

§1051. Gubernatorial transition committee

1. Definitions. As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

A. "Commission" means the Commission on Governmental Ethics and Election Practices. [IB 2015, c. 1, §1 (NEW).]

B. "Election cycle" means the period beginning on the day after the general election for any state, county or municipal office and ending on the day of the next general election for that office. [IB 2015, c. 1, §1 (NEW).]

C. "Governor-elect" means the candidate for the office of Governor elected at the most recent general election. [PL 2019, c. 564, §1 (NEW).]
[PL 2019, c. 564, §1 (AMD).]

2. Transition and inaugural activities; funding. A person may solicit and accept donations for the purpose of financing costs related to the transition to office and inauguration of a Governor-elect. A person who accepts donations for these purposes must establish a committee and appoint a treasurer who is responsible for keeping records of donations and for filing a financial disclosure statement required by this section. All donations received must be deposited in a separate and segregated account and may not be commingled with any contributions received by any candidate or political committee or any personal or business funds of any person. All donations received by the committee must be used for expenses related to the transition to office or inauguration; any surplus funds must be disposed of pursuant to subsection 7.

[PL 2019, c. 564, §1 (AMD).]

3. Registration with the commission and financial disclosure statements. A committee established pursuant to this section shall register and file financial disclosure statements with the commission as required by this subsection.

A. The committee shall register with the commission within 10 days after appointment of a treasurer. The registration must include the name and mailing addresses of the members of the committee, its treasurer and all individuals designated by the committee to raise funds for the committee. [PL 2019, c. 564, §1 (AMD).]

B. Financial disclosure statements must contain the names, addresses, occupations and employers of all donors who have given money or anything of value in a total amount exceeding \$50 to the committee, including in-kind donations of goods or services, along with the amounts and dates of the donations. Donations with a total value of \$50 or less may be disclosed in the aggregate without itemization or other identification. [PL 2019, c. 564, §1 (AMD).]

C. If the committee owes a debt or loan at the end of a time period for a financial disclosure statement, the committee shall report the debt or loan. If a creditor or lender forgives a debt or loan, the committee shall disclose the forgiven debt or loan as a donation. [PL 2019, c. 564, §1 (AMD).]

D. Financial disclosure statements must include the amounts, dates, payees and purposes of all payments made by the committee during the statement period. [PL 2019, c. 564, §1 (AMD).]

E. Financial disclosure statements must be filed by 5:00 p.m. on January 2nd and February 15th following the gubernatorial election and must be complete as of 10 days prior to those filing deadlines. If the committee has surplus funds or an unpaid debt or loan after the end of the statement period for the February 15th statement, the committee shall file bimonthly financial disclosure statements beginning on April 15th until it disposes of all surplus funds and satisfies all debts and loans. [PL 2019, c. 564, §1 (AMD).]

F. The treasurer shall keep a detailed and exact account of all contributions made to the committee and all expenditures made by the committee for one year following the final financial disclosure statement filed by the committee. [PL 2019, c. 564, §1 (NEW).]

[PL 2019, c. 564, §1 (AMD).]

4. Limitation on fund-raising activity. A committee established pursuant to this section may accept donations until March 31st of the year following the gubernatorial election. The commission may authorize the acceptance of donations after March 31st of the year following the gubernatorial election if the committee requests such authorization in order to pay a debt or loan related to the transition to office or inauguration.

[PL 2019, c. 564, §1 (AMD).]

5. Prohibited donations during a legislative session. A committee established pursuant to this section may not directly or indirectly solicit or accept a donation from a lobbyist, lobbyist associate or employer during any period of time in which the Legislature is convened before final adjournment. A lobbyist, lobbyist associate or employer may not directly or indirectly give, offer or promise a donation to a committee established pursuant to this section during any period of time in which the Legislature is convened before final adjournment. For purposes of this subsection, "lobbyist" has the same meaning as in Title 3, section 312-A, subsection 10; "lobbyist associate" has the same meaning as in Title 3, section 312-A, subsection 10-A; and "employer" has the same meaning as in Title 3, section 312-A, subsection 5.

[PL 2019, c. 564, §1 (AMD).]

6. Anonymous donations. A committee established pursuant to this section may not accept an anonymous donation in excess of \$50.

[IB 2015, c. 1, §1 (NEW).]

7. Disposing of surplus funds. Any surplus funds remaining in the committee's account must be refunded to one or more donors, donated to a charitable organization that qualifies as a tax-exempt organization under 26 United States Code, Section 501(c)(3) or remitted to the State Treasurer.

[PL 2019, c. 564, §1 (AMD).]

8. Rulemaking. The commission may establish by routine technical rule, adopted in accordance with Title 5, chapter 375, subchapter 2-A, forms and procedures for ensuring compliance with this section.

[IB 2015, c. 1, §1 (NEW).]

9. Enforcement and penalty. The commission shall administer and enforce this subchapter. A person who violates this subchapter is subject to a civil penalty not to exceed \$10,000, payable to the State and recoverable in a civil action. In assessing a civil penalty under this subsection, the commission shall consider, among other things, whether the person made a bona fide effort to comply with the requirements of this section, whether the violation occurred as the result of an error by a vendor, consultant or other party outside the control of the person and whether evidence is present that the person intended to conceal or misrepresent its financial activities.

[PL 2019, c. 564, §1 (AMD).]

SECTION HISTORY

IB 2015, c. 1, §1 (NEW). PL 2019, c. 564, §1 (AMD).

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