



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: June 9, 2022
Re: Complaint against Candidate Michael Tipping

This memo is to provide you with preliminary information and relevant law in connection with a complaint filed by Mr. Charles Veeder against candidate Michael Tipping of Orono.

Complaint by Mr. Veeder

Mr. Tipping is running in the June 14, 2022 primary election for the Democratic party nomination for State Senate, District #8. The district contains Old Town, Orono, and other municipalities. He is participating in the Maine Clean Election Act program.

Mr. Tipping is an employee of the Maine People's Alliance (MPA), a nonprofit advocacy organization. The MPA is affiliated with a political action committee, MPA Campaign Vote! The political action committee (PAC) files regular campaign finance reports with the Commission. Sometimes, the PAC spends money on communications to voters to advocate for political candidates. On May 19, 2022, MPA Campaign Vote! paid a vendor for postcard mailings in support of two Democratic candidates who were in opposed primary elections. Mr. Tipping was one of those two candidates.

Mr. Veeder asserts that Mr. Tipping is a "Senior Strategist" at MPA who is responsible for the organization's communication strategies and that it is "unfathomable to believe that Mr. Tipping had no knowledge" of MPA's program of sending postcards to support candidates. Mr. Veeder believes Mr. Tipping has violated the Maine Clean Election Act and questions whether MPA and its PAC acted independently of Mr. Tipping.

Relevant Law

Standard for opening a requested investigation. The Election Law authorizes the Commission to receive requests for investigation and to conduct an investigation “if the reasons stated for the request show sufficient grounds for believing that a violation may have occurred”:

A person may apply in writing to the commission requesting an investigation as described in subsection 1. The commission shall review the application and shall make the investigation 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).

Limits on contributions to legislative candidates. Once a candidate has qualified for Maine Clean Election Act (MCEA) funding, the candidate may not accept any cash or in-kind contributions. 21-A M.R.S. § 1125(6). In 2022, traditionally financed candidates may not accept a contribution of more than \$425 per election. 21-A M.R.S. § 1015(2).

Coordinated expenditures. Under the contribution limit statute (§ 1015), “[a]ny 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(2). These are sometimes called “coordinated expenditures” because the candidate has coordinated with the organization spending money to support them. This provision exists in the campaign finance law of Maine and other states to prevent candidates from circumventing contribution limits by inviting others to spend money on their behalf.

Independent expenditures. When a PAC, political party or other organization spends money independently to promote a candidate, the organization is required to file an independent expenditure (IE) report. The report includes the expenditure details and an affidavit that the expenditure was made independently of the candidate and their political committee. 21-A M.R.S. § 1019-B(4).

Filings by MPA Campaign Vote! PAC

On May 19, 2022, the MPA Campaign Vote! PAC paid a vendor for postcard mailings in support of two Democratic candidates who were in opposed primary elections, Patricia Kidder (House candidate from Springvale) and Michael Tipping (Senate candidate). The expenditures covered printing of the cards and postage. The portion of the expenditures supporting Mr. Tipping totaled \$525.24. As required by law, the PAC disclosed the expenditures in two different reports.

- On May 25, 2022, the PAC filed an independent expenditure report online through the Commission’s e-filing system. The PAC subsequently submitted the affidavit signed by its treasurer, Bridget Surber.¹
- The expenditures were also included in the regular 11-day pre-primary campaign finance report that the PAC filed on the June 1, 2022 deadline.

Response by Michael Tipping

When I notified Mr. Tipping about the complaint, he explained that he had entered into a written agreement with the MPA that he would not be part of any independent expenditures by MPA in 2022. The next day he emailed me the attached agreement dated September 2021 signed by himself and MPA co-director Amy Halsted. The agreement sets out “protocols” that Mr. Tipping would follow “to ensure that no organizational contributions are made from MPA to your campaign for state Senate, and that no coordination between MPA and your campaign occurs.” In his email, Mr. Tipping mentioned that he was on a sabbatical that began on May 2, 2022, suggesting that he was not actively working for the organization at the time it endorsed him and sent out the mailing to support him.

Comments by Commission Staff

Maine is a small state with a relatively open political process. Although our department has no reason to track this, it is presumably not unusual for an individual who

¹ It appears to me that the PAC’s payments to its vendor for postage were omitted from the IE report. The Commission staff will examine this after the meeting and advise the PAC on any amendment that is necessary.

has a close relationship with a party, advocacy, labor or trade organization to become a candidate for office and for that organization to wish to promote the candidate. As long as the organization conducts its promotional financial activities independently of the candidate and the candidate's political committee and agents, the organization has not made a contribution to the candidate. 21-A M.R.S. § 1015(5)

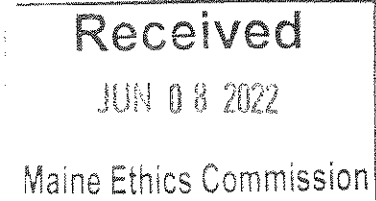
The Commission staff recommends the view that a contribution to a candidate results under 21-A M.R.S. § 1015(5) only if there was an *actual* request or suggestion by the candidate or *actual* communication or cooperation between the candidate and the organization making the expenditure. We caution against making an inference that coordination occurred when there is only suspicion and the Commission cannot find any evidence that the candidate, in fact, cooperated in the communication.

Because Mr. Tipping is employed at the MPA, it is understandable why someone might be concerned about possible coordination between Mr. Tipping and the MPA Campaign Vote! PAC on this particular mailing. The preliminary information received thus far, however, suggests that Mr. Tipping and the MPA recognized in 2021 that this compliance question could arise and took steps to avoid it.

At this preliminary stage, we find Mr. Tipping's explanation plausible. The Commission staff is aware that "firewall" procedures are employed in other campaign contexts. For example, some party-based organizations institute procedures under which staff with knowledge of independent expenditure communications avoid any discussion of those communications with staff members who are working directly with candidates. These procedures are set up in advance and documented in writing to shield candidates from being accused of coordinating with the organization on paid communications to voters. We believe that some Maine legislative caucuses have set up these firewall procedures among their campaign staff.

The Commission staff has arranged for Mr. Tipping, the PAC treasurer (Bridget Surber), and MPA co-director Amy Halsted to participate in the meeting, so that you can make your own credibility judgements and decide whether any further investigation is necessary in this matter. Unless Mr. Veeder can point to other evidence suggesting that Mr. Tipping cooperated in or requested the mailing, the Commission staff recommends taking no further action on the complaint. Thank you for considering this memo.

Charles M. Veeder
36 Colonial Drive
Old Town, Maine 04468
207-356-9541



June 2,2022

To whom it may concern:

I live in Senate District 8 at 36 Colonial Drive, Old Town, ME.

I'd like to file an official ethics complaint against Mike Tipping and MPA Campaign Vote for illegal coordination on an independent expenditure.

Mike Tipping is listed as the Senior Strategist for the MPA. Based on publicly available information, as the Senior Strategist he is a senior level staffer responsible for identifying communication strategies for the organization. On the 19th, it appears based on the attached document that the MPA Campaign Vote PAC filed an "independent expenditure" on Mr. Tipping's behalf.

The independent expenditure from PAC controlled by Mr. Tipping's coworkers included hundreds of dollars in "in-kind staff time for strategy, meetings, and postcards" from his employer, the Maine People's Alliance. It also included over \$500 in spending to Full Court Press for printing and postage.

This is clearly a violation of both the independent expenditure clause and the Maine Clean Election Act conditions in Maine law. It is unfathomable to believe that Mr. Tipping had no knowledge of this program run by his coworkers, and possibly his inferiors, for the organization by which he is a Senior Advisor. Furthermore, candidates for Clean Elections are required to follow a code of ethics that this type of illegal coordination violates. Speaking as a retired Certified Public Accountant, believe that these actions require

Thanks for your consideration,

Charles M. Veeder

A handwritten signature in black ink that reads "Charles M. Veeder". The signature is written in a cursive style with a long, sweeping underline.



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
 Phone: 207-287-4179
 Fax: 207-287-6775

2022 CAMPAIGN FINANCE REPORT

FOR POLITICAL ACTION COMMITTEES

COMMITTEE		TREASURER	
MPA CAMPAIGN VOTE! 565 CONGRESS ST., STE. 200 PORTLAND, ME 04101 PHONE:(207) 797-0967 EMAIL: Bridget@mainepeoplesalliance.org		Bridget Surber 565 Congress Street, Suite 200 Portland, ME 04101 PHONE: EMAIL: bridget@mainepeoplesalliance.org	
REPORT	DUE DATE	REPORTING PERIOD	
11-Day Pre-Primary Report	06/03/2022	04/01/2022 - 05/31/2022	

FINANCIAL ACTIVITY SUMMARY

RECEIPTS	TOTAL FOR PERIOD	TOTAL FOR YEAR
1. CASH CONTRIBUTIONS (SCHEDULE A)	\$0.00	\$0.00
2. OTHER CASH RECEIPTS (INTEREST, ETC.)	\$0.00	\$0.00
3. LOANS (SCHEDULE C)	\$0.00	\$0.00
4. TOTAL RECEIPTS (LINE 1 + 2 + 3)	\$0.00	\$0.00
EXPENDITURES		
5. EXPENDITURES TO SUPPORT OR OPPOSE (SCHEDULE B)	\$783.94	\$2,026.98
6. OPERATING EXPENDITURES (SCHEDULE B-1)	\$0.00	\$0.00
7. LOAN REPAYMENTS (SCHEDULE C)	\$0.00	\$0.00
8. TOTAL PAYMENTS (LINE 5 + 6 + 7)	\$783.94	\$2,026.98
CASH SUMMARY		
9. CASH BALANCE AT BEGINNING OF PERIOD	\$31,056.86	
10. PLUS TOTAL RECEIPTS THIS PERIOD (LINE 4)	\$0.00	
11. MINUS TOTAL PAYMENTS THIS PERIOD (LINE 8)	\$783.94	
12. CASH BALANCE AT END OF PERIOD	\$30,272.92	
OTHER ACTIVITY		
13. IN-KIND CONTRIBUTIONS (SCHEDULE A-1)	\$526.20	\$526.20
14. TOTAL LOAN BALANCE AT END OF PERIOD (SCHEDULE C)	\$0.00	
15. TOTAL UNPAID DEBTS AT END OF PERIOD (SCHEDULE D)	\$0.00	

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

REPORT FILED BY: Bridget Surber
 REPORT FILED ON: 6/1/2022 10:42:51 AM
 LAST MODIFIED: 6/2/2022 10:18:18 AM
 COMMITTEE ID: 327

**SCHEDULE A - 1
IN-KIND CONTRIBUTIONS**

- In-kind contributions are goods and services (including facilities) that a candidate received at no cost or at a cost less than the fair market value. they include all goods and services purchased for the campaign by the candidate or supporters if the campaign does not expect to reimburse the candidate or supporter. These contributions may come from the candidate, candidate's family, supporters, PACs, party committees, or other entities.
- For contributors who gave more than \$50, the names, address, occupation, and employer must be reported. If "information requested" is listed instead of occupation and employer, the candidate is waiting to receive that information.
- In-kind contributions of \$50 or less can be added together and reported as a lump sum.
- If the candidate received a discount on goods and services, the amount of the discount must be reported as an in-kind contribution.
- Total contributions (cash and in-kind) from the same source (except the candidate and candidate's spouse or domestic partner) may NOT exceed \$350 in any election for the legislative candidates, \$750 for county candidates, or \$1500 for gubernatorial candidates. For party candidates, the primary and general elections are considered separate election. For non-party candidates, there is only one election, the general election.

1 = Individual

9 = Candidate / Candidate Committee

2 = Candidate/ Spouse/ Domestic Partner

10 = General Treasury Transfer

3 = Commercial Source

11 = Transfer from Previous Campaign

4 = Nonprofit Organization

12 = Contributors giving \$50 or less

5 = Political Action Committee

13 = Contributors giving \$100 or less

6 = Political Party Committee

14 = Contributors giving \$200 or less

7 = Ballot Question Committee

15 = MCEA Payment

8 = Other Candidate/ Candidate Committee

16 = Financial Institution

DATE RECEIVED	CONTRIBUTOR'S NAME, ADDRESS, ZIP	EMPLOYER AND OCCUPATION	DESCRIPTION (of goods, services, facilities, or discounts received)	TYPE	AMOUNT
5/18/2022	MAINE PEOPLE'S ALLIANCE 565 Congress St., Suite 200 Portland, ME, 04101		Staff time for strategy, meetings	4	\$331.72
5/19/2022	MAINE PEOPLE'S ALLIANCE 565 Congress St., Suite 200 Portland, ME, 04101		Staff time for postcard HD 141	4	\$94.35
5/19/2022	MAINE PEOPLE'S ALLIANCE 565 Congress St., Suite 200 Portland, ME, 04101		staff time for postcard SD 8	4	\$100.13
TOTAL IN-KIND CONTRIBUTIONS					\$526.20

**SCHEDULE B
EXPENDITURES TO SUPPORT OR OPPOSE**

EXPENDITURE TYPES				
APP	Apparel (t-shirts, hats, embroidery, etc.)	CON	Contribution to party committee, non-profit, other candidate, etc.	
EQP	Equipment of \$50 or more (computer, tablet, phone, furniture, etc.)	EVT	Campaign and fundraising events (venue or booth rental, entertainment, supplies, etc.)	
FOD	Food for campaign events or volunteers, catering	HRD	Hardware and small tools (hammer, nails, lumber, paint, etc.)	
LIT	Printed campaign materials (palmcards, signs, stickers, flyers, etc.)	MHS	Mail house and direct mail (design, printing, mailing, and postage all included)	
NEW	Newspaper and print media ads only	OFF	Office supplies, rent, utilities, internet service, phone minutes and data	
ONL	Social media and online advertising only	OTH	Other and fees (bank, contribution, and money order fees, etc.)	
PER	Personnel and campaign staff, consulting, and independent contractor costs	PHO	Phones (phone banking, robocalls and texts)	
POL	Polling and survey research	POS	Postage for U.S. Mail and mail box fees	
PRO	Professional services (graphic design, legal services, web design, etc.)	RAD	Radio ads, production costs	
TKT	Entrance cost to event (bean suppers, fairs, party events, etc.)	TRV	Travel (fuel, mileage, lodging, etc.)	
TVN	TV/cable ads, production, and media buyer costs only	WEB	Website and internet costs (website domain and registration, etc.)	
DATE OF EXPENDITURE	PAYEE	REMARK	TYPE	AMOUNT
5/19/2022	Full Court Press 855 Main St. Westbrook, ME, 04092	Postcards to HD141 for Patty Kidder and to SD8 for Mike Tipping PAYMENT OF \$150.48 TO SUPPORT: Patricia E. Kidder Jurisdiction: State. Party: Democratic. Office: Representative. ELECTION YEAR: 2022. PAYMENT OF \$305.52 TO SUPPORT: Michael Tipping Jurisdiction: State. Party: Democratic. Office: Senator. ELECTION YEAR: 2022.	LIT	\$456.00
5/19/2022	Full Court Press 855 Main St. Westbrook, ME, 04092	Postage for postcards sent to HD141 for Patty Kidder and SD8 for Mike Tipping PAYMENT OF \$108.22 TO SUPPORT: Patricia E. Kidder Jurisdiction: State. Party: Democratic. Office: Representative. ELECTION YEAR: 2022. PAYMENT OF \$219.72 TO SUPPORT: Michael Tipping Jurisdiction: State. Party: Democratic. Office: Senator. ELECTION YEAR: 2022.	POS	\$327.94
TOTAL EXPENDITURES TO SUPPORT OR OPPOSE:				\$783.94



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 Fax: 207-287-6775

2022 INDEPENDENT EXPENDITURE REPORT

COMMITTEE		TREASURER	
MPA CAMPAIGN VOTE! 565 CONGRESS ST., STE. 200 PORTLAND, ME 04101 PHONE: (207) 797-0967 EMAIL: Bridget@mainepeoplesalliance.org		Bridget Surber 565 Congress Street, Suite 200 Portland, ME 04101 PHONE:(207) 797-0967 EMAIL: bridget@mainepeoplesalliance.org	
REPORT	DUE DATE	REPORTING PERIOD	
2-Day Pre-Primary IE Report	05/21/2022	05/19/2022-05/19/2022	

FINANCIAL ACTIVITY SUMMARY

EXPENDITURES	
Total independent expenditures greater than \$250 per candidate	\$305.52
Total independent expenditures of \$250 or less per candidate	\$150.48
Total independent expenditures for all candidates	\$456.00

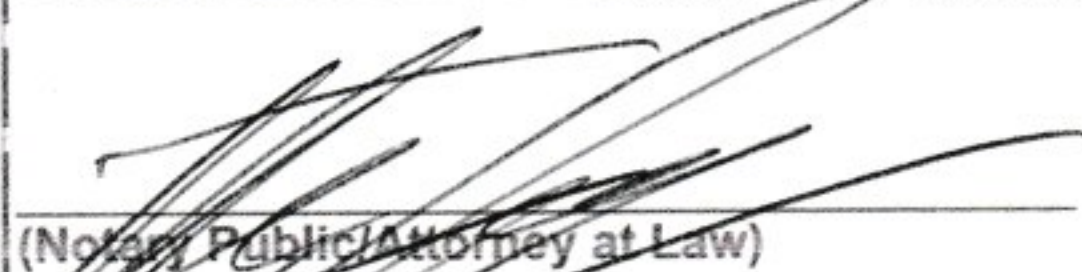
AFFIDAVIT

STATE OF Maine
 COUNTY OF Cumberland

Bridget Surber, being duly sworn, attests that each of the expenditures listed in the attached report was made independently of, and not in cooperation, consultation, or concert with, or at the request or suggestion of, the candidate(s) named in the report, the political committee of the candidate(s), or their agents.

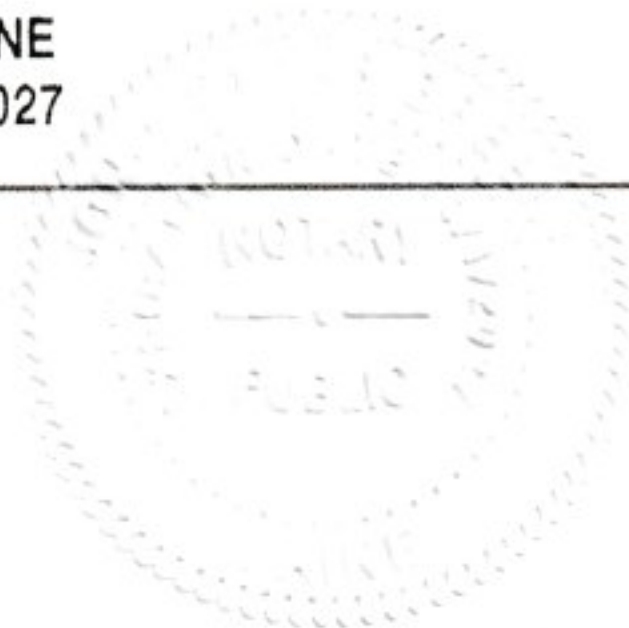

 (Signature of Affiant)

Sworn to before me this 3 day of June 2022


 (Notary Public/Attorney at Law)

JON-THOMAS GREENE false statement under oath is punishable by law.
 NOTARY PUBLIC, STATE OF MAINE
 MY COMMISSION EXPIRES 10/1/2027

REPORT FILED BY: Bridget Surber
 REPORT FILED ON: 5/25/2022 12:00:19 PM
 LAST MODIFIED:
 COMMITTEE ID: 327
 REPORT NUMBER: 35106



**SCHEDULE B-IE-1
CANDIDATE(S) SUPPORTED/OPPOSED**

Expenditure Date	Support / Oppose	Candidate Name	Office	District / County	Payee	Expenditure Amount
5/19/2022	SUPPORT	Mr. Michael Tipping	Senator	8	Full Court Press	\$305.52
Total itemized independent expenditures greater than \$250 per candidate						\$305.52
Total unitemized independent expenditures of \$250 or less per candidate						\$150.48
Total independent expenditures for all candidates						\$456.00

**SCHEDULE B-IE-2
EXPENDITURES**

EXPENDITURE TYPES				
APP	Apparel (t-shirts, hats, embroidery, etc.)	CON	Contribution to party committee, non-profit, other candidate, etc.	
EQP	Equipment of \$50 or more (computer, tablet, phone, furniture, etc.)	EVT	Campaign and fundraising events (venue or booth rental, entertainment, supplies, etc.)	
FOD	Food for campaign events or volunteers, catering	HRD	Hardware and small tools (hammer, nails, lumber, paint, etc.)	
LIT	Printed campaign materials (palmcards, signs, stickers, flyers, etc.)	MHS	Mail house and direct mail (design, printing, mailing, and postage all included)	
NEW	Newspaper and print media ads only	OFF	Office supplies, rent, utilities, internet service, phone minutes and data	
ONL	Social media and online advertising only	OTH	Other and fees (bank, contribution, and money order fees, etc.)	
PER	Personnel and campaign staff, consulting, and independent contractor costs	PHO	Phones (phone banking, robocalls and texts)	
POL	Polling and survey research	POS	Postage for U.S. Mail and mail box fees	
PRO	Professional services (graphic design, legal services, web design, etc.)	RAD	Radio ads, production costs	
TKT	Entrance cost to event (bean suppers, fairs, party events, etc.)	TRV	Travel (fuel, mileage, lodging, etc.)	
TVN	TV/cable ads, production, and media buyer costs only	WEB	Website and internet costs (website domain and registration, etc.)	
Date of expenditure	Payee	Remark	Expenditure type	Net Amount
5/19/2022	Full Court Press 855 Main St. Westbrook, ME, 04092	Postcards to HD141 for Patty Kidder and to SD8 for Mike Tipping	LIT	\$456.00
Total Expenditure				\$456.00

From: Mike Tipping <miketipping@gmail.com>
Sent: Thursday, June 2, 2022 8:24 PM
To: Wayne, Jonathan <Jonathan.Wayne@maine.gov>
Subject: Re: FW: Maine Senate District 8 Ethics Complaint

Hi Jonathan,

Attached is a document I signed, along with my supervisor at MPA, as my campaign began last year describing the steps taken to make sure there's not even a hint of conflict.

I've also been on a complete sabbatical from MPA since May 2. I was endorsed by the volunteer board of MPA Campaign Vote! on May 17 and it appears this expenditure was made on May 19.

I hope this clears things up and this complaint can be withdrawn or quickly resolved.

Thank you,

-Mike

To: Mike Tipping

From: Maine People's Alliance (MPA) Co-Directors

Date: September 2021

Subject: Rules & restrictions regarding campaigning for elected office while employed at MPA

This memorandum outlines important protocols that you must follow as a candidate for state Senate while also employed as a staff-person at MPA, in order to ensure that no organizational contributions are made from MPA to your campaign for state Senate, and that no coordination between MPA and your campaign occurs.

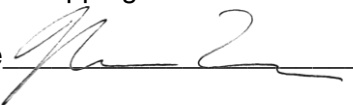
For the duration of your campaign for Maine Senate:

- You will remove yourself from any list-serves (internal or coalition) on which independent expenditures for legislative races may be discussed;
- You will immediately excuse yourself from any conversation/correspondence that you may find yourself witnessing regarding MPA independent expenditures, or other communications (i.e. Beacon coverage) that are directly relevant to your race;
- You will not use MPA equipment, devices or software (copiers, computers, phone lines, office space, email accounts, etc.) for any activities related to your campaign;
- You will not use any MPA staff time or communications platforms (podcast, social media etc.) to discuss your race; and
- If you become aware of a breach of this policy, you will bring it to the immediate attention of the Co-Directors Jesse Graham and Amy Halsted.

This policy shall remain in effect until the polls close on Election Day 2022 or until otherwise instructed. The policy applies during business hours and during off hours; inside and outside the office; and to all forms of communications, including in-person meetings, telephone calls, emails, and other oral, written, and electronic mediums.

AGREED:

Name: Mike Tipping

Signature 

ACCEPTED:

Name: Amy Halsted

Signature 

Title 21-A of Maine Revised Statutes

§ 1003. Investigations by commission

1. Investigations. The commission may undertake audits and investigations to determine whether a person has violated this chapter, chapter 14 or the rules of the commission. For this purpose, the commission may subpoena witnesses and records whether located within or without the State and take evidence under oath. A person or entity that fails to obey the lawful subpoena of the commission or to testify before it under oath must be punished by the Superior Court for contempt upon application by the Attorney General on behalf of the commission. The Attorney General may apply on behalf of the commission to the Superior Court or to a court of another state to enforce compliance with a subpoena issued to a nonresident person. Service of any subpoena issued by the commission may be accomplished by:

- A. Delivering a duly executed copy of the notice to the person to be served or to a partner or to any officer or agent authorized by appointment or by law to receive service of process on behalf of that person;
- B. Delivering a duly executed copy of the notice to the principal place of business in this State of the person to be served; or
- C. Mailing by registered or certified mail a duly executed copy of the notice, addressed to the person to be served, to the person's principal place of business.

2. Investigations requested. A person may apply in writing to the commission requesting an investigation as described in subsection 1. The commission shall review the application and shall make the investigation if the reasons stated for the request show sufficient grounds for believing that a violation may have occurred.

...

§ 1015. Limitations on contributions and expenditures

1. Individuals. An individual may not make contributions to a candidate in support of the candidacy of one person aggregating more than \$1,500 in any election for a gubernatorial candidate, more than \$350 for a legislative candidate, more than \$500 for a candidate for municipal office and beginning January 1, 2012 more than \$750 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, 2010, 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. Committees; corporations; associations. A political committee, political action committee, 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 \$1,500 in any election for a gubernatorial candidate, more than \$350 for a legislative candidate, more than \$500 for a candidate for municipal office and beginning January 1, 2012 more than \$750 in any election for any other candidate. Beginning December 1, 2010, 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. No individual may make contributions to candidates aggregating more than \$25,000 in any calendar year. This limitation does not apply to contributions in support of a candidate by that candidate or that candidate's spouse or domestic partner.

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.

...

§ 1019-B. Reports of independent expenditures

1. Independent expenditures; definition. For the purposes of this section, an "independent expenditure" means any expenditure made by a person, party committee or political action committee that is not made in cooperation, consultation or concert with, or at the request or suggestion of, a candidate, a candidate's authorized political committee or an agent of either and that:

A. Is made to design, produce or disseminate any communication that expressly advocates the election or defeat of a clearly identified candidate; or

B. Unless the person, party committee or political action committee making the expenditure demonstrates under subsection 2 that the expenditure was not intended to influence the nomination, election or defeat of the candidate, is made to design, produce or disseminate a communication that names or depicts a clearly identified candidate and is disseminated during the 28 days, including election day, before a primary election; during the 35 days, including election day, before a special election; or from Labor Day to a general election day.

2. Commission determination. A person, party committee or political action committee may request a determination that an expenditure that otherwise meets the definition of an independent expenditure under subsection 1, paragraph B is not an independent expenditure by filing a signed written statement with the commission within 7 days of disseminating the communication stating that the cost was not incurred with the intent to influence the nomination, election or defeat of a candidate, supported by any additional evidence the person, party committee or political action committee chooses to submit. The commission may gather any additional evidence it determines relevant and material and shall determine by a preponderance of the evidence whether the cost was incurred with intent to influence the nomination, election or defeat of a candidate.

3. Report required; content; rules. [Repealed]

4. Report required; content; rules. A person, party committee or political action committee that makes any independent expenditure in excess of \$250 during any one candidate's election shall file a report with the commission. In the case of a municipal election, the report must be filed with the municipal clerk.

A. A report required by this subsection must be filed with the commission according to a reporting schedule that the commission shall establish by rule that takes into consideration existing campaign finance reporting requirements. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

B. A report required by this subsection must contain an itemized account of each expenditure in excess of \$250 in any one candidate's election, the date and purpose of each expenditure and the name of each payee or creditor. The report must state whether the expenditure is in support of or in opposition to the candidate and must include, under penalty of perjury, as provided in Title 17-A, section 451, a statement under oath or affirmation whether the expenditure is made in cooperation, consultation or concert with, or at the request or suggestion of, the candidate or an authorized committee or agent of the candidate.

C. A report required by this subsection must be on a form prescribed and prepared by the commission. A person filing this report may use additional pages if necessary, but the pages must be the same size as the pages of the form. The commission may adopt procedures requiring the electronic filing of an independent expenditure report, as long as the commission receives the statement made under oath or affirmation set out in paragraph B by the filing deadline and the commission adopts an exception for persons who lack access to the required technology or the technological ability to file reports electronically. The commission may adopt procedures allowing for the signed statement to be provisionally filed by facsimile or electronic mail, as long as the report is not considered complete without the filing of the original signed statement.

5. Exclusions. An independent expenditure does not include:

A. [Repealed]

B. A telephone survey that meets generally accepted standards for polling research and that is not conducted for the purpose of changing the voting position of the call recipients or discouraging them from voting;

C. A telephone call naming a clearly identified candidate that identifies an individual's position on a candidate, ballot question or political party for the purpose of encouraging the individual to vote, as long as the call contains no advocacy for or against any candidate; and

D. A voter guide that consists primarily of candidates' responses to surveys and questionnaires and that contains no advocacy for or against any candidate.

§ 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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