

**COMMISSION ON GOVERNMENTAL ETHICS & ELECTION PRACTICES**

135 State House Station  
Augusta, ME 04333-0135



# 2024 Traditionally Financed Legislative & County Candidate Guidebook

September 2023



## IMPORTANT NOTICE

Information concerning the petitioning process and qualifications for office is provided by the Secretary of State in a separate publication.

The Commission has taken care to make this guide concise and accurate; however, you should 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 regulatory requirements are controlling in the event of any omission or error in this publication. This guide's contents are subject to statutory changes enacted by the Legislature and rule changes adopted under the Administrative Procedure Act.

Please contact the Commission staff if you have any questions at:

### **Commission on Governmental Ethics & Election Practices**

*Office:* 45 Memorial Circle, Second Floor, Augusta

*Mail:* 135 State House Station, Augusta, ME 04333

*Phone:* (207) 287-4179 | *Fax:* (207) 287-6775 | *email:* [ethics@maine.gov](mailto:ethics@maine.gov)

[www.maine.gov/ethics](http://www.maine.gov/ethics) | *eFiling and Public Disclosure:* [www.maineecampaignfinance.com](http://www.maineecampaignfinance.com)

## OTHER CONTACTS

|   |  |
|---|--|
| <b>Department of the Secretary of State<br/>Bureau of Corporations, Elections &amp; Commissions</b><br><i>Office:</i> 111 Sewall Street, 4th Floor, Augusta<br><i>Mail:</i> 101 State House Station, Augusta, ME 04333<br><i>Phone:</i> (207) 624-7736   <i>Fax:</i> (207) 287-6545<br><i>email:</i> <a href="mailto:cec.elections@maine.gov">cec.elections@maine.gov</a><br><a href="http://www.maine.gov/sos">www.maine.gov/sos</a> | <b>Department of Transportation<br/>Maintenance &amp; Operations</b><br>16 State House Station, Augusta, ME 04333<br><i>Phone:</i> (207) 624-3332<br><i>email:</i> <a href="mailto:meghan.russo@maine.gov">meghan.russo@maine.gov</a><br><a href="http://www.maine.gov/mdot">www.maine.gov/mdot</a>  |
| <b>Federal Election Commission</b><br>1050 First Street NE, Washington, D.C. 20463<br><i>Phone:</i> (800) 424-9530<br><a href="http://www.fec.gov">www.fec.gov</a>  | <b>Federal Communications Commission<br/>Office of Political Programming</b><br>45 L Street NE, Washington, D.C. 20554<br><i>Phone:</i> (888) 225-5322<br><i>email:</i> <a href="mailto:campaignlaw@fcc.gov">campaignlaw@fcc.gov</a><br><a href="http://www.fcc.gov/rules-political-campaign-calls-and-texts">www.fcc.gov/rules-political-campaign-calls-and-texts</a> |



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### CHAPTER 1 – BECOMING A CANDIDATE

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#### **INTRODUCTION**

Congratulations on your decision to run for office in the State of Maine! The Ethics Commission staff would like all candidates, treasurers, and campaign staffs to know that our main priority is helping you. We encourage you to call, email, or visit our office for any questions or concerns. At the beginning of your campaign, you will be assigned a Candidate Registrar who will work with you throughout the entirety of your campaign. Your Candidate Registrar will be your primary point of contact, review your campaign finance reports, and address any compliance matters.

#### **REGISTERING AS A CANDIDATE**

A person should register as a candidate as soon as they decide to run for office, which can be done:

- Electronically: [www.mainecampaignfinance.com](http://www.mainecampaignfinance.com) and click “Register”;
- On Paper: <https://www.maine.gov/ethics/forms/StateCandidate/legislative-traditional>; or
- In Person: at the Maine Ethics Commission office in Augusta.

By law, a candidate must appoint a treasurer before they raise or spend any money for their campaign and register within 10 days of appointing a treasurer. Making a purchase with personal funds, such as creating business cards to declare their candidacy, triggers the registration requirement, as does filing the nomination papers. Failure to register on time may result in a financial penalty.

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

Write-in candidates are also required to register and file campaign finance reports.

#### **FORMING A CAMPAIGN COMMITTEE**

There is space on the registration form to name a Campaign Committee. A campaign committee is not a political action committee (PAC) but the small group of people most involved with the campaign. Naming a campaign committee and its members is optional, but it can be a good way for a candidate to recognize their “kitchen cabinet” more formally. It can also be helpful in identifying people associated with the campaign to Commission staff, like the campaign manager.



### **EXEMPTION FROM FILING**

Certain candidates, who do not intend to raise or spend any money for their campaign, may request a filing exemption when they register:

- Legislative candidates in an uncontested primary election. The exemption is automatically revoked after the primary election.
- County and District Attorney candidates regardless of whether or not they have a contested election. The exemption **must** be revoked before they raise or spend any money.

An exempt candidate is not required to appoint a treasurer or file campaign finance reports. The request for a filing exemption must be notarized and the completed registration form mailed to the Ethics office. Once the exemption has been requested, the candidate may not raise or spend any money for their campaign.

### **CHANGES TO REGISTRATION FORM**

It is important that a candidate's contact information be up to date. If the information for a candidate or their appointed treasurer changes, the candidate should sign into their eFiling account and amend their registration or send an email to their Candidate Registrar with the changes.

### **REPLACEMENT CANDIDATES**

If a candidate replaces another candidate who has withdrawn, been disqualified, or dies before an election, the replacement candidate must register and file campaign reports with the Commission for the remainder of the election cycle.

### **CANDIDATE AND TREASURER RESPONSIBILITIES**

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

The candidate and treasurer are equally responsible for maintaining the proper records for all contributions and expenditures and for filing timely campaign finance reports.

### **RECORD KEEPING**

The campaign must keep the following records:

- The name and address of every person making a contribution of more than \$10, the date and the amount of the contribution; as well as the employer and occupation information of any contributor giving more than \$50 in a single reporting period;
- All expenditures made by or on behalf of the candidate;





- The name and address of every person to whom any expenditure is made, the date and the amount of the expenditure; and
- All receipts and invoices for expenditures.
  - If an expenditure is made by someone who is being reimbursed by the campaign, that person must provide the receipt and proof of payment.

Staff recommend the campaign keep the following records as well:

- Bank statements and copies of cancelled checks;
- Personnel records; and
- Travel logs.

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

### ***PERSONAL FINANCIAL STATEMENT – LEGISLATIVE CANDIDATES***

Candidates for House or Senate who are not currently in the legislature must file a Statement of Sources of Income, also known as the “Personal Financial Statement” in August of the election year. This statement is filed online and asks only for the *source* of income, not the amount of income, from the prior year, including employment, retirement income, and gifts for the candidate and their immediate family members. Commission staff will send out reminders and instructions for filing ahead of the deadline.

Incumbent legislators will have filed this statement already in February and are not required to file again in August.

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



# ETHICS COMMISSION STAFF TIPS

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## Have questions? Contact us!

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Erin Gordon, Candidate Registrar

House Districts 1-76 | Senate Districts 1-17

Aroostook, Hancock, Knox, Penobscot,  
Piscataquis, Somerset, Waldo, Washington

(207) 287-3651 | [erin.gordon@maine.gov](mailto:erin.gordon@maine.gov)

Lorrie Brann, Candidate Registrar

House Districts 77-151 | Senate Districts 18-35

Androscoggin, Cumberland, Franklin,  
Kennebec, Lincoln, Oxford, Sagadahoc, York

(207) 287-4727 | [lorrie.j.brann@maine.gov](mailto:lorrie.j.brann@maine.gov)

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## Bank Account

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- Always open a separate bank account for your campaign. Commingling campaign and personal funds is against the law.
  - Always use a campaign check or debit card to pay for all campaign expenditures. Paying expenditures with cash can lead to reporting errors.
- Opening and linking a savings account to the campaign bank account will help you keep your primary and general contributions separate.
- Always report bank interest. It can build up and cause balance discrepancies.
- If you don't receive paper bank statements, download, print and maintain copies for your records.





## CHAPTER 2 – CONTRIBUTIONS AND LOANS

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

“A gift, subscription, loan, advance or deposit of money or anything of value made for the purpose of influencing the nomination or election of any person to state, county or municipal office or for the purpose of liquidating any campaign deficit of a candidate...”

21-A M.R.S. § 1012(2)(A)(1)

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

- **Cash** is a monetary contribution made with cash, a check, or a credit/debit card.
- **In-kind** means the contribution was goods (campaign signs, t-shirts, sign wickets, etc.) or services (graphic design, accounting, etc.). The amount of an in-kind contribution is the fair market value of the good or services, which is often the original purchase price of the goods or the regular rate of the person providing the service.
  - A *discount on goods or services* is an in-kind contribution and must be reported. For instance, a vendor agrees to make \$400 worth of t-shirts at cost for \$250. The campaign reports the \$250 as an expenditure and the \$150 discount as an **in-kind contribution** from the vendor to the campaign.

Whether cash or in-kind, all contributions from a single source (individual, committee, corporation, or association) are subject to the contribution limit per election. The candidate and their spouse or domestic partner are not subject to any contribution limit and may spend as much as they like on their own campaign; however, all donations must be reported.

| CONTRIBUTION LIMITS PER CONTRIBUTOR FOR 2024 ELECTIONS |         |         |         |
|--|---------|---------|---------|
|  | Primary | General | Total   |
| <b>Legislative – Party</b>                             | \$475   | \$475   | \$950   |
| <b>Legislative – Unenrolled</b>                        | N/A     | \$475   | \$475   |
| <b>County/DA – Party</b>                               | \$975   | \$975   | \$1,950 |
| <b>County/DA - Unenrolled</b>                          | N/A     | \$975   | \$975   |

The date of a contribution is the date it is received by the campaign, not the date on the check or the date it is deposited into the campaign account. Candidates enrolled in a political party, who have both a primary and general election, must designate which election the contribution is for;



contributions received after the primary election must be designated as for the general. Unenrolled candidates must attribute all contributions received to the general election.

Party candidates should keep their general funds segregated from their primary funds until after the primary election; general election funds cannot be used to promote the candidate's nomination in the primary.

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

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

### **PROHIBITED CONTRIBUTIONS**

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

- *Contributions from foreign nationals.* Only U.S. citizens and persons holding a valid green card may make contributions to a candidate.
- *Anonymous contributions of more than \$10.* Anonymous contributions over \$10 cannot be accepted. If the campaign receives an anonymous contribution of more than \$10, the excess must be donated to a charitable organization, educational institution, or other similar cause not associated with any Maine election or campaign.
- *Contributions in the name of another.* No person may make a contribution in the name of another person, and candidates cannot knowingly accept them. Misreporting the source of contributions is a serious violation of Maine election law; the contributor, the intermediary, and the candidate could be penalized up to \$5,000 for each violation.
- *Contributions from lobbyists.* A lobbyist or lobbyist associate may make a contribution to a candidate for Governor or the legislature who is running for reelection if the Legislature is **not** in session **and** they live in the candidate's district. Candidates who are not currently in office may accept contributions from lobbyists or lobbyist associates at any time if they live in the candidate's district. These restrictions **do not apply to county candidates**.

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



intermediary has a legal responsibility to inform the candidate who is the original source of the contribution.

### **EXEMPT GOODS AND SERVICES**

Certain goods and services are not legally considered contributions and do not have to be reported. Examples of this include:

- A trade association or labor union may donate office space or office equipment to a campaign, provided there is no additional cost.
- An individual may volunteer their services to a campaign at no charge (including professional services such as legal advice, bookkeeping assistance, or web/graphic design) as long as they are not being paid by another for providing the services.
- A volunteer may spend up to \$350 per election in campaign-related travel before the campaign must reimburse them.
- A state, county, or local party committee (*not* a PAC or other organization) may spend money to produce and distribute slate cards (“party candidate listings”) to promote three or more candidates.
- The “House Party Rule:” a volunteer hosting or helping at a campaign event may spend up to \$250 per election per candidate of personal funds on items such as food, beverages, equipment, or venue. The event host, that is, the person providing the venue, may choose to spend those funds on invitations. These costs are not considered contributions.

*Assistance from State Party Committees.* Candidates can receive some help from paid employees of a state party committee without it constituting a contribution. For campaign activities involving three or more candidates, a state party committee may coordinate events or recruit and oversee volunteers. The committee may also provide up to forty hours of assistance by paid employees to an individual candidate in each election (that is, both primary and general).

This exception is only for state party committees and does not apply to local or county committees, caucus committees, or PACs.

### **LOANS**

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

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

***CONTRIBUTIONS FOR RECOUNTS***

Candidates in an election recount may accept unlimited funds and services from party committees and caucus campaign committees. They may also receive unlimited donations of in-kind services from attorneys, consultants, and their firms – if they are not being reimbursed for their services. All other contributors are subject to contribution limits.

All contributions received and expenditures made related to the recount must be reported in a special financial report (provided by the Ethics Commission) within 90 days after the election.

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



## ETHICS COMMISSION STAFF TIPS

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### 2024 Contribution Limits

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|                                    | PRIMARY | GENERAL | TOTAL |
|------------------------------------|---------|---------|-------|
| Legislative - Party Candidate      | \$475   | \$475   | \$950 |
| Legislative - Unenrolled Candidate | N/A     | \$475   | \$475 |

|                               |       |       |         |
|-------------------------------|-------|-------|---------|
| County - Party Candidate      | \$975 | \$975 | \$1,950 |
| County - Unenrolled Candidate | N/A   | \$975 | \$975   |

### Over the Limit Contributions

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There are several ways that a campaign may receive an over the limit contribution:

1. A single check from a single contributor for more than the contribution limit.
2. A single contributor giving multiple contributions that add up to more than the contribution limit.

Over the limit contributions are a violation of election law. Here's what to do to fix this:

1. If it is a single check, **do not** deposit it! Return it to the contributor and ask for a new check.
  - a. If the check is deposited, 1) write a campaign check to the contributor for the amount over the contribution limit, 2) report the total contribution, and 3) edit the contribution to show the return of the over the limit funds.
2. If the campaign mistakenly accepted too much money from a contributor(s) who made multiple contributions, it must:
  - a. return the amount over the contribution limit ASAP; and
  - b. edit the contribution to show the return of the over the limit funds.

**DO NOT ENTER AN EXPENDITURE TO SHOW THE RETURN OF FUNDS!**

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## **Joint Contributions**

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Campaigns may receive contributions from couples who send a single check. The campaign must report these contributions individually, which means the campaign must know:

- the name and address of each contributor;
- the occupation and employer for each contributor;
- how much each contributor is giving; and
- whether it is for the Primary or General election or both.

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## **Online Contributions**

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- Contributions received via an online service are reported in the same way that regular contributions are reported.
- Fees for the online service are reported as an expenditure and are **not** deducted from the contribution.



## CHAPTER 3 – EXPENDITURES & DEBTS

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

A purchase, payment, distribution, loan, advance, deposit or gift of money or anything of value made for the purpose of influencing the nomination or election of any person to state, county, or municipal office ...”

(21-A M.R.S. § 1012(3)(A)(1))

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

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

### **EXEMPT GOODS AND SERVICES**

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

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

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



## REPORTING PAYEES ACCURATELY

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

1. An individual, such as the candidate or a volunteer, buys supplies for the campaign using their own money. The campaign may report this as an in-kind contribution (see previous chapter) or as a reimbursement.
2. The campaign hires a consultant or firm to handle certain purchases on the campaign's behalf. The consultant must provide an invoice for their services but also all receipts and invoices from sub-vendors.
  - *Mail houses* (vendors who specialize in every step of a campaign mailer's production, from design to printing to postage) are an exception to the consultant requirements. The cost of postage is assumed when reporting a mail house expenditure.

| PEER TO PEER COMMUNICATIONS  |          |                   |
|--|----------|-------------------|
| 1536 Piedmont Ave<br>North City, ME 00000  |          |                   |
| Date   |          | Invoice #         |
| 04/26/2024   |          | PPC-24-01426      |
| <b>Bill To</b>   |          |                   |
| Georgina Smythe, Candidate<br>134 Coldbrook Rd<br>North City, ME 00000   |          |                   |
| <b>Third party – NOT the Payee</b>   |          |                   |
| Description  | Rate     | Amount            |
| Online Ads (report as paid to <b>Online Ads</b> , 1001 Advertiser Lane, Anywhere, US 00000)<br>2 weeks online advertising              | \$565.00 | <b>\$565.00</b>   |
| Prints for U (report as paid to <b>Prints for U</b> , 95 Main Street, Big City, ME 00000)<br>Graphic Design<br>Postage for 200 mailers |          | <b>\$765.45</b>   |
|  | \$645.45 | \$645.45          |
|  | \$0.60   | \$120.00          |
| <b>Balance Due</b>   |          | <b>\$1,330.45</b> |

In the sample invoice above, the original payee (e.g., the retail store or the sub-vendor) must be reported by the campaign, *not* the third party.



### **INDEPENDENT EXPENDITURES VS. COORDINATED EXPENDITURES**

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

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

If, however, the campaign does know about the expenditure and worked with their supporter to make it happen, it is considered a coordinated expenditure. Costs incurred by the supporter for the coordinated expenditure are a contribution to the campaign, are reported as in-kind contributions, and are subject to the contribution limit. The campaign must pay for any costs above the limit (\$475 for legislative candidates, \$975 for county candidates) and report that expenditure accordingly.

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

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

### **DEBTS**

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



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

# ETHICS COMMISSION STAFF TIPS

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## Reimbursements

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### Travel Reimbursements

Campaigns may reimburse the candidate and/or volunteers for campaign related travel. All claims for travel should have:

- The name of the person claiming the travel reimbursement;
- The date(s) of the travel; and
- The number of miles and reason for the travel (*e.g.*, 50 miles door knocking or 25 miles putting up signs).

Except for staff/personnel costs or payments for a service, this is the only time a person's name should appear as a Payee!

### Reimbursements for Purchases

The candidate, member of the candidate's family, campaign staffer or volunteer can make purchases for the campaign and be reimbursed by the campaign. 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 would report the name of the person who made the purchase and a description of what was purchased.

*Example:*

The candidate purchased food at Hannaford for a campaign event. The Payee is **Hannaford** and Purpose is **"Food for campaign event, reimbursed to Candidate"**

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## Reporting Returns/Refunds

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If a campaign reports a purchase and then decides it doesn't need it or wants something different, that is a Return.

- If the campaign returns the purchase and doesn't replace it, the original expenditure is edited to show the date, amount, and reason for the return.

- If the campaign returns a purchase and purchases something different, (1) the original expenditure is edited to show the return and, (2) a new expenditure is entered for the replacement purchase.

To report a partial or full refund from a vendor, the original expenditure is edited to enter the date, amount, and reason for the refund.

## RETURNS AND REFUNDS ARE NOT REPORTED AS CONTRIBUTIONS!

### Obligations Reported as Debts

If a candidate decides to purchase something for the campaign during one filing period but doesn't pay for the purchase until the next filing period, the obligation must be reported as a Debt.

*Example:*

|      |  |   |   |   |                                    |      |
|------|--|---|---|---|------------------------------------|------|
| 4/21 | 4/22   | 4/23  | <b>4/24</b><br>Start of 11-Day<br>Pre-Primary<br>Report | 4/25  | 4/26                               | 4/27 |
| 4/28 | 4/29   | 4/30  | 5/1   | 5/2   | 5/3                                | 5/4  |
| 5/5  | 5/6  | 5/7   | 5/8   | 5/9   | 5/10                               | 5/11 |
| 5/12 | 5/13   | 5/14  | 5/15  | 5/16  | 5/17                               | 5/18 |
| 5/19 | 5/20<br>Candidate<br>contacts Vendor<br>about purchase | 5/21  | 5/22  | 5/23<br>Vendor provides<br>proof & cost<br>estimate | 5/24                               | 5/25 |
| 5/26 | 5/27<br>Candidate<br>approves<br>purchase              | <b>5/28</b><br>End of 11-Day<br>Pre-Primary<br>Report | 5/29  | 5/30  | 5/31<br>Candidate pays<br>purchase | 6/1  |

Based on the example above, the candidate would report the agreement to make the purchase or “obligation” on 5/27 as a Debt in the 11-Day Pre-Primary Report. When the purchase is paid on 5/31, the payment is entered on the Debt. The Debt payment appears as an Expenditure in the 42-Day Post-Primary Report.






## CHAPTER 4 – REPORTING REQUIREMENTS

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

- **Complete**, containing all the financial activity that falls within the dates of the report period;
  - If the campaign makes a mistake or unintentional omission in the filed report, they must file an **amended** report as soon as possible.
- **On time**, filed online via eFiling, no later than 11:59 p.m. the day of the deadline; and
- **Accurate** and complete to the best knowledge of the candidate and treasurer. Knowingly making a false statement in a report is a Class E crime.

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

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

| 24-HOUR REPORTS:  | 24-HOUR REPORT PERIOD   |     |              |     |     |     |     |
|---|---|-----|--------------|-----|-----|-----|-----|
|   | Sun   | Mon | Tue          | Wed | Thu | Fri | Sat |
|   |   |     |              |     |     |     |     |
|   |   |     |              |     |     |     |     |
| <ul style="list-style-type: none"><li>• 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 and cannot wait until the next business day.</li><li>• Filed online.</li><li>• Contributions and expenditures received or made on the day before an election must be reported on election day.</li></ul> |   |     | Election Day |     |     |     |     |
|   |  Indicates 24-Hour Report period |     |              |     |     |     |     |
|   |   |     |              |     |     |     |     |

A 24-Hour Report is filed online in eFiling within 24 hours of the transaction being made.



### PENALTIES FOR LATE FILING

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

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

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

**A note on report names:** Reporting cycles are built around the dates of the Primary and General elections and are named according to when they are filed: 42-Day Pre-Primary, 42-Day Post-General, etc. Candidates are required to file reports even if they are not in a Primary election.

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

# ETHICS COMMISSION STAFF TIPS

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## Filing Reports

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- Regular campaign finance reports should **not** be filed before the end of the reporting period. Filing a campaign finance report early can lead to amending the report if additional contributions are received or purchases made or missed, leading to a possible filing violation and penalty.
- Good communication between the candidate and treasurer is **essential!** A candidate and treasurer who are not on the same page about what the campaign receives and spends can lead to campaign finance reporting errors and potential penalties for those errors.

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## 24-Hour Reports

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During the 24-hour reporting periods:

- Enter all contributions and expenditures daily!

The most frequent mistake campaigns make is to enter transactions just prior to when a report is due. Unfortunately, during the 24-Hour reporting period this can lead to not filing a 24-Hour Report and ***significant*** preliminary penalties for a late-filed report.





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

Campaign finance reports are filed online unless the campaign has an approved eFiling waiver. Campaigns enter their contributions, expenditures, debts, and loans and the system automatically assigns these transactions to the relevant report based on date. When the candidate or treasurer are ready to file the **report**, they are required to attest the report is true, complete, and correct to the best of their knowledge.

### REPORTING CONTRIBUTIONS

The campaign must **itemize** all individual contributions of more than \$50 in the reporting period. Contributions must be reported as one of the following categories:

| Contribution Type        | Description of Contribution                 |
|--------------------------|---|
| 1) Monetary (Itemized)   | Contributions over \$50                     |
| 2) Monetary (Unitemized) | Individual contributions \$50 or less       |
| 3) In-Kind (Itemized)    | Goods or services with a value over \$50    |
| 4) In-Kind (Unitemized)  | Goods or services with a value \$50 or less |
| 5) Other Receipts        | Bank interest                               |

To report a contribution, the campaign must complete the following fields:

- **Election Type:** select whether the contribution is for the Primary or General election; all contributions received after the Primary must be attributed to the General.
- **Contribution Type:** select whether the contribution is 1) Monetary (Itemized); 2) Monetary (Unitemized); 3) In-Kind (Itemized); 4) In-Kind (Unitemized); or 5) Other Receipts.
- **Funding Source:** if the contribution type is Itemized provide the:
  - **Name and address:** the campaign must report the name and address of all contributors to ensure it has not accepted any prohibited contributions.
  - **Employer and Occupation:** If the candidate asked and received no answer or a reply of “none of your business,” check the “Info Requested” box.
- **Funding Source:** if the contribution type is Unitemized, select whether the contribution is:
  - Transfer from Previous Campaign; or
  - Contributors giving \$50 or less.
- **Amount:** the amount of the contribution.
- **Date:** when the contribution was *received* by the campaign, not the date on the check or when it was deposited into the campaign bank account.
- **Description:** enter a description for all In-Kind (Itemized) contributions.



The campaign is not required to itemize cash contributions of \$50 or less and may report them in the aggregate for the period. To do so:

1. Contribution Type is **Monetary (Unitemized)**
2. Funding Source is **“Contributors Giving \$50 or Less”**
3. Amount is the sum of those contributions.
4. Date: the campaign may use the last date in the period that one of these contributions was received.

Sometimes a campaign will receive a contribution that must be returned either fully or partially. To report the full or partial **return** of a contribution, the campaign must complete the following steps:

- Click “Contributions” in the menu on the left side of the screen
- Find the contribution to be edited, click on the 3 vertical dots at the end of the line, and click “Edit”
- When the contribution page opens, click “Actions” in the lower right corner and select one of the following:
  - Edit/Amend – allows changes to a reported contribution
  - Return – allows the campaign to mark all or part of the contribution as refunded
  - Delete – allows deletion of a contribution that was reported by mistake.

### *REPORTING THE USE OF THE CANDIDATE’S PERSONAL FUNDS*

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

| Contribution Type   | How to Report   |
|---|---|
| The candidate makes a purchase for the campaign and does not expect to be reimbursed. | As an in-kind contribution  |
| The candidate is reimbursed by the end of the reporting period.                       | As an expenditure (noting in the Description this is a reimbursement) |
| The candidate is not reimbursed by the end of the reporting period.                   | As an unpaid debt.  |
| The candidate makes a loan to cover campaign expenses.                                | As a loan.  |

**REPORTING EXPENDITURES**

The campaign must report all paid expenditures for the reporting period using the following Expenditure Types:

| EXPENDITURE TYPES |  |     |  |
|-------------------|--|-----|--|
| APP               | Apparel (t-shirts, hats, embroidery, etc.)   | OTH | Other and fees (bank, contribution, and money order fees, etc.)            |
| CON               | Contribution to party committee, non-profit, other candidate, etc.                     | PER | Personnel and campaign staff, consulting, and independent contractor costs |
| EQP               | Equipment of \$50 or more (computer, tablet, phone, furniture, etc.)                   | PHO | Phones (phone banking, robocalls and texts)                                |
| EVT               | Campaign and fundraising events (venue or booth rental, entertainment, supplies, etc.) | POL | Polling and survey research  |
| FOD               | Food for campaign events or volunteers, catering                                       | POS | Postage for US Mail and mailbox fees                                       |
| HRD               | Hardware and small tools (hammer, nails, lumber, paint, etc.)                          | PRO | Professional services (graphic design, legal services, web design, etc.)   |
| LIT               | Printed campaign materials (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.)         |

To report an expenditure, the campaign must complete the following fields:

- **Payee Type:** the campaign must select whether the Payee is an
  - Individual Payee;
  - Business;
  - Political Party Committee;
  - Political Action Committee;
  - Ballot Question Committee; or
  - Non-profit Organization Payee.
- **Payee:** the name of the vendor or retail store and their address. If the campaign made an online purchase, the website's headquarters or mailing address are both acceptable. Remember, if the campaign is reimbursing someone for a purchase, the vendor is the payee; the person being reimbursed will be indicated in the remarks.
- **Purpose:** see table above for Expenditure Types. Choose the type that best matches the purpose of the goods or service.
- **Expenditure Amount:** the amount of the expenditure.



- **Expenditure Date:** the date the campaign paid the invoice, that is, either the date of the electronic payment or the date the campaign wrote the check.
- **Explanation of Purpose:** a more complete description of the expenditure.
  - for a *reimbursement*, include both a description and the name of the person being reimbursed.
  - for a payment to a member of the candidate's *immediate family or household*, disclose that relationship in the remarks.

To report a full or partial **refund** of an expenditure, the campaign must edit the original expenditure. The campaign must complete the following steps to edit an expenditure:

- Click “Expenditures” in the menu on the left side of the screen;
- Find the expenditure to be edited, click on the 3 vertical dots at the end of the line, and click “Edit”;
- When the expenditure page opens, click “Actions” in the lower right corner and select one of the following:
  - Edit/Amend – allows changes to a reported expenditure
  - Return – allows the campaign to mark all or part of the expenditure as refunded
  - Delete – allows the deletion of an expenditure that was reported by mistake.

### **REPORTING FEES FOR AN ONLINE FUNDRAISING SERVICE**

An online fundraising service can be a useful tool for candidates. These services allow a supporter to contribute electronically, according to the limits set by the campaign, and have built-in forms to collect the contributor data required by law. The fee for this service is usually taken as a percentage of the contributions received. The contribution received should be reported as the *whole amount* given by the contributor. The fee is reported as a separate *expenditure*.

Campaigns may report the total fees for the period as an aggregate amount rather than individually, using the expenditure purpose code “Other.” The campaign may report these weekly, monthly, or for the whole reporting period—whatever makes the most sense given the volume of contributions received online and the way the service provides the records.

### **REPORTING LOANS AND LOAN PAYMENTS**

If a candidate loans money to or receives a loan for their campaign, they must report the loan and any payments made on the loan. To report a loan, the campaign must complete the following fields:

- **Election Type:** select whether the loan is for the Primary or General election; all loans received after the Primary must be attributed to the General.





- **Source Type:** select whether the loan was received from one of the following:
  - Individual
  - Commercial Source
  - Political Party Committee
  - Political Action Committee
  - Ballot Question Committee
  - Nonprofit Organization
  - Candidate/Spouse/Domestic Partner
  - Other Candidate/Candidate Committee
  - Financial Institution
- **Loan Source:** the details of the individual or entity making the loan.
- **Amount:** the total amount of the loan.
- **Date:** the date the loan was received.
- **Description:** this is an optional description about the loan.

To report a **payment** or to edit a loan, the campaign must complete the following steps:

- Click “Loans” in the menu on the left side of the screen;
- Find the loan to be edited, click on the 3 vertical dots at the end of the line, and click “Edit”;
- When the loan page opens, click “Actions” in the lower right corner and select one of the following:
  - Amend – allows changes to a reported loan;
  - Payment – allows payments made on a loan;
  - Forgive – allows the campaign to forgive all or part of a loan;
  - Delete – allows the deletion of a loan that was incorrectly reported.

### REPORTING DEBTS AND OBLIGATIONS

If a campaign makes a purchase but does not fully pay for it within the reporting cycle, the purchase must be reported as a Debt. If the candidate makes a purchase for their campaign that they intend to reimburse themselves with contributions they receive, they can enter the purchase as a debt. To report a Debt, the campaign must complete the following fields:

- **Payee Type:** select whether the debt is owed to:
  - Individual Payee
  - Business
  - Political Party Committee
  - Political Action Committee
  - Ballot Question Committee
  - Non-Profit Organization
- **Payee:** the name of the vendor and their address.
- **Purpose:** See Expenditure Type Table on page 14.
- **Original Debt Amount:** if the vendor has not provided an exact amount for the debt, the campaign may report an estimate and note this in the *Purpose*.
  - if a partial *payment* has been made on the debt, the *Amount* will be less than payment.



- **Date of Obligation:** when the campaign committed (by telling a vendor to “go ahead” with the order) to paying a vendor for a good or service.
- **Explanation of Purpose:** the goods or services that were purchased.

To report a payment on a debt, the campaign must complete the following steps:

- Click “Debts” in the menu on the left side of the screen;
- Find the debt to be edited, click on the 3 vertical dots at the end of the line, and click “Edit”;
- When the debt page opens, click “Actions” in the lower right corner and select one of the following:
  - Amend – allows changes to a reported debt;
  - Payment – allows the campaign to report payments made on a debt;
  - Close Out Debt – allows the campaign close out a debt;
  - Delete – allows the deletion of a debt that was incorrectly reported.

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

### **24-HOUR REPORTS**

If a campaign enters a contribution or makes an expenditure of \$1,000 or more, a 24-Hour Report will be created in the system. When the transaction is entered, a message will pop-up alerting the campaign a 24-Hour Report is due. The filing will also show on the candidate’s Home Page as an “Immediate To Do.” A best practice is for campaigns to enter all new transactions *daily* during the 24-Hour Report Period.

Transactions filed in a 24-Hour Report will also appear in the 42-Day Post-Election Report and do not need to be entered again when preparing that report.

### **FILING CAMPAIGN FINANCE REPORTS**

Once all information for the reporting period has been entered into efilting, you are ready to file the campaign finance report:

1. On the Home page, under “Immediate To Do”
  - a. Select “File Report”;
  - b. Select the blue “Preview” button to view the report before filing or the red “File Report” button;
  - c. Click the “Submit” button to file the report.
2. View/File Reports (in navigation menu on left side of screen)
  - a. Click the 3 vertical dots at the end of the report line;
  - b. Select “Preview” to view the report before filing or “Go to Filing”;
  - c. Click “Submit” button to file report.



Once the report has been successfully filed, a confirmation message appears at the bottom of the screen and a confirmation email is sent to the candidate, treasurer, and any authorized agents.

**COMMISSION'S REVIEW OF REPORTS**

Commission staff carefully review all campaign finance reports in the weeks following a filing deadline. During the review, staff check for compliance in the following areas:

- the campaign has not received any over-the-limit contributions;
- the information for a contribution over \$50 is complete, including the full name and address of the contributor, employer/occupation information, and the correct contributor type;
- the correct payee has been reported for reimbursements;
- the correct expenditure type has been selected and the description of the goods or services is sufficiently detailed;
- sub-vendors have been reported correctly where appropriate; and
- the ending cash balance for the reporting period is not negative.

Following their review, staff will contact the candidate and treasurer with any issues of non-compliance in the report and suggested corrections. Staff may also ask for additional materials, such as travel logs or invoices. Campaigns are required to make the corrections and file an amended report and provide any requested information within the deadline provided by Commission staff.

| Legal References   |                                     |
|--|-------------------------------------|
| Required Contents of Reports   | 21-A M.R.S. § 1017(5)               |
| 24-Hour Reporting Requirement  | 21-A M.R.S. § 1017(3-A) (C)         |
| Reporting Payments to Members of Household and Family                      | 21-A M.R.S. § 1017(5)               |
| Electronic Filing Requirement  | 21-A M.R.S. § 1017(10)              |
| Substantially Non-Conforming Reports                                       | 21-A M.R.S. § 1020-A (2)            |
| Required Reporting of Expenditures, including date, payee, amount, purpose | 21-A M.R.S. § 1017(5)               |
| Forms of Commission  | 21-A M.R.S. § 1017(6)               |
| Reporting Expenditures by Consultants, Employees, and Other Agents         | 21-A M.R.S. § 1016(4)               |
| Compliance Reviews   | Rules, Chapter 1, Section (4)(2)(A) |



# Traditionally Financed Legislative & County Filing Schedule

**Primary Election: June 11, 2024**

**General Election: November 5, 2024**

| Report Name               | Filing Period   | Filing Deadline   |
|---------------------------|---|---|
| 2024 January Semiannual   | If filing first report: Beginning of campaign – 12/31/2023<br>OR<br>If 2023 July Semiannual filed:<br>07/01/2023 – 12/31/2023                         | 01/16/2024  |
| 42-Day Pre-Primary        | If semiannual report(s) filed:<br>01/01/2024 – 04/23/2024<br>OR<br>If 2024 January Semiannual report(s) NOT filed: Beginning of campaign – 04/23/2024 | 04/30/2024  |
| 11-Day Pre-Primary        | 04/24/2024 – 05/28/2024   | 05/31/2024  |
| 24-Hour Reports (Primary) | 05/29/2024 – 06/10/2024   | Day after receipt of contribution/purchase of \$1,000 or more |
| 42-Day Post-Primary       | 05/29/2024 – 07/16/2024   | 07/23/2024  |
| 42-Day Pre-General        | 07/17/2024 – 09/17/2024   | 09/24/2024  |
| 11-Day Pre-General        | 09/18/2024 – 10/22/2024   | 10/25/2024  |
| 24-Hour Reports (General) | 10/23/2024 – 11/04/2024   | Day after receipt of contribution/purchase of \$1,000 or more |
| 42-Day Post-General       | 10/23/2024 – 12/10/2024   | 12/17/2024  |





## CHAPTER 6 – CAMPAIGN COMMUNICATIONS AND DISCLOSURE STATEMENTS

### DISCLOSURE ON CAMPAIGN COMMUNICATIONS

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

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

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

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

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

### COMMUNICATIONS EXEMPT FROM DISCLOSURE REQUIREMENTS

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

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



with the Ethics Commission for other items that may be considered too small for the disclosure statement.

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

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

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

Maine requires robocalls and scripted live calls include a disclosure statement that clearly states the name of the person who paid for the communication. However, the FCC regulation is stricter than Maine’s and preempts Maine’s disclosure statute. Candidates are urged to read the FCC Enforcement Advisory on robocalls and robotexts on the FCC’s website ([www.fcc.gov/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.

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

### **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 the Candidate”), so it is clear to the recipient who is sending the communication; if there is a cost 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.

### **TELEVISION AND NEWSPAPERS**

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

Under federal regulations (47 CFR § 73.1212(a)(2)(ii) and 47 CFR § 76.1615(a)), in the case of any television political advertisement concerning candidates for public office, the sponsor shall be identified with letters equal to or greater than 4% of the vertical picture height which must be visible on screen for not less than four seconds. This requirement applies to broadcast and cablecast television ads for all candidates, not just federal candidates.





If a candidate has any questions concerning these requirements, they should consult with the business producing the advertisements.

### **CONSTITUENT MAILINGS**

Constituent newsletters from incumbent legislators inform their constituents about what happened during the legislative session and may not be used for campaign purposes. Because they are not campaign communications and are not paid for with campaign funds, they do not need a disclosure statement.

### **USE OF COPYRIGHTED MATERIAL**

The Commission staff recommends that if a candidate plans to use photos or other material from an online source in its campaign literature, they check the source to avoid a possible copyright infringement.

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

Mainers are aware of the requirement for campaign disclosure statements and are on the lookout for them. When complaints are received about a missing disclosure statement, Commission staff will first contact the responsible party and request that it be added to the communication, if possible. If the person who paid for the communication corrects the missing disclosure statement within 10 days of being notified 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 expenditure. The penalty amount depends on several factors, including how widely the communication was distributed, whether the omission was intentional, and whether the communication conceals or misrepresents the identity of the person who paid for it. If a disclosure on a yard sign is missing or incomplete, the maximum penalty is \$200.

### **PLACEMENT OF POLITICAL SIGNS**

The Maine Department of Transportation (MDOT) and local ordinances, if any, regulate the timing, placement, and removal of signs. MDOT has requirements for labeling of signs that are in addition to the disclosure statement. Please see Appendix, page A-7.

#### *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 candidate 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.



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



### CHAPTER 7 – POST-ELECTION RESPONSIBILITIES

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

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

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

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

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

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

- use campaign funds to pay the debt. The candidate is permitted to raise funds after the election for the purpose of paying off debts;
- use their personal funds to pay the person to whom the debt is owed ("the creditor"). Report the payment of personal funds to the creditor as a monetary contribution from the candidate and report the subsequent debt payment;
- if the debt is owed to an entity who has not already made the maximum contribution to the campaign, ask the creditor to forgive the unpaid debt or obligation (up to the contribution limit — \$475 for legislative candidates, \$975 for county candidates);
  - If the creditor forgives the unpaid debt, report the receipt of the goods or services without payment as an in-kind contribution from the creditor.
  - If the campaign's debt is owed to the candidate, or their spouse/domestic partner, an unlimited amount may be forgiven.

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



If a candidate who lost the Primary election or withdrew after the Primary received contributions for the General election, they must return those contributions to their contributors or dispose of the funds as described in the next section.

### ***DISPOSITION OF SURPLUS FUNDS***

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

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

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

### ***SEMIANNUAL REPORTS***

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

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

## **APPENDIX**

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| <b>TITLE</b>                                     | <b>PAGE</b> |
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| Legal Definition of Contribution and Expenditure | A-2         |
| Placement of Political Signs & Letter from DOT   | A-7         |





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

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

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

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

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

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



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





**3. Expenditure.** The term “expenditure:”

**A. Includes:**

- (1)** A purchase, payment, distribution, loan, advance, deposit or gift of money or anything of value made for the purpose of influencing the nomination or election of any person to state, county, or municipal office, except that a loan of money to a candidate by a financial institution in this State made in accordance with applicable banking laws and regulations and in the ordinary course of business is not included;
- (2)** A contract, promise or agreement, expressed or implied, whether or not legally enforceable, to make any expenditure;
- (3)** The transfer of funds by a candidate or a political committee to another candidate or political committee; and
- (4)** A payment or promise of payment to a person contracted with for the purpose of influencing any campaign as defined in section 1052, subsection 1; and

**B. Does not include:**

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



voluntary personal services for candidate-related activities, if the cumulative value of these activities does not exceed \$250 with respect to any election;

**(5)** Any unreimbursed travel expenses incurred by an individual in the course of providing voluntary personal services to a candidate and paid for by that individual, if the cumulative amount of these expenses does not exceed \$350 with respect to any election;

**(5-A)** Any unreimbursed campaign-related travel expenses incurred and paid for by the candidate or the candidate's spouse or domestic partner;

**(6)** Any communication by any person that is not made for the purpose of influencing the nomination for election, or election, of any person to state, county, or municipal office;

**(7)** The payment by a party's state, district, county, or municipal committee of the costs of preparation, display or mailing or other distribution of a party candidate listing;

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

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

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

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

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

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

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

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



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

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

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



### PLACEMENT OF POLITICAL SIGNS & LETTER FROM DOT



Janet T. Mills  
GOVERNOR

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

Bruce A. Van Noto  
COMMISSIONER

#### To Whom it May Concern:

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

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

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



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

Temporary signs are also prohibited on traffic control devices (stop signs, yield signs, warning signs, guide signs, regulatory signs, etc.), all utility poles and trees,

on islands within a rotary/roundabout, and in medians/islands in the center of the road that are less than 6 feet wide.

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

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

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



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

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

### Does MaineDOT enforce these sign placement restrictions statewide?

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

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

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

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

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

MaineDOT appreciates your cooperation in this effort.

Sincerely,

Stephen Landry, P.E.

State Traffic Engineer

MaineDOT

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





**COMMISSION ON GOVERNMENTAL ETHICS & ELECTION PRACTICES**

135 State House Station  
Augusta, ME 04333-0135

