

May 23, 2016

To the Maine Ethics Commission,

Please consider this letter a response to Mr. Biel's request for an investigation regarding the house party invitation mailed out earlier last week. As you know, we've had several conversations with Ethics Commission staff dating back to April, by phone, email, and in person, regarding the mailing of invitations, food and beverages, and other related expenses for house parties as allowed for under the house party exemption (see exhibit A).

We believe we have gone above and beyond in an effort to follow all of the rules and guidelines governing house parties and related expenses for which volunteers are allowed to pay. We have checked with Ethics Commission staff several times, including emailing the invitation to them and asking for an opinion, prior to having it printed and distributed. In addition to checking with the Ethics Commission staff, we modeled our invitation, and our mailing strategy, on other similar candidate parties with which we are familiar.

We've attached a copy of the email we received (see exhibit B) advising us that the content of the invitation looked fine and that "because the cost for the invitation is being paid by individuals who are volunteering to put on this event for you, the payment for the invitations (as well as for food and beverages) is not considered to be an expenditure under campaign finance law (21-A M.R.S.A. 1012(3)(B)(4));" and therefore the invitation was not subject to the requirement for a disclosure statement.

In cooperation with your request for information, please find our responses below:

- an accounting of the total cost of the mailing, which would cover any design, printing and distribution services;

The total cost of the mailing was as follows. The invitation itself was designed by a volunteer at no cost. The cost of printing and processing was \$718.67. The cost of postage for mailing out the invitation was \$1,110.09. Both services were rendered by Mailings Unlimited in Portland.

Initially volunteers were going to leave flyers door to door as we have done for house party events in my House campaigns but the Senate district is much larger geographically so it would require much more volunteers and time to do this.

State Senator Cathy Breen, who was also a Clean Elections candidate running in a primary two years ago, shared with me a copy of a house party invitation her volunteers paid to print and mail out. We have included a copy of Sen. Breen's invitation (see exhibit C).

It is our understanding that candidates all across the state, many of them Clean Election candidates, have mailed out similar invitations to campaign events over the last several years with the printing and postage paid for by volunteers as allowed for under the house party exemption. After speaking with Commission staff it seemed to make sense for our volunteers to mail out a similar invitation.

We initially intended to send two different invitations that would have cost approximately \$350 for printing and \$550 for postage each. However, it was decided that one invitation inviting people to both house parties would make the most sense because:

- the same volunteers are involved with both parties;
- the house parties are only about two miles apart;
- the events are on two consecutive nights;
- the time of the year (Memorial Day) is busy and some people in either part of town may not be able to attend one party, but could easily attend the other; and
- it would be more efficient logistically to design one invitation.

The mailing of invitations is not the only way people are being invited to attend. Volunteers are also promoting these two events through phone calls, emails and Facebook.

- a list of all payments made in connection with the mailing, including payor, payee, amount. Please include the date of payment (or an approximation), if feasible. Please confirm whether each payor will be rendering any personal services in connection with the May 31 or June 1 events

As described above, the total cost was \$1,828.76, paid by multiple individual volunteers, who made payments directly to Mailings Unlimited. These payments were made approximately between April 21 and May 12. None of these volunteers donated more than \$250, as allowed under the house party exemption. These individuals are rendering personal volunteer services (including organizing, promoting with phone calls, emails, and social media, setting up, breaking down, facilitating during the events, and speaking to the assembled guests on my behalf) at the house parties on May 31 and June 1.

- the total number of pieces mailed, and

The total number of pieces mailed was 5,260. We believe it is important to note that given the time of the year, with graduations, and upcoming summer vacations, and because we are inviting people to meet a politician who in most cases is unfamiliar to them, it is challenging to bring guests out to a house party. As such, we cast a wide net, hoping to get 40 or 50 people at each party. Experienced event organizers are likely to agree that for every 100 people you invite to an event that is political in nature, you would be lucky to get one or two to show up, especially this time of year.

- an explanation of whether postal account 492 was used in the mailing.

Postal account 492 is the bulk rate permit number that belongs to Mailings Unlimited. It was indeed used for this invitation. As noted above, Mailings Unlimited printed and mailed the invitation. Naturally, because they were mailing more than 200 pieces, they would use their own bulk rate permit to do so.

We hope this information satisfies your request. In closing, we know this house party exemption has been used by many candidates over the years to organize and promote meet and greet house party events, similar to the two that we are holding. I have been elected to local office once and to the Maine House of Representatives three times and I have never had an ethics complaint filed against me and I have never been penalized by the Commission. I always go to great length do things correctly and if there is any doubt I call or email Ethics Commission staff to check with them first. The printing and mailing of the house party invitation was no different. We checked with Commission staff every step of the way to make sure we were following campaign finance law and make sure everything was being done correctly.

Further, we would like you to know that both Steven Biel and Nick Murray are individuals working with the state senate campaign of Diane Russell (one of my opponents), a person well known to the Maine Ethics Commission. The complaint in front of you, far from expressing the concerns of an active citizen, is in our opinion a politically motivated attack by an opponent, designed to draw attention away from a long history of ethics violations and ongoing questionable conduct associated with her Working Families PAC.

We believe Mr. Biel's request for an investigation is without merit and we ask that you decline his request.

Thank you for your time.

Sincerely,

A handwritten signature in black ink, appearing to read "BC", with a small dot at the end.

Ben Chipman

(21-A M.R.S.A. § 1015(5))

Exemption for volunteers to pay for invitations, food and beverages. The Election Law exempts from the definition of “contribution” and “expenditure” the cost of invitations, food and beverages paid by volunteers in rendering personal services for campaign activities (up to \$250 per election):

The use of real or personal property and the cost of invitations, food and beverages, voluntarily provided by an individual to a candidate in rendering voluntary personal services for candidate-related activities, if the cumulative value of these activities by the individual on behalf of any candidate does not exceed \$250 with respect to any election ...

Lavin, Paul <Paul.Lavin@maine.gov>
To: "votechipman@gmail.com" <votechipman@gmail.com>

Thu, May 5, 2016 at 4:26 PM

Rep. Chipman,

Thank you for sending a copy of the invitation. Because the cost for the invitation is being paid by individuals who are volunteering to put on this event for you, the payment for the invitations (as well as for food and beverages) is not considered to be an expenditure under campaign finance law (21-A M.R.S.A. 1012(3)(B)(4)). As such, the invitation is not required to have a disclaimer statement on it. There isn't a requirement to include a return address under campaign finance law.

The content of the invitation is what one would expect to see in an invitation to an event to support a candidate. It's not the Commission's role to pass judgment on the content of communications, but I don't see anything in the invitation that should cause a problem.

Please let us know if you have any other questions.

Paul

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Putting
Democratic
Values
and
Vision
into
Action

Cathy Breen

State Senate

Democrat June 10

www.cathybreenforstatesenate.com

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Come Meet **Cathy Breen**

Sunday, April 13, 2014

HOST COMMITTEE

Hon. Mark Dion

Hon. Mary Nelson

Hon. John Brautigam & Corey Hascall

Mary Becker

Patricia Ramsay

Marcia Feller

Margaret Downing

Dotty Mathes

Janet & Andy King

Merritt Carey & Chris Jones

Heather Shields & Lee Lindenau

Meet Cathy Breen

Democratic Candidate for
State Senate District 25

at the home of
Mary & Paul Becker
218 West Main Street
Yarmouth, ME

Sunday, April 13, 2014
4 – 5:30 pm

RSVP: cathybreenforstatesenate.com
Party paid for by Host committee

Cathy Breen for State Senate

BEN CHIPMAN FOR STATE SENATE

VOTE IN THE JUNE 14TH DEMOCRATIC PRIMARY

COME MEET BEN CHIPMAN

**TUESDAY MAY 31, 2016 AND
WEDNESDAY JUNE 1, 2016**

HOST COMMITTEE

Belinda Ray

Denise Harlow

Anna Trevorrow

Stephanie Hatzenbuehler

Kevin Donoghue

David Marshall

Markos Miller



BEN CHIPMAN FOR STATE SENATE

COME MEET BEN CHIPMAN
DEMOCRATIC CANDIDATE FOR
STATE SENATE

TUESDAY MAY 31, 2016 7:00-8:30 PM
AT THE HOME OF
Kris Clark and Cynthia MacKay
129 Emery St. Portland, Maine

WEDNESDAY JUNE 1, 2016 7:00-8:30 PM
AT THE HOME OF
Richard Rudolph and Muriel Pierce
211 Ocean Ave. Portland, Maine

PLEASE RSVP: VOTECHIPMAN@GMAIL.COM

Keep Ben Chipman working for Portland!

JUNE 14TH DEMOCRATIC PRIMARY

