

Ballot Question Committee Campaign Finance Guidebook



For 2023 Referenda Elections



IMPORTANT NOTICE

Information concerning the petitioning process and qualifications for ballot questions is provided by the Secretary of State (www.maine.gov/sos/cec/).

The Commission has taken care to make this guide concise and accurate; however, do not substitute the information presented here for the applicable provisions of Maine law and the Commission's rules. The statutory and regulatory requirements are controlling in the event of any omission or error in this publication.

NOTE FROM THE COMMISSION STAFF

The Ethics Commission advises all campaigns that our main priority is helping you. Maine's campaign finance laws are complicated and they cannot all be summarized in a guidebook. We have a dedicated employee for BQCs, who will work with you throughout the entirety of your campaign. Please contact us with your questions so we can help you get compliance right the first time and you can focus on spreading your campaign's message with Maine voters!



TABLE OF CONTENTS

CHAPTER 1	INTRODUCTION	1
CHAPTER 2	REGISTRATION	4
CHAPTER 3	RESTRICTIONS & PROHIBITIONS	8
CHAPTER 4	CAMPAIGN FINANCE REPORTS	10
CHAPTER 5	CANDIDATES, MAJOR CONTRIBUTORS & DISCLAIMERS	16
CHAPTER 6	ENFORCEMENT ACTIONS BY THE COMMISSION	18
APPENDIX & DIRECTORY		



CHAPTER 1

Introduction

Organizations and groups that raise or spend money to influence a referenda campaign may be required to register as a ballot question committee (BQC) and file campaign finance reports with the Commission. For purposes of registering, the Commission has recognized two types of BQCs: traditional and individual. In addition to BQCs, groups may form political action committees (PACs) to influence candidate elections, and are required, along with various state and municipal party committees, to file campaign finance reports. (Please see the PAC and Local Party Committee Guidebooks for more information on these committees.)

What is a Ballot Question Committee?

Maine law defines a BQC as:

A person that receives contributions or makes expenditures aggregating in excess of **\$5,000** for the purpose of initiating or influencing a campaign that is not a campaign for the nomination or election of a candidate.

Most BQCs will be considered traditional because they are founded by a business, organization, or voluntary association. An individual BQC is a

single individual who raises or spends over **\$5,000** for the purpose of influencing a referendum campaign.

This guide will focus primarily on traditional BQCs but will note exceptions to the general requirements for individual BQCs.

Important Definitions

Campaign. “Campaign” means any course of activities to initiative or influence:

- A. A people’s veto referendum under the Constitution of Maine, Article IV, Part Third, Section 17;
- B. A direct initiative of legislation under the Constitution of Maine, Article IV, Part Third, Section 18;
- C. An amendment to the Constitution of Maine under Article X, Section 4;
- D. A referendum vote on a measure enacted by the Legislature and expressly conditioned upon ratification by a referendum vote under the Constitution of Maine, Article IV, Part Third, Section 19;



E. The ratification of the issue of bonds by the State or any agency thereof; and

F. Any county or municipal referendum.

Contribution. “Contribution” includes:

A. A gift, subscription, loan, advance or deposit of money or anything of value made to or received by a committee for the purpose of initiating or influencing a campaign, including but not limited to:

1. Funds that the contributor specified were given, in whole or in part, in connection with a campaign;

2. Funds provided in response to a solicitation that would lead the contributor to believe that the funds would be used specifically, in whole or in part, for the purpose of initiating or influencing a campaign; and

3. Funds that can reasonably be determined to have been provided by the contributor for the purpose of initiating or influencing a campaign when viewed in the context of the contribution and the recipient committee’s activities regarding a campaign;

B. Any funds deposited or transferred into the campaign account described in section 1054;

C. A contract, promise or agreement, expressed or implied, whether or not legally enforceable, to make a contribution to a committee;

D. Any funds received by a committee that are to be transferred to any candidate, committee, campaign or organization for the purpose of initiating or influencing a campaign; or

E. The payment, by any person or organization, of compensation for the personal services of other persons provided to a committee that is used by the committee to initiate or influence a campaign.

“Contribution” does not include a loan of money by a financial institution made in accordance with applicable banking laws and regulations and in the ordinary course of business.

Summarized Definition of Contribution. A contribution is essentially anything of value given or promised and received by a committee with the intent on it affecting or influencing a ballot question campaign. It is important to remember pledges and loans are considered reportable contributions at the time the pledge or loan is made.

Expenditure. The term “expenditure” includes:

A. A purchase, payment, distribution, loan, advance, deposit or gift of money or



anything of value, made for the purpose of initiating or influencing a campaign;

- B. Any purchase, payment, distribution, loan, advance, deposit or gift of money made from the campaign account described in section 1054;
- C. A contract, promise or agreement, expressed or implied, whether or not legally enforceable, to make any expenditure for the purposes set forth in this paragraph; and
- D. The transfer of funds by a political action committee to another candidate or committee.

Summarized Definition of Expenditure. Any purchase, payment, or promise or agreement to pay for *anything* that could affect a ballot question campaign is a reportable expenditure. Note! Unpaid obligations are reportable at time the obligation is made.

Influence. “Influence” means to promote, support, oppose or defeat.

Initiate. “Initiate” includes the collection of signatures and related activities to qualify a state or local initiative or referendum for the ballot.

Exempt Donor. “Exempt donor” means a person that has not received contributions for the purpose of influencing a campaign in the prior 2 years and whose only payments of money to influence a campaign in the prior 2 years are:

- A. Contributions of money to candidates, party committees, PACs or BQCs registered with the commission or a municipality; or
- B. Payments for goods or services with an aggregate value of no more than \$100,000 contributed to candidates, party committees, PACs or BQCs registered with the commission or a municipality.

LEGAL REFERENCES

What is a ballot question?

21-A M.R.S. § 1052(2-A)

Important Definitions

21-A M.R.S. § 1052



CHAPTER 2

Registration

Initiation of a Campaign

A citizen initiative or people's veto referendum campaign begins when the initial application is submitted to the Maine Secretary of State. Money spent prior to the submission of the application does not count toward the \$5,000 registration threshold. Activities after submission, including the collection of signatures to qualify for the ballot, do count towards the campaign.

Registering with the Ethics Commission

Traditional BQC. Any organization that meets the criteria for being a BQC must register with the Commission no later than seven (7) calendar days after raising or spending more than \$5,000. It is critically important for an organization to keep track of its finances from the beginning of its campaign-related activities in order to know if and when it has to register. An organization does not have to wait until it reaches the monetary threshold to register. Many organizations register before they raise or spend any money because they know they will eventually qualify as a BQC. The organization must also file an initial campaign finance report within seven (7) days after registering as a BQC. There is no fee to register a BQC.

Registration Requirements.

1. Select a treasurer and principal officer, who cannot be the same person. The Ethics Commission recommends using a treasurer that has accounting or campaign finance reporting experience.
2. Identify all individuals who are primarily responsible for making decisions or raising funds for the BQC. A BQC is not required to have officers beyond the treasurer and principal officer, but if it does, they must be disclosed.
3. Identify the particular campaign or issue(s) the BQC expects to support or oppose. If the purpose of the BQC is more general, the statement should be as descriptive as possible, *e.g.*, "opposes proposals that would raise taxes."
4. Indicate whether an officer, decision maker, or fundraiser of the BQC is a legislator or a candidate for elected office.
5. If the BQC is formed by any for-profit or non-profit corporations or other organization(s), list their name(s) and address(es).



6. State the name of the bank account the BQC will use to deposit contributions and make expenditures from (the campaign account) and the name and address of the financial institution where it is established.

Individual BQC. If an individual forms and operates a BQC, they may serve as the BQC's principal officer and treasurer.

Donor BQC. If a person contributes more than \$100,000 in goods or services (in-kind contributions) to influence Maine referenda during the previous two (2) years, they must register as a BQC within seven (7) days of exceeding that threshold. The initial campaign finance report for this kind of BQC should have an ending cash balance of \$0, as the general treasury transfer contribution should match all of the expenditures (in-kind contributions) made.

Amendments. When any information provided on the registration form changes, the BQC must file an amended registration within 10 calendar days of the change.

Biennial Re-Registration. All BQCs must file an updated registration every election (even-numbered) year, between January 1st and March 1st. This requirement applies even if there has been no change to the information provided on the previous registration. New Acknowledgment of Responsibilities forms do not have to be filed, unless the BQC's officers, decision makers, or fundraisers have changed.

Responsibilities of PAC Officers

Treasurer. A BQC treasurer is responsible for:

- Filing complete and accurate reports and amendments as necessary with the Commission.
- Maintaining the BQC's records for four years following the election to which they pertain.
- The BQC's performance of the above, regardless of whether the duty was delegated to another.

Treasurer & Principal Officer. The treasurer and principal officer of a BQC are jointly responsible for:

- The BQC's compliance with election laws and rules.
- Responding to notices and correspondences from the Commission on behalf of the BQC.
- Ensuring all required records are kept.

They are also jointly and severally liable, along with the BQC, for all penalties assessed for violations of reporting or record-keeping requirements.

Treasurer, Principal Officer & Decision Makers. All of these individuals are assumed to have participated in all spending decisions.



Agents and Former Officers. These individuals may be liable for all or part of a fine if the agent or former officer is directly responsible for the violation.

Campaign Bank Account

A BQC must establish a separate bank account and deposit and spend all money received and spent for the purpose of influencing an election from that account. Any other money deposited or spent from that account must be reported, regardless of its purpose. The funds in that account may not be commingled with the personal funds of individuals or the general treasury of a business or nonprofit.

A BQC may request a waiver of this requirement if establishing a separate account would be administratively burdensome.

An individual BQC is required to establish a separate bank account, and may not commingle funds with their personal funds, but may request an exemption to this requirement if it would be administratively burdensome. Note! If the Commission is authorized to perform an audit or an investigation into the individual BQC, personal financial transactions could be subject to subpoena and review by the Commission.

Initial Campaign Finance Report

The initial campaign finance report must disclose all contributions received and expenditures made from the beginning of the campaign (the

submission of the initial application to the Maine Secretary of State's Office) to the day of registering. The report is due within seven (7) days of registration.

Penalties for Late Registration

A BQC that does not timely register with the Commission may be subject to a \$2,500 fine and assessed additional penalties for a late-filed initial campaign finance report.

Exceptions to Registration

Out-of-State Political Committees. A political committee organized outside of the state may be required to register as BQC under Maine law if it becomes involved in Maine elections. If an out-of-state committee has received contributions or made expenditures for the purpose of influencing an election in Maine, it must register as a BQC and file campaign finance reports.

An out-of-state political committee is not required to register and file reports if its *only* financial activity in Maine is making contributions to other BQCs, party committees, PACs, or candidates registered with the Commission or a Maine municipality, and the political committee has not specifically raised or accepted any contributions to influence an election or campaign in Maine.

Donor Exception. An exempt donor is exempt from registration requirements, if they have not received contributions for the purpose of influencing a campaign in the prior two (2) years



and whose *only* payments of money to influence a campaign in the prior two (2) years are cash contributions, or in-kind contributions of no more than \$100,000, to candidates, party committees, PACs, or BQCs.

Cross Purpose Expenditures. A registered BQC may make cash contributions to a candidate, party committee, or PAC without having to register a PAC. If the BQC spends more than \$10,000 to influence candidate elections other than by donating goods or services or making independent expenditures, the BQC must register a PAC within seven (7) days of exceeding this threshold. Meaning, the founding organization/association must file both BQC and PAC reports, unless it chooses to terminate one of the committees.

LEGAL REFERENCES

Initiation of a Campaign	21-A M.R.S. § 1052(4-B)
Registering with the Ethics Commission	21-A M.R.S. § 1052-A(1)
Registration Requirements	21-A M.R.S. §§ 1052-A(2) & (3)
Amendments	21-A M.R.S. § 1052-A(1)(B)
Biennial Re-registration of BQCs	21-A M.R.S. § 1052-A(1)(C)
Responsibilities of Officers	21-A M.R.S. § 1054-A
Campaign Bank Account	21-A M.R.S. § 1054
Penalties for Late Registration	21-A M.R.S. § 1062-A(1)
Out-of-State Political Committees	21-A M.R.S. § 1053-B
Donor Exception	21-A M.R.S. § 1052(3-A)
Cross Purpose Expenditures	21-A M.R.S. § 1052-A(3-A)
Initial Campaign Finance Report	21-A M.R.S. § 1059



CHAPTER 3

Restrictions & Prohibitions

Business Entity Funds

Starting January 1, 2023, BQCs cannot make contributions to candidates, Leadership PACs, or Separate Segregated Fund (SSF) PACs using funds that derive in whole or in part from a business entity. A business entity is defined as a “firm, partnership, corporation, incorporated association, labor organization, or other organization, whether organized as a for-profit or a nonprofit entity.” The Commission interprets this provision to mean an unregistered sole proprietorship is not a business entity and contributions from sole proprietorships are treated as contributions from the individual owner.

If a BQC intends on making contributions to influence candidate elections (up to the \$10,000 threshold), the Commission recommends they keep a bookkeeping record demonstrating how it has spent business entity funds.

Expenditure Limitations

A BQC may not make a contribution to a candidate or Leadership PAC that exceeds the contribution limits for those entities. Candidates participating in the Maine Clean Election Act

(MCEA) program may not accept contributions from any BQC.

Compensation & Reimbursements

If a legislator is a principal officer, treasurer, fundraiser, or decision maker for a BQC, the BQC may:

- reimburse them for travel expenses incurred in the performance of their duties for the BQC, including mileage;
- reimburse them for other expenses incurred in the performance of their official duties; and
- reimburse them for purchases made on behalf of it.

The BQC may *not*:

- compensate them for services provided to it;
- reimburse them for the costs of repairing or maintaining their vehicle;
- reimburse them for expenses that have been reimbursed by any other source;
- pay or reimburse them for expenses determined to be for their personal financial



enrichment;

- compensate their immediate family members for services provided to it;
- reimburse their immediate family members for any expenses for the purpose of their personal financial enrichment;
- make payments to persons closely affiliated to them, such as immediate family members or a business owned or operated by them or their immediate family;
- make any payments to a business owned or operated by them or a member of their immediate family; or
- commingle its funds with their personal funds or the funds of a person closely affiliated with them.

A person who violated these prohibitions may be assessed a penalty of not more than \$500 or the amount of the impermissible payment or reimbursement, whichever is greater.

LEGAL REFERENCES

Business Entity Funds	21-A M.R.S §§ 1015(2), 1056-C(2), 1056-D(2)
Expenditure Limitations	21-A M.R.S. § 1056(1)
Purchase of Alcohol	21-A M.R.S. § 1056(2)
Compensation & Reimbursement	21-A M.R.S. § 1054-B



CHAPTER 4

Campaign Finance Reports

Initial Campaign Finance Reports

The initial campaign finance report is due seven (7) days after registration, or within 14 days after the BQC exceeded \$5,000 in contributions or expenditures, whichever comes first, and must include all contributions and expenditures made since the start of the campaign.

Regular Campaign Finance Reports

A BQC must file reports until it terminates, even if it had no financial activity during the reporting period. The 2023 filing schedules with exact deadlines are shown in this chapter, and are also available on the Commission's website.

Depending on the year and the BQC's election-related activity, BQCs file between four and eight campaign finance reports annually. All regularly scheduled reports must be filed by 11:59 p.m. on the day of the deadline or will be subject to a civil penalty.

Quarterly Campaign Finance Reports

A BQC must file four quarterly reports every year, regardless of financial activity.

Pre- and Post-Election Reports in a Candidate Election Year

In even-numbered years, all BQCs must file reports 11 days before and 42 days after the primary and general elections, even if the question the BQC is attempting to influence is not on the ballot.

Pre- and Post-Election Reports in Odd Years

In odd-numbered years, if a BQC is making expenditures to influence a ballot question election, the committee must file an 11-Day Pre-Election Report and a 42-Day Post-Election Report, in addition to regular quarterly reports. This is only required for BQCs attempting to influence a question on the ballot that year.

24-Hour Reports

24-Hour Reports provide disclosure of campaign activity immediately before an election. If a BQC is required to file an 11-Day Pre-Election Report, the BQC must file a 24-Hour Report for any contribution received of \$5,000 or more, and any expenditure made of \$1,000 or more, during the last 13 days before the election. The report must be filed within 24 hours of receiving the



contribution or making the expenditure, even if the filing deadline falls on a weekend or a holiday. Contributions received and expenditures made on the day before an election must be reported on election day. Loans and pledges are considered contributions, and unpaid debts or obligations for goods or services are considered expenditures for the purposes of 24-hour reporting.

24-Hour Reports are filed online through the Commission's eFiling system. The eFiling system will automatically add the transactions reported in a 24-hour report to the next regularly scheduled report.

2023 Filing Schedule for BQCs <u>NOT</u> Influencing a 2023 Ballot Question		
Type of Report	Due Date	Reporting Period
April Quarterly	April 12, 2023	January 1 - March 31
July Quarterly	July 17, 2023	April 1 - June 30
October Quarterly	October 5, 2023	July 1 - September 30
January Quarterly	January 16, 2024	October 1 - December 31

2023 Filing Schedule for BQCs Influencing a 2023 Ballot Question		
Type of Report	Due Date	Reporting Period
April Quarterly	April 12, 2023	January 1 - March 31
July Quarterly	July 17, 2023	April 1 - June 30
42-Day Pre-Election	September 26, 2023	July 1 - September 19
11-Day Pre-Election	October 27, 2023	September 20 - October 24
January Quarterly	January 16, 2024	October 25 - December 31

2023 BQC 24-Hour Reporting Schedule for BQCs Influencing a 2023 Ballot Question						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
22	23	24	October 25 24-Hour Reporting Begins	26	27	28
29	30	31	November 1	2	3	4
5	6 24-Hour Reporting Ends	7 - Election Day Final 24-Hour Reports Due	8	9	10	11



Amendments

If a BQC unintentionally makes an omission or includes incomplete or inaccurate information, they must promptly file an amended report. All reports are reviewed by the Commission staff, and if the original version of a report does not substantially conform to the disclosure requirements, the Commission may consider the report late, even if it was originally filed on time.

Electronic Filing

BQCs are required to file their campaign finance reports electronically using the Commission's eFiling system. Usernames and passwords are assigned to the BQC's Principal Officer, Treasurer, and any authorized agents upon registration.

Contents of Reports

This section provides a summary of the information required for reports. The eFiling system has instructions for entering each type of transaction, and Commission staff are available to help filers become familiar with the website.

Contributions. For cash contributions exceeding \$50, the BQC must report the date and amount of the contribution, the name and mailing address of the contributor, and the occupation and employer for individual contributors. If the BQC is unable to obtain an individual contributor's occupation and employer information, it should select "information requested" when entering the transaction, and

amend the report once the information is received.

Cash contributions of \$50 or less do not have to be itemized and are reported in one unitemized lump sum per report.

In-kind contributions of goods or services valued more than \$50 must be reported with the contributor's name, address, occupation and employer for individual contributors, a date and description of the goods or services, and the fair market value. If another organization donates paid staff time, the BQC should include a description of those activities with the number of hours contributed. Contributed staff time and coordinated expenditures are itemized as separate in-kind contributions.

In-kind contributions of \$50 or less do not have to be itemized and are reported in one unitemized lump sum per report.

Commonly Overlooked Contributions.

- Contributions from the general treasury of the organization which founded the BQC.
- Contributions of paid staff time received by the BQC from the founding organization or others.
- Other in-kind contributions of goods and services.

Reporting Interest From Bank Accounts. Bank account interest is reported using the "Other Receipts" contribution type.



Expenditures. All expenditures made from the campaign account must be reported, regardless of their purpose. The law requires the date, amount, payee, and purpose of the expenditure be reported. The “payee” refers to the vendor that provided the goods and services. The BQC should not report “cash” or “disbursement” as the payee. If someone is reimbursed for an expenditure, the BQC must report the name of the vendor as the payee and to whom the reimbursement was made with a description of the expenditure.

Expenditures made to support or oppose a candidate or ballot question must include the name of the candidate, committee, or ballot question and whether the expenditure was made

to support or oppose the candidate or ballot question.

Each expenditure must have an expenditure type (see chart); as much information as possible to describe the expenditure should be entered. For instance, if the expenditure is for professional services, the BQC should identify the specific type of service performed.

Commonly Overlooked Expenditures. All BQC expenditures must be tracked to ensure timely registration. Expenditures most overlooked include:

- Paid staff time, consultants, pollsters, or other personal services costs.
- Travel reimbursements.

EXPENDITURE TYPES			
APP	Apparel (t-shirts, hats, embroidery, etc.)	OTH	Other and fees (bank, contribution, and money order fees, etc.)
CON	Contribution to party committee, non-profit, other candidate, etc.	PER	Personnel and campaign staff, consulting, and independent contractor costs
EQP	Equipment of \$50 or more (computer, tablet, phone, furniture, etc.)	PHO	Phones (phone banking, robocalls and texts)
EVT	Campaign and fundraising events (venue or booth rental, entertainment, supplies, etc.)	POL	Polling and survey research
FOD	Food for campaign events or volunteers, catering	POS	Postage for US Mail and mailbox fees
HRD	Hardware and small tools (hammer, nails, lumber, paint, etc.)	PRO	Professional services (graphic design, legal services, web design, etc.)
LIT	Printed campaign materials (palmcards, signs, stickers, flyers, etc.)	RAD	Radio ads and production costs only
MHS	Mail house and direct mail (design, printing, mailing, and postage all included)	TKT	Entrance cost to event (bean suppers, fairs, party events, etc.)
NEW	Newspaper and print media ads only	TRV	Travel (mileage and lodging, etc.)
OFF	Office supplies, rent, utilities, internet service, phone minutes and data	TVN	TV/cable ads, production, and media buyer costs only
ONL	Social media and online advertising only	WEB	Website and internet costs (website domain and registration, etc.)



- Fundraising expenses.
- Website set-up, design, and maintenance costs.

Expenditures Made by a Consultant. When a BQC hires a consultant, and they make expenditures on behalf of the BQC, those expenditures must be reported as though the BQC made them directly. The report must detail the name of the third-party vendor or payee to whom the expenditure was made, the date, purpose, and amount. It is not sufficient to report only the total retainer or fee paid to the consultant if they used it to pay others for campaign-related goods or services. If the BQC reported a lump sum payment to a consultant in a previously filed report, they may need to amend it to deduct from that amount any expenditures made by the consultant, to avoid double-reporting. The Commission recommends the BQC note in the expenditure remarks section the payment was made by the consultant.

When paying a media buyer, advertising consultant, or similar contractor to purchase advertising time or for the production of television or radio advertising, the BQC should simply report the advertising time and production costs separately, and not the individual stations for the buys.

The treasurer should obtain receipts or paid invoices for all sub-vendor purchases by the consultant on behalf of the BQC.

Loans. Report all loans from commercial or noncommercial sources, loan repayments and forgiven amounts. For a transaction to be reported as a loan it must have been given by a financial institution. A person may make a loan to a BQC; however, it should be reported as a contribution and the repayments are reported as returns of the contribution.

Debts. Report all unpaid debts and obligations for goods and services including unpaid bills. Debts are disclosed in each report until payment is made to the vendor. If an order has been placed for goods and services but the exact amount is unknown, the BQC should obtain an estimate from the vendor for reporting purposes. Once a debt is fully paid, any remaining balance from the original estimate can be closed out.

Record Retention

The treasurer must retain all relevant records for a minimum of four (4) years.

Terminating a BQC

When a BQC determines it will no longer be financially active, it can file a final report and a termination statement. The final report covers the time from the close of the last reporting period to the date of termination. Prior to terminating, the BQC must dispose of all surplus funds and report how they were disposed of in the final report. The BQC can do this by making contributions to other PACs, BQCs, party committees, candidates, non-profits, or by making a transfer back to the



general treasury, if appropriate. The BQC must also dispose of any loans, debts, or other obligations that are unpaid and outstanding at the time of its termination in the manner prescribed by the Commission. Until the termination statement is filed, the BQC must continue to file reports.

LEGAL REFERENCES

Initial Campaign Finance Reports	21-A M.R.S. § 1059
Regular Campaign Finance Reports	21-A M.R.S. § 1059(2)
24-Hour Reports	21-A M.R.S. § 1059(2)(E)
Amendments	21-A M.R.S. § 1062-A(2)
Electronic Filing	21-A M.R.S. § 1059(5)
Content of Reports	21-A M.R.S. § 1060
Expenditures Made by a Consultant	94-270 C.M.R. Ch. 1 § 7(1)
Loans	21-A M.R.S. §§ 1052(3)(A), 1060
Debts	94-270 C.M.R. Ch. 1 § 7(3)
Record Retention	21-A M.R.S. § 1057
Terminating a BQC	21-A M.R.S. § 1061



CHAPTER 5

Candidates, Major Contributors & Disclaimers

Supporting Candidates

A BQC can spend up to \$10,000 to support candidate elections. If it exceeds that threshold it must also register a PAC and file candidate related disclosures through that account. BQCs intending on influencing candidate elections are encouraged to review the PAC Guidebook Chapters 5 & 6.

Major Contributors

A major contributor is a person, other than an individual, that makes contributions in excess of \$100,000 in aggregate to a BQC for the purpose of initiating or influencing any single people's veto referendum or direct initiative campaign.

Once a person becomes a major contributor the BQC must provide written notice to them within five (5) calendar days of their obligation to file a Major Contributor Report. If the \$100,000 threshold is exceeded during the last two (2) weeks before an election (regardless whether the referenda will appear on the ballot in that election), the BQC must provide a written notice within 24 hours of receiving the contribution. When a major contributor notice is sent, a copy must also be provided to the Commission.

The Major Contributor Report must be filed by the next regular report due date (See Chapter 4). If the notice is received during the last two (2) weeks before an election, the Major Contributor Report must be filed within two (2) business days of receiving the notice.

Major contributors are not required to file subsequent reports for the same committee and campaign. For example, if ABC Corp. gives \$150,000 to 123 BQC to influence a referenda and files a Major Contributor Report, they are not required to file a second Major Contributor Report if they make another contribution of \$200,000 to 123 BQC to support the same referendum.

Failure to provide a timely notice to the major contributor will result in a financial penalty against the recipient BQC equal to 10% of the amount of the contribution in the Major Contributor Report. Similarly, if the donors fails to file a timely report there will be a financial penalty against them equal to 10% of the amount of the contribution in the Major Contributor Report.

Disclaimers on Political Communications

Expenditures exceeding \$500 for the purpose of expressly advocating for or against a referendum



require the clear and conspicuous disclosure of the name and address of the person who financed the communication. The disclaimer should read “Paid for by [Name of BQC], [Address of BQC].” Telephone calls (scripted or robocall) only require the name of the person who financed the communication be stated.

If a disclaimer would be so small as to be illegible or infeasible then it is not required. This includes small promotional items such as: pens, balloons, campaign buttons, coasters, thumb drives, key rings, *etc.* BQCs are encouraged to contact Commission staff about what would be considered a small enough item for a disclosure statement to be infeasible.

A violation of this section may result in a penalty of no more than \$5,000. In assessing the penalty the Commission shall consider, among other things, how widely the communication was disseminated, whether the violation was intentional, whether it occurred as the result of an error by a printer or other paid vendor, and if it conceals or misrepresents the identity of the person who financed it.

LEGAL REFERENCES

Supporting Candidates	21-A M.R.S. §§ 1052-A(1-A)
Major Contributors	21-A M.R.S. § 1060-A
Disclaimers on Political Communications	21-A M.R.S. § 1055-A



CHAPTER 6

Enforcement Actions by the Commission

Reminders by the Commission

The Commission publishes the filing schedule on its website, and the required reports and their due dates are listed on the BQC's eFiling homepage. While the Commission staff send courtesy reminders before each filing, failure to receive such a reminder is no excuse for a late filing.

Commission's Review of Reports

The Commission staff reviews reports for completeness and compliance with the law. They may contact the BQC if it appears a report is incomplete or requires additional information.

Penalties

Penalties are assessed for late campaign finance reports using a formula established by statute, which considers the number of days the report was filed late, any previous violations by the BQC during a two (2) year period, and the amount of financial activity during the reporting period. The two (2) year period begins on January 1st of each even-numbered year.

The maximum penalty that can be assessed against a BQC for a late-filed, or substantially non-conforming campaign finance report is \$10,000.

If the amount of the financial activity reported late exceeds \$50,000, the maximum penalty is the dollar amount of that financial activity. A BQC who fails to file a required report within 30 days of the filing deadline may also be charged with Class E crime.

Requesting a Penalty Waiver

If a BQC files a report late, the Commission sends a letter informing the treasurer of the preliminary amount of the penalty and advises the BQC may pay the penalty or seek a waiver. If a waiver is not requested within 14 days, the penalty becomes final.

Requests for waivers are considered by members of the Commission at a public meeting - not by the Commission staff. Although not required, the BQC's treasurer or representative is encouraged to attend the Commission meeting. After the Commission meets, notice of its final determination and the penalty imposed, if any, is sent to the BQC.

The Commission may waive a penalty in whole or in part if there are mitigating circumstances such as a valid emergency, an error by Commission or municipal staff, or other circumstances such as



the level or experience of the committee, or the harm suffered by the public from the late disclosure. A penalty of less than \$10 is automatically waived. However, the late-filed report will still be considered a violation and will count toward the calculation of any future penalty.

The penalty must be paid in full within 30 days of the date of the Commission's final penalty notice, unless other payment arrangements are made. If not paid within 30 days, the Commission may refer the matter to the Attorney General's office for collection in a civil action.

Appealing a Penalty Determination

A BQC may appeal the Commission's final determination by filing a petition for review with the Superior Court within 30 days of receiving notice of the final determination. The Maine Administrative Procedures Act (5 M.R.S. § 11001 et seq.) and Rule 80C of the Maine Rules of Civil Procedure govern the process for an appeal to the Superior Court.

Investigations & Audits

The Commission is authorized to undertake investigations and audits of the financial reporting of BQCs. The Commission may initiate an investigation on its own or in response to a request submitted by the public. The Commission will review the request to determine whether the allegations set forth sufficient grounds for believing that a violation may have occurred.

LEGAL REFERENCES

Commission's Review of Reports	94-270 C.M.R. Ch. 1 § 5(1)
Penalties for Late-Filed Campaign Finance Reports & Failure to File Reports	21-A M.R.S. § 1062-A(2)
Requesting a Waiver of a Penalty	21-A M.R.S. § 1062-A(5)
Appealing a Penalty Determination	21-A M.R.S. § 1062-A(5)
Investigations & Audits	21-A M.R.S. § 1003



APPENDIX

Title	Page
Placement of Political Signs & Letter from DOT	ii
FCC Robocall Advisory	iv

DIRECTORY

Commission on Governmental Ethics and Election Practices

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Phone:	(207) 287-4179	Email:	ethics@maine.gov
Website:	www.maine.gov/ethics	eFiling:	www.maineecampaignfinance.com

Department of the Secretary of State, Division of Elections

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Department of Transportation, Right of Way Control Section

Mail:	16 State House Station Augusta, Maine 04333	Phone:	(207) 624-3611
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Federal Elections Commission

Mail:	99 E Street, NW Washington, DC 20463	Phone:	(800) 424-9530
Website:	www.fec.gov	Phone:	(202) 694-1000

Federal Communications Commission, Office of Political Programming

Mail:	445 12th Street, SW Washington, DC 20554	Phone:	(888) 225-5322
Website:	www.fcc.gov/media/policy/ political-programming	Phone:	(202) 418-1440

Maine Association of Broadcasters

Mail:	69 Sewall Street Augusta, Maine 04330	Phone:	(207) 623-3870
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Janet T. Mills
GOVERNOR

STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
16 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0016

Bruce A. Van Noto
COMMISSIONER

To Whom it May Concern:

As we approach another campaign season the Maine Department of Transportation would like to take this opportunity to offer some information regarding the placement of temporary signs in the right-of-way on state and state aid highways.

Changes were made to the temporary sign laws during the 129th Legislature. The law allows temporary signs, which include campaign signs, to be placed in the right-of-way for up to 6 weeks from January 1st to June 30th and another 6 weeks between July 1st and December 31st. The law further states that individual signs bearing substantially the same message must be placed at least 30 feet from one another and requires that each sign be labeled with the owner's name, address and the date on which the sign was erected. This will help MaineDOT discern whether a sign is in compliance and also allows the Department to contact an entity if a sign needs to be removed for any reason.

There are areas within the state's roadway system that are off limits to temporary signs. These areas include the Maine Interstate System, the Maine Turnpike Authority system, Route 1 between Bath and Brunswick and all connecting interchanges and ramps. Along with the interstate system, some sections of state highways have been designated as "control of access" (C.O.A) roadways where ingress and egress to and from the highway is prohibited/limited. **No temporary signs of any kind can be placed along these control of access areas.** These areas have been officially designated with signage indicating the beginning and ending of a C.O.A. A sample of these signs has been provided below for your reference:



Note: The interstate, including the Maine Turnpike and all their ramps and the portion of Route 1 between Bath and Brunswick do not have C.O.A. signage. The signage denoted to the right has been erected on those other roadways that have C.O.A.

Temporary signs are also prohibited on traffic control devices (stop signs, yield signs, warning signs, guide signs, regulatory signs, etc.), all utility poles and trees, on islands within a rotary/roundabout, and in medians/islands in the center of the road that are less than 6 feet wide.

Here are some questions that campaign personnel may ask regarding the placement of political signs:

How do I recognize a "control of access" area?

- *Aside from the Interstate System, MaineDOT officials have marked C.O.A areas across the state. These areas will have signs indicating the beginning and ending of a C.O.A.*



THE MAINE DEPARTMENT OF TRANSPORTATION IS AN AFFIRMATIVE ACTION - EQUAL OPPORTUNITY EMPLOYER
PHONE: (207) 624-3000 TTY USERS CALL MAINE RELAY 711 FAX: (207) 624-3001

What will happen to my sign if it has been placed within a C.O.A. section?

- *MaineDOT personnel have been advised to remove temporary signs from within the C.O.A. areas. Maintenance crews have also been instructed to safely store the signs until the owner of the sign can be contacted or 60 days, whichever comes first.*

Does MaineDOT enforce these sign placement restrictions statewide?

- *MaineDOT is committed to providing the equitable enforcement of these sign restrictions upon notification of a violation.*
- *Per a recent statute change, Temporary Signs within Urban compact areas may be enforced by the municipality they are within.*

What do I need to know about placing my sign along the roadway?

- *The first thing to consider in placement is the safety of the traveling public. Please do not install your signs where they will limit the sight line of anyone trying to pull out of a side road or driveway. Signs that block a driver's sight line will be removed and held at the closest MaineDOT maintenance lot to be picked up by the owner.*

In summary, when placing political signs, the important areas to avoid are the interstate system with the connecting interchanges, including the MTA system, and control of access areas across the state. Also, individual signs bearing the same message can be no closer than 30 feet from one another and must contain appropriate contact information and the date in which the sign was placed in the ROW. Candidates/referendums/special interest signage may want to work with sign making companies to have the contact information printed on their signs. MaineDOT will continue to provide the necessary information to help Maine's candidates.

For more information regarding the appropriate placement of political signs, please contact the Department's Legislative Liaison, Meghan Russo at Meghan.russo@maine.gov.

MaineDOT appreciates your cooperation in this effort.

Sincerely,

Stephen Landry, P.E.
State Traffic Engineer
MaineDOT

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PUBLIC NOTICE

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DA 16-264
March 14, 2016
Enforcement Advisory No. 2016-03

FCC ENFORCEMENT ADVISORY

TELEPHONE CONSUMER PROTECTION ACT ROBOCALL AND TEXT RULES

BIENNIAL REMINDER FOR POLITICAL CAMPAIGNS ABOUT ROBOCALL AND TEXT ABUSE

With the 2016 campaign season underway, the FCC's Enforcement Bureau reminds political campaigns and calling services that there are clear limits on the use of autodialed calls or texts (known as "robocalls") and prerecorded voice calls. The FCC is committed to protecting consumers from harassing, intrusive, and unwanted robocalls and texts, including to cell phones and other mobile devices.

Since its adoption in 1991, the Telephone Consumer Protection Act ("TCPA") has placed limits on unsolicited prerecorded telemarketing calls to landline home telephones, and all autodialed calls or prerecorded voice calls to wireless numbers, emergency numbers, and patient rooms at health care facilities. The FCC's corresponding rules¹ governing automated telephone calls set forth restrictions that govern the use of prerecorded voice messages and automatic telephone dialing systems including those that deliver text messages. These provisions apply to all such prerecorded voice calls and autodialed calls or texts, including those made by political campaigns or other organizations involved in the 2016 election. The restrictions vary according to whether a call is delivered to a business or residential landline telephone, a cell phone, or some other category of protected telephone lines such as toll-free lines, emergency lines, or those lines servicing hospitals, nursing homes, or paging systems.²

We expect this Advisory will facilitate compliance with the law and rules by senders of campaign related voice messages and autodialed calls and texts and again remind all those using these tool to carefully observe the legal limits. The FCC's Enforcement Bureau will rigorously enforce the important consumer protections in the TCPA and our corresponding rules.

¹ See 47 CFR § 64.1200.

² By this Enforcement Advisory, the FCC's Enforcement Bureau highlights certain obligations under the TCPA and corresponding Commission rules. Failure to receive this notice does not absolve an entity of the obligation to meet the requirements of the Communications Act of 1934, as amended, or the Commission's rules and orders. Companies, individuals, and other entities should read the full text of the relevant portions of the TCPA and corresponding Commission rules, respectively, at 47 U.S.C. § 227 and 47 CFR § 64.1200.



Prohibition Against Prerecorded Voice Messages and Autodialed Calls to Cell Phones and Other Mobile Services.

Prerecorded voice messages and autodialed calls (including autodialed live calls, prerecorded or artificial voice messages, and text messages) to cell phones and other mobile services such as paging systems are prohibited, subject to only three exceptions: (1) calls made for emergency purposes, (2) calls made with the prior express consent of the called party, (3) and calls made to collect debts “owed to or guaranteed by the United States.”³ This broad prohibition covers prerecorded voice and autodialed calls, including those sent by nonprofit or political campaign-related organizations. Callers contending that they have the prior express consent to make prerecorded voice or autodialed calls to cell phones or other mobile service numbers have the burden of proof to show that they obtained such consent.⁴ Further, call recipients may revoke their consent to be called using any reasonable method including verbally or in writing.⁵

Prerecorded Voice Messages and Autodialed Calls to Landline Telephones. Political campaign-related prerecorded voice messages or autodialed calls—whether live or prerecorded—to most landline telephones are not prohibited, so long as they adhere to the identification requirements set forth immediately below. However, prerecorded campaign-related voice messages or autodialed calls to emergency telephone lines; lines in guest or patient rooms at a hospital, nursing home, or similar establishment; or toll-free lines are prohibited unless the called party has agreed to receive such calls.⁶

Identification Requirements for Prerecorded Voice Messages. All prerecorded voice messages, campaign-related and otherwise, that are permissible under Section 227 of the Communications Act of 1934, as amended, and the Commission’s rules must include certain information to identify the party responsible for the message. In particular:

- All artificial and prerecorded voice messages must state clearly, at the beginning of the message, the identity of the business, individual, or other entity that is responsible for initiating the call.⁷
- If a business or other corporate entity is responsible for the call, the prerecorded voice message must contain that entity’s official business name (the name registered with a state corporation commission or other regulatory authority).⁸
- In addition, the telephone number of such business, individual, or other entity must be provided either during or after the prerecorded voice message.⁹

³ See 47 U.S.C. § 227(b)(1)(A)(iii); see also 47 CFR § 64.1200(a)(1)(iii) (prohibiting such calls to “any telephone number assigned to a paging service, cellular telephone service, specialized mobile radio service, or other radio common carrier service, or any service which the called party is charged for the call”). Congress has amended the TCPA to exempt federal debt collection calls and the Commission is in the process of implementing rules related to that exemption.

⁴ *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, Declaratory Ruling and Order, 30 FCC Rcd 7961, 7990, para. 47 (2015) (*TCPA Omnibus Declaratory Ruling and Order*); see also *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, Declaratory Ruling, 23 FCC Rcd 559, 565, para. 10 (2008) (concluding that creditors and debt collectors claiming prior express consent to deliver prerecorded voice or autodialed calls to cell phones are responsible for demonstrating such consent was granted).

⁵ *TCPA Omnibus Declaratory Ruling and Order*, 30 FCC Rcd at 7996, para. 64.

⁶ Non-emergency prerecorded voice or autodialed calls to such destinations are permissible only with the prior express consent of the called party. 47 U.S.C. § 227(b)(1)(A); 47 CFR § 64.1200(a)(1).

⁷ 47 U.S.C. § 227(d)(3)(A)(i); 47 CFR § 64.1200(b)(1).

⁸ 47 CFR § 64.1200(b)(1).

⁹ 47 U.S.C. § 227(d)(3)(A)(ii); 47 CFR § 64.1200(b)(2). Any telephone number so provided may not be for (1) the



Line Seizure by Prerecorded Voice Messages and Autodialed Calls. Automatic telephone dialing systems that deliver prerecorded voice messages must release the called party's telephone line within five seconds of the time that notification is transmitted to the system that the called party has hung up.¹⁰ In addition, an automatic telephone dialing system may not be used in a way that simultaneously engages two or more telephone lines of a multi-line business.¹¹

As we have done in previous election cycles, we remind senders of campaign-related prerecorded voice messages and autodialed calls or texts that failure to comply with the relevant sections of the TCPA and corresponding rules may subject them to enforcement action, including monetary forfeitures as high as \$16,000 per violation for any person who does not hold a license or other authorization issued by the Commission.¹²

autodialer or prerecorded message player that placed the call, (2) a 900 number, or (3) any other number for which charges exceed local or long distance transmission charges. 47 CFR § 64.1200(b)(2).

¹⁰ 47 U.S.C. § 227(d)(3)(B); 47 CFR § 68.318(c).

¹¹ 47 U.S.C. § 227(b)(1)(D); 47 CFR § 64.1200(a)(5).

¹² This amount reflects inflation adjustments to the forfeitures specified in Section 503(b)(2)(D) of the Communications Act. Section 503(b)(2)(D) provides for forfeitures of up to \$10,000 for each violation by a person who is not a broadcast station licensee, cable operator, common carrier, or applicant for any broadcast station, cable operator, or common carrier license issued by the Commission. See 47 U.S.C. § 503(b)(2)(D). The Federal Civil Penalties Inflation Adjustment Act of 1990, Pub. L. No. 101-410, 104 Stat. 890, as amended by the Debt Collection Improvement Act of 1996, Pub. L. No. 104-134, Sec. 31001, 110 Stat. 1321 (DCIA), requires the Commission to adjust its forfeiture penalties periodically for inflation. See 28 U.S.C. § 2461 note (4). The Commission most recently adjusted its penalties to account for inflation in 2013. See *Amendment of Section 1.80(b) of the Commission's Rules, Adjustment of Civil Monetary Penalties to Reflect Inflation*, 28 FCC Rcd 10785, 10786-790, paras. 3-5 (EB 2013); see also *Inflation Adjustment of Maximum Forfeiture Penalties*, 78 Fed. Reg. 49370-01, 49370 (2013) (setting September 13, 2013, as the effective date for the increases). The Commission has made such inflation adjustments and the current maximum forfeiture is \$16,000 for each violation under Section 503(b)(2)(D). See *Inflation Adjustment of Maximum Forfeiture Penalties*, 78 Fed. Reg. at 49371. The penalties for broadcast station licensees, cable operators, common carriers, and applicants for broadcast station, cable operator, and common carrier licenses are higher.

Need more information? For further information regarding requirements for prerecorded voice and autodialed calls, contact Kristi Thompson at (202) 418-1318 or kristi.thompson@fcc.gov or Mary Romano at (202) 418-0975 or marv.romano@fcc.gov in the Telecommunications Consumers Division, Enforcement Bureau. More information can also be found at www.fcc.gov/guides/robocalls. To file a complaint, visit www.consumercomplaints.fcc.gov or call 1-888-CALL-FCC.

Media inquiries should be directed to Will Wiquist at (202) 418-0509 or will.wiquist@fcc.gov.

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY). You may also contact the Enforcement Bureau on its TTY line at (202) 418-1148 for further information about this Enforcement Advisory, or the FCC on its TTY line at 1-888-TELL-FCC (1-888-835-5322) for further information about the Telephone Consumer Protection Act.

Attachments: (1) "At a Glance," Political Calls; (2) Frequently Asked Questions.

Issued by: Chief, Enforcement Bureau



"AT A GLANCE"

POLITICAL CALLS

- Political campaign-related calls are subject to restrictions governing prerecorded voice and autodialed calls.
- There are no restrictions on live manually-dialed political calls, which may be delivered to any landline telephone or cell phone.
- Prerecorded voice and autodialed calls may NOT be delivered to the following types of landline phones without the prior express consent of the called party:
 - ✓ any emergency line (including any 911 line and any emergency line of a hospital, medical physician or service office, health care facility, poison control center, or fire protection or law enforcement agency);
 - ✓ the telephone line of any guest room or patient room of a hospital, health care facility, elderly home, or similar establishment; or
 - ✓ any service for which the called party is charged for the call such as toll-free lines.
- Prerecorded voice and autodialed calls (including live calls, prerecorded voice messages, and text messages) may NOT be delivered to cell phones, pagers, or other mobile devices without the prior express consent of the called party. This restriction governs all prerecorded voice and autodialed calls.
- All prerecorded voice messages must contain the following information:
 - ✓ the name of the person or entity responsible for the call, which must be provided at the beginning of the message;
 - ✓ the telephone number of the person or entity responsible for the call, which must be provided during or after the message.
- The National Do-Not-Call Registry and company-specific do-not-call lists do not apply to political calls.
- Individuals or entities who do not hold (and are not required to hold) FCC licenses responsible for unlawful political prerecorded voice messages or autodialed calls may face forfeiture penalties of up to \$16,000 per violation. The penalties are higher for FCC licensees, such as broadcasters, cable operators, and common carriers.



FREQUENTLY ASKED QUESTIONS

The following Frequently Asked Questions are addressed in this Advisory:

- What are the rules covering prerecorded voice messages and autodialed calls, and where can I find them?
- What is an autodialed call?
- Are nonprofit organizations exempt from the prohibition against making prerecorded voice calls or autodialed calls or texts to cell phones and other mobile service numbers?
- What does it mean to make a prerecorded voice or autodialed call for “emergency purposes”?
- Does the same prohibition against making autodialed calls to cell phones apply to sending autodialed text messages to cell phones?
- Do the rules allow me to send campaign-related prerecorded voice messages to a landline telephone number that is registered on the National Do Not Call Registry?
- Before making a prerecorded voice or autodialed call, how can I determine whether the target telephone number is associated with a landline phone or a wireless phone?
- What if I have questions?

What are the rules covering prerecorded voice messages and autodialed calls, and where can I find them?

These calls are subject to the general restrictions on prerecorded voice messages and autodialed calls, found at 47 U.S.C. § 227 and 47 CFR § 64.1200.

What is an autodialed call?

An autodialed call is any type of call or message, including a text message, that is made by an “autodialer” or “automatic telephone dialing system,” which is “equipment which has the capacity to store or produce telephone numbers to be called using a random or sequential number generator and to dial such numbers.”¹ The Commission has emphasized that this definition covers any equipment—including predictive dialers—that has the specified *capacity* to dial numbers without human intervention whether or not the numbers called actually are randomly or sequentially generated or come from calling lists.² The Commission has further emphasized that the capacity of a dialing system is not limited to any current configuration or present ability but also includes

¹ 47 CFR § 64.1200(f)(2).

² *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, Report and Order, 18 FCC Rcd 14014, 14092-93, para. 133 (2003) (*2003 TCPA Order*). Predictive dialers use automated equipment to dial numbers (either from lists or randomly or sequentially) and then connect the called party to a live person. The distinctive element of a predictive dialer is software that predicts calling patterns to minimize the time live agents spend between calls while also minimizing the incidence of individuals answering a call when no agent is available.



potential functionalities that are more than mere theoretical possibilities.³ Finally, the Commission has made clear that Internet-to-phone text messaging technology and text messaging apps that send to all or virtually all text-capable U.S. phone numbers constitute autodialers.⁴

Are nonprofit organizations exempt from the prohibition against making prerecorded voice calls or autodialed calls or texts to cell phones and other mobile service numbers?

No. Although nonprofit organizations enjoy certain exemptions under the TCPA, there is NO blanket exemption that allows nonprofit organizations to make either prerecorded voice calls or autodialed calls or texts to cell phones or other mobile service numbers without prior express consent.

What does it mean to make a prerecorded voice or autodialed call for "emergency purposes"?

Under Commission rules, "emergency purposes means calls made necessary in any situation affecting the health and safety of consumers." 47 CFR § 64.1200(f)(4). Political campaign-related prerecorded voice messages and autodialed calls are NOT included in this definition.

Does the same prohibition against making autodialed calls to cell phones apply to sending autodialed text messages to cell phones?

Yes. The Commission has determined that the prohibition against placing autodialed calls to cell phones without prior express consent "encompasses both voice calls and text calls to wireless numbers including, for example, short message service (SMS) calls, provided the call is made to a telephone number assigned to [a wireless] service."⁵ Accordingly, only manually placed text messages are permissible without prior express consent.

Do the rules allow me to send political campaign-related prerecorded voice messages to a landline telephone number that is registered on the National Do-Not-Call Registry?

Yes. Political campaign-related prerecorded voice messages (as well as live political calls) are not subject to the National Do-Not-Call Registry because such messages (or live calls) do not include telephone solicitations.⁶

Before making a prerecorded voice or autodialed call, how can I determine whether the target telephone number is associated with a landline phone or a wireless phone?

There are a variety of commercial services that callers may use to identify wireless telephone numbers.

What if I have questions?

For further information regarding requirements for prerecorded voice and autodialed calls, contact one of the following individuals in the Telecommunications Consumers Division, Enforcement Bureau: Kristi Thompson at (202) 418-1318 or kristi.thompson@fcc.gov or Mary Romano at (202) 418-0975 or mary.romano@fcc.gov. To file a complaint, visit www.consumercomplaints.fcc.gov or call 1-888-CALLFCC.

Media inquiries should be directed to Will Wiquist at (202) 418-0509 or will.wiquist@fcc.gov.

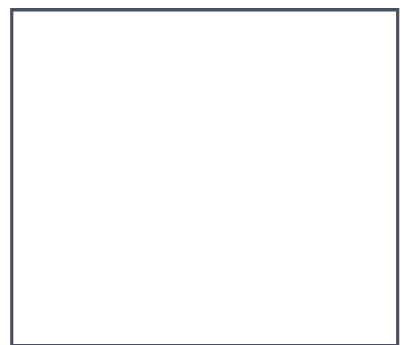
³ *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, Declaratory Ruling and Order, 30 FCC Rcd 7961, 7974-77, paras. 15-21 (2015).

⁴ *Id.* at 8017-22, paras. 108-22.

⁵ 2003 TCPA Order, 18 FCC Rcd at 14115, para. 165.

⁶ In order to constitute a "telephone solicitation," a call or message must be "for the purpose of encouraging the purchase or rental of, or investment in, property, goods, or services." 47 CFR § 64.1200(f)(14); see also 47 U.S.C. § 227(a)(4).

2023 Ballot Question Committee Guidebook



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