

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 1500

S.P. 518

In Senate, March 28, 2005

An Act To Improve Campaign Financing and Reporting and the Administration of the Maine Clean Election Act

Submitted by the Commission on Governmental Ethics and Election Practices pursuant to
Joint Rule 204.

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 GAGNON of Kennebec.
Cosponsored by Representative PATRICK of Rumford.

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

Sec. 1. 1 MRSA §1008, sub-§6, as amended by PL 2003, c. 20, Pt. J, §1, is further amended to read:

6. Enhanced monitoring. To provide for enhanced monitoring and enforcement of election practices and the electronic submission of reports and computerized tracking of campaign, election and lobbying information under the commission's jurisdiction.

Sec. 2. 1 MRSA §1009 is enacted to read:

§1009. Recommendations to Legislature

Following a general election, the commission may solicit suggestions for improving campaign financing and reporting and the administration of the other areas within the commission's jurisdiction. The commission may submit legislation within 90 days of the general election.

Sec. 3. 1 MRSA §1015, sub-§3, ¶B, as enacted by PL 1997, c. 529, §1, is amended to read:

B. The Governor, a member of the Legislature or any constitutional officer or the staff or agent of the Governor, a member of the Legislature or any constitutional officer may not intentionally solicit or accept a contribution from a lobbyist, lobbyist associate or employer during any period of time in which the Legislature is convened before final adjournment, except for a qualifying contribution as defined under Title 21-A, section 1122, subsection 7. A lobbyist, lobbyist associate or employer may not intentionally give, offer or promise a contribution, other than a qualifying contribution, to the Governor, a member of the Legislature or any constitutional officer or the staff or agent of the Governor, a member of the Legislature or any constitutional officer during any time in which the Legislature is convened before final adjournment. These prohibitions apply to direct and indirect solicitation, acceptance, giving, offering and promising, whether through a political action committee, political committee, political party or otherwise.

Sec. 4. 3 MRSA §317, sub-§2-A is enacted to read:

2-A. Electronic filing. Beginning January 1, 2006, a lobbyist shall file monthly session reports under subsection 1 and annual reports under subsection 2 through an electronic filing system developed by the commission. The commission may

2 make an exception to this electronic filing requirement if a
4 lobbyist submits a written request that states that the lobbyist
6 lacks access to the technology or the technological ability to
8 file reports electronically. The request for an exception must
be submitted at least 10 days prior to the deadline for the first
report that the lobbyist is required to file for the lobbying
year. The commission shall grant all reasonable requests for
exceptions.

10 **Sec. 5. 21-A MRSA §1003, sub-§1**, as amended by PL 1991, c.
12 839, §1 and affected by §34, is further amended to read:

14 **1. Investigations.** The commission may investigate
16 undertake audits and investigations to determine the facts
18 concerning the registration of a candidate, treasurer, political
20 committee or political action committee and contributions by or
22 to and expenditures by a person, candidate, treasurer, political
24 committee or political action committee. For this purpose, the
commission may subpoena witnesses and records and take evidence
under oath. A person or political action committee that fails to
obey the lawful subpoena of the commission or to testify before
it under oath must be punished by the Superior Court for contempt
upon application by the Attorney General on behalf of the
commission.

26 **Sec. 6. 21-A MRSA §1004-A, sub-§5**, as enacted by PL 2003, c.
28 628, Pt. A, §1, is amended to read:

30 **5. Material false statements.** A person that makes a
32 material false statement or that makes a statement that includes
34 a material misrepresentation in a document that is required to be
submitted to the commission, or that is submitted in response to
a request by the commission, may be assessed a penalty not to
exceed \$5,000.

36 **Sec. 7. 21-A MRSA §1012, sub-§2, ¶B**, as amended by PL 1999, c.
38 432, §1, is further amended to read:

40 B. Does not include:

42 (1) The value of services provided without
44 compensation by individuals who volunteer a portion or
all of their time on behalf of a candidate or political
committee;

46 (2) The use of real or personal property and the cost
48 of invitations, food and beverages, voluntarily
50 provided by an individual to a candidate in rendering
voluntary personal services for candidate-related
activities, if the cumulative value of these activities

2 by the individual on behalf of any candidate does not
exceed ~~\$50~~ \$100 with respect to any election;

4 (3) The sale of any food or beverage by a vendor for
6 use in a candidate's campaign at a charge less than the
normal comparable charge, if the charge to the
8 candidate is at least equal to the cost of the food or
beverages to the vendor and if the cumulative value of
10 the food or beverages does not exceed ~~\$50~~ \$100 with
respect to any election;

12 (4) Any unreimbursed travel expenses incurred and paid
14 for by an individual who volunteers personal services
to a candidate, if the cumulative amount of these
16 expenses does not exceed ~~\$50~~ \$100 with respect to any
election;

18 (4-A) Any unreimbursed travel expenses incurred and
20 paid for by the candidate or the candidate's spouse;

22 (5) The payment by a party's state, district, county
or municipal committee of the costs of preparation,
24 display or mailing or other distribution ~~incurred by
the committee with respect to a printed slate card,
sample ballot or other printed listing of 3 or more
26 candidates for any political office of a party
candidate listing;~~

28 (6) Documents, in printed or electronic form,
30 including party platforms, single copies of issue
papers, information pertaining to the requirements of
32 this Title and, lists of registered voters and voter
identification information, created or maintained by a
34 political party for the general purpose of party
building and provided to a candidate who is a member of
36 that party;

38 (7) Compensation paid by a political party to an
employee of that party for the following purposes:

40 (a) Providing advice to any one candidate for a
42 period of no more than 20 hours in any election;

44 (b) Recruiting and overseeing volunteers for
46 campaign activities involving 3 or more
candidates; or

48 (c) Coordinating campaign events involving 3 or
50 more candidates;

2 (8) Campaign training sessions provided to 3 or more candidates;

4 (8-A) Costs paid for by a party committee in
6 connection with a campaign event at which 3 or more
candidates are present;

8 (8-B) Wood or other materials used for political signs
10 that are found or contributed if not originally
obtained by the candidate or contributor for campaign
12 purposes;

14 (8-C) The use or distribution of any communication, as
described in section 1014, obtained by the candidate
16 for a previous election and fully paid for during that
election;

18 (9) The use of offices, telephones, computers and
20 similar equipment when that use does not result in
additional cost to the provider; or

22 (10) Activity or communication designed to encourage
24 individuals to register to vote or to vote if that
activity or communication does not mention a clearly
26 identified candidate.

28 **Sec. 8. 21-A MRSA §1012, sub-§3, ¶B**, as amended by PL 1999, c.
432, §2, is further amended to read:

30 B. Does not include:

32 (1) Any news story, commentary or editorial
34 distributed through the facilities of any broadcasting
station, newspaper, magazine or other periodical
36 publication, unless the facilities are owned or
controlled by any political party, political committee
or candidate;

38 (1-A) Any communication distributed through a public
40 access television station if the communication complies
42 with the laws and rules governing the station and all
candidates in the race have an equal opportunity to
44 promote their candidacies through the station;

46 (2) Activity or communication designed to encourage
individuals to register to vote or to vote if that
48 activity or communication does not mention a clearly
identified candidate;

2 (3) Any communication by any membership organization
or corporation to its members or stockholders, if that
4 membership organization or corporation is not organized
primarily for the purpose of influencing the nomination
or election of any person to state or county office;

6
8 (4) The use of real or personal property and the cost
of invitations, food and beverages, voluntarily
10 provided by an individual to a candidate in rendering
voluntary personal services for candidate-related
12 activities, if the cumulative value of these activities
does not exceed \$50 \$100 with respect to any election;

14 (5) Any unreimbursed travel expenses incurred and paid
for by an individual who volunteers personal services
16 to a candidate, if the cumulative amount of these
expenses does not exceed \$50 \$100 with respect to any
18 election;

20 (5-A) Any unreimbursed travel expenses incurred and
paid for by the candidate or the candidate's spouse;

22
24 (6) Any communication by any person that is not made
for the purpose of influencing the nomination for
26 election, or election, of any person to state or county
office;

28 (7) The payment by a party's state, district, county
or municipal committee of the costs of preparation,
30 display or mailing or other distribution ~~incurred by
the committee with respect to a printed slate card or
32 sample ballot, or other printed listing, of 3 or more
candidates for any political office for which an
34 election is held~~ of a party candidate listing;

36 (8) The use or distribution of any communication, as
described in section 1014, prepared obtained by the
38 candidate for a previous election and fully paid for
during that election campaign ~~which was not used or
40 distributed in that previous election;~~

42 (9) Documents, in printed or electronic form,
including party platforms, single copies of issue
44 papers, information pertaining to the requirements of
this Title and, lists of registered voters and voter
46 identification information, created or maintained by a
political party for the general purpose of party
48 building and provided to a candidate who is a member of
that party;

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- 2 (10) Compensation paid by a political party to an
employee of that party for the following purposes:
- 4 (a) Providing advice to any one candidate for a
6 period of no more than 20 hours in any election;
- 8 (b) Recruiting and overseeing volunteers for
10 campaign activities involving 3 or more
12 candidates; or
- 14 (c) Coordinating campaign events involving 3 or
more candidates;
- 16 (10-A) Costs paid for by a party committee in
connection with a campaign event at which 3 or more
candidates are present;
- 18 (11) Campaign training sessions provided to 3 or more
20 candidates; or
- 22 (11-A) Wood or other materials used for political
signs that are found or contributed if not originally
24 obtained by the candidate or contributor for campaign
purposes; or
- 26 (12) The use of offices, telephones, computers and
28 similar equipment when that use does not result in
additional cost to the provider.

30 **Sec. 9. 21-A MRSA §1012, sub-§5** is enacted to read:

32 **5. Party candidate listing.** "Party candidate listing"
34 means any communication that meets the following criteria.

36 A. The communication lists the names of at least 3
candidates for election to public office and is distributed
38 in a geographical area where some voters are eligible to
vote for at least 3 candidates listed. The communication
40 may include any combination of 3 or more candidates,
including candidates for federal, state or local office.

42 B. The communication is distributed through public
advertising such as broadcast stations, cable television,
44 newspapers and similar media, and through direct mail,
46 telephone, electronic mail, publicly accessible sites on the
Internet or personal delivery.

48 C. The treatment of all candidates in the communication is
50 substantially similar.

2 D. The content of the communication is limited to:

4 (1) The identification of each candidate, with which
 pictures may be used;

6 (2) The offices sought;

8 (3) The offices currently held by the candidates;

10 (4) The party affiliation of the candidates and a
12 brief statement about the party or the candidates'
 positions, philosophy, goals, accomplishments or
14 biographies;

16 (5) Encouragement to vote for the candidates
 identified; and

18 (6) Information about voting, such as voting hours and
20 locations.

22 If the communication contains language outside the
 categories of this paragraph, it does not qualify as a party
24 candidate listing.

26 **Sec. 10. 21-A MRSA §1014, sub-§1**, as amended by PL 1991, c.
 839, §8, is further amended to read:

28 **1. Authorized by candidate.** Whenever a person makes an
30 expenditure to finance a communication ~~expressly advocating the~~
 ~~election or defeat of~~ that names a clearly identified candidate
32 through broadcasting stations, newspapers, magazines, outdoor
 advertising facilities, publicly accessible sites on the
34 Internet, direct mails or other similar types of general public
 political advertising or through flyers, handbills, bumper
36 stickers and other nonperiodical publications, the communication,
 if authorized by a candidate, a candidate's authorized political
38 committee or their agents, must clearly and conspicuously state
 that the communication has been so authorized and must clearly
40 state the name and address of the person who made or financed the
 expenditure for the communication. The following forms of
42 political communication do not require the name and address of
 the person who made or authorized the expenditure for the
44 communication because the name or address would be so small as to
 be illegible or infeasible: ashtrays, badges and badge holders,
46 balloons, campaign buttons, clothing, coasters, combs, emery
 boards, envelopes, erasers, glasses, key rings, letter openers,
 matchbooks, nail files, noisemakers, paper and plastic cups,
48 pencils, pens, plastic tableware, 12-inch or shorter rulers,
 swizzle sticks, tickets to fund-raisers and similar items

2 determined by the commission to be too small and unnecessary for
the disclosures required by this section.

4 **Sec. 11. 21-A MRSA §1014, sub-§5** is enacted to read:

6 **5. Automated telephone calls.** Automated telephone calls
7 that name a clearly identified candidate must clearly state the
8 name of the person who made or financed the expenditure for the
9 communication and must clearly state whether the communication
10 has been authorized by the candidate.

12 **Sec. 12. 21-A MRSA §1017, sub-§2, ¶D**, as amended by PL 2003,
13 c. 628, Pt. B, §1, is further amended to read:

14 D. Contributions aggregating \$1,000 or more from any one
15 contributor or single expenditures of \$1,000 or more, made
16 after the 12th day before the election, and more than 24
17 hours before 5 p.m. on the day of the election, must be
18 reported within 24 hours of those contributions or
19 expenditures ~~or by noon of the first business day after the~~
20 ~~contributions or expenditures, whichever is later.~~

22 **Sec. 13. 21-A MRSA §1017, sub-§3-A, ¶C**, as amended by PL 2003,
23 c. 628, Pt. B, §2, is further amended to read:

24 C. Contributions aggregating \$1,000 or more from any one
25 contributor or single expenditures of \$1,000 or more, made
26 after the 12th day before any election and more than 24
27 hours before 5 p.m. on the day of any election must be
28 reported within 24 hours of those contributions or
29 expenditures, ~~or by noon of the first business day after the~~
30 ~~contributions or expenditures, whichever is later.~~

32 **Sec. 14. 21-A MRSA §1017, sub-§6**, as amended by PL 1999, c.
33 729, §4, is further amended to read:

34 **6. Forms.** Reports required by this section not filed
35 electronically must be on forms prescribed, prepared and sent by
36 the commission to the treasurer of each registered candidate at
37 least 7 days before the filing date for the report. Establish-
38 ment of or amendments to the campaign report filing
39 forms required by this section must be by rule. Persons filing
40 reports may use additional pages if necessary, but the pages must
41 be the same size as the pages of the form. Although the
42 commission mails the forms for required reports, failure to
43 receive forms by mail does not excuse treasurers, committees and
44 other persons who must file reports from otherwise obtaining the
45 forms.
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2 Rules of the commission establishing campaign report filing forms
for candidates are ~~major-substantive~~ routine technical rules as
4 defined in Title 5, chapter 375, subchapter ~~II-A~~ 2-A.

6 **Sec. 15. 21-A MRSA §1017, sub-§8, ¶A**, as enacted by PL 1989,
c. 504, §§17 and 31, is amended to read:

8 A. ~~Pro-rata-distribution~~ Returning contributions to the
10 candidate's or candidate's authorized political committee's
12 contributors, as long as no contributor receives more than
the amount contributed;

14 **Sec. 16. 21-A MRSA §1017, sub-§10** is enacted to read:

16 10. Electronic filing. Beginning January 1, 2006, the
treasurer of a candidate or committee that has receipts or
expects to have receipts of more than \$1,500 shall file each
report required by this section through an electronic filing
system developed by the commission. The commission may make an
exception to this electronic filing requirement if a candidate or
committee submits a written request that states that the
candidate or committee lacks access to the technology or the
technological ability to file reports electronically. The
request for an exception must be submitted by April 15th of the
election year. The commission shall grant all reasonable
requests for exceptions.

28 **Sec. 17. 21-A MRSA §1017-A, sub-§4-A, ¶E**, as amended by PL
2003, c. 628, Pt. B, §4, is further amended to read:

30 E. A state party committee shall report any expenditure of
32 \$500 or more, made after the 12th day before the election
and more than 24 hours before 5:00 p.m. on the day of the
34 election, within 24 hours of that expenditure ~~ex-by-noon-of~~
~~the-first-business-day-after-the-expenditure,--whichever-is~~
36 ~~later.~~

38 **Sec. 18. 21-A MRSA §1017-A, sub-§4-B, ¶C**, as enacted by PL
2003, c. 628, Pt. A, §2, is amended to read:

40 C. Any contribution or expenditure of \$1,000 or more made
42 after the 12th day before any election and more than 24
hours before that election must be reported within 24 hours
44 of that contribution or expenditure ~~ex-by-noon-of-the-first~~
~~business--day--after--the--contribution--or--expenditure,~~
46 ~~whichever-is-later.~~

48 **Sec. 19. 21-A MRSA §1017-A, sub-§4-C** is enacted to read:

2 4-C. Electronic filing. Beginning January 1, 2006, state
3 party committees shall file each report required by this section
4 through an electronic filing system developed by the commission.
5 The commission may make an exception to this electronic filing
6 requirement if a party committee submits a written request that
7 states that the party committee lacks access to the technology or
8 the technological ability to file reports electronically. The
9 request for an exception must be submitted by March 1st of the
10 election year. The commission shall grant all reasonable
11 requests for exceptions.

12 **Sec. 20. 21-A MRSA §1019-B, sub-§1, ¶B,** as enacted by PL 2003,
13 c. 448, §3, is amended to read:

14 B. Is presumed in races involving a candidate who is
15 certified as a Maine Clean Election Act candidate under
16 section 1125, subsection 5 to be any expenditure made to
17 design, produce or disseminate a communication that names or
18 depicts a clearly identified candidate and is disseminated
19 during the ~~21~~ 30 days, including election day, before a
20 primary election; the ~~21~~ 30 days, including election day,
21 before a general election; or during a special election
22 until and on election day.

23 **Sec. 21. 21-A MRSA §1052, sub-§4, ¶B,** as enacted by PL 1985,
24 c. 161, §6, is amended to read:

25 B. Does not include:

26 (1) Any news story, commentary or editorial
27 distributed through the facilities of any broadcasting
28 station, newspaper, magazine or other periodical
29 publication, unless these facilities are owned or
30 controlled by any political party, political committee
31 or candidate;

32 (2) ~~Nonpartisan---activity~~ Activity designed to
33 encourage individuals to register to vote or to vote,
34 if that activity or communication does not mention a
35 clearly identified candidate;

36 (3) Any communication by any membership organization
37 or corporation to its members or stockholders, if that
38 membership organization or corporation is not organized
39 primarily for the purpose of influencing the nomination
40 or election of any person to state or county office;

41 (4) The use of real or personal property and the cost
42 of invitations, food and beverages, voluntarily
43 provided by a political action committee in rendering
44

2 voluntary personal services for candidate-related
activities, if the cumulative value of these activities
4 by the political action committee on behalf of any
candidate does not exceed \$50 \$100 with respect to any
election;

6
8 (5) Any unreimbursed travel expenses incurred and paid
for by a political action committee which that
volunteers personal services to a candidate, if the
10 cumulative amount of these expenses does not exceed \$50
\$100 with respect to any election; and

12
14 (6) Any communication by any political action
committee member which that is not made for the purpose
of influencing the nomination for election, or
16 election, of any person to state or county office.

18 **Sec. 22. 21-A MRSA §1053, sub-§1**, as amended by PL 1995, c.
167, §1, is further amended to read:

20
22 **1. Identification of committee.** The names and mailing
addresses of the committee, its treasurer, its principal officers
and the identity of any ~~candidate who is registered under section~~
24 ~~1013-A and who is involved in decision making for a political~~
~~action committee organized to advance the election of that~~
26 ~~candidate~~ candidates, Legislators or other individuals who are
the primary fund-raisers and decision makers for the committee;

28
30 **Sec. 23. 21-A MRSA §1053**, as amended by PL 1999, c. 729, §7,
is further amended by adding at the end a new paragraph to read:

32 Every change in information required by this section must be
34 included in an amended registration form submitted to the
commission within 10 days of the date of the change. The
36 committee must file an updated registration form every 2 years
between January 1st and March 1st of an election year.

38 **Sec. 24. 21-A MRSA §1059, sub-§2, ¶E**, as amended by PL 2003,
c. 628, Pt. B, §5, is further amended to read:

40
42 E. A committee shall report any expenditure of \$500 or
more, made after the 12th day before the election and more
44 than 24 hours before 5 p.m. on the day of the election,
within 24 hours of that expenditure ~~or by noon of the first~~
~~business day after the expenditure, whichever is later.~~

46
48 **Sec. 25. 21-A MRSA §1059, sub-§5** is enacted to read:

2 **5. Electronic filing.** Beginning January 1, 2006, committees
3 shall file each report required by this section through an
4 electronic filing system developed by the commission. The
5 commission may make an exception to this electronic filing
6 requirement if a committee submits a written request that states
7 that the committee lacks access to the technology or the
8 technological ability to file reports electronically. The
9 request for an exception must be submitted no later than March 1,
10 2006 or within 30 days of the registration of the committee,
11 whichever is later. The commission shall grant all reasonable
12 requests for exceptions.

13 **Sec. 26. 21-A MRSA §1060, sub-§4,** as amended by PL 2003, c.
14 615, §3, is further amended to read:

15 **4. Itemized expenditures.** ~~An itemization of expenditures~~
16 ~~and the date~~ of each expenditure made to support or oppose any
17 candidate, campaign, political committee, political action
18 committee, political party, referendum or initiated petition,
19 including the date, payee and purpose of the expenditure and the
20 address of the payee. If expenditures were made to a person
21 described in section 1012, subsection 3, paragraph A,
22 subparagraph (4), the report must contain the name of the person;
23 the amount spent by that person on behalf of the candidate,
24 campaign, political committee, political action committee,
25 political party, referendum or initiated petition; the reason for
26 the expenditure; and the date of the expenditure. The commission
27 may specify the categories of expenditures that are to be
28 reported to enable the commission to closely monitor the
29 activities of political action committees;
30

31 **Sec. 27. 21-A MRSA §1122, sub-§9,** as amended by PL 2001, c.
32 465, §3, is further amended to read:

33 **9. Seed money contribution.** "Seed money contribution"
34 means a contribution of no more than \$100 per individual made to
35 a candidate, including a contribution from the candidate or the
36 candidate's family. To be eligible for certification, a
37 candidate may collect and spend only seed money contributions
38 subsequent to becoming a candidate as defined by section 1,
39 subsection 5 and throughout the qualifying period. A
40 participating candidate who has accepted contributions or made
41 expenditures that do not comply with the seed money restrictions
42 under this chapter may petition the commission to remain eligible
43 for certification as a Maine Clean Election Act candidate in
44 accordance with rules of the commission, if the failure to comply
45 was unintentional and does not constitute a significant
46 infraction of these restrictions. Prior to certification, a
47 candidate may obligate an amount greater than the seed money
48 collected if the value of the goods and services received from a
49 candidate is greater than the seed money collected.
50

2 vendor does not exceed the amount paid to the vendor. A
3 candidate may not collect or spend seed money contributions after
4 certification as a Maine Clean Election Act candidate. A seed
5 money contribution must be reported according to procedures
6 developed by the commission.

7 **Sec. 28. 21-A MRSA §1125, sub-§1**, as enacted by IB 1995, c. 1,
8 §17, is amended to read:

9
10 **1. Declaration of intent.** A participating candidate must
11 file a declaration of intent to seek certification as a Maine
12 Clean Election Act candidate and to comply with the requirements
13 of this chapter. The declaration of intent must be filed with
14 the commission prior to or during the qualifying period, except
15 as provided in subsection 11, according to forms and procedures
16 developed by the commission. A participating candidate must
17 submit a declaration of intent ~~prior to~~ within 5 business days of
18 collecting qualifying contributions under this chapter, or the
19 qualifying contributions collected before the declaration of
20 intent has been filed will not be counted toward the eligibility
21 requirement in subsection 3.

22
23 **Sec. 29. 21-A MRSA §1125, sub-§5**, as amended by PL 2003, c.
24 270, §§1 and 2, is further amended to read:

25
26 **5. Certification of Maine Clean Election Act candidates.**
27 Upon receipt of a final submittal of qualifying contributions by
28 a participating candidate, the commission shall determine whether
29 or not the candidate has:

30 A. Signed and filed a declaration of intent to participate
31 in this Act;

32 B. Submitted the appropriate number of valid qualifying
33 contributions;

34 C. Qualified as a candidate by petition or other means;

35 D. Not accepted contributions, except for seed money
36 contributions, and otherwise complied with seed money
37 restrictions;

38 D-1. Not run for the same office as a nonparticipating
39 candidate in a primary election in the same election year;
40 and

41 E. Otherwise met the requirements for participation in this
42 Act.
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2 The commission shall certify a candidate complying with the
3 requirements of this section as a Maine Clean Election Act
4 candidate as soon as possible and no later than 3 business days
5 after final submittal of qualifying contributions.

6 Upon certification, a candidate must transfer to the fund any
7 unspent seed money contributions. A certified candidate must
8 comply with all requirements of this Act after certification and
9 throughout the primary and general election periods. Failure to
10 do so is a violation of this chapter.

12 **Sec. 30. 21-A MRSA §1125, sub-§6**, as enacted by IB 1995, c. 1,
13 §17, is amended to read:

14 **6. Restrictions on contributions and expenditures for**
15 **certified candidates.** After certification, a candidate must
16 limit the candidate's campaign expenditures and obligations,
17 including outstanding obligations, to the revenues distributed to
18 the candidate from the fund and may not accept any contributions
19 unless specifically authorized by the commission. Candidates may
20 also accept and spend interest earned on bank accounts. All
21 revenues distributed to certified candidates from the fund must
22 be used for campaign-related purposes. The commission shall
23 publish guidelines outlining permissible campaign-related
24 expenditures.

26 **Sec. 31. 21-A MRSA §1125, sub-§14**, as enacted by IB 1995, c.
27 1, §17, is amended to read:

28 **14. Appeals.** A candidate who has been denied certification
29 as a Maine Clean Election Act candidate ~~or~~ the opponent of a
30 candidate who has been granted certification as a Maine Clean
31 Election Act candidate or other interested persons may challenge
32 a certification decision by the commission as follows.

33 **A.** A challenger may appeal to the full commission within 3
34 7 days of the certification decision. The appeal must be in
35 writing and must set forth the reasons for the appeal.

36 **B.** Within 5 days after an appeal is properly made and after
37 notice is given to the challenger and any opponent, the
38 commission shall hold a hearing. The appellant has the
39 burden of providing evidence to demonstrate that the
40 commission decision was improper. The commission must rule
41 on the appeal within 3 days after the completion of the
42 hearing.

43 **C.** A challenger may appeal the decision of the commission
44 in paragraph B by commencing an action in Superior Court

2 according to the procedure set forth in section 356,
subsubsection 2, paragraphs D and E.

4 D. A candidate whose certification by the commission as a
Maine Clean Election Act candidate is revoked on appeal must
6 return to the commission any unspent revenues distributed
from the fund. If the commission or court find that an
8 appeal was made frivolously or to cause delay or hardship,
the commission or court may require the moving party to pay
10 costs of the commission, court and opposing parties, if any.

12 **Sec. 32. 21-A MRS §1127, sub-§1**, as amended by PL 2003, c.
81, §1, is further amended to read:

14
16 **1. Civil fine.** In addition to any other penalties that may
be applicable, a person who violates any provision of this
chapter or rules of the commission adopted pursuant to section
18 1126 is subject to a ~~civil-penalty fine~~ not to exceed \$10,000 per
violation payable to the fund. The commission may assess a fine
20 of up to \$10,000 for a violation of the reporting requirements of
22 sections 1017 and 1019-B if it determines that the failure to
file a timely and accurate report resulted in the late payment of
24 matching funds. This penalty fine is recoverable in a civil
action. In addition to any fine, for good cause shown, a
26 candidate found in violation of this chapter or rules of the
commission may be required to return to the fund all amounts
distributed to the candidate from the fund or any funds not used
28 for campaign-related purposes. If the commission makes a
determination that a violation of this chapter or rules of the
30 commission has occurred, the commission shall assess a fine or
transmit the finding to the Attorney General for prosecution.
32 Fines paid under this section must be deposited in the fund. In
determining whether or not a candidate is in violation of the
34 expenditure limits of this chapter, the commission may consider
as a mitigating factor any circumstances out of the candidate's
36 control.

38 SUMMARY

40
42 This bill makes the following changes to the laws governing
campaign financing and reporting and administration of the Maine
Clean Election Act.

44
46 1. It provides candidates, volunteers and political party
committees more flexibility to pay for additional goods and
services that would not be considered campaign contributions.
48

- 2 2. It requires disclosure of which persons paid for
publicly accessible sites on the Internet and automated telephone
calls promoting or opposing candidates.
- 4
- 6 3. It requires electronic filing of campaign finance
reports by candidates, lobbyists, state party committees and
political action committees unless they request an exception to
the requirement.
- 8
- 10 4. It requires the filing of updated registration
information by political action committees during each election
year.
- 12
- 14 5. It extends to 7 days the opportunity for candidates to
appeal a determination by the Commission on Governmental Ethics
and Election Practices on a candidate's request to participate in
the Maine Clean Election Act.
- 16
- 18 6. It provides more flexibility to Maine Clean Election Act
candidates to obligate themselves to purchase goods and services
prior to certification.
- 20
- 22 7. It changes from major substantive to routine technical
the type of rulemaking necessary for the Commission on
Governmental Ethics and Election Practices to amend its campaign
finance reporting form for candidates.
- 24
- 26 8. It requires the filing of 24-hour reports by candidates
and others on weekend days during the last 11 days before an
election.
- 28
- 30 9. It expressly permits the Commission on Governmental
Ethics and Election Practices to audit campaign finance reporting
by political action committees, candidates and others.
- 32
- 34 10. It clarifies the reporting requirements for
expenditures by political action committees.
- 36