



COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES

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Prohibited Contributions during the Legislative Session

Who is prohibited from making campaign contributions during a legislative session?

Lobbyists, lobbyist associates, their clients, and political action committees that are affiliated with a client of a lobbyist are prohibited from making contributions to certain elected officials and their staff members and agents. (A lobbyist associate is a colleague or employee of a lobbyist who also lobbies on behalf of a client.)

What officials are covered by the ban?

The Governor, Legislators, the constitutional officers, their agents, and members of their staffs ("covered officials") are the only officials covered by the ban.

Does the ban apply to leadership PACs, legislative caucus PACs, and other political committees affiliated with a covered official?

Any PAC, ballot question committee, or political party committee of which a covered official is a treasurer, officer, or primary fund-raiser or decision maker is prohibited from soliciting or accepting a contribution from lobbyists, lobbyist associates, clients of lobbyists, or a PAC affiliated with a client of a lobbyist during a legislative session.

Lobbyists, lobbyist associates, and their clients and affiliated PACs may not give, offer, or promise a contribution during a legislative session to a PAC, ballot question committee, or political party committee of which a covered official is a treasurer, officer, or primary fund-raiser or decision maker.

[Note: This restriction does not apply to contributions solicited or accepted by a federal campaign committee organized by a covered official running for federal office.]

Does the prohibition apply to all gubernatorial and legislative candidates?

No, the prohibition only applies to contributions to a sitting Governor, Legislator, constitutional officer, and staff members and agents of these officials, whether they are a candidate or not. Contributions to any other candidates for statewide or constitutional offices are not subject to the prohibition.

Can other donors make contributions during a legislative session?

Yes. Covered officials may accept contributions from other sources that are not lobbyists and do not employ lobbyists in Maine. Legislative caucus PACs, leadership PACs, and other political committees in which the covered official holds an office or position may also accept contributions during the legislative session from these other sources.

When does the ban apply?

The ban is in effect during any period when the Legislature is convened until the final adjournment. This includes the first and second regular sessions and any special session.

What if a covered official solicits a contribution before the session, but the contribution is not received until after the session begins? Is this allowed?

No. Acceptance means the receipt or deposit of a contribution. If a covered official receives a contribution from a prohibited source after the Legislature convenes, the Commission suggests returning the contribution and waiting to solicit another contribution from this source until after the Legislature has finally adjourned.

Does the prohibition apply to seed money contributions or qualifying contributions given to covered officials intending to participate in the Maine Clean Election Act?

During the session, lobbyists and lobbyist associates are not permitted to make seed money contributions (\$100 contributions to candidates intending to participate in the Maine Clean Election Act), but they may make qualifying contributions (donations to the Maine Clean Election Fund) in support of a covered official seeking to qualify for Maine Clean Election Act funds.

Is a covered official allowed to go to fundraising events for a political party during the session?

Yes. A covered official may attend a fundraising event held by a party committee, so long as the official was not involved in soliciting attendance at the event and all proceeds of the event are paid directly to the party organization hosting the event or to a charitable organization.

Who is responsible for checking if a contribution is prohibited?

It is the covered official's responsibility to screen contributions to make sure they are not from prohibited sources. The current lists of lobbyists, lobbyist associates, and their clients can be found on the Commission's public disclosure website (www.mainecampaignfinance.com). It is also the responsibility of lobbyists, lobbyist associates, and their clients to avoid making contributions during the session to covered officials and political committees in which they hold an office or position.

Are there any exceptions to the prohibition?

Yes. The following contributions are *not* covered by the prohibition:

- contributions accepted by a covered official for a campaign for federal office;
- contributions relating to a special election to fill a vacancy that are made from the time of the announcement of the election until the election occurs; and
- contributions for bona fide social events hosted for nonpartisan, charitable purposes.

For more information, please contact the Commission staff at 287-4179