

MAINE STATE LEGISLATURE

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CAMPAIGN FINANCE AND BALLOT QUESTION REFORM

Report of a Study by the
JOINT STANDING COMMITTEE ON ELECTION LAWS
to the
111th Maine Legislature
March 1984

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Sen. Ronald E. Usher
Rep. Pamela L. Cahill
Rep. Phyllis J. Roberts
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Ballot Question Subcommittee
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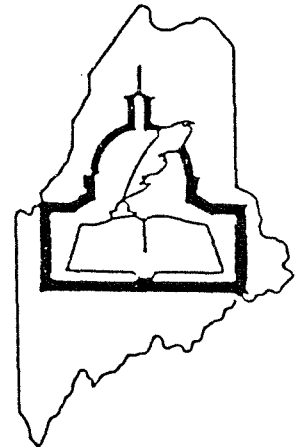
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REPORT OF THE JOINT STANDING COMMITTEE ON ELECTION LAWS
of its Study on
Recodification and Substantive Revision of the
State Election Laws

1. Introduction

The Joint Standing Committee on Election Law was granted permission at the end of the First Regular Session of the 111th Legislature to study the State Election Laws. The purposes of the study were to recodify existing law by reorganizing, eliminating conflicts and ambiguities and updating language and to determine whether other changes of a substantive nature were necessary.

The Committee found that a major revision of the State Election Laws was last enacted in 1961. Since that time, many new provisions have been enacted, such as candidate and referenda reporting requirements and election recount provisions. In addition, numerous technical changes have been enacted in a piecemeal fashion without reference to an overall, comprehensive organization. As a result the State Election Laws are unduly complex, unclear on a number of points and difficult for local officials, candidates, state administrators and legislators to use. Recodification of the existing law would alleviate these problems, would enhance the usefulness of the law and would make future amendments easier to incorporate.

In addition to recodification of the existing law, the Committee was also authorized to review the Election Laws to determine whether substantive changes were necessary.

The recodification is underway. However, the Committee finds that due to the complexity of the task it will be unable to complete recodification

in a thorough and accurate way for introduction of a bill this Session. The Committee, its staff and interested officials will continue to work on the project so that it may be presented to the First Regular Session of the 112th Legislature.

The Committee did identify two substantive areas for study - campaign finance reform and ballot question revision. A subcommittee was formed to review and make recommendations to the full committee on each topic. The subcommittees each met 6 times over the summer and fall and reported their recommendations to the full committee in January. The Committee's report and recommendations follow.

2. Campaign Finance Reform

During the First Regular Session, several campaign finance reform bills were assigned to the Committee for consideration. ID 365, "AN ACT Regulating the Activity of Political Action Committee" was enacted as P.L. 1983, c. 365; but the other bills were withdrawn or given an "Ought Not to Pass" recommendation. Because of the apparent heavy interest in campaign finance reform, the Committee decided to consider the issue as part of its recodification study.

A. Politics and Special Interest Money

Ever since 1832 when Nicholas Biddle and the Bank of the United States spent \$800,000 in a vain attempt to defeat President Andrew Jackson, political commentators have expressed concern over the effect of special interest money on elections. Throughout our history, reform measures have followed the exposure of corrupt political practices.

During the Watergate period much public distrust and cynicism was created by the massive amounts of money accumulated by the Committee

to Reelect the President. Following that period, major revisions were enacted to the federal election laws. One result of the new laws was that new channels for special interest contributions were opened up through groups called political action committees (PACs).

To many the central question in campaign finance reform today is whether or not special interest groups, such as PACs, have developed too much power over the policy-making process through their ability to raise and contribute money to political campaigns, to the detriment of the rest of society. There is no doubt that more and more money is being spent on political campaigns at the national, state and, in many cases, local level. There is also no doubt that political campaigns have become increasingly expensive to conduct. The costs of running for office have, in fact, risen faster than the rate of inflation, with the costs of such campaign related activities as media advertising, mailings and transportation leading the way.¹

The fear of some is that the ever increasing amounts of money needed to run for office are limiting access to the process by large numbers of people. Since PACs are efficient at raising large amounts of political money, they are often seen as contributing to the trend toward more expensive and, thus, more exclusive election campaigns. A study by the U. S. Library of Congress concludes:

"...that the high cost of campaigns is perhaps unfortunate but that it is not disproportionate to the costs of other goods and services available today."²

¹ Clyner, Adam. Inflation and a Limit on Contributions Strain Presidential Hopefuls' Budget. New York Times, February 4, 1981: A14.

² U.S. Library of Congress, Congressional Research Services, Political Action Committees: Their evolution and Group and their Implication for the Political System (prepared by Joseph E. Carter), updated May 7, 1982, p. 183.

Therefore, it does not seem that PAC's are the cause of large campaign expenditures. The fact is campaigns are expensive and in today's political climate the money to conduct them would have to come from somewhere else, if not from them.

Another area of concern is the effect of political contributions on elected officials. Some people feel that because PAC's consolidate large amounts of political money which they then distribute to candidates, they have an undue influence on public office holders. It does seem clear that PAC money is interested money. Whether or not they are successful in accomplishing their designs, PACs do have specific political agendas.

This is the most controversial element of the question of PAC influence; and it is also the most difficult to document. Commentators who have studied the issue are split on the degree of influence. Some feel that PACs view political contributions as an investment to secure favorable future treatment by an elected official. Others maintain that PAC contributions are only given to candidates who are already sympathetic to the groups' objectives. These people see the contribution as primarily the result of the candidate's positions, rather than the cause.

B. The Situation in Maine

The Committee examined the impact of money on the political process in Maine. Currently, under state law individuals may contribute up to \$1000 and corporations, associations, PACs and other groups may contribute up to \$5000 per candidate in an election. Information given to the Committee indicated that in State Senate and House of Representative races these contribution limits are seldom, if ever, reached. A candidate's average total primary and general election

campaign expenditures for 1982 were estimated to be \$7000 in State Senate races and \$3500 in State House races. Reports filed with the Commission on Governmental Ethics and Election Practices indicate that most contributions to Senate and House races do not approach the contribution limits. Reportedly, very few of the contributors to Senate and House races are PACs.³

The situation is somewhat different in the race for the Office of Governor. During the 1982 race, each of the final two candidates spent approximately \$.5 million in the primary and general election. Significantly more of the contributions were in large amounts, and PAC contributions were about 25% of the total.⁴

The Committee found as a result of its study of campaign finance no evidence of a problem in Maine. There is nothing to indicate that campaign contributions have influenced the actions of elected officials at any level. Furthermore, the actual level of spending in State races, despite some public misconceptions on this score, is actually relatively modest. This is especially so in State Legislative races. In Gubernatorial races, although the levels of spending and of participation by PACs are higher, the Committee did not feel they were out of line at this time.

C. Options

While there appears to be no problem at this time, there apparently is a considerable segment of the public which perceives that there is a problem. The Committee was mindful that often times

³ Statements by James Barnett, Assistant to the Commission on Governmental Ethics and Election Practices, during Committee meetings.

⁴ Statements by James Barnett.

the perception of a problem is as harmful as if the problem existed. This is especially so in an area as sensitive as election practices. Therefore, the Committee examined possible ways to lessen the perception of excessive campaign spending and special interest influence. The Committee considered the following alternatives.

(1) Shorten campaigns. The idea is that a shorter campaign would lessen the amount of money spent and presumably the influence which comes with that money. Moving the primary to September would be one way of shortening the campaign. The Committee agreed with the Mitchell Task Force on Election Law Reform that shorter campaigns would not necessarily reduce the amount of money spent during a campaign. It would more likely condense the spending into a shorter period of time.

(2) Amend campaign contribution limits. Since most state level elections don't appear to be excessively financed, the Committee rejected this option. Furthermore, since the present contribution limits have been in the law for several years, inflation may have already reduced the original limits significantly.

(3) Limit candidate expenditures. If the perception is that too much money is being spent in campaigns, the simplest solution would seem to be to limit candidates' expenditures. However, the U. S. Supreme Court, in Buckley v. Valeo⁵ said such limitation violates the First Amendment, unless accomplished in conjunction with a comprehensive system of regulation, such as public financing.

(4) Public financing of State elections. The Committee felt such a system would be too costly to administer and is not

⁵
424 U.S. 1 (1976)

warranted at this time.

(5) Increased limitations on PACs. Some members of the Committee felt that PACs because of their proficiency in raising money and in promoting special interests ought to be subject to special limitations. However, the general concensus was that no additional restrictions ought to be imposed until the new PAC registration and reporting law has been in operation for a while. At that time the information collected and experiences under the law can be evaluated and a more informed decision made. A minority of the Committee recommended reporting out a bill which would limit the amount of money a candidate for state office could receive from PACs. The limit would vary with the office being sought. (See attached copy of suggested legislation at Appendix A.)

D. Recommended Amendments to the PAC Registration and Reporting Law

During its study the Committee became aware that several amendments were necessary to the new PAC registration and reporting law. They are:

- (1) Clarify that PACs are required to report only for activities in campaigns in which they are active;
- (2) Reduce the number and standardize the dates of required reports; and
- (3) Several minor amendments to clarify the original intent of the law -- some of a clerical nature, others more technical. (See attached copy of suggested legislation at Appendix B.)

3. Ballot Question Reform

The purpose of this part of the Committee's Study was to address the problem of the way in which referendum, initiative, Constitutional

amendment and bond issue questions are presented on the ballot. Judging from constituent comments received by members of the Election Laws Committee, many people apparently feel the ballot questions as currently worded are complex or unclear. Numerous bills have been considered by the Committee in recent years to deal with the issue of readability of ballot questions. During the First Regular Session of the 111th Legislature, ID 1663, "AN ACT Concerning Explanations for Referenda Questions which appear on the Ballot" was enacted as PL 1983, c. 410. That law requires the Secretary of State to adopt rules which would assure that ballot questions for people's veto and initiative issues are drafted in "clear, concise and direct language." The law also provides for a specific ordering and the numbering of ballot questions.

Because there were other ballot question issues which chapter 410 did not address; and because of the continuing public interest in this area, the Committee decided to include the issue of ballot question wording in its study. The ballot question Committee identified and discussed two major issues.

A. The State's role in educating voters on ballot question issues.

In its discussions, the Committee reached a consensus that the State should play some role in clarifying the issues submitted to the voters. This is so because State constitutional and statutory law establishes the procedures by which questions are placed on the ballot and the State, through the Secretary of State, administers the law. (See accompanying paper prepared by Deputy Secretary of State James Henderson describing the procedures for placing issue questions on the ballot at Appendix C.) If, as indicated by the number of complaints about the process, there is some shortcoming in the present system, it seems appropriate that the State should play a role in clarifying the

situation.

Assuming the State has a role to play in educating the voters on ballot issues, how may that be accomplished. Two alternative approaches were considered.

(1) An expanded and clearly worded ballot. The Committee reviewed ballots from several other states and a modified ballot based on the questions submitted to Maine voters in the 1983 election. In the view of the Committee the advantage of such an approach is that it would cost the State relatively little and would be easy to administer. One disadvantage is that the ballot would be longer and more time consuming to read. Because of the increased length, it would take longer to vote the new ballot which might cause waiting lines at the polls. A lengthy explanation on the ballot might be as discouraging to some voters as the lack of information is to others now. These factors could result in more voters being disillusioned with the election process. In addition, there is some question whether providing information in the voting booth or even at the voting place is timely. Many voters apparently like to discuss the issues and make up their minds prior to entering the voting booth or place. Improving the ballot would not help those voters. Another disadvantage which was presented by a local election official at meeting is that a lengthy ballot may be difficult to use with electronic voting devices.

(2) Voter information materials. Several states prepare a pamphlet summarizing the arguments for and against each ballot question and distribute them to voters prior to the election. The subcommittee examined pamphlets from several states. The

advantage of such a system is that the information is available to interested voters in time to foster discussion and to allow voters to decide how to vote prior to entering the voting booth. The disadvantages are that it might be difficult and costly to administer, depending on type of pamphlet and the distribution scheme adopted. Some voter information pamphlets prepared in other states are quite lengthy and are distributed to all registered voters or to each residence. Others are more concise and are distributed on a limited basis. Voter information pamphlets have a variety of formats and styles -- some contain fairly lengthy descriptions of the ballot questions and because of their length and complexity are difficult to use. Others sacrifice somewhat in content but have a more readable style.

Maine, of course, already has a pamphlet written by the Attorney General and distributed by the Secretary of State. However, most observers feel that booklet is not effective for two reasons. The text is often technical and difficult to understand; and the format does not enhance its use by most voters. Because of the relatively small number of copies prepared, it is also not widely distributed.

The Committee also considered other voter informational materials. A clearly worded, well designed newspaper advertisement appearing in general circulation newspapers a few days before the election would be helpful to many voters. A poster with similar features displayed prominently at the voting place on Election Day would also be useful.

B. The advisability of lumping or piggybacking diverse ballot issues in the same question.

Normally this occurs when several bond items are combined into one question. This is an issue that has been addressed in bills presented to the Legislature in in previous years. Attempts to separate bond issues into separate questions have not fared well. Critics of the proposals to require each ballot issue to be considered as a separate question claim that combining issues is necessary to rally support behind various proposals affecting different regions of the State and that voters will be angered by an excessive number of ballot questions. Supporters of separation argue that voters ought to have the right to consider each issue on its own merits, not as part of a package. The subcommittee felt there would be instances when it would be difficult to decide whether issues are related and, therefore, could be combined into one question. The subcommittee reviewed a sample ballot for Maine based on the ballot for the November 1983 election in which each bond issue was presented as an individual question. The ballot had 18 questions, instead of the original 8 and seemed too long to some members.

C. Committee Recommendations on Ballot Question Revision

The Committee is recommending Legislation (see attached copy at Appendix D) which will:

1. Provide voter information through

--Pro and Con Brochures which will replace the present Attorney General's pamphlet. The Secretary of State will be responsible for preparation, publication and distribution of the brochure. Pro and con statements will be drafted by supporters of both sides of the questions; the format will be simple and easy to understand; and copies will be distributed on request. The contents of the brochure may be

reproduced by any group or individual.

--Newspaper Ads which will be published twice prior to the election. The ads will be display ads which will be published in the classified section of several daily newspapers. The ads will contain (1) the ballot question, (2) the statement of purpose described below and (3) the pro and con statements described above.

--Posters which will be printed and distributed by the Secretary of State for posting at each polling place. The posters will contain the same information as the brochure. These posters will replace the posters of specimen ballots for constitutional resolutions and statewide referenda currently furnished to each municipality by the Secretary.

2. Provide for expression of legislative intent. Each piece of legislation authorizing a ballot question will contain, as part of the law, a Statement of Purpose outlining the goals and objectives of the issue to be submitted to the voters. That statement will be subject to comment and debate on the floor. Once enacted, it will be used in all publicity put out by the State on the ballot issue. The statement will also be subject to the Flesch Formula standards of readability. On initiative and referenda petitions the statement shall be approved by the Secretary of State and will appear below the question on the petition.

3. Provide for readable ballot questions. The Flesch Formula, as promulgated by rule of the Secretary of State, will apply to all ballot questions - initiatives, referenda, bond issues and constitutional amendments. Fiscal notes on bond issues will also be covered by the formula.

The Committee decided against recommending legislation to prohibit combining ballot issues in one question. The Committee felt that such a proposal would result in a cumbersome, unusable ballot and that the decision to combine or not was essentially one which should be left up to the proponents of the question.

1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document No.
6

7 H.P. House of Representatives,
8

9
10 EDWIN H. PERT, Clerk

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FOUR
16

17 AN ACT to Place Limitations on the
18 Contributions which Candidates may Receive
19 from Political Action Committees.
20

21 Be it enacted by the People of the State of Maine as
22 follows:

23 Sec. 1. 21 MRSA §1395-A is enacted to read:

24 §1395-A. Limitations on receipts from political ac-
25 tion committees

26 The amount of aggregate contributions which a
27 candidate may receive in support of his campaign from
28 all political action committees as defined in section
29 1552 shall be limited as provided in this section.

30 1. Candidates. Candidates shall be limited as
31 follows.

1 A. A candidate for the office of Governor shall
2 be limited to a total of \$45,000 in contributions
3 from all political action committees.

4 B. A candidate for the Senate shall be limited
5 to a total of \$1,000 in contributions from all
6 political action committees.

7 C. A candidate for Representative to the Legis-
8 lature shall be limited to a total of \$500 in
9 contributions from all political action commit-
10 tees.

11 D. A candidate for other state elective office
12 shall be limited to a total of \$250 in contribu-
13 tions from all political action committees.

14 2. Inflation factor. The limitations imposed by
15 this section shall be adjusted by an inflation factor
16 to reflect changes in the Consumer Price Index. The
17 inflation factor shall be determined by dividing the
18 Consumer Price Index for the year in which contribu-
19 tions are made by the Consumer Price Index for 1983.
20 The resulting quotient shall be multiplied by the
21 limitation imposed by this section and rounded off to
22 the nearest \$50 increment to determine the new limi-
23 tation for that year. The Consumer Price Index for
24 Urban Wage Earners and Clerical Workers, for all
25 items, using the 1967 base of 100, compiled by the
26 United States Department of Labor, Bureau of Labor
27 Statistics, shall be used for the computations de-
28 scribed in this subsection. The Commission on Gov-
29 ernmental Ethics and Election Practices shall compute
30 and advise candidates of the limitations imposed by
31 this section.

32 3. Political parties. The limitations provided
33 in this section do not apply to contributions made by
34 a party qualified to appear on the ballot in a pri-
35 mary or general election during the year in which the
36 contributions were made.

37 Sec. 2. Effective date. This Act shall take ef-
38 fect January 1, 1985.

1 STATEMENT OF FACT

2 This bill establishes a limit on total contribu-
3 tions which various candidates could accept from all
4 political action committees contributing to their
5 campaign. The limit varies with the office being
6 sought. For the office of Governor, the total con-
7 tributions which a candidate may receive from all
8 PAC's is \$45,000; for State Senate \$1,000; for State
9 Representative \$500; and for other State office \$250.

10 The limitation imposed by this bill does not ap-
11 ply to contributions by political parties.

12 The limitation will be adjusted each election
13 year to reflect changes in the Consumer Price Index
14 so that the limits don't become outdated by inflation
15 over the years. Candidates will be advised of new
16 limits by the Commission on Governmental Ethics and
17 Election Practices.

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
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5 Legislative Document No.
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7 H.P. House of Representatives,
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10 EDWIN H. PERT, Clerk

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FOUR
16

17 AN ACT to Amend the Political Action
18 Committee Registration and Reporting Law.
19

20 Be it enacted by the People of the State of Maine as
21 follows:

22 Sec. 1. 21 MRSA §1551, as enacted by PL 1983, c.
23 365, is amended to read:

24 §1551. Application

25 This chapter applies to the activities of politi-
26 cal action committees organized in this State and
27 which expend in excess of \$50 in this State in any
28 one calendar year for the election of Governor, state
29 or county officers or for the support or defeat of
30 any campaign as defined in this chapter.

31 Sec. 2. 21 MRSA §1553, first ¶, as enacted by PL
32 1983, c. 365, is amended to read:

1 Every political action committee which expends or
2 intends to expend in excess of \$50 in any single cal-
3 endar year to initiate, support, defeat or influence
4 in any way a campaign, a referendum, initiated peti-
5 tion, candidate, political committee or another po-
6 litical action committee shall register with the com-
7 mission on forms prescribed by the commission. These
8 forms shall include the following information and any
9 additional information reasonably required by the
10 commission or the Secretary of State to monitor the
11 activities of political action committees in Maine
12 under this chapter:

13 Sec. 3. 21 MRSA §1553, sub-§5, as enacted by PL
14 1983, c. 365, is amended to read:

15 5. Assets. The total assets of the committee
16 available to influence elections in Maine at the time
17 of registration in Maine to be itemized and to in-
18 clude deposits in financial institutions, real prop-
19 erty, personal property, investments, cash and any
20 other form of wealth available to the committee;

21 Sec. 4. 21 MRSA §1555, as enacted by PL 1983, c.
22 365, is amended to read:

23 §1555. Reports, qualifications for filing

24 Any political action committee that expends in
25 excess of \$50 on any one or more campaigns for the
26 office of Governor, for state or county office or for
27 the support or defeat of a referendum or initiated
28 petition shall file a report on its activities in
29 that campaign with the commission on forms as pre-
30 scribed by the commission, as provided in this
31 section. Any political action committee required un-
32 der this section to file a report shall file the re-
33 port for each filing period as defined in sections
34 1556 and 1557 section 1556-A, whether or not the ex-
35 penditures are in excess of \$50 in any one period.

36 Sec. 5. 21 MRSA §§1556 and 1557, as enacted by
37 PL 1983, c. 365, are repealed.

38 Sec. 6. 21 MRSA §1556-A is enacted to read:

39 §1556-A. Reports; filing requirements

1 Political action committees required to file re-
2 ports by section 1555 shall do so as required by this
3 section. All reports shall be filed no later than 5
4 p.m. on the filing deadline. If the date specified
5 for filing falls on a Saturday, a Sunday or a holi-
6 day, the report shall be due on the next regular work
7 day.

8 1. Periodic reports. During the year in which
9 an election is held, committees shall file reports as
10 required by this subsection. The reports required in
11 paragraphs A to C shall contain itemized expenditures
12 required by the commission to closely monitor the ac-
13 tivities of political action committees, aggregate
14 expenditures for the periods between the filing dates
15 specified and cumulative aggregated expenditures to
16 include all preceding reporting periods. The commis-
17 sion may accept computer printout sheets that contain
18 the information required by this chapter.

19 A. Primary election reports shall be filed:

20 (1) On January 22nd and shall be complete
21 as of January 15th. This report shall cover
22 all previous expenditures made by the com-
23 mittee to influence, in any way, the outcome
24 of a primary election;

25 (2) On April 8th and shall be complete as
26 of April 1st;

27 (3) On the 7th day before the date on which
28 a primary election is held and shall be com-
29 plete as of the 11th day before that date;
30 and

31 (4) On July 22nd and shall be complete as
32 of July 15th. This report shall aggregate
33 all expenditures made to influence, in any
34 way, the outcome of a primary election.

35 B. General election reports shall be filed:

36 (1) On January 22nd and shall be complete
37 as of January 15th. This report shall cover
38 all previous expenditures made by the com-
39 mittee to influence, in any way, the outcome
40 of a general election;

1 (2) On April 8th and shall be complete as
2 of April 1st;

3 (3) On July 22nd and shall be complete as
4 of July 15th;

5 (4) On October 8th and shall be complete as
6 of October 1st;

7 (5) On the 7th day before the date on which
8 a general election is held and shall be com-
9 plete as of the 11th day before that date;
10 and

11 (6) On December 22nd and shall be complete
12 as of December 15th. This report shall ag-
13 gregate all expenditures made to influence,
14 in any way, the outcome of a general elec-
15 tion.

16 C. Reports of spending to influence referenda,
17 initiatives, bond issues or constitutional amend-
18 ment elections shall be filed:

19 (1) . On January 22nd and shall be complete
20 as of January 15th. This report shall cover
21 all previous expenditures made by the com-
22 mittee to influence, in any way, the outcome
23 of a ballot issue campaign;

24 (2) On April 8th and shall be complete as
25 of April 1st;

26 (3) On July 22nd and shall be complete as
27 of July 15th;

28 (4) On October 8th and shall be complete as
29 of October 1st;

30 (5) On the 7th day before the date on which
31 a ballot question election is held and shall
32 be complete as of the 11th day before that
33 date; and

34 (6) On December 22nd and shall be complete
35 as of December 15th. This report shall ag-
36 gregate all expenditures made to influence,

1 in any way, the outcome of a ballot question
2 campaign.

3 2. Annual reports. If a political action com-
4 mittee makes expenditures in excess of \$50 to influ-
5 ence, in any way, the outcome of an election in a
6 year other than the year in which that election is
7 held, the committee shall file an annual report on
8 forms prescribed by the commission. That report
9 shall be due on January 22nd of the next calendar
10 year, and shall be complete as of the close of the
11 calendar year during which the expenditures were
12 made.

13 3. Report of expenditures made after the 11th
14 day and more than 48 hours before any election. Any
15 expenditures of \$100 or more, made after the 11th day
16 and more than 48 hours before any election, shall be
17 reported within 48 hours of that expenditure.

18 4. Special election reports. If a special elec-
19 tion is held, a political action committee which
20 makes expenditures in excess of \$50 to influence, in
21 any way, the outcome of that special election shall
22 file reports on forms prescribed by the commission.
23 Special election reports shall be filed:

24 A. On the 42nd day before the date on which the
25 special election is held and shall be complete as
26 of the 49th day before that date. This report
27 shall cover all previous expenditures made by the
28 committee to influence, in any way, the outcome
29 of the special election;

30 B. On the 7th day before the date on which the
31 special election is held and shall be complete as
32 of the 11th day before that date; and

33 C. On the 42nd day after the date on which the
34 special election is held and shall be complete as
35 of the 35th day after that date. This report
36 shall aggregate all expenditures made to influ-
37 ence, in any way, the outcome of the special
38 election.

39 Sec. 7. 21 MRSA §1558, sub-§6, as enacted by PL
40 1983, c. 365, is amended to read:

1 6. Identification of contributions. Names and
2 mailing addresses of contributors who have given more
3 than \$50 to the political action committee, the
4 amount contributed by each donor and the date of the
5 ~~following~~ contribution following registration of the
6 committee under section 1553. The information re-
7 quired in this subsection shall be kept separate from
8 the information required in section 1553, subsection
9 7.

10 Sec. 8. 21 MRSA §1560, first ¶, as enacted by PL
11 1983, c. 365, is amended to read: .

12 Any political action committee that makes an ex-
13 penditure in the aggregate which exceeds \$50 to any
14 one or more candidates, committees or campaigns in
15 this State shall keep records as provided in this
16 section. Records required to be kept by subsections
17 1, 2 and 3 shall be retained by the political action
18 committee until 10 days after the next election fol-
19 lowing the election to which the records pertain.

20 Sec. 9. 21 MRSA §1560, sub-§2, as enacted by PL
21 1983, c. 365, is amended to read:

22 2. Receipts. It shall be the duty of the trea-
23 surer of a political action committee to retain ~~for~~ a
24 4-year period all receipts of expenditures made for a
25 candidate, committee or campaign in this State. Re-
26 cepts may be in the form of cancelled checks.

27 Sec. 10. 21 MRSA §1563, first ¶, as enacted by
28 PL 1983, c. 365, is amended to read:

29 There shall be a penalty of \$50 for each business
30 day that a report required to be filed under this
31 chapter is late. The commission shall determine
32 whether a report received after the date required by
33 this chapter is late and, if determined to be late,
34 the number of days of lateness.

35 Sec. 11. 21 MRSA §1563, as enacted by PL 1983,
36 c. 365, is amended by adding at the end 2 new para-
37 graphs to read:

38 A notice of lateness shall be sent to political
39 action committees and treasurers registered with the

1 commission whose reports are not received by 2 days
2 after the filing deadline. That notice shall be sent
3 on the 3rd day following the deadline.

4 A late report filed within 10 days of any dead-
5 line, except a report required to be filed within 11
6 days before an election, shall not be subject to pen-
7 alty. Reports filed after this grace period are sub-
8 ject to penalties from the original filing deadline.

9 Sec. 12. 21 MRS §1565, sub-§3, as enacted by PL
10 1983, c. 365, is amended to read: .

11 3. Registration. No political action committee
12 may function in this State, unless it is registered
13 in accordance with section 1553 or unless it is
14 accepted excepted by the provisions thereof.

15 STATEMENT OF FACT

16 This bill is recommended by the Joint Standing
17 Committee on Election Laws as a result of its study
18 of the election laws. The purpose of the bill is to
19 clarify the Political Action Committee registration
20 and reporting law enacted last session.

21 Section 1 clarifies that the provisions of the
22 law apply to Political Action Committees which expend
23 more than \$50 in Maine.

24 Section 2 deletes unnecessary language.

25 Section 3 clarifies what Political Action Commit-
26 tee assets must be identified at the time of regis-
27 tration.

28 Section 4 clarifies that a Political Action Com-
29 mittee has to file reports only for campaigns in
30 which it is active.

31 Section 5 reduces the number of required reports
32 and standardizes the reporting dates.

33 Section 6 clarifies that only contributors who
34 gave more than \$50 must be identified in Political
35 Action Committee reports.

PROCEDURES FOR PLACING ISSUE QUESTIONS ON BALLOTS

Prepared by

Deputy Secretary of State, James S. Henderson

I. Initiatives

A. Origin. Voters petition the Secretary of State to place an initiative question on the ballot. Such a question would seek to change an existing statutory provision or enact a new one. First a voter applies to the Secretary to invoke the procedure of the Maine Constitution. Then petitions containing signatures equal to at least 10% of the votes for Governor in the most recent gubernatorial election must be returned to the Secretary by the 50th day after the convening of the Legislature in first regular session or by the 25th day of its convening in second regular session.

B. Responsibility for Text. The initiators are solely responsible for the text of the statutory proposal. Informally, the Secretary refers their draft to the Director of Legislative Research so that its form will be consistent with that of the Maine statutes.

C. Responsibility for Ballot Question. The Secretary is responsible for drafting the ballot question in consultation with the initiators and in accordance with procedures insuring that it will be phrased to attain a standard of readability.

D. Approval for Ballot Status. Upon filing of petitions containing the required number of signatures, the Secretary determines their validity and issues a written decision. If the Secretary finds the petitions meet the requirements of the Constitution, the initiated bill is submitted to the Legislature. If the Legislature, upon adjournment of its regular session, fails to pass it, the Governor must proclaim that the initiated bill be referred to the people at the following November election.

II. People's Vetoes

A. Origin. Within 10 days after the adjournment of the Legislature, voters may petition the Governor, through the Secretary, to suspend the effect of any non-emergency legislation passed at that session until the voters have approved it at the next statewide election. The petition procedures are similar to those for the initiative process outlined above.

B. Responsibility for Text. The text of the measure is that which is contained in the legislation approved by the Legislature and signed by the Governor. Neither petitioners nor the Legislature may alter it.

C. Responsibility for Ballot Question. The Secretary has the responsibility to draft the ballot question in the same manner as for initiative questions.

D. Approval for Ballot Status. Upon filing of petitions containing the required number of signatures within 90 days of the adjournment of the Legislature, the Secretary determines their validity and issues a written decision. If the Secretary finds the petitions meet the requirements of the Constitution, these facts are submitted to the Governor. The Governor must proclaim that the people's veto question will be referred to the voters at the next statewide election.

III. Bond Issues

A. Origin. Bond issues are generally prepared and drafted by executive agencies which submit their proposals to the Governor's office. That office determines which of the proposals will be presented to the Legislature and in what form. (They could be introduced directly by legislators, though it is not the general practice.)

B. Responsibility for Text. The responsibility for the text of bond issue legislation is with those who originate it. The Legislative Research office is consulted with respect to proper form and the Treasurer's office may be consulted on technical details.

C. Responsibility for Ballot Question. Strictly speaking, the Legislature determines the ballot question since it is contained in the bond issue legislation itself. As a practical matter, the questions are initially drafted by the originating source and are sometimes modified by the legislative committee conducting hearings on the proposed bond issue (most frequently the State Government Committee).

D. Approval for Ballot Status. A bond issue is approved for ballot status when passed in both branches of the Legislature by a 2/3 vote of the members present and voting and signed by the Governor.

IV. Constitutional Amendments

A. Origin. Constitutional amendments must originate through the legislative process. They may not be "initiated" by petition.

B. Responsibility for Text. The initial responsibility for the text lies with the person proposing the amendment. As a practical matter the text is reviewed by the Legislative Research Office and further considered by the State Government Committee.

C. Responsibility for Ballot Question. As with bond issues the ballot question appears in the text of the legislation proposing the amendment.

D. Approval for Ballot Status. Amendments are approved for ballot status upon passage of each house of the Legislature by a vote of 2/3 of the members present and voting in each body. The Governor has no role in approving such proposals.

V. Other Legislatively Proposed Referenda

A. Origin. The Legislature may enact proposals which become effective only with the approval of the people in a statewide referendum. The original "bottle bill" is an example of this procedure. The legislative process originates such a bill.

B. Responsibility for Text. This responsibility lies initially with the sponsor of the proposed legislation and finally with the Legislature itself as it enacts the proposal.

C. Responsibility for Ballot Questions. The legislation contains the actual text of the ballot question.

D. Approval for Ballot Status. A referendum item is approved for ballot status when the legislation proposing it is passed and signed by the Governor or passed over the Governor's veto.

VI. County Bond Issues

A. Origin. Counties have no authority to originate bond issues directly. Such proposals must be approved by the Legislature in the same manner as are other bond issues.

B. Responsibility for Text. While strictly speaking the Legislature is ultimately responsible for the text of county bond issues, as a practical matter they are drafted by the officials of the affect counties.

C. Responsibility for Ballot Question. The questions appear in the text of the proposal.

D. Approval for Ballot Status. These elections are conducted by the counties exclusively within the counties concerned.

1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No.

7 H.P. House of Representatives,
8

9
10 EDWIN H. PERT, Clerk

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FOUR
16

17 AN ACT to Provide Voter Information on
18 Ballot Questions.
19

20 Be it enacted by the People of the State of Maine as
21 follows:

22 Sec. 1. 1 MRSA §353 is repealed.

23 Sec. 2. 21 MRSA §601, first ¶, as amended by PL
24 1983, c. 385, §1, is further amended to read:

25 Within a reasonable time before any election, the
26 Secretary of State shall furnish each municipality
27 with ballots, specimen ballots, instruction posters,
28 election return forms, posters of specimen ballots
29 for constitutional resolutions and statewide referen-
30 da, including the Attorney General's explanatory
31 statements voter informational materials prepared un-
32 der Title 17 section 353, materials setting forth the
33 full text of all constitutional resolutions and
34 statewide referenda in accordance with sections 1001

1 and 1003 and other materials necessary for conducting
2 and reporting the results of the election.

3 Sec. 3. 21 MRSA §801, sub-§2, as amended by PL
4 1983, c. 385, §2, is further amended to read:

5 2. Election materials distributed and posted. At
6 any time after receipt thereof and prior to the open-
7 ing of the polls, the clerk may open the packages or
8 boxes of election materials, break the seals on the
9 packages not marked "ballots," use the materials for
10 instructional purposes, and then the clerk or his
11 designated agents shall post an adequate number of
12 instruction posters, posters of specimen ballots for
13 constitutional resolutions and statewide referenda,
14 including the Attorney General's explanatory
15 statements voter informational materials prepared un-
16 der Title 17, section 353, materials setting out the
17 full text of constitutional resolutions and statewide
18 referenda, in accordance with sections 1001 and 1003
19 and specimen ballots in the voting room outside the
20 guardrail. At the opening of the polls, the warden
21 shall break the seals on the packages containing the
22 ballots, and distribute the ballots to the incoming
23 election clerks.

24 Sec. 4. 21 MRSA c. 24 is enacted to read:

25 CHAPTER 24

26 VOTER INFORMATION ON BALLOT QUESTIONS

27 §1001. Arguments for and against ballot questions

28 The Secretary of State shall arrange for publica-
29 tion of informational materials containing arguments
30 for and against each ballot question submitted to the
31 voters. Ballot question means the referendum and
32 initiative procedures pursuant to the Constitution of
33 Maine, Article IV, Part Third, Sections 17 and 18,
34 the amendment of the Constitution of Maine, pursuant
35 to Article X, Section 4, legislation expressly condi-
36 tional upon ratification by a referendum vote pursu-
37 ant to the Constitution of Maine, Article IV, Part
38 Third, Section 19 and the ratification of bonds is-
39 sued on behalf of the State, pursuant to the Consti-
40 tution of Maine, Article IX, Section 14.

1 1. Contents. The informational material re-
2 quired by this section shall be limited to 300 words
3 for each argument for and each argument against and
4 shall include:

5 A. The ballot question;

6 B. Arguments for and against the ballot question
7 prepared in accordance with this section and the
8 names of the individuals or groups who drafted
9 the arguments;

10 C. The statement of purpose required by section
11 1004;

12 D. The Treasurer of State's statement required
13 by Title 5, section 152, when applicable; and

14 E. A statement that the statements in the infor-
15 mational materials do not represent the official
16 position of the State.

17 2. Format. Voter informational materials re-
18 quired by subsection 7 shall be published in at least
19 10-point type. The format shall be arranged to en-
20 hance dissemination of the informational materials.

21 3. Preparation of arguments for. Arguments in
22 favor of a ballot question shall be drafted by the
23 sponsor of the legislation or a designee or, in the
24 case of initiated legislation, by the voter who ini-
25 tiated the petition or a designee. In the event that
26 the voter who initiated the petition is unavailable
27 to draft the argument or to designate a drafter, one
28 of the 5 voters named in the application for the pe-
29 tion may draft the argument or designate a drafter.
30 The opportunity to draft or designate a drafter shall
31 be granted to the first of the 5 voters who is avail-
32 able.

33 4. Preparation of arguments against. Arguments
34 against the ballot question shall be drafted by a
35 committee composed of one person appointed by the Ma-
36 jority Leader of the Senate, one person appointed by
37 the Minority Leader of the Senate and a 3rd person
38 selected by the other 2. All 3 committee members
39 shall be persons known to oppose the measure.

1 5. Failure to file argument. If either the ar-
2 gument for or against a ballot question is not filed
3 by the deadline specified in subsection 6, the Secre-
4 tary of State shall give notice of that fact and re-
5 quest submission of arguments from the public by pub-
6 lication in newspapers which together have general
7 circulation throughout the State. Members of the
8 public may then request permission of the Secretary
9 of State to prepare an argument to be published with
10 the informational material. The Secretary of State
11 shall select at least one, but not more than 3, per-
12 sons who shall draft the argument. The Secretary of
13 State shall base his choice on evidence of support
14 in the case an argument for or opposition in case of
15 an argument against the ballot question. That evi-
16 dence may include testimony at legislative hearings,
17 registration as a lobbyist or membership in a politi-
18 cal action committee supporting or opposing the bal-
19 lot question. When the provisions of this subsection
20 are invoked, the filing deadline shall be 21 days la-
21 ter than the date provided in subsection 6, except
22 when a special election is called by the Governor.

23 6. Filing deadline. For ballot question issues,
24 except referendum procedures pursuant to the Consti-
25 tution of Maine, Article IV, Part Third, Section 17,
26 the deadline for filing the arguments for and against
27 the ballot question shall be August 1st. For
28 people's veto referendum ballot questions, the dead-
29 line shall be August 1st or 2 weeks after the Gover-
30 nor's proclamation, whichever is later, unless the
31 petition is filed less than 60 days before the state-
32 wide election that year. In that case, the filing
33 deadline shall be 90 days before a special election
34 scheduled for vote on the question.

35 7. Printing and distribution. The Secretary of
36 State shall arrange for the printing of 10,000 copies
37 of the informational materials required by this sec-
38 tion. Individuals or groups may reproduce all or
39 part of the informational materials published by the
40 Secretary of State. Copies shall be available for
41 distribution by the Secretary of State at least 45
42 days before the election. Single copies shall be
43 distributed to persons on request. In addition, the
44 Secretary of State shall mail or deliver:

1 A. Five copies for each voting place in a munic-
2 ipality to the clerk of that municipality;

3 B. Ten copies to each member of the Legislature;
4 and

5 C. One copy to each public library and branch
6 thereof.

7 §1002. Newspaper advertisements

8 Prior to an election, the Secretary of State
9 shall arrange for the publication of advertisements
10 explaining any ballot questions to be submitted to
11 the voters. The advertisements shall be published in
12 newspapers which together have general circulation
13 throughout the State.

14 1. Date of publication. The advertisement shall
15 be published twice, on the 6th Friday and on the last
16 Friday before the day of the election.

17 2. Content. The newspaper advertisements shall
18 contain the same information required by section
19 1001, subsection 1.

20 §1003. Informational posters

21 The Secretary of State shall arrange for the
22 preparation of informational posters explaining any
23 ballot questions to be submitted to the voters.

24 1. Content. The informational posters shall
25 contain the same information required by section
26 1001, subsection 1.

27 2. Distribution and display. The Secretary of
28 State shall distribute sufficient copies of the post-
29 er to each municipality to ensure that there are 2
30 copies at each voting place. The posters shall be
31 prominently displayed at each voting place.

32 §1004. Statement of purpose

33 Whenever the Legislature enacts legislation au-
34 thorizing the submission of a ballot question to the
35 people, that legislation shall contain a statement of

1 purpose explaining the goals and objectives of the
2 issue. Whenever the referendum and initiative proce-
3 dures of the Constitution of Maine, Article IV, Part
4 Third, Sections 17 and 18 are invoked, the petition
5 shall contain a statement of purpose which shall ap-
6 pear immediately below the question on the petition.
7 That statement shall comply with the requirements of
8 section 702-A, subsection 1.

9 §1005. Wording of ballot questions

10 Ballot questions shall be set out in clear, con-
11 cise and direct language. The rules adopted by the
12 Secretary of State pursuant to section 702-A shall be
13 used to determine whether ballot questions meet that
14 requirement. Before enactment of legislation autho-
15 rizing the submission of a ballot question to the
16 people, the Legislature shall ensure that the ballot
17 question satisfies the requirements of this section.

18 STATEMENT OF FACT

19 This bill is recommended by the Joint Standing
20 Committee on Election Laws as a result of its study
21 of the election laws. The purpose of this bill is to
22 establish a system of voter information for ballot
23 questions and to assure that all ballot questions are
24 written in readable language. The bill replaces the
25 intent-content pamphlet with a new voter information
26 pamphlet consisting of the ballot questions, pro and
27 con arguments and a statement of purpose. Drafting,
28 printing and distribution procedures are established.
29 The bill requires the Secretary of State to publish 2
30 newspaper ads containing the same information as the
31 pamphlet prior to an election in which there are
32 questions on the ballot. The Secretary of State is
33 required to prepare an informational poster explain-
34 ing ballot questions. The poster will be displayed
35 at voting places. All ballot questions are required
36 to be written in readable language; and legislation
37 authorizing a ballot question shall contain an expla-
38 nation of its goals and objectives.

39 5673013084