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Legislative Document

No. 1509

H.P. 1032

House of Representatives, December 23, 2015

**An Act To Simplify the Filing of Campaign Independent
Expenditure and 24-hour Reports**

Submitted by the Commission on Governmental Ethics and Election Practices pursuant to Joint Rule 203.

Received by the Clerk of the House on December 21, 2015. Referred to the Committee on Veterans and Legal Affairs pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Handwritten signature of Robert B. Hunt in cursive.

ROBERT B. HUNT
Clerk

Presented by Representative LUCHINI of Ellsworth.

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

2 **Sec. 1. 21-A MRSA §1017-A, sub-§4-A, ¶E**, as amended by PL 2013, c. 334,
3 §12, is repealed and the following enacted in its place:

4 E. A state party committee shall report within 24 hours the following contributions
5 and expenditures if made or received after the 14th day before the election and more
6 than 24 hours before 5:00 p.m. on the day of the election:

7 (1) Any single contribution of \$5,000 or more received; and

8 (2) Any single expenditure of \$1,000 or more made for:

9 (a) Communications to influence a ballot measure as described in section
10 1052, subsection 1, paragraphs A to F;

11 (b) Polling that clearly identifies a candidate or ballot measure; or

12 (c) A contribution to a candidate, party committee, political action
13 committee or ballot question committee.

14 **Sec. 2. 21-A MRSA §1017-A, sub-§4-B, ¶C**, as amended by PL 2013, c. 334,
15 §13, is repealed and the following enacted in its place:

16 C. A committee shall report within 24 hours the following contributions and
17 expenditures if made or received after the 14th day before the election and more than
18 24 hours before 5:00 p.m. on the day of the election:

19 (1) Any single contribution of \$5,000 or more received; and

20 (2) Any single expenditure of \$1,000 or more made for:

21 (a) Communications to influence a ballot measure as described in section
22 1052, subsection 1, paragraphs A to F;

23 (b) Polling that clearly identifies a candidate or ballot measure; or

24 (c) A contribution to a candidate, party committee, political action
25 committee or ballot question committee.

26 **Sec. 3. 21-A MRSA §1019-B, sub-§4, ¶B**, as amended by PL 2015, c. 350, §6,
27 is further amended to read:

28 B. A report required by this subsection must contain an itemized account of each
29 expenditure in excess of \$250 in any one candidate's election, the date and purpose of
30 each expenditure and the name of each payee or creditor. The report must state
31 whether the expenditure is in support of or in opposition to the candidate and must
32 include, under penalty of ~~perjury~~ unsworn falsification, as provided in Title 17-A,
33 section ~~454~~ 453, a statement ~~under oath or affirmation~~ whether the expenditure is
34 made in cooperation, consultation or concert with, or at the request or suggestion of,
35 the candidate or an authorized committee or agent of the candidate.

36 **Sec. 4. 21-A MRSA §1019-B, sub-§4, ¶C**, as amended by PL 2013, c. 334, §16,
37 is further amended to read:

1 C. A report required by this subsection must be on a form prescribed and prepared by
2 the commission. A person filing this report may use additional pages if necessary,
3 but the pages must be the same size as the pages of the form. The commission may
4 adopt procedures requiring the electronic filing of an independent expenditure report,
5 as long as the commission ~~receives the statement made under oath or affirmation set~~
6 ~~out in paragraph B by the filing deadline and the commission~~ adopts an exception for
7 persons who lack access to the required technology or the technological ability to file
8 reports electronically. ~~The commission may adopt procedures allowing for the~~
9 ~~signed statement to be provisionally filed by facsimile or electronic mail, as long as~~
10 ~~the report is not considered complete without the filing of the original signed~~
11 ~~statement.~~

12 **Sec. 5. 21-A MRSA §1059, sub-§2, ¶E**, as amended by PL 2013, c. 334, §28, is
13 repealed and the following enacted in its place:

14 E. A committee shall report within 24 hours the following contributions and
15 expenditures if made or received after the 14th day before the election and more than
16 24 hours before 5:00 p.m. on the day of the election:

- 17 (1) Any single contribution of \$5,000 or more received; and
- 18 (2) Any single expenditure of \$1,000 or more made for:
 - 19 (a) Communications to influence a ballot measure as described in section
 - 20 1052, subsection 1, paragraphs A to F;
 - 21 (b) Polling that clearly identifies a candidate or ballot measure; or
 - 22 (c) A contribution to a candidate, party committee, political action
 - 23 committee or ballot question committee.

24 **SUMMARY**

25 This bill narrows the requirement for political action committees, ballot question
26 committees and party committees to disclose within 24 hours expenditures greater than
27 \$1,000 made in the last 13 days before an election. The 24-hour reporting requirement is
28 limited to expenditures for communications to voters to influence a ballot measure,
29 expenditures for polling activities and expenditures in the form of contributions to a
30 political action committee, party committee, ballot question committee or candidate.

31 The bill permits organizations making independent expenditures to affirm in writing
32 or electronically that the expenditure was made independently of candidates in the race
33 without requiring that the statement be made under oath.