

2023-2024

# MUNICIPAL CANDIDATE GUIDEBOOK

(Towns & Cities with a Population of 15,000 or More)



**CANDIDATE  
ELECTION FILINGS**

Maine Ethics Commission

135 State House Station  
Augusta, ME 04333-0135



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## CHAPTER 1 – BECOMING A CANDIDATE

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INTRODUCTION: Candidates for municipal office in towns and cities with a population of 15,000 or more are subject to Chapter 13 of the Maine election law. Those municipal candidates must register and file campaign finance reports with their municipal clerk and are subject to the same restrictions and requirements, such as contribution limits and record-keeping requirements, as candidates for state office. Municipal candidates can obtain the necessary registration and reporting forms from their municipal clerk.

This guidebook has been prepared by the staff of the Maine Ethics Commission to assist municipal candidates and their treasurers in complying with Maine’s election law and reporting requirements. We have made every effort to present accurate and clear information, but the guidebook should not be considered a substitution for the law, copies of which can be obtained from the Commission’s website at [www.maine.gov/ethics](http://www.maine.gov/ethics).

The towns and cities in Maine with a population of 15,000 or more according to the 2020 U.S. Census:

Auburn	Gorham	Scarborough
Augusta	Lewiston	South Portland
Bangor	Portland	Waterville
Biddeford	Saco	Westbrook
Brunswick	Sanford	Windham

Bar Harbor, Standish, and Union have elected to be subject to Maine election law with respect to referenda and initiatives, but not candidate elections.

### **Registering as a Candidate**

*Congratulations on your decision to run for local office! Now what? Before you buy any “Vote for ME!” t-shirts, you’ll need to make it official.*

A person should register as a candidate as soon as they decide to run for office. By law, a candidate must appoint a treasurer before they raise or spend any money for their campaign and register within 10 days of appointing a treasurer. Making a purchase with personal funds, such as making business cards to declare candidacy, triggers the registration requirement, as does filing the ballot petition or nomination papers. Failure to register on time may result in a financial penalty. The best practice is to contact the municipal clerk as early as possible, once you decide to run.

Who can serve as treasurer for a municipal campaign? Almost anyone! A candidate’s spouse, roommate, neighbor, or best friend in Connecticut may all make a great treasurer, if the person is easy to contact and has a good head for detail and organization. A candidate may even serve as their own treasurer. Under Maine election law, the only person prohibited from serving as a campaign treasurer is a municipal registrar.

Write-in candidates are also required to register and file campaign finance reports. A person who intends to run as a write-in candidate should contact their municipal clerk for forms and requirements.

### ***EXEMPTION FROM FILING***

A candidate who does not intend to raise or spend any money, including their own, for their campaign, may request a filing exemption when they register. An exempt candidate is not required to appoint a treasurer or file campaign finance reports. The request for a filing exemption must be notarized before a candidate submits their registration. Once the exemption has been granted, the candidate may not raise or spend any money for their campaign. If an exempt candidate changes their mind and wishes to become financially active, they must file an amended registration form with the municipal clerk before raising or spending any money.

### ***CHANGES TO REGISTRATION FORM***

It is important that a candidate's contact information be up to date. If the information for a candidate or their appointed treasurer changes, the candidate should contact their municipal clerk to file an amended registration form.

### ***CANDIDATE AND TREASURER RESPONSIBILITIES***

The candidate must open a separate bank account for the campaign. Election law prohibits campaign funds from being commingled with personal funds. The account should be a simple checking account, with a debit card and/or checks, so all contributions may be deposited, and all campaign purchases are made directly from the account.

The candidate and treasurer are equally responsible for maintaining the proper records for all contributions and expenditures and for filing campaign finance reports on time. Either the candidate or treasurer must complete and sign a report before filing.

### ***RECORD KEEPING***

The campaign must keep the following records:

- The name and address of every person making a contribution of more than \$10, the date and the amount of the contribution; as well as the employer and occupation information of any contributor giving more than \$50 in a single reporting period;
- Bank statements and copies of cancelled checks;
- All receipts and invoices for expenditures;
  - If an expenditure is made by someone who is being reimbursed by the campaign, that person must provide the receipt and proof of payment.

Careful and complete record-keeping is important, because the candidate or treasurer must certify the accuracy of a report when they sign it. The campaign is not required to submit receipts or records when filing a report unless the municipal clerk requests them. All campaign records must be retained for two years after the final report for an election is filed.

Legal References	
Selecting a Treasurer	21-A M.R.S. § 1013-A(1)
Removal of Treasurer	21-A M.R.S. § 1013-B
Duties of Treasurer	21-A M.R.S. §§ 1013-A(1)(A),(4); 1016; 1016-A; 1017(2), (3-A), (10)
Registration	21-A M.R.S. § 1013-A(1)
Reporting Changes in Registration Information	21-A M.R.S. § 1013-A(5)
Commingling of Campaign and Personal Funds	21-A M.R.S. § 1016(1)
Write-In Candidates	Rules, Chapter 1, Section 1(5)
Exemption from Reporting	21-A M.R.S. § 1017(7-A)
Requirement to Keep Records	21-A M.R.S. §§ 1013-A(4), 1016
Occupation and Employer of Contributor	21-A M.R.S. §§ 1016(3)(B); 1017(5)

## CHAPTER 2 – CONTRIBUTIONS AND LOANS

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In Maine law, a **contribution** is:

“A gift, subscription, loan, advance or deposit of money or anything of value made for the purpose of influencing the nomination or election of any person to state, county or municipal office or for the purpose of liquidating any campaign deficit of a candidate...” 21-A M.R.S. § 1012(2)

All campaign contributions fall into one of two categories: cash or in-kind.

- **Cash** is a contribution made with cash, a check, or a credit/debit card.
- **In-kind** means the contribution was goods (campaign signs, t-shirts, sign wickets, etc.) or services (graphic design, accounting, etc.). The amount of an in-kind contribution is the original purchase price of the goods or the regular rate of the person providing the service.

Whether cash or in-kind, all contributors are subject to the contribution limit of \$575 per election. The contribution limit is for all contributions from a single source—individual, committee, corporation, or association—in aggregate, the sum of any cash and in-kind contributions, and loans. The candidate and their spouse or domestic partner are not subject to any contribution limit and may spend as much as they like on their own campaign; however, all donations must be reported.

The date of a contribution is the date it is received by the campaign, not the date on the check and not the date it is deposited into the campaign account.

*Contributions from businesses.* In certain circumstances, Maine election law considers businesses, or non-profits or other organizations to be a single contributor if they have common owners or officers. If the entities are considered a single contributor, the combined total of their contributions to a municipal candidate may not exceed the contribution limit of \$575.

A sole proprietorship and its owner are considered to be a single contributor. Additionally, two or more entities are considered a single contributor if they share the majority of the members of their boards of directors; share two or more officers; are owned or controlled by the same majority shareholder(s); or are in a parent subsidiary relationship. Limited liability companies are considered to be a single entity if they are owned or controlled by the same majority member(s).

### **PROHIBITED CONTRIBUTIONS**

It is important for the candidate to keep careful records of the source of all their contributions, so they do not inadvertently accept a prohibited contribution. The following types of contributions are prohibited and cannot be accepted:

- *Contributions from foreign nationals.* Only U.S. citizens and persons holding a valid green card may make contributions to a candidate.



- *Anonymous contributions of more than \$10.* Anonymous contributions over \$10 cannot be accepted. If the campaign receives an anonymous contribution of more than \$10, the excess must be donated to a charitable organization, educational institution, or other similar cause not associated with any Maine election or campaign.
- *Contributions in the name of another.* No person may make a contribution in the name of another person, and candidates cannot knowingly accept them. Misreporting the source of contributions is a serious violation of Maine election law; the contributor, the intermediary, and the candidate could be penalized up to \$5,000 for each violation.

*Earmarked contributions.* Sometimes a contributor will give money to an intermediary, such as a family member or employee, and direct that the money be passed along to a specific candidate. If a candidate is aware that they have received a contribution from a source that was directed through an intermediary, the candidate should report the original source as the contributor. The intermediary has a legal responsibility to inform the candidate who is the original source of the contribution.

### **EXEMPT GOODS AND SERVICES**

Certain goods and services are not legally considered contributions and do not have to be reported.

Examples of this include:

- A trade association or labor union may donate office space or office equipment to a campaign, provided there is no additional cost;
- An individual may volunteer their services to a campaign at no charge (including professional services such as legal advice, bookkeeping assistance, or web/graphic design) as long as they are not being paid by another for providing the services;
- A volunteer may spend up to \$350 per election in campaign-related travel before the campaign must reimburse them; and
- An individual supporter may purchase apparel (t-shirt, hat, etc.) from a vendor using a graphic or design provided by the candidate if the total cost is \$25 or less.

### **LOANS**

Loans to the campaign are the same as monetary contributions and are subject to the same limits and reporting requirements. Loans from individuals, committees, and business entities cannot exceed the contribution limit of \$575. There is no limit to how much a candidate and their spouse or domestic partner may loan to the campaign.

The campaign may make payments on a loan, repaying all or a portion of the loan to its original source. The original source may forgive all or a portion of a loan; the amount forgiven is reported as a contribution.

Legal References	
Definition of Contribution	21-A M.R.S. § 1012(2)
Contribution Limits	21-A M.R.S. § 1015(1) - (3)
Contributions in the Name of Another	21-A M.R.S. §§ 1004(3); 1004-A(3)
Earmarked Contributions	21-A M.R.S. § 1015(4)
Loans	Rules, Chapter 1, Section 6(2)
In-Kind Contributions	Rules, Chapter 1, Section 6(4) - (5)
Exempt Goods and Services	21-A M.R.S. § 1012(2)(B)
Coordinated Expenditures	21-A M.R.S. § 1015(5); Rules, Chapter 1, Section 6(9)

## CHAPTER 3 – EXPENDITURES & DEBTS

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In Maine law, an **expenditure** is:

*A purchase, payment, distribution, loan, advance, deposit or gift of money or anything of value made for the purpose of influencing the nomination or election of any person to state, county or municipal office ...” (21-A M.R.S. § 1012(3)(A)(1))*

“Expenditure” refers to both paid expenses (for instance, a purchase made in store with the campaign debit card) and unpaid obligations (an order placed with a vendor for signs, to be invoiced on delivery). For reporting purposes, the date of an expenditure is either the date on a receipt or the earliest date the campaign knew what the cost of an ordered good or service was going to be—not necessarily the date on an invoice or the date on the campaign check; it is not the date the funds clear the campaign bank account. An expenditure is reported as a **debt** if the order was placed in one reporting period and but is not paid until a later reporting period.

Purchases made with campaign funds should be for the clear benefit of the campaign. Campaign funds are not to be used for the personal enrichment of the candidate or their household. Candidates are permitted to use campaign funds to make payments to their immediate family or household for campaign purposes, for instance, web design, door knocking, or reimbursements; the relationship to the candidate must be disclosed as part of the description when the expenditure is reported.

### **EXEMPT GOODS AND SERVICES**

Certain items, activities, and communications are exempt from the definition of expenditure and do not have to be reported, such as:

- Campaign travel costs incurred by the candidate and their spouse or domestic partner may, but are not required to, be reimbursed.
- Campaign materials paid for and reported in a prior election can be reused and are not considered expenditures.
- The use of property and the cost of food, beverages, and invitations to a “house party” provided by a volunteer for a campaign event or activity, up to \$250 per election.

For more exemptions, please see the Expenditures Appendix or 21-A M.R.S. § 1012(3)(B).

### **REPORTING PAYEES ACCURATELY**

Best practice is for the campaign to make all purchases directly from the campaign bank account. However, there are two common instances when a third party might make a purchase on the campaign’s behalf:

1. An individual, such as the candidate or a volunteer, buys supplies for the campaign using their own money. The campaign may report this as an in-kind contribution (see previous chapter) or as a reimbursement.

2. The campaign hires a consultant or firm to handle part of the campaign and the consultant makes purchases on the campaign’s behalf. The consultant must provide not only an invoice for their services but also all receipts and invoices from the sub-vendors.
  - *Mail houses* (vendors who specialize in every step of a campaign mailer’s production, from design to printing to postage), are an exception to the consultant requirements. The cost of postage is assumed when reporting a mail house expenditure.

<b>PEER TO PEER COMMUNICATIONS</b>								
1536 Piedmont Ave North City, ME 00000								
		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">Date</th> <th style="width: 50%;">Invoice #</th> </tr> <tr> <td style="text-align: center;">04/26/2023</td> <td style="text-align: center;">PPC-23-01426</td> </tr> </table>	Date	Invoice #	04/26/2023	PPC-23-01426		
Date	Invoice #							
04/26/2023	PPC-23-01426							
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 35%;"><b>Bill To</b></td> <td colspan="2"></td> </tr> <tr> <td>Georgina Smythe, Candidate 134 Coldbrook Rd North City, ME 00000</td> <td colspan="2"></td> </tr> </table>			<b>Bill To</b>			Georgina Smythe, Candidate 134 Coldbrook Rd North City, ME 00000		
<b>Bill To</b>								
Georgina Smythe, Candidate 134 Coldbrook Rd North City, ME 00000								
<b>Description</b>	<b>Rate</b>	<b>Amount</b>						
Online Ads (report as paid to Online Ads, 1001 Advertiser Lane, Anywhere, US 00000)								
2 weeks online advertising	\$565.00	<b>\$565.00</b>						
Prints for U (report as paid to Prints for U, 95 Main Street, Big City, ME 00000)		<b>\$765.45</b>						
Graphic Design	\$645.45	\$645.45						
Postage for 200 mailers	\$0.60	\$120.00						
<b>Balance Due</b>		<b>\$1,330.45</b>						

In both these cases, the original payee, the retail store or the sub-vendor, must be reported by the campaign, *not* the third party.

**INDEPENDENT EXPENDITURES VS. COORDINATED EXPENDITURES**

Occasionally a candidate finds themselves in the happy circumstance of having supporters who would like to spend money to support the candidate. Those supporters, whether individual or committee, have two options: to coordinate the expenditure with the candidate or to make an independent expenditure.

An independent expenditure is just that—made *independently* of any input from the candidate or their campaign. This means the candidate and the campaign cannot consult with the spender or have any advance knowledge of the expenditure. Independent expenditures are subject to their own reporting requirements, but the campaign is not involved.

If, however, the campaign does know about the expenditure and worked with their supporter to make it happen, it is considered a coordinated expenditure. Costs incurred by the supporter for the coordinated expenditure are a contribution to the campaign, are reported as in-kind contribution, and are subject to the \$575 contribution limit. The campaign must pay for any costs above \$575 and report that expenditure accordingly.

A candidate may choose to coordinate an expenditure with another candidate. In this case, each candidate should pay either half the cost of the expenditure or the portion of the cost equal to the benefit received by their campaign.

Candidates are permitted to coordinate expenditures made by a party committee, for example, at a meet the candidates event or a party slate card, if there are *three or more* candidates benefiting from the same expenditure.

**DEBTS**

Debts are simply expenditures that remain unpaid for one or more reporting periods. For example, a campaign places an order for signs, receives the invoice from the vendor, but has not paid the vendor by the filing deadline; the treasurer will put the sign order in the Debt Schedule, using the date the campaign placed the order. When the invoice for the signs is paid, this is reported as a Debt Payment. If a debt remains unpaid for more than six months after the election and the campaign continues to raise the money to pay the vendor, this activity is reported in semiannual reports. If the debt remains unpaid for four years, the debt is considered a contribution under election law; depending on the amount of the remaining debt, the campaign could be subject to penalties for accepting an over-the-limit contribution.

Legal References	
Definition of Expenditure	21-A M.R.S. § 1012(3)
Unpaid Debts and Obligations	21-A M.R.S. §§ 1012(3)(A)(2), (4) Rules, Chapter 1, Section 7(3)
Joint Expenditures	Rules, Chapter 1, Section 7(11)
Records of Expenditures Made on Behalf of the Candidate	21-A M.R.S. § 1016(4)
Payments to Members of Household and Family	21-A M.R.S. § 1017(5)

## CHAPTER 4 – REPORTING REQUIREMENTS

A candidate and their treasurer are jointly responsible for filing accurate reports on time. Campaign finance reports must be:


- **Complete**, containing all the financial activity that falls within the dates of the report period;
  - If the campaign makes a mistake or unintentional omission in the filed report, they must file an **amended** report with the clerk as soon as possible.
- **On time**, filed with the clerk’s office no later than close of business on the filing deadline;
- **Original**, not a photocopy;
- **Signed** by the candidate or their treasurer to attest to its completeness and accuracy to the best of their knowledge. Knowingly making a false statement in a report is a Class E crime.

The municipal clerk will review all campaign finance reports to ensure candidates are in compliance with Maine election law. The clerk may contact the campaign for additional information or amendments if necessary.

CAMPAIGN FINANCE REPORTS FOR MUNICIPAL CANDIDATES*		
TYPE OF REPORT**	DEADLINE	REPORT PERIOD
<b>Pre-Election Semiannual</b>	For candidates in a <b>June election</b> , who raised or spent more than \$500 in the year prior to the election, the report is filed on January 15 <sup>th</sup>	Beginning of campaign—December 31 <sup>st</sup> of the year preceding the election year
	For candidates in a <b>November election</b> , who raised or spent more than \$500 before July 1st, the report is filed on July 15 <sup>th</sup>	Beginning of campaign — June 30th
<b>11-Day Pre-Election</b>	11 days before the election	Beginning of campaign—14 <sup>th</sup> day before the election <b>or</b> If pre-election semiannual report was filed: January 1 <sup>st</sup> - 14 <sup>th</sup> day before the election
<b>42-Day Post-Election</b>	42 days after the election	13 <sup>th</sup> day before the election—35 <sup>th</sup> day after the election
<b>24-Hour Reports</b>	Within 24 hours of the event	13 <sup>th</sup> day before the election—Day before the election
<b>Post-Election Semiannual</b> Required for candidates who have a cash balance of <i>more than \$100</i> or an outstanding loan or debt of <i>more than \$100</i> . <b>Reports are filed every six months until surplus cash, loans and debts are \$100 or less.</b>	For candidates in a <b>June election</b> , the <i>first</i> semiannual is: January 15 <sup>th</sup> of the year following the election year.	End of 42-Day Post-Election Report—December 31 <sup>st</sup> of the election year
	For candidates in a <b>November election</b> , the <i>first</i> semiannual is: July 15 <sup>th</sup> of the year following the election year.	End of 42-Day Post-Election Report—June 30th of the year following the election year

\* Campaign finance reporting forms and schedules are available from the municipal clerk.  
 \*\* Candidates in Portland must also file a 42-day pre-election report.

In addition to the regular filing schedule, some candidates may have to file **24-Hour Reports**. A 24-Hour Report is filed in the last 13 days before an election for any single transaction of \$1,000 or more. Only candidates who are opposed in an election by either a candidate on the ballot or a declared write-in candidate must file 24-Hour Reports. Overhead costs that have been made regularly throughout the campaign, such as rent, taxes, or salary payments, are not required to be reported in a 24-Hour Report.

24-HOUR REPORTS:	24-HOUR REPORT PERIOD						
	Sun	Mon	Tue	Wed	Thu	Fri	Sat
<ul style="list-style-type: none"> <li>• File within 24 hours of receiving the contribution or making the expenditure or obligation.</li> <li>• Must be filed on a weekend or holiday if that is when it is due and cannot wait until the next business day.</li> <li>• File by fax or in person.</li> <li>• Contributions and expenditures received or made on the day before an election must be reported on election day.</li> </ul>							
	 Indicates 24-Hour Report period						

A 24-Hour Report is filed in person or by fax within 24 hours of the transaction being made.

**PENALTIES FOR LATE FILING**

Candidates who do not file their campaign finance reports by the deadline may face financial penalties. Maine election law considers a late-filed or substantially inaccurate report to be a violation and holds the candidate and treasurer jointly responsible.

A late-filing penalty is calculated according to a statutory formula based on the total contributions and loans or total expenditures and debts, whichever is greater. A percentage of that total is multiplied by the number of days the report is late. A candidate’s first late-filing is calculated at 2%; subsequent late-filing violations increase to 4% and then 6%.

EXAMPLE OF PENALTY CALCULATION			
	Total Contributions	Total Expenditures	
<b>Report Period Amounts</b>	\$2,000	\$500	The total of contributions for the report period is greater than the total of expenditures. <b>Therefore, \$2,000 is used in the calculation.</b>
<b>Percent Used</b>	2%	This is the first time the candidate was late in filing their report, <b>so the percentage used is 2%.</b>	
<b>Penalty Amount/Day</b>	\$40	\$2,000 x 2% = \$40 per day	
<b>Number of Days Late</b>	5	\$40 x 5 = \$200	
<b>Penalty Amount</b>	\$200	A penalty is due within 30 days from the date of the penalty letter.	

A financial penalty of less than \$25 is automatically waived but the late-filing violation remains.

Legal References	
Requirement to File Reports	21-A M.R.S. §§ 1013-A(4); 1016; 1017(3-A)
24-Hour Reporting Requirement	21-A M.R.S. § 1017(3-A)(C)
Report Forms	21-A M.R.S. § 1017(6)
Reporting Reimbursements	Rules, Chapter 1, Section 7(5)
Penalties	21-A M.R.S. § 1020-A(4-A)



## CHAPTER 5 – HOW TO COMPLETE A CAMPAIGN FINANCE REPORT

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A campaign finance report consists of a cover page and six sections, called “schedules.” This chapter provides guidance about what must be reported on the campaign finance reports.

### COVER PAGE

The cover page starts with the **contact info** of both the candidate and treasurer. The filer will check off the **type of report** they are filing, including an amended report. Finally, the candidate or treasurer will **sign and date the report**, attesting the report is true, complete, and correct to the best of their knowledge.

If there has been *no financial activity* in a reporting period, the campaign may indicate that on the cover page; no further pages are required.

### SCHEDULE A – CASH CONTRIBUTIONS

The campaign must **itemize** all individual contributions more than \$50 in the reporting period and complete the following columns:

- **Date:** when the contribution was *received* by the campaign, not the date on the check or when it was deposited into the campaign bank account.
- **Name, address, and zip code:** the campaign must get the name and address of all contributors to ensure the campaign has not accepted any prohibited contributions.
- **Employer and Occupation:** the campaign must ask individual contributors for this information. If the candidate asked and received no answer or a reply of “none of your business,” write “Info Requested” in this space.
- **Type:** a table on Schedule A describes the contributor types. Choose the number that best fits, for instance, the candidate’s spouse (1), another individual (2), or a political party committee (4).
- **Amount:** the amount of the contribution.
  - If the campaign is indicating a *returned contribution*, this amount will be negative.

The campaign is not required to itemize cash contributions of \$50 or less and may report them in the aggregate for the period. To do so, use “Contributors Giving \$50 or Less” in the **Name** column, choose **Type** 6, and report the sum of those contributions as the **Amount**. For **Date**, the campaign may use the last date in the period that one of these contributions was received.

### SCHEDULE A-1 – IN-KIND CONTRIBUTIONS

Reporting an in-kind contribution is very similar to reporting a cash contribution, with the addition of a field for **Description of Goods/Services**, where the campaign will record what was given. If the exact amount of an in-kind contribution is unknown, such as, if a friend donates campaign shirts from their printing shop, fair market value for the contribution can be used.

## REPORTING THE USE OF THE CANDIDATE'S PERSONAL FUNDS

Any use of personal funds by the candidate, their spouse or domestic partner to support the campaign must be reported. Refer to the table below for guidance on how to report:

Contribution Type	How to Report
The candidate makes a purchase for the campaign and does not expect to be reimbursed.	Schedule A, as an itemized contribution to show the inflow of funds, <u>and</u> Schedule B, as an expenditure  <b>or</b> Schedule A-1, as an in-kind contribution
The candidate is reimbursed by the end of the reporting period.	Schedule B, as an expenditure (noting in the Description this is a reimbursement)
The candidate is not reimbursed by the end of the reporting period.	Schedule D, as an unpaid debt.
The candidate makes a loan to cover campaign expenses.	Schedule C, as a loan.

### SCHEDULE B – EXPENDITURES

This schedule contains all paid expenditures for the reporting period. The campaign must complete the following fields for each expenditure:

- **Date:** the date the campaign paid the invoice, that is, either the date of the electronic payment or the date the campaign wrote the check.
- **Name and Address of Payee:** the name of the vendor or retail store and their address. If the campaign made an online purchase, the URL is an acceptable substitute if a physical address cannot be found on their website. Remember, if the campaign is reimbursing someone for a purchase, the vendor is the payee; the person being reimbursed will be indicated in the remarks.
- **Type:** a table in Schedule B describes the Expenditure Types. Choose the number that best matches the purpose of the goods or service.
- **Remark:** a more complete description of the expenditure.
  - for a *reimbursement*, include both a description and the name of the person being reimbursed.
  - for a payment to a member of the candidate's *immediate family or household*, disclose that relationship in the remarks.
- **Amount:** the amount of the expenditure.
  - If the campaign is indicating a *returned* expenditure, this number will be negative.

Debt payments are also reported in Schedule B. Read further for a description of debt payments in the section marked "Schedule D – Debts and Obligations."

## **SCHEDULE C – LOANS AND LOAN PAYMENTS**

The campaign will report all loan activity for the period in this schedule, using the following fields:

- **Lender’s Name and Address:** the details of the individual or entity making the loan.
- **Loan Balance at Beginning of Period:** if the loan is new for the current report period, this will be the total amount of the loan. If the loan has carried over from a previous report period, use the “Loan Balance at End of Period” amount from the prior report.
- **Activity This Period:** there are three sub-categories for this information, all of which require the amount and date of the transaction.
  - **Amount Loaned This Period** – leave blank if the loan is carried forward from a previous report
  - **Amount Repaid This Period** – leave blank if no payments have been made on the loan
  - **Amount Forgiven This Period** – leave blank if no portion of the loan has been forgiven
- **Loan Balance at End of Period:** using the formula described in the column header, determine the balance of the loan.

*Loan payments* are reported only in Schedule C, not in Schedule B as expenditures. However, if all or part of a loan is *forgiven*, that amount must be reported both in Schedule C and in Schedule A as a contribution. Follow the instructions in Schedule C and the Summary Schedule carefully so that the forgiven amount is not double-counted in the report totals.

Any loans with a remaining balance at the end of a reporting period will be carried forward into the next report.

## **SCHEDULE D – DEBTS AND OBLIGATIONS**

This section will contain all expenditures that remain unpaid at the end of the report period. The campaign must complete the following fields:

- **Date:** when the campaign committed (by telling a vendor to “go ahead” with the order) to paying a vendor for a good or service.
- **Creditor’s Name and Address:** the name of the vendor and their address.
- **Purpose:** a description of the goods or services.
- **Amount:** if the vendor has not provided an exact amount for the debt, the campaign may report an estimate and note this in the *Purpose*.
  - if a partial *payment* has been made on the debt, the *Amount* will be less that payment.

*Debt Payments* are reported in Schedule B with expenditures.

- *Date* will be the day the campaign sent the payment to the vendor (not necessarily the day when the payment clears the bank account).
- *Payee* information will be the original creditor’s information.
- *Type* should be the best match for the purpose of the original debt.

- *Remark*: “Debt Payment.”
- *Amount* is the partial or full payment on the original debt.

Any debts that have not been fully paid at the end of a reporting period will be carried forward to the next report.

### ***SUMMARY SCHEDULE***

This is the final step in completing a campaign finance report. The table contains instructions on where to find the amounts for each field. Review each schedule carefully as you complete the summary schedule and do the math for each section. Note that each summary schedule has fields for the campaign’s running totals.

The campaign should **keep copies of their campaign finance reports**, not just for the sake of record-keeping completeness, but also to verify they are accurately reporting their balances.

### ***24-HOUR REPORTS***

24-Hour Reports look different from a regular campaign finance report, but once a campaign has already filed a regular report, the parts of a 24-Hour Report will feel familiar. Each 24-Hour Report will start with the **Candidate Information** and the **Treasurer Information**. The campaign will then complete the **Contributor Information** or **Expenditure Information**, depending on what kind of large transaction was made. Finally, the candidate and/or treasurer will sign the report, attesting to its accuracy.

Remember, any transactions filed in a 24-Hour Report *must also be reported* in the appropriate schedule of the 42-Day Post-Election Report.

North City Clerk  
1 Main Street  
North City, ME 00000

Email: northcityclerk@email.com

Phone: (207) 000-0000  
Fax: (207) 000-0000

## 2023 Campaign Finance Report

For Municipal Candidates

<b>Name of Candidate:</b>	Georgina Smythe	<input type="checkbox"/> Check if any information has changed from previous report
<b>Street Address:</b>	134 Coldbrook Rd	
<b>City and ZIP:</b>	North City, ME 00000	<b>Phone Number:</b> (207) 000-0000
<b>Email:</b>	Georgieforselectboard@email.com	
<b>Office Sought:</b>	Select Board	<b>District Number</b> (if applicable):
<b>Name of Treasurer:</b>	Sally Stoddard	<input type="checkbox"/> Check if any information has changed from previous report
<b>Mailing Address:</b>	138 Coldbrook Rd	
<b>City and ZIP:</b>	North City, ME 00000	<b>Phone Number:</b> (207) 000-0000
<b>Email:</b>	sallystoddard@email.com	
<b>TYPE OF REPORT</b>	<b>DUE DATE</b>	<b>DATES OF REPORTING PERIOD</b>
<input checked="" type="checkbox"/> 11-Day Pre-June Election	June 2, 2023	Beginning of campaign – May 30, 2023
<input type="checkbox"/> 42-Day Post-June Election	July 25, 2023	May 31 – July 18, 2023
<input type="checkbox"/> July Semiannual	July 17, 2023	January 1 – June 30, 2023
<input type="checkbox"/> 11-Day Pre-November Election	October 27, 2023	If filing first report: Beginning of campaign – October 24 <b>or</b> If 2023 July Semiannual filed: July 1 – October 24
<input type="checkbox"/> 42-Day Post-November Election	December 19, 2023	October 25 – December 12, 2023
<input type="checkbox"/> January Semiannual	January 16, 2024	July 1 – December 31, 2023
<input type="checkbox"/> Amendment to:		
<input type="checkbox"/> Other (specify):		
<input type="checkbox"/> Check if campaign had no activity for the reporting period (no other pages are required).		
<b>I CERTIFY THAT I HAVE EXAMINED THIS REPORT AND TO THE BEST OF MY KNOWLEDGE IT IS TRUE, CORRECT, AND COMPLETE.</b>		
<u>Sally Stoddard</u> Treasurer Signature	<u>06/02/23</u> Date	<u>Georgina Smythe</u> Candidate Signature
		<u>06/02/23</u> Date

UNSWORN FALSIFICATION IS A CLASS D CRIME (17-A M.R.S. § 453).

**SCHEDULE A  
CONTRIBUTIONS**

- Itemize all cash contributions from contributors who have given you more than \$50 in this report period.
- Both cash and in-kind contributions count toward the \$50 threshold.
- Report the occupation and employer for individual contributors who contributed more than \$50 in this report period. If you requested employment information but did not receive it, write "information requested."
- Cash contributions of \$50 or less may be aggregated and reported as a lump sum. Use "Contributors giving \$50 or less" as the contributor type.
- If you transferred surplus funds from a previous campaign to your current campaign, report that amount in the first report for the current election cycle.
- Duplicate as needed.

**Total contributions from the same source (except candidate and candidate's spouse/domestic partner) may NOT exceed \$575 in any election for municipal office.**

**Contributor Types**

- |   |                                    |
|---|------------------------------------|
| 1 Candidate and Candidate's Spouse/Domestic Partner | 5 Political Party Committees       |
| 2 Other Individuals                                 | 6 Other Candidates and Committees  |
| 3 Commercial Sources (corporations, etc.)           | 7 Contributors giving \$50 or less |
| 4 Political Action Committees                       | 8 Transfer from previous campaign  |

Date Received	Contributor's Name, Address, Zip	Occupation	Employer	Type	Amount
1/28/23	Maxine Smythe 136 Coldbrook Rd North City, ME 00000	Hair Stylist	Cute Cuts for U 35 Main St North City, ME 00000	2	\$250.00
2/15/23	North City PAC PO Box 35 North City, ME 00000			4	\$625.00
2/20/23	Stephan Goode 14 Hemlock Ave North City, ME 00000	Engineer	Northwind, LLC 2 Parkway Lane Big City, ME 00000	2	\$350.00
2/28/23	North City PAC PO Box 35 North City, ME 00000			4	-\$50.00
3/10/23	Contributors giving \$50 or Less			6	\$125.00
3/15/23	Pointing North Committee PO Box 23 North City, ME 00000			4	\$575.00
3/20/23	Sarah Busby 45 Winding Rd North City, ME 00000	Homemaker	N/A	2	\$75.00

Returned over-limit contribution

**Total Cash Contributions (this page only) →**  
(combined totals from all Schedule A pages must be listed on Schedule F, Line 1) **\$1,950.00**

**SCHEDULE A-1**  
**IN-KIND CONTRIBUTIONS**

In-kind contributions are goods and services (including use of facilities) that you received at no cost or at a cost less than the fair market value. They include all goods and services purchased for the campaign by the candidate or supporters if the campaign does not expect to reimburse the candidate or supporter. These contributions may come from the candidate, candidate's family, supporters, PACs, party committees, or other entities. Goods that you have retained from an earlier election such as signs are not in-kind contributions to your current campaign.

- Itemize all in-kind contributions from contributors who have given you contributions totaling more than \$50 in this report period. Both cash and in-kind contributions count toward the \$50 threshold.
- Report the occupation and employer for individual contributors who contributed more than \$50 in this report period. If you requested employment information but did not receive it, write "information requested."
- In-kind contributions of \$50 or less may be aggregated and reported as a lump sum. Use "Contributors giving \$50 or less" as the contributor type.
- If you received goods or services for less than the usual and customary charge, report the amount of the discount as an in-kind contribution.
- A description of the goods or services received is required.
- Duplicate as needed.

**Total contributions (cash and in-kind) from the same source (except candidate and candidate's spouse/domestic partner) may NOT exceed \$575 in any election for municipal office.**

**Contributor Types**

- |   |                                    |
|---|------------------------------------|
| 1 Candidate and Candidate's Spouse/Domestic Partner | 5 Political Party Committees       |
| 2 Other Individuals                                 | 6 Other Candidates and Committees  |
| 3 Commercial Sources (corporations, etc.)           | 7 Contributors giving \$50 or less |
| 4 Political Action Committees                       | 8 Transfer from previous campaign  |

Date Received: 2/17/23	Contributor's Name, Address, Zip: Suzanna Jinxly 15 Golden Lane North City, ME 00000	Occupation: Teacher	Employer: North City Elementary 2 School St North City, ME 00000	Type: 2	Amount: \$82.50
Description of Goods/Services: Stamps for mailer					
Date Received: 2/20/23	Contributor's Name, Address, Zip: North City PAC PO Box 35 North City, ME 00000	Occupation:	Employer:	Type: 3	Amount: \$57.75
Description of Goods/Services: Envelopes for mailers					
Date Received: 3/25/23	Contributor's Name, Address, Zip: Scott Jonsley 134 Coldbrook Rd North City, ME 0000	Occupation: Owner	Employer: Jonsley Lumber 20 Wildbrook Way North City, ME 0000	Type: 2	Amount: \$325.00
Description of Goods/Services: Wood for campaign signs – donated by candidate's spouse					
Date Received:	Contributor's Name, Address, Zip:	Occupation: <b>Reporting family relationship</b>	Employer:	Type:	Amount:
Description of Goods/Services:					
Date Received:	Contributor's Name, Address, Zip:	Occupation:	Employer:	Type:	Amount:
Description of Goods/Services:					

**Total In-Kind Contributions (this page only) →**  
**(combined totals from all Schedule A-1 pages must be listed on Schedule F, Line 8)**

**\$465.25**

**SCHEDULE B  
EXPENDITURES**

- Enter the date, payee, **expenditure type**, and amount for each expenditure made during the report period.
- All expenditures require a remark. Enter a description of the goods and services purchased.
- For expenditures made with the candidate's or authorized individual's personal funds and that are reimbursed within the same report period, enter them as reimbursed expenditures (Payee Name is the vendor and the person who was reimbursed is named in the Remark field). If expenditures made by others are not reimbursed by the end of the report period, they are either reported as in-kind contributions or unpaid debts and obligations.
- If you use campaign funds to pay or reimburse an immediate family member or household member for goods or services they provided or purchased for the campaign, you **must** list the family or household relationship in the remarks section.
- Duplicate as needed

**Only enter expenditures that have actually been paid. Enter unpaid debts and obligations on Schedule D.**

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	PER	Personnel and campaign staff, consulting, and independent contractors	
EQP	Equipment of \$50 or more (computer, tablet, phone, furniture, etc.)	PHO	Phones (phone banking, robocalls, and texts)	
EVT	Campaign and fundraising events (venue/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)	
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)	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/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.)	
Date	Name of Payee	Type	Remark	Amount
2/15/23	Signs R Us 326 Commercial Way Big City, ME 00000	LIT	100 Campaign signs	\$275.00
3/10/23	Online Ads 1001 Advertiser Lane Anywhere, US 00000	ONL	Online advertising	\$287.50
3/11/23	Prints for U 95 Main St Big City, ME 00000	MHS	Design & mailing of campaign mailer	\$425.00
3/26/23	Hardware Store 54 Main St North City, ME 00000	HRD	Screws, paint for campaign signs	117.39
4/1/23	Prints for U 95 Main St Big City, ME 00000	MHS	Partial refund – postage overcharge	-\$50.00
5/23/23	North City Courier 27 Main Street North City, ME 00000	NEW	Newspaper ad	\$237.50
5/25/23	Food Mart 58 Main St North City, ME 00000	FOD	Reimbursement to Sally Stoddard for purchase of food for event	\$89.53
<b>Total Expenditures (this page only) →</b>				<b>\$1,381.92</b>
<b>(combined totals from all Schedule B pages must be listed on Schedule F, Line 5)</b>				



**SCHEDULE C**  
**LOANS AND LOANS REPAYMENT**

- List all new and continuing loans that were unpaid at any time during this reporting period.
- If a loan amount is forgiven, the amount forgiven must also be entered as a contribution on Schedule A.
- Loans cannot exceed \$575 in any election for municipal candidates, except loans made by the candidate, the candidate's spouse or domestic partner, or a financial institution in the State of Maine.
- Duplicate as needed.

	COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5
Lender's Name and Address	Loan Balance at Beginning of Period	ACTIVITY THIS PERIOD (report amount and date)			LOAN BALANCE AT END OF PERIOD (1+2) - 3 - 4
		Amount Loaned this Period	Amount Repaid this Period	Amount Forgiven this Period	
Georgina Smythe 134 Coldbrook Rd North City, ME 00000		Date: 1/15/23 Amount: \$850.00	Date:  Amount:	Date:  Amount:	\$850.00
Georgina Smythe 134 Coldbrook Rd North City, ME 00000	\$850.00	Date:  Amount:	Date: 5/1/23 Amount: \$200.00	Date:  Amount:	\$650.00
		Date:  Amount:	Date:  Amount:	Date:  Amount:	
		Date:  Amount:	Date:  Amount:	Date:  Amount:	
		Date:  Amount:	Date:  Amount:	Date:  Amount:	
<b>Totals for each column →</b>		Enter on Schedule F, Line 2  \$850.00	Enter on Schedule F, Line 6  \$200.00	Enter on Schedule F, Line 2.a  	Enter on Schedule F, Line 10  \$650.00

**SCHEDULE D**  
**UNPAID DEBTS and OBLIGATIONS**

- You have incurred a debt or obligation if you have placed an order for a good or service without making a payment; made a promise or agreement to pay for a good or service; signed a contract for a good or service; and received delivery of a good or service for which you have not paid.
- If the campaign has not received a bill for goods or services, contact the vendor to obtain the amount owed. If it is impossible to verify the amount of the debt, enter an estimated amount and indicate that the amount is estimated in the purpose section.
- Report actual payments to vendors on Schedule B.
- Duplicate as needed.

Date	Creditor's Name and Address	Purpose	Amount
4/1/23	Online Ads 1001 Advertiser Lane Anywhere, US 00000	Online advertising	\$565.00
4/8/23	Prints for U 95 Main St Big City, ME 00000	2 campaign mailers	\$765.45
<b>Total Unpaid Debts and Obligations (this page only) →</b> (combined totals from all Schedule B pages must be listed on Schedule F, Line 9)			<b>\$1,330.45</b>

**SCHEDULE F  
SUMMARY SCHEDULE**

- This page is required for all candidates except those checking the "no activity" box on the cover page of the report.
- The cash balance on line 14 must match the campaign's reconciled bank account balance as of the last day of the report period.

<b>CASH ACTIVITY</b>	
<b>Receipts</b>	
1. Cash Contributions this Period (total of all Schedule A pages)	\$1,950.00
2. Loans this Period (Schedule C, column 2)	\$850.00
2.a. Adjustment for Forgiven Loan Amount this Period (Schedule C, column 4)*	-
3. Other Cash Receipts this Period (interest, etc.)	
4. Total Receipts this Period [(lines 1 + 2 + 3) – line 2.a.]	\$2,800.00
<b>Expenditures</b>	
5. Expenditures this Period (total of all Schedule B pages)	\$1,381.92
6. Loan Repayments this Period (Schedule C, column 3)	\$200.00
7. Total Payments this Period (lines 5 + 6)	\$1,581.92
<b>OTHER ACTIVITY THIS REPORTING PERIOD</b>	
8. In-kind Contributions this Period (total of all Schedule A-1 pages)	\$465.25
9. Total Unpaid Debts at Close of Period (total of all Schedule D pages)	\$1,330.45
10. Total Loan Balance at Close of Period (Schedule C, column 5)	\$650.00
<b>CASH SUMMARY FOR PERIOD</b>	
11. Cash Balance at Beginning of Period (Schedule F, line 14 from last report)	
12. <b>Plus</b> Total Receipts this Period (line 4 above)	\$2,800.00
13. <b>Minus</b> Total Payments this Period (line 7 above)	\$1,581.92
14. Cash Balance at End of Period (must match reconciled bank account balance)	\$1,218.08

\* If you forgave a loan or part of a loan during the report period, you need to enter the forgiven amount on line 2.a. and subtract it from the sum of lines 1, 2 & 3. This adjustment is needed so that the forgiven amount is not double-counted as a receipt.

Legal References	
Required Contents of Reports	21-A M.R.S. § 1017(5)
Reporting Payments to Members of Household and Family	21-A M.R.S. § 1017(5)
Required Reporting of Expenditures, including date, payee, amount, purpose	21-A M.R.S. § 1017(5)
Forms of Commission	21-A M.R.S. § 1017(6)
Reporting Expenditures by Consultants, Employees, and Other Agents	21-A M.R.S. § 1016(4)

## CHAPTER 6 – CAMPAIGN COMMUNICATIONS AND DISCLOSURE STATEMENTS

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### **DISCLOSURE ON CAMPAIGN COMMUNICATIONS**

A candidate is required to put a disclosure statement on any piece of campaign communication they distribute. A campaign communication is one that costs money and expressly advocates either the election of the candidate or defeat of their opponent, and can include the following examples:

- Newspaper or other print advertisement
- Yard signs
- Direct mailers
- Palm cards or flyers
- Radio or television advertisements

A proper disclosure statement includes the name of the entity who paid for the communication and whether the candidate authorized it. The table below has examples of proper disclosure statements based on who made the expenditure:

<b>Communication Type</b>	<b>Sample Disclosure</b>
Expenditure paid for by candidate (address not required):	Paid for and authorized by the Candidate.
Expenditure Made by a Candidate's Agent (address not required):	Authorized by the Candidate and paid for by the Treasurer.
Expenditure Made by the Candidate's Committee (address not required):	Authorized by the Candidate and paid for by the Committee to Elect the Candidate.
Expenditure Made by Others not Associated with the Campaign (address is required):	Authorized by the Candidate and paid for by <i>Contributor Name, Street Address, City, State &amp; Zip Code</i> .

The requirement for a disclosure statement extends to communications that name or depict a clearly identified candidate even if it does not expressly advocate for or against that candidate in the last 35 days before an election, or from Labor Day to the date of the November election.

### **COMMUNICATIONS EXEMPT FROM DISCLOSURE REQUIREMENTS**

A good rule of thumb is to put a disclosure statement on anything the campaign produces that promotes the candidate, but there are a few specific exemptions in the statute:

- **Signs that are lettered or printed by hand:** a handmade sign that has been paid for and authorized by the candidate and clearly identifies the candidate does not need a disclosure statement.
- **Small items:** certain items are exempt from the requirement because of their small size, for instance, campaign buttons, pens, coasters, clothing, or fundraiser tickets. Check with the municipal clerk for other items that may be considered too small for the disclosure statement.

- **Online advertisement:** the disclosure statement may not be required in online advertisements if it would be *impractical due to size or character count limitations*. The campaign should check with the vendor to see if including the disclosure statement is possible.

### **ROBOCALLS AND SCRIPTED LIVE CALLS**

The Federal Communications Commission (FCC) has specific regulations regarding the sponsor identification that must be included in “robocalls,” which are phone calls to landlines and mobile phones that use certain automated dialing technology, deliver a pre-recorded message, or use an artificial voice. The federal disclosure requirement is not limited to recorded voice messages, as it also applies to live calls if automated dialing technology is used to make the call.

Maine also has a requirement that robocalls and scripted live calls include a disclosure statement that clearly states the name of the person who paid for the communication. However, the FCC regulation is stricter than Maine’s and preempts Maine’s disclosure statute. Candidates are urged to read the FCC Enforcement Advisory on robocalls and robotexts on the FCC’s website ([www.fcc.gov](http://www.fcc.gov)) to understand and comply with the federal disclosure requirements for robocalls.

There is one type of phone call that is subject to Maine’s disclosure requirement but not the FCC’s — a scripted live call made by a person without the use of automated dialing technology. For those calls, the caller must clearly state the name of the person who financed the communication.

### **MISSING DISCLOSURE STATEMENTS AND ENFORCEMENT**

Mainers are well aware of the requirement for campaign disclosure statements and are on the lookout for them. If the municipal clerk receives a complaint about a missing disclosure statement, they will first contact the responsible party and request that it be added to the communication, if possible. If the person who paid for the communication corrects the missing disclosure statement within 10 days of being notified by the clerk, the clerk may decide not to pursue further enforcement action.

A person who violates the disclosure requirement may be subject to a civil penalty up to 100% of the cost of the expenditure. The penalty amount depends on several factors, including how widely the communication was distributed, whether the omission was intentional, and whether the communication conceals or misrepresents the identity of the person who paid for it. If a disclosure on a yard sign is missing or incomplete, the maximum penalty is \$200.

### **PLACEMENT OF POLITICAL SIGNS**

The Maine Department of Transportation (MDOT) and local ordinances, if any, regulate the timing, placement, and removal of signs. MDOT has requirements for labeling of signs that are in addition to the disclosure statement. Please see the MDOT appendix at the end of this guidebook for more information.

Legal References	
Required Disclosure on Candidate Communications	21-A M.R.S. § 1014(1), (2-A)
Expressly Advocate	Rules, Chapter 1, Section 10(2)(B)
Clearly Identified	21-A M.R.S. § 1012(1)
Exempted Communications	21-A M.R.S. § 1014(6)
Handmade Signs	21-A M.R.S. § 1014(6-E)
Automated Telephone Calls	21-A M.R.S. § 1014(5)
Broadcasters and Newspapers	21-A M.R.S. § 1014(3), (3-B)
Enforcement	21-A M.R.S. § 1014(4)
Sign Placement	23 M.R.S. § 1917-B

## CHAPTER 7 – POST-ELECTION RESPONSIBILITIES

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After the election, win or lose, the candidate’s campaign finance responsibilities are not quite over. The campaign must prepare the 42-Day Post-Election Report and continue to **maintain all campaign records for two years** following the filing of the final report. The candidate is also required, until the campaign is closed out completely, to notify the municipal clerk when their contact information changes, so that they can continue receiving all notices and reminders.

### ***CLOSING OUT THE CAMPAIGN***

**Loans:** If the campaign has an outstanding loan balance of more than \$100 and the candidate wants to close out their campaign with the filing of the 42-Day Post- Election Report, they may:

- use campaign funds to reduce the outstanding loan balance to \$100 or less. The candidate is permitted to raise funds after the election for the purpose of paying the loan; or
- ask the lender to forgive the outstanding loan balance.

A contributor who forgives a loan cannot exceed the contribution limit when the forgiven amount is added to all cash and in-kind contributions made by that contributor for the election. The contribution limit applies to all contributors, except the candidate and the candidate’s spouse/domestic partner.

**Debts:** If the campaign has an unpaid debt of more than \$100 and the candidate wants to close out their campaign with the filing of the 42-Day Post-Election Report, they may:

- use campaign funds to pay the debt. The candidate is permitted to raise funds after the election for the purpose of paying off debts;
- use their personal funds to pay the person to whom the debt is owed (“the creditor”). Report on Schedule A-1 their payment of personal funds to the creditor as an in-kind contribution from the candidate;
- if the debt is owed to a campaign supporter who has not been reimbursed for the purchase, ask the creditor to forgive the unpaid debt or obligation (up to the contribution limit — \$575 or less);
  - The maximum the creditor may forgive is \$575 per election as long as the creditor has not previously given the candidate a contribution. If the creditor forgives the unpaid debt, report the receipt of the goods or services without payment as an in-kind contribution from the creditor on Schedule A-1. Debts to vendors that would be considered “business entities” cannot be forgiven.
  - If the campaign’s debt is owed to the candidate, or their spouse/domestic partner, an unlimited amount may be forgiven.



Any debt that remains unpaid more than six months after the election in which the debt was incurred may be considered a contribution to the candidate unless the candidate provides clear and convincing evidence that they intend to raise funds or take other measures to satisfy the debt.

**DISPOSITION OF SURPLUS FUNDS**

After an election, a candidate may be left with unspent campaign funds. Candidates are required to continue filing reports until their reported cash balance falls below \$100. A candidate *must* dispose of surplus cash within four years of the election for which the funds were received.

Under 21-A M.R.S. § 1017(8), a candidate may dispose of surplus cash greater than \$100 by:

- Returning contributions to the contributors, as long as no contributor receives more than the amount they originally contributed;
- A gift to a state or local party committee;
- A gift to the State or the municipality;
- Carrying forward the surplus balance for use by the candidate for a subsequent election;
- Making a contribution to another registered candidate, within the applicable contribution limits;
- Paying any outstanding loans or debts of the campaign;
- Paying for any expense during the performance of the office to which the candidate is elected, as long as each expenditure is itemized on expenditure reports; and
- A gift to a charitable or educational organization that is not prohibited, for tax reasons, from receiving such a gift.

**Semiannual Reports**

Candidates with surplus cash, a loan, or an unpaid debt of more than \$100 after filing their last election report must continue to file campaign finance reports (“semiannual reports”) every January 15th and July 15th until those outstanding obligations have been paid and the surplus balance spent down.

Legal References	
Change of Address or Telephone Number	21-A M.R.S. § 1013-A(5)
Disposing of Surplus Cash After an Election	21-A M.R.S. § 1017(8)
Semiannual Reports	21-A M.R.S. § 1017(3-A)(E)

## APPENDIX

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TITLE	PAGE
Legal Definition of Contribution and Expenditure	A-2
Placement of Political Signs & Letter from DOT	A-6

## **DEFINITION OF CONTRIBUTION AND EXPENDITURE (21-A M.R.S.A. §§ 1012(2) AND (3))**

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### **2. Contribution.** The term “contribution:”

#### **A. Includes:**

- (1)** A gift, subscription, loan, advance or deposit of money or anything of value made for the purpose of influencing the nomination or election of any person to state, county or municipal office or for the purpose of liquidating any campaign deficit of a candidate, except that a loan of money to a candidate by a financial institution in this State made in accordance with applicable banking laws and regulations and in the ordinary course of business is not included;
- (2)** A contract, promise or agreement, express or implied, whether or not legally enforceable, to make a contribution for such purposes;
- (3)** Funds received by a candidate or a political committee that are transferred to the candidate or committee from another political committee or other source; and
- (4)** The payment, by any person other than a candidate or a political committee, of compensation for the personal services of other persons that are provided to the candidate or political committee without charge for any such purpose; and

#### **B. Does not include:**

- (1)** The value of services provided without compensation by individuals who volunteer a portion or all of their time on behalf of a candidate or political committee;
- (2)** The use of real or personal property and the cost of invitations, food and beverages, voluntarily provided by an individual to a candidate in rendering voluntary personal services for candidate-related activities, if the cumulative value of these activities by the individual on behalf of any candidate does not exceed \$250 with respect to any election;
- (3)** The sale of any food or beverage by a vendor for use in a candidate’s campaign at a charge less than the normal comparable charge, if the charge to the candidate is at least equal to the cost of the food or beverages to the vendor and if the cumulative value of the food or beverages does not exceed \$100 with respect to any election;
- (4)** Any unreimbursed travel expenses incurred by an individual in the course of providing voluntary personal services to a candidate and paid for by that individual, if the cumulative amount of these expenses does not exceed \$350 with respect to any election;
- (4-A)** Any unreimbursed campaign-related travel expenses incurred and paid for by the candidate or the candidate’s spouse or domestic partner;
- (5)** The payment by a party’s state, district, county or municipal committee of the costs of preparation, display or mailing or other distribution of a party candidate listing;

**(6)** Documents, in printed or electronic form, including party platforms, single copies of issue papers, information pertaining to the requirements of this Title, lists of registered voters and voter identification information, created, obtained or maintained by a political party for the general purpose of party building and provided to a candidate who is a member of that party;

**(7)** Compensation paid by a state party committee to its employees for the following purposes:

**(a)** Providing no more than a total of 40 hours of assistance from its employees to a candidate in any election;

**(b)** Recruiting and overseeing volunteers for campaign activities involving 3 or more candidates; or

**(c)** Coordinating campaign events involving 3 or more candidates;

**(8)** Campaign training sessions provided to 3 or more candidates;

**(8-A)** Costs paid for by a party committee in connection with a campaign event at which 3 or more candidates are present;

**(8-B)** Wood or other materials used for political signs that are found or contributed if not originally obtained by the candidate or contributor for campaign purposes;

**(8-C)** The use or distribution of any communication, as described in section 1014, obtained by the candidate for a previous election and fully paid for during that election;

**(9)** The use of offices, telephones, computers and similar equipment when that use does not result in additional cost to the provider;

**(10)** Activity or communication designed to encourage individuals to register to vote or to vote if that activity or communication does not mention a clearly identified candidate; or

**(11)** A purchase of apparel from a commercial vendor with a total cost of \$25 or less by an individual when the vendor has received a graphic or design from the candidate or the candidate's authorized committee.

**3. Expenditure.** The term "expenditure:"

**A.** Includes:

**(1)** A purchase, payment, distribution, loan, advance, deposit or gift of money or anything of value made for the purpose of influencing the nomination or election of any person to state, county or municipal office, except that a loan of money to a candidate by a financial institution in this State made in accordance with applicable banking laws and regulations and in the ordinary course of business is not included;

- (2)** A contract, promise or agreement, expressed or implied, whether or not legally enforceable, to make any expenditure;
- (3)** The transfer of funds by a candidate or a political committee to another candidate or political committee; and
- (4)** A payment or promise of payment to a person contracted with for the purpose of influencing any campaign as defined in section 1052, subsection 1; and

**B.** Does not include:

- (1)** Any news story, commentary or editorial distributed through the facilities of any broadcasting station, cable television system, newspaper, magazine or other periodical publication, unless the facilities are owned or controlled by any political party, political committee, candidate or spouse or domestic partner of a candidate;
- (1-A)** Any communication distributed through a public access television channel on a cable television system if the communication complies with the laws and rules governing the channel and all candidates in the race have an equal opportunity to promote their candidacies through the channel;
- (2)** Activity or communication designed to encourage individuals to register to vote or to vote if that activity or communication does not mention a clearly identified candidate;
- (3)** Any communication by any membership organization or corporation to its members or stockholders, if that membership organization or corporation is not organized primarily for the purpose of influencing the nomination or election of any person to state or county office;
- (4)** The use of real or personal property and the cost of invitations, food and beverages, voluntarily provided by an individual to a candidate in rendering voluntary personal services for candidate-related activities, if the cumulative value of these activities does not exceed \$250 with respect to any election;
- (5)** Any unreimbursed travel expenses incurred by an individual in the course of providing voluntary personal services to a candidate and paid for by that individual, if the cumulative amount of these expenses does not exceed \$350 with respect to any election;
- (5-A)** Any unreimbursed campaign-related travel expenses incurred and paid for by the candidate or the candidate's spouse or domestic partner;
- (6)** Any communication by any person that is not made for the purpose of influencing the nomination for election, or election, of any person to state, county or municipal office;

- (7)** The payment by a party's state, district, county or municipal committee of the costs of preparation, display or mailing or other distribution of a party candidate listing;
- (8)** The use or distribution of any communication, as described in section 1014, obtained by the candidate for a previous election and fully paid for during that election campaign;
- (9)** Documents, in printed or electronic form, including party platforms, single copies of issue papers, information pertaining to the requirements of this Title, lists of registered voters and voter identification information, created or maintained by a political party for the general purpose of party building and provided to a candidate who is a member of that party;
- (10)** Compensation paid by a state party committee to its employees or the following purposes:
  - (a)** Providing no more than a total of 40 hours of assistance from its employees to a candidate in any election;
  - (b)** Recruiting and overseeing volunteers for campaign activities involving 3 or more candidates; or
  - (c)** Coordinating campaign events involving 3 or more candidates;
- (10-A)** Costs paid for by a party committee in connection with a campaign event at which 3 or more candidates are present;
- (11)** Campaign training sessions provided to 3 or more candidates;
- (11-A)** Wood or other materials used for political signs that are found or contributed if not originally obtained by the candidate or contributor for campaign purposes;
- (12)** The use of offices, telephones, computers and similar equipment when that use does not result in additional cost to the provider; or
- (13)** A purchase of apparel from a commercial vendor with a total cost of \$25 or less by an individual when the vendor has received a graphic or design from the candidate or the candidate's authorized committee.

## PLACEMENT OF POLITICAL SIGNS & LETTER FROM DOT

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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 Note  
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 129<sup>th</sup> 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 1<sup>st</sup> to June 30<sup>th</sup> and another 6 weeks between July 1<sup>st</sup> and December 31<sup>st</sup>. 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.*



**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?**

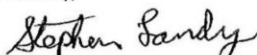
- *The first thing to consider in placement is the safety of the traveling public. Please do not install your signs where they will limit the sight line of anyone trying to pull out of a side road or driveway. Signs that block a driver's sight line will be removed and held at the closest MaineDOT maintenance 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](mailto:Meghan.russo@maine.gov).

MaineDOT appreciates your cooperation in this effort.

Sincerely,



Stephen Landry, P.E.  
State Traffic Engineer  
MaineDOT

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