



STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
135 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0135

Additional Material
Agenda Item #3

To: Commissioners
From: Jonathan Wayne, Executive Director
Date: May 24, 2016
Re: Advice by Commission Staff to Rep. Benjamin Chipman

This memo is to clarify the scope of some limited advice given by the Ethics Commission staff to Rep. Benjamin Chipman concerning invitations to campaign events sponsored by volunteers. Rep. Chipman spoke with Assistant Director Paul Lavin three or four times regarding this. Mr. Lavin confirmed that the Legislature had made an exception for volunteers to pay for the cost of invitations, food and beverages, and discussed the key elements of the exception with him. Mr. Lavin advised Rep. Chipman that the exception applies to invitations and that if the content of the communication contained more advocacy for a candidate's election than information about the event, the applicability of the exception could be questionable. During his conversations with Mr. Lavin, Rep. Chipman did not specify the number of volunteers, the cost of the invitations, or the number of invitations that would be mailed. However, Mr. Lavin did say that the statute did not place a limit on the number of volunteers that could share the costs of an event or on the overall costs of the event.

As you can see from the email correspondence, Rep. Chipman raised two practical questions about information that might be required in the invitations:

- Did the invitations need to include a specific statement of who paid for them?
- Did the invitations need to contain a return address?

Rep. Chipman emailed a draft of the invitation to Mr. Lavin, seeking a general “ok” on its content. Mr. Lavin declined to approve the content, in keeping with the Commission staff’s policy that the Ethics Commission should not be approving the content of political communications.

Given the context (that a complaint has been raised about the compliance of the invitations), it is reasonable for Rep. Chipman to bring to your attention that he sought out advice from the Commission staff prior to the invitations being mailed.

Nevertheless, to be clear, Mr. Lavin’s advice was based on the information and draft invitation provided by Rep. Chipman. He did not have specific knowledge of the costs involved, who paid for the mailing and their volunteer capacity in connection with the events, *etc.* His advice was much more limited, addressing the issues of disclaimer statement and return address, and he commented that nothing in the content struck him as out of ordinary for an event invitation.

Thank you for your consideration of this memo

From: Lavin, Paul
To: ["votechipman@gmail.com"](mailto:votechipman@gmail.com)
Subject: FW: Event Invitation
Date: Thursday, May 05, 2016 4:26:00 PM

Rep. Chipman,

Thank you for sending a copy of the invitation. Because the cost for the invitation is being paid by individuals who are volunteering to put on this event for you, the payment for the invitations (as well as for food and beverages) is not considered to be an expenditure under campaign finance law (21-A M.R.S.A. 1012(3)(B)(4)). As such, the invitation is not required to have a disclaimer statement on it. There isn't a requirement to include a return address under campaign finance law.

The content of the invitation is what one would expect to see in an invitation to an event to support a candidate. It's not the Commission's role to pass judgment on the content of communications, but I don't see anything in the invitation that should cause a problem.

Please let us know if you have any other questions.

Paul

Paul Lavin
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Maine Ethics Commission
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Paul.Lavin@maine.gov

From: Ben Chipman [<mailto:votechipman@gmail.com>]
Sent: Thursday, May 05, 2016 11:41 AM
To: Lavin, Paul
Subject: Event Invitation

Hi Paul,

Here is a draft of the house party event invitation we spoke about (see attachments).

Can you let me know if the content is ok? The printing and mailing of the invitation would be paid for by individuals donating up to \$250 each (as allowed per election cycle) specifically for event expenses.

Also, please confirm that there would not need to be any disclaimer or return address.

Thanks,
Ben Chipman

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Ben Chipman
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