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Legislative Document

No. 806

I.B. 1

House of Representatives, March 10, 2015

**An Act To Strengthen the Maine Clean Election Act, Improve
Disclosure and Make Other Changes to the Campaign Finance Laws**

Transmitted to the Clerk of the 127th Maine Legislature by the Secretary of State on March 6, 2015 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 c. 25, sub-c. 3** is enacted to read:

3 **SUBCHAPTER 3**

4 **GUBERNATORIAL TRANSITION**

5 **§1051. Gubernatorial transition committee**

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

8 A. "Commission" means the Commission on Governmental Ethics and Election
9 Practices.

10 B. "Election cycle" means the period beginning on the day after the general election
11 for any state, county or municipal office and ending on the day of the next general
12 election for that office.

13 **2. Transition and inaugural activities; funding.** A person may solicit and accept
14 donations for the purpose of financing costs related to the transition to office and
15 inauguration of a new Governor. A person who accepts donations for these purposes
16 must establish a committee and appoint a treasurer who is responsible for keeping records
17 of donations and for filing a financial disclosure statement required by this section. All
18 donations received must be deposited in a separate and segregated account and may not
19 be commingled with any contributions received by any candidate or political committee
20 or any personal or business funds of any person. An individual who has served as a
21 treasurer of any candidate committee or political action committee in the same election
22 cycle may not serve as treasurer of a gubernatorial transition committee.

23 **3. Registration with the commission and financial disclosure statement.** A
24 committee established pursuant to this section shall register and file a financial disclosure
25 statement with the commission as required by this subsection.

26 A. The committee shall register with the commission within 10 days after
27 appointment of a treasurer. The registration must include the name and mailing
28 addresses of the members of the committee, its treasurer and all individuals who are
29 raising funds for the committee.

30 B. The financial disclosure statement must contain the names, addresses, occupations
31 and employers of all donors who have given money or anything of value in a total
32 amount exceeding \$50 to the committee, including in-kind donations of goods or
33 services, along with the amounts and dates of the donations. Donors who have given
34 donations with a total value of \$50 or less may be disclosed in the aggregate without
35 itemization or other identification.

36 C. Any outstanding loan, debt or other obligation of the committee must be disclosed
37 as a donation.

1 D. The financial disclosure statement must identify the amounts, dates, payees and
2 purposes of all payments made by the committee.

3 E. An interim financial disclosure statement must be filed by 5:00 p.m. on January
4 1st following the gubernatorial election and must be complete as of 10 days prior to
5 that date. The final financial disclosure statement must be filed by 5:00 p.m. on
6 February 15th following the gubernatorial election and must be complete as of that
7 date.

8 **4. Limitation on fund-raising activity.** A committee established pursuant to this
9 section may accept donations until January 31st of the year following the gubernatorial
10 election.

11 **5. Prohibited donations during a legislative session.** A committee established
12 pursuant to this section may not directly or indirectly solicit or accept a donation from a
13 lobbyist, lobbyist associate or employer during any period of time in which the
14 Legislature is convened before final adjournment. A lobbyist, lobbyist associate or
15 employer may not directly or indirectly give, offer or promise a donation to a committee
16 established pursuant to this section during any period of time in which the Legislature is
17 convened before final adjournment.

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

20 **7. Disposing of surplus funds.** Prior to the filing of the final financial disclosure
21 statement under subsection 3, paragraph E, any surplus funds remaining in the
22 committee's account must be refunded to one or more donors, donated to a charitable
23 organization that qualifies as a tax-exempt organization under 26 United States Code,
24 Section 501(c)(3) or remitted to the State Treasurer.

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

28 **9. Enforcement and penalty.** The commission shall administer and enforce this
29 subchapter. A person who violates this subchapter is subject to a civil penalty not to
30 exceed \$10,000, payable to the State and recoverable in a civil action.

31 **Sec. 2. 21-A MRSA §1004-C** is enacted to read:

32 **§1004-C. Enhanced penalties for violations with aggravating circumstances**

33 Notwithstanding any maximum penalty otherwise set forth in this chapter, when
34 assessing a penalty or monetary sanction, the commission may double the authorized
35 penalty or monetary sanction for a violation occurring less than 28 days prior to an
36 election day and may triple the authorized penalty or monetary sanction for a violation
37 occurring less than 14 days prior to an election day.

38 **Sec. 3. 21-A MRSA §1014, sub-§2-B** is enacted to read:

1 **2-B. Top 3 funders; independent expenditures.** A communication that is funded
2 by an entity making an independent expenditure as defined in section 1019-B, subsection
3 1 must conspicuously include the following statement:

4 "The top 3 funders of (name of entity that made the independent expenditure) are (names
5 of top 3 funders)."

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

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

16 The top funders named in the required statement consist of the funders providing the
17 highest dollar amount of funding to the entity making the independent expenditure since
18 the day following the most recent general election day.

19 A. For purposes of this subsection, "funder" includes:

20 (1) Any entity that has made a contribution as defined in section 1052,
21 subsection 3 to the entity making the independent expenditure since the day
22 following the most recent general election day; and

23 (2) Any entity that has given a gift, subscription, loan, advance or deposit of
24 money or anything of value, including a promise or agreement to provide money
25 or anything of value whether or not legally enforceable, except for transactions in
26 which a fair value is given in return, since the day following the most recent
27 general election day.

28 B. If funders have given equal amounts, creating a tie in the ranking of the top 3
29 funders, the tie must be broken by naming the tying funders in chronological order of
30 the receipt of funding until 3 funders are included in the statement. If the
31 chronological order cannot be discerned, the entity making the independent
32 expenditure may choose which of the tying funders to include in the statement. In no
33 case may a communication be required to include the names of more than 3 funders.

34 C. The statement required under this subsection is not required to include the name
35 of any funder who has provided less than \$1,000 to the entity making the independent
36 expenditure since the day following the most recent general election day.

37 D. If only one or 2 funders must be included pursuant to this subsection, the
38 communication must identify the number of funders as "top funder" or "top 2
39 funders" as appropriate. If there are no funders required to be included under this
40 subsection, no statement is required.

41 E. When compiling the list of top funders, an entity making an independent
42 expenditure may disregard any funds that the entity can show were used for purposes

1 unrelated to the candidate mentioned in the communication on the basis that funds
2 were either spent in the order received or were strictly segregated in other accounts.

3 F. In any communication consisting of an audio broadcast of 30 seconds or less or a
4 print communication of 20 square inches or less, the requirements of this subsection
5 are satisfied by including the name of the single highest funder only.

6 G. If the list of funders changes during the period in which a recurring
7 communication is aired or published, the statement appearing in the communication
8 must be updated at the time that any additional payments are made for that
9 communication.

10 H. The commission may establish by routine technical rule, adopted in accordance
11 with Title 5, chapter 375, subchapter 2-A, forms and procedures for ensuring
12 compliance with this subsection. Rules adopted pursuant to this paragraph must
13 ensure that the information required by this subsection is effectively conveyed for a
14 sufficient duration and in a sufficient font size or screen size where applicable
15 without undue burden on the ability of the entity to make the communication. The
16 rules must also provide an exemption for types of communications for which the
17 required statement would be impossible or impose an unusual hardship due to the
18 unique format or medium of the communication.

19 **Sec. 4. 21-A MRSA §1014, sub-§4**, as amended by PL 2011, c. 389, §12, is
20 further amended to read:

21 **4. Enforcement.** A violation of this section may result in a civil penalty of no more
22 than ~~\$5,000~~ 100% of the amount of the expenditure in violation, except that an
23 expenditure for yard signs lacking the required information may result in a maximum
24 civil penalty of \$200. In assessing a civil penalty, the commission shall consider, among
25 other things, how widely the communication was disseminated, whether the violation was
26 intentional, whether the violation occurred as the result of an error by a printer or other
27 paid vendor and whether the communication conceals or misrepresents the identity of the
28 person who financed it. If the person who financed the communication or who
29 committed the violation corrects the violation within 10 days after receiving notification
30 of the violation from the commission by adding the missing information to the
31 communication, the commission may decide to assess no civil penalty.

32 **Sec. 5. 21-A MRSA §1019-B, sub-§1, ¶B**, as amended by PL 2013, c. 334, §15,
33 is further amended to read:

34 B. Is presumed to be any expenditure made to design, produce or disseminate a
35 communication that names or depicts a clearly identified candidate and is
36 disseminated during the ~~24~~ 28 days, including election day, before a primary election;
37 ~~or during the 35 days, including election day, before a general or special election; or~~
38 from Labor Day to a general election day.

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

41 **4. Report required; content; rules.** A person, party committee, political committee
42 or political action committee that makes independent expenditures aggregating in excess

1 of \$100 during any one candidate's election shall file a report with the commission. In
2 the case of a municipal election, the report must be filed with the municipal clerk.

3 A. A report required by this subsection must be filed with the commission according
4 to a reporting schedule that the commission shall establish by rule that takes into
5 consideration existing campaign finance reporting requirements. Rules adopted
6 pursuant to this paragraph are routine technical rules as defined in Title 5, chapter
7 375, subchapter 2-A.

8 B. A report required by this subsection must contain an itemized account of each
9 expenditure aggregating in excess of \$100 in any one candidate's election, the date
10 and purpose of each expenditure and the name of each payee or creditor. The report
11 must state whether the expenditure is in support of or in opposition to the candidate
12 and must include, under penalty of perjury, as provided in Title 17-A, section 451, a
13 statement under oath or affirmation whether the expenditure is made in cooperation,
14 consultation or concert with, or at the request or suggestion of, the candidate or an
15 authorized committee or agent of the candidate.

16 C. A report required by this subsection must be on a form prescribed and prepared by
17 the commission. A person filing this report may use additional pages if necessary,
18 but the pages must be the same size as the pages of the form. The commission may
19 adopt procedures requiring the electronic filing of an independent expenditure report,
20 as long as the commission receives the statement made under oath or affirmation set
21 out in paragraph B by the filing deadline and the commission adopts an exception for
22 persons who lack access to the required technology or the technological ability to file
23 reports electronically. The commission may adopt procedures allowing for the
24 signed statement to be provisionally filed by facsimile or electronic mail, as long as
25 the report is not considered complete without the filing of the original signed
26 statement.

27 ~~This subsection takes effect August 1, 2011.~~

28 **Sec. 7. 21-A MRSA §1020-A, sub-§4-A, ¶¶A to C**, as enacted by PL 2001, c.
29 714, Pt. PP, §1 and affected by §2, are amended to read:

- 30 A. For the first violation, ~~1%~~ 2%;
- 31 B. For the 2nd violation, ~~3%~~ 4%; and
- 32 C. For the 3rd and subsequent violations, ~~5%~~ 6%.

33 **Sec. 8. 21-A MRSA §1020-A, sub-§5-A**, as amended by PL 2011, c. 558, §§4
34 and 5, is further amended to read:

- 35 **5-A. Maximum penalties.** Penalties assessed under this subchapter may not exceed:
- 36 A. Five thousand dollars for reports required under section 1017, subsection 2,
37 paragraph B, C, D, E or H; section 1017, subsection 3-A, paragraph B, C, D, D-1 or
38 F; and section 1017, subsection 4, except that if the financial activity reported late
39 exceeds \$50,000, the maximum penalty is 100% of the amount reported late;

1 A-1. Five thousand dollars for reports required under section 1019-B, subsection 4,
2 except that if the financial activity reported late exceeds \$50,000, the maximum
3 penalty is ~~1/5~~ 100% of the amount reported late;

4 B. Five thousand dollars for state party committee reports required under section
5 1017-A, subsection 4-A, paragraphs A, B, C and E, except that if the financial
6 activity reported late exceeds \$50,000, the maximum penalty is ~~1/5~~ 100% of the
7 amount reported late;

8 C. One thousand dollars for reports required under section 1017, subsection 2,
9 paragraphs A and F and section 1017, subsection 3-A, paragraphs A and E; or

10 D. Five hundred dollars for municipal, district and county committees for reports
11 required under section 1017-A, subsection 4-B.

12 **Sec. 9. 21-A MRS §1062-A, sub-§3**, as amended by PL 2007, c. 443, Pt. A,
13 §39, is further amended to read:

14 **3. Basis for penalties.** The penalty for late filing of a report required under this
15 subchapter is a percentage of the total contributions or expenditures for the filing period,
16 whichever is greater, multiplied by the number of calendar days late, as follows:

17 A. For the first violation, ~~1%~~ 2%;

18 B. For the 2nd violation, ~~3%~~ 4%; and

19 C. For the 3rd and subsequent violations, ~~5%~~ 6%.

20 Any penalty of less than \$10 is waived.

21 Violations accumulate on reports with filing deadlines in a 2-year period that begins on
22 January 1st of each even-numbered calendar year. Waiver of a penalty does not nullify
23 the finding of a violation.

24 A report required to be filed under this subchapter that is sent by certified or registered
25 United States mail and postmarked at least 2 days before the deadline is not subject to
26 penalty.

27 A required report may be provisionally filed by transmission of a facsimile copy of the
28 duly executed report to the commission, as long as an original of the same report is
29 received by the commission within 5 calendar days thereafter.

30 **Sec. 10. 21-A MRS §1062-A, sub-§4**, as amended by PL 2011, c. 389, §49, is
31 further amended to read:

32 **4. Maximum penalties.** The maximum penalty under this subchapter is \$10,000 for
33 reports required under section 1056-B or section 1059, except that if the financial activity
34 reported late exceeds \$50,000, the maximum penalty is ~~1/5~~ 100% of the amount reported
35 late.

36 **Sec. 11. 21-A MRS §1062-A, sub-§8-A**, as amended by PL 2009, c. 190, Pt.
37 A, §31, is further amended to read:

1 **8-A. Penalties for failure to file report.** The commission may assess a civil penalty
2 for failure to file a report required by this subchapter. The maximum penalty for failure
3 to file a report required under section 1056-B or section 1059 is \$10,000 or the amount of
4 financial activity not reported, whichever is greater.

5 **Sec. 12. 21-A MRSA §1062-B,** as enacted by PL 2013, c. 334, §32, is amended
6 to read:

7 **§1062-B. Failure to keep records**

8 A committee that fails to keep records required by this chapter may be assessed a fine
9 of up to ~~\$2,500~~ \$10,000 or the amount of financial activity for which no records were
10 kept, whichever is greater. In assessing a fine, the commission shall consider, among
11 other things, whether the violation was intentional, whether the violation occurred as the
12 result of an error by someone outside the control of the committee, whether the
13 committee intended to conceal its financial activity, the amount of financial activity that
14 was not documented and the level of experience of the committee's volunteers and staff.

15 **Sec. 13. 21-A MRSA §1122, sub-§3-A** is enacted to read:

16 **3-A. Election cycle.** "Election cycle" means the period beginning on the day after
17 the general election for any state, county or municipal office and ending on the day of the
18 next general election for that office.

19 **Sec. 14. 21-A MRSA §1124,** as amended by PL 2011, c. 389, §50, is further
20 amended to read:

21 **§1124. The Maine Clean Election Fund established; sources of funding**

22 **1. Established.** The Maine Clean Election Fund is established to finance the
23 election campaigns of certified Maine Clean Election Act candidates running for
24 Governor, State Senator and State Representative and to pay administrative and
25 enforcement costs of the commission related to this Act. The fund is a special, dedicated,
26 nonlapsing fund and any interest generated by the fund is credited to the fund. The
27 commission shall administer the fund.

28 **2. Sources of funding.** The following must be deposited in the fund:

29 A. The qualifying contributions and additional qualifying contributions required
30 under section 1125 when those contributions are submitted to the commission;

31 B. ~~Two~~ Three million dollars of the revenues from the taxes imposed under Title 36,
32 Parts 3 and 8 and credited to the General Fund, transferred to the fund by the State
33 Controller on or before January 1st of each year, beginning January 1, 1999. These
34 revenues must be offset in an equitable manner by an equivalent reduction ~~within the~~
35 administrative divisions of the legislative branch and executive branch agencies in tax
36 expenditures as defined in Title 36, section 199-A, subsection 2. This section may
37 not affect the funds distributed to the Local Government Fund under Title 30-A,
38 section 5681.

1 C. Revenue from a tax checkoff program allowing a resident of the State who files a
2 tax return with the State Tax Assessor to designate that \$3 be paid into the fund. ~~If a~~
3 ~~husband and wife file~~ In the case of a joint return, each spouse may designate that \$3
4 be paid. The State Tax Assessor shall report annually the amounts designated for the
5 fund to the State Controller, who shall transfer that amount to the fund;

6 D. Seed money contributions remaining unspent after a candidate has been certified
7 as a Maine Clean Election Act candidate;

8 E. Fund revenues that were distributed to a Maine Clean Election Act candidate and
9 that remain unspent after the candidate has lost a primary election or after all general
10 elections;

11 F. Other unspent fund revenues distributed to any Maine Clean Election Act
12 candidate who does not remain a candidate throughout a primary or general election
13 cycle;

14 G. Voluntary donations made directly to the fund; and

15 H. Fines collected under section 1020-A, subsection 4-A and section 1127.

16 ~~**3. Determination of fund amount.** If the commission determines that the fund will~~
17 ~~not have sufficient revenues to cover the likely demand for funds from the Maine Clean~~
18 ~~Election Fund in an upcoming election, by January 1st the commission shall provide a~~
19 ~~report of its projections of the balances in the Maine Clean Election Fund to the~~
20 ~~Legislature and the Governor. The commission may submit legislation to request~~
21 ~~additional funding or an advance on revenues to be transferred pursuant to subsection 2,~~
22 ~~paragraph B.~~

23 **4. Report on fund amount; operating margin.** By January 1st of each year the
24 commission shall provide to the Legislature and the Governor a report of its projection of
25 the revenues and expenditures of the Maine Clean Election Fund for the subsequent
26 4-year period. The commission shall include in the report an operating margin of 20% to
27 ensure sufficient funds in the event of higher-than-expected participation in the Maine
28 Clean Election Act. If any such report shows that the projected revenue for the
29 subsequent 4-year period exceeds the projected expenses for that 4-year period plus the
30 20% operating margin, the commission shall notify the Legislature and the Governor and
31 request that the amount of expected funding that exceeds the expected demand on the
32 fund plus the operating margin be transferred to the General Fund. The Department of
33 Administrative and Financial Services, Bureau of Revenue Services shall assist the
34 commission with revenue projections required by this subsection. If at any time the
35 commission determines that projected revenue is not sufficient to cover the projected
36 demand for funds in the 4-year period plus the operating margin, the commission may
37 submit legislation to request additional funding.

38 **Sec. 15. 21-A MRSA §1125, sub-§2, ¶¶B and C**, as enacted by IB 1995, c. 1,
39 §17, are amended to read:

40 B. ~~One thousand five hundred~~ Three thousand dollars for a candidate for the State
41 Senate; or

1 C. ~~Five hundred~~ One thousand dollars for a candidate for the State House of
2 Representatives.

3 **Sec. 16. 21-A MRSA §1125, sub-§2-A, ¶C**, as amended by PL 2009, c. 302,
4 §11 and affected by §24, is further amended to read:

5 C. Upon requesting certification, a participating candidate shall file a report of all
6 seed money contributions and expenditures. If the candidate is certified, any unspent
7 seed money will be deducted from the amount distributed to the candidate as
8 provided in subsection ~~8-A~~ 8-F.

9 **Sec. 17. 21-A MRSA §1125, sub-§2-B**, as amended by PL 2009, c. 524, §14, is
10 repealed.

11 **Sec. 18. 21-A MRSA §1125, sub-§3, ¶A**, as amended by PL 2007, c. 240, Pt. F,
12 §1 and c. 443, Pt. B, §6, is further amended to read:

13 A. For a gubernatorial candidate, at least ~~3,250~~ 3,200 verified registered voters of
14 this State must support the candidacy by providing a qualifying contribution to that
15 candidate;

16 **Sec. 19. 21-A MRSA §1125, sub-§3-A** is enacted to read:

17 **3-A. Additional qualifying contributions.** Participating candidates may collect and
18 submit to the commission additional qualifying contributions at the times specified in
19 subsection 8-E. The commission shall credit a candidate with either one qualifying
20 contribution or one additional qualifying contribution, but not both, from any one
21 contributor during the same election cycle. If any candidate collects and submits to the
22 commission qualifying contributions or additional qualifying contributions that cannot be
23 credited pursuant to this subsection, those qualifying contributions or additional
24 qualifying contributions may be refunded to the contributor or deposited into the Maine
25 Clean Election Fund at the discretion of the candidate.

26 **Sec. 20. 21-A MRSA §1125, sub-§5, ¶C-1**, as enacted by PL 2009, c. 363, §5,
27 is repealed.

28 **Sec. 21. 21-A MRSA §1125, sub-§6-A**, as amended by PL 2009, c. 302, §12 and
29 affected by §24, is further amended to read:

30 **6-A. Assisting a person to become an opponent.** A candidate or a person who later
31 becomes a candidate and who is seeking certification under subsection 5, or an agent of
32 that candidate, may not assist another person in qualifying as a candidate for the same
33 office if such a candidacy would result in the distribution of revenues under subsections 7
34 and ~~8-A~~ 8-F for certified candidates in a contested election.

35 **Sec. 22. 21-A MRSA §1125, sub-§7**, as amended by PL 2009, c. 302, §15 and
36 affected by §24 and amended by c. 363, §7, is further amended to read:

1 **7. Timing of initial fund distribution.** The commission shall distribute to certified
2 candidates revenues from the fund in amounts determined under ~~subsection 8-A~~
3 subsections 8-B to 8-D in the following manner.

4 A. Within 3 days after certification, for candidates certified prior to March 15th of
5 the election year, revenues from the fund must be distributed as if the candidates are
6 in an uncontested primary election.

7 B. Within 3 days after certification, for all candidates certified between March 15th
8 and the end of the qualifying period of the election year, revenues from the fund must
9 be distributed according to whether the candidate is in a contested or uncontested
10 primary election.

11 B-1. For candidates in contested primary elections receiving a distribution under
12 paragraph A, additional revenues from the fund must be distributed within 3 days of
13 March 15th of the election year.

14 C. No later than 3 days after the primary election results are certified, for general
15 election certified candidates, revenues from the fund must be distributed according to
16 whether the candidate is in a contested or uncontested general election.

17 Funds may be distributed to certified candidates under this section by any mechanism that
18 is expeditious, ensures accountability and safeguards the integrity of the fund.

19 **Sec. 23. 21-A MRSA §1125, sub-§7-B** is enacted to read:

20 **7-B. Timing of supplemental fund distribution.** The following provisions govern
21 the timing of supplemental fund distributions.

22 A. For gubernatorial candidates, any supplemental primary or general election
23 distributions made pursuant to subsection 8-B must be made within 3 business days
24 of certification by the commission of the required number of additional qualifying
25 contributions.

26 B. For legislative candidates, any supplemental general election distributions made
27 pursuant to subsections 8-C and 8-D must be made within 3 business days of
28 certification by the commission of the required number of additional qualifying
29 contributions.

30 **Sec. 24. 21-A MRSA §1125, sub-§8-A,** as amended by PL 2011, c. 558, §§6 and
31 7, is repealed.

32 **Sec. 25. 21-A MRSA §1125, sub-§§8-B to 8-F** are enacted to read:

33 **8-B. Distributions to participating gubernatorial candidates.** Distributions from
34 the fund to participating gubernatorial candidates must be made as follows.

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

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

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

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

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

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

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

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

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

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

17 **8-C. Distributions to participating candidates for State Senate.** Distributions
18 from the fund to participating candidates for the State Senate must be made as follows.

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

21 B. For a contested primary election, the total distribution of revenues is \$10,000 per
22 candidate.

23 C. For an uncontested general election, the total distribution of revenues is \$6,000
24 per candidate.

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

26 (1) The initial distribution of revenues is \$20,000 per candidate;

27 (2) For each increment of 45 additional qualifying contributions a candidate
28 collects and submits pursuant to subsection 8-E, not to exceed a total of 360
29 additional qualifying contributions, the supplemental distribution of revenues to
30 that candidate is \$5,000; and

31 (3) The total amount of revenues distributed for a contested general election may
32 not exceed \$60,000 per candidate.

33 **8-D. Distributions to participating candidates for State House of**
34 **Representatives.** Distributions from the fund to participating candidates for the State
35 House of Representatives must be made as follows.

36 A. For an uncontested primary election, the total distribution of revenues is \$500 per
37 candidate.

38 B. For a contested primary election, the total distribution of revenues is \$2,500 per
39 candidate.

1 C. For an uncontested general election, the total distribution of revenues is \$1,500
2 per candidate.

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

4 (1) The initial distribution of revenues is \$5,000 per candidate;

5 (2) For each increment of 15 additional qualifying contributions a candidate
6 collects and submits pursuant to subsection 8-E, not to exceed a total of 120
7 additional qualifying contributions, the supplemental distribution of revenues to
8 that candidate is \$1,250; and

9 (3) The total amount of revenues distributed for a contested general election may
10 not exceed \$15,000 per candidate.

11 **8-E. Collection and submission of additional qualifying contributions.**
12 Participating candidates may collect and submit additional qualifying contributions in
13 accordance with subsection 3-A to the commission as follows:

14 A. For gubernatorial candidates, no earlier than October 15th of the year before the
15 year of the election and no later than 3 weeks before election day; and

16 B. For legislative candidates, no earlier than January 1st of the election year and no
17 later than 3 weeks before election day.

18 Additional qualifying contributions may be submitted to the commission at any time in
19 any amounts in accordance with the schedules in this subsection. The commission shall
20 make supplemental distributions to candidates in the amounts and in accordance with the
21 increments specified in subsections 8-B to 8-D. If a candidate submits additional
22 qualifying contributions prior to a primary election in excess of the number of qualifying
23 contributions for which a candidate may receive a distribution, the excess qualifying
24 contributions must be counted as general election additional qualifying contributions if
25 the candidate has a contested general election, but supplemental distributions based on
26 these excess qualifying contributions may not be distributed until after the primary
27 election.

28 **8-F. Amount of distributions.** On December 1st of each even-numbered year the
29 commission shall review and adjust the distribution amounts in subsections 8-B to 8-D
30 based on the Consumer Price Index as reported by the United States Department of
31 Labor, Bureau of Labor Statistics. If an adjustment is warranted by the Consumer Price
32 Index, the distribution amounts must be adjusted, rounded to the nearest amount divisible
33 by \$25. When making adjustments under this subsection, the commission may not change
34 the number of qualifying contributions or additional qualifying contributions required to
35 trigger an initial distribution or an increment of supplemental distribution. The
36 commission shall post information about the distribution amounts including the date of
37 any adjustment on its publicly accessible website and include this information with any
38 publication to be used as a guide for candidates.

39 **Sec. 26. 21-A MRSA §1125, sub-§10,** as amended by PL 2011, c. 389, §56 and
40 affected by §62, is further amended to read:

1 office and establishes requirements regarding disclosure and acceptance of donations
2 from persons involved in lobbying.

3 2. It amends the Maine Clean Election Act by adding a system of optional
4 supplemental funding for participating Maine Clean Election Act candidates who collect
5 additional qualifying contributions.

6 3. It establishes new baseline initial distribution amounts for Maine Clean Election
7 Act candidates.

8 4. It authorizes the Commission on Governmental Ethics and Election Practices to
9 impose enhanced penalties for campaign finance violations occurring shortly before
10 election day.

11 5. It increases the baseline penalties for failure to file required reports.

12 6. It increases the maximum penalties for certain campaign finance violations.

13 7. It requires communications that are independent expenditures to include a
14 conspicuous statement listing the top 3 funders of the entity making the independent
15 expenditure.

16 8. It increases the amount of the annual transfer to the Maine Clean Election Fund
17 from \$2,000,000 to \$3,000,000.

18 9. It requires the Commission on Governmental Ethics and Election Practices to
19 report annually on the Maine Clean Election Fund's projected needs, including an
20 operating margin of 20%.

21 10. It repeals the seed money requirement for gubernatorial candidates.

22 11. It adjusts the number of qualifying contributions required for initial certification
23 of gubernatorial candidates from 3,250 to 3,200 to correspond to the increments
24 established for supplemental funds distributions.

25 12. It doubles the seed money cap for legislative candidates.

26 13. It provides rule-making authority for the Commission on Governmental Ethics
27 and Election Practices regarding several of the statutory changes.

28 14. It directs the joint standing committee of the Legislature having jurisdiction over
29 taxation matters to report out legislation to eliminate corporate tax expenditures totaling
30 \$6,000,000 per biennium, prioritizing low-performing tax expenditures.