

MAINE STATE LEGISLATURE

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COMMISSION ON GOVERNMENTAL ETHICS & ELECTION PRACTICES

135 State House Station

Augusta, ME 04333-0135



**2024 Maine Clean Election Act
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

www.maine.gov/ethics | *eFiling and Public Disclosure:* www.mainecampaignfinance.com

OTHER CONTACTS

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

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CHAPTER 1 – BECOMING A CANDIDATE

INTRODUCTION

Congratulations on your decision to run for office in the State of Maine! We, the staff at the Ethics Commission, would like all candidates, treasurers, and members of campaign staffs to know that our main priority is helping you. We encourage you to contact us with any questions or concerns you may have. 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 handle all your calls, emails, questions, and concerns, as well as the reviews of your reports and any compliance matters.

REGISTERING AS A CANDIDATE

A person should register as a candidate as soon as they decide to run for office. There are three options to register:

- Go to www.mainecampaignfinance.com and click “Register”;
- Go to <https://www.maine.gov/ethics/forms/StateCandidate/legislative-mcea> to print forms; or
- Come into the Maine Ethics office to complete the forms.

SELECTING A TREASURER

MCEA candidates are required to appoint a campaign treasurer before accepting any cash or in-kind contributions, making any expenditures, or incurring any debts or obligations. MCEA candidates may serve as their own treasurer for 14 days after registering with the Commission. After 14 days, the candidate must appoint a treasurer other than themselves.

Every candidate should select a capable and reliable treasurer. This is a particularly important choice for an MCEA candidate’s campaign. An MCEA candidate uses public funds to run for office and has a high standard of accountability for the use of those funds. It is important for a candidate to appoint a treasurer who will actively keep track of campaign finances, save records of campaign contributions and expenditures, and file complete and accurate reports. **MCEA candidates are not allowed to file their own reports**, placing the responsibility of filing campaign finance reports solely on the campaign treasurer.

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.

DECLARATION OF INTENT TO RUN AS AN MCEA CANDIDATE

The Law requires candidates to file the Declaration of Intent (DOI) form within 5 business days after beginning to collect qualifying contributions (QCs). QCs dated more than 5 business days before the filing of the DOI will not count toward qualifying for MCEA funding (certification). It is



the date the DOI is filed with the Commission, not the date on which the form is signed, that determines whether QCs will count.

OPEN A SEPARATE BANK ACCOUNT

A candidate must have a separate bank account that is used only for their campaign and must deposit all seed money contributions into that account. Commingling campaign funds with any other funds is against the law. A candidate may use a *nominal* amount of personal funds to avoid minimum balance and maintenance fees. Personal funds deposited into the campaign account to open it that are greater than the required minimum balance must be reported as seed money.

Personal funds must **never** be used for campaign purposes. If a candidate has used personal funds to keep a bank account from a previous election open, they must remove those personal funds, except for the minimum amount necessary to avoid bank fees. Candidates are allowed to spend any interest earned on campaign accounts, but interest must be reported as unitemized contributions in campaign finance reports.

Campaign purchases should be made directly from the campaign bank account by debit card or check. This will help the candidate and treasurer keep track of the dates, amounts, and payees of the campaign's expenditures for reporting purposes. **Making payments greater than \$50 in cash with MCEA funds is prohibited.**

GETTING ESTABLISHED IN THE STATE'S ACCOUNTING SYSTEM

Becoming a Vendor. For a candidate to receive public funds, they must become a "vendor" in the State accounting system. Candidates must file an original signed Vendor form when they file their signed registration and DOI. This avoids any delays in the first payment of MCEA funds, as the State's accounting office takes several weeks to set up a new vendor.

Electronic Funds Transfer/Direct Deposit. A candidate can choose to receive payments by check or direct deposit into their campaign bank account. To set up direct deposit, they will need to fill out the Request for Direct Deposit (EFT) form and file the original signed form with either a voided campaign check or letter from their bank that has the campaign account numbers with this office.

Even if a candidate was an MCEA candidate in a prior election, they must complete new Vendor and EFT forms for their 2024 campaign.

CANDIDATES WITH LEADERSHIP PACS

MCEA candidates are not allowed to maintain a PAC intended to promote their election for a legislative leadership position (a "leadership PAC"), to raise money for legislative expenses, or for most other purposes. However, MCEA candidates may continue to be involved in other PACs, such as those organized by legislative caucuses or formed to influence a ballot question election.

If an MCEA candidate has a leadership PAC, they must terminate the PAC or their involvement with it no later than April 1, 2024. Candidates with specific questions about how this requirement applies to them should contact Commission staff.



PERSONAL FINANCIAL STATEMENT

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. 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	
Registration	21-A M.R.S. § 1013-A(1)
Reporting Changes in Registration Information	21-A M.R.S. § 1013-A(5)
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); 1125(12-A)
Declaration of Intent as an MCEA Candidate	21-A M.R.S. § 1125(1); Rules, Chapter 3, Section 2(1) and (2)
Filing Declaration of Intent Before Collecting Qualifying Contributions	21-A M.R.S. § 1125(1); Rules, Chapter 3, Section 2(4)(A)
Commingling of Campaign and Personal Funds	21-A M.R.S. § 1016(1); 1125(7-A); Rules, Chapter 3, Section 8(1)(A)
Leadership PACs	21-A M.R.S. § 1125(6-F)
Statement of Sources of Income	1 M.R.S. § 1016-C



ETHICS COMMISSION STAFF TIPS

Have questions? Contact us!

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

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

eFiling - www.mainecampaignfinance.com



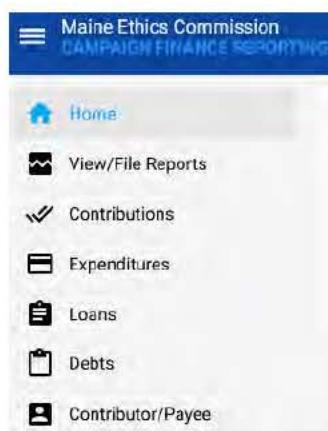
Register as a candidate. The system will send you an email with your username and a password link.

Sign In with the username assigned to you by email from ethics@maine.gov and the password you create.

Remember to establish a security question. If you forget your username or password, this allows the system to send them to you.

Having trouble logging in? Call us at 287-4179

Navigation Menu (left side of screen)



Is the menu missing? It might be hidden!

Click  to expand it.

Registration Forms to Return

- Declaration of Intent
 - Sign it and return it to the Commission ASAP. Failure to return it could impact your QC collection and certification!
- Vendor form
 - Complete, sign and return it ASAP. If you are qualified as an MCEA candidate, this form allows you to get paid!
- EFT form (*Optional, but recommended*)
 - Complete, sign and return it once you have established your campaign account. You also need one of the following:
 1. Void campaign check (**not** a starter check); or
 2. Letter from the bank that includes the name of the account and the routing and account numbers.

Bank Account

- 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.
- If you don't receive paper bank statements, download, print and maintain copies for your records.



CHAPTER 2 – SEED MONEY

Once a candidate registers with the Maine Ethics Commission and declares their intent to use Maine Clean Election Act financing for their campaign, they enter the **qualifying period**, also known as the **seed money period**. During this time, while they are working to collect enough Qualifying Contributions for certification (see Chapter 4 for more information), they may collect and spend seed money to fund their expenses until they are certified. Candidates are not required to collect seed money to participate in the MCEA program.

WHAT IS SEED MONEY?

Seed money contributions are contributions from individuals of no more than \$100 each. The candidate and their spouse or partner may each donate up to \$100 to the campaign.

Seed Money Contribution Limits	
House	\$1,000
Senate	\$3,000

Along with the individual contribution limit, seed money contributions must also comply with the following restrictions:

- Contributors must be US citizens or legal US residents;
- Contributors must be individuals, not businesses, PACs, or other non-human entities;
- The contribution must be from the personal funds of the individual;
- Lobbyists and lobbyist associates may give a seed money contribution only if:
 - The candidate is either not currently a legislator or legislature is not in session at the time of the contribution; **and**
 - The lobbyist or lobbyist associate is eligible to vote in the candidate's district.
- Candidates may not make or accept loans or advances of money during the seed money period.

Only during the seed money period can an MCEA candidate accept in-kind contributions. An in-kind contribution is a contribution of goods or services directly to the campaign, the value of which cannot exceed the \$100 limit. In-kind contributions are subject to the same restrictions as monetary contributions, as listed above.

If a supporter wants to make both a monetary contribution *and* an in-kind contribution to the campaign, the combined total value cannot exceed the \$100 limit.

For example: \$50 in cash and \$50 worth of t-shirts promoting the candidate.

All monetary seed money contributions, whether received by cash, check, or electronically, must be deposited directly into the campaign bank account. However, if the candidate receives a



contribution that is over the limit, it *must not* be deposited and should be returned to the contributor.

- A check written from a single contributor in an amount over \$100 should be returned in full, but the candidate may ask the contributor to send another check that is within the contribution limit.
- A contribution that would put the campaign over their total limit (\$1,000 for House, \$3,000 for Senate) must be returned.

HOW SEED MONEY IS SPENT

The purpose of seed money is to cover the candidate's campaign expenses while they work to qualify for MCEA funding. Seed money is frequently used to: purchase palm cards or door knockers; make copies; buy postage; cover campaign travel; or to buy an initial batch of campaign signs. Some candidates choose to purchase campaign equipment, such as a tablet or printer, because, unlike equipment purchased with MCEA funds (see Chapter 7), it does not need to be sold at the end of the campaign. If a candidate has any questions about possible uses for their seed money, they should contact Commission staff.

All purchases should be made directly from the campaign account. Seed money expenditures **must** be:

- For campaign expenses only; and
- For **all** expenses incurred during the seed money period.

All goods and services received by the candidate before qualifying for MCEA funding must be paid for with seed money. **It is against the law to use MCEA funds to pay for any goods or services received during the seed money period, including mileage and travel expenses.**

Seed money can be used to make a partial payment toward a larger order as long as the campaign does not receive any goods that have not yet been paid for.

For example: the candidate might want to place an order for \$500 worth of lawn signs but only has \$250 remaining in seed money to pay the vendor. They can place the order but can only take delivery of and use \$250 worth of signs.

Similarly, a candidate may use seed money as a deposit toward services to be received later, after they have been certified as an MCEA candidate.

Once the Seed Money Report is filed, any remaining seed money funds are considered to be MCEA funds and are deducted from the candidate's initial disbursement when they qualify for the program.



RECORDING AND REPORTING SEED MONEY

The campaign is required to keep complete records of all seed money contributions and expenditures.

For contributions, the campaign must obtain and keep a record of the following:

- The contributor's full name and address for any contribution over \$10, as well as the employer and occupation information for any contribution over \$50.
 - It is the campaign's responsibility to ask for this information, but if the contributor chooses not to provide it, the campaign will indicate "information requested" when completing the Seed Money Report (see below).
- The date and amount of the contribution.
 - The date is the day on which the candidate *received* the contribution, not the date on the check or the date it was deposited into the campaign account.
- Copies of checks deposited, site records for any electronic contributions, and/or deposit slips.

For expenditures, the campaign must obtain and keep a record of:

- The full name and address of the payee;
- The date and amount of the expenditure;
- Receipts from brick-and-mortar stores and email receipts from online purchases;
- Mileage logs for any travel reimbursements;
- Vendor invoices;
- Contracts or timesheets for personnel services.

If a member of the candidate's family or household has been paid, either for mileage or services, or been reimbursed for a purchase, that relationship must be disclosed in the description.

All seed money contributions and expenditures are reported in the Seed Money Report, which is filed electronically at www.mainecampaignfinance.com. A filed Seed Money Report is a required part of a candidate's certification packet and is due by the certification deadline of April 22, 2024.

REVIEWS, VIOLATIONS, AND WAIVERS

Commission staff carefully review the Seed Money Report as part of their evaluation of a candidate's certification packet for compliance with reporting requirements (see Chapter 9) and seed money restrictions.

A violation of the seed money restrictions or reporting requirements, depending on the severity, could result in a denial of certification; if a severe violation surfaces after a candidate has already been certified, it could result in revocation and a requirement to repay any MCEA funds previously received.

If a candidate inadvertently violates the seed money restrictions, they must contact Commission staff as soon as possible. Depending on the violation, a waiver may be granted, and the candidate allowed to remain in the MCEA program.



Legal References	
Seed Money Contributions and Expenditures	21-A M.R.S. § 1122(9); 1125(2) and (2-A); Rules, Chapter 3, Section 2(3)
Occupation and Employer of Seed Money Contributors	21-A M.R.S. § 1016(3)(B); 1017(5)
Restrictions on Lobbyist Contributions	1 M.R.S. § 1015(2), (3), and (4)
Contributions in the Name of Another	21-A M.R.S. § 1004(1); 1004-A(3)
Waiver of Seed Money Requirements	21-A M.R.S. § 1125(2-A)(B); Rules, Chapter 3, Section 2(3)(E) and (F)

ETHICS COMMISSION STAFF TIPS

Entering Seed Money Contributions

To report a contribution:

1. Click **New Transaction** button
2. Click **Contributions**
3. **Contribution Type:** select whether the contribution is 1) Monetary (Itemized); 2) Monetary (Unitemized); 3) In-Kind (Itemized); 4) In-Kind (Unitemized); 5) Other Receipts; or 6) Equipment Sales. *Note:* Seed money contribution types can only be 1-4.
4. **Funding Source - Unitemized:** select 1) Transfer from Previous Campaign; or 2) Contributors giving \$50 or less.
5. **Funding Source - Itemized:** select 1) Individual or 2) Candidate/Spouse/Domestic Partner.
6. **Contributor:** click “Add a New Contributor” and enter:
 - a. **Name and address:** the campaign must report the name and address of all contributors to ensure it has not accepted any prohibited contributions.
 - b. **Employer and Occupation:** If the candidate asked and received no answer or a reply of “none of your business,” check the “Info Requested” box.
 - c. Click **Create**. If the Create button is not green, look for red lines – these are fields that must be completed.
7. **Amount:** the amount of the contribution.
8. **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.
9. **Description:** enter a description for all In-Kind (Itemized) contributions.
10. Click **Save**. If the Save button is not green, look for red lines – these are fields that must be completed.



CHAPTER 3 - QUALIFYING CONTRIBUTIONS

A qualifying contribution (QC) is a \$5 donation from a registered voter in your district. It is meant to show that a candidate has the support of their community in qualifying for Maine Clean Election funding. Candidates must collect at least the minimum number of valid QCs and turn them into the Commission to qualify for MCEA funds (certification).

Number of QCs Required for Certification	
House	60
Senate	175

Commission staff recommend submitting more than the minimum number when a candidate requests certification in case not all the QCs are valid.

To be considered valid for certification, a QC must:

- be made from the personal funds of the contributor — either with a personal check, cash and a signed Cash QC Affirmation Form, or their debit/credit card online;
- be from a registered voter — verified through the online QC service or by the candidate if necessary (see instructions in the insert for this chapter);
- and be accompanied by the signature of the contributor attesting that the QC is made from their personal funds and that they have not received anything of value in exchange. This last piece, the affirmation, is written at the top of the paper Receipt & Acknowledgment Form (R&A Form), which the contributor must sign. If a contributor is giving a QC online using www.maine.gov/cleanelections, they use a digital signature to make the affirmation.

PERSONAL FUNDS

Candidates may collect QCs in person or online. When a supporter gives a QC online, they use their personal debit or credit card to satisfy the requirement that it be from their personal funds. When giving a QC in person, a supporter can write a check or give cash.

Checks must be written to “Maine Clean Election Fund” or “MCEF.” The check can be for a single \$5 QC from one supporter or may cover a combined amount from multiple supporters in the same household. To meet the “personal funds” requirement, all supporters covered by a single check must be registered to vote at the same address.

For example: a check may be written for \$10 to cover a married couple, or \$20 to cover a supporter, their live-in partner, and their two roommates.

Most supporters will use a personal check, but if they choose to use a business check, they **must** write a note (either on a separate piece of paper or in the memo line) that the business account is also used for personal expenses. The candidate must submit this note to the Commission.



Cash QCs require some additional steps. To satisfy the “personal funds” requirement, each supporter that gives a cash QC must also sign the Cash QC Affirmation form, which affirms that the supporter is giving \$5 from their personal funds as a qualifying contribution to the candidate. All cash QCs must be used to purchase a single bulk money order by the candidate before being submitted to the Commission for certification.

Qualifying contributions are not campaign funds and must never be deposited into the campaign bank account. Candidates must keep QC checks with the corresponding R&A Form. All cash given for QCs must be safely kept aside and used to purchase the bulk money order that will be submitted to the Commission (the Cash QC slips are kept with the R&A Forms).

If a candidate chooses to use individual \$5 money orders for cash QCs, the supporter must sign the money order instead of the Cash QC Affirmation form. The signed money order will be kept with the R&A Form. This method of individual money orders requires that the campaign pre-purchase the money orders; in this case, the cash collected from the supporter repays that initial purchase.

THE SIGNATURE AND AFFIRMATION (RECEIPT & ACKNOWLEDGMENT FORM)

Each supporter making a QC must affirm that they have given the \$5 from their own personal funds and that they have not received anything of value in return for their contribution. For in-person QCs, this is done by signing the R&A Form. Supporters must sign their own name on the form. It is a legal violation for the candidate or a volunteer to sign the contributor’s name. If multiple members of a household are included in the same check, for instance, each person included **must** sign their own line on the R&A Form.

If a supporter is prevented from signing their own name for reasons of physical impairment or disability, a caretaker or household member may sign for them. The candidate should make note of this and inform Commission staff.

Additionally, the R&A Form has a place for the *circulator* (the candidate or volunteer who is collecting QCs for the campaign) to sign. After collecting the QCs listed on the form, the circulator completes this box to affirm that:

1. they collected the qualifying contributions,
2. to the best of their knowledge and belief the signature is the signature of the person whose name it purports to be,
3. the contribution came from the personal funds of the contributor, and
4. they did not give anything of value in exchange for their contribution and signature.

Without the final signature and affirmation of the circulator, the QCs on the R&A form are not valid for certification.

*Can I pay my circulators? Yes! Circulators can be paid with campaign funds **at an hourly rate**. They *cannot* be paid per QC and *cannot* be paid bonuses based on quotas.*



When a supporter gives a QC online, they must make a digital affirmation that represents their signature. **Candidates and their teams may not complete an online QC on behalf of their supporter**, even if a supporter is willing, for instance, to give their debit or credit card information over the phone; supporters must complete the online form and make the digital affirmation themselves.

VOTER REGISTRATION VERIFICATION

All qualifying contributions must be from registered voters in the candidate's district. They do not have to be enrolled in the candidate's political party.

To verify that a supporter is a registered voter, the candidate must enter their name and address into the online QC site. The site links with Maine's voter registry database to determine, based on the information entered, whether an individual is a registered voter. The QC site has a 90-95% success rate in matching an individual to the voter registration database, but sometimes it cannot make a match.

If the QC site cannot verify that a QC contributor is registered to vote in the candidate's district, it is the candidate's responsibility to submit verification of the contributor's voter registration to the Commission by the qualifying deadline. To do this, the candidate may print a system-generated R&A Form. The system will sort the unverified contributors by town and create a form to take to the town clerk for verification; there is a space for the town clerk to sign and note the number of contributors who are registered to vote in the candidate's district. A contributor that has not been verified by the online QC site will not be valid for certification unless the candidate submits the clerk form to the Commission before the certification deadline.

QUALIFYING PERIOD AND THE CERTIFICATION DEADLINE

For 2024, the earliest a registered candidate may begin to collect QCs is January 1, 2024. Candidates must turn in their signed Declaration of Intent (DOI) as soon as possible after registering with the Commission, because any QCs collected more than 5 business days before the Commission receives the form are not valid.

To be certified as a MCEA candidate and receive funding, candidates must submit at least the minimum number of valid qualifying contributions (60 for House candidates, 175 for Senate candidates) no later than **5:00 p.m., Monday, April 22, 2024**. This is a strict deadline. No materials received after the deadline will be considered toward certification.

Certified MCEA candidates may continue to collect QCs for supplemental payments, if they are in a contested general election, through **5:00 p.m., October 15, 2024**. Commission staff will keep a record of any valid QCs a candidate turns in over the minimum required for certification and apply them toward those supplemental payments.

MUNICIPAL CLERK OBLIGATIONS

The election law allows municipal clerks up to 10 days to verify voter registration status for a candidate. It is the candidate's responsibility to make sure they turn in forms to the clerk early enough to allow the clerk time to process the document and return it to the candidate *before* any MCEA program deadline.



Additionally, a campaign must be mindful of additional delays associated with helping a supporter register to vote. Under federal law, there is a 21-day waiting period for voter registration cards turned in by a third party. If the candidate gives both the registration card *and* the R&A form with that supporter on it to the clerk, the clerk *will not be able to verify that supporter as a registered voter at that time.*

Legal References	
Qualifying Contributions	21-A M.R.S. § 1122(7) and 1125(3); Rules, Chapter 3, Section 2(4)
Qualifying Period	21-A M.R.S. § 1122(8)
Required Number of Qualifying Contributions	21-A M.R.S. § 1125(3))
Receipt & Acknowledgment Form	21-A M.R.S. § 1122(7)(D); Rules, Chapter 3, Section 2(4)
Verification by Municipal Clerks	21-A M.R.S. § 1122(7)(B); Rules, Chapter 3, Section 2(4)(F) and (G)

ETHICS COMMISSION STAFF TIPS

Using the QC Site

To enter your physical qualifying contributions (QCs), go to www.maine.gov/cleanelections. Click the “Candidate Login” button (enter the same username and password you have for the eFiling site). Once you are logged in:

1. Click “Manage and Enter Check/Cash/Money Order Contributions”
2. Enter the contributor’s name and address
 - a. Click the dropdown for the Municipality and type the first letter of the contributor’s town to find the correct town
 - b. When entering the street name, start typing the street name-allow the system to suggest street names-and select the correct street name
3. Click “Add to Pending”

The system has a 90-95% success rate in matching an individual to their voter registration record. If the system has been able to match them, the contributor will show a status of “verified,” indicating that they are a registered voter in your district. If their status is “unverified,” the contribution will be counted for certification only if you provide the Commission with a verification by the municipal clerk that the contributor is registered to vote in your district.

Clerk Verification

To generate the form for the town clerks to verify:

1. Click “Contribution Receipt & Acknowledgment Download”
2. Set the date range (start with January 1, 2024 and through the current date)
3. Set the Verification Status to “No”
4. Leave the Town as “All”
5. Click the “Download PDF Form(s)” button.
6. Take the downloaded forms to the relevant city/town clerk to see if the contributors can be verified.
7. Include in your submission request the original Receipt & Acknowledgement form, check or cash slip, and the Receipt & Acknowledgement signed by the clerk.



CHAPTER 4 - REQUESTING CERTIFICATION

The deadline for MCEA candidates to request certification is due no later than **5:00 p.m., Monday, April 22, 2024**. The deadline is strict. Materials received after the deadline will not be considered for certification. A complete request for certification packet includes:

- A signed Request for Certification form.
- At least the minimum number of QCs (60 for the House, 175 for the Senate), which includes:
 - signed R&A Forms;
 - checks, signed Cash QC Affirmation slips, and/or money orders;
 - complete list of contributors entered into the online QC site for voter registration verification;
 - clerk R&A Forms for unverified contributors; and
 - bulk money order for the amount of the cash QCs.
- Seed Money Report.

Unenrolled candidates must be qualified for the ballot by the Secretary of State's office no later than **April 29, 2024**, to participate in the MCEA program.

MCEA candidates may request a one week filing extension for the Seed Money Report, but the certification process will be on hold until the report is filed. No extensions will be granted for any other part of the certification packet.

Once a certification packet has been submitted, the Commission staff is required to make a determination of whether or not to certify a candidate within three business days, unless additional time is needed to verify compliance with the MCEA. The Commission will notify the candidate if additional time for verification is necessary.

COMMISSION STAFF REVIEW

The Commission staff carefully review all components of a certification packet to ensure compliance with the MCEA.

Receipt and Acknowledgement forms

- Circulator section is complete;
- All contributors have signed the form;
- All forms are originals, not copies.
- All checks and Cash QC Affirmation slips must be paperclipped to the R&A Form containing their contribution.

Checks, Cash QC Affirmation Slips and Money Orders

- All checks must be made payable to the "Maine Clean Election Fund" or "MCEF," signed by the person giving the QC and dated.
 - Couples may give a single check for their QCs but both must sign the R&A Form.
- Cash QC Affirmation Slips must be signed by the person making the cash QC and they must sign an R&A Form.



- MCEA candidates may provide a money order to contributors in exchange for cash, but the contributor must sign the money order and an R&A Form.

Clerk Verified R&A Forms. For any contributor the online QC site is unable to verify, the campaign must download and print R&A Forms to take to the town clerk for verification. The town clerk will mark all contributors they are able to verify and will sign and date the form; unless these forms are received by the Commission before the qualifying deadline, unverified contributors will not be valid for certification.

Bulk Money Order. All cash QCs must be converted to a single money order and be included with the certification packet. If the amount of the bulk money order does not match the number of Cash QC Affirmation slips submitted, a matching number of QCs will be invalid.

Seed Money Report.

- All contributions and expenditures are appropriately reported.
- Contributions do not exceed the contribution limits of \$1,000 for the House or \$3,000 for the Senate.
- Expenditures do not exceed the amount of seed money reported.
- Leftover seed money funds will reduce the candidate's primary payment.

Once the Commission staff completes its review, candidates and their opponents are notified in writing of the Commission's determination.

PAYMENT AMOUNTS

Once certified, the original 60 valid QCs for a House race and 175 valid QCs for a Senate race will provide MCEA payments for both the Primary and General elections. The table below shows the payment amounts based on whether a candidate is in contested or uncontested races. Unenrolled candidates receive the uncontested Primary payment amount, less any unspent Seed Money.

2024 INITIAL MCEA PAYMENT AMOUNTS		
HOUSE	Uncontested	Contested
*Primary Election	\$625	\$3,125
General Election	\$1,875	\$6,225
SENATE		
*Primary Election	\$2,500	\$12,475
General Election	\$7,475	\$24,925

* Payment amounts for the Primary will be less if not all Seed Money is spent.

Primary payments are generated upon certification and should be received within 2 weeks. The Commission is required to make the initial payments for the General no later than 3 days after the Secretary of State certifies the results of the Primary election. Payments for the General election are not reduced if a candidate has not spent all their Primary funds. If a candidate for the General submitted enough QCs to qualify for a supplemental payment(s), that amount will also be disbursed after the Primary election.



Candidates who are unsuccessful in their Primary election are required to return all unspent MCEA funds no later than the filing of the 42-Day Post-Primary report.

Change in Contested Status. If a candidate's status changes from contested to uncontested, the candidate is required to return the difference between contested and uncontested funds.

REPLACEMENT CANDIDATE CERTIFICATION

Replacement candidates who are registered with the Commission may start collecting QCs once the Secretary of State receives a notice of withdrawal or declares a vacancy for the candidate who is no longer running. The deadline for a Replacement Candidate to request certification is **5:00 p.m. on August 21, 2024**. The certification process is the same for replacement candidates. The initial MCEA payment will be reduced if not all Seed Money is spent.

APPEAL OF COMMISSION DETERMINATION

If a candidate, their opponent, or other interested person believes the Commission staff has made an error in granting or denying a request for certification, they may submit an appeal to the Commission within 7 days of the certification decision. The Commission will hold a hearing within 5 days of the submission of the appeal and will issue its decision within five business days after the hearing is completed. The Commission's decision may be appealed by commencing an action in Superior Court.

VIOLATIONS

It is a serious violation of the MCEA to misreport or falsify the source of funds for a QC. If the Commission determines that a candidate, or an agent of the candidate, submitted fraudulent QCs, the Commission could deny the candidate's certification request and impose substantial penalties.

When a candidate, or their campaign workers, solicit individuals for QCs, the purpose for asking a Maine voter to sign the R&A Form must be clearly stated. Misrepresenting the reason for the signature is a serious violation of the MCEA.

A candidate or a volunteer may not sign the R&A Form for a contributor. It is also a violation of the MCEA for a candidate, or their agent, to assist another person to become an opponent, in order for the candidate to receive the higher amount of MCEA funds for a contested election.

Any of these violations could result in the denial or revocation of certification, as well as being barred from participating in the program in future elections.

REVOCATION OF CERTIFICATION

If the Commission finds that a certified candidate has engaged in serious misconduct, the candidate's certification may be revoked by the Commission after the candidate has had an opportunity for a hearing. If a certification is revoked, the candidate must return all unspent MCEA funds to the Commission. Depending on the circumstances, the candidate may be required to return all MCEA funds paid to the candidate and be assessed a civil penalty. The candidate may appeal the Commission's decision to Superior Court.



Legal References	
Misrepresentation of Purpose	21-A M.R.S. § 1125(3)(J)
Prohibition Against Assisting an Opponent	21-A M.R.S. § 1125(6-A)
Requesting Certification	21-A M.R.S. § 1125(4) and (5); Rules, Chapter 3, Sections 3(1) – (3)
Certification by Commission	21-A M.R.S. § 1125(5); Rules, Chapter 3, Section 3(4)
Revocation of Certification	21-A M.R.S. § 1125(5-A)
Appeals	21-A M.R.S. § 1125(14); Rules, Chapter 3, Section 3(5)
Timing of Initial Payments	21-A M.R.S. § 1125(7)
Unenrolled Candidates	21-A M.R.S. § 1125(5)(C) and (10)
Amounts of Initial Payments	21-A M.R.S. § 1125(8-C) and (8-D)

ETHICS COMMISSION STAFF TIPS

Certification Deadlines

Deadline for MCEA certification:	5:00 p.m. on April 22, 2024
<i>Replacement Candidate certification:</i>	<i>5:00 p.m. on August 21, 2024</i>
Final Supplemental QC deadline:	5:00 p.m. on October 15, 2024

MCEA Certification Submission Packet Check List

Before submitting your materials, check if:

- All contributors' names and addresses have been entered from the Receipt & Acknowledgment Forms into the "Manage/Enter ..." function on the QC site (www.maine.gov/cleanelections) to create the List of Contributors; and you have submitted the list to the Commission using the button at the bottom of the page
- Minimum number of Qualifying Contributions (QCs) (60 for House, 175 for Senate). We recommend submitting more than the required number in case some are not valid
- The Seed Money Report has been filed by your treasurer, or you have requested an extension by checking the box on the Request for Certification Form and emailing your assigned Candidate Registrar

Materials required in your submission packet:

- Receipt & Acknowledgment Forms**
 - All forms are the originally signed documents (not photocopies)
 - Each circulator section has been signed and dated by the circulator
 - The original clerk-signed printed Receipt & Acknowledgement Form PDFs for contributors whose voter registration was not verified by the online QC service
- Checks and Cash QC Affirmation Forms**
 - All Cash QC Affirmation Forms are signed by the contributor, dated, and are the original documents
 - All checks have been signed by the contributor
 - All checks and Cash QC Affirmation Forms are attached by paper clip to the corresponding Receipt & Acknowledgment Forms (*absolutely do not staple*)
- Bulk Money Order**
 - If you collected cash QCs, you must submit a money order or bank check in the amount of cash collected as QCs, written to the MCEF
- Signed Request for Certification Form**

Sample Forms



Maine Clean Election Act

Qualifying Contributions - Receipt & Acknowledgement Form

Candidate's Name: Georgina Smythe
Office **House** **Senate** **District #:** 00

- Your signature and qualifying contribution of \$5 or more will help the candidate named above to be eligible for public funding from the State to pay for the candidate's campaign.
- By signing below, you affirm that you have used your personal funds to make this contribution and that you have received nothing of value in exchange for your signature and contribution.

Falsifying any information on this form is punishable by law. Please make checks and money orders payable to Maine Clean Election Fund. Money orders must be signed by the contributors.

Circulators: Anyone circulating this form must complete and sign the statement below.

I, (print name) Georgina Smythe

affirm that: (1) I collected the qualifying contributions, (2) to the best of my knowledge and belief, the signature is the signature of the person whose name it purports to be, (3) the contribution came from the personal funds of the contributor, and (4) I did not give anything of value to the contributor in exchange for their contribution and signature.

Signature of Circulator: Georgina Smythe

Date: 04/13/24 Phone: (000) 999-1234

Date	Payment Info Mark payment method & include check/MO number or cash amount	Contributor's Name (Print Legibly)	Contributor's Residential Address Must include street address and town (No PO Boxes)	Contributor's Signature
1 3/1 2024	<input checked="" type="checkbox"/> Check/MO # <u>321</u> <input type="checkbox"/> Cash \$_____	Joe Jones	431 Bennington Place North City, ME 00000	INVALID – No Signature
2 3/1 2024	<input checked="" type="checkbox"/> Check/MO # <u>321</u> <input type="checkbox"/> Cash \$_____	Erika Jones	431 Bennington Place North City, ME 00000	Erika Jones
3 3/5 2024	<input type="checkbox"/> Check/MO #_____ <input checked="" type="checkbox"/> Cash \$ <u>5.00</u>	Sylvia Jasper	1610 Wayside St. North City, ME	Sylvia Jasper
4 3/9 2024	<input type="checkbox"/> Check/MO #_____ <input checked="" type="checkbox"/> Cash \$ <u>5.00</u>	Jules Iverson	61 Broomly Lane North City, ME INVALID - Same person signed	Jules Iverson
5 3/9 2024	<input type="checkbox"/> Check/MO #_____ <input checked="" type="checkbox"/> Cash \$ <u>5.00</u>	Sally Sprague	61 Broomly Lane North City, ME	Sally Sprague



Maine Clean Election Act

Cash Qualifying Contribution Affirmation Form

Commission on Governmental Ethics and Election Practices
135 State House Station, Augusta, ME 04333
207-287-4179 | www.maine.gov/ethics

I, Sylvia Jasper, affirm that I have given Georgina Smythe

(Contributor's printed name)

\$5.00 in cash from my personal funds to support their qualifying for public Maine Clean Election Act funds for their campaign. I did not receive anything of value in return for making this contribution.

Sylvia Jasper

Contributor's Signature

3/5/24

Date

Notice to Circulators: Cash contributors must also sign the Receipt & Acknowledgment (R&A) Form. This signed form must be clipped to the corresponding R&A Form for every contributor giving a cash contribution. Qualifying contributions submitted without both forms appropriately signed are invalid. The circulator affirmation on the corresponding R&A Form applies to the use and circulation of this form.

Falsifying anything on this form is punishable by law.



CHAPTER 5 - ADDITIONAL QCS FOR SUPPLEMENTAL PAYMENTS

A candidate in a contested general election may continue to collect qualifying contributions once they have been certified and received the base level of MCEA funding. These additional QCs can be turned in to the Commission to earn supplemental funding after the primary. Candidates are not required to submit any additional QCs for supplemental funds, but the option is available if needed.

For every 15 QCs submitted by a certified House candidate, they can receive an additional \$1,550. For every 45 QCs submitted by a certified Senate candidate, they can receive an additional \$5,475. Candidates may qualify for up to eight batches of supplemental funds.

QCs submitted for supplemental payments must meet all the standards described in Chapter 3: \$5 from the personal funds of a registered voter in a candidate's district, with the signed affirmation. All QCs must be from unique individuals; a QC from a supporter who previously gave a valid QC will not be counted.

SUBMITTING ADDITIONAL QCS TO THE COMMISSION

Additional QCs for supplemental payments can be submitted to the Commission through 5:00 p.m. on Tuesday, October 15, 2024. When submitting these QCs, candidates must:

- **obtain the voter registration status** by entering the names and addresses of all in-person contributors into their portal at www.maine.gov/cleanelections
 - if the website cannot determine the voter registration status of an in-person or online QC, the candidate may print out the system-generated form for the town clerk to sign.
- **turn the QC materials into the Commission**, including the checks, signed Cash QC Affirmation forms, money order, and the signed R&A Forms.

Remember the town clerks are given ten business days to verify the voter registration status for candidates. Clerks are increasingly busy throughout the fall as the November election approaches, so plan accordingly!

Additional QC materials received after 5:00 p.m. on October 15 will not be considered for supplemental funding.



LEVELS OF SUPPLEMENTAL FUNDING

The table below shows the total number of additional valid QCs that must be submitted to qualify for each level of funding.

	1	2	3	4	5	6	7	8
House	15 QCs	30 QCs	45 QCs	60 QCs	75 QCs	90 QCs	105 QCs	120 QCs
	\$1,550	\$3,100	\$4,650	\$6,200	\$7,750	\$9,300	\$10,850	\$12,400
Senate	45 QCs	90 QCs	135 QCs	180 QCs	225 QCs	270 QCs	315 QCs	360 QCs
	\$6,225	\$12,450	\$18,675	\$24,900	\$31,125	\$37,350	\$43,575	\$49,800

These numbers are *in addition to* the basic level of funding a certified MCEA candidate receives for the general election. If a House candidate qualifies for the maximum level of funding, they have submitted a total of 180 valid QCs for a total of \$18,625 for the general election; for a Senate candidate, that is 535 valid QCs for a total of \$74,725.

Legal References	
Time Period for Collection and Submission of Additional Qualifying Contributions	21-A M.R.S. § 1125(8-E)(B)
Amounts of Supplemental Payments	21-A M.R.S. § 1125(8-C) & (8-D)
Verification by Municipal Clerks	21-A M.R.S. § 1125(7)(B); Rules, Chapter 3, Section 2(4)(F) & (G)
Required Documentation for Submission	Rules, Chapter 3, Section 6



CHAPTER 6 – CONTRIBUTIONS: PROHIBITIONS & EXEMPTIONS

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)

Prohibition On Accepting Cash Contributions & Loans. Once certified, MCEA candidates may not accept campaign contributions from any source.

Prohibition On Accepting In-Kind Contributions. In-kind contributions, services or goods provided to the campaign at no cost, are prohibited. Some examples of in-kind contributions are:

- The candidate purchases business cards with personal funds but is not reimbursed by the campaign;
- A supporter, who owns a print shop, gives a special discount for printing services;
- A local business owner allows some of its employees to work for the campaign during their normal work hours but does not charge the campaign for the staff time;
- A volunteer buys plywood and paint to make signs for the campaign but is not reimbursed by the campaign.

Candidates are encouraged to contact the Commission staff if they have any questions about any offers of free goods or services.

Goods & Services Not Considered Contributions. Certain goods and services are not considered contributions and would not be an in-kind contribution to the campaign. Some examples are:

- **Donated Office Space and Use of Equipment.** A trade association, commercial business, labor union, business owner, etc., may donate office space or equipment. The campaign must pay for any additional costs, such as telephone and utilities.
- **House Parties.** An individual may host a house party and spend up to \$250 for invitations, food, beverages, and real or personal property. The \$250 limit is per election and candidate, not per event.
 - Other supporters may each spend up to \$250 for food or beverages for the event as long as they also provide volunteer services for the event.
- **Assistance from State Party Committees.** Paid employees of state party committees may provide some assistance without it being considered an in-kind contribution, such as:
 - Up to 40 hours of assistance in both the primary and general elections;
 - Recruit and oversee volunteers for campaign activities involving 3 or more candidates;
 - Coordinate campaign events involving 3 or more candidates.



- Party Committee Slate Cards. State, county, and local party committees may purchase and distribute slate cards to promote 3 or more candidates.
- Paid Services vs. Paid Assistance. Individuals who volunteer for a campaign may provide free services, such as legal advice, assistance with databases, web and graphic design.
 - The campaign can pay for a portion of a volunteer's time spent on campaign activities.

INDEPENDENT EXPENDITURES VS. COORDINATED EXPENDITURES

It may happen during the campaign that a third-party, either an individual or a committee, wants to spend money to support the candidate. MCEA candidates cannot coordinate with this activity—that is, a candidate cannot knowingly provide information or campaign materials to someone who says they want to make an expenditure on their behalf. A **coordinated expenditure** would be considered a prohibited in-kind contribution to the candidate and would constitute a violation of the MCEA program.

If a candidate asks an interested third party *not* to spend money in their election, that request is not considered coordination, even if the third party goes ahead and makes the 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, and it does not constitute an in-kind contribution.

CONTRIBUTIONS FOR RECOUNTS

MCEA funds *cannot* be used for an election recount. Candidates in a recount may accept unlimited funds and services from party 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 the contribution limit of \$475. There is no limit to the amount of funds a candidate may contribute to their own recount effort.

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.

FUNDRAISING FOR A POLITICAL ACTION COMMITTEE OR PARTY COMMITTEE

Though MCEA candidates cannot establish their own PACs, they can be involved in other PACs, ballot question committees (BQC), and state and local party committees. MCEA candidates are permitted to:

- Be active in a legislative caucus PAC, including raising money and making decisions for the PAC, but they *must not be involved in any way* with any spending by the PAC to promote their own election;
- Raise money for other candidates; endorse other candidates; and use their personal funds to promote other candidates;



- Be involved in a state or local party committee, including raising money and making decisions, provided they are not involved with spending to promote their own election (unless covered by the exceptions for party committees in Chapter 6); and
- Raise money and make decisions for BQCs organized for the purpose of promoting or defeating a ballot question.

Candidates should be aware of the appearance of any political activity outside their campaign. If a PAC or party committee is going to spend money to promote the candidate, the candidate may wish to consider whether fundraising for that committee will create the public perception that the candidate has coordinated with the committee to promote their campaign. Candidates should contact Commission staff for guidance if they have questions about fundraising or PACs or party committees that may be making expenditures in the candidate's district.

Legal References	
Ban on Accepting Contributions	21-A M.R.S. § 1125(6)
Definition of Contribution	21-A M.R.S. § 1012(2)
In-Kind Contributions	Rules, Chapter 1, Section 6(4) & (5)
Discounted Goods or Services	Rules, Chapter 1, Section 6(4)
Contributions of Paid Employee Services	21-A M.R.S. § 1012(2)(A)(4); Rules, Chapter 1, Section 6(5)
Exempt Goods and Services	21-A M.R.S. § 1012(2)(B)
Assistance from State Parties	21-A M.R.S. § 1012(2)(B)(7)
Coordinated Expenditures	21-A M.R.S. § 1015(5); Rules, Chapter 1, Section 6(9)
Recounts of Elections	21-A M.R.S. § 1018-B
Political Committees and Intermediaries	21-A M.R.S. § 1015(4)
Leadership PACs	21-A M.R.S. § 1125(6-F)



2024 EXPENDITURE GUIDELINES

Candidates must spend Maine Clean Election Act (MCEA) funds for campaign-related purposes and not for other purposes such as the candidate's personal benefit, party-building, or to promote another candidate's campaign. Candidates are required to comply with these guidelines for all expenditures of MCEA funds.

PERMISSIBLE EXPENDITURES

Expenditures for "campaign-related purposes" are those which are traditionally accepted as necessary to promote the election of a candidate to political office. Candidates using MCEA funds must also consider the public nature of the funds, the underlying objectives of the MCEA, and the reasonableness of the expenditures under the circumstances. In Maine, campaign expenses have traditionally included:

- Political advertising expenses
- Campaign communications such as signs, bumper stickers, T-shirts, or caps with campaign slogans, etc.
- Campaign events (e.g., invitations, food, tent or hall rental, etc.)
- Printing and mailing costs
- Office supplies
- Campaign staff expenses
- An entry fee for an event organized by a party committee, charity, or community organization or an ad in an event publication, as long as the expenditure benefits the candidate's campaign
- Campaign travel expenses, such as fuel and tolls.

BALLOT QUESTIONS

Candidates may state their position with respect to a ballot question in a communication financed with MCEA funds. Candidates may not use MCEA funds for a paid communication that primarily supports or opposes a referendum or citizen initiative.

CAMPAIGN TRAINING

Candidates may use MCEA funds for tuition or registration costs for campaign or policy issues training.

CAR TRAVEL

MCEA campaigns may reimburse the candidate or campaign workers for their car travel if the person reimbursed has kept a contemporaneous travel log. The campaign may make a travel reimbursement up to the number of miles traveled as reported in the log multiplied by \$0.45. Campaigns must keep the travel logs for three years and provide them to the Commission if requested. Candidates and their spouses/domestic partners may spend any amount of their personal funds for campaign travel without seeking reimbursement.

Other individuals may spend up to \$350 of their personal funds to pay for travel without making a contribution to the campaign. Any mileage incurred during the pre-certification Seed Money period must be reimbursed with Seed Money if reimbursed.

PROHIBITED EXPENDITURES

Candidates may not use MCEA funds for personal expenses. This means candidates may not borrow from or use MCEA funds for personal or other non-campaign expenses, even if temporarily and with the intention of repaying the funds. Personal expenses are for goods and services that the candidate would otherwise purchase independently of the campaign, such as:

- Day-to-day household expenses and supplies
- Mortgage, rent, or utility payments for the candidate's personal residence, even if part of the residence is being used by the campaign
- Vehicle repair and maintenance
- Non-campaign transportation expenses
- Clothing, including attire for political functions such as business suits or shoes

MCEA funds may not be spent to:

- pay a consultant, vendor, or campaign staff for anything other than campaign goods or services
- compensate the candidate or their spouse or domestic partner for services provided
- make independent expenditures supporting or opposing any candidate, ballot question, or political committee
- assist in any way the campaign of any candidate other than the candidate for whom the funds were originally designated
- contribute to another candidate, a political committee, or a party committee other than in exchange for goods and services
- make a donation to a charity or a community organization, other than in exchange for campaign goods or services
- promote political or social positions or causes other than the candidate's campaign
- make a thank-you gift (including a gift card) to a volunteer or supporter, or hold an election night or post-election party
- pay civil penalties, fines, or forfeitures to the Commission, or defend the candidate in enforcement proceedings brought by the Commission
- assist the candidate in an election recount

If you have questions about these Guidelines or a specific expenditure, contact your Candidate Registrar at 287-4179.

FOOD	PROMOTIONAL ITEMS
Candidates may spend a reasonable amount of MCEA funds on food for campaign events or to feed volunteers while they are working but must take into account the public nature of MCEA funding. Legislative candidates may not use MCEA funds to purchase food that is consumed <i>only</i> by the candidate and/or members of the candidate's immediate family. If candidates are unsure if a purchase of food will be permitted, they should contact their assigned Candidate Registrar for guidance.	Candidates may spend MCEA funds on inexpensive items to promote their candidacies or to gain visibility at public events. Purchases of apparel generally should not cost more than \$15 per item. Candidates may purchase other types of promotional items, but the cost should not exceed \$5 per item. Candidates may purchase up to two pieces of outerwear (e.g., fleeces or sweatshirts) to promote their election. Professional clothing is not considered a promotional item.
LODGING	PROPERTY & EQUIPMENT
Candidates may use MCEA funds to pay for lodging if necessary for campaign purposes but must keep lodging expenses reasonable and may not exceed the lodging rates approved by the Office of State Controller for state employees conducting travel for state business. MCEA candidates may use personal funds for lodging if they are not reimbursed by others.	Goods purchased with MCEA funds for \$50 or more that could be converted to personal use after the campaign (e.g., computers, fax machines, and cell phones) must be sold at fair market value and the proceeds returned to the Maine Clean Election Fund no later than 42 days after the final report for the campaign. If the campaign sells the property or equipment to the candidate or a member of the candidate's immediate family or campaign staff, the campaign must receive at least 75% of the original purchase price paid by the campaign. Candidates are welcome to lease electronic and other equipment.
OFFICE SUPPLIES	SALARY & COMPENSATION
Candidates may spend MCEA funds for office supplies that they reasonably anticipate will be used for campaign purposes only. MCEA funds may not be spent for office supplies to be used for constituent communications or for other expenses associated with service as a public official. The Commission may require candidates to repay their campaign for any office supplies with a value of \$50 or more that were not used for campaign purposes or were used minimally for campaign purposes.	Candidates may use MCEA funds to pay for campaign-related services by staff or consultants, if compensation is made at, or below, fair market value and sufficient records are maintained to show what services were received. Documentation must include a description of the labor performed by the staff member or consultant, and an itemization of any goods or services purchased from other vendors including date, vendor, and amount.
POST-ELECTION NOTES & PARTIES	UNNECESSARY GOODS
Candidates may spend up to the following maximum amounts of MCEA funds on post-election thank you notes or advertising to thank supporters or voters: \$250 for State Representative candidates and \$750 for State Senate candidates. Candidates may also use personal funds for these purposes. <i>Candidates may not spend any amount of MCEA funds on post-election events or parties.</i>	Legislative candidates may not spend MCEA funds for goods not typically necessary for a House or Senate campaign, such as office furniture, a briefcase, or large storage items. If you are unsure whether an item you wish to purchase is within this category, please call the Ethics Commission for guidance.



CHAPTER 7 - 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 a 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 must 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. For details on permitted and prohibited expenditures, see the Expenditure Guidelines insert.

PAYMENTS TO THE CANDIDATE, IMMEDIATE FAMILY, AND HOUSEHOLD

MCEA candidates *may not* use MCEA funds to make payments to their immediate family or household members except in the following instances:

- A reimbursement to a family or household member for a campaign purchase they made with personal funds; or
- A payment to a family or household member for goods or services they provide in the normal course of their occupation or business at the fair market value. This exception does **not** apply to the candidate or their spouse/domestic partner, to whom such payments are wholly prohibited.

The restrictions on payments to family and household members extend to businesses or non-profit entities in which the candidate, their spouse/domestic partner, their immediate family or household members hold a controlling interest. Any permitted payment to the candidate's spouse, immediate family, or household must include their relationship to the candidate in the description when it is reported.

BUYING ELECTRONICS AND EQUIPMENT

A candidate may use MCEA funds to buy equipment for the campaign that might be turned to personal use once the campaign is over, such as a computer or tablet, tools, printer, or cell phone. Such items must be sold for fair market value and the proceeds returned with any other surplus MCEA funds at the end of the campaign. Fair market value is determined by what is reasonable under normal market conditions based on the value of similar items. If the candidate or another member of the campaign wishes to purchase the item themselves, they must pay at least 75% of



the original purchase price. *These requirements do not apply to equipment purchased with seed money.*

Candidates can keep and reuse goods that only have campaign use, such as campaign literature and signs.

A campaign may use campaign funds to pay for cell phone service for the candidate or a campaign worker, but the campaign must be able to show that all or most of the phone's use was for campaign purposes. If the service was used mainly for personal use, the expenditure will be disallowed, and the campaign will be required to repay the amount to the state.

TELEVISION ADS

MCEA candidates must include closed captioning in any television advertisement paid for with MCEA funds.

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).

SHARING EXPENSES

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

OVERSPENDING

Candidates must be careful in budgeting their campaign so that they do not spend more than the MCEA funds for which they have qualified. Overspending is a serious violation of the MCEA and could result in the Commission assessing a civil penalty against the candidate.

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 different account might be used to 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 (during the Seed Money period only) 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 North City, ME 00000		
Date	Invoice #	
04/26/2024	PPC-24-01426	
Bill To		
Georgina Smythe, Candidate 134 Coldbrook Rd North City, ME 00000		
Description	Rate	Amount
Online Ads (report as paid to Online Ads , 1001 Advertiser Lane, Anywhere, US 00000) 2 weeks online advertising	\$565.00	\$565.00
Prints for U (report as paid to Prints for U , 95 Main Street, Big City, ME 00000) Graphic Design Postage for 200 mailers	\$645.45 \$0.60	\$765.45 \$645.45 \$120.00
Balance Due		
\$1,330.45		

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

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.



Legal References	
Campaign-Related Purposes	21-A M.R.S. § 1125(6); Rules, Chapter 3, Section 7
Unpaid Debts and Obligations	21-A M.R.S. § 1012(3)(A)(2), (4) Rules, Chapter 1, Section 7(3)
Expenditure Guidelines	21-A M.R.S. § 1125(6)
Required Records of Expenditures	21-A M.R.S. § 1016, 1125 (12-A); Rules, Chapter 3, Section 8(1)
Required Reporting of Expenditures	21-A M.R.S. § 1017(5), 1125(12)
Requirement to Sell Campaign Equipment	Rules, Chapter 3, Section 8(2)(C)
Closed-Captioning for TV Advertising	21-A M.R.S. § 1125(6-E)
Payments to Members of Household and Family	21-A M.R.S. §1125(6-C) and (12)

ETHICS COMMISSION STAFF TIPS

Reimbursements

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! The person being reimbursed must keep a log of their travel containing this information and give the log to the candidate or treasurer.

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”**

Reporting Returns/Refunds

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	4/24 Start of 11-Day Pre-Primary 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 Candidate contacts Vendor about purchase	5/21	5/22	5/23 Vendor provides proof & cost estimate	5/24	5/25
5/26	5/27 Candidate approves purchase	5/28 End of 11-Day Pre-Primary Report	5/29	5/30	5/31 Candidate pays 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 8 - 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
• Filed within 24 hours of receiving the contribution or making the expenditure or obligation.							
• Must be filed on a weekend or holiday if that is when it is due and cannot wait until the next business day.							
• Filed online.							
• Contributions and expenditures received or made on the day before an election must be reported on election day.			Election Day				
				Indicates 24-Hour Report period			

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



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. Therefore, \$2,000 is used in the calculation.
Percent Used	2%	This is the first time the candidate was late in filing their report, so the percentage used is 2%.	
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 candidate *cannot* use MCEA funds to pay a penalty.

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: 11-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)

Maine Clean Election Candidate Filing Schedule

Primary Election: 06/11/2024

General Election: 11/05/2024

Report Name	Filing Period	Filing Deadline
2024 January Semiannual	<i>If more than \$500 in Seed Money Contributions raised</i> Beginning of campaign – 12/31/2023	01/16/2024
Seed Money Report* <i>(Certification Request no later than 5:00 p.m.)</i>	Date of first seed money contribution – date of certification request OR *Candidates who filed a Semiannual Report: January 1, 2024 – date of certification request	04/22/2024
11-Day Pre-Primary	End of Seed Money Report – 05/28/2024	05/31/2024
24-Hour Reports (Primary)	05/29/2024 – 06/10/2024	Day after receipt of contribution or purchase of \$1,000 or more
42-Day Post-Primary	05/29/2024 – 07/16/2024	07/23/2024

Replacement Candidates

Seed Money Report <i>(Certification Request no later than 5:00 p.m.)</i>	Beginning of campaign – date of certification request	08/21/2024
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42-Day Pre-General	07/17/2024 – 09/17/2024	09/24/2024
<i>Supplemental QC Deadline (Submitted no later than 5:00 p.m.)</i>		10/15/2024
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 or purchase of \$1,000 or more
42-Day Post-General	10/23/2024 – 12/10/2024	12/17/2024

ETHICS COMMISSION STAFF TIPS

Filing Reports

- 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.

24-Hour Reports

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 9 - 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 treasurer or other authorized agent is ready to file the **campaign finance report**, they are required to attest the report is true, complete, and correct to the best of their knowledge.

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 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 that 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 during the last 13 days before an election, 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.

CONFIRMATION OF FILING

To file a regularly scheduled campaign finance report or a 24-Hour Report, visit the View/File Reports page of the Commission’s eFiling website and make sure you click the red “File” button. Once the report is filed, a message will pop up on the screen and a confirmation email will be sent to all authorized users for the campaign. The Commission recommends you look for one of these confirmations after you file each report.

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 seed money contributions;
- the information for a seed money 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	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)

Record Keeping Guidelines

MCEA candidates and their treasurers are required by statute to obtain and keep certain financial records to document their campaign's financial activity. This ensures accurate reporting as well as a campaign's preparedness for records requests by Commission staff or a post-election audit by the Commission's contracted auditors. Candidates and their treasurer are jointly responsible for maintaining these records for three years following the final campaign finance report of the election cycle.

The following list contains all **required** records as well as **recommended** records. Failure to keep required records is a violation of the MCEA. If the candidate cannot support its reporting expenditures with the proper documentation, the Commission may disallow the expenditure and require the campaign to repay the funds.

Bank Account Records

If the campaign is using electronic banking and receiving only electronic copies of their account records, the campaign should download and save or print all records as they go:

- account statements for the entire period the account was used by the campaign.
- images of all checks written on the account.
- (recommended) copies of all seed money checks and account deposit slips.

Seed Money Contribution Records

- The name and address for every contributor giving more than \$10.
- The employer and occupation information for every contributor giving more than \$50.

Expenditure Records

Election law requires MCEA candidates to keep the following records for expenditures over \$50, but Commission staff recommends keeping them for all expenditures:

- Vendor invoice or purchase receipt, stating the goods or services purchased and the cost.
- Proof of payment (*the canceled check or debit transaction record from the bank records, identifying the vendor as the payee*).
- For payments to campaign staff: an invoice or timesheet from the staff member stating the service provided.
 - For payments of more than \$500 to a staff member, the timesheet (or invoice or contract) must be kept contemporaneously with the time the staff is working and provide detailed descriptions of those services. *Commission staff recommends also specifying the time period worked and the number of hours worked with a contract or invoice.*
- For payments to a campaign consultant of more than \$500 in an election cycle: an invoice, contract, or timesheet kept contemporaneously with the services provided, with a detailed description of the work and signed by the individual or a principal of the firm who provided the services.
- For payments made on behalf of the campaign by a third party: whether a case of an individual requiring a reimbursement from the campaign or a consultant or media buyer making purchases from other vendors on behalf of the campaign, the third party must provide the original invoice or receipt from the vendor as well as proof of payment.
- For travel reimbursement: a contemporaneous travel log showing the dates of travel, the number of miles traveled, and the destination and campaign purpose of the travel.



CHAPTER 10 - CAMPAIGN COMMUNICATIONS & 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.

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 practice 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) 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 well 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-8.

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 11 - POST-ELECTION RESPONSIBILITIES

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 3 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.

POST-ELECTION ACTIVITIES

MCEA candidates are permitted to spend a limited amount of MCEA funds on post-election thank you cards or advertising to thank supporters or voters:

- House candidates may spend up to \$250
- Senate candidates may spend up to \$750

Candidates are not allowed to use MCEA funds for election night or post-election parties or thank you gifts. Candidates may use personal funds for those expenses if they choose.

UNSPENT MCEA FUNDS

Candidates must return all unspent MCEA funds by the filing deadline of their final campaign finance report. Once all debits and credits have cleared the bank account, the campaign must send a check for the remaining MCEA funds. If there is a discrepancy between the campaign bank account and the eFiling system balance, the campaign is encouraged to contact Commission staff.

The campaign **does not** report the return of MCEA funds in the 42-Day Post-General Report. Commission staff enter the return of funds, which should zero out the campaign balance. If there is a discrepancy, Commission staff will contact the candidate to determine why there is a discrepancy.

Equipment Purchased with MCEA Funds must be sold prior to the end of the 42-Day Post-General filing period. Equipment must be sold for fair market value. If the candidate, a family member, or member of the campaign purchases the equipment, the campaign must receive at least 75% of the original purchase price. The proceeds from the sale are reported as a contribution:

- Contribution Type is "Equipment Sales"
- Select the Funding Source: 1) Individual; 2) Commercial Source; 3) Political Party Committee; 4) Political Action Committee; 5) Ballot Question Committee; 6) Nonprofit Organization; or 7) Candidate/Candidate Committee
- Enter Contributor name and address
- Amount received from sale
- Date of sale
- Description is *optional*
- Associated Equipment Expenditure – select relevant equipment expenditure



Vendor refunds. Occasionally a vendor will issue a full or partial refund for services. To report a full or partial **refund** of an expenditure, the campaign must edit the original 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.

For refunds that are issued after the 42-Day Post-General report, the candidate should either:

- Endorse the vendor check (“Payable to MCEF”) and mail it to the Commission (**preferred method**); or
- Deposit the vendor check into the campaign account, write a check payable to “MCEF” and mail it to the Commission.

POST-ELECTION AUDITS

The Commission contracts with an independent auditor to audit at least 20% of all MCEA legislative campaigns. The purpose of these audits is to confirm compliance with the MCEA:

- Seed money contributions were deposited in the campaign bank account and accurately reported.
- All campaign expenditures were appropriately reported, proper documentation retained, and were made for campaign-related purposes.

While not all MCEA candidates will be audited, all MCEA candidates are encouraged to be prepared for an audit. See the Record Keeping Guidelines insert for details.

Audit Process. The auditor reviews all submitted materials and may request additional information. Once that review is completed, a draft audit report is sent to the candidate noting any reporting exceptions, findings of non-compliance, recommendations for Commission action; if no exceptions or findings are identified, a final report will be issued. The candidate may respond, in writing, to the draft report if they disagree with anything in the report. The auditor will then issue a final report, which is presented to the Commission at a public meeting; the candidate will be given the opportunity to make a statement to the Commission at this meeting.

Audit *exceptions* are minor issues with campaign reporting. Audit *findings* are serious and could result in the candidate amending their campaign finance reports, returning improperly spent MCEA funds, and in the most serious cases, a referral to the Attorney General’s office.



Previous Audit Results. Many audits conducted in past election cycles did not identify any deficiencies. Common audit exceptions and findings are:

EXCEPTIONS	FINDINGS
Reporting an expenditure in the wrong report	Payment of travel during Seed Money period with MCEA funds
Failure to maintain receipts and/or invoices	Failure to return MCEA funds
Failure to disclose personal relationship in description	Commingling personal and MCEA funds

Legal References	
Compliance Reviews	Rules, Chapter 1, Section 4(2)(A)
Authority to Conduct Audits	21-A M.R.S. § 1003(1)
Financial Penalties	21-A M.R.S. § 1127
Referral to Attorney General	21-A M.R.S. § 1127



APPENDIX

TITLE	PAGE
Legal Definition of Contribution and Expenditure	A-2
Payments to Family and Household Members	A-6
Placement of Political Signs & Letter from DOT	A-8



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

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.



POLICY ON PAYING CAMPAIGN FUNDS TO FAMILY MEMBERS

This memorandum describes the policies and procedures regarding the use of campaign funds to pay a member of the candidate's immediate family or household.

DISCLOSING A PAYMENT TO A MEMBER OF THE CANDIDATE'S FAMILY OR HOUSEHOLD

(Applies to gubernatorial, legislative, and county candidates)

- Traditionally financed candidates. If a candidate uses campaign funds to pay or reimburse a member of the candidate's immediate family or household, the candidate must report the family or other relationship (e.g., "brother" or "roommate") in the remarks section of Schedule B (for expenditures) of the campaign finance report.
- Maine Clean Election Act candidates. If a candidate uses Maine Clean Election Act funds to pay or reimburse a member of the candidate's "immediate family" (defined below), a member of the candidate's household, or a business or nonprofit entity affiliated with a member of the candidate's immediate family, the candidate must disclose the family or household relationship (e.g., "brother," "roommate," or "business owned by daughter") in the remarks section of Schedule B of the campaign finance report.

For purposes of this disclosure requirement, "immediate family" means the candidate's spouse, parent, grandparent, child, grandchild, sister, half-sister, brother, half-brother, step-parent, stepgrandparent, stepchild, stepgrandchild, stepsister, stepbrother, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, guardian, former guardian, domestic partner, the immediate family of the candidate's domestic partner, the half-brother or half-sister of the candidate's spouse, or the spouse of the candidate's half-brother or half-sister.

(21-A M.R.S. §§ 1(20) & 1122(4-A))

RESTRICTIONS FOR MAINE CLEAN ELECTION ACT CANDIDATES

(21-A M.R.S. § 1125(6-B))

A candidate may not pay Maine Clean Election Act (MCEA) funds to:

- the candidate or a sole proprietorship owned by the candidate,
- the candidate's spouse or domestic partner or a sole proprietorship owned by the candidate's spouse or domestic partner,
- a member of the candidate's immediate family or household,
- a business entity in which the candidate or a member of the candidate's immediate family or household holds a significant proprietary or financial interest, or
- a nonprofit entity in which the candidate or a member of the candidate's immediate family or household is a director, officer, executive director or chief financial officer.

The Legislature also provided two narrow exceptions to this prohibition:

I. Permitted Payments to Family and Household Members

A candidate may use MCEA funds to pay a member of the candidate's immediate family or household, a business entity in which a member of the candidate's immediate family or household holds



a significant proprietary or financial interest, or a nonprofit entity in which a member of the candidate's immediate family or household is a director, officer, executive director, or chief financial officer only if the expenditure is made:

- for a legitimate campaign-related purpose,
- to an individual or business that provides the goods or services being purchased in the normal course of their occupation or business, and
- in an amount that is reasonable taking into consideration current market value and other factors the Commission may choose to consider.

The candidate shall provide documentary evidence that the expenditure qualifies for the exception at the time the expenditure is reported or when the Commission requests such evidence, whichever is sooner. This evidence must consist of documentation that the payee currently is employed by or engaged in a business that provides the goods or services provided; justification for the amount of the expenditure including the usual price paid by other clients; and an explanation of why the expenditure is campaign related. Occasional or sporadic employment on political campaigns (e.g., field work, public relations, or organizing volunteers) will be insufficient to demonstrate a normal course of business.

This exception does not apply to either the candidate or the candidate's spouse or domestic partner.

II. Reimbursements

Reimbursements, including travel reimbursements, that are made in accordance with the Commission's rules and guidelines are exempt from this restriction. However, the candidate must disclose the family or household relationship when reporting the reimbursement as described above.

If a MCEA candidate or a family or household member uses personal funds or a personal credit card to pay a vendor for campaign goods or services, the candidate must reimburse the individual with MCEA funds. (There are limited circumstances when reimbursement is not required. Please refer to the Commission's Candidate Guidebook for more information.)



PLACEMENT OF POLITICAL SIGNS & LETTER FROM DOT



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

Janet T. Mills
GOVERNOR

Bruce A. Van Noot
COMMISSIONER

To Whom it May Concern:

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

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

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



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

Temporary signs are also prohibited on traffic control devices (stop signs, yield signs, warning signs, guide signs, regulatory signs, etc.), all utility poles and trees, on islands within a rotary/roundabout, and in medians/islands in the center of the road that are less than 6 feet wide.

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

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

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



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

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

Does MaineDOT enforce these sign placement restrictions statewide?

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

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

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

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

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

MaineDOT appreciates your cooperation in this effort.

Sincerely,

Stephen Landry, P.E.

State Traffic Engineer

MaineDOT

THE MAINE DEPARTMENT OF TRANSPORTATION IS AN AFFIRMATIVE ACTION EQUAL OPPORTUNITY EMPLOYER
PHONE: (207) 621-3000 TTY 1-800-541-MAINE (6253) FAX: (207) 621-3001

COMMISSION ON GOVERNMENTAL ETHICS & ELECTION PRACTICES

135 State House Station
Augusta, ME 04333-0135

