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Updated Spring 2026

# State and Municipal Ballot Question Committee Guidebook



## IMPORTANT NOTICE

The Commission has taken care to make this guide concise and accurate; however, do not substitute the information presented here for the applicable provisions of Maine Election Law and the Commission's Rules. The statutes and rules are available on the Commission's website. The statutory and rule requirements are controlling in the event of any error in this publication. This guide's contents are subject to statutory changes enacted by the Legislature and rule changes adopted under the Maine Administrative Procedure Act.

The Commission staff's main priority is helping you. Maine's campaign finance laws are complicated, and they cannot all be summarized in a guidebook, so please contact us if you have any questions. We want you to get compliance right so you can focus on spreading your committee's message with Maine voters.

## HELPFUL CONTACTS

### *Initiation of Ballot Questions*

Maine Secretary of State  
Bureau of Corporations, Elections & Commissions  
*Office:* 111 Sewall Street, 4th Floor, Augusta  
*Mail:* 101 State House Station, Augusta, ME 04333  
(207) 624-7736  
[cec.elections@maine.gov](mailto:cec.elections@maine.gov)  
[www.maine.gov/sos/elections-voting](http://www.maine.gov/sos/elections-voting)

### *Posting Signs on Public Roadways*

Maine Department of Transportation  
16 State House Station  
Augusta, ME 04333  
(207) 624-3332  
[meghan.russo@maine.gov](mailto:meghan.russo@maine.gov)

### *Federal Laws regarding Calls and Text Messages*

Federal Communications Commission  
Office of Political Programming  
45 L Street, NE  
Washington, DC 20554  
(888)225-5322  
[campaignlaw@fcc.gov](mailto:campaignlaw@fcc.gov)  
[www.fcc.gov/rules-political-campaign-calls-and-texts](http://www.fcc.gov/rules-political-campaign-calls-and-texts)

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## INTRODUCTION

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A person, which includes an individual, organizations, or a group, that raises (contributions) or spends (expenditures) more than \$5,000 to initiate or influence ballot questions is required to register as a ballot question committee (BQC) and file campaign finance reports.

The laws governing ballot question committees apply to both statewide and municipal ballot questions. The primary difference between the two is where the committee files its registration and reports, with the Ethics Commission or the local clerk.

### What is a Ballot Question Committee?

Maine law defines a BQC as:

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

### Ballot Question Campaign

“Campaign” as it refers to ballot measures means any course of activities to initiate or influence:

- A. A people’s veto referendum under the Constitution of Maine, Article IV, Part Third, Section 17;
  - B. A direct initiative of legislation under the Constitution of Maine, Article IV, Party Third, Section 18;
  - C. An amendment to the Constitution of Maine under Article X, Section 4;
  - D. A referendum vote on a measure enacted by the Legislature and expressly conditioned upon ratification by a referendum vote under the Constitution of Maine, Article IV, Part Third, Section 19;
  - E. The ratification of the issue of bonds by the State or any agency thereof; and
  - F. Any county or municipal referendum.
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## **CHAPTER 1 – REGISTRATION**

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Any person that raises or spends more than \$5,000 to initiate or influence a ballot question must register with the Commission or local municipality within seven (7) calendar days of meeting the threshold for registration. It is critically important to keep track of your finances from the beginning of your campaign-related activities to know if and when you must register and so it can be accurately reported. You do not have to wait until you reach the \$5,000 threshold to register; you may register before meeting the threshold. As part of the registration process, you must also file an initial campaign finance report within seven (7) days after registering as a BQC. There is no registration fee.

### **Registering with the Ethics Commission or Local Municipality**

Statewide Ballot Questions: the BQC must register with the Ethics Commission. All filings are made through the Commission’s online campaign finance disclosure system.

Local Ballot Questions: the BQC must register with the Ethics Commission *unless* the municipality’s population exceeds 15,000, in which case the BQC must register with the municipal clerk.

Municipalities with more than 15,000 people include Auburn, Augusta, Bangor, Biddeford, Brunswick, Gorham, Lewiston, Portland, Saco, Sanford, Scarborough, South Portland, Waterville, Westbrook and Windham. If jurisdiction is with the municipality, contact the town clerk for the paper forms to register and file reports.

### **Registration Requirements**

The following information must be disclosed in the BQC’s registration form:

1. Required officers: A BQC must appoint a treasurer and a principal officer; in most cases, the same individual cannot serve in both positions. The treasurer is responsible for: filing complete and accurate reports; maintaining the BQC’s records for four years following the election to which they pertain; and is legally responsible for these tasks, regardless of whether they are designated to someone else, such as an authorized agent. Additionally, the treasurer is jointly responsible with the principal officer for: the BQC’s compliance with election law and rules; responding to notices and correspondence from the Commission on behalf of the committee; ensuring all required records are kept; and is jointly and severally liable for all penalties assessed for violations of the BQC.
2. Optional officers: Identify all individuals who are primarily responsible for making decisions or fundraising for the BQC.
3. Identify the ballot question the BQC expects to support or oppose.
4. Indicate whether an officer, decision maker, or fundraiser of the BQC is a legislator or a candidate for elected office.



5. The form or structure of the committee, such as voluntary association, membership organization, corporation, and the date the committee was formed.
6. If the BQC is formed by a “parent” corporation or other organization(s), the name(s) and address(es) of the founding organization(s).
6. The name on the bank account the BQC will use to deposit contributions and make expenditures from (the campaign account) and the name and address of the financial institution where it is established.

### **Exceptions to Registration**

*Out-of-State Political Committees.* A political committee organized outside of the state may be required to register as a BQC if it becomes involved in Maine elections. If an out-of-state committee has received contributions or made expenditures greater than \$5,000 for the purpose of influencing an election in Maine, it must register as a BQC and file campaign finance reports.

*Donor Exception.* An exempt donor is exempt from registration requirements, if they have not received contributions for the purpose of influencing a campaign in the prior two (2) years and whose *only* payments of money to influence a campaign in the prior two (2) years are cash contributions, or in-kind contributions of no more than \$100,000, to candidates, party committees, PACs, or BQCs.

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

### **Initial Campaign Finance Report**

The BQC must file an initial campaign finance report within seven (7) days of registering. The initial report discloses all contributions received by and expenditures made from the BQC from the beginning of the campaign through the date of registration. See chapter 3 on reporting below.

### **Amendments and Updates to the BQC Registration**

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

### **Biennial Re-Registration**

All BQCs must file an updated registration every election (even-numbered) year, between January 1<sup>st</sup> and March 1<sup>st</sup>, to ensure the Commission has current information for the committee.



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## CHAPTER 2 – CONTRIBUTIONS & EXPENDITURES

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All contributions to and expenditures by the BQC must be reported to the Commission by entering them in the Commission’s eFiling system or on paper forms submitted to the municipal clerk in towns and cities with a population of 15,000 or more.

### **CONTRIBUTIONS**

Maine’s legal definition of a “contribution” includes, in part:

*“A gift, subscription, loan, advance or deposit of money or anything of value made to or received by a committee for the purpose of initiating or influencing a campaign...”*

21-A M.R.S. § 1052(3)(A)

The definition of contribution also includes all other funds deposited or transferred into the BQC’s campaign bank account. For example, if the BQC’s founding organization transfers some of the organization’s general funds (its treasury) into its BQC’s campaign account, that transfer is a contribution. All contributions and loans received by the committee must be reported to the Commission or the municipal clerk. This includes all money deposited or transferred into the BQC’s campaign account.

*Contributions Less than \$50.* All contributions of \$50 or less may be combined and reported in one unitemized lump sum on campaign finance reports.

*Contributions of \$50 or More.* When the committee receives a contribution of more than \$50 it must report the name and address of the contributor, and the amount and date of the contribution.

If a contribution of more than \$50 is made by an individual, the BQC must request the contributor’s occupation and employer and report that information. That request may be made by providing the contributor with a paper or online form. If the contributor declines to provide the information when asked, the BQC should enter “information requested” in the occupation and employer fields when reporting the contribution.

*In-Kind Contributions.* In-kind contributions are non-monetary contributions of goods or services. If the goods or services have a value of more than \$50, the BQC must report the contributor’s name and address and the date, description, and fair market value of the goods or services. Similar to monetary contributions from individuals of more than \$50, the occupation and employer information of the contributor is required. If another organization donates paid staff time, the BQC should include a description of those activities with the number of hours contributed. Contributed staff time and coordinated expenditures are itemized as separate in-kind contributions.

In-kind contributions of \$50 or less do not have to be itemized and may be reported in one unitemized lump sum on campaign finance reports.



### Commonly Overlooked Contributions

- Contributions from the general treasury of the BQC's founding organization.
- Contributions of paid staff time received by the BQC from the founding organization or other organizations.
- In-kind contributions of goods and services.
- Bank account interest.

### **Straw Donor Contributions Prohibited**

A straw donor contribution is made when a donor gives money to an intermediary to be donated to a candidate or committee with the intent that their information as the original source will be hidden. Knowingly accepting such a contribution is a violation of campaign finance law and subject to penalty, up to 500% of the amount of the contribution.

### **Major Contributors**

A major contributor is an organization or group, other than a political action committee or ballot question committee, that makes contributions totaling more than \$100,000 to a BQC for the purpose of initiating or influencing any single direct initiative campaign or people's veto referendum.

Once an organization or group has contributed more than a total of \$100,000 to a BQC, the BQC must provide written notice to the contributor within five (5) calendar days that the contributor must submit a Major Contributor Report to the Commission. If the \$100,000 threshold is exceeded during the last two (2) weeks before an election, the BQC must provide a written notice within 24 hours of receiving the contribution. When the BQC sends a major contributor notice, it must send a copy to the Commission.

The contributor must file a Major Contributor Report by the next regular BQC reporting deadline. If the notice is received during the last two (2) weeks before an election, the Major Contributor Report must be filed within two (2) business days of receiving the notice.

Major contributors are not required to file subsequent reports when contributing additional amounts to the same BQC. For example, if Blueberry Corp. gives \$150,000 to Wild Maine BQC to influence a referendum and files a Major Contributor Report, they are not required to file a second Major Contributor Report if they make another contribution of \$200,000 to Wild Maine BQC to support the same referendum.

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



**EXPENDITURES**

Maine law defines expenditure, in part, as:

*“A purchase, payment, distribution, loan, advance, deposit or gift of money or anything of value made for the purpose of initiating or influencing a campaign...”*

21-A M.R.S. § 1052(4)(A)(1)

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

“Expenditure” refers to both paid expenses (e.g., a purchase made in a store with the committee’s 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 committee 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 is placed in one reporting period but not paid until a later reporting period.

Expenditures made to support or oppose a ballot question or candidate must whether the expenditure was in support or opposition to that ballot question or candidate.

The general purpose of each expenditure must be disclosed by entering an expenditure type (see chart). In addition, in the explanation of purpose field, the BQC must provide as much information as possible to describe the expenditure entered. For instance, if the expenditure is for professional services, the BQC should identify the specific type of service performed.

EXPENDITURE TYPES			
APP	Apparel (t-shirts, hats, embroidery, etc.)	OTH	Other (expenditure that does not match a Type.)
CON	Contribution to party committee, non-profit, other candidate, etc.	PER	Personnel and campaign staff, consulting, and independent contractor costs
EQP	Equipment of \$50 or more (computer, tablet, phone, furniture, etc.)	PHO	Phones (phone banking, robocalls and texts)
EVT	Campaign and fundraising events (venue or booth rental, entertainment, supplies, etc.)	POL	Polling and survey research
FEE	Bank and other fees	POS	Postage for US Mail and mailbox fees
FOD	Food for campaign events or volunteers, catering	PRO	Professional services (graphic design, legal services, web design, etc.)
HRD	Hardware and small tools (hammer, nails, lumber, paint, etc.)	PTN	Petition costs



LIT	Printed campaign materials (palm cards, signs, stickers, flyers, etc.)	RAD	Radio ads and production costs only
MHS	Mail house and direct mail (design, printing, mailing, and postage all included)	TKT	Entrance cost to event (bean suppers, fairs, party events, etc.)
NEW	Newspaper and print media ads only	TRV	Travel (mileage and lodging, etc.)
OFF	Office supplies, rent, utilities, internet service, phone minutes and data	TVN	TV/cable ads, production, and media buyer costs only
ONL	Social media and online advertising only	WEB	Website and internet costs (website domain and registration, etc.)

**Commonly Overlooked Expenditures**

- Paid staff time, consultants, pollsters, or other personal services costs.
- Travel reimbursements.
- Fundraising expenses.
- Website set-up, design, and maintenance costs.

**Expenditures Made by a Consultant**

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

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

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



### VOTER TURNOUT CONSULTING

1536 Chickadee Ave  
Madawaska, ME 04756

Third Party –  
**NOT** the Payee

Date	Invoice #
04/28/2026	26-01426

**Bill To**

Municipal Voters for Change BQC  
134 Lighthouse Rd  
Kittery, ME 03904

Description	Rate	Amount
Online Ads (report as paid to <u>Online Ads</u> , 1001 Advertiser Lane, Anywhere, US 00000) 2 weeks online advertising	\$565.00	<b>\$565.00</b>
Prints for U (report as paid to <u>Prints for U</u> , 95 Main Street, Big City, ME 00000) Graphic Design	\$645.45	<b>\$765.45</b>
Postage for 200 mailers	\$0.60	\$120.00
<b>Balance Due</b>		<b>\$1,330.45</b>

Sub-vendors –  
Report as Payees

### Expenditures Made by Others for the Committee

Sometimes a committee staffer or volunteer makes purchases for the campaign with their personal funds and seeks reimbursement. Here’s how to report this:

- The Payee is the business where the purchase was made, **not** the name of the person making the purchase.
- In the Explanation of Purpose, the campaign will report the name of the person who made the purchase and a description of what was purchased.

For example:

Staff purchased food at Hannaford for a campaign event. The Payee is **Hannaford** and Purpose is **“Food for campaign event, reimbursed to Martha Mainer”**

Alternatively, the individual buys supplies but does not want reimbursement. The committee reports this as an in-kind contribution.

### Reporting Debts and Obligations

If a campaign makes a purchase but does not fully pay for it within the reporting cycle, it must be reported as a Debt. The Commission’s eFiling system will carry forward to the next report any debts



that have not been fully paid at the end of a reporting period. Payments made on the debt are entered on the Debt – not as an expenditure.

*For example:*

The 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 report the sign order as a Debt, using the date the campaign placed the order.

When the invoice for the signs is paid, this is reported as a Debt Payment.

### **Expenditure Limitations: Reimbursements to Legislators**

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

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

The BQC cannot:

- compensate the legislator for services the legislator has provided to the BQC;
- reimburse them for the costs of repairing or maintaining their vehicle;
- reimburse them for expenses that have been reimbursed by any other source;
- pay or reimburse them for expenses for their personal financial enrichment;
- compensate their immediate family members for services provided to it;
- reimburse their immediate family members for any expenses for their personal financial enrichment;
- make payments to persons closely affiliated to them, such as immediate family members or a business owned or operated by them or their immediate family;
- make any payments to a business owned or operated by them or a member of their immediate family; or
- commingle its funds with their personal funds or the funds of a person closely affiliated with them.

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



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## **CHAPTER 3 – REPORTING, RECORDS, & TERMINATION**

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### **Electronic Filing**

BQCs filing with the Ethics Commission must file their reports electronically using the eFiling system. Commission staff are always available to help filers become familiar with the system. BQCs filing with their municipalities will report on paper forms provided by the town clerk.

### **Initial Campaign Finance Reports**

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

### **Regular Campaign Finance Reports**

A BQC must file reports until it terminates, even if it had no financial activity during the reporting period. The BQC's filing schedule will be on the BQC's dashboard on the campaign finance disclosure website and will be posted on the Commission's website.

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

### **Quarterly Campaign Finance Reports**

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

### **Pre- and Post-Election Reports in Even Years**

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

### **Pre- and Post-Election Reports in Odd Years**

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

### **24-Hour Reports**


24-Hour Reports provide disclosure of campaign activity immediately before an election. If a BQC is required to file an 11-Day Pre-Election Report, the BQC must file a 24-Hour Report for any contribution received of \$10,000 or more, and any expenditure made of \$2,500 or more, during the last 13 days before the election. The report must be filed within 24 hours of receiving the contribution or making the expenditure, even if the filing deadline falls on a weekend or a holiday. Contributions received and



expenditures made on the day before an election must be reported on election day. Loans and pledges are considered contributions, and unpaid debts or obligations for goods or services are considered expenditures for the purposes of 24-hour reporting.

24-Hour Reports filed online through the Commission’s eFiling system, which automatically adds the transactions of a 24-hour report to the next regularly scheduled campaign finance report.

The best practice is for committees to enter all new transactions *daily* during the 24-Hour Report Period.

24-HOUR REPORTS:	24-HOUR REPORT PERIOD						
	Sun	Mon	Tue	Wed	Thu	Fri	Sat
<ul style="list-style-type: none"> <li>• Filed 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.</li> <li>• Contributions and expenditures received or made on the day before an election must be reported on election day.</li> </ul>				/	/	/	/
	/	/	/	/	/	/	/
	/	/	<b>Election Day</b>				
 Indicates 24-Hour Report period							

### Amendments

If a BQC unintentionally makes an omission or includes incomplete or inaccurate information, they must promptly file an amended report.

### Record Retention

The treasurer must retain all relevant records for a minimum of four (4) years. Committees are required to have bank statements that reflect all financial activity of the committee, not just deposits into the account in addition to all other supporting documentation for the campaign.

### Terminating a BQC

When a BQC determines it will no longer be financially active, it can file a final report and a termination statement. The final report covers the time from the close of the last reporting period to the date of termination. Prior to terminating, the BQC must dispose of all surplus funds and report how they were



disposed of in the final report. The BQC can do this by making contributions to other PACs, BQCs, party committees, candidates, non-profits, or by making a transfer back to the general treasury, if appropriate. The BQC must also dispose of any loans, debts, or other obligations that are unpaid and outstanding at the time of its termination in the manner prescribed by the Commission. Until the termination statement is filed, the BQC must continue to file reports.



## CHAPTER 4 – POLITICAL COMMUNICATIONS

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Most paid communications to voters that cost more than \$500 and advocate for or against ballot questions are required to identify the communication’s funder. This includes broadcast, cable or satellite communications; newspapers, direct mail, handbills or other printed literature, campaign signs or other outdoor advertising facilities; and prerecorded automated telephone calls or other types of public political advertising. It does not include communications over the internet, except those placed or promoted for a fee on a website, digital device, application or advertising platform. Robocalls are covered, but scripted live telephone calls are not.

Mainers are aware of the requirement for campaign disclosure statements and are on the lookout for them as it informs voters who are trying to influence them. When complaints are received about a missing disclosure statement, Commission staff will first contact the party responsible 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 there may not be any 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 communication. 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.

### Required Disclosures on Political Communications

Expenditures exceeding \$500 that expressly advocate for or against a ballot question require the clear and conspicuous disclosure of the name and address of the person who financed the communication.

*Example:* Paid for by Lobstermen for Maine BQC, 1 Landing Wharf, Oceanside, ME.

Telephone calls (scripted or robocall) and text messages only require the name of the person who financed the communication be stated.

*Example:* Paid for by Lobstermen for Maine BQC.

**Websites.** Websites established by BQCs that expressly advocate for or against a ballot measure must state the name and address of the person who made or financed the expenditure for the website regardless of its cost.

### Communications Exempt from Disclosure Requirements

A good practice is to put a disclosure statement on anything the campaign produces that is publicly disseminated, but there are a few specific exceptions to the law:

- **Small items:** If a disclaimer would be so small as to be illegible or infeasible then it is not required. This includes small promotional items such as pens, balloons, campaign buttons, coasters, thumb drives, key rings, *etc.* BQCs are encouraged to contact Commission staff with questions.
- **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 requires robocalls to 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. Committees are urged to read the FCC Enforcement Advisory on robocalls and robotexts on the FCC’s website ([www.fcc.gov/rules-political-campaign-calls-and-texts](http://www.fcc.gov/rules-political-campaign-calls-and-texts)) to understand and comply with the federal disclosure requirements for robocalls.

### **Free Electronic Communications**

Certain types of communications are free to use, such as email, social media posts/pages, etc. Regardless of whether or not there is a cost associated with the communication, the Commission staff recommends adding a partial disclosure statement (e.g. “Authorized by Moosehead Area BQC”), so it is clear to the recipient who is sending the communication; if there is a cost greater than \$500 associated with the communication (e.g., purchase of email list, production costs for a video posted on social media, etc.), a full disclosure statement is required.

### **Televisions and Newspapers**

Broadcasting stations, cable television systems, and newspapers in Maine may not broadcast or print communication that lacks the required information about the sponsor of the communications.

### **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 signs in addition to the disclosure statement.

### **Unauthorized Removal of Political Signs from Public Roadways**

The unauthorized removal or destruction of political signs in the public right of way is a civil violation under Maine law (23 M.R.S. § 1917-B) and may carry a fine of up to \$250. The law does not apply to a person authorized to remove the sign. A committee may file a complaint with the local police and/or the District Attorney’s office if a sign has been removed in an unauthorized manner.



## CHAPTER 5 – PENALTIES & WAIVER REQUESTS

The Commission publishes the filing schedule for BQCs on its website. The required reports and due dates are also listed on BQC’s filing dashboard in the eFiling system.

### Penalties for Late Registration

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

### Penalties for Late Campaign Finance Reports

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

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. The committee’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 contributions for the report period is greater than the total expenditures. <b>Therefore, \$2,000 is used in the calculation.</b>
<b>Percent Used</b>	2%	This is the first time the BQC was late filing a 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.

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



### **Requesting a Penalty Waiver**

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

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

The Commission may waive a penalty in whole or in part if there are mitigating circumstances such as a valid emergency, an error by Commission or municipal staff, or other circumstances such as the level or experience of the committee, or the harm suffered by the public from the late disclosure. A penalty of less than \$25 is automatically waived. However, the late-filed report will still be considered a violation and will count toward the calculation of any future penalty.

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

### **Appealing a Penalty Determination**

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

### **Investigations & Audits**

After each filing deadline, the Commission staff reviews a selection of campaign finance reports filed by BQCs for completeness and accuracy. Also, the Commission is authorized to undertake investigations and audits of the financial reporting of BQCs. The Commission may initiate an investigation on its own or in response to a request submitted by the public. The Commission will review the request to determine whether the allegations set forth sufficient grounds for believing that a violation may have occurred.



## LEGAL REFERENCES

24-Hour Reports	21-A M.R.S. § 1059(2)(E)
Acknowledgement of Responsibilities	21-A M.R.S. § 1052-A(4)
Alcohol	21-A M.R.S. § 1056
Amendments	21-A M.R.S. § 1052-A(1)(B)
Ballot Question, Defined	21-A M.R.S. § 1052(2-A)
Bank Accounts	21-A M.R.S. § 1054
Candidates, Supporting	21-A M.R.S. § 1052-A(1-A)
Communications, Public	21-A M.R.S. § 1055-A
Contribution, Defined	21-A M.R.S. § 1052(3)
Contribution, Straw Donor	21-A M.R.S. § 1004-A(3)
Disclaimers on Communications	21-A M.R.S. § 1055-A
Electronic Filing	21-A M.R.S. § 1059(5)
Exempt Donor	21-A M.R.S. § 1052(3-A)
Expenditure Limitations	21-A M.R.S. § 1056(1)
Expenditure, Cross-Purpose	21-A M.R.S. § 1052-A(1-A)
Expenditure, Defined	21-A M.R.S. § 1052(4)
Expenditure, Made by Consultant	Rules, Chapter 1, § 7(1)
Financial Liability	21-A M.R.S. § 1054-A
Initiate Campaign, Defined	21-A M.R.S. § 1052(4-B)
Investigations	21-A M.R.S. § 1003, Rules Chapter 1, § 5
Legislator and Family Compensation	21-A M.R.S. § 1054-B
Loans	21-A M.R.S. §§ 1052(3)(A), 1060
Major Contributors	21-A M.R.S. § 1060-A
Municipal BQCs	21-A M.R.S. § 1053-A
Officer Responsibilities	21-A M.R.S. § 1054-A
Out-of-State Political Committees	21-A M.R.S. § 1053-B
Penalty, Appeal	21-A M.R.S. § 1062-A(5)
Penalty, Late Registration	21-A M.R.S. § 1062-A(1)
Penalty, Late Report	21-A M.R.S. § 1062-A(2)
Penalty, Waiver Request	21-A M.R.S. § 1062-A(5)
Records	21-A M.R.S. §§ 1057, 1062-B
Registration, Biennial	21-A M.R.S. § 1052-A(1)(C)
Registration, Initial	21-A M.R.S. § 1052-A
Report, Initial	21-A M.R.S. § 1059
Reports, Commission Compliance Review	Rules, Chapter 1, § 5(1)
Reports, Content	21-A M.R.S. § 1060
Reports, Failure to File	21-A M.R.S. § 1062-A(2)
Reports, Schedule	21-A M.R.S. § 1059
Sign Placement	23 M.R.S. § 1913-A
Termination	21-A M.R.S. § 1061
Text Messages	21-A M.R.S. § 1055-A



# PLACEMENT OF POLITICAL SIGNS & LETTER FROM DOT

UPDATED 8/2025



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

Janet T. Mills  
GOVERNOR

Dale F. Doughty  
ACTING 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.

Maine’s Temporary Sign 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, and Route 1 between Bath and Brunswick including 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 its ramps and the portion of Route 1 between Bath and Brunswick are not signed. The signage denoted here is for 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.), on all utility poles and trees, on islands within a rotary/roundabout, and in medians/islands in the center of the road that are

fewer than six 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 for 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 on 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 Meghan Russo, MaineDOT's Director of Government Relations and Constituent Services 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

COMMISSION ON GOVERNMENTAL ETHICS & ELECTION PRACTICES

135 State House Station  
Augusta, ME 04333-0135

