

Agenda

Item #17



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
Emma Burke, Candidate Registrar

Date: January 15, 2015

Re: Adjustments to Contribution Limits for 2015 and 2016

In the month of December following a general election, the Commission is required to adjust contribution limits for candidates based on the inflation (or deflation) rate reported by the U.S. Department of Labor, Bureau of Labor Statistics (BLS) in the Consumer Price Index. (21-A M.R.S. § 1015(1) & (2)) Any adjustments to the contribution limits must be rounded to the nearest amount divisible by \$25.

Contribution limit for gubernatorial candidates. The current contribution limit for gubernatorial candidates is \$1,500 per election. The limit went into effect in September 2011. The rate of inflation from 2011 to 2014 is 4.98%. When adjusted for inflation, the existing gubernatorial contribution limit of \$1,500 would be \$1,574.77. The contribution limit for gubernatorial candidates should be increased to \$1,575 which is the nearest amount divisible by \$25.

Contribution limit for legislative candidates. The Commission staff uses the contribution limit (\$350) in effect in December 2010 as the base amount for this calculation. The rate of inflation from 2010 to 2014 is 8.28%. Therefore, the current contribution limit of \$375 would be \$379.04 due to inflation. However, as the nearest amount divisible by \$25 is \$375, the contribution limit for legislative candidate will remain unchanged at \$375 per election which is the amount set by the Commission in 2012.

Contribution limit for county candidates. The current contribution limit for county candidates is \$750 per election. The limit went into effect in September 2011. The rate of inflation from 2011 to 2014 is 4.98%. When adjusted for inflation, the existing contribution limit of \$750 would be \$780.60. The contribution limit for county candidates should be increased to \$775 which is the nearest amount divisible by \$25.

Contribution limit for municipal candidates. The current contribution limit for municipal candidates is \$750 per election. The limit went into effect in January 2012. The rate of inflation from 2012 to 2014 is 2.86%. Adjusting for inflation, the existing contribution limit of \$750 would be \$771.42. The contribution limit for municipal candidates should be increased to \$775 which is the nearest amount divisible by \$25.

The following chart summarizes the adjustments to contribution limits. Unless changed by the Legislature, these contribution limits will be in effect for the years 2015 and 2016.

Candidate	Current Limit	New Limit	Change
Governor	\$1,500	\$1,575	\$75
Legislature	\$375	\$375	No change
County	\$750	\$775	\$25
Municipal	\$750	\$775	\$25

Thank you for your consideration of this memo.

Current 21-A MRSA §1015.

✓ **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 \$350 for a candidate for municipal office and beginning January 1, 2012 more than \$750 for a candidate for municipal office or 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.

[2011, c. 382, §1 (AMD) .]

✓ **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 \$350 for a candidate for municipal office and beginning January 1, 2012 more than \$750 for a candidate for municipal office or 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.

[2011, c. 382, §2 (AMD) :]

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.

[2007, c. 443, Pt. A, §12 (AMD) .]

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.

[2011, c. 389, §14 (AMD) .]

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.

[1989, c. 504, §§7, 31 (AMD) .]

6. Prohibited expenditures. A candidate, a treasurer, a political committee, a party or party committee, a person required to file a report under this subchapter or their authorized agents may not make any expenditures for liquor to be distributed to or consumed by voters while the polls are open on election day.

[1991, c. 839, §11 (AMD); 1991, c. 839, §34 (AFF) .]

7. Voluntary limitations on political expenditures. A candidate may voluntarily agree to limit the total expenditures made on behalf of that candidate's campaign as specified in section 1013-A, subsection 1, paragraph C and subsections 8 and 9.

[1995, c. 384, §2 (NEW) .]

8. Political expenditure limitation amounts. Total expenditures in any election for legislative office by a candidate who voluntarily agrees to limit campaign expenditures as provided in subsection 7 are as follows:

- A. For State Senator, \$25,000; and [2007, c. 443, Pt. A, §14 (AMD).]
- B. For State Representative, \$5,000. [2007, c. 443, Pt. A, §14 (AMD).]
- C. [2007, c. 443, Pt. A, §14 (RP).]

Expenditure limits are per election and may not be carried forward from one election to another. For calculation and reporting purposes, the reporting periods established in section 1017 apply.

[2007, c. 443, Pt. A, §14 (AMD) .]

9. Publication of list. The commission shall publish a list of the candidates for State Representative and State Senator who have agreed to voluntarily limit total expenditures for their campaigns as provided in section 1013-A, subsection 1, paragraph C.

For the purposes of subsections 7 and 8 and this subsection, "total expenditures" means the sum of all expenditures made to influence a single election that are made by a candidate or made on the candidate's behalf by the candidate's political committee or committees, the candidate's party or the candidate's immediate family.

[1995, c. 384, §2 (NEW) .]