

Agenda

Item #4



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

To: Commission Members and Counsel
From: Jonathan Wayne, Executive Director
Date: September 13, 2007
Re: Summary of Proposed Legislation for 2008

The Commission staff seeks your authorization to submit two bills for the 2008 legislative session. Administrative agencies are permitted to submit bills before the deadline of October 3, 2007. If you authorize the submission of these bills, they would be scheduled for public hearings before the Joint Standing Committee on Legal and Veterans Affairs at which the public would have an opportunity to comment.

Please be aware that Assistant Director Paul Lavin and I have not conferred with Commission Counsel Phyllis Gardiner on these bills, so we may wish to circulate amended versions to you at the September 21 meeting.

First Bill: Campaign Finance and Commission Issues

The first bill relates to campaign finance regulation and conflicts of interest that might require a Commission member to recuse himself from participating in a matter before the Commission:

21-A M.R.S.A. § 1002

The proposed insertion would authorize the Commission to hold a meeting by telephone to discuss procedural or logistical issues affecting an upcoming monthly meeting. The staff anticipates that it would rarely be necessary, but occasionally important procedural issues come up that would be better handled in advance of the regular monthly meeting. These issues could affect the scheduling of a meeting or could impact actions taken by the parties or Commission staff before the regular monthly meeting. If a meeting were held by telephone to discuss a procedural issue, the staff would notify all relevant parties and would provide a speakerphone in the conference room for visitors.

21-A M.R.S.A. § 1003(1-A)

The proposed subsection would make documents which the Commission receives in the course of auditing a candidate confidential, unless they became part of the final audit report for the candidate. Many state agencies that conduct audits have similar confidentiality provisions in their statutes. In performing formal audits of candidates for the first time this year, the staff found that it received personal bank records and other

information regarding candidates that should be kept confidential. Under current law, all documents received by the Commission are public records unless they relate to a legislative ethics matter.

The proposed confidentiality provision would be an exception to the public records law. In general, the staff is in favor of openness in governmental records. In this case, however, protecting the privacy of audited candidates is important and the confidentiality of audit records is common in state government. In order to be enacted, the exception would have to be considered both by our regular oversight committee (Legal and Veterans Affairs) and by the Judiciary Committee. The Commission staff has not asked for an exception previously, but sees no practical problem in making the request.

21-A M.R.S.A. § 1005

When candidates and others file campaign finance reports, information about the names addresses, employers, and occupations of contributors are entered into the Commission's databases. The Commission has begun to receive requests for this contributor information from commercial vendors. The Commission staff is concerned that when Maine residents contribute to candidates or political parties, they are unaware it could result in them receiving commercial messages or other kinds of solicitations. The federal government (2 U.S.C. § 438(a)(4)) and several states prohibit the "commercial use" of campaign finance information, and the Commission staff proposes a similar restriction for Maine.

The proposed section is modeled after language in the Maine Election Law concerning information about voters that is stored in the state's Central Voter Registration database. Under the proposal, the information concerning political contributors would continue to be a public record and the Commission would continue to provide the information upon request. The law would, however, restrict the way in the recipient could *use* the information:

Permitted Uses. Under the proposed language, political activists in Maine and elsewhere could continue to:

- obtain the names and address of political contributors from the Commission
- use the information to send political literature regarding candidates or ballot questions
- use the information for get-out-the-vote activities
- contact Mainers to raise funds to influence Maine elections, included:
 - raising funds for candidates
 - raising funds for political parties
 - raising money for organizations such as PACs that would be used to influence candidate or ballot questions.

Prohibited Uses. Under the proposal:

- database companies could not use the names and addresses of contributors to sell goods and services to them
- database companies could not sell the names and addresses of contributors to other database companies
- charities or other non-profits could not use the names and addresses of contributors obtained from the Commission for fundraising purposes
- political organizations that are not electoral (e.g., civic groups, environmental organizations, think tanks, taxpayer groups, social justice groups) could not use the names and addresses of contributors obtained from the Commission for fundraising purposes.

If you believe that the last two uses *should* be permitted, you could propose a less restrictive approach that would allow contributor information from the Commission to be used for any political purpose (even if not related to an election) or for nonprofit solicitations. Any proposal by you will be considered thoroughly by the Legislature.

21-A MRSA §§ 1011 and 1059

Earlier this year, the Legislature extended the filing deadline for campaign finance reports filed by candidates, parties, and political action committees (PACs) from 5:00 p.m. to 11:59 p.m. The proposed amendments would allow municipal clerks who receive reports to set a deadline of the close of their business day – usually 4:30 p.m. or 5:00 p.m.

21-A MRSA § 1125(3)

Candidates who are seeking public funding under the Maine Clean Election Act must collect \$5 qualifying contributions from Maine voters. It is a way for Mainers to be involved in candidate campaigns by making a small financial donation to help a candidate receive public funding from the state of Maine.

Currently, candidates collect this money by check or in cash, and the candidate submits the contributors' names and addresses to the Commission on paper forms. In 2007, the Legislature enacted a law allowing Maine voters to make \$5 qualifying contributions to candidates over the Internet. The contributors' names and addresses will be saved in a database on the state's computer servers and are thus public documents. The staff is concerned that once this information is gathered in electronic form, it will also be subject to public records requests and used for purposes that were not expected by the contributors.

The proposed amendment would prohibit the Commission from releasing the names and addresses of the qualifying contributors in an electronic format to anyone but the candidate and someone designated by the candidate (e.g., a worker of a political party assisting the candidate in a subsequent election). The information about the contributors would remain in hard-copy form in the Commission's office, and would be open to inspection by anyone, including the Commission's opponent who may wish to challenge the candidate's qualification to receive public funding.

I have not conferred with the Commission's counsel, but I believe this restriction would also be an exception to the public records law even though it applied only to information in an electronic format. If so, it would also need to be considered by the Judiciary Committee in addition to the Legal and Veterans Affairs Committee.

21-A MRSA § 1125(12)

At the August 13, 2007 meeting, the Commission authorized the staff to submit legislation that would require candidates paying Maine Clean Election Act funds to a relative to identify the family relationship in campaign finance reports.

1 MRSA § 1012

The Commission recently received a request that a member be disqualified from serving on the Commission because of concerns about her objectivity. While the staff disagreed with the request, it highlighted that the Commission's statutes could be improved.

Please keep in mind there are two questions: (1) Under what conditions should an individual's political activities prevent them from serving on the Commission altogether? (2) Under what conditions should a Commission member's political affiliations require them to recuse themselves from an individual matter.

Serving as an Officer of a 'Political Committee.' Under current Subsection 2 of §1012, individuals cannot be appointed to the Commission if they are an "officer of a political committee, party committee, or political action committee." Under 21-A M.R.S.A. § 1(30), "political committee" means "2 or more persons associated for the purpose of promoting or defeating a candidate, party or principle." Unfortunately, part of this definition – concerning a group of people who are associated to promote a principle – is quite broad and could include organizations that have nothing to do with the electoral process. The staff proposes to amend this part of the Subsection 2 to cover organizations that regularly file campaign finance reports with the Commission – PACs, party committees, candidate committees.

Officers of §1056-B Filers. As part of the recent request that a Commission member be disqualified, it was suggested to the Commission that individuals who are officers of organizations filing reports under 21-A M.R.S.A. §1056-B should be prohibited from serving on the Commission. These are organizations that have spent more than \$1,500 to promote or defeat a ballot question, but their major purpose is something other than influencing a ballot question. You may wish to consider whether this would be a good policy or whether such individuals could serve on the Commission and simply recuse themselves when an issue concerning their organization or the ballot question arose. In the 2006 general election, the following organizations filed §1056-B reports:

Associated Builders and Contractors of Maine
AARP
Maine Association of Nonprofits
Maine People's Alliance
Maine Women's Lobby
Maine Equal Justice Partners
Democracy Maine
Maine Heritage Policy Center
Maine People's Resource Center
Maine Center for Economic Policy
Center on Budget and Policy Priorities
The Katahdin Institute

While these organizations were required to file a report with the Commission because they raised or spent money to influence a ballot question, in general influencing elections is not their primary purpose.

Removal. Under Article IX, Section 5 of the Maine Constitution, members of boards and commissions may be removed "by impeachment" and "may be removed by the Governor on the address of both branches of the Legislature." This constitutional procedure has been incorporated into the statutes of other administrative agencies, such as:

35-A M.R.S.A. § 110, regarding members of the Public Utilities Commission
5 M.R.S.A. § 283-A, regarding members of State Liquor and Lottery
Commission
24-A M.R.S.A. § 201, regarding the Superintendent of Bureau of Insurance
9-B M.R.S.A. § 911, regarding the Superintendent of Bureau of Financial
Institutions

Although the constitutional removal provisions *already* apply to members of the Ethics Commission, we propose to make it explicit in the Commission statutes to avoid any misunderstanding about how a Commission member could be removed if no longer qualified to serve on the Commission.

Conflict of Interest. In practice, Commission members must occasionally recuse themselves from individual matters to avoid a conflict of interest, but the Commission's statutes do not contain standards for what is a conflict of interest. In proposed Subsection 2-B, the staff proposes a standard based on the Commission's particular mandate as the state's campaign finance agency.

Second Bill: Lobbyist Disclosure Issues

The second bill addresses issues regarding lobbyist disclosure. In 2006, the Legislature directed the Commission to develop web pages that would serve as a profile page for

each individual lobbyist registered with the Commission, and that would display the lobbyist's name, contact information, photograph, and clients. (The legislation implicitly invited lobbyists to submit photographs to the Commission, but did not require them.) Each client would also have an individualized profile page that would display the client's name, address, and lobbyists. The new law was based on the lobbyist disclosure website of the Wisconsin Ethics Board, <http://ethics.state.wi.us/>.

Since the Commission would be receiving photographs from lobbyists for these profile pages, the Commission staff proposes, in addition, to create an on-line guide (or facebook) of lobbyists organized by legislative committees. For each committee, a user would see the photos and names of the lobbyists who expressed an intention to lobby that committee. The names would be hyperlinks to the lobbyist's profile page, so that the user could learn more about each lobbyist and their clients. For example, a visitor to the Joint Standing Committee on Utilities and Energy (including a Legislator assigned to other committees), could use the guide to learn more about the lobbyists who are lobbying that committee. It could also be used by new members of the Utilities Committee who were not yet familiar with all of the energy and communications lobbyists. The initial reaction to the committee facebook proposal from legislative staff we have consulted has been quite positive.

Employees of the administrative agencies are an important part of shaping legislation in the State House. Under current law, they file an initial lobbyist registration form with the Commission, but do not file full monthly and annual reports filed by "regular" lobbyists. We believe that disclosure would be improved if agency lobbyists had their own profile pages and were included in the committee facebooks. Our proposal would not require them to file monthly and annual reports, but would require them, on a one-time basis, to provide a photograph and some additional information about their agency.

The proposed changes would improve the lobbyist registration process so that the Commission would obtain the information and photos necessary for the profile pages and the committee facebook. The bill would *require* lobbyists to submit photographs on a one-time basis, which some lobbyists might find objectionable. Nevertheless, the Legislature has already impliedly invited lobbyists to submit photographs and the proposed law would permit the Commission to grant a waiver of the requirement if a lobbyist expressed a solid reason not to submit a photo.

Thank you for your consideration of these legislative proposals.

Proposed 2008 Legislation for Ethics Commission on Campaign Finance and Commission Organization Issues

Title 21-A, Election Law

21-A MRSA § 1002. Meetings of commission

1. Meeting schedule. The Commission shall meet in Augusta for the purposes of this chapter at least once per month in any year in which primary and general elections are held and every 2 weeks in the 60 days preceding an election. In the 28 days preceding an election, the Commission shall meet in Augusta within one calendar day of the filing of any complaint or question with the Commission. Agenda items in the 28 days preceding an election must be decided within 24 hours of the filing unless all parties involved agree otherwise.

2. Telephone meetings. Meetings may be held over the telephone if necessary, as long as the Commission office provides notice to all affected parties in accordance with the rules of commission and remains open for attendance by complainants, witnesses, the press, and other members of the public. Notwithstanding Title 1, Chapter 13, telephone meetings of the Commission are permitted:

A. only during the 28 days prior to an election when the Commission is required to meet within 24 hours of the filing of any complaint or question with the Commission; and

B. to address procedural or logistical issues before a monthly meeting, such as the scheduling of meetings, deadlines for parties' submission of written materials, setting of meeting agenda, requests to postpone or reschedule agenda items, issuing subpoenas for documents or witnesses, and recusal of commission members.

~~The Commission office must be open with adequate staff resources available to respond to inquiries and receive complaints from 8 a.m. until at least 5:30 p.m. on the Saturday, Sunday and Monday immediately preceding an election and from 8 a.m. until at least 8 p.m. on election day. [moved below without amendments]~~

3. Other meetings. The Commission shall meet at other times on the call of the Secretary of State, the Speaker of the House, the President of the Senate, the chair or a majority of the members of the Commission, as long as all members are notified of the time, place and purpose of the meeting at least 24 hours in advance.

4. Office hours before election. The Commission office must be open with adequate staff resources available to respond to inquiries and receive complaints from 8 a.m. until at least 5:30 p.m. on the Saturday, Sunday and Monday immediately preceding an election and from 8 a.m. until at least 8 p.m. on election day. [moved from above without amendments]

21-A MRSA § 1003. Investigations by commission

1. Investigations. The Commission may undertake audits and investigations to determine the facts concerning the registration of a candidate, treasurer, political committee or political action committee and contributions by or to and expenditures by a person, candidate, treasurer, political committee or political action committee. For this purpose, the Commission may subpoena witnesses and records and take evidence under oath. A person or political action committee that fails to obey the lawful subpoena of the Commission or to testify before it under oath must be punished by the Superior Court for contempt upon application by the Attorney General on behalf of the Commission.

1-A. Audit working papers. Audit working papers are confidential and may not be disclosed to any person outside of the commission except the audited entity, other entities as necessary for the conduct of the audit, and law enforcement and other agencies for purposes of reporting, investigating, or prosecuting a criminal or civil violation. For purposes of this subsection "audit working papers" means all documentary and other information acquired, prepared or maintained by the commission during the conduct of an audit or investigation, including all intra-agency and interagency communications relating to an audit or investigation and draft reports or any portion of a draft report. A final audit report or any records made public in an enforcement or other proceeding of the commission are not confidential.

...

21-A MRSA § 1005. Restrictions on commercial use of contributor information

Information concerning contributors contained in campaign finance reports filed by candidates, political action committees, party committees and reports filed under section 1056-B may not be used for any commercial purpose, including, but not limited to, the sales and marketing of products and services, or for solicitations of any kind not directly related to activities of a political party, so-called "get out the vote" efforts or activities directly related to a campaign as defined in section 1052. Any person obtaining contributor information from the reports is prohibited from selling or distributing it to others to use for commercial purposes and also is prohibited from making publicly available the mailing addresses of contributors. This subsection does not prohibit political parties, party committees, candidate committees, political action committees or any other organizations that have obtained contributor information from the commission from providing access to such information to their members for purposes directly related to party activities, get out the vote efforts or a campaign as defined in section 1052. A person who violates this section is subject to a civil penalty of up to \$5,000. A person who knowingly violates this section is guilty of a Class E crime.

21-A MRSA § 1011. Application

This subchapter applies to candidates for all state and county offices and to campaigns for their nomination and election.

Candidates for municipal office as defined in Title 30-A, section 2502, subsection 1 and referenda as defined in Title 30-A, section 2502, subsection 2 are governed by this subchapter, with the following provisions:

1. Role of the municipal clerk; commission. For candidates for municipal office, the municipal clerk is responsible for any duty assigned to the Commission in this subchapter related to the registration of candidates, receipt of reports and distribution of information or forms, unless otherwise provided. Notwithstanding any other deadline set forth in this chapter, candidates must file their reports by the close of business on the filing deadline for the office of the municipal clerk. The Commission retains the sole authority to prescribe the content of all reporting forms.

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21-A MRSA § 1059. Report; filing requirements

Committees required to register under section 1053 shall file reports in compliance with this section. All reports must be filed by 11:59 p.m. on the filing deadline, except that reports submitted to a municipal clerk must be filed by the close of business on the filing deadline.

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

A. Quarterly reports must be filed:

- (1) On January 15th and must be complete as of January 5th;
- (2) On April 10th and must be complete as of March 31st;
- (3) On July 15th and must be complete as of July 5th; and
- (4) On October 10th and must be complete as of September 30th.

...

21-A MRSA § 1125(3). Qualifying contributions. Participating candidates must obtain qualifying contributions during the qualifying period as follows:

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

B. For a candidate for the State Senate, at least 150 verified registered voters from the candidate's electoral division must support the candidacy by providing a qualifying contribution to that candidate; or

C. For a candidate for the State House of Representatives, at least 50 verified registered voters from the candidate's electoral division must support the candidacy by providing a qualifying contribution to that candidate.

A payment, gift or anything of value may not be given in exchange for a qualifying contribution. A candidate may pay the fee for a money order that is a qualifying contribution in the amount of \$5 as long as the donor making the qualifying contribution pays the \$5 amount reflected on the money order. Any money order fees paid by a participating candidate must be paid for with seed money and reported in accordance with commission rules. A money order must be signed by the contributor to be a valid qualifying contribution. The commission may establish by routine technical rule, adopted in accordance with Title 5, Chapter 375, subchapter 2-A, a procedure for a qualifying contribution to be made by a credit or debit transaction and by electronic funds transfer over the Internet. Information submitted to the commission by individuals making qualifying contributions over the Internet, including name and address information, is confidential and is not a public record within the meaning of Title 1, chapter 13, subchapter 1. Notwithstanding this exception, the commission shall only provide this information in electronic form to the candidate supported by the qualifying contribution or the candidate's designee. It is a violation of this chapter for a participating candidate or an agent of the participating candidate to misrepresent the purpose of soliciting qualifying contributions and obtaining the contributor's signed acknowledgment.

21-A MRSA § 1125(12). Reporting; unspent revenue. Notwithstanding any other provision of law, participating and certified candidates shall report any money collected, all campaign expenditures, obligations and related activities to the commission according to procedures developed by the commission. If a certified candidate pays fund revenues to a member of the candidate's immediate family or a business or nonprofit entity affiliated with a member of the candidate's immediate family, the candidate must disclose the family relationship in a manner prescribed by the commission. Upon the filing of a final report for any primary election in which the candidate was defeated and for all general elections that candidate shall return all unspent fund revenues to the commission. In developing these procedures, the commission shall utilize existing campaign reporting procedures whenever practicable. The commission shall ensure timely public access to campaign finance data and may utilize electronic means of reporting and storing information.

Title 1, General Provisions

1 MRSA § 1012(2). Qualifications. The members of the commission must be persons of recognized judgment, probity and objectivity. A person may not be appointed to this commission who is a member of the Legislature or who was a member of the previous Legislature, who was a declared candidate for an elective county, state or federal office within 2 years prior to the appointment, or who now holds an elective county, state or federal office, who is an officer of a political committee, party committee or political action committee or who holds a position in a political party or campaign. A person may not serve on the commission who is an officer, director, employee, or primary decision-maker of a party committee, political action committee, or authorized candidate committee. [or other organization that is required to file a campaign finance report under section 1056-B.]

1 MRSA § 1012(2-A). Removal. A member of the commission may be removed by the Governor on the address of both branches of the Legislature or by impeachment pursuant to the Constitution of Maine, Article IX, Section 5.

1 MRSA § 1012(2-B). Conflict of interest.

A. A member of the commission has a conflict of interest in a matter if the member has a business or close political relationship with a party to the matter. A close political relationship exists when a member has significant past or on-going involvement with a political committee or a candidate, as defined in Title 21-A, or other organization involved in the matter, which would lead a reasonable person to believe that the member is unable to objectively consider the matter. A close political relationship is not created by making a contribution to a political committee, organization, or candidate; party enrollment status; or mere membership in an organization involved in the matter.

B. If a member of the commission has a conflict of interest in a matter before the commission, the member shall recuse himself or herself from the matter and shall not vote on or attempt to influence the outcome of the matter. Even if recusal is not required under this paragraph, members of the commission shall consider recusing themselves from any matter that would give rise to an appearance of a conflict of interest.

C. If the commission receives a written complaint alleging that a member has a conflict of interest, the commission shall provide the complainant an opportunity to be heard at the next meeting of the commission. At the meeting, the member may address the allegations raised in the complaint and shall state whether he or she has a conflict of interest in that matter.

Proposed 2008 Legislation for Ethics Commission on Lobbyist Disclosure Issues

3 § 313-A. Registration of state employees or state agency employees

Within 5 days of the convening of a regular legislative session, a state employee or an independent agency employee must register at the office of the Commission as described in section 316-A if:

1. Legislative designee. The employee is designated by the head of a department or agency to serve as the primary legislative designee for that department or agency; and

2. Lobbying requirements. ~~The job description of the employee contains lobbying requirements.~~ The employee engages or intends to engage in lobbying in excess of 8 hours in any calendar month.

An employee registering under this section is exempt from all other requirements under the law regarding lobbyists.

315-A. Registration docket; disclosure website

1. Registration. The Commission shall prepare and maintain a docket for the registration of lobbyist and employers of lobbyists required to register pursuant to this chapter. The registration docket and all supplementary files of information and materials filed pursuant to this chapter must be open to public inspection during the office hours of the Commission. The docket must contain the name of the lobbyist and the person employing the lobbyist, the business address of each, the nature of the business of the person employing the lobbyist and a statement as to the compensation that the lobbyist will receive for lobbying services, or if an exact amount is not ascertainable, the basis upon which the lobbyist will charge for services. This docket must be updated on a monthly basis and arranged and indexed as follows:

A. An alphabetical listing of those persons who have employed a lobbyist, which listing must indicate the names of all lobbyists employed by the employer; and

B. An alphabetical listing of those persons employed as lobbyists, which listing must indicate the names of all persons by whom each lobbyist is employed.

The docket must be reestablished annually by the Commission and the docket for any year must be maintained and be available for public inspection in the office of the Commission for four (4) years from the expiration of the docket.

2. Disclosure website. The Commission shall develop and maintain a publicly accessible website that displays:

A. A list of all persons who have employed a lobbyist during the current year;

B. A list of all lobbyists and lobbyist associates registered for the year;

C. A profile of each registered lobbyist and lobbyist associate, including contact information, the name of the lobbyist's employer or employers, and if provided by the lobbyist or lobbyist associate, a photograph of the lobbyist or lobbyist associate;

D. A profile of each person employing a lobbyist, including contact information for the employer, and a list of lobbyists and lobbyist associates engaged by the employer; ~~and~~

E. For each employer, a list of all legislative actions that have been the subject of lobbying for the year, including hyperlinks to the summary page of the Legislature's publicly accessible website for each legislative document listed; ~~;~~ and

F. A on-line photographic guide of registered lobbyists and lobbyist associates organized by each joint standing committee.

3 § 316. Registration forms.

The Commission shall prepare and make available registration forms for the registration of lobbyists and employers required to register pursuant to section 313. These forms must include the following information:

1. **Names.** The name of the lobbyist, a list of the lobbyist associates, the name of the person authorized by the lobbyist to sign the registration and reports for the lobbyist and the name of the person employing the lobbyist;

2. **Business addresses.** The business address and other contact information for ~~of~~ both the lobbyist, the lobbyist associates, and the person employing the lobbyist;

2-A. Photograph. A photograph of the lobbyist and lobbyist associates, unless one has been provided previously or the commission has granted a waiver of this requirement for security or other reasons;

3. **Date.** The date upon which lobbying commenced or was expected to commence;

4. **Nature of business.** A description of the ~~nature of the business of the person employing that lobbyist~~ employer's business activity or mission, or a description of the industry, trade, profession, which the employer represents; ~~and~~

4-A. Legislative interests. The general areas of legislation which the employer is attempting to influence;

4-B. Legislative committees. The committees of the Legislature which the lobbyist expects to lobby during the year; and

5. **Compensation.** The amount of compensation that the lobbyist will receive for that lobbyist's services or, if an exact amount is unascertainable, the basis upon which the lobbyist will charge for those services.

~~These forms must be signed by both the lobbyist and the employer and the signatures serve as a certificate~~ The lobbyist must certify that the information on that form is true, correct and complete and that the employer has approved the information in the registration.

3 § 316-A. Registration forms for state employees or state agency employees

The Commission shall prepare and make available registration forms for the registration of state employees or state agency employees required to register pursuant to section 313-A. These forms must include the following information:

1. Names. The name, business address, and contact information of the employee and the department or agency the employee is representing; and

2. Position description. A position description; and

3. Description of agency. A description of the administrative agency, its jurisdiction, and its activities;

4. Legislative interests. The general areas of legislation which the agency is attempting to influence; and

5. Photograph. A photograph of the state employee, unless one has been provided previously or the commission has granted a waiver of this requirement for security or other reasons.

These forms must be signed by the employee and the signature serves as a certificate that the information on that form is true, correct and complete.