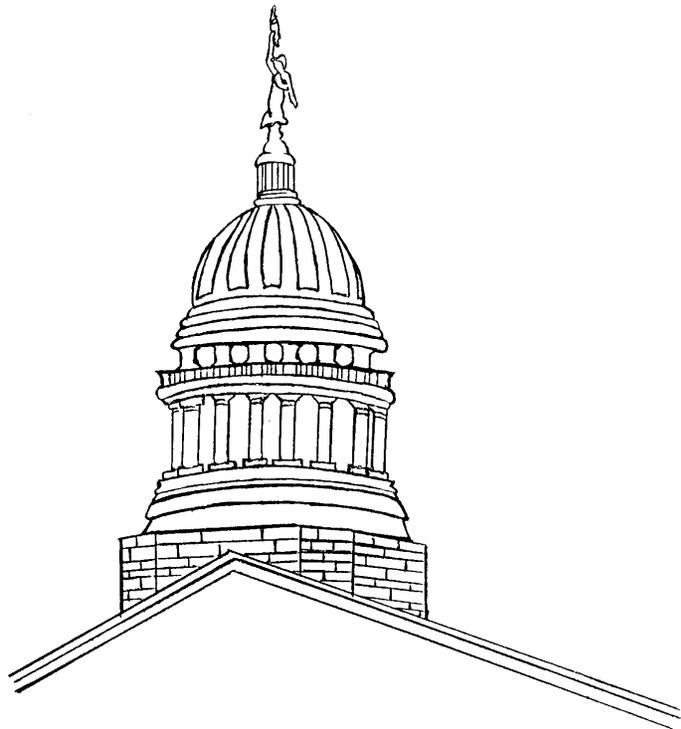


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A Candidate's Guide to Running for Office in Maine

2004

Dan Gwadosky
Secretary of State

Appropriation 010-29A-4211-012



Office of the Secretary of State

INTRODUCTION

I am pleased to publish this new edition of A Candidate's Guide to Running for Office in Maine. This booklet is prepared in cooperation with the Commission on Governmental Ethics and Election Practices.

If you are considering becoming a candidate or already have decided to seek public office, I hope you find this free guide helpful. You may also be interested in a second publication, Maine Law on Elections: Title 21-A, which is available from our office.

Public service through elected office is among the oldest and noblest traditions in our democratic system. While the decision to seek public office can be a highly personal one, I can attest that, once undertaken, it is a challenging and rewarding expedition.

As always, my staff is available to assist you with any questions regarding the conduct of elections. The Division of Elections may be contacted at (207) 624-7650. Also, the staff at the Commission on Governmental Ethics and Election Practices is available to assist you with any questions regarding campaign finance laws and reporting requirements. The Commission may be reached by calling (207) 287-4179.

I hope that you will also feel welcome to contact me personally, if I can be of assistance to you.

Sincerely,

Dan A. Gwadosky
Secretary of State

DIRECTORY

Department of the Secretary of State Bureau of Corporations, Elections and Commissions 101 State House Station Augusta, Maine 04333-0101 (207) 624-7650 (207) 287-6545 FAX	State Election Laws, Nomination Petitions, Recounts
Commission on Governmental Ethics and Election Practices 135 State House Station Augusta, Maine 04333-0135 (207) 287-4179 (207) 287-6775 FAX	State Campaign Finance Laws, Reporting Requirements, Disclaimers
Federal Elections Commission 999 E Street, NW Washington, DC 20463 (800) 424-9530 (202) 219-3670 (202) 694-1100 – information hotline (202) 219-8500 FAX	Federal Election and Campaign Finance Laws
Department of Transportation 16 State House Station Augusta, Maine 04333-0016 (207) 287-2616 (207) 287-3725 FAX ATTN: OBDS	Political Sign Regulations
Federal Communications Commission Office of Political Programming 445 12 th Street, S.W. Washington, DC 20554 (202) 418-1440 (202) 418-1124 FAX	Political Broadcasting
U.S. Post Office (Local)	Postal Permits

This guide is current as of January 1, 2004. Its contents are subject to statutory changes enacted by the Legislature and rule changes approved under the Administrative Procedure Act following this date.

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<u>Office</u>	<u>Age</u>	<u>Citizenship/Residency</u>
NATIONAL		
Representative to Congress (U.S. Constitution, Art. I, § 2)	25	7 years/Resident of State in which running
STATE		
State Senator Constitution, Art. IV, Second, § 6)	25	5 years/1 year Maine (Maine resident; reside in district Part 3 months before the election*
Representative to the Legislature Constitution, Art. IV, § 4)	21	5 years/1 year Maine (Maine resident; reside in district Part First, 3 months before the election*
*No person may be a candidate unless, at the time of nomination for placement on the primary, general or special election ballot, that person is a resident in the district which he or she seeks to represent.		
COUNTY OFFICES		
(21-A MRSA § 333 and § 352)	18	Resident and voter in the electoral district the candidate seeks to represent as of the date established for filing nomination petitions in the year of the election

County Commissioner
(30-A MRSA § 61)

County Treasurer
(30-A MRSA § 151)

District Attorney
(30-A MRSA § 251 -- must be an **attorney**)

Judge of Probate
(Maine Constitution, Art. VI, § 6; 4 MRSA § 301 -- must be an **attorney**)

Register of Probate
(Maine Constitution, Art. VI, § 6; 18-A MRSA § 1-501)

Register of Deeds
(33 MRSA § 601)

Sheriff
(Maine Constitution, Art. IX, § 10; 30-A MRSA § 371-B)

- ✓ must swear to or affirm the Law Enforcement Code of Ethics; and
- ✓ must apply to the S.O.S. for a criminal background investigation; and
- ✓ must never have been convicted of a Class C or higher crime; and
- ✓ must submit written certification from the Maine Criminal Justice Academy that the candidate has:
 - met the basic law enforcement training standards under Title 25, §2804-C, or
 - met the basic corrections training standards under Title 25, §2804-D, and has 5 years of supervisory experience.

NOTE: Candidates for sheriff must file a separate consent form with the S.O.S., along with the nomination papers, confirming compliance with the above qualifications.

Any person who was serving or who previously served in the office of sheriff on or before June 26, 1997 (the effective date of PL 1997, c. 37) is deemed to meet these minimum qualifications.



WHO IS A CANDIDATE?

A “candidate” is any one or combination of the following:

- A person who has filed a petition and has qualified to be nominated by Primary Election as a party candidate;
- A person who has filed a petition and has qualified as a “non-party” candidate;
- A person who has filed a declaration with the Secretary of State as a Write-In candidate;
- A person who has received contributions or made expenditures with the intent of qualifying as a candidate; or
- A person who has given his or her consent for any other person to receive contributions or make expenditures with the intent of qualifying as a candidate.

ONLY ONCE ON THE BALLOT!

A person may be a candidate for only one office in any election and may choose only one method (primary election or non-party petition) to gain access to the printed general election ballot.

Exception: A person may be a candidate for **county charter commission or for Presidential elector** and may also be a candidate for one additional office at the same election.

PARTY CANDIDATES

Parties meeting the qualifications outlined in 21-A MRSA c. 5 are eligible to participate in the Primary Election on June 8, 2004.

☞ If unenrolled, must enroll in the party named in the petition on or before March 15, 2004. If changing enrollment from one party to another, a candidate must file an application to change enrollment prior to January 1, 2004.

May pick up primary nomination petitions from the Department of the Secretary of State, Bureau of Corporations, Elections and Commissions.

☞ May circulate petitions beginning January 1, 2004.

☞ Must sign a "Candidate's Consent" before a notary public. (See page 8 for further details.)

☞ Must have each petition verified by its circulator, and have all signatures certified by the applicable registrar of voters prior to filing with the S.O.S. (See page 8 for further details.)

☞ Must present the petitions to the Secretary of State for review on or before 5 p.m., March 15, 2004. If properly completed with the required number of signatures, the petitions will be accepted and filed by the Secretary of State.

☞ Will be notified by the Secretary of State of the acceptance of the petitions.

☞ Must comply with the campaign finance law regarding registration, record keeping and reporting requirements.

HOW MANY SIGNATURES MUST I COLLECT?

The number of valid signatures of registered voters required on Primary Nomination Petitions are:

OFFICE	MINIMUM	MAXIMUM
Representative to Congress	1,000	1,500
State Senator	100	150
Representative to the Legislature	25	40
County Commissioner	50	75
Other County Officers	150	200

PARTY CANDIDATE PETITION

Petition forms must be typed or printed except where a signature is required. Separate petition forms should be used for each municipality in which signatures are solicited.

1. State the candidate's name in one of the following forms:
 - A. first name, middle name, last name
 - B. first name, middle initial, last name
 - C. first initial, middle name, last name
 - D. first name, last name
2. State the exact title of the office sought, i.e., Representative to Congress, State Senator, Representative to the Legislature, Judge of Probate, Register of Probate, County Treasurer, Register of Deeds, Sheriff, District Attorney, or County Commissioner.
3. State the electoral division to be represented, i.e., U.S. Congressional District 1, Maine Senate District 1, Maine House District 1, Prosecutorial District 1, etc.
4. State the term of office only when 2 U.S. Senators or 2 County Commissioners are to be nominated.
5. State the residence address where the candidate is registered to vote.
6. State the mailing address of the candidate, if different. If the mailing address is the same, so indicate.
7. Petition may only be signed by voters who reside in the electoral district in which the nomination is sought and who are enrolled in the party named in the petition. The voter must sign his or her name personally.
8. The printed name of the voter, the date signed, the street address and the municipality may be completed by either the voter or the circulator. Ditto marks are permitted only for street address and municipality of registration.
9. **Signatures may not be collected prior to January 1, 2004.**



STATE OF MAINE
PRIMARY NOMINATION PETITION
 June 8, 2004 Primary Election
 _____ Party

DATE FILED
with Secretary of State

TO THE SECRETARY OF STATE:

We, the undersigned qualified voters of the State of Maine of the electoral district for which this nomination is proposed, entitled to vote in elections of the _____ Party, hereby propose for nomination at the Primary Election to be held on Tuesday, June 8, 2004, the following named candidate:

Name of Candidate: _____ Office Sought: _____

Electoral Division: _____ Term: _____

Address of Candidate: _____

Mailing Address of Candidate (if different from above): _____

This petition must be submitted to the register of each municipality concerned for certification. It must be filed with the Secretary of State on or before 5:00 p.m. on March 15, 2004.

Line	SIGNATURE	DATE SIGNED	ACTUAL STREET ADDRESS <small>(No P.O. Box or R.F.D.)</small>	MUNICIPALITY <small>(Other Township)</small>	NAME PRINTED
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					

VERIFICATION, CERTIFICATION AND CONSENT FOR A PARTY CANDIDATE PETITION



1. After the circulator has gathered all of the signatures on a particular petition form, the circulator must take oath before a notary public that each signature is the signature of the person whose name it purports to be; was made in his or her presence; and that each signer is a registered voter of the electoral district named on the petition and enrolled in the party designated on the petition. **Once the circulator has taken the oath before a notary, no signatures may be added to that petition form.**
2. The Registrar or Municipal Clerk in the candidate's municipality of residence must certify that the candidate is enrolled in the party named on the petition as of the date the petition is certified (and no later than March 15, 2004). **The certification of enrollment needs to be completed only once for a candidate.**
3. The Registrar or Municipal Clerk must certify that each person whose name appears on the petition is registered to vote in that municipality, in the electoral district named on the petition and is enrolled in the party designated on the petition.
4. The candidate must sign, before a notary public: a consent to accept if nominated at the Primary Election; a declaration of the candidate's municipality of residence and party designation; and a statement that the candidate meets the qualifications of the office sought. The signature of the candidate on the consent must appear the same as the name of the candidate on the front of the petition. **The candidate's consent needs to be completed only once.**

CIRCULATOR'S VERIFICATION	
I hereby certify that I am the Circulator of this petition, that all the signatures on this petition were made in my presence and, in the face of my knowledge and belief, each signature is that of the person it purports to be, and each person is entitled to the _____ Party and is a resident of the electoral district named on this petition. Signatures may not be added to this petition after the circulator has signed and taken oath before a Notary Public.	
1	Subscribed by and sworn before me on this day: _____
_____ Circulator	_____ Notary Public
_____ Municipality of Residence	_____ Municipality of Candidate
REGISTRAR'S CERTIFICATION	
2	TOTAL VALID: _____ TOTAL INVALID: _____
I hereby certify that the names of all of the petitioners listed on said petition are the names of registered voters in the electoral district named on this petition, and are entitled to the _____ Party.	
_____ Registrar	_____ Date
CERTIFICATION OF CANDIDATE ENROLLMENT	
This certification may only be completed by the Registrar in the candidate's municipality of residence on one petition form.	
I hereby certify that _____ is enrolled in the _____ Party as of the _____ day of _____, 2004, and has not filed an application to change enrollment on or after January 1, 2004.	
3	_____ Date
_____ Registrar	_____ Municipality of Candidate
CANDIDATE'S CONSENT	
4 This consent may only be completed on one petition form filed with the Secretary of State.	
I hereby declare my consent to accept the nomination of the primary election. I further declare my residence and the municipality named hereon to be true and qualified to hold this office, that I am entitled to the _____ Party, and the foregoing is true.	
Legal name of candidate as it will appear on the ballot? _____	
_____ Signature of Candidate	_____ Subscribed by and sworn before me on this day: _____
_____ Municipality of Residence	_____ Municipality of Candidate

WHO IS A WRITE-IN CANDIDATE?

A “write-in candidate” is a person:

- Whose name is not printed on the ballot; and
 - Who otherwise fulfills the qualifications for the office designated; and
 - Who receives one or more valid write-in votes for an office listed on a primary, general or special election ballot; and
 - Who has filed a “Declaration of Write-in Candidacy” either before the election or no later than 3 business days after the election.
- Declaration forms are available from the Secretary of State, Bureau of Corporations, Elections and Commissions.**



Telephone: 624-7650

Website: www.maine.gov/sos/cec/elec/write-in.htm

ENROLLMENT QUALIFICATIONS OF A PRIMARY WRITE-IN CANDIDATE

- The candidate must be enrolled, on or before March 15, 2004, in the party in which the candidate is seeking a write-in nomination; **and**
- The candidate must meet the same qualifications as a candidate filing a petition for nomination by primary election under §144.3 (by filing an application to change enrollment, if applicable, prior to January 1st).

PARTY NAME OR DESIGNATION OF A WRITE-IN CANDIDATE

- For the **Primary** Election, the candidate must indicate which party’s nomination the candidate is seeking by checking the appropriate box.

- For the **General** Election, the candidate may indicate a party or political designation by writing that party or political designation in the appropriate space on the Declaration of Write-in Candidacy. The candidate may write in the name of a qualified party (Democratic, Green Independent, or Republican) or choose a political designation which may not exceed 3 words in length, and may not incorporate the candidate’s name, or the designation or an abbreviation of the designation of a party that is qualified to nominate candidates by primary election, and may not consist of or comprise language that is obscene or violates any other provision of Maine law with respect to names. A candidate who intends to form a new party about that person’s candidacy must use the proposed party’s designation.

HOW DOES A VOTER CAST A WRITE-IN VOTE?

- A voter must mark the write-in indicator (square, oval or arrow) as instructed on the ballot; **AND**
- The voter must also write the name and municipality of residence in the blank space provided at the end of the list of candidates for that office; **OR**
- **For a Primary Election Only**, the voter may paste a sticker on the ballot containing the name and municipality of residence of the write-in candidate. A sticker is an adhesive label, bearing the required information. Stickers used with automatic tabulating equipment should be prepared in accordance with the manufacturer’s specifications for that equipment. Contact the Department of the Secretary of State for additional information.

MINIMUM NUMBER OF VOTES NEEDED

For a Primary Election: the number of valid write-in votes must be equal to at least twice the minimum number of signatures required on a primary petition for that office. If more than one person receives the minimum number of write-in votes for an office, the person receiving the greatest number of votes is nominated.

For a General Election: the person receiving the greatest number of votes is elected.

NON-PARTY CANDIDATES:

- ☞ If enrolled in a qualified party, must withdraw enrollment on or before March 1, 2004.
- ☞ May pick up nomination petitions from the Department of the Secretary of State, Bureau of Corporations, Elections and Commissions.
- ☞ May circulate petitions beginning January 1, 2004.
- ☞ Must sign a “Candidate’s Consent” before a notary public. (See page 16 for further details.)
- ☞ Must have each petition verified by its circulator, and have all signatures certified by the applicable registrar of voters prior to filing with the S.O.S. (See page 16 for further details.)
- ☞ Must submit petitions to the appropriate Registrars or Municipal Clerks for certification by 5 p.m., May 25, 2004.
- ☞ Must present the petitions to the Secretary of State for review on or before 5 p.m., June 1, 2004. If properly completed with the required number of signatures, the petitions will be accepted and filed by the Secretary of State.
- ☞ Will be notified by the Secretary of State of the acceptance of the petitions.
- ☞ Must comply with the campaign finance law regarding registration, record keeping and reporting requirements.

**HOW MANY SIGNATURES
MUST I COLLECT?**

The number of valid signatures of registered voters required on Non-Party Nomination Petitions are:

OFFICE	MINIMUM	MAXIMUM
Representative to Congress	2,000	3,000
State Senator	200	300
Representative to the Legislature	50	80
County Commissioner	100	150
County Charter Commission Member	50	80
Other County Officers	300	400



VERIFICATION, CERTIFICATION AND CONSENT FOR A NON-PARTY CANDIDATE PETITION

1. **After** the circulator has gathered all of the signatures on a particular petition form, the circulator must take oath before a notary public that each signature is the signature of the person whose name it purports to be; was made in his or her presence; and that each signer is a registered voter of the electoral district named on the petition. **Once the circulator has taken the oath before a notary, no signatures may be added to that petition form.**

2. The Registrar or Municipal Clerk in the candidate's municipality of residence must certify that the candidate was not enrolled in a party at the time of certification (and after March 1, 2004). **The certification of unenrollment needs to be completed only once for a candidate.**

3. The Registrar or Municipal Clerk must certify that each person whose name appears on the petition is registered to vote in that municipality, in the electoral district named on the petition.

4. The candidate must sign, before a notary public: a consent to accept the nomination by petition; a declaration of the candidate's municipality of residence and that the candidate has not been enrolled in a party at the time of certification (and after March 1, 2004); and a statement that the candidate meets the qualifications of the office sought. The signature of the candidate on the consent must appear the same as the name of the candidate on the front of the petition. **The candidate's consent needs to be completed only once.**

CIRCULATOR'S VERIFICATION	
I hereby verify that I am the Circulator of this petition; that all the signatures on this petition were made in my presence and of the name of my knowledge and belief, with signatures if that of the person it purports to be, and each person is a resident of the electoral district named in this petition. Signatures shall not be added to this petition after the circulator has signed and taken with before a Notary Public.	
1	Submitted to and before me on this day: _____
_____ Circulator	_____ Notary Public
REGISTRAR'S CERTIFICATION	
2	TOTAL VALUE: _____ TOTAL DOLLARS: _____
I hereby certify that the names of all of the petitioners listed do not appear on the voting list in registered names, in the electoral district named in this petition.	
_____ Registrar	Date: _____
CERTIFICATION OF UNENROLLMENT	
This certification need only be completed by the Registrar in the candidate's municipality of residence on one petition form.	
I hereby certify that _____ was not enrolled in a qualified party after March 1, 2004 and that no application to change enrollment was filed January 1, 2004.	
3	_____ Registrar
CANDIDATE'S CONSENT	
This consent need only be completed on one petition form filed with the Secretary of State.	
I hereby declare my consent to accept the nomination. I further declare my consent that I do not presently hold office, that I have not been enrolled in a qualified party after March 1, 2004, and that I am qualified to hold this office.	
Legal name of candidate as it will appear on the ballot: *	
_____ Candidate	Submitted to and sworn before me on this day: _____
_____ Notary Public	_____ Notary Public

RESTRICTED ACTIVITY

Voting Place Activity:

Certain activities are restricted on election day at the voting place, as follows:



- The **voting place** is the building in which voting is conducted.
- Interference with the voters' free passage at the voting place is prohibited. Influence of the voters is prohibited in the voting place and within 250 feet of the entrance to the voting place.
- The **guardrail enclosure** encompasses the area within 6 feet of the voting booths and the ballot box. Only the municipal clerk, the election officials (warden, deputy warden or ward clerk, and election clerks) and not more than 2 voters in excess of the number of voting booths are allowed within the guardrail enclosure. Party workers and others may remain in the voting place outside the guardrail enclosure as long as they do not attempt to influence voters or interfere with their free passage.
- Stickers intended to be pasted on the ballot containing the name and municipality of residence of a **write-in candidate** are allowed in a primary election, but are not allowed in a general election.
- **Advertising in any form** is prohibited within **250 feet of the entrance** to the voting place and to the registrar's office.
- **Cellular phones, beepers, voice or signal pagers** and similar devices may not be used within the voting place. Emergency workers are exempted from this provision.
- **Candidates** are permitted within the voting place and may communicate orally with voters, as long as they do not attempt to influence their vote. A candidate may shake hands and state their name, but may not state the name of the office he or she is seeking, or ask a person to vote for them.

- **Campaign buttons** may only be worn by persons who are present in the voting place solely for the purpose of voting. The longest dimension of the button may not exceed 3 inches. Everyone else is prohibited from wearing buttons of any size. Badges or stickers containing a candidate's name or promoting a question on the ballot are likewise prohibited.
- The **warden** is the presiding officer at the voting place and is responsible for the enforcement of the law governing voting and counting procedures. The jurisdiction of the warden includes the voting place and the area within 250 feet of the entrance to the voting place. The **municipal clerk** is the supervisor of elections and is responsible for advising the warden on election laws and procedures.

VOTER REGISTRATION AND ENROLLMENT CARDS

- All applications for voter registration and party enrollment **delivered by mail or by a third person** must be received by the registrar no later than the close of business 10 business days before election day.
- A person who registers **during the closed period**, beginning at 5:00 p.m. on the 10th business day before election day and including election day, must register in person and show proof of identity and residency, or cast a challenged ballot.
- An application for voter registration by a person who otherwise qualifies as an **absentee voter**, may be accepted by the clerk at any time. The receipt of a completed absentee ballot application by the clerk establishes a presumption of qualification, sufficient for the clerk to issue an absentee ballot to the voter, along with a voter registration application. The voter must complete and return the voter registration application to the registrar, separate from the absentee ballot, **by 8 p.m. on election day, in order for the absentee ballot to be counted**.

ABSENTEE VOTING

- During the 45 days preceding an election, when the clerk's office is open and may be conducting absentee voting, the display or distribution of any **advertising material** intended to influence a voter's choice regarding a candidate or ballot issue is prohibited within the clerk's office and on public property within 250 feet of the entrance to the clerk's office or on the property on which the clerk's office stands.
- Any registered voter may cast an absentee ballot instead of voting in person at the polling place on election day. The voter does not need to have a specific reason or be unable to vote at the polls on election day to ask for and receive an absentee ballot. 
- A **candidate** or members of the candidate's immediate family may not handle or deliver absentee ballots.
- **Immediate family member** means a person's spouse, parent, grandparent, child, grandchild, sister, brother, stepparent, stepgrandparent, stepchild, stepgrandchild, stepsister, stepbrother, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, guardian or former guardian (relationship to voter must be indicated on the application).
- Absentee ballots delivered by a **third person** must be properly witnessed. A third person may not have more than **5** absentee ballots from a single municipality in their possession at any one time.
- An **absentee voter** may not be influenced or observed in the marking of his or her ballot by any other person, except that a voter may request assistance from an aide in reading or marking his or her ballot because of physical disability, illiteracy or religious faith. In this event, another individual must act as witness, but may not observe how the ballot is marked by the absentee voter or aide.

PLACEMENT OF POLITICAL SIGNS



To All Candidates for Political Office:

The Department of Transportation would like to inform all candidates and their co-workers of the present statutory and regulatory requirements applicable to placement of roadside posters and signs advertising their candidacy.

Under the provisions of 23 M.R.S.A., Section 1913-A and Department Regulations, political posters and signs may be erected and maintained as follows:

1. May be erected on private property outside the Right of Way limits of public ways at any time prior to an election, primary or referendum, limited in size to a maximum of 50 square feet;
2. May be erected within the Right of Way limits of public ways no sooner than six (6) weeks prior to an election, primary or referendum and must be removed no later than one week following the date of the election, primary or referendum;
3. **Prohibited practices:** political posters and signs shall not be erected or maintained on any traffic control signs or devices, public utility poles or fixtures, upon any trees or painted or drawn upon rocks or other natural features;
4. No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an **imitation of or resembles an official traffic-control device**, such as a stop sign;
5. Political signs may be displayed to view to all public ways **except** for the Interstate Highway System. Title 23, MRSA §1913-A, paragraph 3 regulations, sub-paragraph 6 interstate system states that: **Signs may not be placed within the limits of any controlled access highway nor erected within 660 ft. of the nearest edge of the Interstate Highway System in such a manner that the message may be read from the Interstate Highway.** All signs located at interstate interchanges are in violation and will be removed.

6. **Municipal ordinances** advocating stricter control take precedence over state law.

Traffic safety should be of the utmost consideration in placement of political signs or posters. Candidates and/or their campaign workers should take great care not to place signs or posters where same could create a traffic hazard. For example, signs or posters should not be placed at or near intersections where they could obstruct the view of on-coming traffic to the motorist entering the intersection. Also, signs or posters should not be erected on or in any manner so as to interfere with the effectiveness of traffic control devices.

Acceptable display would be those posters or signs affixed to their own stake or post and set in the ground well outside the traveled portion of the highway, or, with the owner's consent and permission, attached to a building or dwelling, or displayed on vehicles or in the windows of establishments, and in other like manner.

We realize that most "violations" are the result of the efforts of ardent co-workers who do not know the law. It is therefore suggested that this information be passed on to them. **Maine Department of Transportation Maintenance employees will have instructions to remove all improperly placed or maintained political posters and signs.**

May we please have your full cooperation in our endeavor to prevent an unsightly, indiscriminate and uncontrolled display of election campaign posters throughout the state, also to prevent any possible embarrassment to political candidates.

Sincerely,

Robert Sinclair
Supervisor
Right of Way Maintenance Control

Website: www.maine.gov/mdot/traffic/obds/homepage.htm

CAMPAIGN FINANCE REPORTING

A Guide for Candidates and their Treasurers

Maine's Campaign Reports and Finances Laws require gubernatorial, state legislative, county, and municipal candidates in cities and towns with a population of 15,000 or more to disclose their contributions and expenditures and to abide by certain contribution limitations and prohibitions. The Commission on Governmental Ethics and Election Practices has prepared this guide to assist candidates and their treasurers in complying with these laws. The Commission urges candidates and their campaign associates to become familiar with its contents as early in the campaign as possible.

The Commission has taken care to make this guide concise and accurate. However, users should not substitute the information presented here for the applicable provisions of the law that are controlling in the event of any conflict with or omission in this guide. Candidates and treasurers may obtain copies of the law from the Commission's Internet Web site or the Commission's office.

We welcome your suggestions for additions or changes to this publication. Please direct your comments or questions to:

Commission on Governmental Ethics and Election Practices
Office Location: 242 State Street, Augusta
Mail: 135 State House Station
Augusta, Maine 04333-0135
Telephone: 287-4179 Fax: 287-6775
Web site: www.maine.gov/ethics

Electronic Filing: www.mainecampaignfinance.com/public/home.asp

Additional information, including copies of statutes and regulations administered by the Commission and campaign registration and finance reporting forms, may be obtained from the Commission's Internet Web site at: www.maine.gov/ethics.

THE KEYS TO SUCCESSFUL COMPLIANCE

- *Register on time*
- *Read all Commission communications carefully*
- *Keep detailed records of contributions and expenditures*
- *File reports on time*

WHO MUST REPORT

The treasurer of each state, county and gubernatorial candidate and of each municipal candidate of a city or town with a population of 15,000 or more must file campaign finance reports, unless the candidate is exempt from filing (see “exemption from filing requirements” in this guide). The definition of a “candidate” is not limited to one who has qualified by petition. A candidate within the legal meaning also is any individual who **receives contributions or makes expenditures** or gives consent for another to do so with the intent of qualifying for elective office.

WHERE TO FILE REPORTS

State, county and gubernatorial candidates file reports with the Commission. Municipal candidates file with the city/town clerk.

WHEN TO FILE REPORTS

This filing schedule is applicable to state and county candidates only. Municipal candidates should check with their municipal clerk for filing deadlines applicable to their municipality.

During 2004, reports are due from all candidates on the following dates and for the following periods. These dates are set pursuant to the provisions of 21-A M.R.S.A. § 1017.

Reports Required of All Candidates

Pre- and Post-Election Reports:

<u>Report Type</u>	<u>Due Date</u>	<u>Covering Period</u>
6-Day Pre-Primary	6/2/04	Through 5/27/04*
42-Day Post-Primary	7/20/04	5/28/04-7/13/04
6-Day Pre-General	10/27/04	7/14/04-10/21/04*
42-Day Post-General	12/14/04	10/22/04-12/7/04

* If a previous report was filed, report only transactions that were made after the completion date of the prior report through this date. If no previous report was filed, report all financial transactions through this date.

48-Hour Reports:

Special reports must be filed to disclose contributions aggregating \$1,000 or more from the candidate or candidate’s spouse or single expenditures of \$1,000 or more made:

**after May 27, 2004 and before 5:00 p.m. on June 6, 2004
and
after October 21, 2004 and before 5:00 p.m. on
October 31, 2004.**

The reports must be filed within 48 hours of receiving the contribution or making the expenditure, or by noon of the first business day after the transaction, whichever occurs later.

Please note that as of the printing of this guide, a bill is pending before the Legislature that would shorten this deadline to within 24 hours of the contribution or expenditure. Consult the Ethics Commission staff or Web site after April 1, 2004 to confirm whether this deadline has been amended.

Additional Reporting Requirements for Non-Participating Candidates with a Maine Clean Election Act Opponent

In addition to the reports described above, any candidate for Governor, State Senator, or State Representative who is not participating as a Maine Clean

Election Act (MCEA) candidate, who has a certified MCEA opponent in an election, and who receives, spends, or obligates more than 1% in excess of the primary or general election distribution amounts for that MCEA opponent in the same race must file, within 48 hours of such receipt, expenditure, or obligation, an accelerated report (called a 101% Report) detailing the candidate's total campaign contributions, expenditures, and obligations to date.

Any non-participating candidate with an MCEA opponent must also file three pre-election reports stating the candidate's total campaign contributions, obligations, and expenditures to date, unless the candidate files an affidavit by the deadline attesting that the candidate has not received, spent or obligated the amount that is 101% of the MCEA candidate's distribution amount:

<u>Report Type</u>	<u>Due Date</u>	<u>Covering Period</u>
42-day pre-primary	4/27/04	Through 4/25/04
21-day pre-primary	5/18/04	Through 5/16/04
12-day pre-primary	5/27/04	Through 5/25/04
42-day pre-general	9/21/04	Through 9/19/04
21-day pre-general	10/12/04	Through 10/10/04
12-day pre-general	10/21/04	Through 10/19/04

Any nonparticipating candidate for Governor, State Senator or Representative with a certified MCEA opponent who is required to file a 101% Report must file an updated report with the Commission that discloses single expenditures of \$1,000 or more for gubernatorial candidates, \$750 or more for candidates for State Senator, or \$500 or more by candidates for State Representative made after the 14th day before an election. **Please note that as of the printing of this guide, a bill is pending before the Legislature that would shorten this deadline to within 24 hours of the expenditure. Consult the Ethics Commission staff or Web site after May 1, 2004 to confirm whether this deadline has been amended.**

Post-Election Reports Required by All Candidates with Unspent Cash or Debts of More than \$50 after an Election:

Unsuccessful primary election candidates who end the post-primary filing period with unexpended funds (surplus) or outstanding debts (deficit) of more than \$50 must file semiannual reports until the surplus or deficit is eliminated. The first such report is due by

5 p.m. on January 18, 2005 and covers the period from July 14, 2004 through December 31, 2004.

Likewise, general election candidates are accountable for any surplus or deficit of more than \$50 remaining after the post-general filing period. These candidates must report by

5 p.m. on July 15, 2005 for the period covering December 8, 2004 through June 30, 2005.

HOW TO FILE REPORTS

Reports sent by means other than certified or registered U.S. Mail must arrive in the Commission office not later than 5 P.M. on the filing deadline.

A report that is properly signed by the candidate and treasurer may be faxed to the Commission, **provided** that the **original** of the same report is **received** by the Commission **within 5 calendar days** thereafter.

EXEMPTION FROM FILING REQUIREMENTS

IMPORTANT: PERSONAL FUNDS OF THE CANDIDATE USED FOR CAMPAIGN PURPOSES ARE CONSIDERED CAMPAIGN CONTRIBUTIONS AND EXPENDITURES UNDER MAINE LAW. HENCE, A CANDIDATE WHO SPENDS PERSONAL FUNDS IN SUPPORT OF HIS OR HER CANDIDACY IS NOT ELIGIBLE FOR A REPORTING EXEMPTION.

Candidates who do not accept contributions, make expenditures, or incur obligations **during the election** are exempt from the requirements of appointing a treasurer and filing campaign finance reports with the Commission. To obtain this exemption, a candidate must file a sworn, notarized statement that the candidate will not accept campaign contributions, make expenditures, or incur obligations in support of that candidacy. The statement should be filed at the time the candidate registers with the Commission. Forms for completing the statement may be obtained from the Commission office.

If, later, an exempted candidate decides to collect or spend any money whatsoever on the campaign, the candidate must revoke the statement. Until a Statement of Revocation has been filed and a treasurer appointed, the candidate may not accept contributions or make expenditures to promote his or her candidacy.

REGISTRATION REQUIREMENTS

Before accepting contributions or making expenditures, a candidate must meet the following registration requirements:

- Appoint a treasurer no later than 10 days after becoming a candidate. The candidate may serve as his or her own treasurer. A candidate may have only one treasurer, but may appoint a deputy treasurer (frequently the candidate, if not serving as treasurer).
- Register the name and address of both the candidate and the treasurer no later than 10 days after appointing the treasurer.
- If the candidate has formed a political committee and no treasurer was previously appointed, appoint a committee treasurer.
- No later than 10 days after appointing a political committee, register the name of the committee, the name and address of the committee treasurer, the name of the candidate who authorized the committee, and the names and addresses of committee officers.

OTHER RESPONSIBILITIES OF THE CANDIDATE

In addition to complying with registration requirements, the candidate must:

- File with the Commission a written statement as to whether the candidate agrees to accept certain voluntary campaign spending limits. (Forms may be obtained from the Commission office.) The statement must be filed within 10 days of either 1) qualifying by petition, or 2) receiving contributions, making expenditures, or incurring obligations with the intent of qualifying as a candidate – whichever is earlier. These voluntary limits are set pursuant to the provisions of 21-A M.R.S.A. § 1015(8) and are as follows:
 - A. For State Senator - \$25,000 per election
 - B. For State Representative - \$5,000 per election
- If the candidate seeks a Legislative office, file a Statement of Sources of Income no later than 5 p.m. on August 2, 2004. Forms are mailed to candidates in July of the election year.

NOTE: Incumbent legislators who have filed a Statement of Sources of Income in February of the election year are not required to file the statement in August.
- Within 5 days of the transaction, report to the treasurer all contributions received and expenditures made, including personal funds of the candidate that are used for campaign expenses.
- Notify the Commission within 10 days if the treasurer's office becomes vacant, and appoint a successor. Serve as treasurer from the date of the vacancy until the appointment.
- Check with the treasurer to make sure campaign finance reports are filed on time. The candidate and the treasurer jointly are responsible for the timely and accurate filing of each required report.

- File an amended registration if any information on the registration changes. The amendment must be filed within 10 days of the change.
- **Sign campaign finance reports.**

TREASURER'S RESPONSIBILITIES

Although the duties of treasurer may include many other responsibilities, the Campaign Reports and Finances Laws require the treasurer to perform these specific functions:

- Keep detailed records of all contributions received and of each expenditure the treasurer or candidate makes or authorizes. The following records must be maintained:
 - ✓ The name and address of every person making a contribution of more than \$10, and the date and amount of the contribution.
 - ✓ The name, address, occupation, and principal place of business, if any, of every person contributing more than \$50 in the aggregate in any report filing period and the date and amount of the contribution. **Personal funds of the candidate used for campaign purposes must be reported to and recorded by the treasurer as campaign contributions and expenditures.** (See "Recording Loans and Loan Repayments" in this guide.)
 - ✓ An account of each expenditure made by or on behalf of the candidate or committee, including the full name and complete address of each payee/creditor, the date and purpose of the expenditure, and the amount.

- Complete and file campaign finance reports on time.
- Certify the completeness and accuracy of the information disclosed in campaign finance reports.
- Obtain and keep receipts for bills for each expenditure of more than \$50 made by or on behalf of the candidate, and for any such expenditure in a lesser amount if the aggregate amount of those expenditures to the same person in any election exceeds \$50. Receipts for bills must be kept for two years following the final report required to be filed for the election to which they pertain.
- **Sign all campaign finance reports.**

BOOKKEEPING RECOMMENDATIONS

The following guidelines for maintaining records are advisory only; you may prefer other methods. Feel free to use any manual or electronic system that helps you to meet legal requirements. However, before establishing a record-keeping system, the candidate and treasurer should thoroughly review the Campaign Reports and Finances Laws and this guide in order to know exactly what is required. Contact the Commission staff whenever questions or problems arise.

Opening a Bank Account:

Good bookkeeping practices call for the establishment of a separate campaign account in a bank. The law prohibits the commingling of campaign funds with any personal funds of the candidate or any other person associated with the campaign.

The bank will report interest paid on the account to the IRS. Therefore, you should consult the IRS or your tax advisor regarding tax liability or the requirement to file a tax return. To obtain a federal tax ID Number, contact the IRS office nearest you, or call the IRS at the number listed in the directory at the front of this guide.

Establish a policy of promptly depositing all receipts in your campaign account. To implement that policy, insist that campaign workers who solicit contributions promptly turn them into the treasurer for deposit. Workers should also be advised that Maine law requires candidates and their agents to report the receipt of a contribution or the making of an expenditure to the treasurer within five days. **A contribution should be reported as received on the date it actually comes into the candidate's or treasurer's possession, not when it is dated or deposited in the campaign account.**

Bookkeeping Tools:

Bookkeeping tools include such items as notes kept regarding contributions and expenditures, receipts, bank statements, checkbooks, canceled checks, invoices, and copies of the campaign reporting forms. These tools will help you to categorize and summarize contributions and expenditures. The orderly recording of transactions will make the job of reporting easier as well as provide you with valuable supporting records for your reports. One convenient way to keep track of financial transactions is to maintain an alphabetical card file for every contributor and/or a journal type of recording system.

Former treasurers have suggested using pages from the reporting form for your journal and filing them in a loose-leaf binder. The reporting form consists of separate "schedule" pages, each of which is designed to accommodate a specific kind of information. You can obtain the forms from the Commission's Internet web site or office and reproduce them locally. Before beginning, make several copies of each page. Number the pages for easy reference. Start a new section of the journal for each filing period.

Recording Contributions:

Record all cash contributions made to or for the candidate or committee directly on the applicable contributions schedule of the reporting form. Cash contributions include all monetary contributions, whether in the form of cash or checks. For further clarification, **see the definition of "contribution"** at the end of this guide.

Include the following information in the journal:

- The name and address of every person making a contribution of more than \$10, and the date and amount of each contribution.
- The name, address, occupation, and principal place of business of every person who has contributed more than \$50 in the aggregate (i.e., cumulative total), and the date and amount of each contribution.
- The aggregate (i.e., cumulative total) of contributions of \$10 or less and the source (i.e., fundraiser, raffle etc.) of each contribution.

Be sure to include contributions made by the candidate or candidate's spouse. If the contributor is a member of the candidate's immediate family, record the relationship.

Your bank statement is another supporting document for cash contributions. If you record transactions on the applicable contributions schedule every time you make a bank deposit, you should always be able to match your journal with the deposits appearing on your bank statement.

Also, you may find it helpful to keep an alphabetical card file of contributors. Remember that you will be reporting detailed information about each contributor whose contributions exceed \$50 in the aggregate (i.e., cumulative total). Maintaining a record of each individual's contributions will help you to know if the contributor reaches the itemization threshold. The card file (or electronic equivalent) also will help you to comply with the contribution limitations (see "Prohibitions and Restrictions" in this guide). In addition to the contributor information you list in your journal, you may want to include other reference information in the card file such as check number, thank you sent, etc. Make your record useful!

Name: Smith, Sally
Address: 15 Ash Street
City, zip: Oakville, ME 04901

Date of contribution	Amount	Cumu- lative	Occupation	Place of Business
8/9/04	\$40	\$40	Teacher	Oakville
9/10/04	\$55	\$95		H.S.

Remarks: Thank you notes sent 8/15 and 9/20.

Sample 3" by 5" Contribution Card

In-Kind Contributions:

In-kind contributions and their concurrent expenditures include donated materials, goods, services, or supplies in a form other than cash or negotiable instruments. Record all such contributions on the applicable schedule of the reporting form along with the fair market value of the items. The fair market value is what it would have cost if you had paid cash for the donated items or services. Record the item or service provided, the name and address of each person whose donation was valued at more than \$10 and the name, address, occupation and principal place of business of each person whose donation was valued at more than \$50.

Some services and items do not constitute in-kind contributions and, therefore, are not reportable. These include the value of volunteer services provided without compensation and the cost of incidental food and refreshments served in the home of the person furnishing the food and refreshments if that person has received no compensation. For further clarification of what constitutes a reportable contribution, refer to the definition of "contribution" at the end of this guide.

Recording Expenditures:

Written records and supporting documents that show how money was spent are just as important as the records showing where money came from. If you use checks to pay expenses whenever practical, you will have a verifiable, chronological history of your expenditures. Receipts are another means of verifying expenses; so obtain a receipt for each expenditure, and indicate on it the number of the check written to pay that bill. **Insist at the start of a campaign that each person, including the candidate, who makes an expenditure provides a receipt when requesting reimbursement.**

Bills are normally maintained alphabetically by vendor. This helps prevent double payments and makes for ready access to information concerning all transactions with any one vendor. Alternatively, small campaigns may find it more convenient to maintain bills in chronological order by date of purchase.

All expenditures made by or on behalf of the candidate should be recorded in at least two places. You will record them first in your checkbook that will provide a permanent record for each individual check and an up-to-date record of your bank balance.

You also should record each expenditure on the applicable schedule of the reporting form. (You will need to adapt the kind of information shown in the sample below to accommodate the reporting form.) List the date and amount of the expenditure, the name and address of each payee or creditor, and a description of the expenditure. The journal will be a more comprehensive record than your checkbook because it will include both paid and unpaid bills. It also will be a useful cross-reference as well as a source of information for completing the applicable schedule for unpaid bills other than loans on the reporting form.

Sample Journal Entries
(Expenditures Made Month of July)

Date ordered	Payee/ Creditor	Purpose	Amt. Owed	Amt. Paid	Ck. No.	Balance
7/8/04	Jones Printing 3 Allen St. Brunswick	Invitations for fund raiser	\$500	\$300 7/14/04	25	\$200
7/9/04	Lord's Lumber 2 School St. Brunswick	Signs	\$1,000	\$500 8/2/04	60	\$500
		Outstanding bills		\$700		

Recording Loans and Loan Repayments:

Record all loans received by the candidate, including loans from the candidate and the candidate's spouse, on the appropriate schedule. Enter loans from the candidate or candidate's spouse, loans from other (noncommercial) sources, and loans from financial institutions in the applicable Part of the appropriate schedule. Show the date the loan was made, the name and address of the person from whom the loan was received, the amount of the loan, and, if the loan is from a noncommercial source and the amount is more than \$50, the occupation and principal place of business of the lender. Also, list the name and address of each person who is a cosigner or guarantor on the loan and the amount undertaken by each.

Remember, noncommercial loans are considered contributions to the candidate; therefore, **the lender is subject to the contribution limitations**. However, this limitation does not apply to loans by a candidate or the candidate's spouse to the campaign.

Also, record all loan repayments on the appropriate schedule of the reporting form. Enter the date of the loan repayment, the full name and address of the lender, the amount repaid, and the date of the repayment.

Recording Pledges:

A contribution is defined as a contract, promise, or agreement **to make** a contribution. Since a pledge fits within that definition, it must be disclosed. Record pledges on the appropriate schedule. The information required for pledge entries is essentially the same as that required for cash contributions. The pledge is not added to the contributions summary, however, until the funds are actually received by the campaign and recorded on the contribution schedule.

COMPLETING CAMPAIGN FINANCE REPORTS

Both the treasurer and the candidate must sign reports. All required information must be provided on forms prescribed by the Commission. **Type or print clearly in ink** on all reports. First, complete the top section (candidate and report information) of the cover page. The term "filing period" means the period covered by the report. To complete this part, refer to the applicable filing dates and periods covered by each report on the cover page or in this guide.

Make copies of the blank schedule pages before filling out the report so that you will have extra pages to list contributions and expenditures. The reporting form contains summary sections that summarize all of the information contained in the report. **Complete all applicable schedules of the reporting form before completing the summary sections of the report.** If two or more pages of any schedule are used, the totals from all pages of that schedule should be added together and entered **only on the final page** of that schedule. **Follow the instructions at the top and bottom of each schedule page carefully.**

All the dates for transactions included on a report must fall within the filing period covered by that report. If you enter transactions that occurred outside the period covered by the report, you will be asked to file an amended report showing the transactions in the proper reporting period. The following sections provide some general information about completing the reports. Candidates should refer to the specific instructions that accompany the

campaign finance report forms. **The Commission encourages you to call its staff with any questions you may have concerning the completion of reports.**

Contributions:

Using file cards or a journal, record the sources of contributions of more than \$10, listing the date the contribution was made, the contributor’s name, address, the amount of the contribution, and the aggregate (i.e., cumulative total) to date from that same source. If a person’s contributions in any report filing period total more than \$50, the account must include the contributor’s occupation and principal place of business, if any. Complete the applicable schedules of the report form based on the type and source of each contribution.

**REPORTING PERSONAL CONTRIBUTIONS BY THE CANDIDATE
(TREASURERS TAKE SPECIAL NOTE!!)**

Some treasurers have encountered problems reporting personal contributions and expenditures of the candidate. You may avoid common errors by observing the following guidelines:

- Any expenditure of personal funds by a candidate to support that candidate’s campaign is **either a contribution or loan** to the campaign and must be reported as such. There are several ways to report these transactions:
 - ✓ If the candidate **expects to be reimbursed** for the expenditure, the treasurer should itemize the transaction on the expenditure schedule and record the amount spent as a loan by the candidate in the appropriate part of the loan schedule.
 - ✓ If the candidate **does not expect to be reimbursed** for the expenditure, the treasurer should report the transaction both as a contribution and as an expenditure.

Example: On three separate occasions, the candidate pays for miscellaneous, campaign-related travel expenses out-of-pocket and later reports the transactions to the treasurer. The candidate expects to be reimbursed at a later date if funds become available. Report the transactions as follows:

On the Expenditure Schedule

<u>Date</u>	<u>Payee/creditor, address, zip code</u>	<u>Purpose of Expenditure</u>	<u>Amount</u>
6/8/04	Joe’s Arco (by candidate) State Highway North Tucker, ME 04197	Gas mileage	\$15.00
7/15/04	Carl’s Eats (by candidate) 16 Minot Street Brighton, ME 04326	Food	\$ 8.00
7/15/04	Daze Inn (by candidate) 36 Water Street Eastwick, ME 04569	Lodging	\$45.00
		Total expended	\$68.00

On the Loan Schedule

6/8/04 -		
7/15/04	Candidate’s name and address	\$68.00

When the loan is repaid, show the payment on the loan repayment schedule.

If the candidate makes a loan to the campaign and later decides to write off (i.e., forgive) all or any portion of the loan, the amount forgiven must be reported on Schedule C. Because the forgiven amount is a contribution, it may not exceed the applicable \$250 or \$500 contribution limit.

Another reporting problem occurs when the treasurer gives the candidate petty cash from the campaign account for incidental expenses. Treasurers often mistakenly report such transactions as reimbursement to the candidate for expenses.

The transaction is properly reported on the Expenditure Schedule of the report as follows:

<u>Date</u>	<u>Payee/creditor, address, zip code</u>	<u>Purpose of expenditure</u>	<u>Amount</u>
8/15/04	Payment of \$100 in petty cash to candidate These funds were used as follows:		–
8/16/04	Betty’s Shop’n Stop 6 Main St. Blackstone, ME 04823	Gas mileage	\$10.00
8/19/04	Sally’s Restaurant 90 Ridge Rd. East Ogden, ME 04916	Food	\$12.00
8/23/04	Sam’s Gas Rt. 39 Taylor, ME 04721	Gas mileage	\$15.00
8/25/04	Seaside Motel Fourth St. Gilbert, ME 04502	Lodging	\$63.00
	Total expended		\$100.00

NOTE: The law requires the candidate to report to the treasurer all financial transactions the candidate makes; however, it does not require the candidate to deposit personal contributions made by the candidate into the campaign account. Therefore, if the candidate chooses to pay for miscellaneous expenses out-of-pocket using personal funds, the campaign account’s bank deposits will not match the campaign’s contributor records.

In-Kind Contributions: List the item or service provided and the date and fair market value of the goods/services donated. If the value of a contribution is more than \$50, list the contributor’s name, address, occupation and principal place of business. Follow the instructions on the applicable reporting schedules.

Valuation of Contributions Sold at Auction (including yard sale, etc.): Any contribution received by a candidate that is later sold at auction should be reported as follows:

A. If the contribution is sold at auction before the start of or during the reporting period, the value of the contribution is the amount of the purchase price paid at auction/sale, etc.

B. If the contribution is sold after the end of the reporting period, the value of the contribution is the difference between the value of the contribution as originally reported (i.e., as an “in-kind” contribution with estimated “fair market value”) and the amount of the purchase price paid at auction/sale, etc.

REMINDER: Individual contribution limits apply to ALL CONTRIBUTIONS, not only cash contributions. See the definition of “contribution” at the end of this guide.

Expenditures: Using journal entries, itemize all expenditures (except unpaid bills, debts, or obligations) made or authorized, no matter what the amount. List the date, amount, and purpose of each expenditure and the name of each payee and creditor.

Loans: Using journal entries, list noncommercial loans and loans from financial institutions. List the name and address of the lender making the loan, and the date and amount of each loan. In addition, list the name and address of each person who is a cosigner or guarantor of each loan and the amount of the obligation undertaken by each.

Loan Repayments: List each payment made against any loan. Enter the name and address of the lender and the date and the amount paid.

Debts and Obligations: Using an alphabetical file of creditors or journal entries, list unpaid bills, debts, or obligations. Include the date the debt or obligation was incurred, the amount and purpose of the transaction, and the name of the creditor. A debt must be reported on each report filed after the date of purchase of goods or services on credit until full payment is made to the vendor. If only partial payment is made on the debt, continue to disclose the unpaid balance of that debt or obligation. When any payment is made on

a debt or obligation, that payment amount should be reported as an expenditure.

No forms are prescribed for reporting either the return of a contribution or the reimbursement by a creditor for overpayment or other charge.

Contribution refunds should be reported on the contributions schedule as a **negative contribution**; while the **reimbursement of an expenditure** should be reported on the expenditures schedule as a **negative expenditure**.

Service charges on your checking account should be reported in the **expenditure** schedule; while **interest** paid on the account should be reported either on the **contributions** schedule or miscellaneous receipts line of the summary page.

Follow the detailed instructions on the reporting forms for completing the Summary Pages.

REPORTING REQUIREMENTS FOR CANDIDATES RECEIVING AND SPENDING LESS THAN \$500 IN AN ELECTION

A candidate who receives less than \$500 in contributions and makes less than \$500 in expenditures with respect to any election is not required to itemize transactions. The transactions may be reported as lump sums. However, a candidate must maintain detailed records of all contributions received and expenditures made, even if the candidate chooses to file an unitemized report under this option. If, at any time during the election, either the total contributions or total expenditures reaches the \$500 limit, the treasurer must file an **itemized report of all financial transactions** that were previously made. The report is due by the deadline date for the filing period in which the contribution or expenditure threshold is exceeded.

COMMISSION NOTICES/POSTMARK PROVISION

Candidates and their treasurers must strictly adhere to the filing deadlines, as well as provide all required information on the reports to avoid penalties for late or incomplete reports.

Reports that are sent by **certified or registered U.S. mail** and postmarked at least 2 days before the deadline are not subject to penalty.

A report that is properly signed by the candidate and treasurer may be faxed to the Commission, **provided** that the **original** of the same report is **received** by the Commission **within 5 calendar days** thereafter.

REPORTS SENT BY MEANS OTHER THAN CERTIFIED OR REGISTERED U.S. MAIL MUST ARRIVE IN THE COMMISSION OFFICE NO LATER THAN 5 P.M. ON THE FILING DEADLINE.

NOTE: The Commission provides a reporting schedule to each candidate upon registration that fulfills the Commission's requirement to notify candidates of the filing deadlines. While the Commission attempts to send reminders to candidates approximately two weeks before each filing deadline, **failure to receive such a reminder will not excuse the late filing of a report.**

PENALTIES FOR LATE FILINGS

The candidate and the treasurer are jointly responsible for the accurate and timely filing of each required report. A penalty may be assessed against a **candidate and treasurer** who fail to file a required report by the specified date, or who fail to file a complete and accurate report. The penalty for filing a report that does not substantially conform to the disclosure requirements, as determined by the Commission, or the late filing of a report is a percentage of the greater of the total contributions or expenditures for the

filing period multiplied by the number of calendar days late, as follows:

For the 1st violation: 1%
For the 2nd violation: 3%
For the 3rd and subsequent violations: 5%

Example: Total contributions: \$1,000
Total expenditures: \$ 500
Penalty = \$1,000 x 1% (1st violation) x 5 days late = \$50.00
Any penalty of less than \$5 is waived.

Violations accumulate over a two-year period that begins on January 1st of each even-numbered year. **Waiver of a penalty does not nullify the finding of a violation.**

A CANDIDATE OR TREASURER WHO FAILS TO FILE A REQUIRED REPORT WITHIN 30 DAYS OF THE FILING DATE IS GUILTY OF A CLASS E CRIME.

Late registrations carry a penalty of \$10.

PROHIBITIONS AND RESTRICTIONS

Contribution Limitations:

For these purposes, the primary and general elections are considered separate elections.

- An individual, political committee, other committee, corporation or association may not make contributions to a candidate, in support of the candidacy of one person, aggregating more than \$500 in any election for a gubernatorial candidate or more than \$250 in any election for any other candidate. This limitation does not apply to contributions in support of a candidate by that candidate or that candidate's spouse.

- No individual may make contributions to candidates aggregating more than \$25,000 in any calendar year. This limitation does not apply to contributions in support of a candidate by that candidate or that candidate's spouse.

Contributions in Name of Another:

No person may make a contribution in the name of another person, and no candidate may knowingly accept such a contribution. For example, it would be illegal for a person to contribute money to a state party committee with the intent that the state party committee gives that or an equal contribution to a specified candidate in the name of the party committee.

Anonymous Contributions:

Campaign treasurers must keep a detailed and exact account of all contributions made to or for the candidate, including any contributions by the candidate; and the name and address of every person contributing in excess of \$10. Therefore, anonymous contributions of more than \$10 may not be accepted.

A candidate or treasurer receiving an anonymous contribution in excess of \$10 should promptly dispose of the amount over \$10, using any lawful purpose unrelated to any State election, campaign or candidate.

Commingling of Funds:

Contributions or other receipts received by a candidate may not be commingled with personal funds of the candidate, treasurer, or other officers, members, or associates of the candidate's campaign committee. Personal funds of the candidate used to support the candidacy must be recorded and reported to the treasurer either as loans or contributions to the candidate or the candidate's political committee (i.e., the campaign).

False Statements:

No person, candidate, treasurer, or political action committee may make a false statement in any required report. Making a false statement in a required report is a Class E crime.

Disposal of Surplus Funds:

After an election campaign, a candidate may be left with unexpended funds. These funds may not be converted to personal use. Pursuant to the provisions of 21-A M.R.S.A. § 1017(8), a treasurer may dispose of surplus funds exceeding \$50 only by:

- Distributing the funds to the candidate's contributors on a pro rata basis;
- Making a gift to a qualified political party within this State, including any county or municipal subdivision of such a party;
- Making an unrestricted gift to the State's general fund;
- Carrying forward the funds to a political committee established to promote the same candidate for a subsequent election;
- Carrying forward the surplus balance for use by the candidate for a subsequent election;
- Transferring the surplus balance to one or more other registered candidates or to a political committee established to promote the election of those candidates, provided that the amount transferred does not exceed contribution limits;
- Repaying any loans or retiring any other debts incurred to defray campaign expenses of the candidate;
- Paying for any expense incurred in the proper performance of the office to which the candidate is elected, as long as each expenditure is itemized on expenditure reports; and
- Making a gift to a charitable or educational organization that is not prohibited, for tax reasons, from receiving such a gift.

PUBLICATION/DISTRIBUTION OF POLITICAL COMMUNICATIONS

Whenever a person makes an expenditure to finance a communication expressly advocating the election or defeat of a clearly identified candidate through broadcasting stations, newspapers, magazines, outdoor advertising facilities, direct mails or other similar types of general public political advertising, or through flyers, handbills, bumper stickers and other nonperiodical publications, the communication, if authorized by a candidate, a candidate's authorized political committee or their agents, **must clearly and conspicuously state that the communication has been so authorized and must clearly state the name and address of the person who made or financed the expenditure for the communication.**

The following are examples of suitable attribution statements for political communications:

By a Candidate:

- Paid for and authorized by John Doe, 2 Main Street, Pinetree City
- Paid for and authorized by the candidate, 2 Main Street, Pinetree City (where the candidate's full name is clearly stated in the communication)

By a Candidate's Political Committee:

- Authorized by the Candidate and paid for by the Committee to Elect John Doe, 2 Main Street, Pinetree City

By the Candidate's Agents:

- Authorized by Candidate John Doe and paid for by Sam Smith, Treasurer, 5 Oak Street, Pinetree City
- Paid for by the Candidate and authorized by John Jones, Chairman of Committee to Reelect John Doe, 1 Cool Street, Pinetree City

Exempted Items:

Items exempt from the attribution law include: ashtrays, badges and badge holders, balloons, campaign buttons, clothing, coasters, combs, emery boards, envelopes, erasers, glasses, key rings, letter openers, matchbooks, nail files, noisemakers, paper and plastic cups, pencils, pens, plastic tableware, 12-inch or shorter rulers, swizzle sticks, and tickets to fundraisers.

The Commission may exempt similar items if it determines those items are too small and, therefore, it would be unnecessary to include the required disclosure.

NOTE: YARD SIGNS ARE NOT EXEMPT FROM THE ATTRIBUTION REQUIREMENTS.

Broadcast Communications:

No person operating a broadcasting station within this State may broadcast any communication expressly advocating the election or defeat of a clearly identified candidate, whether or not such broadcast is authorized by that candidate, without an oral or written visual announcement of the name of the person who made or financed the expenditure for the communication.

COMPLIANCE PROCEDURES

The Commission on Governmental Ethics and Election Practices is responsible for administering the Campaign Reports and Finances Law. The Commission consists of 5 citizens and a full-time staff who conduct the day-to-day business of the Commission.

The Commission is strongly committed to one of its primary missions of ensuring the full accounting of campaign contributions and expenditures by assisting candidates and their treasurers in completing reports.

To ensure the complete, accurate, and timely disclosure of campaign information, the Commission staff reviews filings. The first such review is

conducted on the filing date to identify late or incomplete reports. Following that review, each candidate and treasurer submitting a late report is notified by certified letter of the late filing violation, the potential penalty, the preliminary determination by the staff of the amount of that penalty and of the candidate's right to apply to the Commission for a formal penalty assessment and consideration of a penalty waiver.

If Commission consideration is requested, the candidate or treasurer may appear in person before the Commission, designate a representative to appear on the candidate's behalf, or submit a notarized written explanation of the reasons for the late filing. A request for a waiver must be made within 10 days of receipt of the Commission's certified letter.

The Commission may waive the penalty in whole or in part if it determines that the tardiness of the report was due to "mitigating circumstances." Pursuant to the provisions of 21-A M.R.S.A. §1020-A, the term "mitigating circumstances" is defined as follows:

- A. A valid emergency determined by the Commission, in the interest of the sound administration of justice, to warrant the waiver of the penalty in whole or in part;
- B. An error by the Commission staff;
- C. Failure to receive notice of the filing deadline; or
- D. Other circumstances determined by the Commission that warrant mitigation of the penalty, based upon relevant evidence presented that a *bona fide* effort was made to file the report in accordance with the statutory requirements, including, but not limited to, unexplained delays in postal service.

After a hearing, the candidate and treasurer are promptly notified of the Commission's decision.

If no hearing is requested, the candidate is expected to pay the penalty amount specified by the preliminary determination, based upon the statutorily prescribed formula, using the billing statement provided for that purpose.

The Commission staff conducts a second review of reports after the filing deadline date. If apparent errors or omissions are found, the candidate and campaign treasurer are notified by mail and asked to correct the error or omission within 15 days of the date of the notice. Failure to provide the remedy requested may result in referral of the matter to the Commission. If the Commission finds that a report does not “substantially conform” to the reporting requirements of the law, or that a report has not been properly signed, the report may be deemed late.

Failure to pay any penalty levied by the Commission under the campaign reports and finances law is a civil violation. The Commission refers instances of nonpayment and other apparent violations of the law to the Attorney General for appropriate enforcement action.

In addition to assessing late filing penalties, the Commission is authorized to investigate any violations of the campaign reports and finances laws and may call on the Attorney General, Secretary of State, and Department of Audit for aid in the performance of its duties.

MOST FREQUENTLY ASKED QUESTIONS ABOUT THE MAINE CLEAN ELECTION ACT

Candidates who are interested in more detailed information about the Maine Clean Election Act should obtain a copy of “A Candidate’s Guide to the Maine Clean Election Act” from the Ethics Commission office or on the Commission’s Internet web site at: www.maine.gov/ethics.

- **What is the Maine Clean Election Act?**

The Maine Clean Election Act (MCEA) is a campaign finance reform measure that was initiated by Maine citizens and passed by voters in 1996. It was first implemented for candidates for the State Senate and House of Representatives in 2000 and for gubernatorial candidates in 2002. The Act creates a campaign funding system that provides full public funding to qualified candidates who agree to not engage in private fundraising and to limit their spending to the amount of public funding prescribed by the MCEA.

- **When did the new system go into effect?**

Candidates for State House and Senate were first able to qualify for MCEA funds in 2000, and gubernatorial candidates were eligible for the first time in 2002.

- **What does a candidate have to do to qualify?**

First, a person has to demonstrate grassroots support. To qualify, the candidate must collect a set number of \$5 qualifying contributions from registered voters in the candidate’s electoral district. For State House races, the number is 50; for State Senate, it is 150; and for Governor, it is 2,500. These qualifying contributions are not for the candidate to spend, but instead they go into the Clean Election Fund.

- **Does this mean it now costs \$5 to sign a nominating petition?**

No. The nominating process has not changed. The \$5 qualifying contributions are collected in order to be eligible to receive public financing from the Clean Election Fund. The processes are separate.

- **Do candidates have to participate?**

No. Participation in the MCEA’s public funding system is optional and entirely voluntary. Candidates who choose not to participate remain free to raise and spend as much money as they wish, just as they always have.

- **Will there be a label on the ballot saying “Clean Election Candidate?”**

No. There will be no indication on the ballot of participation or non-participation in the optional, voluntary system.

- **How can a candidate afford to collect signatures and qualifying contributions if they are not allowed to raise money?**

In order to qualify for certification, candidates are allowed to raise a limited amount of “seed money” to get their campaigns started. Seed money contributions may only come from individuals, not PACs, corporations, or other types of organizations, and may not exceed \$100 per individual contributor. Total seed money amounts may not exceed \$500 for State House candidates, \$1,500 for State Senate, and \$50,000 for Governor. Seed money may only be raised and spent in the period before a candidate qualifies for Clean Election funds. Any unspent seed money is deducted from the certified candidate’s initial distribution of MCEA funds.

- **Will a candidate who does not want to participate in the MCEA system be labeled a “dirty” candidate?**

No. The words “Clean Election” refer to the system, not to the candidates. Labeling is not part of the system.

- **What does this cost Maine taxpayers? Where does the money come from?**

The Legislature allocates \$2 million a year from the General Fund to the Maine Clean Election Fund. Additional money comes from a voluntary Clean Election check-off on the Maine income tax return that adds approximately \$250,000 annually to the Fund from general tax revenues. The MCEA system is estimated to cost each Maine resident less than \$2 per year. In the 2000 elections, 134 MCEA certified candidates in the primary and general elections spent a total of approximately \$865,000 in MCEA funds. In the 2002 elections, 254 candidates participated in the Program and received approximately \$3.0 million.

- **What is the spending limit for participating candidates?**

Participating candidates will be able to spend an amount of money based on the average of the amount spent in similar races over the preceding two election cycles. The Commission is required to determine the amount of funds to be distributed to participating candidates based on the type of election and office. The Commission has determined that the following amounts will be initially distributed to participating candidates:

**MAINE CLEAN ELECTION FUND
DISTRIBUTIONS FOR
STATE SENATORS & REPRESENTATIVES**

PRIMARY				GENERAL			
<i>Contested</i>		<i>Uncontested</i>		<i>Contested</i>		<i>Uncontested</i>	
House	Senate	House	Senate	House	Senate	House	Senate
\$1,374	\$6,487	\$456	\$1,514	\$4,032	\$16,791	\$1,613	\$6,717

DEFINITIONS

- **What if the amount given is not enough to stay competitive with a better-financed opponent?**

Candidates will know ahead of time how much money will be available for participating candidates. In the event that a participating candidate is outspent by a privately funded (i.e., nonparticipating or traditionally funded) opponent, dollar-for-dollar matching funds will be available, up to two times the initial distribution, in addition to the original amount. Independent expenditures also will be included in the formula to determine the amount of matching funds to be released.

- **What mechanism exists for recommending improvements to the operation and administration of the Maine Clean Election Act?**

By January 30, 2002, and every four years after that date, the Commission on Governmental Ethics and Election Practices is required to prepare for the Legislature a report documenting, evaluating, and making recommendations relating to the administration, implementation and enforcement of the Maine Clean Election Act and the Maine Clean Election Fund. Participating candidates and any other interested member of the public is encouraged to submit written suggestions and recommendations to the Commission for inclusion in the report to the Legislature. The Commission's report documenting the results of MCEA implementation in the 2000 elections was submitted to the Legislature in August 2001.

The term "Contribution" 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

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 \$50 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 beverage does not exceed \$50 with respect to any election;
- (4) Any unreimbursed travel expenses incurred and paid for by an individual who volunteers personal services to a candidate, if the cumulative amount of these expenses does not exceed \$50 with respect to any election;
- (5) The payment by a party's state, district, county or municipal committee of the costs of preparation, display or mailing or other distribution incurred by the committee with respect to a printed slate card, sample ballot or other printed listing of 3 or more candidates for any political office;
- (6) Documents, in printed or electronic form, including party platforms, single copies of issue papers, information pertaining to the requirements of the Maine law on elections and lists of registered voters, 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;
- (7) Compensation paid by a political party to an employee of that party for the following purposes:
 - (a) Providing advice to any one candidate for a period of no more than 20 hours 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;

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

The term "Expenditure" 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 political 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; or
- (3) The transfer of funds by a candidate or a political committee to another candidate or political committee; and

Does not include:

- (1) Any news story, commentary or editorial distributed through the facilities of any broadcasting station, newspaper, magazine or other periodical publication, unless the facilities are owned or controlled by a political party, political committee or candidate;
- (2) Activity or communications 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 \$50 with respect to any election.
- (5) Any unreimbursed travel expenses incurred and paid for by an individual who volunteers personal services to a candidate, if the cumulative amount of these expenses does not exceed \$50 with respect to any election;
- (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 or county 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 incurred by the committee with respect to a printed slate card or sample ballot, or other printed listing, of 3 or more candidates for any political office for which an election is held;
- (8) The use or distribution of any communication, as described in 21-A M.R.S.A. Section 1014, prepared for a previous election and fully paid for during that election campaign which was not used or distributed in that previous election;
- (9) Documents, in printed or electronic form, including party platforms, single copies of issue papers, information pertaining to the requirements of this Title and lists of registered voters, 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 political party to an employee of that party for the following purposes:
 - (a) Providing advice to any one candidate for a period of no more than 20 hours 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;
- (11) Campaign training sessions provided to 3 or more candidates; or
- (12) The use of offices, telephones, computers and similar equipment when that use does not result in additional cost to the provider.