Agenda Item #4

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

To: Commission Members
From: Jonathan Wayne, Executive Director
Date: February 7, 2007
Re: Staff Response to February 5 Letter by Nancy Bessey's Counsel

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The Commission received a letter dated February 5, 2007 from attorney Dan Billings relating to Nancy Bessey's late filing of her 101% Report. Under the Maine Clean Election Act (MCEA), a privately financed candidate who has a MCEA opponent is required to file a 101% Report when his receipts or expenditures for the general election exceeded $4,406 (101% of the amount paid to the MCEA opponent). That report is necessary to determine whether the MCEA opponent is due to receive any matching funds.

In a January 22 letter to Ms. Bessey, the Commission staff found that she had filed the report eight days late on October 31st. The staff was inclined to recommend a penalty of $4,581.18, which is 75% of the maximum penalty.

The Commission staff recognizes that the February 5 letter does raise legitimate points on behalf of the candidate which deserve your consideration. Nevertheless, we believe a significant penalty should be assessed against Ms. Bessey for the reasons listed in our January 22 letter.

Most importantly, based on the statutory reporting requirements that were clearly explained to Ms. Bessey in writing, Ms. Bessey's opponent, Timothy Carter, was delayed in receiving $2,156.30 in matching funds. While most of this amount was delayed by only 3-5 days, the delay was significant for Mr. Carter. That makes Ms. Bessey's late filing more than a technical violation. It was a violation with an impact in a tight election race.

The closeness of the race is relevant. Mr. Carter won by a margin of only 57 votes. Mr. Billings is correct that the delay in Mr. Carter's receipt of matching funds did not cost him the election, but that is an after-the-fact justification. At the time Ms. Bessey's lateness delayed the payment of matching funds to her opponent, the outcome of the election was still very much in doubt.

The staff recommends that you hear Ms. Bessey's testimony at the February 14th meeting and you make a judgment about what penalty amount is fair. Without the benefit of her testimony, we believe the penalty should be at least $1,527.04 (25% of the maximum penalty).

The Commission staff acknowledges the following points made by Ms. Bessey through her counsel:

- Mr. Billings states that if Ms. Bessey's expenditures alone triggered matching funds, she did not exceed the 101% amount ($4,406) until October 31. That is relevant, because the goods and services purchased by Ms. Bessey did not "put her ahead" of Mr. Carter's expenditures until the last two days before the election. Nevertheless, matching funds are not based solely on what an opponent spends, but also on what the opponent receives.

- Ms. Bessey's total expenditures for the campaign were $7,592. You may feel that the originally recommended penalty of $4,581.18 was disproportionate to her total amount of campaign activity.

- Ms. Bessey was a first-time candidate, although in the 2006 Republican primary election she was a privately financed candidate running against a MCEA candidate. So, she should have been aware of the filing requirements.

We would urge you not to take at face value the statement that Ms. Bessey believed that the duty to file the 101% Report was triggered only by her total expenditures (and not by the contributions and loans received by the campaign). We recommend that you hear the candidate's testimony directly before accepting that statement.

Ms. Bessey saw – or had an opportunity to see – a number of written explanations that the requirement to file the 101% Report was triggered either by her receipts or her expenditures, whichever was greater (see highlighted language below):

- The Commission mailed Ms. Bessey an August 18, 2006 letter explaining the 101% Report requirement. It stated: "If you **raise**, or spend and obligate, more than 1% in excess of …."

- Four copies of the 101% Report form were enclosed with the August 18 letter. (The same form can be used both for the 101% Report and the three required accelerated reports.) The instructions for the reporting form states: "Any privately financed candidate … who **receives**, or spends and obligates, more than 1% in excess of …."

- The reporting form itself clearly asks the candidate to report both "Total **Receipts** for the General Election" as well as total expenditures. Why would the form request the candidate's total receipts if the information was not relevant for the payment of matching funds?

- Ms. Bessey filed similar forms in connection with the 2006 Republican primary election because she ran against a MCEA candidate in the primary. That was an opportunity to understand the special reporting requirements for privately financed candidates with a MCEA opponent.

- On October 13th, Ms. Bessey signed an affidavit (regrettably false) stating "Nancy J. Bessey, being duly sworn, attests that his or her campaign has not **received**, and has not spent or obligated ..."

- The 2006 Candidate Guidebook states on page 73 that "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."

Candidate Registrar Sandy Thompson regularly advised privately financed candidates by telephone that the 101% Report was based on the candidate's receipts (including in-kind contributions) or expenditures (including in-kind contributions) whichever was greater. She presumes her advice to Ms. Bessey was similar, although she does not remember her specific advice to Ms. Bessey prior to November 2 when it was discovered that Ms. Bessey was late. Also, the Maine Republican Party staff was a possible resource for Ms. Bessey.

It is difficult for the Commission staff to make a judgment about what Ms. Bessey actually understood was her reporting requirement. Nevertheless, she had ample written notice that her opponent's matching funds were based both on her reported receipts and on her reported expenditures.

MARDEN, DUBORD,
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(RETIRED)

February 5, 2007

Jonathan Wayne, Executive Director
State of Maine Commission on Governmental Ethics & Election Practices
135 State House Station
Augusta, Maine 04333-0135

RE: Nancy Bessey 101% Report

Dear Jonathan:

I am writing on behalf of Nancy Bessey in response to your letter of January 22, 2007 concerning the late filing of her 101% Report. I have reviewed your letter and the accompanying documents with Ms. Bessey and, though we find no errors in your understanding of the facts, we do believe that there are additional facts that should be considered by the Commission and the Commission staff before a determination of an appropriate penalty is made.

Additional Facts

It is important to note that the late filing of the 101% report was due to the receipts received by the campaign and not due to expenditures made by the campaign. This is significant because Ms. Bessey's campaign was primarily self-funded. Of the total receipts for the general election, over 75% were from loans, cash contributions, or in-kind contributions from Ms. Bessey. Due to her self-funding of the campaign, if Ms. Bessey had a better understanding of the reporting requirements and what triggered matching funds, she could have easily delayed her loans to her campaign and avoided any late filing. This is illustrated by a review of the campaign's receipts and expenditures.

On October 6, 2006, Ms. Bessey loaned $1500.00 to her campaign. She did this because she anticipated making expenditures later in the month and she did not want to spend money on her campaign before she had the money in her campaign account. She could have delayed making this transfer to her campaign account until she had to make payment for any campaign expenditures.

On October 11, 2006, Ms. Bessey's campaign received a $250.00 contribution and on October 21, 2006, the campaign received another $250.00 contribution. The second contribution on October 21, 2006 put the campaign's receipts over the 101% amount which triggered the filing of the 101% report. However, at that time, the campaign had spent less than the amount which trigged reporting due to expenditures. Ms. Bessey's failure to file the 101% report was because she was focused on the amount that her campaign had spent and did not understand that reporting was also triggered by receipts, including contributions and loans from the candidate.

It was not until October 31, 2006 that the campaign spent more than 101% of the MCEA general election amount for House candidates. When the campaign exceeded the 101% amount for expenditures, the 101% report was immediately faxed to the Commission. Ms. Bessey filed the report as soon as she received a quote on a mailing that she intended to have done later in the week. As soon as she realized that the cost of the mailing would cause her expenditures to exceed 101%, she filed the report. I think the fact that Ms. Bessey immediately filed the 101% report when she first believed reporting was triggered, and did not delay it 48 hours as allowed by the law, illustrates that Ms. Bessey was acting in good faith in attempting to report properly and was not acting in a way intended to delay matching funds as long as possible.

If Ms. Bessey had consulted with me before loaning money to her campaign, I would have advised her not to loan any money to her campaign until she needed the money to pay for campaign expenditures. If she dealt with her campaign finances in that manner, she could have legally made the same campaign expenditures at the same times as she did in her campaign, but the 101% report would not have been due until November 2, 2006 and no matching funds would have been triggered until that time. This is significant because it shows that if Ms. Bessey had been trying to manipulate the Clean Elections system to delay the triggering of matching funds, she could have done so legally. Her actions were the result of a first time candidate failing to fully understand the reporting requirements and the matching fund system.

It is also a significant fact that Ms. Bessey was in contact with Commission staff regularly during the campaign to seek assistance in meeting her reporting requirements. This is further evidence of her good faith efforts to comply with the law.

Waiver of Penalty

21-A M.R.S.A. § 1020-A(2) allows the Commission to "waive a penalty if the commission determines that the penalty is disproportionate to the size of the candidate's campaign, the level of experience of the candidate, treasurer or campaign staff or the harm suffered by the public from the late disclosure." In this case, all of the factors which justify waiver of a penalty apply.

The penalty of $4581.18 recommended by the Commission staff is disproportionate to the size of the candidate's campaign. The proposed penalty is equally to 58% of the campaign's total receipts for the general election and is greater than general election

authorization for Maine Clean Election candidates. Such a large penalty could also discourage people from running for the legislature in the future if an innocent error resulting in a reporting delay of only 8 days results in such a large fine.

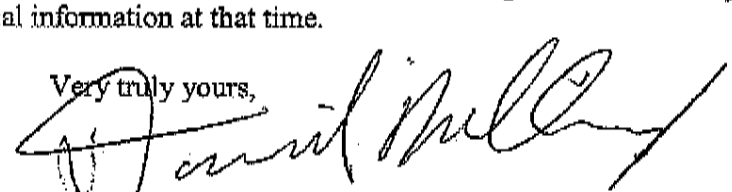
The penalty is also disproportionate based on Ms. Bessey's level of experience. She was a first time candidate who was unfamiliar with the reporting requirements. As illustrated by her regular contact with Commission staff, she made a good faith effort to comply with the law and the late report was simply due to her lack of experience and her misunderstanding of the reporting requirements.

The penalty is also disproportionate because no harm was suffered by the public from the late reporting. This is illustrated by the fact, as described above, that Ms. Bessey could have legally delayed reporting simply by delaying when she loaned money to her campaign. If she acted as someone experienced and knowledgeable about the matching funds provisions of the Maine Clean Elections Act would have advised, she could have made all the same campaign expenditures without being required to file the 101% report until November 2, 2006 – two days after the date when it was actually filed. Her violation is a technical one that could have been avoided without any substantive change to the manner in which her campaign was conducted.

Furthermore, there was no harm to the public because all the campaign's contributions were disclosed as required before the election. All of the matching funds triggered were distributed to Mr. Carter before the election and he spent all the available funds. Mr. Carter was also successful in winning the election. This is not a situation where the delay in authorization of matching funds theoretically changed the outcome of the election.

I thank you for taking this information into consideration. I will be in attendance with Ms. Bessey at the Commission's February 14th meeting and we will be glad to answer any questions or provide any additional information at that time.

Very truly yours,



Daniel I. Billings
e-mail: dbillings@gwi.net

C.C.: Nancy Bessey

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

January 22, 2007

Ms. Nancy J. Bessey
P.O. Box 169
Rangeley, ME 04970

Dear Ms. Bessey:

This is to follow up on Sandy Thompson's November 27, 2006 letter regarding the penalty for the late filing of your 101% Report. The Commission will consider this matter at its meeting on February 14th. Based on the information available to it now, the Commission staff is recommending a penalty of $4,581.18. **You are invited to respond to the recommended penalty by submitting a written response no later than Monday, February 5 and by appearing at the February 14th meeting.** In addition, if you believe that our understanding of the facts of the situation is mistaken, we urge you to contact us as soon as possible and we will consider whether to change our recommendation.

As was noted in the November 27 letter, because you were a privately financed candidate with a Maine Clean election Act opponent you were required under 21-A M.R.S.A. §1017(3-B)(A) to file a 101% Report within 48 hours of when your cash receipts for the general election exceeded $4,406 (101% of the general election distribution amount for House candidates). Based on the transactions included in your campaign finance reports, the Commission staff has concluded that your receipts exceeded the $4,406 amount on October 21, 2006 and that the report was due on October 23, 2006. Instead, the report was filed eight days later on October 31st.

The penalty for filing an accelerated report late is set forth in 21-A M.R.S.A. §1020-A(4-A) (last paragraph). Upon further review of that provision, the staff has determined that the maximum amount for the violation is $6,108.24, and not $5,052.24 as stated in our November 27 letter. We apologize for the wrong amount in our last correspondence. Please refer to the enclosed penalty matrix for more details on how the maximum penalty is computed.

After considering the factual circumstances of this matter, the staff of the Commission will recommend that the Commission assess a penalty of $4,581.18, which is 75% of the maximum amount. That recommendation takes the following points into consideration:

- If you had filed the 101% Report on October 23rd as required by the Election Law, the Commission would have been advised of the contributions and loans your campaign received for the general election. This would have allowed the Commission to pay matching funds to your opponent, Timothy Carter, in a timely way. Instead, the Commission did not know of your receipts for the general election until October 31st.

- The delay of the matching funds to your opponent was at a critical period before the election. If your report had been filed on time, Mr. Carter's first authorization of $558.60 in matching funds would have been on October 24, which was two weeks before the election. Instead, his first authorization occurred on November 1, which was six days before the election.

- In total, Mr. Carter was delayed in receiving $2,156.30 in matching funds because of your late 101% Report. This is a significant amount in a race for the Maine House of Representatives. The first authorization of $558.60 was delayed by 7 - 8 days. He was delayed in receiving two subsequent authorizations of matching funds by 3 - 5 days: a payment of $1,489.70 (based on an independent expenditure in support of you by the Maine Republican Party) and a payment of $108.00 (based on the House Democratic Campaign Committee's retraction of an independent expenditure on behalf of Mr. Carter).

- Our analysis of your campaign's cash flow shows that the following contributions and loans from you were used to pay for general election expenditures: (1) the $941.51 contribution on July 5, 2006; (2) your two loans totaling $1,800; and (3) your $2,000 loan on November 15, 2006, which was needed to pay for the $2,462.33 debt (later amended to $2,243.34) reported on October 31, 2006.

- The outcome of your election was quite close. Mr. Carter won by a margin of 57 votes.

- On October 27, 2006 you filed an affidavit stating that your campaign had not received $4,406 or more for the general election. That affidavit does not appear to be accurate.

Please feel free to telephone me at 287-4179 if you have any questions.

Sincerely,

Jonathan Wayne
Executive Director

cc: Daniel I. Billings, Esq.
Timothy Carter
Karen Olivieri, Treasurer

COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES

PENALTY MATRIX FOR LATE 101% AMOUNT & ACCELERATED REPORT FILINGS

BASIS FOR PENALTIES 21-A M.R.S.A. SECTION 1020-A(4)

The penalty for late filing of an accelerated report is equivalent to but not more than 3 times the amount by which the contributions received or expenditures obligated or made, whichever is greater, exceed the applicable Maine Clean Election Fund payment per day of violation, multiplied by the number of calendar days the report is filed late.

MCEA PAYMENT	PRIMARY	GENERAL
House	$1,504	$4,362
Senate	$7,746	$20,082

A penalty begins to accrue at 5:00 p.m. on the day the report is due.

Example: The treasurer files the accelerated report two days late. The candidate reports a total of $2,500 in contributions and $1,500 in expenditures (made and obligated). The MCEA amount is $1,504. The difference between $2,500 contributions (greater than $1,500 in expenditures) and the MCEA payment amount is: $996

$2,500	Greater amount of the total contributions received or expenditures made during the filing period
– $1,504	Applicable MCEA Payment Amount
$996	Difference
X 3	No more than 3 times the per day
$2,988	Maximum amount per day
X 2	Number of calendar days late
$5,976	**Total maximum penalty**

Your penalty is calculated as follows: Bessey

Contributions/Expenditures: (Greater amount)	$ 4,616.51
Minus MCEA Amount:	$ 4,362.00
Difference:	$ 254.51
Multiplied by 3 =:	$ 763.53
Multiplied by number of days late:	$ 8
Total maximum penalty:	$ 6,108.24

Any penalty of less than $5 is waived.

Waiver of a penalty does not nullify the finding of a violation.

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

Revised 12/22/06

Nancy Bessey Analysis of Receipts and Expenditures

Date: 1/18/2007

RECEIPTS (and In-Kind Contributions)		Total to Date	
Cash Balance on 6/13/2006		$0.00	
6/14 - 7/18	$941.51	$941.51	
8-Aug	$250.00	$1,191.51	
14-Aug	$300.00	$1,491.51	Loan by Candidate
1-Sep	$250.00	$1,741.51	
6-Sep	$150.00	$1,891.51	
7-Sep	$250.00	$2,141.51	
12-Sep	$250.00	$2,391.51	
12-Sep	$100.00	$2,491.51	
6-Oct	$125.00	$2,616.51	
6-Oct	$1,500.00	$4,116.51	Loan by Candidate
11-Oct	$250.00	$4,366.51	
21-Oct	$250.00	$4,616.51	Date 101% Amount Exceeded
31-Oct	$38.00	$4,654.51	In-kind
1-Nov	$99.00	$4,753.51	In-kind
5-Nov	$977.10	$5,730.61	24-Hour Report filed; reported as in-kind on 11-8.
8-Nov	$185.00	$5,915.61	In-kind
15-Nov	$2,000.00		Loan by Candidate
		$7,915.61	Total for General Election

EXPENDITURES (and In-Kind Contributions)		Total to date	
6/14 - 7/18	$0.00	$0.00	
21-Jul	$15.75	$15.75	
7-Aug	$35.78	$51.53	
7-Aug	$307.44	$358.97	
7-Aug	$241.08	$600.05	
8-Aug	$84.00	$684.05	
14-Aug	$223.13	$907.18	
12-Sep	$235.41	$1,142.59	
12-Sep	$527.63	$1,670.22	
10-Oct	$649.44	$2,319.66	
10-Oct	$1,178.38	$3,498.04	
17-Oct	$435.75	$3,933.79	
31-Oct	$38.00	$3,971.79	In-kind contribution
			101% Report filed with reported $2,462.33 (actual amt. $2,244.33) as a debt; reported as expenditure on 11/16.
31-Oct	$2,244.33	$6,216.12	Exceeded 101% amount for expenditures
1-Nov	$99.00	$6,315.12	In-kind contribution
5-Nov	$977.10	$7,292.22	24-Hour Report filed; reported as in-kind contribution on 11-8.
8-Nov	$185.00	$7,477.22	In-kind contribution
9-Nov	$356.93		
		$7,834.15	Total for General Election

16-Jan-07

Analysis of Bessey, Carter and Independepent Expenditures.

House District 91

Nancy Bessey

RECEIPTS		Total to date
Cash Balance on 6/13/2006	$0.00	$0.00
6/14 - 7/16	$941.51	$941.51
8-Aug	$250.00	$1,191.51
14-Aug	$300.00	$1,491.51
1-Sep	$250.00	$1,741.51
6-Sep	$150.00	$1,891.51
7-Sep	$250.00	$2,141.51
12-Sep	$250.00	$2,391.51
12-Sep	$100.00	$2,491.51
6-Oct	$125.00	$2,616.51
6-Oct	$1,500.00	$4,116.51
11-Oct	$250.00	$4,366.51

				Bessey IEs	Carter IEs	Matching funds authorized if **101%** report filed on time	Notes	ACTUAL matching funds authorized	Notes
21-Oct 101% Report Trigger Date	$250.00	$4,616.51	21-Oct		$371.00				
23-Oct 101% Report Due			23-Oct			-$353.29	No authorization Carter's balance $353.29 greater than Bessey's		
			24-Oct	$911.89		$558.60	1st Authorization for Carter	$0.00	
			26-Oct		$263.00				
			27-Oct		-$371.00	$108.00	IE Report on 10-21 amended to zero resulting in 2nd authorization for Carter.		
			28-Oct	$1,489.70		$1,489.70	3rd Authorization for Carter	$0.00	
			29-Oct		$1,311.00				
			31-Oct	$1,759.85		$448.85	4th Authorization for Carter. He would have received a total of $2,605.45 in matching funds from 10/24 - 10/31.	$0.00	Carter received no matching funds until Nov 1.
			1-Nov					$1,663.64	1st Authorization for Carter due to Bessey's 101% report filing. 101% report period ended no later than 10/29.
			2-Nov		$1,230.00	$1,014.33	5th Authorization due to $2,244.33* debt reported by Bessey.	$2,000.00	2nd Authorization to Carter due to Bessey's 6-Day Pre-General report filing. Report period ended 10/26.
			3-Nov		$272.37				
			4-Nov		$333.33				
			5-Nov						
						$3,619.48	Total	$3,663.64	Total

* Debt amount amended from $2,462.33 to $2,244.33

Nancy Bessey Cash Flow

House 91

Date: 01/18/2007

	Contributions or Expenditures- Noted with (-)	Campaign Balance To Date	Notes
Cash Balance on 6/13/2006	$0.00	$0.00	
3-Jul	$1,058.49	$1,058.49	
5-Jul	$941.51	$2,000.00	
10-Jul	-$1,058.49	$941.51	For calculations of 101% amount, only $941.51 was used because $1,058.49 was for the primary election.
21-Jul	-$15.75	$925.76	Starting on July 21, 2206, the $941.51 was used to pay expenses for the general election.
7-Aug	-$35.78	$889.98	
7-Aug	-$307.44	$582.54	
7-Aug	-$241.08	$341.46	
8-Aug	$250.00	$591.46	
8-Aug	-$84.00	$507.46	
14-Aug	$300.00	$807.46	Loan by candidate
14-Aug	-$223.13	$584.33	
1-Sep	$250.00	$834.33	
6-Sep	$150.00	$984.33	
7-Sep	$250.00	$1,234.33	
12-Sep	$250.00	$1,484.33	
12-Sep	$100.00	$1,584.33	
12-Sep	-$235.41	$1,348.92	
12-Sep	-$527.63	$821.29	
6-Oct	$125.00	$946.29	
6-Oct	$1,500.00	$2,446.29	Loan by candidate
10-Oct	-$649.44	$1,796.85	
10-Oct	-$1,178.38	$618.47	The cash balance on this date shows that $1,181.53 of the $1,800 loan amount was used to pay expenses.
11-Oct	$250.00	$868.47	
17-Oct	-$435.75	$432.72	
21-Oct	$250.00	$682.72	Date receipts exceeded 101% Amount of $4,406.
31-Oct	$38.00	$682.72	In-kind contribution by candidate.
31-Oct	-$2,462.33	$682.72	Debt reported in 101% Report. If paid, cash balance is -$1,779.61.
1-Nov	$99.00	$682.72	In-kind contribution by candidate.
5-Nov	$977.10	$682.72	In-kind contribution by candidate.
8-Nov	$185.00	$682.72	In-kind contribution by candidate.
9-Nov	-$356.93	$325.79	If debt on 10-31 paid, cash balance is -$2,136.54.
15-Nov	$2,000.00	$2,325.79	Loan by candidate
16-Nov	-$2,243.34		Debt reported in 101% Report paid.
		$82.45	Ending Balance

STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES
Mail: 135 State House Station
Office: 242 State Street
Augusta, Maine 04333-0135
Tel: (207) 287-4179 FAX: (207) 287-6775

RECEIVED NOV - 2 2006

GENERAL ELECTION 2006
ACCELERATED REPORT
FOR PRIVATELY FINANCED LEGISLATIVE CANDIDATES WITH MCEA OPPONENTS

FAX REC'D 10-31-06

PLEASE INDICATE TYPE OF REPORT

- ☐ 42-DAY (Due 9/26)
- ☐ 21-DAY (Due 10/17)
- ☐ 12-DAY (Due 10/26)
- ☑ 101% (Due: See Reverse)

CANDIDATE INFORMATION

Name of Candidate: NANCY J. BESSEY	Telephone Number: 864-9077
Mailing Address: PO BOX 169	Office Sought: STATE REP.
City, Zip Code: RANGELEY MAINE 04970	District: 91
Name of Opposing MCEA Candidate(s):	

TOTAL RECEIPTS FOR THE GENERAL ELECTION

Cash balance on June 13, 2006:	941.51
Total cash contributions received after June 13, 2006:	1875.00
Total value of in-kind contributions received after June 13, 2006:	
Total loans received after June 13, 2006:	1800.00
Total bank interest received after June 13, 2006:	
TOTAL RECEIPTS:	4616.51

TOTAL EXPENDITURES FOR THE GENERAL ELECTION

Total expenditures after June 13, 2006:	3933.79
Total value of in-kind contributions received after June 13, 2006:	
Total unpaid debts and obligations incurred after June 13, 2006:	2462.33
TOTAL EXPENDITURES:	6396.12

I CERTIFY THAT THE INFORMATION IN THIS REPORT IS TRUE, CORRECT AND COMPLETE.

Nancy J. Bessey — Signature of Candidate

10/31/06 — Date

Please see instructions on reverse side.

Rev. 04/06

STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES
Mail: 135 State House Station
Office: 242 State Street
Augusta, Maine 04333
Tel: (207) 287-4179 Fax: (207) 287-6775

OCT 27 2006
COMMISSION ON GOVERNMENTAL ETHICS & ELECTION PRACTICES AUGUSTA, ME

PRIVATELY FINANCED CANDIDATE ACCELERATED REPORT
AFFIDAVIT FOR LEGISLATIVE CANDIDATES IN THE NOVEMBER 7, 2006 GENERAL ELECTION

FAX REC'D 10/26/06

STATE OF MAINE

COUNTY OF FRANKLIN

NANCY J. BESSEY, being duly sworn, attests that his or her campaign has not received, and has not spent or obligated:

Check the appropriate box for the office you are seeking.

- [x] $4,406 or more for the general election (House candidates only).
- [ ] $20,083 or more for the general election (Senate candidates only).

Nancy J. Bessey
(Signature of Affiant)

Sworn to before me, this 25th day of October 2006.

Deann M. Trafton
(Notary Public/Attorney at Law)

DEANN M. TRAFTON
Notary Public, Maine
My Commission Expires January 6, 2013

Rev. 04/06

	Republican	Democrat
FARMINGTON	1,539	1,985
INDUSTRY	209	217
District 89 Total:	1,748	2,202

House District 90

	COLLINS, MAXINE B. Wilton Democrat	SAVIELLO, THOMAS B. Wilton Independent
AVON	39	150
FREEMAN TWP.	27	140
NEW VINEYARD	65	268
PERKINS TWP.	3	15
PHILLIPS	90	338
STRONG	99	457
TEMPLE	99	184
WILTON	542	1,388
District 90 Total:	964	2,940

House District 91

	BESSEY, NANCY J. Dallas Plt. Republican	CARTER, TIMOTHY A. Bethel Democrat
ALBANY TWP.	84	122
BETHEL	519	773
COPLIN PLT.	0	0
DALLAS PLT.	123	66
EUSTIS	182	115
GILEAD	31	46
HANOVER	62	84
KINGFIELD	275	214
LINCOLN PLT.	17	6
MAGALLOWAY PLT.	8	6
MILTON TWP.	16	37
NEWRY	63	111
RANGELEY	409	165
STONEHAM	40	86
UPTON	29	16
WOODSTOCK	258	326
District 91 Total:	2,116	2,173

House District 92

	PATRICK, JOHN L. Rumford	SMITH, PAULA P. Andover

Title 21-A, §1017, Reports by candidates

H. Reports with respect to a candidate who seeks nomination by petition for the office of Governor must be filed on the same dates that reports must be filed with respect to a candidate who seeks that nomination by primary election. [1991, c. 839, §14 (amd); §34 (aff).]

[2005, c. 301, §13 (amd).]

3. Other candidates.

[1989, c. 504, §§13, 31 (rp).]

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

A. In any calendar year in which an election for the candidate's particular office is not scheduled, when any candidate or candidate's political committee has received contributions in excess of $500 or made or authorized expenditures in excess of $500, reports must be filed no later than 5 p.m. on July 15th of that year and January 15th of the following calendar year. These reports must include all contributions made to and all expenditures made or authorized by or on behalf of the candidate or the treasurer of the candidate as of the end of the preceding month, except those covered by a previous report. [1991, c. 839, §15 (amd); §34 (aff).]

B. Reports must be filed no later than 5 p.m. on the 6th day before the date on which an election is held and must be complete as of the 12th day before that date. If a report was not filed under paragraph A, the report required under this paragraph must cover all contributions and expenditures through the completion date. [1991, c. 839, §15 (amd); §34 (aff).]

C. Contributions aggregating $1,000 or more from any one contributor or single expenditures of $1,000 or more, made after the 12th day before any election and more than 24 hours before 5 p.m. on the day of any election must be reported within 24 hours of those contributions or expenditures. [2005, c. 301, §14 (amd).]

D. Reports must be filed no later than 5 p.m. on the 42nd day after the date on which an election is held and must be complete for the filing period as of the 35th day after that date. [1991, c. 839, §15 (amd); §34 (aff).]

E. Unless further reports will be filed in relation to a later election in the same calendar year, the disposition of any surplus or deficit in excess of $50 shown in the reports described in paragraph D must be reported as provided by this paragraph. The treasurer of a candidate with a surplus or deficit in excess of $50 shall file reports semiannually with the commission within 15 days following the end of the 2nd and 4th quarters of the State's fiscal year, complete as of the last day of the quarter, until the surplus is disposed of or the deficit is liquidated. The first report under this paragraph is not required until the 15th day of the period beginning at least 90 days from the date of the election. The reports may either be filed in person with the commission on that date or postmarked on that date. The reports must set forth any contributions for the purpose of liquidating the deficit, in the same manner as contributions are set forth in other reports required in this section. [1991, c. 839, §15 (amd); §34 (aff).]

F. Reports with respect to a candidate who seeks nomination by petition must be filed on the same dates that reports must be filed by a candidate for the same office who seeks that nomination by primary election. [1991, c. 839, §15 (amd); §34 (aff).]

[2005, c. 301, §14 (amd).]

3-B. Accelerated reporting schedule. Additional reports are required from nonparticipating Maine Clean Election Act candidates pursuant to this subsection.

A. In addition to other reports required by law, any candidate for Governor, State Senate or State House of Representatives who is not certified as a Maine Clean Election Act candidate under chapter 14 and who receives, spends or obligates more than 1% in excess of the primary or general election distribution amounts for a Maine Clean Election Act candidate in the same race shall file by any means acceptable to the commission, within 48 hours of that event, a report with the commission detailing the candidate's total campaign contributions, obligations and expenditures to date. [2001, c. 470, §6 (new).]

B. A nonparticipating candidate with a Maine Clean Election Act opponent shall file the following additional reports detailing the candidate's total campaign contributions, obligations and expenditures to date, unless that candidate signs an affidavit by the date the report is due, attesting that the candidate has not received, spent or obligated an amount sufficient to require a report under paragraph A:

Title 21-A, §1017, Reports by candidates

(1) A report filed not later than 5 p.m. on the 42nd day before the date on which an election is held and complete as of the 44th day before that date;

(2) A report filed no later than 5 p.m. on the 21st day before the date on which an election is held and complete as of the 23rd day before that date; and

(3) A report filed no later than 5 p.m. on the 12th day before the date on which an election is held and complete as of the 14th day before that date.

[2001, c. 589, §1 (amd).]

C. A candidate who is required to file a report under paragraph A must file with the commission an updated report that reports single expenditures in the following amounts that are made after the 14th day before an election and more than 24 hours before 5:00 p.m. on the date of that election:

(1) For a candidate for Governor, a single expenditure of $1,000;

(2) For a candidate for the state Senate, a single expenditure of $750; and

(3) For a candidate for the state House of Representatives, a single expenditure of $500.

A report filed pursuant to this paragraph must be filed within 24 hours of the expenditure. [2003, c. 628, Pt. B, §3 (amd).]

The commission shall provide forms to facilitate compliance with this subsection. The commission shall notify a candidate within 48 hours if an amount reported on any report under paragraph B exceeds 1% in excess of the primary or general election distribution amounts for a Maine Clean Election Act candidate in the same race and no report has been received under paragraph A.
[2003, c. 628, Pt. B, §3 (amd).]

4. New candidate or nominee. A candidate for nomination or a nominee chosen to fill a vacancy under chapter 5, subchapter III is subject to section 1013-A, subsection 1, except that the candidate shall register the name of a treasurer or political committee and all other information required in section 1013-A, subsection 1, paragraphs A and B within 7 days after the candidate's appointment or at least 6 days before the election, whichever is earlier. The person required to file a report under section 1013-A, subsection 1 shall file a campaign report under this section 15 days after the candidate's appointment or 6 days before the election, whichever is earlier. The report must include all contributions received and expenditures made through the completion date. The report must be complete as of 4 days before the report is due. Subsequent reports must be filed on the schedule set forth in this section. The commission shall send notification of this requirement and registration and report forms to the candidate and the candidate's treasurer immediately upon notice of the candidate's and treasurer's appointments.
[1991, c. 839, §16 (amd).]

5. Content. A report required under this section must contain the itemized accounts of contributions received during that report filing period, including the date a contribution was received, and the name, address, occupation, principal place of business, if any, and the amount of the contribution of each person who has made a contribution or contributions aggregating in excess of $50. The report must contain the itemized expenditures made or authorized during the report filing period, the date and purpose of each expenditure and the name of each payee and creditor. Total contributions with respect to an election of less than $500 and total expenditures of less than $500 need not be itemized. The report must contain a statement of any loan to a candidate by a financial institution in connection with that candidate's candidacy that is made during the period covered by the report, whether or not the loan is defined as a contribution under section 1012, subsection 2, paragraph A. Until December 31, 1992, the candidate is responsible for the timely and accurate filing of each required report. Beginning January 1, 1993, the candidate and the treasurer are jointly responsible for the timely and accurate filing of each required report.
[1991, c. 839, §17 (amd).]

5-A. Valuation of contributions sold at auction. Any contribution received by a candidate that is later sold at auction shall be reported in the following manner.

A. If the contribution is sold at auction before the commencement of the appropriate reporting period specified in subsections 1 to 4, or during that period, the value of the contribution is deemed to be the amount of the purchase price paid at auction. [1987, c. 726, §2 (new).]

B. If the contribution is sold after the termination of the appropriate reporting period specified in subsections 1 to 4, the value of the contribution is the difference between the value of the contribution as originally reported by the treasurer and the amount of the

Title 21-A, §1020-A, Failure to file on time

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§1020-A. Failure to file on time

1. Registration. A candidate that fails to register the name of a candidate, treasurer or political committee with the commission within the time allowed by section 1013-A, subsection 1 may be assessed a forfeiture of $10. The commission shall determine whether a registration satisfies the requirements for timely filing under section 1013-A, subsection 1.
[1995, c. 483, §15 (new).]

2. Campaign finance reports. A campaign finance report is not timely filed unless a properly signed copy of the report, substantially conforming to the disclosure requirements of this subchapter, is received by the commission before 5 p.m. on the date it is due. Except as provided in subsection 7, the commission shall determine whether a report satisfies the requirements for timely filing. The commission may waive a penalty if the commission determines that the penalty is disproportionate to the size of the candidate's campaign, the level of experience of the candidate, treasurer or campaign staff or the harm suffered by the public from the late disclosure. The commission may waive the penalty in whole or in part if the commission determines the failure to file a timely report was due to mitigating circumstances. For purposes of this section, "mitigating circumstances" means:

A. A valid emergency determined by the commission, in the interest of the sound administration of justice, to warrant the waiver of the penalty in whole or in part; [1999, c. 729, §5 (amd).]

B. An error by the commission staff; [1999, c. 729, §5 (amd).]

C. Failure to receive notice of the filing deadline; or [1999, c. 729, §5 (amd).]

D. Other circumstances determined by the commission that warrant mitigation of the penalty, based upon relevant evidence presented that a bona fide effort was made to file the report in accordance with the statutory requirements, including, but not limited to, unexplained delays in postal service. [1999, c. 729, §5 (new).]
[2003, c. 628, Pt. A, §3 (amd).]

3. Municipal campaign finance reports. Municipal campaign finance reports must be filed, subject to all the provisions of this subchapter, with the municipal clerk on forms prescribed by the Commission on Governmental Ethics and Election Practices. The municipal clerk shall send any notice of lateness required by subsection 6 and shall notify the commission of any late reports subject to a penalty.
[1995, c. 625, Pt. B, §5 (amd).]

4. Basis for penalties.
[2001, c. 470, §7 (amd); T. 21-A, §1020-A, sub-§4 (rp).]

4-A. Basis for penalties. The penalty for late filing of a report required under this subchapter, except for accelerated campaign finance reports required pursuant to section 1017, subsection 3-B, is a percentage of the total contributions or expenditures for the filing period, whichever is greater, multiplied by the number of calendar days late, as follows:

A. For the first violation, 1%; [2001, c. 714, Pt. PP, §1 (new); §2 (aff).]

B. For the 2nd violation, 3%; and [2001, c. 714, Pt. PP, §1 (new); §2 (aff).]

Title 21-A, §1020-A, Failure to file on time

C. For the 3rd and subsequent violations, 5%. [2001, c. 714, Pt. PP, §1 (new); §2 (aff).]

Any penalty of less than $5 is waived.

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

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

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

The penalty for late filing of an accelerated campaign finance report as required in section 1017, subsection 3-B may be up to but no more than 3 times the amount by which the contributions received or expenditures obligated or made by the candidate exceed the applicable Maine Clean Election Fund disbursement amount, per day of violation. The commission shall make a finding of fact establishing when the report was due prior to imposing a penalty under this subsection. A penalty for failure to file an accelerated campaign finance report must be made payable to the Maine Clean Election Fund. In assessing a penalty for failure to file an accelerated campaign finance report, the commission shall consider the existence of mitigating circumstances. For the purposes of this subsection, "mitigating circumstances" has the same meaning as in subsection 2.
[2001, c. 714, Pt. PP, §1 (new); §2 (aff).]

5. Maximum penalties.
[2001, c. 470, §8 (amd); T. 21-A, §1020-A, sub-§5 (rp).]

5-A. Maximum penalties. Penalties assessed under this subchapter may not exceed:

A. Five thousand dollars for reports required under section 1017, subsection 2, paragraph B, C, D, E or H; section 1017, subsection 3-A, paragraph B, C, D or F; section 1017, subsection 4; and section 1019-B, subsection 3; [2003, c. 448, §4 (amd).]

B. Five thousand dollars for state party committee reports required under section 1017-A, subsection 4-A, paragraphs A, B, C and E; [2003, c. 628, Pt. A, §4 (amd).]

C. One thousand dollars for reports required under section 1017, subsection 2, paragraphs A and F and section 1017, subsection 3-A, paragraphs A and E; [2003, c. 628, Pt. A, §4 (amd).]

D. Five hundred dollars for municipal, district and county committees for reports required under section 1017-A, subsection 4-B; or [2003, c. 628, Pt. A, §4 (amd).]

E. Three times the unreported amount for reports required under section 1017, subsection 3-B, if the unreported amount is less than $5,000 and the commission finds that the candidate in violation has established, by a preponderance of the evidence, that a bona fide effort was made to file an accurate and timely report. [2001, c. 714, Pt. PP, §1 (new); §2 (aff).]
[2003, c. 628, Pt. A, §4 (amd).]

6. Request for a commission determination. Within 3 days following the filing deadline, a notice must be forwarded to a candidate and treasurer whose registration or campaign finance report is not received by 5 p.m. on the deadline date, informing them of the basis for calculating penalties under subsection 4 and providing them with an opportunity to request a commission determination. The notice must be sent by certified United States mail. Any request for a determination must be made within 10 calendar days of receipt of the commission's notice. The 10-day period during which a determination may be requested begins on the day a recipient signs for the certified mail notice of the proposed penalty. If the certified letter is refused or left unclaimed at the post office, the 10-day period begins on the day the post office indicates it has given first notice of a certified letter. A candidate or treasurer requesting a determination may either appear in person or designate a representative to appear on the candidate's or treasurer's behalf or submit a notarized written explanation of the mitigating circumstances for consideration by the commission.
[RR 1995, c. 2, §38 (cor).]

7. Final notice of penalty. After a commission meeting, notice of the commission's final determination and the penalty, if any, imposed pursuant to this subchapter must be sent to the candidate and the treasurer.

If no determination is requested, the commission staff shall calculate the penalty as prescribed in subsection 4-A and shall mail final notice of the penalty to the candidate and treasurer. A detailed summary of all notices must be provided to the commission.
[RR 2003, c. 1, §14 (cor).]

Title 21-A, §1020-A, Failure to file on time

8. Failure to file report. The commission shall notify a candidate who has failed to file a report required by this subchapter, in writing, informing the candidate of the requirement to file a report. If a candidate fails to file a report after 3 written communications from the commission, the commission shall send up to 2 more written communications by certified mail informing the candidate of the requirement to file and that the matter may be referred to the Attorney General for criminal prosecution. A candidate who fails to file a report as required by this subchapter after the commission has sent the communications required by this subsection is guilty of a Class E crime.
[2003, c. 628, Pt. A, §5 (rpr).]

8-A. Penalties for failure to file report. The penalty for failure to file a report required under this subchapter may not exceed the maximum penalties as provided in subsection 5-A.
[2003, c. 628, Pt. A, §6 (new).]

9. List of late-filing candidates. The commission shall prepare a list of the names of candidates who are late in filing a report required under section 1017, subsection 2, paragraph C or D or section 1017, subsection 3-A, paragraph B or C within 30 days of the date of the election and shall make that list available for public inspection.
[1995, c. 483, §15 (new).]

10. Enforcement. The commission staff has the responsibility for collecting the full amount of any penalty and has all necessary powers to carry out this responsibility. Failure to pay the full amount of any penalty levied under this subchapter is a civil violation by the candidate, treasurer, political party or other person whose campaign finance activities are required by this subchapter to be reported. Thirty days after issuing the notice of penalty, the commission shall report to the Attorney General the name of any person who has failed to pay the full amount of any penalty. The Attorney General shall enforce the violation in a civil action to collect the full outstanding amount of the penalty. This action must be brought in the Superior Court for Kennebec County or the District Court, 7th District, Division of Southern Kennebec.
[1999, c. 426, §33 (amd).]

MRSA , §T.21A SEC.1020A/4,5 (AMD).
IB 1995, Ch. 1, §15 (AMD).
PL 1995, Ch. 483, §15 (NEW).
PL 1995, Ch. 625, §B5 (AMD).
RR 1995, Ch. 1, §10 (COR).
RR 1995, Ch. 2, §38 (COR).
PL 1999, Ch. 426, §32,33 (AMD).
PL 1999, Ch. 729, §5 (AMD).
PL 2001, Ch. 470, §11 (AFF).
PL 2001, Ch. 470, §7,8 (AMD).
PL 2001, Ch. 714, §PP1 (AMD).
PL 2001, Ch. 714, §PP2 (AFF).
PL 2003, Ch. 302, §4 (AMD).
PL 2003, Ch. 448, §4 (AMD).
PL 2003, Ch. 628, §A3-6 (AMD).
RR 2003, Ch. 1, §14 (COR).

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

November 27, 2006

Ms. Nancy J. Bessey
P.O. Box 169
Rangeley, ME 04970

BY CERTIFIED MAIL

Dear Ms. Bessey:

RE: Late 101% Campaign Finance Report Due 10/23/2006 By 5:00 p.m.

You filed a 101% campaign finance report on 10/31/2006. The Commission's analysis determined that your 101% Amount report was due no later than 5:00 p.m. on 10/23/2006. A penalty must be assessed for a late report based on the amount of financial activity greater than the 101% amount of $4,406, the number of calendar days a report is filed late, and the candidate's filing record. Based on the prescribed statutory formula, the maximum penalty amount is $5,052.24. Please refer to the enclosed penalty matrix for more details on how the maximum penalty is computed. If you agree with this preliminary determination of the amount of the penalty, you may use the enclosed billing statement to pay that penalty.

If you have a reason for filing late, you may request the Commission to make a final penalty determination. Any request for a Commission determination must be made within 10 calendar days of receipt of this notice, beginning on the day you sign its receipt. If this notice has been refused or left unclaimed at the post office, the 10-day period begins on the day the post office indicates it has given first notice of a certified letter. Upon receipt of your request for a Commission determination, we will schedule you to appear and will notify you of the date and time of the next Commission meeting. Tentatively, we have scheduled you to appear at the January 2007 Commission meeting. You or a person you designate may then appear personally before the Commission or you may send a written statement for the Commission's consideration. A statement must be notarized and contain a full explanation of the reason you filed late. Statements should be sent to the address shown on this letterhead. The Commission will notify you of the disposition of your case within 10 days after its determination.

NOTE: The Commission may waive penalties for late reports only in cases where tardiness is due to mitigating circumstances. The law defines "mitigating circumstances" as: 1) a valid emergency determined by the Commission, in the interest of the sound administration of justice, to warrant the waiver of the penalty in whole or in part; 2) an error by the Commission staff; 3) failure to receive notice of the filing deadline; or (4) other circumstances determined by the Commission that warrant mitigation of the penalty, based upon relevant evidence presented that a *bona fide* effort was made to file the report in accordance with the statutory requirements, including, but not limited to, unexplained delays in postal service.

Sincerely,

Sandy Thompson
Candidate Registrar

cc. Treasurer
Timothy Carter

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

Notice to Ms. Bessey that 101% Report requirement depended on her receipts (see next 5 pages)

August 18, 2006

Ms. Nancy J. Bessey
P.O. Box 169
Rangeley, ME 04970

Dear Ms. Bessey:

I am writing to explain your reporting requirements as a privately financed candidate who has a Maine Clean Election Act opponent in the general election. In addition to the reports that all candidates must file on the 6th day before and the 42nd day after the general election, you must also file three Accelerated Reports prior to the election. You may also have to file a fourth Accelerated Report called the 101% Report (see below). Four copies of the Accelerated Report form are included with this letter.

Reports Required 42, 21, and 12 Days Before the General Election

You are required to file a report on September 26th, October 17th, and October 26th. Those reports must state your total contributions, and total expenditures and obligations as of two days before the report deadline. If your campaign has not raised, or spent and obligated, the 101% amounts described in the paragraph below, you may instead file a notarized affidavit by each deadline. The affidavit form is included with this letter. All reports or affidavits must be filed on time so that the Commission can determine whether your opponent is due any matching funds based on your receipts and expenditures. Civil penalties will be assessed for filing these Accelerated Reports late.

101% Report

If you raise, or spend and obligate, more than 1% in excess of the your MCEA opponent's initial distribution for the primary election, you must file the enclosed report within 48 hours of having received, spent, or obligated the applicable amount:

- $4,406 for House candidates (101% of initial distribution amount of $4,362)
- $20,283 for Senate candidates (101% of initial distribution amount of $20,082).

If your campaign already has exceeded the 101% limit, you must submit your 101% Report within 48 hours of receiving this letter.

If you need additional copies of the form, you may copy it or download it from the Commission's website. If you have questions regarding these requirements or the reports, please contact me by telephone me at 287-7651 or by e-mail at Sandy.Thompson@maine.gov. Thank you.

Sincerely,

Sandy Thompson
Candidate Registrar
Enclosures

cc: Karen Olivieri (with enclosures)

OFFICE LOCATED AT: 242 STATE STREET, AUGUSTA, MAINE
WEBSITE: WWW.MAINE.GOV/ETHICS

PHONE: (207) 287-4179

FAX: (207) 287-6775

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

Bessey, Nancy

To: All Legislative Privately Financed Candidates
From: Nat Brown, Gavin O'Brien and Sandy Thompson, Candidate Registrars
Date: September 21, 2006
Re: **Filing Deadline for the 42-Day Pre-General Accelerated Report**
Due Tuesday, September 26, 2006 by 5:00 p.m.

This is to remind you that your campaign is required to file **the 42-Day Accelerated Report no later than 5:00 p.m. on Tuesday, September 26, 2006.**

If you have **not** filed the 101% Amount Report, you may either:	If you have already filed the 101% Amount Report, you must:
Submit a completed and signed form or Submit a signed and notarized affidavit	Submit a completed and signed form

(The 101% Amount is $4,406 for House candidates and $20,283 for Senate candidates.)

The report or affidavit covers all financial activity from June 14, 2006 through September 24, 2006.

The Commission must receive either the signed report or a signed and notarized affidavit by 5:00 p.m. on the filing deadline. A copy of the report or affidavit that is properly signed and notarized may be faxed by the deadline, provided that the Commission receives the original report within 5 calendar days of receiving the fax.

In August, your campaign was sent instructions, copies of the accelerated report forms (it is a one page form) and affidavits. In addition, the *2006 Candidate's Guide*, pages 73 and 74, explain these reporting requirements and the 101% Amount. If you need additional copies of the form or affidavit, please call 207-287-4179. The report forms and *Candidate's Guide* can also be found on the Commission's website at: www.maine.gov/ethics.

Penalties for the late filing of accelerated reports increase quickly. The penalty formula for accelerated reports is different from the formula used for the standard 6-Day Pre and 42-Day Post-General reports. We will be contacting you via the phone or by e-mail to give you an opportunity to ask any questions. We want all candidates to file on time.

Please disregard this reminder, if you have already filed your 42-Day Accelerated report.
If you have any questions, please call (207)287-4179 and ask for a candidate registrar.

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

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.

STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES
Mail: 135 State House Station
Office: 242 State Street
Augusta, Maine 04333-0135
Tel: (207) 287-4179 FAX: (207) 287-6775

GENERAL ELECTION 2006
ACCELERATED REPORT
FOR PRIVATELY FINANCED LEGISLATIVE CANDIDATES WITH MCEA OPPONENTS

PLEASE INDICATE TYPE OF REPORT

☐ 42-DAY (Due 9/26) ☐ 21-DAY (Due 10/17) ☐ 12-DAY (Due 10/26) ☐ 101% (Due: See Reverse)

CANDIDATE INFORMATION

Name of Candidate	Telephone Number
Mailing Address	Office Sought
City, Zip Code	District
Name of Opposing MCEA Candidate(s)	

TOTAL RECEIPTS FOR THE GENERAL ELECTION

Cash balance on June 13, 2006:	
Total cash contributions received after June 13, 2006:	
Total value of in-kind contributions received after June 13, 2006:	
Total loans received after June 13, 2006:	
Total bank interest received after June 13, 2006:	
TOTAL RECEIPTS:	

TOTAL EXPENDITURES FOR THE GENERAL ELECTION

Total expenditures after June 13, 2006:	
Total value of in-kind contributions received after June 13, 2006:	
Total unpaid debts and obligations incurred after June 13, 2006:	
TOTAL EXPENDITURES:	

I CERTIFY THAT THE INFORMATION IN THIS REPORT IS TRUE, CORRECT AND COMPLETE.

Signature of Candidate _____ Date _____

Please see instructions on reverse side.

INSTRUCTIONS FOR FILING ACCELERATED REPORTS BY PRIVATELY FINANCED CANDIDATES WITH MCEA OPPONENTS

42-DAY, 21-DAY, and 12-DAY REPORTS

All privately financed candidates with a Maine Clean Election Act opponent must file reports on the 42nd, 21st, and 12th days before the election stating:

- total campaign contributions, the value of all in-kind contributions, loans, and other receipts, and
- total campaign expenditures, the value in-kind contributions, and unpaid debts and obligations.

For the purpose of calculating matching funds for MCEA candidates, the value of in-kind contributions is considered as both a contribution and an expenditure. The totals must include all receipts, and expenditures and obligations from June 14, 2006 to two days before the report deadline. Please see the reporting schedule below for the deadlines and reporting periods.

OPTIONAL AFFIDAVITS

If you do not receive, or spend and obligate, the 101% amount, you may file the attached affidavit on the 42nd, 21st, and 12th days before the election instead of filing an accelerated report that discloses your total receipts and expenditures.

101% REPORT

Any privately financed candidate for ~~State Senate~~ or State House of Representatives who has a Maine Clean Election Act opponent(s), and who receives, or spends and obligates, more than 1% in excess of the general election distribution amount for ~~a Maine Clean~~ Election Act candidate in the same race shall file, within 48 hours of that event, a report detailing the candidate's total campaign contributions, obligations, and expenditures to date.

101% AMOUNTS FOR THE GENERAL ELECTION

- $4,406 for House candidates (101% of initial distribution amount of $4,362)
- $20,283 for Senate candidates (101% of initial distribution amount of $20,082)

REPORTING SCHEDULE

Type of Report	Report Deadline	Period Included
101% (see above)	Within 48 hours of exceeding the 101% amount for the general election	June 14, 2006 through the date of exceeding the 101% amount for the general election
42-DAY REPORT	5:00 p.m. on September 26, 2006	Through September 24, 2006
21-DAY REPORT	5:00 p.m. on October 17, 2006	Through October 15, 2006
12-DAY REPORT	5:00 p.m. on October 26, 2006	Through October 24, 2006

FACSIMILE TRANSMISSION

You may provisionally file the accelerated reports by faxing a copy of the signed report to the Commission by 5:00 p.m. on the deadline as long as the original of the same report is received by the Commission **within 5 calendar days** thereafter. The Commission's FAX number is **207-287-6775**.

IMPORTANT

The summary information contained in this report must be included on the appropriate schedule of the next required detailed report (*i.e.*, 6-day pre-election or 42-day post-election, as appropriate).