

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 1016

S.P. 380

In Senate, March 17, 2009

**An Act To Amend the Laws Governing Campaign Finance Reports
and the Maine Clean Election Act**

Reported by Senator SULLIVAN of York for the Commission on Governmental Ethics and Election Practices pursuant to the Maine Revised Statutes, Title 1, section 1009.

Reference to the Committee on Legal and Veterans Affairs suggested and ordered printed under Joint Rule 218.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

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

2 **PART A**

3 **Sec. A-1. 21-A MRSA §1011, 2nd ¶**, as enacted by PL 1995, c. 483, §2, is
4 amended to read:

5 Candidates for municipal office as defined in Title 30-A, section 2502, subsection 1
6 ~~and referenda as defined in Title 30-A, section 2502, subsection 2~~ are governed by this
7 subchapter, with the following provisions:

8 **Sec. A-2. 21-A MRSA §1014, sub-§1**, as amended by PL 2007, c. 443, Pt. A, §9,
9 is further amended to read:

10 **1. Authorized by candidate.** Whenever a person makes an expenditure to finance a
11 communication expressly advocating the election or defeat of a clearly identified
12 candidate through broadcasting stations, newspapers, magazines, campaign signs or other
13 outdoor advertising facilities, publicly accessible sites on the Internet, direct mails or
14 other similar types of general public political advertising or through flyers, handbills,
15 bumper stickers and other nonperiodical publications, the communication, if authorized
16 by a candidate, a candidate's authorized political committee or their agents, must clearly
17 and conspicuously state that the communication has been so authorized and must clearly
18 state the name and address of the person who made or financed the expenditure for the
19 communication. The following forms of political communication do not require the
20 name and address of the person who made or authorized the expenditure for the
21 communication because the name or address would be so small as to be illegible or
22 infeasible: ashtrays, badges and badge holders, balloons, campaign buttons, clothing,
23 coasters, combs, emery boards, envelopes, erasers, glasses, key rings, letter openers,
24 matchbooks, nail files, noisemakers, paper and plastic cups, pencils, pens, plastic
25 tableware, 12-inch or shorter rulers, swizzle sticks, tickets to fund-raisers and similar
26 items determined by the commission to be too small and unnecessary for the disclosures
27 required by this section. A communication financed by a candidate or the candidate's
28 committee ~~that is made through a broadcasting station~~ is not required to state the address
29 of the candidate or committee that financed the communication.

30 **Sec. A-3. 21-A MRSA §1014, sub-§3-A**, as enacted by PL 1991, c. 839, §9, is
31 amended to read:

32 **3-A. In-kind contributions of printed materials.** A candidate, political committee
33 or political action committee shall report on the campaign finance report as a contribution
34 to the candidate, political committee or political action committee any contributions of in-
35 kind printed materials to be used in the support of a candidate or in the support or defeat
36 of a ~~cause to be voted upon at referendum~~ ballot question. Any in-kind contributions of
37 printed materials used or distributed by a candidate, political committee or political action
38 committee must include the name or title of that candidate, political committee or
39 political action committee as the authorizing agent for the printing and distribution of the
40 in-kind contribution.

1 ~~The use or distribution of in-kind printed materials contributed to a candidate, political~~
2 ~~committee or political action committee must be reported as an expenditure on the~~
3 ~~campaign finance report of that candidate, political committee or political action~~
4 ~~committee.~~

5 **Sec. A-4. 21-A MRSA §1014-A**, as enacted by PL 1995, c. 43, §1, is repealed.

6 **Sec. A-5. 21-A MRSA §1017, sub-§3-A, ¶D-1**, as enacted by PL 2007, c. 642,
7 §10, is amended to read:

8 D-1. Reports must be filed no later than ~~5~~ 11:59 p.m. on the 42nd day before the date
9 on which a general election is held and must be complete as of the 49th day before
10 that date, except that this report is not required for candidates for municipal office.

11 **Sec. A-6. 21-A MRSA §1017, sub-§3-B**, as amended by PL 2007, c. 443, Pt. A,
12 §16, is further amended to read:

13 **3-B. Accelerated reporting schedule.** Additional reports are required from
14 nonparticipating candidates, as defined in section 1122, subsection 5, pursuant to this
15 subsection.

16 A. In addition to other reports required by law, any candidate for Governor, State
17 Senate or State House of Representatives who is not certified as a Maine Clean
18 Election Act candidate under chapter 14 and who receives, spends or obligates more
19 than the primary or general election distribution amounts for a Maine Clean Election
20 Act candidate in the same race shall file by any means acceptable to the commission,
21 within 48 hours of that event, a report with the commission detailing the candidate's
22 total campaign contributions, including any campaign balance from a previous
23 election, obligations and expenditures to date.

24 B. A nonparticipating candidate who is required to file a report under paragraph A
25 shall file no later than 5:00 p.m.:

26 (1) ~~A report on the 42nd day before the date on which an election is held that is~~
27 ~~complete as of the 44th day before that date;~~

28 (2) For gubernatorial candidates only, a report on the 25th day before the date on
29 which an election is held that is complete as of the 27th day before that date;

30 (3) A report on the 18th day before the date on which an election is held that is
31 complete as of the 20th day before that date; and

32 (4) A report on the 6th day before the date on which an election is held that is
33 complete as of the 8th day before that date.

34 The reports must contain the candidate's total campaign contributions, including any
35 campaign balance from a previous election, obligations and expenditures as of the
36 end date of the reporting period.

37 The nonparticipating candidate shall file only those reports that are due after the date
38 on which the candidate filed the report required under paragraph A.

1 C. A candidate who is required to file a report under paragraph A must file with the
2 commission an updated report that reports single expenditures in the following
3 amounts that are made after the 14th day before an election and more than 24 hours
4 before 11:59 p.m. on the date of that election:

- 5 (1) For a candidate for Governor, a single expenditure of \$1,000;
- 6 (2) For a candidate for the state Senate, a single expenditure of \$750; and
- 7 (3) For a candidate for the state House of Representatives, a single expenditure
8 of \$500.

9 A report filed pursuant to this paragraph must be filed within 24 hours of the
10 expenditure.

11 The commission shall provide forms to facilitate compliance with this subsection. The
12 commission shall notify a candidate within 48 hours if an amount reported on any report
13 under paragraph B exceeds ~~1% in excess of~~ the primary or general election distribution
14 amounts for a Maine Clean Election Act candidate in the same race and no report has
15 been received under paragraph A.

16 **Sec. A-7. 21-A MRSA §1017, sub-§5-A, ¶B**, as amended by PL 2007, c. 443,
17 Pt. A, §16; is further amended to read:

18 B. If the contribution is sold after the termination of the appropriate reporting period
19 specified in subsections 2 to 4, the value of the contribution is the difference between
20 the value of the contribution as originally reported by the treasurer and the amount of
21 the purchase price paid at auction. Unless further reports are filed in relation to a
22 later election in the same calendar year, the disposition of any net surplus or deficit in
23 excess of \$50 \$100 resulting from the difference between the auction price and the
24 original contribution value must be reported in the same manner as provided in
25 subsection 2, paragraph F or subsection 3-A, paragraph E, as appropriate.

26 **Sec. A-8. 21-A MRSA §1017-A, sub-§1**, as amended by PL 2007, c. 443, Pt. A,
27 §17, is further amended to read:

28 **1. Contributions.** A party committee shall report all contributions in cash or in kind
29 from a single contributor that in the aggregate ~~in a campaign~~ total more than \$200. The
30 party committee shall report the name, mailing address, occupation and place of business
31 of each contributor. Contributions of \$200 or less must be reported, and these
32 contributions may be reported as a lump sum.

33 **Sec. A-9. 21-A MRSA §1017-A, sub-§2**, as amended by PL 2007, c. 443, Pt. A,
34 §17, is further amended to read:

35 **2. Expenditures to support or oppose candidates, others.** A party committee shall
36 report all expenditures ~~in cash or in kind of the committee made on behalf of~~ made to
37 support or oppose a candidate, political committee, political action committee or party
38 committee registered under this chapter. The party committee shall report:

39 A. The name of each candidate, political committee, political action committee or
40 party committee;

1 B. The office sought by a candidate and the district that the candidate seeks to
2 represent; and

3 C. The date, amount and purpose of each expenditure.

4 **Sec. A-10. 21-A MRSA §1017-A, sub-§3**, as amended by PL 2007, c. 443, Pt.
5 A, §17, is further amended to read:

6 **3. Other expenditures.** Operational expenses and other expenditures ~~in cash or in~~
7 ~~kind of the party committee~~ that are not made ~~on behalf of to support or oppose~~ a
8 candidate, committee, political action committee or campaign party committee must be
9 reported separately. The party committee shall report:

10 A. The name and address of each payee ~~or recipient~~;

11 B. The purpose for the expenditure; and

12 C. The date and amount of each expenditure.

13 **Sec. A-11. 21-A MRSA §1017-A, sub-§4-A, ¶A**, as amended by PL 2007, c.
14 443, Pt. A, §17, is further amended to read:

15 A. Quarterly reports must be filed by 11:59 p.m.:

16 (1) On January 15th and must be complete up to ~~January 5th~~ December 31st;

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

18 (3) On July 15th and must be complete up to ~~July 5th~~ June 30th; and

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

20 **Sec. A-12. 21-A MRSA §1017-A, sub-§4-B, ¶A**, as amended by PL 2007, c.
21 443, Pt. A, §17, is further amended to read:

22 A. Reports filed during an election year must be filed with the commission by 11:59
23 p.m. on:

24 (1) July 15th and be complete as of June 30th;

25 (2) The 11th day before the date on which the general election is held and must
26 be complete up to the 14th day before that date; and

27 (3) January 15th and be complete as of December 31st.

28 **Sec. A-13. 21-A MRSA §1020-A, sub-§2**, as amended by PL 2007, c. 443, Pt.
29 A, §21, is further amended to read:

30 **2. Campaign finance reports.** A campaign finance report is not timely filed unless
31 a properly signed or electronically submitted copy of the report, substantially conforming
32 to the disclosure requirements of this subchapter, is received by the commission by 11:59
33 p.m. on the date it is due. Except as provided in subsection 7, the commission shall
34 determine whether a report satisfies the requirements for timely filing. The commission
35 may waive a penalty in whole or in part if the commission determines that the penalty is
36 disproportionate to the size of the candidate's campaign, the level of experience of the

1 candidate, treasurer or campaign staff or the harm suffered by the public from the late
2 disclosure. The commission may waive the penalty in whole or in part if the commission
3 determines the failure to file a timely report was due to mitigating circumstances. For
4 purposes of this section, "mitigating circumstances" means:

- 5 A. A valid emergency determined by the commission, in the interest of the sound
6 administration of justice, to warrant the waiver of the penalty in whole or in part;
- 7 B. An error by the commission staff;
- 8 C. Failure to receive notice of the filing deadline; or
- 9 D. Other circumstances determined by the commission that warrant mitigation of the
10 penalty, based upon relevant evidence presented that a bona fide effort was made to
11 file the report in accordance with the statutory requirements, including, but not
12 limited to, unexplained delays in postal service or interruptions in Internet service.

13 **Sec. A-14. 21-A MRSA §1020-A, sub-§5-A, ¶A**, as amended by PL 2003, c.
14 448, §4, is further amended to read:

- 15 A. Five thousand dollars for reports required under section 1017, subsection 2,
16 paragraph B, C, D, E or H; section 1017, subsection 3-A, paragraph B, C, D, D-1 or
17 F; section 1017, subsection 4; and section 1019-B, subsection 3;

18 **Sec. A-15. 21-A MRSA §1051, 2nd ¶**, as enacted by PL 1987, c. 280, is
19 repealed.

20 **Sec. A-16. 21-A MRSA §1052, sub-§5, ¶A**, as amended by PL 2007, c. 477, §2,
21 is further amended to read:

22 A. Includes:

23 (1) Any separate or segregated fund established by any corporation, membership
24 organization, cooperative or labor or other organization whose purpose is to
25 influence the outcome of an election, including a candidate election or ballot
26 question;

27 (4) Any organization, including any corporation or association, that has as its
28 major purpose initiating, promoting, defeating or influencing a candidate
29 election, campaign or ballot question and that ~~spends~~ receives contributions or
30 makes expenditures aggregating more than \$1,500 in a calendar year for that
31 purpose, including for the collection of signatures for a direct initiative or
32 referendum in this State; and

33 (5) Any organization that does not have as its major purpose promoting,
34 defeating or influencing candidate elections but that ~~spends~~ receives
35 contributions or makes expenditures aggregating more than \$5,000 in a calendar
36 year for the purpose of promoting, defeating or influencing in any way the
37 nomination or election of any candidate to political office; and

38 **Sec. A-17. 21-A MRSA §1053, last ¶**, as enacted by PL 2007, c. 443, Pt. A, §29,
39 is repealed.

1 **Sec. A-18. 21-A MRSA §1053-A** is enacted to read:

2 **§1053-A. Municipal elections**

3 Organizations that qualify as political action committees under section 1052,
4 subsection 5 and that are organized to influence elections on the municipal ballot in towns
5 or cities with a population of 15,000 or more shall register and file reports with the
6 municipal clerk as required by Title 30-A, section 2502. The reports must be filed in
7 accordance with the reporting schedule in section 1059 and must contain the information
8 listed in section 1060. A political action committee registered with the commission and
9 that receives contributions or makes expenditures relating to a municipal election shall
10 file a copy of the report containing such contributions or expenditures with the clerk in
11 the subject municipality.

12 **Sec. A-19. 21-A MRSA §1053-B** is enacted to read:

13 **§1053-B. Out-of-state political action committees**

14 A political action committee organized outside of this State shall register and file
15 reports with the commission in accordance with sections 1053 and 1058. The committee
16 is not required to register and file reports if the committee's only financial activity within
17 the State is to make contributions to candidates, party committees, political action
18 committees or ballot question committees registered with the commission or a
19 municipality and the committee has not raised and accepted any contributions during the
20 calendar year to influence an election or campaign in this State.

21 **Sec. A-20. 21-A MRSA §1056-B**, as amended by PL 2007, c. 477, §4, is further
22 amended to read:

23 **§1056-B. Ballot question committees**

24 Any person not defined as a political action committee who ~~seeks and~~ receives
25 contributions or makes expenditures, other than by contribution to a political action
26 committee, aggregating in excess of \$5,000 for the purpose of initiating, promoting,
27 defeating or influencing in any way a ballot question must file ~~a report~~ reports with the
28 commission in accordance with this section. In the case of a municipal election, a copy
29 of the same information must be filed with the clerk of that municipality. Within 7 days
30 of receiving contributions or making expenditures that exceed \$5,000, the person shall
31 register with the commission as a ballot question committee. For the purposes of this
32 section, expenditures include paid staff time spent for the purpose of influencing in any
33 way a ballot question. The commission must prescribe forms for the registration, and the
34 forms must include specification of a treasurer for the committee, any other principal
35 officers and all individuals who are the primary fund-raisers and decision makers for the
36 committee. In the case of a municipal election, the registration and reports must be filed
37 with the clerk of that municipality.

38 **1. Filing requirements.** A report required by this section must be filed with the
39 commission according to a the reporting schedule ~~that the commission shall establish that~~
40 ~~takes into consideration existing campaign finance reporting schedule requirements in~~

1 section 1059. After completing all financial activity, the committee shall terminate its
2 campaign finance reporting in the same manner provided in section 1061. The committee
3 shall file each report required by this section through an electronic filing system
4 developed by the commission unless granted a waiver under section 1059, subsection 5.

5 **2. Content.** A report must contain an itemized account of each expenditure made to
6 and contribution received from a single source aggregating in excess of \$100 in any
7 election; the date of each contribution; the date and purpose of each expenditure; and the
8 name and address of each contributor, payee or creditor; and the occupation and principal
9 place of business, if any, for any person who has made contributions exceeding \$100 in
10 the aggregate. The filer is required to report only those contributions made to the filer
11 for the purpose of initiating, promoting, defeating or influencing in any way a ballot
12 question and only those expenditures made for those purposes. The definitions of
13 "contribution" and "expenditure" in section 1052, subsections 3 and 4, respectively, apply
14 to persons required to file ballot question reports.

15 **2-A. Contributions.** For the purposes of this section, "contribution" includes, but is
16 not limited to:

17 A. Funds that the contributor specified were given in connection with a ballot
18 question;

19 B. Funds provided in response to a solicitation that would lead the contributor to
20 believe that the funds would be used specifically for the purpose of initiating,
21 promoting, defeating or influencing in any way a ballot question;

22 C. Funds that can reasonably be determined to have been provided by the contributor
23 for the purpose of initiating, promoting, defeating or influencing in any way a ballot
24 question when viewed in the context of the contribution and the recipient's activities
25 regarding a ballot question; and

26 D. Funds or transfers from the general treasury of an organization filing a ballot
27 question report.

28 **3. Forms.** A report required by this section must be on a form prescribed and
29 prepared by the commission. A person filing this report may use additional pages if
30 necessary, but the pages must be the same size as the pages of the form.

31 **4. Records.** A person filing a report required by this section shall keep records as
32 required by this subsection for ~~one year~~ 4 years following the election to which the
33 records pertain.

34 A. The filer shall keep a detailed account of all contributions made to the filer for the
35 purpose of initiating, promoting, defeating or influencing in any way a ballot question
36 and all expenditures made for those purposes.

37 B. The filer shall retain a vendor invoice or receipt stating the particular goods or
38 services purchased for every expenditure in excess of \$50.

39 **Sec. A-21. 21-A MRSA §1057, first ¶,** as enacted by PL 1985, c. 161, §6, is
40 amended to read:

1 Any political action committee that makes expenditures which aggregate in excess of
2 \$50 to any one or more candidates, committees or campaigns in this State is required to
3 register under section 1053 or 1053-B shall keep records as provided in this section.
4 Records required to be kept under subsections 1, 2 and 3 shall be retained by the political
5 action committee until 10 days after the next election for 4 years following the election to
6 which the records pertain.

7 **Sec. A-22. 21-A MRSA §1058**, as amended by PL 2007, c. 477, §5, is further
8 amended to read:

9 **§1058. Reports; qualifications for filing**

10 A political action committee that is required to register with the commission under
11 section 1053 or 1053-B shall file a report on its activities in that campaign reports with
12 the commission on forms as prescribed by the commission according to the schedule in
13 section 1059. A political action committee organized in this State required under this
14 section to file a report shall file the report for each filing period under section 1059. A
15 political action committee organized outside this State shall file with the Commission on
16 Governmental Ethics and Election Practices of this State a copy of the report that the
17 political action committee is required to file in the state in which the political action
18 committee is organized. The political action committee shall file the copy only if it has
19 expended funds or received contributions or made expenditures in this State. The copy of
20 the report must be filed in accordance with the schedule of filing in the state where it is
21 organized. If contributions or expenditures are made relating to a municipal office or
22 referendum, the report must be filed with the clerk in the subject municipality.

23 **Sec. A-23. 21-A MRSA §1059, first ¶**, as amended by PL 2007, c. 571, §9, is
24 further amended to read:

25 Committees required to register under section 1053, 1053-B or 1056-B shall file an
26 initial campaign finance report at the time of registration and thereafter shall file reports
27 in compliance with this section. All reports must be filed by 11:59 p.m. on the filing
28 deadline, except that reports submitted to a municipal clerk must be filed by the close of
29 business on the filing deadline.

30 **Sec. A-24. 21-A MRSA §1059, sub-§2, ¶A**, as amended by PL 2007, c. 443, Pt.
31 A, §35, is further amended to read:

32 A. Quarterly reports must be filed:

- 33 (1) On January 15th and must be complete as of ~~January 5th~~ December 31st;
- 34 (2) On April 10th and must be complete as of March 31st;
- 35 (3) On July 15th and must be complete as of ~~July 5th~~ June 30th; and
- 36 (4) On October 10th and must be complete as of September 30th.

37 **Sec. A-25. 21-A MRSA §1060, sub-§4**, as amended by PL 2007, c. 443, Pt. A,
38 §36, is further amended to read:

1 **4. Itemized expenditures.** An itemization of each expenditure made ~~on behalf of to~~
2 ~~support or oppose~~ any candidate, campaign, political committee, political action
3 committee and party committee or to support or oppose a referendum or initiated petition,
4 including the date, payee and purpose of the expenditure; the name of each candidate,
5 campaign, political committee, political action committee or party committee ~~on whose~~
6 ~~behalf the expenditure was made~~ supported or opposed; and each referendum or initiated
7 petition supported or opposed by the expenditure. If expenditures were made to a person
8 described in section 1012, subsection 3, paragraph A, subparagraph (4), the report must
9 contain the name of the person; the amount spent by that person on behalf of the
10 candidate, campaign, political committee, political action committee, party committee,
11 referendum or initiated petition, including, but not limited to, expenditures made during
12 the signature gathering phase; the reason for the expenditure; and the date of the
13 expenditure. The commission may specify the categories of expenditures that are to be
14 reported to enable the commission to closely monitor the activities of political action
15 committees;

16 **Sec. A-26. 21-A MRSA §1060, sub-§7**, as amended by PL 2007, c. 477, §7, is
17 further amended to read:

18 **7. Other expenditures.** Operational expenses and other expenditures ~~in cash or in~~
19 ~~kind~~ that are not made on behalf of a candidate, committee or campaign, except that an
20 organization qualifying as a political action committee under section 1052, subsection 5,
21 paragraph A, subparagraph (5) is required to report only those expenditures made for the
22 purpose of promoting, defeating or influencing a ballot question or the nomination or
23 election of a candidate to political office.

24 **Sec. A-27. 21-A MRSA §1061**, as amended by PL 2007, c. 443, Pt. A, §37, is
25 further amended to read:

26 **§1061. Dissolution of committees**

27 Whenever any political action committee determines that it will no longer ~~solicit or~~
28 ~~accept any contributions, incur any obligations, or make any expenditures to or on behalf~~
29 ~~of any candidate, political committee, party committee or political action committee to~~
30 ~~initiate, support, defeat or influence in any way the outcome of a referendum, initiated~~
31 ~~petition or election and the committee has no outstanding loans, debts or other~~
32 ~~obligations~~, the committee shall file a termination report that includes all financial
33 activity from the end date of the previous reporting period through the date of termination
34 with the commission. ~~If a termination report is not filed, the committee shall continue to~~
35 ~~file periodic reports as required in this chapter. The committee must dispose of any~~
36 ~~surplus prior to termination. In the termination report, the committee shall report any~~
37 ~~outstanding loan, debt or obligation in the manner prescribed by the commission.~~

38 **Sec. A-28. 21-A MRSA §1062-A, sub-§1**, as enacted by PL 1995, c. 483, §21, is
39 amended to read:

40 **1. Registration.** A political action committee required to register under section 1053
41 or 1053-B or a ballot question committee required to register under section 1056-B that

1 fails to do so ~~in accordance with section 1053~~ or that fails to provide the information
2 required by the commission for registration may be assessed a ~~forfeiture~~ fine of \$250.

3 **Sec. A-29. 21-A MRSA §1062-A, sub-§2**, as amended by PL 2007, c. 443, Pt.
4 A, §38, is further amended to read:

5 **2. Campaign finance reports.** A campaign finance report is not timely filed unless
6 a properly signed or electronically submitted copy of the report, substantially conforming
7 to the disclosure requirements of this subchapter, is received by the commission by 11:59
8 p.m. on the date it is due. Except as provided in subsection 6, the commission shall
9 determine whether a required report satisfies the requirements for timely filing. The
10 commission may waive a penalty in whole or in part if it is disproportionate to the level
11 of experience of the person filing the report or to the harm suffered by the public from the
12 late disclosure. The commission may waive the penalty in whole or in part if the
13 commission determines the failure to file a timely report was due to mitigating
14 circumstances. For purposes of this section, "mitigating circumstances" means:

15 A. A valid emergency of the committee treasurer determined by the commission, in
16 the interest of the sound administration of justice, to warrant the waiver of the penalty
17 in whole or in part;

18 B. An error by the commission staff; or

19 C. Other circumstances determined by the commission that warrant mitigation of the
20 penalty, based upon relevant evidence presented that a bona fide effort was made to
21 file the report in accordance with the statutory requirements, including, but not
22 limited to, unexplained delays in postal service or interruptions in Internet service.

23 **Sec. A-30. 21-A MRSA §1062-A, sub-§4**, as enacted by PL 1995, c. 483, §21, is
24 amended to read:

25 **4. Maximum penalties.** The maximum ~~penalties~~ penalty under this subchapter ~~are~~
26 is \$10,000 for reports required under section 1056-B or section 1059, subsection 2,
27 ~~paragraphs B, C and E and \$5,000 for reports required under section 1059, subsection 2,~~
28 ~~paragraph A.~~

29 **Sec. A-31. 21-A MRSA §1062-A, sub-§8-A**, as enacted by PL 2003, c. 628, Pt.
30 A, §9, is amended to read:

31 **8-A. Penalties for failure to file report.** The commission may assess a civil penalty
32 for failure to file a report required by this subchapter. The maximum penalty for failure
33 to file a report required under section 1056-B or section 1059, subsection 2, paragraph B,
34 C or E is \$10,000. ~~The maximum penalty for failure to file a report required under~~
35 ~~section 1059, subsection 2, paragraph A is \$5,000.~~

36 PART B

37 **Sec. B-1. 21-A MRSA §1125, sub-§5, ¶D-3**, as enacted by PL 2007, c. 443, Pt.
38 B, §6, is amended to read:

1 D-3. ~~Not had prior requests for certification denied on the basis of substantial~~
2 ~~violations otherwise substantially violated the provisions of this chapter or chapter 13~~
3 ~~or certification revoked under subsection 5-A, paragraphs C to G;~~

4 **Sec. B-2. 21-A MRSA §1128**, as enacted by IB 1995, c. 1, §17, is amended to
5 read:

6 **§1128. Study report**

7 By ~~January 30, 2002~~ March 15, 2011 and every ~~four~~ 4 years after that date, the
8 commission shall prepare for the joint standing committee of the Legislature having
9 jurisdiction over legal affairs a report documenting, evaluating and making
10 recommendations relating to the administration, implementation and enforcement of the
11 Maine Clean Election Act and Maine Clean Election Fund.

12 **SUMMARY**

13 Part A makes changes affecting campaign finance reports in the Maine Revised
14 Statutes, Title 21-A, chapter 13. Specifically, Part A:

15 1. Clarifies that campaign finance reporting regarding ballot questions in towns and
16 cities with a population of 15,000 or more is not governed by chapter 13, subchapter 2;

17 2. Removes the requirement that candidates must include their address in
18 communications to voters such as signs and literature;

19 3. Eliminates a provision regulating candidates' use of endorsements, because the
20 provision was invalidated by the Maine Supreme Judicial Court as unconstitutional;

21 4. Adjusts the filing deadline for campaign finance reports due on the 42nd day
22 before a general election for legislative and county candidates so that the reports are due
23 at 11:59 p.m. and clarifies that the reporting deadline does not apply to municipal
24 candidates;

25 5. Removes the requirement that a traditionally financed candidate who has received
26 or spent more than the initial payment received by a Maine Clean Election Act opponent
27 must file an accelerated campaign finance report on the 42nd day before an election,
28 because all legislative candidates must file a full, itemized report by that deadline;

29 6. Clarifies that the committees of political parties must report expenditures made to
30 support or to oppose candidates;

31 7. Adjusts the end dates of 2 quarterly campaign finance reports filed by party
32 committees to December 31st and June 30th so that the dates coincide with the end of
33 quarters of the calendar year;

34 8. Clarifies that municipal and county party committees are not required to file
35 campaign finance reports on the 11th day before a primary election;

- 1 9. Specifies that the Commission on Governmental Ethics and Election Practices
2 may partially reduce late filing penalties from statutorily prescribed preliminary amounts
3 if the commission finds that the preliminary amounts are disproportionately high;
- 4 10. Permits the Commission on Governmental Ethics and Election Practices to waive
5 penalties against candidates for late financial reporting caused by interruptions in Internet
6 service;
- 7 11. Imposes a maximum penalty of \$5,000 for the late filing of the candidate
8 campaign finance report due on the 42nd day before the general election;
- 9 12. Amends the definition of "political action committee" to include organizations
10 receiving contributions above certain thresholds for the purpose of influencing elections;
- 11 13. Clarifies the reporting procedures for political action committees that are raising
12 and spending money to influence municipal elections;
- 13 14. Requires political action committees organized outside the State that are raising
14 or spending money to influence Maine elections to file financial reports on forms
15 prescribed by the Commission on Governmental Ethics and Election Practices similar to
16 in-state committees;
- 17 15. Specifies that ballot question committees must file financial reports and keep
18 financial records in the same manner as political action committees;
- 19 16. Clarifies that political action committees must keep records of their campaign
20 finances for 4 years after the election to which the records pertain;
- 21 17. Adjusts the end dates of 2 quarterly campaign finance reports filed by political
22 action committees to December 31st and June 30th so that the dates coincide with the end
23 of quarters of the calendar year;
- 24 18. Clarifies that political action committees must report expenditures made to
25 support or to oppose candidates;
- 26 19. Requires political action committees to dispose of any surplus money before
27 terminating, and clarifies the procedures for terminating a committee; and
- 28 20. Imposes a single maximum of \$10,000 for all late filing penalties assessed
29 against political action committees or ballot question committees.
- 30 Part B makes changes affecting the Maine Clean Election Act in the Maine Revised
31 Statutes, Title 21-A, chapter 14. Specifically, Part B:
- 32 1. Clarifies that candidates who have committed substantial violations of the Maine
33 Clean Election Act or the campaign finance law are ineligible to receive public campaign
34 funding under the Maine Clean Election Act; and
- 35 2. Adjusts the quadrennial deadline for the Commission on Governmental Ethics and
36 Election Practices to publish a study report concerning the Maine Clean Election Act so
37 that the report is due on the March 15th after a gubernatorial election.