

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

SECOND REGULAR SESSION-2010

Legislative Document

No. 1690

H.P. 1191

House of Representatives, January 6, 2010

**An Act To Prevent Predatory Signature Gathering and Ensure a
Clean Citizen Initiative and People's Veto Process**

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative BERRY of Bowdoinham.
Cosponsored by Senator SULLIVAN of York and
Representatives: CAREY of Lewiston, DILL of Cape Elizabeth, FLEMINGS of Bar Harbor,
MacDONALD of Boothbay, PIOTTI of Unity, Senators: GOODALL of Sagadahoc, President
MITCHELL of Kennebec, NUTTING of Androscoggin.

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

2 Sec. 1. 21-A MRSA §197 is enacted to read:

3 **§197. List of certified signatures provided**

4 Beginning December 1, 2010, in addition to the records to be made available in
5 accordance with section 196, the Secretary of State shall also make available an
6 electronic list of the names of those voters, along with their voter identification numbers,
7 whose signatures were certified on a petition for a direct initiative of legislation or a
8 people's veto referendum. This list is subject to the fees set forth in section 196,
9 subsection 4 and may not be used for commercial purposes.

10 Sec. 2. 21-A MRSA §903-B is enacted to read:

11 **§903-B. Removal of signature from petition**

12 The Secretary of State may reject certification of a signature on a petition for a direct
13 initiative of legislation or a people's veto referendum in accordance with this section.

14 1. Written request. A person may make a request to have that person's signature
15 discounted from a petition for a direct initiative of legislation or a people's veto
16 referendum by submitting a written request to the applicant for the direct initiative or
17 people's veto. The written request must clearly state the requestor's full name and
18 municipality of residence. A copy of the written request must be submitted to the
19 Secretary of State. The written request, including the copy to the Secretary of State, must
20 be submitted no later than 15 days prior to the date the petition is due to the municipal
21 registrar or election clerk as required by section 902.

22 2. Information provided. The Secretary of State shall post on the Secretary of
23 State's publicly accessible website the name and the contact information of the applicant
24 for each direct initiative of legislation and people's veto referendum to facilitate the
25 provisions described in subsection 1.

26 Sec. 3. 21-A MRSA §903-C is enacted to read:

27 **§903-C. Direct initiative and peoples's veto petition organization required to be**
28 **registered**

29 A petition organization shall register with the Secretary of State in accordance with
30 this section. The Secretary of State shall reject the certification of petitions for the direct
31 initiative of legislation or a people's veto referendum for which the collection of
32 signatures was supported, encouraged or organized by a petition organization that failed
33 to register in accordance with subsection 1 or had its registration denied or revoked in
34 accordance with subsection 2. For the purposes of this section, "petition organization"
35 means a person, corporation or organization that receives or enters into a contract to
36 receive compensation for supporting, encouraging or organizing the collection of petition
37 signatures for a direct initiative of legislation or a people's veto referendum.

1 1. Registration. Prior to conducting any activities related to the collection of
2 signatures for a direct initiative of legislation or a people's veto referendum for which
3 compensation will be received, a petition organization, in addition to meeting any other
4 registration requirement to transact business in this State, shall register with the Secretary
5 of State. The Secretary of State shall prescribe the form and content of the registration
6 and may charge a fee to administer this registration. The registration must include but is
7 not limited to the following:

8 A. The ballot question or title of each direct initiative of legislation or people's veto
9 referendum for which the petition organization will receive compensation;

10 B. Contact information for the petition organization, including the name of the
11 organization, street address or post office box, telephone number and e-mail address;

12 C. The name and signature of a designated agent for the petition organization; and

13 D. The name of each person who will receive compensation for activities related to
14 the collection of signatures for a direct initiative of legislation or people's veto
15 referendum.

16 The information contained in this registration must be made available for public
17 inspection and must be posted on the publicly accessible website of the Secretary of
18 State.

19 2. Denial or revocation of registration. The Secretary of State may deny the
20 registration of a petition organization if that petition organization or any of its principals
21 has been found via judicial or administrative proceeding to have violated any laws
22 relating to the collection of signatures for a direct initiative of legislation or people's veto
23 referendum in this State or any other state within the previous 10 years. The Secretary of
24 State may revoke the registration of a petition organization if the petition organization
25 authorized or knowingly permitted any of the following:

26 A. Allowing a signature on the petition of a person other than the person signing;

27 B. Allowing someone other than the person who signs the oath on the petition to
28 collect signatures for that petition;

29 C. Falsifying the name or address of the circulator on the petition;

30 D. Inducing people to sign a petition or withdraw their names from a petition by
31 offering money or other things of value; and

32 E. Violating the laws and rules governing notaries public.

33 Sec. 4. 21-A MRSA §905, sub-§2, as amended by PL 1987, c. 119, §1, is further
34 amended to read:

35 2. Superior Court. Any voter named in the application under section 901, or any
36 person who has validly signed the petitions, if these petitions are determined to be
37 invalid, or any other voter, if these petitions are determined to be valid, may appeal the
38 decision of the Secretary of State by commencing an action in the Superior Court. This
39 action shall must be conducted in accordance with the Maine Rules of Civil Procedure,
40 Rule 80C, except as modified by this section. In reviewing the decision of the Secretary

1 of State, the court shall determine whether the description of the subject matter is
2 understandable to a reasonable voter reading the question for the first time and will not
3 mislead a reasonable voter who understands the proposed legislation into voting contrary
4 to his that voter's wishes. This action must be commenced within 5 10 days of the date of
5 the decision of the Secretary of State and shall must be tried, without a jury, within 15
6 days of the date of that decision. Upon timely application, anyone may intervene in this
7 action when the applicant claims an interest relating to the subject matter of the petitions,
8 unless the applicant's interest is adequately represented by existing parties. The court
9 shall issue its written decision containing its findings of fact and stating the reasons for its
10 decision within 30 days of the commencement of the trial or within 45 days of the date of
11 the decision of the Secretary of State, if there is no trial.

12 **Sec. 5. 21-A MRSA §1056-B, first ¶,** as amended by PL 2009, c. 190, Pt. A, §20
13 and c. 366, §7 and affected by §12, is repealed and the following enacted in its place:

14 Any person not defined as a political action committee who receives contributions or
15 makes expenditures, other than by contribution to a political action committee,
16 aggregating in excess of \$5,000 for the purpose of initiating, promoting, defeating or
17 influencing in any way a direct initiative of legislation or people's veto referendum must
18 file ballot question reports with the commission in accordance with this section. Within 7
19 days of receiving contributions or making expenditures that exceed \$5,000, the person
20 shall register with the commission as a ballot question committee. For the purposes of
21 this section, expenditures include paid staff time spent for the purpose of influencing in
22 any way a direct initiative of legislation or people's veto referendum. The commission
23 must prescribe forms for the registration, and the forms must include specification of a
24 treasurer for the committee, any other principal officers and all individuals who are the
25 primary fund-raisers and decision makers for the committee. In the case of a municipal
26 election, the registration and reports must be filed with the clerk of that municipality.

27 **Sec. 6. 21-A MRSA §1056-B, sub-§2,** as amended by PL 2009, c. 190, Pt. A,
28 §20, is further amended to read:

29 **2. Content.** A report must contain an itemized account of each expenditure made to
30 and contribution received from a single source aggregating in excess of \$100 in any
31 election; the date of each contribution; the date and purpose of each expenditure; the
32 name and address of each contributor, payee or creditor; and the occupation and principal
33 place of business, if any, for any person who has made contributions exceeding \$100 in
34 the aggregate. The filer is required to report only those contributions made to the filer
35 for the purpose of initiating, promoting, defeating or influencing in any way a ballot
36 question direct initiative of legislation or people's veto referendum and only those
37 expenditures made for those purposes. The definitions of "contribution" and
38 "expenditure" in section 1052, subsections 3 and 4, respectively, apply to persons
39 required to file ballot question reports.

40 **Sec. 7. 21-A MRSA §1056-B, sub-§2-A, ¶B,** as enacted by PL 2007, c. 477, §4,
41 is amended to read:

42 B. Funds provided in response to a solicitation that would lead the contributor to
43 believe that the funds would be used specifically for the purpose of initiating,

1 promoting, defeating or influencing in any way a ~~ballot question~~ direct initiative of
2 legislation or people's veto referendum;

3 **Sec. 8. 21-A MRSA §1056-B, sub-§2-A, ¶C**, as enacted by PL 2007, c. 477, §4,
4 is amended to read:

5 C. Funds that can reasonably be determined to have been provided by the contributor
6 for the purpose of initiating, promoting, defeating or influencing in any way a ~~ballot~~
7 question direct initiative of legislation or people's veto referendum when viewed in
8 the context of the contribution and the recipient's activities regarding a ~~ballot question~~
9 direct initiative of legislation or people's veto referendum; and

10 **Sec. 9. 21-A MRSA §1056-B, sub-§4, ¶A**, as enacted by PL 2007, c. 477, §4, is
11 amended to read:

12 A. The filer shall keep a detailed account of all contributions made to the filer for the
13 purpose of initiating, promoting, defeating or influencing in any way a ~~ballot question~~
14 direct initiative of legislation or people's veto referendum and all expenditures made
15 for those purposes.

16 SUMMARY

17 This bill requires the Secretary of State to make electronic lists of certified signatures
18 from petitions for direct initiatives of legislation and people's veto referenda beginning
19 December 2010. The bill also extends the time period that a person has to examine
20 petitions when challenging the decision of the Secretary of State from 5 to 10 days. The
21 bill authorizes the Secretary of State to reject certification of signatures on a petition for a
22 direct initiative of legislation or a people's veto if the person who signed the petition
23 submits a written request to the direct initiative or people's veto applicant 15 days prior to
24 the date when the petitions are due to the municipal clerk for verification. This bill also
25 requires registration of organizations that receive compensation to collect or support the
26 collection of signatures on petitions for a direct initiative of legislation or people's veto
27 referendum. Finally, this bill makes a technical clarification to the campaign finance and
28 disclosure laws regarding ballot question committees.