

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1711

S.P. 553

In Senate, March 20, 2001

An Act to Amend Maine's Campaign Finance Laws.

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator EDMONDS of Cumberland.
Cosponsored by Representative TUTTLE of Sanford and
Senators: BROMLEY of Cumberland, DOUGLASS of Androscoggin, FERGUSON of
Oxford, Representatives: CANAVAN of Waterville, HEIDRICH of Oxford, MAYO of Bath,
O'NEIL of Saco, SIMPSON of Auburn.

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

2 **Sec. 1. 21-A MRSA §1019**, as amended by PL 1995, c. 483, §§12
4 and 13, is repealed.

6 **Sec. 2. 21-A MRSA §§1019-A and 1019-B** are enacted to read:

8 **§1019-A. Reports of independent electioneering expenditures**

10 **1. Independent electioneering expenditures.** For the
12 purposes of this section, an independent electioneering
14 expenditure is any expenditure by a person, party committee,
political committee or political action committee aggregating in
that: excess of \$50 in any one candidate's election for communication

16 A. Expressly advocates the election or defeat of a clearly
18 identified candidate other than by contribution to a
20 candidate or a candidate's authorized political committee; or

22 B. Names or depicts one or more clearly identified
24 candidates during the 45 calendar days before a primary
election or the 60 calendar days before a general election
for the purpose of influencing an election.

26 **2. Presumption.** A communication made under subsection 1,
28 paragraph B is presumed to be an independent electioneering
expenditure if it is:

30 A. Made by a political party, political committee or
32 political action committee; or

34 B. Makes reference to an upcoming election.

36 **3. Exceptions.** Notwithstanding subsection 1, paragraph B,
38 a communication is not an independent electioneering expenditure
if all references to candidates are limited to:

40 A. Urging contact with an elected official concerning
pending government business; or

42 B. Promotion of a business or commercial interest of the
44 candidate that is unrelated to the candidacy and in which
the candidate has held an interest for a minimum of 6 months
before qualifying as a candidate.

46 **4. Membership organization.** Notwithstanding subsection 1,
48 paragraph B, a communication made by a membership organization or
50 corporation to its members or stockholders is not an independent
electioneering expenditure.

2 5. Report required; content. Any person, party committee,
3 political committee or political action committee that makes an
4 independent electioneering expenditure shall file a report with
5 the commission. In the case of a municipal election, a copy of
6 the same information must be filed with the municipal clerk.

8 A. Reports required by this subsection must be filed with
9 the commission according to a reporting schedule that the
10 commission shall establish by rule that takes into
11 consideration existing campaign finance reporting
12 requirements and matching fund provisions under chapter 14.
13 Rules adopted pursuant to this subsection are routine
14 technical rules as defined in Title 5, chapter 375,
15 subchapter II-A.

16 B. The report must contain an itemized account of each
17 contribution or expenditure aggregating in excess of \$50 in
18 any one candidate's election, the date and purpose of each
19 contribution or expenditure and the name of each payee or
20 creditor. The report must state whether the contribution or
21 expenditure is in support of or in opposition to the
22 candidate and must include, under penalty of perjury, as
23 provided in Title 17-A, section 451, a statement under oath
24 or affirmation whether the contribution or expenditure is
25 made in cooperation, consultation or concert with, or at the
26 request or suggestion of, the candidate or any authorized
27 committee or agent of the candidate.

28 C. Reports required by this subsection must be on forms
29 prescribed and prepared by the commission. Persons filing
30 these reports may use additional pages if necessary, but the
31 pages must be the same size as the pages of the form.

32 **§1019-B. Reports of membership communications**

33 Any membership organization or corporation that makes a
34 communication to its members or stockholders expressly advocating
35 the election or defeat of a clearly identified candidate shall
36 report any expenses related to such communications aggregating in
37 excess of \$50 in any one candidate's election race,
38 notwithstanding the fact that such communications are not
39 expenditures under section 1012, subsection 3, paragraph A.
40 Reports required by this section must be filed with the
41 commission on forms prescribed and prepared by the commission and
42 according to a reporting schedule that the commission shall
43 establish by rule.

44 **Sec. 3. 21-A MRS §1020-A, sub-§5, ¶A,** as enacted by PL 1995,
45 c. 483, §15, is amended to read:

2 A. Five thousand dollars for reports required under section
1017, subsection 2, ~~paragraphs~~ paragraph B, C, D, E or H;
4 section 1017, subsection 3-A, ~~paragraphs~~ paragraph B, C, D
6 or F; section 1017, subsection 4; and section ~~1019~~ 1019-A;

8 **Sec. 4. 21-A MRSA §1122, sub-§§8 and 9**, as enacted by IB 1995,
c. 1, §17, are amended to read:

10 **8. Qualifying period.** "Qualifying period" means the
12 following.

14 A. For a gubernatorial participating candidate, the
qualifying period begins November 1st immediately preceding
16 the election year and ends at 5:00 p.m. on ~~March-16th~~ April
15th of the election year unless the candidate is
18 unenrolled, in which case the period ends at 5:00 p.m. on
June 2nd of the election year.

20 B. For State Senate or State House of Representatives
participating candidates, the qualifying period begins
22 January 1st of the election year and ends at 5:00 p.m. on
~~March-16th~~ April 15th of that election year unless the
24 candidate is unenrolled, in which case the period ends at
5:00 p.m. on June 2nd of the election year.

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

40 **Sec. 5. 21-A MRSA §1125, sub-§§3 and 7**, as enacted by IB 1995,
42 c. 1, §17, are amended to read:

44 **3. Qualifying contributions.** Participating candidates must
obtain qualifying contributions during the qualifying period as
46 follows:

48 A. For a gubernatorial candidate, at least 2,500 verified
registered voters of this State must support the candidacy
50 by providing a qualifying contribution to that candidate;

2 B. For a candidate for the State Senate, at least 150
4 verified registered voters from the candidate's electoral
6 division must support the candidacy by providing a
qualifying contribution to that candidate; or

8 C. For a candidate for the State House of Representatives,
10 at least 50 verified registered voters from the candidate's
electoral division must support the candidacy by providing a
qualifying contribution to that candidate.

12 A payment, gift or anything of value may not be given in exchange
14 for a qualifying contribution. A candidate may pay the fee for a
16 money order in the amount of \$5, which is a qualifying
18 contribution, as long as the donor making the qualifying
contribution pays the \$5 amount reflected on the money order.
Any money order fees paid by a participating candidate must be
paid for with seed money and reported in accordance with
commission rules.

20 **7. Timing of fund distribution.** The commission shall
22 distribute to certified candidates revenues from the fund in
amounts determined under subsection 8 in the following manner.

24 A. Within 3 days after certification, for candidates
26 certified prior to March ~~16th~~ 15th of the election year,
revenues from the fund must be distributed as if the
28 candidates are in an uncontested primary election.

30 B. Within 3 days after ~~March 16th of the election year, for~~
~~primary election certified candidates~~ certification, for all
32 candidates certified between March 15th and April 15th of
the election year, revenues from the fund must be
34 distributed according to whether the candidate is in a
contested or uncontested primary election, ~~reduced by any~~
36 ~~amounts previously distributed under paragraph A.~~

38 B-1. For candidates in contested primary elections
receiving a distribution under paragraph A, additional
40 revenues from the fund must be distributed within 3 days of
March 15th of the election year.

42 C. Within 3 days after the primary election, for general
44 election certified candidates, revenues from the fund must
be distributed according to whether the candidate is in a
46 contested or uncontested general election. ~~Funds may not be~~
~~distributed for uncontested general elections.~~

48

2 Funds may be distributed to certified candidates under this
3 section by any mechanism that is expeditious, ensures
4 accountability and safeguards the integrity of the fund.

6 **Sec. 6. 21-A MRSA §1125, sub-§8, ¶D,** as enacted by IB 1995, c.
7 1, §17, is amended to read:

8 ~~D. Revenues--may--not--be--distributed--for~~ For uncontested
9 general elections, the amount of revenues to be distributed
10 from the fund is 1/3 of the amount distributed to a
11 participating candidate in a contested general election.

12 **Sec. 7. 21-A MRSA §1125, sub-§§9 and 10,** as enacted by IB 1995,
13 c. 1, §17, are amended to read:

14 **9. Matching funds.** When any campaign, finance or election
15 report shows that the sum of a candidate's expenditures or
16 obligations, or funds raised or borrowed, whichever is greater,
17 alone or in conjunction with independent electioneering
18 expenditures reported under section ~~1019~~ 1019-A, exceeds the
19 distribution amount under subsection 8, the commission shall
20 issue immediately to any opposing Maine Clean Election Act
21 candidate an additional amount equivalent to the reported
22 excess. Matching funds are limited to 2 times the amount
23 originally distributed under subsection 8, paragraph A or C,
24 whichever is applicable.

25 **10. Candidate not enrolled in a party.** An unenrolled
26 candidate certified by ~~March--16th~~ April 15th preceding the
27 primary election is eligible for revenues from the fund in the
28 same amounts and at the same time as an uncontested primary
29 election candidate and a general election candidate as specified
30 in subsections 7 and 8. For an unenrolled candidate not
31 certified by ~~March--16th~~ April 15th at 5:00 p.m. the deadline for
32 filing qualifying contributions is 5:00 p.m. on June 2nd
33 preceding the general election. An unenrolled candidate
34 certified after ~~March--16th~~ April 15th at 5:00 p.m. is eligible
35 for revenues from the fund in the same amounts as a general
36 election candidate, as specified in subsections 7 and 8.

37 **Sec. 8. 21-A MRSA §1126,** as enacted by IB 1995, c. 1, §17, is
38 amended to read:

39 **§1126. Commission to adopt rules**

40 The commission shall adopt rules to ensure effective
41 administration of this chapter. These rules must include but
42 must not be limited to procedures for obtaining qualifying
43 contributions, certification as a Maine Clean Election Act
44 candidate, circumstances involving special elections, vacancies,
45

2 recounts, withdrawals or replacements, collection of revenues for
the fund, distribution of fund revenue to certified candidates,
4 return of unspent fund disbursements, disposition of equipment
purchased with clean election funds and compliance with the Maine
Clean Election Act.

8 SUMMARY

10 This bill expands the scope of reporting for independent
electioneering expenditures and clarifies which expenditures
12 trigger matching funds under the Maine Clean Election Act. It
extends the qualifying period from March 16th to April 15th for
14 those intending to be participating candidates under the Maine
Clean Election Act. It also strikes language that states that
16 the primary purpose of seed money is to enable a candidate to
collect qualifying contributions. The bill permits participating
18 candidates to pay the fees for money orders donated by
contributors as long as those fees are reported. It also states
20 that money from the Maine Clean Election Fund may be distributed
to participating candidates in uncontested general elections in
22 an amount equal to 1/3 of the amount distributed for contested
races.