

Agenda

Item #16



STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
135 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0135

To: Commissioners

From: Benjamin Dyer, Political Committee and Lobbyist Registrar

Date: January 15, 2015

Re: Request for Waiver of Late-Filing Penalties by Workers' Voice (Maine) PAC

Organizations that made independent expenditures (IE) costing in the aggregate more than \$100 per candidate between October 22, 2014 and November 4, 2014 were required to report those expenditures within one calendar day of making them. An independent expenditure is a paid communication to voters advocating the election or defeat of a candidate. During this same time period, political party committees, political action committees, and ballot questions committees were required to file 24-hour reports for single contributions of \$5,000 or more.

Between October 28, 2014 and November 2, 2014, the Workers' Voice (Maine) PAC (the PAC) reported making a series of five IEs in opposition to the LePage gubernatorial campaign. It was required to report these payments each day between October 29, 2014 and November 3, 2014 but did not do so until November 7, 2014. Additionally, on October 28, 2014, the PAC received a contribution of \$7,155.72 from its parent PAC, the federally-registered Workers' Voice PAC. It did not include this contribution on the 24-hour report it filed on October 29, 2014 until it amended that filing on November 11, 2014.

LEGAL REQUIREMENTS

IE reports for expenditures made between October 22, 2014 and November 4, 2014 for amounts over \$100 per candidate are due within one calendar day of the expenditure.

(Commission Rules, Chapter 1, Section 10(3)) During the same time period, PACs are required to report within one calendar day any single contribution of \$5,000 or more.

(21-A M.R.S.A. § 1059(2)(B)(1)) If a PAC is late in filing the IE report, the amount of the penalty is set by a formula which takes into consideration the amount of the transaction, the number of prior violations within a two-year period, and the number of days the report is late. (21-A M.R.S.A. § 1020-A(4-A)) A similar formula is used to calculate the penalty for a 24-hour report that is filed late. (21-A M.R.S.A. § 1062-A(3)) Reports must “substantially conform[] to the disclosure requirements” to be considered timely filed. (21-A M.R.S.A. §1062-A(2))

DISCUSSION

IE reports filed late. The PAC notes that all of the five IE expenditures were for digital advertising. With these types of expenditures, the PAC explains, knowing the costs upfront is difficult because the costs for the placement of a digital ad are based on the number of times the ad is clicked. The PAC says that it requested this information on a daily basis from its vendor, but the vendor did not supply that information in a timely manner. Second, the PAC notes that the expenditures on November 1, 2014 and November 2, 2014 were for purely “get out the vote” communications which did not mention a candidate, and thus would not require IE reports. The PAC supplied samples of those digital ads in its response. The staff accepts the PAC’s explanation that these expenses were not IEs and should not be considered late. Therefore, the total preliminary

penalty should be reduced by \$1,037.62. The PAC argues that the other three IEs were merely continuations of a previously disclosed digital campaign and thus the failure to file was less harmful to the public.

24-hour report filed late. The PAC filed a 24-hour report for a contribution of \$29,849.30 from the federal PAC on October 29, 2014. On October 30, the PAC made a relatively small adjustment to the contribution amount, increasing it to \$31,068.64. On November 7, the PAC included an additional \$7,155.72 of contributions bringing the total reported on that 24-hour report to \$38,224.36. The PAC argues that, despite the November 7th amendment, the report was still substantially conforming. However, should it be penalized for the late 24-hour report, it argues that the penalty should be based on the amount filed late – \$7155.72 – not the entire amount reported.

Based on the statutory formula for calculating late-filed report penalties, the adjusted preliminary penalty amount is \$5,480.49, calculated as follows:

Transactions	Date Due	Financial Activity	Penalty Rate	Days Late	Preliminary Penalty
24-Hour Report	10/29/2014	\$38,224.36	1%	10	\$3,822.40
IE Report	10/29/2014	\$7,155.72	1%	10	\$715.60
IE Report	10/30/2014	\$1,398.98	3%	9	\$377.73
IE Report	11/01/2014	\$1,613.56	5%	7	\$564.76

FACTORS WHEN CONSIDERING WAIVER REQUEST

The Commission staff highlights the following factors for the Commission's consideration of the PAC's waiver request. Violations of the IE and 24-hour reporting requirements can be serious matters. IE and 24-hour reports, especially during the last week of the general election, play an important role in informing the electorate about how money is being spent and who is trying to influence their vote during those critical days before an election.

While some credit may be given to the PAC for asking its vendor for records necessary for timely reporting, the fact that a vendor hired by the PAC failed to provide the needed documentation is not an excuse for noncompliance. In addition, while the Commission staff understands PAC's argument that it should only be penalized on the difference between the original 24-hour report and the amendment which made it nonconforming, it is the Commission staff's interpretation of 21-A M.R.S.A. §1062-A(2), applied uniformly during this and previous election cycles, that the entirety of a substantially nonconforming campaign finance report is late. Moreover, the PAC is a large, sophisticated organization which certainly had the personnel and technical ability to comply with Maine's campaign finance reporting requirements

However, although the harm to the public is higher with these late-filings occurring so close to Election Day, there are mitigating factors which suggest that some reduction in the preliminary penalty may be appropriate. The unreported independent expenditures were relatively small and part of an ongoing digital media campaign which had been disclosed in previously filed reports.

The staff recommends that the Commission find that the PAC's originally filed 24-hour report was late because it was substantially non-conforming, and that the PAC failed to timely file three independent expenditure reports, and impose a penalty of \$500 for the late-filed 24-hour report and \$500 for the late-filed independent expenditure reports, for a total penalty of \$1,000.

Thank you for your consideration of this memo.

American Federation of Labor and Congress of Industrial Organizations



815 Sixteenth Street, N.W.
Washington, D.C. 20006
(202) 637-5000
www.aflcio.org

EXECUTIVE COUNCIL

RICHARD L. TRUMKA
PRESIDENT

Michael Sacco
Harold Schallberger
Leo W. Gerard
Nancy Wohlforth
Randi Weingarten
Patrick D. Finley
Ken Howard
James Andrews
Walter W. Wise
Joseph J. Nigro
Laura Reyes
Kenneth Rigmaiden
Bhavani Desai
Harry Lombardo

ELIZABETH H. SHULER
SECRETARY-TREASURER

Michael Goodwin
Edwin D. Hill
William H. Ho
Rose Ann DeMoro
Regelio "Roy" A. Flores
Newton B. Jones
James Boland
Maria Elena Durazo
Lawrence J. Hanley
James Callahan
J. David Cox
Stuart Appelbaum
James Grogan
Dennis D. Williams

TEFERE GEBRE
EXECUTIVE VICE PRESIDENT

Robert A. Scardalietti
Clyde Rivers
Larry Cohen
Fred Redmond
Fredric V. Rolando
D. Michael Langford
Bruce R. Smith
Terry O. Sullivan
Loretta Johnson
DeMaurice Smith
David Durkee
Joseph T. Hansen
Paul Rinaldi
Cindy Estrada

R. Thomas Bollenberger
Cecil Roberts
Gregory J. Junemann
Matthew Loeb
Diann Woodard
Baldemar Velasquez
Lee A. Saunders
Veda Shock
Capt. Lee Moak
Sean McGarvey
D. Taylor
Harold Daggett
Mark Diamondstein

January 5, 2015

Benjamin P. Dyer, Political Committee and Lobbyist Registrar
State of Maine Commission on Governmental Ethics and Election Practices
135 State House Station
Augusta, Maine 04333-0135

Re: November 18, 2014 Letter

Dear Mr. Dyer,

This correspondence is in response to your letter to Workers' Voice (Maine) PAC ("Workers' Voice") dated November 18, 2014 ("Letter"). Workers' Voice appreciates the opportunity to respond to the Letter, and for the extension of time to submit this response.

The Letter explains the preliminary determination by the Commission's staff that Workers' Voice untimely filed five independent expenditure (IE) reports, and amended a 24-Hour Report in a way that rendered the original report substantially non-compliant. The Letter states that as a result Workers' Voice owes penalties totaling \$6,518.11.

Workers' Voice fully intended to timely report all necessary expenditures and made a bona fide, good faith effort to do so. As explained below, the late filings were due to the unique nature of digital advertising, which account for all of the expenditures reported in the reports at issue. Workers' Voice relied on a vendor to place these ads and provide cost information; this information was not provided in time to file these reports properly. Additionally, as explained in greater detail below, Workers' Voice believes the penalty is improperly calculated. Lastly, we show that, while some amounts may have been reported late, Workers' Voice's timely reports disclosed that Workers' Voice was active in the gubernatorial election. The public, therefore, was not denied critical information due to these late filings. For these reasons, Workers' Voice requests that the Commission waive the penalty, or at a minimum, substantially reduce it.

The Nature of the Expenditures

Each of the late-filed reports disclosed expenditures for digital advertisements related to the Maine gubernatorial race. Each digital ad consisted of single frames with text and had no audio or video component. These ads appeared on various websites that were accessible by Mainers and others.

Digital ads are different from broadcast media ads in several respects. Digital ads display on side panels or as banners on websites. These ads are small and generally contain only a few words or phrases. They can be easily ignored or glossed over. And, they are generally inexpensive. Broadcast ads, in contrast, reach a more predictably targeted and far broader audience, solely occupy the viewer/listener and advocate for 30 seconds to a minute, and are much more expensive. Broadcast ads tend to be higher profile, and the public is far more likely to search IE reports to determine how much independent expenditure groups are spending on broadcast media than they are with respect to digital ads.

The cost calculations for digital ads – critical to assembling and timely filing an IE report – also differ markedly from broadcast ads. The cost of broadcast ads is known at the time an ad buy is made, making it predictable and easy to report in short time frames. Digital ad costs do not work the same way. Digital ads run 24 hours a day. The costs of those ads accrue as they are clicked on. The cost per click constantly fluctuates, and is determined by an on-going auction/bid process. It is therefore impossible to know a digital ad's cost for a day until after that day has ended.

Workers' Voice contracted with a vendor to help develop and to place its digital ads. The vendor agreed to supply Workers' Voice with the daily cost amounts for these ads, and Workers' Voice was reliant on the vendor to supply this data as it had no independent access to the information. Unfortunately, the vendor failed to timely provide Workers' Voice with the costs for the ads that generated the late reports detailed in the Letter. Several times, Workers' Voice requested the vendor to forward these costs so that Workers' Voice could properly report the expenditures, but the costs were not received until several days later. Workers' Voice reported these amounts as soon as it could once the information was provided.

Workers' Voice's Over-reporting

The Letter includes penalties for the late filing of IE reports for expenditures made on November 1 and November 2. The IE report that was due on November 2 was for an amount of \$2,093.39, and the staff proposes a penalty of \$628.02. The IE Report that was due on November 3 was for an amount of \$1,638.31, and the staff proposes a penalty of \$409.60.

On November 1, Workers' Voice's digital ads all switched to a get-out-the-vote (GOTV) message that did not contain any express advocacy or electioneering communication as defined by Maine law. These ads are attached as Exhibit 1. As such, these ads did not trigger a reporting obligation, and Workers' Voice should not have filed the November 2 or November 3 IE reports. Accordingly, they were not "late" and Workers' Voice should not be penalized for filing them late. So, the total proposed penalty should be reduced by \$1,037.62. Workers' Voice stands ready to perform any action the Commission believes should be taken to correct this error; alternatively, we request that the Commission administratively delete these two filings.

24-Hour Report Penalty

The late digital ad costs provided by the vendor to Workers' Voice including \$7,155.72 in new costs expended on October 28, 2014. On November 7, Workers' Voice amended its October 29 IE report to reflect this expenditure, and amended its previously filed October 29 24-Hour Late Contribution Report to reflect the additional \$7,155.72 contribution from the federally-registered Workers' Voice PAC to pay for the newly reported expenditure. The amended 24-Hour Report offset the previously reported \$31,068.64 and included the new \$38,224.36 contribution amount.

The Letter proposes to penalize Workers' Voice for late filing this 24-Hour Report, and calculates that penalty by multiplying the final contribution amount of \$38,224.36 by 1% and then by 10, the number of days it was late. This results in a penalty of \$3,822.40.

For the reasons stated above, Workers' Voice believes this entire penalty should be waived because of the cost calculation issues that digital ads entail and that Workers' Voice reported the contribution amounts as soon as it had the information. Further, the difference between the amended and the originally reported amounts was not so large as to render the original report substantially non-compliant.

However, even if the Commission determines that the late reporting of this contribution warrants a penalty, the appropriate value to base the penalty on would be the \$7,155.72 that was not reported previous to the November 7 amendment. The \$31,068.64 in contributions was timely reported, so it cannot support a penalty even if it is subsumed within an amended report. Moreover, the additional \$7,155.72 came from the same source – the federally-registered Workers' Voice PAC. Thus, the \$38,224.36 in the amended 24-Hour Report was simply an update of what had already been reported: until the amendment was filed, the public was aware that Workers' Voice had contributed \$31,068.64 to its state-registered committee on October 28. Accordingly, if the Commission determines a penalty is warranted, the penalty should be no greater than \$715.60 (\$7,155.72 multiplied by 1% and 10).

Little or No Harm to the Public

The Commission should waive the penalty to Workers' Voice for its late filings because the harm to the public was minimal. Workers' Voice ran its digital ads over a number of days, and timely disclosed reportable expenditures for them prior to the dates that the late reports cover, so the public was already aware that Workers' Voice was the source of digital ads in the gubernatorial election. The late filings disclosed more of the same.

In particular, the late reporting of an updated contribution figure did little harm to the public. The amended 24-Hour Report simply reflects an accounting transfer from the federally-registered Workers' Voice PAC to its state-registered committee to cover costs of expenditures it made on October 28. Workers' Voice had previously filed 24-Hour Late Contribution Reports that showed similar transfers. Thus, the public was aware that Workers' Voice was funding its IE's in Maine through its federally-registered PAC, and there were no other contributors to Workers' Voice. The only additional information provided by the amended 24-Hour Report was that the federal-registered Workers' Voice transferred an additional \$7,155.72. Therefore, the public was not denied critical new information due to the late filing of the reports, and the proposed penalties are disproportionately high.

Conclusion

Workers' Voice attempted to timely report all expenditures. It faced some difficulty doing so due to the complexity of running digital ads and the failure of its vendor to timely provide the information that it promised. Workers' Voice also filed several reports of expenditures that it did not have to report, so no penalty should be assessed due to their timing. And, no penalty should be assessed on timely reported contributions that were also included in an amended report. Also, the late-reported contributions came from the same already-reported source, Workers' Voice's federal committee. There was little if any discernible harm to the public here, so the proposed penalties are disproportionately high. For all of the reasons set forth above, and in light of Workers' Voice's bona fide efforts to report all of its digital advertisements in an accurate and timely manner, the Commission should waive the penalties detailed in the Letter, or at a minimum significantly reduce them.

Please feel free to contact me at the above-listed number if any further information is required.
Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Maneesh Sharma', with a long horizontal flourish extending to the right.

Maneesh Sharma
Attorney for Workers' Voice (Maine) PAC

cc: Michael Podhorzer, Treasurer

Exhibit 1

VOTE ON NOVEMBER 4.

VICTORY!



YOUR VOTE DECIDES WHICH CANDIDATE GETS TO STAND HERE ON ELECTION DAY.

PAID FOR BY WORKERS' VOICE WWW.WORKERSVOICE.ORG
NOT AUTHORIZED BY ANY CANDIDATE OR CANDIDATE'S COMMITTEE



**YOUR LAST CHANCE TO STAND UP FOR
WORKERS' RIGHTS**

VOTE NOVEMBER 4

PAID FOR BY WORKERS' VOICE WWW.WORKERSVOICE.ORG
NOT AUTHORIZED BY ANY CANDIDATE OR CANDIDATE'S COMMITTEE

MAKE YOUR VOICE HEARD

VOTE ON TUESDAY, NOVEMBER 4.

IT IS TOO IMPORTANT TO SIT OUT.

PAID FOR BY WORKERS VOICE WWW.WORKERSVOICE.ORG
NOT AUTHORIZED BY ANY CANDIDATE OR CANDIDATE'S COMMITTEE

WE ARE COMMITTED TO VOTE.

NOVEMBER

4

JOIN US

PAID FOR BY WORKERS VOICE WWW.WORKERSVOICE.ORG
NOT AUTHORIZED BY ANY CANDIDATE OR CANDIDATE'S COMMITTEE

YOUR VOICE. YOUR VOTE.

NOVEMBER 4

JOB SAFETY. AFFORDABLE HEALTHCARE.
RETIREMENT SECURITY. WORKPLACE RIGHTS.
QUALITY EDUCATION. ECONOMIC GROWTH.

PAID FOR BY WORKERS VOICE WWW.WORKERSVOICE.ORG
NOT AUTHORIZED BY ANY CANDIDATE OR CANDIDATE'S COMMITTEE

OUR PRIORITY

#1

VOTE NOVEMBER

4TH

MAKE YOUR VOICE HEARD

PAID FOR BY WORKERS VOICE WWW.WORKERSVOICE.ORG
NOT AUTHORIZED BY ANY CANDIDATE OR CANDIDATE'S COMMITTEE



STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
135 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0135

November 18, 2014

Michael Podhorzer, Treasurer
Workers' Voice (Maine) PAC
815 16th Street, NW
Washington, DC 20006

Re: Late Filing of Multiple IE and 24-Hour Reports

Dear Mr. Podhorzer,

The Commission staff has made a preliminary determination that the Workers' Voice (Maine) PAC (the PAC) was late in filing several independent expenditure (IE) reports and one 24-Hour Report required for multiple expenditures made and a contribution received between October 28, 2014 and November 2, 2014. The reports were filed electronically on November 7, 2014. (Please see attached penalty matrix for the calculation) Under the Commission's statutes, the late filing of report triggers an enforcement process. (21-A M.R.S.A. § 1062-A(3); 21-A M.R.S.A. §1020-A(4-A)) Based on the amount of financial activity in the reports, the number of calendar days the reports were late, and the PAC's history of violations, the commission staff has determined that a total penalty of \$6,518.11 is owed.

The PAC may make a written request that the Commission waive the violations or penalties in whole or in part. Any request for a waiver must be made within 14 calendar days of your receipt of this notice. The request must be in writing and contain a full explanation of the reasons the PAC filed late. Upon receiving your request, the Commission staff will schedule your appeal for an upcoming Commission meeting.

The Commission may waive the penalties if it determines that the report was late due to mitigating circumstances, which are defined as (1) a valid emergency; (2) an error made by the Commission staff; or (3) relevant evidence that the PAC made a bona fide effort to file the report on time. Also, the Commission may waive the penalty if it is disproportionate to the level of experience of the person filing the report or the harm suffered by the public from the late disclosure.

Please call me at (207) 287-6221 or send me an email at benjamin.p.dyer@maine.gov if you have questions.

Sincerely,

Benjamin P. Dyer
Political Committee and Lobbyist Registrar

Enclosure: payment receipt & penalty matrix

OFFICE LOCATED AT: 45 MEMORIAL CIRCLE, AUGUSTA, MAINE
WEBSITE: WWW.MAINE.GOV/ETHICS

PHONE: (207) 287-4179

FAX: (207) 287-6775

Payment Receipt

Mail payment to:

The Maine Ethics Commission
135 State House Station
Augusta, ME 04333

Make checks payable to: "Treasurer, State of Maine."

Michael Podhorzer, Treasurer
Workers' Voice (Maine) PAC
815 16th Street, NW
Washington, DC 20006

Violation: Late IE Reports and 24-hour Report
Amount Due: \$6,518.11

Committee Name: Workers' Voice (Maine) PAC

Report Name	Activity Amount	Due Date	Days Late	Penalty Prescribed	Penalty
24-Hour Report (Filed But Substantially Non-compliant)	\$38,224.36	10/29/2014	10	1%	\$3822.40
IE Report	\$7,155.72	10/29/2014	10	1%	\$715.60
IE Report	\$1,398.98	10/30/2014	9	3%	\$377.73
IE Report	\$1,613.56	11/01/2014	7	5%	\$564.76
IE Report	\$2,093.39	11/02/2014	6	5%	\$628.02
IE Report	\$1,638.31	11/03/2014	5	5%	\$409.60

Total: \$6,518.11

The penalty for late filing of a required report is a percentage of the total contributions or expenditures for the filing period, whichever is greater, multiplied by the number of calendar days the report is filed late, as follows:

For the first violation, 1%

For the second violation, 3%

For the third and each subsequent violation, 5%

A penalty begins to accrue at 11:59 p.m. on the day the report is due.

A required report that is sent by certified or registered United States mail and postmarked at least 2 days before the deadline is not subject to penalty.

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

MAXIMUM PENALTIES

21-A M.R.S.A. Section 1062-A(3)

\$10,000 for Pre- and Post-Election Reports, Quarterly Reports and 24-Hour Reports, except that if the financial activity reported late exceeds \$50,000, the maximum penalty is one-fifth of the amount reported late

21-A M.R.S.A. Section 1020-A(5-A)

\$5,000 for reports required under section 1019-B, subsection 4, except that if the financial activity reported late exceeds \$50,000, the maximum penalty is one-fifth of the amount reported late.

21-A M.R.S.A. § 1059. REPORT; FILING REQUIREMENTS

Committees required to register under section 1052-A, 1053-B or 1056-B shall file an initial campaign finance report at the time of registration and thereafter shall file reports in compliance with this section. All reports must be filed by 11:59 p.m. on the day of the filing deadline, except that reports submitted to a municipal clerk must be filed by the close of business on the day of the filing deadline. [2013, c. 334, §27 (AMD) .]

1. Contents; quarterly reports and election year reports.

[2007, c. 443, Pt. A, §35 (RP) .]

2. Reporting schedule. Committees shall file reports according to the following schedule.

A. All committees shall file quarterly reports:

- (1) On January 15th, and the report must be complete as of December 31st;
- (2) On April 10th, and the report must be complete as of March 31st;
- (3) On July 15th, and the report must be complete as of June 30th; and
- (4) On October 5th, and the report must be complete as of September 30th. [2011, c. 691, Pt. A, §19 (RPR) .]

B. General and primary election reports must be filed:

- (1) On the 11th day before the date on which the election is held and must be complete as of the 14th day before that date; and
- (2) On the 42nd day after the date on which the election is held and must be complete as of the 35th day after that date. [2007, c. 443, Pt. A, §35 (AMD) .]

C. Preelection and post-election reports for special elections or ballot measure campaigns must be filed:

- (1) On the 11th day before the date on which the election is held and must be complete as of the 14th day before that date; and
- (2) On the 42nd day after the date on which the election is held and must be complete as of the 35th day after that date. [2011, c. 389, §45 (AMD) .]

D. A committee that files an election report under paragraph B or C is not required to file a quarterly report when the deadline for that quarterly report falls within 10 days of the filing deadline established in paragraph B or C. [1991, c. 839, §29 (RPR) .]

E. A committee shall report any single contribution of \$5,000 or more received or single expenditure of \$1,000 or more made after the 14th day before the election and more than 24 hours before 5:00 p.m. on the day of the election within 24 hours of that contribution or expenditure. The treasurer is not required to include in this report expenditures for overhead expenses or compensation paid to an employee or other member of the campaign staff who has received payments at regular intervals that have been disclosed in previously filed campaign finance reports. As used in this paragraph, "overhead expenses" includes, but is not limited to, rent, utility payments, taxes, insurance premiums or similar administrative expenses. [2013, c. 334, §28 (AMD) .]

[2013, c. 334, §28 (AMD) .]

3. Report of expenditures made after the 11th day and more than 48 hours before any election.

[1989, c. 504, §§28, 31 (RP) .]

4. Special election reports.

[1989, c. 504, §§28, 31 (RP) .]

5. Electronic filing. Committees shall file each report required by this section through an electronic filing system developed by the commission. The commission may make an exception to this electronic filing requirement if a committee submits a written request that states that the committee lacks access to the technology or the technological ability to file reports electronically. The request for an exception must be submitted within 30 days of the registration of the committee. The commission shall grant all reasonable requests for exceptions.

[2007, c. 443, Pt. A, §35 (AMD) .]

SECTION HISTORY

1985, c. 161, §6 (NEW). 1989, c. 7, §06 (AMD). 1989, c. 504, §§28,31 (RPR). 1989, c. 833, §§16-20 (AMD). 1991, c. 839, §29 (AMD). 2003, c. 628, §B5 (AMD). 2005, c. 301, §§25,26 (AMD). 2007, c. 443, Pt. A, §35 (AMD). 2007, c. 571, §9 (AMD). 2009, c. 190, Pt. A, §§23, 24 (AMD). 2009, c. 366, §9 (AMD). 2009, c. 366, §12 (AFF). 2009, c. 652, Pt. A, §22 (AMD). 2011, c. 367, §2 (AMD). 2011, c. 389, §§43-45 (AMD). 2011, c. 389, §62 (AFF). 2011, c. 691, Pt. A, §19 (AMD). 2013, c. 334, §§27, 28 (AMD).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the First Special Session of the 126th Maine Legislature and is current through October 9, 2013. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.

21-A MRS § 1020-A. FAILURE TO FILE ON TIME

1. Registration. A candidate that fails to register the name of a candidate, treasurer or political committee with the commission within the time allowed by section 1013-A, subsection 1 may be assessed a forfeiture of \$10. The commission shall determine whether a registration satisfies the requirements for timely filing under section 1013-A, subsection 1.

2. Campaign finance reports. A campaign finance report is not timely filed unless a properly signed or electronically submitted copy of the report, substantially conforming to the disclosure requirements of this subchapter, is received by the commission by 11:59 p.m. on the date it is due. Except as provided in subsection 7, the commission shall determine whether a report satisfies the requirements for timely filing. The commission may waive a penalty in whole or in part if the commission determines that the penalty is disproportionate to the size of the candidate's campaign, the level of experience of the candidate, treasurer or campaign staff or the harm suffered by the public from the late disclosure. The commission may waive the penalty in whole or in part if the commission determines the failure to file a timely report was due to mitigating circumstances. For purposes of this section, "mitigating circumstances" means:

- A. A valid emergency determined by the commission, in the interest of the sound administration of justice, to warrant the waiver of the penalty in whole or in part; [1999, c. 729, §5 (AMD).]
- B. An error by the commission staff; [1999, c. 729, §5 (AMD).]
- C. Failure to receive notice of the filing deadline; or [1999, c. 729, §5 (AMD).]
- D. Other circumstances determined by the commission that warrant mitigation of the penalty, based upon relevant evidence presented that a bona fide effort was made to file the report in accordance with the statutory requirements, including, but not limited to, unexplained delays in postal service or interruptions in Internet service. [2009, c. 190, Pt. A, §13 (AMD).]

3. Municipal campaign finance reports. Municipal campaign finance reports must be filed, subject to all the provisions of this subchapter, with the municipal clerk on forms prescribed by the Commission on Governmental Ethics and Election Practices. The municipal clerk shall send any notice of lateness required by subsection 6 and shall notify the commission of any late reports subject to a penalty.

4. Basis for penalties.

[2001, c. 470, §7 (AMD); T. 21-A, §1020-A, sub-§4 (RP) .]

4-A. Basis for penalties. The penalty for late filing of a report required under this subchapter is a percentage of the total contributions or expenditures for the filing

period, whichever is greater, multiplied by the number of calendar days late, as follows:

- A. For the first violation, 1%; [2001, c. 714, Pt. PP, §1 (NEW); 2001, c. 714, Pt. PP, §2 (AFF).]
- B. For the 2nd violation, 3%; and [2001, c. 714, Pt. PP, §1 (NEW); 2001, c. 714, Pt. PP, §2 (AFF).]
- C. For the 3rd and subsequent violations, 5%. [2001, c. 714, Pt. PP, §1 (NEW); 2001, c. 714, Pt. PP, §2 (AFF).]

Any penalty of less than \$10 is waived.

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

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

A registration or report may be provisionally filed by transmission of a facsimile copy of the duly executed report to the commission, as long as the facsimile copy is filed by the applicable deadline and an original of the same report is received by the commission within 5 calendar days thereafter.

5. Maximum penalties.

[2001, c. 470, §8 (AMD); T. 21-A, §1020-A, sub-§5 (RP) .]

5-A. Maximum penalties. Penalties assessed under this subchapter may not exceed:

- A. Five thousand dollars for reports required under section 1017, subsection 2, paragraph B, C, D, E or H; section 1017, subsection 3-A, paragraph B, C, D, D-1 or F; and section 1017, subsection 4; [2011, c. 389, §23 (AMD).]
- A-1. Five thousand dollars for reports required under section 1019-B, subsection 4, except that if the financial activity reported late exceeds \$50,000, the maximum penalty is 1/5 of the amount reported late; [2011, c. 389, §24 (NEW).]
- B. Five thousand dollars for state party committee reports required under section 1017-A, subsection 4-A, paragraphs A, B, C and E, except that if the financial activity reported late exceeds \$50,000, the maximum penalty is 1/5 of the amount reported late; [2011, c. 389, §25 (AMD).]
- C. One thousand dollars for reports required under section 1017, subsection 2, paragraphs A and F and section 1017, subsection 3-A, paragraphs A and E; or [2011, c. 558, §4 (AMD).]
- D. Five hundred dollars for municipal, district and county committees for reports required under section 1017-A, subsection 4-B. [2011, c. 558, §4 (AMD).]
- E. [2011, c. 558, §5 (RP).]

[2011, c. 558, §§4, 5 (AMD) .]

6. Request for a commission determination. If the commission staff finds that a candidate or political committee has failed to file a report required under this subchapter, the commission staff shall mail a notice to the candidate or political committee within 3 business days following the filing deadline informing the candidate or political committee that a report was not received. If a candidate or a political committee files a report required under this subchapter late, a notice of preliminary penalty must be sent to the candidate or political committee whose registration or campaign finance report was not received by 11:59 p.m. on the deadline date, informing the candidate or political committee of the staff finding of violation and preliminary penalty calculated under subsection 4-A and providing the candidate or political committee with an opportunity to request a determination by the commission. Any request for a determination must be made within 14 calendar days of receipt of the commission's notice. A candidate or political committee requesting a determination may either appear in person or designate a representative to appear on the candidate's or political committee's behalf or submit a sworn statement explaining the mitigating circumstances for consideration by the commission. A final determination by the commission may be appealed to the Superior Court in accordance with Title 5, chapter 375, subchapter 7 and the Maine Rules of Civil Procedure, Rule 80C.

[2013, c. 334, §17 (AMD) .]

7. Final notice of penalty. If a determination has been requested by the candidate or political committee and made by the commission, notice of the commission's final determination and the penalty, if any, imposed pursuant to this subchapter must be sent to the candidate and the political committee.

If a determination is not requested, the preliminary penalty calculated by the commission staff is final. The commission staff shall mail final notice of the penalty to the candidate and treasurer. A detailed summary of all notices must be provided to the commission.

[2009, c. 302, §6 (AMD) .]

8. Failure to file report. The commission shall notify a candidate who has failed to file a report required by this subchapter, in writing, informing the candidate of the requirement to file a report. The notice must be sent by certified mail. If a candidate fails to file a report after 2 notices have been sent by the commission, the commission shall send a final notice by certified mail informing the candidate of the requirement to file and that the matter may be referred to the Attorney General for criminal prosecution. A candidate who fails to file a report as required by this subchapter after the commission has sent the notices required by this subsection is guilty of a Class E crime.

[2007, c. 443, Pt. A, §25 (AMD) .]

8-A. Penalties for failure to file report. The penalty for failure to file a report required under this subchapter may not exceed the maximum penalties as provided in subsection 5-A.

[2003, c. 628, Pt. A, §6 (NEW) .]

9. List of late-filing candidates. The commission shall prepare a list of the names of candidates who are late in filing a report required under section 1017, subsection 2, paragraph C or D or section 1017, subsection 3-A, paragraph B or C within 30 days of the date of the election and shall make that list available for public inspection.

[1995, c. 483, §15 (NEW) .]

10. Enforcement. A penalty assessed pursuant to this section that has not been paid in full within 30 days after issuance of a notice of the final determination may be enforced in accordance with section 1004-B.

[2009, c. 302, §7 (RPR) .]

21-A M.R.S.A. § 1062-A. FAILURE TO FILE ON TIME

1. Registration. A political action committee required to register under section 1052-A or 1053-B or a ballot question committee required to register under section 1056-B that fails to do so or that fails to provide the information required by the commission for registration may be assessed a fine of no more than \$2,500. In assessing a fine, the commission shall consider, among other things, whether the violation was intentional, the amount of campaign and financial activity that occurred before the committee registered, whether the committee intended to conceal its campaign or financial activity and the level of experience of the committee's volunteers and staff.

[2013, c. 334, §30 (AMD) .]

2. Campaign finance reports. A campaign finance report is not timely filed unless a properly signed or electronically submitted copy of the report, substantially conforming to the disclosure requirements of this subchapter, is received by the commission by 11:59 p.m. on the date it is due. Except as provided in subsection 6, the commission shall determine whether a required report satisfies the requirements for timely filing. The commission may waive a penalty in whole or in part if it is disproportionate to the level of experience of the person filing the report or to the harm suffered by the public from the late disclosure. The commission may waive the penalty in whole or in part if the commission determines the failure to file a timely report was due to mitigating circumstances. For purposes of this section, "mitigating circumstances" means:

A. A valid emergency of the committee treasurer determined by the commission, in the interest of the sound administration of justice, to warrant the waiver of the penalty in whole or in part; [1999, c. 729, §9 (AMD).]

B. An error by the commission staff; or [1999, c. 729, §9 (AMD).]

C. Other circumstances determined by the commission that warrant mitigation of the penalty, based upon relevant evidence presented that a bona fide effort was made to file the report in accordance with the statutory requirements, including, but not limited to, unexplained delays in postal service or interruptions in Internet service.

[2007, c. 443, Pt. A, §38 (AMD).]

[2009, c. 190, Pt. A, §29 (AMD) .]

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

A. For the first violation, 1%; [1995, c. 483, §21 (NEW).]

B. For the 2nd violation, 3%; and [1995, c. 483, §21 (NEW).]

C. For the 3rd and subsequent violations, 5%. [1995, c. 483, §21 (NEW).]

Any penalty of less than \$10 is waived.

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

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

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

[2007, c. 443, Pt. A, §39 (AMD) .]

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

[2011, c. 389, §49 (AMD) .]

5. Request for a commission determination. If the commission staff finds that a political action committee has failed to file a report required under this subchapter, the commission staff shall mail a notice to the treasurer of the political action committee within 3 business days following the filing deadline informing the treasurer that a report was not received. If a political action committee files a report required under this subchapter late, a notice of preliminary penalty must be forwarded to the treasurer of the political action committee whose report is not received by 11:59 p.m. on the deadline date, informing the treasurer of the commission staff finding of violation and preliminary penalty calculated under subsection 3 and providing the treasurer with an opportunity to request a determination by the commission. A request for determination must be made within 14 calendar days of receipt of the commission's notice. A principal officer or treasurer requesting a determination may either appear in person or designate a representative to appear on the principal officer's or treasurer's behalf or submit a sworn statement explaining the mitigating circumstances for consideration by the commission. A final determination by the commission may be appealed to the Superior Court in accordance with Title 5, chapter 375, subchapter 7 and the Maine Rules of Civil Procedure, Rule 80C.

[2013, c. 334, §31 (AMD) .]

6. Final notice of penalty. After a commission meeting, notice of the final determination of the commission and the penalty, if any, imposed pursuant to this subchapter must be sent to the principal officer and the treasurer of the political action committee.

If a determination is not requested, the preliminary penalty calculated by the commission staff is final. The commission staff shall mail final notice of the penalty to the principal officer and to the treasurer of the political action committee. A detailed summary of all notices must be provided to the commission.

[2009, c. 302, §9 (AMD) .]

7. List of late-filing committees. The commission shall prepare a list of the names of political action committees that are late in filing a report required under section 1059, subsection 2, paragraph B, subparagraph (1) or section 1059, subsection 2, paragraph C or D within 30 days of the date of the election and shall make that list available for public inspection.

[2007, c. 443, Pt. A, §41 (AMD) .]

8. Failure to file. A person who fails to file a report as required by this subchapter within 30 days of the filing deadline is guilty of a Class E crime, except that, if a penalty pursuant to subsection 8-A is assessed and collected by the commission, the State may not prosecute a violation under this subsection.

[2003, c. 628, Pt. A, §8 (AMD) .]

8-A. Penalties for failure to file report. The commission may assess a civil penalty for failure to file a report required by this subchapter. The maximum penalty for failure to file a report required under section 1056-B or section 1059 is \$10,000.

[2009, c. 190, Pt. A, §31 (AMD) .]

9. Enforcement. A penalty assessed pursuant to this section that has not been paid in full within 30 days after issuance of a notice of the final determination may be enforced in accordance with section 1004-B.

[2009, c. 302, §10 (RPR) .]

SECTION 10. REPORTS OF INDEPENDENT EXPENDITURES

1. **General.** Any person, party committee, political committee or political action committee that makes an independent expenditure aggregating in excess of \$100 per candidate in an election must file a report with the Commission according to this section.
2. **Definitions.** For purposes of this section, the following phrases are defined as follows:
 - A. "Clearly identified," with respect to a candidate, has the same meaning as in Title 21-A, chapter 13, subchapter II.
 - B. "Expressly advocate" means any communication that
 - (1) uses phrases such as "vote for the Governor," "reelect your Representative," "support the Democratic nominee," "cast your ballot for the Republican challenger for Senate District 1," "Jones for House of Representatives," "Jean Smith in 2002," "vote Pro-Life" or "vote Pro-Choice" accompanied by a listing of clearly identified candidates described as Pro-Life or Pro-Choice, "vote against Old Woody," "defeat" accompanied by a picture of one or more candidate(s), "reject the incumbent," or communications of campaign slogan(s) or individual word(s), which in context can have no other reasonable meaning than to urge the election or defeat of one or more clearly identified candidate(s), such as posters, bumper stickers, advertisements, etc. which say "Pick Berry," "Harris in 2000," "Murphy/Stevens" or "Canavan!"; or
 - (2) is susceptible of no reasonable interpretation other than as an appeal to vote for or against a clearly identified candidate.
 - C. "Independent expenditure" has the same meaning as in Title 21-A §1019-B. Any expenditure made by any person in cooperation, consultation or concert with, or at the request or suggestion of, a candidate, a candidate's political committee or their agents is considered to be a contribution to that candidate and is not an independent expenditure.
3. **Reporting Schedules.** Independent expenditures must be reported to the Commission in accordance with the following provisions:
 - A. Independent expenditures aggregating in excess of \$100 per candidate per election made by any person, party committee, political committee or political action committee must be reported to the Commission in accordance with the following reporting schedule, unless required to be reported according to the schedule in paragraph B.
 - (1) **Quarterly Reports.** *[Repealed]*
 - (1-A) **60-Day Pre-Election Report.** A report must be filed by 5:00 p.m. on the 60th day before the election is held and be complete as of the 61st day before the election.

(1-B) **11-Day Pre-Election Report.** A report must be filed by 5:00 p.m. on the 11th day before the election is held and be complete as of the 14th day before the election.

If the total of independent expenditures made to support or oppose a candidate exceeds \$100, each subsequent amount spent to support or oppose the candidate must be reported as an independent expenditure according to the schedule in this paragraph or paragraph B.

→ B. Independent expenditures aggregating in excess of \$250 per candidate made during the sixty days before an election must be reported within two calendar days of those expenditures.

[NOTE: WHEN THE CUMULATIVE AMOUNT OF EXPENDITURES TO SUPPORT OR OPPOSE A CANDIDATE EXCEEDS \$250, AN INDEPENDENT EXPENDITURE REPORT MUST BE FILED WITH THE COMMISSION WITHIN TWO DAYS OF GOING OVER THE \$250 THRESHOLD.]

FOR EXAMPLE, IF AN INDIVIDUAL, ORGANIZATION OR COMMITTEE MAKES THREE EXPENDITURES OF \$100 IN SUPPORT OF A CANDIDATE ON SEPTEMBER 8TH, SEPTEMBER 13TH, AND SEPTEMBER 29TH, FOR AN ELECTION ON NOVEMBER 6, 2012, AN INDEPENDENT EXPENDITURE REPORT MUST BE FILED BY OCTOBER 1ST. THE THIRD EXPENDITURE OF \$100 MADE THE CUMULATIVE TOTAL OF EXPENDITURES EXCEED \$250 AND THE TWO-DAY REPORTING REQUIREMENT WAS TRIGGERED ON SEPTEMBER 29TH. THE REPORT MUST INCLUDE ALL THREE EXPENDITURES.

AFTER SEPTEMBER 29TH, IF THAT INDIVIDUAL, ORGANIZATION OR COMMITTEE MAKES ADDITIONAL EXPENDITURES TO SUPPORT THAT CANDIDATE, THE REQUIREMENT TO FILE AN INDEPENDENT EXPENDITURE REPORT WITHIN TWO DAYS WILL APPLY ONLY IF THE CUMULATIVE TOTAL SPENT AFTER SEPTEMBER 29TH EXCEEDS \$250. FOR EXAMPLE, IF THE INDIVIDUAL, ORGANIZATION OR COMMITTEE MAKES TWO PAYMENTS OF \$200 TO PROMOTE THE CANDIDATE ON OCTOBER 8TH AND OCTOBER 13TH, ANOTHER INDEPENDENT EXPENDITURE REPORT MUST BE FILED BY OCTOBER 15TH DISCLOSING THOSE TWO EXPENDITURES.]

Independent expenditures aggregating in excess of \$100 per candidate made after the 14th day before an election must be reported within one calendar day of those expenditures.

For purposes of the filing deadlines in this paragraph, if the expenditure relates to a legislative or gubernatorial election and the filing deadline occurs on a weekend, holiday, or state government shutdown day, the report must be filed on the deadline. If the expenditure relates to a county or municipal election, the report may be filed on the next regular business day.

- C. Reports must contain information as required by Title 21-A, chapter 13, subchapter II (§§ 1016-1017-A), and must clearly identify the candidate and indicate whether the expenditure was made in support of or in opposition to the candidate.
 - D. A separate 24-Hour Report is not required for expenditures reported in an independent expenditure report.
 - E. An independent expenditure report may be provisionally filed by facsimile or by electronic mail to an address designated by the Commission, as long as the facsimile or electronic copy is filed by the applicable deadline and an original of the same report is received by the Commission within five calendar days thereafter.
4. **Multi-Candidate Expenditures.** When a person or organization is required to report an independent expenditure for a communication that supports multiple candidates, the cost should be allocated among the candidates in rough proportion to the benefit received by each candidate.
- A. The allocation should be in rough proportion to the number of voters who will receive the communication and who are in electoral districts of candidates named or depicted in the communication. If the approximate number of voters in each district who will receive the communication cannot be determined, the cost may be divided evenly among the districts in which voters are likely to receive the communication.
- [NOTE: FOR EXAMPLE, IF CAMPAIGN LITERATURE NAMING SENATE CANDIDATE X AND HOUSE CANDIDATES Y AND Z ARE MAILED TO 10,000 VOTERS IN X'S DISTRICT AND 4,000 OF THOSE VOTERS RESIDE IN Y'S DISTRICT AND 6,000 OF THOSE VOTERS LIVE IN Z'S DISTRICT, THE ALLOCATION OF THE EXPENDITURE SHOULD BE REPORTED AS: 50% FOR X, 20% FOR Y, and 30% FOR Z.]
- B. If multiple county or legislative candidates are named or depicted in a communication, but voters in some of the candidates' electoral districts will not receive the communication, those candidates should not be included in the allocation.
- [NOTE: FOR EXAMPLE, IF AN EXPENDITURE ON A LEGISLATIVE SCORECARD THAT NAMES 150 LEGISLATORS IS DISTRIBUTED TO VOTERS WITHIN A TOWN IN WHICH ONLY ONE LEGISLATOR IS SEEKING RE-ELECTION, 100% OF THE COST SHOULD BE ALLOCATED TO THAT LEGISLATOR'S RACE.]
5. **Rebuttable Presumption.** Under Title 21-A M.R.S.A. §1019-B(1)(B), an expenditure made to design, produce or disseminate a communication that names or depicts a clearly identified candidate in a race involving a Maine Clean Election Act candidate and that is disseminated during the 21 days before a primary election and 35 days before a general election will be presumed to be an independent expenditure, unless the person making the expenditure submits a written statement to the Commission within 48 hours of the expenditure stating that the cost was not incurred with the intent to influence the nomination, election or defeat of a candidate.

A. The following types of communications may be covered by the presumption if the specific communication satisfies the requirements of Title 21-A M.R.S.A. §1019-B(1)(B):

- (1) Printed advertisements in newspapers and other media;
- (2) Television and radio advertisements;
- (3) Printed literature;
- (4) Recorded telephone messages;
- (5) Scripted telephone messages by live callers; and
- (6) Electronic communications.

This list is not exhaustive, and other types of communications may be covered by the presumption.

B. The following types of communications and activities are not covered by the presumption, and will not be presumed to be independent expenditures under Title 21-A M.R.S.A. §1019-B(1)(B):

- (1) news stories and editorials, unless the facilities distributing the communication are owned or controlled by the candidate, the candidate's immediate family, or a political committee;
- (2) activity or communication designed to encourage individuals to register to vote or to vote if that activity or communication does not name or depict a clearly identified candidate;
- (3) any communication from a membership organization to its members or from a corporation to its stockholders if the organization or corporation is not organized primarily for the purpose of influencing the nomination or election of any person for state or county office;
- (4) the use of offices, telephones, computers, or similar equipment when that use does not result in additional cost to the provider; and
- (5) other communications and activities that are excluded from the legal definition of "expenditure" in the Election Law.

C. If an expenditure is covered by the presumption and is greater, in the aggregate, than \$100 per candidate per election, the person making the expenditure must file an independent expenditure report or a signed written statement that the expenditure was not made with the intent to influence the nomination, election or defeat of a candidate. The filing of independent expenditure reports should be made in accordance with the filing schedule in subsections 3(A) and 3(B) of this rule. Independent expenditures aggregating \$100 or less per candidate per election do not require the filing of an independent expenditure report or a rebuttal statement.

- D. If a committee or association distributes copies of printed literature to its affiliates or members, and the affiliates or members distribute the literature directly to voters, the applicable 21-day or 35-day period applies to the date on which the communication is disseminated directly to voters, rather than the date on which the committee or association distributes the literature to its affiliates or members.
- E. For the purposes of determining whether a communication is covered by the presumption, the date of dissemination is the date of the postmark, hand-delivery, or broadcast of the communication.
- F. An organization that has been supplied printed communications covered by the presumption and that distributes them to voters must report both its own distribution costs and the value of the materials it has distributed, unless the organization supplying the communications has already reported the costs of the materials to the Commission. If the actual costs of the communications cannot be determined, the organization distributing the communication to voters must report the estimated fair market value.
- G. If a person wishes to distribute a specific communication that appears to be covered by the presumption and the person believes that the communication is not intended to influence the nomination, election or defeat of a candidate, the person may submit the rebuttal statement to the Commission in advance of disseminating the communication for an early determination. The request must include the complete communication and be specific as to when and to whom the communication will be disseminated.

SECTION 11. REPORTS OF BALLOT QUESTION CAMPAIGN ACTIVITY BY PERSONS AND ORGANIZATIONS OTHER THAN POLITICAL ACTION COMMITTEES

[Repealed]

SECTION 12. CAMPAIGN CONTRIBUTIONS DURING LEGISLATIVE SESSION

1. **Seed Money Contributions.** Legislators and other individuals covered by Title 1 M.R.S.A. §1015(3)(B) may not intentionally solicit or accept a seed money contribution from a lobbyist or lobbyist associate during any period of time in which the Legislature is convened until final adjournment.
2. **Acceptance of Contributions through Political Committees.** During a legislative session, lobbyists, lobbyist associates, and their employers may not give, offer or promise a contribution to a political action committee, ballot question committee, or party committee of which the Governor, a member of the Legislature, a constitutional officer, or staff or agent of these officials is a treasurer, officer, or primary fund-raiser or decision maker. During the session, these political committees may not solicit or accept a contribution from lobbyists, lobbyist associates, or their employers, but they may accept contributions from other individuals and organizations.