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An Act To Clarify What Constitutes a Contribution to a Candidate

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this legislation needs to take effect before the expiration of the 90-day period in order to be in place for the next election; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 21-A MRSA §1015, sub-§5-A is enacted to read:

5-A. Expenditures by persons affiliated with campaign. Any expenditure made by a person who has been affiliated with a candidate's campaign at any time within 120 days prior to the expenditure is a contribution to that candidate. For purposes of this subsection, a spouse or domestic partner of the candidate, or a person whom the candidate has designated as the candidate's chair, treasurer, deputy treasurer, officer or campaign manager or who has received any campaign-related compensation from the candidate's campaign for service as an employee or independent contractor, is affiliated with the candidate's campaign regardless of that person's actual role in the campaign. This subsection does not apply to an expenditure funded by the candidate's campaign or an expenditure to finance a communication that does not clearly identify the candidate or an opponent of the candidate. In an action taken by the commission pursuant to this subsection, it is not a defense that the person had no active role in the candidate's campaign and was affiliated in name only.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

SUMMARY

This bill amends the laws regarding limitations on campaign contributions and expenditures to clarify that any expenditure made by a person who has been affiliated with a campaign, regardless of whether the person has been paid or the actual duties the person has performed, or by a person who has received compensation from the campaign is considered a contribution to the candidate.