

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 1192

S.P. 419

In Senate, April 1, 2015

An Act Regarding Campaign Finance Reform

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by President THIBODEAU of Waldo.
Cosponsored by Senators: COLLINS of York, CYRWAY of Kennebec, Representatives:
DILLINGHAM of Oxford, HANINGTON of Lincoln, TURNER of Burlington.

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

2 **Sec. 1. 21-A MRSA §1006** is enacted to read:

3 **§1006. Disclosure of certain expenditures**

4 The commission shall publish in 2 newspapers with general circulation in the State a
5 disclosure of all of a person's political contributions when that person's contributions to a
6 state-based political action committee, party committee, ballot question committee or
7 candidate in the aggregate exceed \$250,000 in a biennial election cycle within 2 weeks
8 after the commission determines that the \$250,000 threshold has been reached. The
9 commission shall similarly publish a disclosure of all subsequent political contributions
10 by the person during that biennial election cycle. The commission shall include in its
11 disclosure of the political contributions of a business pursuant to this section the name of
12 the individual who is the principal of the business.

13 **Sec. 2. 21-A MRSA §1014, sub-§1**, as amended by PL 2013, c. 494, §1, is
14 further amended to read:

15 **1. Authorized by candidate.** Whenever a person makes an expenditure to finance a
16 communication expressly advocating the election or defeat of a clearly identified
17 candidate through broadcasting stations, cable television systems, newspapers,
18 magazines, campaign signs or other outdoor advertising facilities, publicly accessible
19 sites on the Internet, direct mails or other similar types of general public political
20 advertising or through flyers, handbills, bumper stickers and other nonperiodical
21 publications, the communication, if authorized by a candidate, a candidate's authorized
22 political committee or their agents, must clearly and conspicuously state that the
23 communication has been so authorized and must clearly state the name and address of the
24 person who made or financed the expenditure for the communication. A communication
25 financed by a candidate or the candidate's committee is not required to state the address
26 of the candidate or committee that financed the communication. If a communication that
27 is financed by someone other than the candidate or the candidate's authorized committee
28 is broadcast by radio, only the city and state of the address of the person who financed the
29 communication must be stated. When a communication by direct mail of 200 pieces or
30 more is made, in addition to the authorization and name and address required under this
31 subsection, the communication must similarly include the names of persons that have
32 made aggregate donations of \$200,000 or more within the past year to the person making
33 the communication.

34 **Sec. 3. 21-A MRSA §1014, sub-§2**, as amended by PL 2013, c. 362, §2, is
35 further amended to read:

36 **2. Not authorized by candidate.** If the communication described in subsection 1 is
37 not authorized by a candidate, a candidate's authorized political committee or their agents,
38 the communication must clearly and conspicuously state that the communication is not
39 authorized by any candidate and state the name and address of the person who made or
40 financed the expenditure for the communication and the 2 highest contributors to that
41 person if any such contributor has contributed at least \$10,000 within the past year,

1 except that a communication broadcast by radio is only required to state the city and state
2 of the address of the person that financed the communication. If the communication is in
3 written form, the communication must contain at the bottom of the communication in
4 print that is no smaller in size than 12-point bold print, Times New Roman font, the
5 words "NOT PAID FOR OR AUTHORIZED BY ANY CANDIDATE." When a
6 communication by direct mail of 200 pieces or more is made, in addition to the
7 authorization and name and address required under this subsection, the communication
8 must similarly include the names of persons that have made aggregate donations of
9 \$200,000 or more within the past year to the person making the communication.

10 **Sec. 4. 21-A MRSA §1052-A, sub-§6** is enacted to read:

11 **6. Voluntary pledge form.** The commission shall provide for the treasurer or
12 principal officer of a political action committee a form to be filled out by the treasurer or
13 principal officer stating the political action committee will not spend money in a Maine
14 Clean Election Act candidate's race.

15 **Sec. 5. 21-A MRSA §1056-C** is enacted to read:

16 **§1056-C. Fee for certain transfers**

17 A political action committee that transfers over \$25,000 in the aggregate during a
18 biennial election cycle to another political action committee shall pay a fee of 1/4 of that
19 aggregate amount to the Maine Clean Election Fund under section 1124.

20 **Sec. 6. 21-A MRSA §1059, sub-§5**, as amended by PL 2007, c. 443, Pt. A, §35,
21 is further amended to read:

22 **5. Electronic filing; names of political action committees and their officers and**
23 **top donors.** Committees shall file each report required by this section through an
24 electronic filing system developed by the commission. The commission may make an
25 exception to this electronic filing requirement if a committee submits a written request
26 that states that the committee lacks access to the technology or the technological ability to
27 file reports electronically. The request for an exception must be submitted within 30 days
28 of the registration of the committee. The commission shall grant all reasonable requests
29 for exceptions. The commission shall post on its publicly accessible website the names
30 of political action committees and next to each of these names the names of an officer of
31 each political action committee and each political action committee's top donor.

32 **Sec. 7. 26 MRSA §10** is enacted to read:

33 **§10. Disclosure of political contributions**

34 A union shall send a letter to each of its members living in the State no later than 3
35 weeks before a general or special election for Governor, State Senator or State
36 Representative stating which state-based political action committees, party committees,
37 ballot question committees and candidates the union contributed to during the previous
38 biennial election cycle and the total amount of money contributed to each entity and
39 candidate. A member of a union may bring a civil action against the union when it fails

1 to provide information to a member pursuant to this section or fails to provide correct
2 information, for which the member may recover \$500 per violation and reasonable
3 attorney's fees.

4 **SUMMARY**

5 This bill requires public disclosure of political contributions of \$250,000 or more
6 during a biennial election cycle by persons to a state-based political action committee,
7 party committee, ballot question committee or candidate. It requires the Commission on
8 Governmental Ethics and Election Practices to provide a voluntary pledge form to
9 political action committees on which they may pledge not to spend money in a Maine
10 Clean Election Act candidate's race and also to post on its publicly accessible website the
11 names of political action committees and the names of an officer of each political action
12 committee and each political action committee's top donor. It amends the law governing
13 political communications to require disclosure of the 2 highest contributors to a person
14 purchasing a political communication if any such contributor has contributed within the
15 past year at least \$10,000 to the person. It requires that a communication by direct mail of
16 200 pieces or more must contain, in addition to the authorization and name and address
17 required under current law, the names of individuals or businesses that have made
18 aggregate donations of \$200,000 or more within the past year to the person making the
19 communication. It requires a political action committee that transfers over \$25,000 in the
20 aggregate during a biennial election cycle to another political action committee to pay a
21 fee of 1/4 of that aggregate amount to the Maine Clean Election Fund. It also requires a
22 labor union to send a letter to each of its members within 3 weeks of an election for
23 Governor, State Senator or State Representative stating which state-based political action
24 committees, party committees, ballot question committees and candidates the labor union
25 contributed to during the previous biennial election cycle and the total amount of money
26 contributed to each entity and candidate and allows a member to bring suit when a labor
27 union fails to do so.