

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

Amend the bill in Part A by striking out all of sections 1 and 3.

Amend the bill in Part A in section 5 in paragraph B in subparagraph (7) in division (a) in the first line (page 2, line 34 in L.D.) by striking out the following: "20" and inserting the following: '40'

Amend the bill in Part A in section 6 in paragraph B in subparagraph (10) in division (a) in the first line (page 4, line 17 in L.D.) by striking out the following: "20" and inserting the following: '40'

Amend the bill in Part A in section 11 in §1014 in subsection 1 in the next to the last line (page 6, line 31 in L.D.) by striking out the following: "radio station" and inserting the following: 'broadcasting station'

Amend the bill in Part A in section 11 in §1014 in subsection 2-A in the 3rd line (page 6, line 43 in L.D.) by striking out the following: "60" and inserting the following: '35'

Amend the bill in Part A in section 11 in §1014 in subsection 3 in the 2nd line (page 7, line 7 in L.D.) by striking out the following: "or agent of that person"

Amend the bill in Part A in section 11 in §1014 in subsection 5 in the 3rd line (page 8, line 5 in L.D.) by striking out the following: "60" and inserting the following: '35'

Amend the bill in Part A in section 18 in §1017 in subsection 2 in paragraph A in the 4th line (page 9, line 33 in L.D.) by striking out the following: "5:00" and inserting the following: '11:59'

Amend the bill in Part A in section 18 in §1017 in subsection 2 in paragraph B in the first line (page 10, line 1 in L.D.) by striking out the following: "5:00" and inserting the following: '11:59'

Amend the bill in Part A in section 18 in §1017 in subsection 2 in paragraph C in the first line (page 10, line 6 in L.D.) by striking out the following: "5:00" and inserting the following: '11:59'

Amend the bill in Part A in section 18 in §1017 in subsection 2 in paragraph D in the 3rd line (page 10, line 11 in L.D.) by striking out the following: "5:00" and inserting the following: '11:59'

Amend the bill in Part A in section 18 in §1017 in subsection 2 in paragraph E in the first line (page 10, line 13 in L.D.) by striking out the following: "5:00" and inserting the following: '11:59'

Amend the bill in Part A in section 18 in §1017 in subsection 3-A in paragraph A in the 4th line (page 11, line 1 in L.D.) by striking out the following: "5:00" and inserting the following: '11:59'

Amend the bill in Part A in section 18 in §1017 in subsection 3-A in paragraph B in the first line (page 11, line 6 in L.D.) by striking out the following: "5:00" and inserting the following: '11:59'

Amend the bill in Part A in section 18 in §1017 in subsection 3-A by striking out all of paragraph C (page 11, lines 11 to 14 in L.D.) and inserting the following:

'C. Contributions aggregating \$1,000 or more from any one contributor or single expenditures of \$1,000 or more; made after the ~~12th~~14th day before any election and more than 24 hours before ~~5~~11:59 p.m. on the day of any election must be reported within 24 hours of those contributions or expenditures.'

Amend the bill in Part A in section 18 in §1017 in subsection 3-A in paragraph D in the first line (page 11, line 15 in L.D.) by striking out the following: "5:00" and inserting the following: '11:59'

Amend the bill in Part A in section 18 in §1017 in subsection 3-B by striking out all of paragraph C (page 12, lines 22 to 31 in L.D.) and inserting the following:

‘C. A candidate who is required to file a report under paragraph A must file with the commission an updated report that reports single expenditures in the following amounts that are made after the 14th day before an election and more than 24 hours before ~~5:00~~11:59 p.m. on the date of that election:

- (1) For a candidate for Governor, a single expenditure of \$1,000;
- (2) For a candidate for the state Senate, a single expenditure of \$750; and
- (3) For a candidate for the state House of Representatives, a single expenditure of \$500.

A report filed pursuant to this paragraph must be filed within 24 hours of the expenditure.’

Amend the bill in Part A in section 18 in §1017 in subsection 3-B by striking out all of the last blocked paragraph (page 12, lines 32 to 36 in L.D.) and inserting the following:

‘The commission shall provide forms to facilitate compliance with this subsection. The commission shall notify a candidate within 48 hours if an amount reported on any report under paragraph B exceeds 1% in excess of the primary or general election distribution amounts for a Maine Clean Election Act candidate in the same race and no report has been received under paragraph A.’

Amend the bill in Part A in section 19 in §1017-A in subsection 4-A in paragraph A in the first line (page 16, line 27 in L.D.) by striking out the following: "5:00" and inserting the following: '11:59'

Amend the bill in Part A in section 19 in §1017-A in subsection 4-A in paragraph B in the first line (page 16, line 32 in L.D.) by striking out the following: "5:00" and inserting the following: '11:59'

Amend the bill in Part A in section 19 in §1017-A in subsection 4-A in paragraph C in the 2nd line (page 17, line 2 in L.D.) by striking out the following: "5:00" and inserting the following: '11:59'

Amend the bill in Part A in section 19 in §1017-A in subsection 4-B in paragraph A in the first line (page 17, line 17 in L.D.) by striking out the following: "5:00" and inserting the following: '11:59'

Amend the bill in Part A in section 19 in §1017-A in subsection 4-B in paragraph B in the first line (page 17, line 23 in L.D.) by striking out the following: "5:00" and inserting the following: '11:59'

Amend the bill in Part A in section 19 in §1017-A in subsection 4-B by striking out all of paragraph C (page 17, lines 26 to 28 in L.D.) and inserting the following:

'C. Any ~~contribution or~~ expenditure of \$1,000 or more made after the ~~12th~~14th day before any election and more than 24 hours before ~~that~~11:59 p.m. on the day of the election must be reported within 24 hours of that ~~contribution or~~ expenditure.'

Amend the bill in Part A in section 22 in paragraph B in the next to the last line (page 19, line 3 in L.D.) by striking out the following: "60" and inserting the following: '35'

Amend the bill in Part A by striking out all of sections 23 and 24.

Amend the bill in Part A in section 25 in subsection 2 in the 4th line (page 19, line 29 in L.D.) by striking out the following: "5:00" and inserting the following: '11:59'

Amend the bill in Part A in section 27 in subsection 6 in the 3rd line (page 20, line 40 in L.D.) by striking out the following: "5:00" and inserting the following: '11:59'

Amend the bill in Part A in section 39 in §1059 in the first indented paragraph in the 2nd line (page 25, line 30 in L.D.) by striking out the following: "5:00" and inserting the following: '11:59'

Amend the bill in Part A in section 42 in subsection 2 in the 4th line (page 28, line 22 in L.D.) by striking out the following: "5:00" and inserting the following: '11:59'

Amend the bill in Part A in section 44 in subsection 5 in the 3rd line (page 29, line 21 in L.D.) by striking out the following: "5:00" and inserting the following: '11:59'

Amend the bill in Part B in section 3 in subsection 9 in the 2nd and 3rd lines (page 30, lines 24 and 25 in L.D.) by striking out the following: "by an individual who is a Maine resident"

Amend the bill in Part B in section 4 in paragraph B in the 3rd and 4th lines (page 31, lines 3 and 4 in L.D.) by striking out the following: "each year, beginning January 1, 19992008 and 2009, then on or before September 1st of each year thereafter" and inserting the following: 'each year, beginning January 1, 1999'

Amend the bill in Part B in section 6 in §1125 by striking out all of subsections 2-A, 2-B and 2-C and inserting the following:

2-A. Seed money restrictions. To be eligible for certification, a participating candidate may collect and spend only seed money contributions subsequent to becoming a candidate and prior to certification. A participating candidate may not solicit, accept or collect seed money contributions after certification as a Maine Clean Election Act candidate.

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

B. Prior to certification, a participating candidate may obligate an amount greater than the seed money collected, but may only receive that portion of goods and services that has been paid for or will be paid for with seed money. A participating candidate who has accepted contributions or made expenditures that do not comply with the seed money restrictions under this chapter may

petition the commission to remain eligible for certification as a Maine Clean Election Act candidate in accordance with rules of the commission, if the failure to comply was unintentional and does not constitute a significant infraction of these restrictions.

C. Upon requesting certification, a participating candidate shall file a report of all seed money contributions and expenditures. If the candidate is certified, any unspent seed money will be deducted from the amount distributed to the candidate as provided in subsection 8.'

Amend the bill in Part B in section 6 in §1125 in subsection 3 in paragraph A in the first line (page 33, line 7 in L.D.) by striking out the following: "2,500" and inserting the following: '2,5003,250'

Amend the bill in Part B in section 6 in §1125 in subsection 4 in the last 2 lines (page 33, lines 34 and 35 in L.D.) by striking out the following: ", contribution cards required by subsection 2-B"

Amend the bill in Part B in section 6 in §1125 in subsection 5 by striking out all of paragraph C-1 (page 34, lines 1 and 2 in L.D.).

Amend the bill in Part B in section 6 in §1125 by striking out all of subsection 6 (page 35, lines 14 to 28 in L.D.) and inserting the following:

'6. Restrictions on contributions and expenditures for certified candidates. After certification, a candidate must limit the candidate's campaign expenditures and obligations, including outstanding obligations, to the revenues distributed to the candidate from the fund and may not accept any contributions unless specifically authorized by the commission. Candidates may also accept and spend interest earned on fund revenues in campaign bank accounts. All revenues distributed to a certified candidate from the fund must be used for campaign-related purposes. The candidate, the treasurer, the candidate's committee authorized pursuant to section 1013-A, subsection 1 or any agent of the candidate and committee may not use these revenues for any but campaign-related purposes. The commission shall publish guidelines outlining permissible campaign-related expenditures.'

Amend the bill in Part B in section 6 in §1125 in subsection 9 by striking out all of the last underlined sentence (page 37, lines 11 to 13 in L.D.) and inserting the following: 'Matching funds for certified gubernatorial candidates in a primary election are limited to 2 times the amount originally distributed under subsection 8, paragraph E. Matching funds for certified gubernatorial candidates in a general election are limited to the amount originally distributed under subsection 8, paragraph F.'

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

SUMMARY

This amendment strikes a provision of the bill that would have provided that the office of the Commission on Governmental Ethics and Election Practices does not have to be open until 8:00 p.m. on election day. The amendment increases from 20 to 40 the number of hours of assistance party committee employees can provide before such assistance is considered a contribution or an expenditure. The amendment clarifies that the disclosure required for authorized candidate advertisements does not include the address of the person who financed the advertisements whether broadcast on radio or television.

The amendment changes from 60 days, as proposed by the bill, to 35 days the period of time before a general election during which there is a rebuttable presumption that a communication clearly depicting a candidate is an independent expenditure. In accordance with that 35-day period, disclosure requirements are triggered at that time for media communications and telephone calls that clearly depict a candidate.

The amendment also changes the time of day that campaign finance reports, with the exception of those required under the accelerated reporting schedule, are due to the commission from 5:00 p.m. to 11:59 p.m. on the day that they are due. The amendment eliminates the decrease in the dollar amount from \$1,000 to \$500 for expenditures by candidates or party committees made in the last 2 weeks of an election that would trigger 24-hour reports. The amendment removes a provision from the bill that would have required more detailed reporting of independent expenditures and a provision that would increase the fine from \$10 to \$100 for failure to properly register information required of candidates.

The amendment eliminates the provision in the bill that would have required that seed money contributions under the Maine Clean Election Act come from Maine residents and clarifies current seed money restrictions. The amendment removes the part of the bill that would transfer General Fund money to the Maine Clean Election Fund in September rather than in January as required by current law. The amendment removes a provision in the bill that would prohibit a Maine Clean Election Act candidate from paying family members services provided to the candidate's campaign.

The amendment increases from 2,500 to 3,250 the number of qualifying contributions a gubernatorial candidate must obtain to become certified, but eliminates the proposal in the bill that would require a gubernatorial candidate to raise a minimum of \$15,000 in seed money contributions. The amendment clarifies an error in the bill with regard to gubernatorial matching funds.