

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1721

S.P. 570

In Senate, May 14, 2019

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

Reported by Senator LUCHINI of Hancock 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 black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

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

2 **Sec. 1. 1 MRSA §1002, sub-§1-A, ¶D**, as enacted by PL 2001, c. 470, §2, is
3 amended to read:

4 D. Two initial appointees are appointed for one-year terms, 2 are appointed for 2-
5 year terms and one is appointed for a 3-year term, according to a random lot drawing
6 under the supervision of the Secretary of State. Subsequent appointees are appointed
7 to serve 3-year terms. A person may not serve more than 2 consecutive terms, except
8 that if a person is appointed to fill the unexpired portion of a term to fill a vacancy
9 under paragraph F and that portion is less than 2 years, the person may serve 2
10 consecutive full terms thereafter.

11 **Sec. 2. 21-A MRSA §1001, sub-§2**, as amended by PL 2017, c. 475, Pt. A, §27,
12 is further amended to read:

13 **2. Election.** "Election" means any primary, general or special election for state or
14 county office or municipal office pursuant in a municipality subject to Title 30-A, section
15 2502, subsection 1 and any referendum, including a municipal referendum in a
16 municipality subject to Title 30-A, section 2502, subsection 2.

17 **Sec. 3. 21-A MRSA §1003, sub-§3-A**, as amended by PL 2013, c. 470, §1, is
18 further amended to read:

19 **3-A. Confidential records.** Investigative working papers of the commission are
20 confidential, except that the commission may disclose them to the subject of the audit or
21 investigation, other entities as necessary for the conduct of an audit or investigation and
22 law enforcement and other agencies for purposes of reporting, investigating or
23 prosecuting a criminal or civil violation. For purposes of this subsection, "investigative
24 working papers" means documents, records and other printed or electronic information in
25 the following limited categories that are acquired, prepared or maintained by the
26 commission during the conduct of an audit, investigation or other enforcement matter:

27 A. Financial information not normally available to the public;

28 B. Information that, if disclosed, would reveal sensitive political or campaign
29 information belonging to a party committee, political action committee, ballot
30 question committee, candidate or candidate's political committee, or other person
31 who is the subject of an audit, investigation or other enforcement matter, even if the
32 information is in the possession of a vendor or 3rd party;

33 C. Information or records subject to a privilege against discovery or use as evidence;
34 and

35 D. Intra-agency or interagency communications related to an audit or investigation,
36 including any record of an interview, meeting or examination.

37 The commission may disclose investigative working papers or discuss them at a public
38 meeting, except for the information or records subject to a privilege against discovery or
39 use as evidence, if the information or record is materially relevant to a ~~finding of fact,~~
40 ~~violation or other~~ memorandum or interim or final report by the commission staff or a

1 decision by the commission concerning an audit, investigation or other enforcement
2 matter. A memorandum or report on the audit or investigation prepared by staff for the
3 commission may be disclosed at the time it is submitted to the commission, as long as the
4 subject of the audit or investigation has an opportunity to review it first to identify
5 material that the subject of the audit or investigation considers privileged or confidential
6 under some other provision of law.

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

9 **3. Party committees.** The ~~state, district and~~ county and municipal committees of
10 parties shall submit to ~~the commission~~ their state party committees the names and,
11 mailing addresses and e-mail addresses of all their officers and of their treasurers and the
12 name and address of the principal paid employee, if any, within ~~30~~ 10 days after the
13 appointment, election or hiring of these persons. Municipal committees ~~must~~ shall file
14 copies of the same information with ~~the commission and~~ the municipal clerk. ~~District,~~
15 ~~county and municipal committees that provide their state party committees with the~~
16 ~~information required by this subsection to be submitted to the commission have met that~~
17 ~~requirement.~~ No later than ~~the 2nd Monday in April~~ June 15th of each year in which a
18 general election is scheduled, the state party committee ~~of a party~~ shall submit to the
19 commission a consolidated report, ~~including the information required under this~~
20 ~~subsection, for~~ of the names, mailing addresses and e-mail addresses of the chair and
21 treasurer of the district, county and municipal committees of that party or of another
22 officer if a chair or treasurer has not been appointed.

23 **Sec. 5. 21-A MRSA §1014, sub-§2-A**, as amended by PL 2013, c. 362, §3, is
24 further amended to read:

25 **2-A. Other communications.** Whenever a person makes an expenditure to finance
26 a communication that names or depicts a clearly identified candidate and that is
27 disseminated during the ~~21 days before a primary election or 35 days before a general~~
28 ~~election~~ 28 days, including election day, before a primary election, during the 35 days,
29 including election day, before a special election or during the period of time from Labor
30 Day to the election day for a general election through the media described in subsection
31 1, the communication must state the name and address of the person who made or
32 financed the communication and a statement that the communication was or was not
33 authorized by the candidate, except that a communication broadcast by radio is only
34 required to state the city and state of the address of the person that financed the
35 communication. The disclosure is not required if the communication was not made for
36 the purpose of influencing the candidate's nomination for election or election.

37 **Sec. 6. 21-A MRSA §1014, sub-§5**, as amended by PL 2007, c. 443, Pt. A, §9, is
38 further amended to read:

39 **5. Telephone calls.** Prerecorded automated telephone calls and scripted live
40 telephone communications that name a clearly identified candidate during the ~~21 days~~
41 ~~before a primary election or the 35 days before a general election~~ 28 days, including
42 election day, before a primary election, during the 35 days, including election day, before
43 a special election or during the period of time from Labor Day to the general election day

1 for a general election must clearly state the name of the person who made or financed the
2 expenditure for the communication and whether the communication was authorized by a
3 candidate, except for prerecorded automated telephone calls paid for by the candidate that
4 use the candidate's voice in the telephone call and that are made in support of that
5 candidate. Telephone calls ~~made for the purposes of researching the views of voters~~
6 surveys that meet generally accepted standards for polling research and that are not
7 conducted for the purpose of changing the voting position of call recipients are not
8 required to include the disclosure.

9 **Sec. 7. 21-A MRSA §1017, sub-§2, ¶D**, as amended by PL 2013, c. 334, §10, is
10 further amended to read:

11 D. ~~Any~~ If the candidate has an opponent who is on the ballot or who is a declared
12 write-in candidate, any single contribution of \$1,000 or more received or any single
13 expenditure of \$1,000 or more made after the 14th day before the election and more
14 than 24 hours before 11:59 p.m. on the day of the election must be reported within
15 24 hours of that contribution or expenditure. The candidate or treasurer is not
16 required to include in this report expenditures for overhead expenses or compensation
17 paid to an employee or other member of the campaign staff who has received
18 payments at regular intervals that have been disclosed in previously filed campaign
19 finance reports. As used in this paragraph, "overhead expenses" includes, but is not
20 limited to, rent, utility payments, taxes, insurance premiums or similar administrative
21 expenses.

22 **Sec. 8. 21-A MRSA §1017, sub-§3-A, ¶C**, as amended by PL 2013, c. 334, §11,
23 is further amended to read:

24 C. ~~Any~~ If the candidate has an opponent who is on the ballot or who is a declared
25 write-in candidate, any single contribution of \$1,000 or more received or any single
26 expenditure of \$1,000 or more made after the 14th day before any election and more
27 than 24 hours before 11:59 p.m. on the day of any election must be reported within
28 24 hours of that contribution or expenditure. The candidate or treasurer is not
29 required to include in this report expenditures for overhead expenses or compensation
30 paid to an employee or other member of the campaign staff who has received
31 payments at regular intervals that have been disclosed in previously filed campaign
32 finance reports. As used in this paragraph, "overhead expenses" includes, but is not
33 limited to, rent, utility payments, taxes, insurance premiums or similar administrative
34 expenses.

35 **Sec. 9. 21-A MRSA §1017, sub-§5**, as amended by PL 2011, c. 522, §1, is
36 further amended to read:

37 **5. Content.** A report required under this section must contain the itemized accounts
38 of contributions received during that report filing period, including the date a contribution
39 was received, and the name, address, occupation, principal place of business, if any, and
40 the amount of the contribution of each person who has made a contribution or
41 contributions aggregating in excess of \$50. The report must contain the itemized
42 expenditures made or authorized during the report filing period, the date and purpose of
43 each expenditure and the name and address of each payee and creditor and any refund

1 that a payee has made to the candidate or an agent of the candidate. If the payee is a
2 member of the candidate's household or immediate family, the candidate ~~must~~ shall
3 disclose the candidate's relationship to the payee in a manner prescribed by the
4 commission. The report must contain a statement of any loan to a candidate by a
5 financial institution in connection with that candidate's candidacy that is made during the
6 period covered by the report, whether or not the loan is defined as a contribution under
7 section 1012, subsection 2, paragraph A. The candidate and the treasurer are jointly and
8 severally responsible for the timely and accurate filing of each required report.

9 **Sec. 10. 21-A MRSA §1017, sub-§8**, as amended by PL 2007, c. 443, Pt. A, §16,
10 is further amended to read:

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

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

18 B. A gift to a qualified political party within the State, including any county or
19 municipal subdivision of such a party;

20 C. An unrestricted gift to the State. A candidate for municipal office may dispose of
21 a surplus by making a restricted or unrestricted gift to the municipality;

22 D. Carrying forward the surplus balance to a political committee established to
23 promote the same candidate for a subsequent election;

24 D-1. Carrying forward the surplus balance for use by the candidate for a subsequent
25 election;

26 E. Transferring the surplus balance to one or more other candidates registered under
27 section 1013-A or qualified under sections 335 and 336 or sections 354 and 355, or to
28 political committees established to promote the election of those candidates, provided
29 that the amount transferred does not exceed the contribution limits established by
30 section 1015;

31 F. Repaying any loans or retiring any other debts incurred to defray campaign
32 expenses of the candidate;

33 G. Paying for any expense incurred in the proper performance of the office to which
34 the candidate is elected, as long as each expenditure is itemized on expenditure
35 reports; ~~and~~

36 H. A gift to a charitable or educational organization that is not prohibited, for tax
37 reasons, from receiving such a gift; and

38 I. Paying for any expense related to a recount of ballots of the candidate's election.

39 The choice must be made by the candidate for whose benefit the contributions were
40 made.

1 **Sec. 11. 21-A MRSA §1017-A, sub-§2, ¶A**, as amended by PL 2007, c. 443, Pt.
2 A, §17, is further amended to read:

3 A. The name of each candidate, ~~political committee~~, political action committee,
4 ballot question committee or party committee;

5 **Sec. 12. 21-A MRSA §1017-A, sub-§4-A**, as amended by PL 2013, c. 334, §12,
6 is further amended to read:

7 **4-A. Filing schedule.** A state party committee shall file its reports according to the
8 following schedule. All reports required under paragraphs A, B and C must be filed by
9 11:59 p.m. on the day of the filing deadline.

10 A. ~~Quarterly reports must be filed by 11:59 p.m.~~ A state party committee shall file
11 quarterly reports:

- 12 (1) On January 15th ~~and, which~~ must be complete up to December 31st;
13 (2) On April 10th ~~and, which~~ must be complete up to March 31st;
14 (3) On July 15th ~~and, which~~ must be complete up to June 30th; and
15 (4) On October 5th ~~and, which~~ must be complete up to September 30th.

16 B. ~~General and primary election reports must be filed by 11:59 p.m.~~ During any year
17 in which primary and general elections are held, a state party committee shall file
18 primary and general election reports in addition to the reports required under
19 paragraph A:

- 20 (1) On the 11th day before the date on which the election is held ~~and, which~~
21 must be complete up to the 14th day before that date; and
22 (2) On the 42nd day after the date on which the election is held ~~and, which~~ must
23 be complete up to the 35th day after that date.

24 C. ~~Preelection and post-election reports for special elections, referenda, initiatives,~~
25 ~~bond issues or constitutional amendments must be filed by 11:59 p.m.~~ In an election
26 year other than a year described in paragraph B, if a state party committee has
27 received contributions or made expenditures for the purpose of influencing a ballot
28 question election, a special election or a municipal candidate or referendum election
29 subject to Title 30-A, section 2502, the committee shall file preelection and post-
30 election reports:

- 31 (1) On the 11th day before the date on which the election is held ~~and, which~~
32 must be complete up to the 14th day before that date; and
33 (2) On the 42nd day after the date on which the election is held ~~and, which~~ must
34 be complete up to the 35th day after that date.

35 D. A state party committee that files an election report under paragraph B or C is not
36 required to file a quarterly report under paragraph A when the deadline for that
37 quarterly report falls within 10 days of the filing deadline established in paragraph B
38 or C.

1 E. ~~A~~ If a state party committee is required to file a report 11 days before an election
2 pursuant to paragraph B or C, the committee shall report any single contribution of
3 \$5,000 or more received or any single expenditure of \$1,000 or more made after the
4 14th day before the election and more than 24 hours before 5:00 p.m. on the day of
5 the election within 24 hours of that contribution or expenditure. The committee is not
6 required to include in this report expenditures for overhead expenses or compensation
7 paid to an employee or other member of the campaign staff who has received
8 payments at regular intervals that have been disclosed in previously filed campaign
9 finance reports. As used in this paragraph, "overhead expenses" includes, but is not
10 limited to, rent, utility payments, taxes, insurance premiums or similar administrative
11 expenses.

12 **Sec. 13. 21-A MRSA §1017-A, sub-§4-B, ¶C**, as amended by PL 2013, c. 334,
13 §13, is further amended to read:

14 C. A committee shall report any single contribution of \$5,000 or more received or
15 any expenditure of \$1,000 or more made after the 14th day before ~~any~~ a general
16 election and more than 24 hours before 11:59 p.m. on the day of the election within
17 24 hours of that contribution or expenditure. The committee is not required to
18 include in this report expenditures for overhead expenses or compensation paid to an
19 employee or other member of the campaign staff who has received payments at
20 regular intervals that have been disclosed in previously filed campaign finance
21 reports. As used in this paragraph, "overhead expenses" includes, but is not limited
22 to, rent, utility payments, taxes, insurance premiums or similar administrative
23 expenses.

24 **Sec. 14. 21-A MRSA §1019-A**, as enacted by PL 2001, c. 465, §2, is amended to
25 read:

26 **§1019-A. Reports of membership communications**

27 Any membership organization or corporation that makes a communication to its
28 members or stockholders expressly advocating the election or defeat of a clearly
29 identified candidate shall report any expenses related to such communications
30 aggregating in excess of ~~\$50~~ \$100 in any one candidate's election race, notwithstanding
31 the fact that such communications are not expenditures under section 1012, subsection 3,
32 paragraph A. Reports required by this section must be filed with the commission on
33 forms prescribed and prepared by the commission and according to a reporting schedule
34 that the commission shall establish by rule.

35 **Sec. 15. 21-A MRSA §1019-B, sub-§2**, as enacted by PL 2003, c. 448, §3, is
36 amended to read:

37 **2. Rebutting presumption.** A person presumed under this section to have made an
38 independent expenditure may rebut the presumption by filing a signed written statement
39 with the commission within 48 hours of ~~making the expenditure~~ disseminating the
40 communication stating that the cost was not incurred with the intent to influence the
41 nomination, election or defeat of a candidate, supported by any additional evidence the
42 person chooses to submit. The commission may gather any additional evidence it deems

1 relevant and material and ~~must~~ shall determine by a preponderance of the evidence
2 whether the cost was incurred with intent to influence the nomination, election or defeat
3 of a candidate.

4 **Sec. 16. 21-A MRSA §1020-A, sub-§1**, as enacted by PL 1995, c. 483, §15, is
5 amended to read:

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

11 **Sec. 17. 21-A MRSA §1020-A, sub-§5-A**, as amended by IB 2015, c. 1, §8, is
12 further amended to read:

13 **5-A. Maximum penalties.** Penalties assessed under this subchapter may not exceed:

14 A. Five thousand dollars for reports required under section 1017, subsection 2,
15 paragraph B, C, D, E or H; section 1017, subsection 3-A, paragraph B, C, D, D-1 or
16 F; and section 1017, subsection 4, except that if the dollar amount of the financial
17 activity reported late that was not timely filed or did not substantially conform to the
18 reporting requirements of this subchapter exceeds \$50,000, the maximum penalty is
19 100% of the dollar amount reported late of that financial activity;

20 A-1. Five thousand dollars for reports required under section 1019-B, subsection 4,
21 except that if the dollar amount of the financial activity reported late that was not
22 timely filed or did not substantially conform to the reporting requirements of this
23 subchapter exceeds \$50,000, the maximum penalty is 100% of the dollar amount
24 reported late of that financial activity;

25 B. Five thousand dollars for state party committee reports required under section
26 1017-A, subsection 4-A, paragraphs A, B, C and E, except that if the dollar amount
27 of the financial activity reported late that was not timely filed or did not substantially
28 conform to the reporting requirements of this subchapter exceeds \$50,000, the
29 maximum penalty is 100% of the dollar amount reported late of that financial
30 activity;

31 C. One thousand dollars for reports required under section 1017, subsection 2,
32 paragraphs A and F and section 1017, subsection 3-A, paragraphs A and E; or

33 D. Five hundred dollars for municipal, district and county committees for reports
34 required under section 1017-A, subsection 4-B.

35 **Sec. 18. 21-A MRSA §1051**, as amended by PL 2009, c. 190, Pt. A, §15, is
36 further amended to read:

37 **§1051. Application**

38 This subchapter applies to the activities of political action committees and ballot
39 question committees organized in and outside this State that accept contributions, incur

1 obligations or make expenditures for to influence the nomination or election of a
2 candidate to state, county or municipal officers, office or for the support or defeat of any
3 to initiate or influence a campaign, as defined in this subchapter.

4 **Sec. 19. 21-A MRSA §1052, sub-§2**, as amended by PL 2007, c. 443, Pt. A, §27,
5 is further amended to read:

6 **2. Committee.** "Committee" means any political action committee, as defined in
7 this subchapter, or any ballot question committee, as described in section 1056-B, and
8 includes any agent of a political action committee or ballot question committee.

9 **Sec. 20. 21-A MRSA §1055-A, sub-§1**, as enacted by PL 2013, c. 334, §24, is
10 amended to read:

11 **1. Communications to influence ballot question elections.** Whenever a person
12 makes an expenditure exceeding \$500 expressly advocating through broadcasting
13 stations, cable television systems, prerecorded automated telephone calls or scripted live
14 telephone calls, newspapers, magazines, campaign signs or other outdoor advertising
15 facilities, publicly accessible sites on the Internet, direct mails or other similar types of
16 general public political advertising or through flyers, handbills, bumper stickers and other
17 nonperiodical publications, for or against an initiative or referendum that is on the ballot,
18 the communication must clearly and conspicuously state the name and address of the
19 person who made or financed the expenditure for the communication, except that
20 telephone calls must clearly state only the name of the person who made or financed the
21 expenditure for the communication. Telephone surveys that meet generally accepted
22 standards for polling research and that are not conducted for the purpose of changing the
23 voting position of call recipients are not required to include the disclosure.

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

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

31 **Sec. 22. 21-A MRSA §1056-B, first ¶**, as amended by PL 2015, c. 408, §3, is
32 further amended to read:

33 A person not defined as a political action committee that receives contributions or
34 makes expenditures, ~~other than by contribution to a political action committee or a ballot~~
35 ~~question committee~~, aggregating in excess of \$5,000 for the purpose of initiating or
36 influencing a campaign as defined by section 1052, subsection 1 shall register as a ballot
37 question committee and file reports with the commission in accordance with this section.
38 For the purposes of this section, "campaign" does not include activities to influence the
39 nomination or election of a candidate. A person whose only payments of money for the
40 purpose of influencing a campaign in this State are contributions to political action
41 committees or ballot question committees registered with the commission or a

1 municipality and who has not raised and accepted any contributions for the purpose of
2 influencing a campaign in this State is not required to register and file campaign finance
3 reports under this section. For the purposes of this section, expenditures include paid
4 staff time spent for the purpose of initiating or influencing a campaign.

5 **Sec. 23. 21-A MRSA §1059**, as amended by PL 2013, c. 334, §§27 and 28, is
6 further amended to read:

7 **§1059. Report; filing requirements**

8 ~~Committees~~ A committee required to register under section 1052-A, 1053-B or
9 1056-B shall file an initial campaign finance report ~~at the time~~ within 7 days of
10 registration and thereafter shall file reports in compliance with this section. All reports
11 must be filed by 11:59 p.m. on the day of the filing deadline, except that reports
12 submitted to a municipal clerk must be filed by the close of business on the day of the
13 filing deadline.

14 **2. Reporting schedule.** ~~Committees~~ A committee shall file reports according to the
15 following schedule.

16 A. ~~All committees~~ A committee shall file quarterly reports:

- 17 (1) On January 15th, and the report must be complete as of December 31st;
18 (2) On April 10th, and the report must be complete as of March 31st;
19 (3) On July 15th, and the report must be complete as of June 30th; and
20 (4) On October 5th, and the report must be complete as of September 30th.

21 B. ~~General and primary election reports must be filed~~ During any year in which
22 primary and general elections are held, a committee shall file primary and general
23 election reports in addition to the reports required under paragraph A:

- 24 (1) On the 11th day before the date on which the election is held ~~and, which~~
25 must be complete as of the 14th day before that date; and
26 (2) On the 42nd day after the date on which the election is held ~~and, which~~ must
27 be complete as of the 35th day after that date.

28 A committee shall file primary and general election reports even if the committee did
29 not engage in financial activity to influence the primary or general election.

30 C. ~~Preelection and post-election reports for special elections or ballot measure~~
31 ~~campaigns must be filed~~ In any election year other than a year described in paragraph
32 B, if a committee has received contributions or made expenditures for the purpose of
33 influencing a ballot question election, a special election or a municipal candidate or
34 referendum election subject to Title 30-A, section 2502, the committee shall file
35 preelection and post-election reports:

- 36 (1) On the 11th day before the date on which the election is held ~~and, which~~
37 must be complete as of the 14th day before that date; and

1 (2) On the 42nd day after the date on which the election is held ~~and~~, which must
2 be complete as of the 35th day after that date.

3 D. A committee that files an election report under paragraph B or C is not required to
4 file a quarterly report when the deadline for that quarterly report falls within 10 days
5 of the filing deadline established in paragraph B or C.

6 E. ~~A~~ If a committee is required to file a report 11 days before an election pursuant
7 to paragraph B or C, the committee shall report any single contribution of \$5,000 or
8 more received or single expenditure of \$1,000 or more made after the 14th day before
9 the election and more than 24 hours before 5:00 p.m. on the day of the election within
10 24 hours of that contribution or expenditure. The treasurer is not required to include
11 in this report expenditures for overhead expenses or compensation paid to an
12 employee or other member of the campaign staff who has received payments at
13 regular intervals that have been disclosed in previously filed campaign finance
14 reports. As used in this paragraph, "overhead expenses" includes, but is not limited
15 to, rent, utility payments, taxes, insurance premiums or similar administrative
16 expenses.

17 **5. Electronic filing.** Committees A committee shall file each report required by this
18 section through an electronic filing system developed by the commission. The
19 commission may make an exception to this electronic filing requirement if a committee
20 submits a written request that states that the committee lacks access to the technology or
21 the technological ability to file reports electronically. The request for an exception must
22 be submitted within 30 days of the registration of the committee. The commission shall
23 grant all reasonable requests for exceptions.

24 **Sec. 24. 21-A MRSA §1062-A, sub-§4,** as amended by IB 2015, c. 1, §10, is
25 further amended to read:

26 **4. Maximum penalties.** The maximum penalty under this subchapter is \$10,000 for
27 reports required under section 1056-B or section 1059, except that if the dollar amount of
28 the financial activity reported late that was not timely filed or did not substantially
29 conform to the reporting requirements of this subchapter exceeds \$50,000, the maximum
30 penalty is 100% of the dollar amount reported late of that financial activity.

31 **Sec. 25. 21-A MRSA §1122, sub-§7, ¶A,** as amended by PL 2009, c. 286, §4, is
32 further amended to read:

33 A. Of \$5 or more in the form of cash, a check or a money order payable to the fund
34 and signed by the contributor in support of a candidate or a payment made over the
35 Internet in support of a candidate according to the procedure established by the
36 commission;

37 **Sec. 26. 21-A MRSA §1125, sub-§1,** as amended by PL 2011, c. 389, §51, is
38 further amended to read:

39 **1. Declaration of intent.** A participating candidate ~~must~~ shall file a declaration of
40 intent to seek certification as a Maine Clean Election Act candidate and to comply with
41 the requirements of this chapter. The declaration of intent must be filed with the

1 commission prior to or during the qualifying period, except as provided in subsection 11,
2 according to forms and procedures developed by the commission. Qualifying
3 contributions collected more than 5 business days before the declaration of intent has
4 been filed will not be counted toward the eligibility ~~requirement~~ requirements in
5 subsection 3 or 3-A.

6 **Sec. 27. 21-A MRSA §1125, sub-§2-A, ¶A**, as enacted by PL 2007, c. 443, Pt.
7 B, §6, is amended to read:

8 A. All goods and services received prior to certification must be paid for with seed
9 money contributions, except for goods and services that are excluded from the
10 definition of contribution in section 1012, subsection 2, paragraph B. It is a violation
11 of this chapter for a ~~participating~~ certified candidate to use fund revenues received
12 after certification to pay for goods and services received prior to certification.

13 **Sec. 28. 21-A MRSA §1125, sub-§3**, as amended by IB 2015, c. 1, §18, is
14 repealed and the following enacted in its place:

15 **3. Qualifying contributions.** The collection of qualifying contributions is governed
16 by this subsection.

17 D. To be eligible to receive funding from the fund, participating candidates must
18 obtain qualifying contributions during the qualifying period as follows:

19 (1) For a gubernatorial candidate, at least 3,200 verified registered voters of this
20 State must support the candidacy by providing a qualifying contribution to that
21 candidate;

22 (2) For a candidate for the State Senate, at least 175 verified registered voters
23 from the candidate's electoral division must support the candidacy by providing a
24 qualifying contribution to that candidate; or

25 (3) For a candidate for the State House of Representatives, at least 60 verified
26 registered voters from the candidate's electoral division must support the
27 candidacy by providing a qualifying contribution to that candidate.

28 E. A contributor making a qualifying contribution by check or money order shall
29 sign the check or money order. If the contributor has made a check or money order
30 payable to a participating candidate in error, the candidate may remedy the error by
31 endorsing the check or money order to the fund.

32 F. A contributor may make a qualifying contribution to a participating candidate in
33 the form of cash, as long as the contributor signs a form prepared by the commission
34 affirming that the contributor made the contribution with personal funds. A candidate
35 receiving qualifying contributions in cash shall submit the contributions to the
36 commission in the aggregate in the form of a cashier's check or money order payable
37 to the fund. The candidate may not deposit qualifying contributions received in cash
38 into the candidate's campaign account.

39 G. As an alternative to making a qualifying contribution under paragraph F, a
40 contributor may make a qualifying contribution to a participating candidate in the
41 form of cash, as long as the candidate submits a money order in the same amount to

1 the commission. The money order must be signed by the contributor to be a valid
2 qualifying contribution. The cash received from the contributor must be used to
3 reimburse the person who provided the money order.

4 H. Any fees for a cashier's check or a money order paid with seed money must be
5 reported as an expenditure in campaign finance reports submitted to the commission.
6 If a participating candidate uses personal funds to pay fees for the purchase of a
7 cashier's check or money order, those fees are not a contribution to the candidate and
8 are not required to be disclosed in campaign finance reports. The candidate shall
9 report any cashier's check or money order fees paid by anyone other than the
10 candidate as an in-kind contribution subject to seed money limitations.

11 I. The commission may establish by routine technical rule, adopted in accordance
12 with Title 5, chapter 375, subchapter 2-A, a procedure for a qualifying contribution to
13 be made by a credit or debit transaction and by electronic funds transfer over the
14 Internet. Records containing information provided by individuals who have made
15 qualifying contributions over the Internet are confidential, except for the name of the
16 individual making the contribution, the date of the contribution, the individual's
17 residential address and the name and office sought of the candidate in whose support
18 the contribution was made.

19 J. A payment, gift or anything of value may not be given in exchange for a
20 qualifying contribution. It is a violation of this chapter for a participating candidate
21 or an agent of the participating candidate to misrepresent the purpose of soliciting
22 qualifying contributions and obtaining the contributor's signed acknowledgment.

23 **Sec. 29. 21-A MRSA §1125, sub-§3-A,** as enacted by IB 2015, c. 1, §19, is
24 amended to read:

25 **3-A. Additional qualifying contributions.** Participating or certified candidates may
26 collect and submit to the commission additional qualifying contributions at the times
27 specified in subsection 8-E. The commission shall credit a candidate with either one
28 qualifying contribution or one additional qualifying contribution, but not both, from any
29 one contributor during the same election cycle. If any candidate collects and submits to
30 the commission qualifying contributions or additional qualifying contributions that
31 cannot be credited pursuant to this subsection, those qualifying contributions or additional
32 qualifying contributions may be refunded to the contributor or deposited into the Maine
33 Clean Election Fund at the discretion of the candidate. The procedures and restrictions
34 set out in subsection 3, paragraphs E to J apply to additional qualifying contributions.

35 **Sec. 30. 21-A MRSA §1125, sub-§§3-B and 3-C** are enacted to read:

36 **3-B. Receipt and acknowledgment forms.** The commission shall prepare forms for
37 persons making qualifying contributions to acknowledge the contribution as provided in
38 section 1122, subsection 7, paragraph D. A qualifying contribution is not valid if anyone
39 other than the contributor signed the contributor's name to the form, except that a
40 qualifying contribution is valid if it is signed by the contributor's immediate family
41 member or live-in caregiver when the contributor is unable to sign due to a physical
42 impairment or disability.

1 **3-C. Residency and other requirements.** To be eligible to receive and spend
2 revenues from the fund, a candidate must meet the qualifications for candidacy and for
3 holding office, including residency requirements, as provided in the Constitution of
4 Maine, Article IV, Part First, Section 4; Article IV, Part Second, Section 6; and Article V,
5 Part First, Section 4. The commission may consider a request to investigate a candidate's
6 qualifications at any point prior to 6 months after the election for which the candidate
7 received funding. If a request is filed, the commission shall consider whether to conduct
8 an investigation according to the procedures in section 1003, subsection 2.

9 **Sec. 31. 21-A MRSA §1125, sub-§5-A, ¶G-1** is enacted to read:

10 G-1. Did not meet the qualifications for candidacy or holding office as provided in
11 the Constitution of Maine;

12 **Sec. 32. 21-A MRSA §1125, sub-§6-C, ¶¶A and B,** as enacted by PL 2009, c.
13 302, §14, are amended to read:

14 A. The candidate may not use fund revenues to pay or compensate the candidate or
15 the candidate's spouse or domestic partner, a sole proprietorship of the candidate or
16 the candidate's spouse or domestic partner, a business entity in which the candidate or
17 the candidate's spouse or domestic partner holds a significant proprietary or financial
18 interest or a nonprofit entity in which the candidate or the candidate's spouse or
19 domestic partner is a director, officer, executive director or chief financial officer for
20 campaign-related goods or services.

21 B. A candidate may ~~not~~ make expenditures using fund revenues to pay a member of
22 the candidate's immediate family or household; other than the candidate's spouse or
23 domestic partner; a business entity in which ~~the candidate~~ or a member of the
24 candidate's immediate family or household other than the candidate's spouse or
25 domestic partner holds a significant proprietary or financial interest; or a nonprofit
26 entity in which ~~the candidate~~ or a member of the candidate's immediate family or
27 household other than the candidate's spouse or domestic partner is a director, officer,
28 executive director or chief financial officer, ~~unless as long as~~ the expenditure is
29 made:

30 (1) For a legitimate campaign-related purpose;

31 (2) To an individual or business that provides the goods or services being
32 purchased in the normal course of the individual's occupation or the business; and

33 (3) In an amount that is reasonable taking into consideration current market
34 value and other factors the commission may choose to consider.

35 For the purpose of this paragraph, "business entity" means a corporation, limited
36 liability company, limited partnership, limited liability partnership and general
37 partnership.

38 If a candidate uses fund revenues for an expenditure covered by this paragraph, the
39 candidate shall submit evidence demonstrating that the expenditure complies with the
40 requirements of this paragraph if requested by the commission.

1 by the candidate. It exempts telephone surveys that are not conducted to change the
2 voting position of a call recipient from making disclosures under the provision. It
3 requires prerecorded automated telephone calls or scripted live telephone calls to clearly
4 and conspicuously state the name of the person who made or financed the expenditure for
5 the communication but excludes telephone surveys from this requirement;

6 2. Amending the laws regarding reporting by candidates for the office of Governor
7 or for state or county office other than Governor to exempt a candidate without an
8 opponent who is on the ballot or is a write-in candidate from having to make a report
9 from 14 days to one day before the election of a single contribution of \$1,000 or more
10 within 24 hours of receiving the contribution. It also requires the address of each payee
11 and creditor to be included on a report made by a candidate;

12 3. Amending the laws governing reports of contributions and expenditures by party
13 committees, political action committees and ballot question committees in the provisions
14 governing reports made 11 days before elections and 42 days after elections to limit these
15 reports to a year with a primary and a general election, unless in another year without
16 these elections a state party committee has received contributions or made expenditures
17 related to a ballot question election, a special election or a municipal candidate or
18 referendum election, in which case the state party committee must file these reports. It
19 limits to only those state party committees that are required to file a report 11 days before
20 an election the application of the law requiring a state party committee to report any
21 single contribution of \$5,000 or more or any single expenditure of \$1,000 or more made
22 after the 14th day before the election and more than 24 hours before 5:00 p.m. on the day
23 of the election within 24 hours of that contribution or expenditure. It limits to only
24 general elections the application of the law requiring municipal, district and county party
25 committees to report any single contribution of \$5,000 or more received or any
26 expenditure of \$1,000 or more made after the 14th day before any election and more than
27 24 hours before 11:59 p.m. on the day of the election within 24 hours of that contribution
28 or expenditure; and

29 4. Amending the laws regarding reports by political action committees to make those
30 laws apply to ballot question committees and to make a violation of the provision
31 regarding political communications to influence a ballot question, which other than for
32 telephone calls requires the name and address of the person who made or financed the
33 expenditure for the communication to be clearly and conspicuously stated, punishable by
34 a penalty of no more than \$5,000. It exempts from the reporting laws regarding ballot
35 question committees a person whose only payments of money for the purpose of
36 influencing a campaign in this State are contributions to political action committees or
37 ballot question committees and who has not raised or accepted any contributions for the
38 purpose of influencing a campaign in this State.

39 It also makes changes to the Maine Clean Election Act in the provisions regarding
40 terms of participation, including:

41 1. Requiring a contributor making a qualifying contribution by check or money order
42 to sign the check or money order and allowing the candidate to remedy an error on the
43 check or money order by endorsing the check or money order to the Maine Clean
44 Election Fund. It allows a contributor to make a qualifying contribution to a participating

1 candidate in the form of cash as long as the contributor signs a form affirming the
2 contribution was made with personal funds. It also allows a contributor to make a
3 qualifying contribution with cash as long as the candidate submits a money order in the
4 same amount to the commission. It specifies that if a participating candidate uses
5 personal funds to pay fees for the purchase of a cashier's check or money order, those fees
6 are not a contribution to the candidate and are not required to be disclosed in campaign
7 finance reports and that the candidate must report any cashier's check or money order fees
8 paid by anyone other than the candidate as an in-kind contribution subject to seed money
9 limitations. It specifies that a payment, gift or anything of value may not be given in
10 exchange for a qualifying contribution;

11 2. Specifying that a candidate must meet the qualifications for candidacy and for
12 holding office, including residency requirements provided in the Constitution of Maine,
13 and that the commission may consider a request to investigate a candidate's qualifications
14 at any point prior to 6 months after the election for which the candidate received funding.
15 It also provides that failure to meet the qualifications is grounds for revocation of
16 certification under the Maine Clean Election Act; and

17 3. Prohibiting a candidate's using Maine Clean Election Fund revenues to pay or
18 compensate, for campaign-related goods or services, the candidate or the candidate's
19 spouse or domestic partner, a sole proprietorship of the candidate or the candidate's
20 spouse or domestic partner, a business entity in which the candidate or the candidate's
21 spouse or domestic partner holds a significant proprietary or financial interest or a
22 nonprofit entity in which the candidate or the candidate's spouse or domestic partner is a
23 director, officer, executive director or chief financial officer. It allows a candidate to
24 make expenditures using fund revenues to pay a member of the candidate's immediate
25 family or household, other than the candidate's spouse or domestic partner, a business
26 entity in which a member of the candidate's immediate family or household, other than
27 the candidate's spouse or domestic partner, holds a significant interest or a nonprofit
28 entity in which a member of the candidate's immediate family or household, other than
29 the candidate's spouse or domestic partner, is a director, officer, executive director or
30 chief financial officer, as long as the expenditure is for a legitimate campaign-related
31 purpose, to an individual or business engaged in the normal course of business and in a
32 reasonable amount.