

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 1123

S.P. 395

In Senate, March 26, 2015

An Act To Amend the Campaign Reports and Finances Laws and the Maine Clean Election Act

Reported by Senator CYRWAY of Kennebec for the Commission on Governmental Ethics and Election Practices pursuant to the Maine Revised Statutes, Title 1, section 1009.

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

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

2 **Sec. 1. 21-A MRSA §1003, sub-§2**, as amended by PL 2011, c. 389, §4, is
3 further amended to read:

4 **2. Investigations requested.** A person may apply in writing to the commission
5 requesting an investigation as described in subsection 1. The commission shall review
6 the application and shall make the investigation if the reasons stated for the request show
7 sufficient grounds for believing that a violation may have occurred. The commission
8 may decline to conduct an investigation if the violation is alleged to have occurred more
9 than 3 years before the investigation is requested and the benefit to the public would not
10 justify the use of state resources for the investigation.

11 **Sec. 2. 21-A MRSA §1003, sub-§4**, as amended by PL 2001, c. 470, §5, is
12 further amended to read:

13 **4. Attorney General.** Upon the request of the commission, the Attorney General
14 shall aid in any investigation, provide advice, examine any witnesses before the
15 commission or otherwise assist the commission in the performance of its duties. The
16 commission ~~shall refer any apparent violations of this chapter~~ may refer potential
17 violations of criminal law to the Attorney General for prosecution.

18 **Sec. 3. 21-A MRSA §1013-A, sub-§1, ¶C**, as amended by PL 2007, c. 443, Pt.
19 A, §7, is further amended to read:

20 C. No later than 10 days after becoming a candidate, as defined in section 1,
21 subsection 5, a candidate for the office of State House of Representatives or Senate
22 ~~shall~~ may file in writing a statement declaring that the candidate agrees to accept
23 voluntary limits on political expenditures or that the candidate does not agree to
24 accept voluntary limits on political expenditures, as specified in section 1015,
25 subsections 7 to 9. A candidate who has filed a declaration of intent to become
26 certified as a candidate under the Maine Clean Election Act is not required to file the
27 written statement required by this paragraph.

28 The statement filed by a candidate who voluntarily agrees to limit spending must
29 state that the candidate knows the voluntary expenditure limitations as set out in
30 section 1015, subsection 8 and that the candidate is voluntarily agreeing to limit the
31 candidate's political expenditures and those made on behalf of the candidate by the
32 candidate's political committee or committees, the candidate's party and the
33 candidate's immediate family to the amount set by law. The statement must further
34 state that the candidate does not condone and will not solicit any independent
35 expenditures made on behalf of the candidate.

36 The statement filed by a candidate who does not agree to voluntarily limit political
37 expenditures must state that the candidate does not accept the voluntary expenditure
38 limits as set out in section 1015, subsection 8.

39 **Sec. 4. 21-A MRSA §1013-A, sub-§3**, as amended by PL 1995, c. 483, §5, is
40 further amended to read:

1 **3. Party committees.** The ~~state, district and~~ county and municipal committees of
2 parties shall submit the names and mailing addresses of the chairs of the committees to
3 ~~the commission the names and~~ addresses of all their officers and of their treasurers and
4 ~~the name and address of the principal paid employee, if any, their state party committees~~
5 within 30 days after the appointment, or election ~~or hiring~~ of these persons the chairs.
6 ~~Municipal committees must file copies of the same information with the commission and~~
7 ~~the municipal clerk. District, county and municipal committees that provide their state~~
8 ~~party committees with the information required by this subsection to be submitted to the~~
9 ~~commission have met that requirement.~~ No later than ~~the 2nd Monday in April 15th~~ of
10 each year ~~in which a general election is scheduled~~, the state committee of a party shall
11 submit to the commission a consolidated report, ~~including the information required under~~
12 ~~this subsection, for the district, county and municipal committees of that party in a format~~
13 determined by the commission, that includes the name and mailing address of the chair of
14 each district, county and municipal committee of that party for purposes of receiving
15 correspondence from the commission.

16 **Sec. 5. 21-A MRSA §1014, sub-§5**, as amended by PL 2007, c. 443, Pt. A, §9, is
17 further amended to read:

18 **5. Telephone calls.** Precorded automated telephone calls and scripted live
19 telephone communications that name a clearly identified candidate during the 21 days
20 before a primary election or the 35 days before a general election must clearly state the
21 name and address of the person who made or financed the expenditure for the
22 communication and whether the communication was authorized by a candidate, except
23 for precorded automated telephone calls paid for by the candidate that use the
24 candidate's voice in the telephone call and that are made in support of that candidate.
25 Telephone calls made for the purposes of researching the views of voters are not required
26 to include the disclosure.

27 **Sec. 6. 21-A MRSA §1017, sub-§5**, as amended by PL 2011, c. 522, §1, is
28 further amended to read:

29 **5. Content.** A report required under this section must contain the itemized accounts
30 of contributions received during that report filing period, including the date a contribution
31 was received, and the name, address, occupation, principal place of business, if any, and
32 the amount of the contribution of each person who has made a contribution or
33 contributions aggregating in excess of \$50. The report must contain the itemized
34 expenditures made or authorized during the report filing period, the date and purpose of
35 each expenditure and the name and address of each payee and creditor and any refund
36 that a payee has made to the candidate or an agent of the candidate. If the payee is a
37 member of the candidate's household or immediate family, the candidate must disclose
38 the candidate's relationship to the payee in a manner prescribed by the commission. The
39 report must contain a statement of any loan to a candidate by a financial institution in
40 connection with that candidate's candidacy that is made during the period covered by the
41 report, whether or not the loan is defined as a contribution under section 1012, subsection
42 2, paragraph A. The candidate and the treasurer are jointly and severally responsible for
43 the timely and accurate filing of each required report.

1 **Sec. 7. 21-A MRSA §1017, sub-§7-A**, as amended by PL 2009, c. 138, §1, is
2 further amended to read:

3 **7-A. Reporting exemption.** A candidate seeking election to a county or municipal
4 office or a legislative candidate seeking the nomination of a party in an uncontested
5 primary election is exempt from reporting as provided by this subsection.

6 A. A candidate seeking election to a county or municipal office may, at the time the
7 candidate registers under section 1013-A, notify the commission that the candidate
8 and the candidate's agents, if any, will not personally accept contributions, make
9 expenditures or incur obligations associated with that candidate's candidacy. The
10 notification must be sworn and notarized. A candidate who provides this notice to
11 the commission is not required to appoint a treasurer and is not subject to the filing
12 requirements of this subchapter if the statement is true.

13 A-1. A legislative candidate seeking the nomination of a party in an uncontested
14 primary election may, at the time the candidate registers under section 1013-A, notify
15 the commission that the candidate and the candidate's agents, if any, will not
16 personally accept contributions, make expenditures or incur obligations associated
17 with that candidate's candidacy through the 35th day after the primary election. The
18 notification must be sworn and notarized. A candidate who provides this notice to
19 the commission is not required to appoint a treasurer or to file the campaign finance
20 reports under subsection 3-A, paragraphs B and D with respect to the primary
21 election.

22 B. The notice provided to the commission under paragraph A or A-1 may be
23 revoked. Prior to revocation, the candidate must appoint a treasurer. The candidate
24 may not accept contributions, make expenditures or incur obligations before the
25 appointment of a treasurer and the filing of a revocation notice are accomplished. A
26 revocation notice must be in the form of an amended registration, which must be filed
27 with the commission no later than 10 days after the appointment of a treasurer. The
28 candidate and the candidate's treasurer, as of the date the revocation notice is filed
29 with the commission, may accept contributions, make expenditures and incur
30 obligations associated with the candidate's candidacy. Any candidate who fails to file
31 a timely revocation notice is subject to the penalties prescribed in section 1020-A,
32 subsection 4-A, up to a maximum of \$5,000. Lateness is calculated from the day a
33 contribution is received, an expenditure is made or an obligation is incurred,
34 whichever is earliest.

35 **Sec. 8. 21-A MRSA §1017, sub-§§8 and 9**, as amended by PL 2007, c. 443, Pt.
36 A, §16, are further amended to read:

37 **8. Disposition of surplus.** A candidate or treasurer of a candidate registered under
38 section 1013-A or qualified under sections 335 and 336 or sections 354 and 355 must
39 dispose of a surplus exceeding \$100 within 4 years of the election for which the
40 contributions were received by:

41 A. Returning contributions to the candidate's or candidate's authorized political
42 committee's contributors, as long as no contributor receives more than the amount
43 contributed;

- 1 B. A gift to a qualified political party within the State, including any county or
2 municipal subdivision of such a party;
- 3 B-1. A gift to a political action committee or ballot question committee registered
4 with the commission;
- 5 C. An unrestricted gift to the State. A candidate for municipal office may dispose of
6 a surplus by making a restricted or unrestricted gift to the municipality;
- 7 D. Carrying forward the surplus balance to a political committee established to
8 promote the same candidate for a subsequent election;
- 9 D-1. Carrying forward the surplus balance for use by the candidate for a subsequent
10 election;
- 11 E. Transferring the surplus balance to one or more other candidates registered under
12 section 1013-A or qualified under sections 335 and 336 or sections 354 and 355, or to
13 political committees established to promote the election of those candidates, provided
14 that the amount transferred does not exceed the contribution limits established by
15 section 1015;
- 16 F. Repaying any loans or retiring any other debts incurred to defray campaign
17 expenses of the candidate;
- 18 G. Paying for any expense incurred in the proper performance of the office to which
19 the candidate is elected, as long as each expenditure is itemized on expenditure
20 reports; and
- 21 H. A gift to a charitable or educational organization that is not prohibited, for tax
22 reasons, from receiving such a gift.

23 The choice must be made by the candidate for whose benefit the contributions were
24 made.

25 **9. Campaign termination report forms.** The commission shall provide each
26 candidate required to report campaign contributions and expenditures with a campaign
27 termination report form. A candidate shall file the campaign termination report with the
28 commission as required in this subsection. The campaign termination report must be
29 complete as of June 30th of the year following the campaign of the previous year. This
30 form must show any deficits or surpluses to be carried over to the next campaign. Funds
31 not carried forward to the next campaign must be disposed of as provided in subsection 8.
32 ~~Campaign reporting is as follows.~~

33 ~~A. Candidates with surplus campaign funds following an election shall file~~
34 ~~termination reports no later than July 15th of the year following the campaign of the~~
35 ~~previous year.~~

36 ~~B. Candidates with a campaign deficit following an election shall file termination~~
37 ~~reports no later than July 15th of the year following the campaign of the previous~~
38 ~~year.~~

39 ~~C. Candidates with a deficit who will not participate in the next election for the same~~
40 ~~office shall file semiannual reports until the deficit is liquidated.~~

1 D. ~~Candidates who collect funds subsequent to an election for purposes other than~~
2 ~~retiring campaign debt shall register with the commission pursuant to section 1013-A.~~

3 **Sec. 9. 21-A MRSA §1019-B, sub-§4**, as amended by PL 2013, c. 334, §16, is
4 further amended to read:

5 **4. Report required; content; rules.** A person, party committee, political committee
6 or political action committee that makes independent expenditures aggregating in excess
7 of ~~\$100~~ \$250 during any one candidate's election shall file a report with the commission.
8 In the case of a municipal election, the report must be filed with the municipal clerk.

9 A. A report required by this subsection must be filed with the commission according
10 to a reporting schedule that the commission shall establish by rule ~~that takes into~~
11 ~~consideration existing campaign finance reporting requirements.~~ Rules adopted
12 pursuant to this paragraph are routine technical rules as defined in Title 5, chapter
13 375, subchapter 2-A.

14 B. A report required by this subsection must contain an itemized account of each
15 expenditure aggregating in excess of ~~\$100~~ \$250 in any one candidate's election, the
16 date and purpose of each expenditure ~~and~~ and the name of each payee or creditor and any
17 other information required by the commission that would facilitate the public's
18 identification of the communication that is the subject of the report. The report must
19 state whether the expenditure is in support of or in opposition to the candidate and
20 must include, under penalty of perjury, as provided in Title 17-A, section 451, a
21 statement under oath or affirmation whether the expenditure is made in cooperation,
22 consultation or concert with, or at the request or suggestion of, the candidate or an
23 authorized committee or agent of the candidate.

24 C. A report required by this subsection must be on a form prescribed and prepared by
25 the commission. A person filing this report may use additional pages if necessary,
26 but the pages must be the same size as the pages of the form. The commission may
27 adopt procedures requiring the electronic filing of an independent expenditure report,
28 as long as the commission receives the statement made under oath or affirmation set
29 out in paragraph B by the filing deadline and the commission adopts an exception for
30 persons who lack access to the required technology or the technological ability to file
31 reports electronically. The commission may adopt procedures allowing for the
32 signed statement to be provisionally filed by facsimile or electronic mail, as long as
33 the report is not considered complete without the filing of the original signed
34 statement.

35 This subsection takes effect August 1, 2011.

36 **Sec. 10. 21-A MRSA §1020-A, sub-§1**, as enacted by PL 1995, c. 483, §15, is
37 amended to read:

38 **1. Registration.** A candidate that fails to register the name of a candidate, treasurer
39 or political committee with the commission within the time allowed by section 1013-A,
40 subsection 1 may be assessed a forfeiture of ~~\$10~~ \$100. The commission shall determine
41 whether a registration satisfies the requirements for timely filing under section 1013-A,
42 subsection 1.

1 **Sec. 11. 21-A MRSA §1020-A, sub-§4-A**, as amended by PL 2011, c. 558, §3,
2 is further amended to read:

3 **4-A. Basis for penalties.** The penalty for late filing of a report required under this
4 subchapter is a percentage of the total contributions or expenditures ~~for the filing period~~
5 that were reported late, whichever is greater, multiplied by the number of calendar days
6 late, as follows:

- 7 A. For the first violation, 1%;
- 8 B. For the 2nd violation, 3%; and
- 9 C. For the 3rd and subsequent violations, 5%.

10 Any penalty of less than \$10 is waived.

11 Violations accumulate on reports with filing deadlines in a 2-year period that begins on
12 January 1st of each even-numbered year. Waiver of a penalty does not nullify the finding
13 of a violation.

14 A report required to be filed under this subchapter that is sent by certified or registered
15 United States mail and postmarked at least 2 days before the deadline is not subject to
16 penalty.

17 A registration or report may be provisionally filed by transmission of a facsimile copy of
18 the duly executed report to the commission, as long as the facsimile copy is filed by the
19 applicable deadline and an original of the same report is received by the commission
20 within 5 calendar days thereafter.

21 **Sec. 12. 21-A MRSA §1020-A, sub-§6**, as amended by PL 2013, c. 334, §17, is
22 further amended to read:

23 **6. Request for a commission determination.** If the commission staff finds that a
24 candidate or political committee has failed to file a report required under this subchapter,
25 the commission staff shall mail a notice to the candidate or political committee within 3
26 business days following the filing deadline informing the candidate or political committee
27 that a report was not received. If a candidate or a political committee files a report
28 required under this subchapter late, a notice of preliminary penalty must be sent to the
29 candidate or political committee whose registration or campaign finance report was not
30 received by 11:59 p.m. on the deadline date, informing the candidate or political
31 committee of the staff finding of violation and preliminary penalty calculated under
32 subsection 4-A and providing the candidate or political committee with an opportunity to
33 request a determination by the commission. Any request for a determination must be
34 made within 14 calendar days of receipt of the commission's notice. A candidate or
35 political committee requesting a determination may either appear in person or designate a
36 representative to appear on the candidate's or political committee's behalf or submit a
37 ~~sworn~~ statement explaining the mitigating circumstances for consideration by the
38 commission. A final determination by the commission may be appealed to the Superior
39 Court in accordance with Title 5, chapter 375, subchapter 7 and the Maine Rules of Civil
40 Procedure, Rule 80C.

1 **Sec. 13. 21-A MRSA §1052, sub-§1**, as amended by PL 2011, c. 389, §26, is
2 further amended to read:

3 **1. Campaign.** "Campaign" means any course of activities to influence the
4 nomination or election of a candidate or to initiate or influence ~~any of the following ballot~~
5 ~~measures:~~ a ballot question.

6 ~~A. A people's veto referendum under the Constitution of Maine, Article IV, Part~~
7 ~~Third, Section 17;~~

8 ~~B. A direct initiative of legislation under the Constitution of Maine, Article IV, Part~~
9 ~~Third, Section 18;~~

10 ~~C. An amendment to the Constitution of Maine under Article X, Section 4;~~

11 ~~D. A referendum vote on a measure enacted by the Legislature and expressly~~
12 ~~conditioned upon ratification by a referendum vote under the Constitution of Maine,~~
13 ~~Article IV, Part Third, Section 19;~~

14 ~~E. The ratification of the issue of bonds by the State or any agency thereof; and~~

15 ~~F. Any county or municipal referendum.~~

16 **Sec. 14. 21-A MRSA §1052, sub-§1-A** is enacted to read:

17 **1-A. Ballot question.** "Ballot question" means:

18 A. A people's veto referendum under the Constitution of Maine, Article IV, Part
19 Third, Section 17;

20 B. A direct initiative of legislation under the Constitution of Maine, Article IV, Part
21 Third, Section 18;

22 C. An amendment to the Constitution of Maine under Article X, Section 4;

23 D. A referendum vote on a measure enacted by the Legislature and expressly
24 conditioned upon ratification by a referendum vote under the Constitution of Maine,
25 Article IV, Part Third, Section 19;

26 E. The ratification of the issue of bonds by the State or any agency thereof; and

27 F. A county or municipal referendum.

28 **Sec. 15. 21-A MRSA §1052-A, sub-§1, ¶A**, as amended by PL 2013, c. 588, Pt.
29 A, §23, is further amended to read:

30 A. A political action committee as defined under section 1052, subsection 5,
31 paragraph A, subparagraph (1) or (4) that receives contributions or makes
32 expenditures in the aggregate in excess of \$1,500 and a political action committee as
33 defined under section 1052, subsection 5, paragraph A, subparagraph (5) that receives
34 contributions or makes expenditures in the aggregate in excess of \$5,000 for the
35 purpose of influencing the nomination or election of any candidate to political office
36 shall register with the commission within 7 days of exceeding the applicable amount.

37 **Sec. 16. 21-A MRSA §1054-B** is enacted to read:

1 **§1054-B. Payments to Legislators by political action committees**

2 If a Legislator is a principal officer or treasurer of a political action committee or is
3 one of the individuals primarily responsible for raising contributions or making decisions
4 for the political action committee, the committee may not compensate the Legislator or a
5 member of the Legislator's immediate family or household for services provided to the
6 committee. The committee may reimburse the Legislator or family or household member
7 for expenses incurred in the proper performance of the duties of Legislator, for purchases
8 made on behalf of the committee and for travel expenses associated with volunteering for
9 the committee.

10 **Sec. 17. 21-A MRSA §1055-A, sub-§1**, as enacted by PL 2013, c. 334, §24, is
11 amended to read:

12 **1. Communications to influence ballot question elections.** Whenever a person
13 makes an expenditure exceeding \$500 expressly advocating through broadcasting
14 stations, cable television systems, newspapers, magazines, campaign signs or other
15 outdoor advertising facilities, publicly accessible sites on the Internet, direct mails or
16 other similar types of general public political advertising ~~or~~, through flyers, handbills,
17 bumper stickers and other nonperiodical publications or through prerecorded automated
18 telephone calls or scripted live telephone communications, for or against ~~an initiative or~~
19 ~~referendum that is on the~~ a ballot question, the communication must clearly and
20 conspicuously state the name and address of the person who made or financed the
21 expenditure for the communication.

22 **Sec. 18. 21-A MRSA §1055-A, sub-§3** is enacted to read:

23 **3. Enforcement.** A violation of this section may result in a fine of no more than
24 \$5,000. In assessing a fine, the commission shall consider, among other things, how
25 widely the communication was disseminated, whether the violation was intentional,
26 whether the violation occurred as the result of an error by a printer or other paid vendor
27 and whether the communication conceals or misrepresents the identity of the person who
28 financed it.

29 **Sec. 19. 21-A MRSA §1056-B, first ¶**, as amended by PL 2011, c. 389, §38 and
30 affected by §62, is further amended to read:

31 A person not defined as a political action committee who receives contributions or
32 makes expenditures, other than by contribution to a political action committee,
33 aggregating in excess of \$5,000 for the purpose of initiating or influencing a ~~campaign as~~
34 ~~defined by section 1052, subsection 1,~~ ballot question shall register and file reports with
35 the commission in accordance with this section. ~~For the purposes of this section,~~
36 ~~"campaign" does not include activities to influence the nomination or election of a~~
37 ~~candidate.~~ Within 7 days of receiving contributions or making expenditures that exceed
38 \$5,000, the person shall register with the commission as a ballot question committee. For
39 the purposes of this section, expenditures include paid staff time spent for the purpose of
40 initiating or influencing a campaign. The commission must prescribe forms for the
41 registration, and the forms must include specification of a treasurer for the committee,

1 any other principal officers and all individuals who are the primary fund-raisers and
2 decision makers for the committee.

3 **Sec. 20. 21-A MRSA §1062-A, sub-§3**, as amended by PL 2007, c. 443, Pt. A,
4 §39, is further amended to read:

5 **3. Basis for penalties.** The penalty for late filing of a report required under this
6 subchapter is a percentage of the total contributions or expenditures ~~for the filing period~~
7 that were reported late, whichever is greater, multiplied by the number of calendar days
8 late, as follows:

9 A. For the first violation, 1%;

10 B. For the 2nd violation, 3%; and

11 C. For the 3rd and subsequent violations, 5%.

12 Any penalty of less than \$10 is waived.

13 Violations accumulate on reports with filing deadlines in a 2-year period that begins on
14 January 1st of each even-numbered calendar year. Waiver of a penalty does not nullify
15 the finding of a violation.

16 A report required to be filed under this subchapter that is sent by certified or registered
17 United States mail and postmarked at least 2 days before the deadline is not subject to
18 penalty.

19 A required report may be provisionally filed by transmission of a facsimile copy of the
20 duly executed report to the commission, as long as an original of the same report is
21 received by the commission within 5 calendar days thereafter.

22 **Sec. 21. 21-A MRSA §1125, sub-§12-A, ¶E**, as amended by PL 2013, c. 334,
23 §34, is further amended to read:

24 E. A contemporaneous document such as an invoice, ~~contract~~ or timesheet that
25 specifies in detail the services provided by a vendor who was paid in excess of \$500
26 for the election cycle for providing campaign staff or consulting services to a
27 candidate. If the candidate compensates or expects to compensate the vendor \$2,000
28 or more during the election cycle, the invoice or timesheet must specify the dates on
29 which services were provided and the number of hours actually worked during that
30 time period. Purchases of goods made by the vendor with the candidate's campaign
31 funds on behalf of the candidate do not count toward the \$2,000 threshold.

32 SUMMARY

33 This bill amends the laws governing campaign finance and the Commission on
34 Governmental Ethics and Election Practices by:

35 1. Providing the commission discretion to decline to conduct an investigation
36 requested by an outside party, if the violation is alleged to have occurred more than 3
37 years before the investigation is requested. This proposed change would not restrict the
38 commission's discretion to initiate an investigation of its own accord;

- 1 2. Allowing the commission to refer to the Attorney General potential violations of
2 criminal law rather than requiring the commission to refer all violations of the laws
3 governing campaign reports and finances;
- 4 3. Amending the requirements for state party committees to provide mailing
5 addresses for local committee chairs to the commission for purposes of receiving
6 correspondence from the commission;
- 7 4. Requiring that prerecorded automated telephone calls and scripted live telephone
8 communications made shortly before an election that name a clearly identified candidate
9 clearly state the address of the person that paid for the calls or communications and a
10 statement indicating whether the calls or communications were authorized by a candidate;
- 11 5. Requiring candidates to disclose the addresses of payees in their campaign finance
12 reports, consistent with requirements for political action committees and party
13 committees;
- 14 6. Providing an exemption from filing primary election campaign finance reports for
15 legislative candidates who file a sworn statement with the commission that they will not
16 conduct financial activity for the primary election. This exemption would be available
17 only to those candidates with no opponent in the primary election and would not exempt
18 candidates from filing campaign finance reports for the general election;
- 19 7. Permitting candidates to donate unspent campaign contributions to a political
20 action committee or ballot question committee;
- 21 8. Repealing the requirement for a candidate with a campaign surplus or deficit to
22 file a termination report by July 15th following the general election but retaining the
23 requirement that a candidate disclose surpluses or deficits to be carried forward to the
24 next campaign;
- 25 9. Amending the threshold for filing an independent expenditure report from \$100 to
26 \$250;
- 27 10. Permitting the commission to require additional information in an independent
28 expenditure report to facilitate the public's identification of the mailing, advertisement or
29 other paid communication that is the subject of the report;
- 30 11. Increasing the potential penalty for an individual's failure to register as a
31 candidate with the commission from \$10 to \$100;
- 32 12. Amending the formula used to determine the penalty when a campaign finance
33 report is filed late to provide that the penalty is based on the amount of financial activity
34 reported late rather than on the total financial activity for the period;
- 35 13. Allowing candidates and political committees to request a determination by the
36 commission regarding a preliminary penalty through an unsworn communication such as
37 a letter or memo rather than through a sworn statement;

1 14. Defining the term "ballot question" for the purposes of the laws governing
2 reports by political action committees to refer to a people's veto referendum, direct
3 initiative and other referendums;

4 15. Requiring political action committees to register with the commission within 7
5 days of receiving contributions or making expenditures above the applicable threshold for
6 the purpose of influencing Maine elections. Under current law, the registration
7 requirement is triggered only by expenditures made to influence Maine elections;

8 16. Prohibiting a political action committee from compensating a Legislator or
9 member of the Legislator's immediate family or household for services provided to the
10 committee if the Legislator is a principal officer or treasurer of the committee or is one of
11 the individuals primarily responsible for raising contributions or making decisions for the
12 committee;

13 17. Permitting the commission to assess a fine of up to \$5,000 if a person spends
14 more than \$500 on a paid communication to voters expressly advocating for or against a
15 ballot question if the communication does not contain the name and address of the person
16 who paid for the communication;

17 18. Requiring a person that spends more than \$500 on a prerecorded automated
18 telephone call or scripted live telephone communication expressly advocating for or
19 against a ballot question to clearly state the person's name and address in the call or
20 communication; and

21 19. Requiring campaign staff and consultants who are compensated for their labor by
22 candidates with \$2,000 or more in Maine Clean Election Act funds to create an invoice or
23 timesheet showing the dates of service and number of hours worked, to be kept by the
24 candidate for 3 years after the election. Goods purchased by a staff member or consultant
25 on behalf of the candidate would not count toward the \$2,000 compensation threshold.