

# MAINE STATE LEGISLATURE

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L.D. 1721

## MAJORITY

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Date: 6/3/19

(Filing No. S-195)

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### VETERANS AND LEGAL AFFAIRS

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### STATE OF MAINE

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### SENATE

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### 129TH LEGISLATURE

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### FIRST REGULAR SESSION

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COMMITTEE AMENDMENT "A" to S.P. 570, L.D. 1721, Bill, "An Act To Amend the Campaign Reports and Finances Laws and the Maine Clean Election Act"

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Amend the bill in section 6 in subsection 5 in the 2nd line from the end (page 3, line 7 in L.D.) by striking out the following: "changing" and inserting the following: 'influencing'

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Amend the bill in section 10 in subsection 8 in paragraph G in the last line (page 4, line 35 in L.D.) by striking out the following: "and" and inserting the following: 'and'

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Amend the bill in section 10 in subsection 8 in paragraph H in the last line (page 4, line 37 in L.D.) by striking out the following: "gift; and" and inserting the following: 'gift.'

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Amend the bill in section 10 in subsection 8 by striking out all of paragraph I (page 4, line 38 in L.D.)

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Amend the bill in section 13 in paragraph C in the 2nd line (page 6, line 15 in L.D.) by inserting after the following: "a general" the following: 'or special'

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Amend the bill by inserting after section 14 the following:

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'Sec. 15. 21-A MRSA §1019-B, sub-§1, ¶A, as enacted by PL 2003, c. 448, §3, is amended to read:

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A. Is any expenditure made by a person, party committee, ~~political committee~~ or political action committee, other than by contribution to a candidate or a candidate's authorized political committee, for any communication that expressly advocates the election or defeat of a clearly identified candidate; and'

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Amend the bill by inserting after section 15 the following:

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'Sec. 16. 21-A MRSA §1019-B, sub-§4, as amended by IB 2015, c. 1, §6 and PL 2015, c. 350, §6, is further amended to read:

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4. **Report required; content; rules.** A person, party committee, ~~political committee~~ or political action committee that makes any independent expenditure in excess of \$250

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## COMMITTEE AMENDMENT

1 during any one candidate's election shall file a report with the commission. In the case of  
2 a municipal election, the report must be filed with the municipal clerk.

3 A. A report required by this subsection must be filed with the commission according  
4 to a reporting schedule that the commission shall establish by rule that takes into  
5 consideration existing campaign finance reporting requirements. Rules adopted  
6 pursuant to this paragraph are routine technical rules as defined in Title 5, chapter  
7 375, subchapter 2-A.

8 B. A report required by this subsection must contain an itemized account of each  
9 expenditure in excess of \$250 in any one candidate's election, the date and purpose of  
10 each expenditure and the name of each payee or creditor. The report must state  
11 whether the expenditure is in support of or in opposition to the candidate and must  
12 include, under penalty of perjury, as provided in Title 17-A, section 451, a statement  
13 under oath or affirmation whether the expenditure is made in cooperation,  
14 consultation or concert with, or at the request or suggestion of, the candidate or an  
15 authorized committee or agent of the candidate.

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

27 Amend the bill by striking out all of section 19.

28 Amend the bill in section 20 in subsection 1 in the 2nd line from the end (page 8, line  
29 22 in L.D.) by striking out the following: "changing" and inserting the following:  
30 'influencing'

31 Amend the bill in section 30 in the first line (page 12, line 35 in L.D.) by striking out  
32 the following: "sub-§§3-B and 3-C are" and inserting the following: 'sub-§3-B is'

33 Amend the bill in section 30 by striking out all of subsection 3-C (page 13, lines 1 to  
34 8 in L.D.)

35 Amend the bill by striking out all of section 31.

36 Amend the bill by relettering or renumbering any nonconsecutive Part letter or  
37 section number to read consecutively.

### 38 SUMMARY

39 This amendment makes the following changes to the bill.

40 1. Under the bill, when prerecorded automated telephone calls and scripted live  
41 telephone calls that name a clearly identified candidate are made within 28 days before a

1 primary election, within 35 days before a special election or between Labor Day and the  
2 date of a general election, the telephone calls must include information disclosing both  
3 the name of the person who paid for or financed the telephone call and whether the  
4 candidate authorized the telephone call. The amendment clarifies that surveys that meet  
5 generally accepted standards for polling research and that are not conducted for the  
6 purpose of influencing the voting position of call recipients are not required to include  
7 these disclosures.

8 2. Under the bill, when a person makes an expenditure exceeding \$500 that expressly  
9 advocates for or against an initiative or referendum on the ballot through prerecorded  
10 automated telephone calls or scripted live telephone calls, the telephone calls must clearly  
11 state the name of the person who made or financed the telephone calls. The amendment  
12 clarifies that surveys that meet generally accepted standards for polling research and that  
13 are not conducted for the purpose of influencing the voting position of call recipients are  
14 not required to include this disclosure.

15 3. It strikes the provision of the bill authorizing a traditionally financed candidate to  
16 expend surplus campaign funds on expenses related to a recount.

17 4. The bill eliminates the requirement in current law that municipal, district and  
18 county party committees submit a campaign finance report within 24 hours of receiving a  
19 single contribution of \$5,000 or more or making any expenditure of \$1,000 or more, if  
20 that contribution or expenditure is made within the 13 days before a primary election.  
21 The amendment clarifies that these so-called 24-hour reports continue to be required  
22 when a municipal, district or county party committee receives a single contribution of  
23 \$5,000 or more or makes an expenditure of \$1,000 or more within the 13 days before a  
24 special election.

25 5. It removes the provisions of the bill authorizing the Commission on Governmental  
26 Ethics and Election Practices to investigate whether a candidate certified as a Maine  
27 Clean Election Act candidate meets the qualifications for candidacy and for holding  
28 office set forth in the Constitution of Maine.

29 6. It makes technical changes to the terminology used in several provisions of the  
30 campaign finance laws included in the bill.

31 **FISCAL NOTE REQUIRED**

32 (See attached)

**COMMITTEE AMENDMENT**



# 129th MAINE LEGISLATURE

LD 1721

LR 1093(02)

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

Fiscal Note for Bill as Amended by Committee Amendment "H" (S-145)

Committee: Veterans and Legal Affairs

Fiscal Note Required: Yes

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### Fiscal Note

Minor cost increase - General Fund  
Minor revenue increase - Other Special Revenue Funds

#### Correctional and Judicial Impact Statements

The additional workload associated with the minimal number of new cases filed in the court system does not require additional funding at this time.

The collection of additional fine revenue will increase dedicated revenue by minor amounts.

#### Fiscal Detail and Notes

Any additional costs to the Commission on Governmental Ethics and Election Practices as a result of changes to the laws regarding campaign reports and campaign finance laws are anticipated to be minor and can be absorbed within existing budgeted resources.