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H.P. 1011

House of Representatives, April 7, 2021

An Act Regarding Campaign Finance Disclosure and the Filing of Statements of Sources of Income

Reported by Representative CAIAZZO of Scarborough for the Commission on Governmental Ethics and Election Practices pursuant to the Maine Revised Statutes, Title 1, section 1009.

Received by the Clerk of the House on April 5, 2021. Referred to the Committee on Veterans and Legal Affairs pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

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

2 **Sec. 1. 1 MRSA §1016-C**, as amended by PL 2011, c. 634, §8, is further amended
3 to read:

4 **§1016-C. Reports by legislative candidates**

5 A candidate, as defined in Title 21-A, section 1, subsection 5, for the Legislature who
6 is not required to file a report under section 1016-G shall file a report containing the same
7 information required of Legislators under section 1016-G no later than 5 p.m. on ~~the first~~
8 ~~Monday~~ in August 15th preceding the general election unless the candidate withdraws from
9 the election in accordance with Title 21-A, section 374-A by that date.

10 **Sec. 2. 5 MRSA §19, sub-§2-A**, as amended by PL 2009, c. 524, §3, is repealed.

11 **Sec. 3. 5 MRSA §19, sub-§3-A**, as enacted by PL 2011, c. 634, §22, is amended to
12 read:

13 **3-A. Filing upon termination of employment.** An executive employee whose
14 employment has terminated shall file a statement of finances as described in subsection 2
15 ~~and a statement of positions as described in subsection 2-A~~ within 45 days after the
16 termination of employment relating to the final calendar year of the employment.

17 **Sec. 4. 21-A MRSA §1013-A, sub-§3**, as amended by PL 2019, c. 323, §4, is
18 further amended to read:

19 **3. Party committees.** The district, county and municipal committees of parties shall
20 submit to their state party committees the names, mailing addresses and e-mail addresses
21 of all their officers and of their treasurers and the name and address of the principal paid
22 employee, if any, within 10 days after the appointment, election or hiring of these persons.
23 Municipal committees shall file copies of the same information with the municipal clerk.
24 No later than June 15th of each year ~~in which a general election is scheduled~~, the state party
25 committee shall submit to the commission a consolidated report of the names, mailing
26 addresses and e-mail addresses of the chair and treasurer of the district, county and
27 municipal committees of that party or of another officer if a chair or treasurer has not been
28 appointed.

29 **Sec. 5. 21-A MRSA §1014, sub-§2-B**, as enacted by IB 2015, c. 1, §3, is amended
30 by amending the 2nd blocked paragraph to read:

31 The information required by this subsection may appear simultaneously with any statement
32 required by subsection 2 or 2-A. A communication that contains a visual aspect must
33 include the statement in written text. A communication that does not contain a visual aspect
34 must include an audible statement. This statement is required only for communications
35 made through broadcast or cable television, broadcast radio, Internet audio and video
36 programming, direct mail or newspaper or other periodical publications.

37 **Sec. 6. 21-A MRSA §1014, sub-§2-B**, as enacted by IB 2015, c. 1, §3, is amended
38 by amending the 3rd blocked paragraph to read:

39 A cable television ~~or~~, broadcast television or Internet video communication must include
40 both an audible and a written statement. For a cable television ~~or~~, broadcast television or
41 Internet video communication 30 seconds or less in duration, the audible statement may be
42 modified to include only the single top funder.

1 **Sec. 7. 21-A MRSA §1019-B, sub-§2**, as amended by PL 2019, c. 323, §16, is
2 further amended to read:

3 **2. Rebutting presumption.** A person presumed under this section to have made an
4 independent expenditure may rebut the presumption by filing a signed written statement
5 with the commission within ~~48 hours~~ 7 days of disseminating the communication stating
6 that the cost was not incurred with the intent to influence the nomination, election or defeat
7 of a candidate, supported by any additional evidence the person chooses to submit. The
8 commission may gather any additional evidence it deems relevant and material and shall
9 determine by a preponderance of the evidence whether the cost was incurred with intent to
10 influence the nomination, election or defeat of a candidate.

11 **Sec. 8. 21-A MRSA §1125, sub-§2-C** is enacted to read:

12 **2-C. Change in campaign financing.** If a candidate has accepted contributions as a
13 candidate for Governor, State Senator or State Representative that are not seed money
14 contributions as defined in section 1122, subsection 9 or do not comply with the seed
15 money restrictions in subsections 2 and 2-A, the candidate is ineligible for certification in
16 the same election year.

17 **Sec. 9. 21-A MRSA §1125, sub-§5-A**, as amended by PL 2009, c. 363, §6, is
18 further amended to read:

19 **5-A. Revocation of certification.** The certification of a ~~participating~~ certified
20 candidate may be revoked at any time if the commission determines that the candidate or
21 an agent of the candidate:

- 22 A. Did not submit the required number of valid qualifying contributions;
- 23 B. Failed to qualify as a candidate by petition or other means;
- 24 C. Submitted any fraudulent qualifying contributions or qualifying contributions that
25 were not made by the named contributor;
- 26 D. Misrepresented to a contributor the purpose of the qualifying contribution or
27 obtaining the contributor's signature on the receipt and acknowledgement form;
- 28 E. Failed to fully comply with the seed money restrictions;
- 29 F. Knowingly accepted any contributions, including any in-kind contributions, or used
30 funds other than fund revenues distributed under this chapter to make campaign-related
31 expenditures without the permission of the commission;
- 32 G. Knowingly made a false statement or material misrepresentation in any report or
33 other document required to be filed under this chapter or chapter 13;
- 34 H. Otherwise substantially violated the provisions of this chapter or chapter 13; or
- 35 I. As a gubernatorial candidate, failed to properly report seed money contributions as
36 required by this section.

37 The determination to revoke the certification of a candidate must be made by a vote of the
38 members of the commission after an opportunity for a hearing. A candidate whose
39 certification is revoked shall return all unspent funds to the commission within 3 days of
40 the commission's decision and may be required to return all funds distributed to the
41 candidate. In addition to the requirement to return funds, the candidate may be subject to

1 a civil penalty under section 1127. The candidate may appeal the commission's decision
2 to revoke certification in the same manner provided in subsection 14, paragraph C.

3 **Sec. 10. 21-A MRSA §1125, sub-§6-E**, as enacted by PL 2011, c. 389, §55, is
4 amended to read:

5 **6-E. Expenditures for television advertising.** A certified candidate must include
6 closed-captioning within any television advertisement that the candidate provides to a
7 broadcasting or cable television station for broadcast to the public, except for an
8 advertisement aired in the final 4 days before an election if inclusion of closed-captioning
9 during that period is impractical or would materially affect the timing of the candidate's
10 advertisement.

11 **Sec. 11. 21-A MRSA §1125, sub-§8-B**, as enacted by IB 2015, c. 1, §25, is
12 amended to read:

13 **8-B. Distributions to ~~partieipating~~ certified gubernatorial candidates.**
14 Distributions from the fund to ~~partieipating~~ certified gubernatorial candidates must be made
15 as follows.

16 A. For an uncontested primary election, the total distribution of revenues is \$200,000
17 per candidate.

18 B. For a contested primary election, the amount of revenues distributed is as follows:

19 (1) The initial distribution of revenues is \$400,000 per candidate;

20 (2) For each increment of 800 additional qualifying contributions a candidate
21 collects and submits pursuant to subsection 8-E, not to exceed a total of 3,200
22 additional qualifying contributions, the supplemental distribution of revenues to
23 that candidate is \$150,000; and

24 (3) The total amount of revenues distributed for a contested primary election may
25 not exceed \$1,000,000 per candidate.

26 C. For an uncontested general election, the total distribution of revenues is \$600,000
27 per candidate.

28 D. For a contested general election, the amount of revenues distributed is as follows:

29 (1) The initial distribution of revenues is \$600,000 per candidate;

30 (2) For each increment of 1,200 additional qualifying contributions a candidate
31 collects and submits pursuant to subsection 8-E, not to exceed a total of 9,600
32 additional qualifying contributions, the supplemental distribution of revenues to
33 that candidate is \$175,000; and

34 (3) The total amount of revenues distributed for a contested general election may
35 not exceed \$2,000,000 per candidate.

36 **Sec. 12. 21-A MRSA §1125, sub-§8-C**, as enacted by IB 2015, c. 1, §25, is
37 amended to read:

38 **8-C. Distributions to ~~partieipating~~ certified candidates for State Senate.**
39 Distributions from the fund to ~~partieipating~~ certified candidates for the State Senate must
40 be made as follows.

- 1 A. For an uncontested primary election, the total distribution of revenues is \$2,000 per
2 candidate.
- 3 B. For a contested primary election, the total distribution of revenues is \$10,000 per
4 candidate.
- 5 C. For an uncontested general election, the total distribution of revenues is \$6,000 per
6 candidate.
- 7 D. For a contested general election, the amount of revenues distributed is as follows:
8 (1) The initial distribution of revenues is \$20,000 per candidate;
9 (2) For each increment of 45 additional qualifying contributions a candidate
10 collects and submits pursuant to subsection 8-E, not to exceed a total of 360
11 additional qualifying contributions, the supplemental distribution of revenues to
12 that candidate is \$5,000; and
13 (3) The total amount of revenues distributed for a contested general election may
14 not exceed \$60,000 per candidate.

15 **Sec. 13. 21-A MRSA §1125, sub-§8-D**, as enacted by IB 2015, c. 1, §25, is
16 amended to read:

17 **8-D. Distributions to participating certified candidates for State House of**
18 **Representatives.** Distributions from the fund to participating certified candidates for the
19 State House of Representatives must be made as follows.

- 20 A. For an uncontested primary election, the total distribution of revenues is \$500 per
21 candidate.
- 22 B. For a contested primary election, the total distribution of revenues is \$2,500 per
23 candidate.
- 24 C. For an uncontested general election, the total distribution of revenues is \$1,500 per
25 candidate.
- 26 D. For a contested general election, the amount of revenues distributed is as follows:
27 (1) The initial distribution of revenues is \$5,000 per candidate;
28 (2) For each increment of 15 additional qualifying contributions a candidate
29 collects and submits pursuant to subsection 8-E, not to exceed a total of 120
30 additional qualifying contributions, the supplemental distribution of revenues to
31 that candidate is \$1,250; and
32 (3) The total amount of revenues distributed for a contested general election may
33 not exceed \$15,000 per candidate.

34 **SUMMARY**

35 This bill amends the laws governing the disclosure of sources of personal income, the
36 reporting of campaign finance information and participation in the Maine Clean Election
37 Act program by:

- 38 1. Adjusting the deadline for legislative candidates to file a statement of the sources
39 of their personal income from the first Monday in August to August 15th;

1 2. Eliminating a duplicative requirement for appointed and elected executive officials
2 to disclose their positions in corporations or boards of directors in their annual statements
3 of sources of income;

4 3. Requiring state party committees to provide the commission with a list of officers
5 of district, municipal and county party committees every year by June 15th;

6 4. Extending the period within which a person paying for a communication that names
7 or depicts a clearly identified candidate may rebut the presumption of an independent
8 expenditure from 48 hours to 7 days after disseminating the communication;

9 5. Expanding the types of independent expenditure communications that must include
10 the top 3 funders of the communication's sponsor to include video communications posted
11 to the Internet;

12 6. Prohibiting a legislative or gubernatorial candidate who has accepted contributions
13 that do not comply with seed money restrictions from participating in the Maine Clean
14 Election Act program during the same year; and

15 7. Amending terms in the Maine Clean Election Act to clarify that certain provisions
16 apply after candidates have qualified for public campaign funding, rather than during the
17 period in which they are qualifying for public funds.