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**From:** Brann, Lorrie J  
**Sent:** Tuesday, October 25, 2022 1:41 PM  
**Cc:** Gordon, Erin  
**Subject:** Guidance on 24-Hour Reporting Period and Reporting Debts & Obligations

PLEASE READ THIS EMAIL THOROUGHLY!

As a reminder, the 24-Hour Reporting Period begins **Wednesday, October 26 and ends on Monday, November 7.** During the 24-Hour Reporting Period, any transactions in the following list must be reported within 24 hours on the Commission's eFiling website:

- Any single contribution of \$1,000 or more
- Any single loan of \$1,000 or more
- Any single expenditure of \$1,000 or more
- Any single unpaid debt or unpaid order of \$1,000 or more
  - This is regardless of whether you have an invoice or have made a payment on a purchase. If you agree to or place an order with a vendor that is, or may be, \$1,000 or more, you are required to report it as a debt on a 24-Hour Report during the 24-Hour Reporting Period

To file a 24-Hour Report, you must log on to the eFiling website and enter the transaction. The system will make a special 24-Hour Report for you to file. The report must then be completely filed - just entering the transaction will not meet the filing requirements.

This email also serves as a reminder about the importance of reporting debts and unpaid obligations. **Debts must be reported when a reporting period ends, and you have placed an order during that reporting period that you have not fully paid for yet.** Regardless of whether you have received an invoice or bill; you are responsible for at least having an estimate of how much your order(s) will cost; reporting an estimated amount in a debt is allowed.

For instance, candidate Bridget Jones agrees to a third direct mail purchase with the direct mail vendor on October 14<sup>th</sup>. Bridget needs to file the 11-Day Pre-General Report on October 28<sup>th</sup> but doesn't have an invoice yet. However, the last two direct mail pieces cost around \$1,500 each, so Bridget reports a debt of \$1,500 with a date of October 14 in the 11-Day Pre-General Report.

**EVERY ORDER PLACED OR AGREED TO BY OCTOBER 25<sup>TH</sup> MUST BE INCLUDED ON THE 11-DAY PRE-GENERAL REPORT.**

If you have questions or concerns about this email, please call or email us.

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Piscataquis, Somerset, Waldo, and  
Washington counties



## 2022 FILING SCHEDULE

### For Maine Clean Election Act Legislative Candidates

PRIMARY ELECTION: JUNE 14, 2022

GENERAL ELECTION: NOVEMBER 8, 2022

TYPE OF REPORT	FILING DEADLINE (BY 11:59 P.M.)	REPORT PERIOD
Seed Money Report*	April 20, 2022	Date of first seed money contribution – date of certification request <u>For candidates who filed a Semiannual Report*:</u> January 1, 2022 – date of certification request
11-Day Pre-Primary	June 3, 2022	End of Seed Money Report — May 31, 2022
42-Day Post-Primary	July 26, 2022	June 1 — July 19, 2022
42-Day Pre-General	September 27, 2022	July 20 — September 20, 2022
11-Day Pre-General	October 28, 2022	September 21 — October 25, 2022
42-Day Post-General	December 20, 2022	October 26 — December 13, 2022

\* PLEASE NOTE: Candidates collecting more than \$500 in seed money contributions in 2021 must file a 2022 January Semiannual campaign finance report by 11:59 p.m. on January 18, 2022 showing all seed money contributions and expenditures through December 31, 2021.

### 24-HOUR REPORTS FOR UNCONTESTED CANDIDATES

24-HOUR REPORTING PERIODS (13 DAYS BEFORE THE ELECTION)	WHAT TO REPORT	WHEN TO FILE
Primary: June 1 – June 13, 2022 General: October 26 – November 7, 2022	Any single expenditure of \$1,000 or more. Orders placed with or obligations made to vendors for goods or services are considered expenditures at the time the obligations are made.	<u>Within 24 hours</u> , including weekends and holidays, of making the expenditure, incurring the obligation, or placing the order.

### HOW TO FILE REPORTS

*Using the Commission's Website.* Candidates who receive or expect to receive at least \$1,500 for their campaigns must file reports electronically on the Commission's website. Candidates or treasurers must enter the required information and the treasurer must click "File Report" by 11:59 p.m. on the filing deadline. Candidates who lack access to the technology or the technological ability to file reports on the internet may request a waiver by April 15, 2022. The Commission will grant all reasonable requests.

Commission staff will be available until 5:00 p.m. on filing deadlines to offer assistance to candidates and campaign staff.



## 2022 FILING SCHEDULE FOR LEGISLATIVE AND COUNTY CANDIDATES

TYPE OF REPORT	DEADLINE	REPORT PERIOD
<b>2022 January Semiannual</b> <i>If &gt; \$500 raised or spent in 2021</i>	<b>January 18, 2022</b>	<b>Beginning of campaign - December 31, 2021</b>
<b>11-Day Pre-Primary</b> <i>All candidates</i>	<b>June 3, 2022</b>	<b>Beginning of campaign *- May 31, 2022</b> <i>*If 2022 January Semiannual filed: January 1 - May 31, 2022</i>
<b>42-Day Post-Primary</b> <i>All candidates</i>	<b>July 26, 2022</b>	<b>June 1 - July 19, 2022</b>
<b>42-Day Pre-General</b> <i>Candidates participating in the general election</i>	<b>September 27, 2022</b>	<b>July 20 - September 20, 2022</b>
<b>11-Day Pre-General</b> <i>Candidates participating in the general election</i>	<b>October 28, 2022</b>	<b>September 21 - October 25, 2022</b>
<b>42-Day Post-General</b> <i>Candidates participating in the general election</i>	<b>December 20, 2022</b>	<b>October 26 - December 13, 2022</b>
<b>2023 January Semiannual</b> <i>Candidates unsuccessful in the primary and have &gt; \$100 in cash or unpaid loans/debts</i>	<b>January 17, 2023</b>	<b>July 20 - December 31, 2022</b>
<b>2023 July Semiannual</b> <i>Candidates with &gt; \$100 in cash or unpaid loans/debts</i>	<b>July 17, 2023</b>	<b>December 14, 2022 - June 30, 2023</b> <i>If 2023 January Semiannual filed: January 1—June 30, 2023</i>

### REPORTING PERIODS

Each campaign finance report covers a specific period of time. Campaigns must report all contributions received and expenditures made during the period, as well as all debts and obligations that remain unpaid at the end of a period.

If any transactions were not included in a report that has already been filed, the candidate or treasurer must amend the previously filed report. When completing or amending reports, candidates and their treasurers are encouraged to call the Commission staff with any questions.

### REQUIRED REPORTS

***Semiannual Reports for Candidates with Financial Activity in 2021.*** If a candidate raises or spends more than \$500 before December 31, 2021, the campaign must file a 2022 January Semiannual Report no later than January 18, 2022, covering all financial activity since registration.

***Required Pre- and Post-Election Reports for All Candidates.*** Candidates are required to file campaign finance reports according to the schedule found in the table on this page. Each report covers a specific time period and must include all activity within that period.

***24-Hour Reports.*** The 24-hour reporting requirement applies during the 13-day period prior to an election



**2022 PRIMARY ELECTION 24-HOUR REPORTING PERIOD  
JUNE 1, 2022 – JUNE 13, 2022**

Sun	Mon	Tue	Wed	Thu	Fri	Sat
May 29	May 30	May 31	June 1 BEGINS	June 2	June 3	June 4
June 5	June 6	June 7	June 8	June 9	June 10	June 11
June 12	June 13 ENDS	June 14 Primary Election	15	16	17	18

**2022 GENERAL ELECTION 24-HOUR REPORTING PERIOD  
OCTOBER 26, 2022 – NOVEMBER 7, 2022**

Sun	Mon	Tue	Wed	Thu	Fri	Sat
October 23	October 24	October 25	October 26 BEGINS	October 27	October 28	October 29
October 30	October 31	November 1	November 2	November 3	November 4	November 5
November 6	November 7	November 8 General Election	9	10	11	12

**HOW TO FILE 24-HOUR REPORTS:**

- File reports electronically; eFiling will create a 24-Hour Report to file after the transaction is added.

**WHEN TO FILE 24-HOUR REPORTS:**

- Within 24 hours of the contribution, expenditure, or debt or obligation.
- A report must be filed on a weekend or holiday if that is when it is due.
- Qualifying transactions taking place on the day before an election must be reported on election day.

(calendar above). A 24-Hour Report must be filed within 24 hours when a candidate:

- receives a single contribution or loan of \$1,000 or more; or
- makes a single expenditure or incurs an unpaid debt or obligation of \$1,000 or more.

If a candidate incurs a debt or obligation with a vendor during the 24-hour reporting period, they must report the debt or obligation within 24 hours, regardless of when the vendor is paid. The table to the right lists actions which constitute incurring a debt or obligation. Overhead costs, such as rent, taxes, utilities, and

some salary payments, are exempt from 24-hour reporting. A debt payment of \$1,000 or more must be reported in the 24-hour reporting period, unless the debt itself was reported in the report immediately

<b>UNPAID DEBTS AND OBLIGATIONS WHICH ARE REPORTABLE IN 24-HOUR REPORTS</b>
The placement of an order for goods and services
A promise or agreement (even an implied one) that payment will be made
The signing of a contract for a good or service
The delivery of a good or service even if payment has not been made

# MAKING & REPORTING EXPENDITURES

*Candidates must spend their 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. MCEA candidates should be aware of the Expenditure Guidelines (included in this folder), and that some types of expenditures have special record keeping and reporting requirements. MCEA candidates should take into account the public nature of the funds, the underlying objectives of the MCEA, and the reasonableness of the expenditures under the circumstances.*



## MAKING

- All expenditures **must** be made with campaign funds and **must** be allowable under the **Expenditure Guidelines**; **only** campaign purchases may be made with campaign funds.
- All expenditures **should** be made from the campaign bank account **by check or debit card**, and **reimbursements** to the candidate or volunteers should be **avoided**. **Expenditures over \$50 may never be paid for with cash.**
- Expenditures to pay **campaign staff or consultants must have a contemporaneous contract or invoice or timesheet** (please see your 2022 Candidate Guidebook or contact your Candidate Registrar for more information).
- All **campaign literature, advertising, and promotional items**, other than small or handmade items, must have a **proper disclosure statement** on it—the most simple version is: **“Authorized and Paid For by the Candidate”**
- Candidates are allowed to **reimburse** themselves and others for **campaign travel** using the **\$0.45/mile rate**, but **contemporaneous travel logs must be kept** to do so; candidates **should not purchase fuel outright** with MCEA funds, as the mileage rate includes the cost of fuel.

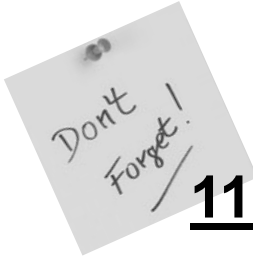
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## REPORTING

- Every expenditure and debt, regardless of amount, **must be itemized** in campaign finance reports.
- If a campaign places an order or purchase, or enters into an agreement for services, it has **incurred a debt**. If a campaign has any unpaid or outstanding debts at the end of a reporting period, **those debts must be disclosed in that report. Debts must be reported even if no payment has been made** and no goods or services have been received.
- For each expenditure the campaign must: report the **date and amount**, and the **full name and address of the payee**; choose an **expenditure type**; and include a **brief description** of what was purchased. Campaigns will be asked to amend their reports if any of this information is **missing, inaccurate, or incomplete**.
- When choosing an **expenditure type**, candidates should do their best to make sure they are selecting an **appropriate option**. Incorrect expenditure types are the most common reason campaigns need to amend reports.
- When reporting a **reimbursement**, the **vendor of the goods or services** should be reported as the payee, **not the person who was reimbursed**, and the date should be the date of the original purchase, not the date the reimbursement was made. In the **description** area, the campaign should include the information of **who was reimbursed and on what date**.
- When reporting a **mileage reimbursement** expenditure, **the payee should be the individual who is receiving the reimbursement**; the campaign **should** include in the description the **number of miles traveled and the dates of travel** for the amount being reimbursed.
- In the 13 days before an election, **most expenditures, debts, and debt payments of \$1,000 or more** have to be reported in a special **24-Hour Report**. Please refer to the **2022 Candidate Guidebook** or contact your **Candidate Registrar** for more information about filing 24-Hour Reports.

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## **11-DAY PRE-GENERAL REPORT** **DUE FRIDAY, OCTOBER 28, 2022**

### **11-DAY PRE-GENERAL REPORT - DUE OCTOBER 28!**

- \* All candidates receiving this reminder must file their 11-Day Pre-General Report no later than 11:59 p.m. on Friday, October 28, 2022
- \* If you are receiving this reminder, you are required to file this report
- \* We encourage you to visit [www.maine.gov/ethics/candidates/filing-campaign-finance-reports](http://www.maine.gov/ethics/candidates/filing-campaign-finance-reports) to read our filing tips for this report
- \* Reporting period ends: **October 25, 2022**
- \* To file your report, go to [www.mainecampaignfinance.com](http://www.mainecampaignfinance.com) and sign in

◇ **Every order placed or agreed to by October 25, must be included in the 11-Day Pre-General Report.**

◆ **The 24-Hour reporting period is October 26—November 7. Any single contribution or expenditure of \$1,000 or more must be reported in a 24-Hour Report.**

**If you need assistance please contact your Candidate Registrar**

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House 77-151, Senate 18-35  
Androscoggin, Cumberland, Franklin, Kennebec,  
Lincoln, Oxford, Sagadahoc, and York counties

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Aroostook, Hancock, Knox, Penobscot, Piscataquis,  
Somerset, Waldo, and Washington counties

**Title 21-A M.R.S.**  
**Chapter 13: Campaign Finance Reports and Finances**

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**Subchapter II**  
**Reports on Campaigns for Office**

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**§ 1012. Definitions**

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As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

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**3. Expenditure.** The term “expenditure:”

**A. Includes:**

- (1) A purchase, payment, distribution, loan, advance, deposit or gift of money or anything of value made for the purpose of influencing the nomination or election of any person to state, county or municipal office, except that a loan of money to a candidate by a financial institution in this State made in accordance with applicable banking laws and regulations and in the ordinary course of business is not included;
- (2) A contract, promise or agreement, expressed or implied, whether or not legally enforceable, to make any expenditure;
- (3) The transfer of funds by a candidate or a political committee to another candidate or political committee; and
- (4) A payment or promise of payment to a person contracted with for the purpose of influencing any campaign as defined in section 1052, subsection 1; and



## § 1017. Reports by candidates

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**3-A. Other candidates.** A treasurer of a candidate for state or county office other than the office of Governor shall file reports with the commission and municipal candidates shall file reports with the municipal clerk as follows. Once the first required report has been filed, each subsequent report must cover the period from the end date of the prior report filed.

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C. If the candidate has an opponent who is on the ballot or who is a declared write-in candidate, any single contribution of \$1,000 or more received or any single expenditure of \$1,000 or more made after the 14th day before any election and more than 24 hours before 11:59 p.m. on the day of any election must be reported within 24 hours of that contribution or expenditure. The candidate or treasurer is not required to include in this report expenditures for overhead expenses or compensation paid to an employee or other member of the campaign staff who has received payments at regular intervals that have been disclosed in previously filed campaign finance reports. As used in this paragraph, “overhead expenses” includes, but is not limited to, rent, utility payments, taxes, insurance premiums or similar administrative expenses.

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## § 1020-A. Failure to file on time

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**2. Campaign finance reports.** A campaign finance report is not timely filed unless a properly signed or electronically submitted copy of the report, substantially conforming to the disclosure requirements of this subchapter, is received by the commission by 11:59 p.m. on the date it is due. Except as provided in subsection 7, the commission shall determine whether a report satisfies the requirements for timely filing. The commission may waive a penalty in whole or in part if the commission determines that the penalty is disproportionate to the size of the candidate’s campaign, the level of experience of the candidate, treasurer or campaign staff or the harm suffered by the public from the late disclosure. The commission may waive the penalty in whole or in part if the commission determines the failure to file a timely report was due to mitigating circumstances. For purposes of this section, “mitigating circumstances” means:

- A. A valid emergency determined by the commission, in the interest of the sound administration of justice, to warrant the waiver of the penalty in whole or in part;
- B. An error by the commission staff;
- C. Failure to receive notice of the filing deadline; or
- D. Other circumstances determined by the commission that warrant mitigation of the penalty, based upon relevant evidence presented that a bona fide effort was made to file the report in accordance with the statutory requirements, including, but not limited to, unexplained delays in postal service or interruptions in Internet service.

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**4-A. Basis for penalties.** The penalty for late filing of a report required under this subchapter is a percentage of the total contributions or expenditures for the filing period, whichever is greater, multiplied by the number of calendar days late, as follows:

- A. For the first violation, 2%;
- B. For the 2nd violation, 4%; and
- C. For the 3rd and subsequent violations, 6%.

Any penalty of less than \$10 is waived.

Violations accumulate on reports with filing deadlines in a 2-year period that begins on January 1st of each even-numbered year. Waiver of a penalty does not nullify the finding of a violation.

A report required to be filed under this subchapter that is sent by certified or registered United States mail and postmarked at least 2 days before the deadline is not subject to penalty.

A registration or report may be provisionally filed by transmission of a facsimile copy of the duly executed report to the commission, as long as the facsimile copy is filed by the applicable deadline and an original of the same report is received by the commission within 5 calendar days thereafter.

**Chapter 1: PROCEDURES**

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

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**SECTION 7. EXPENDITURES**

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**3. Reporting Debts and Unpaid Obligations**

- A. The following events constitute expenditures, even if the payment for a good or service has not been made at the time of the event:
- (1) The placement of an order for a good or service;
  - (2) The signing of a contract for a good or service;
  - (3) The acceptance of the delivery of a good or the performance of a service by a vendor; or
  - (4) A promise or an agreement (including an implied one) that a payment will be made in exchange for a good or service.
- B. For reporting purposes, the expenditures listed in paragraph A are designated as debts or obligations prior to payment for the goods or services being made.
- C. If a person required to file a campaign finance report has a debt or obligation which remains unpaid at the end of the report period, the person shall report the date, amount, vendor, and purpose of the debt or obligation. If the exact amount is not known, the person filing the report shall report an estimate of the amount (preferably obtained in a written statement from the vendor).
- D. If a debt or obligation occurs in the same report period as a payment for that debt or obligation, the person filing the report will report only the payment, not the debt or obligation.
- E. A candidate or committee is not required to report a payment for a good or service in a 24-Hour Report, if the candidate or committee reported a debt for that good or service in the last regularly scheduled campaign finance report.

## Commission Penalty Decisions - Candidates

Candidate	Late Report/Other Violation	Preliminary Penalty	Final Penalty	Commission Meeting Date
<b>Legislative and County candidates</b>				
James Boyle	Late January Semiannual Report	\$1,000.00	\$500.00	03/28/18
Diane Russell	Substantially Non-Compliant January Semiannual		\$100.00	05/30/18
Diane Russell	Substantially Non-Compliant 42-Day Pre-Primary		\$200.00	05/30/18
Ian Schwartz	Late 24-Hour Report	\$384.37	\$300.00	08/29/18
Danny Costain	Late 24-Hour Report	\$2,991.36	\$300.00	08/29/18
Jeffrey Slocum	Late July Semiannual	\$112.00	\$112.00	08/29/18
Mark Lawrence	11-Day Pre-Primary (not compliant)	\$1,739.73	\$400.00	09/26/18
John Tuttle, Jr.	Late 42-Day Post Primary	\$432.00	\$250.00	09/26/18
Dana Dow	Late 24-Hour Report	\$115.93	\$115.93	11/28/18
Jan Collins	Late 24-Hour Report	\$2,565.38	\$300.00	12/19/18
Cynthia Soma-Hernandez	Commingling of funds		\$100.00	12/19/18
<b>Municipal candidates</b>				
John Clark	MCEA Violation-Contributions after Certification		\$250.00	03/06/19
Cathleen Nichols	Late 24-Hour Report	\$3,744.00	\$400.00	03/06/19
James LaBrecque	Late 42-Day Post General	\$235.03	\$235.03	03/06/19
Mark Remick	Late 24-Hour Report (2)	\$2,011.85	\$400.00	03/06/19
Stephen Ball	Commingling of funds waived since he returned \$115 of MCEA funds		\$100.00	06/04/19
Philip Spiller ( <i>Municipal</i> )	Late 24-Hour Report (3)	\$2,395.28	\$900.00	12/18/19
<b>County candidates</b>				
Edward Cohen	Failure to Register		\$100.00	05/27/20
Mark Lawrence	Late 42-Day Post Primary	\$529.50	\$350.00	10/16/20
Brian Redmond	Late 42-Day Post Primary	\$84.00	\$84.00	10/16/20
Mark Andre	Late 42-Day Post Primary	\$132.00	\$132.00	10/16/20
Jeffrey Pierce	Late 42-Day Pre-General	\$40.37	\$40.37	10/30/20
Steve Collins	No Disclaimer on Signs		\$200.00	12/18/20
<b>City candidates</b>				
Troy Jackson	Late 24-Hour Report	\$50.00	\$50.00	01/27/21
Scott Gaiason	Late 11-Day Pre-General Report	\$109.54	\$109.54	01/27/21
William Guerrette	No Disclaimer on Signs		\$0.00	03/08/21
Robyn Stanicki	Late July Semiannual Report	\$637.50	\$250.00	10/29/21
<b>Other candidates</b>				
Howard Patten	Failure to Register		\$100.00	04/27/22
Timothy Keenan	Failure to Register		\$100.00	04/27/22
John V. Chambers	Late 42-Day Post Primary	\$34.90	\$34.90	09/28/22
Benjamin J. Meiklejohn	Late 42-Day Post Primary	\$18.03	\$18.03	09/28/22
Nancy Piche	Failure to File SOSOI		\$100.00	09/28/22
Timothy Keenan	Failure to File SOSOI		\$100.00	09/28/22
Daniel Merrill	Failure to File SOSOI		\$100.00	09/28/22
Susan Bernard	No Disclaimer on mailing		\$75.00	10/26/22
Danielle Fienberg	Late 11-Day Pre-General Report	\$368.12	\$300.00	11/30/22
Stephen Hanrahan	Late 24-Hour Report	\$423.54	\$300.00	11/30/22
David Thurston	Late 11-Day Pre-General Report	\$139.82	\$100.00	11/30/22
Scott Gaisaon	Late 11-Day Pre-General Report	\$135.43	\$135.43	11/30/22

Matthea Daughtry	Late 11-Day Pre-General Report	\$658.21	\$150.00	12/21/22
Robert McCarthy	Late 24-Hour Report	\$308.09	\$300.00	12/21/22
<b>Candidates for Governor</b>				
Mark Eves	Late 24-Hour Report (2)	\$1,378.70	\$500.00	09/26/18
Paul R. LePage	Late 42-Day Pre-Primary	\$9,091.83	\$3,000.00	06/22/22
Ethan Alcorn	Late 42-Day Pre-Primary	\$200.00	\$200.00	06/22/22