



STATE OF MAINE  
COMMISSION ON GOVERNMENTAL ETHICS  
AND ELECTION PRACTICES  
135 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0135

To: Commissioners  
From: Jonathan Wayne, Executive Director  
Date: May 19, 2016  
Re: Request to Investigate Invitations Mailed in Support of Hon. Benjamin Chipman

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Yesterday, the Commission received a complaint from a resident of Portland, Steven J. Biel, concerning mail sent in support of Rep. Benjamin Chipman. Rep. Chipman is competing in the June 14, 2016 primary election to be the Democratic nominee for State Senate, District 27. Mr. Biel questions whether the mailing complies with the restrictions on Maine Clean Election Act candidates.

Based on a telephone call yesterday, it is expected that Rep. Chipman will respond that the mailing was compliant, because it consisted of invitations to two house parties paid for by individuals who will be volunteering at the parties. We were hoping to receive a preliminary response from Rep. Chipman in time for today's packet, but that was not feasible for him. We would be pleased to provide you with an oral staff recommendation or any other information you need at the May 25 meeting.

Thank you for your consideration of this item.

May 18, 2016

Dear Maine Ethics Commission:

I am writing to file a formal ethics complaint against the state senate campaign of Rep. Ben Chipman of Portland.

On Monday, May 16, Rep. Chipman mailed two-sided, full color 7 x 10 postcard-style house party invitations to voters across State Senate District 27. The mailing contains no disclosure of who paid for the mailing.

Under Section 21-A M.R.S.A. §1012 #2, subsection B, subsection 2 (available here: <http://www.maine.gov/ethics/pdf/Title21-AMRSACH13-CampaignReportsandFinance01-2016.pdf>), commonly known as the “house party exemption,” a campaign expenditure does not include “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 does not exceed \$250 with respect to any election.”

However, Rep. Chipman’s volunteer hosts did not pay for this mailing—the Chipman campaign paid for it through their USPS account (permit number 492). Further, a district-wide mailing done through a professional mail house of the sort Rep. Chipman sent typically costs \$3000-\$4000, and with only 2 parties listed, the mailing far exceeds the \$250 per volunteer host limit.

I would specifically like the Ethics Commission to answer the following questions:

**How much did Rep. Chipman’s mailing cost?**

Presort standard postage for a mailing of this size would cost between \$0.382 and 0.503 per piece, according to Rob Ray at the U.S. Postal Service. Meanwhile print shops frequently charge as much as \$.30-\$.40 per piece on two-sided full color pieces of this sort. To determine the extent of the violation, the commission should request that Rep. Chipman disclose the total cost of the mailing.

**Who paid for the mailing?**

The mailing was sent through the Chipman campaign’s USPS account (permit number 492), so it was not paid for by the volunteer party hosts. Who provided Rep. Chipman with the funding for the mailing?

**How many people received the mailing?**

My downstairs neighbor and I each received a mailing at our residence on the West End, while Nick Murray received one at his residence in East Deering, and Miranda Valentine received one in the East End section of the city. Further, each flat mailing is stamped with a number, indicating how many cards were delivered. My card was numbered 3166 and Mr. Murray’s was numbered 5051. This has all the markings of a mailing sent to a large segment of registered Democrats, likely several thousand people.

**Did the Chipman campaign exceed the spending limit for candidates who receive MCEA funding?**

If the Chipman campaign itself paid for the mailing, then a violation was certainly committed by omitting the disclosure on the mailing. Did the expenditure also cause the campaign to exceed the overall campaign spending limit Rep. Chipman agreed to in exchange for receiving taxpayer financing under the MCEA?

I hope the Maine Ethics Commission can investigate these and any other relevant questions and come to a ruling on this complaint in a timely manner prior to the primary election scheduled for June 14.

Signed,

A handwritten signature in black ink, consisting of a stylized 'S' followed by a large, rounded 'B' and a smaller 'I'.

Steven Biel  
31 Cushman St. #2  
Portland, ME 04102  
202-669-9162

# 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](mailto:VOTECHIPMAN@GMAIL.COM)**

*Keep Ben Chipman working for Portland!*

**JUNE 14TH DEMOCRATIC PRIMARY**



**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 Hatzembuehler  
Kevin Donoghue  
David Marshall  
Markos Miller**



# BEN CHIPMAN FOR STATE SENATE

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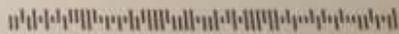
**PLEASE RSVP: [VOTECHIPMAN@GMAIL.COM](mailto:VOTECHIPMAN@GMAIL.COM)**

*Keep Ben Chipman working for Portland!*

**JUNE 14TH DEMOCRATIC PRIMARY**



RIGHT SIDE  
US POSTAGE  
**PAID**  
PERMIT 492  
04101  
5-9001



\*\*\*\*\*AUTOMATED DIGIT 04101



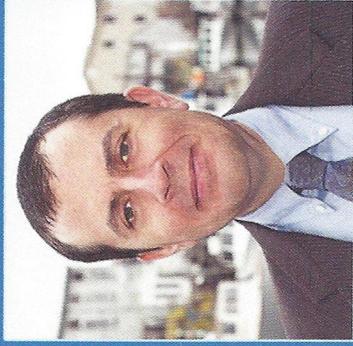
# WORKING TO REDUCE DRUG ADDICTION

## BEN CHIPMAN GETS RESULTS

3-TERM STATE REPRESENTATIVE BEN CHIPMAN HAS:

Co-sponsored and passed a bill in January to provide \$3.7 million to reduce drug addiction

Co-sponsored and passed legislation earlier this year to open a new 10-bed detox center



Helped secure \$1.1 million in state funding in April to support local substance abuse programs

Co-sponsored and passed a bill in January to double the number of recovery centers in Maine

*Keep Ben Chipman working for Portland!*

# Ben Chipman State Senate

[www.VoteChipman.com](http://www.VoteChipman.com)

(207) 318-4961 • [VoteChipman@gmail.com](mailto:VoteChipman@gmail.com)

Chipman for State Senate  
5 Mayo St. #3  
Portland, ME 04101

73906\*  
PRSR STD  
US POSTAGE  
**PAID**  
PERMIT 492  
04101

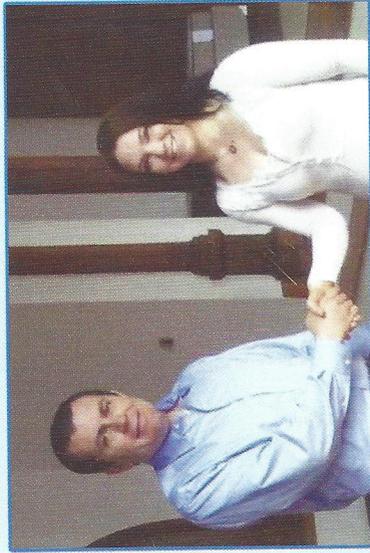
1-1276



## JUNE 14TH DEMOCRATIC PRIMARY

# REDUCING DRUG ADDICTION IS A PRIORITY

## AS YOUR STATE SENATOR, BEN CHIPMAN WILL WORK TO:



State Rep. Ben Chipman with Tasha Hillis, manager of Change House, a women's addiction recovery center in Portland.



### **ELIMINATE BARRIERS TO REHABILITATION**

Provide access to drug treatment and rehabilitation for anyone who needs it



### **EXPAND AND BUILD MORE TREATMENT CENTERS**

Provide adequate funding for addiction treatment centers and open new facilities where needed



### **INCREASE DRUG EDUCATION**

Expand drug education programs with an increased focus on opiates

## PROUDLY ENDORSED BY:

- ✓ **Belinda Ray** Portland City Council, District 1
- ✓ **Denise Harlow** State Representative (D-Portland)
- ✓ **Sarah Thompson** Portland School Board, At Large
- ✓ **Anna Trevorrorrow** Finance Committee Chair, Portland School Board
- ✓ **Stephanie Hatzenbuehler** Portland School Board, District 4

# Ben Chipman State Senate

*Paid for by Chipman for State Senate. Stephanie Hatzenbuehler, Treasurer.*



STATE OF MAINE  
COMMISSION ON GOVERNMENTAL ETHICS  
AND ELECTION PRACTICES  
135 STATE HOUSE STATION  
AUGUSTA, MAINE

May 18, 2016

Hon. Benjamin Chipman  
5 Mayo Street, #3  
Portland, Maine 04101

Dear Rep. Chipman:

This letter is to convey a request from Steven J. Biel that the Maine Ethics Commission investigate whether you authorized or sent mailings to a significant number of Portland voters to influence them in the June 14, 2016 Democratic primary election for State Senate, in violation of the restrictions on contributions and expenditures for Maine Clean Election Act candidates.

**Relevant Maine Election Law**

*Time period to consider complaints.* Within the 28 days before an election, the Commission is required to meet within two business days of the filing of any complaint, unless the complainant or respondent agree otherwise. (21-A M.R.S.A. § 1002(1))

*Prohibition on accepting contributions.* The Maine Clean Election Act (MCEA) program is designed to be a system of full public campaign financing. After qualifying for MCEA funding, candidates may not accept any contributions unless specifically authorized by the Commission. (21-A M.R.S.A. § 1125(6)) A candidate must limit his or her campaign expenditures to MCEA funds received from the State of Maine. *Id.* As explained below, however, certain financial activities to promote a candidate are exempt from the definition of “contribution” or “expenditure,” such as invitations, food or beverages paid for by volunteers.

*Definition of “contribution.”* The term contribution is defined in Maine campaign finance law as a “gift ... of money or anything of value made for the purpose of influencing the nomination or election of any person to state, county or municipal office ...” (21-A M.R.S.A. § 1012(2)(A)(1))

*Expenditures by others can be contributions.* Under a separate section of statute, some expenditures by others to support a candidate may be considered a contribution to that candidate:

**5. Other contributions and expenditures.** Any expenditure made by any person in cooperation, consultation or concert with, or at the request or suggestion of, a candidate, a candidate's political committee or their agents is considered to be a contribution to that candidate.

The financing by any person of the dissemination, distribution or republication, in whole or in part, of any broadcast or any written or other campaign materials prepared by the candidate, the candidate's political committee or committees or their authorized agents is considered to be a contribution to that candidate.

(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 ...

(21-A M.R.S.A. §§ 1012(2)(B)(2) & 1012(3)(B)(4))

Candidates sometimes refer to this as the “house party” exception, because it allows volunteers to pick up a portion of the costs of a campaign event in someone’s home by paying for a limited amount for invitations, food or beverages. The exemption also covers other types of food or beverage purchases by volunteers (*e.g.*, organizing an opportunity for door-knocking or stuffing envelopes).

Hon. Benjamin Chipman  
Page 3  
May 18, 2016

### **Suggestion for Preliminary Response**

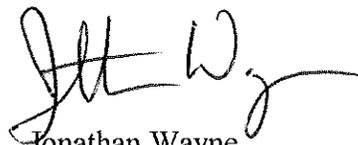
With your and Mr. Biel's agreement, I have scheduled initial consideration of Mr. Biel's complaint by the Commissioners at their next monthly meeting on May 25, 2016. At that meeting, I expect that the Commissioners will consider whether or not to conduct further investigation of the complaint. The Commission staff suggests that you attend the meeting in person to respond to the allegations in the request.

Please submit a preliminary written response to the complaint as soon as is practical. You are welcome to submit any response you would like. I will forward the information to the Commissioners for their consideration in advance of the May 25 meeting. To assist the Commissioners in determining whether the mailing fits within the house party exception, I recommend including the following:

- an accounting of the total cost of the mailing, which would cover any design, printing and distribution services provided,
- a list of all payments made in connection with the mailing, including payor, payee, and amount. Include the date of payment (or approximation), if feasible. Please confirm whether each payor will rendering any volunteer personal services in connection with the May 31 or June 1 events,
- the total number of pieces mailed, and
- an explanation of whether postal account 492 was used in the mailing.

Thank you for your cooperation. If you have any questions, please call me at 287-4179.

Sincerely,



Jonathan Wayne  
Executive Director

cc: Steven J. Biel

**6. Restrictions on contributions and expenditures for certified candidates.** After certification, a candidate must limit the candidate's campaign expenditures and obligations, including outstanding obligations, to the revenues distributed to the candidate from the fund and may not accept any contributions unless specifically authorized by the commission. Candidates may also accept and spend interest earned on fund revenues in campaign bank accounts. All revenues distributed to a certified candidate from the fund must be used for campaign-related purposes. The candidate, the treasurer, the candidate's committee authorized pursuant to section 1013-A, subsection 1 or any agent of the candidate and committee may not use these revenues for any but campaign-related purposes. The commission shall publish guidelines outlining permissible campaign-related expenditures.

**6-A. Assisting a person to become an opponent.** A candidate or a person who later becomes a candidate and who is seeking certification under subsection 5, or an agent of that candidate, may not assist another person in qualifying as a candidate for the same office if such a candidacy would result in the distribution of revenues under subsections 7 and 8-F for certified candidates in a contested election.

**6-B. (REPEALED)**

**6-C. Expenditures to the candidate or family or household members.** Expenditures to the candidate or immediate family member or household member of the candidate are governed by this subsection.

A. The candidate may not use fund revenues to compensate the candidate or a sole proprietorship of the candidate for campaign-related services.

B. A candidate may not make expenditures using fund revenues to pay a member of the candidate's immediate family or household, a business entity in which the candidate or a member of the candidate's immediate family or household holds a significant proprietary or financial interest or a nonprofit entity in which the candidate or a member of the candidate's immediate family or household is a director, officer, executive director or chief financial officer, unless the expenditure is made:

- (1) For a legitimate campaign-related purpose;
- (2) To an individual or business that provides the goods or services being purchased in the normal course of the individual's occupation or the business; and
- (3) In an amount that is reasonable taking into consideration current market value and other factors the commission may choose to consider.

For the purpose of this paragraph, "business entity" means a corporation, limited liability company, limited partnership, limited liability partnership and general partnership.

If a candidate uses fund revenues for an expenditure covered by this paragraph, the candidate shall submit evidence demonstrating that the expenditure complies with the requirements of this paragraph if requested by the commission.

This subsection does not prohibit reimbursement to the candidate or a member of a candidate's household or immediate family when made in accordance with this chapter and rules adopted by the commission.

## SUBCHAPTER II REPORTS ON CAMPAIGNS FOR OFFICE

### 21-A § 1011. Application

This subchapter applies to candidates for all state and county offices and to campaigns for their nomination and election. Candidates for municipal office as described in Title 30-A, section 2502, subsection 1 are also governed by this subchapter. The commission does not have jurisdiction over financial activities to influence the nomination or election of candidates for federal office.

**1. Role of the municipal clerk; commission. (REPEALED)**

**2. Exemptions. (REPEALED)**

**3. Role of the municipal clerk; commission.** For candidates for municipal office, the municipal clerk is responsible for any duty assigned to the commission in this subchapter related to the registration of candidates, receipt of reports and distribution of information or forms, unless otherwise provided. Notwithstanding any other deadline set forth in this chapter, candidates shall file their reports by the close of business on the day of the filing deadline established for the office of the municipal clerk. The commission retains the sole authority to prescribe the content of all reporting forms. The commission does not have responsibility to oversee the filing of registrations or campaign finance reports relating to municipal campaigns, except that the commission has the discretion to conduct investigations and assess penalties under subsection 3-A.

**3-A. Enforcement by the Commission.** If a clerk of a town or city that is governed by this chapter pursuant to Title 30-A, section 2502 becomes aware of a potential violation of this chapter that the clerk considers to be substantial, the clerk may refer the matter to the commission for enforcement. Substantial violations include, but are not limited to, accepting contributions in excess of the limitations of section 1015 and failing to file a report that substantially complies with the disclosure requirements of section 1017. The commission has the discretion to conduct an investigation if the information referred by the municipal clerk shows sufficient grounds for believing that a violation may have occurred. After conducting the investigation, if the commission determines that a violation of this chapter has occurred, the commission may assess penalties provided in this chapter.

**4. Exemptions.** Exemptions for municipal candidates from the reporting requirements of this subchapter are governed by this subsection.

A. At the time a municipal candidate registers under section 1013 A, the candidate may notify the municipal clerk in writing that the candidate will not accept contributions, make expenditures or incur financial obligations associated with that person's candidacy. A candidate who provides this written notice is not required to appoint a treasurer or to meet the filing requirements of this section as long as the candidate complies with the commitment.

B. The notice provided to the municipal clerk in paragraph A may be revoked. A written revocation must be presented to the municipal clerk before the candidate may accept contributions, make expenditures or incur obligations associated with that person's candidacy. A candidate who has filed a notice with the municipal clerk under paragraph A

and accepts contributions, makes expenditures or incurs obligations associated with that person's candidacy prior to filing a revocation may be assessed a penalty of \$10 for each business day that the revocation is late, up to a maximum of \$500. This penalty may be imposed in addition to the penalties assessed under other sections of this Title.

## **21-A § 1012. Definitions**

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

**1. Clearly identified.** “Clearly identified,” with respect to a candidate, means that:

- A. The name of the candidate appears;
- B. A photograph or drawing of the candidate appears; or
- C. The identity of the candidate is apparent by unambiguous reference.

**2. Contribution.** The term “contribution:”

A. Includes:

- (1) A gift, subscription, loan, advance or deposit of money or anything of value made for the purpose of influencing the nomination or election of any person to state, county or municipal office or for the purpose of liquidating any campaign deficit of a candidate, except that a loan of money to a candidate by a financial institution in this State made in accordance with applicable banking laws and regulations and in the ordinary course of business is not included;
- (2) A contract, promise or agreement, express or implied, whether or not legally enforceable, to make a contribution for such purposes;
- (3) Funds received by a candidate or a political committee that are transferred to the candidate or committee from another political committee or other source; and
- (4) The payment, by any person other than a candidate or a political committee, of compensation for the personal services of other persons that are provided to the candidate or political committee without charge for any such purpose; and

B. Does not include:

- (1) The value of services provided without compensation by individuals who volunteer a portion or all of their time on behalf of a candidate or political committee;
- (2) 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;
- (3) The sale of any food or beverage by a vendor for use in a candidate's campaign at a charge less than the normal comparable charge, if the charge to the candidate is at least equal to the cost of the food or beverages to the vendor and if the cumulative value of the food or beverages does not exceed \$100 with respect to any election;

- (4) Any unreimbursed travel expenses incurred by an individual in the course of providing voluntary personal services to a candidate and paid for by that individual, if the cumulative amount of these expenses does not exceed \$350 with respect to any election;
- (4-A) Any unreimbursed campaign-related travel expenses incurred and paid for by the candidate or the candidate's spouse or domestic partner;
- (5) The payment by a party's state, district, county or municipal committee of the costs of preparation, display or mailing or other distribution of a party candidate listing;
- (6) Documents, in printed or electronic form, including party platforms, single copies of issue papers, information pertaining to the requirements of this Title, lists of registered voters and voter identification information, created, obtained or maintained by a political party for the general purpose of party building and provided to a candidate who is a member of that party;
- (7) Compensation paid by a state party committee to its employees for the following purposes:
  - (a) Providing no more than a total of 40 hours of assistance from its employees to a candidate in any election;
  - (b) Recruiting and overseeing volunteers for campaign activities involving 3 or more candidates; or
  - (c) Coordinating campaign events involving 3 or more candidates;
- (8) Campaign training sessions provided to 3 or more candidates;
- (8-A) Costs paid for by a party committee in connection with a campaign event at which 3 or more candidates are present;
- (8-B) Wood or other materials used for political signs that are found or contributed if not originally obtained by the candidate or contributor for campaign purposes;
- (8-C) The use or distribution of any communication, as described in section 1014, obtained by the candidate for a previous election and fully paid for during that election;
- (9) The use of offices, telephones, computers and similar equipment when that use does not result in additional cost to the provider;
- (10) Activity or communication designed to encourage individuals to register to vote or to vote if that activity or communication does not mention a clearly identified candidate; or
- (11) A purchase of apparel from a commercial vendor with a total cost of \$25 or less by an individual when the vendor has received a graphic or design from the candidate or the candidate's authorized committee.

**3. Expenditure.** The term “expenditure:”

A. Includes:

- (1) A purchase, payment, distribution, loan, advance, deposit or gift of money or anything of value made for the purpose of influencing the nomination or election of any person to state, county or municipal office, except that a loan of money to a candidate by a financial institution in this State made in accordance with applicable banking laws and regulations and in the ordinary course of business is not included;
- (2) A contract, promise or agreement, expressed or implied, whether or not legally enforceable, to make any expenditure;
- (3) The transfer of funds by a candidate or a political committee to another candidate or political committee; and
- (4) A payment or promise of payment to a person contracted with for the purpose of influencing any campaign as defined in section 1052, subsection 1; and

B. Does not include:

- (1) Any news story, commentary or editorial distributed through the facilities of any broadcasting station, cable television system, newspaper, magazine or other periodical publication, unless the facilities are owned or controlled by any political party, political committee, candidate, or spouse or domestic partner of a candidate;
- (1-A) Any communication distributed through a public access television channel on a cable television system if the communication complies with the laws and rules governing the channel and all candidates in the race have an equal opportunity to promote their candidacies through the channel;
- (2) Activity or communication designed to encourage individuals to register to vote or to vote if that activity or communication does not mention a clearly identified candidate;
- (3) Any communication by any membership organization or corporation to its members or stockholders, if that membership organization or corporation is not organized primarily for the purpose of influencing the nomination or election of any person to state or county office;
- (4)  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 does not exceed \$250 with respect to any election;
- (5) Any unreimbursed travel expenses incurred by an individual in the course of providing voluntary personal services to a candidate and paid for by that individual, if the cumulative amount of these expenses does not exceed \$350 with respect to any election;
- (5-A) Any unreimbursed campaign-related travel expenses incurred and paid for by the candidate or the candidate's spouse or domestic partner;
- (6) Any communication by any person that is not made for the purpose of influencing the nomination for election, or election, of any person to state, county or municipal office;

C. Generally accepted scientific polling research.

## **21-A § 1015. Limitations on contributions and expenditures**

**1. Individuals.** An individual may not make contributions to a candidate in support of the candidacy of one person aggregating more than \$1,500 in any election for a gubernatorial candidate, more than \$350 for a legislative candidate, more than \$350 for a candidate for municipal office and beginning January 1, 2012 more than \$750 for a candidate for municipal office or more than \$750 in any election for any other candidate. This limitation does not apply to contributions in support of a candidate by that candidate or that candidate's spouse or domestic partner. Beginning December 1, 2010, contribution limits in accordance with this subsection are adjusted every two years based on the Consumer Price Index as reported by the United States Department of Labor, Bureau of Labor Statistics and rounded to the nearest amount divisible by \$25. The commission shall post the current contribution limit and the amount of the next adjustment and the date that it will become effective on its publicly accessible website and include this information with any publication to be used as a guide for candidates.

**2. Committees; corporations; associations.** A political committee, political action committee, other committee, firm, partnership, corporation, association or organization may not make contributions to a candidate in support of the candidacy of one person aggregating more than \$1,500 in any election for a gubernatorial candidate, more than \$350 for a legislative candidate, more than \$350 for a candidate for municipal office and beginning January 1, 2012 more than \$750 for a candidate for municipal office or more than \$750 in any election for any other candidate. Beginning December 1, 2010, contribution limits in accordance with this subsection are adjusted every two years based on the Consumer Price Index as reported by the United States Department of Labor, Bureau of Labor Statistics and rounded to the nearest amount divisible by \$25. The commission shall post the current contribution limit and the amount of the next adjustment and the date that it will become effective on its publicly accessible website and include this information with any publication to be used as a guide for candidates.

**3. Aggregate contributions.** No individual may make contributions to candidates aggregating more than \$25,000 in any calendar year. This limitation does not apply to contributions in support of a candidate by that candidate or that candidate's spouse or domestic partner.

**4. Political committees; intermediaries.** For the purpose of the limitations imposed by this section, contributions made to any political committee authorized by a candidate to accept contributions on the candidate's behalf are considered to be contributions made to that candidate. If the campaign activities of a political action committee within a calendar year primarily promote or support the nomination or election of a single candidate, contributions to the committee that were solicited by the candidate are considered to be contributions made to the candidate for purposes of the limitations in this section. For purposes of this subsection, solicitation of contributions includes but is not limited to the candidate's appearing at a fundraising event organized by or on behalf of the political action committee or suggesting that a donor make a contribution to that committee.

For the purposes of the limitations imposed by this section, all contributions made by a person, either directly or indirectly, on behalf of a particular candidate that are in any way earmarked or otherwise directed through an intermediary or conduit to the candidate are considered to be

contributions from that person to the candidate. The intermediary or conduit shall report the original source and the intended recipient of the contribution to the commission and to the intended recipient.



**5. Other contributions and expenditures.** Any expenditure made by any person in cooperation, consultation or concert with, or at the request or suggestion of, a candidate, a candidate's political committee or their agents is considered to be a contribution to that candidate. The financing by any person of the dissemination, distribution or republication, in whole or in part, of any broadcast or any written or other campaign materials prepared by the candidate, the candidate's political committee or committees or their authorized agents is considered to be a contribution to that candidate.

**6. Prohibited expenditures.** A candidate, a treasurer, a political committee, a party or party committee, a person required to file a report under this subchapter or their authorized agents may not make any expenditures for liquor to be distributed to or consumed by voters while the polls are open on election day.

**7. Voluntary limitations on political expenditures.** A candidate may voluntarily agree to limit the total expenditures made on behalf of that candidate's campaign as specified in section 1013-A, subsection 1, paragraph C and subsections 8 and 9.

**8. Political expenditure limitation amounts.** Total expenditures in any election for legislative office by a candidate who voluntarily agrees to limit campaign expenditures as provided in subsection 7 are as follows:

- A. For State Senator, \$25,000; and
- B. For State Representative, \$5,000.
- C. **(REPEALED)**

Expenditure limits are per election and may not be carried forward from one election to another. For calculation and reporting purposes, the reporting periods established in section 1017 apply.

**9. Publication of list.** The commission shall publish a list of the candidates for State Representative and State Senator who have agreed to voluntarily limit total expenditures for their campaigns as provided in section 1013-A, subsection 1, paragraph C.

For the purposes of subsections 7 and 8 and this subsection, "total expenditures" means the sum of all expenditures made to influence a single election that are made by a candidate or made on the candidate's behalf by the candidate's political committee or committees, the candidate's party or the candidate's immediate family.

#### **21-A § 1015-A. Corporate contributions**

Contributions made by a for-profit or a nonprofit corporation including a parent, subsidiary, branch, division, department or local unit of a corporation, and contributions made by a political committee or political action committee whose contribution or expenditure activities are financed, maintained or controlled by a corporation are considered to be made by that corporation, political committee or political action committee.

- 1. Single entities.** Two or more entities are treated as a single entity if the entities:
  - A. Share the majority of members of their boards of directors;