

MAINE STATE LEGISLATURE

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SMC
R. 118

L.D. 1912

Date: 7/19/18

(Filing No. H-807)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
SECOND SPECIAL SESSION

HOUSE AMENDMENT "B" to H.P. 1354, L.D. 1912, Bill, "An Act To Prohibit Campaign Fund-raising at the Voting Place"

Amend the bill by striking out the title and substituting the following:

'An Act To Prohibit Campaign Fund-raising at the Voting Place and To Provide Allocation of Clean Election Funds and Amend Certain Other Election Laws'

Amend the bill by inserting after the title and before the enacting clause the following:

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this legislation provides for the allocation of funds that are immediately necessary; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,'

Amend the bill by adding after section 1 the following:

Sec. 2. 21-A MRSA §1016, sub-§3, as amended by PL 2013, c. 334, §8, is further amended to read:

3. Record keeping. The candidate or treasurer shall keep a detailed and exact account of:

A. All contributions made to or for the candidate or committee, including any contributions by the candidate;

B. The name and address of every person making a contribution in excess of \$10, the date and amount of that contribution and, if a person's contributions in any report filing period aggregate more than \$50, the account must include the contributor's occupation and principal place of business, if any. If the contributor is the candidate or a member of the candidate's immediate family, the account must also state the

HOUSE AMENDMENT

1 relationship. For purposes of this paragraph, "filing period" is as provided in section
2 1017, subsections 2 and 3-A;

3 C. All expenditures made by or on behalf of the committee or candidate; and

4 D. The name and address of every person to whom any expenditure is made and the
5 date and amount of the expenditure; and

6 E. For all bulk mail distributed to voters, official proof of mailing from the United
7 States Postal Service or the mailing service used.

8 **Sec. 3. 21-A MRSA §1125, sub-§8-B, ¶D**, as enacted by IB 2015, c. 1, §25, is
9 amended to read:

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

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

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

16 (2-A) Notwithstanding subparagraph (2), for a contested general election held in
17 November 2018, for each increment of 1,200 additional qualifying contributions
18 a candidate collects and submits pursuant to subsection 8-E, not to exceed a total
19 of 8,400 additional qualifying contributions, the supplemental distribution of
20 revenues to that candidate is \$175,000; and

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

23 **Sec. 4. 21-A MRSA §1125, sub-§8-C, ¶D**, as enacted by IB 2015, c. 1, §25, is
24 amended to read:

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

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

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

31 (2-A) Notwithstanding subparagraph (2), for a contested general election held in
32 November 2018, for each increment of 45 additional qualifying contributions a
33 candidate collects and submits pursuant to subsection 8-E, not to exceed a total of
34 315 additional qualifying contributions, the supplemental distribution of revenues
35 to that candidate is \$5,000; and

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

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1. Reduces for a contested general election held in November 2018 the total number of additional qualifying contributions for supplemental distributions of revenues under the Maine Clean Election Act from 9,600 to 8,400 for the gubernatorial election; from 360 to 315 for the State Senate elections; and from 120 to 105 for the State House of Representatives elections;

2. Requires candidates or campaign treasurers to keep, for all bulk mail distributed to voters, official proof of mailing from the United States Postal Service or the mailing service used;

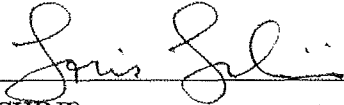
3. Requires the State Controller to transfer \$1,500,000 from the Maine Clean Election Fund to the General Fund within 10 days of enactment and transfer \$1,500,000 into the Maine Clean Election Fund by January 1, 2019;

4. Provides an allocation for the Commission on Governmental Ethics and Election Practices because of an error in Public Law 2017, chapter 284, Part ZZZZZZ, section 19 that resulted in a negative allocation for fiscal year 2018-19; and

5. Adds an emergency preamble and emergency clause and changes the title of the bill.

FISCAL NOTE REQUIRED

(See attached)

SPONSORED BY: 

(Representative LUCHINI)

TOWN: Ellsworth



128th MAINE LEGISLATURE

LD 1912

LR 3057(06)

An Act To Prohibit Campaign Fund-raising at the Voting Place

Fiscal Note for House Amendment *B* to Original Bill

Sponsor: Rep. Luchini of Ellsworth

Fiscal Note Required: Yes

Fiscal Note

	FY 2017-18	FY 2018-19	Projections FY 2019-20	Projections FY 2020-21
Net Cost (Savings)				
General Fund	\$0	\$0	\$0	\$0
Appropriations/Allocations				
Other Special Revenue Funds	\$0	\$3,976,470	\$0	\$0
Transfers				
General Fund	\$0	\$0	\$0	\$0
Other Special Revenue Funds	\$0	\$0	\$0	\$0

Fiscal Detail and Notes

This amendment transfers \$1,500,000 from the Maine Clean Election Fund (MCEF) within the Commission on Governmental Ethics and Election Practices to the unappropriated surplus of the General Fund within 10 days of the effective date of this bill. (This fiscal note assumes that will occur early in fiscal year 2018-19.) It is anticipated that this will leave a cash balance of approximately \$3,100,000 in the MCEF. The amendment also reverses this transaction later in fiscal year 2018-19 by transferring, on or before January 1, 2019, \$1,500,000 from the General Fund back to the MCEF. The amendment also includes a one-time \$3,976,470 Other Special Revenue Funds allocation in fiscal year 2018-19 for the MCEF, to correct an error in PL 2017, Chapter 284, Part ZZZZZZ, Section 19, that resulted in a negative \$1,010,665 Other Special Revenue Funds allocation in fiscal year 2018-19. As amended, the MCEF may require additional allocation if the full amount of funding available in fiscal year 2018-19 is to be expended. That allocation will need to be provided either by additional legislative action or by financial order.

For the November 2018 election only, this amendment also reduces the number of qualifying contributions that Maine Clean Elections Act candidates could collect from 9600 to 8400 for gubernatorial candidates, from 360 to 315 for State Senate candidates and from 120 to 105 for State House of Representative candidates. This will reduce anticipated payments to candidates by an estimated \$249,925 in fiscal year 2018-19 from the MCEF.