

Political Action Committee Campaign Finance Guidebook



IMPORTANT NOTICE

Commission has taken care to make this guide concise and accurate; however, do not rely on 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 campaign finance laws are complicated and they cannot all be summarized in a guidebook. We have a dedicated employee for PACs, so please contact us with your questions in order to ensure compliance right the first time and you can focus on spreading your committee's message with Maine voters!

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ER 1

Introduction

ns and groups that raise or spend influence candidate elections in Maine required to register as a political action (PAC) and file campaign finance in the Commission. There are three es of PACs and each have specific and requirements. Different reporting s apply to Maine's political party and organizations formed to influence and referenda, referred to as ballot ommittees (BQCs). Please see the books published by the Commission mation on those committees.)

Political Action Committee?

ion Law defines a PAC as any of the

PAC. Any person, including any or association, other than an that receives contributions or makes s aggregating more than **\$2,500** in a ear for the purpose of influencing the or election of any candidate to political

Leadership PAC. A PAC that is indirectly established, maintained or c a current member of the Legislature.

Caucus PAC. Each Senate and Ho leader may designate one caucus promote the election of their party's n the body of the Legislature of which leader is a member. The designation made in writing to the Commission a effective until a new designation is n Commission.

Important Definitions

Campaign. Any course of activities t the nomination or election of a state candidate.

Contribution. Is defined as:

- A. A gift, subscription, loan, a deposit of money or anything of to or received by a committe purpose of initiating or inf campaign, including but not limit

1. Funds that the contribut were given, in whole or

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

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;

Funds deposited or transferred into the campaign bank account;

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

Funds received by a committee that are transferred to any candidate, committee, campaign or organization for the purpose of initiating or influencing a campaign; or

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

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

Summarized Definition of Contribution. A contribution is essentially anything of value given or promised and received by the PAC for the intent on it affecting or influencing elections. It is important to remember that loans are considered reportable contributions at the time the pledge or loan is made.

Expenditure. Is defined as:

- A. A purchase, payment, distribution in advance, deposit or gift of anything of value, made for the purpose of initiating or influencing a campaign;
- B. Any purchase, payment, distribution in advance, deposit or gift of money from the campaign bank account;
- C. A contract, promise or agreement, expressed or implied, whether or not enforceable, to make any expenditure for the purposes set forth in this section; and
- D. The transfer of funds by a political committee to another campaign committee.

Summarized Definition of Expenditure. A purchase, payment, or promise or agreement

campaign is a reportable expenditure. It
to remember unpaid obligations are
at time the obligation is made.

influence” means to promote, support,
defeat.

nor. "Exempt donor" means a person
received contributions for the purpose
ing a campaign in the prior two (2)
whose only payments of money to
campaign in the prior two (2) years

utions of money to candidates, party
ees, PACs or BQCs registered with
mission or a municipality; or

ts for goods or services with an
te value of no more than \$100,000
ted to candidates, party committees,
or BQCs registered with the
sion or a municipality.

LEGAL REFERENCES

C	21-A M.R.S. § 1052(5)(A)(2)
C	21-A M.R.S. § 10523-D
	21-A M.R.S. § 1053-C
nitions	21-A M.R.S. § 1052

Registration

g with the Ethics Commission

ation that meets the criteria for being
t register with the Commission no later
(7) calendar days after it meets the
reshold. It is important for an
n to keep track of its contributions and
s from the beginning of its campaign-
ivities in order to know if and when it
er. An organization does not have to
it reaches the \$2,500 threshold to
specially when they know they will
qualify as a PAC.

registration, the organization must file
campaign finance report within seven (7)
registering, or within 14 days of being
register, whichever comes first. There
register.

PAC Type. At registration, the PAC
PAC type, with most being Traditional
current member of the Legislature is
indirectly involved in decision making
(that is not a caucus PAC), then it must
ed as a Leadership PAC. The Caucus
et up exclusively by the political party
of the legislative chambers.

Registration Requirements. To regis
must complete the following steps:

1. Select two individuals to serve a
and principal officer. It is recom
PAC select a treasurer that has b
or campaign finance experience.
2. Identify all individuals who ar
responsible for making decisions
funds for the committee. A PAC is
to have officers beyond the tre
principal officer, but if it does the
disclosed.
3. Identify the particular candidates o
of candidates the PAC expects to
oppose. If the purpose of the PA
general, the statement should
descriptive as possible.
4. Indicate whether an officer, decisio
fundraiser of the PAC is a Legi
candidate for elected office. The
also certify whether it is directly
maintained or controlled by a curre
of the Legislature. If a current me
Legislature is an officer, the
indicate that on the registration.

the names and addresses of the persons and organizations, if formed by or for more for-profit or non-profit persons or other organizations.

the name of the account the PAC will use to deposit contributions and make expenditures, and the name and address of the financial institution where the account is established.

Changes. When any information provided on the registration form changes, the PAC must file a new registration within 10 calendar days of the change.

Annual Registration for PACs. All PACs must re-register every election (even-year), between January 1st and March 1st. This requirement applies even if there has been no change to the information provided on the registration. New Acknowledgment of Receipt forms do not have to be filed if the PAC's officers, decision-makers, or other persons have not changed.

Responsibilities of PAC Officers

A PAC treasurer is responsible for:

• Filing complete and accurate reports and disclosures.

• Maintaining the PAC's records for four years after the election to which they pertain.

• If they have been delegated to another person.

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

- Compliance with election laws and regulations.
- Responding to notices and correspondence from the Commission.
- Ensuring all required records are kept.

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 treasurer or former officer is directly responsible for a violation.

Campaign Bank Account

A PAC must establish a separate bank account at a bank or other financial institution and must deposit and spend all money received and spent for the purpose of influencing an election in that account. Any other money deposited in any other account from that account must be reported, regardless of its purpose. The funds in that account must not be commingled with the personal funds of any individual or the general treasury funds of a political party or nonprofit.

A PAC may request a waiver of this requirement.

very burdensome. Additionally, the organization of a PAC may pay its own out of its general treasury for related activities they perform.

Campaign Finance Report

A campaign finance report must disclose activity made since the opening of the bank account, the first receipt of funds, or the first made expenditure, whichever comes first. The report is due within 30 days of registration.

Penalty for Late Registration

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

Registration

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

A PAC that is not required to register and does not receive contributions in Maine is not required to register if its *only* financial activity in Maine is limited to contributions to other PACs, party committees, BQCs, or candidates registered with

the Commission or a Maine municipal committee. A PAC has not specifically raised or accepted contributions to influence an election or campaign in Maine.

Donor Exception. An exempt donor is not required to register from registration requirements if the donor has not received contributions for the purpose of influencing a campaign in the prior two (2) years and whose *only* payments of money to candidates, party committees, PACs, or BQCs in a campaign in the prior two (2) years are contributions, or in-kind contributions, of less than \$100,000 to candidates, party committees, PACs, or BQCs.

Cross Purpose Expenditures. A PAC may spend up to \$10,000 to influence a referendum or initiative without having to register as a BQC. If a PAC solicits contributions to influence a referendum or initiative and is unable to claim this exception, and if the PAC exceeds the \$10,000 threshold in any year, it must register as a BQC, thus the organization will be operating two types of committees.

	LEGAL REFERENCES
PAC	21-A M.R.S. § 1052(5)
with the Ethics Commission	21-A M.R.S. § 1052-A(1)
requirements	21-A M.R.S. §§ 1052-A(2) & (3)
	21-A M.R.S. § 1052-A(1)(B)
Registration of PACs	21-A M.R.S. § 1052-A(1)(C)
es of Officers	21-A M.R.S. § 1054-A
nk Account	21-A M.R.S. § 1054
gn Finance Report	21-A M.R.S. § 1059
ate Registration	21-A M.R.S. § 1062-A(1)
PACs	21-A M.R.S. § 1053-B

AC	21-A M.R.S. § 1052(5)
with the Ethics Commission	21-A M.R.S. § 1052-A(1)
requirements	21-A M.R.S. §§ 1052-A(2) & (3)
	21-A M.R.S. § 1052-A(1)(B)
Registration of PACs	21-A M.R.S. § 1052-A(1)(C)
es of Officers	21-A M.R.S. § 1054-A
nk Account	21-A M.R.S. § 1054
gn Finance Report	21-A M.R.S. § 1059
ate Registration	21-A M.R.S. § 1062-A(1)
ACs	21-A M.R.S. § 1053-B

ER 3

Restrictions & Prohibitions

Activity for All Committees

on Constitutional Officers. The Governor, Governor-Elect, Secretary of State, State Treasurer, State Auditor, Attorney General, and any individual running for Governor, Secretary of State, State Treasurer, State Auditor, Attorney General, or any other constitutional office, may not form a PAC or be involved in the decision-making or fundraising for a PAC. The Governor, Governor-Elect, Secretary of State, State Treasurer, State Auditor, Attorney General, and any individual running for Governor, Secretary of State, State Treasurer, State Auditor, Attorney General, or any other constitutional office, are prohibited from directly or indirectly soliciting or accepting contributions from any source, including their clients on behalf of a PAC while in session.

Participating in the Maine Clean Elections Act (MCEA). An MCEA candidate may not serve as treasurer, principal officer, or decision-maker for a PAC (other than a caucus PAC). This prohibition begins April 1st of the general election year and lasts through:

the date the candidate withdraws from a race; the date of the primary or general election (for a candidate who loses either election); or January 1st immediately preceding the next general election (for a candidate who wins the general election).

Contributions from Foreign Nationals. Under federal law, foreign nationals are prohibited from making any contributions or expenditures in connection with any election in the United States. For federal, state, or local political offices, this information is available at www.fec.gov.

Expenditure Limitations. A PAC may not make a contribution to a candidate for an election that exceeds the limitation for the office sought by the candidate. PACs may not contribute any amount or form to MCEA candidates.

Prohibited Activity for Leadership and Caucus PACs

Leadership and Caucus PACs are prohibited from the following activities in addition to those contained in the Prohibited Activities section of the Committees section.

Compensation and Reimbursement. A Legislator who is a principal officer, fundraiser, or decision maker for a PAC may not compensate them for services provided to the PAC, except reimbursement for travel expenses incurred performing their duties and voting on behalf of the PAC. The PAC may pay mileage for the travel reimbursement at a rate established by the travel reimbursement at a rate established by the

session by rule, but not for the costs of maintaining the Legislator's vehicle. The PAC may reimburse the Legislator for other expenses incurred in the proper performance of duties and for purchases made on the Legislator's behalf. The PAC may not reimburse the Legislator for expenses that have been reimbursed by any other source. The PAC may not reimburse the Legislator for any expenses determined to be for the purpose of the personal financial enrichment.

The PAC may not compensate a Legislator's family members for services provided. The PAC may not reimburse them for any expenses for the purpose of personal financial enrichment. The PAC may not make payments to a business owned or controlled by the Legislator, or an immediate family member of the Legislator.

The PAC may not be commingled with other funds.

A person who violates these prohibitions shall be assessed a penalty of not more than the amount of the impermissible payment or reimbursement, whichever is greater.

Contributions from Lobbyists and Lobbyist Firms. When the legislature is in session, a lobbyist, lobbyist associate, lobbying organization, or lobbying firm may not make a contribution to a Leadership or Caucus PAC. When the legislature is *not* in session:

- A lobbying client and lobbying organization may not contribute to a Leadership or Caucus PAC.
- Lobbyists and lobbyist associates may not make contributions to Caucus PACs.
- Lobbyists and lobbyist associates may not make contributions to Leadership PACs of a Legislator who is an officer of the legislature and who appears on the ballot where the lobbyist or lobbyist associate would vote.

LEGAL REFERENCES

Arkansas Constitution - Article 10, Section 1

21-A M.R.S. § 1063

Arkansas Constitution - Article 10, Section 2

21-A M.R.S. § 1125(6-F)

Arkansas Constitution - Article 10, Section 3

52 U.S.C. § 30121

Arkansas Constitution - Article 10, Section 4

21-A M.R.S. § 1056(1)

Arkansas Constitution - Article 10, Section 5

Arkansas Constitution - Article 10, Section 6

21-A M.R.S. § 1054-B

Arkansas Constitution - Article 10, Section 7

Arkansas Constitution - Article 10, Section 8

21 M.R.S. § 1015-A

ER 4

Campaign Finance Reports

Campaign Finance Reports

A campaign finance report is due seven days after registration, or within 14 days after the reportable activity exceeds \$2,500 in contributions or expenditures, whichever comes first, and must include all contributions and expenditures made during the reporting period as part of the campaign.

Campaign Finance Reports

A PAC must file reports until it terminates, even if it has no reportable financial activity.

On the year and activity, PACs file four (4) and eight (8) campaign finance reports annually. All regularly scheduled reports must be filed by 11:59 p.m. on the day of the election. Failure to file will be subject to a civil penalty.

Campaign Finance Reports. A PAC must file four (4) quarterly reports annually, regardless of the amount of financial activity.

Pre- and Post-Election Reports in a Candidate's Campaign

Pre- and Post-Election Reports. In even-numbered years, all PACs must file reports 11 days before and 42 days after the election. For primary and general elections, regardless of the amount of financial activity.

Pre- and Post-Election Reports in Odd-Numbered Years

In odd-numbered years, if a PAC makes contributions or expenditures to influence a candidate in a primary election or ballot question election, it must file an 11-Day Pre-Election Report and a 42-Day Post-Election Report, in addition to quarterly reports.

24-Hour Reports

24-Hour Reports provide disclosure of contributions and expenditures activity immediately before an election. A PAC is required to file an 11-Day Pre-Election Report if it receives a contribution or makes an expenditure. If they must file a 24-Hour Report if they receive a contribution received of \$5,000 or more or make an expenditure made of \$1,000 or more within the last 13 days before the election. The report must be filed within 24 hours of receiving the contribution or making the expenditure. If the filing deadline falls on a weekend or holiday, the report must be filed on the next business day. Transactions made on the day before the election must be reported on election day. Debts and obligations are considered contributions, and gifts or debts or obligations for goods or services are considered expenditures for the purpose of 24-hour reporting.

24-Hour Reports are filed online through the Commission's eFiling system. The eFiling system is available at <https://efiling.sos.ga.gov/>.

ically add the transactions reported in
Report to the next regularly scheduled

nt Expenditure Reports

xt chapter, *Supporting Candidates* for
information on Independent Expenditure

nts

inintentionally makes an omission or
omplete or inaccurate information in a
inance report, they must promptly file
ment. All reports are reviewed by the
n staff, and if the original version of a

report does not substantially conform
disclosure requirements, the Comm
consider the report late, even if it wa
filed on time.

Electronic Filing

PACs must file their campaign finan
electronically using the Commission
system. Usernames and passwords a
to the PAC's Principal Officer, Treasur
authorized agents upon registration.
system has instructions for entering e
transaction, and Commission staff are
help filers become familiar with the web

2023 Filing Schedule for PACs		
Type of Report	Due Date	Reporting Period
Quarterly	April 10, 2023	January 1 - March 31
Quarterly	July 17, 2023	April 1 - June 30
Pre-Primary Quarterly	October 5, 2023	July 1 - September 30
Post-Primary Quarterly	January 16, 2024	October 1 - December 31
2024 Filing Schedule for PACs		
Type of Report	Due Date	Reporting Period
Quarterly	April 10, 2024	January 1 - March 31
Pre-Primary	May 31, 2024	April 1 - May 31
4-Hour Reports	Within 24 hours of qualifying transaction	May 29 - June 30
Post-Primary	July 23, 2024	May 29 - July 31
Pre-Election Quarterly	October 7, 2024	July 17 - September 30
Post-Election Quarterly	October 25, 2024	October 1 - October 31
4-Hour Reports	Within 24 hours of qualifying transaction	October 23 - November 3
Post-Election	December 17, 2024	October 23 - December 31

f Reports

Contributions. For cash contributions exceeding \$50, the PAC must report the date and amount of the contribution, the name and mailing address of the contributor, and the occupation and employer of individual contributors. If the PAC is unable to obtain a contributor's employment information, it must select "information requested" when reporting the transaction, and amend the report when the information is received.

Contributions of \$50 or less do not have to be itemized and are reported in one unitemized category on the report.

Contributions of goods or services valued at 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 services to the PAC, the PAC should include a description of the activities with the number of hours contributed. Contributed staff time and other in-kind expenditures must be reported

Contributions of \$50 or less do not have to be itemized and are reported in one unitemized category on the report.

Overlooked Contributions.

Contributions from the general treasury of the organization which founded the PAC

- Contributions of paid staff time received from the PAC from the founding organization.
- Other in-kind contributions of goods and services.

Reporting Interest from Bank Accounts

Interest on a campaign account is reported using the "Interest" contribution type.

Expenditures. All expenditures made from a campaign account must be reported, regardless of their purpose. The date, amount, and purpose of every expenditure must be reported. The "payee" is the vendor that provides goods and services. If someone is reimbursed for an expenditure, the PAC must report the reimbursement as a *vendor* as the payee and state that the reimbursement was made to in the 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 is to support or oppose the candidate or ballot question.

Each expenditure must have an explanation of the expenditure as shown on the next page, and as much information as possible to describe the expenditure. For instance, if the expenditure is for professional services, the PAC should specify the specific type of service performed.

EXPENDITURE TYPES		
l (t-shirts, hats, embroidery, etc.)	OTH	Other and fees (bank, contribution, and mon etc.)
ution to party committee, non-profit, other ate, etc.	PER	Personnel and campaign staff, consulting, and independent contractor costs
ment of \$50 or more (computer, tablet, phone, e, etc.)	PHO	Phones (phone banking, robocalls and texts
ign and fundraising events (venue or booth rental, nment, supplies, etc.)	POL	Polling and survey research
or campaign events or volunteers, catering	POS	Postage for US Mail and mailbox fees
are and small tools (hammer, nails, lumber, paint,	PRO	Professional services (graphic design, legal design, etc.)
campaign materials (palmcards, signs, stickers, etc.)	RAD	Radio ads and production costs only
ouse and direct mail (design, printing, mailing, and e all included)	TKT	Entrance cost to event (bean suppers, fairs, etc.)
aper and print media ads only	TRV	Travel (mileage and lodging, etc.)
supplies, rent, utilities, internet service, phone s and data	TVN	TV/cable ads, production, and media buyer c
media and online advertising only	WEB	Website and internet costs (website domain registration, etc.)

Overlooked Expenditures. All PAC s must be tracked to ensure timely The most overlooked expenditures off time, consultants, pollsters, or other l services costs.

reimbursements.

sing expenses.

set-up, design, and maintenance

Expenditures Made by a Consultant. When a PAC consultant, and they make expenditures of it, those expenditures must be though the PAC made them directly,

The report must detail the name of the vendor or payee to whom the expense made, the date, purpose, and amount sufficient to report only the total retai paid to the consultant if they used it to for campaign-related goods or serv PAC reported a lump sum paym consultant in a previously filed report need to amend it to deduct from that expenditures made by the consultant double-reporting. The Commission re the PAC note in the expenditure rema the payment was made by the consulta

When paying a media buyer, consultant, or similar contractor to advertising time or for the production c

time and production costs separately, individual stations for the buys.

er should obtain receipts or paid for all sub-vendor purchases by the on behalf of the PAC.

received loans, loan repayments, and ns must be reported.

unpaid debts and obligations for goods s, including unpaid bills, that are owed of a reporting period must be reported. disclosed in each report until the debt fully paid. If an order has been placed and services but the exact amount is he PAC must disclose an estimate endor for reporting purposes. Once a paid, any remaining balance from the mate can be closed out.

Termination

er must retain all relevant records, ank statements, invoices, and receipts

for expenditures of more than \$50, for of four (4) years.

Termination

When a PAC determines it will no financially active, it can file a final re termination statement. The final report time from the close of the last reporting the date of termination. Prior to term PAC must dispose of all surplus funds how they were disposed in the final PAC can do this by making contribution PACs, BQCs, party committees, and profits, or by making a transfer b general treasury of the founding org appropriate. The PAC must also disp loans, debts, or other obligations that or outstanding at the time of its termin manner prescribed by the Commission termination statement is filed, the continue to file reports.

LEGAL REFERENCES

gn Finance Reports	21-A M.R.S. § 1059
aign Finance Reports	21-A M.R.S. § 1059(2)
rts	21-A M.R.S. § 1059(2)(E)
ng	21-A M.R.S. § 1062-A(2)
ports	21-A M.R.S. § 1059(5)
Made by a Consultant	21-A M.R.S. § 1060
	94-270 C.M.R. Ch. 1 § 7(1)
	21-A M.R.S. §§ 1052(3)(A), 1060
	94-270 C.M.R. Ch. 1 § 7(3)
tion	21-A M.R.S. § 1057

Supporting Candidates

Contributions

Limits. Generally, there are no limits on the types of entities a PAC may contribute to, except they may not contribute to participating in the MCEA program. PACs may contribute to other PACs, BQCs, and local party committees and other entities. Contributions can be in cash or in-kind. Contributions to traditionally financed candidates are limited to \$475 per election which they can accept from a single entity, including PACs. The contribution limits for the primary and general election (the primary and general election are separate elections) for traditionally financed candidates are as follows (21-A M.R.S. §

Traditionally financed candidates - \$475 per election

Ballot question candidates - \$1,950 per election

Ballot question candidates - \$975 per election

Ballot question candidates - \$575 per election

Ballot question candidates and candidates who are not affiliated with a political party are only eligible to receive contributions for the general election, as opposed to participating in a primary.

In-Kind Contributions. A PAC may provide goods and services of value to a candidate or campaign. If a candidate does not reimburse the PAC for the value the PAC has made an in-kind contribution to the candidate. The amount of the contribution is the value of the goods and services provided. In-kind reimbursement the candidate has made to the PAC. In-kind contributions are subject to the same contribution limits and restrictions as cash contributions, aggregated with cash contributions for calculation purposes.

Independent Expenditures

Definition of Independent Expenditure. The term “independent expenditure” applies to any expenditure for communications that may influence a candidate election. IEs are not subject to the same obligations made by a person or entity acting independently of candidate campaign committees for communications expressly advocating the election or defeat of a candidate. Communications include, but are not limited to:

- print media advertisements;
- online advertisements;
- radio and television advertisements;

s and robocalls;

mail pieces;

email communications;

sign signs;

ards; and

campaign literature.

Expenditures are considered made at the following events:

1. Placement of an order for a good or

2. Signing of a contract for a good or service;

3. Delivery of a good or service;

4. Receipt of a good or service or an agreement to pay; or

5. Payment for a good or service.

The reporting law also covers a communication naming or depicting a “clearly identifiable candidate” and is made within certain time periods before an election, which are:

1. Within 30 days, including election day, before a primary election;

2. Within 60 days, including election day, before a general election; and

3. Within 90 days, including election day, before a

The costs of these communications are not considered contributions unless the spender demonstrates a direct or indirect purpose or effect of influencing a nomination or election (as discussed in the next section).

Independent expenditures (IEs) must be made completely independent of any candidate mentioned in the communication. The term “Candidate” includes the candidate, the candidate’s committee, and agents of the candidate. If an expenditure is made to promote or oppose the nomination or election of a candidate, the candidate’s opponent(s), and the expenditure is made in cooperation, consultation, or concert with, or at the request or suggestion of, the candidate, the expenditure is considered a contribution from the spender to the candidate.

For example, if a PAC runs a newspaper advertisement supporting a candidate and obtains the candidate’s photograph from that candidate’s committee, the ad, the entire cost of the ad is a contribution to the candidate. An IE must be made without cooperation from, consultation with, or concert with the candidate or the candidate’s committee or agents.

Some communications are exempt from reporting, such as membership communications.

Definition of “Cooperation, Consultation, or Concert With.” Per the Commission’s definition includes, but is not limited to:

- Discussion or participation be

of a communication, or the person for that communication regarding any of the following: the content, timing, location, intended audience, volume of the communication, or frequency of placement of it.

An expenditure is presumed to be made in cooperation or consultation with a candidate

if the spender cooperated or consulted with any person who, during the twelve months preceding the expenditure, has been the candidate's treasurer or an officer of the candidate's committee, has had a paid or unpaid position managing the candidate's campaign, or has received any campaign-compensation or reimbursement from the candidate;

if the candidate has directly shared their campaign plans, activities, or needs with the spender for the purpose of facilitating a contribution to a communication to voters to support or oppose them; or

if the communication replicates, reproduces, paraphrases, or disseminates, in whole or in substantial part, a communication designed, written, paid for, or distributed by the candidate.

A request for any potential spender not to make expenditures to support them, or oppose them, or to support or oppose a particular candidate or candidate(s), the request does *not* constitute

An expenditure will *not* be presumed to be made in cooperation, consultation or consultation with a candidate if the expenditure is made in response to a request or suggestion of a candidate or candidate(s) because:

- The spender
 - * obtained a photograph, video, position paper, press release, or similar material about the candidate from a publicly available source;
 - * made a contribution to the candidate; or
 - * has discussed with the candidate the candidate's campaign plans or activities as part of the candidate's solicitation for a donation.
- The person making the expenditure
 - * has previously provided advice or information to the candidate on communication strategy, budgets, issues of public policy, or campaign plans or activities;
 - * does so in response to a specific or unspecific request for support from the candidate, provided there was no discussion, cooperation, or consultation with the candidate about the expenditure prior to dissemination;
- The expenditure is made by
 - * A person for invitations, announcements, food, beverages, and similar expenses associated with an event to

ore the organization's members, employees, shareholders, and families; or individual who spends \$100 or less for sign lettered or printed individually by and reproduces or replicates a candidate's campaign-related design or phic.

Communications Containing Express Advocacy.

"advocate" means a communication es such as:

for the Governor;"

your Representative;"

the Democratic nominee;"

ur ballot for the Republican challenger e District 1;"

or House of Representatives;"

Pro-Choice" or "vote Pro-Life" anied by clearly identified candidates ed as pro-choice or pro-life;

" or "defeat" accompanied by a picture r more candidates; or

ne incumbent."

ovacy also includes communications other reasonable interpretation than as o vote for or against a clearly identified

Requesting a Determination a Comm
not an IE. If a communication ref specific candidate is disseminated during the time periods on page 16, t may request a determination the con is not an IE from the Commission with days of dissemination. The Co Executive Director will make determination on each request. The re include the complete communication specific as to when and to what au communication will be disseminat Commission determines the commun not have the purpose or effect of influ election, no IE Report is required.

While there is no penalty for failin determination request itself within calendar days, if the Commission det communication was an IE and an IE not filed on time, the PAC making the will be assessed a penalty for the late-

Exclusions. An IE does not include:

- An expenditure made by a cooperation, consultation, or conc at the request or suggestion of, a candidate's committee, or their age
- A telephone survey meeting accepted standards for polling rese not conducted for the purpose of c voting position of the rec discouraging them from voting;

phone call naming a clearly identified candidate that identifies an individual's support for or against a candidate, on a candidate, ballot question, or ballot measure, or for a party for the purpose of encouraging an individual to vote, as long as the call does not contain any advocacy for or against any candidate; and

an opinion guide consisting primarily of candidates' responses to surveys and questionnaires and contains no advocacy for or against any candidate.

File an IE Report. Whether an individual has to file an IE Report for a communication has to be determined based on: (1) if more than \$500 was spent on the communication per

candidate, and (2) when the expenditure was made (refer to the chart below).

Filing Independent Expenditure Reports must be filed when they are made, regardless of weekend or holiday. The reports must be filed online, faxed, or scanned and e-mailed.

Late Independent Expenditure Report If an individual files an IE report late, the maximum penalty is \$5,000, except if the reported activity exceeds \$50,000, in which case the maximum penalty is 100% of the reported financial activity.

Membership Communications

The costs of communications by nonprofit organizations and corporations

Independent Expenditure Reporting Schedule

Reporting Period	Report and Due Date
on or before the 61 st day before an election	60-Day Pre-Election IE Report due on or before the 61 st day before an election
5 th day to the 14 th day before an election	2-Day Pre-Election IE Report within 2 days of making the expenditure
the 13 th day before an election to and including election day	1-Day Pre-Election IE Report within 1 day of making the expenditure

2024 Independent Expenditure Reporting Schedule

Reporting Period	Report Name	Report Due Date
January 1 - April 11	60-Day Pre-Primary IE Report	April 12 by 11:59 p.m.
April 12 - May 28	2-Day Pre-Primary IE Report	Within two (2) days of making the expenditure
May 29 - June 10	1-Day Pre-Primary IE Report	Within one (1) day of making the expenditure
June 11 - September 5	60-Day Pre-General IE Report	September 6 by 11:59 p.m.
September 6 - October 22	2-Day Pre-General IE Report	Within two (2) days of making the expenditure
October 23 - November 4	1-Day Pre-General IE Report	Within one (1) day of making the expenditure

for or against a clearly identified are not considered expenditures, and s do not count toward the \$2,500 or registering a PAC. The spender report with the Commission if the cost munication in any one race exceeds report is available on the Commission's

ership organization" is one whose atisfy any membership requirements, organization's invitation to become a d:

mbership dues, at least annually, of an set by the organization;

gnificant financial attachment to the ation; or

significant professional attachment to anization, including direct participatory its governance, such as the right to the organization's board, budget, or

of a local union are considered f any national or international union of

which the local union is a part, fed which the local, national, or internation affiliated, and other unions which are affiliates of the federation.

If a communication by a membership is disseminated to a larger aud members or shareholders, the con forfeits its status as a membership con and will be considered an IE or contribution to the candidate(s) men Additionally, the costs will count threshold amount for registering a PA Commission.

LEGAL REFERENCES	
utions	21-A M.R.S. §§ 1015, 1056
Expenditures	21-A M.R.S. § 1019-B
Consultation, in Concert With	94-270 C.M.R Ch. 1 § 6(9)
cacy	94-270 C.M.R Ch. 1 § 10(2)(B)
Requesting Determination	21-A M.R.S. § 1019(2) 94-270 C.M.R Ch. 1 § 10(3)
ts	21-A M.R.S. § 1020-A(2)

ER 6

Disclosure Statements on Campaign Communications

Communications & Candidate Elections

If a person makes an expenditure to disseminate a communication expressly advocating the election or defeat of a clearly identified candidate, it must clearly and conspicuously state that it has been authorized by the candidate, include the name and address of the person who made or financed it.

Authorized and/or Financed by a Candidate.

If a communication expressly advocating the election or defeat of a clearly identified candidate is disseminated, the communication, if authorized by a candidate, their committee, or if *financed* by another entity, must clearly and conspicuously state it has been so authorized and the name and address of the person who made or financed it. There is an exception for this requirement for radio and television broadcasts: only the city and state of the person who financed it must be disclosed.

If a communication *authorized and financed* by a candidate or their committee is *not* required to include the name and address of the candidate or their

Not Authorized or Financed by a Candidate

If a communication has *not* been authorized or financed by a candidate, their committee, or any other entity, and it expressly advocates for the election or defeat of a clearly identified candidate, it must clearly and conspicuously state it is *not* authorized or financed by the candidate and include the name and address of the person who made or financed the communication. Communications with a paid component, including all IEs, must have the following at the bottom in 12-point, bold print, Times New Roman font: "NOT PAID FOR OR AUTHORIZED BY [NAME OF CANDIDATE]."

Other Communications. If a communication clearly identifies a candidate but does not expressly advocate for their election or defeat, it must still clearly and conspicuously state the name and address of who financed the communication disseminated during:

- the 28 days before a primary election
- the 35 days before a special election
- Labor Day and the day of a general election

If the communication has been authorized or financed by a candidate, the disclosure statement must include the name and address of the candidate or their committee.

ages. Text messages sent with the use of mass distribution technology must include the name of the person who made or caused the communication, or the name if it expressly advocates for the defeat of a candidate; or it contains a false statement that does so.

Funders Disclosure on IEs

If an organization makes an IE to support or oppose a candidate, they are required to name its top three largest funders on or in the communication, in addition to the “paid for” information discussed in the previous section.

Communications Requiring a Top 3 Funders Disclosure

A communication must include this disclosure statement if the communication:

- costs more than \$250 per candidate; and
- is disseminated through television, radio, internet, direct mail, newspaper, or other periodical publications.

Communications *not* requiring the top 3 funders disclosure statement are:

- one-to-one phone calls;
- door-to-door advertising; and
- internet advertisements of 30 seconds or less.

Requirements for a Top 3 Funders Disclosure Statement

The communication must clearly and prominently include the statement:

“The top 3 funders of [PAC Name] are: [Top Funder 1], [Top Funder 2], and [Top Funder 3].”

Audio and visual communications (video or audio only) require *both* an audio *and* visual disclosure statement.

The visual portion of a top 3 funders disclosure statement in television communication must conform to federal regulations on television advertising, including duration of sponsorship information, spacing of text, and font size.

- text size must be equal to or greater than 1/16th of the vertical picture height;
- sponsorship information must appear for at least four seconds.

For communications with a visual aspect but no audio component (i.e., printed materials, static online advertisements) the top 3 funders disclosure statement must appear in 12 point font size or larger.

The following is an example of a top 3 funders disclosure statement, coupled with the required disclosure statement:

“Paid for by the Mainely PAC, 123 Pine Street, Bangor, Maine 04401. The top 3 funders are the Mainely Maine PAC, Americans for More Places in Maine, the National Council for the English Language, and the Snappers Project. Not paid for or authorized by any candidate.”

contains some exceptions for small or communications. If a communication is: vision and is 30 seconds or less, the portion of the statement only requires organization's top funder. The visual must still include the top three (3) and is not larger than 20 square the statement only requires the organization's top funder. n an audio-only format and is 30 s or less, the statement only requires organization's top funder.

Funders. A funder is any entity that a cash or in-kind contributions to the n since the day after the last general communication is paid for by a PAC that is a r segregated fund established by an n to engage in political activity, the top f that organization must be named in re.

communication is paid for by a PAC fully controlled by another PAC or n, the disclosure must contain the top f the entity funding or controlling the

If two or more funders are tied, the ti by naming the funders in chronological the oldest first. If a tie cannot be broke the tied funders to include in the disclo

If an organization's top funders c disclosure for any communication pa the change must be updated.

An organization does not have to na giving less than \$1,000, or whose c can *proven* to have been used for pur than the communication on the basis were either spent in the order receiv strictly segregated in other accounts.

If there are fewer than 3 funders, the should be modified to read: "The top t or "The top 2 funders of..." The t statement is not required if none of contributors meets the criteria for the d

Federal Requirements

The Federal Communications Commis requires sponsorship identification for advertisements on television, in p automated voice messages, and in calls. For more information on federal s identification regulations, contact the number listed at the end of this guideb

LEGAL REFERENCES

Enforcement Actions by the Commission

are assessed for late campaign finance filing using a formula established by statute, which considers the number of days the report is late, any previous violations by the PAC within the (2) year period, and the amount of financial activity during the reporting period. The reporting period begins on January 1st of each calendar year.

The maximum penalty that can be assessed on a PAC for a late-filed, or substantially non-compliant campaign finance report is \$10,000. If the amount of the financial activity reported late exceeds \$50,000, the maximum penalty is the percentage of that financial activity. A PAC that fails to file a required report within 30 days of the deadline may also be charged with a Class

Enforcement Actions by the Commission

The Commission publishes the filing schedule on its website and the required reports and their due dates are listed on the PAC's eFiling homepage.

Commission staff send courtesy reminders before each filing, failure to receive

Commission's Review of Reports

The Commission staff reviews reports for completeness and compliance with the rules. If a report appears incomplete or requires additional information, staff may contact the PAC.

Requesting a Penalty Waiver

If a PAC files a report late, the Commission will send a letter informing the treasurer of the amount of the penalty and advises them to pay it or seek a waiver. If a waiver is requested within 14 days, the penalty is final.

Waiver requests are considered by the Commission at a public meeting. The Commission staff. Although not required, the PAC's treasurer or representative is encouraged to attend the Commission meeting. When the Commission meets, notice of the meeting, the determination and the penalty imposed will be sent to the PAC.

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

ered by the public from the late
A penalty of less than \$25 is
ly waived. However, the late-filed
still be considered a violation and will
d the calculation of any future penalty.

r must be paid in full within 30 days of
the Commission's final penalty notice,
r payment arrangements are made. If
thin 30 days, the Commission will refer
to the Attorney General's office for
a civil action.

Penalty Determination

ay appeal the Commission's final
on by filing a petition for review with
r Court within 30 days of receiving
the final determination. Maine's
ve Procedures Act (5 M.R.S. § 11001
d Rule 80C of the Maine Rules of Civil
govern the process for an appeal to
r Court.

Investigations & Audits

The Commission is authorized to
investigations and audits of the financ
of PACs. The Commission may
investigation on its own or in resp
request submitted by the public. The C
will review the request to determine v
allegations set forth sufficient g
believing that a violation may have occ

LEGAL REFERENCES	
Review of Reports	94-270 C.M.R. Ch. 1 § 5(1)
Late-Filed Campaign Finance Failure to File Reports	21-A M.R.S. § 1062-A(2)
Waiver of a Penalty	21-A M.R.S. § 1062-A(5)
Penalty Determination	21-A M.R.S. § 1062-A(5)

DIX

ment of Political Signs & Letter from DOT

Robocall Advisory

TORY

on Governmental Ethics and Election Practices

45 Memorial Circle, Augusta	Mail: 135 State House Station Augusta, Maine 04333
(207) 287-4179	Email: ethics@maine.gov
www.maine.gov/ethics	eFiling: www.mainecampaignfinance.com

t of the Secretary of State, Division of Elections

111 Sewall Street, Augusta Cross Office Building 4th Floor	Mail: 101 State House Station Augusta, Maine 04333
(207) 624-7650	Email: cec.elections@maine.gov
www.maine.gov/sos/cec/	

t of Transportation, Right of Way Control Section

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

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

munications Commission, Office of Political Programming

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

ociation of Broadcasters

69 Sewall Street Augusta, Maine 04330	Phone: (207) 623-3870
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STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
16 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0016

John T. Mills
GOVERNOR

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 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.*

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?

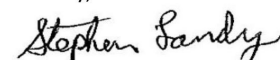
- *The first thing to consider in placement is the safety of the traveling public. Please do not install your signs where they will limit the sight line of anyone trying to pull out of a side road or driveway. Signs that block a driver's sight line will be removed and held at the closest MaineDOT maintenance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

PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202
Internet: <http://www.fcc.gov>
TTY: 1-888-225-5322

DATE: 12/1/15
MARCH 2016
Enforcement Advisory No. 15-10

FCC ENFORCEMENT ADVISORY

TELEPHONE CONSUMER PROTECTION ACT ROBOCALL AND TEXT RULES

BIENNIAL REMINDER FOR POLITICAL CAMPAIGNS ABOUT ROBOCALL AND TEXT ABUSE

As the 2016 campaign season underway, the FCC's Enforcement Bureau reminds political campaigns and candidates of the 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 calls 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 autodialed telemarketing calls to landline home telephones, and all autodialed calls or prerecorded voice calls to cell phones, except for emergency numbers, emergency numbers, and patient rooms at health care facilities. The FCC's corresponding rules governing automated telephone calls set forth restrictions that govern the use of prerecorded voice calls and automatic telephone dialing systems including those that deliver text messages. These restrictions 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 the call is made to a business or residential landline telephone, a cell phone, or some other category of protected line such as toll-free lines, emergency lines, or those lines servicing hospitals, nursing homes, and other facilities.²

This Advisory will facilitate compliance with the law and rules by senders of campaign related calls and autodialed calls and texts and again remind all those using these tools to carefully observe the law and rules. The FCC's Enforcement Bureau will rigorously enforce the important consumer protections in the TCPA and its corresponding rules.

² 47 CFR § 64.1200.

In this Enforcement Advisory, the FCC's Enforcement Bureau highlights certain obligations under the TCPA and its corresponding Commission rules. Failure to receive this notice does not absolve an entity of the obligation to comply with the Communications Act of 1934, as amended, or the Commission's rules and orders. Campaigns, candidates, 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.

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 voice messages, and text messages) to cell phones and other mobile services such as paging systems, 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." This broad prohibition covers prerecorded voice and autodialed calls, including those sent by 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 proving they obtained such consent.⁴ Further, call recipients may revoke their consent to be called using any 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 permissible, 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 hospitals, nursing homes, or similar establishments; 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 or 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.

Artificial and prerecorded voice messages must state clearly, at the beginning of the message, the name 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 also state 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 at the beginning or after the prerecorded voice message.⁹

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, including a paging service, cellular telephone service, specialized mobile radio service, or other radio communication service which the called party is charged for the call"). Congress has amended the TCPA to exempt certain collection calls and the Commission is in the process of implementing rules related to that exemption.

Regulations Implementing the Telephone Consumer Protection Act of 1991, Declaratory Ruling and Order, 30 FCC Rcd at 7996, 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. 47 (2008) (TCPA Rules and Regulations) (stating 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).

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

7. 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).

8. 47 U.S.C. § 227(d)(3)(A)(i); 47 CFR § 64.1200(b)(1).

9. 47 CFR § 64.1200(b)(1).

are by Prerecorded Voice Messages and Autodialed Calls. Automatic telephone dialing systems that use prerecorded voice messages must release the called party's telephone line within five seconds of the time the message 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 for the purpose of conducting 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 FCC's implementing rules may subject them to enforcement action, including monetary forfeitures as high as \$10,000 per violation for any person who does not hold a license or other authorization issued by the Commission.

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

§ 227(d)(3)(B); 47 CFR § 68.318(c).

§ 227(b)(1)(D); 47 CFR § 64.1200(a)(5).

The 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 2001, Pub. L. No. 101-410, 104 Stat. 890, as amended by the Debt Collection Improvement Act of 1996, Pub. L. No. 104-191, 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*, 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 adjustment). The Commission has made such inflation adjustments and the current maximum forfeiture is \$16,000 per violation under Section 503(b)(2)(D). See *Inflation Adjustment of Maximum Forfeiture Penalties*, 78 Fed. Reg. 49370-01, 49370 (2013). The penalties for broadcast station licensees, cable operators, common carriers, and applicants for broadcast station license, cable operator, and common carrier licenses are higher.

For 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) 418-1318 or mary.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 consumercomplaints.fcc.gov or call 1-888-CALL-FCC.

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

We provide materials in accessible formats for people with disabilities (Braille, large print, electronic files, and audio).

You may email to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 or 1-888-438-0432 (TTY). You may also contact the Enforcement Bureau on its TTY line at (202) 418-1148 for more information about this Enforcement Advisory, or the FCC on its TTY line at 1-888-TELL-FCC (1-888-835-5322) for more information about the Telephone Consumer Protection Act.

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

"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 phone 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 clinic, 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, nursing 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.

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 campaign-related calls. Individuals or entities who do not hold (and are not required to hold) FCC licenses responsible for transmitting political prerecorded voice messages or autodialed calls may face forfeiture penalties of up to \$10,000 per violation. The penalties are higher for FCC licensees, such as broadcasters, cable operators, and common carriers.

FREQUENTLY ASKED QUESTIONS

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

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 automated 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

calls are subject to the general restrictions on prerecorded voice messages and autodialed calls, found in 47 CFR § 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 “autodialing 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 capacity to dial numbers without human intervention whether or not the numbers called are randomly or sequentially generated or come from calling lists.² The Commission has further emphasized that the definition 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 *Commission Report and Regulations Implementing the Telephone Consumer Protection Act of 1991*, Report and Order, 18 FCC Rcd 4092-93, para. 133 (2003) (2003 TCPA Order). Predictive dialers use automated equipment to dial numbers from lists or randomly or sequentially and then connect the called party to a live person. The distinction

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

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

ough nonprofit organizations enjoy certain exemptions under the TCPA, there is NO blanket exe s nonprofit organizations to make either prerecorded voice calls or autodialed calls or texts to o r other mobile service numbers without prior express consent.

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

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

same prohibition against making autodialed calls to cell phones apply to sending autodia s to cell phones?

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

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

ical campaign-related prerecorded voice messages (as well as live political calls) are not subject Do-Not-Call Registry because such messages (or live calls) do not include telephone solicitation

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

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

have questions?

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

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

d Regulations Implementing the Telephone Consumer Protection Act of 1991, Declaratory Ruling and C 961, 7974-77, paras. 15-21 (2015).

7-22, paras. 108-22.

PA Order, 18 FCC Rcd at 14115, para. 165.

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

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