

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 454

S.P. 130

In Senate, February 1, 2001

An Act to Clean Up Maine's Clean Election Law.

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

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator LONGLEY of Waldo.

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

Sec. 1. 21-A MRSA §1014-A, sub-§1, as enacted by PL 1995, c. 43, §1, is repealed and the following enacted in its place:

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Endorsement" means an expression of support for the election of a clearly identified candidate by methods including but not limited to broadcasting stations, newspapers, magazines, outdoor advertising facilities, direct mails or similar types of general public political advertising, or through computer networks, flyers, handbills, bumper stickers and other nonperiodical publications.

B. "Issue advocacy" means a communication in support of or against a specific position regarding a specific political issue that mentions a clearly identified candidate by name, by methods including but not limited to broadcasting stations, newspapers, magazines, outdoor advertising facilities, direct mails or similar types of general public political advertising, or through computer networks, flyers, handbills, bumper stickers and other nonperiodical publications. A communication is considered "issue advocacy" if it mentions a clearly identified candidate by name without expressly supporting the election or defeat of that candidate.

Sec. 2. 21-A MRSA §1014-A, sub-§§2 and 3, as enacted by PL 1995, c. 43, §1, are amended to read:

2. Authorization. A candidate may not use an endorsement unless the endorser has expressly authorized its use. The communication must clearly and conspicuously state that the endorsement has been authorized. If applicable, the communication must also satisfy the requirements of section 1014. A person or political committee that makes an expenditure for the purpose of expressly advocating the election or defeat of a clearly identified candidate must receive prior authorization from the candidate whom the expenditure is intended to benefit. For the purposes of this chapter, such an expenditure is considered an expenditure by the candidate who authorizes the communication. A person or political committee that makes an expenditure for the purpose of issue advocacy shall notify, by certified mail, the candidate who is clearly identified in the communication at least 48 hours prior to the distribution of the communication.

2 **3. Civil forfeiture.** A candidate who uses an endorsement
without the authorization of the endorser violates this section
4 and is subject to a civil forfeiture of no more than \$200. A
person or political committee that makes an expenditure for the
6 purpose of expressly advocating the election or defeat of a
8 candidate without the authorization of the candidate that the
10 expenditure was intended to benefit violates this section and is
12 subject to a civil forfeiture of no more than \$200. A person or
14 political committee who distributes a communication for the
purpose of issue advocacy without notifying the candidate who is
identified in the communication, as required in subsection 2,
violates this section and is subject to a civil forfeiture of no
more than \$200.

16 **Sec. 3. 21-A MRSA §1015, sub-§4,** as enacted by PL 1985, c.
18 161, §6, is amended to read:

20 **4. Political committees; intermediaries.** For the purpose of
the limitations imposed by this section, contributions made to
any political committee authorized by a candidate to accept
22 contributions on the candidate's behalf are considered to be
contributions made to that candidate.

24 For the purposes of the limitations imposed by this section, all
26 contributions made by a person, either directly or indirectly, on
behalf of a particular candidate, including contributions ~~which~~
28 that are in any way earmarked or otherwise directed through an
intermediary or conduit to the candidate, are considered to be
30 contributions from that person to the candidate. The intermediary
or conduit shall report the original source and the intended
32 recipient of the contribution to the commission and to the
intended recipient.

34 For the purposes of the limitations imposed by this section, an
36 expenditure by a political committee for a communication that
38 expressly advocates the election or defeat of a clearly
40 identified candidate is considered an expenditure by the
candidate that the communication is intended to benefit.

42 **Sec. 4. 21-A MRSA §1015, sub-§6,** as amended by PL 1991, c.
839, §11 and affected by §34, is further amended to read:

44 **6. Prohibited expenditures.** A candidate, a treasurer, a
political committee, a party or party committee, a person
46 required to file a report under this subchapter or their
authorized agents may not make any expenditures for liquor to be
48 distributed to or consumed by voters while the polls are open on
election day. Expenditure for a communication that expressly
50 advocates the election or defeat of a clearly identified

2 candidate is prohibited without the authorization of the
3 candidate that the communication is intended to benefit.

4 **Sec. 5. 21-A MRSA §1056-A**, as enacted by PL 1993, c. 715,
5 §3, is amended to read:

6 **§1056-A. Expenditures by political action committees**

7
8 A political action committee shall report all expenditures
9 in cash or in kind made by the committee and any expenditures
10 used for communications that expressly advocate the election or
11 defeat of a clearly identified candidate that were made with the
12 authorization of the candidate the communications were intended
13 to benefit.

14
15 **Sec. 6. 21-A MRSA §1122, sub-§7, ¶A**, as enacted by IB 1995, c.
16 1, §17, is amended to read:

17
18 A. Of \$5 ~~\$10~~ in the form of a check or a money order
19 payable to the fund in support of a candidate;

20
21 **Sec. 7. 21-A MRSA §1122, sub-§9**, as enacted by IB 1995, c. 1,
22 §17, is amended to read:

23
24 **9. Seed money contribution.** "Seed money contribution"
25 means a contribution of no more than \$100 per individual made to
26 a candidate, including a contribution from the candidate or the
27 candidate's family. To be eligible for certification, a
28 candidate may collect and spend only seed money contributions
29 ~~subsequent to becoming a candidate as defined by section 1,~~
30 ~~subsection 5~~ beginning November 1st immediately preceding the
31 election year and throughout the qualifying period. A candidate
32 may not collect or spend seed money contributions after
33 certification as a Maine Clean Election Act candidate. The
34 primary purpose of a seed money contribution is to enable a
35 participating candidate to collect qualifying contributions. A
36 seed money contribution must be reported according to procedures
37 developed by the commission.

38
39 **Sec. 8. 21-A MRSA §1125, sub-§15** is enacted to read:

40
41 **15. Political action committee.** A participating candidate
42 is not eligible for certification if that candidate solicits
43 contributions or makes expenditures for a political action
44 committee as defined by section 1052.

SUMMARY

2

4 This bill amends the laws governing campaign practices by
6 defining "issue advocacy" and stating that expenditures made by
8 individuals or political committees that are used for
10 communications that expressly advocate the election or defeat of
12 a clearly identified candidate are contributions to the campaign
14 of the candidate that the communication is intended to benefit.
16 Expenditures for such contributions are prohibited without the
18 authorization of the candidate that the communication is intended
 to benefit. Under this bill, communications that are considered
 issue advocacy can not be distributed without first notifying the
 candidate mentioned in the communication at least 48 hours in
 advance. This bill also amends the Maine Clean Election Act by
 increasing the amount of qualifying contributions from \$5 to \$10,
 extending the time frame in which a candidate may collect and
 spend seed money and prohibiting participating candidates from
 soliciting contributions or making expenditures for a political
 action committee.