

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 585

S.P. 200

In Senate, February 16, 2017

An Act To Allow Cash Qualifying Contributions under the Maine Clean Election Act

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

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

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator MIRAMANT of Knox.

Cosponsored by Representative SHEATS of Auburn and

Senators: CARPENTER of Aroostook, CYRWAY of Kennebec, DILL of Penobscot, KEIM of Oxford, MILLETT of Cumberland, Representatives: CASÁS of Rockport, HARRINGTON of Sanford, HICKMAN of Winthrop.

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

2 **Sec. 1. 21-A MRSA §1122, sub-§7, ¶A**, as amended by PL 2009, c. 286, §4, is
3 further amended to read:

4 A. Of \$5 in cash or ~~more~~ \$5 in the form of a check or a money order payable to the
5 fund and signed by the contributor in support of a candidate or made over the Internet
6 in support of a candidate according to the procedure established by the commission;

7 **Sec. 2. 21-A MRSA §1125, sub-§3**, as amended by IB 2015, c. 1, §18, is further
8 amended to read:

9 **3. Qualifying contributions.** Participating candidates must obtain qualifying
10 contributions during the qualifying period as follows:

11 A. For a gubernatorial candidate, at least 3,200 verified registered voters of this State
12 must support the candidacy by providing a qualifying contribution to that candidate;

13 B. For a candidate for the State Senate, at least 175 verified registered voters from
14 the candidate's electoral division must support the candidacy by providing a
15 qualifying contribution to that candidate; or

16 C. For a candidate for the State House of Representatives, at least 60 verified
17 registered voters from the candidate's electoral division must support the candidacy
18 by providing a qualifying contribution to that candidate.

19 A payment, gift or anything of value may not be given in exchange for a qualifying
20 contribution. A candidate may pay the fee for a money order that is a qualifying
21 contribution in the amount of \$5 as long as the donor making the qualifying contribution
22 pays the \$5 amount reflected on the money order. Any money order fees paid by a
23 participating candidate must be paid for with seed money and reported in accordance with
24 commission rules. A money order must be signed by the contributor to be a valid
25 qualifying contribution. For qualifying contributions made in cash, in order to be a valid
26 contribution, the candidate shall ensure that the contributor attests, by signing a receipt
27 and acknowledgment form designed by the commission, that the contributor made the
28 contribution using the contributor's own funds and received nothing in return for making
29 the qualifying contribution. In lieu of submitting the cash to the commission, the
30 candidate shall submit a check payable to the Maine Clean Election Fund in an amount
31 equal to cash contributions listed on the receipt and acknowledgment form to the
32 commission. The commission may establish by routine technical rule, adopted in
33 accordance with Title 5, chapter 375, subchapter 2-A, a procedure for a qualifying
34 contribution to be made by a credit or debit transaction and by electronic funds transfer
35 over the Internet. Records containing information provided by individuals who have
36 made qualifying contributions over the Internet are confidential, except for the name of
37 the individual making the contribution, the date of the contribution, the individual's
38 residential address and the name and office sought of the candidate in whose support the
39 contribution was made.

40 It is a violation of this chapter for a participating candidate or an agent of the participating
41 candidate to misrepresent the purpose of soliciting qualifying contributions and obtaining
42 the contributor's signed ~~acknowledgement~~ acknowledgment.

1

SUMMARY

2 This bill amends the definition of "qualifying contribution" under the Maine Clean
3 Election Act to include \$5 cash contributions in addition to those made by check or
4 money order or via the Internet. Current law defines a qualifying contribution as a
5 contribution in the amount of \$5 or more. This bill limits the contribution to \$5. The bill
6 also provides a process to ensure that qualifying contributions made in cash are valid
7 contributions. A contributor must attest, using a form designed by the Commission on
8 Governmental Ethics and Election Practices, that a qualifying contribution was made
9 using the contributor's personal funds and the contributor received nothing in return for
10 the contribution. Finally, the bill provides that a candidate may submit a check to the
11 Maine Clean Election Fund equal to the amount of qualifying contributions made in cash
12 along with the receipt and acknowledgment forms required to be submitted to be certified
13 as a participating candidate under the Maine Clean Election Act.