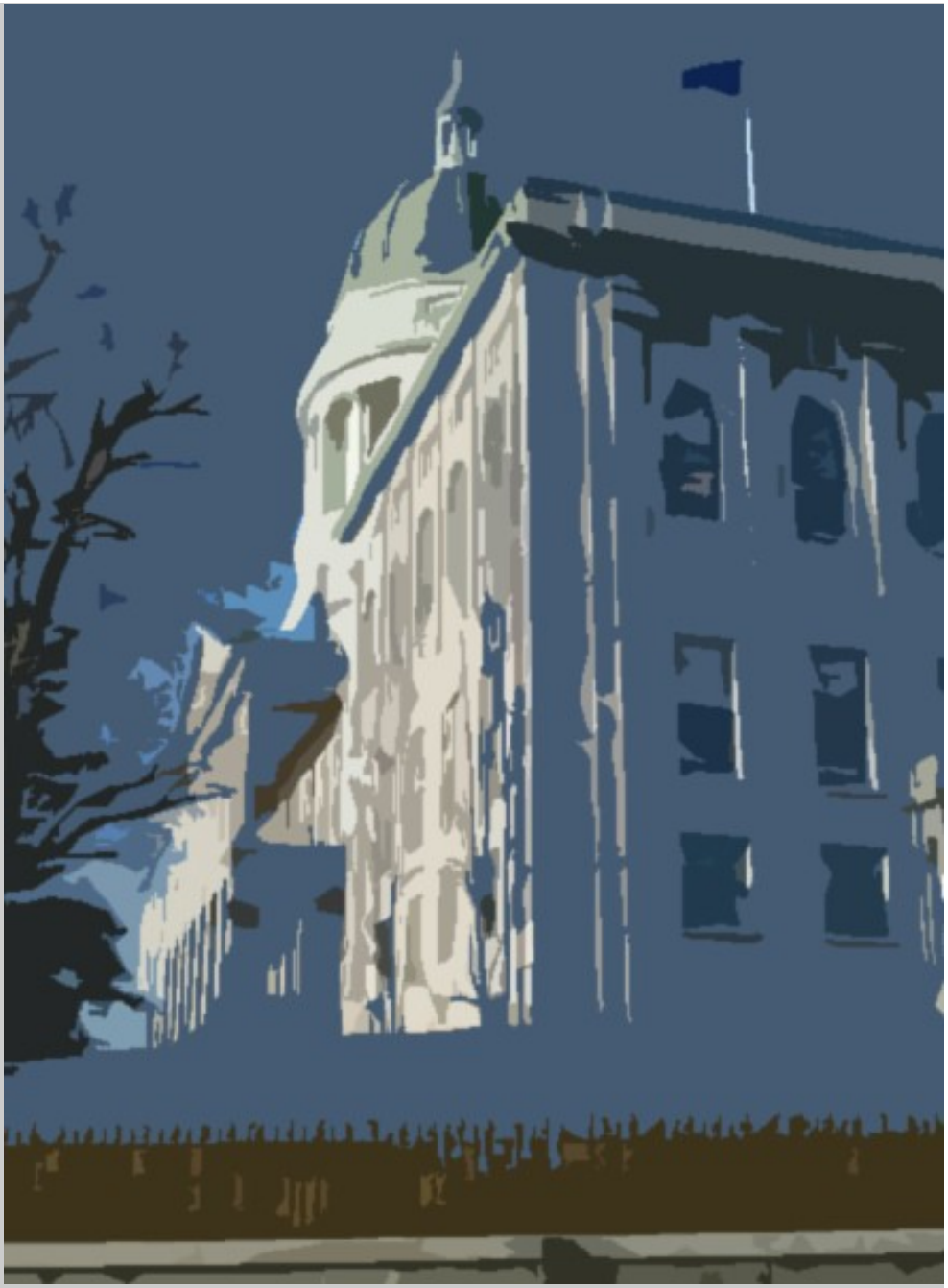
October 2013

2014 Legislative Candidates: Traditionally Financed Getting Started Packet

Forms, Instructions and filing requirements



Commission on Governmental Ethics and Election Practices

www.maine.gov/ethics

Mailing: 135 State House Station, Augusta, Maine 04333
Location: 45 Memorial Circle, Augusta, Maine
Phone: 207-287-4179
FAX: 207-287-6775

2014 Election Year

COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES
Mail: 135 State House Station, Augusta, Maine 04333-0135
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2014 REGISTRATION MATERIALS

FOR TRADITIONALLY FINANCED LEGISLATIVE CANDIDATES

This packet contains the forms you will need to register with the Commission. Also included is information on some of the responsibilities you have as a candidate. We encourage you to call the Commission staff if you have any questions.

COMPLETE THESE FORMS:

Candidate Registration Every candidate must register with the Commission before accepting any campaign contributions or making any campaign expenditures. Please complete and sign the enclosed registration form and return it to the Commission.

Maine Code of Fair Campaign Practices (optional) Please review the Code and return the signed form if you want to subscribe. Subscribing to the Code is voluntary and the Commission is not authorized to take action against candidates who violate the Code.

Voluntary Spending Limits Traditionally financed legislative candidates are required to complete the Voluntary Expenditure Limitations form and submit it to the Commission. Agreeing to the spending limits is optional, but you must complete the form and return it to the Commission.

ADDITIONAL REQUIREMENTS:

Campaign Bank Account You must keep your campaign funds separate from your personal and business funds. You must set up a separate bank account for your campaign funds to avoid commingling campaign and personal funds.

If you are a party candidate and raise general election contributions before the primary election, you will have to set up another account to keep your general election contributions separate from your primary election contributions.

Electronic Filing of Campaign Finance Reports Candidates are required to submit campaign finance reports electronically on the Commission's website. If you are unable to comply with this requirement, you may request a waiver from the Commission and file paper reports. A waiver request form is included in this packet.

Contribution Limits, Recordkeeping, and Reporting Requirements Candidates must comply with the requirements in Maine election law and Commission rules. The 2014 Candidate's Guide has simple descriptions of these requirements. Please request a copy if you have not yet received one. The guide is also found on the Commission's website at: www.maine.gov/ethics/publications. Please contact the Commission with any questions.

OTHER CONSIDERATIONS:

Campaign Surplus from Previous Election *Cash from 2010 elections.* If you have cash remaining from the 2010 election, you are required to dispose of this surplus cash by December 2014. One way to dispose of this cash is to transfer it to your 2014 campaign.

Cash from 2012 elections. If you have cash remaining from the 2012 elections, you have until December 2016 to dispose of it but you may want to consider transferring this cash to your 2014 campaign rather than waiting until 2016.

Besides transferring the cash to your campaign, there are additional ways to dispose of the surplus cash as found in 21-A M.R.S.A. § 1017 (8) (see back). Please contact the Commission staff for information on how to dispose or transfer your surplus cash and terminate your previous campaign.

Questions. Many questions can be answered by referring to the Commission's website, www.maine.gov/ethics, or the *2014 Candidate's Guide.* You can also call the Ethics Commission staff with your questions at 287-4179. Thank you.

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DISPOSITION OF SURPLUS CAMPAIGN FUNDS

21-A M.R.S.A. Section 1017(8)

Disposition of surplus. A treasurer of a candidate registered under section 1013-A or qualified under sections 335 and 336 or sections 354 and 355 must dispose of a surplus exceeding $100 within 4 years of the election for which the contributions were received by:

A. Returning contributions to the candidate's or candidate's authorized political committee's contributors, as long as no contributor receives more than the amount contributed;

B. A gift to a qualified political party within the State, including any county or municipal subdivision of such a party;

C. An unrestricted gift to the State. A candidate for municipal office may dispose of a surplus by making a restricted or unrestricted gift to the municipality;

D. Carrying forward the surplus balance to a political committee established to promote the same candidate for a subsequent election;

D-1. Carrying forward the surplus balance for use by the candidate for a subsequent election;

E. Transferring the surplus balance to one or more other candidates registered under section 1013-A or qualified under sections 335 and 336 or sections 354 and 355, or to political committees established to promote the election of those candidates, provided that the amount transferred does not exceed the contribution limits established by section 1015;

F. Repaying any loans or retiring any other debts incurred to defray campaign expenses of the candidate;

G. 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

H. A gift to a charitable or educational organization that is not prohibited, for tax reasons, from receiving such a gift.

The choice must be made by the candidate for whose benefit the contributions were made.

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2014 FILING SCHEDULE

For Traditionally Financed Legislative and County Candidates

PRIMARY ELECTION: JUNE 10, 2014 **GENERAL ELECTION: NOVEMBER 4, 2014**

TYPE OF REPORT	FILING DEADLINE (BY 11:59 P.M.)	REPORT PERIOD
Semiannual Reports:* 2013 July Semiannual	July 15, 2013	If filing first report: Beginning of campaign – June 30, 2013 ***or*** If filed 2013 Jan. Semiannual: Jan. 1, 2013 – June 30, 2013
2014 Jan. Semiannual	January 15, 2014	If filing first report: Beginning of campaign – Dec 31, 2013 ***or*** If filed 2013 July Semiannual: July 1, 2013 – Dec 31, 2013
* Legislative and county candidates raising or spending more than $500 in 2013 must file campaign finance report(s) showing all contributions received and all expenditures made during the applicable report period. Please see information on back to determine your semiannual filing requirement.		
11-Day Pre-Primary	May 30, 2014	If semiannual report(s) filed, report period is: January 1, 2014 – May 27, 2014 If semiannual report(s) NOT filed, report period is: Beginning of campaign – May 27, 2014
42-Day Post-Primary	July 22, 2014	May 28 – July 15, 2014
42-Day Pre-General	September 23, 2014	July 16 – September 16, 2014
11-Day Pre-General	October 24, 2014	September 17 – October 21, 2014
42-Day Post-General	December 16, 2014	October 22 – December 9, 2014

24-HOUR REPORTS

24-HOUR REPORTING PERIODS (13 DAYS BEFORE THE ELECTION)	WHEN TO FILE THE REPORT
Primary: May 28 – June 9, 2014 General: October 22 – November 3, 2014	Within 24 hours, including weekends and holidays, of receiving the contribution, making the expenditure, incurring the obligation, or placing the order.
WHAT TO REPORT:	
Expenditures: Any single expenditure of $1,000 or more. Orders placed with or obligations made to vendors for goods or services are considered expenditures at the time the obligations are made. Please refer to the Commission's Rules, Chapter 1, Section 7(3) for more information concerning events which constitute making an expenditure and the timing and reporting of these expenditures.	**Contributions:** Any single contribution aggregating $1,000 or more. This includes contributions from the candidate, candidate spouse/domestic partner and a single loan of $1,000 or more. County candidates please note: For the purposes of filing a 24-hour report, a contribution for the general election received in the 13-day period *before the primary election* is not reported in a 24-hour report. For example: On May 28, 2014, you receive a $1,500 contribution - $750 for the primary and $750 for the general. The $750 primary contribution is less than $1,000 threshold.

Please see filing instructions on back.

2014 Pre-Election Semiannual Reports
For Legislative and County Candidates in the 2014 Elections

What events determine when pre-election semiannual reports are required? The campaign's fundraising and spending. If the campaign has raised or spent more than $500 in 2013, a semiannual report is required.

What determines if both the 2013 July and 2014 January reports are required? The date on which the campaign raises or spends more than the threshold amount ($500). If more than $500 has been raised or spent on or before June 30, 2013, both reports are required. If the campaign's fundraising and spending goes over the threshold amount after July 1 and before December 31, 2013, only the 2014 January report is required.

If a campaign does not go over the threshold amount in calendar year 2013, what is the first report filed for the 2014 elections? The 11-Day Pre-Primary Report is the first report filed by the campaign and covers the period from the beginning of the campaign through May 27, 2014.

Please note: Some candidates in the 2014 elections reached the threshold amount in 2011 and have been filing semiannual reports since January 2012. If a candidate in the 2014 elections raised or spent $500 or more in calendar year 2012 and has *not filed* a 2013 January Semiannual Report, please contact the Commission for assistance.

FILING PROCEDURES

Electronically Filed Campaign Finance Reports. Candidates who receive or expect to receive at least $1,500 for their campaigns must file reports electronically on the Commission's website. Candidates or treasurers must enter the required information and click "File Report" by 11:59 p.m. on the filing deadline. The deadline for filing a 24-hour report is no later than 24 hours after receiving the contribution or making the expenditure (as described on the previous page).

Candidates who lack access to the technology or the technological ability to file reports on the internet may request a waiver by April 15, 2014. The Commission will grant all reasonable requests.

Filing Campaign Finance Reports on Paper. For candidates who are not required to file electronically, each original campaign finance report signed by the candidate or treasurer must be properly filed with the Commission by the filing deadline, except in two circumstances:

- a properly signed report may be faxed to the Commission office at (207) 287-6775 by 11:59 p.m. on the deadline or within 24 hours for 24 Hour Reports, provided that the Commission receives the original report within five calendar days; or
- for regularly scheduled reports (semiannual, pre- and post-election reports), a report mailed to the Commission by certified or registered mail and postmarked at least 2 days before the filing deadline will not be considered late, even if it is received after the deadline.

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

2014 Election Year

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2014 CANDIDATE REGISTRATION

Notice: Changes to registration information must be filed within 10 days in writing or by e-mail to the Commission.

Is this an amendment? ☐ **Yes** ☐ **No**

1.	CANDIDATE INFORMATION	
Are you running as a (check one): ☐ **Maine Clean Election Act candidate** ☐ **traditionally financed candidate**		
Title ☐ Ms. ☐ Mrs. ☐ Mr. ☐ Dr. ☐ Honorable	Party affiliation	Office sought
Name: First / MI or Middle Name / Last		District # or County
Mailing address		Primary Phone - For Commission Use Only
City, zip code		Public Phone
E-mail (required)	Fax	Alternate Phone

2.	TREASURER INFORMATION	
Name: First / MI or Middle Name / Last		Primary Phone - For Commission Use Only
Mailing address		Public Phone
City, zip code	E-mail (required)	Fax

DESIGNATION OF TREASURER: A candidate for office must appoint a treasurer no later than 10 days after becoming a candidate, and before accepting contributions, making expenditures or incurring obligations. No later than 10 days after appointing a treasurer, the candidate must register with the Commission the name and address of the candidate and treasurer. The treasurer is responsible for maintaining campaign records and for filing reports. A MCEA candidate may serve as treasure for no more than 14 days following the date of registration. (21-A MRSA §§ 1013-A and 1125(12-A))

2A.	DEPUTY TREASURER INFORMATION
Name: First / MI or Middle Name / Last	Primary Phone - For Commission Use Only
Mailing address	Public Phone
City, zip code	E-mail (required)

DESIGNATION OF DEPUTY TREASURER (optional): The candidate may appoint a deputy treasurer and notify the Commission no later than 10 days after the appointment. The deputy, when acting in the absence of the treasurer, has the same powers and responsibilities as the treasurer. A MCEA candidate may serve as deputy treasure for no more than 14 days following the date of registration. (21-A MRSA §§ 1013-A and 1125(12-A)) (21-A MRSA § 1013-A (1)(A)(1))

3.	AUTHORIZED AGENT INFORMATION	
Name	Phone	Email (required)
Name	Phone	Email (required)

DESIGNATION OF AUTHORIZED AGENT (optional): Please use this section to designate individuals, other than the treasurer and deputy treasurer, authorized to file reports on your behalf.

4.	POLITICAL COMMITTEE INFORMATION
Name	Phone
Address of campaign headquarters	City, zip code

DESIGNATION OF POLITICAL COMMITTEE (optional): The candidate may form a political or campaign committee. Within 10 days of forming the committee and before accepting contributions, making expenditures or incurring obligations, the candidate must:

- appoint a treasurer (the candidate may have only one treasurer who is listed in Section 2) and
- register the committee and its officers, if any are appointed, with the Commission. (21-A MRSA § 1013-A (1) (B))

Committee Officers (use additional pages, if necessary):

Name	Title	Phone
Mailing address	City, zip code	E-mail

Name	Title	Phone
Mailing address	City, zip code	E-mail

5. CERTIFICATION

I, _____, certify that the information in this registration is true,
(Print Candidate's Full Name)
accurate and complete.

Signature of Candidate _____ Date _____

6. FOR COUNTY CANDIDATES ONLY

REPORTING EXEMPTION REQUEST: A candidate for county office may request an exemption from the obligation to appoint a treasurer and file campaign finance reports if the candidate does not accept any cash or in-kind contributions or make any expenditures for his or her campaign. You cannot request a reporting exemption if you use your or your spouse's/domestic partner's personal funds to pay for your campaign expenses. To request an exemption, complete the statement below and sections 1 & 5, have the form notarized, and submit it to the Commission.

STATEMENT OF ELIGIBILITY FOR A REPORTING EXEMPTION: I, the undersigned, swear or affirm that I will not accept contributions, make expenditures or incur obligations associated with my candidacy.

Signature of county candidate _____ Date _____

Subscribed and sworn (affirmed) to before me this _____ day of _____, 20____.

Signature of Notary/Attorney-at-law _____ My commission expires _____
(Seal is optional) (Date)

REVOCATION NOTICE: The foregoing statement may be revoked. Prior to revocation, the candidate must appoint a treasurer. A revocation notice must be in the form of an amended registration which must be filed with the Commission no later than 10 days after the date the treasurer is appointed. The notice must be filed before contributions are accepted or expenditures made. A late revocation notice is subject to the same penalties applicable to late campaign finance reports.

Sworn Falsification is a Class D crime. (17–A MRSA § 453)

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2014 STATEMENT CONCERNING VOLUNTARY EXPENDITURE LIMITS

For Privately Financed Legislative Candidates Only

The Election Law requires all privately financed legislative candidates to confirm whether they agree to the following voluntary expenditure limits:

A. For State Senator, $25,000 per election

B. For State Representative, $5,000 per election

The expenditure limits are for each election. For example, a candidate for State Senate who is on the ballot for the primary and the general election and who agrees to accept the limits may spend up to $25,000 for the primary election and up to $25,000 for the general election. The limitations may not be carried forward from one election to another.

THE ELECTION LAW REQUIRES YOU TO INDICATE WHETHER YOU AGREE TO THE VOLUNTARY SPENDING LIMITS. PLEASE CHECK ONE BOX BELOW.

☐ I understand and accept the voluntary spending limits on political expenditures. I understand that the limit covers the sum of all expenditures made to influence a single election that are made by me, or made on my behalf by my party or my immediate family if coordinated with my campaign. I also affirm that I will not condone and will not solicit any independent expenditures made on my behalf.

☐ I do not agree to the voluntary spending limits on political expenditures.

Date

Candidate's Signature

Print Name

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2014 MAINE CODE OF FAIR CAMPAIGN PRACTICES

(Optional under 21-A M.R.S.A. § 1101(2))

I shall conduct my campaign and, to the extent reasonably possible, insist that my supporters conduct themselves, in a manner consistent with the best Maine and American traditions, discussing the issues and presenting my record and policies with sincerity and candor.

I shall uphold the right of every qualified voter to free and equal participation in the election process.

I shall not participate in and I shall condemn defamation of and other attacks on any opposing candidate or party that I do not believe to be truthful, provable and relevant to my campaign.

I shall not use or authorize and I shall condemn material relating to my campaign that falsifies, misrepresents or distorts the facts, including, but not limited to, malicious or unfounded accusations creating or exploiting doubts as to the morality, patriotism or motivations of any party or candidate.

I shall not appeal to and I shall condemn appeals to prejudices based on race, creed, sex or national origin.

I shall not practice and I shall condemn practices that tend to corrupt or undermine the system of free election or that hamper or prevent the free expression of the will of the voters.

I shall promptly and publicly repudiate the support of any individual or group that resorts, on behalf of my candidacy or in opposition to that of an opponent, to methods in violation of the letter or spirit of this code.

I, the undersigned candidate for election to public office in the State of Maine, hereby voluntarily endorse, subscribe to and solemnly pledge to conduct my campaign in accordance with the above principles and practices.

Date	Candidate's Signature
Office Sought and District	Printed Name

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2014 ELECTRONIC FILING WAIVER

All candidates who receive or expect to receive $1,500 for their campaigns are required to file their campaign finance reports electronically on the Commission's website. Filing electronically has many advantages, such as:

NO MATH – You do not need to enter any totals or fill out any summary pages. Just enter the individual receipts and expenditures, and the e-filing system will take care of the rest.

CONVENIENCE – All you need is internet access in order to file your reports. There is no need to come to the Commission's office on the filing deadline or worry about mailing the report by the filing deadline.

You may request a waiver of the electronic filing requirement if you lack access to the technology or the technological ability to file reports electronically. If you wish to request a waiver, sign the bottom of this page and submit it to the Ethics Commission. You must do this no later than April 15, 2014. The Commission will grant all reasonable requests for exceptions.

I REQUEST A WAIVER OF THE ELECTRONIC FILING REQUIREMENT BECAUSE I LACK ACCESS TO THE NECESSARY TECHNOLOGY OR THE TECHNOLOGICAL ABILITY TO FILE REPORTS ELECTRONICALLY.

_____ Date

_____ Candidate's Signature

_____ Print Name