

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34

Date: (Filing No. H-)

Reproduced and distributed under the direction of the Clerk of the House.

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

HOUSE AMENDMENT “ ” 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 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 a
33 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.

1	OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
2	All Other	\$0	\$3,976,470
3			
4	OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$3,976,470

5 **Emergency clause.** In view of the emergency cited in the preamble, this
6 legislation takes effect when approved.'

7 **SUMMARY**

8 This amendment:

9 1. Reduces for a contested general election held in November 2018 the total number
10 of additional qualifying contributions for supplemental distributions of revenues under
11 the Maine Clean Election Act from 9,600 to 7,200 for the gubernatorial election; from
12 360 to 270 for the State Senate elections; and from 120 to 90 for the State House of
13 Representatives elections;

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

17 3. Provides that any additional qualifying contribution made by check or money
18 order collected on June 12, 2018 at a voting place by a candidate who is certified as a
19 Maine Clean Election Act candidate is deemed to be invalid and may not be credited to
20 the candidate for a supplemental distribution and authorizes the collection of
21 contributions to replace such invalidated contributions;

22 4. Requires the State Controller to transfer \$2,000,000 from the Maine Clean
23 Election Fund to the General Fund within 10 days of enactment and transfer \$2,000,000
24 into the Maine Clean Election Fund by January 1, 2019;

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

28 6. Adds an emergency preamble and emergency clause and changes the title of the
29 bill.

30 **FISCAL NOTE REQUIRED**

31 **(See attached)**

32 SPONSORED BY: _____

33 (Representative ESPLING)

34 TOWN: New Gloucester