



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

To: Interested Parties  
From: Commission Staff  
Date: July 26, 2023  
Re: 2023 Summary of Enacted Legislation

This is a summary of the amendments to campaign finance and lobbying disclosure laws enacted by the First Special Session of the 131<sup>st</sup> Legislature. These laws will go into effect on Wednesday, October 25, 2023.

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### BALLOT QUESTIONS

**(1336) Municipal Referendum Reports:** When an individual or association meets the definition of a ballot question committee (BQC) for a referendum in a municipality of less than 15,000 people, they must now file reports with the Commission. (2023 P.L. c. 314)

**(1630) Digital Communications to Influence Ballot Questions:** When a person makes a digital communication costing more than \$500 that includes a link to a publicly accessible website expressly advocating for or against an initiative or referendum on the ballot, it must clearly and conspicuously state the name of the person who made or financed the expenditure, unless it is excluded from disclosure under 21-A M.R.S. § 1055-A(2). (2023 P.L. 324)

### CAMPAIGN COMMUNICATIONS

**(1630) Text Messaging Disclosure Requirements:** Text messages sent with the assistance of mass distribution technology must clearly and conspicuously state the name of the person who made or financed the expenditure if the messages expressly advocate for the election or defeat of a candidate or contain a link to a website that expressly advocates the election or defeat of a candidate. (2023 P.L. c. 324)

**(1630) Expenditures Not Intended to Influence an Election:** Communications disseminated during the independent expenditure reporting period that do not have the purpose of, or effect of influencing the nomination, election, or defeat of a candidate will now be given an initial determination by the Commission's executive director and will be posted on the Commission's website. Any person may appeal the initial determination for consideration at the Commission's next public meeting. (2023 P.L. 324)

### CANDIDATES

**(255) Reporting by Candidates:** Candidates must file a report on the 42<sup>nd</sup> day before an election. Previously, this was required only for general elections. Maine Clean Election Act candidates are not required to file a report before the primary election because they file a Seed Money Report that covers roughly the same reporting period. (2023 P.L. c. 273)

**(1630) Statements of Sources of Income (SOSOI) for Candidates and Legislators:** If a candidate or Legislator fails to file their SOSOI within 15 days of the notice by the Commission after the filing deadline, they are subject to a civil penalty not to exceed \$100 for candidates and \$250 for Legislators. (2023 P.L. c. 324)

## COMMITTEE FUNDRAISING

**(1088) Game Nights for Party Committees, PACs, or BQCs:** These groups may hold a once-annual game night authorized by the Department of Public Safety, Gambling Control Unit for purposes of fundraising. The Commission will establish rules for committees regarding how to report the income from these events. (2023 P.L. c. 391)

**(726) Repeal of Business Entity Contributions:** Effective June 22, 2023, all PAC laws regarding business entity contributions that went into effect on January 1, 2023 are repealed. This means that business entity contributions are allowed for all PACs and traditionally financed candidates. Contribution limits no longer apply to PACs. The Commission will not be categorizing PACs as Separate Segregated Fund (SSF) committees. There are now only four types of PACs: Traditional, Leadership, Caucus and BQC. (2023 P.L. c. 244)

## INDEPENDENT EXPENDITURES

**(1630) Independent Expenditure Signed Statement:** To promote efficiency, committees that file independent expenditures reports online will no longer have to submit an additional signed paper acknowledgement. (2023 P.L. 324)

## LOBBYISTS

**(1357) Lobbying by Former Executive Branch Employees:** Effective December 31, 2024 beginning with the convening of the 132<sup>nd</sup> Legislature, former executive branch employees and officers, including former officers or employees in the classified service, former employees in the unclassified service and persons who held a position for which the salary is subject to adjustment by the Governor or that is a major policy-influencing position, are prohibited from engaging in compensated lobbying until one year after the termination of their executive branch employment. (2023 P.L. c. 337)

**(1627) Lobbyist Registration:** Lobbyists must now register with the Commission within 10 calendar days once they have engaged in more than 8 hours of compensated lobbying on behalf of a client in a calendar month. Previously, the requirement was within 15 business days. (2023 P.L. c. 279)

## MAINE CLEAN ELECTION ACT (MCEA) CANDIDATES

**(1630) MCEA Payments to Campaign Staff:** When an MCEA candidate pays at least \$3,000 to a member of their campaign staff, records for the number of hours and type of work performed must be kept and submitted to the campaign at least once per month. (2023 P.L. 324)

**(247) Replacement Candidates Seeking MCEA Funding:** If a candidate dies, withdraws, or is disqualified before an election, the qualifying period for any replacement candidate begins when the Secretary of State receives a notice of withdrawal or declares a vacancy, whichever occurs earlier. The Commission may not

deposit qualifying contributions into the Maine Clean Election Fund until the candidate has been nominated. If the candidate is not nominated, the Commission shall return the funds to the contributors unless they authorize the state to deposit them into the fund. (2023 P.L. c. 211)

## **PENALTIES**

**(1630) Additional Penalties for Late Lobbyist Reports:** Lobbyists who file more than one report late during a lobbying year will be assessed an additional \$50 penalty for each successive violation during that year. (2023 P.L. c. 324)

**(1630) Penalties for Committees and Candidates:** Late-filing penalties of less than \$25 are automatically waived, however, it does not nullify the violation of law. Previously, this amount was \$10. (2023 P.L. 324)