



June 28, 2016

Jonathan Wayne
Executive Director
Commission on Governmental Ethics and Election Practices
135 State House Station
Augusta, ME 04333-0135

Re: Invitations, Food and Beverages Exemptions in 21-A M.R.S.A. §1012(2)

Dear Director Wayne:

Thank you for the opportunity to offer additional comments regarding the “house party” exemption.¹

House parties and similar events facilitate direct contact between voters and candidates, encouraging grass roots engagement in the political process. However, candidates in the midst of a competitive campaign may stretch the exemption to the far extremes of its intended purpose, opening the door to extra-legal, undisclosed, PAC-like activity. Candidates and others would benefit from the Commission clarifying the exemption as soon as possible. Doing so would serve the public interest, as well.

We appreciate that the Commission is continuing to work on this issue, and we endorse the clarifying language included with the agenda for this week’s meeting with two slight modifications, offered below. First, we suggest a rephrasing of the second-from-last sentence in order to avoid possible confusion about what it means to be a “host” in this context. Second, we suggest an edit to the final sentence to prevent any confusion about the concept of “coordination” and to reinforce that the costs of invitations may only be borne by the person(s) providing the physical premises for the activity:

11. The statutory exception to the definition of “contribution” in 21-A M.R.S.A. § 1012(2)(B)(2) may be claimed by an individual who provides real or personal property or pays for invitations, food or beverages as an incidental cost of providing voluntary personal services for a candidate related activity. The costs of food and beverages are exempt only if they relate to the personal services provided by the volunteer (for

¹ 21-A M.R.S.A. §1012(2) provides: “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” Similar wording appears in other parts of Title 21-A.

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example, assisting at a house party, or hosting an evening of envelope-stuffing by volunteers). The costs of invitations for a campaign event are exempt only if paid for by a volunteer who will be hosting providing the real property for the event. ~~The exception does not apply if the candidate coordinates m~~Multiple volunteers may not to share the costs of an invitation except when more than one person (e.g. spouses) provides the real property at which the event is held.

This approach provides a reasonable limitation to the house party exemption consistent with the purposes of the underlying statute and its legislative history. It allows the exemption to be claimed by volunteers who are bringing food or beverages to an activity, but it restricts the exemption for the cost of invitations to the person (or persons) who provides the venue for the event.

We are confident that new language clarifying how the house party exemption will be applied would go a long way toward eliminating uncertainty and minimizing the likelihood that additional proceedings relating to house parties will be required during this cycle. We support including this language in the Commission's rules as soon as possible, and we will encourage candidates to abide by this interpretation during the period in which the rules are pending.

MCCE has no position on any matter relating to house parties that has previously come before the Commission. We acknowledge the uncertainty that has pervaded this issue, and our support for the solution outlined above should not be construed as criticism of any campaign that followed a more lenient interpretation in the past.

Over the next several months MCCE will review whether to suggest or support additional measures to the Commission and/or the 128th Legislature. We look forward to working with the Commission and staff in that undertaking.

Thank you for the opportunity to comment on this item. Representatives of MCCE are available to further discuss the house party exemption if that would be helpful.

Sincerely,



Robert S. Howe