

# MAINE STATE LEGISLATURE

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June 3, 1976

Commission on Governmental Ethics  
and Election Practices  
Donald G. Alexander, Deputy

Attorney General

At the commission meeting of May 13, 1976, the Commission requested the opinion of the Attorney General's Office on the following question:

Whether and to what extent the Commission's statutory authority relating to campaign reports and elections extends to referendum elections?

The response will be given in two parts, elections and campaign reports:

1. Campaign reports:

The chapter on campaign reports and finances generally appears limited to candidate rather than referendum elections. 21 M.R.S.A. Section 1391 as enacted by P.L. 1975, Chap. 759, effective April 14, 1976, provides: "This chapter applies to candidates for all State and County offices and to campaigns for their nomination and election." Further, 21 M.R.S.A. section 1392-3 defines election as follows: "'Election' includes any primary, general or special election for State or county offices." Thus the definition appears limited to elections for office.

Despite these provisions, however, reports regarding referendums are specifically mentioned at 21 M.R.S.A. Section 1397-3. Section 1397-3 basically requires monthly reporting by any person or organization which receives contributions in excess of \$50 or makes expenditures in excess of \$50 to initiate, promote or defeat a referendum for each month in which such contributions are accepted or such expenditures are made. Further, reports must be filed 45 days after the filing of initiative provisions or the date of referendum elections showing the total of contributions and expenditures. These reports are to be filed with the Commission and are not subject to the more technical limitations which apply to candidates as it appears that the law generally intended to exempt referendum campaigns from its application except for the specific provisions of subsection 3 above referenced.

The provisions for filing reports of referendum campaigns admittedly may create uncertainty regarding Commission meetings. Filings must be made at the end of every month. However, because filings are conditioned on receipt of contributions or expenditures of a certain amount, it cannot be determined exactly when 21 M.R.S.A. section 1399 requires that the Commission meet regarding referendum filings. The Commission should meet in those months when reports are actually filed.

2. Elections:

21 M.R.S.A. section 1154 specifies that recounts of state-wide referendum elections may be appealed to the Commission in the same manner as under chapter 36. Chapter 36 relates to election practices and recounts of elections. 21 M.R.S.A. section 1422 specifies the appeals to the Commission regarding elections for candidates. Appeals to the Commission regarding state-wide referendum elections, pursuant to the provisions of section 1154 should be processed in the same manner as appeals by candidates.

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