



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: April 30, 2026
Re: Complaints against Democratic Gubernatorial Candidates on Redboxing

The Ethics Commission received complaints against three Democratic gubernatorial candidates regarding a campaign tactic known as red boxing. As background, in most cases, it is illegal for a candidate to suggest that a supportive group advertise to promote the candidate, because the group's spending would amount to a contribution that exceeds the applicable limit. Some candidates for U.S. Congress have responded to this prohibition against directly suggesting third-party spending by posting information in a red box on their campaign website that includes proposed campaign themes, target audiences, and specific types of media (TV, digital, *etc.*). This web content goes beyond merely listing the candidate's accomplishments and policy views. It often includes language that could have the effect of encouraging advertising to specific parts of the electorate, for example, "women without a college degree should hear that ...," "voters over 65 should see ...," "people who voted in the Democratic primary in '22 or '24 should know that"

Because the Federal Election Commission (FEC) has signaled that it will not initiate enforcement matters against red boxing, a perception has grown among some campaign consultants that red boxing is generally legal. Depending on how the Commission views red boxing as a matter of policy, the Commission staff suggests clarifying that red boxing is not necessarily safe in Maine state elections. The FEC's rule on coordinated spending is substantially different from Maine law. People in Maine expect a high degree of compliance from their candidates and a high level of responsiveness from their regulators. The Commission staff is concerned that the practice of red boxing can undermine public trust in campaign finance law because red boxing is contrary in spirit to the well-known principle that candidates can't suggest spending by others.

The Commission staff suggests responding to the complaints by taking an educational approach, rather than enforcement action. We have prepared a draft advisory statement for your consideration that reflects the Commission staff's view that red boxing entails some risk under current law. Alternatively, if a majority of the Commission believes as a matter of policy that red boxing is candidate speech that should receive a very high degree of First Amendment protection such that red boxing should not be viewed as part of a contribution limit violation, the Commission staff could draft other written guidance.

RELEVANT LAW

Limits on giving directly to a candidate. The typical way a candidate receives a contribution is for a source to donate money or goods/services that the candidate may make use to promote their election. 21-A M.R.S. § 1012(2)(A). Maine places limits on the amounts that can be given directly to a candidate. 21-A M.R.S. § 1015(1)&(2-B). For example, the limit on contributing to a candidate for Governor is now \$2,075 per election.

Spending that is suggested by a candidate. Maine Election Law recognizes another way a candidate may receive a contribution. If an outside group spends money to promote a candidate because the candidate suggested the spending, the group has made a contribution to the 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.

21-A M.R.S. § 1015(5) (underlining added for emphasis). If § 1015(5) is read literally, a contribution does not necessarily require any ongoing coordination or mutual awareness of activities between the spender and the candidate. All that is required is:

- (1) a suggestion by the candidate, and
- (2) an expenditure by someone else that results from the suggestion.

Lack of limits on contributions to super-PACs. So-called “super-PACs” are political groups that promote candidates by paying for advertising or other communications directed at voters, such as mailers or automated phone calls. There are no limits on the amount that a source may give to a super-PAC. Candidates, on the other hand, are sharply limited in what they can

accept from contributors. Because of this contrast (limited contributions to candidates vs. unlimited contributions to PACs), it can be tempting for a candidate to invite advertising by PACs they know are supportive.

Commission rule. The Commission has adopted a rule that provides examples of a few activities which create an evidentiary presumption that a candidate has coordinated with someone else on their spending. 94-279 C.M.R. ch. 1, 6(9). Subsection (6)(9)(D)(1) of the rule states that a presumption of coordination is not created if a spender has obtained a photograph, logo, or biography of the candidate, “or similar material” from a publicly available source. This rule reflects that political candidates and other individuals seeking publicity put photos or other shareable content in a “gallery” or “media” section of their website in the hope that fans, bloggers, and others will share this content for free on social media. Commission staff suggest that posting a candidate’s photo on a campaign website that may be freely shared through social media is quite different from posting language that could function as instructions for a sophisticated paid advertising campaign.

COMPLAINTS RECEIVED

On April 24, 2026, Mr. James Kilbreth asked the Commission to investigate whether the red box message on the campaign website of gubernatorial candidate Nirav Shah resulted in any illegal contributions to Dr. Shah that exceeded the \$2,075 contribution limit. On April 28, Newell Augur, counsel for the Shah campaign, requested that any investigation include the red box messages on Troy Jackson’s campaign website and formerly on Hannah Pingree’s website.

The red box messages in the complaints are shown directly below, with yellow highlighting added by Commission staff for easier reference. We’ve provided links to the campaign websites in red text below each red box message in case the Commission wants to view the red box messages live on the internet.

Beginning the week of April 27, a broad group of likely Democratic primary voters (including newly registered voters, unenrolled voters who this cycle in particular may take a Democratic ballot, and Democrats who vote in general elections that might be inclined to vote in this year's primary), should watch while on the go and read, that Dr. Nirav Shah is the leader our state needs to stand up to Donald Trump and deliver real results on affordability - especially likely voters in the Portland media market. These voters should also watch these messages on connected TV at the same time. Eventually, they should see them on traditional television if possible.

Dr. Nirav Shah stood up to Trump's lies during COVID with clear communication and compassionate decision-making and delivered real results. As Governor, Shah will fight for Mainers; protecting democracy, defending healthcare and standing up to Trump. Shah will also tackle the affordability crisis: capping out of control insurance costs and prescription drug prices. And build more affordable housing and make it easier to buy a home.

(currently available at shahformaine.com by clicking on the link for Media Kit at the bottom of the page)

Media Kit

▶ DOWNLOADABLE VIDEO

📷 DOWNLOADABLE PHOTOS

Women who are consistent primary voters need to see and read that Hannah Pingree is a lifelong progressive leader, and the only candidate with the experience and backbone to stand up to Donald Trump, greedy corporations or anyone who wants to hurt Mainers.

Hannah faced down opposition even in her own party to pass one of the nation's first marriage-equality laws, and she stopped right-wing Republicans from taking away women's reproductive rights. Hannah fought large healthcare corporations and big pharma to force insurance companies to cover cancer screenings, dental, and women's health and to allow Mainers to buy lower-cost prescription drugs from Canada.

Hannah took on chemical corporations who were poisoning kids — and passed landmark legislation protecting families from toxic chemicals in toys and household products.

Communication should start as soon as possible with a digital and mail plan that can be sustained through the June 9 primary. Please check this page for updates.

** Consistent primary voters have voted in (1) at least three of the last four non-presidential primaries or (2) registered after the 2020 primary but voted in the '22 and/or '24 primary and (3) voted by mail in either the '22 or '24 primaries.*

(according to Newell Augur, formerly available at hannahforgovernor.com by clicking on “Media Kit” at the bottom of the page; screenshot reportedly captured on 2/8/2026)

TROY JACKSON FOR MAINE

Maine Democratic Primary voters need to know that Troy Jackson is the only candidate who is a progressive fighter that has been standing up for working Mainers his whole life:

- Troy doesn't come from a political dynasty — he's a fifth-generation logger from Allagash who has been endorsed by Bernie Sanders.
- Troy put his life and livelihood on the line to blockade the border and stop greedy corporations from replacing Maine loggers to boost their profits. Now he's the only candidate rejecting corporate PAC money.
- As Governor, Troy will stand up to them and Trump to lower costs and make sure working families and seniors, not the wealthy, get a tax break.

Voters should see a robust and holistic, multi-platform paid communications campaign for Troy's message as soon as possible, especially on broadcast in the Portland Market and in more targeted mediums to, in particular, voters over 65 and all women of all ages, especially without a college degree. It is critical that voters see Troy and Bernie Sanders together.

(www.jacksonformaine.com, click on link for “Media” at bottom of webpage)

STAFF DISCUSSION

On April 29, 2026, the Commission staff sent correspondence to the three campaigns inviting them to submit any brief written comments they would like, for example, explaining a purpose for the red box messages other than suggesting spending by others. It is possible that the campaigns will provide a plausible alternative explanation, but Commission staff are having a hard time thinking of one. Please note that the Troy Jackson red box contains this text:

- “Voters should see a robust ... paid communications campaign”

The red box formerly on the Hannah Pingree website stated:

- “Communications should start as soon as possible with a digital and mail plan.”

Although Mr. Kilbreth’s complaint was about a different candidate, he asks a reasonable question: *isn't this language a suggestion for others to engage in paid advertising?*

In the opinion of the Commission staff, posting a red box message to a candidate website does not, in itself, violate any provision in Maine campaign finance law. It becomes a legal violation only if another party makes an expenditure at the suggestion of the candidate that exceeds the contribution limit.

Depending on how the Commission views red boxing as a matter of policy, it may want to respond to Mr. Kilbreth's complaint with education, rather than enforcement. The Commission is authorized to start an investigation in response to an outside request "if the reasons stated for the request show sufficient grounds for believing that a violation may have occurred." 21-A M.R.S. § 1003(2). The Commission staff recommends no investigation of the Shah campaign because Mr. Kilbreth's complaint does not point out any third-party spending in support of Nirav Shah. Mr. Augur's complaint does not sufficiently draw a connection between the red box message on Troy Jackson's website and recent spending by the Working Mainers First PAC. Hannah Pingree's campaign apparently removed its red box message some time ago.

The Commission staff believe there is already sufficient reason for Maine state candidates to understand that red boxing carries some risk. The staff of the gubernatorial campaigns know very well they cannot suggest that others spend money to promote their candidates. If the Commission investigated and received sufficient evidence that a PAC ran ads due to suggestions in a candidate's red box message, that could support a conclusion that the candidate received an over-the-limit contribution under current law.

Nevertheless, it is possible that campaign consultants working for the gubernatorial candidates do not appreciate any risk because red boxing is a growing tactic on the campaign websites of congressional candidates. Most candidates for Governor are risk averse. An advisory statement addressed to candidates generally could be an effective way to convey to candidates that continued red boxing may lead to an investigation by the Ethics Commission, if sufficient evidence is presented to the Commission of a legal violation.

Alternatively, if a majority of the Commission views redboxing as candidate speech that needs to be strongly protected by the First Amendment such that redboxing should not be considered as part of a contribution limit violation in the future, the Commission staff can prepare other written advice for consideration at a future meeting.



STATE OF MAINE
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135 STATE HOUSE STATION
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To: Kate Knox, Counsel for Hannah Pingree
Newell Augur, Counsel for Nirav Shah
Christine Kirby, Troy Jackson Campaign
Cc: James Kilbreth
From: Jonathan Wayne, Executive Director
Date: April 29, 2026
Re: Requests to Investigate Campaigns of Nirav Shaw, Hannah Pingree, and Troy Jackson

The Ethics Commission received two requests to investigate whether red box messages on the campaign websites of Nirav Shah, Hannah Pingree, and Troy Jackson have resulted in any illegal contributions that exceeded the \$2,075 contribution limit. On April 24, 2026, James Kilbreth asked the Commission to investigate whether the red box message on the Shah campaign website is a suggestion to advertise on Dr. Shah's behalf. Yesterday, Newell Augur, counsel for the Shah campaign, requested that any investigation include the red box messages on the Pingree and Jackson campaign websites.

Mr. Kilbreth raises a reasonable question. Under Maine Election Law, "[a]ny expenditure made ... at the request or suggestion of [] a candidate ... is considered to be a contribution to that candidate." 21-A M.R.S. § 1015(5). Many people could interpret the campaign themes, target audiences, and advertising media in the red box messages as suggestions to spend money to promote the candidates.

The requests for investigations will be added to the agenda for the Ethics Commission's meeting on May 6, 2026 (agenda attached). Please take these requests seriously because they could result in investigations of your clients' campaigns or spending by your allies. Alternatively, the Commission could view this as an occasion for education, not enforcement. *The Commission requests that a representative from each campaign participate in the meeting in person or by zoom. Each campaign is also encouraged to provide any brief written comments you would like on this matter.* For example, you could identify what purpose the red box messages serve other than suggesting spending by others, or provide reasons to conclude that any spending made in response to these messages is not a contribution under 21-A M.R.S. § 1015(5). Please email me or call me at 287-4179 if you have any questions. Thank you.

Friday, April 24, 2026
Maine Commission on Governmental Ethics and Election Practices
45 Memorial Circle
Augusta, ME 04333

Re: Complaint to the Maine Commission on Governmental Ethics and Election Practices

Dear Director Wayne and Assistant Director Currier,

I was recently made aware of a practice that has apparently become common in federal campaigns called "redboxing" — a candidate publishing detailed instructions on their website directing outside groups to run ads on their behalf, written to look like ordinary content but using the language of campaign media buying.

Use of "red boxing" in Maine campaigns would seem to be a blatant violation of the prohibition against candidate coordination with dark money "independent expenditure" PACS. That's why a recent post on the Nirav Shah for Governor campaign website raises numerous red flags. It can be found at <https://shahformaine.com/media-kit/> and I have included a screenshot below. It was accessed today, April 24, 2026.

Beginning the week of April 27, a broad group of likely Democratic primary voters (including newly registered voters, unenrolled voters who this cycle in particular may take a Democratic ballot, and Democrats who vote in general elections that might be inclined to vote in this year's primary), should watch while on the go and read, that Dr. Nirav Shah is the leader our state needs to stand up to Donald Trump and deliver real results on affordability - especially likely voters in the Portland media market. These voters should also watch these messages on connected TV at the same time. Eventually, they should see them on traditional television if possible.

Dr. Nirav Shah stood up to Trump's lies during COVID with clear communication and compassionate decision-making and delivered real results. As Governor, Shah will fight for Mainers; protecting democracy, defending healthcare and standing up to Trump. Shah will also tackle the affordability crisis: capping out of control insurance costs and prescription drug prices. And build more affordable housing and make it easier to buy a home.

The first oddity about this post is that it's found in the "media kit" section of the website. The post initially appears to be a strange, barely grammatical block of text. But I'm told by people familiar with campaign advertising that to anyone in that world it reads as a complete set of instructions for running an ad campaign on Shah's behalf, specifying when to start, which voters to target, which media market to buy, which platforms to use and in what order, and what message to run.

The legal issue

Two provisions of Maine law are directly implicated. Section 1015(5) provides that any expenditure made "at the request or suggestion of" a candidate is treated as a direct contribution, not an independent expenditure. Section 1019-B(1) defines an independent expenditure as one made *without* that kind of candidate direction. Together, these mean that if a

candidate suggests what an outside group should spend money on, that spending loses its protected status and counts against the contribution limit, which is \$2,075 per election for a gubernatorial candidate. A single television ad buy would exceed that by orders of magnitude.

What the post means

The message reads, in relevant part: *"Beginning the week of April 27, a broad group of likely Democratic primary voters (including newly registered voters, unenrolled voters who this cycle in particular may take a Democratic ballot, and Democrats who vote in general elections that might be inclined to vote in this year's primary) should watch while on the go and read, that Dr. Nirav Shah is the leader our state needs to stand up to Donald Trump and deliver real results on affordability, especially likely voters in the Portland media market. These voters should also watch these messages on connected TV at the same time. Eventually, they should see them on traditional television if possible."*

To a media buyer, this is a complete brief. "Beginning the week of April 27" is a start date. The voter description is a targeting universe. "Especially likely voters in the Portland media market" is a geographic instruction. "Watch while on the go" means digital and mobile advertising; "connected TV" means streaming; "traditional television" means broadcast. That is three platforms sequenced in order of rollout. The second paragraph supplies the ad content itself. Section 1015(5) contains a separate clause worth noting: it also treats as a contribution the financing of "the dissemination, distribution or republication, in whole or in part, of any campaign materials prepared by the candidate." If that paragraph is functioning as a script, groups that run it face liability under that clause independently of the suggestion theory.

Why posting it publicly doesn't cure the problem

The campaign may argue that a public post cannot constitute coordination. But Sections 1015(5) and 1019-B(1) prohibit expenditures made at the "suggestion" of a candidate, a word that does not require a private channel or a specific recipient. More fundamentally, accepting this argument would render Maine's coordination rules meaningless. Any candidate could post their media strategy online and claim that whatever followed was independent spending. That cannot be and is not what the legislature intended.

Request

I ask the Commission to open an investigation into whether this post constitutes a "suggestion" under Sections 1015(5) and 1019-B(1) and to determine whether any outside spending that followed must be reclassified as a contribution to the Shah campaign. If the Commission finds that in fact the post is a "suggestion," given the importance of preventing "redbox" circumvention of the campaign finance laws from sprouting up in Maine, a strong sanction including appropriate penalties should be imposed. Given that the post references activity beginning the week of April 27, 2026, I ask that this be treated with urgency.

Respectfully submitted,

James Kilbreth



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Admitted in: ME

April 28, 2026

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

Dear Jonathan,

With respect to Attorney Kilbreth's complaint against the Shah campaign, as I referenced in an earlier email, there are other Democratic gubernatorial campaigns currently engaged in this common practice.

Accordingly, pursuant to MRSA 21-A Section 1003 Subsection 2, I would formally request an investigation be conducted of the Jackson and Pingree campaigns on the same grounds set forth by Attorney Kilbreth in his letter of 4/27/26. I have embedded below relevant information for both of those campaigns.

We also request that any discussion of this issue and the activities of the three campaigns be considered in the aggregate. Please do not hesitate to contact me if you need additional information.

Sincerely,



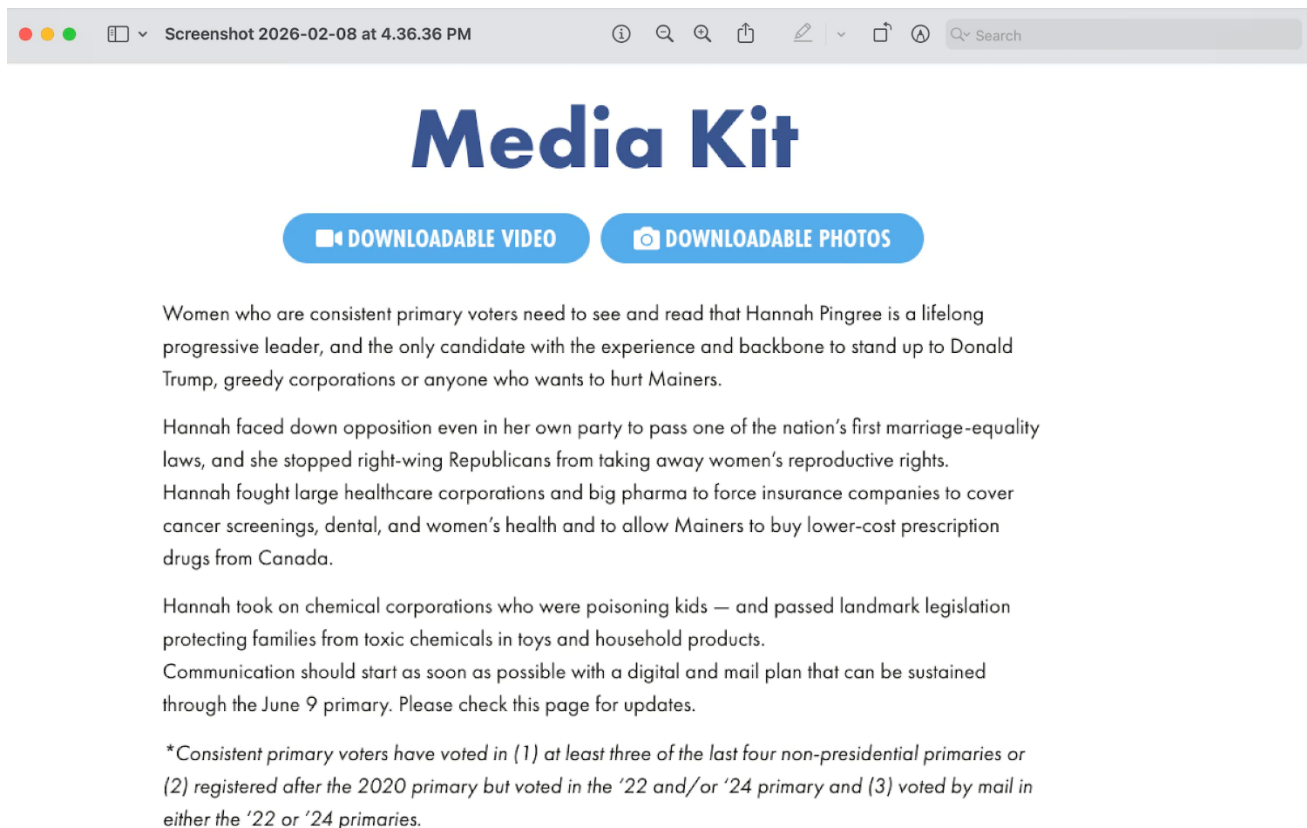
Newell A. Augur

NAA:vc
Enclosure

Pingree for Governor

The directive below was posted on the campaign's website on the Media Kit page on February 8, 2026 as referenced by screenshot meta data. On the same day, this press release was sent out: <https://hannahforgovernor.com/hannah-pingree-reserves-400000-in-tv-advertising-for-democratic-gubernatorial-primary/>

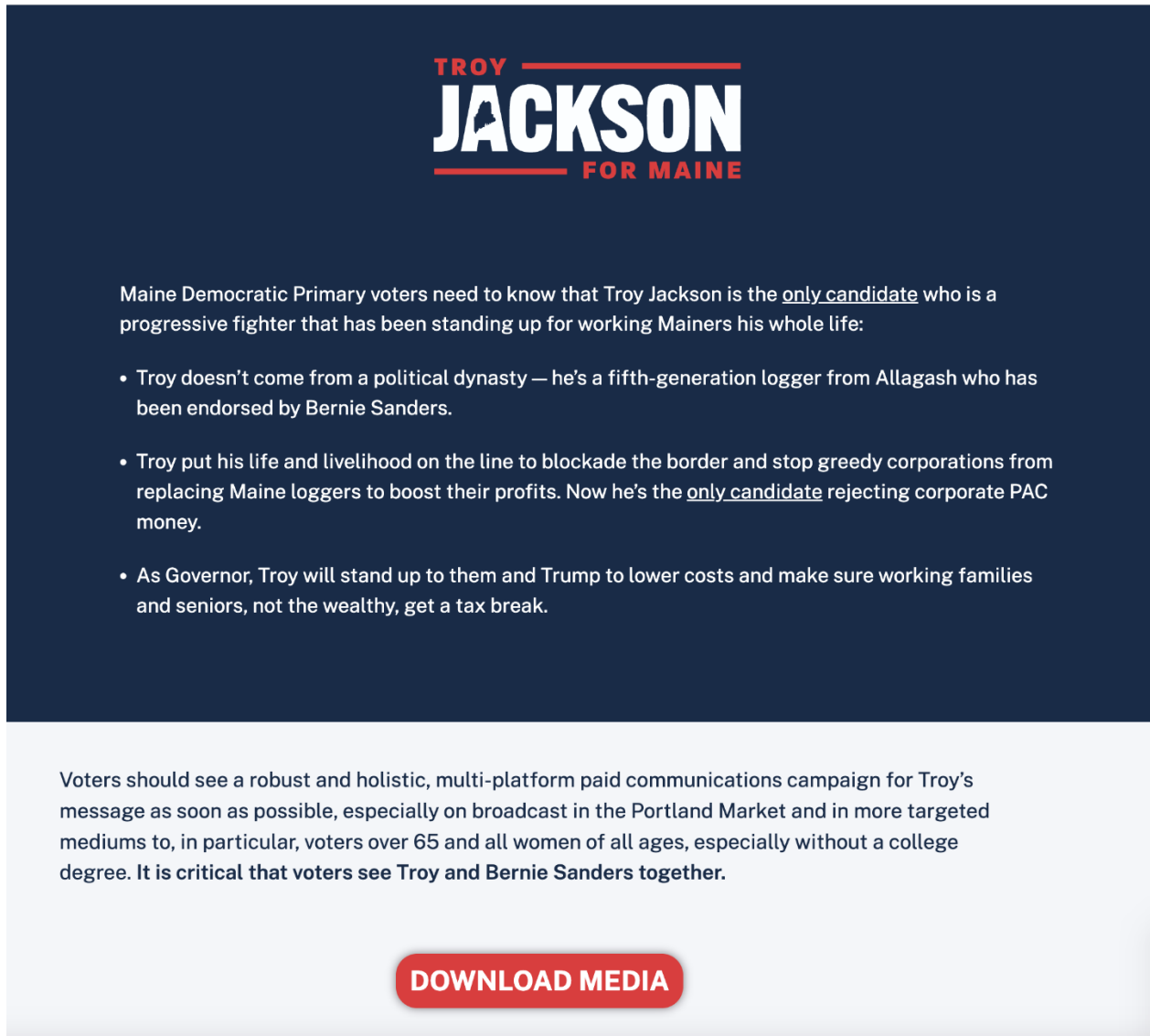
This language has now been removed from the page - but it directs the viewer to "check back for updates".



Maine Conservation Voters is currently running ads on Pingree's behalf. Press release on the ad campaign here: <https://www.maineconservation.org/2026/04/07/mcvaf-launches-ad-campaign-for-hannah-pingree-for-governor/>

Jackson for Governor

Website: <https://troyjackson.org/>. This website is directly linked on the official campaign website. Go to: <https://jacksonformaine.com/>, scroll to the bottom, and click on "MEDIA" it takes you to this page:



TROY JACKSON
FOR MAINE

Maine Democratic Primary voters need to know that Troy Jackson is the only candidate who is a progressive fighter that has been standing up for working Mainers his whole life:

- Troy doesn't come from a political dynasty — he's a fifth-generation logger from Allagash who has been endorsed by Bernie Sanders.
- Troy put his life and livelihood on the line to blockade the border and stop greedy corporations from replacing Maine loggers to boost their profits. Now he's the only candidate rejecting corporate PAC money.
- As Governor, Troy will stand up to them and Trump to lower costs and make sure working families and seniors, not the wealthy, get a tax break.

Voters should see a robust and holistic, multi-platform paid communications campaign for Troy's message as soon as possible, especially on broadcast in the Portland Market and in more targeted mediums to, in particular, voters over 65 and all women of all ages, especially without a college degree. It is critical that voters see Troy and Bernie Sanders together.

DOWNLOAD MEDIA

Here is a link to a recently released independent expenditure on Jackson's behalf:

https://www.maine campaignfinancedisclosure.com/public/filers/f_01kk7pe34pf8x9esghc60jvts6



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Advisory Statement on Red boxing

The Maine Ethics Commission issues this statement for purposes of the 2026 election cycle to confirm how it intends to apply Maine Election Law and a provision in the Commission's rules with respect to red boxed messages placed on a candidate's campaign website.

Expenditures suggested by a candidate. If an outside group spends money to promote a candidate because the candidate suggested the spending, the group has made a contribution to the candidate. 21-A M.R.S. § 1015(5). Such spending can easily exceed the contribution limit for the office the candidate is seeking. For example, if the campaign manager of a 2026 gubernatorial candidate asked a supportive group to purchase \$20,000 in advertising to promote the candidate, the group's expenditure of \$20,000 would amount to an illegal over-the-limit contribution to the candidate because it exceeds the \$2,075 per-election limit. The Commission has adopted a rule specifying certain activities that result in a presumption that spending was made in coordination with a candidate. 94-270 C.M.R. ch. 1, § 6(9).

Red boxing. Red boxing refers to a campaign tactic in which a candidate's website uses signals and phrases that may invite outside groups to engage in advertising desired by the candidate. In some cases, the invitational language appears in a red box and may include:

- suggestions that information needs to be communicated to voters, such as "voters should know that ..." or "voters in Southern Maine need to hear ...,"
- highlighting certain messages or themes for inclusion in communications to voters,
- hints to target certain audiences by location or demographics, such as "independent voters in Northern Maine," or "Democrats under 50," or
- code words that campaign and advertising professionals understand refer to specific media such as television or digital, *e.g.*, "voters need to see," "read," "hear," or "see on the go."

Combining this content in a red boxed message can communicate the candidate's suggested messaging and strategy to outside spenders.

Advisory statement. If an outside spender uses a photograph or logo from a candidate's website as an element in a paid communication to voters, the Commission's rule states that the use of that photo or logo does not, in itself, create a presumption that the outside spender coordinated with the candidate. 94-270 C.M.R. ch. 1, § 6(9)(D)(1). That provision, however, does not condone red boxing.

The Commission advises that, for the remaining part of the 2026 election cycle, red box messages as described above may be interpreted as suggestions to outside groups to spend money, depending on the totality of the circumstances. If sufficient evidence is provided to the Commission, this could result in an investigation to determine whether a candidate received an over-the-limit contribution by suggesting spending from outside groups.

Because the Commission has not provided guidance on this campaign tactic previously, the Commission does not intend to investigate past examples of red boxing by a 2026 candidate, provided the red box messages are no longer on the candidate's website. Any complaints about past redboxing will result in an investigation only if a complainant provides a high degree of proof that red boxing directly resulted in outside spending specifically in the categories that were suggested by the candidate's website.

May 6, 2026

21-A M.R.S. § 1012. Definitions

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;

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.

2-C. Contributions by individuals to political action committees making independent expenditures. An individual may not make contributions aggregating more than \$5,000 in any calendar year to a political action committee for the purpose of making independent expenditures under section 1019-B, subsection 1. 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-D. Contributions by political action committees and business entities to political action committees making independent expenditures. A leadership political action committee, a separate segregated fund committee, a caucus political action committee, any other political action committee or any business entity may not make contributions aggregating more than \$5,000 in any calendar year to a political action committee for the purpose of making independent expenditures under section 1019-B, subsection 1. 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. For purposes of this subsection, “business entity” includes a firm, partnership, corporation, incorporated association, labor organization or other organization, whether organized as a for-profit or a nonprofit entity.

3. Aggregate contributions. [2023, ch. 324, § 9 (RP).]

3-A. Contributions to candidate seeking nomination by petition; primary election period. For the purposes of contribution limits under subsections 1 and 2-B applicable to a candidate seeking nomination by petition, “any election,” when referring to a primary election, includes the period beginning on the day after the most recent general election for the office that candidate is seeking and ending on the day of the primary election for that office.

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).]

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SECTION 6. CONTRIBUTIONS AND OTHER RECEIPTS

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9. If an expenditure is made to promote or support the nomination or election of a candidate, or to oppose or defeat the candidate's opponent(s), and the expenditure is made in cooperation, consultation or concert with, or at the request or suggestion of, the candidate, the expenditure is considered to be a contribution from the spender to the candidate. As used within this subsection, the term "candidate" includes a committee authorized by the candidate to promote or support his or her election, and all agents of the candidate or the authorized committee.

A. In cooperation, consultation or in concert with includes, but is not limited to:

(1) discussion between the candidate and the creator, producer or distributor of a public communication, or the person paying for that public communication, regarding the content, timing, location, mode, intended audience, volume of distribution or frequency of placement of that public communication, and

(2) participation by the candidate in making any decision regarding the content, timing, location, mode, intended audience, volume of distribution, or frequency of placement of the public communication.

B. An expenditure is presumed to be made in cooperation, consultation or concert with, or at the request or suggestion of a candidate, when

(1) the expenditure is made in cooperation, consultation or in concert with any person who, during the twelve months preceding the expenditure, has been the candidate's treasurer or an officer of the candidate's authorized committee, has had a paid or unpaid position managing the candidate's campaign, or has received any campaign-related compensation or reimbursement from the candidate; or

(2) when the candidate has directly shared the candidate's campaign plans, activities, or needs with the spender for the purpose of facilitating a payment by the spender on a public communication to voters to promote or support the candidate.

The candidate or spender may rebut the presumption by submitting sufficient contrary evidence.

C. If a candidate requests that a party committee, political action committee, or other potential spender not make any expenditure to promote or support the candidate, or oppose or defeat the candidate's opponent(s), the request does not constitute cooperation or coordination.

D. An expenditure will not be presumed to have been made in cooperation, consultation or concert with, or at the request or suggestion of a candidate, solely because:

(1) the spender has obtained a photograph, biography, position paper, press release, logo, or similar material about the candidate from a publicly available source;

(2) the person making the expenditure has previously provided advice to the candidate on suggested communication strategies, budgets, issues of public policy, or other campaign plans or activities;

(3) the person makes an expenditure in response to a general, non-specific request for support by a candidate, provided that there is no discussion, cooperation or consultation with the candidate prior to the expenditure relating to the details of the expenditure;

(4) the spender has also made a contribution to the candidate, or has discussed with the candidate his or her campaign plans or activities as part of the candidate's solicitation for a donation;

(5) the expenditure is made by a for-profit or non-profit organization for invitations, announcements, food and beverages and similar costs associated with an event to which the candidate has been invited by the organization to make an appearance before the organization's members, employees, shareholders and the families thereof; or

(6) the expenditure is made by an individual who spends \$ 100 or less for costs associated with a sign that is lettered or printed individually by hand and that reproduces or replicates a candidate's campaign-related design or graphic.

E. A paid public communication that disseminates, distributes, or republishes, in whole or in substantial part, a public communication designed, produced, paid for or distributed by the candidate is a contribution to the candidate regardless whether the candidate suggested or requested the expenditure for the public communication, or cooperated with or consulted on the expenditure.

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