

# MAINE STATE LEGISLATURE

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SMG  
R O E J S

L.D. 1912

Date: 7/9/18

(Filing No. H-808)

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

HOUSE AMENDMENT "C" 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

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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 7,200 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  
33 a candidate collects and submits pursuant to subsection 8-E, not to exceed a total of  
34 270 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.

1           **Sec. 5. 21-A MRSA §1125, sub-§8-D, ¶D**, as enacted by IB 2015, c. 1, §25, is  
2 amended to read:

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

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

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

9                 (2-A) Notwithstanding subparagraph (2), for a contested general election held in  
10 November 2018, for each increment of 15 additional qualifying contributions a  
11 candidate collects and submits pursuant to subsection 8-E, not to exceed a total of  
12 90 additional qualifying contributions, the supplemental distribution of revenues  
13 to that candidate is \$1,250; and

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

16           **Sec. 6. Additional qualifying contribution collected on June 12, 2018 at a**  
17 **voting place.** Any additional qualifying contribution made by check or money order  
18 collected by a candidate who is certified as a Maine Clean Election Act candidate under  
19 the Maine Revised Statutes, Title 21-A, section 1125, subsection 5 on June 12, 2018 at a  
20 voting place is deemed to be invalid and may not be credited to the candidate for a  
21 supplemental distribution under Title 21-A, section 1125, subsection 8-B, 8-C or 8-D.  
22 The staff of the Commission on Governmental Ethics and Election Practices shall notify  
23 the candidates who submitted additional qualifying contributions dated June 12, 2018 and  
24 provide them an opportunity to present information that the additional qualifying  
25 contributions were not collected at a voting place. If the information is sufficient, the  
26 commission staff may consider the additional qualifying contribution to be valid.  
27 Notwithstanding Title 21-A, section 1125, subsection 3-A, a certified candidate may  
28 collect another additional qualifying contribution from a person who made an additional  
29 qualifying contribution invalidated pursuant to this section.

30           **Sec. 7. Maine Clean Election Fund transfers.** Notwithstanding any other  
31 provision of law to the contrary, the State Controller shall transfer \$2,000,000 from the  
32 Maine Clean Election Fund to the unappropriated surplus of the General Fund no later  
33 than 10 days following the effective date of this section. Notwithstanding any other  
34 provision of law to the contrary, the State Controller shall transfer \$2,000,000 from the  
35 General Fund to the Maine Clean Election Fund on or before January 1, 2019.

36           **Sec. 8. Appropriations and allocations.** The following appropriations and  
37 allocations are made.

38 **ETHICS AND ELECTION PRACTICES, COMMISSION ON GOVERNMENTAL**  
39 **Governmental Ethics and Election Practices - Commission on 0414**

40 Initiative: Provides a one-time allocation to correct an error in Public Law 2017, chapter  
41 284, Part ZZZZZZ, section 19 to align allocations with available resources.





# 128th MAINE LEGISLATURE

LD 1912

LR 3057(05)

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

Fiscal Note for House Amendment 'C' to Original Bill

Sponsor: Rep. Espling of New Gloucester

Fiscal Note Required: Yes

### Fiscal Note

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

### Fiscal Detail and Notes

This amendment transfers \$2,000,000 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 \$2,600,000 in the MCEF. The amendment also reverses this transaction later in fiscal year 2018-19 by transferring, on or before January 1, 2019, \$2,000,000 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 7200 for gubernatorial candidates, from 360 to 270 for State Senate candidates and from 120 to 90 for State House of Representative candidates. This will reduce anticipated payments to candidates by an estimated \$499,850 in fiscal year 2018-19 from the MCEF. This amendment also voids any qualifying contributions made to a Maine Clean Election candidate on June 12, 2018 at a voting place.