

MAINE STATE LEGISLATURE

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5/16/19

Date: 6/10/19 Minority (Filing No. H-534)

VETERANS AND LEGAL AFFAIRS

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1210, L.D. 1686, Bill, "An Act To Allow Maine Clean Election Act Funds To Be Used for Election Recounts"

Amend the bill by striking out everything after the enacting clause and inserting the following:

Sec. 1. 21-A MRSa §1018-B, sub-§2, as amended by PL 2013, c. 334, §14, is further amended to read:

2. Receipt of donations. After an election, candidates may receive donations for purposes of a recount. The donations must be within the limitations of section 1015, except that no limitation applies to donations from party committees and caucus campaign committees and from attorneys, consultants and their firms that are donating their services without reimbursement. Candidates may not spend revenues received under chapter 14 for recount expenditures.

Sec. 2. 21-A MRSa §1018-B, sub-§3 is enacted to read:

3. Maine Clean Election Act candidates. Notwithstanding any provision of law to the contrary, a candidate certified as a Maine Clean Election Act candidate under section 1125, subsection 5 may receive and expend funds for purposes of a recount in accordance with this subsection.

A. A certified candidate may receive and expend donations for purposes of a recount under subsection 2.

B. If the opponent of a certified candidate requests a recount, the certified candidate may use Maine Clean Election Fund revenues previously disbursed under section 1125 for eligible recount expenditures. A certified candidate may not receive an additional disbursement from the Maine Clean Election Fund for eligible recount expenditures. For purposes of this paragraph, "eligible recount expenditures" means only expenditures for legal representation either during a recount or during a court challenge to the results of the recount. "Eligible recount expenditures" does not include a deposit paid by a candidate who requests a recount under section 737-A.

COMMITTEE AMENDMENT

1 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
2 section number to read consecutively.

3 **SUMMARY**

4 This amendment, which is the minority report of the committee, clarifies that a
5 candidate may only spend revenues the candidate previously received under the Maine
6 Clean Election Act for the cost of legal representation during a recount or subsequent
7 court challenge if the recount is requested by the candidate's opponent. Maine Clean
8 Election Act Fund revenues may not be used to pay the deposit due to the Secretary of
9 State by a candidate who requests a recount.

10 **FISCAL NOTE REQUIRED**

11 **(See attached)**



Approved: 05/16/19 *MDC*

129th MAINE LEGISLATURE

LD 1686

LR 2295(02)

An Act To Allow Maine Clean Election Act Funds To Be Used for Election Recounts

Fiscal Note for Bill as Amended by Committee Amendment

Committee: Veterans and Legal Affairs

Fiscal Note Required: Yes

A(H-534)

Fiscal Note

Current biennium revenue decrease - Other Special Revenue Funds

Fiscal Detail and Notes

Current law prevents a certified Maine Clean Election Act (MCEA) candidate from using MCEA funding to pay any expenditures for a recount. This bill allows such a candidate to use previously distributed MCEA funds for the cost of eligible recount expenditures if a recount is requested by the candidate's opponent. To the extent that any MCEA funding is used for recount expenditures going forward, the amount of unused MCEA funding returned by candidates after an election is completed will be less than what would have been returned without this legislation. No estimate is made of the amount of MCEA funding that will be used for recount expenditures.