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VETERANS AND LEGAL AFFAIRS

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STATE OF MAINE

SENATE

126TH LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT " " to S.P. 622, L.D. 1631, Bill, "An Act To Clarify What Constitutes a Contribution to a Candidate"

Amend the bill by striking out everything after the title and before the summary and inserting the following:

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

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

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

Sec. 2. 21-A MRSA §1012, sub-§3, ¶B, as amended by PL 2013, c. 334, §4, is further amended to read:

B. Does not include:

(1) Any news story, commentary or editorial distributed through the facilities of any broadcasting station, cable television system, newspaper, magazine or other periodical publication, unless the facilities are owned or controlled by any political party, political committee, candidate or spouse or domestic partner of a candidate;

(1-A) Any communication distributed through a public access television channel on a cable television system if the communication complies with the laws and rules governing the channel and all candidates in the race have an equal opportunity to promote their candidacies through the channel;

(2) Activity or communication designed to encourage individuals to register to vote or to vote if that activity or communication does not mention a clearly identified candidate;

(3) Any communication by any membership organization or corporation to its members or stockholders, if that membership organization or corporation is not

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- 1 organized primarily for the purpose of influencing the nomination or election of  
2 any person to state or county office;
- 3 (4) The use of real or personal property and the cost of invitations, food and  
4 beverages, voluntarily provided by an individual to a candidate in rendering  
5 voluntary personal services for candidate-related activities, if the cumulative  
6 value of these activities does not exceed \$250 with respect to any election;
- 7 (5) Any unreimbursed travel expenses incurred by an individual in the course of  
8 providing voluntary personal services to a candidate and paid for by that  
9 individual, if the cumulative amount of these expenses does not exceed \$350 with  
10 respect to any election;
- 11 (5-A) Any unreimbursed campaign-related travel expenses incurred and paid for  
12 by the candidate or the candidate's spouse or domestic partner;
- 13 (6) Any communication by any person that is not made for the purpose of  
14 influencing the nomination for election, or election, of any person to state, county  
15 or municipal office;
- 16 (7) The payment by a party's state, district, county or municipal committee of the  
17 costs of preparation, display or mailing or other distribution of a party candidate  
18 listing;
- 19 (8) The use or distribution of any communication, as described in section 1014,  
20 obtained by the candidate for a previous election and fully paid for during that  
21 election campaign;
- 22 (9) Documents, in printed or electronic form, including party platforms, single  
23 copies of issue papers, information pertaining to the requirements of this Title,  
24 lists of registered voters and voter identification information, created or  
25 maintained by a political party for the general purpose of party building and  
26 provided to a candidate who is a member of that party;
- 27 (10) Compensation paid by a state party committee to its employees for the  
28 following purposes:
- 29 (a) Providing no more than a total of 40 hours of assistance from its  
30 employees to a candidate in any election;
- 31 (b) Recruiting and overseeing volunteers for campaign activities involving 3  
32 or more candidates; or
- 33 (c) Coordinating campaign events involving 3 or more candidates;
- 34 (10-A) Costs paid for by a party committee in connection with a campaign event  
35 at which 3 or more candidates are present;
- 36 (11) Campaign training sessions provided to 3 or more candidates;
- 37 (11-A) Wood or other materials used for political signs that are found or  
38 contributed if not originally obtained by the candidate or contributor for  
39 campaign purposes;

1 (12) The use of offices, telephones, computers and similar equipment when that  
2 use does not result in additional cost to the provider; ~~or~~

3 (13) A purchase of apparel from a commercial vendor with a total cost of \$25 or  
4 less by an individual when the vendor has received a graphic or design from the  
5 candidate or the candidate's authorized committee; ~~or~~

6 (14) The value of services provided without compensation by individuals who  
7 volunteer any amount of their time on behalf of a candidate or political  
8 committee.

9 **Sec. 3. 21-A MRSA §1012, sub-§4-B** is enacted to read:

10 **4-B. Key person affiliated with the candidate's campaign.** "Key person affiliated  
11 with the candidate's campaign" means a person who, at the time of making an  
12 expenditure, or at any time during the 120 days prior to making an expenditure, is one or  
13 more of the following:

14 A. An agent;

15 B. A spouse or domestic partner of the candidate;

16 C. The candidate's campaign treasurer, deputy treasurer or any person substantially  
17 performing the statutory duties of a treasurer or deputy treasurer;

18 D. A person whom the candidate has represented to the public to be serving as the  
19 campaign chair or other officer of the campaign;

20 E. A person who, with the candidate's knowledge and consent, manages the  
21 candidate's campaign or has primary responsibility for one or more of the following  
22 areas of the candidate's campaign: campaign communications, advertising, public  
23 relations or fund-raising;

24 F. A person who has received compensation from the candidate's campaign for  
25 personal services as an employee or independent contractor; and

26 G. A person who is named in a campaign finance report filed by the candidate  
27 pursuant to section 1013-A, subsection 1, paragraph B.

28 "Key person affiliated with the candidate's campaign" does not include any vendor that  
29 provides only printing, mailing, advertising, broadcast time or similar services and is not  
30 otherwise involved in campaign strategy or advice.

31 **Sec. 4. 21-A MRSA §1015, sub-§4**, as amended by PL 2011, c. 389, §14, is  
32 further amended to read:

33 **4. Political committees; intermediaries.** For the purpose of the limitations imposed  
34 by this section, contributions made to any political committee authorized by a candidate  
35 to accept contributions on the candidate's behalf are considered to be contributions made  
36 to that candidate. If the campaign activities of a political action committee within a  
37 calendar year primarily promote or support the nomination or election of a single  
38 candidate, contributions to the committee from the candidate or any key person affiliated  
39 with the candidate's campaign or that were solicited by the candidate or any key person  
40 affiliated with the candidate's campaign are considered to be contributions made to the

1 candidate for purposes of the limitations in this section. For purposes of this subsection,  
2 solicitation of contributions includes but is not limited to the candidate's appearing at a  
3 fundraising event organized by or on behalf of the political action committee or  
4 suggesting that a donor make a contribution to that committee.

5 For the purposes of the limitations imposed by this section, all contributions made by a  
6 person, either directly or indirectly, on behalf of a particular candidate, that are in any  
7 way earmarked or otherwise directed through an intermediary or conduit to the candidate  
8 are considered to be contributions from that person to the candidate. The intermediary or  
9 conduit shall report the original source and the intended recipient of the contribution to  
10 the commission and to the intended recipient.

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

13 **5. Other contributions and expenditures.** Any expenditure made by a key person  
14 affiliated with the candidate's campaign is a contribution to that candidate. Any  
15 expenditure made by any person in cooperation, consultation or concert with, or at the  
16 request or suggestion of, a candidate, ~~a or a key person affiliated with the~~ candidate's  
17 ~~political committee or their agents~~ campaign is considered to be a contribution to that  
18 candidate.

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

24 **Sec. 6. 21-A MRSA §1019-B, sub-§5, ¶A**, as enacted by PL 2011, c. 389, §21,  
25 is amended to read:

26 A. An expenditure made by a person in cooperation, consultation or concert with, or  
27 at the request or suggestion of, a candidate, ~~a or a key person affiliated with the~~  
28 candidate's ~~political committee or their agents~~ campaign;

## 29 SUMMARY

30 This amendment is the majority report. It strikes the bill and amends the laws  
31 regarding limitations on campaign contributions and expenditures to clarify that any  
32 expenditures made by a key person who has been affiliated with a campaign in the last  
33 120 days, regardless of whether the person has been paid or the actual duties the person  
34 has performed, or by a person who has received compensation from the campaign, are a  
35 contribution to the candidate. The amendment clarifies that the value of services  
36 provided by an individual without compensation are excluded in the definition of  
37 "expenditures." It also specifies categories of persons who are affiliated with a  
38 candidate's campaign for purposes of this provision. The amendment incorporates the  
39 term "agent" into the definition of "key person affiliated with the candidate's campaign"  
40 and thereby preserves the provision in existing law that designates expenditures by a  
41 candidate's agent as contributions to the candidate. The amendment also strikes the  
42 emergency preamble and the emergency clause from the bill.

