



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: July 9, 2025
Re: Party Spending with Potential Candidate Cooperation / Republication of
Candidate Messages

Preliminary Information Received

This memo is to request authorization to investigate a situation involving a county party committee in northern Maine that apparently paid for advertising time to broadcast messages promoting six Democratic nominees for the Legislature. In March 2025, the Ethics Commission was contacted by the Aroostook Democratic County Committee (ADCC), because the committee recognized that it was late filing its campaign finance reports during 2024. The ADCC has paid penalties for the late-filing violations.

In the course of assisting the committee, Assistant Director Martha Currier found out about an expenditure to a local radio station, reportedly for "election coverage." The ADCC's treasurer told Ms. Currier these messages were created by the candidates, aired on election day, with re-airings paid for by the ADCC.

Ms. Currier gathered preliminary information about the situation by contacting the Bennett Radio Group, also known as Channel X Radio. The station provided an invoice for the amount paid by the ADCC and the election day broadcast times of the messages promoting the six candidates. The radio group also provided an audio recording of a typical message that featured candidate Kevin Freeman. An informal transcript of that message is attached for your reference.

It appears that the ADCC paid \$1,999 for three advertising times to promote each candidate on election day, for a total of 18 paid time slots. Preliminarily, the Commission staff has calculated that the apparent benefit to each candidate was advertising time worth about \$200-\$300, although that is unconfirmed. The compliance concern is that the purchase of advertising time by the ADCC could represent a contribution to each of the six candidates. Because all of them participated in the Maine Clean Election Act program, they were not permitted to accept contributions. Currently, the Commission staff has received information from the ADCC treasurer and the radio station, but not from the candidates.

Applicable Law

Restrictions on Maine Clean Election Act Candidates

Candidates who voluntarily join the Maine Clean Election Act (MCEA) program agree to certain restrictions on their spending and the contributions they may receive. After qualifying for public campaign funds, candidates in the MCEA program may not accept any cash or in-kind contributions. 21-A M.R.S. § 1125(6).

Definition of Contribution

In Maine Election Law, the definition of “contribution” includes, in part:

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

21-A M.R.S. § 1012(2)(A).

Paid Republication of Candidate Messages and 3rd Party Spending Coordinated with Candidates

Maine’s contribution limits statute sets out two additional ways a candidate may receive a contribution from others. First:

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. § 1015(5). Second, if a candidate cooperates or consults with an expenditure by another person to promote the candidate, the candidate has received an in-kind 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.

Id.

Recommendation

We recommend authorizing an investigation to determine whether the candidates accepted contributions inconsistent with their participation in the MCEA program. The Commission staff believes the information received to date “show sufficient grounds for believing that a violation may have occurred,” which is the standard for initiating an investigation when a complaint is filed. 21-A M.R.S. § 1003(1). We have reached no conclusion that anyone violated the law, and any violations may have been unintentional. If the candidates did, in fact, receive contributions contrary to law, staff believes there could be value in a Commission finding of violation to reinforce that a candidate’s cooperation with spending by another results in a contribution to the candidate.

If the circumstances of this case sound familiar, that is because the Commission briefly considered a complaint about similar proposed ads to promote Republican candidates through the same radio station as part of a Zoom meeting on November 4, 2024, the day before the general election. In that case, Ms. Ginette Rivard submitted a complaint on the previous Friday, because the Maine Republican Party had filed a 24-Hour Report for a \$1,999 expenditure to Bennett Radio Group for “Slate Advertising.” According to Ms. Rivard, the Republican Party had purchased time for 18 “radio spots,” nine of which promoted the local Republican nominee for State Senate, Sue Bernard. She asked the Commission to consider whether the expenditure represented an impermissible contribution to Ms. Bernard.

Maine’s definition of contribution and expenditure contain exceptions for a “party candidate listing,” which covers advertising by a party committee that promotes three or more candidates (sometimes called a slate card). Prior to the Nov. 4, 2024 meeting, I wrote a memo for the Commission offering the staff view that an advertisement promoting a *single* candidate would not qualify for the slate card exception, even if the party committee purchased similar single-candidate ads promoting other candidates. At the November 4 meeting, attorney Josh Tardy said the Maine Republican Party had cancelled the advertisements on Channel X Radio. The Commission took no action on the complaint.

In the first two business hours of Election Day, I tried to contact Democratic Party activists in Aroostook County to warn them that party spending on ads in cooperation with the candidates might result in illegal contributions to the candidates. I don’t remember the conversations, but I have an email record that I spoke with the chair of the ADCC and the Presque Isle Democratic Committee. The broadcast times provided by the radio station suggest that the ADCC’s re-airing of candidate messages was not cancelled in response to my calls. To confirm: at this stage, staff is merely seeking permission to gather additional facts. We have not reached any conclusion concerning whether a violation occurred. Thank you.

Transcript of Kevin Freeman Ad
Created from Audio Provided by Bennett Radio Group
Aired on Election Day 2024

Rich Mellow: Well, as we continue on this election day 2024 we're joined now by Kevin Freeman candidate for Maine House District 5. Kevin, welcome to the program. You're a familiar face and voice to many throughout the county.

Kevin Freeman: Well, it's good to be speaking with everyone here this morning as they're driving to the polls or having a cup of coffee and listening to all of the things that they've heard on radio, television, social media for the last 2 - 3 weeks, I'm sure that they've gotten the message from most of us. For me running for the state house was something really that I started thinking about halfway through my term as a city counselor. I've been on the Presque Isle city council for eight years and 96 meetings I've been to there and only two times did a representative or a senator from Augusta come and address our meetings. Twice out of 96 meetings. There's a definite disconnect between lawmakers in Augusta and municipal government. That needs to change and you know with what I have seen up here at Presque Isle, what we've been able to accomplish the last several years and what we hope to do it in the next several years from now we're gonna need a lot of help from the state in terms of funding, in terms of putting us in touch with resources to try to get some of these things done in Aroostook County. Aroostook's voice of the six or seven or so of us that are sitting in Augusta is equal to the 5, 6, 7 that are sitting in the state house from just the city of Portland so we vastly outnumbered voice wise and as was mentioned by some of the other candidates I totally agree that we need to come with a strong voice and each of us needs to pull weight. We cannot just simply sit in the chair and vote every once in a while. We need to come with issues that represents our district and be advocates for our neighbors in our friends here in Northern Maine. My district is a little unique that it's Presque Isle only. It's people that I've known for the last 50 years that I've lived here plus that I've grown up with, went to school with and I've represented on the city council. I wanted to do the same thing Augusta.

Rich Mellow: Kevin Freeman and of course you'll see his name on the ballot today as well for Maine House District 5, and of course, as you said, Kevin, your district encompassing Presque Isle there, the hub city we'll continue with the conversation with our Democratic candidates for the Maine State Senate and Maine State House on the election day 2024. I'm Rich Mellow on the Channel X radio network.

Voiceover Disclaimer: Paid for by the Aroostook County Democratic Committee.


21-A M.R.S. § 1012. Definitions

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

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2. Contribution. The term “contribution:”

A. Includes:

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- (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

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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