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VETERANS AND LEGAL AFFAIRS

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STATE OF MAINE
SENATE
127TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT " " to S.P. 395, L.D. 1123, Bill, "An Act To Amend the Campaign Reports and Finances Laws and the Maine Clean Election Act"

Amend the bill in section 5 by striking out all of subsection 5 (page 2, lines 18 to 26 in L.D.) and inserting the following:

'5. Telephone calls. Prerecorded automated telephone calls and scripted live telephone communications that name a clearly identified candidate during the 21 days before a primary election or the 35 days before a general election must clearly state the name and address of the person who made or financed the expenditure for the communication, except for prerecorded automated telephone calls paid for by the candidate that use the candidate's voice in the telephone call and that are made in support of that candidate. Telephone communications that are not paid for by the candidate or the candidate's authorized political committee must state whether the communication was authorized by the candidate. Telephone calls made for the purposes of researching the views of voters are not required to include the disclosure.'

Amend the bill in section 7 in subsection 7-A in paragraph A-1 in the last line (page 3, line 21 in L.D.) by inserting after the following: "election." the following: 'This paragraph does not apply to a legislative candidate who has been certified as a Maine Clean Election Act candidate under section 1125, subsection 5.'

Amend the bill by striking out all of section 8 and inserting the following:

'Sec. 8. 21-A MRSA §1017, sub-§8, as amended by PL 2007, c. 443, Pt. A, §16, is further amended to read:

8. Disposition of surplus. A candidate or treasurer of a candidate registered under section 1013-A or qualified under sections 335 and 336 or sections 354 and 355 must dispose of a surplus exceeding \$100 within 4 years of the election for which the contributions were received by:

A. Returning contributions to the candidate's or candidate's authorized political committee's contributors, as long as no contributor receives more than the amount contributed;

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1 B. A gift to a qualified political party within the State, including any county or
2 municipal subdivision of such a party;

3 B-1. A gift to a political action committee or ballot question committee registered
4 with the commission;

5 C. An unrestricted gift to the State. A candidate for municipal office may dispose of
6 a surplus by making a restricted or unrestricted gift to the municipality;

7 D. Carrying forward the surplus balance to a political committee established to
8 promote the same candidate for a subsequent election;

9 D-1. Carrying forward the surplus balance for use by the candidate for a subsequent
10 election;

11 E. Transferring the surplus balance to one or more other candidates registered under
12 section 1013-A or qualified under sections 335 and 336 or sections 354 and 355, or to
13 political committees established to promote the election of those candidates, provided
14 that the amount transferred does not exceed the contribution limits established by
15 section 1015;

16 F. Repaying any loans or retiring any other debts incurred to defray campaign
17 expenses of the candidate;

18 G. Paying for any expense incurred in the proper performance of the office to which
19 the candidate is elected, as long as each expenditure is itemized on expenditure
20 reports; and

21 H. A gift to a charitable or educational organization that is not prohibited, for tax
22 reasons, from receiving such a gift.

23 The choice must be made by the candidate for whose benefit the contributions were
24 made.

25 **Sec. 9. 21-A MRSA §1017, sub-§9**, as amended by PL 2007, c. 443, Pt. A, §16,
26 is repealed.'

27 Amend the bill in section 9 in subsection 4 by striking out all of the last line (page 5,
28 line 35 in L.D.) and inserting the following:

29 '~~This subsection takes effect August 1, 2011.~~'

30 Amend the bill by inserting after section 20 the following:

31 '**Sec. 21. 21-A MRSA §1062-A, sub-§5**, as amended by PL 2013, c. 334, §31, is
32 further amended to read:

33 **5. Request for a commission determination.** If the commission staff finds that a
34 political action committee has failed to file a report required under this subchapter, the
35 commission staff shall mail a notice to the treasurer of the political action committee
36 within 3 business days following the filing deadline informing the treasurer that a report
37 was not received. If a political action committee files a report required under this
38 subchapter late, a notice of preliminary penalty must be forwarded to the treasurer of the
39 political action committee whose report is not received by 11:59 p.m. on the deadline
40 date, informing the treasurer of the commission staff finding of violation and preliminary

1 penalty calculated under subsection 3 and providing the treasurer with an opportunity to
2 request a determination by the commission. A request for determination must be made
3 within 14 calendar days of receipt of the commission's notice. A principal officer or
4 treasurer requesting a determination may either appear in person or designate a
5 representative to appear on the principal officer's or treasurer's behalf or submit a ~~sworn~~
6 statement explaining the mitigating circumstances for consideration by the commission.
7 A final determination by the commission may be appealed to the Superior Court in
8 accordance with Title 5, chapter 375, subchapter 7 and the Maine Rules of Civil
9 Procedure, Rule 80C.'

10 Amend the bill in section 21 in paragraph E in the 2nd line from the end (page 9, line
11 30 in L.D.) by inserting after the following: "of goods" the following: 'properly reported
12 in accordance with this chapter'

13 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
14 section number to read consecutively.

15 SUMMARY

16 This amendment makes clarifying changes to the bill. It clarifies that prerecorded
17 automated telephone calls and scripted live telephone calls that are political
18 communications that are not paid for by a candidate must state whether the
19 communication was authorized by the candidate. It provides that the reporting exemption
20 in the bill that allows for an uncontested primary candidate to be exempt from certain
21 reporting requirements when that candidate files a sworn and notarized notification with
22 the Commission on Governmental Ethics and Election Practices stating that the candidate
23 will not accept contributions or make expenditures for the primary race does not apply to
24 a Maine Clean Election Act candidate. The amendment strikes a provision in the bill that
25 conflicts with other provisions of campaign laws regarding the termination of campaign
26 requirements. Finally, the amendment adds a new section to the bill that provides that
27 when a political action committee seeks a waiver of a penalty for mitigating
28 circumstances surrounding the failure to file a report or filing a report late, the statement
29 the committee provides does not have to be in the form of a sworn statement. This
30 addition mirrors a section in the bill that makes the same provision for party committees
31 and candidates when they seek a penalty waiver.

32 FISCAL NOTE REQUIRED

33 (See attached)