

MAINE STATE LEGISLATURE

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No. 929

H.P. 648

House of Representatives, February 22, 2005

An Act To Create Freedom of Citizen Information Regarding Ballot Questions and Political Action Committees

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative FAIRCLOTH of Bangor.
Cosponsored by Senator GAGNON of Kennebec and
Representative: PATRICK of Rumford.

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

4 **Sec. 1. 21-A MRSA §901-A** is enacted to read:

6 **§901-A. Petition requirements for direct initiatives of
legislation**

8 The following provisions apply to direct initiatives of
10 legislation under the Constitution of Maine, Article IV, Part
Third, Section 18.

12 **1. Proposed ballot question summary.** The Secretary of
14 State in conjunction with the Revisor of Statutes shall draft a
16 proposed ballot question summary that is neutral and accurately
18 summarizes the proposed law in a concise manner similar in form
20 to legislative bill summaries. The Secretary of State shall
provide the summary to the applicant when the approved form of
the petition is provided to the applicant and make the summary
easily accessible to the public by way of a publicly accessible
site on the Internet.

22 **2. Freedom of citizen information.** The proposed ballot
24 question summary must include the following statement completed
and prominently displayed at the beginning of the summary:

26 "PROPOSED BALLOT QUESTION SUMMARY

28 Ballot questions during the 20.. election [most recent
30 election cycle] cost taxpayers approximately \$..... [an
32 estimate shall be provided by the Office of Fiscal and
34 Program Review] each to be placed on the ballot. As a
36 citizen of Maine, you have a right to decide whether placing
38 a question on the ballot is sensible or not. Registered
voters must be offered the opportunity to read a proposed
ballot question summary as drafted by the Secretary of State
before signing any petition. You, the registered voter, may
choose not to read the summary and still sign the petition."

40 A person circulating a petition must provide the voter with the
42 proposed ballot question summary to read and keep prior to that
44 voter signing the petition. The summary presented to the voter
must be as it appears on the publicly accessible site on the
Internet established by the Secretary of State pursuant to
subsection 1.

46 **3. Form of petition.** When determining the form of the
48 petition to be submitted to voters as provided under section 901,
50 the Secretary of State shall design the petition to meet the
following requirements.

2 A. The petition must be divided into 2 columns per page.
3 One column must be entitled "Read and Signed." This column
4 is for voters who have read the proposed ballot question
5 summary to sign. The 2nd column must be entitled "Not Read
6 and Signed." This column is for voters who have chosen not
7 to read the summary to sign. Persons who are visually
8 impaired or otherwise unable to read the summary may have
9 the summary read to them and may then sign under the column
10 entitled "Read and Signed."

11 B. The petition must have the following statement printed
12 at the top of the petition in a font of no less than 18
13 point:

14 "Freedom of Citizen Information: Before a registered voter
15 signs any ballot question petition, signature gatherers must
16 offer registered voters the opportunity to read the proposed
17 ballot question summary prepared by the Secretary of State."

18 C. The petition must provide a place for the person
19 circulating the petition to sign certifying that the
20 petition circulator offered each person who signed the
21 petition an opportunity to read the proposed ballot question
22 summary.

23 4. Violation. A person may not knowingly circulate a
24 petition and falsely certify that a signer of the petition was
25 offered an opportunity to read the proposed ballot question
26 summary.

27 5. Penalties. The following penalties apply to violations
28 of subsection 4:

29 A. A person who violates subsection 4 involving 2 or fewer
30 persons commits a Class E crime;

31 B. A person who violates subsection 4 involving 3 to 9
32 persons commits a Class D crime; or

33 C. A person who violates subsection 4 involving 20 or more
34 persons commits a Class C crime.

35 6. Placement and notice. If a person is circulating a
36 petition within 250 feet of a polling place that person must
37 display a sign that reads "Not a Polling Place." The sign must
38 be large enough to be easily read at 100 feet and may not contain
39 any other text or images. A person circulating a petition may
40 display another sign indicating the ballot question. If the
41 person circulating a petition is paid, that person must wear in
42 plain view a button that is no less than 3 inches in diameter

2 that clearly states "Paid Signature Gatherer" and upon request
3 must provide the name of the person or organization paying that
4 person to collect signatures.

5 **7. Financial filing requirements.** During the period of
6 signature gathering of a direct initiative of legislation
7 campaign, the person or organization conducting the campaign must
8 file a report that conforms to the requirements provided in
9 section 1056-B, subsection 2 with the Secretary of State. The
10 Secretary of State shall adopt rules for the reporting frequency
11 of reports during this period. Rules adopted pursuant to this
12 subsection are routine technical rules as defined in Title 5,
13 chapter 375, subchapter 2-A.

14 **Sec. 2. 21-A MRSA §1052, sub-§5, ¶A,** as amended by PL 1999, c.
15 729, §6, is further amended to read:

16 A. Includes:

17 (1) Any separate or segregated fund established by any
18 corporation, membership organization, cooperative or
19 labor organization whose purpose is to influence the
20 outcome of an election, including a candidate or
21 question;

22 (2) Any person who serves as a funding and transfer
23 mechanism and spends money to initiate, advance,
24 promote, defeat or influence in any way a candidate,
25 campaign, political party, referendum or initiated
26 petition in this State;

27 (3) Any organization, including any corporation or
28 association, that has as its major purpose advocating
29 the passage or defeat of a ballot question and that
30 makes expenditures other than by contribution to a
31 political action committee, for the purpose of the
32 initiation, promotion or defeat of any question; and

33 (4) Any organization, including any corporation or
34 association, that has as its major purpose advocating
35 the passage or defeat of a ballot question and that
36 solicits funds from members or nonmembers and spends
37 more than ~~\$1,500~~ \$250 in a calendar year to initiate,
38 advance, promote, defeat or influence in any way a
39 candidate, campaign, political party, referendum or
40 initiated petition in this State; and

41 **Sec. 3. 21-A MRSA §1053, first ¶,** as amended by PL 1999, c.
42 729, §7, is further amended to read:

2 Every political action committee that accepts contributions,
incurs obligations or makes expenditures in the aggregate in
4 excess of \$1,500 \$250 in any single calendar year to initiate,
support, defeat or influence in any way a campaign, referendum,
6 initiated petition, candidate, political committee or another
political action committee must register with the commission,
8 within 7 days of accepting those contributions, incurring those
obligations or making those expenditures, on forms prescribed by
10 the commission. These forms must include the following
information and any additional information reasonably required by
12 the commission to monitor the activities of political action
committees in this State under this subchapter:

14 **Sec. 4. 21-A MRSA §1056-B, first ¶**, as enacted by PL 1999, c.
729, §8, is amended to read:

16 Any A person not defined as a political committee who
18 solicits and receives contributions or makes expenditures, other
than by contribution to a political action committee, aggregating
20 in excess of \$1,500 \$250 for the purpose of initiating,
promoting, defeating or influencing in any way a ballot question
22 must file a report with the commission. Such a person who
expends or raises an amount in the aggregate that exceeds \$10,000
24 during a campaign shall file both an electronic copy and a hard
copy of the required report with the commissioner. In the case
26 of a municipal election, a copy of the same information must be
filed with the clerk of that municipality.

28 **Sec. 5. 21-A MRSA §1059, sub-§2, ¶C-1** is enacted to read:

30 C-1. In addition to the requirements of paragraph C,
32 reports of spending to influence direct initiatives of
legislation must be filed during the period of signature
34 gathering of the initiative as the Secretary of State shall
provide by rule. Rules adopted under this paragraph are
36 routine technical rules as defined in Title 5, chapter 375,
subchapter 2-A.

38 **Sec. 6. 21-A MRSA §1059, sub-§2, ¶D**, as repealed and replaced
40 by PL 1991, c. 839, §29, is amended to read:

42 D. A committee that files an election report under
paragraph B ~~or~~ C or C-1 is not required to file a quarterly
44 report when the deadline for that quarterly report falls
within 10 days of the filing deadline established in
46 paragraph B ~~or~~ C or C-1.

48 **Sec. 7. 21-A MRSA §1059, sub-§2, ¶F** is enacted to read:

2 F. A committee shall report by electronic means and provide
3 a hard copy to the Secretary of State if that committee
4 raises or expends more than \$10,000 in the aggregate during
5 a campaign.

8 SUMMARY

10 This bill does the following:

12 1. It requires the Secretary of State in conjunction with
13 the Revisor of Statutes to draft a proposed ballot question
14 summary for proposed direct initiative legislation and to post
the summary on the Internet;

16 2. It requires that the proposed ballot question summary
17 contain prescribed language informing the voter of the costs of
18 ballot questions and that the petition circulator must offer the
19 voter the opportunity to read and keep a copy of the summary
20 before signing the petition;

22 3. It requires that the petition contain a header stating
23 that each voter has a right to read the proposed ballot question
24 summary before signing the petition;

26 4. It requires that the petition be divided into 2 columns
27 for signatures to identify voters who read the proposed ballot
28 question summary and signed the petition and those who did not
29 read the summary but still signed the petition;

30 5. It requires the petition circulator to certify that all
31 voters were given the opportunity to read the proposed ballot
32 question summary before signing the petition and makes the
33 falsification of such certification a crime;

36 6. It requires a person that is circulating a petition
37 within 250 feet of a polling place to post a sign that reads "Not
38 a Polling Place";

40 7. It requires a person who is paid to circulate a petition
41 to wear a button stating that that person is being paid to
42 circulate a petition and requires the person to disclose who is
43 paying for the services upon the request of a voter;

44 8. It requires that financial reports be filed during the
45 signature-gathering phase of a direct initiative campaign;

48 9. It reduces the threshold for reporting financial reports
49 from \$1,500 to \$250 for all political action committees and for
50 persons not defined as political action committees; and

2 10. It requires political action committees and persons not
4 defined as political action committees to file financial reports
both electronically and in hard copy if more than \$10,000 is
raised or spent.