

MAINE STATE LEGISLATURE

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Date: 3-2-22

(Filing No. H-793)

MAJORITY
STATE AND LOCAL GOVERNMENT

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1229, L.D. 1658, "An Act To Increase Campaign Finance Transparency and Accountability in Municipal Elections"

Amend the bill by inserting before section 1 the following:

Sec. 1. 1 MRSA §1002, sub-§5, as amended by PL 2003, c. 381, §1, is further amended to read:

5. **Employees.** The commission shall employ an executive director and such other assistance as may be necessary to carry out its duties, including temporary staff for the biennial elections held in November to support the work of the commission in municipal elections and referenda campaigns. The commission also shall retain a general counsel or a computer analyst as an employee of the commission, based on the staffing needs of the executive director. If the commission employs a general counsel, the general counsel may not hold any other state office or otherwise be employed by the State. The commission shall select the executive director by an affirmative vote of at least 4 commission members.

Sec. 2. 1 MRSA §1008, sub-§5, as enacted by IB 1995, c. 1, §6, is amended to read:

5. **Maine Clean Election Act and Maine Clean Election Fund.** To administer and ensure the effective implementation of the Maine Clean Election Act and the Maine Clean Election Fund according to Title 21-A, chapter 14; ~~and~~

Sec. 3. 1 MRSA §1008, sub-§6, as amended by PL 2005, c. 301, §1, is further amended to read:

6. **Enhanced monitoring.** To provide for enhanced monitoring and enforcement of election practices and the electronic submission of reports and computerized tracking of campaign, election and lobbying information under the commission's jurisdiction; and

Sec. 4. 1 MRSA §1008, sub-§7 is enacted to read:

7. **Training.** To offer training on a biennial basis to municipal clerks on campaign finance and compliance laws and rules.'

COMMITTEE AMENDMENT

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1 Amend the bill in section 1 in subsection 3 in the 2nd line (page 1, line 5 in L.D.) by
2 striking out the following: "50,000" and inserting the following: '30,000'

3 Amend the bill in section 1 in subsection 3 in the 4th line (page 1, line 7 in L.D.) by
4 striking out the following: "50,000" and inserting the following: '30,000'

5 Amend the bill in section 1 in subsection 3 in the 12th line (page 1, line 15 in L.D.) by
6 striking out the following: "50,000" and inserting the following: '30,000'

7 Amend the bill in section 3 in subsection 4 in paragraph A in the first line (page 1, line
8 34 in L.D.) by striking out the following: "50,000" and inserting the following: '30,000'

9 Amend the bill in section 3 in subsection 4 in paragraph A in the 5th line (page 1, line
10 38 in L.D.) by striking out the following: "50,000" and inserting the following: '30,000'

11 Amend the bill in section 4 in subsection 3-A in the 2nd line (page 2, line 13 in L.D.)
12 by striking out the following: "50,000" and inserting the following: '30,000'

13 Amend the bill in section 4 in subsection 3-A in the 4th line (page 2, line 15 in L.D.)
14 by striking out the following: "50,000" and inserting the following: '30,000'

15 Amend the bill in section 4 in subsection 3-A in paragraph C in the 4th line (page 2,
16 line 33 in L.D.) by striking out the following: "24 hours" and inserting the following: '24
17 hours 2 business days'

18 Amend the bill in section 5 in subsection 8 in the last line (page 3, line 22 in L.D.) by
19 striking out the following: "24 hours" and inserting the following: '2 business days'

20 Amend the bill in section 6 in subsection 4 in the 4th line (page 3, line 28 in L.D.) by
21 striking out the following: "50,000" and inserting the following: '30,000'

22 Amend the bill in section 6 in subsection 4 in the 6th line (page 3, line 30 in L.D.) by
23 striking out the following: "24 hours" and inserting the following: '2 business days'

24 Amend the bill by striking out all of section 8 and inserting the following:

25 '**Sec. 8. 21-A MRSA §1053-A**, as amended by PL 2021, c. 217, §5, is further
26 amended to read:

27 **§1053-A. Municipal elections**

28 If an organization qualifies as a committee under section 1052, subsection 2 and that
29 organization receives contributions or makes expenditures to influence a municipal
30 campaign in towns or cities with a population of 15,000 or more, that organization must
31 register and file reports ~~with the municipal clerk~~ as required by Title 30-A, section 2502.
32 The reports must be filed in accordance with the reporting schedule in section 1059 and
33 must contain the information listed in section 1060. A committee registered with the
34 commission and that receives contributions or makes expenditures relating to a municipal
35 election shall file a copy of the report containing such contributions or expenditures with
36 the clerk in the subject municipality. The commission retains the sole authority to prescribe
37 the content of all reporting forms. The commission ~~does not have responsibility to oversee~~
38 is responsible for the oversight of the filing of registrations or campaign finance reports
39 relating to municipal campaigns in a town or city with a population of 30,000 or more. If
40 a municipal clerk becomes aware of a potential violation of this subchapter that the clerk
41 considers to be substantial, the clerk ~~may~~ shall refer the matter to the commission for
42 enforcement. The commission may conduct an investigation if the information referred by

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1 the municipal clerk shows sufficient grounds for believing that a violation may have
2 occurred. After conducting the investigation, if the commission determines that a violation
3 of this subchapter has occurred, the commission may assess penalties provided in this
4 subchapter.'

5 Amend the bill in section 9 in subsection 1 in the 3rd line (page 5, line 1 in L.D.) by
6 striking out the following: "50,000" and inserting the following: '30,000'

7 Amend the bill in section 9 in subsection 1 in the 5th line (page 5, line 3 in L.D.) by
8 striking out the following: "50,000" and inserting the following: '30,000'

9 Amend the bill in section 10 in subsection 2 in the 2nd line (page 5, line 14 in L.D.) by
10 striking out the following: "50,000" and inserting the following: '30,000'

11 Amend the bill in section 10 in subsection 2 in the 6th line (page 5, line 18 in L.D.) by
12 striking out the following: "50,000" and inserting the following: '30,000'

13 Amend the bill in section 11 in subsection 4 in the 2nd line (page 5, line 27 in L.D.) by
14 striking out the following: "50,000" and inserting the following: '30,000'

15 Amend the bill in section 11 in subsection 4 in the 3rd line (page 5, line 28 in L.D.) by
16 striking out the following: "24 hours" and inserting the following: '2 business days'

17 Amend the bill by inserting after section 11 the following:

18 '**Sec. 12. Appropriations and allocations.** The following appropriations and
19 allocations are made.

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

22 Initiative: Provides funding for software upgrades to the campaign finance reporting system
23 to include reporting from municipal candidates and political action committees.

24	GENERAL FUND	2021-22	2022-23
25	All Other	\$0	\$1,000,000
26			
27	GENERAL FUND TOTAL	\$0	\$1,000,000

28 '
29 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
30 number to read consecutively.

31 **SUMMARY**

32 This amendment lowers the threshold for the involvement of the Commission on
33 Governmental Ethics and Election Practices in municipal elections and referenda
34 campaigns from towns with 50,000 or more residents to towns with 30,000 or more
35 residents. It increases the time frame for posting of campaign finance reports by a
36 municipality from 24 hours to 2 business days. It requires the commission to offer a
37 training for municipal clerks every other year and to hire temporary staff during the biennial
38 elections in November.

COMMITTEE AMENDMENT

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COMMITTEE AMENDMENT "A" to H.P. 1229, L.D. 1658

1 The amendment also adds an appropriations and allocations section.

2 **FISCAL NOTE REQUIRED**

3 **(See attached)**



130th MAINE LEGISLATURE

LD 1658

LR 1526(02)

An Act To Increase Campaign Finance Transparency and Accountability in Municipal Elections

Fiscal Note for Bill as Amended by Committee Amendment *ACH-793*

Committee: State and Local Government

Fiscal Note Required: Yes

Fiscal Note

Potential State Mandate - Unfunded

	FY 2021-22	FY 2022-23	Projections FY 2023-24	Projections FY 2024-25
Net Cost (Savings)				
General Fund	\$0	\$1,000,000	\$21,913	\$49,007
Appropriations/Allocations				
General Fund	\$0	\$1,000,000	\$21,913	\$49,007

State Mandates

Required Activity

A town or city with a population of less than 30,000 is required to post each campaign finance report received on the municipality's publicly accessible website within 2 business days after the applicable deadline for filing campaign finance reports. Although municipalities are required to receive these reports under current law, many will incur additional costs to modify existing websites or create new websites to post the required information.

Unit Affected
Municipality

Local Cost
Moderate
statewide

The required local activities in this bill may represent a state mandate pursuant to the Constitution of Maine. If the bill does require a local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenue, the state mandate provisions of the Constitution of Maine require either: (1) General Fund appropriations be provided to fund at least 90% of any additional necessitated local costs of the mandate; or (2) a Mandate Preamble be added to the bill and two-thirds of the members of each House vote to exempt the mandate from the funding requirement. If the bill does represent a state mandate and neither one of these actions occurs, the local units of government will not be required to implement the mandated activities.

Fiscal Detail and Notes

This bill requires candidates or political action committees seeking to influence the election of a candidate for a municipal office of a town or city with a population of 30,000 or more to submit registrations and campaign finance reports to the Commission on Governmental Ethics and Election Practices. Currently they are required to file reports with the municipal clerk in municipalities with populations of 15,000 or more. The commission has estimated an appropriation of \$1,000,000 is needed for software upgrades to the campaign finance filing and reporting system to accommodate the additional reporting requirements and the bill includes a one-time General Fund appropriation of that amount in fiscal year 2022-23.

The bill also requires the commission to provide additional training for municipal clerks on campaign finance and compliance laws and regulations and to hire additional temporary staff during biennial election years. The commission has indicated that it will require appropriations of \$21,913 in fiscal year 2023-24 and \$49,007 in fiscal year 2024-25 for one limited-period Planning and Research Assistant position beginning January 1, 2024.