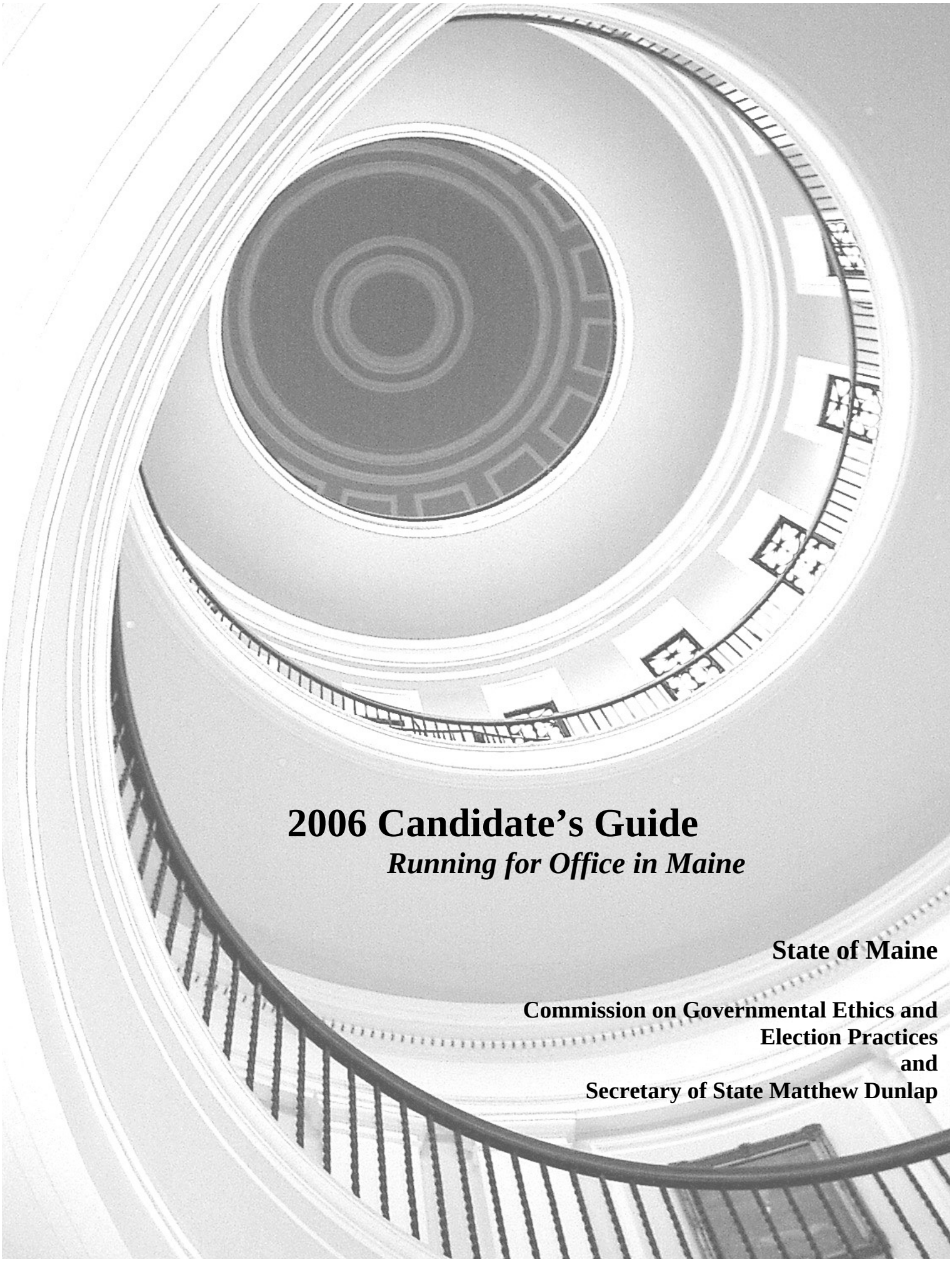

2006 Candidate's Guide

Running for Office in Maine

State of Maine

Commission on Governmental Ethics and Election Practices
and
Secretary of State Matthew Dunlap

Cover Photograph: Rotunda 2006©
by
Sandy Thompson
Maine Commission on Governmental Ethics and Election Practices
2006 Candidate's Guide
Version 1.0

Office of the Secretary of State

I am pleased to publish this new edition of the State of Maine 2006 Candidate's Guide. This booklet is prepared in cooperation with the Commission on Governmental Ethics and Election Practices.

If you are considering becoming a candidate or already have decided to seek public office, I hope you find this free guide helpful.

Public service through elected office is among the oldest and noblest traditions in our democratic system. While the decision to seek public office can be a highly personal one, I can attest that, once undertaken, it is a challenging and rewarding expedition.

As always, my staff is available to assist you with any questions regarding the conduct of elections. The Division of Elections may be contacted at (207) 624-7650. Also, the staff at the Commission on Governmental Ethics and Election Practices is available to assist you with any questions regarding campaign finance laws and reporting requirements. The Commission may be reached by calling (207) 287-4179.

I hope that you will also feel welcome to contact me personally, if I can be of assistance to you.

Sincerely,

Matthew Dunlap
Secretary of State

Introduction

This Candidate's Guide represents a coordinated effort between the Department of the Secretary of State and the Commission on Governmental Ethics and Election Practices (the Commission).

Candidates have filing responsibilities and other requirements with both the Secretary of State's office and the Commission. This Guide provides a comprehensive description of those obligations and outlines the statutory requirements administered by both the Secretary of State's office and the Commission.

The Elections Division within the Department of the Secretary of State administers elections for federal, state and county offices. The Division advises election officials in more than 500 municipalities, as well as hundreds of state candidates, about election laws and procedures. For example, the Division accepts and reviews party and non-party candidate petitions. Through this petition process, candidates qualify to have their names placed on the ballot for either the primary or general election.

The Commission on Governmental Ethics and Election Practices administers the campaign finance law and the Maine Clean Election Act (MCEA), a public-funded campaign financing option. Through the Commission, candidates register, declare their intention to run as a Maine Clean Election Act candidate (or not), and file the required campaign finance reports.

This publication is a useful reference for candidates, their campaign committee – especially its treasurer – and the general public. Each chapter describes the election requirements and references the authorizing statues. Copies of the relevant laws can be obtained from the Commission office or its website (www.maine.gov/ethics). They are also available from the Elections Division or through its website (www.maine.gov/sos/cec).

The Commission and the Department of the Secretary of State have taken care to make this Guide concise and accurate. However, you should not substitute the information presented here for the applicable statutory provisions of the Election Law. The statutory requirements are controlling in the event of any omission in this publication. This Guide is current as of November 30, 2005. Its contents are subject to statutory changes enacted by the Legislature and rule changes approved under the Administrative Procedure Act.

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DEPARTMENT OF THE SECRETARY OF STATE

SECTION I
CHAPTER 1 - Becoming a Candidate

● Who is a Candidate?
● Offices and Requirements

Who is a Candidate?

A candidate is any one or a combination of the following:

- A person who has filed a petition and has qualified to be nominated by the Primary Election as a party candidate;
- A person who has filed a petition and has qualified as a "non-party" candidate;
- A person who has filed a declaration with the Secretary of State as a write-in candidate;
- A person who has received contributions or made expenditures with the intent of qualifying as a candidate; or
- A person who has given his or her consent for any other person to receive contributions or make expenditures with the intent of qualifying as a candidate.

A person may be a candidate for only one office in any election and may choose only one method (primary election or non-party petition) to gain access to the printed general election ballot.

Exception: A person may be a candidate for **county charter commission or for Presidential elector (not applicable in 2006)** and may also be a candidate for one additional office at the same election.

Candidate Offices and Requirements

Federal and State Offices

No person may be a candidate unless, at the time of nomination for placement on the primary, general or special election ballot, that person is a resident of the district which the candidate seeks to represent.

Office Type	Office	Minimum Age	Citizenship: Minimum Number of Years	Residency	Statute Reference	
Federal	U.S. Senator	30	9	Resident of State in which running	U.S. Constitution, Article I, §3	
Federal	Representative to Congress	25	7	Resident of state in which running	U.S. Constitution, Article I, §2	
State	Governor	30	15	5 years Maine resident	Maine Constitution, Article V, Part First, §4	
State	Senator	25	5	1 year Maine resident; reside in district for 3 months before the election	Maine Constitution, Art. IV, Part Second, §6	
State	Representative to the Legislature	21	5	1 year Maine resident; reside in district for 3 months before the election	Maine Constitution, Art. IV, Part First, §4	

Candidate Offices and Requirements
County Offices

No person may be a candidate unless, at the time of nomination for placement on the primary, general or special election ballot, that person is a resident of the district which the candidate seeks to represent.

Office Type	Office	Minimum Age	Citizenship: Minimum Number of Years	Residency	Statute Reference	See Note
County	County Commissioner	18	A candidate for any County Office must be a resident and voter in the electoral district which the candidate seeks to represent as of the date that the candidate files nomination petitions in the year of the election. (21-A MRSA §333 and §352).		30-A MRSA §61	
County	County Treasurer	18			30-A MRSA §151	
County	District Attorney	18			30-A MRSA §251	1
County	Judge of Probate	18			Maine Constitution, Art. VI, §6; 4 MRSA §301	1
County	Register of Probate	18			Maine Constitution, Art. VI, §6; 18-A MRSA §1-501	
County	Register of Deeds	18			33 MRSA §601	
County	Sheriff	18			Maine Constitution, Art. IX, §10; 30-A MRSA §371-B	2

Note 1: Candidate must be an attorney.

Note 2: Candidates for sheriff must file a separate consent form with the Secretary of State., along with the nomination papers, confirming compliance with the following qualifications:

- Must swear to or affirm the Law Enforcement Code of Ethics; and
- Must apply to the Secretary of State for a criminal background investigation; and
- Must never have been convicted of a Class C or higher crime; and
- Must submit written certification from the Maine Criminal Justice Academy that the candidate has:
    - Met the basic law enforcement training standards under Title 25, §2804-C, or
    - Met the basic corrections training standards under Title 25, §2804-D, and has 5 years of supervisory experience.
    - **Any person who was serving or who previously served in the office of sheriff on or before June 26, 1997 (the effective date of PL 1997, c. 37) is deemed to meet these minimum qualifications.**

CHAPTER 2 - Getting on the Ballot: The Petition Process

- **Party Candidates**
- **Non-Party Candidates**

All Candidates

Petitions are available from the Department of the Secretary of State, Division of Elections, located at the Burton Cross State Office Building, 111 Sewall Street, Augusta, Maine. You may pick the petitions up in person or have the petitions mailed to you (or have another person obtain them for you).

You may begin circulating petitions January 1, 2006, and must file by the applicable deadline for either party or non-party petitions. Once filed with the Secretary of State, petitions will be reviewed to ensure that all required elements have been properly completed. If all requirements of law are met and the minimum number of signatures is filed, the petitions will be accepted and filed by the Secretary of State. You will be notified of the acceptance of the petitions once the filing deadline has passed.

Party Candidates

Parties meeting the qualifications outlined in 21-A MRSA c. 5 are eligible to participate in the Primary Election on June 13, 2006. Parties currently qualified to participate in the 2006 Primary Election are:

- Democratic Party
- Green Independent Party
- Republican Party

If you are a party candidate and are not currently enrolled in a party (Unenrolled), you must enroll in the party named in the petition on or before March 15, 2006. If you are changing enrollment from one party to another, you must file an application to change enrollment prior to January 1, 2006. Petitions must be filed with the Secretary of State on or before **5 p.m. on March 15, 2006**. Before submitting your petitions to the Secretary of State, ensure that you have completed all the items in the "Party Petition Filing Checklist" on page 6.

Non-Party Candidates

If you are a non-party candidate and are enrolled in a party, you must withdraw from that party prior to March 1, 2006, and must not have changed parties after January 1, 2006. Petitions must be filed with the Secretary of State on or before **5 p.m. on June 1, 2006.** Before submitting your petitions to the Secretary of State, ensure that you have completed all the items in the "Non-Party Petition Filing Checklist" on page 12.

Party Petition Filing Checklist

- ❒ Collect at least the minimum number of signatures for the office you are seeking as indicated in the chart "Required Number of Signatures – Party Candidates" provided on page 7. Signers must be registered voters enrolled in the party named in the petition.

- ❒ Have each petition verified by its circulator – the "Circulator's Verification" must be completed on each petition – see pages 10 - 11.

- ❒ Have all signatures certified by the applicable registrar of voters prior to filing with the Secretary of State – see pages 10 - 11.

- ❒ Have the Registrar of Voters in the municipality where you are registered to vote complete the "Certification of Candidate Enrollment" – see pages 10 - 11.

- ❒ Sign a "Candidate's Consent" before a Notary Public - see pages 10 - 11.

- ❒ Present the petitions to the Secretary of State for review on or before 5 p.m., March 15, 2006.

- ❒ Comply with the campaign finance law regarding registration, record keeping and reporting requirements. (See Section II, pages 25 - 66 if you are planning to run as a Maine Clean Election candidate, or Section III, pages 67 – 96 if you are planning to run as a privately financed candidate).

Required Number of Signatures – Party Candidates

The required number of valid signatures of registered voters on party petitions is:

Office	Minimum	Maximum
United States Senator	2,000	3,000
Governor	2,000	3,000
Representative to Congress	1,000	1,500
State Senator	100	150
Representative to the Legislature	25	40
County Commissioner	50	75
Other County Officers	150	200

Other points pertinent to Party Candidate Petitions:

- Petition forms must be typed or printed except where an original signature is required.
- A separate petition form should be used for each municipality in which signatures are submitted.
- A circulator of a petition does not have to be a Maine resident or Maine registered voter.
- A voter may sign for more than 1 candidate running for the same office in a federal, state and county election. However, a voter may sign each candidate's petition only once.
- To ensure that the registrar will be able to certify a voter's signature, the voter should sign a petition in the same manner as the voter is registered to vote; however, immaterial irregularities will not invalidate a signature as long as the registrar can determine that the signer is the voter on the municipality's list. Immaterial irregularities include, but are not limited to, misspelling, inclusion or omission of initials and substitution or initials or nicknames for given names.

Instructions for Completing Party Candidate Petitions

1. Write the candidate's legal name on the petition in one of the following forms:
   A. first name, middle name, last name
   B. first name, middle initial, last name
   C. first initial, middle name, last name
   D. first name, last name

   The name should be completed as it will appear on the ballot and must be in one of the forms listed above (as required by 21-A MRSA §601(H)). The candidate must also sign the Candidate's Consent in the same manner.

2. Write the exact title of the office sought, i.e., United States Senator, Representative to Congress, Governor, State Senator, Representative to the Legislature, Judge of Probate, Register of Probate, County Treasurer, Register of Deeds, Sheriff, District Attorney, or County Commissioner.

3. Write the electoral division to be represented, i.e., United States Congressional District 1, Maine Senate District 1, Maine House District 1, Prosecutorial District 1, etc.

4. Write the term of office only when 2 United States Senators or 2 County Commissioners are to be nominated (not applicable in 2006).

5. Write the residence address where the candidate is registered to vote.

6. Write the mailing address of the candidate, if different.

7. The petition may only be signed by voters who reside in the electoral district in which the nomination is sought and who are enrolled in the party named in the petition. The voter must sign his or her name personally, except that a voter who is physically unable to sign the petition and who is registered to vote as provided in 21-A MRSA §153-A , may direct another Maine registered voter to sign the petition in the voter's presence. The individual assisting the voter who is physically unable to sign, must sign the voter's name on one line and then sign the individual's own name on another line and attest that the individual is signing on the voter's behalf. The assistant must complete the rest of the information on both lines (for the voter and the assistant). For more information on this process, contact the Division of Elections at (207) 624-7650.

8. The printed name of the voter, the date signed, the street address and the municipality may be completed by either the voter or the circulator. Ditto marks are permitted only for street address and municipality of registration. **Signatures may not be collected prior to January 1, 2006.**

Sample of Party Candidate Petition

STATE OF MAINE
PRIMARY NOMINATION PETITION
June 13, 2006 Primary Election
_____ *Party*

DATE FILED
With Secretary of State

TO THE SECRETARY OF STATE:
We, the undersigned qualified voters of the State of Maine of the electoral district for which this nomination is proposed, entitled to vote in caucuses of the _____ Party, hereby propose for nomination at the Primary Election to be held on Tuesday, June 13, 2006, the following named candidate:

Name of Candidate: _____ (1) Office Sought: _____ (2)
(Please print. Name must appear the same as the signature of candidate's consent on reverse side) (Title of Office – For Example: Representative to the Legislature)

Electoral Division: _____ (3) Term: _____ (4)
(Name of Electoral Division – For Example: House District #1) (Use only when 2 U.S. Senators or 2 County Commissioners are to be nominated)

Address of Candidate: _____ (5) _____
(Street Address - not P.O. Box) (City, Town, or Plantation; Zip Code)

Mailing Address of Candidate **(if different from above):** _____ (6) _____

Petition must be submitted to municipal registrar for certification prior to filing with Secretary of State.
Deadline for filing petitions with Secretary of State: 5 p.m., March 15, 2006

Note: All petition signatures must be made personally by the voter in the presence of the circulator, except that a voter who is physically unable to sign the petition and who is registered to vote as provided in 21-A MRSA §153-A, may direct another Maine registered voter to sign the petition in the voter's presence. The individual assisting the voter who is physically unable to sign, must sign the voter's name on one line and then sign the individual's own name on another line and attest that the individual is signing on the voter's behalf. The assistant must complete the rest of the information on both lines (for the voter and the assistant). For more information on this process, contact the Division of Elections at (207) 624-7650.

For Registrar use only	SIGNATURE OF VOTER (Not Printed Name)	DATE SIGNED	ACTUAL STREET ADDRESS (Not P.O. Box or R.F.D.)	MUNICIPALITY (Where Registered)	NAME PRINTED
1.	(7)	(8)	(8)	(8)	(8)
2.					
3.					
4.					
5.					
6.					

Instructions for Verification, Certification and Consent (Party Candidate Petitions)

1. **Circulator's Verification (oath):** After the circulator has gathered all of the signatures on a particular petition form, the circulator must take oath before a notary public that each signature is the signature of the person whose name it purports to be, was made in his or her presence, and that each signer is a registered voter of the electoral district named on the petition and enrolled in the party designated on the petition. The circulator must take the oath for each petition circulated. **Once the circulator has taken the oath before a notary, no signatures may be added to that petition form.**

2. **Registrar's Certification:** The Registrar or Municipal Clerk must certify that each person whose signature appears on the petition is registered to vote in that municipality, in the electoral district named on the petition, and is enrolled in the party designated on the petition.

3. **(Registrar's) Certification of Candidate Enrollment:** The Registrar or Municipal Clerk in the candidate's municipality of residence must certify that the candidate is enrolled in the party named on the petition as of the date the petition is certified (and no later than March 15, 2006). **The certification of enrollment needs to be completed only once for a candidate.**

4. **Candidate's Consent:** The candidate must sign, before a notary public, the candidate's consent portion of a petition, which includes a statement that the candidate will accept the nomination of the Primary Election, a declaration of the candidate's municipality of residence and party designation, and a statement that the candidate meets the qualifications of the office sought. The signature of the candidate on the consent must appear the same as the name of the candidate on the front of the petition. **The candidate's consent needs to be completed only once.**

Sample of Verification, Certification and Consent

(Party Candidate Petition)

For Registrar use only	SIGNATURE OF VOTER (Not Printed Name)	DATE SIGNED	ACTUAL STREET ADDRESS (Not P.O. Box or R.F.D.)	MUNICIPALITY (Where Registered)	NAME PRINTED
31.					
32.					
33.					
34.					
35.					
36.					
37.					
38.					
39.					
40.					
41.					
42.					
43.					
44.					
45.					

CIRCULATOR'S VERIFICATION

I hereby verify that I am the Circulator of this petition, that all the signatures to this petition were made in my presence and, to the best of my knowledge and belief, each signature is that of the person it purports to be, and each person is enrolled in the _____ Party and is a resident of the electoral division named in the petition. If any voter was unable to sign due to a physical disability, I hereby verify, that the voter authorized another voter to sign at the voter's direction and in the voter's presence. **Signatures <u>may</u> <u>not</u> be added to this petition after the circulator has signed and taken oath before a Notary Public.**

(1)

Subscribed to and sworn before me on this date: _____

_____ (Signature of Circulator)

_____ (Signature of Notary Public)

_____ (Printed Name of Circulator)

_____ (Printed Name of Notary Public)

REGISTRAR'S CERTIFICATION

(2)

Municipality _____ TOTAL VALID _____ TOTAL INVALID _____

I hereby certify that the names of all of the petitioners listed as valid appear on the voting list as registered voters, in the electoral division named in the petition, and are enrolled in the _____ Party.

_____ (Signature of Registrar)

Date: _____

CERTIFICATION OF CANDIDATE ENROLLMENT

(3)

This certification need only be completed by the Registrar in the candidate's municipality of residence on one petition form

I hereby certify that, _____ (Name of Candidate as it appears on municipality's voting list), is enrolled in the _____ Party as of this date, and has not filed an application to change enrollment on or after January 1, 2006.

_____ (Signature of Registrar/Municipal Clerk)

_____ (Date)

_____ (Name of Town, City or Plantation)

CANDIDATE'S CONSENT

(4)

This consent need only be completed on one petition form filed with the Secretary of State

I hereby declare my consent to accept the nomination of the primary election. I further declare my residence is in the municipality stated below, that I am qualified to hold this office, that I am enrolled in the _____ Party, and that this declaration is true.

Legal name of candidate as it will appear on the ballot:*

_____ Last name and suffix, if any _____ First name _____ Middle name or initial

_____ (Signature of Candidate)

_____ (Candidate's Municipality of Residence)

Subscribed to and sworn before me on this date: _____

_____ (Signature of Notary Public)

_____ (Printed Name of Notary Public)

(Rev. 11/05) **(See Title 21-A, section 601(2H) for requirements for listing candidates' names on the ballot.)*

Non-Party Petition Filing Checklist

- ❒ Collect at least the minimum number of signatures for the office you are seeking as indicated in the chart "Required Number of Signatures – Non-Party Candidates" as provided on page 13. Signers must be Maine registered voters.

- ❒ Have each petition verified by its circulator – the "Circulator's Verification" must be completed on each petition – see pages 16 – 17.

- ❒ Have all signatures certified by the applicable registrar of voters prior to filing with the Secretary of State – see pages 16 - 17. Petitions must be submitted to the appropriate registrars for certification by 5 p.m., May 25, 2006.

- ❒ Have the Registrar of Voters in the municipality where you are registered to vote complete the "Certification of Candidate Unenrollment" – see pages 16 – 17.

- ❒ Sign a "Candidate's Consent" before a Notary Public - see pages 16 - 17.

- ❒ Present the petitions to the Secretary of State for review on or before 5 p.m., June 1, 2006.

- ❒ Comply with the campaign finance law regarding registration, record keeping and reporting requirements. (See Section II, pages 25 - 66 if you are planning to run as a Maine Clean Election candidate or Section III, pages 67 – 96 if you are planning to run as a privately-financed candidate).

Required Number of Signatures – Non-Party Candidates

The required number of valid signatures of registered voters on non-party petitions is:

Office	Minimum	Maximum
United States Senator	4,000	6,000
Governor	4,000	6,000
Representative to Congress	2,000	3,000
State Senator	200	300
Representative to the Legislature	50	80
County Commissioner	100	150
Other County Officers	300	400

Other points pertinent to Non-Party Candidate Petitions:

- Petition forms must be typed or printed except where an original signature is required.
- A separate petition form should be used for each municipality in which signatures are submitted.
- A circulator of a petition does not have to be a Maine resident or Maine registered voter.
- A voter may sign for more than 1 candidate running for the same office in a federal, state and county election. However, a voter may sign each candidate's petition only once.
- To ensure that the registrar will be able to certify a voter's signature, the voter should sign a petition in the same manner as the voter is registered to vote; however, immaterial irregularities will not invalidate a signature as long as the registrar can determine that the signer is the voter on the municipality's list. Immaterial irregularities include, but are not limited to, misspelling, inclusion or omission of initials and substitution or initials or nicknames for given names.

Instructions for Completing Non-Party Candidate Petitions

1. Write the candidate's name on the petition in one of the following forms:
   a. first name, middle name, last name
   b. first name, middle initial, last name
   c. first initial, middle name, last name
   d. first name, last name

   The name should be completed as it will appear on the ballot and must be in one of the forms listed above (as required by 21-A MRSA §601(H)). The candidate must also sign the Candidate's Consent in the same manner.

2. Write the exact title of the office sought, i.e., United States Senator, Governor, Representative to Congress, State Senator, Representative to the Legislature, Judge of Probate, Register of Probate, County Treasurer, Register of Deeds, Sheriff, District Attorney or County Commissioner.

3. Write the electoral division to be represented, i.e., United States Congressional District 1, Maine Senate District 1, Maine House District 1, Prosecutorial District 1, etc.

4. Write the term of office only when 2 United States Senators or 2 County Commissioners are to be nominated (not applicable in 2006).

5. Write the residence address where the candidate is registered to vote.

6. Write the mailing address of the candidate, if different.

7. State the candidate's political designation which may not exceed 3 words in length and may not incorporate the candidate's name or designation or an abbreviation of the designation of a party that is qualified to nominate candidates by primary election, and may not consist of or comprise language that is obscene or violates any other provision of Maine law with respect to names (21-A MRSA §354.1).

8. The petition may only be signed by voters who reside in the electoral district in which the nomination is sought. The voter must sign his or her name personally, except that a voter who is physically unable to sign the petition and who is registered to vote as provided in 21-A MRSA §153-A, may direct another Maine registered voter to sign the petition in the voter's presence. The individual assisting the voter who is physically unable to sign, must sign the voter's name on one line and then sign the individual's own name on another line and attest that the individual is signing on the voter's behalf. The assistant must complete the rest of the information on both lines (for the voter and the assistant). For more information on this process, contact the Division of Elections at (207) 624-7650.

9. The printed name of the voter, the date signed, the street address and municipality may be completed by either the voter or the circulator. Ditto marks are permitted only for street address and municipality of registration. **Signatures may not be collected prior to January 1, 2006.**

Sample of Non-Party Candidate Petition

STATE OF MAINE
NON-PARTY NOMINATION PETITION
November 7, 2006 General Election
(Other than Primary Election)

DATE FILED
With Secretary of State

TO THE SECRETARY OF STATE:
We, the undersigned qualified voters of the State of Maine of the electoral district for which this nomination is proposed, hereby propose for nomination at the General Election to be held on Tuesday, November 7, 2006, the following named candidate:

Name of Candidate: _____ (1) _____ Office Sought: _____ (2) _____
(Please print. Name must appear the same as the signature of candidate's consent on reverse side) (Title of Office – For Example: Representative to the Legislature)

Electoral Division: _____ (3) _____ Term: _____ (4) _____
(Name of Electoral Division – For Example: House District #1) (Use only when 2 U.S. Senators or 2 County Commissioners are to be nominated)

Address of Candidate: _____ (5) _____
(Street Address - not P.O. Box) (City, Town, or Plantation; Zip Code)

Mailing Address of Candidate **(if different from above):** _____ (6) _____

Political Designation: _____ (7) _____
(To be expressed in not more than 3 words in length, and may not incorporate the candidates' names or the designation of a qualified party)

Deadline for submitting to municipal registrars for certification: 5 p.m., May 25, 2006
Deadline for filing petitions with Secretary of State: 5 p.m., June 1, 2006

Note: All petition signatures must be made personally by the voter in the presence of the circulator, except that a voter who is physically unable to sign the petition and who is registered to vote as provided in 21-A MRSA §153-A, may direct another Maine registered voter to sign the petition in the voter's presence. The individual assisting the voter who is physically unable to sign, must sign the voter's name on one line and then sign the individual's own name on another line and attest that the individual is signing on the voter's behalf. The assistant must complete the rest of the information on both lines (for the voter and the assistant). For more information on this process, contact the Division of Elections at (207) 624-7650.

For Registrar use only	SIGNATURE OF VOTER (Not Printed Name)	DATE SIGNED	ACTUAL STREET ADDRESS (Not P.O. Box or R.F.D.)	MUNICIPALITY (Where Registered)	NAME PRINTED
1.	(8)	(9)	(9)	(9)	(9)
2.					
3.					
4.					

Instructions for Verification, Certification and Consent (Non-Party Candidate Petitions)

1. **Circulator's Verification (oath):** After the circulator has gathered all of the signatures on a particular petition form, the circulator must take oath before a notary public that each signature is the signature of the person whose name it purports to be, was made in his or her presence, and that each signer is a registered voter of the electoral district named on the petition. The circulator must take the oath for each petition circulated. **Once the circulator has taken the oath before a notary, no signatures may be added to that petition form.**

2. **Registrar's Certification:** The Registrar or Municipal Clerk must certify that each person whose signature appears on the petition is registered to vote in that municipality, in the electoral district named on the petition.

3. **(Registrar's) Certification of Unenrollment:** The Registrar or Municipal Clerk in the candidate's municipality of residence must certify that the candidate was not enrolled in a party at the time of certification (and after March 1, 2006). **The certification of unenrollment needs to be completed only once for a candidate.**

4. **Candidate's Consent:** The candidate must sign, before a notary public, the candidate's consent portion of a petition, which includes a statement that the candidate will accept the nomination by petition, a declaration of the candidate's municipality of residence and that the candidate was not enrolled in a party at the time of certification (and after March 1, 2006), and a statement that the candidate meets the qualifications of the office sought. The signature of the candidate on the consent must appear the same as the name of the candidate on the front of the petition. **The candidate's consent needs to be completed only once.**

Sample of Verification, Certification and Consent (Non-Party Candidate Petition)

For Registrar use only	SIGNATURE OF VOTER (Not Printed Name)	DATE SIGNED	ACTUAL STREET ADDRESS (Not P.O. Box or R.F.D.)	MUNICIPALITY (Where Registered)	NAME PRINTED
31.					
32.					
33.					
34.					
35.					
36.					
37.					
38.					
39.					
40.					
41.					
42.					
43.					
44.					
45.					

CIRCULATOR'S VERIFICATION

I hereby verify that I am the Circulator of this petition, that all the signatures to this petition were made in my presence and, to the best of my knowledge and belief, each signature is that of the person it purports to be, and each person is a resident of the electoral division named in the petition. If any voter was unable to sign due to a physical disability, I hereby verify, that the voter authorized another voter to sign at the voter's direction and in the voter's presence. **Signatures may not be added to this petition after the circulator has signed and taken oath before a Notary Public.**

(1)

Subscribed to and sworn before me on this date: _____

_____ (Signature of Circulator)

_____ (Signature of Notary Public)

_____ (Printed Name of Circulator)

_____ (Printed Name of Notary Public)

REGISTRAR'S CERTIFICATION

(2)

Municipality _____ TOTAL VALID _____ TOTAL INVALID _____

I hereby certify that the names of all of the petitioners listed as valid appear on the voting list as registered voters, in the electoral division named in the petition.

_____ (Signature of Registrar)

Date: _____

CERTIFICATION OF UNENROLLMENT

(3)

This certification need only be completed by the Registrar in the candidate's municipality of residence on one petition form

I hereby certify that, _____ (Name of Candidate as it appears on municipality's voting list), was not enrolled in a qualified party after March 1, 2006, and has not filed an application to change enrollment on or after January 1, 2006.

_____ (Signature of Registrar/Municipal Clerk)

_____ (Date)

_____ (Name of Town, City or Plantation)

CANDIDATE'S CONSENT

(4)

This consent need only be completed on one petition form filed with the Secretary of State

I hereby declare my consent to accept the nomination. I further declare my residence is in the municipality stated below, that I am qualified to hold this office, that I have not been enrolled in a qualified party after March 1, 2006, and that this declaration is true.

Legal name of candidate as it will appear on the ballot:*

_____ Last name and suffix, if any _____ First name _____ Middle name or initial

_____ (Signature of Candidate)

_____ (Candidate's Municipality of Residence)

Subscribed to and sworn before me on this date: _____

_____ (Signature of Notary Public)

_____ (Printed Name of Notary Public)

(Rev. 11/05) **(See Title 21-A, section 601(2H) for requirements for listing candidates' names on the ballot.)*

CHAPTER 3 - Write-in Candidates

- **Who is a Write-In Candidate**
- **Qualifications and Requirements**
- **Number of Votes Needed**
- **Casting a Write-in Vote**

Who is a Write-in candidate?

A "write-in candidate" is a person:

- Whose name is not printed on the ballot; and
- Who otherwise fulfills the qualifications for the office designated; and
- Who receives one or more valid write-in votes for an office listed on a primary, general or special election ballot; and
- Who has filed a "Declaration of Write-in Candidacy" either before the election or no later than 3 business days after the election. *

Declaration forms are available from
the Secretary of State, Division of Elections.
Telephone: 624-7650
www.maine.gov/sos/cec/elec/write-in.htm

***Note:** Legislation is pending that may change this requirement. The Secretary of State anticipates that the Legislature will act on this legislation by the end of April 2006.

Enrollment Qualifications of a Primary Write-in Candidate:

If you are a write-in candidate for a primary election, you must:

1. be enrolled, on or before March 15, 2006, in the party in which you are seeking a write-in nomination; and
2. meet the same qualifications as a candidate filing a petition for nomination by primary election.

Party Name or Designation of a Write-in Candidate:

- A write-in candidate for the **primary** election must indicate which party's nomination the candidate is seeking by checking the appropriate box on the "Declaration of Write-in Candidacy".
- A write-in candidate for the **general** election may indicate a party or political designation by writing that party or political designation in the appropriate space on the "Declaration of Write-in Candidacy". The candidate may write in the name of a qualified party (Democratic, Green Independent, or Republican), or choose a political designation which may not exceed three words in length, and may not

incorporate the candidate's name, or the designation or an abbreviation of the designation of a party that is qualified to nominate candidates by primary election, and may not consist of or comprise language that is obscene or violates any other provision of Maine law with respect to names. A candidate who intends to form a new party about that person's candidacy must use the proposed party's designation.

Number of Votes Needed

Primary Election:

If you are running as a write-in candidate in the primary election, you need to receive a minimum number of votes for nomination. If more than one person receives the minimum number of votes for an office, the person receiving the greatest number of votes is nominated. The minimum number of votes you need to receive to win the nomination is twice the minimum number of signatures required on a primary petition for that office:

Office	Primary Election – Number of Valid Votes Needed for Nomination
United States Senator	4,000
Governor	4,000
Representative to Congress	2,000
State Senator	200
Representative to the Legislature	50
County Commissioner	100
Other County Offices	300

General Election:

In the general election, the person who receives the greatest number of votes is elected.

Casting a Write-in Vote

A voter must mark the write-in indicator (square, oval or arrow) as instructed on the ballot and the voter must also write the name and municipality of residence of the candidate in the blank space provided at the end of the list of candidates for that office.

For a primary election only, the voter may paste a sticker on the ballot containing the name and municipality of residence of the write-in candidate. A sticker is an adhesive label bearing the required information. Stickers used with automatic tabulating equipment should be prepared in accordance with the manufacturer's specifications for that equipment. Contact the Division of Elections for additional information.

CHAPTER 4 - Restricted Activity and Placement of Political Signs

- **Voting Place Activity**
- **Placement of Political Signs**

Voting Place Activity

On Election Day, certain activities are restricted at voting places. Restricted activities include:

- *Interference with the voters' free passage* at the voting place;
- *Influence of the voters* within 250 feet of the entrance to the voting place and p*olitical advertising within 250 feet of the entrance* to the voting place or the registrar's office;*
- *The use of cellular phones, voice pagers or similar devices to make audible communication within the voting place* that influences or attempts to influence a voter's decision regarding a candidate or ballot issue;
- *Persons who may be within the guardrail enclosure at the voting place.* (Only the clerk, the election officials and not more than 2 voters in excess of the number of voting booths are allowed within the guardrail enclosure, which is the area within 6 feet of the voting booths and the ballot box. Party workers and others may remain in the voting place outside the guardrail enclosure as long as they do not attempt to influence voters or interfere with their free passage.)

The **voting place** is the building in which voting is conducted.

Candidates are permitted within the voting place and may communicate orally with voters, as long as they do not attempt to influence their vote. Candidates may state their name but <u>may not</u> state the name of the office sought or ask a person to vote for them.

Campaign buttons may only be worn by persons who are present in the voting place <u>solely for the purpose of voting</u>. The longest dimension of the button may not exceed 3 inches. Everyone else is prohibited from wearing campaign buttons of any size. Badges or stickers containing a candidate's name or promoting a question on the ballot are likewise prohibited.

The **warden** is the presiding officer at the voting place and is responsible for the enforcement of the law governing voting and counting procedures. The jurisdiction of the warden includes the voting place and the area within 250 feet of the entrance to the voting place. The **municipal clerk** is the supervisor of elections and is responsible for advising the warden on election laws and procedures.

***Note:** Legislation is pending that may change this requirement. The Secretary of State anticipates that the Legislature will act on this legislation by the end of April 2006.

Placement of Political Signs

The Department of Transportation would like to inform all candidates and their co-workers of the present statutory and regulatory requirements applicable to placement of roadside posters and signs advertising their candidacy. Under the provisions of 23 M.R.S.A., Section 1913-A and Department Regulations, political posters and signs may be erected and maintained as follows:

1. May be erected on private property outside the Right of Way limits of public ways at any time prior to an election, primary or referendum, limited in size to a maximum of 50 square feet;
2. May be erected within the Right of Way limits of public ways no sooner than six (6) weeks prior to an election, primary or referendum and must be removed no later than one week following the date of the election, primary or referendum;
3. **Prohibited practices:** political posters and signs shall not be erected or maintained on any traffic control signs or devices, public utility poles or fixtures, upon any trees or painted or drawn upon rocks or other natural features;
4. No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an **imitation of or resembles an official traffic-control device**, such as a stop sign;
5. Political signs may be displayed to view to all public ways **except** for the Interstate Highway System. Title 23, MRSA §1913-A, paragraph 3 regulations, sub-paragraph 6 interstate system states that: **Signs may not be placed within the limits of any controlled access highway nor erected within 660 ft. of the nearest edge of the Interstate Highway System in such a manner that the message may be read from the Interstate Highway.** All signs located at interstate interchanges are in violation and will be removed.
6. **Municipal ordinances** advocating stricter control take precedence over state law.

Most "violations" are the result of the efforts of ardent campaign workers who do not know the law. It is therefore suggested that this information be passed on to them. **Maine Department of Transportation Maintenance employees will have instructions to remove all improperly placed or maintained political posters and signs.**

Traffic safety should be of the utmost consideration in placement of political signs. Candidates and campaign workers should take great care not to place signs or posters where same could create a traffic hazard. For example, signs or posters should not be placed at or near intersections where they could obstruct the view of on-coming traffic to the motorist entering the intersection. Also, signs or posters should not be erected on or in any manner so as to interfere with the effectiveness of traffic control devices. Acceptable display would be those posters or signs affixed to their own stake or post and set in the ground well outside the traveled portion of the highway, or, with the owner's consent and permission, attached to a building or dwelling, or displayed on vehicles or in the windows of business establishments, and in other like manner. Please help the Department of Transportation to prevent an unsightly, indiscriminate and uncontrolled display of election campaign posters throughout the State and to prevent any possible embarrassment to candidates.

Robert Sinclair, Supervisor – Right of Way Maintenance Control

Telephone: (207) 624-3611 Website: **www.maine.gov/mdot/traffic-counts/public-signs.php.htm**

CHAPTER 5 – Voter Registration and Absentee Voting

- **Voter Registration**
- **Absentee Voting**

Voter Registration

A person must meet the following qualifications to be eligible to register to vote:

- Must be a United States citizen;
- Must be at least 17 years of age; and
- Must be a resident of the municipality where registering to vote.

A person must be at least 18 years of age in order to vote, except that 17 years olds (who will be 18 years old by the General Election) may register, participate in party caucuses and vote for candidates in the June Primary Election.

Voter Registration for persons with disabilities

Title 21-A M.R.S.A., §153-A provides a process for people with disabilities who are unable to sign their names to register to vote and sign candidate petitions and Maine Clean Election Act (MCEA) forms. The new law defines a signature to include a signature stamp and a signature written by another voter under the alternative registration procedure, and a mark. Any voter who wishes to register to vote under this new process must file an Alternative Registration Signature Statement with the registrar of voters in the municipality where the person resides.

Voter Registration Deadline

All applications for voter registration and party enrollment **delivered by mail or by a third person** (a person other than the voter) must be received by the registrar no later than the close of business 21 days before election day. Any applicant who is a new Maine registered voter and mails the application to the municipal registrar must include a copy of the applicant's Maine driver license or a utility bill or government document showing the applicant's name and residence address.

A person who registers **during the closed period,** beginning at 5:00 p.m. on the 21st day before Election Day and including Election Day, must register in person and show proof of identity and residency, or cast a challenged ballot.

An application for voter registration by a person, who otherwise qualifies as an **absentee voter,** may be accepted by the clerk at any time. The receipt of a completed absentee ballot application by the clerk establishes a presumption of qualification, sufficient for the clerk to issue an absentee ballot to the voter, along with a voter registration application. The voter must complete and return the voter registration application to the registrar, separate from the absentee ballot, **by 8 p.m. on election day, in order for the absentee ballot to be counted.**

Absentee Voting

During the 45 days preceding an election (or as soon as absentee ballots are provided to the municipality by the State) and during the time when the clerk's office is open and may be conducting absentee voting, the display or distribution of any **advertising material** intended to influence a voter's choice regarding a candidate or ballot issue is prohibited within the clerk's office and on public property within 250 feet of the entrance to the clerk's office or on the property on which the clerk's office stands.*

Any registered voter may cast an absentee ballot instead of voting in person at the polling place on Election Day. The voter does not need to have a specific reason or be unable to vote at the polls on Election Day to ask for and receive an absentee ballot.

A **candidate** or members of the candidate's immediate family may not handle or deliver absentee ballots. **Immediate family member** means a person's spouse, parent, grandparent, child, grandchild, sister, brother, stepparent, step-grandparent, stepchild, step-grandchild, stepsister, stepbrother, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, guardian or former guardian (relationship to voter must be indicated on the application).

Absentee ballots delivered by a third person (someone other than the voter or an immediate family member of the voter) must be properly witnessed. A third person may not have more than **5** absentee ballots from a single municipality in their possession at any one time.

An **absentee voter** may not be influenced or observed in the marking of his or her ballot by any other person, except that a voter may request assistance from an aide in reading or marking his or her ballot because of physical disability, illiteracy or religious faith. In this event, another individual must act as witness, but may not observe how the ballot is marked by the absentee voter or aide.

***Note:** Legislation is pending that may change this requirement. The Secretary of State anticipates that the Legislature will act on this legislation by the end of April 2006.

SECTION II. CAMPAIGN FINANCING FOR MAINE CLEAN ELECTION ACT CANDIDATES

• **Summary of the Maine Clean Election Act**

Summary of the Maine Clean Election Act

Enacted by Maine voters in 1996, the Maine Clean Election Act (MCEA) established a voluntary program of full public financing of political campaigns for candidates running for Governor, State Senator, and State Representative. Candidates who wish to qualify and run as a MCEA candidate must meet certain requirements, which are described in this section of the guidebook. This section also explains the campaign finance reporting and record-keeping requirements for MCEA candidates, which are mostly the same as for privately financed candidates.

When registering with the Commission, candidates who wish to run as a MCEA candidate must declare their intent to participate by signing a Declaration of Intent. Candidates may accept limited private donations of up to $100 ("seed money contributions") from individuals at the beginning of their campaigns. In order to qualify to receive public funds, participating candidates must also collect a required number of "qualifying contributions" from registered voters in the candidate's legislative district (for candidates for the Legislature) or in the state (for gubernatorial candidates). Qualifying contributions are $5 checks or money orders made payable to the Maine Clean Election Fund, the state government account from which candidates receive public funds for their political campaigns. Candidates for Governor may begin collecting qualifying contributions on November 1, 2005, and candidates for the Legislature may begin collecting qualifying contributions on January 1, 2006.

> Candidates *must* sign a Declaration of Intent to participate in the MCEA within 5 days after beginning to collect qualifying contributions.

After collecting the required number of qualifying contributions, candidates who are enrolled in a political party must submit their request for public financing <u>no later than 5 p.m. on Tuesday, April 18, 2006</u>. General election candidates who are not enrolled in a political party can collect qualifying contributions and request public funds as late as June 2, 2006. Within three business days of receiving the request, the Commission will determine whether the candidate has met the eligibility requirements, and if so, will "certify" the candidate. After certification, the candidate receives an initial distribution of public funds and is prohibited from accepting <u>any</u> private contributions including funds from the candidate. All subsequent expenditures by the campaign must be made exclusively with public funds received under the MCEA.

MCEA candidates may be eligible to receive additional "matching funds" if the money raised or spent by an opponent – including amounts spent by third-parties (party committees and political action committees) to benefit the opponent – exceeds the amount of public funds initially received by the MCEA candidate for the election.

MCEA funds may not be spent on personal expenses. All expenditures are disclosed publicly in campaign finance reports. These reports are submitted to the Commission. The Commission reviews all expenditures of MCEA funds and may request further information to verify that an expenditure is campaign-related. After the election, candidates must return all unspent funds. If a candidate purchased any equipment that could be converted to the candidate's personal use (such as a computer, printer, or fax machine), the candidate must sell the equipment at its fair market value and send the proceeds to the Maine Clean Election Fund.

Candidates can only spend MCEA funds on campaign-related expenses and in accordance with guidelines published by the Ethics Commission. See pages 55-57 for these guidelines.

CHAPTER 6 - Getting Started as a Maine Clean Election Act Candidate

• Selecting a Treasurer and Forming a Committee
• Registering as a Candidate with the Ethics Commission
• Declaring Your Intent to Run as a Maine Clean Election Act Candidate
• Getting Established in the State's Accounting System
• Opening a Separate Bank Account
• Seed Money Contributions

Selecting a Treasurer and Forming a Committee

Every candidate is required to appoint a campaign treasurer, who is identified on the Candidate Registration form.

The treasurer has specific duties under the Election Law:

- keeping detailed records of all campaign contributions and expenditures;
- completing campaign finance reports; and
- filing campaign finance reports on time.

> Although the Election Law allows a candidate to serve as treasurer, the Commission recommends that the candidate appoint another person to serve as treasurer. This person should be able to keep accurate records and balance a checkbook.

As a candidate, you may choose to organize one campaign committee to promote your election, such as "Friends of John Smith" or "Committee to Elect John Smith." If you choose to form a committee, it must be identified on the Candidate Registration form. You should not register this committee as a political action committee (PAC), but can form a PAC for purposes other than your own election (for example, helping other candidates get elected or paying for expenditures for leadership campaigns). As a candidate, you are not required to form a committee.

Registering as a Candidate with the Ethics Commission

Before collecting any contributions, you must file the Candidate Registration form with the Commission. This form provides basic contact information about you, your treasurer, and any campaign committee you have formed. When registering as a candidate, please remember:

- All Registration and Declaration of Intent forms <u>must</u> be filed using the paper form. You cannot file the Registration and Declaration of Intent form electronically.

- If the information for you or your treasurer changes during the campaign (including <u>after</u> the election), the Registration form must be updated and submitted in writing to the Commission. The Commission will accept

e-mailed changes to the Registration form. These updates allow the Commission to contact you with reminders, notices, and telephone calls throughout the entire election and reporting period.

- The Commission has omitted the voluntary spending limits page of the Registration form for Maine Clean Election Act (MCEA) candidates because the limits do not apply to MCEA candidates.

Declaring Your Intent to Run as a Maine Clean Election Act Candidate

> The Commission recommends that you declare your intent to run as a Maine Clean Election Act candidate when you register with the Commission.

The Election Law requires that candidates file the Declaration of Intent (DOI) within 5 business days after beginning to collect qualifying contributions. Qualifying contributions received more than 5 business days before filing the DOI will not count toward the eligibility requirements. The DOI form, signed by the candidate, is the only acceptable form of the declaration.

Code of Fair Campaign Practices

The Maine Code of Fair Campaign Practices was adopted by the Maine Legislature in 1989 and is a voluntary statement for candidates running for the office of Governor, the Senate, and the House of Representatives. The Code sets standards of conduct "consistent with the best Maine and American traditions, [of] discussing the issues and presenting [the] record and policies with sincerity and candor." If you wish to subscribe to the code, please sign the "Maine Code of Fair Campaign Practices" form, which is part of the registration packet.

Getting Established in the State's Accounting System

In order for you to receive public funds, the state government must establish you as a vendor in its accounting system. The Commission recommends that you file the Vendor Form at the same time that you file your registration. This avoids any delays in the first payment of MCEA funds. The state's accounting office takes two weeks to establish a new vendor.

You may choose to receive payments by check or by electronic funds transfer (EFT). To select EFT, you need to fill out the EFT Form (indicating your bank account and routing number). The Commission recommends EFT because it is a more timely way to receive MCEA funds, which is important in the last week before the election if you should qualify for matching funds.

Open a Separate Bank Account

All Maine Clean Election Act candidates are strongly encouraged to open a separate bank account for their campaign and to pay for as many expenditures as possible through writing checks and using a bank debit card. This will help you keep track of the dates, amounts, and payees of your expenditures of public funds, and to file accurate campaign finance reports. You are allowed to spend any interest earned on the account, but you must remember to report any interest earned as a receipt.

> The Election Law prohibits commingling campaign funds with the personal funds of the candidate.

Seed Money Contributions

After registering with the Commission, a candidate becomes a "participating candidate". Participating candidates may accept limited private contributions of up to $100 from individuals ("seed money contributions") before requesting certification as a MCEA candidate.

> The total amount of seed money a participating candidate may collect is:
> - $500 for candidates for State Representative
> - $1,500 for candidates for State Senator; and
> - $50,000 for gubernatorial candidates.

Seed money contributions must strictly comply with the following restrictions:

- Only individuals may contribute seed money contributions, up to $100 in the aggregate.
- All seed money contributions must be from the personal funds of the individual.
- You and members of your family may <u>each</u> give up to $100 in seed money, provided the money comes from your/their own personal funds.
- No contribution may be accepted from groups or associations, such as political action committees, party committees, labor unions, businesses, or trade associations.
- Lobbyists may not make seed money contributions to the Governor, legislators, constitutional officers, or their staff and agents during the legislative session (even with their personal funds), except after March 15 of an election year.
- All expenditures must be made with seed money contributions, and not from any other source of funds.

Goods and services that are provided to the campaign at no cost or at a cost of less than fair market value are considered in-kind contributions, and are subject to the seed money restrictions. Certain types of goods and services (see Appendix) are excluded from the legal definition of "contribution." The donation of these "exempt" goods and services to a campaign is <u>not</u> considered a contribution. Candidates may obligate themselves to pay a vendor more than they have collected in seed money contributions, but they cannot receive goods and services that are worth more than the amount the candidate paid the vendor.

> The campaign may accept no cash receipts other than seed money contributions. Loans may not be accepted.

Candidates should remember that prior to certification they can spend only seed money contributions. They are prohibited from accepting and spending any other funds, including loans. (Expenditures of the candidate's personal funds for campaign goods and services which are not reimbursed by the campaign are in-kind contributions. They are subject to the seed money restrictions.)

> If a person contributes more than $50 of seed money in the aggregate, the treasurer must also keep a record of the person's occupation and employer.

Your campaign treasurer is required to keep a record of the name and address of every contributor who gives more than $10. If the contributor has given more than $50 in the aggregate, the Election Law also requires your treasurer to keep a record of the contributor's occupation and employer and to disclose that information in campaign finance reports submitted to the Commission. The Commission recommends asking each contributor for his or her occupation and employer at the time the contribution is made. If you or your treasurer has requested the information and is unable to obtain it from the contributor, you should enter "information requested" on the reporting form. The Commission verifies compliance with seed money restrictions.

Misrepresentations of the identity of seed money contributors will be viewed as a serious violation of the Election Law.

The Maine Clean Election Act does not permit a candidate who has violated the seed money restrictions to participate in the MCEA, except if granted a waiver by the Commission. If the candidate has unintentionally violated the seed money restrictions, a waiver may be granted in limited circumstances. Candidates are advised that not all requests for waivers will be granted, and that only those requests that strictly meet the standards in the Commission's rule will be granted. If you believe you may have violated the seed money restrictions, please telephone the Commission right away.

If you have any questions about whether proposed receipts or expenditures comply with the seed money restrictions, you are encouraged to ask the Commission staff before accepting the contribution or making the expenditure.

Participating candidates must report unspent seed money at the time they request certification as a MCEA candidate, and any unspent seed money will be deducted from the first payment of MCEA funds.

LEGAL REFERENCES

Selecting a Treasurer	21-A M.R.S.A. § 1013-A(1)
Removal of Treasurer	21-A M.R.S.A. § 1013-B
Duties of Treasurer	21-A M.R.S.A. §§ 1013-A(1)(A), (4); 1016; 1017(2), (3-A), 10; 1020-A(6), (10)
Authorizing One Campaign Committee	21-A M.R.S.A. § 1013-A(1)(B)
Registration	21-A M.R.S.A. § 1013-A(1)
Reporting Changes in Registration Information	21-A M.R.S.A. § 1013-A(5)
Commingling of Campaign and Personal Funds	21-A M.R.S.A. § 1016(1)
Exemption from Reporting	21-A M.R.S.A. § 1017(7-A)
Code of Fair Campaign Practices	21-A M.R.S.A. § 1101 *et seq.*
Declaring Intent as a MCEA Candidate	21-A M.R.S.A. § 1125(1); Rules, Chapter 3, Sections 2(1), 2(2)
Filing Declaration of Intent Before Collecting Qualifying Contributions	21-A M.R.S.A. § 1125(1)
Seed Money Contributions	21-A M.R.S.A. §§ 1122(9); 1125(2) Rules, Chapter 3, Section 2(3)
Waiver of Seed Money Requirements	21-A M.R.S.A. § 1122(9), Rules, Chapter 3, Section 2(3)(E)

CHAPTER 7 - Qualifying for Public Financing

- Qualifying Contributions and Receipt and Acknowledgment Forms
- Qualifying Period
- Verification of Qualifying Contributors by Municipal Clerks
- Requesting Certification as a Maine Clean Election Act Candidate
- Commission's Review of Requests for Certification
- Appealing the Commission's Certification Determination

Qualifying Contributions and Receipt and Acknowledgment Forms

In order to receive public funds, a participating candidate must receive a minimum number of "qualifying contributions." A qualifying contribution is a way for registered voters to show support for a candidate's participation in the Clean Election program by making a relatively small financial contribution.

> Qualifying contributions may be made only during a specified period of time -- the "qualifying period" -- and no more than 5 days before the candidate has signed the Declaration of Intent. The $5 for a qualifying contribution must come from the contributor's personal funds.

Qualifying contributions must be in the amount of $5 each and in the form of a check or money order payable to the Maine Clean Election Fund. The contributions may be made only by individuals who are registered to vote within the electoral division for the office you are seeking: the legislative district for a candidate for the House or Senate, or the entire state of Maine for a candidate for Governor. Qualifying contributions must be made with the personal funds of the registered voter. If the checking account is in the name of a business, the Commission staff will not count the check toward the eligibility requirements unless the individual's name and residential address are also printed on the check or the contributor submits a note stating that he or she uses the account for personal expenses.

> The contributors do not need to be enrolled in the same political party as you.

Family members, domestic partners, and live-in caregivers who reside in the same household may make qualifying contributions in the form of a single check, provided that each individual uses his or her own personal funds, signs the Receipt and Acknowledgment Form, and is registered to vote at the address of the household.

You may purchase $5 money orders and ask supporters to reimburse you $5 in cash for the money order. The contributor must sign the money order, if it contains a space for the contributor's signature. If you or anyone other than the campaign pays a fee to purchase the money order, please report the fee on the seed money report as an in-kind contribution.

All contributors donating a $5 qualifying contribution must complete the name and address lines and personally sign the "Qualifying Contribution Receipt and Acknowledgment" form. It is not acceptable for a family member or friend to sign on behalf of a contributor. The contributor's signature on the form confirms that the individual intended to make a $5 qualifying contribution to you, the candidate, and that the contributor has received nothing in return for making the contribution. All contributors signing the same page of the form should reside in the same municipality, so that the clerk for the town or city can verify that all contributors on that page are registered to vote in your district.

You may serve food or beverages at an event at which you collect qualifying contributions, provided that the food or beverages are available to all persons attending the event regardless of whether they make a qualifying contribution.

If the Commission determines that the $5 for the qualifying contribution actually came from a source other than the reported contributor, it will view the misreporting of the source of funds as a serious violation of the Maine Clean Election Act.

To be eligible to receive public funds, a candidate must receive a minimum number of $5 qualifying contributions. The minimum number required is shown in the table below. For various reasons, it is possible that the municipal clerk will not verify all of your qualifying contributions. Therefore, you are encouraged to collect more than the minimum number of qualifying contributions.

Qualifying Period

The $5 contributions may only be collected during the "qualifying period." Any qualifying contributions collected outside this period will not be counted toward the minimum number of required contributions.

	Democratic, Republican, and Green-Independent Candidates	Unenrolled Candidates
Qualifying Period for 2006 for Legislative Candidates	January 1 to April 18	January 1 to June 2
Qualifying Period for 2006 Gubernatorial Candidates	November 1 to April 18	November 1 to June 2
Required Number of Qualifying Contributions	House Candidates – 50	
	Senate Candidates – 150	
	Gubernatorial – 2,500	

In addition, qualifying contributions may not be collected more than five business days before you have filed a Declaration of Intent with the Commission. Any contributions collected more than five business days before you have filed the Declaration will not be counted toward the minimum number of contributions.

Verification of Qualifying Contributors by Municipal Clerks

The municipal clerk verifies which contributors listed on the Receipt and Acknowledgment Form are registered to vote in your electoral division. The Commission staff then uses the number of contributors verified by the municipal clerk to confirm whether you have submitted the required number (50, 150, or 2,500) of qualifying contributions.

> After you have collected the qualifying contributions, you must submit the Qualifying Contribution Receipt and Acknowledgment form to the municipal clerk(s) in your electoral division.

The Commission highly recommends obtaining the municipal clerk's verification before submitting the qualifying contributions to the Commission. For candidates who are unable to accomplish this, the Commission's Rules do permit an alternative procedure as follows. The candidate may:

- make photocopies of the Receipt and Acknowledgment Forms;
- submit the original forms to the municipal clerk(s) prior to the end of the qualifying period; and
- submit to the Commission the photocopies of the forms within the qualifying period, with a written statement of the date on which the original forms were submitted to the municipal clerks.

Submitting Qualifying Contributions Early

Most legislative candidates choose to submit all qualifying contributions to the Commission when they request certification as a MCEA candidate. The Commission then deposits the qualifying contributions in the Maine Clean Election Fund, the special government account from which the Commission makes MCEA payments. If candidates wish, they are welcome to submit qualifying contributions in batches. The Commission will photocopy each batch and will deposit the contributions as they are submitted.

Requesting Certification as a Maine Clean Election Act Candidate

After you have collected the qualifying contributions, you may submit a request to the Commission for certification as a Maine Clean Election Act candidate. The request **MUST BE RECEIVED** by the Ethics Commission no later than 5:00 p.m. on the last day of the qualifying period.

> Deadlines for Requesting Certification are:
>
> April 18, 2006 for candidates who are enrolled in a political party;
>
> June 2, 2006 for candidates who are not enrolled in a party.
>
> **Late requests for certification will not be granted.**

The request must include:

- The required number of qualifying contributions (the Commission recommends submitting more than the required number). Although it is not required, the Commission asks that you paper clip or staple to each page of the Receipt and Acknowledgment Forms those contributions listed on that page.
- The Qualifying Contribution Receipt and Acknowledgment Forms.
- An alphabetical list of qualifying contributors.
- A seed money report showing all seed money contributions received and expenditures made by the campaign. To be certified, you must have complied with the restrictions on seed money contributions. If you have significantly failed to comply with the seed money restrictions, you will be ineligible to participate in the MCEA even if you have collected the required number of qualifying contributions.

Commission Staff's Review of Request for Public Funds

> The initial certification determinations on most requests are made by the Commission staff, and public funds are released based on the staff's determination.

The Commission is required by statute to certify each eligible candidate within three business days of the candidate's final submission of qualifying contributions. For candidates who are enrolled in a political party, the Commission is required to pay public funds within an additional three days after the staff's certification determination. In practice, the state will make the public funds payments about 7 days after receiving the final submission of qualifying contributions. The Commission gives priority to candidates who are in an opposed primary election, and makes every effort to complete the certification process as soon as possible.

Occasionally, the Commission staff must request additional information from a candidate regarding the qualifying contributions or the candidate's seed money report in order to verify compliance with the MCEA's eligibility requirements. In cases in which a candidate has failed to comply with seed money restrictions and has requested a waiver, the Commission members will consider the request at one of their regularly scheduled meetings.

The Commission staff informs candidates of the staff determination on the request for certification by letter. The state's accounting office mails the check or makes the electronic funds payment in two business days after the Commission authorizes the payment.

Appealing the Commission Staff's Certification Determination

All primary and general election opponents are sent copies of the staff's determination letter in case they wish to appeal the determination to the members of the Commission. If a candidate or his or her opponent (or other interested person) believes that the Commission staff has erred in granting or denying a request for certification, they may submit an appeal to the Commission within seven days of the certification decision. The members of the Commission will then hold a hearing within five days. The Commission will issue its decision within three days after the hearing is completed. The Commission's decision then may be appealed by commencing an action in the

Superior Court. Frivolous appeals or those intended to cause delay or hardship may result in the moving party being required to pay the costs of the Commission, court, or opposing parties, if any.

LEGAL REFERENCES	
Qualifying Contributions	21-A M.R.S.A. §§ 1122(7), 1125(3); Rules, Chapter 3, Section 2(4)
Required Number of Qualifying Contributions	21-A M.R.S.A. § 1125(3)
Qualifying Period	21-A M.R.S.A. § 1122(8)
Receipt and Acknowledgment Form	21-A M.R.S.A. § 1122(7)(D); Rules, Chapter 3, Section 2(4)
Verification by Municipal Clerks	Rules, Chapter 3, Sections 2(4)(F), (G)
Requesting Certification	21-A M.R.S.A. § 1125(4) and (5); Rules, Chapter 3, Sections 3(1) - (3)
Certification by Commission	21-A M.R.S.A. § 1125(5); Rules, Chapter 3, Section 3(4)
Appeals	21-A M.R.S.A. § 1125(14); Rules, Chapter 3, Section 3(5)

CHAPTER 8 - Public Funds Payments for MCEA Candidates

- Initial Distribution of MCEA Funds for the Primary and General Election
- Initial Distribution of MCEA Funds for Unenrolled Candidates
- Forms of Payment
- Amounts of Initial Distributions for 2006
- Matching Funds

Initial Distribution of MCEA Funds for the Primary Election

Candidates may request certification at any time during the qualifying period (see page 32). In past elections, many party candidates have requested certification just before the end of their qualifying period. For the 2006 primary elections, this deadline is 5:00 p.m. on Tuesday, April 18, 2006.

The Election Law requires the Commission to make a determination on the candidate's request for certification within three business days of receiving the final submission of qualifying contributions. The Commission gives priority to those candidates in contested primary elections, and will make every effort to certify all candidates within three business days. In 2006, the state will make most primary election payments of MCEA funds between April 24 and April 27.

If the request for certification is filed prior to March 15, 2006, which is the deadline for filing nominating petitions with the Secretary of State, the Commission may be uncertain as to whether the candidate is in a contested or an uncontested primary election. In this case, the Commission will distribute the funds to the candidate as if the candidate is in an *uncontested* primary election. An additional amount will be distributed within three days after March 15 if the candidate is determined to be in a *contested* primary election.

Initial Distribution of MCEA Funds for the General Election

The Election Law instructs the Commission to make initial distributions for the general election within 3 days after the Secretary of State certifies the results of the primary election. In practice, the Commission staff will make initial distributions for the general election as soon as the results of the primary elections are certain – which in most races is likely to be before certification by the Secretary of State.

Initial Distribution of MCEA Funds for Unenrolled Candidates

If a candidate who is not enrolled in a political party is certified <u>by</u> April 18, 2006, that candidate will receive an initial distribution for the primary election (the uncontested amount for primary election candidates for the office). The candidate also will receive the initial distribution for the general election at the same time as the enrolled

candidates in the same race, which will be within 3 days after the Secretary of State certifies the results of the primary elections.

If an unenrolled candidate is not certified by April 18, 2006, the candidate must request certification no later than 5:00 p.m. on June 2, 2006, which is the end of the qualifying period for unenrolled candidates.

The Commission will not grant a request for certification by an unenrolled candidate that is received after 5:00 p.m. on June 2, 2006.

Amounts of Initial Distributions for 2006 Elections

Candidate	Primary Election	General Election
Gubernatorial candidates	$200,000	$400,000
Contested candidates for State Representative	$1,504	$4,362
Uncontested candidates for State Representative	$512	$1,745
Contested candidates for State Senate	$7,746	$20,082
Uncontested candidates for State Senate	$1,927	$8,033

Forms of Payment

In order to receive public funds payments, candidates must be established as a vendor with the state government. You become a vendor by completing a Vendor Form and mailing it to the person indicated on the form. It generally takes two business days for the state's accounting department to release a payment after the Commission authorizes the payment.

Candidates will receive their public funds payments in the form of a check, unless they have selected payment through electronic funds transfer. The Commission recommends electronic funds transfer to avoid problems with the United States mail. This can be especially important for the payment of matching funds just before the general election.

Matching Funds

In addition to the initial distributions, a MCEA candidate who is opposed in an election (primary or general) may also qualify to receive matching funds. Matching funds are designed to allow the MCEA candidate to stay competitive financially with the candidate's opponent by "matching" the spending ability of the opponent. The maximum amount of matching funds a candidate may receive is twice the initial distribution received for the election:

2006 MCEA Distributions and Matching Funds

Primary Election	Initial Distribution	Maximum Matching Funds	Maximum Public Funds for the Election
Gubernatorial candidates	$200,000	$400,000	$600,000
State Representative	$1,504	$3,008	$4,512
State Senate	$7,746	$15,492	$23,238
General Election			
Gubernatorial candidates	$400,000	$800,000	$1,200,000
State Representative	$4,362	$8,724	$13,086
State Senate	$20,082	$40,164	$60,246

Calculation of Matching Funds

Matching funds are paid based on a comparison of the money raised or spent by each candidate in a race, including money spent by third-parties to support or oppose the candidate. Matching funds for the 2006 general election will be based on the following formula:

Your cash balance on June 13, 2006 (date of primary election)	+	MCEA funds received for the general election	+	Independent expenditures made to support you or to defeat your opponent	**compared to**	Your opponent's cash balance on June 13, 2006	+	Your opponent's receipts or expenditures for the general election (whichever is greater)	+	Independent expenditures made to support your opponent or to defeat you

Running Against a Privately Financed Opponent

The MCEA imposes extra reporting requirements for privately financed candidates with MCEA opponents. These extra reporting requirements allow the Commission to determine whether the MCEA opponent is entitled to receive matching funds. Privately financed candidates must file "accelerated" reports on the 42nd, 21st, and 12th days before an election which shows the candidate's total receipts

Matching funds can matter most in a race between a MCEA candidate and a privately financed opponent, because privately financed candidates can raise and spend as much money as they wish.

and total expenditures (including obligations) for the election. When those reports are filed, the Commission will review the total receipts and spending by the privately financed candidate to determine whether the MCEA opponent is eligible to receive matching funds.

If the privately financed candidate's receipts or expenditures exceed 101% of the initial distribution (the "101% Amount," see page 74) received by the MCEA candidate for the election, the privately financed candidate is required to file a 101% Report that states the candidate's total receipts and expenditures for the election. Also, there are special 24-hour reporting requirements in the last 13 days before the election for privately financed candidates with MCEA opponents who have exceeded the 101% Amount.

For example: presume that a MCEA candidate receives an initial distribution of $5,000. If the opposing privately financed candidate receives or spends an amount that is more than 1% above that $5,000 (in this case, $5,050), the privately financed candidate's total receipts and expenditures must be reported to the Ethics Commission in a 101% Report within 48 hours after the date the privately financed candidate receives or spends the excess amount. The Commission then will release to the MCEA candidate an additional amount of Maine Clean Election Act funds equivalent to the excess amount reported by the privately financed candidate. If, in this example, the 101% Report shows that the privately financed candidate received or spent $7,000 and no independent expenditures were spent in the race and no candidate had any funds left over after the previous election, the MCEA candidate would receive $2,000 in matching funds.

The matching funds calculation also takes into account any funds that were unspent after the last election. If in the previous example, the MCEA candidate had $500 left over after the primary election and the privately financed candidate had $300 left over, the Commission would authorize $1,800 to the MCEA candidate:

MCEA Candidate		compared to	Privately Financed Candidate	
$500 + $5,000 $5,500	Unspent primary funds Initial MCEA Payment		$300 + $7,000 $7,300	Unspent primary funds Receipts for General

The matching funds calculation takes into account independent expenditures made by organizations (usually political action committees and party committees) to defeat a MCEA candidate or to elect the MCEA candidate's opponent.

In the previous example, if a political action committee spent $1,500 to support the privately financed candidate and a party committee spent $2,000 in support of the MCEA candidate, the Commission would authorize $1,300 in matching funds to the MCEA candidate:

MCEA Candidate			Privately Financed Candidate	
$500	Unspent primary funds	compared to	$300	Unspent primary funds
$5,000	Initial MCEA Payment		$7,000	Receipts for General
+ $2,000	Independent Expenditure		+ $1,500	Independent Expenditure
$7,500			$8,800	

Running Against a MCEA Candidate

Matching funds are also available for a MCEA candidate running against another MCEA candidate. In those races, both candidates have received the same amount for the general election – the initial distribution amount. The only factors will be how much money the candidates had remaining after the primary election and any independent expenditures in the race.

For example, if one MCEA candidate has $200 in unspent funds after the primary election, and two political action committees have spent $400 and $600 in support of the candidate, and the other MCEA candidate had $0 in unspent funds after the primary election, and a party committee had spent $1,500 in support of the candidate, the Commission would authorize $300 in matching funds to the first MCEA candidate.

MCEA Candidate (#1)			MCEA Candidate (#2)	
$200	Unspent primary funds	compared to	$0	Unspent primary funds
$5,000	Initial MCEA Payment		$5,000	Initial MCEA Payment
$400	Independent Expenditure		+ $1,500	Independent Expenditure
+ $600	Independent Expenditure		$6,500	
$6,200				

Paying More Matching Funds than the Candidate is Authorized to Spend

In the 2006 elections when a candidate becomes entitled to receive matching funds for the first time, the Commission will pay – not just the amount the candidate is authorized to spend – but an additional amount that the candidate may later be authorized to spend. The purpose of paying more than the authorized amount is that you will then have additional funds in your campaign account if and when you are authorized to spend additional amounts. For example, in the 2006 elections if you, a candidate for State Representative, become entitled to spend $1,000 in matching funds, the Commission may pay you $1,500 but would authorize you to spend only $1,000. You will be required to return any matching funds that you were not authorized to spend within two weeks after the election.

Prepare for Last-Minute Matching Funds

Most matching funds are authorized to candidates in the last 8 days before the election. During this period, the Commission will notify you of the matching funds by telephone and by letter. The Commission recommends that you plan in advance on possible ways to spend these last-minute funds effectively – particularly if you are in a very competitive race. Please keep in mind the public nature of MCEA funds and spend wisely.

LEGAL REFERENCES	
Initial Distributions - Timing of First Payments	21-A M.R.S.A. § 1125(7)
Unenrolled Candidates	21-A M.R.S.A. § 1125(10)
Initial Distributions - Amounts	21-A M.R.S.A. § 1125(8)
Forms of Payment	Rules, Chapter 3, Section 5(1)
Matching Funds	21-A M.R.S.A. § 1125(9)
Matching Funds - Calculation of Amount	Rules, Chapter 3, Section 5(3)
Accelerated Reports	21-A M.R.S.A. § 1017(3-B)
101% Report	21-A M.R.S.A. § 1017(3-B)
Matching Funds - Advances	Rules, Chapter 3, Section 5(2)(C)

CHAPTER 9 - Keeping Required Records and Filing Campaign Finance Reports

- Legal Requirement to File Reports and Keep Records
- Required Records for Seed Money Contributions and Expenditures
- Specific Records for Vehicle Travel and Salaries & Compensation
- How to File Reports
- Reminders by the Commission
- Amendments
- Commission's Review of Reports

Legal Requirement to File Campaign Finance Reports and to Keep Records

All candidates for the office of Governor, the Legislature, and for county office must file campaign finance reports with the Commission. Filing complete and accurate reports is a joint responsibility of the candidate and treasurer. This is a requirement of the Election Law that applies to anyone who is a candidate, and it is especially important for Maine Clean Election Act candidates.

The reports must be filed by 5:00 p.m. on the filing deadline. While the Commission mails written reminders to candidates, and makes telephone calls and sends letters to candidates who have missed a deadline, it is the candidate and treasurer's responsibility to remember and comply with filing deadlines. Candidates who do not submit a report by the filing deadline will be assessed a civil penalty, unless the candidate requests and the Commission grants a waiver of the penalty.

The Election Law requires every campaign to keep certain campaign records: "Each treasurer shall keep detailed records of all contributions received and of each expenditure that the treasurer or candidate makes or authorizes. When reporting contributions and expenditures to the commission …, the treasurer shall certify the completeness and accuracy of the information reported by that treasurer." (21-A M.R.S.A. § 1016)

> Record-keeping is an important legal responsibility of the campaign treasurer. In addition, the treasurer is responsible for filing accurate campaign finance reports.

> For candidates in the 2006 general election, records must be kept until December 2008.

It is especially important for Maine Clean Election Act candidates to keep complete and accurate records of expenditures to meet the legal requirements of campaign finance reporting. The Election Law requires that all candidates keep a receipt (bill or invoice) for every expenditure over $50 stating the particular goods or services purchased. Because public funds are involved, the Commission staff recommends that MCEA candidates keep a bill or invoice for every expenditure even if less than $50. The campaign is not required to submit bills or invoices to the Commission unless they are requested. For example, the Commission may request bills or invoices to verify that public funds were spent on campaign-related purposes. In addition, your campaign treasurer is

required to keep a detailed and exact account of all expenditures made by or on behalf of you or campaign committee. The record must include the name and address of each payee, and the date, amount, and purpose of the expenditure.

Specific Records for Vehicle Travel and Salaries & Compensation

Vehicle Travel. If you choose to have your campaign reimburse you for vehicle travel, you must keep a record of: the dates of travel, the number of miles traveled, the origination, destination, and the campaign purpose of the travel.

Salaries & Compensation. The Commission recommends keeping a detailed record of all work performed by consultants and members of campaign staff if they are compensated with MCEA funds. The Commission suggests that the record show: the period (weeks or month) during which the work was provided, a specific description of the services provided, and the number of hours worked for the week or the month.

How to File Campaign Finance Reports

New Electronic Filing Requirement. Due to a change in the Election Law, candidates in the 2006 elections who have (or expect to have) receipts of more than $1,500 will be required to file campaign finance reports electronically on the Commission's website. The campaign may enter information on the website at any time, but the campaign must click the "File Report" button by 5:00 p.m. on the filing deadline. The Commission requests that you file the seed money report (explained below) using the paper forms and that all later reports be filed electronically. Many candidates used the Commission's electronic filing system in 2004 and found it more convenient than filing paper reports. The Commission is improving the system for the 2006 elections, and will offer training classes to you and your treasurer.

> If you do not have access to the technology or the technological ability to file reports electronically, the Commission will grant you a waiver. You need to complete the Electronic Filing Waiver Request Form and submit it to the Commission. The deadline for filing a waiver is April 15, 2006, but the Commission will honor requests filed later.

How to File Paper Reports. For those candidates receiving permission to file reports on paper, the Ethics Commission must receive the original campaign finance report signed by both the candidate and the treasurer at its office by 5:00 p.m. on the filing deadline, except in two circumstances. A properly signed report may be faxed to the Commission office at (207) 287-6775 by 5:00 p.m. on the deadline, provided that the original report is received by the Commission within five days of the fax. A report that is sent by certified or registered mail and that is postmarked at least 2 days before the filing deadline will not be considered late, even if it is received after the deadline.

Candidates who are not enrolled in any party must file the same reports as enrolled candidates.

Reports filed by MCEA Candidates

January 17, 2006 Report for MCEA candidates with Financial Activity in 2005

Any gubernatorial candidate in the 2006 elections who raised or spent more than $1,000 during the calendar year 2005 must file a campaign finance report on January 17, 2006. Any legislative candidate in the 2006 elections who has raised or spent more than $500 in 2005 must also file a report by January 17, 2006. The report covers activity from the beginning of the campaign through December 31, 2005. If you intend to participate in the Maine Clean Election Act, this would include seed money contributions and expenditures of those contributions. That financial activity should not be reported again in the seed money report that you file when you request certification.

Seed Money Campaign Finance Report

The seed money report is required for Maine Clean Election Act candidates. Candidates file the report when they request certification as a Maine Clean Election Act candidate, which may be at any time during the qualifying period. The report covers all activity for the campaign through the filing of the report. (For those candidates who filed the January 17, 2006 report, the seed money report covers activity from January 1, 2006 to the filing of the seed money report.) This report is reviewed by the Commission to verify that all contributions received comply with the seed money restrictions. The Commission requests that you file this report using the paper reporting forms, and that all subsequent forms be filed electronically.

Pre- and Post-Election Campaign Finance Reports Required for All Candidates

Legislative candidates who are on the ballot for the primary and general elections are required to file four campaign finance reports. Gubernatorial candidates who are on the ballot for both elections are required to file six campaign finance reports. Each report covers a specific time period and should include all activity within that period.

Legislative Candidates

Type of Report	2006 Deadlines	Reporting Period
6-Day Pre-Primary	June 7	End of Seed Money Report – June 1
42-Day Post Primary	July 25	June 2 – July 18
6-Day Pre-General	November 1	July 19 – October 26
42-Day Post-General	December 19	October 27 – December 12

Gubernatorial Candidates

Type of Report	2006 Deadlines	Reporting Period
42-Day Pre-Primary	May 2	Beginning of campaign – April 25
6-Day Pre-Primary	June 7	April 26 – June 1
42-Day Post-Primary	July 25	June 2 – July 18
42-Day Pre-General	September 26	July 19 – September 19
6-Day Pre-General	November 1	September 20 – October 26
42-Day Post-General	December 19	October 27 – December 12

Reports Required for MCEA Candidates Who Are Defeated in a Primary Election

Maine Clean Election Act candidates who are defeated in the primary election must file the primary election reports, but are not required to file the general election reports.

> The 42-Day Post-Primary Election report due July 25, 2006 is the final campaign finance report for Maine Clean Election Act candidates who are defeated in a primary election.
>
> For MCEA candidates in the general election, the 42-Day Post-General report due December 19, 2006 is the final report for the campaign.

Reports Filed by Replacement Candidates

A candidate who fills a vacancy caused by the withdrawal or death of another candidate must file a campaign finance report no later than 15 days after the appointment and must file all subsequent campaign finance reports. The replacement candidate may choose to run as a MCEA candidate or as a privately financed candidate. All replacement candidates should notify the Commission as soon as possible of their intent to run as a MCEA candidate. The Commission will provide guidance about qualifying for public financing.

> If a MCEA candidate makes a single expenditure of $1,000 or more within the last 11 days before an election, the candidate must file a report of the expenditure within 24 hours of the expenditure.

24-Hour Reports for MCEA Candidates

The 24-Hour reporting requirement applies during the 11-day period beginning on the second Friday before the election and includes two weekends. If the deadline for filing a 24-Hour Report falls on a Saturday or a Sunday, the candidate must file the report on that day. Due to a change in the Election Law, the candidate <u>cannot</u> wait until the next business day to file the report.

The 24-Hour Reports must be filed electronically unless you, the candidate, have received a waiver of the electronic filing requirement. If you did receive a waiver, you may file the paper report by fax, provided the original is submitted within five days of the faxed copy. The Commission's fax machines operate at all times and the Commission is open for filing during the last weekend before the election.

Reminders by the Commission

The Commission mails to all candidates a packet of information including the filing schedule with the deadlines to file reports. The filing schedule is clearly posted on the Commission's website. In addition, at least two weeks before each filing deadline for the regularly scheduled reports, the Commission mails a written reminder to all candidates.

If a candidate and treasurer miss a filing deadline, the Commission's policy is to make one telephone call to the candidate and/or treasurer. If the report is not filed within three days of the deadline, the Commission is required by law to send a notice to the candidate and treasurer telling them that a civil penalty may be assessed for the late filing.

It is the candidate and treasurer's responsibility to remember the filing deadlines.

Amendments

Candidates and treasurers are required by the Election Law to certify the completeness and accuracy of the information included in the report, and are expected to take that certification seriously. In particular, the Commission requires the reporting of every expenditure of Maine Clean Election Act funds – no matter how small.

If the candidate or treasurer unintentionally makes an omission in a report or includes incomplete or inaccurate information, they must promptly file an amendment. All amended reports are reviewed by the Commission. If the Commission determines that any report does not substantially conform to the disclosure requirements, the Commission may consider the report late (even if it was filed on time).

Commission's Review of Reports

The Commission staff reviews all campaign finance reports for completeness and compliance with the Election Law. If the staff believes a report is incomplete or requires additional information, it will contact the candidate or treasurer by telephone or in writing.

Expenditures reported by MCEA candidates will be reviewed by the Commission staff to assure compliance with the expenditure guidelines in Chapter 11.

Statement of Sources of Income

All legislative candidates who are not already members of the Legislature must file a Statement of Sources of Income no later than 5 p.m. on August 7, 2006. The statement includes the sources of the income which the candidate received during the calendar year before the election year from employment, self-employment, gifts, and other sources. The forms are mailed to candidates in July of the election year. Incumbent Legislators who have filed a Statement of Sources of Income in February of the election year have already fulfilled their requirement and are not required to file the statement in August.

LEGAL REFERENCES	
Requirement to Keep Records	21-A M.R.S.A. §§ 1013-A(4); 1016; Rules, Chapter 3, Section 7(1)
Records for Vehicle Travel	Rules, Chapter 3, Section 7(1)(C)
Requirement to File Reports	21-A M.R.S.A. §§ 1013-A(4); 1016; 1017(2), (3-A); 1125(12); Rules, Chapter 3, Section 7(2)
Electronic Filing Requirement	21-A M.R.S.A. § 1017(10)
Seed Money Report	21-A M.R.S.A. § 1022(9); Rules, Chapter 3, Section 3(2)
Fax and Certified Mail Submission of Reports	21-A M.R.S.A. § 1020-A(4-A)
Filing Schedule for Gubernatorial Candidates	21-A M.R.S.A. § 1017(2)
Filing Schedule for Other Candidates	21-A M.R.S.A. § 1017(3-A)
Replacement Candidates	21-A M.R.S.A. § 1017(4)
Substantially Non-Conforming Reports	21-A M.R.S.A. § 1020-A(2)
Statement of Sources of Income	1 M.R.S.A. § 1016-C

CHAPTER 10 - What to Include in Campaign Finance Reports

- **Time Period for Each Report**
- **Seed Money Report (prior to certification)**
- **Regularly Scheduled Campaign Finance Reports (after certification)**

Time Period for Each Report

Each report covers a specific period of time. You need to report all expenditures occurring during the specific report period. If you had activity in an earlier time period that has not been reported, you need to amend the previously filed report for the earlier time period. When completing your reports, you and your treasurer are encouraged to call the Commission staff with any questions.

Seed Money Report (prior to certification)

Prior to being certified as a Maine Clean Election Act candidate, you may accept limited private contributions of up to $100 from individuals (seed money contributions). Those contributions and expenditures of those funds must be reported on a special Seed Money Report, which you submit when requesting certification as a MCEA candidate. For the 2006 elections, the Commission requests that you file the report using the paper reporting forms. You will be required to file all subsequent reports electronically on the Commission's website, unless you receive a waiver of the requirement.

Seed money contributions are reported in the same manner as privately financed candidates report their contributions. For contributions over $50, you must report the name, address, occupation, and employer of the contributor, and the date and amount of the contribution. You must make a good-faith effort to obtain the employment information of any contributor giving more than $50, but if you are unable to obtain it from the contributor, please enter "information requested" on the campaign finance report.

Regularly Scheduled Campaign Finance Reports (after certification)

Contributions after Certification

After certification, you are not permitted as an MCEA candidate to accept any contributions. If you believe you have received a cash or in-kind contribution, please telephone the Commission. The Commission will recommend returning a cash contribution and/or using campaign funds to pay for goods or services received.

> MCEA candidates who are filing campaign finance reports **electronically** no longer are required to report itemized receipts of MCEA funds. The Commission staff will enter that information into its e-filing system at the time it pays public funds.

Reporting Receipts of MCEA Funds

Candidates who file paper reports must report only the total amount of MCEA payments received during the reporting period. This amount is entered on line 2 of Schedule F of the reporting form. This information is listed prominently in the payment letter the Commission sends to you. If you have received any matching funds, the letter will also indicate the amount of matching funds you have received and the amount you are authorized to spend. You need to report the unauthorized amount on line 7 of Schedule F of the reporting form.

Reporting Expenditures on Schedule B

> The Commission recommends obtaining a bank debit card and a checkbook for your campaign. Making expenditures from the campaign's bank account simplifies record-keeping and accurate reporting.

The Election Law requires that all candidates disclose every expenditure on campaign finance reports submitted to the Commission. As a Maine Clean Election Act candidate, you need to be especially careful to report all expenditures, so that every dollar of public funds spent by you and your campaign is disclosed.

The Commission's electronic disclosure system shows a candidate's cash balance based on the amount of funds that the candidate has reported spending. After the election, if you return an amount that is different than the cash balance, the Commission will request that you amend your reported expenditures so that they are accurate.

Itemized Reporting of Expenditures is Required

The Election Law requires that the date, amount, payee, and the purpose of the expenditure be reported. The "payee" refers to the vendor that provided the goods or services to the campaign. Please do not report "cash," "reimbursement," or the candidate's name as the payee. To report the purpose of the expenditure, the Commission requires candidates to indicate an "expenditure type" for each expenditure. Some expenditure types require a remark that describes in more detail the nature of the goods or services provided.

MCEA Expenditure Types

Expenditure Types Requiring NO Remark		**Expenditure Types Which REQUIRE a Remark**	
PRT	Print media ads	SAL	Campaign workers' salaries
TVN	TV or cable ads, production costs	CNS	Campaign consultants
RAD	Radio ads, production costs	PRO	Other professional services
LIT	Campaign literature (printing and graphics)	EQP	Equipment
POS	Postage for U.S. Mail	FND	Fundraising events
MHS	Mail house (all services purchased)	TRV	Travel (fuel, mileage, lodging, etc.)
PHO	Phone banks, automated telephone calls	OTH	Other
FOD	Food for campaign events, volunteers		
OFF	Office rent and utilities		
WEB	Internet and e-mail		
POL	Polling and survey research		
RTA	Return of authorized MCEA funds		
RTU	Return of Unauthorized MCEA funds		

Reporting Reimbursements Made to the Candidate or Supporter

Many MCEA candidates ask if they or a supporter can use personal funds or a credit card to pay for campaign goods or services and later be reimbursed by the campaign. This is permissible as long as the campaign is careful to reimburse the candidate or supporter. If no reimbursement is made, the campaign has received an in-kind contribution of goods and services, which is not permitted for MCEA candidates.

If you or one of your supporters uses personal funds or a credit card to pay a vendor, report the vendor as the payee, and the date and amount of your or your supporter's payment to the vendor. Do not report the campaign's reimbursement to you or the supporter. The payment is reported in the reporting period in which the vendor received the payment, and the reimbursement must be made during the same reporting period. If the reimbursement is not made within the same reporting period, then you have received an in-kind contribution which is prohibited.

Reporting Withdrawals of Cash

The Commission recommends paying for expenditures by writing checks and using debit cards for the campaign's bank account, so that as many expenditures as possible are made through the campaign's bank account. This will help the campaign keep track of the dates, amounts, and payees of all expenditures.

> Because you, as a candidate, must report the date, amount, payee, and purpose of every expenditure, the Commission discourages the use of petty cash or the withdrawals of large amounts of cash to pay campaign workers.

If the campaign chooses to withdraw cash to use for petty expenses or campaign workers, do not report a payment to "cash." Instead, for each expenditure of the cash, keep a receipt or record which includes the date, amount, payee, and purpose of each expenditure, and include this information on your campaign finance reports.

Expenditures Made by a Consultant or Firm

If you hire a consultant or firm to assist your campaign, and the consultant or firm makes expenditures on behalf of you and your campaign, you must report those expenditures as though the campaign made them directly. It is your responsibility to find out about expenditures made by your consultants and to report those expenditures. You need to deduct those costs from the amounts you have reported on Schedule B that you paid to the consultant (so the costs are not double-reported), and you should note in the remarks column that the expenditures were made by the consultant.

Reporting Unpaid Debts and Obligations on Schedule D

On Schedule D, please report the date of any unpaid debt or obligation your campaign has incurred, along with the amount and purpose of the transaction, and the name of the creditor. If a debt or obligation remains unpaid in subsequent report periods, please include the debt or obligation on each report until full payment is made to the vendor. If only partial payment is made on the debt, continue to disclose the unpaid balance of that debt or

obligation. When any payment is made on a debt or obligation, that payment amount should be reported as an expenditure on Schedule B.

Reporting Sale of Campaign Property on Schedule E

Schedule E is an inventory of campaign property purchased with public funds that could be converted to the personal use of the candidate or campaign staff (*e.g.*, computers, fax machines, printers, cell phones). After the election, MCEA candidates must sell this property at fair market value and return the proceeds by the deadline for the campaign finance report due 42 days after your final election for the cycle (primary or general). Those amounts are reported on Schedule E.

Reporting Cash Balance and Totals on Schedule F (paper filers only)

Candidates filing reports on paper must file Schedule F, which summarizes the activity during the period covered by the report. This schedule is important for MCEA candidates because it indicates to the candidate and to the Commission the candidate's cash balance, and the amounts of that balance which the candidate is authorized to spend. The cash balance on line 6 of the schedule should correspond to the actual cash balance in the candidate's bank account.

Reporting Interest Earned on Bank Accounts

MCEA candidates are permitted to earn interest on campaign funds in bank accounts. There is a separate page on the Commission's e-filing system to report interest earned. Paper filers should report the interest earned on line 4 of Schedule F.

LEGAL REFERENCES	
Time Periods of Report	21-A M.R.S.A. § 1017(2), (3-A)
Seed Money Report	21-A M.R.S.A. § 1122(9)
Duty to File Complete Reports	21-A M.R.S.A. §§ 1013-A(4); 1016; 1017(2), (3-A); 1125(12); Rules, Chapter 3, Section 7(2)
Contents of Report	21-A M.R.S.A. § 1017(5)
Obligation to Report Itemized Contributions, including contributor name, address, occupation, and employer	21-A M.R.S.A. § 1017(5)
Obligation to Report Itemized Expenditures, including date, payee, and purpose	21-A M.R.S.A. § 1017(5)
Requirement to Use Commission Forms	21-A M.R.S.A. § 1017(6)
Reporting Expenditures by Consultants	Rules, Chapter 1, Section 7(1)

CHAPTER 11 - Making Expenditures of Maine Clean Election Act Funds

- Best Practices When Spending Maine Clean Election Act Funds
- Spending Initial Distribution for the Primary Election
- Guidelines on Permissible Expenditures
- Services Provided by the Candidate or Family Members
- Selling Property Purchased with MCEA Funds

Best Practices When Spending Maine Clean Election Act Funds

In order to comply with the Election Law and to avoid requests for additional information from the Commission, the staff suggests that MCEA candidates consider the following:

- All expenditures of MCEA funds must be spent to promote the election campaign of the candidate. Expenditures made *only* for some other purpose (personal uses, or to promote another candidate, the candidate's party, or a charity) are not permitted. The Commission's expenditure guidelines are listed below.

> The Commission recommends keeping a receipt for every expenditure – no matter how small.

- The Commission recommends keeping a receipt (bill or invoice) for every expenditure, which includes the date, amount, payee, and purpose of *every* expenditure. The Election Law requires that this information be disclosed in campaign finance reports.

- The Commission recommends paying for all purchases with the campaign bank account by using a debit card or by writing checks. While the campaign is allowed to use the personal funds or credit card of the candidate or a supporter (provided the campaign reimburses the candidate or supporter promptly), the Commission discourages this practice because it can lead to incomplete record-keeping and reporting.

Spending the Initial Distribution for the Primary Election

A MCEA candidate may use the initial distribution they received for the primary election for any campaign-related purpose.

If a MCEA candidate has unspent campaign funds left over from the primary election, the candidate will nevertheless receive the entire initial distribution for the general election. Unspent primary election funds will <u>not</u> reduce the general election payment. However, they will be counted as a *receipt* for the general election, and may reduce the matching funds the candidate can receive for the general election. An example of this reduction can be found in Chapter 8 on page 40.

If any candidate chooses to spend money before the primary election for goods and services for the general election, the candidate should be aware that the expenditure could affect matching funds for the general election.

Under the Commission's Rules, if more than one-half of an expenditure made before the primary election is for consulting services or for campaign literature and advertising to be used in the general election, the portion of the expenditure scheduled for use in the general election will be counted as a receipt for the general election. This rule is designed to avoid candidates denying matching funds to a general election opponent by intentionally pre-purchasing general election goods and services before the primary election.

The rule applies to any candidate – whether publicly or privately financed – whose opponent is participating in the Maine Clean Election Act. Generally, the Commission becomes aware that a pre-primary expenditure is for the general election when the candidate's MCEA opponent files a request for matching funds based on the pre-primary expenditure. The Commission's Rules require that these requests be made no later than August 30 of the election year.

For example: three weeks before the primary election, candidate Bill James pays his community newspaper $2,000 for advertising even though he does not have a primary election opponent. Based on a request filed by Bill James' opponent, the Commission staff determines that the expenditure is for one ad worth $500 that ran just before the primary election and another ad worth $1,500 scheduled to run just before the general election. Because more than one-half of the $2,000 expenditure was for the general election, the Commission will count the $1,500 ad as a receipt for Bill James for the general election when calculating matching funds.

Requirement to Spend MCEA Funds for Campaign-Related Purposes

MCEA candidates may spend public funds only on campaign-related expenses and not for other purposes such as the candidate's personal benefit, party-building, or to promote another candidate's campaign.

MCEA candidates may use their campaign funds on almost any expenditure they choose – provided the expenditure promotes their political campaign. As required by the Maine Clean Election Act, the Commission has issued official guidelines on permissible campaign-related purposes. Expenditures made *only* for some other purpose (*e.g.*, personal use, or to promote another candidate, the candidate's party, or a charity) are not permitted. Candidates may pay MCEA funds to another candidate, a political party, or a charity or non-profit in exchange for campaign goods and services worth the amount of the payment. If a candidate wishes to pay an entry fee to an event hosted by a political party or a charity (or to place an ad in an event publication), that is acceptable as long as the expenditure promotes the candidate's political campaign.

Commission's Guidelines on Permissible Expenditures of MCEA Funds

- 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:
    - Printing and mailing costs;
    - Political advertising expenses;
    - Campaign communications such as signs, bumper stickers, T-shirts, or caps with campaign slogans, etc.;
    - Office supplies;
    - Campaign events (*e.g.*, food, rent of tent or hall, etc.);
    - Campaign staff expenses; and
    - Campaign travel expenses, such as fuel and tolls.

- MCEA funds may not be spent on personal expenses. Those expenses are for goods and services that the candidate would otherwise purchase independently of the campaign, such as:
    - Day-to-day household food items and supplies;
    - Vehicle and transportation expenses unrelated to the campaign;
    - Mortgage, rent, or utility payments for the candidate's personal residence, even if part of the residence is being used by the campaign; and
    - Clothing, including attire for political functions such as business suits or shoes.

- Maine Clean Election Act funds may not be spent to:
    - make independent expenditures supporting or opposing any candidate, ballot measure, 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;
    - pay a consultant, vendor, or campaign staff, other than in exchange for campaign goods or services;
    - compensate the candidate for services provided by the candidate;
    - pay an entry fee for an event organized by a party committee, charity, or community organization or to place an ad in an event publication, unless the expenditure benefits the candidate's campaign;
    - 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;

- pay civil penalties, fines, or forfeitures to the Commission, or defend the candidate in enforcement proceedings brought by the Commission; or
- assist the candidate in a recount of an election.

■ Guidelines on Selected Issues

- *Electronics and Other Personal Property.* Goods purchased with MCEA funds that could be converted to personal use after the campaign (*e.g.*, computers, fax machines, and cellular telephones) must be reported on Schedule E of the campaign reporting form. No later than 42 days after the general election, the goods must be sold at fair market value and the proceeds returned to the Maine Clean Election Fund. Candidates are welcome to lease electronic and other equipment.

- *Food.* Candidates may spend a reasonable amount of MCEA funds on food for campaign events or to feed volunteers while they are working. Legislative candidates should not use MCEA funds to purchase food that is consumed only by the candidate and/or the candidate's spouse. Gubernatorial candidates may use MCEA funds to purchase meals for the candidate and/or candidate's spouse if associated with travel for campaign purposes.

- *Vehicle Travel.* Candidates may elect to have the campaign reimburse them for vehicle travel at the reimbursement rate that is applicable to state government employees or for amounts actually paid for fuel and repairs (pro-rated to reflect only campaign-related usage). Candidates should keep a record for each trip that includes: date of travel, number of miles traveled, origination, destination, and purpose of travel.

- *Lodging.* Candidates may use MCEA funds to pay for lodging if necessary for campaign purposes, but must keep lodging expenses reasonable.

- *Post-Election Notes and Parties.* 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, $500 for State Senate candidates, $2,500 for gubernatorial candidates. Candidates may also use personal funds for these purposes.

- *Campaign Training.* Candidates may use Maine Clean Election Act funds for tuition or registration costs to receive training on campaigning or policy issues.

- *Salary and Compensation.* 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. The Commission recommends keeping a

record that shows how many hours of services were provided by the staff member or consultant each month, and a description of services provided that month.

Services Provided by the Candidate or Family Members

If the candidate personally provides services to the campaign (*e.g.*, if the candidate designs campaign literature or maintains financial accounts or databases for the campaign), the campaign may not use MCEA funds to compensate the candidate for the work. If the candidate – or the candidate's business or non-profit organization – contributes goods or other services, the campaign should use MCEA funds to make a reimbursement in order to avoid accepting an in-kind contribution. (Please read the next chapter regarding the prohibition on accepting contributions.)

MCEA candidates may choose to hire family members as paid staff for the campaign. While this is not prohibited, candidates should be aware that the practice of using MCEA funds to pay family members has been criticized in the press. With regard to all paid services provided by staff, the Commission recommends keeping a record that shows how many hours of services were provided by the staff member or consultant each month, and a description of services provided that month.

Sharing Expenditures with Other Candidates

Candidates may share expenses for goods such as joint campaign literature or advertising. To avoid making or receiving an in-kind contribution, each candidate should make a reasonable effort to pay a portion of the overall cost that is proportionate to the benefit received by the candidate.

Selling Property Purchased with MCEA Funds

MCEA candidates may not use public funds to purchase goods to sell at a profit. After the election, however, candidates are required to sell any goods purchased with MCEA funds that could be used for the candidate's personal use (*e.g.*, computers, fax machines, cell phones). The candidate must return the proceeds to the Commission with the report due 42 days after the election. Candidates may keep and re-use goods that have value only to the campaign (*e.g.*, signs and campaign literature).

Commission's Compliance Procedures

The Commission reviews all expenditures disclosed by MCEA candidates in campaign finance reports, and frequently requests additional information from candidates to verify that public funds were spent for campaign-related purposes. In addition, audits may be conducted by the Commission to review reports and supporting information and to provide assistance to candidates. In most cases, the information provided by the campaigns resolve all concerns at the level of the Commission staff, and no further action is necessary. Candidates who use public funds for purposes other than their campaign may be required to repay some or all public funds received. In cases of serious misuse, the candidates or others may be liable for civil penalties, and may be referred to the State Attorney General for possible criminal prosecution.

LEGAL REFERENCES	
Campaign-Related Purposes	21-A M.R.S.A. § 1125(6); Rules, Chapter 3, Section 6
Expenditure Guidelines	21-A M.R.S.A. § 1125(6)
Required Records of Expenditures	21-A M.R.S.A. § 1016
Required Reporting of Expenditures	21-A M.R.S.A. § 1017(5)
Pre-Primary Expenditures for General Election	Rules, Chapter 1, Section 7(4), Chapter 3, Section 5(4),
Requirement to Sell Personal Goods	Rules, Chapter 3, Section 7(2)(C)

CHAPTER 12 - Prohibition on Accepting Contributions

- **Definition of Contribution**
- **Cash Contributions - In-Kind Contributions**
- **Exempt Goods and Services**
- **Coordinating Expenditures with Third-Parties**
- **Contributions for Recounts**

Definition of Contribution

The term "contribution" is defined in the Election Law to include:

"*A gift, subscription, loan, advance or deposit 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 or for the purpose of liquidating any campaign deficit of a candidate . . . .*" For further explanation of what is a contribution, please refer to 21-A M.R.S.A. § 1012(2) and Chapter 1, Section 6 of the Commission Rules.

> Once a candidate has been certified as a MCEA candidate, they are prohibited from accepting <u>any</u> contributions – cash or in-kind. It is important that candidates understand this restriction, because acceptance of a contribution is a violation of the MCEA.

Cash Contributions and Paying for Goods and Services with Personal Funds

> If the campaign accepts a cash contribution, it must be returned. MCEA funds can be used to return the contribution if the cash contribution was inadvertently deposited.

Once you have been certified as a MCEA candidate, your campaign may not accept cash contributions from any source. You are not permitted to contribute cash or to make a loan to your campaign. You or your supporters are allowed to purchase goods and services with personal funds or a credit card, provided that the campaign promptly reimburses you or your supporters. The campaign must reimburse you in the same reporting period in which the purchase was made to avoid accepting an in-kind contribution.

In-Kind Contributions

MCEA candidates are prohibited from accepting any "in-kind contributions," which are goods and services provided to the campaign at no cost or at a cost that is less than the usual and customary charge. The Commission recommends that MCEA candidates who receive an in-kind contribution contact the Commission staff promptly to receive guidance on how to rectify the situation. The staff will likely advise that the campaign should reimburse the provider of the goods and services immediately with MCEA funds.

The following activities are examples of in-kind contributions:

- the candidate purchases campaign signs and is not reimbursed by the campaign;
- a supporter of a candidate pays for some of the candidate's advertising in a community newspaper;

- a friend of a candidate who owns a copy shop provides the campaign with a discount on printing services; and
- the owner of a local business provides the campaign, free of charge, some of his paid staff members to work for the campaign on company time.

Volunteer vs. Paid Assistance

Individuals are permitted to provide their services to your campaign as volunteers. However, if they provide their services with the knowledge of their employer during their paid work-time, then the employer has made a contribution to your campaign. One exception to this rule is that political parties may employ staff to provide services directly to three or more candidates. This exception applies only to party committees, and does not apply to political action committees.

Discounted Services

If an individual who is volunteering for a candidate wishes to donate some services for free or at a discount, that donation is not a contribution. If, however, a supporter wishes to provide materials or the paid services of the supporter's employees, the donation of the materials or paid services of employees is an in-kind contribution.

Exempt Goods and Services

Certain goods and services are excluded from the legal definition of "contribution." The campaign's receipt of these goods and services is not a contribution. Candidates and treasurers are encouraged to familiarize themselves with these "exempt" goods and services. They are listed in the Appendix of this guidebook. Some examples of exempt goods and services are:

- a trade association or labor union may donate its office to a campaign for use as a phone bank, provided that there is no additional cost to provide the office;
- an individual may volunteer his services to a campaign at no charge (including professional services such as legal advice, assistance with databases, and graphic design) as long as the individual is not being compensated by an employer for providing the services; and
- each volunteer may pay up to $100 cumulatively toward the cost of food, beverages, and invitations in the course of volunteering for a campaign (*e.g.*, they may buy food for a house party or a campaign event).

Coordinating Expenditures with Third-Parties

> If a third-party such as a friend, political action committee, or party committee initiates a discussion with you about a proposed expenditure to assist your campaign, please do not discuss any expenditures to avoid accepting an unintentional contribution.

Political action committees and party committees are permitted to spend money to support or oppose candidates, but generally they must make the expenditures <u>independently</u> of the candidate's campaign. These expenditures are known as independent expenditures.

The Election Law states that: "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." (21-A M.R.S.A. § 1015(5)) This means that if any person or organization makes an expenditure to support you and has consulted with you on the expenditure, you have accepted a contribution. After you have been certified as a Maine Clean Election Act candidate, this is not permitted because you may not accept contributions.

One exception to this policy is that candidates may coordinate with a party committee on a "slate card" or other listing of three or more candidates, because those communications are excluded from the definition of contribution. Please note that this exception applies to party committees and does not apply to political action committees.

Because independent expenditures cause matching funds to be paid to a candidate's opponent, some candidates may wish to tell supporters not to make independent expenditures in support of their campaigns. You are allowed to ask third-parties not to spend money in support your candidacy. Even if the third-party were to spend money subsequently, merely making a request not to make an independent expenditure would not constitute cooperation.

Contributions for Recounts

If you are involved in a recount of an election, you cannot use MCEA funds for the recount. You may accept unlimited funds and services from party committees, caucus campaign committees, and from attorneys, consultants, and their firms. All contributions received and expenditures made in connection with a recount must be disclosed in a special financial report due 90 days after the election.

Election Night Parties and Post-Election Thank-You's

Candidates may spend limited amounts of MCEA funds on election night parties, thank-you notes, or advertising to thank supporters or voters:

- $250 for State Representative candidates;
- $500 for State Senate candidates; and
- $2,500 for gubernatorial candidates.

In addition, candidates may also use their personal funds for these purposes.

LEGAL REFERENCES:	
Ban on Accepting Contributions	21-A M.R.S.A. § 1125(6)
Definition of Contribution	21-A M.R.S.A. § 1012(2)
In-Kind Contributions	Rules, Chapter 1, Sections 6(3) - (5)
Contributions of Paid Employee Services	21-A M.R.S.A. § 1012(2)(A)(4); Rules, Chapter 1, Section 6(4)
Exempt Goods and Services	21-A M.R.S.A. § 1012(2)(B)
Coordinated Expenditures	21-A M.R.S.A. § 1015(5)
Recounts of Elections	21-A M.R.S.A. § 1018-B
Election Night Parties and Thank-You Notes	Rules, Chapter 3, Section 6(5)

CHAPTER 13 - Disclosure on Campaign Communications

- Campaign Communications by the Candidate
- Communications Exempt from Disclosure
- Automated Telephone Calls
- Communications Not Authorized by the Candidate
- Broadcast and Newspaper Communications

Disclosure on Campaign Communications by the Candidate

Whenever a person makes an expenditure to finance a communication expressly advocating the election or defeat of a clearly identified candidate through broadcasting stations, newspapers, magazines, outdoor advertising facilities, publicly accessible websites, direct mails or other similar types of general public political advertising, or through flyers, handbills, bumper stickers, and other non-periodical publications, the communication, if authorized by a candidate, a candidate's authorized political committee, or their agents, must clearly and conspicuously state that the communication has been so authorized. The communication must also clearly state the name and address of the person who made or financed the expenditure for the communication. In addition, these requirements apply to any communication that names or depicts a clearly identified candidate and that is disseminated to voters in the last 21 days before the election.

The following are examples of suitable attribution statements for political communications:

By a Candidate:

- Paid for and authorized by John Doe, 2 Main Street, Pinetree City
- Paid for and authorized by the candidate, 2 Main Street, Pinetree City (where the candidate's full name is clearly stated in the communication)

By a Candidate's Political Committee:

- Authorized by the Candidate and paid for by the Committee to Elect John Doe, 2 Main Street, Pinetree City

By the Candidate's Agents:

- Authorized by Candidate John Doe and paid for by Sam Smith, Treasurer, 5 Oak Street, Pinetree City
- Paid for by the Candidate and authorized by John Jones, Chairman of Committee to Reelect John Doe, 1 Cool Street, Pinetree City

Communications Exempt from Disclosure

Certain items are exempt from the disclosure requirement because of their small size: ashtrays, badges and badge holders, balloons, campaign buttons, clothing, coasters, combs, emery boards, envelopes, erasers, glasses, key rings, letter openers, matchbooks, nail files, noisemakers, paper and plastic cups, pencils, pens, plastic tableware, 12-inch or shorter rulers, swizzle sticks, and tickets to fund-raisers. The Commission may exempt similar items if it determines those items are too small and, therefore, it would be unnecessary to include the required disclosure.

> Yard signs are not exempt from the attribution requirements.

Automated Telephone Calls

Automated telephone calls that name a clearly identified candidate must include the name of the person who made or financed the communication, except that the disclosure is not required for calls paid for by the candidate using the candidate's voice.

Communications Not Authorized by the Candidate

Similar requirements apply to communications that are paid for by third-parties such as political action committees and party committees and that are not authorized by the candidates. Those communications must disclose the person who made or financed the communication and that the communication was not authorized by the candidate or campaign.

Requirements on Broadcasters and Newspapers

Broadcasting stations and newspapers in Maine may not broadcast or print communications without the required disclosure.

Enforcement

If the Commission receives a complaint about communications that do not contain the required disclosure, the Commission will request that the disclosure be added to the communication. A communication or expenditure that results in a violation of the requirements may result in a penalty of up to $200.

LEGAL REFERENCES

Required Disclosure on Candidate Communications	21-A M.R.S.A. § 1014(1)
Exempted Communications	21-A M.R.S.A. § 1014(1)
Automated Telephone Calls	21-A M.R.S.A. § 1014(5)
Required Disclosure on Third-Party Communications	21-A M.R.S.A. § 1014(2)
Broadcasters and Newspapers	21-A M.R.S.A. § 1014(3), (3-B)
Enforcement	21-A M.R.S.A. § 1014(4)

CHAPTER 14 - Post-Election Responsibilities for MCEA Candidates

- Address Change Notification
- Election Night Parties and Thank-You Notes
- Returning Unauthorized Matching Funds and Unspent MCEA Funds
- Sale of Campaign Property
- Commission Review of Campaign Expenditures
- Sources of Income Statement for Elected Legislators

Notify Commission of Changes of Address and Phone Number

During and after the campaign, it is important for candidates and treasurers to notify the Commission directly when their address and/or telephone number changes. If the Commission is not notified, the candidate may miss important notices, filing deadlines, or opportunities to complete the Commission's review of the campaign.

Election Night Parties and Post-Election Thank-You's

Candidates may spend limited amounts of MCEA funds on election night parties, thank-you notes, or advertising to thank supporters or voters:

- $250 for State Representative candidates;
- $500 for State Senate candidates; and
- $2,500 for gubernatorial candidates.

Candidates may also use their personal funds for election night parties and post-election thank-you's.

Return of "Unauthorized" Matching Funds

If a MCEA candidate has received matching funds that the candidate was not authorized to spend, the candidate must return the funds within two weeks of the candidate's last election. For candidates in the 2006 general election, this deadline will be November 21, 2006. The Commission will notify the candidate of this unauthorized amount of matching funds.

Return of Unspent MCEA Funds

All candidates are required to return any MCEA funds that the candidate was authorized to spend but did not. These funds must be returned by the deadline for the post-election campaign finance report 42 days after the election. The Commission will verify that this amount appears to be consistent with the expenditures that have been reported by the candidate. If there is a discrepancy, the Commission will request that the candidate resolve it by amending the reported expenditures to accurately reflect actual payments of MCEA funds.

Sale of Property that Could be Converted to Personal Use

After the election, MCEA candidates must sell any campaign property purchased with public funds that could be converted to the personal use of the candidate or campaign staff (*e.g.*, computers, fax machines, printers, cell phones). The candidates are required to sell the goods at fair market value and return the proceeds to the Ethics

Commission with the 42-day post-election report. The goods purchased and their sales prices must be reported on Schedule E of the campaign finance report.

42-Day Post-Election Report

All MCEA candidates must pay all outstanding obligations by 35 days after the candidate's last election, and must file a final campaign finance report no later than 42 days after the candidate's election. For candidates in the 2006 general election, this deadline will be December 19, 2006.

Commission's Review of MCEA Campaigns

The Commission will review all expenditures made by MCEA candidates to verify that:

- MCEA funds were spent for campaign-related purposes;
- the correct amount of unspent public funds was returned after the election;
- all property that could be converted to personal use is sold, and the proceeds are returned to the Commission; and
- every dollar of public funds spent by MCEA candidates has been publicly disclosed in campaign finance reports submitted to the Commission.

The Commission staff will attempt to complete this review as soon as possible, given the number of MCEA participants and the size of the Commission staff. In some cases, the Commission staff will request receipts, bills, invoices, or information to verify that an expenditure of MCEA funds was made for campaign-related purposes. The staff may also request that candidates amend campaign finance reports so that all expenditures are reported.

Statement of Sources of Income

Legislative candidates who win the general election are required to file a Statement of Sources of Income by February 15 of the first term of the Legislature. The statement includes the sources of the income which the Legislator received as a candidate during the election year from employment, self-employment, gifts, and other sources. The forms are provided to Legislators shortly after the New Year.

LEGAL REFERENCES	
Change of Address or Telephone Number	21-A M.R.S.A. § 1013-A(5)
Election Night Parties and Post-Election Thank-You's	Rules, Chapter 3, Section 6(5)
Return of Unauthorized Matching Funds	Rules, Chapter 3, Section 7(2)(B)
Return of Unspent MCEA Funds	21-A M.R.S.A. § 1125(12); Rules, Chapter 3, Section 7(2)(B)
Sale of Property Purchased with MCEA Funds	Rules, Chapter 3, Section 7(2)(C)
Statement of Sources of Income	1 M.R.S.A. § 1016-A

SECTION III. CAMPAIGN FINANCING FOR PRIVATELY FINANCED CANDIDATES

CHAPTER 15 – Getting Started as a Candidate

● Selecting a Treasurer and Forming a Committee
● Registering as a Candidate with the Ethics Commission
● Voluntary Spending Limits
● Opening a Separate Bank Account

Selecting a Treasurer and Forming a Committee

Every candidate is required to appoint a campaign treasurer, who is identified on the Candidate Registration form.

The treasurer has specific duties under the Election Law:

- keeping detailed records of all campaign contributions and expenditures;
- completing campaign finance reports; and
- filing campaign finance reports on time.

> The Commission recommends that the candidate select a treasurer *other than the candidate* who can keep accurate records and balance a checkbook. However, the Election Law does allow a candidate to serve as the treasurer.

As a candidate, you may choose to organize one campaign committee to promote your election, such as "Friends of John Smith" or "Committee to Elect John Smith." If you choose to form a committee, it must be identified on the Candidate Registration form. As a candidate, you are not required to form a committee.

Please do not use a separate political action committee (PAC) to promote your campaign. All contributions you have received to promote your candidacy and all campaign expenditures should be included in the campaign finance reporting of your campaign, not a PAC. You are welcome to form a PAC for purposes other than your own election (for example, helping other candidates get elected or paying for expenditures for leadership campaigns).

Registering as a Candidate with the Ethics Commission

Before collecting any contributions or making any expenditures, you must file the Candidate Registration form with the Commission. This form provides basic contact information about you, your treasurer, and any campaign committee you have formed. When registering as a candidate, please remember:

- All Registration forms, including the Voluntary Spending Limits and the Code of Fair Campaign Practices, <u>must</u> be filed using the paper form. You cannot file these forms electronically.
- If the information for you, the candidate, or your treasurer changes during the campaign (including after the election), the Registration form must be updated and submitted in writing to the Commission. The Commission

will accept e-mailed changes to the Registration form. These updates allow the Commission to contact you with reminders, notices, and telephone calls throughout the entire election and reporting period.

Voluntary Spending Limits

Privately financed candidates for the Legislature must sign the "Statement Concerning Voluntary Expenditure Limits" within 10 days of registering with the Commission. Agreeing to the limits is voluntary, but the candidate must sign the form to confirm whether they agree to the limit on their spending per election ($25,000 for Senate candidates and $5,000 for House candidates).

Code of Fair Campaign Practices

The Maine Code of Fair Campaign Practices was adopted by the Maine Legislature in 1989, and is a voluntary statement for candidates running for the office of Governor, Senate, and the House of Representatives. The Code sets standards of conduct "consistent with the best Maine and American traditions, [of] discussing the issues and presenting [the] record and policies with sincerity and candor." If you wish to subscribe to the code, please sign the "Maine Code of Fair Campaign Practices" form, which is part of the registration packet.

Open a Separate Bank Account

> The Election Law prohibits commingling campaign funds with the personal funds of the candidate.

All candidates are strongly encouraged to open a separate bank account for their campaign and to pay for as many expenditures as possible through writing checks and using a debit card for the campaign account. This will help you to keep track of the date, amount, payee, and purpose of each expenditure, which must be included on campaign finance reports. You are allowed to spend any interest earned on the account, but you must remember to report any interest earned as a receipt.

Exemption for Campaigns with No Financial Activity

Candidates who have sworn under oath that they will not collect contributions or make expenditures for their campaigns are exempt from the requirements of appointing a treasurer and filing campaign finance reports. To use this exemption, please complete Section 6 of the Registration form. If you later decide to accept contributions or make expenditures, you may revoke the exemption by filing an amended Candidate Registration form which leaves Section 6 blank. Please note on the amended Registration that you are revoking the exemption. Until a statement of revocation has been filed and a treasurer appointed, the candidate may not accept contributions or make expenditures to promote his or her candidacy.

> Personal funds of the candidate used for campaign purposes are considered campaign contributions and expenditures under Maine law. Hence, a candidate who spends personal funds in support of his or her candidacy is not eligible for a reporting exemption.

Write-In Candidates

Under the Commission's rules, write-in candidates are required to register and to file campaign finance reports with the Commission according to the same reporting schedule as candidates on the ballot. The only candidates who are exempt from filing reports are those who have filed a sworn statement that they will not receive contributions or make expenditures to promote their candidacies.

LEGAL REFERENCES	
Selecting a Treasurer	21-A M.R.S.A. § 1013-A(1)
Removal of Treasurer	21-A M.R.S.A. § 1013-B
Duties of Treasurer	21-A M.R.S.A. §§ 1013-A(1)(A), (4); 1016; 1017(2), (3-A), (10); 1020-A(6), (10)
Authorizing One Campaign Committee	21-A M.R.S.A. § 1013-A(1)(B)
Registration	21-A M.R.S.A. § 1013-A(1)
Reporting Changes in Registration Information	21-A M.R.S.A. § 1013-A(5)
Voluntary Spending Limits	21-A M.R.S.A. §§ 1013-A(1)(C), 1015(7)-(9)
Code of Fair Campaign Practices	21-A M.R.S.A. § 1101 *et seq.*
Commingling of Campaign and Personal Funds	21-A M.R.S.A. § 1016(1)
Exemption from Reporting	21-A M.R.S.A. § 1017(7-A)
Write-In Candidates	Rules, Chapter 1, Section 1(5), Chapter 3, Section 8(3)

CHAPTER 16 – Keeping Required Records and Completing Campaign Finance Reports

- Legal Requirement to File Reports and Keep Records
- Report Periods and Deadlines for Privately Financed Candidates
- How to File Reports
- Amendments
- Reminders by the Commission
- Commission's Review of Reports

Legal Requirement to File Campaign Finance Reports

All candidates for the office of Governor, the Legislature, and for county office must file campaign finance reports with the Commission. Filing is a joint responsibility of the candidate and treasurer. This is a requirement of the Election Law that applies to all candidates except those who have been granted an exemption from filing because their campaigns will have no financial activity.

The campaigns must file the reports by 5:00 p.m. on the filing deadline. While the Commission mails written reminders to candidates and makes telephone calls and sends letters to candidates who have missed a deadline, it is the candidate and treasurer's responsibility to remember and comply with filing deadlines. Candidates who do not submit a report by the filing deadline will be assessed a civil penalty, unless the candidate requests and the Commission grants a waiver of the penalty.

Keeping Required Records

The Election Law requires every campaign to keep certain campaign records: *"Each treasurer shall keep detailed records of all contributions received and of each expenditure that the treasurer or candidate makes or authorizes. When reporting contributions and expenditures to the commission …, the treasurer shall certify the completeness and accuracy of the information reported by that treasurer."* (21-A M.R.S.A. § 1016.)

> Record-keeping is an important legal responsibility of the campaign treasurer. In addition, the treasurer is responsible for filing accurate campaign finance reports.

All candidates are required to keep itemized accounts of contributions received and expenditures made by their campaigns. For contributions, the campaign is required to keep an account of the date, amount, and the contributor's name and address for every contribution over $10. For contributors who have given more than $50 during a reporting period, the campaign also is required to keep a record of the contributor's occupation and employer. For the purposes of reporting contributions, any amounts received from contributors who have given $50 or less for the reporting period may be aggregated in a lump sum listed on Schedule A of the campaign finance reporting form. Also, the campaign treasurer is required to keep a detailed and exact account of all

> For candidates in the 2006 general election, records must be kept until December 2008.

expenditures made by or on behalf of the candidate or campaign committee, including the name and address of each payee, and the date, amount, and purpose of the expenditure. The Election Law requires that all candidates keep a receipt (bill or invoice) for every expenditure over $50 stating the particular goods or services purchased. Campaigns are required to maintain these records for two years following the filing of the final campaign finance report for the election cycle. The campaign is not required to submit bills or invoices to the Commission unless requested.

Reporting Periods and Deadlines for All Privately Financed Candidates

January 17, 2006 Report for Candidates with Financial Activity in 2005

Any gubernatorial candidate in the 2006 elections who raised or spent more than $1,000 during the calendar year 2005 must file a campaign finance report on January 17, 2006. Any legislative or county candidate in the 2006 elections who raised or spent more than $500 in 2005 must also file a report by January 17, 2006. The report covers activity from the beginning of the campaign through December 31, 2005.

Candidates who are not enrolled in any party must file the same reports as enrolled candidates.

Pre- and Post-Election Reports Required for All Candidates

Legislative and county candidates who are on the ballot for the primary and general elections are required to file four campaign finance reports. Gubernatorial candidates who are on the ballot for both elections are required to file six campaign finance reports. Each report covers a specific time period and should include all activity within that period.

Legislative and County Candidates

Type of Report	2006 Deadlines	Reporting Period
6-Day Pre-Primary	June 7	End of last report if any – June 1
42-Day Post-Primary	July 25	June 2 – July 18
6-Day Pre-General	November 1	July 19 – October 26
42-Day Post-General	December 19	October 27 – December 12

Gubernatorial Candidates

Type of Report	2006 Deadlines	Reporting Period
42-Day Pre-Primary	May 2	Beginning of campaign – April 25
6-Day Pre-Primary	June 7	April 26 – June 1
42-Day Post-Primary	July 25	June 2 – July 18
42-Day Pre-General	September 26	July 19 – September 19
6-Day Pre-General	November 1	September 20 – October 26
42-Day Post-General	December 19	October 27 – December 12

Special Reporting Requirements for Privately Financed Candidates with Maine Clean Election Act Opponents

Privately financed candidates with a Maine Clean Election Act (MCEA) opponent are required to file special reports to verify whether the MCEA opponent is entitled to receive any matching funds. An explanation of how matching funds are calculated can be found on pages 38-41.

42-Day, 21-Day, and 12-Day Accelerated Reports

All privately financed candidates with a MCEA opponent are required to file three "accelerated" reports stating the candidate's total campaign contributions, expenditures, and obligations to date for the election. If the candidate's receipts, or expenditures plus obligations, have not exceeded the 101% Amount (discussed below), the candidate may instead file an affidavit by each deadline attesting that the candidate has not received, spent, or obligated the 101% Amount to date for the election. The accelerated report deadlines are:

Type of Report	*Filing Deadline*	*Reporting Period*
42-Day Pre-Primary	May 2, 2006	Through April 30, 2006
21-Day Pre-Primary	May 23, 2006	Through May 21, 2006
12-Day Pre-Primary	June 1, 2006	Through May 30, 2006
42-Day Pre-General	September 26, 2006	Through September 24, 2006
21-Day Pre-General	October 17, 2006	Through October 15, 2006
12-Day Pre-General	October 26, 2006	Through October 24, 2006

101% Report

Legislative and gubernatorial candidates must file a 101% Report if they:

- are not participating in the Maine Clean Election Act;
- have a MCEA opponent in an election; and
- receive, or spend and obligate, more than 1% over the amount of the MCEA opponent's initial distribution (the "101% Amount").

The report must be filed within 48 hours of the date on which their total receipts for the election – or the total of their expenditures and obligations for the election – exceeded the 101% Amount. The reporting form is the same as the form for the accelerated reports, and states the candidate's total receipts, total expenditures, and obligations, to date.

The table on the next page shows the 101% Amounts for the 2006 elections.

101% Amounts					
	101% Amount:	*Based on MCEA distribution:*		*101% Amount:*	*Based on MCEA distribution:*
Primary Election			*General Election*		
House	$1,519	$1,504	House	$4,406	$4,362
Senate	$7,823	$7,746	Senate	$20,283	$20,082
Gubernatorial	$202,000	$200,000	Gubernatorial	$404,000	$400,000

24-Hour Reporting

The Election Law imposes a 24-Hour reporting requirement so that large contributions and expenditures are publicly disclosed when they are made close to the election. The 24-Hour Reports must be filed electronically unless you have received a waiver of the electronic filing requirement. If you did receive a waiver, a paper report must be filed. Paper filers can file their reports in person or by fax, provided the original is submitted within five days of the faxed copy. The Commission's fax machines operate at all times, and the Commission is open for filing during the last weekend before the election. Due to a change in the Election Law, these reports must now be filed on a weekend, and you cannot wait until the next business day.

Privately Financed Candidates with MCEA Opponent

If you have filed a 101% Report, during the last 13 days before an election you must file a 24-Hour Report for any contribution aggregating more than $1,000 from any one contributor, or:

- any single expenditure of $1,000 or more for gubernatorial candidates;
- any single expenditure of $750 or more for Senate candidates; or
- any single expenditure of $500 or more for House candidates.

In the 2006 elections, these requirements apply if the contribution and/or expenditure occurs:

after May 30 and before 5:00 p.m. on June 12, or
after October 24 and before 5:00 p.m. on November 6.

If you have <u>not</u> filed a 101% Report, your 24-Hour filing requirements will be the same as if you have no MCEA opponent (see next paragraph on the next page).

Privately Financed Candidates with No MCEA Opponent

During the last 11 days before an election you must file a 24-Hour Report of any contribution aggregating more than $1,000 from any one contributor or any single expenditure of $1,000 or more. In the 2006 elections, these requirements apply if the contribution and/or expenditure occurs:

after June 1, 2006 and before 5:00 p.m. on June 12, 2006, or
after October 26, 2006 and before 5:00 p.m. on November 6, 2006.

Candidates Filing Reports for One Election Only

Reports Required for Candidates Who Are Defeated in a Primary Election

Candidates who are defeated in the primary election must file the primary election reports, but are not required to file the reports for the general election. For candidates having a cash balance of $50 or less after the primary election (and who have no debts or loans of more than $50), the 42-Day Post-Primary Election report (due July 25, 2006) is the final campaign finance report for the election cycle. Candidates who have a cash balance, or a loan or debt of greater than $50 are considered "active" and must file Semiannual Reports every January and July 15 until they have brought the cash balance, loans, or debts below $50.

Reports Filed by Replacement Candidates

A candidate who fills a vacancy caused by the withdrawal or death of another candidate must file a campaign finance report no later than 15 days after the appointment and all subsequent campaign finance reports.

How to File Reports

New Electronic Filing Requirement

Due to a change in the Election Law, candidates in the 2006 elections who have (or expect to have) receipts of more than $1,500 will be required to file campaign finance reports electronically on the Commission's website. Many candidates used the Commission's electronic filing system in 2004, and found it more convenient than filing paper reports. For the 2006 elections, the Commission is improving its e-filing system, and will offer training classes to you and your treasurer.

If you do not have access to the technology or the technological ability to file reports electronically, the Commission will grant you a waiver. You need to complete the Electronic Filing Waiver request form and submit it to the Commission. The deadline for filing a waiver is April 15, 2006, but the Commission will honor requests filed later.

How to File Paper Reports

If you have requested a waiver of the electronic filing requirement, the Ethics Commission must receive the original campaign finance report signed by both the candidate and the treasurer at its office by 5:00 p.m. on the filing deadline, except in two circumstances. A properly signed report may be faxed to the Commission office at (207)

287-6775 by 5:00 p.m. on the deadline, provided that the original report is received by the Commission within five days of the faxed copy. A report that is sent by certified or registered mail and that is postmarked at least 2 days before the filing deadline will not be considered late, even if it is received after the deadline.

Reminders by the Commission

The Commission mails to all candidates a packet of information including the filing schedule, which lists the deadlines for filing campaign finance reports. The filing schedule is posted on the Commission's website. In addition, at least two weeks before the filing deadline for the regularly scheduled reports, the Commission mails a written reminder to all candidates.

> It is the candidate and treasurer's responsibility to remember and comply with the filing

If a candidate and treasurer miss a filing deadline, the Commission's policy is to make one telephone call to the candidate and/or treasurer. If the report is not filed within three days of the deadline, the Commission is required by law to send a notice to the candidate and treasurer telling them that a civil penalty may be assessed for the late filing.

Amendments

Candidates and treasurers are required to certify the "completeness and accuracy" of the information included in the report, and are expected to take that certification seriously.

If the candidate or treasurer unintentionally makes an omission in a report or includes incomplete or inaccurate information, they must promptly file an amendment. All amended reports are reviewed by the Commission. If the Commission determines that any report does not substantially conform to the disclosure requirements, the Commission may consider the report late (even if it was filed on time).

Commission's Review of Reports

The Commission staff reviews all campaign finance reports for completeness and compliance with the Election Law. If the staff believes a report is incomplete or requires additional information, it will contact the candidate or treasurer by telephone or in writing.

Statement of Sources of Income

All legislative candidates who are not already members of the Legislature must file a Statement of Sources of Income no later than 5 p.m. on August 7, 2006. The statement includes the sources of the income which the candidate received during the calendar year before the election year from employment, self-employment, gifts, and other sources. The forms are mailed to candidates in July of the election year. Incumbent Legislators who have filed a Statement of Sources of Income in February of the election year have already met this requirement and are not required to file the statement in August.

LEGAL REFERENCES	
Requirement to Keep Records	21-A M.R.S.A. §§ 1013-A(4), 1016
Requirement to File Reports	21-A M.R.S.A. §§ 1013-A(4); 1016; 1017(2), (3-A), (3-B); Rules, Chapter 3, Section 7(2)
Filing Schedule for Gubernatorial Candidates	21-A M.R.S.A. § 1017(2)
Filing Schedule for Other Candidates	21-A M.R.S.A. § 1017(3-A)
101% and Accelerated Reports	21-A M.R.S.A. § 1017(3-B)
24-Hour Reporting Requirement	21-A M.R.S.A. § 1017(2)(D), (3-A)(C), (3-B)(C)
Electronic Filing Requirement	21-A M.R.S.A. § 1017(10)
Fax and Certified Mail Submission of Reports	21-A M.R.S.A. § 1020-A(4-A)
Replacement Candidates	21-A M.R.S.A. § 1017(4)
Substantially Non-Conforming Reports	21-A M.R.S.A. § 1020-A(2)
Statement of Sources of Income	1 M.R.S.A. § 1016-C

CHAPTER 17 – What to Include in Campaign Finance Reports

- **Description of a Campaign Finance Report**
- **Expenditures**
- **Reimbursements to Candidate**
- **Cash Withdrawals**
- **Loans**
- **Reporting Interest**

Description of a Campaign Finance Report

The campaign finance reports you and your treasurer file consist of a cover page and seven schedules. Each schedule is identified by a letter and title, and covers information you are required to report to the Commission:

Cover Page		Contact information for you and your treasurer is reported here. For paper filers, this page contains signature lines for you and your treasurer to certify that the report is true, correct, and complete.
Schedule A:	**Cash Contributions**	Cash contributions you received during the report period are entered on this schedule, including date and amount. You also include the name, address, and occupation and employer for contributors who have given more than $50.
Schedule A-1:	**In-Kind Contributions**	In-kind contributions (goods and services) you received during the report period are entered on this schedule, including a description of the goods and services and a statement of their fair market value. The fair market value is what it would have cost if you had paid cash for the donated items or services. Some goods and services do not constitute in-kind contributions and, therefore, are not reportable. (See next chapter and Appendix.)
Schedule B:	**Expenditures**	Expenditures you made during the report period are entered on this schedule, including date, amount, payee, and type of expenditure. Some expenditure types require a more detailed remark, as explained in the Expenditures section below.
Schedule C:	**Loans and Loan Repayments**	Information about loans received, repaid, or forgiven is entered on this schedule.
Schedule D:	**Unpaid Debts and Obligations**	Any debts or obligations that are unpaid at the close of the reporting period are entered here.
Schedule E:	**Campaign Equipment and Property Inventory**	This schedule is an ongoing inventory of campaign property and equipment that could be converted to your personal use, such as computers, printers, fax machines, and cell phones.
Schedule F:	**Summary Section**	This schedule summarizes your financial activity for the report period by showing totals of the different kinds of receipts and your total expenditures. For electronic filers, these totals are calculated automatically. The cash balance on this schedule should match the cash balance in your campaign bank account.

Expenditures

Types of Expenditures and Required Remarks

The Commission requires candidates to indicate an "expenditure type" for each expenditure. Some expenditure types require a remark that describes the nature of the goods or services purchased in more detail:

Expenditure Types Requiring NO Remark		Expenditure Types Which REQUIRE a Remark	
PRT	Print media ads	SAL	Campaign workers' salaries
TVN	TV or cable airtime and production costs	CNS	Campaign consultants
RAD	Radio airtime and production costs	PRO	Other professional services
LIT	Campaign literature (printing and graphics)	EQP	Equipment
POS	Postage for U.S. Mail	FND	Fundraising events
MHS	Mailhouse (all services purchased)	TRV	Travel (fuel, mileage, lodging, and other travel)
PHO	Phone banks or automated telephone calls	OTH	Other
FOD	Food for campaign events or volunteers		
OFF	Office rent and utilities		
WEB	Internet and e-mail		
POL	Polling and survey research		
CON	Contribution to Other Candidate, Party, Committee		

Reporting Reimbursements Made to the Candidate or Supporter

Many candidates ask if they or a supporter can use personal funds or a credit card to pay for campaign goods or services and later be reimbursed by the campaign. This is permissible as long as the campaign is careful to reimburse you or the supporter. If no reimbursement is made by the end of the reporting period, the campaign has received an in-kind contribution of goods and services.

If you or one of your supporters uses personal funds or a credit card to pay a vendor, report the vendor as the payee, and the date and amount of the payment to the vendor. Do not report the campaign's reimbursement to you or your supporter.

Reporting Withdrawals of Cash

Because you, as a candidate, must report the date, amount, payee, and purpose of every expenditure, the Commission discourages the use of petty cash or the withdrawals of large amounts of cash to pay campaign workers.

The Commission recommends making expenditures through writing checks or using a debit card for the campaign's bank account, so that as many expenditures as possible are made through the campaign's bank account. This will help the campaign keep track of the dates, amounts, and payees of all expenditures which must be included on campaign finance reports.

If the campaign chooses to withdraw cash to use for petty expenses or campaign workers, do not report a payment to "cash." Instead, for each expenditure of the cash, keep a receipt or record which includes the date, amount, payee, and purpose of each expenditure so that you can include this information in campaign finance reports.

Expenditures Made by a Consultant or Firm

If you hire a consultant or firm to assist your campaign, and the consultant or firm makes expenditures on behalf of you and your campaign, you must report those expenditures as though the campaign made them directly. It is your responsibility to find out about any expenditures made by your consultants and to report those expenditures. You need to deduct those costs from the amounts paid to the consultant (so these costs are not double-reported), and you should note in the remarks column that the expenditures were made by the consultant.

Loans

Non-commercial loans are considered contributions to the candidate. All loans are subject to the contribution limitations of $250 and $500 per election except for loans from the candidate, the candidate's spouse, or a financial institution in Maine.

Reporting Interest Earned on Bank Accounts

Electronic filers report interest earned on campaign funds in bank accounts on a separate page on the Commission's e-filing system. Paper filers should report the interest earned on Schedule F.

LEGAL REFERENCES	
Required Contents of Report	21-A M.R.S.A. § 1017(5)
Forms of Commission	21-A M.R.S.A. § 1017(6)
Expenditures by Consultants	Rules, Chapter 1, Section 7(1)

CHAPTER 18 – Accepting Contributions

- Definition of Contribution
- Contributions Limits
- In-Kind Contributions
- Exempt Goods and Services
- Coordinating Expenditures with Third-Parties
- Contributions from Couples
- Earmarked Contributions
- Other Limitations on Contributions
- Contributions for Recounts

Definition of Contribution

The term "contribution" is defined in the Election Law to include:

"A gift, subscription, loan, advance or deposit 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 or for the purpose of liquidating any campaign deficit of a candidate . . . ."

For further explanation of what is a contribution, please refer to 21-A M.R.S.A. § 1012(2) and Chapter 1, Section 6 of the Commission Rules.

Contribution Limits

A contributor may donate in the aggregate no more than $500 per election to a gubernatorial candidate, and may donate in the aggregate no more than $250 per election to any legislative or county candidate. For candidates who are enrolled in a political party, the primary and general elections are considered different elections. These limitations apply to contributions made by individuals, committees, corporations, and associations, but do not apply to contributions by the candidate or the candidate's spouse. Any amount contributed to a party candidate before the primary election is considered to be for the primary election. Any amount contributed after the primary election is considered to be for the general election (except for candidates who lost the primary election and are retiring debts for the primary election). In addition, no individual may make contributions aggregating more than $25,000 to all candidates in any calendar year (except contributions to a candidate made by the candidate or the candidate's spouse).

Keeping Records of Contributions

Your campaign treasurer is required to keep a detailed and exact account of the name and address of every person making a contribution of more than $10, and the date and amount of the contribution. For contributions greater than $50, your treasurer is required to keep a record of the occupation and employer of the contributor. You and your treasurer are required to make a good-faith effort to obtain the contributor's employment information, but the Commission's Rules recognize that some contributors are reluctant to disclose the information.

If a person gives more than $50 in the aggregate in any reporting period, the treasurer must keep a record of the person's occupation and employer.

In-Kind Contributions

"In-kind contributions" are goods and services that are provided to the campaign at no cost or at a cost that is less than the usual and customary charge. They are subject to the same $250 and $500 contribution limits as cash contributions. The following activities are examples of in-kind contributions:

- the candidate purchases signs for his campaign;
- a supporter of a candidate pays for some of the candidate's advertising in a community newspaper;
- a friend of a candidate who owns a copy shop provides the campaign with a discount on printing services; and
- the owner of a local business contributes some of his paid staff members to work for the campaign free of charge on company time.

The fair market value of the items or services is reported in the candidate's campaign finance reports. The fair market value is what it would have cost you if you had paid cash for the donated items or services.

Volunteer vs. Paid Assistance

Individuals are permitted to provide their services to your campaign as volunteers. However, if they provide their services with the knowledge of their employer during their paid work-time, then the employer has made a contribution to your campaign. One exception to this rule is that political parties may employ staff to provide services directly to three or more candidates. This exception applies only to party committees, and does not apply to political action committees.

Discounted Services

If an individual who is volunteering for a candidate wishes to donate some services for free or at a discount, that donation is not a contribution. If, however, a supporter wishes to provide materials or the paid services of the supporter's employees, the donation of the materials or paid services of employees is an in-kind contribution.

Exempt Goods and Services

Certain goods and services are excluded from the legal definition of "contribution". If you have received these goods and services, you have not received an in-kind contribution. Candidates and treasurers are encouraged to familiarize themselves with these "exempt" goods and services. They are listed in the Appendix of this guidebook. Some examples of exempt goods are:

- a trade association or labor union may donate its office to a campaign for use as a phone bank, provided that there is no additional cost to provide the office;
- an individual may volunteer his services to a campaign at no charge (including professional services such as legal advice, assistance with databases, and graphic design) as long as the individual is not being compensated by an employer for providing the services; and
- volunteers may pay up to $100 cumulatively toward the cost of food, beverages and invitations in the course of volunteering for a campaign (*e.g.*, they may buy food for a house party or a campaign event).

Coordinating Expenditures with Third-Parties

Political action committees and party committees are permitted to spend money to support or oppose candidates, but they generally must make the expenditures independently of the candidate's campaign. These expenditures are known as independent expenditures.

The Election Law states that: "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." (21-A M.R.S.A. § 1015(5)) This means that if any person or organization makes an expenditure in support of you and has consulted with you on the expenditure, you have accepted an in-kind contribution. Such a contribution is subject to the $250 or $500 limit.

> If a third-party such as a friend, political action committee, or party committee initiates a discussion with you about a proposed expenditure to assist your campaign, you may wish to end the conversation to avoid accepting an unintentional contribution.

One exception to this policy is that candidates may coordinate with a party committee on a "slate card" listing of three or more candidates, because those communications are excluded from the legal definition of contribution and expenditure. Please note that this exception applies to party committees and does not apply to political action committees.

Because independent expenditures may cause matching funds to be paid to a candidate's publicly funded opponent, some candidates may wish to tell supporters not to make independent expenditures in support of their campaigns. Asking a third-party not to spend money in support your candidacy does not constitute cooperation, even if the third-party were to spend money subsequently to promote your campaign.

Contributions from Married Couples and Domestic Partners

If you receive a contribution from a bank account listing two spouses or domestic partners, please record the contribution in the name of the individual(s) signing the check, regardless whether both of their names are included in the name of the bank account. If both individuals sign the check (or if one signs the check and the other makes a notation in the memo portion of the check), please allocate the contribution equally between both of them unless you receive something in writing indicating that the contributors prefer a different allocation. In general, if someone signs a check to make a contribution, and the campaign wishes to allocate a portion of the contribution to a spouse, the Commission staff recommends that the campaign obtain something in writing from the "non-signing" spouse confirming that it was their intent to make part of the contribution. The written statement could be as informal as an e-mail or handwritten note.

Earmarked Contributions

If a contributor pays an amount of money to an intermediary such as a political action committee or a party committee and directs that the amount be contributed to a specific candidate, the original source of the funds is considered the contributor to the candidate. The intermediary is required notify the candidate of the original source of the funds, so that the candidate may report the original source as the contributor.

Other Limitations on Contributions

Anonymous Contributions

Anonymous contributions of more than $10 may not be accepted.

Contributions in the Name of Another

No person may make a contribution in the name of another person, and no candidate may knowingly accept such a contribution. Candidates are expected to take reasonable steps to identify the original source of funds and to report the actual contributor. Misreporting the source of contributions can be a serious violation of the Election Law – both by the contributor and the candidate.

Contributions from Lobbyists

Lobbyists may not make contributions to the Governor, legislators, constitutional officers, or their staff and agents during the legislative session (even with their personal funds), except after March 15 of an election year.

Contributions from Corporations and Affiliated Entities

Corporations and labor unions may contribute to Maine state candidates in the same way as other contributors. In certain circumstances, affiliated businesses or organizations that each make a contribution to a candidate may be considered a single contributor for purposes of the $250 and $500 contribution limits. Candidates are expected to take reasonable actions to avoid accepting over-the-limit contributions from affiliated businesses or organizations.

Contributions made by a for-profit or non-profit corporation, including a parent company, subsidiary, branch, division, department, and local unit, and contributions made by a political committee or political action committee whose financial activities are financed, maintained, or controlled by a corporation are considered to be made by that corporation, political committee, or political action committee.

Two or more entities will be considered a single contributor if they share the majority of the members of their boards or directors, share two or more officers, are owned or controlled by the same majority shareholder(s), or are in a parent-subsidiary relationship.

Contributions for Recounts

Cash, goods, and services received in connection with a recount of an election are not considered contributions. They must be disclosed in a special financial report due 90 days after the election.

LEGAL REFERENCES	
Definition of Contribution	21-A M.R.S.A. § 1012(2)
Contribution Limits	21-A M.R.S.A. § 1015(1) - (3)
Required Records for Contributions	21-A M.R.S.A. § 1016
In-Kind Contributions	Rules, Chapter 1, Section 6(3) - (5)
Exempt Goods and Services	21-A M.R.S.A. § 1012(2)(B)
Coordinating Expenditures with Third-Parties	21-A M.R.S.A. § 1015(5)
Earmarked Contributions	21-A M.R.S.A. § 1015(4)
Contributions in the Name of Another	21-A M.R.S.A. §§ 1004(3); 1004-A(3)
Contributions from Lobbyists	1 M.R.S.A. § 1015(3); Rules, Chapter 1, Section 12
Contributions from Affiliated Corporations and Organizations	21-A M.R.S.A. § 1015-A
Contributions for Recounts of Elections	21-A M.R.S.A. § 1018-B

CHAPTER 19 – Making Expenditures

- Definition of Expenditure
- Reporting Expenditures
- Voluntary Spending Limits
- Spending Money before the Primary Election for General Election Goods and Services
- Commission Review of Expenditures

Definition of Expenditure

The term expenditure means: "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 political office, except that a loan of money to a candidate by a financial institution made in accordance with applicable banking laws and regulations and in the ordinary course of business is not included." Certain items, activities, and communications are exempt from the definition of expenditure. These exempted items are listed in 21-A M.R.S.A. § 1012(3)(B). (See the Appendix for definition of "expenditure" and exemptions.)

Reporting Expenditures

The Election Law requires that all candidates disclose every expenditure on campaign finance reports submitted to the Commission. It also requires that the date, amount, payee, and the purpose of the expenditure be reported. The "payee" refers to the vendor that provided the goods or services to the campaign. It is not acceptable to report "cash," "reimbursement," or the candidate's name as the payee.

The Commission recommends paying for all purchases with the campaign bank account using a debit card or by writing checks. This will assist the campaign in keeping track of the dates, payees, and amounts of its expenditures. While the campaign is allowed to use the personal funds or credit card of the candidate or a supporter (provided the campaign reimburses the candidate or supporter promptly), the Commission discourages this practice because it can lead to incomplete record-keeping and reporting.

Voluntary Spending Limits for Legislative Candidates

A legislative candidate may voluntarily agree to limit the total expenditures for their campaign by selecting this option on the "Statement Concerning Voluntary Expenditure Limits." This statement must be signed within 10 day of registering with the Commission. The candidate may choose not to be bound by the voluntary limits.

Legislative Candidate	Voluntary Spending Limit (per election)
Senate	$25,000
House	$5,000

Unspent Primary Election Funds

If you are running against a general election opponent who is participating in the Maine Clean Election Act, you may wish to limit the amount of unspent campaign funds you have left over after the primary election. If a candidate has unspent campaign funds left over as of the date of the primary election, those are counted as a *receipt* for the general election. Your receipts for the general election will be considered in determining whether your Maine Clean Election Act opponent will receive matching funds for the general election. An example of this calculation can be found in Chapter 7 on page 40.

Spending Money Before the Primary Election for Goods and Services for the General Election

Under the Commission's Rules, if more than one-half of an expenditure made before the primary election is for consulting services or for campaign literature and advertising to be used in the general election, the portion of the expenditure scheduled for use in the general election will be counted as a receipt for the general election. This rule is designed to prevent candidates from interfering with an MCEA opponent's ability to receive matching funds in the general election by intentionally pre-purchasing general election goods and services before the primary election.

> If any candidate chooses to spend money before the primary election for goods and services for the general election, the candidate should be aware that the expenditure could affect matching funds for the general election.

The rule applies to any candidate – whether publicly or privately financed – whose opponent is participating in the Maine Clean Election Act. Generally, the Commission becomes aware that a pre-primary expenditure is for the general election when the candidate's MCEA opponent files a request for matching funds based on the pre-primary expenditure. The Commission's Rules require that these requests be made no later than August 30 of the election year.

> For example: three weeks before the primary election candidate, Bill James pays his community newspaper $2,000 for advertising even though he does not have a primary election opponent. Based on a request filed by Bill James' opponent in the general election who is participating in the MCEA, the Commission staff determines that the expenditure is for one ad worth $500 that ran just before the primary election and another ad worth $1,500 scheduled to run just before the general election. Because more than one-half of the $2,000 expenditure was for the general election, the Commission will count the $1,500 ad as a receipt for Bill James for the general election.

Sharing Expenditures with Other Candidates

Candidates may share expenses for goods such as joint campaign literature or advertising. To avoid making or receiving an in-kind contribution, each candidate should make a reasonable effort to pay a portion of the overall cost that is proportionate to the benefit received by the candidate.

Commission Review of Expenditures

The Commission reviews expenditures disclosed by candidates in campaign finance reports, and frequently requests additional information when reports are incomplete or a compliance question is raised. In most cases, the information provided by the campaigns resolves the issue at the level of the Commission staff, and no further action is necessary. Your prompt responses are appreciated as the Commission staff encourages compliance with reporting requirements and the contribution limitations.

LEGAL REFERENCES	
Definition of Expenditure	21-A M.R.S.A. § 1012(3)
Required Reporting of Expenditures, including date, payee, amount, purpose	21-A M.R.S.A. § 1017(5)
Voluntary Spending Limits	21-A M.R.S.A. §§ 1013-A(1)(C), 1015(7)-(9)
Required Records of Expenditures	21-A M.R.S.A. § 1016
Unspent Primary Election Funds, Matching Funds Calculation	Rules, Chapter 3, Section 5(3)
Pre-Primary Expenditures for General Election	Rules, Chapter 1, Sections 7(4), Chapter 3, Section 5(4)

CHAPTER 20 - Disclosure on Campaign Communications

- **Campaign Communications by the Candidate**
- **Communications Exempt from Disclosure**
- **Automated Telephone Calls**
- **Communications Not Authorized by the Candidate**
- **Broadcast and Newspaper Communications**

Disclosure on Campaign Communications by the Candidate

Whenever a person makes an expenditure to finance a communication expressly advocating the election or defeat of a clearly identified candidate through broadcasting stations, newspapers, magazines, outdoor advertising facilities, publicly accessible websites, direct mails or other similar types of general public political advertising, or through flyers, handbills, bumper stickers and other non-periodical publications, the communication, if authorized by a candidate, a candidate's authorized political committee, or their agents, must clearly and conspicuously state that the communication has been so authorized. The communication must also clearly state the name and address of the person who made or financed the expenditure for the communication. In addition, these requirements apply to any communication that names or depicts a clearly identified candidate and that is disseminated to voters in the last 21 days before the election.

The following are examples of suitable attribution statements for political communications:

By a Candidate:

- Paid for and authorized by John Doe, 2 Main Street, Pinetree City
- Paid for and authorized by the candidate, 2 Main Street, Pinetree City (where the candidate's full name is clearly stated in the communication)

By a Candidate's Political Committee:

- Authorized by the Candidate and paid for by the Committee to Elect John Doe, 2 Main Street, Pinetree City

By the Candidate's Agents:

- Authorized by Candidate John Doe and paid for by Sam Smith, Treasurer, 5 Oak Street, Pinetree City
- Paid for by the Candidate and authorized by John Jones, Chairman of Committee to Reelect John Doe, 1 Cool Street, Pinetree City

Communications Exempt from Disclosure

Certain items are exempt from the disclosure requirement because of their small size: ashtrays, badges and badge holders, balloons, campaign buttons, clothing, coasters, combs, emery boards, envelopes, erasers, glasses, key rings, letter openers, matchbooks, nail files, noisemakers, paper and plastic cups, pencils, pens, plastic tableware, 12-inch or shorter rulers, swizzle sticks, and tickets to fund-raisers. The Commission may exempt similar items if it determines those items are too small and, therefore, it would be unnecessary to include the required disclosure.

Yard signs are not exempt from the attribution requirements.

Automated Telephone Calls

Automated telephone calls that name a clearly identified candidate must include the name of the person who made or financed the communication, except that the disclosure is not required for calls paid for by the candidate using the candidate's voice.

Communications Not Authorized by the Candidate

Similar requirements apply to communications that are paid for by third-parties such as political action committees and party committees and that are not authorized by the candidates. Those communications must disclose the person who made or financed the communication and that the communication was not authorized by the candidate or campaign.

Requirements on Broadcasters and Newspapers

Broadcasting stations and newspapers in Maine may not broadcast or print communications without the required disclosure.

Enforcement

If the Commission receives a complaint about communications that do not contain the required disclosure, the Commission will request that the disclosure be added to the communication. A communication or expenditure that results in a violation of the requirements may result in a penalty of up to $200.

LEGAL REFERENCES

Required Disclosure on Candidate Communications	21-A M.R.S.A. § 1014(1)
Exempted Communications	21-A M.R.S.A. § 1014(1)
Automated Telephone Calls	21-A M.R.S.A. § 1014(5)
Required Disclosure on Third-Party Communications	21-A M.R.S.A. § 1014(2)
Broadcasters and Newspapers	21-A M.R.S.A. § 1014(3), (3-B)
Enforcement	21-A M.R.S.A. § 1014(4)

CHAPTER 21 - Post-Election Responsibilities for Privately Financed Candidates

- Address Change Notification
- Disposing of Surplus Cash after the Election
- 42-Day Post-Election Campaign Finance Report
- Semiannual Reports
- Sources of Income Statement for Elected Legislators

Notify Commission of Changes of Address and Phone Number

During and after the campaign, it is important for candidates and treasurers to notify the Commission directly when their address and/or telephone number changes. If the Commission is not notified, the candidate may miss important notices, filing deadlines, or opportunities to complete the Commission's review of the campaign.

Disposing of Surplus Cash After the Election

After an election campaign, a candidate may be left with unexpended funds. These funds may not be converted to personal use. Pursuant to the provisions of 21-A M.R.S.A. § 1017(8), a treasurer may dispose of surplus funds exceeding $50 only by:

- Distributing the funds to the candidate's contributors;
- Making a gift to a qualified political party within Maine, including any county or municipal subdivision of such a party;
- Making an unrestricted gift to the State's general fund;
- Carrying forward the funds to a political committee established to promote the same candidate for a subsequent election;
- Carrying forward the surplus balance for use by the candidate for a subsequent election;
- Transferring the surplus balance to one or more other registered candidates or to a political committee established to promote the election of those candidates, provided that the amount transferred does not exceed contribution limits;
- Repaying any loans or retiring any other debts incurred to defray campaign expenses of the candidate;
- Paying for any expense incurred in the proper performance of the office to which the candidate is elected, as long as each expenditure is itemized on expenditure reports; and
- Making a gift to a charitable or educational organization that is not prohibited, for tax reasons, from receiving such a gift.

A candidate must dispose of surplus funds within four years of the last election of the cycle for the candidate.

42-Day Post-Election Campaign Finance Report

All candidates in an election must file a report 42 days after the last election for the cycle in which the candidate participates. This report will be due December 19, 2006 for candidates in the 2006 general election.

Semiannual Reports for Candidates with Unspent Cash, Loans, or Debts of More than $50

Candidates with surplus cash, a loan, or an unpaid debt of more than $50 as of the 42-day post-election report must continue to file campaign finance reports ("semiannual reports") every January 15 and July 15 until the candidate has disclosed how the cash, loan, or debt has been disposed of. For unsuccessful candidates in the 2006 primary election who must file this report, the first report will be due January 17, 2007. For general election candidates with cash, loans, or debt over $50, the first semiannual report will be due July 15, 2007.

Statement of Sources of Income

Legislative candidates who win the general election are required to file a Statement of Sources of Income for the election year by February 15 of the first term of the Legislature. The statement includes the sources of the income which the Legislator received as a candidate during the election year from employment, self-employment, gifts, and other sources. The forms are provided to Legislators shortly after the New Year.

LEGAL REFERENCES	
Change of Address or Telephone Number	21-A M.R.S.A. § 1013-A(5)
Disposing of Surplus Cash After an Election	21-A M.R.S.A. § 1017(8)
Semiannual Reports	21-A M.R.S.A. § 1017(2)(F), (3-A)(E)
Statement of Sources of Income	1 M.R.S.A. § 1016-A

Appendix
Definition of Contribution and Expenditure
(21-A M.R.S.A. §1012(2) and (3))

2. Contribution. The term "contribution:"

A. Includes:

(1) A gift, subscription, loan, advance or deposit 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 or for the purpose of liquidating any campaign deficit of a candidate, 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, express or implied, whether or not legally enforceable, to make a contribution for such purposes;

(3) Funds received by a candidate or a political committee that are transferred to the candidate or committee from another political committee or other source; and

(4) The payment, by any person other than a candidate or a political committee, of compensation for the personal services of other persons that are provided to the candidate or political committee without charge for any such purpose; and

B. Does not include:

(1) The value of services provided without compensation by individuals who volunteer a portion or all of their time on behalf of a candidate or political committee;

(2) The use of real or personal property and the cost of invitations, food and beverages, voluntarily provided by an individual to a candidate in rendering voluntary personal services for candidate-related activities, if the cumulative value of these activities by the individual on behalf of any candidate does not exceed $100 with respect to any election;

(3) The sale of any food or beverage by a vendor for use in a candidate's campaign at a charge less than the normal comparable charge, if the charge to the candidate is at least equal to the cost of the food or beverages to the vendor and if the cumulative value of the food or beverages does not exceed $100 with respect to any election;

(4) Any unreimbursed travel expenses incurred and paid for by an individual who volunteers personal services to a candidate, if the cumulative amount of these expenses does not exceed $100 with respect to any election;

(4-A) Any unreimbursed travel expenses incurred and paid for by the candidate or the candidate's spouse;

(5) The payment by a party's state, district, county or municipal committee of the costs of preparation, display or mailing or other distribution of a party candidate listing;

(6) Documents, in printed or electronic form, including party platforms, single copies of issue papers, information pertaining to the requirements of this Title, lists of registered voters and voter identification information, created or maintained by a political party for the general purpose of party building and provided to a candidate who is a member of that party;

(7) Compensation paid by a political party to an employee of that party for the following purposes:

(a) Providing advice to any one candidate for a period of no more than 20 hours in any election;

(b) Recruiting and overseeing volunteers for campaign activities involving 3 or more candidates; or

(c) Coordinating campaign events involving 3 or more candidates;

(8) Campaign training sessions provided to 3 or more candidates;

(8-A) Costs paid for by a party committee in connection with a campaign event at which 3 or more candidates are present;

(8-B) Wood or other materials used for political signs that are found or contributed if not originally obtained by the candidate or contributor for campaign purposes;

(8-C) The use or distribution of any communication, as described in section 1014, obtained by the candidate for a previous election and fully paid for during that election;

(9) The use of offices, telephones, computers and similar equipment when that use does not result in additional cost to the provider; or

(10) Activity or communication designed to encourage individuals to register to vote or to vote if that activity or communication does not mention a clearly identified candidate.

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 political 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 supporting or opposing any candidate, campaign, political committee, political action committee, political party, referendum or initiated petition; and

B. Does not include:

(1) Any news story, commentary or editorial distributed through the facilities of any broadcasting station, newspaper, magazine or other periodical publication, unless the facilities are owned or controlled by any political party, political committee or candidate;

(1-A) Any communication distributed through a public access television station if the communication complies with the laws and rules governing the station and all candidates in the race have an equal opportunity to promote their candidacies through the station;

(2) Activity or communication designed to encourage individuals to register to vote or to vote if that activity or communication does not mention a clearly identified candidate;

(3) Any communication by any membership organization or corporation to its members or stockholders, if that membership organization or corporation is not organized primarily for the purpose of influencing the nomination or election of any person to state or county office;

(4) The use of real or personal property and the cost of invitations, food and beverages, voluntarily provided by an individual to a candidate in rendering voluntary personal services for candidate-related activities, if the cumulative value of these activities does not exceed $100 with respect to any election;

(5) Any unreimbursed travel expenses incurred and paid for by an individual who volunteers personal services to a candidate, if the cumulative amount of these expenses does not exceed $100 with respect to any election;

(5-A) Any unreimbursed travel expenses incurred and paid for by the candidate or the candidate's spouse;

(6) Any communication by any person that is not made for the purpose of influencing the nomination for election, or election, of any person to state or county office;

(7) The payment by a party's state, district, county or municipal committee of the costs of preparation, display or mailing or other distribution of a party candidate listing;

(8) The use or distribution of any communication, as described in section 1014, obtained by the candidate for a previous election and fully paid for during that election campaign;

(9) Documents, in printed or electronic form, including party platforms, single copies of issue papers, information pertaining to the requirements of this Title, lists of registered voters and voter identification

information, created or maintained by a political party for the general purpose of party building and provided to a candidate who is a member of that party;

(10) Compensation paid by a political party to an employee of that party for the following purposes:

(a) Providing advice to any one candidate for a period of no more than 20 hours in any election;

(b) Recruiting and overseeing volunteers for campaign activities involving 3 or more candidates; or

(c) Coordinating campaign events involving 3 or more candidates;

(10-A) Costs paid for by a party committee in connection with a campaign event at which 3 or more candidates are present;

(11) Campaign training sessions provided to 3 or more candidates;

(11-A) Wood or other materials used for political signs that are found or contributed if not originally obtained by the candidate or contributor for campaign purposes; or

(12) The use of offices, telephones, computers and similar equipment when that use does not result in additional cost to the provider.

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Federal Communications Commission

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National Call Center (Toll Free): 1-888-225-5322

Website: www.fcc.gov/mb/policy/political

Department of Transportation

Right of Way Maintenance Control Section

16 State House Station

Augusta, ME 04333-0016

(207) 624-3611

Website: www.maine.gov/mdot/traffic-counts/public-signs.php