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Date: (Filing No. S-)

VETERANS AND LEGAL AFFAIRS

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STATE OF MAINE

SENATE

131ST LEGISLATURE

FIRST SPECIAL SESSION

COMMITTEE AMENDMENT “ ” 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

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

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

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

22 **SUMMARY**

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

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

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

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

38 4. It clarifies that, when the commission considers the text and other objective elements
 39 of a communication distributed close to an election in order to decide whether the costs of
 40 the communication qualify as independent expenditures, such consideration may include,
 41 if the communication is a digital communication, any links to publicly accessible websites
 42 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