

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## SECOND REGULAR SESSION-2006

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Legislative Document

No. 2029

S.P. 780

In Senate, February 24, 2006

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**An Act To Implement the Recommendations of the Commission To Study Alternative Voting Procedures, the Citizen Initiative Process and Minor Party Ballot Access**

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Reported by Senator GAGNON of Kennebec for the Commission To Study Alternative Voting Procedures, the Citizen Initiative Process and Minor Party Ballot Access pursuant to Resolve 2005, chapter 127, section 9.

Reference to the Committee on Legal and Veterans Affairs suggested and ordered printed under Joint Rule 218.

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

JOY J. O'BRIEN  
Secretary of the Senate

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

2  
3 **Sec. 1. 21-A MRSA §1012, sub-§3, ¶A**, as amended by PL 2003, c.  
4 615, §1, is further amended to read:

6 A. Includes:

8 (1) A purchase, payment, distribution, loan, advance,  
9 deposit or gift of money or anything of value made for  
10 the purpose of influencing the nomination or election  
11 of any person to political office, except that a loan  
12 of money to a candidate by a financial institution in  
13 this State made in accordance with applicable banking  
14 laws and regulations and in the ordinary course of  
15 business is not included;

16 (2) A contract, promise or agreement, expressed or  
17 implied, whether or not legally enforceable, to make  
18 any expenditure;

19 (3) The transfer of funds by a candidate or a  
20 political committee to another candidate or political  
21 committee; and

22 (4) A payment or promise of payment to a person  
23 contracted with for the purpose of supporting or  
24 opposing any candidate, campaign, political committee,  
25 political action committee, political party, referendum  
26 or initiated petition or circulating an initiated  
27 petition; and

28  
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30  
31 **Sec. 2. 21-A MRSA §1052, sub-§3, ¶C**, as enacted by PL 1985, c.  
32 161, §6, is amended to read:

33 C. Any funds received by a political action committee which  
34 that are to be transferred to any candidate, committee,  
35 campaign or organization for the purpose of promoting,  
36 defeating or initiating a candidate, referendum, political  
37 party or initiative, including the collection of signatures  
38 for a direct initiative, in this State; or

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40  
41 **Sec. 3. 21-A MRSA §1052, sub-§4, ¶A**, as amended by PL 1997, c.  
42 683, Pt. A, §12, is further amended to read:

43 A. Includes:

44 (1) A purchase, payment, distribution, loan, advance,  
45 deposit or gift of money or anything of value, made for  
46 the purpose of influencing the nomination or election  
47 of any person to political office; or for the  
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49  
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2 initiation, support or defeat of a campaign, referendum  
or initiative, including the collection of signatures  
3 for a direct initiative, in this State;

4  
5 (2) A contract, promise or agreement, expressed or  
6 implied, whether or not legally enforceable, to make  
any expenditure for the purposes set forth in this  
7 paragraph; and

8  
9 (3) The transfer of funds by a political action  
10 committee to another candidate or political committee;  
11 and

12  
13 **Sec. 4. 21-A MRSA §1052, sub-§5, ¶A,** as amended by PL 1999, c.  
14 729, §6, is further amended to read:

15  
16 A. Includes:

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

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

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

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

45  
46  
47 **Sec. 5. 21-A MRSA §1053, first ¶,** as amended by PL 1999, c.  
48 729, §7, is further amended to read:

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

15 **Sec. 6. 21-A MRSA §1058**, as amended by PL 1997, c. 567, §1,  
16 is further amended to read:

17 **§1058. Reports; qualifications for filing**

18 A political action committee that is registered with the  
19 commission or that accepts contributions or incurs obligations in  
20 an aggregate amount in excess of \$50 on any one or more campaigns  
21 for the office of Governor, for state or county office or for the  
22 support or defeat of a referendum or initiated petition shall  
23 file a report on its activities in that campaign with the  
24 commission on forms as prescribed by the commission. A political  
25 action committee organized in this State required under this  
26 section to file a report shall file the report for each filing  
27 period under section 1059. A political action committee  
28 organized outside this State shall file with the Commission on  
29 Governmental Ethics and Election Practices of this State a copy  
30 of the report that the political action committee is required to  
31 file in the state in which the political action committee is  
32 organized. The political action committee shall file the copy  
33 only if it has expended funds or received contributions or made  
34 expenditures in this State. The copy of the report must be filed  
35 in accordance with the schedule of filing in the state where it  
36 is organized. If contributions or expenditures are made relating  
37 to a municipal office or referendum, the report must be filed  
38 with the clerk in the subject municipality. ~~Any person or~~  
39 ~~organization organized to oppose a question to be voted on by the~~  
40 ~~electorate at referendum shall report, within 10 days following~~  
41 ~~the drafting of the question by the Secretary of State and prior~~  
42 ~~to the distribution of any petitions for voter signatures~~  
43 ~~pursuant to chapter 11, to the commission as required in this~~  
44 ~~section and sections 1059 and 1060.~~

45 **Sec. 7. 21-A MRSA §1060, sub-§4**, as amended by PL 2005, c.  
46 301, §27, is further amended to read:

47

2           **4. Itemized expenditures.** An itemization of each  
3 expenditure made to support or oppose any candidate, campaign,  
4 political committee, political action committee, political party,  
5 referendum or initiated petition, including the date, payee and  
6 purpose of the expenditure and the address of the payee. If  
7 expenditures were made to a person described in section 1012,  
8 subsection 3, paragraph A, subparagraph (4), the report must  
9 contain the name of the person; the amount spent by that person  
10 on behalf of the candidate, campaign, political committee,  
11 political action committee, political party, referendum or  
12 initiated petition, including, but not limited to, expenditures  
13 made during the signature gathering phase; the reason for the  
14 expenditure; and the date of the expenditure. The commission may  
15 specify the categories of expenditures that are to be reported to  
16 enable the commission to closely monitor the activities of  
17 political action committees;

18           **Sec. 8. Secretary of State to report on information provided to voters**  
19 **regarding statewide referendum questions on ballot.** By September 1,  
20 2006, the Secretary of State using existing budgeted resources  
21 shall issue a report to the Joint Standing Committee on Legal and  
22 Veterans Affairs that examines voter awareness in other states  
23 that mail voter information pamphlets on statewide referendum  
24 questions directly to voters. The report must include  
25 suggestions for improving the way information is provided to  
26 voters regarding statewide referendum questions in this State.

28           **Sec. 9. Commission on Governmental Ethics and Election Practices**  
29 **to report regarding campaign finance reports for direct initiative**  
30 **campaigns and public access to those reports.** By September 1, 2006,  
31 the Commission on Governmental Ethics and Election Practices  
32 shall issue a report to the Joint Standing Committee on Legal and  
33 Veterans Affairs regarding campaign finance reports for direct  
34 initiative campaigns. The report must include the commission's  
35 examination of the feasibility of requiring political action  
36 committees to identify the direct initiative campaigns that the  
37 political action committees are receiving or expending money in  
38 support of or opposition to, whether voter information pamphlets  
39 or posters published by the State and publications by political  
40 action committees in support of or opposition to ballot measures  
41 should be required to include information indicating where  
42 campaign finance reports about the measure may be obtained,  
43 reducing the spending threshold that triggers reporting as a  
44 political action committee and, in the months prior to an  
45 election, increasing the frequency of reports by political action  
46 committees that have raised or spent in excess of \$40,000 on a  
47 ballot measure.

**Sec. 10. Secretary of State and Commission on Governmental Ethics and Election Practices to work collaboratively on providing information about direct initiatives.**

By September 1, 2006, the Secretary of State and the Commission on Governmental Ethics and Election Practices shall jointly develop a plan to provide information on their respective public accessible websites directing the public to information currently published and available about direct initiative petitions and campaign finance reports filed relative to those direct initiative petitions and submit that plan to the Joint Standing Committee on Legal and Veterans Affairs.

**SUMMARY**

This bill includes changes to current law as proposed in the final report of the Commission to Study Alternative Voting Procedures, the Citizen Initiative Process and Minor Party Ballot Access as created in Resolve 2005, chapter 127. This bill requires payment to a person for circulating a petition for a direct initiative to be itemized on required campaign finance reports. This bill clarifies that contributions and expenditures made for the purpose of supporting or opposing a citizen-initiated referendum during the signature gathering phase are required to be reported like other contributions and expenditures. This bill also requires a report from the Commission on Governmental Ethics and Election Practices regarding the reporting of campaign finances relative to direct initiative campaigns. It requires a report from the Secretary of State examining ways to improve the way the State provides information to voters about referenda that will appear on the ballot. This bill also directs the Secretary of State to work with the Commission on Governmental Ethics and Election Practices towards making information currently available about direct initiative efforts and campaigns for or against those direct initiatives or campaigns more accessible to the public by providing links on the Secretary of State's or commission's publicly accessible websites directing people to information posted on the other agency's website.