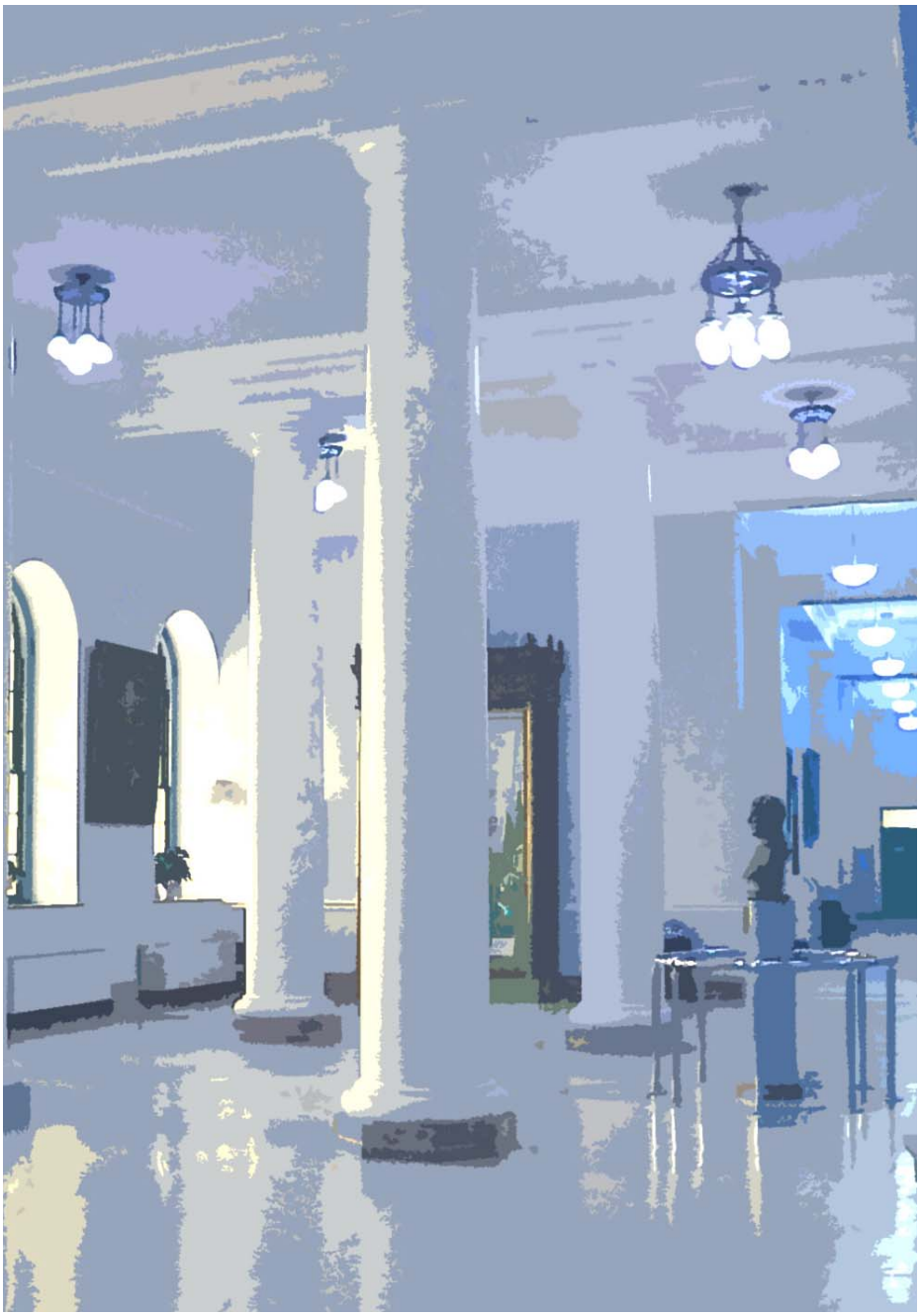
SECRETARY OF STATE
AND
COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES

2008 Candidate Guide

Running for Office in Maine

2008 Candidate Guide



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Front Cover: Hall of Flags, Maine State House, Augusta, Maine

Office of the Secretary of State

I am pleased to publish this new edition of the State of Maine 2008 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

PREFACE

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 primary (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 statutes. Copies of the relevant laws can be obtained from the Commission's office or its website (www.maine.gov/ethics). They are also available through the Elections Division's website (www.maine.gov/sos/cec/elec).

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. The information in this Guide reflects the most recent statutory changes to the Election Law that became effective on September 20, 2007. Its contents are subject to statutory changes enacted by the Legislature and rule changes approved under the Administrative Procedure Act. Each chapter describes the election requirements and references the authorizing statutes.

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CHAPTER 1

Becoming 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 **Presidential elector or for county charter commission** and may also be a candidate for one additional office at the same election.

Candidate Offices and Requirements
Federal and State Offices

In addition to the residency requirements outlined below, 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	President	35	Must be born in U.S.	14 years in United States	U.S. Constitution, Article II, § 1
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	Senator	25	5	1 year Maine resident; reside in district for 3 months before the election	Maine Constitution, Article 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, Article IV, Part First, § 4

Candidate Offices and Requirements
County Offices

In addition to the residency requirements outlined below, 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	Mini-mum 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:

(1) Must swear to or affirm the Law Enforcement Code of Ethics; and
(2) Must apply to the Secretary of State for a criminal background investigation; and
(3) Must never have been convicted of a Class C or higher crime; and
(4) Must submit written certification from the Maine Criminal Justice Academy that the candidate has:
- Met the basic law enforcement training standards under 25 MRSA § 2804-C, or
- Met the basic corrections training standards under 25 MRSA § 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.**

LEGAL REFERENCES	
Definition of a Candidate	21-A MRSA § 1(5)
Limitations to Candidacy	21-A MRSA §§ 331 and 351
Qualification for County Office	21-A MRSA §§ 333 and 352

CHAPTER 2

Getting on the Ballot: The Petition Process

All Candidates

Petitions are available from the Department of the Secretary of State, Division of Elections, located at the Burton Cross State Office Building, 4th floor, 111 Sewall Street, Augusta, Maine. You may pick the petitions up in person, have another person obtain them for you or have the petitions mailed to you.

You may begin circulating petitions January 1, 2008, and must file by the applicable deadline for either primary (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.

Primary (Party) Candidates

Parties meeting the qualifications outlined in 21-A MRSA c. 5 are eligible to participate in the Primary Election on June 10, 2008. Parties currently qualified to participate in the 2008 Primary Election are:

- Democratic Party
- Green Independent Party
- Republican Party

If you are changing enrollment from one party to another, you must file an application to change enrollment prior to **January 1, 2008**. If you are a primary (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 17, 2008***. Petitions must be filed with the Secretary of State on or before 5 p.m. on **March 17, 2008***. Before submitting your petitions to the Secretary of State, ensure that you have completed all the items in the "Primary (Party) Petition Filing Checklist" on page 6.

* These filing dates have been adjusted to account for weekends and holidays. *See 21-A MRSA § 6*

Primary (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 – Primary (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 17, 2008.***
- ☐ 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).

* This filing date has been adjusted to account for weekends and holidays. *See 21-A MRSA § 6*

Required Number of Signatures – Primary (Party) Candidates

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

Office	Minimum	Maximum
United States Senator	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 Offices	150	200

Other points pertinent to Primary (Party) Candidate Petitions:

- Petition forms must be typed or printed in ink, except where an original signature is required.
- A separate petition form should be used for each municipality in which signatures are submitted. (This is for ease of municipal verification of voters, not an error that would invalidate the petition.)
- 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 of voters 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 of initials or nicknames for given names.

Instructions for Completing Primary (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 § 601.2(H). The candidate must also sign the Candidate's Consent in the same manner. A candidate's name listed on the ballot must be the candidate's legal name and must be the name approved by the Probate Court, pursuant to 18-A MRSA § 1-701 (if applicable), or in the absence of a court order, the name consistently used by the candidate during the last 2 years in filing with governmental agencies and other legal transactions. *See 21-A MRSA § 601.2 (B-1)*

2. Write the exact title of the office sought, i.e., United States Senator, Representative to Congress, State Senator, Representative to the Legislature, etc.

3. Write the electoral division to be represented, i.e., District 1, Androscoggin County, etc.

4. Write the term of office only when 2 United States Senators or 2 County Commissioners are to be nominated (not applicable in 2008).

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).

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, 2008.**

Sample of Primary (Party) Candidate Petition

STATE OF MAINE
PRIMARY NOMINATION PETITION
June 10, 2008 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 10, 2008, 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 17, 2008 *(Filing date has been adjusted to account for weekends and legal holidays)*

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
Primary (Party) Candidate Petitions

1. **Circulator's Verification:** 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 of voters 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. **Certification of Candidate Enrollment:** The registrar of voters 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 17, 2008)*. **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.**

***** This filing date has been adjusted to account for weekends and holidays. *See 21-A MRSA §6*

Restrictions on Candidate Withdrawal

- A candidate may not withdraw <u>less than 60 days</u> before the primary election (**5 p.m. Friday, April 11, 2008)**. *See 21-A MRSA § 371*
- A candidate nominated by a party at the primary election must withdraw on or before 5 p.m. on the 2nd Monday in July **(July 14, 2008)** preceding the general election in order to be replaced by the party no later than 5 p.m. on the 4th Monday in July **(July 28, 2008)** preceding the general election. *See 21-A MRSA § 374-A*

Sample of Verification, Certification and Consent
Primary (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 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, and are enrolled in the _____ Party.

_____ (Signature of Registrar/Municipal Clerk)

Date: _____

CERTIFICATION OF CANDIDATE ENROLLMENT

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, 2008.

(3)

_____ (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. 12/07) **(See Title 21-A, section 601(2H) for requirements for listing candidates' names on the ballot.)*

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 3, 2008*, and must not have changed parties after January 1, 2008. Petitions must be filed with the Secretary of State on or before **5:00 p.m. on June 2, 2008.*** Before submitting your petitions to the Secretary of State, ensure that you have completed all the items in the "Non-Party Petition Filing Check-list" below.

*These filing dates have been adjusted to account for weekends and holidays. *See 21-A MRSA § 6*

Non-Party Petition Filing Checklist

- ☐ Collect at least the minimum of signatures for the office you are seeking as indicated in the chart "Required Number of Signatures – Non-Party Candidates" 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 page 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 27, 2008***. Petitions for a slate of presidential electors must be submitted to the applicable registrar of voters by **5 p.m. August 8, 2008.**
- ☐ Have the registrar of voters in the municipality where you are registered to vote complete the "Certification of Unenrollment" – see page 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 2, 2008***. Petitions for a Slate of Presidential Electors must be presented to the Secretary of State by **5 p.m. August 15, 2008.** A separate "Consent and Certification of Unenrollment" form must be filed for each of the four electors – 1 elector must be from the First Congressional District, 1 elector must be from the Second District and 2 electors are at-large. Petitions for a Slate of Presidential Electors and "Consent and Certification of Unenrollment" forms are available from the Secretary of State, Division of Elections.
- ☐ 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).

* These filing dates have been adjusted to account for weekends and holidays. *See 21-A MRSA § 6*

Required Number of Signatures – Non-Party Candidates

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

Office	Minimum	Maximum
Slate of Presidential Electors	4,000	6,000
United States Senator	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 Offices	300	400

Other points pertinent to Non-Party Candidate Petitions:

- Petition forms must be typed or printed in ink, except where an original signature is required.
- A separate petition form should be used for each municipality in which signatures are submitted. (This is for ease of municipal verification of voters, not an error that will invalidate the petition.)
- 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 of voters 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 of 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 § 601.2(H). The candidate must also sign the Candidate's Consent in the same manner. A candidate's name listed on the ballot must be the candidate's legal name and must the one approved by the Probate Court, pursuant to 18-A MRSA § 1-701 (if applicable), or in the absence of a court order, the name consistently used by the candidate during the last 2 years in filing with governmental agencies and other legal transactions. *See 21-A MRSA § 601.2(B-1)*

2. Write the exact title of the office sought, i.e., United States Senator, Representative to Congress, State Senator, Representative to the Legislature, etc.

3. Write the electoral division to be represented, i.e. District 1, Androscoggin County, etc.

4. Write the term of office only when 2 United States Senators or 2 County Commissioners are to be nominated (not applicable in 2008).

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 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, contemptuous, profane or prejudicial, promotes abusive or unlawful activity or violates any other provision of Maine law with respect to names.

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).

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, 2008.**

Sample of Non-Party Candidate Petition

STATE OF MAINE
NON-PARTY NOMINATION PETITION
November 4, 2008 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 4, 2008, 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 candidate's name or the designation of a qualified party)

Deadline for submitting to municipal registrars for certification: 5 p.m., May 27, 2008
Deadline for filing petitions with Secretary of State: 5 p.m., June 2, 2008 (Filing date has been adjusted to account for weekends and legal holidays)

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.					

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

1. **Circulator's Verification:** 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 of voters 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. **Certification of Unenrollment:** The registrar of voters 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 3, 2008)*. **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 3, 2008)*, 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.**

***** This filing date has been adjusted to account for weekends and holidays. *See 21-A MRSA § 6*

Restriction on Candidate Withdrawal

A candidate for an office on the general election ballot may not withdraw <u>less than 60 days</u> before the general election (**5 p.m**. **Friday, September 5, 2008).** *See 21-A MRSA § 374-A sub-§ 3*

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/Municipal Clerk)

Date: _____

CERTIFICATION OF UNENROLLMENT

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 3, 2008, and has not filed an application to change enrollment on or after January 1, 2008.

(3)

_____ (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 3, 2008, 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. 12/07) **(See Title 21-A, section 601(2H) for requirements for listing candidates' names on the ballot.)*

LEGAL REFERENCES

Qualification of (Party) Candidates - Primary Election	21-A MRSA § 334
Primary Petition Requirements	21-A MRSA §§ 335-336
Consent of Primary (Party) Candidate	21-A MRSA § 336
Qualification of Candidate - Nomination by Petition	21-A MRSA § 353
Nomination by Petition (Non-party) Requirements	21-A MRSA §§ 354-355
Deadline for Withdrawal - Primary	21-A MRSA § 371
Withdrawal of Candidates - General Election	21-A MRSA § 374-A
Requirements for Candidate’s Name on Ballot	21-A MRSA § 601.2

Chapter 3

Write-In Candidates: Qualifications and Requirements, Number of Required Votes, 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" no later than 3 business days **prior to** the election (NEW, PL 2007, Chapter 455)

Declaration forms are available from:
Secretary of State, Division of Elections.
Telephone: (207) 624-7650
www.maine.gov/sos/cec/elec/write-in.htm

Enrollment Qualifications of a Primary Write-in Candidate

A write-in candidate for the primary election must:

1. Be enrolled, on or before March 17, 2008,* 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.

* This filing date has been adjusted to account for weekends and holidays. *See 21-A MRSA §6*

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 indicate the name of a qualified party (Democratic, Green Independent, or Republican), or choose a political designation that meets the following requirements:
    - May not exceed three words in length;
    - 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, contemptuous, profane or prejudicial, promotes abusive or unlawful activity or violates any other provision of Maine law with respect to names.
    - **NOTE:** A candidate who intends to form a new party about that person's candidacy must use the political designation for the proposed party.

Minimum Number of Votes Needed in Primary Election

A write-in candidate in the primary election must 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 needed to win the nomination is twice the minimum number of signatures required on a primary petition for that office, as shown in the following table.

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

Minimum Number of Votes Needed in 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 of the candidate in the blank space provided at the end of the list of candidates for that office.

NOTE: In the past, a voter was required to write the candidate's municipality of residence in addition to the candidate's name. This is no longer required, since a write-in candidate is now required to submit a Declaration of Write-in Candidacy no later than 3 business days **prior to the election.**

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.

LEGAL REFERENCES

Definition of Write-in Candidate	21-A MRSA § 1(51)
Casting a Write-in Vote	21-A MRSA § 691(2)
Casting a Write-in Vote - General Elections	21-A MRSA § 692(2)
Determination of Write-in Candidate	21-A MRSA § 722-A
Write-in Votes Required - Primary Election	21-A MRSA § 723(1.A)

Chapter 4

Restricted Activity and Placement of Political Signs

Restricted Activity at the Voting Place

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

The **guardrail enclosure** is the area within 6 feet of the voting booths and the ballot box.

On Election Day, certain activities are restricted at voting places, as follows:

•*Interference with the voters' free passage*;

•*Influence or attempting to influence another person's decision regarding a candidate or question that is on the ballot for the election that day,* on public property 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;

•*Within the guardrail enclosure,* only the clerk, the election officials and not more than 2 voters in excess of the number of voting booths are allowed. 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.

•*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 may not 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 solely for the purpose of voting. 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.

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 MRSA §1913-A and Department Regulations, political posters and signs may be erected and maintained as follows:

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.**

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 (1) 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) and 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. Check with the municipal clerk for any such local ordinances.

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.

Questions: Call Robert Sinclair, Supervisor – Right of Way Maintenance Control

Telephone: (207) 624-3611

Unauthorized removal of campaign signs from public roadways

The unauthorized removal or destruction of political signs is a civil violation under Maine law (Title 23, Section 1917-A), and may carry a fine of up to $250. Specifically, the law states that "a person who takes, defaces or disturbs a lawfully placed sign bearing political messages relating to a general election, primary election or referendum commits a civil violation for which a forfeiture of up to $250 may be adjudged."

The law does not apply to a person authorized by a candidate or political committee to remove signs placed by or at the direction of that candidate or political committee. It also does not apply to the landowner, or agent of the landowner, on whose property a sign has been placed.

A candidate or candidate's committee would file a complaint with the local police and /or brought to the District Attorney's office for appropriate action.

LEGAL REFERENCES	
Definition of Municipal Clerk	21-A MRSA § 1(9)
Definition of Warden	21-A MRSA § 1(50)
Positions at Polling Place	21-A MRSA § 681
Political Activities (Restrictions)	21-A MRSA § 682
Placement of Political Signs	23 MRSA § 1913-A

CHAPTER 5

Voter Registration and 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 (and, if enrolled in a qualified party), participate in party caucuses and vote for candidates in the June Primary Election.

Voter Registration for Persons with Disabilities

Title 21-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 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 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

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.

mails the application to the municipal registrar of voters 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.

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

Any registered voter may cast an absentee ballot instead of voting in person at the voting 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.

- 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 for that election 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.
- A **candidate** or members of the candidate's immediate family may not handle or deliver absentee ballots (except their own 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, former guardian or domestic partner.
- 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.

LEGAL REFERENCES

Voter Eligibility	21-A MRSA §§ 111-115
Voter Registration and Enrollment Requirements	21-A MRSA §§ 121-145
Alternative Registration Procedure for Voters with Disabilities	21-A MRSA § 153-A
Absentee Voting	21-A MRSA §§ 751-783

Section II

MAINE CLEAN ELECTION ACT CANDIDATES

INTRODUCTION

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 no more than $100 per individual ("seed money contributions") at the start 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 the Legislature may begin collecting qualifying contributions on January 1, 2008.

> To participate in the MCEA, candidates *must* submit a Declaration of Intent within 5 days after beginning to collect $5 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 5:00 p.m. on Tuesday, April 15, 2008</u>. General election candidates who are not enrolled in a political party must submit their request <u>no later than 5:00 p.m. on Monday, June 2, 2008</u>.

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 any 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 (*e.g.,* 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.

Candidates can only spend MCEA funds on campaign-related expenses and in accordance with guidelines published by the Ethics Commission. See pages 69 - 71 for these guidelines.

MCEA funds may not be spent on personal expenses. Candidates publicly disclose all expenditures in campaign finance reports 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. At least, twenty percent of MCEA candidates are randomly selected for an audit of their campaign.

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 Commission.

CHAPTER 6

Getting Started as a Maine Clean Election Act Candidate

Selecting a Campaign Treasurer

Every candidate is required to appoint a campaign treasurer before accepting any contributions or making any expenditures, and must do so within 10 days of becoming a candidate. The treasurer must be named on the Candidate Registration form. A deputy treasurer may be appointed but is not required. MCEA funds are disbursed only to the candidate, treasurer and deputy treasurer (if appointed).

NEW
MCEA candidates, who register with the Commission after November 5, 2008, can not serve as their own treasurer or deputy treasurer.

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.

Every candidate should select a capable and reliable treasurer but this is a particularly important step in a MCEA candidate's campaign. A MCEA candidate uses public funds to run for office and has a high but reasonable standard of accountability for the use of those funds. It is important to appoint a reliable treasurer who will actively manage your campaign finances, obtain and keep the records required to document expenditures, and file complete and accurate reports.

Candidates sometimes want to select someone who has name recognition to be treasurer. While this may politically strategic, it may not be the best way to manage a campaign's finances. One way to have a recognized name associated with your campaign is to appoint that person as the chair of your campaign committee and not as your treasurer. (See the next section.) Your treasurer should be actively

involved with your campaign since you and your treasurer are both legally responsible for the proper use of public funds and accurate reporting and record-keeping.

Forming a Campaign Committee

As a candidate, you may choose to organize a 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 are not required to form a committee but it may be a way to have someone with name recognition be a part of your campaign rather than by naming that person as your treasurer. For example, if you want to list the that person's name on your campaign communications, your disclosure statement could read, "Paid for and authorized by the Candidate and (recognized name), Chair of the Committee to Elect (name of candidate), Street and Town (of the committee)."

Candidate committees are not political action committees (PAC). You 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) but you cannot use MCEA funds to make PAC expenditures.

Registering as a Candidate with the Ethics Commission

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

- All Registration and Declaration of Intent forms must be filed using the paper forms. You cannot file the Registration and Declaration of Intent form electronically.
- If the information for you, your treasurer, deputy treasurer, or campaign committee changes during the campaign (including after the election), you must file an amended Registration form with the Commission or submit the changes in writing or by e-mail to the Commission. These updates allow the Commission to contact you with reminders, notices, and telephone calls throughout the entire election and reporting period.

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

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

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. It is the date on which you file the DOI form with the Commission, not the date on which you sign the form, which determines whether the qualifying contribution will count. The DOI form, signed by the candidate, is the only acceptable form of the declaration. Candidates can start collecting qualifying contributions as early as January 1, 2008, which is the first day of the qualifying period.

Code of Fair Campaign Practices

Subscribing to the code is voluntary. The Commission does not have jurisdiction to hear complaints concerning the code.

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 set up a new vendor.

You may choose to receive payments by check or by electronic funds transfer (EFT) into your campaign bank account. To select EFT, you need to fill out the EFT Form. 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 Campaign Bank Account

All candidates must have a separate bank account for their campaign funds. Maine Clean Election Act candidates must deposit all seed money contributions received and all MCEA funds into a bank account

The Election Law *prohibits* commingling campaign funds with any personal or business funds that belong to any person, including the candidate, treasurer, spouse or domestic partner, or any other person.

that is separate from any personal or business account and that is used only for their campaign. A candidate may never commingle seed money and MCEA funds with any other funds. You should use the campaign account's checks or debit card as much as possible when making campaign expenditures with MCEA funds.

To account for how they use public funds, MCEA candidates must keep complete and accurate records and supporting documentation of their expenditures. Using the campaign account's checks or debit card instead of cash will help you keep track of the dates, amounts, and payees of your expenditures of public funds, and to file accurate campaign finance reports. (See Chapter 15 for more details on record-keeping requirements.) You are allowed to spend any interest earned on the account, but you must remember to report any interest earned as a receipt.

Seed Money Contributions

After registering with the Commission and signing the Declaration of Intent, a candidate becomes a "participating candidate." Participating candidates may accept limited private contributions from individuals ("seed money contributions") before requesting certification as a MCEA candidate.

Total amount of Seed Money that may be collected:	
(Cash plus in-kind seed money contributions cannot exceed the amounts below)	
House	**Senate**
$500	$1,500

Seed money contributions must strictly comply with the following restrictions:

- Only individuals may contribute seed money contributions, up to $100 per individual.
- All seed money contributions must be from the personal funds of the individual.
- You and members of your family may each give up to $100 in seed money, provided the money comes from your/their own personal funds.
- No contribution may be accepted from businesses, groups or associations, such as political action committees, party committees, labor unions, or trade associations.
- Lobbyists and their clients may not make seed money contributions to the Governor, Legislators, constitutional officers, or their staff and agents during any period of time in which the Legislature is in session (even with their personal funds).
- All expenditures during the qualifying period must be made with seed money contributions, and not from any other source of funds.

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

You cannot receive goods or services in the qualifying period and pay for them after receiving your first MCEA payment. If you receive goods and services in the qualifying period, they must be paid for with seed money.

Goods and services that are provided to the campaign at no cost are in-kind contributions. The value of the good or service is subject to the seed money restrictions and must be reported. If goods or services are provided at a cost that is less than fair market value, the amount of the discount is a seed money contribution. 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 not considered a contribution.

Sometimes a candidate wants to place an order with a vendor during the qualifying period but the order costs more than the amount of the seed money the candidate has raised. It is permissible to place the order, partially pay the vendor, and have an outstanding obligation as long as the value of the goods or services the candidate receives does not exceed the amount of the actual payment to the vendor.

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. Candidates can contribute up to $100 in the aggregate (cash contributions and in-kind contributions).

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

Your campaign treasurer is required to keep a record of the name and residential 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 or the actual source of funds of a contribution will be viewed as a serious violation of the Election Law.

When accepting any seed money contribution, ask the contributor for their occupation and employer. This information must be reported on the Seed Money Report if the contributor has given more than $50.

The Seed Money Report must be filed before the Commission can certify a participating candidate as a MCEA candidate. Any unspent seed money shown on the report will be deducted from the first payment of MCEA funds. Usually, the Seed Money Report is filed when the $5 qualifying contributions and Receipt and Acknowledgement forms are submitted but the Seed Money Report (and the alphabetical list of contributors) may be submitted after the deadline as long an extension of time was requested.

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 seed money that is obligated but not yet spent (e.g., check not written, payment not made, etc.), the obligated amount is considered to be part of your unspent seed money and is deducted from the first MCEA payment.

Your Seed Money Report must accurately report amounts that were spent (reported on Schedule B) and amounts that were obligated and unpaid (reported on Schedule D).

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) and (4); 1016; 1017(2), (3-A),and (10); 1020-A(6) and (10), 1125(12-A)
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), 1125(7-A); Chapter 3, Section 7(1)(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, Section 2(1) and (2)
Filing Declaration of Intent Before Collecting Qualifying Contributions	21-A M.R.S.A. § 1125(1); Chapter 3, Section 2(4)(A)
Seed Money Contributions and Expenditures	21-A M.R.S.A. §§ 1122(9); 1125(2) and (2-A); Rules, Chapter 3, Section 2(3)
Restrictions on Lobbyist Contributions	1 M.R.S.A. § 1015(3)
Waiver of Seed Money Requirements	21-A M.R.S.A. § 1125(2-A)(B); Rules, Chapter 3, Section 2(3)(E)

CHAPTER 7

Qualifying for Public Financing

Qualifying Contributions and Receipt and Acknowledgement 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 specific period of time - the qualifying period - and no more than 5 days before the candidate has submitted the Declaration of Intent. The $5 for a qualifying contributions must come from the contributor's personal funds.

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

Only contributions made only by individuals who are registered to vote within the electoral division for the office you are seeking, *i.e.*, the Senate or House district, will count as qualifying contributions.

Qualifying contributions must be made with the personal funds of the registered voter and must be in the amount of $5 each and in the form of:

- a personal check payable to the Maine Clean Election Fund.
- a money order signed by the contributor. A money order that has the contributor's printed name only, even if printed by the contributor, is not acceptable and will not count as a qualifying contribution. The contributor must sign the money order.
- a business check as long as the contributor uses the business account for personal expenses. The business check must have the contributor's name imprinted on the check. If the contributor's name is not on the check, a note attached to the check or a note written in the "Memo" section of the check must state that the account is used for personal expenses.
- a debit or credit card transaction made on the Commission's website.

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

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.

You may purchase $5 money orders to use in lieu of a $5 cash contribution from a supporter. You must get $5 in cash from the supporter in exchange for the money order and you must have the contributor sign the money order. The fee for money orders is reported on the Seed Money Report one of two ways:

- If the campaign purchases money orders, the fee is reported on Schedule B.
- If you or anyone other than the campaign pays a fee to purchase money orders and the campaign does not make a reimbursement, the fee must be reported on Schedule A-1 as an in-kind contribution. Each contributor is limited to no more than $100 in seed money contributions. The total of cash and in-kind contributions from one contributor can not exceed $100.

Contributors may contribute using a check, money order, or their debit/credit card. Checks and money orders are collected by the campaign and submitted with the Qualifying Receipt and Acknowledgement forms. Debit and credit card contributions are made by the contributor on the Commission's website (see the following section on online qualifying contributions).

All contributors making a $5 qualifying contribution must personally sign the "Qualifying Contribution Receipt and Acknowledgement" form. It is not acceptable for a family member or friend to sign on behalf of a contributor.

All contributors making a $5 qualifying contribution by check or money order must complete the name and address lines and personally sign the "Qualifying Contribution Receipt and Acknowledgement" 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 in support of 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 whether all contributors on that page are registered to vote in your district.

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 not all of your qualifying contributions will be accepted. Therefore, you are encouraged to collect more than the minimum number of qualifying contributions.

2008 Elections	Democratic, Republican, and Green-Independent Candidates	Unenrolled Candidates
Qualifying Period for Legislative Candidates	January 1 to April 15	January 1 to June 2
Required Number of Qualifying Contributions	House Candidates – 50	
	Senate Candidates – 150	

If anyone other than the candidate collects the $5 qualifying contributions, that person must complete the "Circulator" section found in the lower right corner of the form. If the section is not completed, the Commission assumes that the candidate circulated the form. Qualifying contributions collected by a person other than the candidate will not be accepted unless the circulator section is completed. If you send out Receipt and Acknowledgement forms in the mail or if contributors download and print them from the Commission's website, they do not need to be signed in the "Circulator" section.

Online Qualifying Contributions

Starting in 2008, individuals will be able to make qualifying contributions online at the Commission's website using a debit or credit card. They will be able to see which candidates are running in their House and Senate districts and which ones are participating in the MCEA program. Then, they simply have to select the candidate they want to support and provide the same information that is on the Receipt and Acknowledgement form (R&A form) and their payment information. By submitting a qualifying contribution online, contributors affirm that they used their personal funds for the contribution and that they did not receive anything in exchange for their contribution.

All Qualifying Contribution Receipt and Acknowledgement forms must be submitted to the municipal clerk(s) in your electoral division for verification before they are submitted to the Commission.

Candidates will use the same user code and password for the e-filing system to access the online contribution website and monitor their qualifying contributions. The voter registration of the online contributors still has to be verified by the municipal registrars. So, candidates will print out the R&A form for their online contributions by town and take the printed forms to the municipal registrars and clerks for verification as they do with regular R&A forms.

You may place a link to the Commission's online qualifying contribution website on your campaign website, if you have one. You may also distribute the web address by e-mail to your supporters.

NEW for 2008 Elections

Starting in 2008, individuals will be able to make qualifying contributions online at the Commission's website using a debit or credit card. More information about this feature is available on the Commission's website: www.maine.gov/ethics.

Violations

It is a serious violation of the Maine Clean Election Act to misreport or falsify the actual source of funds of a qualifying contribution. If the Commission determines that a candidate or an agent of the candidate submitted fraudulent qualifying contributions, the Commission could deny the candidate's certification request.

The Commission could also revoke certification if the fraudulent qualifying contributions are discovered after the candidate was certified and could require the return of all public funds given to the candidate. The candidate may also be barred from being certified as a MCEA candidate in future elections.

When you or your campaign workers solicit individuals for qualifying contributions, you and your campaign workers must clearly state the purpose for collecting qualifying contributions and signatures. Misrepresenting the reason for the contribution or signature (*e.g.*, "to get the candidate on the ballot") is a serious violation of the MCEA. It could result in the denial of certification, the revocation of certification, and being barred from participating in the program in future elections.

It is also a violation of the Act for you or your agent to assist another person to become your opponent so that you would receive the higher amount of MCEA funds for a contested election.

Qualifying Period

The "qualifying period" for Legislative candidates begins on January 1, 2008 and ends at 5:00 p.m. on April 15, 2008 for candidates enrolled in a recognized political party and at 5:00 p.m. on June 2, 2008 for unenrolled candidates. The $5 contributions may only be collected during the qualifying period. Any qualifying contributions collected outside this period will <u>not</u> be counted toward the minimum number of required contributions.

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

Verification of Qualifying Contributors by Municipal Clerks

In order for a qualifying contribution to be valid, the contributor's voter registration must be verified by the municipal clerk for each city and town in your district. The address on the R&A form has to match the address on the voter registration record and the contributor has to be registered to vote within the district of the office you are running for. If you have online contributions, you will have to print out a R&A form for each town and city and bring those forms to the municipal registrar for verification. The Commission staff then uses the number of contributors which have been verified by the municipal clerk (and which meet the other requirements for a valid contribution) to confirm whether you have submitted the required number of qualifying contributions (50 for House and 150 for Senate). The municipal clerk's verification must be completed before submitting the qualifying contributions and R&A forms to the Commission.

Deadlines for Requesting Certification are:

5:00 p.m. on April 15, 2008 for candidates who are enrolled in a political party;
5:00 p.m. on June 2, 2008 for candidates who are not enrolled in a party.

Late requests for certification will not be granted.

Requesting Certification as a Maine Clean Election Act Candidate

After you have collected the qualifying contributions, the next step is to submit a request to the Commission for certification as a Maine Clean Election Act candidate.

2008 Request for Certification: Required Information to be Certified as a MCEA Candidate

Required Information	Must be submitted by: For Party Candidates	Must be submitted by: For Non-Party Candidates (Unenrolled)
Request for Certification Form: completed and signed.	April 15 by 5:00 p.m. No extensions permitted.	June 2 by 5:00 p.m. No extensions permitted.
Qualifying Contributions: attached to original corresponding Receipt and Acknowledgement Forms.		
Receipt and Acknowledgement Forms: verified by the municipal clerks.		
Seed Money Report	April 15 by 5:00 p.m. UNLESS an extension of time was requested.	June 2 by 5:00 p.m. UNLESS an extension of time was requested.
Alphabetical List of $5 Contributors		

Your request for certification, which includes all of the forms and items listed in the table on the prior page must be received by the Ethics Commission no later than 5:00 p.m. on the last day of the qualifying period. The deadline for submitting your request, the qualifying contributions, and Receipt and Acknowledgement forms cannot be extended.

Request for Certification Form

This form is your signed agreement to comply with the requirements of the Maine Clean Election Act and the Commission's Rules. It is also a checklist for the materials you will need to submit for certification. You may use this form to request an extension of time to file your Seed Money Report and the alphabetical list of $5 contributors.

Qualifying Contributions and Receipt and Acknowledgement Forms

You must submit at least the minimum number of qualifying contributions and the Receipt and Acknowledgement forms that have been verified by the municipal registrars, including the forms for online contributions. Qualifying contributions must be attached to the verified R&A form which lists the names of the individuals who made the contributions. For the $5 qualifying contributions made by a credit or debit card on the Commission's website, the transaction number printed on the form is the documentation that the contribution was made. The Commission recommends submitting more than the required number of qualifying contributions in case some are not accepted.

> Most legislative candidates submit all qualifying contributions to the Commission when they request certification as a MCEA candidate. If candidates wish, they are welcome to submit qualifying contributions in batches.

Alphabetical List of Contributors

You must provide the Commission with an alphabetical list of qualifying contributors. For each contributor, you must list his or her town and city next to the name. You do not have to provide a list of any contributors who made qualifying contributions on the Commission's website.

Seed Money Report

The Seed Money Report shows all seed money contributions received and expenditures made by the campaign. You should carefully review your seed money contributions and expenditures to make sure that you report them accurately and that you have not spent more than you have raised.

> Remember to report even the small items, *e.g.*, bank interest and charges, money order fees, etc., and make sure that you have reimbursed yourself or anyone else who used personal funds to make campaign expenditures.

Once you are certified, you cannot use MCEA funds to pay or reimburse for goods or services you received during the qualifying period. If you have any unspent seed money, your initial distribution of MCEA funds will be reduced by that amount. If you did not raise or spend any seed money, you still have to file the report electronically but you do not have to enter any information (see page 53).

To be certified, you must have complied with the seed money restrictions. If you have failed to comply, you may be ineligible to participate in the MCEA even if you have collected the required number of qualifying contributions. If the staff determines that you have not fully complied with the seed money restrictions, you may petition the Commission to remain eligible.

If you have a question about compliance with the seed money restrictions or how to report seed money contributions or expenditures, you should call the Commission staff as soon as you can before you submit your request for certification.

Commission Staff's Review of Request for Public Funds

The Commission is required by statute to certify each eligible candidate within three business days of the candidate's request for certification. If an extension of time was requested for the Seed Money Report and/or the alphabetical list, the candidate will be certified within three business days after the candidate has filed all the required documents. 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 all of the information required for certification. 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 is requesting a waiver of the seed money restrictions, the Commission members will consider the request at one of their regularly scheduled meetings.

The Commission staff notifies the candidate in writing of the staff determination on the candidate's request for certification. 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

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. (Your opponents also receive a copy of the staff's determination letter sent to you.)

The members of the Commission will then hold a hearing within five days of the appeal. The Commission will issue its decision within five business 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 party who appealed the determination being required to pay the costs of the Commission, court, or opposing parties, if any.

Revocation of Certification

A certification may be revoked by a vote of the Commission after the candidate has an opportunity to be heard. If a certification is revoked, the candidate is required to return all unspent MCEA funds to the Commission within three business days of the Commission's decision.

Grounds for revocation involve very serious violations of the Maine Clean Election Act, such as, submitting fraudulent qualifying contributions, making false statements or material misrepresentations in reports to the Commission, and misrepresenting the purpose of collecting qualifying contributions and signatures. Depending on the circumstances, the candidate may be required to return all MCEA funds paid to the candidate and be assessed a civil penalty. The candidate may appeal the Commission's decision to the Superior Court.

LEGAL REFERENCES	
Qualifying Contributions	21-A M.R.S.A. §§ 1122(7) and 1125(3); Rules, Chapter 3, Section 2(4)
Qualifying Period	21-A M.R.S.A. § 1122(8)
Required Number of Qualifying Contributions	21-A M.R.S.A. § 1125(3)
Receipt and Acknowledgement Form	21-A M.R.S.A. § 1122(7)(D); Rules, Chapter 3, Section 2(4)
Verification by Municipal Clerks	21-A M.R.S.A. § 1122(7)(B); Rules, Chapter 3, Sections 2(4)(F), (G)
Misrepresentation of Purpose	21-A M.R.S.A. § 1125(3)
Prohibition against Assisting an Opponent	21-A M.R.S.A. § 1125(6A)
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)
Revocation of Certification	21-A M.R.S.A. § 1125(5-A)
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 Election

Candidates may request certification at any time during the qualifying period (see page 42). In past elections, many party candidates have requested certification just before the end of their qualifying period. For the 2008 primary elections, this deadline is 5:00 p.m. on Tuesday, April 15, 2008. For non-party candidates (unenrolled), the deadline is 5:00 p.m. on Monday, June 2, 2008.

The Election Law requires the Commission to make a determination on the candidate's request for certification within three business days of receiving all of the required information: the qualifying contributions, Receipt and Acknowledgement forms, alphabetical list of contributors, Seed Money Report, and Request for Certification form. The Commission gives priority to those candidates in contested primary elections, and will make every effort to certify all candidates within three business days.

If the request for certification is filed prior to March 17, 2008, 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 17 if the candidate is determined to be in a *contested* primary election.

Distributions will only be made to candidates who have qualified for the ballot by petition or other means.

Initial Distribution of MCEA Funds for the General Election

The Election Law requires 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.

Amounts of Initial Distributions for 2008 Elections			
Candidate	**Primary Election**	**General Election**	**In April 2008, the Legislature approved a 5% reduction in the general election distribution amounts. The reduction is reflected in the amounts listed.**
State Representative: Contested candidates	$1,504	$4,144	
Uncontested candidates	$512	$1,658	
State Senate: Contested candidates	$7,746	$19,078	
Uncontested candidates	$1,927	$7,631	

Initial Distribution of MCEA Funds for Unenrolled Candidates

If a candidate who is not enrolled in a political party submits a complete request for certification no later than 5:00 p.m. on April 15, 2008 and is certified, that candidate will receive an initial distribution for an uncontested primary election candidate. 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 15, 2008, the candidate must request certification no later than 5:00 p.m. on June 2, 2008, which is the end of the qualifying period for unenrolled candidates.

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.

Primary and General Election Payment Amounts

Primary Payment Amount: The seed money cash balance (from the Seed Money Report) is subtracted from the initial distribution amount for a primary election.

General Payment Amount: For party candidates and non-party candidates who received a primary payment, the full initial distribution for a general election is made even if the candidate has MCEA funds remaining from the primary.

For non-party candidates, who did not receive a primary payment and for replacement candidates, the seed money cash balance is subtracted from the general election distribution amount.

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 mail delivery. This can be especially important for the payment of matching funds just before the general election.

If you were a 2006 candidate and there are no changes to the information on the vendor form, you do not have to submit a vendor form for 2008 elections. If you have questions, please call the Commission.

Matching Funds

In addition to the initial distributions, a MCEA candidate in a contested 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 and any independent expenditures made to support the opponent. The maximum matching funds a candidate may receive is twice the initial distribution received for the election (see table below).

2008 MCEA Distributions and Matching Funds

Primary Election	Initial Distribution	Maximum Matching Funds	Maximum Public Funds for the Election	**In April 2008, the Legislature approved a 5% reduction in the general election distribution amounts, which reduced the maximum amount of matching funds for the general election. The reduction is reflected in the amounts listed.**
State Representative	$1,504	$3,008	$4,512	
State Senate	$7,746	$15,492	$23,238	
General Election	Initial Distribution	Maximum Matching Funds	Maximum Public Funds for the Election	
State Representative	$4,144	$8,288	$12,432	
State Senate	$19,078	$38,156	$57,234	

Calculation of Matching Funds

MCEA Candidate with MCEA Opponent

Matching funds are available for a MCEA candidate running against another MCEA candidate. For those races, the only factor will be how much money third parties spend (the amount of independent expenditures) in support of or in opposition to each candidate in the race (see Example 1 on next page). In calculating matching funds in MCEA vs. MCEA races, the Commission will not factor in the amount of seed money raised or the amount of a candidate's campaign balance after the primary.

MCEA Candidate with Privately Financed Opponent

Matching funds for each election are paid based on a comparison of the money raised or spent by each candidate in a race and any money spent by third-parties to support or oppose a candidate. For the general election, the cash balance on the day of the primary is also part of the formula. Matching funds for

Third party expenditures, known as "independent expenditures," can be made by PACs, party committees, associations, businesses, and individuals.

Example 1. 2008 Primary and General Election Matching Funds: Two Way Race – Both Candidates are MCEA Financed				
MCEA Candidate A		Compared to	**MCEA Candidate B**	
FIRST Independent Expenditure in Race	$1,000		$0.00	FIRST Independent Expenditure in Race
Matching Funds Awarded	**$0**		**$1,000**	**Matching Funds Awarded**
SECOND Independent Expenditure in Race	$0.00		$1,500	SECOND Independent Expenditure in Race
Matching Funds Awarded	**$1,500**		**$0**	**Matching Funds Awarded**
Total	$2,500		$2,500	Total

MCEA Candidate with Privately Financed Opponent continued

the 2008 elections will be based on the formula below. Please see the Appendix for an example showing an actual matching funds calculation for the general election.

Formula for Calculating Matching Funds in a General Election Two Way Race: One MCEA Candidate and One Privately Finance Candidate		
Your amount (MCEA Candidate)	**compared to**	**Your opponent's amount (Privately Financed Candidate)**
Campaign balance on the day of the primary election		Campaign balance on the day of the primary election
plus		plus
MCEA funds received for the general election		Receipts or expenditures whichever is greater for the general election
plus		plus
Independent expenditures made to support you or to defeat your opponent in the general election		Independent expenditures made to support your opponent or to defeat you in the general election

MCEA Candidate with MCEA Opponent and Privately Financed Opponent

Matching funds are paid based on a comparison of the money raised or spent by each candidate in a race and any independent expenditures by third-parties to support or oppose a candidate. For the general election, the cash balance on the day of the primary is also part of the formula. Matching funds for the 2008 primary and general elections are based on the formulas found in the Appendix. The Appendix also includes examples of matching funds calculations for a three-way race.

If the privately financed candidate's receipts or expenditures are less than either of the MCEA candidates' totals, the matching fund calculation is done using the formula for a race in which both candidates are publicly funded.

Additional Reporting Requirements for Privately Financed Candidates

Privately financed candidates with MCEA opponents have additional reporting requirements to allow the Commission to determine whether the MCEA opponent is entitled to receive matching funds. Privately financed candidates whose receipts or expenditures (including unpaid obligations) exceed the amount of the initial MCEA distribution for that election must file a "trigger report" within 48 hours of that event. The trigger amounts for the primary and general elections in 2008 are listed on page 101. (This report was formerly called the "101% Report.")

Once the Trigger Report is filed, a privately financed candidate is required to file "accelerated reports." Depending on when the Trigger Report is filed, a maximum of three accelerated reports may be required to be filed on the 42nd, 18th and 6th days before an election. If the Trigger Report is filed after the 6th day before an election, no accelerated reports are required to be filed.

Accelerated and trigger reports show the candidate's total receipts and total expenditures (including unpaid obligations) for the election. When those reports are filed, the Commission will review the total receipts and expenditures by the privately financed candidate and any independent expenditures in the race to determine whether the MCEA opponent is eligible to receive matching funds.

In the last 13 days before the election, privately financed candidates with MCEA opponents have special 24-hour reporting requirements if they have exceeded the trigger amount. These 24-hour reports are also used to calculate whether the MCEA opponent is eligible to receive matching funds.

You can read more about accelerated reports for privately financed candidates in Section III, Chapter 17.

Paying More Matching Funds than the Candidate is Authorized to Spend

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 up to twice the amount of the initial distribution of MCEA funds, which is the maximum amount of matching funds that a candidate can receive. Even though more than the authorized amount will be in the campaign's account, the candidate can only spend the authorized amount.

Candidates may not use authorized or unauthorized MCEA funds for personal or other non-campaign expenses, even if temporarily and with the intention of repaying the funds.

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 eligible to spend more matching funds. For example, in the 2008 elections if you, a candidate for State Representative, become entitled to receive $1,000 in matching funds, the Commission may pay you up to $8,288[1] but would authorize you to spend only $1,000. If you become eligible for more matching funds, you will receive another authorization from the Commission and will already have the new authorized amount in your campaign account. 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 authorizations are made 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.

[1] In April 2008, the Legislature approved a 5% reduction in general election distribution amounts, which reduced the maximum amount of general election matching funds that legislative candidates may receive.

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)
Matching Funds - Advances	Rules, Chapter 3, Section 5(2)(C)
Trigger Report and Accelerated Reports	21-A M.R.S.A. § 1017(3-B)

CHAPTER 9

Filing Campaign Finance Reports and Record-Keeping

Campaign Finance Reports

All candidates for 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.

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

The reports must be filed by 11:59 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.

How to File Campaign Finance Reports

Electronic Filing Requirement

Candidates in the 2008 elections who have (or expect to have) receipts of more than $1,500 are required to file all campaign finance reports, including the Seed Money Report, 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 11:59 p.m. on the filing deadline. Almost all of the candidates in the 2006 elections used the Commission's electronic

> 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, 2008, but the Commission will honor requests filed later.

filing system and found it more convenient than filing paper reports. For the 2008 elections, additional improvements have been made to the electronic filing system and the Commission will offer training classes to you and your treasurer.

Candidates who are not enrolled in a party must file the same reports as enrolled (party) candidates.

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 11:59 p.m. on the deadline, provided that the original report is received by the Commission within five days of the fax. The time stamp from the Commission's fax machine will be deemed the time that the report is filed. 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.

Reports Filed by MCEA Candidates

January 15, 2008 Report for MCEA Candidates with Financial Activity in 2007

This report is required only if a candidate raised or spent more than $500 in seed money during 2007. Only Senate candidates would have to file this report because they may raise up to $1,500 in seed money. House candidates may only raise up to $500 and therefore would not exceed the threshold of $500 required for this report. This report must be filed by January 15, 2008 and covers financial activity (seed money contributions and expenditures) from the beginning of the campaign through December 31, 2007.

The financial activity reported in the January 2008 report 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 15, 2008 report, the Seed Money Report covers activity from January 1, 2008 to the filing of the Seed Money Report.) This report is reviewed by the Commission to verify that all contributions comply with the seed money restrictions.

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

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

2008 Reports for Legislative Candidates		
Type of Report	**Deadlines**	**Reporting Period**
11-Day Pre-Primary	May 30	End of Seed Money Report – May 27
42-Day Post-Primary	July 22	May 28 – July 15
42-Day Pre-General **NEW**	September 23	July 16 – September 16
11-Day Pre-General	October 24	September 17 – October 21
42-Day Post-General	December 16	October 22 – December 9

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 22, 2008 is the final campaign finance report for MCEA candidates who are defeated in the primary election.

For MCEA candidates in the general election, the 42-Day Post-General report due December 16, 2008 is the final report for their campaign.

Reports Filed by MCEA Replacement Candidates

A candidate who fills a vacancy caused by the withdrawal or death of another candidate is required to file campaign finance reports. The filing schedule will be determined when the candidate registers with the Commission. 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.

24-Hour Reports for MCEA Candidates

The 24-hour reporting requirement applies during the 13-day period beginning on the last Tuesday in May for the primary election and the second to last Tuesday in October for the general election. This thirteen day period includes two weekends. If a MCEA candidate makes a single expenditure of $1,000

or more within the last 13 days before an election, the candidate must file a 24-Hour Report. It is important to remember that the term "expenditure" includes obligations made to vendors for goods/services ordered and not yet received.

If the deadline for a 24-Hour Report falls on a Saturday or a Sunday, the candidate must file the report on that day.

A 24-Hour Report must be filed electronically unless you 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.

Any expenditure reported in a 24-Hour Report must also be reported in the next campaign finance report.

2008 Primary Election – 24-Hour Reporting Period
MAY 28, 2008 – JUNE 9, 2008

Sun	Mon	Tue	Wed	Thu	Fri	Sat
May 25	26	27	28 **Reporting Period Starts**	29	30	31
June1	2	3	4	5	6	7
8	9 **Reporting Period Ends**	10 **Primary Election Day**	11	12	13	14

2008 General Election – 24-Hour Reporting Period
OCTOBER 22, 2008 – NOVEMBER 3, 2008

Sun	Mon	Tue	Wed	Thu	Fri	Sat
Oct 19	20	21	22 **Reporting Period Starts**	23	24	25
26	27	28	29	30	31	Nov 1
2	3 **Reporting Period Ends**	4 **General Election Day**	5	6	7	8

How to file 24-Hour Reports:

- File reports electronically
- Paper filers can file in person or by fax

When to file 24-Hour Reports:

- Within 24 hours of the expenditure
- A report must be filed on Saturday or Sunday if that is when it is due – you cannot wait until the next business day
- Even paper filers must file a report by fax if it is due on the weekend
- Expenditures made on the day before an election must be reported on election day

Reminders by the Commission

The Commission mails to all candidates a packet of information including the filing schedule for campaign finance 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.

> It is the responsibility of the candidate and treasurer to remember the filing deadlines.

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 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 <u>every</u> 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.

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 5:00 p.m. on August 4, 2008. 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 this requirement and are not required to file the statement in August.

Record-keeping for MCEA Candidates

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)

> MCEA candidates in the 2008 general election, are required to keep campaign records until December 16, 2010.

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. Maine Clean Election Act candidates and their treasurers are required to obtain and keep:

- Bank statements for the campaign account from the beginning of the campaign;
- Vendor invoices for every expenditure over $50 that detail the particular goods or services purchased; and
- Proof of payment for every expenditure over $50, *e.g.*, a cancelled check or credit card statement that identifies the vendor.

Your campaign treasurer is required to keep a detailed and exact account of <u>all</u> expenditures made by or on behalf of you or campaign committee, even if the expenditure is $50 or less. The record must include the name of each payee, the date, amount, and purpose of the expenditure. Even though it is not required, the Commission recommends that MCEA candidates keep a bill or invoice and proof of payment for <u>every</u> expenditure made with public funds even if less than $50.

The campaign is not required to submit receipts or invoices to the Commission unless they are requested. For example, if the Commission audits your campaign, it may request you to provide documented proof (*e.g.*, cancelled checks, invoices) that public funds were spent on campaign-related purposes. If you cannot support your expenditures with the required documentation, the Commission may require you to return those funds after you have had a chance to be heard by the Commission members. These matters are considered on a case-by-case basis and you will have an opportunity to explain your situation to the Commission members.

For more information about your record-keeping responsibilities, please see Chapter 15.

Specific Records for Vehicle Travel, Salaries & Compensation, and Consultants

Vehicle Travel

If you choose to have your campaign reimburse you or your campaign workers for vehicle travel, you must keep a record of the dates of travel, the number of miles traveled, the origination, destination, the amount of the reimbursement, and the campaign purpose of the travel. An example of a travel log is found in the Appendix.

> If you choose to have your campaign reimburse you or your campaign workers for vehicle travel, you must keep a travel log.

Salaries & Compensation

The Commission recommends keeping a detailed record of all work performed by members of campaign staff who 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.

Consulting Services

When a campaign contracts for services with a consulting firm or hires an individual consultant, the required record-keeping and documentation for these expenditures is an invoice signed by either an officer of the firm or if services were contracted with an individual, signed by the individual who provided the services (see example below). If a consultant or individual purchases goods or services on behalf of the campaign, the vendor invoice for the purchased goods and services must be provided to the candidate and attached to the consultant's invoice submitted to the campaign.

Example of Invoice for Consulting Services

ELECTION Associates **456 State Street, Augusta, Maine 04332**

BILL TO:
Honorable Ruth Baker
c/o Committee To Elect Baker
123 Maine Street
Augusta, ME 04032

Invoice Date: 09/18/2008

Service/Product	Rate	Hours	Total
Design of Palm Card	$50 per hr	3.0	$150
Printing of card: Graphics Center Color Printing SEE ATTACHED COPY OF INVOICE	2000 cards at $0.50each		$1,000
Total Due 30 Days from Date of Invoice			**$1,150**
Authorized Signature: Elizabeth C. Brown	Print Name: Elizabeth Brown	Title: Owner	

What makes this invoice meet the audit documentation standards?

Provided services are described.

Goods purchased on behalf of the campaign are listed separately and the invoice is attached.

Invoice is signed.

	LEGAL REFERENCES
Requirement to Keep Records	21-A M.R.S.A. §§ 1013-A(4); 1016; 1125(12-A); 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, (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. § 1025(2-A); Rules, Chapter 3, Section 3(1)(C)
Fax and Certified Mail Submission of Reports	21-A M.R.S.A. § 1020-A(4-A)
Filing Schedule for Legislative & County 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

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 per individual (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 2008 elections, Seed Money Reports are filed electronically rather than on paper. Print a copy of your Seed Money Report from your home page and submit this copy when you request certification.

Seed money contributions are reported in the same manner as contributions received by privately financed candidates. 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 Commis-

sion will recommend returning a cash contribution and/or using campaign funds to pay for goods or services received.

Reporting Receipts of MCEA Funds (Paper report filers only)

Candidates who file paper reports must report only the total amount of MCEA payments received during the reporting period. The only amounts that you report are the initial MCEA payment and any amounts of authorized matching funds. This information is listed prominently in the payment letters the Commission sends to you for your first payment and any subsequent authorization to spend matching funds. You do not report the amount of unauthorized matching funds you have on hand.

For electronic filers, the total amount of MCEA payments will be automatically calculated and entered in all your reports.

Reporting Itemized Expenditures

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

Expenditures are reported on Schedule B of the campaign finance report. The Election Law requires you to report the date, amount, payee, and the purpose of the expenditure. The "payee" refers to the vendor that provided the goods or services to the campaign. Please do not report "cash," "reimbursement," or the name of the person being reimbursed as the payee. The only time that the candidate's or a campaign worker's name would appear under "Payee" is when the candidate or worker is receiving a travel reimbursement.

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 (see table on next page). It is important that you choose the most appropriate expenditure type for each transaction and that you give a concise but descriptive explanation for those expenditure types that require a remark.

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

Expenditure Types			
	Expenditure Types Requiring NO Remark		**Expenditure Types Which REQUIRE a Remark**
ADS	Print media ads only (newspapers, magazines, etc.)	CNS	Campaign consultants
CON	Contribution to other candidate, party, committee	EQP	Equipment (office machines, furniture, cell phones, etc.
FOD	Food for campaign events, volunteers	FND	Fundraising events
MHS	Mail house (all services purchased)	OTH	Other (bank fees, entrance fees, small tools, wood, etc.
OFF	Office rent, utilities, phone and internet services, supplies	PRO	Other professional services
PHO	Phone banks, automated telephone calls	SAL	Campaign workers' salaries and personnel costs
POL	Polling and survey research	TRV	Travel (fuel, mileage, lodging, etc.)
POS	Postage for U.S. Mail and mail box fees		
PRT	Printing and graphics (flyers, signs, palmcards, t-shirts, etc.)		
RAD	Radio ads, production costs		
TVN	TV or cable ads, production costs		
WEB	Website design, registration, hosting, maintenance, etc.		

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 must be reported in the reporting period in which the vendor received the payment, and the reimbursement must be made during the same reporting period (see examples below). If the reimbursement is not made within the same reporting period, then you have received an in-kind contribution which is prohibited.

Reimbursements to you or others working on your campaign are permitted. However, the documentation is more complex. It requires the campaign to obtain a copy of the credit/debit card or checking account statement showing that the payment was made from the account of the person who is receiving the reimbursement.

Examples of Correctly Reported Reimbursements				
SCHEDULE B – EXPENDITURES				
DATE EXPENDITURE MADE	NAME OF EACH PAYEE	EXPENDITURE TYPE (use code)	REMARK	AMOUNT
5/10/2008	USPS - AUGUSTA	POS	200 STAMPS PAID BY AL HAMILTON; REIMBURSEMENT MADE ON 5/28/2008	$84.00
5/24/2008	OFFICE SUPPLY INC	PRT	COPIES PAID BY J. ADAMS; REIMBURSEMENT MADE ON 5/30/2008	$154.67

Reporting Withdrawals of Cash

The Commission recommends you use your campaign's bank account to pay for expenditures by writing checks and using a bank debit card. By doing this for as many expenditures as possible, the campaign

Example of Correctly Reported Mileage Reimbursement				
SCHEDULE B – EXPENDITURES				
DATE EXPENDITURE MADE	NAME OF EACH PAYEE	EXPENDITURE TYPE (use code)	REMARK	AMOUNT
(Date of reimbursement)	*(Name of person receiving payment for mileage)*	*(TRV is correct code)*	*(Report the number of miles travel for campaign purposes. The number of miles must be supported by a travel log. See appendix for example)*	*(Amount of reimbursement)*
5/31/2008	JOHN ADAMS	TRV	REIMBURSEMENT FOR 100 MILES AT $0.42 PER MILE	$42.00

The best practice for making travel reimbursements to yourself or supporters is to make the reimbursement in the same reporting period in which the travel occurred.

will be better able to keep track of the dates, amounts, and payees of all expenditures. You will also have proof of payment to a vendor – a cancelled check or a transaction record on your bank statement.

If the campaign chooses to withdraw cash to use for petty expenses by 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.

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

Expenditures Made by a Consultant

If you hire a consultant or consulting firm to assist your campaign, and the consultant makes expenditures on behalf of you and your campaign, you must report those expenditures as though the campaign made them directly. When you hire a consultant, you should explain that you will need a receipt or paid invoice from the vendor that the consultant paid for any goods or services purchased on your behalf.

Reporting Payments Made to a Consultant				
SCHEDULE B – EXPENDITURES				
DATE EXPENDITURE MADE	NAME OF EACH PAYEE	EXPENDITURE TYPE (use code)	REMARK	AMOUNT
5/10/2008	ELECTION ASSOCIATES	CNS	CONSULTING SERVICES FOR PALMCARD MESSAGE; TOTAL PD TO ELECTION ASSC - $1,150	$150
5/28/2008	GRAPHICS CENTER	PRT	PAID BY ELECTION ASSC ON BEHALF OF THE CAMPAIGN	$1,000

It is your responsibility to find out about expenditures made by your consultants and to report those expenditures. If you reported a lump sum payment to a consultant in a previously filed report, you may need to amend that report to deduct from that amount any expenditures made by your 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 of the campaign finance report, 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 the Purchase and Sale of Campaign Property

When a purchase of equipment is made, it is reported on Schedule B - Expenditures and Schedule E - Campaign Equipment/Property Inventory. "Equipment" is any campaign property (*e.g.*, computers, fax machines, printers, cell phones, tools, etc.) purchased with public funds that could be converted to the personal use of the candidate or campaign staff.

Equipment purchased with MCEA funds cannot be used for personal use. For example, if the campaign purchases cell phones, the phones can be used for campaign purposes only. However, if a campaign worker or volunteer uses their personal cell phone for campaign purposes, the reimbursement is prorated on the actual charges for campaign purposes. Campaigns must maintain documentation on how reimbursements are prorated.

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). The sale proceeds are reported on Schedule E.

> If you purchase equipment with MCEA funds, you must sell it at the end of the campaign at fair market value.

Reporting Cash Balance and Totals (paper filers only)

Candidates filing reports on paper must complete 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 of authorized funds.

Reporting Interest Earned on Bank Accounts

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

	LEGAL REFERENCES
Time Periods of Report	21-A M.R.S.A. § 1017(3-A)
Seed Money Report	21-A M.R.S.A. § 1125(2-A); Rules, Chapter 3, Section3 (1)(C)
Duty to File Complete Reports	21-A M.R.S.A. §§ 1013-A(4); 1016; 1017(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

In order to comply with the Election Law , the staff suggests that MCEA candidates consider the following:

- MCEA funds must be spent *only* to promote the election campaign of the candidate. Expenditures made for any 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 on page 69-71.
- Even though the Election Law requires that receipts must be kept for all expenditures of $50 or more, the Commission recommends keeping a receipt (bill or invoice marked paid) for every expenditure, which includes the date, amount, payee, and purpose of the expenditure.

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

- The Commission recommends paying for all purchases with a check or debit card for the campaign bank account. 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 Primary Election Funds for General Election Goods and Services

Under the Commission's Rules, if a candidate makes an expenditure for consulting services or for campaign literature and advertising before the primary election and more than one-half of that expenditure is for goods or services to be used in the general election, that portion of the expenditure will be counted as

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 in races involving a privately financed candidate running against an MCEA candidate.

a general election receipt and expenditure. This rule is designed to discourage candidates from intentionally pre-purchasing general election goods and services before the primary election in order to deny or reduce matching funds to a general election opponent.

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.

Requirement to Spend MCEA Funds for Campaign-Related Purposes

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 for *any other purpose* (*e.g.*, personal use, or to promote another candidate, the candidate's party, or a charity) are not permitted.

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

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.

For example, three weeks before the primary election, candidate Bill James (privately financed) pays his community newspaper $2,000 for advertising even though he does not have a primary opponent. Based on a request filed by Bill James' opponent (MCEA financed), the Commission staff determines that the expenditure is for one $500 ad that ran just before the primary election and a $1,500 ad 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 general election receipt and expenditure when calculating matching funds for the general election.

2008 EXPENDITURE GUIDELINES
For Maine Clean Election Act Candidates

Candidates must spend Maine Clean Election Act (MCEA) funds for campaign-related purposes and not for other purposes such as the candidate's personal benefit, party-building, or to promote another candidate's campaign.

- 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 and
  - An entry fee for an event organized by a party committee, charity, or community organization or an ad in an event publication, as long as the expenditure benefits the candidate's campaign.
- Candidates may not use MCEA funds for personal expenses. This means candidates may not borrow from or use MCEA funds for personal or other non-campaign expenses, even if temporarily and with the intention of repaying the funds. Personal 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;

2008 EXPENDITURE GUIDELINES (continued)

- 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;
- make a thank-you gift (including a gift card) to a volunteer or supporter,
- compensate the candidate for services provided by the candidate;
- 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 Schedules B and E of the candidates 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.
- *Car Travel.* MCEA campaigns may reimburse the candidate or campaign workers for their car travel, as long as the person reimbursed has kept a travel log. For 2008, the campaign may make a travel reimbursement up to the number of miles traveled (as reported in the log) multiplied by $0.42. Campaigns must keep the travel logs for two years, and provide them to the Commission if requested. Candidates and their spouses or domestic partners may spend any amount of their personal funds for campaign travel without seeking reimbursement. Other individuals may spend up to $100 of their personal funds to pay for travel without making a contribution to the campaign.
- *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:

2008 EXPENDITURE GUIDELINES (continued)

$250 for State Representative candidates, $750 for State Senate 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. Documentation must include a description of the labor performed by the staff member or consultant, and an itemization of any goods or services purchased from other vendors including date, vendor, and amount.

■ Required Record-Keeping

The MCEA requires participating campaigns to keep two documents for every expenditure over $50: (1) an invoice from the vendor listing the goods or services purchased, and (2) a cancelled check or other acceptable proof of payments to the vendor. Please select a treasurer who will be responsible about keeping records.

■ Auditing and Compliance

In 2008, the Commission staff will audit at least 20% of MCEA candidates and will review all receipts and expenditures disclosed by MCEA candidates in campaign finance reports. The Commission frequently requests additional information from candidates to verify that public funds were spent for campaign-related purposes. Candidates who misuse public funds may be required to repay some or all public funds received, may be liable for civil penalties, and may be referred to the State Attorney General for possible criminal prosecution.

Payments to the Candidate, Candidate's Family and Household Members

If the candidate or the candidate's business or non-profit organization provides services to the campaign (*e.g.*, if the candidate designs campaign literature or maintains databases for the campaign or provides accounting services), 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 to the campaign, the campaign must 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.)

In April 2008, the Legislature enacted two laws that require all county and legislative candidates to

disclose the name of and relationship of any family or household member to whom the candidate made payments for goods and services.

The two laws have different effective dates and the requirements for publicly funded candidates differ from those of privately financed candidates. On June 27, 2008, the Commission adopted a policy on paying campaign funds to family and household members. That policy is included in the Appendix.

New Disclosure Requirements: Payments to Family and Household Members

New disclosure requirements begin with the 11-Day Pre-Primary Report and additional requirements begin with the 42-Day Post-Primary Report.

Effective April 7, 2008. If a MCEA candidate makes a payment of MCEA funds to a member of the candidate's immediate family or business or non-profit entity affiliated with a member of the candidate's immediate family, the candidate must disclose the family relationship (e.g., "spouse," "domestic partner," "brother," or "business owned by daughter") in the remarks section of Schedule B of the campaign finance report. This requirement is in effect for the 11-Day Pre-Primary report and for all subsequent reports.

Effective July 18, 2008. MCEA candidates will also have to disclose information about household members, as well as family members, to whom a payment is made for goods and services. Under the June 27, 2008 policy, a candidate may not use MCEA funds to pay the candidate, a member of the candidate's household (including roommates), or an affiliated business or non-profit organization for campaign goods or services, except for narrow situations in which the household member provides those goods or services in the normal course of their occupation or business. Candidates wishing to pay household members in these narrow situations must seek the pre-approval of the Commission as described in the policy on pages 12A-13A of the Appendix.

Later this summer, the Commission may update the policy as it relates to reimbursements made by a campaign to the candidate and other individuals. In the meantime, the staff advises that reimbursements are not subject to the restrictions and pre-approval process discussed in the policy.

Campaigns must generally reimburse MCEA candidates or their supporters when they use their personal funds or credit card to purchase goods or services for the campaign. Also, campaigns must generally reimburse volunteers who incur out-of-pocket expenses in the course of volunteering, although the Election Law contains some limited exceptions such as travel expenses. Reimbursements should be made promptly and reported in accordance with the Commission rules.

With regard to all paid services provided by campaign staff, the Commission recommends keeping a re-

cord 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, 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).

Over Spending Authorized MCEA Funds

Candidates can avoid spending more than their authorized MCEA funds by:

- Appointing a treasurer who will actively manage the campaign's finances and be responsible for keeping records and recording expenditures;
- Keeping a record and receipt for every expenditure made with MCEA funds, no matter how small;
- Keeping a balance sheet that shows a running total of spent (and obligated) and unspent MCEA funds;
- Using a check or debit card for the campaign account to pay for goods and services; and
- Minimizing the use of the personal funds of the candidate or supporters to make campaign expenditures and minimizing the number of reimbursement.

Expenditures reported by MCEA candidates will be reviewed by the Commission staff to assure compliance with the expenditure guidelines found on pages 69-71.

The "overspending" of MCEA funds is a violation and the consequence is that the candidate has received an in-kind contribution (in the amount that was overspent). In the 2006 elections, some candidates were penalized for overspending, which could have been averted if better record-keeping and controls were in place especially in the last reporting period of the election.

Commission's Compliance Procedures

The Commission reviews all expenditures disclosed by MCEA candidates in campaign finance reports, and often requests additional information from candidates to verify that public funds were spent for campaign-related purposes.

In addition, audits are conducted by the Commission after the election to confirm that all campaign expenditures are accurately reported and documented, approved by the candidate, and used for campaign purposes. In most cases, the information provided by the campaigns resolves 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, 1125(12-A)
Required Reporting of Expenditures	21-A M.R.S.A. §§ 1017(5), 1125(12)
Payments to Immediate Family Members	21-A M.R.S.A. § 1125(12)
Payments to Household Members	21-A M.R.S.A. § 1125(6-B)
Pre-Primary Expenditures for General Election	Rules, Chapter 1, Section 7(4); Chapter 3, Section 5(4)
Requirement to Sell Campaign Equipment	Rules, Chapter 3, Section 7(2)(C)

CHAPTER 12

Prohibition on Accepting Contributions

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's Rules.

Once certified, MCEA candidates 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. If the contribution was inadvertently deposited into the campaign bank account, the funds must be withdrawn and returned to the contributor.

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 or your supporter 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 of goods that are 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.

Please call the Commission if you have questions about in-kind contributions.
Phone: 207-287-4179

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;
- a volunteer who is making signs for a candidate buys plywood and paint; 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 Services vs. Paid Assistance

Individuals are permitted to provide their services for free to your campaign as volunteers. A candidate may provide compensation to a volunteer for a portion of the volunteer's time spent on campaign activities. However, if the volunteer provides their services with the knowledge of their employer during their paid work-time, then the employer has made a contribution to your campaign.

Assistance from State Party Committees

MCEA candidates can receive assistance from paid employees of a state party committee without that help being an in-kind contribution. A paid staffer working for a state party committee may:

- Provide up to a total of 40 hours of assistance to a candidate in each election — the primary and general;
- Recruit and oversee volunteers for campaign activities involving three or more candidates; or
- Coordinate campaign events involving three or more candidates.

This exception applies only to state party committees (Democratic, Green-Independent, and Republican), and does not apply to local party committees, caucus committees, or political action committees.

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 web 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 (in each election – primary and general) 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, party committees, organizations, individuals (including friends and family) are permitted to spend money to support or oppose candidates, but generally they 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 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.

If a third-party such as a friend, relative, political action committee, or party committee initiates a discussion with you or your campaign about a proposed expenditure to assist your campaign, the third-party has consulted with you, by simply bring this up to you. Therefore, please inform the third-party that the expenditure cannot be made or refer them to the Commission for an explanation.

For example: If a relative asks you or your campaign if they can run an ad in support of you, this would be considered consultation and coordination and is not permitted.

Also, if a friend or relative working on your campaign, pays for an ad and did not consult you, it is not permitted because they are part of your campaign.

One exception to this policy is that candidates may coordinate with a state or local party committee on a "slate card" or a party candidate listing of three or more candidates. Slate cards are excluded from the definition of contribution. Please note that this exception applies to state and local party committees only and does not apply to caucus committees or other political action committees.

Because independent expenditures may cause matching funds to be paid to a candidate's MCEA 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 and
- $750 for State Senate candidates.

Candidates may also use their personal funds for these purposes and it would not be considered a contribution. However, candidates are not allowed to raise contributions from others to pay for election night parties and post-election thank you's.

	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(4) - (5)
Contributions of Paid Employee Services	21-A M.R.S.A. § 1012(2)(A)(4); Rules, Chapter 1, Section 6(5)
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

Disclosure on Campaign Communications

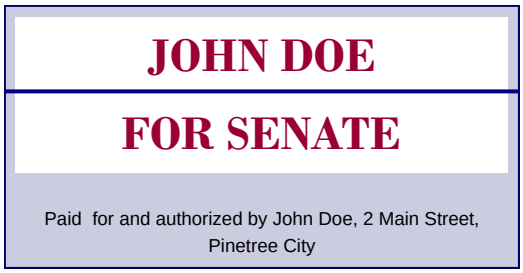
Whenever a person makes an expenditure to finance a communication expressly advocating the election or defeat of a clearly identified candidate through broadcasting stations, newspapers, magazines, campaign signs or outdoor advertising facilities, publicly accessible websites, direct mails or other similar 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 primary election or in the last 35 days before the general election.

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

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 a 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

JOHN DOE

FOR SENATE

Authorized by the Candidate John Doe and paid for by Sam Smith, Treasurer, 5 Oak 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.

Automated Telephone Calls

Prerecorded automated telephone calls and scripted live telephone calls that name a clearly identified candidate during the 21 days before a primary election or 35 days before a general election must include the name of the person who made or financed the communication, except that the disclosure is not required for prerecorded automated calls paid for by the candidate using the candidate's voice and are made in support of that candidate.

Communications Not Authorized by the Candidate

Similar requirements apply to communications that are paid for by third-parties such as political action committees, party committees and individuals 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.

Constituent Mailings

Constituent newsletters, sent by incumbent Legislators, are used to communicate and inform the voters in their district of the work accomplished during the most current legislative session. Prior to mailing, these newsletters are reviewed by legislative officers (Clerk of the House or Secretary of the Senate) to assure that they do not advocate for the election or defeat of any candidate. The purpose of these mailings is a factual account of the session and are not to be used for campaign purposes. Thus, a disclosure statement is not required.

In 2006, the Commission heard several complaints from candidates requesting that matching funds be awarded to them because a photograph or the name of their opponent appeared in a constituent newsletter. Although each case is unique, the following guidelines were developed from the Commission's decisions in 2006 and the public workshop held in July 2006.

Guidelines for Constituent Newsletters	
Content	No express advocacy. No photograph or name of a candidate within 21 days of the primary election and 35 days of the general election.
Timing	Received by constituents at least 21 days prior to the primary election and 35 days prior to the general election. Best to send soon after the session has ended.
Seek Advice	Advise the officers of the chamber that you: (1) are including information or photograph of a candidate in your newsletter and (2) are a candidate in the 2008 elections. Chamber officers will provide guidance.

Requirements for Broadcasters (TV and Radio) and Newspapers

Broadcasting stations and newspapers in Maine may not broadcast or print communications, including a version of the newspaper displayed on a website owned or operated by the newspaper, without the required disclosure: whether the communication was authorized or not authorized by the candidate and the name and address of the person paying for the communication. For broadcast communications (such as TV and radio ads) that are financed by the candidate or candidate's committee, the disclosure statement only needs the candidate's authorization and the name of the candidate's committee.

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. The person who financed the communication has 10 days to correct the violation after being notified by the Commission. 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), (2), (2-A)
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), (2-A)
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

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 and filing deadlines. It is also important for the staff to know how to contact candidates as it conducts its review of campaign finance reports.

Election Night Parties and Post-Election Thank-You Notes and Ads

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; and
- $500 for State Senate candidates.

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

The purchase of gifts and gift cards for campaign workers and volunteers is not permitted with MCEA funds but may be purchased with the personal funds of the candidate.

Please note in the "Remarks" section on Schedule B that the expenditure was for 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.

Candidates who lose the primary must return unauthorized funds by June 24, 2008.

All candidates in the general election must return unauthorized funds by November 18, 2008.

For candidates in the 2008 general election, this deadline is Tuesday, November 18, 2008. The Commission will notify the candidate of the unauthorized amount of matching funds that must be returned.

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 unspent funds must be returned by the deadline for the post-election campaign finance report due 42 days after the election. The Commission will verify whether this amount is 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.

For the 2008 general election, all unspent authorized funds must be returned by:

December 16, 2008.

The amount to be returned is found on the 42-Day Post-General Report.

If your bank balance does not agree with the report, you may have forgotten to report an expenditure or bank interest, reported a duplicate expenditure, or failed to make a reimbursement to yourself or supporter. *It is the responsibility of the candidate and treasurer to accurately report expenditures.*

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 Commission with the 42-Day Post-Election Report. The sale proceeds of campaign equipment are reported on Schedule E and Schedule F of the campaign finance report.

42-Day Post-Election Report

All MCEA candidates must pay all outstanding obligations, including reimbursements to themselves or campaign workers, by the 35th day after the candidate's last election, and must file a final campaign finance report no later than 42 days after the last election they were in – the primary or general.

For candidates who did not win in or who withdrew from the primary election, the deadline is July 22, 2008. For general election candidates in 2008, this deadline is December 16, 2008.

Important Post-Election Deadlines for MCEA Candidates		
	Primary election: Candidates who lost or withdrew:	**General election: All candidates:**
All unauthorized matching funds must be returned by:	June 24, 2008	November 18, 2008
All outstanding obligations, debts, and reimbursements must be paid by:	July 15, 2008	December 9, 2008
All authorized MCEA funds and equipment sales proceeds must be returned by:	July 22, 2008	December 16, 2008

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 equipment 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.

MCEA candidates in the 2008 general election, are required to keep campaign records until December 16, 2010.

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 session 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-C

CHAPTER 15

Compliance Reviews and Audits of MCEA Campaigns

Requirements for MCEA Candidates to Document Expenditures

MCEA candidates and their treasurers are required to obtain the following documents for every expenditure that is more than $50:

- a vendor invoice stating the particular goods and services purchased, as well as the cost; and
- a record proving that the vendor received payment. The proof of payment may take the form of a cancelled check, a receipt from the vendor, or a bank debit or credit card statement identifying the vendor as the payee.

A reimbursement to a candidate, a campaign worker, or a volunteer requires an additional piece of documentation – copies of the person's check and personal bank statement or personal credit card statement.
Candidates and campaigns can simplify record keeping and documentation by minimizing the number of reimbursements.

Campaigns should maintain expenditure documentation on file but are not required to submit it to the Commission unless the candidate is selected for an audit, or the Commission requests it for other reasons. Expense documentation is necessary to confirm whether the MCEA candidate purchased authorized, campaign-related goods and services from a vendor and used MCEA funds to pay the vendor. Candidates must keep these records for two years after they filed their last report with the Commission.

Candidates who were defeated in a primary election must keep campaign records until July 22, 2010. All general election candidates must keep campaign records until December 16, 2010.

Compliance Reviews of Reported Expenditures

The Commission conducts a compliance review of <u>all</u> expenditures of MCEA funds as disclosed by candidates in their campaign finance reports. The Commission's goal is to review 100% of the expenditures

of public funds distributed to candidates. That review typically occurs in the two to three weeks after each filing deadline. The review is conducted by the Commission's auditor and other staff members. If the Commission staff determines that a reported expenditure does not clearly fall within the Commission's expenditure guidelines, it requests information or documentation from the candidate to verify that the funds were used for campaign-related purposes.

The purpose of these reviews is to document that candidates are spending MCEA funds on authorized campaign-related expenditures, such as signs, advertising, printing and mailing literature, and travel. If a candidate spends MCEA funds for purposes that were outside the Commission's guidelines, the candidate is informed that the expenditure is impermissible and the candidate must use personal funds to reimburse the campaign.

Formal Audit

In 2006, the Commission initiated a program of formal audits of MCEA candidates. The purpose of these audits is to confirm that all campaign expenditures are accurately reported, approved by the candidates, properly documented, and made for campaign-related purposes. The Commission audits a significant percentage of MCEA legislative candidates and all publicly funded gubernatorial candidates.

Required Supporting Documentation for Campaign Expenditures

The following are acceptable forms of the required documentation for expenditures made by MCEA legislative candidates in the 2008 primary and general elections:

1. A copy of <u>all</u> campaign bank account statements.
2. A copy of the original vendor invoice.
3. <u>One</u> of the following:
    a. Copy of cancelled (cleared) check.
    b. Copy of cleared check image provided by the bank.
    c. Debit card transaction – copy of the relevant bank statement showing the payee name and amount.
    d. Credit card transaction – copy of the relevant credit card statement showing the payee and amount.
    e. Cash receipt issued by the vendor showing the amount paid and the date of purchase.
4. <u>For reimbursements to the candidate or a campaign worker</u> for campaign expenditures, the candidate must provide the following documentation:
    a. Copy of the original vendor invoice,
    b. Proof of payment by the person reimbursed in one of the forms described above, and
    c. Proof of reimbursement by the campaign in one of the forms described above.

Request for Documentation

If you are selected for an audit, you will receive a letter from the Commission's auditor requesting copies of supporting documentation for specific transactions listed in your campaign finance reports. The letter will include a deadline for providing the documentation to the auditor, usually two weeks.

Required Documentation

The Maine Clean Election Act requires that receipts and invoices be maintained for every expenditure greater than $50 to document that the expenditure was for campaign purposes. In addition, proof of payment (cancelled check, bank statements, credit card statements, etc.) is needed to document that payment was made. The list of required supporting documentation for each expenditure is found on the prior page. A copy of the supporting documentation for each identified transaction must be submitted to the Commission as part of the audit.

Documentation for Consulting Services and Salaries

When a campaign contracts for services with a consulting firm or hires an individual for personal services, the supporting documentation for these expenditures is an invoice signed by either the an officer of the firm or if services were contracted with an individual, signed by the individual who provided the services (see example below).

Example of Invoice: Consulting Services

ELECTION Associates
456 State Street
Augusta, Maine 04332

BILL TO: Invoice Date: 09/18/2008
Honorable Ruth Baker
c/o Committee To Elect Baker
123 Maine Street
Augusta, ME 04032

Service/Product	Rate	Hours	Total
Design of Palm Card	$50 per hr	3.0	$150
Printing of card: Graphics Center Color Printing SEE ATTACHED COPY OF INVOICE	2000 cards at $0.50each		$1,000
Total Due 30 Days from Date of Invoice			**$1,150**

Authorized Signature: Elizabeth C. Brown Print Name: Elizabeth Brown Title: Owner

What makes this invoice meet the audit documentation standards?

Provided services are described.

Goods purchased on behalf of the campaign are listed separately and the invoice is attached.

Invoice is signed.

If a consultant or individual purchases goods or services on behalf of the campaign, the receipt or invoice for the purchased goods and services must be provided and attached to the invoice submitted to the campaign by the consultant or individual.

Audit Report and Presentation to the Commission

Once the supporting documentation is received, the auditor examines each item to determine compliance with the provisions of the Maine Clean Election Act and rules of the Commission. In addition, the auditor reconciles transactions detailed in the campaign's bank statements with the receipts and expenditures listed in the campaign finance reports. After completing the examination, the auditor sends a draft audit report to the candidate for review and comment. The candidate's comments are attached to the final audit report which is presented to the members of the Commission at a public meeting. The audit report may include findings of non-compliance or deficiencies and recommendations for Commission action, or it may report that there were "no exceptions," which means that the campaign was in compliance with the MCEA and rules. The candidate will have an opportunity to address the Commission at the public meeting when the audit report is presented.

Audit Results for the 2006 MCEA Candidates

The Commission audited all publicly financed gubernatorial candidates and a large number of publicly financed legislative candidates who ran in the 2006 primary and general elections. While many audits found no deficiencies in the candidates' campaign finance reports, the auditors also identified a significant number of reporting, record-keeping, and procedural violations. The errors found by the auditors ranged from failure to maintain required expenditure documentation to misreporting and misuse of MCEA funds. The table on the next page summarizes non-compliance issues reported by the Commission's auditor.

2006 Elections – Non-compliance Issues Identified Through Audits	
Non-compliance Issue	**Commission Action**
MCEA funds used for personal expenditures	Repayment of MCEA funds used for personal expenses; finding of violation and assessment of a financial penalty
Commingling MCEA funds with personal/business funds	Finding of violation and assessment of a financial penalty
Undocumented expenditures: Missing invoice/receipt or missing proof of payment (*e.g.,* cancelled check) or no documentation (missing both)	Finding of violation and assessment of a financial penalty; repayment of MCEA funds used for completely undocumented expenditures
Unallowable expenditure	Repayment of the funds used for expenditure; finding of violation and assessment of a financial penalty; amend reports.
Misreporting: Incorrect vendor or payment amount or date of payment	Finding of violation and assessment of a financial penalty; amendment to campaign finance report
Campaign spending in excess of the authorized amount of MCEA funds disbursed to the candidate by the Commission	Finding of violation and assessment of a financial penalty
Seed money violations: Paying for expenditures that occurred in the qualifying period with the initial MCEA funds payment or misreporting an obligation as an expenditure and thus receiving a larger initial payment amount	Finding of violation, assessment of a financial penalty and in some cases repayment of money to the Maine Clean Election Fund

LEGAL REFERENCES

Authority to Conduct Audits	21-A M.R.S.A. § 1003(1)

SECTION III

CAMPAIGN FINANCING FOR PRIVATELY FINANCED CANDIDATES

CHAPTER 16

Getting Started as a Privately Financed Candidate

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.
>
> The Commission recommends that the candidate consider becoming the deputy 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.

> It is important to appoint a reliable treasurer who will actively mange your campaign finances, obtain and keep the records required to document expenditures, and file complete and accurate reports.
>
> While it may be politically strategic to pick someone with name recognition, it may not be the best way to manage a campaign's finances. One way to have a recognized name associated with your campaign is to appoint that person as the chair of your campaign committee and not as your treasurer.

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 may 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 should 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, must 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 complete and 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 and submit the form to confirm whether they accept the limit on their spending per election ($25,000 for Senate candidates and $5,000 for House candidates) or do not agree with the limits.

The Voluntary Spending Limits form must be completed. On the form, you must check one of the boxes below:

☐ "I understand and accept…"

OR

☐ "I do not agree…"

and then sign and date the form.

Code of Fair Campaign Practices

Subscribing to the code is voluntary. The Commission does not have jurisdiction to hear complaints concerning violations of the code.

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

All candidates must have a separate bank account for their campaign. The Commission recommends that you pay for as many expenditures as possible by writing checks and using a debit card from 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.

The Election Law *prohibits* commingling campaign funds with personal funds of the candidate, treasurer, spouse or domestic partner – anyone's personal or business funds. Personal funds of the candidate used to support their candidacy must be recorded and reported on campaign finance reports.

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.

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 17

Record-Keeping and Filing Campaign Finance Reports

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 do not have to be itemized and 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 expenditures made by or on behalf of the candidate or campaign committee, including the name of each payee, the date, amount, and purpose of the expenditure. The Election Law requires that all candidates keep a receipt (bill or invoice marked paid) 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.

Campaign Finance Reports

All candidates for the Legislature and for county offices 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.

For candidates in the 2008 general election, records must be kept until December 2010.

The campaigns must file the reports by 11:59 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.

Reporting Periods and Deadlines for All Privately Financed Candidates

January 15, 2008 Report for Candidates with Financial Activity in 2007

Any legislative or county candidate in the 2008 elections who raised or spent more than $500 in 2007 must file a report by January 15, 2008. The report covers activity from the beginning of the campaign through December 31, 2007.

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. Each report covers a specific time period and should include all activity within that period.

2008 Reporting Deadlines Legislative and County Candidates		
Type of Report	Deadline	Reporting Period
11-Day Pre-Primary	May 30, 2008	End of last report if any – May 27, 2008
42-Day Post-Primary	July 22, 2008	May 28 – July 15, 2008
42-Day Pre-General **NEW**	September 23, 2008	July 16 – September 16, 2008
11-Day Pre-General	October 24, 2008	September 17 – October 21, 2008
42-Day Post-General	December 16, 2008	October 22 – December 9, 2008

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 determine whether the MCEA opponent is entitled to receive any matching funds. (An explanation of how matching funds are calculated can be found on pages 49 – 50.) The report forms are the same but there are two types of reports that privately financed candidates may be required to file.

Trigger Report

Legislative candidates must file a Trigger 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 the amount of public funds disbursed to the MCEA opponent (see table below).

Trigger Amounts for 2008 Elections		
Office	**Election**	**Trigger Amounts**
House	Primary	$1,504
	General	$4,144*
Senate	Primary	$7,746
	General	$19,078*

*** In April 2008, the Legislature approved a 5% reduction in the general election distribution amounts, which reduced the trigger amounts by 5%. The new trigger amounts are shown above.**

What is an expenditure?

- any obligation to pay for a good or service
- the placement of an order for goods and services
- a promise or agreement (even an implied one) that payment will be made
- the signing of a contract for a good or service
- the delivery of a good or service even if payment has not been made
- the payment for a good or service

When is an expenditure made?

The earliest of the following events:

- the placement of an order for a good or service
- a promise or an agreement to pay
- the signing of a contract for a good or service
- the delivery of a good or service
- the making of a payment for a good or service

The totals of all expenditures, obligations and in-kind contributions are added together to determine if the trigger amount is exceeded by "total expenditures." For example, a candidate gives a mail house an "okay" over the telephone for a second mailing. The cost (or estimated cost) is reported on the "Obligation" line of the Trigger Report. This obligation is added to the expenditure amount (total of all expenditures to date) and in-kind contribution amount (total of all in-kind contributions to date) to determine if the trigger amount is exceeded by "total expenditures."

The totals of all receipts and in-kind contributions from the beginning of the campaign are added to determine if the trigger amount is exceeded by "total receipts." *The Trigger Report must be filed if either "total receipts" or "total expenditures" exceed the trigger amount.*

The Trigger Report must be filed within 48 hours of the date on which the total receipts or the total of expenditures and obligations for the election exceeded the trigger amount. The report is a summary of the candidate's total receipts, and total expenditures and obligations, to date.

42-Day, 18-Day, and 6-Day Accelerated Reports

All privately financed candidates with a MCEA opponent who have filed a Trigger Report are required to file "accelerated" reports. The only accelerated reports required to be filed are those with deadlines occurring after the date that the Trigger Report was filed.

Accelerated reports like the Trigger Report, disclose the candidate's total campaign contributions, expenditures, and obligations to date for the election. The accelerated report deadlines are found below.

2008 Accelerated Reporting Deadlines			
Type of Report	**Filing Deadline**	**Reporting Period: From the beginning of campaign**	When you file a Trigger Report, the Commission staff will notify you of any accelerated reports your campaign is required to file.
42-Day Pre-Primary 18-Day Pre-Primary 6-Day Pre-Primary	April 29, 2008 May 23, 2008 June 4, 2008	Through April 27, 2008 Through May 21, 2008 Through June 2, 2008	
42-Day Pre-General 18-Day Pre-General 6-Day Pre-General	September 23, 2008 October 17, 2008 October 29, 2008	Through September 21, 2008 Through October 15, 2008 Through October 27, 2008	

24-Hour Reports

Special reports are required during the 13 days before an election. These reports are called 24-Hour Reports. 24-Hour Reports must be filed when a single contribution, or a single expenditure or unpaid obligation exceeds a certain threshold amount. The threshold amount depends on whether:

- you have a privately financed or MCEA opponent,
- you are running for the House or Senate, and
- you have filed a Trigger Report (if you have a MCEA opponent).

2008 Primary Election – 24-Hour Reporting Period MAY 28, 2008 – JUNE 9, 2008						
Sun	**Mon**	**Tue**	**Wed**	**Thu**	**Fri**	**Sat**
May 25	26	27	28 **Reporting Period Starts**	29	30	31
June1	2	3	4	5	6	7
8	9 **Reporting Period Ends**	10 **Primary Election Day**	11	12	13	14

2008 General Election – 24-Hour Reporting Period OCTOBER 22, 2008 – NOVEMBER 3, 2008						
Sun	**Mon**	**Tue**	**Wed**	**Thu**	**Fri**	**Sat**
Oct 19	20	21	22 **Reporting Period Starts**	23	24	25
26	27	28	29	30	31	Nov 1
2	3 **Reporting Period Ends**	4 **General Election Day**	5	6	7	8

How to file 24-Hour Reports:

- File reports electronically
- Paper filers can file in person or by fax

When to file 24-Hour Reports:

- Within 24 hours of the contribution or expenditure
- A report must be filed on Saturday or Sunday if that is when it is due – you cannot wait until the next business day
- Even paper filers must file a report by fax if it is due on the weekend
- Contributions received and expenditures made on the day before an election must be reported on election day

Privately Financed Candidates with MCEA Opponent

If you filed a Trigger Report, you must file a 24-Hour Report during the 13 days before an election for:

- contributions aggregating more than $1,000 from any one contributor, and
- any single expenditure or unpaid obligation of $750 or more for Senate candidates or
- any single expenditure or unpaid obligation of $500 or more for House candidates.

If you have not filed a Trigger Report, a 24-Hour Report must be filed during the 13 day period for:

- contributions aggregating more than $1,000 from any one contributor or
- any single expenditure or unpaid obligation of $1,000 or more.

Privately Financed Candidates with No MCEA Opponent

During the last 13 days before an election you must file a 24-Hour Report for:

- contributions aggregating more than $1,000 from any one contributor; or
- any single expenditure or unpaid obligation of $1,000 or more.

Candidates Filing Reports for One Election Only

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 who have a cash balance or campaign debt of $100 or less after the primary election, the 42-Day Post-Primary Election report due July 22, 2008 is the final campaign finance report for the election cycle.

For candidates who have a cash balance greater than $100, semiannual reports must be filed every January 15th and July 15th until the cash balance is $100 or less but candidates only have four years (after the election) to dispose of the balance. (Campaign cash surpluses can only be disposed of in certain ways. See the Appendix for more information.) For candidates who have a loan or debt of greater than $100, semiannual reports must be filed every January 15th and July 15th until the loans or debts are $100 or less.

> By disposing of surplus cash, and paying off all debts, obligations and loans (including forgiving loans if the candidate, candidate's spouse or domestic partner made the loan), by the last day of the reporting period, July 15, 2008, no other reports are required and your reporting responsibilities have been met. See the Appendix for information on the requirements of disposing surplus cash.

Reports Filed by Replacement Candidates

A candidate who fills a vacancy caused by the withdrawal or death of another candidate is required to file campaign finance reports. The filing schedule will be determined when the candidate registers with the Commission.

How to File Reports

Electronic Filing Requirement

The Election Law requires candidates who have (or expect to have) receipts of more than $1,500 to file their campaign finance reports electronically on the Commission's website. Almost all 2006 candidates

used the Commission's electronic filing system in 2006, and found it more convenient than filing paper reports. For the 2008 elections, additional improvements have been made to the electronic filing system and the Commission will offer training classes to you and your treasurer.

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

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, 2008, 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 11:59 p.m. on the deadline, provided that the original report is received by the Commission within five days of the faxed copy. The time stamp from the Commission's fax machine will be deemed the time that the report was filed. 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 for 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.

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 5:00 p.m. on August 4, 2008. 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(3-A), (3-B); Rules, Chapter 3, Section 7(2)
Trigger and Accelerated Reports	21-A M.R.S.A. § 1017(3-B)
24-Hour Reporting Requirement	21-A M.R.S.A. § 1017(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 18

What to Include in Campaign Finance Reports

Description of a Campaign Finance Report

The campaign finance reports 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. See the summary description of report pages below.

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 must 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 (see expenditure types on the next page).
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 not required for privately financed candidates. When equipment is purchased report it on Schedule B only.
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 (see table below). Some expenditure types require a remark that describes the nature of the goods or services purchased in more detail.

Expenditure Types			
	Expenditure Types Requiring NO Remark		**Expenditure Types Which REQUIRE a Remark**
ADS	Print media ads only (newspapers, magazines, etc.)	CNS	Campaign consultants
CON	Contribution to other candidate, party, committee	EQP	Equipment (office machines, furniture, cell phones, etc.
FOD	Food for campaign events, volunteers	FND	Fundraising events
MHS	Mail house (all services purchased)	OTH	Other (bank fees, entrance fees, small tools, wood, etc.
OFF	Office rent, utilities, phone and internet services, supplies	PRO	Other professional services
PHO	Phone banks, automated telephone calls	SAL	Campaign workers' salaries and personnel costs
POL	Polling and survey research	TRV	Travel (fuel, mileage, lodging, etc.)
POS	Postage for U.S. Mail and mail box fees		
PRT	Printing and graphics (flyers, signs, palmcards, t-shirts, etc.)		
RAD	Radio ads, production costs		
TVN	TV or cable ads, production costs		
WEB	Website design, registration, hosting, maintenance, etc.		

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. In the "Remarks" section note that it was a reimbursement to you (your name) or a campaign worker (their name).

Examples of Correctly Reported Reimbursements				
SCHEDULE B – EXPENDITURES				
DATE EXPENDITURE MADE	NAME OF EACH PAYEE	EXPENDITURE TYPE (use code)	REMARK	AMOUNT
5/10/2008	USPS - AUGUSTA	POS	REIMBURSEMENT TO AL HAMILTON FOR 200 STAMPS	$84.00
5/24/2008	OFFICE SUPPLY	PRT	REIMBURSEMENT TO J. ADAMS FOR COPIES	$154.67

Example of Correctly Reported Mileage Reimbursement				
SCHEDULE B – EXPENDITURES				
DATE EXPENDITURE MADE	NAME OF EACH PAYEE	EXPENDITURE TYPE (use code)	REMARK	AMOUNT
(Date of reimbursement)	*(Name of person receiving payment for mileage)*	*(TRV is correct code)*	*(Report the number of miles travel for campaign purposes. The number of miles must be supported by a travel log. See appendix for example)*	*(Amount of reimbursement)*
5/31/2008	JOHN ADAMS	TRV	REIMBURSEMENT FOR 100 MILES AT $0.42 PER MILE	$42.00

Reporting Withdrawals of Cash

The Commission recommends making expenditures by 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.

> 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 so that you can include this information in campaign finance reports.

Expenditures Made by a Consultant or Firm

If you hire a consultant or consulting firm to assist your campaign, and the consultant makes expenditures on behalf of you and your campaign, you must report those expenditures as though the campaign made them directly (see example below).

Reporting Payments Made to a Consultant				
SCHEDULE B – EXPENDITURES				
DATE EXPENDITURE MADE	NAME OF EACH PAYEE	EXPENDITURE TYPE (use code)	REMARK	AMOUNT
5/10/2008	Election Associates	PRT	DESIGN SERVICES FOR MAILER; TOTAL PD TO ELECTION ASSC - $1,150	$150
5/28/2008	Graphics Center Color Printing	PRT	PAID BY ELECTION ASSC ON BEHALF OF THE CAMPAIGN	$1,000

When you hire a consultant, you should ask for a receipt or paid invoice from the vendor that the consultant paid for any goods or services purchased on your behalf. It is your responsibility to find out about expenditures made by your consultants and to report those expenditures.

If you reported a lump sum payment to a consultant in a previously filed report, you may need to amend that report to deduct from that amount any expenditures made by your 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 Payments Made to Household Members

In April 2008, the Legislature enacted a law that requires all candidates to disclose the name of and the candidate's relationship to any household member to whom the candidate made payments for goods and services. This new requirement is effective starting July 18, 2008. The 42-Day Post-Primary report is the first report in which household relationships are reported.

If you make a payment of campaign funds to a member of your household, you must report the family or other relationship (e.g., "spouse," "domestic partner," "brother," "roommate") in the remarks section of Schedule B of the campaign finance report.

Loans

Non-commercial loans are considered contributions to the candidate. All non-commercial loans are subject to the contribution limitations of $250 and $500 per election except for loans from the candidate, the candidate's spouse, or domestic partner. Loans from a financial institution in Maine are not considered to be contributions and are not subject to the contribution limits.

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)
Payments to Household Members	21-A M.R.S.A. § 1017(5)

Chapter 19

Accepting Contributions

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's Rules.

Contribution Limits

A contributor 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 (Democratic, Green-Independent, or Republican), the primary and general elections are considered different elections. Non-party (unenrolled) candidates have only one election, the general election. These limitations apply to contributions made by:

- individuals;
- committees including political and political action committees;
- businesses, corporations, firms and partnerships; and
- associations and organizations
- but do not apply to contributions by the candidate or the candidate's spouse or domestic partner.

Over the limit contributions may occur when multiple businesses/ corporations are considered one entity under the Election Law. Please familiarize yourself with 21-A M.R.S.A. § 1015-A. and call the Commission with questions.

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 or domestic partner).

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.

Prohibition – 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 is be a serious violation of the Election Law – both by the contributor and the candidate. Candidates who knowingly accept a contribution made by one person in the name of another person may be assessed a penalty of up to $5,000.

The Commission has received questions from candidates concerning this prohibition mainly concerning parents contributing for their children. If the candidate has a doubt as to whether a child gave a contribution, the Commission recommends that the candidate contact the contributor to confirm and document that the child gave the contribution and that it was not given by the child's parents.

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 contributors giving more than $50 in a reporting period, 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.

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;
- a volunteer who is making signs for a candidate buys plywood and paint; 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, services or discount 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 or discounted items or services.

Privately financed candidates who are self-funding all or part of their campaign can either:

- Enter the expenditure made for their campaign as an in-kind contribution on Schedule A-1(one entry)

OR

- Enter the expenditure on Schedule B and enter a corresponding contribution in the same amount on Schedule A (two entries).

If the expenditure paid for by the candidate is entered only on Schedule B, the campaign's cash balance will be incorrect (and most likely negative).

Volunteer Services vs. Paid Assistance

Individuals are permitted to provide their services for free to your campaign as volunteers. A candidate may provide compensation to a volunteer for a portion of the volunteer's time spent on campaign activities. However, if the volunteer provides their services with the knowledge of their employer during their paid work-time, then the employer has made a contribution to your campaign.

Assistance from State Party Committees

Candidates can receive assistance from paid employees of a state party committee without that help being an in-kind contribution. A paid staffer working for a state party committee may:

- Provide up to a total of 40 hours of assistance to a candidate in each election – the primary and general;
- Recruit and oversee volunteers for campaign activities involving three or more candidates; or
- Coordinate campaign events involving three or more candidates.

This exception applies only to state party committees (Democratic, Green-Independent, and Republican), and does not apply to local party committees, caucus committees, or political action committees.

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 or her services to a campaign at no charge (including professional services such as legal advice, assistance with databases, and web 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 (in each election) 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, party committees and individuals 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.

One exception to this policy is that candidates may coordinate with a state or local party committee on a "slate card" or a party candidate listing of three or more candidates. Slate cards are excluded from the definition of contribution. Please note that this exception applies to state and local party committees and does not apply to caucus committees or other 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. 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.

If a third-party such as a friend, relative, political action committee, or party committee initiates a discussion with you or your campaign about a proposed expenditure to assist your campaign, the third-party has consulted with you by simply bring this up to you. Therefore, please inform the third-party that the expenditure cannot be made unless the campaign pays for it or it is reported as in-kind contribution. (Please note: the $250 contribution limit is the aggregate amount of cash and in-kind; make sure you do not receive an over-the-limit contribution).

For example: If a relative asks you or your campaign if they can run an ad in support of you, this would be considered consultation and coordination and is permitted only if the expenditure is paid for by the campaign or reported as an in-kind contribution.

Also, if a friend or relative working on your campaign, pays for an ad and did not consult you, it is also an in-kind contribution because they are part of your campaign.

Contributions from Married Couples and Domestic Partners

If you receive a contribution in the form of a check 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 gives 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 from Lobbyists

Lobbyists and their clients may not make contributions to the Governor, Legislators, constitutional officers, or their staff and agents while the Legislature is in session, except for contributions to a Legislator's campaign for federal office.

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 contribution limit (or $500 limit for gubernatorial candidates). 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 are 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. A sole proprietorship and its owner are considered to be a single entity.

Commission Review of Contributions

The Commission reviews contributions disclosed by candidates in campaign finance reports, and often 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.

Contributions for Recounts

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.

	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(4) - (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
Recounts of Elections	21-A M.R.S.A. § 1018-B

CHAPTER 20

Making 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."* (21-A M.R.S.A. § 1012(3))

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 only time that the candidate's name would appear under "Payee" is when the candidate is receiving a reimbursement for mileage.

> 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 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.

Reimbursements

Volunteers and supporters working on your campaign can use their personal funds or a credit card to pay for campaign goods or services and later be reimbursed by the campaign. If no reimbursement is made, the campaign must report the expenditure as an in-kind contribution (on Schedule A-1).

How to Report Reimbursements

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 must be reported in the reporting period in which the vendor received the payment, and the reimbursement must be made during the same reporting period (see example below). If the reimbursement is not made within the same reporting period, then you have received an in-kind contribution, which is reported on Schedule A-1.

Example of Correctly Reported Reimbursements				
SCHEDULE B – EXPENDITURES				
DATE EXPENDITURE MADE	NAME OF EACH PAYEE	EXPENDITURE TYPE (use code)	REMARK	AMOUNT
5/10/2008	USPS - AUGUSTA	POS	200 STAMPS PAID BY AL HAMILTON; REIMBURSEMENT MADE ON 5/26/2008	$84.00
5/24/2008	OFFICE SUPPLY INC	PRT	COPIES PAID BY J. ADAMS; REIMBURSEMENT MADE ON 5/26/2008	$154.67

Unspent Primary Election Funds

If you are running against a MCEA candidate in the general election, you should be aware that unspent campaign funds left over as of the date of the primary election count as a *receipt* for the general election. All your receipts for the general election, including your campaign balance after the primary election, will be considered in determining whether your Maine Clean Election Act opponent is eligible for matching funds in the general election. An example of this calculation can be found in Chapter 7 on page 50.

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 a MCEA opponent's eligibility for matching funds in the general election by intentionally 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.

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 often 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.

	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)(C)
Pre-Primary Expenditures for General Election	Rules, Chapter 1, Section 7(4); Chapter 3, Section 5(4)

CHAPTER 21

Disclosure on Campaign Communications

Disclosure on Campaign Communications

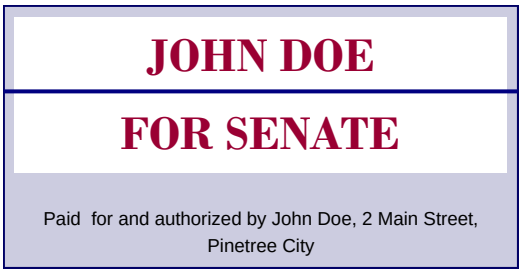
Whenever a person makes an expenditure to finance a communication expressly advocating the election or defeat of a clearly identified candidate through broadcasting stations, newspapers, magazines, outdoor advertising facilities, publicly accessible websites, direct mails or other similar types of general 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 primary election or in the last 35 days before the general election.

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

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)

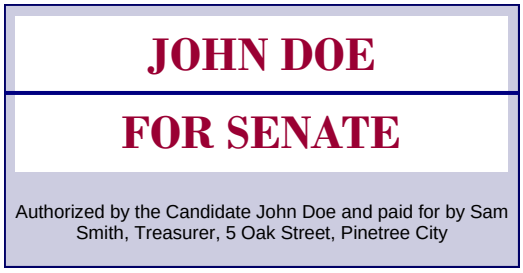


By a Candidate's Political Committee:

- 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.

Automated Telephone Calls

Prerecorded automated telephone calls and scripted live telephone class that name a clearly identified candidate during the 21 days before a primary election or 35 days before a general election must include the name of the person who made or financed the communication, except that the disclosure is not required for prerecorded automated calls paid for by the candidate using the candidate's voice and are made in support of that candidate.

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.

Constituent Mailings

Constituent newsletters, sent by incumbent Legislators, are used to communicate and inform the voters in their district of the work accomplished by the most current session. Prior to mailing, these newsletters are reviewed by legislative officers (Clerk of the House or Secretary of the Senate) to assure that they do not advocate for the election or defeat of any candidate. The purpose of these mailings is a factual account of the session and are not to be used for campaign purposes. Thus, a disclosure statement is not required.

In 2006, the Commission heard several complaints from candidates requesting that matching funds be awarded to them because a photograph or the name of their opponent appeared in a constituent newsletter: Although each case is unique, the following guidelines were developed from the Commission's 2006 decisions and the public workshop held on July 19, 2006.

Guidelines for Constituent Newsletters	
Content	No express advocacy. No photograph or name of a candidate within 21 days of the primary election and 35 days of the general election.
Timing	Received by constituents at least 21 days prior to the primary election and 35 days prior to the general election. Shortly after the session is best.
Seek Advice	Advise the officers of the chamber that you: (1) are including information or a photograph of a candidate in your newsletter and (2) are a candidate in the 2008 elections. Chamber officers will provide guidance.

Requirements for Broadcasters (TV and Radio) and Newspapers

Broadcasting stations and newspapers in Maine may not broadcast or print communications, including a version of the newspaper displayed on a website owned or operated by the newspaper, without the required disclosure: whether the communication was authorized or not authorized by the candidate and the name and address of the person paying for the communication. For communications made through broadcasting stations (such as television or radio stations) that are financed by the candidate or candidate's committee, the disclosure statement only needs the candidate's authorization and the name of the candidate or candidate's committee.

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), (2), (2-A)
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), (2-A)
Broadcasters and Newspapers	21-A M.R.S.A. § 1014(3), (3-B)
Enforcement	21-A M.R.S.A. § 1014(4)

CHAPTER 22

Post-Election Responsibilities for Privately Financed Candidates

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 and filing deadlines. It is also important for the staff to know how to contact candidates as it conducts its review of campaign finance reports.

Disposing of Surplus Cash After the Election

After an election campaign, a candidate may be left with unspent funds or surplus cash. Surplus cash amounts greater than $100 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 amounts greater than $100 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 16, 2008 for candidates in the 2008 general election.

Semiannual Reports for Candidates with Surplus Cash, Loans or Debts of More than $100.

Candidates with surplus cash, a loan, or an unpaid debt of more than $100 as of the 42-Day Post-Election Report must continue to file campaign finance reports ("semiannual reports") every January 15th and July 15th until the candidate has disclosed how the cash, loan, or debt has been disposed of. For unsuccessful candidates in the 2008 primary election who must file this report, the first report will be due January 15, 2009. For general election candidates with cash, loans, or debt over $100, the first semiannual report will be due July 15, 2009.

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(3-A)(E)
Statement of Sources of Income	1 M.R.S.A. § 1016-A

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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 campaign-related travel expenses incurred and paid for by the candidate or the candidate's spouse or domestic partner;

(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, obtained 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 state party committee to its employees for the following purposes:

(a) Providing no more than a total of 40 hours of assistance from its employees to a candidate 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 or circulating an 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, candidate, or candidate's immediate family;

(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 campaign-related travel expenses incurred and paid for by the candidate or the candidate's spouse or domestic partner;

(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 state party committee to its employees for the following purposes:

(a) Providing no more than a total of 40 hours of assistance from its employees to a candidate 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.

Candidate's Name:

SAMPLE TRAVEL LOG for MCEA Candidates and their Campaign Staff

Name of Person Traveling:
(Requesting reimbursement)

Address:

Questions? Call 207-287-4179

Commission on Governmental Ethics and Election Practices

Mailing: 135 State House Station
Augusta, Maine 04333
Location: 242 State Street
Augusta, Maine

Phone: 207-287-4179
Fax: 207-287-6775
Website: www.maine.gov/ethics

Date of Travel (Required)	Odometer Reading at Start (Suggested)	Odometer Reading at End (Suggested)	Number of Miles Traveled (Required)	Purpose and Destinations of Travel (Required)

HOW TO REPORT TRAVEL

Report reimbursements on Schedule B of a campaign finance report. The person receiving the reimbursement is the "Payee."

If the campaign pays for fuel, report the expenditure on Schedule B of a campaign finance report listing the gas station as the "Payee," and use this log for documentation, not reimbursement.

Receipts for expenditures over $50 and travel logs must be kept until December 2010 (2 years after the 42-Day Post-General Report).

	Number of miles this page
	Number of miles from attached pages
	Total miles traveled
$	Multiply by $0.42 (per mile rate for 2008 elections) **This is the maximum reimbursement amount based on mileage. The payments for fuel can not exceed this amount.**

Actual Amount of Reimbursement: $_____

Page ___

Date of Travel (Required)	Odometer Reading at Start (Suggested)	Odometer Reading at End (Suggested)	Number of Miles Traveled (Required)	Purpose of Travel (Required)
	Total miles traveled this page			

Matching Funds Formulas and Calculation Examples for Primary and General Elections: Two Way Race (MCEA vs. Privately Financed)

Primary Election Matching Funds Formula

The formula for calculating matching funds in a two way race when one candidate is MCEA funded and the opponent is privately financed is shown below. In this formula, the amount of seed money raised by the MCEA candidate is used in the calculation.

Formula for Calculating Matching Funds in a Primary Election Two Way Race: One MCEA Candidate and One Privately Finance Candidate		
Your amount (MCEA Candidate)	**compared to**	**Your opponent's amount (Privately Financed Candidate)**
Amount of seed money raised		Receipts or expenditures whichever is greater for the primary election
plus		
MCEA funds received for the primary election		
plus		plus
Independent expenditures made to support you or to defeat your opponent in the general election		Independent expenditures made to support your opponent or to defeat you in the primary election

Primary Election Matching Funds Calculation

The example below shows how matching funds are calculated in a two way race when one candidate is MCEA funded and the opponent is privately financed. In this calculation, the seed money raised by the MCEA candidate is used.

2008 Primary Election Matching Funds: Example of Two Way Race: MCEA Candidate with Privately Financed Opponent				
MCEA Candidate			**Privately Financed Candidate**	
Amount of seed money raised	$300	compared to	$1,000	Receipts or expenditures whichever is greater for the primary election
	plus			
Primary election MCEA payment	$500			
	plus		plus	
Independent expenditures	$500		$1000	Independent expenditures
Total	**$1,300**		**$2,000**	**Total**
Matching funds authorized	**$700**			

Matching Funds Formulas and Calculation Examples for Primary and General Elections

Two Way Race: MCEA vs. Privately Financed (continued)

General Election Matching Funds Formula

The formula for calculating matching funds in a two way race when one candidate is MCEA funded and the opponent is privately financed is shown below. In this formula, the cash balance on the day of the primary is used in the calculation.

Formula for Calculating Matching Funds in a General Election Two Way Race: One MCEA Candidate and One Privately Finance Candidate		
Your amount (MCEA Candidate)	**compared to**	**Your opponent's amount (Privately Financed Candidate)**
Campaign balance on the day of the primary election		Campaign balance on the day of the primary election
plus		plus
MCEA funds received for the general election		Receipts or expenditures whichever is greater for the general election
plus		plus
Independent expenditures made to support you or to defeat your opponent in the general election		Independent expenditures made to support your opponent or to defeat you in the primary election

General Election Matching Funds Calculation

The example below shows how matching funds are calculated in a two way race when one candidate is MCEA funded and the opponent is privately financed. In this calculation, the cash balance on the day of the primary is used.

2008 General Election Matching Funds: Example of Two Way Race: MCEA Candidate with Privately Financed Opponent				
MCEA Candidate			**Privately Financed Candidate**	
Campaign balance on day of primary election	$300	compared to	$200	Campaign balance on day of primary election
	plus		plus	
General election MCEA payment	$5,000		$6,000	Receipts or expenditures whichever is greater for the general election
	plus		plus	
Independent expenditures	$500		$1000	Independent expenditures
Total	**$5,800**		**$7,200**	**Total**
Matching funds authorized	**$1,400**			

2008 Matching Funds Formula and Calculation Example for Primary Election:

Three Way Race (MCEA vs. Privately Financed)

Formula for Calculating Primary Election Matching Funds in a Three Way Race: Two MCEA Candidates and a Privately Finance Candidate			
Your amount (MCEA Candidate A)	**compared to**	**Your opponent's amount (MCEA Candidate B)**	**Your opponent's amount (Privately Financed Candidate C)**
Amount of seed money raised		Amount of seed money raised	Receipts or expenditures whichever is greater for the primary election
plus		plus	
MCEA funds received for the primary election		MCEA funds received for the primary election	
plus		plus	plus
Independent expenditures made to support you or to defeat your opponents		Independent expenditures made to support Candidate B or to defeat candidate A & C	Independent expenditures made to support Candidate C or to defeat Candidate A & B

Example of a Three Way Race - Two MCEA Candidates and One Privately Financed Candidate (Privately financed candidate's total is less than MCEA candidates' totals.)						
MCEA Candidate			**Opponent MCEA Candidate**		**Opponent Privately Financed Candidate**	
Seed money raised	$500		$0	Seed money raised		
Seed money amounts are only used to determine whether the MCEA candidate totals are less than the privately finance totals. Seed money amounts are not used in the calculation between two MCEA candidates.						
MCEA payments made for primary election	$5,000	COMPARED TO	$5,000	MCEA payments made for primary election	$4,000	Any surplus cash from a previous campaign plus total receipts (cash, in-kind & loans) or Total expenditures (whichever is greater)
plus			plus		plus	
Independent expenditures in support	$1,000		$2,000	Independent expenditures in support	$200	Independent expenditures in support
Total	**$6,000**		**$7,000**	**Total**	**$4,200**	**Total**
Matching Funds Awarded	**$1,000**		**$0**	**Matching Funds Awarded**		

Matching Funds Formulas and Calculation Examples for Primary and General Elections:

Three Way Race (MCEA vs. Privately Financed)

Formula for Calculating General Election Matching Funds in a Three Way Race: Two MCEA Candidates and a Privately Finance Candidate			
Your amount (MCEA Candidate A)	compared to	**Your opponent's amount (MCEA Candidate B)**	**Your opponent's amount (Privately Financed Candidate C)**
Campaign balance on day of primary election		Campaign balance on day of primary election	Campaign balance on day of primary election
plus		plus	plus
MCEA funds received for the general election		MCEA funds received for the general election	Receipts or expenditures whichever is greater for the general election
plus		plus	plus
Independent expenditures made to support you or to defeat your opponents		Independent expenditures made to support Candidate B or to defeat candidate A & C	Independent expenditures made to support Candidate C or to defeat Candidate A & B

Example of a Three Way Race with One Privately Financed Opponent (Privately Financed candidate's total is greater than MCEA candidates' totals.)					
MCEA Candidate A		**MCEA Candidate B**		**Privately Financed Candidate**	
Campaign balance on day of primary	$500	$0	Campaign balance on day of primary	$2,000	Campaign balance on cay of primary (this amount is added to receipts)
	plus	plus			
Total MCEA payments made for general election	$5,000	$5,000	Total MCEA payments made for general election	[$6,000 in receipts + $2,000 - balance on primary equals] **$8,000** [which is greater than total expenditures of $7,000]	Total receipts (includes cash balance on day of primary plus cash, in-kind and loans) or Total expenditures (whichever is greater)
	plus	plus		plus	
Independent expenditures	$3,000	$3,000	Independent expenditures	**$1,000**	Independent expenditures
Total	**$8,500**	**$8,000**	**Total**	**$9,000**	**Total ($8,000 + $1,000)**
Matching Funds Awarded	**$500**	**$1,000**	**Matching Funds Awarded**		

DISPOSITION OF SURPLUS 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.

(Current as of 09/2007)

COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES
Mail: 135 State House Station, Augusta, Maine 04333
Office: 242 State Street, Augusta, Maine

Website: www.maine.gov/ethics
Phone: 207-287-4179
Fax: 207-287-6775

Policy on Paying Campaign Funds to Family Members

This memorandum describes the policies and procedures regarding the use of campaign funds to pay a member of the candidate's family or household, which were established by the Maine Ethics Commission pursuant to statutory changes enacted during the First Special Session of the 123rd Legislature (P.L. 2007, c. 567 (eff. July 18, 2008) and c. 571 (eff. April 7, 2008)).

Disclosing a Payment to a Member of the Candidate's Family or Household (applies to gubernatorial, legislative, and county candidates)

- *Traditionally financed candidates.* If a candidate makes a payment of campaign funds to a member of the candidate's household, the candidate must report the family or other relationship (e.g., "brother" or "roommate") in the remarks section of Schedule B (for expenditures) of the campaign finance report. (P.L. 2007, c. 567 (eff. July 18, 2008))
- *Maine Clean Election Act candidates.* If a candidate makes a payment of Maine Clean Election Act funds to a member of the candidate's "immediate family" (defined below), a member of the candidate's household, or a business or nonprofit entity affiliated with a member of the candidate's immediate family, the candidate must disclose the family or household relationship (e.g., "spouse," "domestic partner," "brother," "roommate," or "business owned by daughter") in the remarks section of Schedule B of the campaign finance report. (P.L. 2007, c. 571 (eff. April 7, 2008))

  For purposes of this disclosure requirement, "immediate family" means the candidate's spouse, parent, grandparent, child, grandchild, sister, brother, stepparent, stepgrandparent, stepchild, stepgrandchild, stepsister, stepbrother, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, guardian, former guardian, or domestic partner. 21-A M.R.S.A. §§ 1(20) & 1122(4-A))

New Restrictions for Maine Clean Election Act Candidates (21-A M.R.S.A. § 1125(6-B), enacted by P.L. 2007, c. 567 (eff. July 18, 2008))

This new statute provides that Maine Clean Election Act (MCEA) candidates may not use public campaign funds to pay:

- the candidate,
- a member of the candidate's household,
- or a business, corporation or nonprofit entity in which the candidate or a member of the candidate's household holds a significant proprietary or financial interest

unless the candidate submits evidence to the Commission that the expenditure will be made:

- for a legitimate campaign-related purpose,
- to an individual or business that provides the goods or services being purchased in the normal course of their occupation or business, and
- in an amount that is reasonable taking into consideration current market value and other factors the Commission may choose to consider.

Timing of Submitting Evidence; Procedure for Commission Action

If a candidate intends to pay MCEA funds to an individual or entity covered by 21-A M.R.S.A. § 1125(6-B), the candidate must submit the evidence required by the statute to the Commission for its approval before entering into an obligation to the payee. The Commission staff shall consider this evidence to determine whether the expenditure, in its view, meets the requirements of 21-A M.R.S.A. § 1125(6-B) and submit its views to the candidate and the Commission. The staff may request additional relevant evidence and, after considering it, the staff shall notify the candidate and the Commission of any proposed expenditure which, in its view, does or does not meet the requirements of 21-A M.R.S.A. § 1125(6-B).

The Commission must hold a hearing on the matter at the next regularly scheduled meeting of the Commission to determine if the proposed expenditure meets the requirements of the statute.

Evidence Submitted

The candidate should provide information that establishes that the proposed payee currently is employed by or is engaged in a business that provides the goods or services. The candidate should state the proposed price for the goods and services, and include a justification for that amount. In most cases, the justification will include information from the proposed payee regarding the usual price for providing such goods and services to other clients. The candidate should also explain how the goods or services are campaign-related.

Reimbursing for Goods or Services Advanced to the Campaign

If a MCEA candidate or a supporter of that candidate uses personal funds or a personal credit card to pay a vendor for campaign goods or services, the candidate may reimburse the candidate or supporter, provided that the reimbursement occurs in the same campaign finance reporting period as the payment to the vendor. This reimbursement is permitted even if the supporter resides in the same household as the candidate.

06/27/2008

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2008 CANDIDATE GUIDE

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