

2018 Candidate Quick Guide



Maine Clean Election Act Legislative Candidates

Maine Commission on Governmental Ethics and Election Practices

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Introduction

Dear Candidate:

Thank you for registering as a legislative candidate in Maine's 2018 elections. This Quick Guide introduces you to the key elements of running as a Maine Clean Election Act candidate. You will find more detailed information in the 2018 Candidate Guidebook for Maine Clean Election Act Candidates. Neither this Quick Guide nor the Candidate Guidebook, however, is a substitute for the Commission's statutes and rules. Please do not hesitate to email or call your Candidate Registrar if you have any questions. We are here to help in any way that we can.

- Ethics Commission Staff

Filing Financial Reports

Maine Clean Election Act candidates must file financial reports according to the schedule below. If reports are late, the Commission assesses late-filing penalties automatically, and penalties increase every day. Therefore, it is critical that candidates file the report by 11:59 p.m. on each deadline. Please get an early start. The Commission staff is available to help until 5:00 p.m. on each filing deadline.

Filing Schedule

Report	Due Date	Period Begin Date	Period End Date
Seed Money Report*	April 20, 2018	Date of Registration	Date of Certification
11-Day Pre-Primary Report	June 1, 2018	End of Seed Money Report	May 29, 2018
42-Day Post-Primary Report	July 24, 2018	May 30, 2018	July 17, 2018
42-Day Pre-General Report	September 25, 2018	July 18, 2018	September 18, 2018
11-Day Pre-General Report	October 26, 2018	September 19, 2018	October 23, 2018
42-Day Post-General Report	December 18, 2018	October 24, 2018	December 11, 2018
24-Hour Reporting Periods**			
May 30 - June 11, 2018 (before the Primary Election)			
October 24 - November 5, 2018 (before the General Election)			

* Candidates who collect **more than \$500 in seed money before January 1, 2018** must file a January Semiannual Report by January 16, 2018. Their Seed Money Report would then have a period begin date of January 1, 2018.

** In the thirteen days prior to an election, campaigns are responsible for filing 24-Hour Reports if they **receive an MCEA payment of \$1,000 or more, or make a single expenditure of \$1,000 or more**. Within one day of the contribution or expenditure that triggers a 24-Hour Report, campaigns must log in to the E-Filing website, add the transaction, and then file the automatically created 24-Hour Report.

MCEA Payments: Basic and Supplemental



Basic Level of Campaign Funding

Candidates may qualify for the basic level of MCEA funding by collecting a minimum number of valid QCs (60 for House candidates and 175 for Senate candidates) and submitting them no later than 5:00 p.m. on April 20, 2018. The table below shows the basic levels of MCEA funding.

	House Candidates		Senate Candidates	
	<i>60 QCs to qualify</i>		<i>175 QCs to qualify</i>	
	Uncontested	Contested	Uncontested	Contested
Primary Payment	\$500	\$2,525	\$2,025	\$10,125
General Payment	\$1,525	\$5,075	\$6,075	\$20,275

Optional Supplemental Payments for the General Election

General election candidates in a contested race may request up to eight supplemental payments of MCEA funds by continuing to collect qualifying contributions and submitting them to the Commission no later than 5:00 p.m. on October 16, 2018. These supplemental payments are intended to ensure that MCEA candidates will have access to sufficient campaign funds for the general election. Whether a candidate seeks supplemental funding and the level of funding is entirely up to the candidate, who should make a realistic assessment of the resources she or he needs to run a successful campaign.

- For every 15 valid additional qualifying contributions submitted by a House candidate, the Commission will make a supplemental payment of \$1,275.
- For every 45 valid additional qualifying contributions submitted by a Senate candidate, the Commission will make a supplemental payment of \$5,075.

Levels of Supplemental Payments								
	1	2	3	4	5	6	7	8
House	\$1,275 (15 QCs)	\$2,550 (30 QCs)	\$3,825 (45 QCs)	\$5,100 (60 QCs)	\$6,375 (75 QCs)	\$7,650 (90 QCs)	\$8,925 (105 QCs)	\$10,200 (120 QCs)
Senate	\$5,075 (45 QCs)	\$10,150 (90 QCs)	\$15,225 (135 QCs)	\$20,300 (180 QCs)	\$25,375 (225 QCs)	\$30,450 (270 QCs)	\$35,525 (315 QCs)	\$40,600 (360 QCs)

2018 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 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:

- 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
- Campaign website
- 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.

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

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
- Professional clothing, (including attire for political functions) business suits, shoes, dress shirts, or pants

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 for services provided by the candidate
- 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 a 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.

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Car Travel

MCEA campaigns may reimburse the candidate or campaign workers for their car travel, as long as 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 \$0.44. 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.

Food

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 *only* by the candidate and/or members of the candidate's immediate family. Generally, reasonable amounts for food should not exceed \$5 per person for breakfast, \$10 per person for lunch, and \$20 per person for dinner. If candidates wish to spend greater amounts per person for food, the Commission recommends that the candidate contact the Commission staff for guidance.

Lodging

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, provided that they are not reimbursed by others.

Office Supplies

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.

Post-Election Activities

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. On November 1, 2017, a new law went into effect which prohibits MCEA funds from being used on post-election parties.

Promotional Items

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 \$10 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.

Property & Equipment

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.

Salary & 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.

Unnecessary Goods

Legislative candidates may not spend MCEA funds for goods not typically necessary for a House or Senate campaign, such as office furniture, a brief case, 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.



COLLECTING QUALIFYING CONTRIBUTIONS

What Is a Qualifying Contribution?

A qualifying contribution (QC) is a donation of **at least \$5** made by a **registered voter in the candidate's district** to support the candidate in becoming eligible for the Maine Clean Election program. A QC must be made by **check or money order payable to the Maine Clean Election Fund, or by credit card** (using the Commission's online QC service). The contributor **must sign the check or money order and sign a Receipt & Acknowledgment (R&A) Form**. The candidate must bring the R&A Forms to the **municipal registrar to verify** the contributors as registered voters in the district. The online service automatically checks the voter registration of online contributors. If a QC does not meet these requirements, it will be rejected.

When and How Can QCs Be Collected?

A candidate must be **registered** with the Ethics Commission and have submitted a **signed Declaration of Intent** before she or he can start collecting QCs. QCs can be collected from **January 1 - October 16, 2018**. (QCs for certification must be submitted no later than April 20, 2018.)

QCs can be collected in person, or contributors can donate online using the Ethics Commission's online QC service. Supporters of the candidate are allowed to help by collecting QCs for the candidate. Candidates can collect QCs at the same time they are collecting ballot petition signatures. **The R&A Forms must be signed by the person who circulated them.**

How Many QCs Are Required?

For **MCEA certification**, House candidates must submit at least **60 valid QCs**; Senate candidates must submit at least **175 valid QCs**. It is highly recommended that candidates collect and submit at least **10% more than the minimum for certification**.

Candidates may choose to **request supplemental funding for the general election** by collecting and submitting additional QCs. Please see "2018 General Information" in this packet for information about the number of QCs necessary for supplemental funding levels, or call a Candidate Registrar.

What Are the Deadlines for Submitting QCs?

For **MCEA certification**, candidates must submit **the QCs (checks and money orders) and the original R&A Forms** to the Ethics Commission **no later than 5:00 p.m. on April 20, 2018**. There are no exceptions to this deadline. Candidates must also submit an **alphabetical list of all contributors** and their **Seed Money Report**.

To **receive supplemental funds**, candidates must submit QCs **no later than 5:00 p.m. on October 16, 2018**, along with the **original R&A Forms, the checks and money orders, and an updated alphabetical list**.



BEST PRACTICES & FAQs

- Candidates **must register** with the Commission, **appoint a treasurer**, and **submit a signed Declaration of Intent before** collecting qualifying contributions.
- Candidates **must** open and use a **separate bank account** to deposit seed money and MCEA funds, and to make all campaign-related expenditures. The account should be a checking account with a debit card, if possible.
- Candidates must appoint a treasurer other than themselves. The treasurer should be a competent and trusted individual; treasurers are responsible for record-keeping and filing reports for MCEA candidates.
- After qualifying for MCEA funds, candidates may **not accept cash or in-kind contributions**.
- Candidates may **only** use MCEA funds for **campaign-related expenditures** that are allowed under the Commission's **2018 Expenditure Guidelines** (included in the packet).
- Candidates should be aware that they are spending **public funds** on their campaigns. Purchases that appear frivolous or for personal gain can damage a candidate's reputation.
- Expenditures **greater than \$50 may never** be paid for with **cash**.
- Receipts and invoices **must be kept** for **all** expenditures over \$50.
- Candidates should **avoid** having to make **reimbursements** by making all expenditures **directly from the campaign bank account**.
- Candidates must not request or suggest that others spend money to promote their election, and must not consult or cooperate with anyone making expenditures to promote their election. Please contact a Candidate Registrar for more information.
- Generally, candidates **may not** use MCEA funds to pay a member of the candidate's **immediate family or household**.
- If a campaign used MCEA funds to **purchase equipment worth \$50** or more that could be converted to personal use after the election, the campaign **must sell the item** at fair market value and return the proceeds to the Commission. If the candidate, a family member, or campaign staff buys the item, they must buy the item for **no less than 75%** of the original purchase price.

Q: What do I do if my bank or credit union requires a minimum balance, or needs an initial deposit to open the campaign account?

A: You may use personal funds to meet the minimum amount required to open an account or to avoid maintenance and other fees. If the personal funds used to open the account exceed the required minimum balance, the funds must either be **removed from the account**, or be **reported as seed money**. These personal funds must never be used for campaign purposes.

Q: I need to make a purchase that requires the use of a credit/debit card, and I do not have one for the campaign bank account. How do I make this purchase?

A: The Ethics Commission staff *highly* recommends using a debit card with your campaign bank account. If you do not have one, you may use a personal credit/debit card to make the purchase. You should then reimburse yourself with campaign funds *immediately* via a check from the campaign account.

Q: Can I reimburse myself or supporters for mileage costs?

A: Yes, a campaign may reimburse the candidate or supporters for mileage costs that are incurred while doing campaign work. However, for travel reimbursements to be allowable, the individual being reimbursed must provide a **detailed, contemporaneous travel log** to the campaign, and be reimbursed at no more than \$0.44/mile. Not all travel expenses have to be reimbursed. Candidates, and their spouses/domestic partners, do not have to be reimbursed for any travel costs. Volunteers and other supporters may use up to \$350 in personal funds for campaign-related travel without making an in-kind contribution. **Campaigns should not purchase fuel at the pump with MCEA funds**, as fuel cost is included in the \$0.44/mile rate.

Q: How do I know if an expenditure is okay to make with MCEA funds?

A: Before you begin to make purchases for your campaign, you should review the 2018 Expenditure Guidelines to become familiar with what expenditures are allowable and what ones are not. Common purchases, such as lawn signs, palm cards, and mailers to promote your election are allowable. However, purchases of clothing, promotional items, travel expenses, and other items may have some restrictions or be unallowable. Under no circumstances are MCEA funds to be used to purchase non-campaign-related or personal items, goods, or services. If you are unsure if an expenditure is allowable, please refer to the 2018 Candidate's Guidebook, or call your Candidate Registrar.

Always feel free to contact your Candidate Registrar with any questions.

COLLECTING, SPENDING, & REPORTING SEED MONEY

Prior to certification, Maine Clean Election Act candidates are allowed to raise a small amount of private contributions, called seed money, to pay for campaign activities before receiving public funds. Only individuals may make seed money contributions, and there are limits as to how much seed money a candidate can raise and when they can spend it.



COLLECTING

- Candidates should be **registered** with the Commission **before** accepting seed money.
- Candidates may **only** accept seed money from **individuals**, and not from businesses, PACs, party committees, etc.
- The seed money contribution **limit** is **\$100 per contributor**.
- **House** candidates may collect **no more than \$1,000** in seed money; **Senate** candidates, **no more than \$3,000**.



SPENDING

- Candidates **should spend all or most** of their seed money **before** requesting MCEA certification (see following box).
- All goods and services **received before certification must be paid for with seed money**. MCEA funds may not be used to pay for goods or services received before certification, including reimbursements for travel or other expenses.
- Seed money may be spent on typical campaign expenses, including deposits/down payments for large orders, and equipment purchases.
- **Purchasing campaign equipment** with seed money is recommended because candidates do not have to sell the equipment and return the proceeds after the election.



REPORTING

- Seed Money Reports are **due by April 20th**, but a **one-week extension** may be requested; candidates **cannot become certified** until a Seed Money Report is filed.
- Contributions of **\$50 or less may** be reported together in **one lump sum**; contributions of **more than \$50 must** be reported as itemized contributions and **include the contributor's name, address, occupation, and employer**.
- If the Seed Money Report shows a positive cash balance, the candidate's primary election payment of MCEA funds will be reduced by the amount of the unspent seed money.

MAKING & REPORTING EXPENDITURES

Candidates must spend their 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. MCEA candidates should be aware of the Expenditure Guidelines (included in this packet), and that some types of expenditures have special record-keeping and reporting requirements. MCEA candidates should take into account the public nature of the funds, the underlying objectives of the MCEA, and the reasonableness of the expenditures under the circumstances.



MAKING

- All expenditures **must** be made with MCEA funds and allowable under the **Expenditure Guidelines**; **only** campaign purchases may be made with campaign funds.
- All expenditures **should** be made from the campaign bank account **by check or debit card**, and **reimbursements** to the candidate or volunteers should be **avoided**. **Expenditures over \$50 cannot be paid for with cash.**
- Expenditures to pay **campaign staff or consultants must have a contemporaneous contract or invoice or timesheet** (please see your 2018 Candidate Guidebook or contact your Candidate Registrar for more information).
- All **campaign literature, advertising, and promotional items**, other than small items, must have a **proper disclosure statement** on it—the most simple version is: **“Authorized and Paid For by the Candidate.”**
- Candidates are allowed to **reimburse** themselves and others for **campaign travel** using the **\$0.44/mile rate**, but **contemporaneous travel logs must be kept** to do so. Candidates **should not purchase fuel outright** with MCEA funds, as the mileage rate includes the cost of fuel.

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REPORTING

- Every expenditure and debt, regardless of amount, **must be itemized** in campaign finance reports.
- If a campaign places an order or enters into an agreement for services, it has incurred a debt. **Debts must be reported even if no payment has been made** and no goods or services have been received. If a campaign has any unpaid or outstanding debts at the end of a reporting period, **those debts must be reported in that report.**
- For each expenditure, the campaign must report the **date, amount, and payee's full name and address**; choose an appropriate **expenditure type**; and include a brief **description** of what was purchased. Campaigns will be asked to amend their reports if any of this information is missing, inaccurate, or incomplete.
- When choosing an **expenditure type**, candidates should select the most **appropriate option**. Incorrect expenditure types are the most common reason campaigns need to amend reports.
- When reporting a **reimbursement**, the **vendor that the goods or services were purchased from** should be reported as the **payee**, not the person who was reimbursed; the date should be the date of the original purchase, not the date the reimbursement was made. In the **description**, the campaign should include the name of **who was reimbursed** and the reimbursement date.
- When reporting a **mileage reimbursement** expenditure, **the payee should be the individual who is receiving the reimbursement**; the campaign should include in the description the **number of miles traveled and the dates of travel** for the amount being reimbursed.
- In the 13 days before an election, **most expenditures of \$1,000 or more** have to be reported in a special **24-Hour Report**. Please refer to the 2018 Candidate Guidebook or contact a Candidate Registrar for more information about filing 24-Hour Reports.



RECORD-KEEPING & BANK ACCOUNT INFORMATION

BANK ACCOUNT

Candidates are **required** to deposit seed money and MCEA funds in a separate campaign account with a bank or credit union.

The account **should be a checking account**. Candidates **must** have a way to pay for purchases **directly from the account**, such as checks and/or a debit card. Withdrawing cash to pay for purchases is not recommended.

Candidates **may not commingle personal and campaign funds** in the same account. However, if necessary, candidates may keep enough personal funds in the campaign account to maintain a minimum balance and avoid paying bank fees.

Candidates should request to receive **paper monthly statements** from their bank, to help with record-keeping requirements.

RECORD KEEPING

Candidates are **required** to keep all of their campaign records for **three years**. These records include **bank statements, proofs of payment, and vendor invoices or receipts**.

For every expenditure of **\$50 or more**, campaigns **must have both** a vendor receipt or invoice, and proof of payment.

Proof of payment is a written record verifying that the vendor received the payment—**most commonly this is a cancelled check or a debit card transaction** in a bank statement.

It is highly recommended that campaigns keep contemporaneous bank statements and images of scanned checks, as some financial institutions make those available for only a limited amount of time.