

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-ONE

—
H.P. 1011 - L.D. 1377

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

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

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

§1016-C. Reports by legislative candidates

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

Sec. 2. 5 MRSA §19, sub-§2-A, as amended by PL 2009, c. 524, §3, is repealed.

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

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

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

3. Party committees. The district, county and municipal committees of parties shall submit to their state party committees the names, mailing addresses and e-mail addresses of all their officers and of their treasurers and the name and address of the principal paid employee, if any, within 10 days after the appointment, election or hiring of these persons. Municipal committees shall file copies of the same information with the municipal clerk. No later than June 15th of each year in which a general election is scheduled, the state party committee shall submit to the commission a consolidated report of the names, mailing addresses and e-mail addresses of the chair and treasurer of the district, county and

municipal committees of that party or of another officer if a chair or treasurer has not been appointed.

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

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

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

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

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

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

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

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

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

2. Rebutting presumption Commission determination. ~~A person presumed under this section to have made an independent expenditure, party committee or political action committee may rebut the presumption~~ request a determination that an expenditure that otherwise meets the definition of an independent expenditure under subsection 1, paragraph B is not an independent expenditure by filing a signed written statement with the commission within ~~48 hours~~ 7 days of disseminating the communication stating that the cost was not incurred with the intent to influence the nomination, election or defeat of a

candidate, supported by any additional evidence the person, party committee or political action committee chooses to submit. The commission may gather any additional evidence it ~~deems~~ determines relevant and material and shall determine by a preponderance of the evidence whether the cost was incurred with intent to influence the nomination, election or defeat of a candidate.

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

Sec. 10. 21-A MRSA §1125, sub-§2-C is enacted to read:

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

Sec. 11. 21-A MRSA §1125, sub-§5-A, as amended by PL 2009, c. 363, §6, is further amended to read:

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

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

The determination to revoke the certification of a candidate must be made by a vote of the members of the commission after an opportunity for a hearing. A candidate whose certification is revoked shall return all unspent funds to the commission within 3 days of the commission's decision and may be required to return all funds distributed to the candidate. In addition to the requirement to return funds, the candidate may be subject to a civil penalty under section 1127. The candidate may appeal the commission's decision to revoke certification in the same manner provided in subsection 14, paragraph C.

Sec. 12. 21-A MRSA §1125, sub-§6-E, as enacted by PL 2011, c. 389, §55, is amended to read:

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

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

8-B. Distributions to ~~participating~~ certified gubernatorial candidates. Distributions from the fund to ~~participating~~ certified gubernatorial candidates must be made as follows.

- A. For an uncontested primary election, the total distribution of revenues is \$200,000 per candidate.
- B. For a contested primary election, the amount of revenues distributed is as follows:
 - (1) The initial distribution of revenues is \$400,000 per candidate;
 - (2) For each increment of 800 additional qualifying contributions a candidate collects and submits pursuant to subsection 8-E, not to exceed a total of 3,200 additional qualifying contributions, the supplemental distribution of revenues to that candidate is \$150,000; and
 - (3) The total amount of revenues distributed for a contested primary election may not exceed \$1,000,000 per candidate.
- C. For an uncontested general election, the total distribution of revenues is \$600,000 per candidate.
- D. For a contested general election, the amount of revenues distributed is as follows:
 - (1) The initial distribution of revenues is \$600,000 per candidate;
 - (2) For each increment of 1,200 additional qualifying contributions a candidate collects and submits pursuant to subsection 8-E, not to exceed a total of 9,600 additional qualifying contributions, the supplemental distribution of revenues to that candidate is \$175,000; and
 - (3) The total amount of revenues distributed for a contested general election may not exceed \$2,000,000 per candidate.

Sec. 14. 21-A MRSA §1125, sub-§8-C, as enacted by IB 2015, c. 1, §25, is amended to read:

8-C. Distributions to ~~participating~~ certified candidates for State Senate. Distributions from the fund to ~~participating~~ certified candidates for the State Senate must be made as follows.

- A. For an uncontested primary election, the total distribution of revenues is \$2,000 per candidate.

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

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

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

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