

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Improve the Campaign Finance Laws and Their Administration
Be it enacted by the People of the State of Maine as follows:

Sec. 1. 1 MRSA §1002, sub-§2, as amended by PL 2005, c. 271, §1, is further amended to read:

2. Qualifications. The members of the commission must be persons of recognized judgment, probity and objectivity. A person may not be appointed to this commission who is a member of the Legislature or who was a member of the previous Legislature, who was a declared candidate for an elective county, state or federal office within 2 years prior to the appointment;or who now holds an elective county, state or federal office, who is an officer of a political committee, party committee or political action committee or who holds a position in a political party or campaign. A person may not serve on the commission who is an officer, director, employee or primary decision maker of a party committee, political action committee or candidate committee authorized under Title 21-A, section 1013-A, subsection 1, paragraph B.

Sec. 2. 1 MRSA §1002, sub-§2-A is enacted to read:

2-A. Removal. A member of the commission may be removed by the Governor on the address of both branches of the Legislature or by impeachment pursuant to the Constitution of Maine, Article IX, Section 5.

Sec. 3. 1 MRSA §1002, sub-§2-B is enacted to read:

2-B. Conflict of interest. This subsection governs conflicts of interest of members of the commission.

A. A member of the commission has a conflict of interest in a matter before the commission if the member has a business or close political relationship with a party to the matter. A close political relationship exists when a member has significant past or ongoing involvement with a political committee or a candidate, as defined in Title 21-A, section 1, subsection 30 and subsection 5, respectively, or other organization involved in the matter, that would lead a reasonable person to believe that the member is unable to objectively consider the matter. A close political relationship is not created by making a contribution to a political committee, organization or candidate; party enrollment status; or mere membership in an organization involved in the matter.

B. If members of the commission have a conflict of interest in a matter before the commission, the members shall recuse themselves from the matter and may not vote on or attempt to influence the outcome of the matter. Whether or not recusal is required under this paragraph, members of the commission shall consider recusing themselves from any matter that would give rise to an appearance of a conflict of interest.

C. If the commission receives a written complaint alleging that a member has a conflict of interest, the commission shall provide the complainant an opportunity to be heard at the next meeting of the commission. At the meeting, the member may address the allegations raised in the complaint and shall state whether the member has a conflict of interest in that matter.

Sec. 4. 21-A MRSA §1002, as repealed and replaced by PL 2001, c. 667, Pt. A, §43, is repealed and the following enacted in its place:

§ 1002. Meetings of commission

1. Meeting schedule. The commission shall meet in Augusta for the purposes of this chapter at least once per month in any year in which primary and general elections are held and every 2 weeks in the 60 days preceding an election. In the 28 days preceding an election, the commission shall meet in Augusta within one calendar day of the filing of any complaint or question with the commission. Agenda items in the 28 days preceding an election must be decided within 24 hours of the filing unless all parties involved agree otherwise.

2. Telephone meetings. The commission may hold meetings over the telephone if necessary, as long as the commission provides notice to all affected parties in accordance with the rules of the commission and the commission's office remains open for attendance by complainants, witnesses, the press and other members of the public. Notwithstanding Title 1, chapter 13, telephone meetings of the commission are permitted:

A. During the 28 days prior to an election when the commission is required to meet within 24 hours of the filing of any complaint or question with the commission; or

B. To address procedural or logistical issues before a monthly meeting, such as the scheduling of meetings, deadlines for parties' submission of written materials, setting of meeting agenda, requests to postpone or reschedule agenda items, issuing subpoenas for documents or witnesses and recusal of commission members.

3. Other meetings. The commission shall meet at other times on the call of the Secretary of State, the President of the Senate, the Speaker of the House or the chair or a majority of the members of the commission, as long as all members are notified of the time, place and purpose of the meeting at least 24 hours in advance.

4. Office hours before election. The commission office must be open with adequate staff resources available to respond to inquiries and receive complaints from 8 a.m. until at least 5:30 p.m. on the Saturday, Sunday and Monday immediately preceding an election and from 8 a.m. until at least 8 p.m. on election day.

Sec. 5. 21-A MRSA §1003, sub-§3-A is enacted to read:

3-A. Audit working papers. Audit working papers are confidential and may not be disclosed to any person outside of the commission except the audited entity, other entities as necessary for the conduct of the audit and law enforcement and other agencies for purposes of reporting, investigating or

prosecuting a criminal or civil violation. For purposes of this subsection, "audit working papers" means all documentary and other information acquired, prepared or maintained by the commission during the conduct of an audit or investigation, including all intra-agency and interagency communications relating to the audit or investigation and draft reports or any portion of a draft report. A final audit report or any records made public in an enforcement or other proceeding of the commission are not confidential.

Sec. 6. 21-A MRS §1005 is enacted to read:

§ 1005. Restrictions on commercial use of contributor information

Information concerning contributors contained in campaign finance reports filed by candidates, political action committees and party committees and reports filed under section 1056-B may not be used for any commercial purpose, including, but not limited to, the sales and marketing of products and services, or for solicitations of any kind not directly related to activities of a political party, so-called "get out the vote" efforts or activities directly related to a campaign as defined in section 1052. Any person obtaining contributor information from the reports is prohibited from selling or distributing it to others to use for commercial purposes and also is prohibited from making publicly available the mailing addresses of contributors. This section does not prohibit a political party, party committee, candidate committee, political action committee or any other organization that has obtained contributor information from the commission from providing access to such information to its members for purposes directly related to party activities, so-called "get out the vote" efforts or a campaign as defined in section 1052. A person who violates this section is subject to a fine of up to \$5,000. A person who knowingly violates this section commits a Class E crime.

Sec. 7. 21-A MRS §1011, sub-§1, as enacted by PL 1995, c. 483, §2, is amended to read:

1. Role of the municipal clerk; commission. For candidates for municipal office, the municipal clerk is responsible for any duty assigned to the commission in this subchapter related to the registration of candidates, receipt of reports and distribution of information or forms, unless otherwise provided. Notwithstanding any other deadline set forth in this chapter, candidates must file their reports by the close of business on the filing deadline established for the office of the municipal clerk. The commission retains the sole authority to prescribe the content of all reporting forms.

Sec. 8. 21-A MRS §1059, first ¶, as amended by PL 2007, c. 443, Pt. A, §35, is further amended to read:

Committees required to register under section 1053 shall file reports in compliance with this section. All reports must be filed by 11:59 p.m. on the filing deadline, except that reports submitted to a municipal clerk must be filed by the close of business on the filing deadline.

Sec. 9. 21-A MRS §1125, sub-§3, as amended by PL 2007, c. 240, Pt. F, §1 and by c. 443, Pt. B, §6, is further amended to read:

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

A. For a gubernatorial candidate, at least 3,250 verified registered voters of this State must support the candidacy by providing a qualifying contribution to that candidate;

B. For a candidate for the State Senate, at least 150 verified registered voters from the candidate's electoral division must support the candidacy by providing a qualifying contribution to that candidate; or

C. For a candidate for the State House of Representatives, at least 50 verified registered voters from the candidate's electoral division must support the candidacy by providing a qualifying contribution to that candidate.

A payment, gift or anything of value may not be given in exchange for a qualifying contribution. A candidate may pay the fee for a money order that is a qualifying contribution in the amount of \$5 as long as the donor making the qualifying contribution pays the \$5 amount reflected on the money order. Any money order fees paid by a participating candidate must be paid for with seed money and reported in accordance with commission rules. A money order must be signed by the contributor to be a valid qualifying contribution. The commission may establish by routine technical rule, adopted in accordance with Title 5, chapter 375, subchapter 2-A, a procedure for a qualifying contribution to be made by a credit or debit transaction and by electronic funds transfer over the Internet. Information that the commission maintains electronically concerning individuals who have made qualifying contributions over the Internet is confidential and is not a public record within the meaning of Title 1, chapter 13, subchapter 1, and the commission shall provide this information in electronic form only to the candidate supported by the qualifying contribution or the candidate's designee.

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

Sec. 10. 21-A MRSA §1125, sub-§12, as enacted by IB 1995, c. 1, §17, is amended to read:

12. Reporting; unspent revenue. Notwithstanding any other provision of law, participating and certified candidates shall report any money collected, all campaign expenditures, obligations and related activities to the commission according to procedures developed by the commission. If a certified candidate pays fund revenues to a member of the candidate's immediate family or a business or nonprofit entity affiliated with a member of the candidate's immediate family, the candidate must disclose the family relationship in a manner prescribed by the commission. Upon the filing of a final report for any primary election in which the candidate was defeated and for all general elections that candidate shall return all unspent fund revenues to the commission. In developing these procedures, the commission shall utilize existing campaign reporting procedures whenever practicable. The commission shall ensure timely public access to campaign finance data and may utilize electronic means of reporting and storing information.

SUMMARY

The bill authorizes the Commission on Governmental Ethics and Election Practices to hold telephone meetings to discuss procedural or logistical issues after providing notice to any affected parties. It requires audit working papers to be kept confidential unless presented at a public meeting of the

commission. It prohibits information filed with the commission concerning the names and address of political contributors from being used for commercial purposes, but allows the information to be used for political communications relating to state elections. It creates a filing deadline of the close of the business day for municipal clerks receiving campaign finance reports. It permits the commission to provide to candidates and their designees in electronic format the names and addresses of Maine voters who made \$5 contributions in support of the candidate qualifying for public campaign financing, but prohibits the release of that information in electronic format to others. It requires a candidate participating in the Maine Clean Election Act to disclose the family relationship of any relative who has been paid public campaign funds for providing services to the campaign. It amends the qualifications for serving on the commission and clarifies which conflicts of interest require commission members to recuse themselves from a particular matter.