



# 128th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2017

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Legislative Document

No. 1122

H.P. 786

House of Representatives, March 21, 2017

**An Act To Amend the Campaign Reports and Finances Law and the  
Maine Clean Election Act**

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Reported by Representative LUCHINI of Ellsworth for the Commission on Governmental Ethics and Election Practices pursuant to the Maine Revised Statutes, Title 1, section 1007.

Reference to the Committee on Veterans and Legal Affairs suggested and ordered printed pursuant to Joint Rule 218.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

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

2 **Sec. 1. 21-A MRSA §1001, sub-§1-A** is enacted to read:

3 **1-A. Caucus political action committee.** "Caucus political action committee"  
4 means a political action committee designated under section 1053-C to promote the  
5 election of nominees of a political party to the House of Representatives or the Senate.

6 **Sec. 2. 21-A MRSA §1001, sub-§2,** as amended by PL 1995, c. 483, §1, is  
7 further amended to read:

8 **2. Election.** "Election" means any primary, general or special election for state,  
9 county or municipal offices ~~as defined in~~ municipalities subject to Title 30-A, section  
10 2502, subsection 1 and any referendum, including a municipal referendum in  
11 municipalities subject to Title 30-A, section 2502, subsection 2.

12 **Sec. 3. 21-A MRSA §1006** is enacted to read:

13 **§1006. Statistical report**

14 By April 1, 2019, and annually thereafter, the commission shall submit to the joint  
15 standing committee of the Legislature having jurisdiction over legal affairs a statistical  
16 report summarizing campaign finance activity to influence state elections. The report  
17 must cover the preceding 5 election years in which statewide ballot questions were  
18 scheduled and the 5 election years in which primary and general elections for legislative  
19 offices were held. The report must include total spending by committees to influence  
20 candidate and ballot question elections, median and total spending by candidates, total  
21 independent expenditures by office, sources of contributions to candidates and  
22 committees and any other information regarding campaign finance and political activity  
23 as determined by the executive director of the commission.

24 **Sec. 4. 21-A MRSA §1013-A, sub-§3,** as amended by PL 1995, c. 483, §5, is  
25 further amended to read:

26 **3. Party committees.** ~~The state, district and, county and municipal~~ committees of  
27 parties shall submit to ~~the commission~~ their state party committees the names and  
28 addresses of all their officers and of their treasurers and the name and address of the  
29 principal paid employee, if any, within ~~30~~ 10 days after the appointment, election or  
30 hiring of these persons. Municipal committees must file copies of the same information  
31 with ~~the commission and~~ the municipal clerk. ~~District, county and municipal committees~~  
32 ~~that provide their state party committees with the information required by this subsection~~  
33 ~~to be submitted to the commission have met that requirement.~~ No later than ~~the 2nd~~  
34 ~~Monday in April~~ June 15th of each year in which a general election is scheduled, the state  
35 party committee ~~of a party~~ shall submit to ~~the commission~~ a consolidated report,  
36 ~~including the information required under this subsection, for~~ of the names, mailing  
37 addresses and e-mail addresses of the chair and treasurer of the district, county and  
38 municipal committees of that party or of another officer if a chair or treasurer has not  
39 been appointed.

1           **Sec. 5. 21-A MRSA §1017, sub-§2, ¶D**, as amended by PL 2013, c. 334, §10, is  
2 further amended to read:

3           D. ~~Any~~ If the candidate has an opponent who is on the ballot or who is a declared  
4 write-in candidate, any single contribution of \$1,000 or more received or any single  
5 expenditure of \$1,000 or more made after the 14th day before the election and more  
6 than 24 hours before 11:59 p.m. on the day of the election must be reported within 24  
7 hours of that contribution or expenditure. The candidate or treasurer is not required  
8 to include in this report expenditures for overhead expenses or compensation paid to  
9 an employee or other member of the campaign staff who has received payments at  
10 regular intervals that have been disclosed in previously filed campaign finance  
11 reports. As used in this paragraph, "overhead expenses" includes, but is not limited  
12 to, rent, utility payments, taxes, insurance premiums or similar administrative  
13 expenses.

14           **Sec. 6. 21-A MRSA §1017, sub-§3-A, ¶C**, as amended by PL 2013, c. 334, §11,  
15 is further amended to read:

16           C. ~~Any~~ If the candidate has an opponent who is on the ballot or who is a declared  
17 write-in candidate, any single contribution of \$1,000 or more received or any single  
18 expenditure of \$1,000 or more made after the 14th day before any election and more  
19 than 24 hours before 11:59 p.m. on the day of any election must be reported within  
20 24 hours of that contribution or expenditure. The candidate or treasurer is not  
21 required to include in this report expenditures for overhead expenses or compensation  
22 paid to an employee or other member of the campaign staff who has received  
23 payments at regular intervals that have been disclosed in previously filed campaign  
24 finance reports. As used in this paragraph, "overhead expenses" includes, but is not  
25 limited to, rent, utility payments, taxes, insurance premiums or similar administrative  
26 expenses.

27           **Sec. 7. 21-A MRSA §1017, sub-§5**, as amended by PL 2011, c. 522, §1, is  
28 further amended to read:

29           **5. Content.** A report required under this section must contain the itemized accounts  
30 of contributions received during that report filing period, including the date a contribution  
31 was received, and the name, address, occupation, principal place of business, if any, and  
32 the amount of the contribution of each person who has made a contribution or  
33 contributions aggregating in excess of \$50. The report must contain the itemized  
34 expenditures made or authorized during the report filing period, the date and purpose of  
35 each expenditure and the name and address of each payee and creditor and any refund  
36 that a payee has made to the candidate or an agent of the candidate. If the payee is a  
37 member of the candidate's household or immediate family, the candidate must disclose  
38 the candidate's relationship to the payee in a manner prescribed by the commission. The  
39 report must contain a statement of any loan to a candidate by a financial institution in  
40 connection with that candidate's candidacy that is made during the period covered by the  
41 report, whether or not the loan is defined as a contribution under section 1012, subsection  
42 2, paragraph A. The candidate and the treasurer are jointly and severally responsible for  
43 the timely and accurate filing of each required report.

1           **Sec. 8. 21-A MRSA §1017, sub-§8**, as amended by PL 2007, c. 443, Pt. A, §16,  
2 is further amended to read:

3           **8. Disposition of surplus.** A candidate or treasurer of a candidate registered under  
4 section 1013-A or qualified under sections 335 and 336 or sections 354 and 355 must  
5 dispose of a surplus exceeding \$100 within 4 years of the election for which the  
6 contributions were received by:

7           A. Returning contributions to the candidate's or candidate's authorized political  
8 committee's contributors, as long as no contributor receives more than the amount  
9 contributed;

10          B. A gift to a qualified political party within the State, including any county or  
11 municipal subdivision of such a party;

12          C. An unrestricted gift to the State. A candidate for municipal office may dispose of  
13 a surplus by making a restricted or unrestricted gift to the municipality;

14          D. Carrying forward the surplus balance to a political committee established to  
15 promote the same candidate for a subsequent election;

16          D-1. Carrying forward the surplus balance for use by the candidate for a subsequent  
17 election;

18          E. Transferring the surplus balance to one or more other candidates registered under  
19 section 1013-A or qualified under sections 335 and 336 or sections 354 and 355, or to  
20 political committees established to promote the election of those candidates, provided  
21 that the amount transferred does not exceed the contribution limits established by  
22 section 1015;

23          F. Repaying any loans or retiring any other debts incurred to defray campaign  
24 expenses of the candidate;

25          G. Paying for any expense incurred in the proper performance of the office to which  
26 the candidate is elected, as long as each expenditure is itemized on expenditure  
27 reports; ~~and~~

28          H. A gift to a charitable or educational organization that is not prohibited, for tax  
29 reasons, from receiving such a gift; and

30          I. Spending the funds to pay expenses related to a recount of ballots of the  
31 candidate's election.

32          The choice must be made by the candidate for whose benefit the contributions were  
33 made.

34           **Sec. 9. 21-A MRSA §1017-A, sub-§4-A**, as amended by PL 2013, c. 334, §12, is  
35 further amended to read:

36           **4-A. Filing schedule.** A state party committee shall file its reports according to the  
37 following schedule. All reports required under paragraphs A, B and C must be filed by  
38 11:59 p.m. on the day of the filing deadline.

1 A. ~~Quarterly reports must be filed by 11:59 p.m.~~ A state party committee shall file  
2 quarterly reports:

- 3 (1) On January 15th and must be complete up to December 31st;  
4 (2) On April 10th and must be complete up to March 31st;  
5 (3) On July 15th and must be complete up to June 30th; and  
6 (4) On October 5th and must be complete up to September 30th.

7 B. ~~General and primary election reports must be filed by 11:59 p.m.~~ During any year  
8 in which primary and general elections are held, a state party committee shall file  
9 primary and general election reports:

- 10 (1) On the 11th day before the date on which the election is held and must be  
11 complete up to the 14th day before that date; and  
12 (2) On the 42nd day after the date on which the election is held and must be  
13 complete up to the 35th day after that date.

14 C. ~~Preelection and post-election reports for special elections, referenda, initiatives,~~  
15 ~~bond issues or constitutional amendments must be filed by 11:59 p.m.~~ In an election  
16 year other than a year described in paragraph B, if a state party committee has  
17 received contributions or made expenditures for the purpose of influencing a ballot  
18 question election, a special election or a municipal candidate or referendum election  
19 subject to Title 30-A, section 2502, the committee shall file preelection and post-  
20 election reports:

- 21 (1) On the 11th day before the date on which the election is held and must be  
22 complete up to the 14th day before that date; and  
23 (2) On the 42nd day after the date on which the election is held and must be  
24 complete up to the 35th day after that date.

25 D. A state party committee that files an election report under paragraph B or C is not  
26 required to file a quarterly report under paragraph A when the deadline for that  
27 quarterly report falls within 10 days of the filing deadline established in paragraph B  
28 or C.

29 E. ~~A~~ If a state party committee is required to file a report 11 days before an election  
30 pursuant to paragraph B or C, the state party committee shall report any single  
31 contribution of \$5,000 or more received or any single expenditure of \$1,000 or more  
32 made after the 14th day before the election and more than 24 hours before 5:00 p.m.  
33 on the day of the election within 24 hours of that contribution or expenditure. The  
34 committee is not required to include in this report expenditures for overhead expenses  
35 or compensation paid to an employee or other member of the campaign staff who has  
36 received payments at regular intervals that have been disclosed in previously filed  
37 campaign finance reports. As used in this paragraph, "overhead expenses" includes,  
38 but is not limited to, rent, utility payments, taxes, insurance premiums or similar  
39 administrative expenses.

40 **Sec. 10. 21-A MRSA §1017-A, sub-§4-B, ¶C,** as amended by PL 2013, c. 334,  
41 §13, is further amended to read:

1 C. A committee shall report any single contribution of \$5,000 or more received or  
2 any expenditure of \$1,000 or more made after the 14th day before ~~any~~ a general  
3 election and more than 24 hours before 11:59 p.m. on the day of the election within  
4 24 hours of that contribution or expenditure. The committee is not required to  
5 include in this report expenditures for overhead expenses or compensation paid to an  
6 employee or other member of the campaign staff who has received payments at  
7 regular intervals that have been disclosed in previously filed campaign finance  
8 reports. As used in this paragraph, "overhead expenses" includes, but is not limited  
9 to, rent, utility payments, taxes, insurance premiums or similar administrative  
10 expenses.

11 **Sec. 11. 21-A MRSA §1018-B, sub-§2**, as amended by PL 2013, c. 334, §14, is  
12 further amended to read:

13 **2. Limitations.** After an election, candidates may receive donations for purposes of  
14 a recount. The donations must be within the limitations of section 1015, except that no  
15 limitation applies to donations from party committees and caucus ~~campaign~~ political  
16 action committees and from attorneys, consultants and their firms that are donating their  
17 services without reimbursement. Candidates may not spend revenues received under  
18 chapter 14 for recount expenditures.

19 **Sec. 12. 21-A MRSA §1020-A, sub-§1**, as enacted by PL 1995, c. 483, §15, is  
20 amended to read:

21 **1. Registration.** A candidate that fails to register the name of a candidate, treasurer  
22 or political committee with the commission within the time allowed by section 1013-A,  
23 subsection 1 may be assessed a forfeiture of ~~\$10~~ \$100. The commission shall determine  
24 whether a registration satisfies the requirements for timely filing under section 1013-A,  
25 subsection 1.

26 **Sec. 13. 21-A MRSA §1051**, as amended by PL 2009, c. 190, Pt. A, §15, is  
27 further amended to read:

28 **§1051. Application**

29 This subchapter applies to the activities of political action committees and ballot  
30 question committees organized in and outside this State that accept contributions, incur  
31 obligations or make expenditures ~~for~~ to influence the nomination or election of a  
32 candidate to state, county or municipal officers, office or for the support or defeat of any  
33 to initiate or influence a campaign, as defined in this subchapter.

34 **Sec. 14. 21-A MRSA §1052, sub-§2**, as amended by PL 2007, c. 443, Pt. A, §27,  
35 is further amended to read:

36 **2. Committee.** "Committee" means any political action committee, as defined in  
37 this subchapter, or any ballot question committee, as described in section 1056-B, and  
38 includes any agent of a political action committee or ballot question committee.

39 **Sec. 15. 21-A MRSA §1053-C** is enacted to read:

1           **§1053-C. Caucus political action committees**

2           Each appointed leader of a political party in the House of Representatives or the  
3 Senate may designate one caucus political action committee to promote the election of  
4 nominees of that appointed leader's political party to the body of the Legislature of which  
5 that appointed leader is a member. The designation must be made in a letter to the  
6 commission and remains effective until it is amended by the appointed leader of that  
7 political party in that body of the Legislature in writing.

8           **Sec. 16. 21-A MRSA §1059**, as amended by PL 2013, c. 334, §§27 and 28, is  
9 further amended to read:

10           **§1059. Report; filing requirements**

11           ~~Committees~~ A committee required to register under section 1052-A, 1053-B or  
12 1056-B shall file an initial campaign finance report ~~at the time~~ within 7 days of  
13 registration and thereafter shall file reports in compliance with this section. All reports  
14 must be filed by 11:59 p.m. on the day of the filing deadline, except that reports  
15 submitted to a municipal clerk must be filed by the close of business on the day of the  
16 filing deadline.

17           **2. Reporting schedule.** ~~Committees~~ A committee shall file reports according to the  
18 following schedule.

19           A. ~~All committees~~ A committee shall file quarterly reports:

- 20                   (1) On January 15th, and the report must be complete as of December 31st;  
21                   (2) On April 10th, and the report must be complete as of March 31st;  
22                   (3) On July 15th, and the report must be complete as of June 30th; and  
23                   (4) On October 5th, and the report must be complete as of September 30th.

24           B. ~~General and primary election reports must be filed~~ During any year in which  
25 primary and general elections are held, a committee shall file primary and general  
26 election reports:

- 27                   (1) On the 11th day before the date on which the election is held and must be  
28                   complete as of the 14th day before that date; and  
29                   (2) On the 42nd day after the date on which the election is held and must be  
30                   complete as of the 35th day after that date.

31           A committee shall file primary and general election reports even if the committee did  
32 not engage in financial activity to influence the primary or general election.

33           C. ~~Preelection and post-election reports for special elections or ballot measure~~  
34 ~~campaigns must be filed~~ In an election year other than a year described in paragraph  
35 B, if a committee has received contributions or made expenditures for the purpose of  
36 influencing a ballot question election, a special election or a municipal candidate or  
37 referendum election subject to Title 30-A, section 2502, the committee shall file  
38 preelection and post-election reports:

1 (1) On the 11th day before the date on which the election is held and must be  
2 complete as of the 14th day before that date; and

3 (2) On the 42nd day after the date on which the election is held and must be  
4 complete as of the 35th day after that date.

5 D. A committee that files an election report under paragraph B or C is not required to  
6 file a quarterly report when the deadline for that quarterly report falls within 10 days  
7 of the filing deadline established in paragraph B or C.

8 E. ~~A~~ If a committee is required to file a report 11 days before an election pursuant  
9 to paragraph B or C, the committee shall report any single contribution of \$5,000 or  
10 more received or single expenditure of \$1,000 or more made after the 14th day before  
11 the election and more than 24 hours before 5:00 p.m. on the day of the election within  
12 24 hours of that contribution or expenditure. The treasurer is not required to include  
13 in this report expenditures for overhead expenses or compensation paid to an  
14 employee or other member of the campaign staff who has received payments at  
15 regular intervals that have been disclosed in previously filed campaign finance  
16 reports. As used in this paragraph, "overhead expenses" includes, but is not limited  
17 to, rent, utility payments, taxes, insurance premiums or similar administrative  
18 expenses.

19 **5. Electronic filing.** ~~Committees~~ A committee shall file each report required by this  
20 section through an electronic filing system developed by the commission. The  
21 commission may make an exception to this electronic filing requirement if a committee  
22 submits a written request that states that the committee lacks access to the technology or  
23 the technological ability to file reports electronically. The request for an exception must  
24 be submitted within 30 days of the registration of the committee. The commission shall  
25 grant all reasonable requests for exceptions.

26 **Sec. 17. 21-A MRSA §1122, sub-§1-A** is enacted to read:

27 **1-A. Caucus political action committee.** "Caucus political action committee" has  
28 the same meaning as in section 1001, subsection 1-A.

29 **Sec. 18. 21-A MRSA §1125, sub-§2-A, ¶A,** as enacted by PL 2007, c. 443, Pt.  
30 B, §6, is amended to read:

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

36 **Sec. 19. 21-A MRSA §1125, sub-§3,** as amended by IB 2015, c. 1, §18, is  
37 repealed and the following enacted in its place:

38 **3. Qualifying contributions.** The collection of qualifying contributions by  
39 participating candidates is governed by this subsection.

1 A. To be eligible to receive Maine Clean Election Act funding, participating  
2 candidates must obtain qualifying contributions during the qualifying period as  
3 follows:

4 (1) For a gubernatorial candidate, at least 3,200 verified registered voters of this  
5 State must support the candidacy by providing a qualifying contribution to that  
6 candidate;

7 (2) For a candidate for the State Senate, at least 175 verified registered voters  
8 from the candidate's electoral division must support the candidacy by providing a  
9 qualifying contribution to that candidate; or

10 (3) For a candidate for the State House of Representatives, at least 60 verified  
11 registered voters from the candidate's electoral division must support the  
12 candidacy by providing a qualifying contribution to that candidate.

13 B. If a contributor has made a check or money order payable to a participating  
14 candidate in error, the candidate may remedy the error by endorsing the check or  
15 money order to the Maine Clean Election Fund, according to the procedures of the  
16 commission.

17 C. A payment, gift or anything of value may not be given in exchange for a  
18 qualifying contribution.

19 D. A contributor may make a qualifying contribution to a participating candidate in  
20 the form of cash, as long as the candidate submits a money order in the same amount  
21 to the commission. The money order must be signed by the contributor to be a valid  
22 qualifying contribution. The cash received from the contributor must be used to  
23 reimburse the person who provided the money order.

24 E. Any money order fees paid with seed money or Maine Clean Election Act funds  
25 must be reported as an expenditure in campaign finance reports submitted to the  
26 commission. If a participating candidate uses personal funds to pay fees for the  
27 purchase of money orders, those fees are not a contribution to the candidate and are  
28 not required to be disclosed in campaign finance reports. Prior to certification, the  
29 candidate must report any money order fees paid by anyone other than the candidate  
30 as an in-kind contribution subject to seed money limitations.

31 F. The commission may establish by routine technical rule, adopted in accordance  
32 with Title 5, chapter 375, subchapter 2-A, a procedure for a qualifying contribution to  
33 be made by a credit or debit transaction and by electronic funds transfer over the  
34 Internet. Records containing information provided by individuals who have made  
35 qualifying contributions over the Internet are confidential, except for the name of the  
36 individual making the contribution, the date of the contribution, the individual's  
37 residential address and the name and office sought of the candidate in whose support  
38 the contribution was made.

39 G. It is a violation of this chapter for a participating candidate or an agent of the  
40 participating candidate to misrepresent the purpose of soliciting qualifying  
41 contributions and obtaining the contributor's signed acknowledgment.

42 **Sec. 20. 21-A MRSA §1125, sub-§3-A,** as enacted by IB 2015, c. 1, §19, is  
43 amended to read:



1 reports are due every year; committees must file preelection and post-election reports on  
2 the 11th day before and the 42nd day after an election for both the primary and general  
3 elections during a candidate election year; and for elections held in other years,  
4 committees must file the preelection and post-election reports only if they received  
5 contributions or made expenditures for the purpose of influencing the election;

6 8. Clarifying that municipal, district and county party committees are not required to  
7 report large contributions and expenditures within 24 hours during the last 13 days before  
8 a primary election;

9 9. Increasing the potential penalty for an individual's failure to register as a candidate  
10 with the commission from \$10 to \$100;

11 10. Defining "caucus political action committee" to mean a committee designated by  
12 a party leader in the Legislature to promote the election of the nominees of their political  
13 party to the House or Senate;

14 11. Eliminating the requirement for candidates to report money order fees paid by  
15 the candidate with personal funds when seeking Maine Clean Election Act funding; and

16 12. Prohibiting candidates and others from signing the name of a contributor on a  
17 receipt and acknowledgment form submitted to the commission, except when a  
18 contributor's immediate family member, domestic partner or live-in caregiver signs on  
19 behalf of the contributor due to a physical impairment or disability.