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An Act To Define "Agent" and "Candidate's Political Committee" in the Laws Regarding Limitations on Campaign Contributions and Expenditures

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

Sec. 1. 21-A MRSA §1001, sub-§§1-A and 1-B are enacted to read:

1-A. Agent. "Agent" means a person to whom a candidate or candidate's political committee gives express or implied authority to act on behalf of the candidate or the candidate's political committee.

1-B. Candidate's political committee. "Candidate's political committee" means the association of a candidate and one or more individuals who conduct activities to promote the nomination or election of the candidate with the knowledge and consent of the candidate, whether or not the candidate registered the political committee or its officers with the commission pursuant to section 1013-A, subsection 1, paragraph B.

Sec. 2. 21-A MRSA §1015, sub-§5, as amended by PL 1989, c. 504, §§7 and 31, is further amended to read:

5. Other contributions and expenditures; individuals deemed part of candidate's political committee. Any expenditure made by any person in cooperation, consultation or concert with, or at the request or suggestion of, a candidate, a candidate's political committee or their agents is considered to be a contribution to that candidate.

The financing by any person of the dissemination, distribution or republication, in whole or in part, of any broadcast or any written or other campaign materials prepared by the candidate, the candidate's political committee or committees or their authorized agents is considered to be a contribution to that candidate.

For purposes of this subsection, an individual is deemed part of a candidate's political committee if, at the time of an expenditure or during the 6 months before an expenditure, the individual is:

- A. An individual who is designated by the candidate as an officer of the candidate's political committee and whose name must be reported under section 1013-A, subsection 1, paragraph B;
- B. The candidate's treasurer or deputy treasurer;
- C. An individual who is performing the statutory responsibilities of the candidate's treasurer; or
- D. An individual who, with the candidate's knowledge and consent, manages the candidate's campaign or is primarily responsible for certain activities of the candidate's campaign, including but not limited to campaign communications, advertising, public relations, media or fund-raising.

A business entity engaged by the candidate to provide goods or services to promote the candidate's election is not deemed part of the candidate's political committee. For purposes of this subsection, "business entity" means a corporation, association, partnership, limited liability company, limited liability partnership or other legal entity.

SUMMARY

This bill defines who is an agent of a candidate or the candidate's political committee for purposes of the laws regarding limitations on campaign contributions and expenditures. The bill also defines "candidate's political committee" based on the existing definition of "political committee" in the Maine Revised Statutes, Title 21-A, section 1, subsection 30. Certain individuals in positions of responsibility within a candidate's political campaign, including the treasurer and deputy treasurer, are deemed part of the candidate's political committee. An expenditure made by, or in consultation with, these individuals may not be considered independent of the candidate or the candidate's political committee.