

Annual List of Rule-Making Activity
Rules Adopted January 1, 2016 to December 31, 2016
Prepared by the Secretary of State, pursuant to 5 MRS, §8053-A, sub-§5

Agency name: **Commission On Governmental Ethics and Election Practices**
Umbrella-Unit: **94-270**
Statutory authority: 1 MRS §1003(1); 21-A MRS §1126
Chapter number/title: **Ch. 1, Procedures**
Filing number: **2016-023**
Effective date: 2/16/2016
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

The rule amendments are necessary to conform the Commission's Rules to statutory changes in the November 3, 2015 citizen initiative.

Basis statement / summary:

This chapter describes the nature and operation of the Commission, and establishes procedures by which the Commission's actions will be governed.

Fiscal impact of rule:

The Commission anticipates that the rule amendments will not have a fiscal impact on municipalities and counties, and will not impose an economic burden on small businesses.

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Agency name: Commission On Governmental Ethics and Election Practices
Umbrella-Unit: 94-270
Statutory authority: 1 MRS §1003(1)
Chapter number/title: Ch. 1, Procedures
Filing number: 2016-151
Effective date: 9/20/2016
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

Commission seeks better definition of house party exception in Maine campaign finance law.

Basis statement / summary:

Factual and policy basis: Generally, if candidates for state office request that other persons pay for goods or services promoting the candidate's nomination or election, those costs constitute a contribution to the candidate. (21-A MRS §§ 1012(2)(A)(1) & 1015(5)). Each candidate must disclose contributions that he or she has received. Contributions are generally subject to a per-donor limit (e.g., for the 2016 general election, each donor may contribute money, goods and services to a legislative candidate worth no more than \$375).

The Election Law contains an exception to the definition of "contribution" for certain costs paid for by volunteers. (21-A MRS §1012(2)(B)(2)). Under this exception, individuals may pay for the costs of food, beverages or invitations in rendering voluntary personal services for candidate-related activities, as long as the volunteer's costs do not exceed \$250 per election. Because these costs are exempt, they are not contributions. The candidate does not need to report them, and the costs do not count toward the contribution limit.

Recently, an enforcement matter came before the Commission concerning a State Senate candidate in a contested primary election who encouraged a number of volunteers to pay for the printing and mailing of invitations to two house parties. The candidate was participating in the *Maine Clean Election Act* program, which limited the campaign funds available to him for purposes of the primary election.

This effort, coordinated by the candidate, resulted in a large mailing to voters in the candidate's Senate district having some resemblance to a traditional campaign mailing. After reviewing the circumstances, the Commissioners identified a need to interpret the house party exception in the Commission's Rules.

The Commission invited comments on a proposed rule amendment stating that:

- individuals could pay for the cost of food, beverages or invitations as an "incidental cost" of providing voluntary personal services to a candidate;
- the cost of food or beverages would be exempt only if they relate to personal services provided by the volunteer to the candidate. For example, if a supporter wished to pay for food at a campaign event, she would need to volunteer at the event or provide some voluntary services related to the event in advance. Writing a check to pay for the food would not, in itself, constitute a personal service provided to the candidate; and
- the costs of invitations could not be shared among volunteers, and would be exempt only if paid by a single volunteer who provided the home or premises for the event.

Fiscal impact of rule:

The Commission anticipates that the rule amendments will not have a fiscal impact on municipalities and counties, and will not impose an economic burden on small businesses.