



CHAPTER 6

Getting Started as a Maine Clean Election Act Candidate

Selecting a Campaign Treasurer

Every candidate is required to appoint a campaign treasurer before accepting any contributions or making any expenditures, and must do so within 10 days of becoming a candidate. The treasurer must be named on the Candidate Registration form. A deputy treasurer may be appointed but is not required. MCEA funds are disbursed only to the candidate, treasurer and deputy treasurer (if appointed).

NEW

MCEA candidates, who register with the Commission after November 5, 2008, can not serve as their own treasurer or deputy treasurer.

The treasurer has specific duties under the Election Law:

- keeping detailed records of all campaign contributions and expenditures;
- completing campaign finance reports; and
- filing campaign finance reports on time.

Every candidate should select a capable and reliable treasurer but this is a particularly important step in a MCEA candidate's campaign. A MCEA candidate uses public funds to run for office and has a high but reasonable standard of accountability for the use of those funds. It is important to appoint a reliable treasurer who will actively manage your campaign finances, obtain and keep the records required to document expenditures, and file complete and accurate reports.

Candidates sometimes want to select someone who has name recognition to be treasurer. While this may be politically strategic, it may not be the best way to manage a campaign's finances. One way to have a recognized name associated with your campaign is to appoint that person as the chair of your campaign committee and not as your treasurer. (See the next section.) Your treasurer should be actively



Declaring Your Intent to Run as a Maine Clean Election Act Candidate

The Election Law requires that candidates file the Declaration of Intent (DOI) within 5 business days after beginning to collect qualifying contributions. Qualifying contributions received more than 5 business days before filing the DOI will not count toward the eligibility requirements. It is the date on which you file the DOI form with the Commission, not the date on which you sign the form, which determines whether the qualifying contribution will count. The DOI form, signed by the candidate, is the only acceptable form of the declaration. Candidates can start collecting qualifying contributions as early as January 1, 2008, which is the first day of the qualifying period.

Code of Fair Campaign Practices

→ Subscribing to the code is voluntary. The Commission does not have jurisdiction to hear complaints concerning the code.

The Maine Code of Fair Campaign Practices was adopted by the Maine Legislature in 1989 and is a voluntary statement for candidates running for the office of Governor, the Senate, and the House of Representatives. The Code lists standards of conduct “consistent with the best Maine and American traditions, [of] discussing the issues and presenting [the] record and policies with sincerity and candor.” If you wish to subscribe to the

Code, please sign the “Maine Code of Fair Campaign Practices” form, which is part of the registration packet.

Getting Established in the State’s Accounting System

In order for you to receive public funds, the state government must establish you as a vendor in its accounting system. The Commission recommends that you file the Vendor Form at the same time that you file your registration. This avoids any delays in the first payment of MCEA funds. The state’s accounting office takes two weeks to set up a new vendor.

You may choose to receive payments by check or by electronic funds transfer (EFT) into your campaign bank account. To select EFT, you need to fill out the EFT Form. The Commission recommends EFT because it is a more timely way to receive MCEA funds, which is important in the last week before the election if you should qualify for matching funds.

Open a Separate Campaign Bank Account

All candidates must have a separate bank account for their campaign funds. Maine Clean Election Act candidates must deposit all seed money contributions received and all MCEA funds into a bank account



The Seed Money Report must be filed before the Commission can certify a participating candidate as a MCEA candidate. Any unspent seed money shown on the report will be deducted from the first payment of MCEA funds. Usually, the Seed Money Report is filed when the \$5 qualifying contributions and Receipt and Acknowledgement forms are submitted but the Seed Money Report (and the alphabetical list of contributors) may be submitted after the deadline as long an extension of time was requested.

The Maine Clean Election Act does not permit a candidate who has violated the seed money restrictions to participate in the MCEA, except if granted a waiver by the Commission. If the candidate has unintentionally violated the seed money restrictions, a waiver may be granted in limited circumstances. Candidates are advised that not all requests for waivers will be granted, and that only those requests that strictly meet the standards in the Commission's rule will be granted. If you believe you may have violated the seed money restrictions, please telephone the Commission right away.

If you have seed money that is obligated but not yet spent (e.g., check not written, payment not made, etc.), the obligated amount is considered to be part of your unspent seed money and is deducted from the first MCEA payment.

Your Seed Money Report must accurately report amounts that were spent (reported on Schedule B) and amounts that were obligated and unpaid (reported on Schedule D).

LEGAL REFERENCES

Selecting a Treasurer	21-A M.R.S.A. § 1013-A(1)
Removal of Treasurer	21-A M.R.S.A. § 1013-B
Duties of Treasurer	21-A M.R.S.A. §§ 1013-A(1)(A) and (4); 1016; 1017(2), (3-A),and (10); 1020-A(6) and (10), 1125(12-A)
Authorizing One Campaign Committee	21-A M.R.S.A. § 1013-A(1)(B)
Registration	21-A M.R.S.A. § 1013-A(1)
Reporting Changes in Registration Information	21-A M.R.S.A. § 1013-A(5)
Commingling of Campaign and Personal Funds	21-A M.R.S.A. §§ 1016(1), 1125(7-A); Chapter 3, Section 7(1)(A)
Code of Fair Campaign Practices	21-A M.R.S.A. § 1101 <i>et seq.</i>
Declaring Intent as a MCEA Candidate	21-A M.R.S.A. § 1125(1); Rules, Chapter 3, Section 2(1) and (2)
Filing Declaration of Intent Before Collecting Qualifying Contributions	21-A M.R.S.A. § 1125(1); Chapter 3, Section 2(4)(A)
Seed Money Contributions and Expenditures	21-A M.R.S.A. §§ 1122(9); 1125(2) and (2-A); Rules, Chapter 3, Section 2(3)
Restrictions on Lobbyist Contributions	1 M.R.S.A. § 1015(3)
Waiver of Seed Money Requirements	21-A M.R.S.A. § 1125(2-A)(B); Rules, Chapter 3, Section 2(3)(E)



staff will make initial distributions for the general election as soon as the results of the primary elections are certain – which in most races is likely to be before certification by the Secretary of State.

Amounts of Initial Distributions for 2008 Elections			
Candidate	Primary Election	General Election	In April 2008, the Legislature approved a 5% reduction in the <u>general</u> election distribution amounts. The reduction is reflected in the amounts listed.
State Representative: Contested candidates	\$1,504	\$4,144	
Uncontested candidates	\$512	\$1,658	
State Senate: Contested candidates	\$7,746	\$19,078	
Uncontested candidates	\$1,927	\$7,631	

Initial Distribution of MCEA Funds for Unenrolled Candidates

If a candidate who is not enrolled in a political party submits a complete request for certification no later than 5:00 p.m. on April 15, 2008 and is certified, that candidate will receive an initial distribution for an uncontested primary election candidate. The candidate also will receive the initial distribution for the general election at the same time as the enrolled candidates in the same race, which will be within 3 days after the Secretary of State certifies the results of the primary elections.

If an unenrolled candidate is not certified by April 15, 2008, the candidate must request certification no later than 5:00 p.m. on June 2, 2008, which is the end of the qualifying period for unenrolled candidates.

Forms of Payment

In order to receive public funds payments, candidates must be established as a vendor with the state government. You become a vendor by completing a Vendor Form and mailing it to the person indicated on the form. It generally takes two business days for the state's accounting department to release a payment after the Commission authorizes the payment.

Primary and General Election Payment Amounts	
Primary Payment Amount:	The seed money cash balance (from the Seed Money Report) is subtracted from the initial distribution amount for a primary election.
General Payment Amount:	<p><u>For party candidates and non-party candidates who received a primary payment</u>, the full initial distribution for a general election is made even if the candidate has MCEA funds remaining from the primary.</p> <p><u>For non-party candidates, who did not receive a primary payment and for replacement candidates</u>, the seed money cash balance is subtracted from the general election distribution amount.</p>



Candidates will receive their public funds payments in the form of a check, unless they have selected payment through electronic funds transfer. The Commission recommends electronic funds transfer to avoid problems with mail delivery. This can be especially important for the payment of matching funds just before the general election.

If you were a 2006 candidate and there are no changes to the information on the vendor form, you do not have to submit a vendor form for 2008 elections. If you have questions, please call the Commission.

Matching Funds

In addition to the initial distributions, a MCEA candidate in a contested election (primary or general) may also qualify to receive matching funds. Matching funds are designed to allow the MCEA candidate to stay competitive financially with the candidate’s opponent by “matching” the spending ability of the opponent and any independent expenditures made to support the opponent. The maximum matching funds a candidate may receive is twice the initial distribution received for the election (see table below).

2008 MCEA Distributions and Matching Funds				
Primary Election	Initial Distribution	Maximum Match- ing Funds	Maximum Public Funds for the Election	<p>In April 2008, the Legislature approved a 5% reduction in the <u>general</u> election distribution amounts, which reduced the maximum amount of matching funds for the general election. The reduction is reflected in the amounts listed.</p>
State Representative	\$1,504	\$3,008	\$4,512	
State Senate	\$7,746	\$15,492	\$23,238	
General Election	Initial Distribution	Maximum Match- ing Funds	Maximum Public Funds for the Election	
State Representative	\$4,144	\$8,288	\$12,432	
State Senate	\$19,078	\$38,156	\$57,234	

Calculation of Matching Funds

MCEA Candidate with MCEA Opponent

Matching funds are available for a MCEA candidate running against another MCEA candidate. For those races, the only factor will be how much money third parties spend (the amount of independent expenditures) in support of or in opposition to each candidate in the race (see Example 1 on next page). In calculating matching funds in MCEA vs. MCEA races, the Commission will not factor in the amount of seed money raised or the amount of a candidate’s campaign balance after the primary.

MCEA Candidate with Privately Financed Opponent

Matching funds for each election are paid based on a comparison of the money raised or spent by each candidate in a race and any money spent by third-parties to support or oppose a candidate. For the general election, the cash balance on the day of the primary is also part of the formula. Matching funds for



Pre- and Post-Election Campaign Finance Reports Required for All Candidates

MCEA legislative candidates who are on the ballot for the primary and general elections are required to file four campaign finance reports. Each report covers a specific time period and should include all activity within that period.

2008 Reports for Legislative Candidates		
Type of Report	Deadlines	Reporting Period
11-Day Pre-Primary	May 30	End of Seed Money Report – May 27
42-Day Post-Primary	July 22	May 28 – July 15
42-Day Pre-General NEW	September 23	July 16 – September 16
11-Day Pre-General	October 24	September 17 – October 21
42-Day Post-General	December 16	October 22 – December 9

Reports Required for MCEA Candidates Who Are Defeated in a Primary Election

Maine Clean Election Act candidates who are defeated in the primary election must file the primary election reports, but are not required to file the general election reports.

The 42-Day Post-Primary Election report due July 22, 2008 is the final campaign finance report for MCEA candidates who are defeated in the primary election.

For MCEA candidates in the general election, the 42-Day Post-General report due December 16, 2008 is the final report for their campaign.

Reports Filed by MCEA Replacement Candidates

A candidate who fills a vacancy caused by the withdrawal or death of another candidate is required to file campaign finance reports. The filing schedule will be determined when the candidate registers with the Commission. The replacement candidate may choose to run as a MCEA candidate or as a privately financed candidate. All replacement candidates should notify the Commission as soon as possible of their intent to run as a MCEA candidate. The Commission will provide guidance about qualifying for public financing.

24-Hour Reports for MCEA Candidates

The 24-hour reporting requirement applies during the 13-day period beginning on the last Tuesday in May for the primary election and the second to last Tuesday in October for the general election. This thirteen day period includes two weekends. If a MCEA candidate makes a single expenditure of \$1,000



2008 EXPENDITURE GUIDELINES For Maine Clean Election Act Candidates

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.

- 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 take into account the public nature of the funds, the underlying objectives of the MCEA, and the reasonableness of the expenditures under the circumstances. In Maine, traditional campaign expenses have included:
 - Printing and mailing costs;
 - Political advertising expenses;
 - Campaign communications such as signs, bumper stickers, T-shirts, or caps with campaign slogans, etc.;
 - Office supplies;
 - Campaign events (e.g., food, rent of tent or hall, etc.);
 - Campaign staff expenses; and
 - Campaign travel expenses, such as fuel and tolls and
 - 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.
- 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 food items and supplies;
 - Vehicle and transportation expenses unrelated to the campaign;
 - Mortgage, rent, or utility payments for the candidate's personal residence, even if part of the residence is being used by the campaign; and
 - Clothing, including attire for political functions such as business suits or shoes.
- Maine Clean Election Act funds may not be spent to:
 - make independent expenditures supporting or opposing any candidate, ballot measure, or political committee;



2008 EXPENDITURE GUIDELINES (continued)

- 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;
- pay a consultant, vendor, or campaign staff, other than in exchange for campaign goods or services;
- make a thank-you gift (including a gift card) to a volunteer or supporter,
- compensate the candidate for services provided by the candidate;
- 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;
- pay civil penalties, fines, or forfeitures to the Commission, or defend the candidate in enforcement proceedings brought by the Commission; or
- assist the candidate in a recount of an election.

■ Guidelines on Selected Issues

- *Electronics and Other Personal Property.* Goods purchased with MCEA funds that could be converted to personal use after the campaign (e.g., computers, fax machines, and cellular telephones) must be reported on Schedules B and E of the candidates reporting form. No later than 42 days after the general election, the goods must be sold at fair market value and the proceeds returned to the Maine Clean Election Fund. Candidates are welcome to lease electronic and other equipment.
- *Food.* Candidates may spend a reasonable amount of MCEA funds on food for campaign events or to feed volunteers while they are working. Legislative candidates should not use MCEA funds to purchase food that is consumed only by the candidate and/or the candidate's spouse.
- *Car Travel.* MCEA campaigns may reimburse the candidate or campaign workers for their car travel, as long as the person reimbursed has kept a travel log. For 2008, the campaign may make a travel reimbursement up to the number of miles traveled (as reported in the log) multiplied by \$0.42. Campaigns must keep the travel logs for two years, and provide them to the Commission if requested. Candidates and their spouses or domestic partners may spend any amount of their personal funds for campaign travel without seeking reimbursement. Other individuals may spend up to \$100 of their personal funds to pay for travel without making a contribution to the campaign.
- *Lodging.* Candidates may use MCEA funds to pay for lodging if necessary for campaign purposes, but must keep lodging expenses reasonable.
- *Post-Election Notes and Parties.* Candidates may spend up to the following maximum amounts of MCEA funds on post-election parties, thank you notes, or advertising to thank supporters or voters:



2008 EXPENDITURE GUIDELINES (continued)

\$250 for State Representative candidates, \$500 for State Senate candidates. Candidates may also use personal funds for these purposes.

- *Campaign Training.* Candidates may use Maine Clean Election Act funds for tuition or registration costs to receive training on campaigning or policy issues.
- *Salary and Compensation.* Candidates may use MCEA funds to pay for campaign-related services by staff or consultants, provided that 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.

■ Required Record-Keeping

The MCEA requires participating campaigns to keep two documents for every expenditure over \$50: (1) an invoice from the vendor listing the goods or services purchased, and (2) a cancelled check or other acceptable proof of payments to the vendor. Please select a treasurer who will be responsible about keeping records.

■ Auditing and Compliance

In 2008, the Commission staff will audit at least 20% of MCEA candidates and will review all receipts and expenditures disclosed by MCEA candidates in campaign finance reports. The Commission frequently requests additional information from candidates to verify that public funds were spent for campaign-related purposes. Candidates who misuse public funds may be required to repay some or all public funds received, may be liable for civil penalties, and may be referred to the State Attorney General for possible criminal prosecution.

Payments to the Candidate, Candidate's Family and Household Members

If the candidate or the candidate's business or non-profit organization provides services to the campaign (e.g., if the candidate designs campaign literature or maintains databases for the campaign or provides accounting services), the campaign may not use MCEA funds to compensate the candidate for the work. If the candidate – or the candidate's business or non-profit organization – contributes goods to the campaign, the campaign must use MCEA funds to make a reimbursement in order to avoid accepting an in-kind contribution. (Please read the next chapter regarding the prohibition on accepting contributions.)

In April 2008, the Legislature enacted two laws that require all county and legislative candidates to



disclose the name of and relationship of any family or household member to whom the candidate made payments for goods and services.

The two laws have different effective dates and the requirements for publicly funded candidates differ from those of privately financed candidates. On June 27, 2008, the Commission adopted a policy on paying campaign funds to family and household members. That policy is included in the Appendix.

**New Disclosure Requirements:
Payments to Family and
Household Members**

New disclosure requirements begin with the 11-Day Pre-Primary Report and additional requirements begin with the 42-Day Post-Primary Report.

Effective April 7, 2008. If a MCEA candidate makes a payment of MCEA funds to a member of the candidate's immediate family or business or non-profit entity affiliated with a member of the candidate's immediate family, the candidate must disclose the family relationship (e.g., "spouse," "domestic partner," "brother," or "business owned by daughter") in the remarks section of Schedule B of the campaign finance report. This requirement is in effect for the 11-Day Pre-Primary report and for all subsequent reports.

Effective July 18, 2008. MCEA candidates will also have to disclose information about household members, as well as family members, to whom a payment is made for goods and services. Under the June 27, 2008 policy, a candidate may not use MCEA funds to pay the candidate, a member of the candidate's household (including roommates), or an affiliated business or non-profit organization for campaign goods or services, except for narrow situations in which the household member provides those goods or services in the normal course of their occupation or business. Candidates wishing to pay household members in these narrow situations must seek the pre-approval of the Commission as described in the policy on pages 12A-13A of the Appendix.

Later this summer, the Commission may update the policy as it relates to reimbursements made by a campaign to the candidate and other individuals. In the meantime, the staff advises that reimbursements are not subject to the restrictions and pre-approval process discussed in the policy.

Campaigns must generally reimburse MCEA candidates or their supporters when they use their personal funds or credit card to purchase goods or services for the campaign. Also, campaigns must generally reimburse volunteers who incur out-of-pocket expenses in the course of volunteering, although the Election Law contains some limited exceptions such as travel expenses. Reimbursements should be made promptly and reported in accordance with the Commission rules.

With regard to all paid services provided by campaign staff, the Commission recommends keeping a re-



cord that shows how many hours of services were provided by the staff member or consultant each month, and a description of services provided that month.

Sharing Expenditures with Other Candidates

Candidates may share expenses for goods such as joint campaign literature or advertising. To avoid making or receiving an in-kind contribution, each candidate should make a reasonable effort to pay a portion of the overall cost that is proportionate to the benefit received by the candidate.

Selling Property Purchased with MCEA Funds

MCEA candidates may not use public funds to purchase goods to sell at a profit. After the election, candidates are required to sell any goods purchased with MCEA funds that could be used for the candidate's personal use (e.g., computers, fax machines, cell phones). The candidate must return the proceeds to the Commission with the report due 42 days after the election. Candidates may keep and re-use goods that have value only to the campaign (e.g., signs and campaign literature).

Over Spending Authorized MCEA Funds

Candidates can avoid spending more than their authorized MCEA funds by:

- Appointing a treasurer who will actively manage the campaign's finances and be responsible for keeping records and recording expenditures;
- Keeping a record and receipt for every expenditure made with MCEA funds, no matter how small;
- Keeping a balance sheet that shows a running total of spent (and obligated) and unspent MCEA funds;
- Using a check or debit card for the campaign account to pay for goods and services; and
- Minimizing the use of the personal funds of the candidate or supporters to make campaign expenditures and minimizing the number of reimbursement.

Expenditures reported by MCEA candidates will be reviewed by the Commission staff to assure compliance with the expenditure guidelines found on pages 69-71.

The "overspending" of MCEA funds is a violation and the consequence is that the candidate has received an in-kind contribution (in the amount that was overspent). In the 2006 elections, some candidates were penalized for overspending, which could have been averted if better record-keeping and controls were in place especially in the last reporting period of the election.



Commission's Compliance Procedures

The Commission reviews all expenditures disclosed by MCEA candidates in campaign finance reports, and often requests additional information from candidates to verify that public funds were spent for campaign-related purposes.

In addition, audits are conducted by the Commission after the election to confirm that all campaign expenditures are accurately reported and documented, approved by the candidate, and used for campaign purposes. In most cases, the information provided by the campaigns resolves all concerns at the level of the Commission staff, and no further action is necessary. Candidates who use public funds for purposes other than their campaign may be required to repay some or all public funds received. In cases of serious misuse, the candidates or others may be liable for civil penalties, and may be referred to the State Attorney General for possible criminal prosecution.

LEGAL REFERENCES

Campaign-Related Purposes	21-A M.R.S.A. § 1125(6); Rules, Chapter 3, Section 6
Expenditure Guidelines	21-A M.R.S.A. § 1125(6)
Required Records of Expenditures	21-A M.R.S.A. §§ 1016, 1125(12-A)
Required Reporting of Expenditures	21-A M.R.S.A. §§ 1017(5), 1125(12)
Payments to Immediate Family Members	21-A M.R.S.A. § 1125(12)
Payments to Household Members	21-A M.R.S.A. § 1125(6-B)
Pre-Primary Expenditures for General Election	Rules, Chapter 1, Section 7(4); Chapter 3, Section 5(4)
Requirement to Sell Campaign Equipment	Rules, Chapter 3, Section 7(2)(C)



than your own election (for example, helping other candidates get elected or paying for expenditures for leadership campaigns).

Registering as a Candidate with the Ethics Commission

Before collecting any contributions or making any expenditures, you should file the Candidate Registration form with the Commission. This form provides basic contact information about you, your treasurer, and any campaign committee you have formed. When registering as a candidate, please remember:

- All registration forms, including the Voluntary Spending Limits and the Code of Fair Campaign Practices, must be filed using the paper form. You cannot file these forms electronically.
- If the information for you, the candidate, or your treasurer changes during the campaign (including after the election), the registration form must be updated and submitted in writing to the Commission. The Commission will accept e-mailed changes to the registration form. These updates allow the Commission to contact you with reminders, notices, and telephone calls throughout the entire election and reporting period.

Voluntary Spending Limits

Privately financed candidates for the Legislature must complete and sign the “Statement Concerning Voluntary Expenditure Limits” within 10 days of registering with the Commission. Agreeing to the limits is voluntary, but the candidate must sign and submit the form to confirm whether they accept the limit on their spending per election (\$25,000 for Senate candidates and \$5,000 for House candidates) or do not agree with the limits.

The Voluntary Spending Limits form must be completed. On the form, you must check one of the boxes below:

“I understand and accept...”

OR

“I do not agree...”

and then sign and date the form.

Code of Fair Campaign Practices

Subscribing to the code is voluntary. The Commission does not have jurisdiction to hear complaints concerning violations of the code.

The Maine Code of Fair Campaign Practices was adopted by the Maine Legislature in 1989, and is a voluntary statement for candidates running for the office of Governor, Senate, and the House of Representatives. The Code lists standards of conduct “consistent with the best Maine and American traditions, [of] discussing the issues and presenting [the] record and policies with sincerity and candor.” If you wish to subscribe to the Code, please sign the “Maine Code of Fair Campaign Practices” form, which is part of the registration packet.



Campaign Finance Reports

All candidates for the Legislature and for county offices must file campaign finance reports with the Commission. Filing is a joint responsibility of the candidate and treasurer. This is a requirement of the Election Law that applies to all candidates except those who have been granted an exemption from filing because their campaigns will have no financial activity.

For candidates in the 2008 general election, records must be kept until December 2010.

The campaigns must file the reports by 11:59 p.m. on the filing deadline. While the Commission mails written reminders to candidates and makes telephone calls and sends letters to candidates who have missed a deadline, it is the candidate and treasurer's responsibility to remember and comply with filing deadlines. Candidates who do not submit a report by the filing deadline will be assessed a civil penalty, unless the candidate requests and the Commission grants a waiver of the penalty.

Reporting Periods and Deadlines for All Privately Financed Candidates

January 15, 2008 Report for Candidates with Financial Activity in 2007

Any legislative or county candidate in the 2008 elections who raised or spent more than \$500 in 2007 must file a report by January 15, 2008. The report covers activity from the beginning of the campaign through December 31, 2007.

Pre- and Post-Election Reports Required for All Candidates

Legislative and county candidates who are on the ballot for the primary and general elections are required to file four campaign finance reports. Each report covers a specific time period and should include all activity within that period.

2008 Reporting Deadlines Legislative and County Candidates		
Type of Report	Deadline	Reporting Period
11-Day Pre-Primary	May 30, 2008	End of last report if any – May 27, 2008
42-Day Post-Primary	July 22, 2008	May 28 – July 15, 2008
42-Day Pre-General NEW	September 23, 2008	July 16 – September 16, 2008
11-Day Pre-General	October 24, 2008	September 17 – October 21, 2008
42-Day Post-General	December 16, 2008	October 22 – December 9, 2008



Special Reporting Requirements for Privately Financed Candidates with Maine Clean Election Act Opponents

Privately financed candidates with a Maine Clean Election Act (MCEA) opponent are required to file special reports to determine whether the MCEA opponent is entitled to receive any matching funds. (An explanation of how matching funds are calculated can be found on pages 49 – 50.) The report forms are the same but there are two types of reports that privately financed candidates may be required to file.

Trigger Report

Legislative candidates must file a Trigger Report if they:

- are not participating in the Maine Clean Election Act;
- have a MCEA opponent in an election; and
- receive, or spend and obligate, more than the amount of public funds disbursed to the MCEA opponent (see table below).

What is an expenditure?

- any obligation to pay for a good or service
- the placement of an order for goods and services
- a promise or agreement (even an implied one) that payment will be made
- the signing of a contract for a good or service
- the delivery of a good or service even if payment has not been made
- the payment for a good or service

When is an expenditure made?

The earliest of the following events:

- the placement of an order for a good or service
- a promise or an agreement to pay
- the signing of a contract for a good or service
- the delivery of a good or service
- the making of a payment for a good or service

Trigger Amounts for 2008 Elections

Office	Election	Trigger Amounts
House	Primary	\$1,504
	General	\$4,144*
Senate	Primary	\$7,746
	General	\$19,078*

* In April 2008, the Legislature approved a 5% reduction in the general election distribution amounts, which reduced the trigger amounts by 5%. The new trigger amounts are shown above.

The totals of all expenditures, obligations and in-kind contributions are added together to determine if the trigger amount is exceeded by “total expenditures.” For example, a candidate gives a mail house an “okay” over the telephone for a second mailing. The cost (or estimated cost) is reported on the “Obligation” line of the Trigger Report. This obligation is added to the expenditure amount (total of all expenditures to date) and in-kind contribution amount (total of all in-kind contributions to date) to determine if the trigger amount is exceeded by “total expenditures.”



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