

An Act To Standardize Reporting Requirements for PACs, Parties and Independent Electioneering Expenditures

Reference to the Committee on Legal and Veterans Affairs suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative CANAVAN of Waterville.
Cosponsored by Senator GAGNON of Kennebec and
Representatives: BARSTOW of Gorham, CLARK of Millinocket, HUTTON of Bowdoinham,
JENNINGS of Leeds, MARLEY of Portland, MOORE of Standish, NORBERT of Portland,
Senator: MAYO of Sagadahoc.

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

4 **Sec. 1. 21-A MRSA §1014-B, sub-§2, ¶D,** as enacted by PL 2001,
c. 416, §1, is amended to read:

6 D. If the call is an independent electioneering
8 expenditure, as defined in section 1019, the fact that a
candidate has not approved the call must be disclosed during
each call.

10 **Sec. 2. 21-A MRSA §1017-A, sub-§4,** as enacted by PL 1991, c.
12 839, §23 and affected by §33, is repealed.

14 **Sec. 3. 21-A MRSA §1017-A, sub-§4-A** is enacted to read:

16 **4-A. Filing schedule.** A party committee shall file its
18 reports according to the following schedule.

20 A. Quarterly reports must be filed:

22 (1) On January 15th and must be complete up to January
5th;

24 (2) On April 10th and must be complete up to March
31st;

26 (3) On July 15th and must be complete up to July 5th;
28 and

30 (4) On October 10th and must be complete up to
September 30th.

32 B. General and primary election reports must be filed:

34 (1) On the 6th day before the date on which the
36 election is held and must be complete up to the 12th
day before that date; and

38 (2) On the 42nd day after the date on which the
40 election is held and must be complete up to the 35th
day after that date.

42 C. Reports of spending to influence special elections,
44 referenda, initiatives, bond issues or constitutional
amendments must be filed:

46 (1) On the 6th day before the date on which the
48 election is held and must be complete up to the 12th
day before that date; and

50

2 (2) On the 42nd day after the date on which the
3 election is held and must be complete up to the 35th
4 day after that date.

5
6 D. A party committee that files an election report under
7 paragraph B or C is not required to file a quarterly report
8 under paragraph A when the deadline for that quarterly
9 report falls within 10 days of the filing deadline
10 established in paragraph B or C.

11
12 E. A party committee shall report any expenditure of \$500
13 or more, made after the 12th day before the election and
14 more than 48 hours before 5:00 p.m. on the day of the
15 election, within 48 hours of that expenditure or by noon of
16 the first business day after the expenditure, whichever is
17 later.

18 **Sec. 4. 21-A MRSA §1019**, as amended by PL 2001, c. 465, §1,
19 is repealed and the following enacted in its place:

20 **§1019. Reports of independent electioneering expenditures**

21
22 Any person, party committee, political committee or
23 political action committee that makes an independent
24 electioneering expenditure shall file a report with the
25 commission. In the case of a municipal election, a copy of the
26 same information must be filed with the municipal clerk.

27
28 For the purposes of this section, "independent
29 electioneering expenditure" means any contribution or expenditure
30 by a person, party committee, political committee or political
31 action committee aggregating in excess of \$100 in an election
32 that expressly advocates the election or defeat of a clearly
33 identified candidate, other than by contribution to a candidate
34 or a candidate's authorized political committee.

35 **1. Filing requirements.** Reports required by this section
36 must be filed according to the following.

37
38 A. In races involving only privately financed candidates,
39 reports must be filed in accordance with the schedule set
40 forth in section 1059, subsection 2.

41
42 B. In races involving a Maine Clean Election Act candidate,
43 reports must be filed in accordance with the schedule set
44 forth in section 1059, subsection 2 and additional reports
45 must be filed in accordance with the following schedule:

2 (1) A report filed not later than 5:00 p.m. on the
4 42nd day before the date on which an election is held
 and complete up to the 49th day before that date;

6 (2) A report filed no later than 5:00 p.m. on the 21st
8 day before the date on which an election is held and
 complete up to the 28th day before that date; and

10 (3) A report filed no later than 5:00 p.m. on the 12th
12 day before the date on which an election is held and
 complete up to the 19th day before that date.

14 **2. Content.** The report must contain an itemized account of
16 each contribution or expenditure aggregating in excess of \$100 in
18 any one candidate's election, the date and purpose of each
20 contribution or expenditure and the name of each payee or
22 creditor. The report must state whether the contribution or
24 expenditure is in support of or in opposition to the candidate
 and must include, under penalty of perjury as provided in Title
 17-A, section 451, a statement under oath or affirmation whether
 the contribution or expenditure is made in cooperation,
 consultation or concert with, or at the request or suggestion of,
 the candidate or any authorized committee or agent of the
 candidate.

26 **3. Forms.** Reports required by this section must be on
28 forms prescribed and prepared by the commission. Persons filing
30 these reports may use additional pages if necessary, but the
 pages must be the same size as the pages of the form.

32 **Sec. 5. 21-A MRSA §1020-A, sub-§5-A, ¶¶B, C and D,** as enacted
34 by PL 2001, c. 714, Pt. PP, §1 and affected by §2, are amended to
 read:

36 B. Five thousand dollars for state party committee reports
38 required under section 1017-A, subsection 4 ~~4-A~~, paragraphs
 A-and B, C and E and section 1018, subsection 2;

40 C. One thousand dollars for reports required under section
42 1017, subsection 2, paragraphs A and F; section 1017,
44 subsection 3-A, paragraphs A and E; and state party
 committee reports required to be filed under section 1017-A,
 subsection 4 ~~4-A~~, paragraph B;

46 D. Five hundred dollars for municipal, district and county
48 committees for reports required under section 1017-A,
 subsection 4, ~~paragraphs A, B and C~~ ~~4-A~~ and section 1018,
 subsection 2; or

2 **Sec. 6. 21-A MRSA §1125, sub-§9**, as enacted by IB 1995, c. 1,
§17, is amended to read:

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

16
SUMMARY

18
This bill standardizes campaign finance reporting
20 requirements by putting political action committees, party
committees and disclosure of independent electioneering
22 expenditures on the same reporting schedule. Persons making
independent electioneering expenditures in races involving a
24 Maine Clean Election Act candidate are required to file
additional reports on the same schedule as accelerated reports by
26 candidates.