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Date: (Filing No. S-)

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STATE OF MAINE
SENATE
127TH LEGISLATURE
FIRST REGULAR SESSION

SENATE AMENDMENT “ ” to S.P. 552, L.D. 1449, Bill, “An Act To Amend the State Election Laws”

Amend the bill by inserting after section 3 the following:

Sec. 4. 21-A MRSA §1013-A, sub-§1, ¶C, as amended by PL 2007, c. 443, Pt. A, §7, is further amended to read:

C. No later than 10 days after becoming a candidate, as defined in section 1, subsection 5, a candidate for the office of State House of Representatives or Senate ~~shall~~ may file in writing a statement declaring that the candidate agrees to accept voluntary limits on political expenditures or that the candidate does not agree to accept voluntary limits on political expenditures, as specified in section 1015, subsections 7 to 9. A candidate who has filed a declaration of intent to become certified as a candidate under the Maine Clean Election Act is not required to file the written statement ~~required by~~ described in this paragraph.

The statement filed by a candidate who voluntarily agrees to limit spending must state that the candidate knows the voluntary expenditure limitations as set out in section 1015, subsection 8 and that the candidate is voluntarily agreeing to limit the candidate's political expenditures and those made on behalf of the candidate by the candidate's political committee or committees, the candidate's party and the candidate's immediate family to the amount set by law. The statement must further state that the candidate does not condone and will not solicit any independent expenditures made on behalf of the candidate.

The statement filed by a candidate who does not agree to voluntarily limit political expenditures must state that the candidate does not accept the voluntary expenditure limits as set out in section 1015, subsection 8.

Sec. 5. 21-A MRSA §1017, sub-§7-A, as amended by PL 2009, c. 138, §1, is further amended to read:

7-A. Reporting exemption. A candidate seeking election to a county or municipal office or a legislative candidate seeking the nomination of a party in an uncontested primary election is exempt from reporting as provided by this subsection.

SENATE AMENDMENT

1 A. A candidate seeking election to a county or municipal office may, at the time the
2 candidate registers under section 1013-A, notify the commission that the candidate
3 and the candidate's agents, if any, will not personally accept contributions, make
4 expenditures or incur obligations associated with that candidate's candidacy. The
5 notification must be sworn and notarized. A candidate who provides this notice to
6 the commission is not required to appoint a treasurer and is not subject to the filing
7 requirements of this subchapter if the statement is true.

8 A-1. A legislative candidate seeking the nomination of a party in an uncontested
9 primary election may, at the time the candidate registers under section 1013-A, notify
10 the commission that the candidate and the candidate's agents, if any, will not
11 personally accept contributions, make expenditures or incur obligations associated
12 with that candidate's candidacy through the 35th day after the primary election. The
13 notification must be sworn and notarized. A candidate who provides this notice to
14 the commission is not required to appoint a treasurer or to file the campaign finance
15 reports under subsection 3-A, paragraphs B and D with respect to the primary
16 election.

17 B. The notice provided to the commission under paragraph A or A-1 may be
18 revoked. Prior to revocation, the candidate must appoint a treasurer. The candidate
19 may not accept contributions, make expenditures or incur obligations before the
20 appointment of a treasurer and the filing of a revocation notice are accomplished. A
21 revocation notice must be in the form of an amended registration, which must be filed
22 with the commission no later than 10 days after the appointment of a treasurer. The
23 candidate and the candidate's treasurer, as of the date the revocation notice is filed
24 with the commission, may accept contributions, make expenditures and incur
25 obligations associated with the candidate's candidacy. Any candidate who fails to file
26 a timely revocation notice is subject to the penalties prescribed in section 1020-A,
27 subsection 4-A, up to a maximum of \$5,000. Lateness is calculated from the day a
28 contribution is received, an expenditure is made or an obligation is incurred,
29 whichever is earliest.

30 **Sec. 6. 21-A MRSA §1019-B, sub-§4**, as amended by PL 2013, c. 334, §16, is
31 further amended to read:

32 **4. Report required; content; rules.** A person, party committee, political committee
33 or political action committee that makes any independent ~~expenditures aggregating~~
34 expenditure in excess of ~~\$100~~ \$250 during any one candidate's election shall file a report
35 with the commission. In the case of a municipal election, the report must be filed with
36 the municipal clerk.

37 A. A report required by this subsection must be filed with the commission according
38 to a reporting schedule that the commission shall establish by rule that takes into
39 consideration existing campaign finance reporting requirements. Rules adopted
40 pursuant to this paragraph are routine technical rules as defined in Title 5, chapter
41 375, subchapter 2-A.

42 B. A report required by this subsection must contain an itemized account of each
43 expenditure ~~aggregating~~ in excess of ~~\$100~~ \$250 in any one candidate's election, the
44 date and purpose of each expenditure and the name of each payee or creditor. The
45 report must state whether the expenditure is in support of or in opposition to the

1 candidate and must include, under penalty of perjury, as provided in Title 17-A,
2 section 451, a statement under oath or affirmation whether the expenditure is made in
3 cooperation, consultation or concert with, or at the request or suggestion of, the
4 candidate or an authorized committee or agent of the candidate.

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

16 This subsection takes effect August 1, 2011.'

17 **SUMMARY**

18 This amendment amends the laws governing campaign finance and the Commission
19 on Governmental Ethics and Election Practices.

20 1. Current law requires a traditionally financed legislative candidate to file a
21 declaration stating whether or not the candidate will accept voluntary spending limits.
22 This amendment makes that filing optional.

23 2. It provides an exemption from filing primary election campaign finance reports
24 for legislative candidates who file a sworn statement with the commission stating that
25 they will not conduct financial activity for the primary election. This exemption is
26 available only to candidates with no opponent in the primary election and does not
27 exempt candidates from filing campaign finance reports for the general election.

28 3. Under current law a person, party committee or political action committee must
29 file a report when making an independent expenditure in excess of \$100 in a candidate's
30 campaign. This amendment raises that threshold for reporting to \$250.

31 **SPONSORED BY:** _____

32 **(Senator CYRWAY)**

33 **COUNTY: Kennebec**