

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

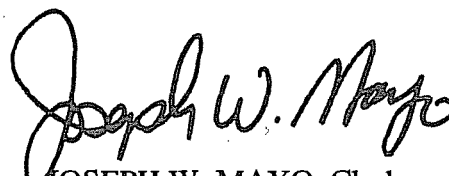
No. 1451

H.P. 1085

House of Representatives, May 5, 1993

An Act to Restrict Private Political Campaign Contributions in State Elections.

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


JOSEPH W. MAYO, Clerk

Presented by Representative RICHARDSON of Portland.
Cosponsored by Representative CARLETON of Wells, Senator HANDY of Androscoggin and Representatives: BARTH of Bethel, BOWERS of Washington, BRENNAN of Portland, CAMERON of Rumford, DONNELLY of Presque Isle, FARNSWORTH of Hallowell, KILKELLY of Wiscasset, TUFTS of Stockton Springs, YOUNG of Limestone, Senators: HALL of Piscataquis, McCORMICK of Kennebec.

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

Sec. 1. 1 MRSA §1001, as enacted by PL 1975, c. 621, §1, is amended to read:

§1001. Statement of purpose

It is essential under the American system of representative government that the people have faith and confidence in the integrity of the election process and the members of the Legislature. In order to strengthen this faith and confidence that the election process reflects the will of the people and that each Legislator considers and casts ~~his-vote~~ votes on the enactment of laws according to the best interests of the public and ~~his~~ the Legislator's constituents, there is created an independent commission on elections and governmental ethics and election--practices to guard against corruption or undue influencing of the election process, to administer the campaign finance laws and to guard against acts misconduct or the appearance of misconduct by Legislators.

Sec. 2. 1 MRSA §1002, as amended by PL 1991, c. 880, §1, is further amended by repealing and replacing the headnote to read:

§1002. Maine Elections and Ethics Commission

Sec. 3. 1 MRSA §1002, sub-§1, as amended by PL 1991, c. 880, §1, is repealed and the following enacted in its place:

1. Membership. The Maine Elections and Ethics Commission, established by Title 5, section 12004-G, subsection 33, called the "commission," consists of 7 members to be appointed as follows:

A. The Chief Justice of the Supreme Judicial Court shall appoint 7 members with the concurrence of a 2/3 majority vote of each House of the Legislature. Each member must be appointed in January and shall serve a term of 2 years from the date of appointment or until a successor is appointed and confirmed, except that when the first members are appointed to the commission under this paragraph, the Chief Justice shall appoint 3 members to serve for 3-year terms;

B. The members shall, by concurring vote of the at least 5 members, elect one of their members to serve as chair who shall serve a term of 2 years or until a successor is appointed and confirmed; and

2 C. The Chief Justice of the Supreme Judicial Court shall
4 appoint members to vacancies on the commission as they occur
6 or upon expiration of terms. Any vacancy must be filled for
8 the unexpired portion of the term in which such vacancy
10 occurs.

12 **Sec. 4. 1 MRSA §1005**, as enacted by PL 1975, c. 621, §1, is
14 amended to read:

16 **§1005. Open meetings**

18 Notwithstanding any other provision of law, all meetings,
20 hearings or sessions of the commission shall must be open to the
22 general public unless, by an affirmative vote of at least 6 5
24 members, the commission requires the exclusion of the public.

26 **Sec. 5. 1 MRSA §1007**, as amended by PL 1989, c. 561, §1, is
28 further amended to read:

30 **§1007. Annual report**

32 The commission shall submit to the Legislature and the
34 public an annual report discussing its activities under this
36 chapter and any changes it considers necessary or appropriate
38 regarding ethical standards or campaign finance regulation and
40 reporting.

42 **Sec. 6. 3 MRSA §313**, as amended by PL 1991, c. 465, §1, is
44 further amended to read:

46 **§313. Registration of lobbyists and employers**

48 Any person acting as a lobbyist and the person who employs
that lobbyist shall jointly register at the office of the
Secretary of State no later than 15 business days after the
commencement of activities constituting lobbying and a fee, as
determined by the Secretary of State, must be paid for such joint
registration. Lobbyists and employers registered under this
section shall also pay fees to the Maine Democracy Fund as
required by Title 21-A, section 1072, subsection 3.

50 **Sec. 7. 5 MRSA §12004-G, sub-§33**, as enacted by PL 1987, c.
52 786, §5, is repealed and the following enacted in its place:

33.	<u>Maine</u>	<u>Legislative</u>	<u>1 MRSA</u>
<u>State</u>	<u>Elections</u>	<u>Per Diem</u>	<u>§1002</u>
<u>Government</u>	<u>and Ethics</u>		
	<u>Commission</u>		

54 **Sec. 8. 21-A MRSA §335, sub-§5**, as amended by PL 1991, c. 362,
56 §1, is further amended to read:

5. **Number of signatures required.** Petitions must be signed by the following numbers of voters, except that nomination petitions for candidates for Governor, State Senator or State Representative who intend to participate in the Maine Democracy Fund established under section 1072 are subject to the requirements of subsection 5-A:

A. For candidate for Governor, at least 2,000 and not more than 3,000 voters;

B. For a candidate for United States Senator, at least 2,000 and not more than 3,000 voters;

B-1. For a candidate for the office of President of the United States, at least 2,000 and not more than 3,000 voters;

C. For a candidate for Representative to Congress, at least 1,000 and not more than 1,500 voters;

D. For a candidate for county office other than county commissioner, at least 150 and not more than 200 voters;

E. For a candidate for county commissioner, at least 50 and not more than 75 voters;

F. For a candidate for State Senator, at least 100 and not more than 150 voters; and

G. For a candidate for State Representative, at least 25 and not more than 40 voters.

Sec. 9. 21-A MRSA §335, sub-§5-A is enacted to read:

5-A. Filing requirements for Maine Democracy Fund candidate. For candidates who intend to participate in the Maine Democracy Fund, nomination petitions must meet the following requirements:

A. For a candidate for Governor, the nomination petitions must be signed by at least 7,500 and not more than 10,000 voters, of whom at least 2,000 have supported the candidacy by providing a personal check or money order for \$10 payable to the State of Maine; and must be accompanied by the candidate's personal check for \$1,000;

B. For a candidate for State Senator, the nomination petitions must be signed by at least 400 and not more than 600 voters, of whom at least 100 have supported the candidacy by providing a personal check or money order for \$5 payable to the State of Maine; and must be accompanied by the candidate's personal check for \$250; and

2 C. For a candidate for State Representative, the nomination
4 petitions must be signed by at least 200 and not more than
6 300 voters, of whom at least 50 have supported the candidacy
by providing a personal check or money order for \$5 payable
to the State of Maine; and must be accompanied by the
candidate's personal check of \$250.

8 Each \$5 check or, in the case of candidates for Governor, each
10 \$10 check must have the candidate's name written on the memo line
12 of the check in the donor's writing and must be accompanied by an
14 affidavit signed by the donor and witnessed by the signature
16 gatherer stating that the donor has supported the named candidate
18 by giving the candidate a personal check or money order in the
amount of \$5 payable to the State of Maine. The Maine Elections
and Ethics Commission shall establish by rule check-clearing
schedules, replacement and revalidation procedures and other
rules found necessary to ensure smooth implementation of this
subsection.

20 **Sec. 10. 21-A MRSA §335, sub-§6, as enacted by PL 1985, c.**
22 **161, §6, is repealed and the following enacted in its place:**

24 **6. When signed.** A nomination petition may not be signed
before:

26 A. January 1st of the election year in which it is to be
28 used for a nomination petition filed under subsection 5; or

30 B. December 15th of the year preceding the election year in
32 which it is to be used for a nomination petition filed under
subsection 5-A.

34 **Sec. 11. 21-A MRSA §335, sub-§10 is enacted to read:**

36 **10. Filed with the Secretary of State.** A nomination
petition must be filed in the office of the Secretary of State by
38 5 p.m. on the date of the primary election in the election year
in which it is to be used, or by 5 p.m. on the April 2nd
40 preceding the primary election if the candidate intends to
participate in the Maine Democracy Fund.

42 **Sec. 12. 21-A MRSA §354, sub-§5, as amended by PL 1991, c.**
44 **362, §§2 and 3, is further amended to read:**

46 **5. Number of signatures required.** Nomination petitions
must be signed by the following numbers of voters, except that
48 nomination petitions for candidates for Governor, State Senator
or State Representative who intend to participate in the Maine
50 Democracy Fund established under section 1072 are subject to the
requirements of subsection 5-A:

2 A. For a slate of candidates for the office of presidential
elector, at least 4,000 and not more than 6,000 voters;

4 B. For a candidate for Governor, at least 4,000 and not
more than 6,000 voters;

6 C. For a candidate for United States Senator, at least
8 4,000 and not more than 6,000 voters;

10 D. For a candidate for United States Representative, at
least 2,000 and not more than 3,000 voters;

12 E. For a candidate for county office other than county
14 commissioner or county charter commission member, at least
300 and not more than 400 voters;

16 E-1. For a candidate for county commissioner, at least 100
18 and not more than 150 voters;

20 F. For a candidate for State Senator, at least 200 and not
more than 300 voters;

22 G. For a candidate for State Representative, at least 50
24 and not more than 80 voters; and

26 H. For a candidate for county charter commission member, at
least 50 and not more than 80 voters.

28 Sec. 13. 21-A MRSA §354, sub-§5-A is enacted to read:

30 5-A. Filing requirements for Maine Democracy Fund
32 candidate. For candidates who intend to participate in the Maine
34 Democracy Fund, nomination petitions must meet the following
requirements:

36 A. For a candidate for Governor, the nomination petition
38 must be signed by at least 7,500 and not more than 10,000
40 voters, of whom at least 2,000 have supported the candidacy
by providing a personal check or money order for \$10 payable
to the State of Maine; and must be accompanied by the
candidate's personal check for \$1,000;

42 B. For a candidate for State Senator, the nomination
44 petitions must be signed by at least 400 and not more than
46 600 voters, of whom at least 100 have supported the
candidacy by providing a personal check or money order for
48 \$5 payable to the State of Maine; and must be accompanied by
the candidate's personal check for \$250; and

50 C. For a candidate for State Representative, the nomination
52 petitions must be signed by at least 200 and not more than
300 voters, of whom at least 50 have supported the candidacy

2 by providing a personal check or money order for \$5 payable
4 to the State of Maine; and must be accompanied by the
6 candidate's personal check of \$250.

8 Each \$5 check or, in the case of candidates for Governor, each
10 \$10 check must have the candidate's name written on the memo line
12 of the check in the donor's writing and must be accompanied by an
14 affidavit signed by the donor and witnessed by the signature
16 gatherer stating that the donor has supported the named candidate
18 by giving the candidate a personal check or money order in the
20 amount of \$5 payable to the State of Maine. The Maine Elections
22 and Ethics Commission shall establish by rule check-clearing
24 schedules, replacement and revalidation procedures and other
26 rules found necessary to ensure smooth implementation of this
28 subsection.

30 **Sec. 14. 21-A MRSA §354, sub-§6, as enacted by PL 1985, c.**
32 **161, §6, is repealed and the following enacted in its place:**

34 **6. When signed.** A nomination petition may not be signed
36 **before:**

38 **A. January 1st of the election year in which it is to be**
40 **used for a nomination petition filed under subsection 5; or**

42 **B. December 15th of the year preceding the election year in**
44 **which it is to be used for a nomination petition filed under**
46 **subsection 5-A.**

48 **Sec. 15. 21-A MRSA §354, sub-§8-A, as enacted by PL 1985, c.**
50 **383, §8, is amended to read:**

52 **8-A. Filed with the Secretary of State.** A nomination
petition must be filed in the office of the Secretary of State by
5 p.m. on the date of the primary election in the election year
in which it is to be used, or by 5 p.m. on the April 2nd
preceding the primary election if the candidate intends to
participate in the Maine Democracy Fund.

Sec. 16. 21-A MRSA §1001, sub-§1, as enacted by PL 1985, c.
161, §6, is amended to read:

1. Commission. "Commission" means the Maine Elections and
Ethics Commission ~~on Governmental Ethics and Election Practices~~
established under Title 1, section 1002.

Sec. 17. 21-A MRSA §1016, sub-§5 is enacted to read:

5. Democracy fund candidates not covered. This section
does not apply to candidates electing to participate in the Maine
Democracy Fund in accordance with subchapter IV-A.

2 Sec. 18. 21-A MRSA §1017, sub-§2, as amended by PL 1991, c.
839, §14 and affected by §34, is repealed and the following
enacted in its place:

4 2. Gubernatorial candidates. A treasurer of a candidate
6 for the office of Governor shall file reports with the commission
as follows. Once the first required report has been filed, each
8 subsequent report must cover the period from the completion date
10 of the prior report filed. This subsection applies only to those
gubernatorial candidates who choose not to participate in the
Maine Democracy Fund established under section 1072.

12 A. In any calendar year, other than a gubernatorial
14 election year, in which the candidate or the candidate's
political committee has received contributions in excess of
16 \$1,000 or made or authorized expenditures in excess of
18 \$1,000, reports must be filed no later than 5 p.m. on July
15th of that year and January 15th of the following calendar
20 year. These reports must include all contributions made to
and all expenditures made or authorized by or on behalf of
22 the candidate or the candidate's treasurer as of the end of
the preceding month, except those covered by a previous
report.

24 B. Additional reports must be filed no later than 5 p.m. on
26 April 15th, May 1st, May 15th and on each Tuesday following
May 21st until 17 days before the general election. These
28 reports must include all contributions made to and all
expenditures made or authorized on behalf of the candidate
30 or the candidate's treasurer as of 10 a.m. on the Monday
immediately preceding the reporting date, except those
32 covered by a previous report.

34 C. In the final report filed 17 days before the general
36 election, the candidate or candidate's treasurer shall file
the final total figure that the candidate will raise for the
38 campaign or the final total figure that the candidate will
spend for the election, whichever is greater. Any
40 expenditure beyond this amount is a violation of law.

42 D. Final reports must be filed no later than 5 p.m. on the
42nd day after the date on which an election is held and
44 must be complete for the filing period as of the 35th day
after that date. A candidate who wins a primary election is
46 subject to the continued reporting requirements specified in
paragraphs B and C.

48 E. Unless further reports will be filed in relation to a
50 later election in the same calendar year, the disposition of
any surplus or deficit in excess of \$50 shown in the reports
52 described in paragraph D must be reported as provided in
this paragraph. The treasurer of a candidate or political

committee with a surplus or deficit in excess of \$50 shall file reports semiannually with the commission within 15 days following the end of the 2nd and 4th quarters of the State's fiscal year, complete as of the last day of the quarter, until the surplus is disposed of or the deficit is liquidated. The first report under this paragraph is not required until the 15th day of the period beginning at least 90 days from the date of the election. The reports may either be filed in person with the commission on that date or postmarked on that date. The reports must set forth any contributions for the purpose of liquidating the deficit, in the same manner as contributions are set forth in other reports required in this section.

F. Unless otherwise specified in this subsection, reports must be complete back to the completion date of the previous report.

G. Reports with respect to a candidate who seeks nomination by petition for the office of Governor must be filed on the same dates that reports must be filed with respect to a candidate who seeks that nomination by primary election.

Sec. 19. 21-A MRSA §1017, sub-§3-A, ¶B, as amended by PL 1991, c. 839, §15 and affected by §34, is further amended to read:

B. Reports for candidates for county office must be filed no later than 5 p.m. on the 6th day before the date on which an election is held and must be complete as of the 12th day before that date. If a report was not filed under paragraph A, the report required under this paragraph must cover all contributions and expenditures through the completion date.

Sec. 20. 21-A MRSA §1017, sub-§3-A, ¶B-1 is enacted to read:

B-1. For a candidate for State Senator or State Representative who does not elect to participate in the Maine Democracy Fund established under section 1072, additional reports must be filed no later than 5 p.m. on April 15th, May 1st, May 15th and on each Tuesday following May 21st until 17 days before the general election. These reports must include all contributions made to and all expenditures made or authorized on behalf of the candidate or the candidate's treasurer as of 10 a.m. on the Monday immediately preceding the reporting date, except those covered by a previous report.

Sec. 21. 21-A MRSA §1017, sub-§3-A, ¶C, as amended by PL 1991, c. 839, §15 and affected by §34, is further amended to read:

C. Contributions For candidates for county office, contributions aggregating \$1,000 or more from any one

contributor or single expenditures of \$1,000 or more, made after the 12th day before any election and more than 48 hours before 5 p.m. on the day of any election must be reported within 48 hours of those contributions or expenditures, or by noon of the first business day after the contributions or expenditures, whichever is later.

Sec. 22. 21-A MRSA §1017, sub-§3-A, ¶C-1 is enacted to read:

C-1. For a candidate for State Senator or State Representative who does not elect to participate in the Maine Democracy Fund established under section 1072, in the final report filed 17 days before the general election, the candidate or candidate's treasurer shall file the final total figure that the candidate will raise for the campaign or the final total figure that the candidate will spend for the election, whichever is greater. Any expenditure beyond this amount is a violation of law.

Sec. 23. 21-A MRSA §1017, sub-§3-A, ¶D, as amended by PL 1991, c. 839, §15 and affected by §34, is further amended to read:

D. ~~Reports~~ Final reports must be filed no later than 5 p.m. on the 42nd day after the date on which an election is held and must be complete for the filing period as of the 35th day after that date. A candidate for State Senator or State Representative who wins a primary election is subject to the continued reporting requirements of paragraphs B-1 and C-1.

Sec. 24. 21-A MRSA §1017, sub-§3-A, ¶G is enacted to read:

G. A candidate for State Senator or State Representative subject to this subsection may elect to file reports with the clerk of the municipality where the candidate resides. This election must be made by filing with the commission on a form provided by the commission a declaration of alternate filing. A clerk designated under this paragraph shall immediately make all reports available to opposing candidates and shall immediately telephone the information to the commission. The clerk shall then mail the report to the commission by the first available collection and delivery time after the report is received.

If the clerk of the municipality does not have office hours that include the filing deadlines, then the candidate, the candidate's opponents and the commission shall agree on another filing location within the election district that is open for the filing deadlines. The commission has the final power to determine the location for filings.

Sec. 25. 21-A MRSA c. 13, sub-c. IV-A is enacted to read:

SUBCHAPTER IV-A

CAMPAIGN FINANCE

§1071. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Fund. "Fund" means the Maine Democracy Fund created under section 1072.

2. Nonparticipating candidate. "Nonparticipating candidate" means a candidate for Governor, State Senator or State Representative who chooses not to participate in the Maine Democracy Fund, but uses private funds to finance a campaign.

§1072. Maine Democracy Fund created

The Maine Democracy Fund is created to be used for financing gubernatorial and state legislative campaigns in the State and to pay administrative and enforcement costs of the commission. The commission shall administer the fund. Money received from the following sources must be deposited in the fund.

1. Maine Citizen Fee. A Maine Citizen Fee of \$4 is to be added to the state income tax forms to be assessed on each taxpayer filing annually and paid by separate check attached to the state income tax form when filed.

2. Voluntary nonfiler fee. The Treasurer of State, in consultation with the commission, shall develop a program to encourage citizens of this State and persons who live part of the year in this State who do not have to file income tax forms to participate in the fund by voluntarily contributing a \$4 fee.

3. Lobbyist fee. A lobbyist registered under Title 3, section 313 shall pay a fee of \$300. If the lobbyist's gross revenues from lobbying exceed \$10,000, the lobbyist shall pay an additional \$200 fee due within 30 days after the lobbyist's revenues exceed \$10,000. Failure to pay these fees on time may result in suspension of registration for the lobbyist.

4. Candidate filing fees. The filing fees consisting of a candidate's and the candidate's supporters' checks required to be submitted under sections 335 and 354 by a candidate who intends to participate in the fund must be deposited in the fund.

§1073. Terms of participating in fund

1. Declaration of interest. Between December 1st of the year preceding the year in which a general election is held and

March 15th of the election year, an individual interested in participating in the fund shall file a declaration of interest in being a candidate for a stated office and of intent to participate in the fund. A candidate who participates in the fund may not accept any contributions or spend any of the candidate's personal funds except as authorized in subsection 2. Checks to the State of Maine deposited in the fund as part of a candidate's filing requirements are not considered contributions.

2. Spending limitation; exploratory period. During the time period specified in subsection 1 an individual who files a declaration under subsection 1 may spend no more than \$150 of the candidate's personal money, if a candidate for the State Legislature or no more than \$2,500 of the candidate's personal money, if a candidate for Governor. This sum of money may be spent only to prepare, print and distribute a basic information sheet or flyer announcing and describing the candidacy.

3. Fund debit card and preprimary credits. As soon as a candidate has filed and been certified pursuant to section 335 or 354, whichever applies, the Secretary of State shall issue to the candidate or the treasurer of the candidate's committee a State of Maine debit card. Upon issuance of the card a candidate's account is credited with the following amounts from the Maine Democracy Fund:

A. A candidate for Governor with a primary opponent, \$300,000;

B. A candidate for Governor without a primary opponent, \$100,000;

C. A candidate for State Senator with a primary opponent, \$10,000;

D. A candidate for State Senator without a primary opponent, \$1,250;

E. A candidate for State Representative with a primary opponent, \$4,000; and

F. A candidate for State Representative without a primary opponent, \$500.

Biennially by December 14th of each year preceding the year in which a general election for the State Legislature is held the commission shall, by rule, adjust the amounts specified in this subsection in accordance with the cost-of-living adjustment factor used by the State.

4. Post-primary procedures and credits. As soon as official primary election results are released:

2 A. Defeated primary candidates shall conclude their
4 accounts according to rules and schedules established by the
 commission;

6 B. The commission shall publish a list of all nominees and
8 qualified independents; and

10 C. The commission shall credit the accounts of official
 candidates participating in the fund as follows:

12 (1) A candidate for Governor, \$400,000;

14 (2) A candidate for State Senator, \$12,000; and

16 (3) A candidate for State Representative, \$4,500.

18 Biennially by December 14th of each year preceding the year in
20 which a general election for the State Legislature is held the
22 commission shall, by rule, adjust the amounts specified in this
 subsection in accordance with the cost-of-living adjustment
 factor used by the State.

24 5. Matching credits. If the report of a nonparticipating
26 candidate filed under section 1017 shows that the sum of the
28 nonparticipating candidate's expenditures or funds raised or
30 loaned, whichever is greater, exceeds the amount under subsection
32 3 or 4 credited to opposing candidates participating in the fund,
34 the commission shall immediately credit the opposing candidates'
 fund accounts with an additional amount equivalent to the
 reported excess. These matching credits must be capped at 3
 times the credited amount originally provided under subsection 3
 or 4, whichever is applicable.

36 6. Use of debit card. All campaign expenditures must be
38 made with the State of Maine debit card. All vendors shall call
40 in the expenditure to receive clearance before making a sale.
 The expenditure must be added to the candidate's data base at the
 time of sale.

42 7. Access to candidate expenditure data base. The
 commission shall:

44 A. Maintain an expenditure data base for each candidate and
46 for the fund as a whole;

48 B. Adopt rules governing access to the expenditure data by
 candidates and their committee treasurers; and

50 C. Establish 2 dates before the primary election and 2
 additional dates before the general election on which it

will print out all candidate accounts and make them available for public examination.

8. Expenditures authorized. The commission shall provide a list of permitted campaign expenditures based on the current range and types of expenditure. This list must include at a minimum the following permitted expenditures, when made for the purpose of advancing a candidate's election: campaign advertising such as bumper stickers, buttons, banners, lawn signs and media advertisements; public opinion polls; campaign-related mailings such as brochures and position papers; telephone calls; postage; office supplies; travel; rent and other overhead for campaign headquarters; and salaries and fees for campaign staff and consultants and food and drink for campaign workers.

No more than 5% of the total campaign credit may be provided as a petty cash reserve for reimbursement to the candidate or the candidate's staff or volunteers for their out-of-pocket expenses. That amount may be received by direct application to the commission with receipts, invoices or other appropriate verification.

9. In-kind contributions. The candidate or the candidate's committee treasurer shall report to the commission before the date of the primary election all in-kind materials carried over from previous campaigns. The commission shall adopt rules for establishing the fair market value of this material and providing for an appropriate deduction from the candidate's account. All other in-kind contributions are prohibited.

10. Volunteer services. The commission shall provide by rule a list of volunteer services, including, but not limited to, sign-painting and erection of signs, door-to-door or telephone canvassing and envelope stuffing that need not be accounted for.

11. Soft money expenditures. A committee or group of individuals may not make any expenditures or engage in any activities that would qualify as campaign expenditures if those expenditures were made or those activities engaged in by a candidate participating in the fund or the candidate's committee. Notwithstanding the general prohibition of this subsection, the committees of qualified political parties may conduct group mailings and other candidate promotions. Any political party committee activities under this subsection promoting candidates for legislative office must promote at least 5 candidates for State Representative or 5 candidates for State Senator, and group mailings must be mailed to the party constituency in at least 5 of the respective districts.

§1074. Study report

2 Within 6 months after their appointment under section 1002,
4 the commission shall prepare a report recommending additional
6 provisions regarding methods of audit and accountability and, in
8 consultation with the Attorney General, additional sanctions and
10 measures to support the constitutionality of this subchapter.

12 The commission shall submit its reports, together with any
14 implementing legislation to the Legislature, and if the
16 Legislature is not scheduled to meet within 45 days of the
18 submission of the report, the commission shall request the
20 Governor to convene a special session pursuant to the
22 Constitution of Maine, Article V, Part First, Section 13. If the
24 Governor declines to call the Legislature into special session,
26 the commission shall request the President of the Senate and the
28 Speaker of the House of Representatives to convene the
30 Legislature pursuant to the Constitution of Maine Article IV,
32 Part Third, Section 1.

34 **Sec. 26. Maine Revised Statutes amended; revision clause.**

36 Wherever in the Maine Revised Statutes the words "Commission on
38 Governmental Ethics and Election Practices" appear or reference
40 is made to those words, they are amended to read and mean the
42 "Maine Elections and Ethics Commission," and the Revisor of
44 Statutes shall implement this revision when updating, publishing
46 or republishing the statutes.

48 **STATEMENT OF FACT**

50 This bill amends existing campaign and election practices as
52 follows.

54 1. The Commission of Governmental Ethics and Election
56 Practices is replaced by the Maine Elections and Ethics
58 Commission, an independent 7-member commission appointed by the
60 Chief Justice of the Supreme Judicial Court with the concurrence
62 of a 2/3 majority vote of each House of the Legislature.

64 2. A new fund is established, the Maine Democracy Fund, to
66 finance election campaigns for the offices of Governor, State
68 Senator and State Representative.

70 3. The Maine Democracy Fund will receive money from the
72 following sources: a \$4 Maine taxpayer filing fee; a voluntary
74 nonfiler fee of \$4; increased lobbyist registration fees; and
76 candidate filing fees including the personal check of the
78 candidate and a specified number of support checks of \$5 for
80 candidates for State Senator or State Representative and \$10 for
82 candidates for Governor.

84 4. Candidates who choose to participate in the fund are
86 required to obtain an increased number of signatures for their

2 nominations. Those candidates will receive State of Maine debit
cards to be used for all campaign expenditures; these cards will
4 draw down amounts credited to each candidate's account in the
Maine Democracy Fund as specified by the law for each office.

6 5. Candidates who choose not to participate in the fund
will generally follow existing filing and reporting requirements
8 except that the bill specifies a new schedule requiring their
more frequent filing of campaign finance reports.

10 6. If candidates who choose not to participate in the Maine
12 Democracy Fund exceed the spending limit set for participating
candidates, a participating opponent will receive funds on a
14 dollar-for-dollar match with the nonparticipating candidate's
expenditures, but the participating opponent's expenditures are
16 capped at 3 times the original amount credited to a participating
candidate under the bill.

18 7. The bill places strict limits on in-kind contributions
20 and soft money expenditures for participating candidates.

22 8. The bill requires the Maine Elections and Ethics
Commission to provide recommendations for additional provisions
24 concerning audits, accountability and sanctions to be presented
to the Legislature for adoption or disapproval.