



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

To: Commissioners

From: Jonathan Wayne, Executive Director

Date: October 8, 2013

Re: Proposed Changes to Expenditure Guidelines for Maine Clean Election Act Candidates

Maine Clean Election Act candidates are required to spend public campaign funds for “campaign-related purposes.” (21-A M.R.S.A. § 1125(6)) The statute does not define “campaign-related purposes.” Rather, the statute directs the Commission to publish “guidelines outlining permissible campaign-related expenditures.” (*Id.*)

Every two years, the Commission has published updated MCEA expenditure guidelines. I have attached some proposed 2014 changes for your consideration. Please see page 2 of the guidelines. Insertions are underlined. We would like to finalize them on October 16 so that we can publish the new guidelines.

The changes are based on issues we see in reviews of campaign finance reports. Some of the issues arise only occasionally. Some are more common.

We would re-format page 2 after the language is final.

In September, we invited public comment on the proposed changes from legislative leaders, political parties, etc., but received no comments.

Thank you for considering them.



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To: Interested Persons

From: Jonathan Wayne, Executive Director

Date: September 4, 2013

Re: Invitation to Comment on Proposed Changes to Expenditure Guidelines for Maine Clean Election Act Candidates

The Commission staff is interested in your feedback on proposed changes to the guidelines for permissible campaign-related expenditures by Maine Clean Election Act (MCEA) candidates. The Commission is required to establish such guidelines by 21-A M.R.S.A. § 1125(6). The proposed changes are underlined on page 2 of the attached draft guidelines. Please feel free to comment on any aspect of the guidelines.

Please send any comments in writing to Jonathan.Wayne@maine.gov by Friday, September 27, 2013. We anticipate that the Commissioners will decide on revised guidelines at their meeting on Wednesday, October 16, 2013. We will distribute your comments to the Commissioners in advance of the meeting.

For your information, some of our current guidelines are based on statute or rule. So, amending the guidelines in those areas would also require a statute or rule change. These include:

- MCEA candidates may spend limited amounts for post-election parties, thank you notes, or advertising to thank supporters or voters. (Rules, Ch. 3, §6(5))
- If campaigns use MCEA funds to purchase property or equipment that could be converted to the candidate's personal use, the campaign is required to sell the property or equipment after the election and return the proceeds to the MCE Fund. (Rules, Ch. 3, §7(2)(C))
- Candidates may use MCEA funds to reimburse themselves or others for campaign-related travel, provided that the person being reimbursed makes a record of the campaign travel at or near the time of the travel. (Rules, Ch. 3, §7(1)(C)) Volunteers may spend up to \$350 of their own money on campaign-related travel, without the expenditure being considered a contribution to the candidate. (21-A M.R.S.A. § 1012(3)(B)(5))

Thank you for any comments you would like to provide.



2014 EXPENDITURE GUIDELINES For Maine Clean Election Act Candidates

Candidates must spend Maine Clean Election Act (MCEA) funds for campaign-related purposes and not for other purposes such as the candidate’s personal benefit, party-building, or to promote another candidate’s campaign.

PERMISSIBLE CAMPAIGN-RELATED EXPENDITURES

Expenditures for “campaign-related purposes” are those which are traditionally accepted as necessary to promote the election of a candidate to political office. Candidates using MCEA funds must also take into account the public nature of the funds, the underlying objectives of the MCEA, and the reasonableness of the expenditures under the circumstances. In Maine, traditional campaign expenses have included:

- Political advertising expenses
- Campaign communications such as signs, bumper stickers, T-shirts, or caps with campaign slogans, etc.
- Campaign events (e.g., invitations, food, tent or hall rental, etc.)
- Printing and mailing costs
- Office supplies
- Campaign staff expenses
- An entry fee for an event organized by a party committee, charity, or community organization or an ad in an event publication, as long as the expenditure benefits the candidate’s campaign.
- Campaign travel expenses, such as fuel and tolls

PROHIBITED EXPENDITURES

Candidates may not use MCEA funds for personal expenses. This means candidates may not borrow from or use MCEA funds for personal or other non-campaign expenses, even if temporarily and with the intention of repaying the funds. Personal expenses are for goods and services that the candidate would otherwise purchase independently of the campaign, such as:

- Day-to-day household expenses and supplies
- Mortgage, rent, or utility payments for the candidate's personal residence, even if part of the residence is being used by the campaign
- Vehicle repair and maintenance
- Non-campaign transportation expenses
- Clothing, including attire for political functions such as business suits or shoes

Maine Clean Election Act funds may not be spent to:

- pay a consultant, vendor, or campaign staff for anything other than campaign goods or services
- compensate the candidate for services provided by the candidate
- make independent expenditures supporting or opposing any candidate, ballot question, or political committee
- assist in any way the campaign of any candidate other than the candidate for whom the funds were originally designated
- contribute to another candidate, a political committee, or a party committee other than in exchange for goods and services
- make a donation to a charity or a community organization, other than in exchange for campaign goods or services
- promote political or social positions or causes other than the candidate’s campaign
- make a thank-you gift (including a gift card) to a volunteer or supporter
- pay civil penalties, fines, or forfeitures to the Commission, or defend the candidate in enforcement proceedings brought by the Commission
- assist the candidate in an election recount

<i>Salary and compensation</i>	Candidates may use MCEA funds to pay for campaign-related services by staff or consultants, provided that compensation is made at or below fair market value and sufficient records are maintained to show what services were received. Documentation must include a description of the labor performed by the staff member or consultant, and an itemization of any goods or services purchased from other vendors including date, vendor, and amount.
<i>Property and equipment</i>	Goods purchased with MCEA funds for \$50 or more that could be converted to personal use after the campaign (e.g., computers, fax machines, and cell phones) must be sold at fair market value and the proceeds returned to the Maine Clean Election Fund no later than 42 days after the final report for the campaign. <u>If the campaign sells the property or equipment to the candidate or a member of the candidate's immediate family or campaign staff, the campaign must receive at least 75% of the original purchase price paid by the campaign.</u> Candidates are welcome to lease electronic and other equipment.
<u>Goods not typically necessary for campaigns</u>	<u>Legislative candidates may not spend MCEA funds for goods not typically necessary for a House or Senate campaign, such as office furniture, a brief case, or large storage items. If you are unsure whether an item you wish to purchase is within this category, please call the Ethics Commission for guidance.</u>
<u>Promotional items</u>	<u>Candidates may spend MCEA funds for inexpensive items to promote their candidacies or to gain visibility at public events, such as buttons, baseball caps, t-shirts, or candy to be distributed at parades and fairs. Spending MCEA funds on more expensive items, such as sweatshirts, fleeces, or coolers, is not permitted.</u>
<u>Office supplies</u>	<u>Candidates may spend MCEA funds for office supplies that they reasonably anticipate will be used for campaign purposes only. MCEA funds may not be spent for office supplies to be used for constituent communications or for other expenses associated with service as a public official. The Commission may require candidates to repay their campaign for any office supplies with a value of \$50 or more that were not used for campaign purposes or were used minimally for campaign purposes.</u>
<i>Food</i>	Candidates may spend a reasonable amount of MCEA funds on food for campaign events or to feed volunteers while they are working, <u>but must take into account the public nature of MCEA funding.</u> Legislative candidates may not use MCEA funds to purchase food that is consumed <i>only</i> by the candidate <u>and/or members of the candidate's immediate family.</u> Generally, reasonable amounts for food should not exceed \$5 per person for breakfast, \$10 per person for lunch, and \$20 per person for dinner. <u>If candidates wish to spend greater amounts per person for food, the Commission recommends that the candidate contact the Commission staff for guidance.</u>
<i>Lodging</i>	Candidates may use MCEA funds to pay for lodging if necessary for campaign purposes, but must keep lodging expenses reasonable <u>and may not exceed the lodging rates approved by the Office of State Controller for state employees conducting travel for state business.</u> <u>MCEA candidates may use personal funds for lodging, provided that they are not reimbursed by others.</u>
<i>Car Travel</i>	MCEA campaigns may reimburse the candidate or campaign workers for their car travel, as long as the person reimbursed has kept a <i>contemporaneous</i> travel log. For 2014, the campaign may make a travel reimbursement up to the number of miles traveled as reported in the log multiplied by \$0.44. Campaigns must keep the travel logs for three years, and provide them to the Commission if requested. Candidates and their spouses or domestic partners may spend any amount of their personal funds for campaign travel without seeking reimbursement. Other individuals may spend up to \$350 of their personal funds to pay for travel without making a contribution to the campaign.
<i>Campaign Training</i>	Candidates may use MCEA funds for tuition or registration costs to receive training on campaigning or policy issues.
<i>Ballot Questions</i>	Candidates may state their position with respect to a ballot question in a communication financed with MCEA funds. Candidates may not use MCEA funds for a paid communication that primarily supports or opposes a referendum or citizen initiative.
<i>Post-election notes and parties</i>	Candidates may spend up to the following maximum amounts of MCEA funds on post-election parties, thank you notes, or advertising to thank supporters or voters: \$250 for State Representative candidates, \$750 for State Senate candidates, and \$2,500 for candidates for Governor. Candidates may also use personal funds for these purposes.