

2020 Candidate Quick Guide



Maine Clean Election Act Legislative Candidates

Maine Commission on Governmental Ethics and Election Practices

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2020 GENERAL INFORMATION - MAINE CLEAN ELECTION ACT CANDIDATES

Introduction

Dear Candidate:

Thank you for registering as a legislative candidate in Maine’s 2020 elections. This Quick Guide introduces you to the key elements of running as a Maine Clean Election Act candidate. You will find more detailed information in the 2020 Guidebook for Maine Clean Election Act Candidates. Neither this Quick Guide nor the Candidate Guidebook, however, is a substitute for the Commission’s statutes and rules. Please do not hesitate to email or call your Candidate Registrar if you have any questions. We are here to help in any way we can.

- Ethics Commission Staff

Filing Financial Reports

Maine Clean Election Act candidates must file financial reports according to the schedule below. If reports are late, the Commission assesses late-filing penalties automatically, and penalties increase every day. Therefore, it is critical that candidates file the report by 11:59 p.m. on each deadline. Please get an early start. The Commission staff is available to help until 5:00 p.m. on each filing deadline.

Filing Schedule

Report	Due Date	Period Begin Date	Period End Date
Seed Money Report (SMR)*	April 21, 2020	Date of Registration	Date of SMR Filing
11-Day Pre-Primary Report	May 29, 2020	Day After SMR Filing	May 26, 2020
42-Day Post-Primary Report	July 21, 2020	May 27, 2020	July 14, 2020
42-Day Pre-General Report	September 22, 2020	July 15, 2020	September 15, 2020
11-Day Pre-General Report	October 23, 2020	September 16, 2020	October 20, 2020
42-Day Post-General Report	December 15, 2020	October 21, 2020	December 8, 2020
24-Hour Reporting Periods for Contested Candidates**			
May 27 - June 8, 2020 (before the Primary Election)			
October 21 - November 2, 2020 (before the General Election)			

**** In the 13 days prior to an election in which a candidate is contested, 24-Hour Reports must be filed if the candidate accepts a single contribution or makes a single expenditure of \$1,000 or more. This includes loans, debts, and debt payments. Within one day of the transaction that triggers a 24-Hour Report, campaigns must log in to the eFiling website, add the transaction, and then file the automatically created 24-Hour Report.**

*** Candidates who collect more than \$500 in seed money before January 1, 2020 must file a January Semiannual Report by January 15, 2020. Their SMR would have a begin date of January 1, 2020.**

MCEA Payments: Basic and Supplemental



Initial Level of Campaign Funding

Candidates qualify for initial MCEA funding for each election by collecting a minimum number of valid QCs (60 for House candidates and 175 for Senate candidates) and submitting them by April 21, 2020. The Commission will make one initial payment for each the primary and general elections.

	House Candidates		Senate Candidates	
	60 QCs to qualify		175 QCs to qualify	
	Uncontested	Contested	Uncontested	Contested
Primary Payment	\$525	\$2,650	\$2,125	\$10,575
General Payment	\$1,600	\$5,300	\$6,350	\$21,175

Optional Supplemental Payments for the General Election

General election candidates may request up to eight supplemental payments of MCEA funds by continuing to collect qualifying contributions and submitting them to the Commission by 5:00 p.m. on October 13, 2020. These supplemental payments are intended to ensure that MCEA candidates will have access to sufficient campaign funds for the general election. Whether a candidate seeks supplemental funding and the level of funding is entirely up to the candidate who should make a realistic assessment of the resources they need to run a successful campaign.

- For every 15 valid qualifying contributions collected by a House candidate, the Commission will make a supplemental payment of \$1,325.
- For every 45 valid qualifying contributions collected by a Senate candidate, the Commission will make a supplemental payment of \$5,300.

Levels of Supplemental Payments

	1	2	3	4	5	6	7	8
House	\$1,325 (15 QCs)	\$2,650 (30 QCs)	\$3,975 (45 QCs)	\$5,300 (60 QCs)	\$6,625 (75 QCs)	\$7,950 (90 QCs)	\$9,275 (105 QCs)	\$10,600 (120 QCs)
Senate	\$5,300 (45 QCs)	\$10,600 (90 QCs)	\$15,900 (135 QCs)	\$21,200 (180 QCs)	\$26,500 (225 QCs)	\$31,800 (270 QCs)	\$37,100 (315 QCs)	\$42,400 (360 QCs)

2020 EXPENDITURE GUIDELINES

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. Candidates are required to comply with these guidelines for all expenditures of MCEA funds.

PERMISSIBLE EXPENDITURES

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:

- Political advertising expenses
- Campaign communications such as signs, bumper stickers, T-shirts, or caps with campaign slogans, etc.
- Campaign events (e.g., invitations, food, tent or hall rental, etc.)
- Printing and mailing costs
- Campaign website
- Office supplies
- Campaign staff expenses
- 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
- Campaign travel expenses, such as mileage and tolls

Ballot Questions

Candidates may state their position with respect to a ballot question in a communication financed with MCEA funds. Candidates may not use MCEA funds for a paid communication that primarily supports or opposes a referendum or citizen initiative.

Campaign Training

Candidates may use MCEA funds for tuition or registration costs for campaign or policy issues training.

If you have questions about these Guidelines or a specific expenditure, contact your Candidate Registrar at 287-4179.

PROHIBITED EXPENDITURES

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 expenses and supplies
- Mortgage, rent, or utility payments for the candidate's personal residence, even if part of the residence is being used by the campaign
- Vehicle repair and maintenance
- Non-campaign transportation expenses
- Professional clothing, (including attire for political functions) business suits, shoes, dress shirts, or pants

MCEA funds may not be spent to:

- Pay a consultant, vendor, or campaign staff for anything other than campaign goods or services
- Compensate the candidate for services provided by the candidate
- Make independent expenditures supporting or opposing any candidate, ballot question, or political committee
- Assist in any way the campaign of any candidate other than the candidate for whom the funds were originally designated
- Contribute to another candidate, a political committee, or a party committee other than in exchange for goods and services
- 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
- Make a thank-you gift (including a gift card) to a volunteer or supporter
- Pay civil penalties, fines, or forfeitures to the Commission, or defend the candidate in enforcement proceedings brought by the Commission
- Assist the candidate in an election recount

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Car Travel

MCEA campaigns may reimburse the candidate or campaign workers for their car travel, as long as the person reimbursed has kept a *contemporaneous* travel log. The campaign may make a travel reimbursement up to the number of miles traveled as reported in the log multiplied by \$0.45. Campaigns must keep the travel logs for three years, and provide them to the Commission if requested. Candidates and their spouses/domestic partners may spend any amount of their personal funds for campaign travel without seeking reimbursement. Other individuals may spend up to \$350 of their personal funds to pay for travel without making a contribution to the campaign.

Food

Candidates may spend a reasonable amount of MCEA funds on food for campaign events or to feed volunteers while they are working, but must take into account the public nature of MCEA funding. Legislative candidates may not use MCEA funds to purchase food that is consumed *only* by the candidate and/or members of the candidate's immediate family. Generally, reasonable amounts for food should not exceed \$5 per person for breakfast, \$10 per person for lunch, and \$20 per person for dinner. If candidates wish to spend greater amounts per person for food, the Commission recommends the candidate contact the Commission staff for guidance.

Lodging

Candidates may use MCEA funds to pay for lodging if necessary for campaign purposes, but must keep lodging expenses reasonable and may not exceed the lodging rates approved by the Office of State Controller for state employees conducting travel for state business. MCEA candidates may use personal funds for lodging, provided that they are not reimbursed by others.

Office Supplies

Candidates may spend MCEA funds for office supplies that they reasonably anticipate will be used for campaign purposes only. MCEA funds may not be spent for office supplies to be used for constituent communications or for other expenses associated with service as a public official. The Commission may require candidates to repay their campaign for any office supplies with a value of \$50 or more that were not used for campaign purposes or were used minimally for campaign purposes.

Post-Election Activities

Candidates may spend up to the following maximum amounts of MCEA funds on post-election 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 personal funds for these purposes.

Promotional Items

Candidates may spend MCEA funds on inexpensive items to promote their candidacies or to gain visibility at public events. Purchases of apparel generally should not cost more than \$10 per item. Candidates may purchase other types of promotional items, but the cost should not exceed \$5 per item. Candidates may purchase up to two pieces of outerwear (e.g., fleeces or sweatshirts) to promote their election.

Property & Equipment

Goods purchased with MCEA funds for \$50 or more that could be converted to personal use after the campaign (e.g., computers, fax machines, and cell phones) must be sold at fair market value and the proceeds returned to the Maine Clean Election Fund no later than 42 days after the final report for the campaign. If the campaign sells the property or equipment to the candidate or a member of the candidate's immediate family or campaign staff, the campaign must receive at least 75% of the original purchase price paid by the campaign. Candidates are welcome to lease electronic and other equipment.

Salary & 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.

Unnecessary Goods

Legislative candidates may not spend MCEA funds for goods not typically necessary for a House or Senate campaign, such as office furniture, a brief case, or large storage items. If you are unsure whether an item you wish to purchase is within this category, please call the Ethics Commission for guidance.

If you are unsure if an expenditure is allowable under the MCEA Guidelines, contact your Candidate Registrar by email or call 287-4179 .



COLLECTING QUALIFYING CONTRIBUTIONS

What Is a Qualifying Contribution?

A QC is a donation of **at least \$5** made by a **registered voter in the candidate's district** to support the candidate in becoming eligible for the Maine Clean Election program. A QC can be made by **check or money order payable to the Maine Clean Election Fund, cash** (allowed when using the Cash QC Affirmation Form), **or by credit card** (using the Commission's online QC service). The contributor who is using cash, a check, or money order **must sign a Receipt & Acknowledgment (R&A) Form**, as well as the **check or money order**, or the **Cash QC Affirmation Form**. The candidate then uses the **online QC service to verify the voter registration** of their contributors. If a contributor's voter registration cannot be verified, the candidate can print a computer-generated R&A Form to take to the appropriate municipal clerk. If a contributor's voter registration cannot be verified, or if a QC does not meet the other requirements, it will be rejected.

When and How Can QCs Be Collected?

A candidate must be **registered** with the Ethics Commission and have submitted a **signed Declaration of Intent** before they can start collecting QCs. QCs can be collected from **January 1 - October 13, 2020**. **QCs for certification must be submitted by 5:00 p.m. on April 21, 2020.**

QCs can be collected in person, or contributors can donate online using the Ethics Commission's online QC service. Supporters of the candidate are allowed to help by collecting QCs for the candidate, and candidates can collect QCs at the same time they are collecting ballot petition signatures. **The R&A Forms must be signed by the person who circulated them.**

How Many QCs Are Required?

For **MCEA certification**, House candidates must submit at least **60 valid QCs**; Senate candidates must submit at least **175 valid QCs**. It is highly recommended that candidates collect and submit at least **10% more than the minimum for certification.**

Candidates may **request supplemental funding for the general election** by collecting and submitting additional QCs. Please see "2020 General Information" in this packet for information about the number of QCs necessary for supplemental funding levels, or call a Candidate Registrar.

What Are the Deadlines for Submitting QCs?

For **MCEA certification**, candidates must submit **the QCs (checks, money orders, and Cash QC Affirmation Forms) and the original R&A Forms** to the Ethics Commission **no later than 5:00 p.m. on April 21, 2020**. **There are no exceptions to this deadline.** Candidates must also submit a **list of all contributors** (which is created on the online QC service) and their **Seed Money Report** (which is filed on the Commission's eFiling website).

To **receive supplemental funds**, candidates must submit QCs and all associated documents (see previous paragraph) **no later than 5:00 p.m. on October 13, 2020.**

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How To Properly Collect Check, Money Order, Cash, and Online QCs

Online QCs

- ⇒ The Commission's online QC service is the simplest method for collecting QCs
- ⇒ Contributors go to www.maine.gov/cleanelections and follow the prompts to enter their name, address, and credit card information
- ⇒ Candidates/circulators may assist contributors with using the site, but **may not enter payment information, or electronically sign or affirm for the contributor**

Check QCs*

- ⇒ Contributors can make a QC using a **personal** check made out to the **“Maine Clean Election Fund” or “MCEF”**
- ⇒ Checks must be from contributors' **personal** accounts, **not** business accounts
 - ⇒ If a contributor uses a business account for personal purposes, their individual name must be imprinted on the check, or they need to make a notation in the memo section (or provide some other type of note or memo to the candidate/circulator)
- ⇒ A **single check** can be used for multiple contributors, provided they are all **registered to vote at the same address**

Cash QCs*

- ⇒ Contributors may give QCs in cash provided they **sign the Cash QC Affirmation Form**
- ⇒ Candidates/circulators must purchase a **bulk money order** (MO) using the cash received from contributors and submit it to the Commission, along with the Affirmation Forms
- ⇒ The bulk money order must be **made out to the “Maine Clean Election Fund” or “MCEF”**
- ⇒ If there is a discrepancy between the amount of the bulk MO and the **amount necessary to represent \$5 coming from every cash contributor, some QCs may be considered invalid**
- ⇒ If a candidate personally pays a fee for the bulk MO, the fee **is not considered an in-kind contribution** and is not required to be reimbursed

Money Order (MO) QCs*

- ⇒ A contributor can make a QC using an MO provided by the candidate/circulator
 - ⇒ They must be **written to the “Maine Clean Election Fund” or “MCEF”**
 - ⇒ **The MO must be signed** by the contributor or the QC will be invalid
 - ⇒ The contributor **must give the candidate/circulator \$5 in exchange for the MO** or the QC will be fraudulent
- ⇒ Candidates can purchase \$5 MOs to have on hand while soliciting QCs
 - ⇒ If MOs are purchased with personal funds, any associated fees are **not in-kind contributions** and are not required to be reimbursed with campaign funds
 - ⇒ If MOs are purchased with seed money or MCEA funds, any associated **fees must be reported as expenditures**
- ⇒ The cash paid by contributors in exchange for an MO must be used to **reimburse the original source of funds** - personal, seed money, or MCEA - that were used to purchase the MO

*** These contributors must sign the R&A Form otherwise the QC is invalid**



BEST PRACTICES & FAQs

- Candidates **must register** with the Commission, **appoint a treasurer**, and **submit a signed Declaration of Intent, before** collecting QCs.
- Candidates **must** open and use a **separate bank account** to deposit seed money and MCEA funds, and to make all campaign-related expenditures. The account should be a checking account with a debit card, if possible.
- After MCEA certification, candidates may **not accept monetary or in-kind contributions**.
- Candidates may **only** use MCEA funds for **campaign-related expenditures** that are allowed under the Commission's **2020 Expenditure Guidelines** (included in the folder).
- Candidates should be aware they are spending **public funds** on their campaign. Purchases that appear frivolous or for personal gain can damage a candidate's reputation.
- Expenditures **greater than \$50 may never** be paid for with **cash**.
- Receipts and invoices **must be kept** for **all** expenditures over \$50.
- Candidates should **avoid** having to make **reimbursements** by making all expenditures **directly from the campaign bank account**.
- Candidates must not request or suggest that others spend money to promote their election, and must not consult or cooperate with anyone making expenditures to promote their election. Please contact a Candidate Registrar for more information.
- Generally, candidates **may not** use MCEA funds to pay a member of the candidate's **immediate family or household**.
- If a campaign used MCEA funds to **purchase equipment worth \$50** or more that could be converted to personal use after the election, the campaign **must sell the item** at fair market value and return the proceeds to the Commission. If the candidate, a family member, or a campaign staffer buys the item, they must buy the item for **no less than 75%** of the original purchase price.

Q: What do I do if my bank or credit union requires a minimum balance, or needs an initial deposit to open the campaign account?

A: You may use personal funds to avoid minimum balance and maintenance fees. Personal funds deposited into the account to open it that are greater than the required minimum balance must be **considered and reported as seed money**. Personal funds must **never** be used for campaign purposes.

Q: I need to make a purchase that requires the use of a credit/debit card, and I do not have one for the campaign bank account. How do I make this purchase?

A: The Ethics Commission staff *highly* recommends using a debit card with your campaign bank account. If you do not have one, you may use a personal credit/debit card to make the purchase. You must then reimburse yourself with campaign funds *immediately* via a check from the campaign account.

Q: Can I reimburse myself or supporters for mileage costs?

A: Yes, a campaign may reimburse the candidate or supporters for mileage costs that are incurred while doing campaign work. However, for travel reimbursements to be allowable, the individual being reimbursed must provide a detailed, contemporaneous travel log to the campaign, and be reimbursed at no more than \$0.45/mile. Not all travel expenses have to be reimbursed. Candidates do not have to be reimbursed for any mileage costs they incur. Volunteers and other supporters may use up to \$350 in personal funds for campaign-related travel without making an in-kind contribution. **Campaigns should not purchase fuel at the pump with MCEA funds, as fuel cost is included in the \$0.45/mile rate**, and the contemporaneous travel log has not been finalized for that trip yet.

Q: How do I know if an expenditure is okay to make with MCEA funds?

A: Before you begin to make purchases for your campaign, you should review the 2020 Expenditure Guidelines to become familiar with what expenditures are allowable and what ones are not. Common purchases, such as lawn signs, palm cards, and mailers to promote your election, are allowable. However, purchases of clothing, promotional items, travel expenses, and other items may have some restrictions or be unallowable. Under no circumstances are MCEA funds to be used to purchase non-campaign-related or personal items, goods, or services. If you are unsure if an expenditure is allowable, please refer to the 2020 Candidate's Guidebook, or call your Candidate Registrar.

Always feel free to contact your Candidate Registrar with any questions



COLLECTING, SPENDING, & REPORTING SEED MONEY

Prior to certification, MCEA candidates are allowed to raise a small amount of private contributions, called seed money, to pay for campaign activities before receiving public funds. Only individuals may make seed money contributions, and there are limits as to how much seed money a candidate can raise and when they can spend it.



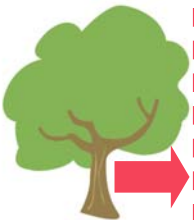
COLLECTING

- Candidates should be **registered** with the Commission **before** accepting seed money.
- Candidates may **only** accept seed money from **individuals**, and not from businesses, PACs, party committees, *etc.*
- The seed money contribution **limit** is **\$100 per contributor**.
- **House** candidates may collect **no more than \$1,000** in seed money; **Senate** candidates **no more than \$3,000**.



SPENDING

- Candidates **should** spend **all or most** of their seed money **before** requesting MCEA certification (see following box).
- **All** goods and services received **before MCEA certification must be paid for with seed money**. MCEA funds may not be used to pay for goods and services received before certification, including reimbursements for travel or other expenses.
- Seed money may be spent on typical campaign expenses, including deposits/down payments for large orders, and equipment purchases.
- **Purchasing campaign equipment** with seed money rather than MCEA funds is recommended because it allows candidates to avoid having to sell the equipment after the election and returning the proceeds to the Commission.



REPORTING

- Seed Money Reports are **due by April 21st**, but a **one-week extension** may be requested; candidates **cannot become certified** until a Seed Money Report is filed.
- Contributions of **\$50 or less** may be reported together in **one lump sum**; contributions of **more than \$50** must be reported as itemized contributions and **include the contributor's name, address, occupation, and employer**.
- If the Seed Money Report shows a positive cash balance, the candidate's primary election payment of MCEA funds will be reduced by the amount of the unspent seed money.

MAKING & REPORTING EXPENDITURES

Candidates must spend their MCEA funds for campaign-related purposes and not for other purposes, such as the candidate's personal benefit, party-building, or to promote another candidate's campaign. MCEA candidates should be aware of the Expenditure Guidelines (included in this folder), and that some types of expenditures have special record keeping and reporting requirements. MCEA candidates should take into account the public nature of the funds, the underlying objectives of the MCEA, and the reasonableness of the expenditures under the circumstances.



MAKING

- All expenditures **must** be made with campaign funds and **must** be allowable under the **Expenditure Guidelines**; **only** campaign purchases may be made with campaign funds.
- All expenditures **should** be made from the campaign bank account **by check or debit card**, and **reimbursements** to the candidate or volunteers should be **avoided**. **Expenditures over \$50 may never be paid for with cash.**
- Expenditures to pay **campaign staff or consultants must have a contemporaneous contract or invoice or timesheet** (please see your 2020 Candidate Guidebook or contact your Candidate Registrar for more information).
- All **campaign literature, advertising, and promotional items**, other than small or handmade items, must have a **proper disclosure statement** on it—the most simple version is: **“Authorized and Paid For by the Candidate”**
- Candidates are allowed to **reimburse** themselves and others for **campaign travel** using the **\$0.45/mile rate**, but **contemporaneous travel logs must be kept** to do so; candidates **should not purchase fuel outright** with MCEA funds, as the mileage rate includes the cost of fuel.

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REPORTING

- Every expenditure and debt, regardless of amount, **must be itemized** in campaign finance reports.
- If a campaign places an order or enters into an agreement for services, it has **incurred a debt. Debts must be reported even if no payment has been made** and no goods or services have been received. If a campaign has any unpaid or outstanding debts at the end of a reporting period, **those debts must be disclosed in that report.**
- For each expenditure the campaign must: report the **date and amount**, and **the full name and address of the payee**; choose an **expenditure type**; and include a **brief description** of what was purchased. Campaigns will be asked to amend their reports if any of this information is **missing, inaccurate, or incomplete.**
- When choosing an **expenditure type**, candidates should do their best to make sure they are selecting an **appropriate option**. Incorrect expenditure types are the most common reason campaigns need to amend reports.
- When reporting a **reimbursement**, the **vendor of the goods or services** should be reported as the payee, **not the person who was reimbursed**, and the date should be the date of the original purchase, not the date the reimbursement was made. In the **description** area, the campaign should include the information of **who was reimbursed and on what date.**
- When reporting a **mileage reimbursement** expenditure, **the payee should be the individual who is receiving the reimbursement**; the campaign **should** include in the description the **number of miles traveled and the dates of travel** for the amount being reimbursed.
- In the 13 days before an election, **most expenditures, debts, and debt payments of \$1,000 or more** have to be reported in a special **24-Hour Report**. Please refer to the 2020 Candidate's Guidebook or contact your Candidate Registrar for more information about filing 24-Hour Reports.



RECORD-KEEPING & BANK ACCOUNT INFORMATION

BANK ACCOUNT

Candidates are **required** to deposit seed money and MCEA funds in a separate campaign account with a bank or credit union.

The account **should be a checking account**. Candidates **must** have a way to pay for purchases **directly from the account**, such as checks and/or a debit card. Using cash to pay for purchases is not recommended, and not allowed for purchases greater than \$50.

Candidates **may not commingle personal and campaign funds** in the same account. However, if necessary, candidates may deposit a small amount of personal funds in the campaign to maintain a minimum balance or to avoid paying bank fees.

Candidates should request to receive **paper monthly statements** from their bank, to help with record-keeping requirements.

RECORD KEEPING

Candidates are **required** to keep all of their campaign records for **three years**. These records include **bank statements, proofs of payment, and vendor invoices or receipts**.

For every expenditure of **\$50 or more**, campaigns **must have both** a vendor receipt or invoice, and proof of payment.

Proof of payment is a written record verifying that the vendor received the payment—**most commonly this is a cancelled check or a debit card transaction** in a bank statement.

It is highly recommended that campaigns keep contemporaneous bank statements and images of scanned checks, as some financial institutions make those available for only a limited amount of time.