



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

To: Commission  
From: Jonathan Wayne, Executive Director  
Date: Sunday, November 3, 2024, 1:30 p.m.  
Re: Complaint – Allegation of Contribution to Senate Candidate Sue Bernard

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The Commission received a complaint about a planned expenditure by the Maine Republican Party apparently to record and broadcast three-minute interviews of a State Senate candidate, Sue Bernard, and other candidates on radio stations in northern Maine on election day. If Ms. Bernard does participate in the paid advertisement, it raises a legitimate compliance concern that she will have received a contribution that is not permitted under the Maine Clean Election Act. The matter has been scheduled for an 11:00 a.m. meeting of the Commission on the day before the election. There is time for the party and the candidate to alter plans to avoid any risk of a legal violation.

Under Maine law, if a person makes an expenditure to promote a candidate “in cooperation, consultation or concert with” the candidate, the expenditure constitutes a contribution to the candidate. 21-A M.R.S. § 1015(5). This complaint is about a reported expenditure of \$1,999 by the Maine Republican Party to a group of radio stations in northern Maine. In email correspondence to the Commission, the radio group owner said the purpose of the expenditure is to record interviews of candidates roughly three minutes in length and to broadcast those interviews during “extended breaks” in radio programming on election day. The payment by the party of \$1,999 is for 18 extended breaks. The radio group owner said nine of the breaks were reserved for Republican State Senate nominee Sue Bernard, and the other nine breaks were reserved for five other candidates. As of Saturday morning, the radio group was expecting to receive the payment on Monday, November 4.

The party may be relying on an exception for slate cards and other party communications that list three or more candidates. The exception does not apply to recorded interview of a *single* candidate for public office.

## **Applicable Law**

### *Restrictions on Acceptance of Contributions by Maine Clean Election Act Candidates*

After qualifying to receive Maine Clean Election Act (MCEA) funding, a candidate is prohibited from receiving any monetary or in-kind contributions of goods or services. 21-A M.R.S. § 1125(6).

### *Coordinated Expenditures*

Under the statute that establishes contribution limits for candidates generally, if a person makes an expenditure in cooperation or concert with a candidate, the candidate has received a contribution:

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.

21-A M.R.S. § 1015(5). Political parties may spend unlimited amounts to promote their nominees, provided they are acting independently of the candidate and the candidate's agents.

### *Definition of Expenditure and Exception for a Party Candidate Listing*

The legal definition of an expenditure includes a purchase or payment of money made for the purpose of influencing the election of a candidate to political office. 21-A M.R.S. § 1012(3). The definition contains an exception for a "party candidate listing." § 1012(3)(B)(6). A party candidate listing is defined in 21-A M.R.S. § 1012(3)(B)(6) as (some relevant terms have been underlined):

**Party candidate listing.** "Party candidate listing" means any communication that meets the following criteria.

A. The communication lists the names of at least 3 candidates for election to public office.

B. The communication is distributed through public advertising such as broadcast stations, cable television, newspapers and similar media, and through direct mail, telephone, electronic mail, publicly accessible sites on the Internet or personal delivery.

C. The treatment of all candidates in the communication is substantially similar, except for any requirement under federal law applicable to communications regarding federal candidates.

D. The content of the communication is limited to:

- (1) The identification of each candidate, with which pictures may be used;
- (2) The offices sought;
- (3) The offices currently held by the candidates;
- (4) The party affiliation of the candidates and a brief statement, including campaign slogans, about the party's or the candidates' positions, philosophy, goals, accomplishments or biographies;
- (5) Encouragement to vote for the candidates identified;
- (6) Information about voting, such as voting hours and locations; and
- (7) Campaign or party logos.

If the communication contains language outside the categories of this paragraph, it does not qualify as a party candidate listing.

The phrase "party candidate listing" was defined in the Election Law in 2005 at the suggestion of the Commission to replace a previous phrase, "printed slate card, sample ballot or other printed listing of 3 or more candidates," which was undefined. P.L. 2005, Ch. 301, § 7.

### **Preliminary Facts Received**

*Complaint and information from radio group.* On November 1, 2024, the Commission received a complaint from Ginette Rivard about the purchase of advertising time on a radio station in Caribou Maine, asserting that it was a contribution to Senate

candidate Sue Bernard. We requested information from the station. The Commission staff received the following information by email from the owner of the Bennett Radio Group:

We have also received a buy from the Maine Republican Party for 18 extended breaks on Tuesday November 5th. Of the 18 extended breaks, 9 have been reserved for Sue Bernard and the other 9 have been reserved for 5 other republican candidates. ... The extended breaks last about 3 minutes and consist of an interview with the candidates. Some of the breaks are recorded a couple days in advance and some will be recorded 15 minutes prior to air airing on Tuesday.

He also indicated that the breaks reserved for Sue Bernard would feature her only, not other candidates. Also on Friday, November 1, the Maine Republican Party filed a 24-Hour Report disclosing an expenditure of \$1,999 to the Bennett Radio Group, which it described as "slate advertising."

*Notice and request to participate to Sue Bernard and Maine Republican Party.*  
After receiving the complaint on Friday, November 1, I emailed the complaint to Ms. Bernard, who has confirmed she will participate in the Commission meeting tomorrow.

At 4:46 p.m. on Saturday, November 2 (yesterday), I sent an email to the Executive Director and Treasurer of the Maine Republican Party (copying attorney Joshua Tardy) requesting that a representative of the party participate in the meeting tomorrow. I have not received any acknowledgement yet.

### **Staff Analysis**

One challenge of presenting a staff view in this memo is that our knowledge of the purpose of the party's \$1,999 expenditure to the Bennett Radio Group is based on the information provided by the owner of the radio group and the 24-Hour Report filed by the Maine Republican Party. Commission staff has not yet received any information or legal argument from the party or Ms. Bernard.

Based on information provided, the *preliminary* view of the Commission staff is that, if the advertising unfolds as described, the planned radio advertising by the Maine Republican Party would create a significant risk that Sue Bernard would receive a contribution that is not permitted under the terms of the MCEA.

The proposed broadcast message, as described to me by the Bennett Radio Group, would *not* qualify as a “party candidate listing.” The purpose of exemption is to carve out an exception for a “listing” of candidates prepared by a political party. The proposed recorded interview of Sue Bernard is not a party candidate because it would not “list the names of at least 3 candidates” and would not meet the other terms of the exception. The Commission should not accept that the purchase by a political party of multiple single-candidate advertisements makes those ads a party candidate listing. That would create a huge exception to the term expenditure.

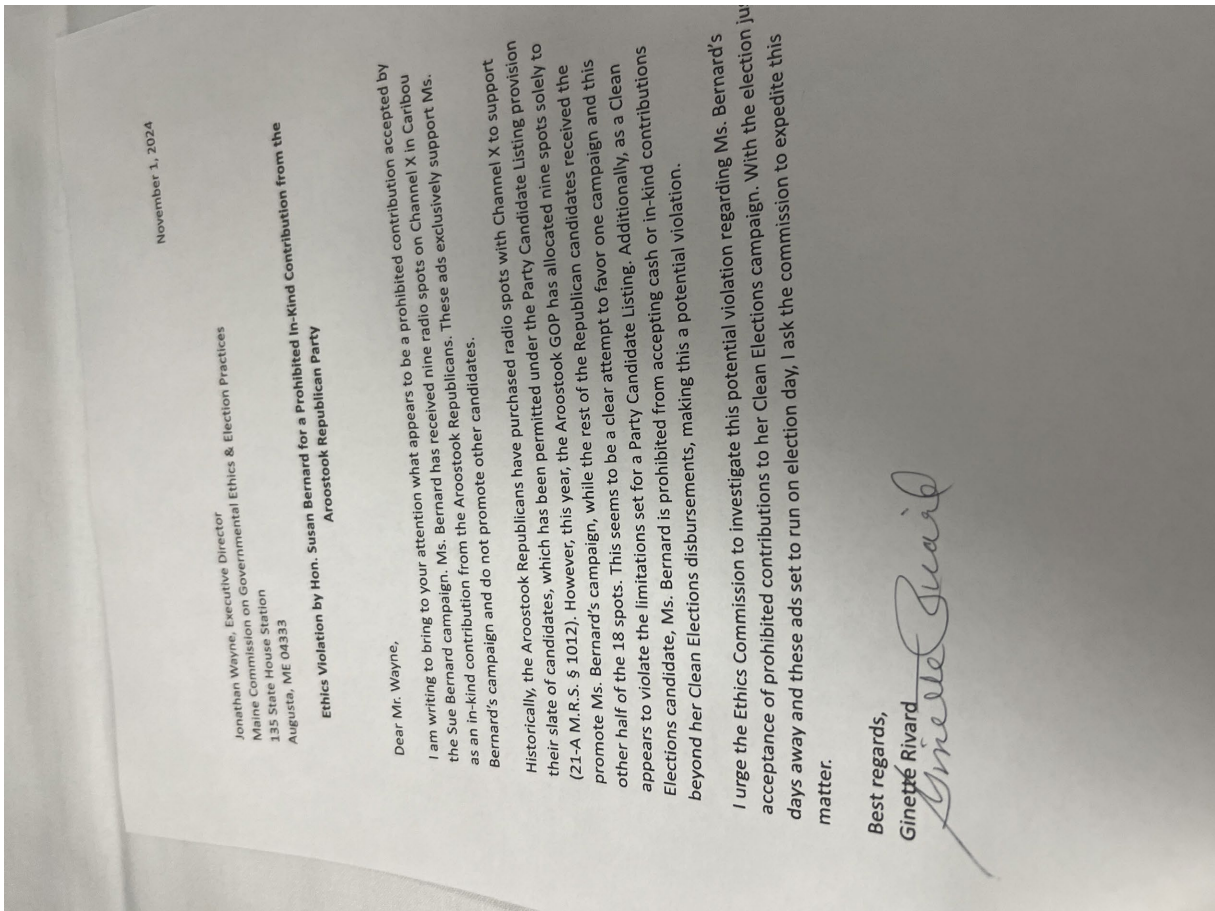
As of now (1:30 p.m. on Sunday), this situation presents a risk of noncompliance that is *very avoidable*. The broadcasts of the interviews are scheduled for election day – two days from now. There is still time for the Maine Republican Party to rearrange its planned financial activities to avoid this risk. The party can spend as much as it likes on advertising to promote Ms. Bernard, provided that it is doing so independently. Ms. Bernard can pay for whatever advertising she wishes out of her remaining MCEA funds.

If the Commission does not receive any confirmation that plans are being changed, staff recommends issuing some sort of advisory communication to the Maine Republican Party and to Ms. Bernard of the substantial risk of noncompliance and authorizing a post-election investigation that relates to all candidates involved.

**From:** [Ginette Rivard](#)  
**To:** [Wayne, Jonathan](#); [Currier, Martha](#)  
**Date:** Friday, November 1, 2024 1:21:25 PM

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Commission on Governmental Ethics and Election Practices  
Mail: 135 State House Station, Augusta, Maine 04333  
Office: 45 Memorial Circle, Augusta, Maine  
Website: [www.maine.gov/ethics](http://www.maine.gov/ethics)  
Phone: 207-287-4179  
Fax: 207-287-6775

## 24-HOUR REPORT OF CONTRIBUTIONS AND EXPENDITURES

### 2024 CAMPAIGN YEAR

COMMITTEE		TREASURER	
Maine Republican Party 9 HIGGINS STREET AUGUSTA, ME 04330 PHONE:(207) 907-9514 EMAIL: TIFFANY@MAINEGOP.COM		TIFFANY DILDA-GASPAR 9 HIGGINS STREET AUGUSTA, ME 04330 PHONE:(207) 622-6247 EMAIL: TIFFANY@MAINEGOP.COM	
REPORT	DUE DATE	REPORTING PERIOD	
24-Hour Report of Contributions	11/02/2024	11/01/2024-11/01/2024	

### FINANCIAL ACTIVITY SUMMARY

CONTRIBUTIONS AND EXPENDITURES	
1. TOTAL CONTRIBUTIONS / LOANS	\$10,000.00
2. TOTAL EXPENDITURES	\$5,999.00
3. TOTAL DEBTS	\$0.00

I, Danny Peppe, CERTIFY THAT THE INFORMATION CONTAINED IN THIS REPORT IS TRUE, ACCURATE, AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

REPORT FILED BY: Danny Peppe  
REPORT FILED ON: 11/1/2024 2:21:41 PM  
LAST MODIFIED:  
COMMITTEE ID: 764

**24-HOUR CONTRIBUTION INFORMATION**

- 1 = Individual

2 = Candidate/ Spouse/ Domestic Partner

3 = Commercial Source

4 = Nonprofit Organization

5 = Political Action Committee

6 = Political Party Committee

7 = Ballot Question Committee

8 = Other Candidate/ Candidate Committee
- 9 = Candidate / Candidate Committee

10 = General Treasury Transfer

11 = Transfer from Previous Campaign

12 = Contributors giving \$50 or less

13 = Contributors giving \$100 or less

14 = Contributors giving \$200 or less

15 = MCEA Payment

16 = Financial Institution

DATE RECEIVED	CONTRIBUTOR	OCCUPATION AND EMPLOYER	CONTRIBUTOR/ CONTRIBUTION TYPE	AMOUNT
11/1/2024	Dirigo PAC PO Box 1355 Alexandria, VA, 22313		5 Monetary (Itemized)	\$10,000.00
TOTAL CONTRIBUTIONS / LOANS				\$10,000.00



## 24-HOUR EXPENDITURE AND PAYEE INFORMATION

EXPENDITURE TYPES				
CNS Campaign consultants CON Contribution to other candidate, party, committee EQP Equipment (office machines, furniture, cell phones, etc.) FND Fundraising events FOD Food for campaign events, volunteers LIT Print and graphics (flyers, signs, palmcards, t-shirts, etc.) MHS Mail house (all services purchased) OFF Office rent, utilities, phone and internet services, supplies OTH Other PHO Phone banks, automated telephone calls	POL Polling and survey research POS Postage for U.S. Mail and mail box fees PRO Other professional services PRT Print media ads only (newspapers, magazines, etc.) RAD Radio ads, production costs SAL Campaign workers' salaries and personnel costs TRV Travel (fuel, mileage, lodging, etc.) TVN TV or cable ads, production costs WEB Website design, registration, hosting, maintenance, etc.			
DATE OF EXPENDITURE	PAYEE	REMARK	TYPE	AMOUNT
11/1/2024	Bennett Radio Group 243 MAIN STREET NORWAY, ME, 04268	Slate Advertising	RAD	\$1,999.00
11/1/2024	Seavey Consulting 17 Winter Street Dover Foxcroft, ME, 04426	Political Strategy Consulting	PER	\$4,000.00
TOTAL EXPENDITURES TO SUPPORT OR OPPOSE:				\$5,999.00

**From:** [Wayne, Jonathan](#)  
**To:** [tiffany@mainegop.com](mailto:tiffany@mainegop.com)  
**Cc:** [jason@mainegop.com](mailto:jason@mainegop.com); [Joshua A. Tardy](#); [suebernard70@gmail.com](mailto:suebernard70@gmail.com); [gmrvr@gmail.com](mailto:gmrvr@gmail.com); [Currier, Martha](#); [Hoefler, Heidi](#)  
**Subject:** Request to Maine Republican Party - Ethics Meeting on Nov. 4  
**Date:** Saturday, November 2, 2024 4:46:00 PM  
**Attachments:** [Meeting Request to Maine Republican Party.pdf](#)

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Tiffany,

This is a request for a representative of the Maine Republican Party to participate by zoom in a meeting of the Maine Ethics Commission this Monday, November 4, 2024 at 11:00 a.m. The Commission is required to meet on an expedited basis to consider a reported expenditure by the Maine Republican Party of \$1,999 to the Bennett Radio Group.

Based on Commission staff's understanding of the purchase, this would not qualify as a slate card/party candidate listing and may constitute as a prohibited contribution to State Senate candidate Sue Bernard.

Please confirm if an attorney or staff person for the Maine Republican Party will be able to join the meeting. Thank you.

Jonathan Wayne  
Executive Director  
Maine Ethics Commission  
135 SHS  
Augusta, ME 04333  
287-4179



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

November 2, 2024

*By email to [tiffany@mainegop.com](mailto:tiffany@mainegop.com)*

Tiffany Dilda-Gaspar  
9 Higgins Street  
Augusta, Maine 04330

Dear Ms. Dilda-Gaspar

This letter is to request that a representative of the Maine Republican Party participate by Zoom in a meeting of the Maine Ethics Commission to be held this Monday, November 4, 2024 at 11:00 a.m. *Please confirm whether an attorney or staff member of the party will be able to participate.*

The Commission is required to meet on an expedited basis to consider a complaint concerning a reported expenditure of \$1,999 by the Maine Republican Party to the Bennett Radio Group. According to emails I received from the Bennett Radio Group, my understanding is that the purchase was for 18 “extended breaks” of advertising time on election day, November 5, 2024. Each break would allow for the broadcast of a recorded interview of a *single* candidate of about three minutes in length. According to the Bennett Radio Group, nine of the breaks are reserved for State Senate Candidate Sue Bernard and the other nine breaks are for five other candidates.

The view of the Commission staff is that the payment by the Maine Republican Party to buy advertising time to broadcast an interview of Ms. Bernard on election day would be an expenditure (21-A M.R.S. § 1012(3)(A)(1)), and her participation in the paid communication to voters would be a contribution to her campaign under 21-A M.R.S. § 1015(5). As a Maine Clean Election Act, she is prohibited from accepting any in-kind contributions of services. 21-A M.R.S. § 1125(6).

Maine Election Law contains an exception for a “party candidate listing,” which is sometimes referred to as a slate card or slate advertising. The definition is copied on the following page. A party candidate listing is “any communication [singular]” that “lists the names of at least 3 candidates” when “[t]he treatment of all candidates in the communication is substantially similar” and the content of the listing stays within seven limited categories. The proposed broadcast message, as described to me by the Bennett Radio Group, would *not* be a party candidate listing because it is an interview that promotes a single candidate. It would not “list the names of at least 3 candidates,” would not treat at least three candidates substantially similarly, and may not meet the other content restrictions.

Thank you for your cooperation with this meeting request.

Sincerely,



Jonathan Wayne  
Executive Director

cc: *By Email*

Jason Savage

Joshua Tardy, Esq.

Hon. Susan Barnard

Ginette Rivard

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**21-A M.R.S. § 1012(5). Party candidate listing.** "Party candidate listing" means any communication that meets the following criteria.

- A. The communication lists the names of at least 3 candidates for election to public office.
- B. The communication is distributed through public advertising such as broadcast stations, cable television, newspapers and similar media, and through direct mail, telephone, electronic mail, publicly accessible sites on the Internet or personal delivery.
- C. The treatment of all candidates in the communication is substantially similar, except for any requirement under federal law applicable to communications regarding federal candidates.
- D. The content of the communication is limited to:
  - (1) The identification of each candidate, with which pictures may be used;
  - (2) The offices sought;
  - (3) The offices currently held by the candidates;
  - (4) The party affiliation of the candidates and a brief statement, including campaign slogans, about the party's or the candidates' positions, philosophy, goals, accomplishments or biographies;
  - (5) Encouragement to vote for the candidates identified;
  - (6) Information about voting, such as voting hours and locations; and
  - (7) Campaign or party logos.

If the communication contains language outside the categories of this paragraph, it does not qualify as a party candidate listing.



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

March 24, 2023

*By email to gmrverd@gmail.com*

Hon. Ginette Rivard

P.O. Box 128

Caribou, Maine 04736

*By email to suebernard70@gmail.com*

Hon. Susan Bernard

70 Grimes Road

Caribou, Maine 04736

**Re: Request to Participate by Zoom in Maine Ethics Commission Meeting  
Monday, November 4, 2024, 11:00 a.m.**

Dear Ms. Rivard and Ms. Bernard,

*This letter is to request that both of you participate in a special meeting that will be held by the Maine Ethics Commission by Zoom on Monday, November 4, 2024, beginning at 11:00 a.m. My colleague Lorrie Brann will send you email invitations on Sunday, November 3.*

The Maine Commission received a complaint from Ms. Ginette Rivard asserting that Ms. Susan Bernard received a contribution because the Aroostook County Republican Committee (ACRC) paid for nine radio advertisements to promote her. Generally, party committees may spend money on advertising to promote candidates without running afoul of contribution restrictions as long as the candidates and their agents did not act in cooperation or consultation with the party committee on the expenditures. 21-A M.R.S. § 1015(5).

Ms. Rivard's participation is requested so she can explain whether she has any reason to believe that Ms. Bernard cooperated with or suggested the ads and any other knowledge she has of the ACRC's advertising spending. The Commission requests that Ms. Bernard speak to whether she suggested the ACRC's ads or cooperated or consulted with them.

The meeting is scheduled for Monday because the Commission is required to hold a meeting on this complaint within two business days after receiving it today. 21-A M.R.S. § 1002(1). Thank you.

Sincerely,

Jonathan Wayne  
Executive Director

cc: Joshua Tardy, Esq.

## 21-A M.R.S. § 1012. Definitions

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

...

### **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;
  - (7) 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;
  - (8) 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 campaign;
  - (9) 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 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;
  - (10) 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;
  - (10-A) Costs paid for by a party committee in connection with a campaign event at which 3 or more candidates are present;
  - (11) Campaign training sessions provided to 3 or more candidates;
  - (11-A) 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;
  - (12) The use of offices, telephones, computers and similar equipment when that use does not result in additional cost to the provider; or
  - (13) 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.

#### **4. Exploratory committee.** [1991, ch. 839, § 3 (RP).]

**4-A. Influence.** "Influence" means to promote, support, oppose or defeat.

**4-B. Leadership political action committee.** [2023, ch. 244, § 2 (RP).]



**5. Party candidate listing.** "Party candidate listing" means any communication that meets the following criteria.

- A.** The communication lists the names of at least 3 candidates for election to public office.
- B.** The communication is distributed through public advertising such as broadcast stations, cable television, newspapers and similar media, and through direct mail, telephone, electronic mail, publicly accessible sites on the Internet or personal delivery.
- C.** The treatment of all candidates in the communication is substantially similar, except for any requirement under federal law applicable to communications regarding federal candidates.
- D.** The content of the communication is limited to:
  - (1) The identification of each candidate, with which pictures may be used;



- (2) The offices sought;
- (3) The offices currently held by the candidates;
- (4) The party affiliation of the candidates and a brief statement, including campaign slogans, about the party's or the candidates' positions, philosophy, goals, accomplishments or biographies;
- (5) Encouragement to vote for the candidates identified;
- (6) Information about voting, such as voting hours and locations; and
- (7) Campaign or party logos.

If the communication contains language outside the categories of this paragraph, it does not qualify as a party candidate listing.

**6. Separate segregated fund committee.** [2023, ch. 244, § 3 (RP).]

## 21-A M.R.S. § 1015. Limitations on contributions and expenditures

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**1. Contributions by individuals.** An individual may not make contributions to a candidate in support of the candidacy of one person aggregating more than \$1,950 in any election for a gubernatorial candidate, more than \$475 for a legislative candidate, more than \$575 for a candidate for municipal office and more than \$975 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, 2024, contribution limits in accordance with this subsection are adjusted every 2 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. Contributions by party committees, ballot question committees and political action committees.** [2023, ch. 244, § 5 (RP).]


**2-A. Contributions by business entities.** [2023, ch. 244, § 6 (RP).]

**2-B. Committees; corporations; associations.** A political committee, political action committee, ballot question committee or 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 \$1,950 in any election for a gubernatorial candidate, more than \$475 for a legislative candidate, more than \$575 for a candidate for municipal office and more than \$975 in any election for any other candidate. Beginning December 1, 2024, contribution limits in accordance with this subsection are adjusted every 2 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.** [2023, ch. 324, § 9 (RP).]

**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. [2007, ch. 443, § A-14 (RP).]

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.

**10. Business entity defined.** [2023, ch. 244, § 8 (RP).]

## **21-A M.R.S. § 1125. Terms of participation [in Maine Clean Election Act]**

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**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 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 post-election parties. This section does not prohibit a candidate from using personal funds for post-election parties as governed by rules of the commission. The commission shall publish guidelines outlining permissible campaign-related expenditures.

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