

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

No. 9

S.P. 22

In Senate, January 8, 2025

An Act Regarding Campaign Finance Disclosure

Submitted by the Commission on Governmental Ethics and Election Practices pursuant to Joint Rule 204.

Received by the Secretary of the Senate on January 6, 2025. Referred to the Committee on Veterans and Legal Affairs pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator HICKMAN of Kennebec.

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

2 **Sec. 1. 21-A MRSA §1001, sub-§4** is enacted to read:

3 **4. Public communication.** "Public communication" means a communication to the
4 public by means of broadcast, cable or satellite communication; newspapers, direct mail,
5 handbills or other printed literature; campaign signs or other outdoor advertising facilities;
6 and prerecorded automated telephone calls or other types of general public political
7 advertising. For the purposes of this subsection, "general public political advertising" does
8 not include communication over the Internet, except for communications placed or
9 promoted for a fee on another person's website, digital device, application or advertising
10 platform.

11 **Sec. 2. 21-A MRSA §1004, sub-§4**, as amended by PL 2013, c. 334, §1, is further
12 amended to read:

13 **4. Registration; political action committees.** A political action committee or ballot
14 question committee required to be registered under section 1052-A ~~or 1056-B~~ may not
15 operate in this State unless it is so registered.

16 **Sec. 3. 21-A MRSA §1004-A, sub-§3**, as enacted by PL 2003, c. 628, Pt. A, §1, is
17 amended to read:

18 **3. Contribution in name of another person.** A person that makes a contribution in
19 the name of another person, that knowingly permits that person's name to be used to effect
20 such a contribution or that knowingly accepts a contribution made by one person in the
21 name of another person, may be assessed a penalty not to exceed ~~\$5,000~~ 500% of the
22 amount of the contribution.

23 **Sec. 4. 21-A MRSA §1005**, as enacted by PL 2007, c. 571, §7, is amended to read:

24 **§1005. Restrictions on commercial use of contributor information**

25 Information concerning contributors contained in campaign finance reports filed by
26 candidates, political action committees and party committees ~~and reports filed under~~
27 ~~section 1056-B~~ may not be used for any commercial purpose, including, but not limited to,
28 the sales and marketing of products and services, or for solicitations of any kind not directly
29 related to activities of a political party, so-called "get out the vote" efforts or activities
30 directly related to a campaign as defined in section 1052. Any person obtaining contributor
31 information from the reports is prohibited from selling or distributing it to others to use for
32 commercial purposes and also is prohibited from making publicly available the mailing
33 addresses of contributors. This section does not prohibit a political party, party committee,
34 candidate committee, political action committee or any other organization that has obtained
35 contributor information from the commission from providing access to such information to
36 its members for purposes directly related to party activities, so-called "get out the vote"
37 efforts or a campaign as defined in section 1052. A person who violates this section is
38 subject to a fine of up to \$5,000. A person who knowingly violates this section commits a
39 Class E crime.

40 **Sec. 5. 21-A MRSA §1007** is enacted to read:

41 **§1007. Public communication placed or promoted for a fee**

1 A public communication is considered placed or promoted for a fee when a payment
2 is made to a website, digital device, application or advertising platform in order to increase
3 the circulation, prominence or availability of the public communication on that website,
4 digital device, application or advertising platform.

5 **Sec. 6. 21-A MRSA §1012, sub-§2, ¶A**, as amended by PL 1995, c. 483, §3, is
6 further amended by repealing subparagraph (2).

7 **Sec. 7. 21-A MRSA §1014**, as amended by PL 2023, c. 324, §8, is further amended
8 to read:

9 **§1014. Publication or distribution of political public communications**

10 **1. Authorized by candidate.** Whenever a person makes an expenditure to finance a
11 public communication expressly advocating the election or defeat of a clearly identified
12 candidate ~~through broadcasting stations, cable television systems, newspapers, magazines,~~
13 ~~campaign signs or other outdoor advertising facilities, publicly accessible sites on the~~
14 ~~Internet, direct mails or other similar types of general public political advertising or through~~
15 ~~flyers, handbills, bumper stickers and other nonperiodical publications,~~ the public
16 communication, if authorized by a candidate, a candidate's authorized political committee
17 or ~~their~~ a candidate's or a candidate's authorized political committee's agents, must clearly
18 and conspicuously state that the public communication has been so authorized and must
19 clearly state the name and address of the person who made or financed the expenditure for
20 the public communication. A public communication financed by a candidate or the
21 candidate's committee is not required to state the address of the candidate or committee that
22 financed the public communication. If a public communication that is financed by someone
23 other than the candidate or the candidate's authorized committee is broadcast by radio, only
24 the city and state of the address of the person who financed the public communication must
25 be stated.

26 **2. Not authorized by candidate.** If ~~the~~ a public communication described in
27 subsection 1 is not authorized by a candidate, a candidate's authorized political committee
28 or ~~their~~ a candidate's or a candidate's authorized political committee's agents, the public
29 communication must clearly and conspicuously state that the public communication is not
30 authorized by any candidate and state the name and address of the person who made or
31 financed the expenditure for the public communication, except that a public
32 communication broadcast by radio is only required to state the city and state of the address
33 of the person that financed the public communication. If the public communication is in
34 written form, the public communication must contain at the bottom of the public
35 communication in print that is no smaller in size than 12-point bold print, Times New
36 Roman font, the words "NOT PAID FOR OR AUTHORIZED BY ANY CANDIDATE."

37 **2-A. Other public communications.** Whenever a person makes an expenditure to
38 finance a public communication that names or depicts a clearly identified candidate and
39 that is disseminated during the 28 days, including election day, before a primary election,
40 during the 35 days, including election day, before a special election or during the period of
41 time from Labor Day to the election day for a general election ~~through the media described~~
42 ~~in subsection 1,~~ the public communication must state the name and address of the person
43 who made or financed the public communication and a statement that the public
44 communication was or was not authorized by the candidate, except that a public
45 communication broadcast by radio is only required to state the city and state of the address

1 of the person that financed the public communication. The disclosure is not required if the
2 public communication was not made for the purpose of influencing the candidate's
3 nomination for election or election.

4 **2-B. Top 3 funders; independent expenditures.** A public communication that is
5 funded by an entity making an independent expenditure as defined in section 1019-B,
6 subsection 1 must conspicuously include the following statement:

7 "The top 3 funders of (name of entity that made the independent expenditure) are (names
8 of top 3 funders)."

9 The information required by this subsection may appear simultaneously with any statement
10 required by subsection 2 or 2-A. A public communication that contains a visual aspect
11 must include the statement in written text. A public communication that does not contain
12 a visual aspect must include an audible statement. This statement is required only for public
13 communications made through broadcast or cable television, broadcast radio, Internet
14 audio and video programming, direct mail or newspaper or other periodical publications.

15 A cable television, broadcast television or Internet video communication must include both
16 an audible and a written statement. For a cable television, broadcast television or Internet
17 video communication 30 seconds or less in duration, the audible statement may be modified
18 to include only the single top funder.

19 The top funders named in the required statement consist of the funders providing the
20 highest dollar amount of funding to the entity making the independent expenditure since
21 the day following the most recent general election day.

22 A. For purposes of this subsection, "funder" includes:

23 (1) Any entity that has made a contribution as defined in section 1052, subsection
24 3 to the entity making the independent expenditure since the day following the
25 most recent general election day; and

26 (2) Any entity that has given a gift, subscription, loan, advance or deposit of money
27 or anything of value, including a promise or agreement to provide money or
28 anything of value whether or not legally enforceable, except for transactions in
29 which a fair value is given in return, since the day following the most recent general
30 election day.

31 B. If funders have given equal amounts, creating a tie in the ranking of the top 3
32 funders, the tie must be broken by naming the tying funders in chronological order of
33 the receipt of funding until 3 funders are included in the statement. If the chronological
34 order cannot be discerned, the entity making the independent expenditure may choose
35 which of the tying funders to include in the statement. ~~In no case may a~~ A public
36 communication may not be required to include the names of more than 3 funders.

37 C. The statement required under this subsection is not required to include the name of
38 any funder who has provided less than \$1,000 to the entity making the independent
39 expenditure since the day following the most recent general election day.

40 D. If only one or 2 funders must be included pursuant to this subsection, the public
41 communication must identify the number of funders as "top funder" or "top 2 funders"
42 as appropriate. If there are no funders required to be included under this subsection,
43 no statement is required.

1 E. When compiling the list of top funders, an entity making an independent
2 expenditure may disregard any funds that the entity can show were used for purposes
3 unrelated to the candidate mentioned in the public communication on the basis that
4 funds were either spent in the order received or were strictly segregated in other
5 accounts.

6 F. In any public communication consisting of an audio broadcast of 30 seconds or less
7 or a print communication of 20 square inches or less, the requirements of this
8 subsection are satisfied by including the name of the single highest funder only.

9 G. If the list of funders changes during the period in which a recurring public
10 communication is aired or published, the statement appearing in the public
11 communication must be updated at the time that any additional payments are made for
12 that public communication.

13 H. The commission may establish by routine technical rule, adopted in accordance
14 with Title 5, chapter 375, subchapter 2-A, forms and procedures for ensuring
15 compliance with this subsection. Rules adopted pursuant to this paragraph must ensure
16 that the information required by this subsection is effectively conveyed for a sufficient
17 duration and in a sufficient font size or screen size ~~where~~ when applicable without
18 undue burden on the ability of the entity to make the public communication. The rules
19 must also provide an exemption for types of public communications for which the
20 required statement would be impossible or impose an unusual hardship due to the
21 unique format or medium of the public communication.

22 **3. Broadcasting prohibited without disclosure.** ~~No~~ A person operating a
23 broadcasting station or cable television system within this State may not broadcast any
24 public communication, as described in subsections 1 to 2-A, without an oral or written
25 visual announcement of the disclosure required by this section.

26 **3-A. In-kind contributions of printed materials.** A candidate, political committee
27 or political action committee shall report on the campaign finance report as a contribution
28 to the candidate, political committee or political action committee any contributions of in-
29 kind printed materials to be used in the support of a candidate or in the support or defeat of
30 a ballot question. Any in-kind contributions of printed materials used or distributed by a
31 candidate, political committee or political action committee must include the name or title
32 of that candidate, political committee or political action committee as the authorizing agent
33 for the printing and distribution of the in-kind contribution.

34 **3-B. Newspapers.** A newspaper may not publish a public communication described
35 in subsections 1 to 2-A without including the disclosure required by this section. For
36 purposes of this subsection, "newspaper" includes any printed material intended for general
37 circulation or to be read by the general public, including a version of the newspaper
38 displayed on a website owned or operated by the newspaper. When necessary, a newspaper
39 may seek the advice of the commission regarding whether or not ~~the~~ a communication
40 requires the disclosure.

41 **4. Enforcement.** A violation of this section may result in a civil penalty of no more
42 than 100% of the amount of the expenditure in violation, except that an expenditure for
43 yard signs lacking the required information may result in a maximum civil penalty of \$200.
44 In assessing a civil penalty, the commission shall consider, among other things, how widely
45 the public communication was disseminated, whether the violation was intentional,

1 whether the violation occurred as the result of an error by a printer or other paid vendor
2 and whether the public communication conceals or misrepresents the identity of the person
3 who financed it. If the person who financed the public communication or who committed
4 the violation corrects the violation within 10 days after receiving notification of the
5 violation from the commission by adding the missing information to the public
6 communication, the commission may decide to assess no civil penalty.

7 ~~**5. Telephone calls.** Prerecorded automated telephone calls and scripted live telephone
8 communications that name a clearly identified candidate during the 28 days, including
9 election day, before a primary election, during the 35 days, including election day, before
10 a special election or during the period of time from Labor Day to the general election day
11 for a general election must clearly state the name of the person who made or financed the
12 expenditure for the communication and whether the communication was authorized by a
13 candidate, except for prerecorded automated telephone calls paid for by the candidate that
14 use the candidate's voice in the telephone call and that are made in support of that candidate.
15 Telephone surveys that meet generally accepted standards for polling research and that are
16 not conducted for the purpose of influencing the voting position of call recipients are not
17 required to include the disclosure.~~

18 **5-A. Text messages.** Text messages sent with the assistance of mass distribution
19 technology that is paid for by a person must clearly and conspicuously state the name of
20 the person who made or financed the expenditure if:

21 A. The text message expressly advocates the election or defeat of a candidate; or

22 B. The text message contains a link to a website that expressly advocates the election
23 or defeat of a candidate.

24 ~~**5-B. Websites of candidate or political committee.** A website or other Internet
25 application available to the general public that is established by a party committee or a
26 person that is required to register with the commission as a candidate or political action
27 committee and that expressly advocates for the election or defeat of a candidate or that
28 names a clearly identified candidate during the 28 days, including election day, before a
29 primary election, during the 35 days, including election day, before a special election or
30 during the period of time from Labor Day to the election day for a general election must
31 state the name and address of the person who made or financed the expenditure for the
32 website or other Internet application and state that the website or other Internet application
33 was or was not authorized by the candidate.~~

34 **6. Exclusions.** The requirements of this section do not apply to:

35 A. Handbills or other literature produced and distributed at a cost not exceeding \$100
36 and prepared by one or more individuals who are not required to register or file
37 campaign finance reports with the commission and who are acting independently of
38 and without authorization by a candidate, candidate's authorized campaign committee,
39 party committee, political action committee or ballot question committee or an agent
40 of a candidate, candidate's authorized campaign committee, party committee, political
41 action committee or ballot question committee;

42 B. Campaign signs produced and distributed at a cost not exceeding \$100, paid for by
43 one or more individuals who are not required to register or file campaign finance
44 reports with the commission and who are acting independently of and without

1 authorization by a candidate, candidate's authorized campaign committee, party
2 committee, political action committee or ballot question committee or an agent of a
3 candidate, candidate's authorized campaign committee, party committee, political
4 action committee or ballot question committee;

5 C. Internet and e-mail activities costing less than \$100, as excluded by rule of the
6 commission, paid for by one or more individuals who are not required to register or
7 file campaign finance reports with the commission and who are acting independently
8 of and without authorization by a candidate, candidate's authorized campaign
9 committee, party committee, political action committee or ballot question committee
10 or an agent of a candidate, candidate's authorized campaign committee, party
11 committee, political action committee or ballot question committee;

12 D. ~~Communications~~ Public communications in which the name or address of the
13 person who made or authorized the expenditure for the public communication would
14 be so small as to be illegible or infeasible, including public communications on items
15 such as ashtrays, badges and badge holders, balloons, campaign buttons, clothing,
16 coasters, combs, emery boards, envelopes, erasers, glasses, key rings, letter openers,
17 matchbooks, nail files, noisemakers, paper and plastic cups, pencils, pens, plastic
18 tableware, 12-inch or shorter rulers, swizzle sticks, tickets to ~~fund-raisers~~ fundraisers
19 and similar items determined by the commission to be too small and unnecessary for
20 the disclosures required by this section and in electronic media advertisements where
21 compliance with this section would be impractical due to size or character limitations;
22 ~~and~~

23 E. Campaign signs that are financed by the candidate or candidate's authorized
24 committee and that clearly identify the name of the candidate and are lettered or printed
25 individually by hand;

26 F. Prerecorded automated telephone calls paid for by the candidate that use the
27 candidate's voice in the telephone call and that are made in support of that candidate;
28 and

29 G. Telephone surveys that meet generally accepted standards for polling research and
30 that are not conducted for the purpose of influencing the voting position of call
31 recipients.

32 **Sec. 8. 21-A MRS §1017, sub-§7-A, ¶A**, as amended by PL 2009, c. 138, §1, is
33 further amended to read:

34 A. A candidate seeking election to a county or municipal office may, at the time the
35 candidate registers under section 1013-A, notify the commission that the candidate and
36 the candidate's agents, if any, will not personally accept contributions, make
37 expenditures or incur obligations associated with that candidate's candidacy. The
38 notification must be ~~sworn and notarized~~ made through an online or written form
39 prescribed by the commission. A candidate who provides this notice to the commission
40 is not required to appoint a treasurer and is not subject to the filing requirements of this
41 subchapter if the statement is true.

42 **Sec. 9. 21-A MRS §1017, sub-§7-A, ¶A-1**, as enacted by PL 2015, c. 350, §5,
43 is amended to read:

1 A-1. A legislative candidate seeking the nomination of a party in an uncontested
2 primary election may, at the time the candidate registers under section 1013-A, notify
3 the commission that the candidate and the candidate's agents, if any, will not personally
4 accept contributions, make expenditures or incur obligations associated with that
5 candidate's candidacy through the 35th day after the primary election. The notification
6 must be ~~sworn and notarized~~ made through an online or written form prescribed by the
7 commission. A candidate who provides this notice to the commission is not required
8 to appoint a treasurer or to file the campaign finance reports under subsection 3-A,
9 paragraphs B and D with respect to the primary election.

10 **Sec. 10. 21-A MRSA §1017, sub-§8, ¶F**, as amended by PL 1995, c. 193, §1, is
11 further amended to read:

12 F. Repaying any loans or retiring any other debts incurred ~~to defray campaign expenses~~
13 ~~of the candidate~~ in the course of the candidate's campaign activity;

14 **Sec. 11. 21-A MRSA §1019-B, sub-§1, ¶A**, as amended by PL 2021, c. 132, §7,
15 is further amended to read:

16 A. Is made to design, produce or disseminate any public communication that expressly
17 advocates the election or defeat of a clearly identified candidate; or

18 **Sec. 12. 21-A MRSA §1019-B, sub-§1, ¶B**, as amended by PL 2023, c. 324, §10,
19 is further amended to read:

20 B. Unless the person, party committee or political action committee making the
21 expenditure demonstrates under subsection 2 that the expenditure did not have a
22 purpose or effect of influencing the nomination, election or defeat of the candidate, is
23 made to design, produce or disseminate a public communication that names or depicts
24 a clearly identified candidate and is disseminated during the 28 days, including election
25 day, before a primary election; during the 35 days, including election day, before a
26 special election; or from Labor Day to a general election day.

27 **Sec. 13. 21-A MRSA §1020-A, sub-§6**, as amended by PL 2013, c. 334, §17, is
28 further amended to read:

29 **6. Request for a commission determination.** ~~If the commission staff finds that a~~
30 ~~candidate or political committee has failed to file a report required under this subchapter,~~
31 ~~the commission staff shall mail a notice to the candidate or political committee within 3~~
32 ~~business days following the filing deadline informing the candidate or political committee~~
33 ~~that a report was not received.~~ If a candidate or a political committee files a report required
34 under this subchapter late, a notice of preliminary penalty must be sent to the candidate or
35 political committee whose registration or campaign finance report was not received by
36 11:59 p.m. on the deadline date, informing the candidate or political committee of the staff
37 finding of violation and preliminary penalty calculated under subsection 4-A and providing
38 the candidate or political committee with an opportunity to request a determination by the
39 commission. Any request for a determination must be made within 14 calendar days of
40 receipt of the commission's notice. A candidate or political committee requesting a
41 determination may either appear in person or designate a representative to appear on the
42 candidate's or political committee's behalf or submit a sworn statement explaining the
43 mitigating circumstances for consideration by the commission. A final determination by

1 the commission may be appealed to the Superior Court in accordance with Title 5, chapter
2 375, subchapter 7 and the Maine Rules of Civil Procedure, Rule 80C.

3 **Sec. 14. 21-A MRSA §1020-A, sub-§8**, as amended by PL 2007, c. 443, Pt. A,
4 §25, is repealed and the following enacted in its place:

5 **8. Penalties for failure to file report.** If the commission staff finds that a candidate,
6 party committee or other person has failed to file a report required under this subchapter,
7 the commission staff shall send by regular mail and e-mail a notice to the candidate, party
8 committee or person within 3 business days following the filing deadline informing the
9 candidate, party committee or person that the report has not been received. If the report
10 remains unfiled after 10 days, the commission staff shall send another notice by regular
11 mail and e-mail. If the candidate, party committee or person has not filed the report after
12 these 2 notices, the commission staff may refer the violation to the commission, which
13 may, after providing notice and an opportunity to be heard, determine whether a violation
14 has occurred and, if so, the amount of any penalty. The penalty may not exceed the
15 maximum penalties as provided in subsection 5-A. A candidate party committee or other
16 person who fails to file a report as required by this subchapter after the commission has
17 sent the first 2 notices required by this subsection is guilty of a Class E crime. As an
18 alternative to assessing a penalty, the commission may refer the violation to the Office of
19 the Attorney General for potential criminal prosecution.

20 **Sec. 15. 21-A MRSA §1020-A, sub-§8-A**, as enacted by PL 2003, c. 628, Pt. A,
21 §6, is repealed.

22 **Sec. 16. 21-A MRSA §1020-A, sub-§9**, as enacted by PL 1995, c. 483, §15, is
23 repealed.

24 **Sec. 17. 21-A MRSA §1052, sub-§3, ¶B**, as amended by PL 2021, c. 217, §3, is
25 repealed.

26 **Sec. 18. 21-A MRSA §1052, sub-§4-B**, as enacted by PL 2011, c. 389, §31, is
27 amended to read:

28 **4-B. Initiate.** "Initiate" includes the collection of signatures on petitions and related
29 activities to qualify a state or local initiative or referendum for the ballot.

30 **Sec. 19. 21-A MRSA §1053-A**, as amended by PL 2023, c. 314, §1, is further
31 amended to read:

32 **§1053-A. Municipal elections**

33 If an organization qualifies as a committee under section 1052, subsection 2 and that
34 organization receives contributions or makes expenditures to influence a municipal
35 ~~campaign~~ election in towns or cities with a population of 15,000 or more, that organization
36 ~~must~~ shall register and file reports with the municipal clerk as required by Title 30-A,
37 section 2502. If an organization qualifies as a ballot question committee under section
38 1052, subsection 2-A and that organization receives contributions or makes expenditures
39 exceeding \$5,000 to influence a municipal referendum ~~campaign~~ in a town or city with a
40 population of less than 15,000, that organization ~~must~~ shall register and file reports with
41 the commission using the electronic filing system pursuant to section 1059, subsection 5.
42 The reports must be filed in accordance with the reporting schedule in section 1059 and
43 must contain the information listed in section 1060. A committee registered with the

1 commission and that receives contributions or makes expenditures relating to a municipal
2 election shall file a copy of the report containing such contributions or expenditures with
3 the clerk in the subject municipality. The commission retains the sole authority to prescribe
4 the content of all reporting forms. The commission does not have responsibility to oversee
5 the filing of registrations or campaign finance reports relating to municipal ~~campaigns~~
6 elections in towns or cities with a population of 15,000 or more. If a municipal clerk
7 becomes aware of a potential violation of this subchapter that the clerk considers to be
8 substantial, the clerk may refer the matter to the commission for enforcement. The
9 commission may conduct an investigation if the information referred by the municipal clerk
10 shows sufficient grounds for believing that a violation may have occurred. After
11 conducting the investigation, if the commission determines that a violation of this
12 subchapter has occurred, the commission may assess penalties provided in this subchapter.

13 **Sec. 20. 21-A MRSA §1055**, as amended by PL 2007, c. 443, Pt. A, §31, is further
14 amended to read:

15 **§1055. Publication or distribution of political public communications**

16 A political action committee that makes an expenditure to finance a public
17 communication expressly advocating the election or defeat of a candidate or that names or
18 depicts a clearly identified candidate is subject to the requirements of section 1014.

19 **Sec. 21. 21-A MRSA §1055-A**, as amended by PL 2023, c. 324, §15, is further
20 amended by amending the section headnote to read:

21 **§1055-A. Political public communications to influence a ballot question**

22 **Sec. 22. 21-A MRSA §1055-A, sub-§1**, as amended by PL 2023, c. 324, §15, is
23 further amended to read:

24 **1. Communications Public communications to influence ballot question elections.**

25 Whenever a person makes an expenditure exceeding \$500 for a public communication
26 expressly advocating through broadcasting stations, cable television systems, prerecorded
27 automated telephone calls or scripted live telephone calls, newspapers, magazines,
28 campaign signs or other outdoor advertising facilities, publicly accessible sites on the
29 Internet, direct mails or other similar types of general public political advertising or through
30 flyers, handbills, bumper stickers and other nonperiodical publications, for or against an
31 initiative or referendum that is on the ballot, the public communication must clearly and
32 conspicuously state the name and address of the person who made or financed the
33 expenditure for the public communication, except that telephone calls must clearly state
34 only the name of the person who made or financed the expenditure for the public
35 communication. A digital public communication, including the transmission of text
36 messages, costing more than \$500 that expressly advocates for or against an initiative or
37 referendum or that includes a link to a publicly accessible website expressly advocating for
38 or against an initiative or referendum that is on the ballot containing express advocacy must
39 clearly and conspicuously state the name of the person who made or financed the
40 expenditure, unless the digital communication is excluded under subsection 2. A website
41 established by a person required to register as a ballot question committee expressly
42 advocating for or against an initiative or referendum must clearly and conspicuously state
43 the name and address of the person who made or financed the expenditure for the website.
44 Telephone surveys that meet generally accepted standards for polling research and that are

1 not conducted for the purpose of influencing the voting position of call recipients are not
2 required to include the disclosure.

3 **Sec. 23. 21-A MRSA §1055-A, sub-§2**, as enacted by PL 2013, c. 334, §24, is
4 amended to read:

5 **2. Exceptions.** The following forms of political public communication do not require
6 the name and address of the person who made or financed the expenditure for the public
7 communication because the name or address would be so small as to be illegible or
8 infeasible: clothing, envelopes and stationery, small promotional items, tickets to
9 fundraisers and electronic media advertisements where compliance with this section would
10 be impracticable due to size or character limitations and similar items determined by the
11 commission to be too small and unnecessary for the disclosures required by this section.
12 "Small promotional items" includes but is not limited to ashtrays, badges and badge
13 holders, balloons, campaign buttons, coasters, combs, emery boards, erasers, glasses, key
14 rings, letter openers, matchbooks, nail files, noisemakers, paper and plastic cups, pencils,
15 pens, plastic tableware, 12-inch or shorter rulers and swizzle sticks.

16 **Sec. 24. 21-A MRSA §1057, sub-§4**, as amended by PL 2021, c. 217, §9, is further
17 amended to read:

18 **4. Account statements.** The treasurer of a committee shall keep account statements
19 relating to the deposit of funds of the committee for the campaign account required by
20 section 1054.

21 **Sec. 25. 21-A MRSA §1062-A, sub-§5**, as amended by PL 2019, c. 563, §20, is
22 further amended to read:

23 **5. Request for a commission determination.** ~~If the commission staff finds that a~~
24 ~~committee has failed to file a report required under this subchapter, the commission staff~~
25 ~~shall mail a notice to the treasurer of the committee within 3 business days following the~~
26 ~~filing deadline informing the treasurer that a report was not received.~~ If a committee files
27 a report required under this subchapter late, a notice of preliminary penalty must be
28 forwarded to the treasurer of the committee whose report is not received by 11:59 p.m. on
29 the deadline date; informing the treasurer of the commission staff finding of violation and
30 preliminary penalty calculated under subsection 3 and providing the treasurer with an
31 opportunity to request a determination by the commission. A request for determination
32 must be made within 14 calendar days of receipt of the commission's notice. A principal
33 officer or treasurer requesting a determination may either appear in person or designate a
34 representative to appear on the principal officer's or treasurer's behalf or submit a sworn
35 statement explaining the mitigating circumstances for consideration by the commission. A
36 final determination by the commission may be appealed to the Superior Court in
37 accordance with Title 5, chapter 375, subchapter 7 and the Maine Rules of Civil Procedure,
38 Rule 80C.

39 **Sec. 26. 21-A MRSA §1062-A, sub-§7**, as amended by PL 2019, c. 563, §22, is
40 repealed.

41 **Sec. 27. 21-A MRSA §1062-A, sub-§8**, as amended by PL 2003, c. 628, Pt. A, §8,
42 is repealed and the following enacted in its place:

43 **8. Penalties for failure to file report.** If the commission staff finds that a committee
44 or other person has failed to file a report required under this subchapter, the commission

1 staff shall send by regular mail and e-mail a notice to the committee treasurer or other
2 responsible officer within 3 business days following the filing deadline informing the
3 committee treasurer or other responsible officer that the report has not been received. If the
4 report remains unfiled after 10 days, the commission staff shall send another notice by
5 regular mail and e-mail. If the committee or other person has not filed the report after these
6 2 notices, commission staff may refer the violation to the commission, which may, after
7 providing notice and an opportunity to be heard, determine whether a violation has occurred
8 and, if so, the amount of any penalty. The maximum penalty for failure to file a report
9 required under section 1059 is \$10,000 or the amount of financial activity not reported,
10 whichever is greater. A person who fails to file a report as required by this subchapter after
11 the commission has sent the first 2 notices required in this subsection is guilty of a Class E
12 crime, except that, if a penalty is assessed pursuant to this subsection and collected by the
13 commission, the State may not prosecute a violation under this subsection.

14 **Sec. 28. 21-A MRSA §1062-A, sub-§8-A**, as amended by PL 2023, c. 405, Pt. A,
15 §49, is repealed.

16 **Sec. 29. 21-A MRSA §1064, sub-§1, ¶H**, as enacted by IB 2023, c. 2, §1, is
17 repealed.

18 **Sec. 30. 30-A MRSA §2502**, as amended by PL 2023, c. 314, §2, is further amended
19 to read:

20 **§2502. Campaign reports and registrations in municipal elections**

21 **1. Reports and registrations by candidates.** ~~A candidate for municipal office of~~
22 Financial activities by candidates and others to influence elections for municipal office in
23 a town or city with a population of 15,000 or more is are governed by Title 21-A, sections
24 1001 to 1020-A, except that registrations and campaign finance reports must be filed with
25 the municipal clerk instead of the Commission on Governmental Ethics and Election
26 Practices. A town or city with a population of less than 15,000 may choose to be governed
27 by Title 21-A, sections 1001 to 1020-A by vote of its legislative body at least 90 days
28 before an election for office. A town or city that votes to adopt those provisions may revoke
29 that decision, but it must do so at least 90 days before an election subject to those sections.

30 **2. Municipal referenda campaigns.** ~~Municipal referenda campaign finance reporting~~
31 is campaigns are governed by Title 21-A, chapter 13, subchapter 4.

32 **3. Public access to records.** A town or city that receives registrations or reports
33 pursuant to this section must keep them for 8 years.

34 **SUMMARY**

35 This bill updates campaign finance disclosure laws as follows.

36 1. It defines "public communication" to clarify which types of communications to
37 voters must disclose the person who financed the communication and require the filing of
38 an independent expenditure report.

39 2. It authorizes the Commission on Governmental Ethics and Elections Practices to
40 assess a penalty of up to 5 times the amount of the contribution when a person has made a
41 contribution in the name of another or knowingly permitted the person's name to be used
42 to effect such a contribution.

1 3. It eliminates from the definition of "contribution" in the Maine Revised Statutes,
2 Title 21-A, section 1012 a contract, promise or agreement to give money or something of
3 value to influence an election, which also affects cross-references to that term in Title 1
4 regarding legislative ethics and Title 3 regarding lobbyist disclosure procedures.

5 4. It requires that the website of a candidate, party committee, political action
6 committee or ballot question committee that advocates for or against a candidate or ballot
7 question must identify the person who financed the website.

8 5. It authorizes county and municipal candidates, and legislative candidates in a
9 primary election, to make an online affirmation that they will not receive contributions or
10 make expenditures to promote their elections in order to obtain an exemption from
11 campaign finance reporting.

12 6. It requires the commission to send 2 written notices by regular mail and e-mail
13 before initiating any penalty proceeding when a committee or other person fails to file a
14 campaign finance report.

15 7. It eliminates the requirement for the commission to post a public list of candidates
16 and political committees that have filed campaign finance reports late.

17 8. It clarifies that an organization that receives contributions or makes expenditures
18 exceeding \$5,000 to influence a municipal referendum in a town or city with a population
19 of less than 15,000 must register and file campaign finance reports with the commission.

20 9. It requires text messages that expressly advocate for or against a ballot question to
21 disclose the name of the person that financed the messages when that person has spent more
22 than \$500 on the messaging campaign.

23 10. It requires account statements maintained by political action committees and ballot
24 question committees to cover the financial activity in the committee's campaign account
25 generally, not just the committee's deposits.

26 11. It clarifies that state campaign finance law applies to the financial activities of
27 candidates, party committees, political action committees and others to influence elections
28 for municipal office in towns and cities with a population of 15,000 or more.

29 12. It clarifies that disclaimer, record-keeping and other requirements in state
30 campaign finance law pertaining to ballot question elections apply to municipal referenda
31 and initiatives.

32 13. It exempts certain telephone calls from the requirements applicable to political
33 communications.

34 14. It removes certain notices that the commission is required to provide when certain
35 reports have not been filed.