

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-TWO

S.P. 614 - L.D. 1754

**An Act To Modify the Reporting Requirements for Major Contributors to
Ballot Question Campaigns and To Make a Technical Change to the
Campaign Finance Laws**

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

Sec. 1. 21-A MRSA §1059, sub-§5, as amended by PL 2019, c. 323, §24, is further amended to read:

5. Electronic filing. A committee shall file each report required by this section through an electronic filing system developed by the commission. Notwithstanding any provision of this chapter to the contrary, for purposes of entering and retrieving information, the electronic filing system may categorize ballot question committees as a subcategory of political action committees. The commission may make an exception to this electronic filing requirement if a committee submits a written request that states that the committee lacks access to the technology or the technological ability to file reports electronically. The request for an exception must be submitted within 30 days of the registration of the committee. The commission shall grant all reasonable requests for exceptions.

Sec. 2. 21-A MRSA §1060-A, sub-§1, ¶B, as enacted by PL 2017, c. 418, §4, is amended to read:

B. "Major contributor" means a person, other than an individual or a committee, that makes one or more contributions aggregating in excess of \$100,000 to a ballot question committee or political action committee for the purpose of initiating or influencing any one people's veto referendum campaign or any one direct initiative campaign.

Sec. 3. 21-A MRSA §1060-A, sub-§4, ¶E, as enacted by PL 2017, c. 418, §4, is repealed and the following enacted in its place:

E. The names of the 5 largest sources of funds received by the major contributor during the period beginning 6 months prior to the first contribution made to the recipient committee and ending on the date of the filing of the report. This paragraph does not apply to funds received by the major contributor:

(1) That are restricted to purposes that are unrelated to a people's veto referendum or direct initiative campaign in the State;

(2) In the ordinary course of the major contributor's regular trade or business or as investment income; or

(3) If the source of the funds provided no more than \$5,000 to the major contributor during the relevant period of time; and

Sec. 4. 21-A MRSA §1060-A, sub-§5, as enacted by PL 2017, c. 418, §4, is repealed and the following enacted in its place:

5. Noncompliance. The commission may assess a civil penalty against a person that does not comply with the requirements of this section. The preliminary penalty is 10% of the total contributions required to be reported or \$50,000, whichever is less, for:

A. A recipient committee that fails to provide timely notice to a major contributor under subsection 2;

B. A recipient committee that fails to provide a copy of the notice to the commission under subsection 2. If the commission assesses a penalty under paragraph A, the commission may not also assess a penalty under this paragraph; and

C. A major contributor that fails to file a timely report required under this section or that files a report that does not substantially conform to the disclosure requirements of this section or rules adopted under this section.

Sec. 5. 21-A MRSA §1060-A, sub-§6 is enacted to read:

6. Waiver request; final penalty. Not later than the 14th calendar day after the date the person receives notice of the preliminary penalty from the commission under subsection 5, the person may request a waiver of the penalty in full or in part. In considering a request for a waiver under this subsection, the commission shall consider:

A. For violations under subsection 5, paragraphs A and B:

(1) Whether, as a result of the late notice, the due date for a report required by this subchapter is later than if a timely notice had been received;

(2) Whether the recipient committee made a bona fide effort to provide notice to the major contributors;

(3) The amount of the contributions required to be reported; and

(4) Other relevant factors; and

B. For violations under subsection 5, paragraph C:

(1) The failure of the recipient committee to provide notice of the reporting requirement to the major contributor;

(2) The number of days the report is late;

(3) The amount of the contributions required to be reported; and

(4) Other relevant factors.

A person requesting a determination on a waiver may either appear in person or designate a representative to appear on the person's behalf or may submit a sworn statement

explaining the mitigating circumstances for consideration by the commission. After a commission meeting, the commission shall mail notice of the final determination of the commission and the penalty, if any, imposed pursuant to this subsection to the person against whom the commission is assessing the penalty. If the person against whom the commission is assessing the penalty does not request a waiver, the preliminary penalty calculated by the commission is final. The commission shall mail final notice of the penalty to the person against whom the commission is assessing the penalty. A final determination by the commission on a waiver may be appealed to the Superior Court in accordance with Title 5, chapter 375, subchapter 7 and the Maine Rules of Civil Procedure, Rule 80C.

Sec. 6. Appropriations and allocations. The following appropriations and allocations are made.

**ETHICS AND ELECTION PRACTICES, COMMISSION ON GOVERNMENTAL
Governmental Ethics and Election Practices - Commission on 0414**

Initiative: Provides a one-time allocation for programming costs to update the campaign finance report electronic filing system to incorporate submissions by ballot question committees.

| OTHER SPECIAL REVENUE FUNDS | 2021-22 | 2022-23 |
|------------------------------------------|----------------|----------------|
| All Other | \$9,616 | \$0 |
| OTHER SPECIAL REVENUE FUNDS TOTAL | \$9,616 | \$0 |