1   L.D. 1377

2   Date: (Filing No. H-   )

3   VETERANS AND LEGAL AFFAIRS

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5   STATE OF MAINE

6   HOUSE OF REPRESENTATIVES

7   130TH LEGISLATURE

8   FIRST SPECIAL SESSION

9   COMMITTEE AMENDMENT "   " to H.P. 1011, L.D. 1377, "An Act Regarding
10   Campaign Finance Disclosure and the Filing of Statements of Sources of Income"

11   Amend the bill by striking out all of section 7 and inserting the following:

12   '**Sec. 7. 21-A MRSA §1019-B, sub-§1,** as amended by PL 2019, c. 323, §15, is
13   further amended to read:

14   **1. Independent expenditures; definition.** For the purposes of this section, an
15   "independent expenditure" means any expenditure made by a person, party committee or
16   political action committee that is not made in cooperation, consultation or concert with, or
17   at the request or suggestion of, a candidate, a candidate's authorized political committee or
18   an agent of either and that:

19   A. Is ~~any expenditure~~ made ~~by a person, party committee or political action committee,~~
20   ~~other than by contribution to a candidate or a candidate's authorized political~~
21   ~~committee, for~~ to design, produce or disseminate any communication that expressly
22   advocates the election or defeat of a clearly identified candidate; ~~and~~ or

23   B. ~~Is presumed to be any expenditure~~ Unless the person, party committee or political
24   action committee making the expenditure demonstrates under subsection 2 that the
25   expenditure was not intended to influence the nomination, election or defeat of the
26   candidate, is made to design, produce or disseminate a communication that names or
27   depicts a clearly identified candidate and is disseminated during the 28 days, including
28   election day, before a primary election; during the 35 days, including election day,
29   before a special election; or from Labor Day to a general election day.

30   **Sec. 8. 21-A MRSA §1019-B, sub-§2,** as amended by PL 2019, c. 323, §16, is
31   further amended to read:

32   **2. ~~Rebutting presumption~~ Commission determination.** A person ~~presumed under~~
33   ~~this section to have made an independent expenditure~~, party committee or political action
34   committee may ~~rebut the presumption~~ request a determination that an expenditure that
35   otherwise meets the definition of an independent expenditure under subsection 1, paragraph

COMMITTEE AMENDMENT

1 B is not an independent expenditure by filing a signed written statement with the
2 commission within ~~48 hours~~ 7 days of disseminating the communication stating that the
3 cost was not incurred with the intent to influence the nomination, election or defeat of a
4 candidate, supported by any additional evidence the person, party committee or political
5 action committee chooses to submit. The commission may gather any additional evidence
6 it ~~deems~~ determines relevant and material and shall determine by a preponderance of the
7 evidence whether the cost was incurred with intent to influence the nomination, election or
8 defeat of a candidate.

9 **Sec. 9. 21-A MRSA §1019-B, sub-§5, ¶A,** as enacted by PL 2011, c. 389, §21, is
10 repealed.'

11 Amend the bill in section 8 in subsection 2-C in the last line (page 2, line 16 in L.D.)
12 by striking out the following: "year" and inserting the following: 'cycle'

13 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
14 number to read consecutively.

15 **SUMMARY**

16 This amendment adds clarity to the campaign finance laws by including within the
17 definition of "independent expenditure," rather than in an exception to that definition, that
18 an independent expenditure is an expenditure that is not made in cooperation, consultation
19 or concert with, or at the request or suggestion of, a candidate, a candidate's authorized
20 political committee or an agent of either.

21 The amendment also clarifies that a legislative or gubernatorial candidate who has
22 accepted contributions that do not comply with the seed money restrictions of the Maine
23 Clean Election Act may not be certified as a Maine Clean Election Act candidate during
24 the same election cycle.

COMMITTEE AMENDMENT