

MAINE STATE LEGISLATURE

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VETERANS AND LEGAL AFFAIRS

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STATE OF MAINE

SENATE

131ST LEGISLATURE

FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to S P 647, L D 1630, "An Act Regarding Campaign Finance and Lobbying Disclosure and Enforcement of Income Source Reporting Requirements"

Amend the bill in section 2 in subsection 3 in paragraph A in the 3rd line (page 1, line 18 in L D) by striking out the following "\$500" and inserting the following '\$250 for a Legislator or \$100 for a candidate'

Amend the bill in section 2 in subsection 3 in the first blocked paragraph in the 4th line (page 1, line 31 in L D) by striking out the following "\$500" and inserting the following '\$250 for a Legislator or \$100 for a candidate'

Amend the bill in section 2 in subsection 3 in the first blocked paragraph in the 6th line (page 1, line 33 in L D) by striking out the following "\$500 penalty" and inserting the following 'penalty of \$250 for a Legislator or \$100 for a candidate'

Amend the bill by striking out all of section 4

Amend the bill in section 9 in subsection 5-A in the 2nd line (page 3, line 24 in L D) by striking out the following "at a cost of more than \$100" and inserting the following 'that is paid for by a person'

Amend the bill in section 12 in subsection 2 in the 16th line (page 4, line 16 in L D) by striking out the following "or" and inserting the following ';

Amend the bill in section 12 in subsection 2 in the 16th line (page 4, line 16 in L D) by inserting after the following "recipients of the communication" the following 'or, if the communication is a digital communication, any links to publicly accessible websites related to the nomination, election or defeat of a candidate'

Amend the bill by inserting after section 15 the following

'Sec. 16. 21-A MRSA §1055-A, sub-§1, as amended by PL 2019, c 323, §21, is further amended to read

COMMITTEE AMENDMENT

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1. **Communications to influence ballot question elections.** Whenever a person makes an expenditure exceeding \$500 expressly advocating through broadcasting stations, cable television systems, prerecorded automated telephone calls or scripted live telephone calls, newspapers, magazines, campaign signs or other outdoor advertising facilities, publicly accessible sites on the Internet, direct mails or other similar types of general public political advertising or through flyers, handbills, bumper stickers and other nonperiodical publications, for or against an initiative or referendum that is on the ballot, the communication must clearly and conspicuously state the name and address of the person who made or financed the expenditure for the communication, except that telephone calls must clearly state only the name of the person who made or financed the expenditure for the communication A digital communication costing more than \$500 that includes a link to a publicly accessible website expressly advocating for or against an initiative or referendum that is on the ballot must clearly and conspicuously state the name of the person who made or financed the expenditure, unless the digital communication is excluded under subsection 2. Telephone surveys that meet generally accepted standards for polling research and that are not conducted for the purpose of influencing the voting position of call recipients are not required to include the disclosure '

Amend the bill in section 20 in paragraph F in the first line (page 6, line 15 in L D) by striking out the following "\$1,000" and inserting the following '\$3,000'

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

SUMMARY

This amendment, which is the unanimous report of the committee, makes the following changes

1 It changes the preliminary penalty for when a Legislator or a legislative candidate does not file a statement of sources of income on time, which may be waived by the Commission on Governmental Ethics and Election Practices, from \$500, as provided in the bill, to \$250 for a Legislator and \$100 for a legislative candidate

2 It removes the provision in the bill authorizing the commission to deposit penalties for late filing by political action committees and ballot question committees in an existing special revenue account to pay for improvements to the commission's electronic filing systems

3 It removes the \$100 threshold from the requirement in the bill that text messages that advocate for the election or defeat of a candidate and that are transmitted through mass distribution technology disclose the person that paid for the messages It clarifies that such disclosure is required if the text message is transmitted through a paid-for mass distribution technology

4 It clarifies that, when the commission considers the text and other objective elements of a communication distributed close to an election in order to decide whether the costs of the communication qualify as independent expenditures, such consideration may include, if the communication is a digital communication, any links to publicly accessible websites related to the nomination, election or defeat of a candidate

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5 It adds that a political communication to influence ballot question elections that is a digital communication costing more than \$500 and includes a link to a publicly accessible website expressly advocating for or against an initiative or referendum that is on the ballot must clearly and conspicuously state the name of the person who made or financed the expenditure, unless the digital communication is excluded from this requirement because compliance is impracticable due to size or character limitations

6 It changes the threshold amount for which a Maine Clean Election Act candidate is required to obtain and submit a record of labor performed each day by any member of campaign staff compensated from more than \$1,000, as provided in the bill, to more than \$3,000

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT



131st MAINE LEGISLATURE

LD 1630

LR 392(02)

An Act Regarding Campaign Finance and Lobbying Disclosure and Enforcement of Income Source Reporting Requirements

Fiscal Note for Bill as Amended by Committee Amendment "A" (S 322)
Committee: Veterans and Legal Affairs
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund
Minor revenue increase - General Fund

Correctional and Judicial Impact Statements

This bill may increase the number of civil suits filed in the court system. 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 filing fees will increase General Fund revenue by minor amounts.

Fiscal Detail and Notes

Any additional costs to the Commission on Governmental Ethics and Election Practices from the provisions of this bill are expected to be minor and can be absorbed within existing budgeted resources.